

s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Wednesday, 29 January 2014 9:37 AM
To: s 22 1(a)(ii)
Cc:
Subject: RE: Visit by French President Hollande [SEC=UNCLASSIFIED]

s 22 1(a)(ii) thanks and most interesting. Link below on the Armenian take on Hollande/ Gül meeting.

<http://www.armenia.com.au/news/International-News/English/31138/Hollande-urges-Turkey-to-reconcile-with-history>

Regards

s 22 1(a)(ii)

Department of Foreign Affairs and Trade

Southern Europe Section
Northern, Southern and Eastern Europe Branch
Europe Division

E | s 22 1(a)(ii)
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W | www.dfat.gov.au

From: s 22 1(a)(ii)
Sent: Wednesday, 29 January 2014 7:03 AM
To: s 22 1(a)(ii)
Subject: Visit by French President Hollande [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

Indirectly calling on Armenia and the Armenian diaspora to leave the pains of the past behind and not to transfer them through the generations, Gül gave the friendship between Turkey and Australia-New Zealand after the Dardanelles War as an example.

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EU can help Turkey transform: French President Hollande

EUR2014012832748610 Istanbul *Hurriyet Daily News Online* in English 27 Jan 14 Economy

[Revision: Upgrading precedence.]

[Computer selected and disseminated without OSC editorial intervention]

ANKARA
PUBDATE: January/27/2014

(HurriyetDailyNews) - --> French President Francois Hollande expressed his belief that the EU can help Turkey's transformation thanks to its ongoing accession process, and underlined that France will "not be in a position to stop the negotiation process," during a first official visit from a French head of state to Turkey since 1992.

His remarks therefore seemed to give the green light for the removal of France's blockage of four negotiation chapters.

"The opening of new chapters would support Turkey, as some of the negotiation chapters are related to topics - the separation of powers, fundamental rights, the rule of law and the judiciary - that are also connected to the current debate in Turkey's domestic politics," Hollande said on Jan. 27, speaking at a joint press conference with Turkish President Abdullah Gül.

"The opening of new chapters would help Turkey progress," he added.

Hollande arrived in Ankara early on Monday with a large delegation composed of ministers, businessmen and journalists. He held talks with Gül, Prime Minister Recep Tayyip Erdoğan and was also expected to meet with Republican People's Party (CHP) leader Kemal Kılıçdaroğlu before moving to Istanbul, where he will head a business forum and deliver a speech at Galatasaray University.

The French leader said his country supported the continuation of Turkey's EU negotiation process, but added that it would make a final decision on Turkey's membership with a referendum at the end of the process. "There is no need to unnecessarily agitate using some fears," Hollande said, in an indirect reference to skepticism in his country about Turkey's full membership to the EU. "Fourteen chapters out of 35 have been opened since 2004. Which means that we should continue the negotiations process. At the end of the day, the final decision will be given by the French people," he said, referring to the future referendum that will take place on Turkey's membership.

For his part, President Gül asked Hollande not to block Turkey's EU candidacy.

"We welcome the positive stance that Hollande has adopted over the past few years. But the negotiation process does not mean full membership. The negotiation process is an adaptation process. We hope a political blockage will not take place," he said.

"We are not in a rush for membership. But we are in rush for the continuation of talks without political or other sorts of blockages. I am not only referring to France, but all countries," Gül added.

Asked about the recent ongoing political turmoil in Turkey, he said there were many debates in the country, "as Turkey is a democratic country with an open society."

"There is no question about political stability in Turkey ... Debates may be tough from time to time, but in a mature way. But all this neither [negatively] affects Turkey's political stability nor its economy," Gül said.

Source Medium(s) INTERNET
Source City Istanbul
Source Country Turkey
Source Start Date 1/27/2014
Source End Date 1/27/2014
Source Language(s) English
Article Metadata
Product ID EUR2014012832748610
Version 2
Content Type Translation/Transcription
Processing Indicator OSC Transcribed Text
Precedence Priority
Topic Country(s) Armenia, Australia, France, Syria, Turkey
Topic Region(s) Eurasia, Oceania, Europe, Middle East
Topic Subregion(s) Caucasus, Oceania, South Europe, Middle East
Event(s)
International Organization(s)
Topic(s) DOMESTIC ECONOMIC, DOMESTIC POLITICAL, INTERNATIONAL POLITICAL, LEADER
Media Metadata
Program Title(s)
Program Type(s)
Speaker(s)

Describing Hollande's visit to Turkey as "an opportunity," Gül said "both countries should benefit from it."

Strategic agreements signed

Turkey and France signed a strategic cooperation agreement during Hollande's state visit to Ankara, along with many other agreements, including on nuclear energy and infrastructure projects. President Hollande underscored economic opportunities in nuclear and renewable energy, agriculture, and transportation.

"In our talks with the [French] president we identified a new target of 20 billion Euros for our bilateral trade volume," Gül said, adding that the agreements signed today would help bolster already strong economic and trade ties between the two allies.

Touching on the Syrian crisis, Hollande stressed the issue of cooperation to work against extremist groups in Syria, and underlined Turkey and France's responsibilities in the Mediterranean region.

Armenian genocide on the table

The two presidents also exchanged views on a potential attempt to ban denial that the 1915 massacres of Ottoman Armenians constituted genocide through a legal proposal at the French Parliament. President Gül said they discussed the issue in a very sincere and open way and emphasized the need for a joint study of the 1915 events by historians and with participation of third parties.

"Just like in the French-Algerian case. We cannot deal with this issue on our own. There is need for a joint work," Gül stressed, repeating Turkey's call for the establishment of a joint committee.

Recalling that freedom of speech was an essential part of European values, he also said both sides of the argument should be able to express their views in France. "We respect the verdict of the French Constitutional Council on this issue," Gül said.

Indirectly calling on Armenia and the Armenian diaspora to leave the pains of the past behind and not to transfer them through the generations, Gül gave the friendship between Turkey and Australia-New Zealand after the Dardanelles War as an example. "We should not transfer these pains to our children. Instead we should be able to create new friendships between our children," he said.

Hollande also touched on the need for "intense joint work" on the issue on the eve of the centennial anniversary of the 1915 events. French president did not give a sign of renewing attempts to ban the denial of the genocide, but underlined that they would be "whatever the laws stipulated," referring France's recognition of the mass killings of Armenians as genocide in 2000.

The two presidents also reviewed the developments in Syria and the ongoing Geneva 2 conference in detail. Both Gül and Hollande stressed that the conference should bring about a transitional government with full executive power, in a way not to leave gray areas that could leave "unwanted entities" within Syria.

[Description of Source: Istanbul Hurriyet Daily News Online in English -- Website of pro-secular daily, more moderate than the Turkish version and addressing a foreign audience, owned by Dogan Media Group; URL: <http://www.hurriyetdailynews.com/>]

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AN4532L

Title: Turkey: Sixth Annual Ambassadors Conference
MRN: AN4532L 03.02.2014 14:51:46 ZE2
To: Canberra
Cc: s 22 1(a)(ii)
From: Ankara
From File:
References: s 22 1(a)(ii)

Response: Routine, Information Only

UNCLASSIFIED

Summary

At the Sixth Annual Ambassadors Conference, Prime Minister Erdogan said that the Armenian diaspora was making preparations to reflect the "1915 events" (referring to Armenian genocide allegations) in a particular and one-sided way to turn them into a political campaign. Erdogan emphasised that Turkey needed to be prepared to ensure those events were taken up in an objective, scholarly and realistic way. Signalling the importance of 2015 as the centenary of First World War, Erdogan said Turkey would commemorate 2015 in a very special way. Erdogan said Ambassadors were responsible for ensuring current domestic developments were explained properly.

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3. Prime Minister Erdogan urged Turkish Ambassadors to be involved in commemorative activities for the 100th anniversary of the First World War in 2015 and signalled that Turkey

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would remember its martyrs in a very special way but didn't elaborate on the plans. Noting that 2015 would be the 100th anniversary of "the 1915 events", in reference to Armenian genocide allegations, Erdogan highlighted that Turkey needed to be prepared and equipped to ensure those events were taken up in an objective, scholarly and realistic way. According to the Prime Minister, the Armenian diaspora was making preparations to reflect the 1915 events in a 'particular and one-sided way to take them out of their historical reality and to turn them into a political campaign'. Erdogan said Turkey would use history, scholarship and scholarly data in response to this "black propaganda". Turkey was starting preparations for 2015 now, and by explaining the First World War correctly it would also make it possible for 2015 to be understood correctly.

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text ends

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TURKISH PRESS SCANNER

d a i l y d i g e s t - s i n c e 1 9 9 8

Monday, February 3, 2014

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EXCERPTS FROM YESTERDAY'S CNN TÜRK NEWS BULLETIN 8

FRONT-PAGE REVIEW

Zaman: Survey conducted on January 17-20: **December 17 is graft operation, not a coup**

Posta: **2,000 police officers and three water cannons for those who want justice** (with photo of tight security measures at the courthouse in Kayseri and of university student Ali Ismail Korkmaz)

Hurriyet: **There is no crisis, but there is no confidence either:** Kemal Derviş, who dealt with the economic crisis in Turkey in 2001, says that currently there was no economic crisis in Turkey, but adds that there was serious mistrust

The paper highlights the words of Çanakkale Mayor Ülgür Gökhan that nobody should miss out the ceremonies. He says that the residents of Çanakkale could open their homes for the visitors. "We are ready to accept up to 10,000 people," he said.

Çanakkale governor's office in turn said that there were plans to hold a second Anzac ceremony in August 2015 for those who missed the celebrations this year.

Turkish Foreign Ministry officials have announced that there were no quotas or restrictions for people willing to attend the ceremonies. (Habertürk 3 Feb, p.1,15)

CZECH PRESIDENT DESCRIBES 1915 KILLINGS AS "GENOCIDE"

Czech President Milos Zeman has described the events of 1915 as "genocide," today's Habertürk daily newspaper says. The paper says that Zeman made the statement during the visit of Armenian counterpart Serzh Sarkisian to Prague.

Armenian sources say that the Czech Parliament was making preparations to recognize the Armenian genocide. (Habertürk 3 Feb, p.15)

FURTHER READING

English-language Hürriyet Daily News reports today that Turkey and Israel were close to deal about the payment of compensations to victims of 2010 flotilla raid. (Hürriyet Daily News 3 Feb, p.1,3)

The General Staff says that a Turkish ship intervened to stop Greek Cypriot gas exploration in Turkish waters off Antalya. The exploration was carried out by a ship with Norwegian flag. (Vatan 3 Feb, p.1,17, Güneş 3 Feb, p.1,6)

In a speech at Munich Security Conference, Turkish Foreign Minister Ahmet Davutoğlu called on the UN to undertake an active role in the delivery of

humanitarian aid to Syrian people. (Cumhuriyet 3 Feb, p. 12)

ECONOMY SCANNER

CRISIS WITH BULGARIA

Saturday's Hürriyet daily newspaper draws attention to problems encountered by Turkish truckers transporting goods to Europe.

According to Hürriyet, Turkish trucks are entitled to 125,000 transit pass permits for the first six months of the year, but Bulgaria has decided to reduce the number to 5,000. Bulgarian authorities say that Turkish companies should use Bulgarian trucks to carry goods to Europe.

Turkey has retaliated by banning the access of Bulgarian trucks to Turkey.

Çetin Nuhoglu, the president of Turkey's International Truckers' Association, says that the quotas and restrictions implemented by EU countries like Bulgaria, Romania, Hungary, Austria and Italy cost Turkey \$6 billion annually. (Hürriyet 1 Feb, p. 10, Habertürk 3 Feb, p.14)

TURKEY AND THE EU TO REVIEW THE CUSTOMS UNION AGREEMENT

Sunday's Habertürk daily newspaper reports that Turkey and the EU were going to review the customs union agreement.

Economy Minister Nihat Zeybekçi is quoted as saying that EU Trade Commissioner Karel De Gucht was coming to Turkey on February 28 to open discussions for the revision of the customs union agreement. (Habertürk 2 Feb, p.10)

ASELSAN UNEASY WITH CHINESE MISSILE DEAL

Hürriyet commentator Erdal Sağlam says that 30 Chinese specialists visited Turkish company Aselsan last week to discuss the missile system deal.

AN4585L

Title: Turkey: Armenian genocide allegations: ECHR ruling and traps ahead
MRN: AN4585L 13/03/2014 10:38:28 AM ZE2
To: Canberra
Cc: s 22 1(a)(ii)
From: Ankara
From File:
References: s 22 1(a)(ii)
The cable has the following attachment/s -
Judgment Perincek v. Switzerland.pdf
Response: Routine, Information Only

UNCLASSIFIED

Summary

A December decision by the European Court of Human Rights that it was not a criminal offence to deny the Armenian genocide provides some relief to Turkey, but international pressure will continue to increase in the lead-up to the 100th anniversary of the tragic events in 2015. Turkey is well aware of the risks in the lead-up to 2015. Both Prime Minister Erdogan and President Gul have made public comments on the issue in recent months.

On 17 December 2013, the European Court of Human Rights found it was not a criminal offence to deny that the mass killings of Armenians in Ottoman Empire in 1915 constituted genocide. The court ruled that Switzerland violated the right to freedom of expression by convicting Dogu Perincek, chairman of the leftist Turkish Workers' Party, for publicly denying the genocide against the Armenian people. A Swiss court had fined the leader of the leftist Turkish Workers' Party, Dogu Perincek, for having described "Armenian genocide" as "an international lie" during a 2007 lecture tour in Switzerland.

2. In its decision (Perincek v. Switzerland), agreeing with Mr Perincek, "the court took the view that the notion of "genocide" was a precisely defined legal concept. According to the case-law of the International Court of Justice and the International Criminal Tribunal for Rwanda, for the crime of genocide to be made out, the acts must have been perpetrated with intent to destroy not only certain members of a particular group but all or part of the group itself. Genocide was a very narrow legal concept that was, moreover, difficult to substantiate" (full text attached).

Comment

3. The ruling has implications for other European states s 33 (a)(iii) which have tried to criminalise the refusal to apply the term "genocide" to the massacres of Armenians during the collapse of the Ottoman Empire in 1915. Turkey accepts that many Armenians died in partisan fighting beginning in 1915 but denies that up to 1.5 million were killed and that it constituted an act of genocide, a term used by several foreign historians and politicians.

4. The decision provides some relief to Turkey in countering Armenian genocide allegations, but it still faces international political pressure which we would expect to increase in the lead-up to 2015. Currently, 21 countries recognise Armenian Genocide. Other constituencies with

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strong Armenian communities (including Bulgaria, the European Parliament, Brazil, Spain and Iceland) have come close, debating the issue in parliament, although these efforts have not translated into official recognition. The Czech Republic has not formally recognised Armenian Genocide, but during his meeting with Armenia's President Serzh Sargsyan in January 2014, the Czech President Milos Zeman stated: "Next year marks the 100th anniversary of the Armenian Genocide. In 1915 1.5 million Armenians were killed."

5. Turkey is well aware of the negative press it stands to receive next year. At the 6th Annual Conference of Turkish Ambassadors this year (AN4532L), Prime Minister Erdogan made special reference to the upcoming anniversary and highlighted that Turkey needed to ensure those events were taken up in an objective, scholarly and realistic way to counter "black propaganda." At a joint press conference during French President Hollande's visit to Turkey in February, President Gul also mentioned Turkey's wish to set up a joint 'historical' commission to investigate the 'tragic events'

6. Rapprochement with Armenia and improvement in relations (AN4479L refers) may help Turkey to manage international criticism. Turkey's current domestic political agenda and the elections in 2014 and 2015 make it hard for Turkey to focus its interest on the resolution of this dispute, but people-to-people links exist and are growing. Turkey closes its eyes to Armenians illegally working in Turkey (numbers are estimated to be close to 100,000).
s 33 (b)

7. s 33 (a)(iii) Turkey's only Nobel prize winner Orhan Pamuk was charged in 2005 for "insulting Turkishness" over comments he made on Armenian Genocide (the charges were subsequently dropped). The ultranationalist murderer of Hrant Dink, an Armenian Turkish journalist, continues to have cult-hero status amongst some groups. s 33(a)(iii)

text ends

s 22 1(a)(ii)



Criminal conviction for denial that the atrocities perpetrated against the Armenian people in 1915 and years after constituted genocide was unjustified

In today's Chamber judgment in the case of Perinçek v. Switzerland (application no. 27510/08), which is not final¹, the European Court of Human Rights held, by a majority, that there had been:

a violation of Article 10 (freedom of expression) of the European Convention on Human Rights

The case concerned the criminal conviction of Mr Perinçek for publicly challenging the existence of the Armenian genocide.

The Court found that Mr Perinçek, who during various conferences in Switzerland, had described the Armenian genocide as an "international lie", had not committed an abuse of his rights within the meaning of Article 17 of the Convention.

The Court underlined that the free exercise of the right to openly discuss questions of a sensitive and controversial nature was one of the fundamental aspects of freedom of expression and distinguished a tolerant and pluralistic democratic society from a totalitarian or dictatorial regime.

The Court also pointed out that it was not called upon to rule on the legal characterisation of the Armenian genocide. The existence of a "genocide", which was a precisely defined legal concept, was not easy to prove. The Court doubted that there could be a general consensus as to events such as those at issue, given that historical research was by definition open to discussion and a matter of debate, without necessarily giving rise to final conclusions or to the assertion of objective and absolute truths.

Lastly, the Court observed that those States which had officially recognised the Armenian genocide had not found it necessary to enact laws imposing criminal sanctions on individuals questioning the official view, being mindful that one of the main goals of freedom of expression was to protect minority views capable of contributing to a debate on questions of general interest which were not fully settled.

Principal facts

The applicant, Doğu Perinçek, is a Turkish national who was born in 1942 and lives in Ankara (Turkey). Being a doctor of laws and the Chairman of the Turkish Workers' Party, Mr Perinçek participated in various conferences in Switzerland in May, July and September 2005, during which he publicly denied that the Ottoman Empire had perpetrated the crime of genocide against the Armenian people in 1915 and the following years. He described the idea of an Armenian genocide as an "international lie".

The association "Switzerland-Armenia" filed a criminal complaint against him on 15 July 2005. On 9 March 2007 the Lausanne Police Court found Mr Perinçek guilty of racial discrimination within the

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

meaning of the Swiss Criminal Code, finding that his motives were of a racist tendency and did not contribute to the historical debate.

Mr Perinçek lodged an appeal that was dismissed by the Criminal Cassation Division of the Vaud Cantonal Court. In that court's view, the Armenian genocide, like the Jewish genocide, was a proven historical fact, recognised by the Swiss legislature on the date of the adoption of Article 261bis of the Criminal Code. The courts did not therefore need to refer to the work of historians in order to accept its existence. The Cassation Division emphasised that Mr Perinçek had only denied the characterisation as genocide without calling into question the existence of the massacres and deportations of Armenians.

The Federal Court dismissed a further appeal by Mr Perinçek in a judgment of 12 December 2007.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression), Mr Perinçek complained that the Swiss courts had breached his freedom of expression. He argued, in particular, that Article 261bis, paragraph 4, of the Swiss Criminal Code was not sufficiently foreseeable in its effect, that his conviction had not been justified by the pursuit of a legitimate aim and that the alleged breach of his freedom of expression had not been "necessary in a democratic society".

The application was lodged with the European Court of Human Rights on 10 June 2008. The Turkish Government submitted written comments as a third party.

Judgment was given by a Chamber of seven judges, composed as follows:

Guido Raimondi (Italy), *President*,
Peer Lorenzen (Denmark),
Dragoljub Popović (Serbia),
András Sajó (Hungary),
Nebojša Vučinić (Montenegro),
Paulo Pinto de Albuquerque (Portugal),
Helen Keller (Switzerland),

and also Stanley Naismith, *Section Registrar*.

Decision of the Court

Article 17

The Court, in first examining whether Mr Perinçek's comments were to be excluded from the protection of freedom of expression on the basis of Article 17 (prohibition of abuse of rights), reiterated that ideas which offended, shocked or disturbed were also protected by Article 10. The Court found it necessary to point out that Mr Perinçek had never questioned the massacres and deportations perpetrated during the years in question but had denied the characterisation of those events as "genocide".

The limit beyond which comments may engage Article 17 lay in the question whether the aim of the speech was to incite hatred or violence. The rejection of the legal characterisation as "genocide" of the 1915 events was not such as to incite hatred against the Armenian people. Mr Perinçek had never in fact been prosecuted or convicted for inciting hatred. Nor had he expressed contempt for the victims of the events. The Court therefore found that Mr Perinçek had not abused his right to openly discuss such questions, however sensitive and controversial they might be, and had not used his right to freedom of expression for ends which were contrary to the text and spirit of the Convention.

Article 10

The Court took the view that the term "genocide" as used in the relevant Article of the Swiss Criminal Code was likely to raise doubts as to the precision required by Article 10 § 2 of the Convention. The Court nevertheless agreed with the Federal Court that Mr Perinçek could not have been unaware that by describing the Armenian genocide as an "international lie", he was exposing himself on Swiss territory to a criminal sanction "prescribed by law".

The Court found that the aim of the measure in issue was to protect the rights of others, namely the honour of the relatives of victims of the atrocities perpetrated by the Ottoman Empire against the Armenian people from 1915 onwards. However, it regarded as insufficiently substantiated the Government's argument that Mr Perinçek's comments posed a serious risk to public order.

The Court pointed out that it was not called upon to address either the veracity of the massacres and deportations perpetrated against the Armenian people by the Ottoman Empire from 1915 onwards, or the appropriateness of legally characterising those acts as "genocide", within the meaning of the relevant Article of the Criminal Code. The Court had to weigh up, on the one hand, the requirements of protecting the rights of third parties, namely the honour of the relatives of the Armenian victims, and on the other, Mr Perinçek's freedom of expression.

The question whether the events of 1915 and thereafter could be characterised as "genocide" was of great interest to the general public. The Court took the view that Mr Perinçek had engaged in speech of a historical, legal and political nature which was part of a heated debate. On account of the public interest of his comments, the Court found that the authorities' margin of appreciation was limited.

The essential ground for Mr Perinçek's conviction by the Swiss courts was the apparent existence of a general consensus, especially in the academic community, concerning the legal characterisation of the events in question. However, the Federal Court itself admitted that there was no unanimity in the community as a whole concerning the legal characterisation in question. According to Mr Perinçek and the Turkish Government, a third-party intervener in the case, it would be very difficult to identify a general consensus. The Court shared that opinion, pointing out that there were differing views among the Swiss political organs themselves. It appeared, moreover, that only about twenty States out of the 190 in the world had officially recognised the Armenian genocide. Such recognition had not necessarily come from the governments of those States – as was the case in Switzerland – but from Parliament or one of its chambers.

Agreeing with Mr Perinçek, the Court took the view that the notion of "genocide" was a precisely defined legal concept. According to the case-law of the International Court of Justice and the International Criminal Tribunal for Rwanda, for the crime of genocide to be made out, the acts must have been perpetrated with intent to destroy not only certain members of a particular group but all or part of the group itself. Genocide was a very narrow legal concept that was, moreover, difficult to substantiate. The Court was not convinced that the general consensus to which the courts referred in convicting Mr Perinçek could relate to such very specific points of law.

The Court thus doubted that there could be a general consensus as to events such as those in issue here, given that historical research was by definition open to discussion and a matter of debate, without necessarily giving rise to final conclusions or to the assertion of objective and absolute truths.

In this connection, the Court clearly distinguished the present case from those concerning the negation of the crimes of the Holocaust. In those cases, the applicants had denied the historical facts even though they were sometimes very concrete, such as the existence of the gas chambers. They had denied the crimes perpetrated by the Nazi regime for which there had been a clear legal basis. Lastly, the acts that they had called into question had been found by an international court to be clearly established.

The Court took the view that Switzerland had failed to show how there was a social need in that country to punish an individual for racial discrimination on the basis of declarations challenging the legal characterisation as “genocide” of acts perpetrated on the territory of the former Ottoman Empire in 1915 and the following years.

Two developments also had to be taken into account. Firstly, the Spanish Constitutional Court, in November 2007, had found unconstitutional the offence of negation and had taken the view that the mere negation of a crime of genocide did not constitute direct incitement to violence. Secondly, in February 2012, the French Constitutional Council had declared unconstitutional a law which made it a criminal offence to deny the existence of the genocides recognised by the law, finding it to be incompatible with freedom of expression and freedom of research. In the Court’s view, the decision of the French Constitutional Council showed that there was in principle no contradiction between the official recognition of certain events as genocide and the conclusion that it would be unconstitutional to impose criminal sanctions on persons who questioned the official view.

Lastly, the Court pointed out that the United Nations Human Rights Committee had expressed its conviction² that “[l]aws that penalize[d] the expression of opinions about historical facts [were] incompatible with the obligations that the Covenant [on Civil and Political Rights] impose[d] on States parties ...” and that the “Covenant [did] not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events”.

In conclusion, the Court doubted that Mr Perinçek’s conviction had been dictated by a “pressing social need”. The Court pointed out that it had to ensure that the sanction did not constitute a kind of censorship which would lead people to refrain from expressing criticism. In a debate of general interest, such a sanction might dissuade contributions to the public discussion of questions which were of interest for the life of the community.

The Court found that the grounds given by the national authorities in order to justify Mr Perinçek’s conviction were insufficient. The domestic authorities had therefore overstepped the narrow margin of appreciation in this case in respect of a matter of debate of undeniable public interest.

There had accordingly been a violation of Article 10.

Just satisfaction (Article 41)

The Court held that the finding of a violation of Article 10 constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by Mr Perinçek.

Separate opinions

Judges Sajó and Raimondi expressed a joint concurring opinion and Judges Vučinić and Pinto de Albuquerque expressed a joint partly dissenting opinion. These opinions are annexed to the judgment.

The judgment is available only in French.

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Press contacts

² General comment No. 34, given in 2011, on freedom of opinion and expression under Article 19 of the International Covenant on Civil and Political Rights.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

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s 33(b)

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CE115470H

Title: s 22 1(a)(ii)
MRN: CE115470H 14/04/2014 03:46:56 PM ZE10
To: s 22 1(a)(ii)
Cc:
From: Canberra (CHCH/DFAT/NAD/NEB)
From File:
References: s 22 1(a)(ii)
Response: Routine, Information Only

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Summary

s 22 1(a)(ii)

Turkey had also threatened to bar NSW state parliamentarians from participating in ANZAC Day services in Turkey, following motions by the NSW State Government on the Armenian Genocide. s 22 1(a)(ii)

[REDACTED]

CE115470H

s 22 1(a)(ii)



CE115470H

s 22 1(a)(ii)

text ends
s 22 1(a)(ii)



AN7473H

Title: TURKEY - HOM COURTESY CALL ON DEFENCE MINISTER
MRN: AN7473H 17/04/2014 06:48:37 PM ZE2
To: Canberra
Cc: RR : Middle East Posts
From: Ankara
From File:
References:
Response: Routine, Requires Action

[REDACTED]

s 22 1(a)(ii)

Summary

[REDACTED] s 22 1(a)(ii)
HOM (Larsen) and DA [REDACTED] paid an introductory call on Turkey's Defence Minister
Yilmaz on 17 April. s 33(a)(iii)
s 33(b)
s 33(b), s 22 1(a)(ii)

[REDACTED] s 22 1(a)(ii)
HOM (Larsen) and DA [REDACTED] paid an introductory call on Turkish Defence Minister
Yilmaz on 17 April. s 22 1(a)(ii)

s 33(a)(iii), s 33(b)

s 22 1(a)(ii)

s 22 1(a)(ii)

AN7473H

s 22 1(a)(ii)

text ends

s 22 1(a)(ii)



s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Thursday, 17 April 2014 9:27 AM
To: s 22 1(a)(ii)
Cc: Griffin, John; s 22 1(a)(ii)
Subject: RE: Turkey and Armenian 'genocide' [SEC=UNCLASSIFIED]

s 22 1(a)(ii)

Mark Mazower is a British author and historian of some standing who has written several substantive works on the region and its history. s 22 1(a)(ii)

I have just googled his name and the topic - in 2001 he reviewed *The Treatment of Armenians in the Ottoman Empire, 1915-16: Documents Presented to Viscount Grey of Falloden by Viscount Bryce Uncensored Edition* by James Bryce and Arnold Toynbee, (2000). That review and the book might lead you forward into the historical and academic discussion.

<http://www.lrb.co.uk/v23/n03/mark-mazower/the-g-word>

s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Wednesday, 16 April 2014 4:42 PM
To: s 22 1(a)(ii) Newman, Jeremy; Griffin, John; s 22 1(a)(ii)
 s 22 1(a)(ii)
Subject: RE: Turkey and Armenian 'genocide' [SEC=UNCLASSIFIED]

s 33(a)(iii)

It is irrefutable that hundreds of thousands of Muslims and Christian civilians died during the collapse of the Ottoman empire (given the nature of the events and disorder at the time the number on each side is surely more debatable) and it may also be irrefutable that many more Armenian and other Christian civilians were killed than Muslim civilians in a series of massacres throughout the empire, with the largest and most well documented massacres being of Armenians in Eastern Anatolia and with more Christians being killed in Muslim-majority Anatolia and more Muslims killed in Christian-majority Balkan and northern Black Sea areas, s 33(a)(iii)

From: s 22 1(a)(ii)
Sent: Wednesday, 16 April 2014 4:14 AM
To: Newman, Jeremy; Griffin, John; s 22 1(a)(ii)
 James; s 22 1(a)(ii)
Subject: Turkey and Armenian 'genocide' [SEC=UNCLASSIFIED]

Larsen,

The following has just appeared on ABC online – criticism of the Government's approach to 'genocide' recognition.

<http://www.abc.net.au/news/2014-04-16/tatz-the-high-price-of-not-upsetting-turkey-and-sri-lanka/5392024>

Regards

Department of Foreign Affairs and Trade

Southern Europe Section
Northern, Southern and Eastern Europe Branch
Europe Division

E | s 22 1(a)(ii)
T |
W | www.dfat.gov.au

CE116537H

Title: Turkey/Australia: s 33(a)(iii), s 33(b)
MRN: CE116537H 09/05/2014 05:28:19 PM ZE10
To: Ankara
Cc: s 22 1(a)(ii)
From: Canberra (CHCH/DFAT/EUD/NSB)
From File: D11/15612
References: s 22 1(a)(ii)

Response: Routine, Information Only

Comments:
s 22 1(a)(ii)

Summary

Turkish Ambassador Keskintepe called on AS NSB s 33(b)

AS NSB underlined there had been no change to the Australian Government's long-standing position not to intervene in the historical debate on this issue and not to recognise as 'genocide' the tragic events at the end of the Ottoman Empire, 1915-23.
s 33(b)

On 9 May, the Turkish Ambassador (Reha Keskintepe) called on AS NSB (Griffin) to make representations s 33(b)

Turkish Ambassador's demarche

s 33(a)(iii)
s 33(b)

CE116537H

s 33(a)(iii)
s 33(b)

s 33(a)(iii)
s 33(b)

AS NSB's response

6. AS NSB thanked Keskindepe for his representations. He emphasised the current strength of the Australia-Turkey relationship, which was underpinned by cooperation in the G20 and on the 'MIKTA' initiative, involving Mexico, Indonesia, Korea, Turkey, and Australia. s 33(a)(iii)

AS NSB noted that Australia's states and territories have no constitutional role in the formulation of Australian foreign policy. s 33(a)(iii)

7. s 33(a)(iii)

AS NSB
s 33(a)(iii)

AS

NSB underlined that there had been no decision to change to the Australian Government's long-standing position on the issue (ie, not intervening in the historical debate and not recognising as 'genocide' the tragic events of 1915-23). This position had been conveyed to the ANC in a message from the Prime Minister, reported in the Armenian community media. s 33(b)

text ends

s 22 1(a)(ii)

CE116744H

Title: Turkey/Australia: Ministerial correspondence on Armenian 'genocide' issue
MRN: CE116744H 16/05/2014 04:26:29 PM ZE10
To: Ankara
Cc: s 22 1(a)(ii)
From: Canberra (CHCH/DFAT/EUD/NSB)
From File: D11/15612
References: s 22 1(a)(ii)
The cable has the following attachment/s -
Signed letter FM to Davutoglu (Armenia).pdf
Response: Routine, Requires Action

[REDACTED]

s 22 (a)(ii)

Summary

Ms Bishop has written to Turkish Foreign Minister Ahmet Davutoglu concerning the Australian Government's position on the Armenian tragedy of 1915-23. Please note that Ms Bishop's letter has been conveyed to Minister Davutoglu via the Turkish Ambassador in Canberra. The attached copy of Ms Bishop's letter is for Post's information.

text ends

s 22 (a)(ii)



THE HON JULIE BISHOP MP

Minister for Foreign Affairs

HE Professor Ahmet Davutoğlu
Minister of Foreign Affairs
THE REPUBLIC OF TURKEY

Ahmet
Dear Minister

I am writing to you about recent statements in Australia concerning the tragic events of 1915-23 involving the Armenian and other communities.

Recognising the important interests at stake for both countries, I assure you that there has been no decision to change the long-standing position of successive Australian Governments on this issue.

As you are aware, the Australian Government is sympathetic to the Armenian people and other communities that suffered such terrible losses during the tragic events at the end of the Ottoman Empire. The Australian Government does not, however, recognise these events as 'genocide'. We do not seek to intervene in this sensitive historical debate. We believe the issue is best resolved through dialogue between the communities and governments concerned. I acknowledge the recent positive messages from the Turkish Government on this matter. Australia continues to encourage ratification of the Protocols, signed in 2009, to normalise relations between Turkey and Armenia.

I look forward to welcoming you to Australia later this year during your proposed visit for the G20 Summit and to building on the significant interests we share.

Yours sincerely *✓ best wishes*

Julie Bishop
Julie Bishop

15 MAY 2014

AN7510H

Title: Australia-Turkey Senior Officials' Talks
MRN: AN7510H 13/06/2014 12:00:37 PM ZE2
To: Canberra
Cc: RR : ARF Posts, Europe Posts, G20 Posts, Middle East Posts, UNSC Posts
From: Ankara
From File:
References: s 22 1(a)(ii)
Response: Routine, Information Only

Summary

Senior Officials' Talks with Turkey on 2 June in Ankara were constructive.

s 33(a)(iii), s 33(b)

s 22 1(a)(ii)

s 22 1(a)(ii)

Bilateral Issues

s 22 1(a)(ii)

s 33(b)

s 33(a)(iii)

The genocide motions passed by the NSW Parliament had received a

AN7510H

lot of press in Turkey and Treasurer Hockey's statement^{s 33(a)(iii)}
s 33(a)(iii), s 33(b)

s 33(a)(iii)
s 33(b)

s 22 1(a)(ii)



AN7510H

s 22 1(a)(ii)



AN7510H

s 22 1(a)(ii)

text ends
s 22 1(a)(ii)



s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Wednesday, 18 June 2014 4:25 PM
To: Larsen, James;s 22 1(a)(ii)
Cc: s 22 1(a)(ii)
Subject: s 33(a)(iii)
s 33(b)

Attachments:

Forwarding the attached for post's information, which we received via the mincorro system.

Regards
s 22 1(a)(ii)

s 33(a)(iii)
s 33(b)

REDACTED

s 33(a)(iii)
s 33(b)

REDACTED

s 33(a)(iii)
s 33(b)

REDACTED

s 33(a)(iii)
s 33(b)

REDACTED

s 33(a)(iii)
s 33(b)

REDACTED

s 33(a)(iii)
s 33(b)

REDACTED

TURKISH **P**RESS SCANNER

d a i l y d i g e s t - s i n c e 1 9 9 8

Wednesday, September 10, 2014

Some of the top issues on the agenda today:

- Prime Minister Ahmet Davutoğlu holds surprising security summit with Chief of the General Staff Necdet Özel, army commanders, Defense Minister İsmet Yılmaz, intelligence chief Hakan Fidan and Foreign Ministry Underscretary Feridun Sinirlioğlu. (Zaman)
- Just like in September 28 cra: Students wearing headscarf and bears are given no diplomas in Pamukkale University. (Y.Şafak)
- CHP will apply to the Constitutional Court for the annulment of regulation which gives AKP municipality the control of upscale Ataşehir neighborhood in Istanbul. (cnnturk)
- In response to a question about new internet regulations in Turkey, US State Department spokesperson Marie Hard says that Washington shares with Ankara its concerns about media freedom in Turkey. (cnnturk)
- Semi-official Anatolian news agency tries to hide report about penalties introduced by the Greek parliament for the denial of Armenian genocide claims. (odatv)
- Cumhuriyet editor İbrahim Yıldız has resigned from his post. He might be replaced by Cumhuriyet commentator Can Dündar. (odatv)
- Bugün commentator Gülay Göktürk and Habertürk commentator Yavuz Semerci also have resigned. (Taraf)
- 15 workers are taken into custody in İstanbul for occupying an office of the social security institution SGK to draw attention to the fact that there were fired for demanding tighter work safety. (odatv)
- Finance Minister Mehmet Şimşek says that risks have increased and growth might remain below 4 percent. (Taraf)