

REVIEW OF  
**ARMENIAN STUDIES**

A Biannual Journal of History, Politics and International Relations

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Facts and Comments

**Ömer E. LÜTEM**

A European Union Framework Decision  
on the Offence of Denying a Crime

**Yaşar YAKIŞ**

The 1934-1935 Turkish-American Compensation  
Agreement and Its Implications for Today

**Prof. Dr. Kemal ÇİÇEK**

The "Armenian Question" in European Union Institutions

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Aram Andonian's "Memoirs of Naim Bey" and the  
Contemporary Attempts to Defend their "Authenticity"

**Maxime GAUIN**

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**T**urkey-Armenia relations continue to be frozen and even became worse when President Sarkisian suggested that it's up to the younger generation to make efforts that Western Armenia (Eastern Turkey) to join with Armenia. Words that Prime Minister Erdoğan found provocative and does not suit to a statesman. **Facts and Comments**, the first article of this issue also deals -other than Turkey-Armenia relations- with the French Senate finding unconstitutional a draft law penalizing those who don't believe that an Armenian genocide took place, draft resolutions against Turkey submitted to U.S. Congress by the supporters of Greek and Armenian interests and the commemorations events in Armenia and in Turkey of the 24<sup>th</sup> of April as well as the statement of President Obama concerning this day.

Prof. Dr. Kemal Çiçek in his Article titled **“The 1934-1935 Turkish-American Compensation Agreement and Its Implications for Today”** explains that the two countries have in thirties settled the question of compensation to be paid for the properties that the American citizens left in Turkey. This agreement should and would be the main evidence for the pending compensation cases that the Armenians filed in California.

Turkish former Foreign Minister Ambassador Yaşar Yakış in his article **“A European Union Framework Decision On The Offence Of Denying A Crime”** taking into consideration that the EU Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia, the competence on that matter is entrusted to the national courts of the EU Member States, instead of international criminal courts, focuses on the discussion of whether the authorities designated by the Framework Decision are appropriate and competent for this specific task. These questions being particularly important as the crimes of the denials include also genocide.

Assist. Prof. Dr. Deniz Altınbaş in her article **“The ‘Armenian Question’ In European Union Institutions”** analyses EU institutions and its major members' approach to the “Armenian Question” and especially to the genocide allegations by addressing the European Parliaments resolutions, discussions and statements in the Parliament, the approach of some European politicians

and reports of the EU institutions on that subject. The article also studies the stance of some countries and political groups which have supported Armenian theses.

Up to early eighties the main “documents” that the proponents of the Armenian genocide thesis were based on was the telegrams attributed to Talat Pasha who supposedly gave orders to kill the Armenians. These telegrams were published in a 1920 book by Aram Andonian titled shortly as “The Memoirs of Naim Bey.” In 1983 two Turkish scholars, Şinasi Orel and Süreyya Yüce proved beyond doubt that these telegrams are fake. Afterwards in Armenian genocide literature references to Andonian book diminished without disappearing completely and at the same time some attempts are made in order to prove that these documents are almost certainly authentic. Maxime Gauin, in his article entitled “**Forgeries vs. Historical Research**”, analyses for the first time in Turkey those attempts in detail by referring mainly to the works of Vahkan Dadrian and Ives Ternon. Needless to say, these efforts to “save” the Andonian documents are in vain and the telegrams attributed to Talat Pasha are unmistakably fake.

With best regards

The Editor

# FACTS AND COMMENTS

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**Abstract:** *This article summarize the developments occurred in Turkey-Armenia relations between March to July 2011. French Senate refusing a draft law penalizing those who didn't accept the Armenian Genocide allegations as well as some draft resolutions submitted to U.S. Congress and dealing with or mostly with Armenian matters are also addressed. Finally, commemorations of 24 of April in Armenia and Turkey are studied.*

**Key Words:** *Turkey, Armenia, France, U.S., Russia, Armenian genocide allegations, U.S. Draft resolutions, French draft law on panelizing those who not accept genocide allegations, 24<sup>th</sup> of April commemorations, A. Gül, R.T. Erdoğan, B. Arınç, A. Davutoğlu, S. Sarkisian, E. Nalbandian, H. Clinton, D. Medvedev*

## I- TURKEY-ARMENIA RELATIONS

Within the period under examination (February-July 2011), no positive development has taken place within Turkey-Armenia relations and it has been seen that in response to the favorable approaches of Turkey, the Armenian side has constantly criticized and held it responsible for the protocols reaching a deadlock and last of all, President Sarkisian wanting Turkey to recognize the “genocide” has constituted a new obstacle for normalization efforts.

Turkey's conciliatory policy towards Armenia, with the exception of the Karabakh Conflict, has caused some speculations. A Turkish newspaper<sup>1</sup> had written that after the Jewish opening, an Armenian opening would also take place, that active participation in Armenian commemoration activities would

1 *Sabah*, 7 February 2011. “Yahudi Açılımdan Sonra Ermeni Açılımı” (An Armenian Opening Following a Jewish Opening)

be achieved on April 24, contacts with the Diaspora would be intensified, contacts would be made with the Armenian lobby in the US in particular, dialogue would develop, and receptions held by the Diaspora would be attended. The same newspaper has also indicated that a “political boycott” to countries recognizing the Armenian genocide allegations would be suspended.

This news had a repercussion within the Armenian and Diaspora press. Articles were written which indicated that there were doubts that the Turkish Government would lay wreaths at Armenian Genocide Memorials<sup>2</sup> and that this was an intentional leakage whose objective was to check the reaction of the Turkish society and to send a message to Armenia.<sup>3</sup> Another newspaper suggested that “Armenia should immediately invite the Turkish President Gül, Prime Minister Erdoğan and Foreign Minister Davutoğlu to attend the April 24 genocide commemorations in Armenia.”<sup>4</sup>

Naturally, no Turkish authority attended the 24 April commemorative ceremonies. Also, the Diaspora did not invite any Turkish representative. Argentinean President Cristiana Fernandez and the Canadian Minister of Commerce visited Ankara, but these visits were normal since no “political boycott” was applied to countries recognizing the Armenian genocide allegations. On that subject we should note that Turkey maintains normal relations with 20 countries whose parliaments have recognized the genocide allegations and that among them it particularly has close relations with Germany, Italy and France in all fields.

## 1. Turkish Statements

During the period under examination, Turkish statesmen had made some comments concerning Turkey-Armenia relations.

In an interview given to Hacop Avedikian, the reporter of the Armenian AZG Newspaper,<sup>5</sup> Foreign Minister Ahmet Davutoğlu provided important explanations regarding the two countries relations.

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2 *The Armenian Weekly*, 8 February 2011. “Turkish Official Attend Genocide Commemoration?”

3 *Rodiolur*, 11 February 2011. “The Information of Sabah is an Intentional Leakage” and *The Armenian Weekly*, 4 March 2011. “The Second Move in the 2011 Genocide, Obfuscation Gambit”

4 *Noyan Tapan*, 3 March 2011. “The Second Move in the Genocide Obfuscation”

5 *News.az*, 31 March 2011. “We cannot Permit Ourselves to Lose Azerbaijan For Sake of Relations With Armenia”

Concerning Azerbaijan, he stated “We cannot afford to lose Azerbaijan for the sake of relations with Armenia. We asked the Armenian President and I have repeatedly offered my Armenian counterpart Nalbandian to return one or two regions of Nagorno-Karabakh, for example, Fizuli or Aghdam to Baku as a face saving gesture to Azerbaijan. In this case, Azerbaijan also would be ready to open its border, but Armenia refused”.

Davutoğlu also said that talks between Armenia and Turkey began in 2005, when Turkey put forth its policy of “zero problems with its neighbors”, The Turkish Foreign Minister continued that “Our discussions with the Armenian side pursued three goals: to open the border, establish diplomatic relations and establish direct and indirect relations between Turkey and Armenia. The third goal is establishing relations with the Armenians of Diaspora, which we consider our Diaspora, as they have emigrated from Turkey to America, France and elsewhere.”

According to Davutoğlu, for the Armenian side, the protocols process was about opening the border and establishing diplomatic relations, whereas for Turkey the process involved issues of “reconciling” historical issues. The two sides had discussed this matter and came to certain understanding before signing of the documents in October 2009.

Davutoğlu repeated these points in its general lines in an interview provided to CNN/Turkish Television,<sup>6</sup> but also clarified some issues. He expressed that all the Armenians should not be regarded in the same category concerning their contact with the Armenian Diaspora, that they want to make relations with the “reasonable” Armenians within the Armenian Diaspora, and that it is difficult to make peace with those profiting from the status quo and the Turkey-Armenia relations being frozen.<sup>7</sup> Davutoğlu who stated that “We must empathize with the Armenians in order to understand what they have experienced and what they feel, but they must also show respect to our memory”, indicated that a single-sided memory cannot exist and called on the Armenians to approach the issue in a “just” manner. Expressing that the issue has psychological, legal, political, historical, and

6 *Hye-Tert*, 3 April 2011. “Ermeni Diasporası ile Temasa Geçmek İstiyoruz”

7 In an interview given to *Hürriyet* newspaper, Richard Giragosian, an American Armenian examining relations between Turkey and the Diaspora and chairing a think-tank group, stated that in March 2010 a meeting was organized in New York to make contacts with representatives of the Diaspora, but the representatives of the Diaspora did not attend. (*Hürriyet*, 11 July 2011. “Türkiye Çağırıldı, Diaspora Gelmedi” (Turkey Invited, but Diaspora Didn’t Come)

international law dimensions, he has stated that what is important is to overcome the psychological barriers and that he reminded also that for nearly ten centuries there has been cooperation between the Turks and Armenians and relations have deteriorated in the last quarter century of this period.

Moreover, he indicated that while 1915 means relocation for the Armenians, it means the wars of Gallipoli and Sarıkamış (on Turkish eastern front) for the Turks and that traumas have been experienced in all fronts during the fall of the Empire and not only the Armenians, but all peoples of the Empire have suffered pains.

As the Chairman of the Committee of Ministers of the Council of Europe, Davutoğlu presented the report of the Committee of Ministers to the Parliamentary Assembly and then answered the questions. Zaruhi Postanjian, deputy of the extreme right wing Heritage Party of Armenia which always draws attention with its provocative conducts and questions, after saying that Turkey occupied Western Armenia (Eastern Anatolia) and Cyprus, that the Ottoman Empire committed the crime of genocide against the Armenians and that article 301 of the Penal Code is used to deny and distort the historical record, asked Davutoğlu “what are you doing to make Turkey come to grips with its past, the first step of which is to recognize the 1915 Armenian genocide and to lift article 315 of the Turkish Penal Code?”.

Davutoğlu indicated that this is an accusation rather than a question and that “it would be better to learn the norms of international law to understand the difference between the accusations and evidence”,<sup>8</sup> he said that “I underlined that what we needed was a just memory. If everybody judges on his or her own memory, there will be no mutual respect and understanding. It is better for Turkish and Armenian people to come together and establish a historical commission to discuss this. We offered that in 2005, and from 2005 until now we have been expecting a positive reply to our call to research all the historical events together, or with third parties, based on the historical archives rather than one-sided memories. One day I am sure that a new generation from both nations - and we hope it will be our generation - will come together to share and discuss all the historical texts rather than accusing each other and using the matter for political objectives. This is our

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8 *Armenianow*. 13 April 2011. “Armenian Lawmaker Poses Sharp Questions to Turkish Minister

call as Turkey: please come and accept our offer to establish a commission to study all the events.”<sup>9</sup>

Few days later in a long interview to the Arminfo News Agency,<sup>10</sup> Foreign Minister Davutoğlu repeated his views mentioned above in detail. We are providing below some of the points which particularly drew attention.

Davutoğlu considered the normalization of relations with Armenia within a broader framework of peace and stability in the Caucasus and stated regarding this issue that “If properly harnessed, the countries in the region have a promising potential between them to create a better environment to stimulate regional partnership and to transform the southern Caucasus into an area of common welfare. This is what Turkey wants to instigate. Peace, security, stability and welfare are indivisible assets and he added that “I hope Armenia will also recognize this fully and become a partner not only for Turkey but for its other neighbors as well, rather than remaining as the missing link”. “There is a bigger and brighter picture in which Armenia can find a place for itself. The starting point for Armenia should be to demonstrate that it does seek constructive relations with all its neighbors”.

During this interview, by referring to the decision of the Armenian Constitutional Court which is not much mentioned in Turkey, but is a negative factor in the issue of the protocols, Davutoğlu has said that “Turkey has expressed its desire to take the Protocols forward despite the problematic content of the Armenian Constitutional Court’s decision and the consequent suspension of the ratification process in Armenia”. After stressing that there is now an opportunity to normalize relations Davutoğlu added that “Armenia can be more positive and conciliatory. To seize this historic opportunity, we need to show courage and statesmanship”.

In response to the question of “Armenia’s stance in the issue of possible continuation of the normalization process is unconditional ratification of the Protocols in the Turkish Parliament. Is it possible to continue the process or is it already dead?” the Foreign Minister has indicated that “I suspect that there are parties which take comfort in declaring or wishing the process dead. This is not the state of mind of real peacemakers. The process is not

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9 *Asbarez*, 13 April 2011.

10 *Arminfo*, 19 April 2011. “ We Need To Continue The Promising Start With Armenia And We Want To Rebuild The Friendship Between Turks And Armenians”



dead for those who want to move forward; and Turkey wants to move forward. We hope that Armenia will resist drifting away from the ratification process as well as the original letter and spirit of the protocols.”

Moreover, in response to the question of “The Armenian President threatened to withdraw the signature from the Protocols. What will the feedback of Turkey be, if the threat is put in the effect?” he said “I do not wish to comment on negative hypothetical scenarios. At this stage we need to facilitate the process, not complicate it... We want to rebuild the friendship between Turks and Armenians. This requires farsighted statesmanship.”

In response to questions posed to him concerning Karabakh, the Foreign Minister has indicated that although at first glance it might seem as if Turkey-Armenia relations and the Karabakh conflict are independent of each other, there is an undeniable interaction between the two tracks and that we should ensure that these two tracks remain mutually reinforcing, a positive move in one track could facilitate progress in the other. Furthermore, responding to the question of “What stance will Turkey take in case of a military scenario”, he has said that “we should focus more on peaceful scenarios than military ones”.

Prime Minister Erdoğan also delivered a speech in the meeting of the Parliamentary Assembly and answered the questions. His words “we will not allow Armenia to usuro Azerbaijani people rights” especially drew attention. By expressing that first (positive) steps must be taken in the Karabakh issue and then the border will be opened, the Prime Minister requested the Minsk co-presidents to fulfill their tasks and that the process has become more difficult since this task has not been fulfilled. Furthermore, he indicated that the Armenian Government is in fear towards the Diaspora and the settlement of the issue will become easier if they could free themselves of this fear. By expressing that the doors (i.e. borders) will also open, he emphasized that Turkey does not possess any grudge or hatred towards Armenia.<sup>11</sup>

The Prime Minister conveyed his determination on this issue in a statement provided at the end of April in Iğdır, (in eastern Turkey, few miles away from Armenia) in the following way: “It is not possible for our relations

11 *Cihan*, 14 April 2011. “Erdoğan: “Azerbaycan’ın Hakkını Yedirmeyiz”

with Armenia to improve without the Karabakh conflict being resolved. We have stood by Azerbaijan and Karabakh (its policy regarding Karabakh) ever since their state was founded, we will always continue to do so. No one should expect anything else from us concerning this issue. Karabakh is our problem.”<sup>12</sup> Then, in a statement delivered in Kars (in the same region), he said the following: “We have always been brothers with Azerbaijan and Nakhichevan. As for peace we have lent our hand to Armenia for reconciliation. And now it is that country’s turn to take action.”<sup>13</sup>

Vice Prime Minister Bülent Arınç has been very sensitive towards the Armenian genocide allegations ever since and has openly conveyed his reactions. In response to a question posed to him by an Armenian participant during a conference held by the German Marshall Fund of the US in April, he first expressed that they wish for the relations between Turkey and Armenia to normalize and then indicated that the government of that time (Ottoman Government) had applied forcible relocation in 1915 as a security measure as a result of Armenian rebellions and the security of the country being threatened. He furthermore stated that painful events could have been experienced during this relocation and that those dying and suffering have also been the Turks as much as the Armenians.

By emphasizing that forcible relocation and genocide are not the same, Arınç said that it is known how genocide is defined in the UN Convention and he fully rejected the allegations that genocide has been committed in Turkey against the Armenian race. Then, he has stated that “we have confronted all painful events and we find confrontation as a requirement of democracy. We were not able to find any “genocide” in our confrontation neither regarding the past, nor the present.”<sup>14</sup>

## 2. Armenian Statements

During the period under observation, Armenian President Serge Sarkisian made many statements concerning relations with Turkey. Among these, his

12 *Turkishny.com*, 1 May 2011. “ Erdoğan’dan Ermenistan’a Net Mesaj” ” (A Clear Message from Erdoğan to Armenia)

13 *Tert.am*, 21 May 2011. “ It’s Armenia’s Turn to Take Action- Erdoğan”

14 *Haber X*, 7 April 2011. “ Arınç: ‘Soykırım’ Diye Bir Şey Bulamadık” (Arınç: We Could Not Find Anything as ‘Genocide’)

interview given to *Moskovskie Novosti* and his speech delivered in the Council of Europe Parliamentary Assembly are especially important. We will address these below.

On the occasion of the 20<sup>th</sup> anniversary of the disintegration of the Soviet Union President Sarkisian gave an interview to Russian *Moskovskie Novosti* on 16 May 2011<sup>15</sup> proving explanations regarding many issues concerning Armenia and also concerning the Karabakh conflict. Moreover, he also addressed relations with Turkey.

***Without openly saying it, Sarkisian complained about the Soviets not embracing Greater Armenia that the Treaty of Sèvres wanted to be established.***

First, he expressed that during the period of the Soviet Union, “the national problem” was in existence but in Soviet foreign policy Armenia interests had not been always taken into consideration especially in USSR-Turkey relations. Here, what is meant by “national problem” is the dream of a Great Armenia. Without openly saying it, Sarkisian complained about the Soviets not embracing Greater Armenia that the Treaty of Sèvres wanted to be established. It is true that during

the period until the Second World War, the Soviets had opposed Sèvres which they regarded as an imperialist initiative. After the Second World War, by claiming Kars and Ardahan from Turkey and asking the control of the Turkish Straits, they have come very close to the mentality of the Sèvres and furthermore, by allowing for the construction of a large Armenian Genocide Memorial in Yerevan, have caused the genocide allegations, which were formed by the Diaspora, to be embraced in Armenia.

In this interview, in response to the question of “is it possible to have economic growth without solving apparent geopolitical problems, without normalizing relations with Turkey?” after expressing that “we will not starve if relations with Turkey are not normalized”, the Armenian President said that “we do not consider the economic aspect of the issue to be the moving force behind the normalization of the relations with Turkey.” This way, he has tried to underestimate the economic benefits the normalization of relations will bring. Concerning the genocide allegations, he has said that

15 “Interview of President Serzh Sargsyan *Moskovskie Novosti* May, 16th 2011  
<http://www.president.am/events/press/eng/?id=69>

“the fact of genocide is undeniable and we will make every effort so that Turkey ultimately recognizes the genocide. This is a struggle for justice, for security.” Answering the question of “is it possible that after the hundredth anniversary of the tragic events of 1915 they cease to play such an important role in the bilateral relations?” he expressed that “reconciliation will start when Turkey recognizes the Armenian Genocide. There can be no reconciliation without recognition. Some are trying to present efforts to normalize relations with Turkey as an attempt for reconciliation. True reconciliation will come only after repentance.”

One can see that the Armenian President differentiates between the normalization of relations with Turkey and reconciliation with Turkey. Normalization stands for the establishment of diplomatic relations and the opening of the Turkish border. In their mind reconciliation with Turkey means Turkey’s recognition of the “genocide” and repents. However, Armenia has other requests from Turkey also. At the forefront of these comes the returning of properties of the displaced persons and the payment of compensation to their inheritors. Despite not being expressed by officials of the Armenian Governments, it is known that extreme nationalist circles in Armenia and especially in the Diaspora, with the Dashnaks being at the forefront, have insistently claimed territory from Turkey to be annexed by Armenia.

In summary it appears that after the establishment of diplomatic relations and the opening of the borders, in order to reconcile with Turkey, Armenia will also claim from Turkey to recognize the genocide allegations, to repent, to return Armenian properties and moreover, to pay compensation and perhaps to give some territory to Armenia. This is an important shift in the Armenian stand. As to how realistic the Armenian President’s aspirations are needless they are not nor realistic at all but have enough potential to damage further the relations.

On 22 June 2011, President Sarkisian delivered a speech at the Council of Europe Parliamentary Assembly. We are quoting same the President’s statements in this speech regarding relations with Turkey:

*“Two years ago, we initiated a process of normalization between Armenia and Turkey, which would have allowed, through the establishment of diplomatic relations and opening of the border, to*

*gradually overcome the divide that had existed for almost a century... Unfortunately Armenia-Turkey normalization process ended up in a deadlock. The sole reason was that Turkey reverted to its practice of setting preconditions, and failing to honor its commitments, which rendered the ratification of the signed protocols impossible... I cannot predict when the window of opportunity will reopen. I regret to say so, but it is the reality... true to the 21st-century imperative of peaceful coexistence of nations and peoples, all on the backdrop of Turkey still not only failing to recognize, but also engaging in a policy of blunt denial of the Genocide of Armenians committed in the Ottoman Empire in 1915. Meanwhile, Armenians worldwide are expecting an adequate response. Our tireless efforts... will henceforth remain focused on the international recognition of the Armenian Genocide. However, we are determined not to leave this problem unsolved for generations to come. The normalization of relations between Armenia and Turkey is important not only for Armenians and Turks, but also for the whole region, I believe even for the whole of Europe in terms of creating an atmosphere of peace, stability, and cooperation. The unlawful blockade of Armenia must come to an end.”<sup>16</sup>*

Some of the Armenian President’s statements mentioned above require further explanation. By stating “to gradually overcome the divide that existed for almost a century”, he regards the implementation of the protocols not as the normalization of Turkey-Armenia relations, but as the beginning of the normalization process. More openly, this statement means that the problems will not end even after the protocols are implemented and that Armenia will have other claims from Turkey. As mentioned above, giving compensation to the inheritors of the relocated Armenians, returning of properties and the repairing of Armenian churches in Turkey could be considered among these claims.

As presumed, President Sarkisian asserts that the sole reason for the normalization process of Turkey-Armenia relations reaching a deadlock was that Turkey reverted to its practice of setting preconditions and failing to honor its commitments and by saying that he cannot predict when the

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16 “President Serzh Sarkisian participated at the plenary meeting of the PACE” June 22nd, 2001  
<http://www.president.am/events/news/eng/?pn=11&id=1662>

window of opportunity will reopen for the normalization of Turkey-Armenia relations, he implies that it is necessary to normalize relations soon. Moreover, by indicating that the 21<sup>st</sup> century imperative of peaceful coexistence of nations and peoples, he puts forth that Turkey still not only fails to recognize, but also engages in a policy of blunt denial of the genocide of Armenians and that meanwhile, Armenians worldwide are expecting an adequate response. We are unable to understand how there is a relationship between nations and peoples peacefully coexisting and the Armenian genocide allegations being recognized. Perhaps with this statement, he has wanted to say that “unless Turkey recognizes the Armenian genocide, it cannot live in peaceful coexistence with Armenia”. It is clear that these statements are very assertive and that rather than Turkey, it is necessary for Armenia to live in peace with Turkey. By also conveying that their tireless efforts will henceforth remain focused on the international recognition of the Armenian genocide and that they are determined not to leave this problem unsolved for generations to come, the Armenian President has pointed out that the genocide must be urgently recognized both internationally and by Turkey. However, when recalling that during the 45 years from 1965 when the first recognition (Uruguay) took place until now, only 20 countries’ parliaments recognized the Armenian genocide allegations and that they adopted resolutions which were not even binding for their own governments, it is clear that it has to be waited longer for these allegations to be “internationally” recognized. Regarding Turkey’s recognition, besides a small group of intellectuals, no one in Turkey not only refuses Armenian genocide allegations, but shows great reactions to it.

*We are unable to understand how there is a relationship between nations and peoples peacefully coexisting and the Armenian genocide allegations being recognized.*

We believe that the most significant aspect of President Sarkisian’s speech delivered at the Parliamentary Assembly is, just as he mentioned during his interview to Moskovskie Novosti, that for the first time an Armenian President has requested from Turkey, although through indirect statements, to recognize the genocide allegations. Armenia’s former presidents Ter Petrossian and Kocharian had carefully refrained from this with the idea that it would affect relations with Turkey negatively. Taking this into

consideration, it could be said that President Sarkisian has “crossed the Rubicon” on this issue.

President Sarkisian again “crossed the Rubicon” when at the end of July, while speaking to participants of the fifth All Armenian Olympiad of Armenian language and literature, answered to a student who asked him whether Western Armenia, with Mount Ararat, will ever be united with Armenia, by saying that “Everything depends on the young generation. Every generation has some goal to achieve. The current generation defended and liberated a part of Armenian land. If the future generation makes much effort then Armenia will be one of the best states in the world.”<sup>17</sup>

With this statement, President Sarkisian has indicated that the current generation of Armenia had liberated Karabakh, while the young generation must show efforts for Western Armenia (including Mount Ararat, Eastern Anatolia) to join with Armenia. Although this has been expressed implicitly, the President’s statements has put forth that Armenia has territorial claims on Turkey.

Reactions from Turkey have come quite fast. The Foreign Ministry has issued the following declaration on 26 July:

*“We strongly condemn the reply given by President Sarkisian to a question from a student during the Armenian language and literature competition held in Armenia on 25 July 2011.*

*Preparing his society, in particular the youth, for a peaceful, serene and prosperous future should be the primary duty of statesmen. Giving advice to the youth and the next generations with a quite opposite approach and in a way that will provoke an ideology of hostility and hatred among societies is an extremely irresponsible behavior.*

*At a time when the quest of establishing peace has accelerated in the region, the statements Mr. Sarkisian has given without finding them harmful indicate that he does not intend to work for peace.*

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17 Asbarez, July 25, 2011. “Sarkisian Tackles Western Armenia Question”

*We believe that everyone who has exerted effort to ensure peace and stability in the region will deduce the right conclusions from Mr. Sarkisian's unfortunate statements that we find regrettable.”<sup>18</sup>*

Regarding this issue, during his official visit to Azerbaijan, Prime Minister Erdoğan has said that equipping the future generations with hostility and hatred does not suit statesmen, what Sarkisian has done is provocation, therefore the future of Armenian youth will be dark, and that they will always regard these events through dark lenses. Noting that what Sarkisian has meant to say to the youth is that “you have right now Karabakh, we will one day die. Now, it’s up to you to have Ararat”, and that with this he has implied “from now on, Armenia, could enter a war with Turkey in any way they want”, Erdoğan has also expressed that such a diplomacy cannot exist, that Sarkisian has made a serious mistake and must apologize for it.<sup>19</sup>

As can be seen, in his statements regarding Turkey, President Sarkisian has given rather harsh and uncompromising messages. What is the reason for acting this way? It is clear that harsh messages will not affect Turkey and cause it to change its stance. It is likely that he has acted in such a way due to his belief that normal relations with Turkey will not be able to be established in the near and even medium term. On the other hand, both presidential elections and parliamentary elections will be held in Armenia in the upcoming year. Accusing Turkey with a strong language and especially calling on it to recognize the genocide allegations should be, from the electoral point of view, beneficial.

Could Turkey-Armenia relations be improved after the elections take place in Armenia? According to Turkey’s current policy, this depends on significant developments taking place in relation to the settlement of the Karabakh conflict. However, even if this takes place, the protocols get implemented and the Turkish border is opened, considering the 100<sup>th</sup> anniversary of Armenian relocation, in addition to claims for compensation to be given to the inheritors of those being relocated, the returning of properties and the repairing of Armenian churches, Armenia could request

18 “Statement of the Spokesman of the Ministry of Foreign Affairs in Response to a Question” [http://www.mfa.gov.tr/qa\\_-23\\_-26-july-2011\\_-statement-of-the-spokesman-of-the-ministry-of-foreign-affairs-in-response-to-a-question.en.mfa](http://www.mfa.gov.tr/qa_-23_-26-july-2011_-statement-of-the-spokesman-of-the-ministry-of-foreign-affairs-in-response-to-a-question.en.mfa)

19 *Hürriyet*, 27 July 2011. “Başbakan’dan Sarkisyan’a Çok Ağır Sözler” (Very Harsh Statements from the Prime Minister to Sarkisian)



also for the genocide allegations to be recognized by Turkey. In this situation, the normalization of Turkey-Armenia relations would continue to be in a deadlock for longtime.

Based on a practice left over from the period of the Soviet Union, prime ministers in Armenia do not interfere much in foreign affairs and instead concern themselves more with economic issues. Therefore, Prime Minister Tigran Sarkisian talking about relations with Turkey is rare. However in an interview given to CNN, to the question “You have Turkey with a large economy of 80 million consumers. Did you feel that it is difficult for Armenia to negotiate this dispute with the Turkey’s role in the region, even as a G20 member?” Armenian Prime Minister answered “It is not just an issue for Armenia. Turkey’s political clout and weight will only grow if Turkey follows the international rules of the game. Its clout is undermined by the problems that Turkey is continuing to have with its neighbors. Turkey should continue to carry out democratic reforms on the path towards EU accession in which case we are easily able to build sustainable relations with our neighboring country”.<sup>20</sup>

The point drawing attention in this response is Tigran Sarkisian expressing that Armenia is not alone against Turkey. Then, he has criticized Turkey for not following the international rules of the game and having problems with its neighbors and finally, has indicated that if Turkey carries out democratic reforms and joins the EU, then Armenia could build sustainable relations with it. The Prime Minister of a country criticized for not possessing sufficient democratic conditions requesting from Turkey to carry out democratic reforms is like black humor. On the other hand, if it is not a slip of the tongue, linking the establishment of relations with Turkey to EU accession shows that Armenia believes relations could not be established with Turkey in the short or medium term as Turkey EU accession is not for tomorrow.

Armenian Foreign Minister Nalbandian has also addressed relations with Turkey many times. His statements are similar to those of President Sarkisian. On the other hand, Nalbandian has repeated on every occasion that Turkey must ratify the protocols without preconditions.

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<sup>20</sup> *Hetq*, 16 June 2011. “CNN Airt Interview With Armenia’s Prime Minister”

Meanwhile, his response to a journalist's question concerning the relationship between the Karabakh conflict and the protocols is quite interesting. The journalist question was "recently Mevlüt Çavuşoğlu, the Chairman of the Parliamentary Assembly of the Council of Europe, stated that the normalization of the Armenian-Turkish relations is linked to the settlement of the Nagorno-Karabakh issue and supposedly there was a an oral agreement between Turkey and Armenia on it, which was also approved by the Ministers of Foreign Affairs France, Switzerland, Russia and the U.S. Secretary of State. What can you say in that respect?" Nalbandian has given the following answer:

"It is of course a simplistic distortion. The process of normalization of the Armenian-Turkish relations started and was conducted by a mutual understanding and perception that this normalization should be without any preconditions and that is why there is no precondition in the signed Protocols. All the Ministers of Foreign Affairs present during the ceremony of signature of the Protocols, repeatedly urged to ratify and implement the agreements without preconditions. Let me also recall the statement of the Secretary of State Clinton that Armenia has passed its way and the ball is in the Turkish court, which should fulfill the undertaken commitments. So, I do not think that it is appropriate to make futile attempts to put the responsibility on the other side."

*Nalbandian denies that the normalization of Turkey-Armenia relations has been linked to the settlement of the Karabakh conflict and that an oral agreement exists between Turkey and Armenia concerning this issue.*

In short, Nalbandian denies that the normalization of Turkey-Armenia relations has been linked to the settlement of the Karabakh conflict and that an oral agreement exists between Turkey and Armenia concerning this issue. If it's true an illogical situation appears as if Turkey first signs the protocols and immediately after refuses the ratification by putting forward the Karabakh issue. When examining the period before the signing of the protocols, it could be seen that Prime Minister Erdoğan had said many times that Turkey will not take any initiative which is unfavorable to Azerbaijan and had repeated this statement also in the National Assembly of Azerbaijan on 13 May 2009, approximately five months before the signing of the protocols.<sup>21</sup>

21 *Ermeni Araştırmaları*, No. 32, p.18

### 3. Armenia and the 90<sup>th</sup> Anniversary of the Moscow Treaty

Prime Minister Erdoğan's visit to the Russian Federation in March coincided with the 90<sup>th</sup> anniversary of the Treaty of Friendship and Brotherhood signed between the USSR and the Ankara Government on 16 March 1921. For this occasion, Prime Minister Erdoğan had given as a gift a copy of the original text of the Treaty to President Medvedev, while President Medvedev gave him a photograph taken during the signing of the Treaty.<sup>22</sup>

This event created many reactions within Armenian nationalist circles. The reason for this was that the Treaty of Moscow delimited the border between the Soviet Union and Turkey and this border confirmed that Eastern Anatolia, regarded as "Western Armenia" by Armenian nationalists, belonged to Turkey and therefore, crushed the hopes for a "Great Armenia".

By issuing a declaration on this issue,<sup>23</sup> the Dashnak Party had alleged that the Treaty of Moscow was invalid and linked this to the following points: This Treaty has been concluded without the participation and consent of the Armenia and that treaties can only pertain to the parties to the treaty and cannot create obligations or rights for a third party (like Armenia). On the date the Treaty of Moscow was signed, the USSR was not a recognized state and therefore not a subject of international law, naturally its government had no authority to enter into international treaties.

The point which the Dashnak Party has been mistaken on or has ignored is that the Republic of Armenia was abolished in 1920 and its territories were annexed to the USSR. Therefore, the Treaty of Moscow being concluded without the participation or consent of Armenia or objections that a treaty could not pertain to those not being a party to it is not valid since an Armenian state did not exist on that date. The idea that the USSR could not conclude an international treaty for not being recognized internationally is also incorrect. The Treaty of Moscow is bilateral and its provisions do not concern other countries. Moreover, the USSR and the Ankara Government signing this treaty have recognized each other.

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22 *Armenia now*, 17 March 2011. "Salt in the Wound Erdoğan Thanks Russia for Historic Treaty Armenians Consider Illegal"

23 *Asbarez*, 15 March 2011. "ARF Calls Kars Treaty Invalid, Urges End To Protocols"

Based on the above-mentioned facts, the Dashnak Declaration has put forth that the Moscow Treaty is illegal and according to international law invalid. Moreover, it has expressed that Armenia should declare that it does not recognize the treaty signed in Moscow and the 13 October 1921 Treaty of Kars addressing the same issues. At the same time, the declaration requests that Armenia must immediately withdraw from the Armenian-Turkish Protocols.

In this framework, this declaration referring to Mustafa Kemal as “a criminal on the run, sentenced to death by the Turkish Military Court” also draws attention.

Moreover, the Dashnaks have also organized a protest in front of the Russian Federation Embassy in Yerevan.<sup>24</sup>

With the concern that it could harm their relations with Russia, the Armenian Government has not reacted to the commemoration by Turkey and by Russia the Moscow’s Treaty signature. However, Edward Sharmazanov, Secretary of the Parliamentary Group of the Republican Party, being the great partner of Government coalition, talked within the same lines of the Dashnak declaration and stated that the Treaty has no legal force as it was signed without Armenian participation. However, by indicating that Armenia and Russia are in good terms, he has tried to differentiate between this event and present condition of Armenia-Russia relations.

#### 4. Russia’s Stance

Just as all problems in the Caucasus, Russia’s stance towards Turkey-Armenia relations carries primary significance.

After gaining independence, Armenia started following an aggressive policy towards Azerbaijan on the Karabakh conflict and by taking advantage of Azerbaijan’s instability in that time, occupied Karabakh and the seven rayons encircling this region. However, it has failed in legalizing this occupation. Presently, there is no country which accepts that Karabakh belongs to Armenia or this region is an independent state as Armenia pretends. On the other hand, Turkey’s support for Azerbaijan without

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<sup>24</sup> *Yerkir.am*, 15 March 2011. “90 Years of Bigotry”

reservation and the probability of taking Azerbaijan's side during a time of war is regarded as a threat to Armenia's survival. In order to either maintain the status quo (the occupation of Karabakh and the seven rayons) or to defend their selves against Turkey, Armenia has become dependent on Russia and Russia has taken Armenia under their protection in exchange of a large military base in Gyumri and obtaining a position of primacy in Armenian economy. Russia, on the other hand, seek that their protection of Armenia does not create any problems with other countries in the region; in other words, that "gaining" Armenia will not cause it to "lose" the other countries. Since it has been able to establish rather good relations with Azerbaijan, Russia has achieved success in this direction to a certain extent.

In regards to Turkey, after the collapse of the Soviet Union, Turkey-Russia relations have rapidly improved on an economic basis and have not encountered serious problems within the area of international politics.

Turkey desires to improve its relations with Russia as much as possible. Within this framework, during Prime Minister Erdoğan's visit to Russia in March, he has proposed for Russia, Turkey, Azerbaijan, Armenia and Georgia to establish a "Caucasus Cooperation Council." Meanwhile, he has stated that the settlement of the Azerbaijan-Armenia problem will also play a role in the solution of issues between Turkey and Armenia.<sup>25</sup> On the other hand, as mentioned above, Prime Minister Erdoğan's visit has coincided with the 90th anniversary of the signing of the Treaty of Moscow which had determined the border between Turkey and Armenia as well. This rapprochement between Turkey and Russia has been regarded with concern in Armenia. Galust Sahakyan, the Parliamentary Group Leader of the Republicans, which is the greatest party of the Government coalition, has expressed that "the common approaches of Russia and Turkey are undesirable for Armenia, certainly Russia rapprochement with Turkey is hard for us. It does not meet our national interest as Russia is our strategic partner."<sup>26</sup> Concerning this issue, Foreign Minister Nalbandian has said that "Armenia-Russian relations are on such solid basis that a visit of a foreign country leader to Moscow cannot negatively impact on our relations."<sup>27</sup>

25 *Anadolu Ajansı*, 16 March 2011. "Russia, Turkey Working Together to Solve Caucasus Issues, Turkish Premier"

26 *News.am*, March 17, 2011. "Russia-Turkey Rapprochement Hard for Armenia"

27 *Panorama*, 18 March 2011. E. Nalbandian: Improving Russian-Turkish Relations Cannot Impact on Armenian- Russian Relations"

Perhaps upon the request of Armenia, the Russian Foreign Ministry has felt obliged to make a declaration concerning relations with Turkey. Regarding this issue, Spokesman of the Foreign Ministry Alexander Lukashevich has expressed that “Russia is not going to interfere in the Armenian-Turkish rapprochement but would welcome normalization of relations between the two states, First and foremost the Armenian-Turkish rapprochement is a bilateral affair... and we wish this process to bring good results for the bilateral relations and cooperation and interaction mechanism in the Caucasus region.”<sup>28</sup>

In conclusion, Russia, being pleased with the present situation in the Caucasus, has preferred to refrain from any action which would harm this situation. In this context, although Russia is not against the normalization of relations between Turkey and Armenia, it does not want to interfere or to help in the process of the establishment of these relations.

## 5. US and Turkey-Armenia Relations

Opposite to Russia’s stance of not wanting to interfere in Turkey-Armenia relations, the US wants the disagreements between the two countries to be settled as soon as possible and strives in this direction. Concerning this issue, Assistant Secretary of State Philipp Gordon has said that “the normalization of Armenian-Turkish relations will facilitate the strengthening of stability and security in the South Caucasus” and has pointed out that the US backed up this process from the very beginning that US Secretary of State personally exerted every effort in that direction.<sup>29</sup> At every given opportunity, Mrs. Clinton has indeed emphasized US readiness to support rapprochement between the two countries. However, regarding the normalization of relations it could be seen that the US supports Armenian views more. Concerning this issue, Philipp Gordon has expressed that Turkey insists that progress can be achieved only in the case of settlement of the Karabakh conflict, but that the US does not agree with this because both sides should ratify the protocols without connecting it to other problems.”<sup>30</sup>

28 *Interfax*, 17 March 2011. “ Armenia-Turkey Rapprochement is bilateral Affair, Russian Foreign Minister”

29 *Medimax*, 4 March 2011. “USA Disagree With Ankara Over Armenian-Turkish Relations”

30 *Largir*, 3 March 2011. “ Gordon: The Problem Is Not in Minsk Group”

In short, the US favors the settlement of problems between Turkey and Armenia and opposite to Russia, desires to play a role in this settlement if possible. However, Armenia suspending the process of normalizing relations with Turkey and on the other hand, US Armenians supporting Armenia without any reservations limits the range of movement for the US.

## **II-FRANCE SENATE FIND THE ARMENIAN DRAFT LAW UNCONSTITUTIONAL**

France and the Armenian genocide allegations have a long history. The influential Armenians in France, or at least a part of them, have tried since many years for France to recognize their genocide allegations and for those who “denies” the genocide to be penalized. Eventually, France has recognized the genocide allegations in 2001, but has refused to punish those who do not believe that an Armenian genocide took place. Below, we will summarize the main developments on that subject during the last ten years.

### **1. French Law of 2001 Recognizing the Armenian Genocide Allegations**

On 18 January 2001, the French National Assembly adopted the following law comprised of a very short sentence: “France publicly recognizes the Armenian genocide of 1915.”

As mentioned above, the Armenians of France tried very hard for such a law to be adopted, but it is the intervention of the Armenian Government that played the major role on that subject. Recognition of the Armenian genocide is, according to the Armenian Declaration of Independence of 23 August 1990, a task that the Republic of Armenia should support. However, during the President Ter Petrossian Government, this task was not very much enforced due, most probably, to ensure good relations with Turkey when the Karabakh conflict was soaring. Even after the 1994 ceasefire, the Ter Petrossian Government has continued this policy. After Robert Kocharian being elected as President for Armenia in April 1998 with the support of ultra-nationalist Dashnaks, the international recognition of the Armenian genocide allegations has been included among the priorities of the Armenian foreign policy and initiatives have been taken in numerous countries in order to achieve this recognition. These initiatives have also

taken place in France where the French Armenians were very active on this subject. Turkey has opposed these and has been successful for approximately three and a half years in preventing the adoption of a draft law concerning this issue. However, with the elections of 2001 drawing near, the French National Assembly has adopted the above-mentioned law.

Many reactions have taken place in Turkey towards this law.<sup>31</sup> About ten days before its adoption, the Turkish Grand National Assembly had issued a declaration, stating that the draft was based on distorting history and on prejudices and that freedom of thought and expression, along with the freedom of scholarly research in France, will be damaged if the law is adopted. Moreover, it has stated that since its adoption will mean that France has not complied with the principle of to stay neutral, its initiatives in the Caucasus and other regions will be regarded with suspicion. On the other hand national parliaments should not take part in historical research and should not incite hatred and racism. The declaration underlined also that eventually, the French Parliament has not accepted to asses the Algerian events.

Following the adoption of the law, the Turkish Government has declared that the law is “a tragic mistake in the face of history and humanity” and has rejected the law with all its consequences by condemning it. Moreover, it has stated that this law will cause serious and lasting harm on Turkey-France relations, would create serious crises, and would bring negative consequences for peace and stability in the region. Prime Minister Ecevit has said that this event could harm Turkey-France relations. On the other hand, it has also been declared that they have started working towards identifying what kinds of sanctions could be imposed on France. Many non-governmental institutions have also made condemning statements and have called for measures to be taken against France. Among these, there are very extreme ones like boycotting of French goods, closing down of all facilities of France in Turkey, including its Embassy, cutting down all cultural and scientific relations with this country, and abolishing French language classes.

Despite these harsh reactions, no “official” measures have been taken against France. However, several press news have come across from time to

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31 On the 2001 law and the reactions in Turkey see “Facts and Comments”, *Ermeni Araştırmaları* No. 1, pp 10-22



time related to the suspension or cutting down of buying of arms and military equipment from France.

The French law has triggered some EU countries to adopt similar resolutions. It has been put forth that the resolutions of the parliaments of Slovakia and the Netherlands in 2004 and Poland, Germany and Lithuania in 2005 have been inspired by France and the resolution of 2003 of the Swiss Parliament has been adopted by taking France as a precedent. As no action has been taken against France despite Turkey's harsh criticism, the

Armenians were induced in using this to prove that one should not have to be concerned with Turkey's reactions for the adoption of parliament resolutions mentioned above and also for similar draft resolutions being submitted to the US House of Representatives once every two years.

*Without any doubt, the 2001 law has pleased very much the Armenian community in France.*

Without any doubt, the 2001 law has pleased very much the Armenian community in France. However, within a short time, the law has been found to be insufficient and requests for the adoption of a new law which foresees the punishment of individuals denying the Armenian genocide allegations has been brought forward. French Armenians have expressed that a law exists which punishes those denying the Jewish Holocaust and the same provisions should be applicable to the Armenian "genocide".

The French Governments has not favored the adoption of such a law considering their relations with Turkey, which have been harmed also because France no longer supported Turkey's full membership into the European Union, but proposed instead a privileged partnership. But the French National Assembly's stance on this draft was different. A significant group within the UMP, the ruling party, has supported the draft. Meanwhile, it is noteworthy to indicate that the Socialists, which is the key opposition party and which has assured the adoption of the law in 2001, is the main advocate of this new draft law aiming to "punish denial." In conclusion, despite the government's opposition, there has been a majority within the French National Assembly ensuring the adoption of this law.

## 2. National Assembly Adopts a Draft Law Penalizing Those Denying Armenian Genocide Allegations

On 27 April 2006, approximately five years after the adoption of the law in 2001, the Socialist Party has submitted a motion to the National Assembly which foresees imprisonment up to five years and 45,000 Euros fine for those denying the Armenian genocide allegations. The draft law has been discussed for the first time on May 18 and Foreign Minister Philippe Douste-Blazy, speaking on behalf of the Government, was against the draft, stating that if it is adopted, it would be seen as an unfriendly gesture by the great majority of the Turkish people and France's position will not only weaken in Turkey, but across the entire region. Moreover, he has requested for the rejection of the draft by expressing that Turkey is a leading country for France, that many French companies do business in Turkey, and that there exists cultural, scientific and artistic relations between the two countries. Some deputies have spoken in favor of the draft, but the time allocated for its discussion has run out before a voting could take place.<sup>32</sup>

Around six months later on 12 October 2006, the draft law has started being discussed again and this time, Minister for European Affairs Cathérine Colonna has spoken against it by expressing that since the law of 2001 already exists, there is no need for a new one. Moreover, she has stated that a short while ago, some intellectuals in Turkey have carried out a "memory exercise" concerning their past and that the adoption of the draft could harm these exercises, and that last of all, it is first and foremost for historians and not legislators to judge history.

The speech of the Minister of European Affairs has failed in creating effects, just as the Foreign Minister's speech has. 18 of the 21 speaking deputies have talked in favor of the draft and it has been adopted with 106 votes in favor and 19 votes against.

Meanwhile, we should note that in Turkey, beginning with the government and including many non-governmental organizations, a kind of mobilization has been declared for the prevention of the draft and great efforts has been deployed for this purpose. Moreover, the Turkish Ambassador to Paris has been recalled to Ankara and there have been some

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32 On 2006 Law deliberation and its voting in French National Assembly see "Facts and Comments" *Review of Armenian Studies*, Number 10, pp. 24-29 and Number 11, pp 29-44

demonstrations in Turkey and France. It is interesting that a group calling themselves “liberal intellectuals” and supporting always Armenians’ allegations without any reservations has also opposed the draft. The reason for this could be that once the draft becomes a law in France; in other words, when the freedom of expression in that country regarding the Armenian genocide allegations is restricted, there could be a possibility that a restriction could be applied to the same matter in Turkey.

### **3. Deliberation in the French Senate and the Refusal of the Draft Law**

For the Draft Bill to become a law it must be ratified by the Senate. Although four and a half years since the voting of the Draft by the National assembly has passed, the Senate has not put it on its agenda while the French Government has not asked for it either. There are mainly three reasons for this.

The first is that France’s relations with Turkey had become complicated after France had opposed Turkey’s membership into the European Union. Many senators did not like aggravating an already tense situation between the two countries, because of the genocide allegations which concern an event that happened almost a century ago, therefore having little impact for today.

The second reason is that France, being a country where freedom of expression is mostly observed, although the French public opinion believes that due to the incessant Armenian propaganda, an Armenian “genocide” took place and many would have difficulty to accept that people be imprisoned solely by saying that “I don’t believe in an Armenian genocide.”

The third and perhaps the most important reason is that in recent years, laws concerning historical events like colonialism and slave trade have been adopted in France. Apart from the “declarative” nature of these laws, some well-known French historians have opposed them on the grounds that they prevented scholarly freedoms. These historians have been supported by the majority of the public opinion.

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33 *Armenews*, 9 February 2011. “Le PS Repousse l’Utilisation de sa Niche Parlementaire”

Under these circumstances, the French Senate was not in favor of the draft law. Even the socialists, who are the main supporters of the Armenians and their genocide allegations, had begun to have some doubts. As a matter of fact, the Socialists group in the Senate was not able to take a common decision for including this item in the agenda of the Senate.<sup>33</sup>

However, the Armenians insisted and tried very hard to secure that the Senate adopts the draft law. The main reason for this insistence is rather “sentimental”, as a statement of the General Council of the Armenian organization in France indicated that since 2011 is the year of the 20<sup>th</sup> anniversary of Armenia’s independence and the 10<sup>th</sup> anniversary of the 2001’s law, it would be appropriate that the draft law penalizing the denials of the Armenian “genocide” be adopted during that year.<sup>34</sup>

Despite an unfavorable conjuncture Armenian started a campaign aiming the voting of the draft law by the Senate.

One of the most important factors of this campaign has been to remind President Nicolas Sarkozy of his promise made to the Armenians before being elected as president. According to this, with a letter sent to Armenian organizations during his presidential candidacy period on April 24 (2007), which is a significant date for the Armenians, Sarkozy had expressed that he would support the adoption of the draft law.<sup>35</sup> However, after becoming president, Sarkozy has not supported this draft. According to a WikiLeaks file, right after being elected, by sending his diplomatic advisor Jean-David Levitte to Ankara on 29 May 2007, he had declared that he would make sure the draft law would “die” in the Senate.<sup>36</sup> Following this, the Armenians have increased their criticisms towards the President.

In the meanwhile, well-known singer Charles Aznavour has come to the forefront. On 23 January 2011, *Le Dauphiné Libre* newspaper had written that Aznavour had said that if President Sarkozy does not change his mind, he will be concerned with the votes he receives when the time comes, that

34 *Armenews*, 5 January, 2011 “Communiqué”. Voeux de CCAF pour 2011. Paix, justice, modernité, Sécurité

35 *Armenews*, 30 December 2010. “Sarkozy: Offense aux Électeurs d’Origine Arménienne”

36 *Collectif VAN*, 11 March 2011. “France: Faire Obstacle Au Négationnisme de l’Etat Turc”

the Armenians in France are numbered 400-500 thousand and those of Armenian origin will watch him, although he does not make politics, he holds a very important political power.<sup>37</sup> Then, also by taking the floor during the demonstration held in front of the Senate on 12 March 2011, Aznavour had expressed that the Armenians was on France's side during the First and Second World Wars and furthermore, had participated in the French Resistance during the Second World War and that in the meantime, no Turk had worn the French uniform and always chose Germany over France.<sup>38</sup> On this point, it is noteworthy to recall that despite it being correct that the Armenians were on the side of the Allies during the First World War, during the Second World War, the Armenians of Dashnak tendency had entered into war together with Nazi Germany, by forming a military unit under the command of Drastamat Kanayan and named Armenische Legion. On the other hand, it is clear that there was no reason for the Turks, who had their own states and armies, to join the French army.

Aznavour's statements regarding the events of the French of Armenian origin have caused some views to be conveyed in the press concerning the political power of the Armenian community in this country.<sup>39</sup>

According to a weekly newspaper, if 70% of the Armenian community follows Aznavour and only half of them votes no more for the Right, this will mean a loss of 175.000 votes for Sarkozy. This number could seem small for France where 40 million individuals have the right to vote. However, in 2002, the presidential candidate of the Socialists, Lionel Jospin, has lost with a difference of 200.000 votes.<sup>40</sup> In another article concerning the same issue, a similar calculation has been made and has put forth that if there are 400.000 Armenians in France and half of them do not vote for the Right and even only if half this number votes in the same way, 100.000 votes could effect the Presidential election.

Actually, it is not clear to what degree the French Armenians have voted for the "Armenian Case" or in other words, for the genocide allegations and claims for compensation and territory. A large majority of the French

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37 *Armenews*, 3 February 2011. "Charge Contre Charles Aznavour"

38 *Les Nouvelles d'Arménie Magazine*, No.173, April 2011, p. 20

39 *Les Nouvelles d'Arménie Magazine*, No. 172, March 2011, p.94

40 *Armenews*, 3 February 2011. The article published in the article entitled "Charge Contre Charles Aznavour" in the "Les 4 Vérités" *Weekly Journal*, by Baudouin Pierre.

Armenians has lived in France since four or five generations and some of them have become entirely French by losing their Armenian identity and have lost their interest in Armenian claims to a great extent. A larger part of them has become entirely French, but continues to give importance to the Armenian causes. A third group, which could be described as “militant”, is formed by those which only focuses on the Armenian claims and base their political choices on them, but their numbers is quite low. Consequently a party or a politician not supporting the Armenian claims will not necessarily lose all the Armenian votes. This situation has caused the Vice-chair of the Coordinating Council of Armenian Organizations in France, the editor of the monthly *Les Nouvelles d’Arménie* journal and the former spokesman of ASALA Ara Toranian, to indicate that he suspects there is an “Armenian Game” in France. According to him, although the Senate not adopting the draft could cause displeasure among the Armenian community, the government will be able to efface this over time through some good discourses and some subventions.<sup>41</sup>

The Armenians considered the Mayor of Marseille, the Vice-President of the Senate and the ruling UMP Senate Group President Jean-Claude Gaudin as the second person responsible for the draft law in the Senate failing to be taken to the agenda and have criticized him for not taking any action.<sup>42</sup> Gaudin asserts that he has been the architect of the law being adopted in the French Assembly in 2001 which recognizes the Armenian genocide allegations. There is a significant number of Armenians in Marseille and Gaudin attempts to maintain friendly relations with this group. Within this framework, he has given the position of Deputy Mayor to an Armenian.<sup>43</sup> Gaudin is known for being close to President Sarkozy and holds a significant position within the ruling party. In accordance with the President’s policy, it could be seen that despite being close to the Armenians, he has not shown efforts for the draft law to be adopted in the Senate. Gaudin, having to respond to the criticisms directed towards him, has thrown the blame on the Socialists submitting the draft to the Senate and has stated that the draft has not received the full support of the Socialist Group and therefore, that 21 socialists have voted against the draft (while 49 Socialist senators have not attended the voting) and that opposite to the

41 *Armenews*, 9 May 2011. “ 4 Mai: De la Colère à la Détermination”

42 *Armenews*, 20 April 2011. “ Après le ‘Niet’ de la Commissipn des lois, le négationisme pavoisse”

43 Didier Parakian

President and the majority of the UMP Group in the Senate, he has voted in favor of the draft, so the criticisms targeting him are groundless.<sup>44</sup>

On the other hand for the draft to be adopted in the Senate which it is pending in, the Armenians have attempted to organize demonstrations big enough as possible. For this purpose, demonstrations have been held on 12 March 2011 in Marseille and Paris.

According to Armenian sources, 500 individuals, among whom 5 of them were deputies, have participated in the demonstration in Marseille and speeches have been delivered for the draft law to be adopted. Meanwhile, a petition carrying 25.000 signatures for the draft law has been mentioned.<sup>45</sup>

The demonstration held in Paris on the same day has been greater, but Armenian sources have provided different numbers for those participating in it. While a source has talked about 1.500 individuals,<sup>46</sup> another has put forth that 3.000 individuals were present.<sup>47</sup> On the other hand, Agence France-Presse has mentioned 2.000 individuals.<sup>48</sup> On the other hand it seems that a lower number of political figures have attended the demonstration. The most interesting incident of the gathering has been Charles Aznavour's statement mentioned above which emphasized that the Armenians entered the First and Second World Wars on the side of France. The most important incident has been the letter of Martine Aubry, the First Secretary of the Socialist Party, being read which expressed that he would use his "niche parlementaire"<sup>49</sup> right for the draft law to be taken to agenda during one of the following meetings in the Senate. Therefore, the draft law, which was not put on the agenda through normal means, was finally put into discussion in the Senate due to the Socialists. But the Socialist Party has refrained from given a compulsory instruction to the Socialist senators to vote in favor of the draft.

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44 *Nouvelle d'Arménie Magazine*, No. 175, May 2011, p. 32

45 *Armenews*, 13 March 2011. "Meeting de Marseille"

46 *Armenews*, 14 March 2011. "Aznavour: "Sarkozy Doit Honorer sa Promesse"

47 *Les Nouvelles d'Arménie Magazine*, No.173, April 2011, p. 20

48 *Armenews*,13 March 2011. "Rassemblement au Sénat Pour Interdire la Négation du Génocide Arménienne"

49 The "Niche Parlementaire" (Parliamentary nest) means that in the French National Assembly or The Senate, each party could bring any subject which it finds appropriate to the agenda without any voting. However, each party could appeal to this method only few 1 times in a year.

Another initiative regarding the draft law has been a question posed to the Government relating to why the draft has not been put on the Senate's agenda. Foreign Minister Michèle Alliot-Marie has repeated the already known stance of the Government and moreover, she has said that French laws have essentially prohibit discrimination, racial violence and provocation, that the French Parliament had embraced in 2005 the idea that no laws would be adopted regarding historical events, because these kinds of laws could hinder the works of historians and that determining past events conformity to reality and revealing a common memory only belongs to historians. On the other hand, she has expressed that discussions on the recent past have started in Turkey, that the French Government supports initiatives for dialogue between the Turkish and Armenian communities, and that only dialogue could allow for the events to be understood together and for the problems inherited from the past to be overcome.<sup>50</sup>

***The main points of this decision are that the draft is contradictory to some constitutional principles, does not possess the legal foundations of the Holocaust, and the Armenians have not been subjected to some acts similar to anti-Semitism.***

This response of the government, having a majority in the Senate, clearly put forth that there was no possibility for the draft law to be adopted. Three days later, the Senate's Laws Committee had ruled unanimously on the inadmissibility of the draft.<sup>51</sup> In summary, it was expressed in the relevant decision<sup>52</sup> that the reality of the Armenian genocide cannot be denied, but penalizing those questioning the existence of such genocide will create serious legal difficulties and will be contradictory to constitutional principles on the legality of crime and punishments and freedoms of idea and expression. Moreover, opposite to the Holocaust, it has been indicated in the decision that there is no concrete definition of the Armenian genocide which has been determined by a competent court or an international agreement. On the other hand, it has been emphasized that French citizens of Armenian origin have not been the target of statements similar to anti-Semitism. As can be seen, the main points of this decision are that the draft is contradictory to

50 *Armenews*, 14 April 2011. "Patrick Labaune: Pourquoi y a-t-il eu Blocage au Sénat"

51 *Turkish Daily News*, 19 April 2011, "French Ties Stand to Gain from Bill"

52 The full text of the decision in French could be found in the French Senate's document dated 15 April 2011 and numbered 607 82009-2010.



some constitutional principles, does not possess the legal foundations of the Holocaust, and the Armenians have not been subjected to some acts similar to anti-Semitism.

Upon their requests, President Sarkozy had received the members of the Coordinating Council of Armenian Organizations in France on 30 April 2011. He stated that the French Government would not oppose a vote in the Senate. In other words the senators of the ruling party would vote according to their conscience<sup>53</sup> he also said that to struggle against genocide denial he will sent some instructions to the prosecutors.<sup>54</sup>

Turkey has also made some initiatives to prevent the adoption of this draft. According to press reports,<sup>55</sup> The President of the Turkish Grand National Assembly Mehmet Ali Şahin, Foreign Minister Ahmet Davutoğlu, Chairman of the Turkish-French Parliamentary Friendship Group Yaşar Yakış, and the President of the main opposition party CHP, Kemal Kılıçdaroğlu have sent a letter to the French officials, expressing that the adoption of the draft law will permanently damage Turkish-French relations. Moreover, a group headed by the Chairman of the Turkish Grand National Assembly EU Harmonization Committee Yaşar Yakış and including Gülsün Bilgehan from the CHP, Tuğrul Türkeş from the MHP and Nur Suna Memecan from the AKP, along with the former Ambassador of Turkey to Paris Osman Korutürk, has gone to Paris to hold talks on the draft.<sup>56</sup> Based on news following the rejection of the draft, the Turkish leaders and the French President have made a deal to underline common interests rather than disagreements in bilateral relations and accordingly, the French President has given instructions to his party members to restrain bills such as the recent French initiative.<sup>57</sup>

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53 *Asbarez*, 4 May 2011. "France Senate Rejects Bill Criminalizing Genocide Denial"

54 *Les Nouvelles d'Arménie*, No.175, June 2011, p. 22

55 A.A. 15 April 2011. "Türkiye'den Fransa'ya 'Soykırım' mektubu" (A 'Genocide' Letter from Turkey to France)

56 *Hürriyet Daily News*, 26 April 2011. "Turkish Committee arrives in France to lobby against Armenian bill"

57 *Hürriyet Daily News*, 5 May 2011. "Sarkozy Instructed his Party to Hamper Armenian Bill, Turkish Official says"

As mentioned above, despite the adoption of the draft by the Senate seeming impossible, the Socialists have benefitted from the “niche parlementaire” rule on 4 May 2011 upon the request of the Armenians and the same text of the 2006 draft has been submitted to the Senate as a suggestion of around 30 Socialist senators. This text envisioned those denying the Armenian “genocide” to be imprisoned for a year and to pay a fine of 45.000 Euros. The negotiations have continued for approximately 3 hours.

After the Minister of Justice Michel Mercier, speaking on behalf of the Government, has said that the Armenian nation has suffered a tragic period which resulted with the death of 2/3's of the population and which only left 800.000 individuals alive<sup>58</sup> and that the Armenians and their children taking shelter in France in that period were distinguished within economic, social and cultural areas, as an example he has mentioned the names of Charles Aznavour, being present among the audience, and Manukyan who was executed by the Germans for participating in the French Resistance during the Second World War. Then, the Minister who has indicated, within the framework of the above-mentioned ruling of the Senate's Law Committee, why the draft law is not appropriate, has also stated that they will not remain indifferent to the attempts to deny the Armenian “genocide” and the provisions of the existing laws related to discrimination and racial hatred could be applied. Moreover, two measures are foreseen for this issue; the first is sending a directive to the prosecutors, while the second is cooperating with the jurists of the Armenian community.

The senators taking the floor have explained the views of their parties or sometimes their own views. At the end of negotiations, the report of the Laws Committee indicating that the draft law could not be adopted has been put to vote and has been accepted with 196 votes against 74. This way, since the draft law has become unacceptable, there has no longer been a necessity to discuss it separately.

During negotiations, approximately 1.200 Armenians have demonstrated outside the Senate.<sup>59</sup> The negotiations have been followed by a great

58 According to this calculation, 2.400.000 Armenians must exist in the Ottoman Empire and this number is greater than the one put forth by the Armenian Patriarchate in 1914 that 2.100.000 Armenians existed in the Ottoman Empire. Ottoman statistics in that period conveyed that Armenian population as 1.295.000.

59 *Armenews*, 5 May 2011. “Loi Anti-négationiste. Carton Rouge Aux sénateurs”

number of Armenians and proponents, including Charles Aznavour as mentioned above and Armenia’s Ambassador to Paris Viguen Tchitetchian, along with the famous society philosopher Bernard-Henri Lévy and some other persons.

The votes of the parties in the Senate have been displayed in the table below.

Party’s Name	Number of Senators	Yes Votes	No Votes	Abstaining	Nonvoters	TOTAL
UMP <sup>60</sup>	148	137	9	1	1	148
Socialists	115	21	39	6	49	115
Centrist Union	29	25	3	-	1	29
Communist and Other <sup>61</sup>	24	1	23	-	-	24
Europeans	18	6	-	12	-	18
Others	7	6	-	-	-	7
<b>TOTAL</b>	<b>341</b>	<b>196</b>	<b>74</b>	<b>20</b>	<b>51</b>	<b>341</b>

The noteworthy point in this table is that the “yes votes” represents those voting in favor of the report by the Senate’s Laws Committee, in other words these votes are against the Armenians. The “no votes” means the rejection of the report and are therefore in favor of the Armenians.

Upon studying the table, it could be seen that almost the whole of the Senators of the ruling party UMP have voted in favor of the draft law not being adopted; the Centrists Union have voted in the same way. The votes of the Socialists, who have always supported the Armenian genocide allegations and have even stated that Turkey cannot become a member of the European Union unless it recognizes these allegations, have been highly split. The Socialist votes against the Laws Committee’s report are only 39. On the contrary, 21 senators have voted oppositely, thus against the Armenians. On the other hand, nearly half of the Socialist senators (6 abstaining and 49 nonvoters) have refrained from being a part of this issue. While Communist and other leftist senators have voted in favor of

60 *Union Pour un Mouvement Populaire*

61 *Groupe Communiste, Républicain et les Sénateurs du Parti du Gauche*

the Armenians, the votes of those senators described as “European” have split.

Another point which should be addressed is the high number of those voting. Approximately 85% of the senators have voted and 57% have rejected the draft. The law of 2001 was adopted with only 52 votes in the National Assembly comprised of 577 members, while the 2006 draft law was adopted with 106 votes and a great majority of the deputies had not attended the debates and voting.

The result has been a fiasco for the Armenians. In fact, the yes votes coming from the rightist and centrist parties and the no votes coming from the leftist parties has added a right-left rivalry to the Armenian question and this might not bring good results for the Armenians’ initiatives in the future.

There is no need to say that the voting has been met very negatively among the French Armenian circles. By issuing a declaration, the Coordination Council of France’s Armenian Organizations, which represents the Armenian organizations in France, has argued that the voting in the Senate has deprived the Armenian community in France of legal defense instruments against the Turkish state’s denial. It has also expressed that the French Government was not able to resist the Turkish pressure, that the government and the President have taken on a great responsibility of trying to preserve their interests in Ankara in opposition to the rights of the French of Armenian origin, and has wanted the French Armenians, whom most are descendants of the Armenian genocide victims, to deduce the necessary political results from this situation.<sup>62</sup> In other words, it has been implied that no votes should be given to President Sarkozy in the next year’s elections and to the UMP during the parliamentary elections.

Considering the reactions in Armenia regarding the non-adoption of the draft law, Secretary Eduard Sharmazanov of the Republican Party, which is a great partner of the Government Coalition, has indicated that he regrets that the French Senate rejected the bill. However, the day will come when all countries, not only the EU, but the former Community of Independent States will adopt similar bills. It could be understood that he has forgotten

62 *Armenews*, 5 May 2011. “Communiqué de CCAF, Les Français d’Origine Arménienne en Colère”

63 *News.am*, 5 May 2011. “Armenian Ruling MP Expresses Regret Over French Senate Decision”

that the Turkish Republics in Middle Asia also exists among the Community of Independent States.<sup>63</sup> On the other hand, Giro Manoyan from the Dashnak Party has made a more realistic statement by expressing that France, being against Turkish membership to the EU, did not want to upset Turks in other issues.<sup>64</sup>

### **III- DRAFT RESOLUTIONS SUBMITTED TO THE US CONGRESS**

The essential duty of the Parliaments is to prepare laws concerning their countries. However it is seen that in some countries and particularly in the US, the Congress adopts resolutions regarding some issues, which are not necessarily laws or compulsory. Therefore, it would be correct to consider these texts as recommendations. Despite not being compulsory and not creating any legal results, there is no doubt that these resolutions have a “moral” effect. On the other hand, ethnic minorities in the US do their utmost for these kinds of resolutions to be adopted, which are in favor of the countries or communities they come from and against those countries which have disagreements with.

A short while after the starting of the 112<sup>th</sup> US Congress encompassing years 2011-2012, some draft resolutions started being submitted against Turkey. In chronological order, these are the following:

- H.Res.180, Urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate, dated 3 March 2011.
- S.Res.196, a resolution calling upon the Government of Turkey to Facilitate the Reopening of the Ecumenical Patriarchate’s Theological School of Halki Without Condition or Further Delay, dated 24 May 24 2011.
- H.Res.304, Affirmation of the United States Record on the Armenian Genocide Resolution, dated 14 June 2011.
- H.Res.306, Urging the Republic of Turkey to safeguard its Christian Heritage and to Return Confiscated Church Properties, dated 15 June 2011.

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64 *Panorama*, 5 May 2011. “G. Manoyan: French Authorities Didn’t Want to Upset Turkey”

First we should address the terminology used in these draft resolutions. “Ecumenical Patriarchate” means the Istanbul Greek Patriarchate; it is “ecumenical” because this patriarchate is supposed to have a “primacy” among other Orthodox patriarchates. This “inter-Orthodox” title is not interesting Turkey, having a laic constitutional system. Therefore, officially this Patriarchate is recognized in Turkey as “Istanbul Greek Patriarchate, having religious authority, for those who accept it, on Turkey Orthodox citizens. As to the “Halki” this is the name given by Greeks to an island near Istanbul of the Marmara Sea. The official and commonly used name of this island is Heybeliada.

As can be seen, all these draft resolutions concern the Greek and Armenian ethnic minorities of the Ottoman Empire. The first two is related to the Istanbul Greek Patriarchate and its theological school. The third is a repetition of a resolution regarding the Armenian genocide allegations which was submitted to the Congress numerous times during the last ten years. The fourth is related to a rather new subject, which concerns the safeguarding of the Christian heritage and their returning to its owners. We are providing brief information regarding these draft resolutions below.

### **1. H.RES.180 Regarding the Greek Patriarchate**

In the justification of this draft, there are many points whose authenticity and meaning could be discussed. Since the main subject of our Journal does not concern the Greek minorities in Turkey, we will not focus on these. Briefly, in the draft resolution, the following points are requested from Turkey. For Turkey to eliminate all forms of discrimination, particularly those based on race or religion, for the Patriarchate to be granted appropriate international recognition and ecclesiastic succession, for this Patriarchate to be granted the right to train clergy of all nationalities and not just Turkish nationals, and for Turkey to respect human rights and property rights of the Patriarchate. Furthermore, including the modernization and democratization of its own society, the draft resolution makes some more requests and recommendations upon Turkey.

The draft resolution has been submitted by New York member of the House of Representatives Carolyn B. Maloney and 18 members of Parliament have become cosponsors. From their names, it could be understood that three of the members are of Greek origin. Moreover, five of them are Jewish.

## 2. S.RES.196 Greek Patriarchate Theological School

This draft resolution submitted to the Senate has been written in a more different style than the previous one. After welcoming the “historic meeting” between Prime Minister Erdoğan and the Patriarch Bartholomew, it welcomes allowing the liturgical celebration by the Patriarch at the Sumela Monastery in Trabzon and the return of a Greek orphanage on

Büyükada (Marmara Sea Island near Istanbul) to the Patriarchate. Furthermore, it urges the Government of Turkey to facilitate the reopening of the Theological School in Heybeliada without condition or further delay and urges the Government of Turkey to address other longstanding concerns relating to the Patriarchate.

*Both draft resolutions mentioned above have been submitted to the House of Representatives and the Senate upon the knowledge and possibly, request of the Bartholomew, Greek Patriarchate of Istanbul. In other words, in order to resolve some of their issues, the Patriarchate has attempted to use the US Congress as an instrument of pressure.*

This draft resolution has been submitted by Senator Benjamin L. Cardin. Moreover, it has five co-sponsors. Among them, Senator Robert Menendez is particularly known for being a proponent of Armenians.

It is without doubt that both draft resolutions mentioned above have been submitted to the House of Representatives and the Senate upon the knowledge and possibly, request of the Bartholomew, Greek Patriarchate of Istanbul. In other words, in order to resolve some of their issues, the Patriarchate has attempted to use the US Congress as an instrument of pressure.

## 3. H.RES.304 Regarding the Armenian Genocide Allegations

This draft resolution carries the heading “Affirmation of the United States Record on the Armenian Genocide” and has been introduced on 24 June 2011 by Robert J. Dold, member of the House of Representatives from Illinois, who is a relatively new figure in Armenian partisanship, and 74 other members have become cosponsors. (The House of Representatives has 435 members)

This draft resolution is the same as H.Res.252 which was submitted in the last session of the House of Representative. In the last ten years or more, this draft has been submitted in all sessions. In the footnote we are given our most recent articles which dealt in previous issues with this topic.<sup>65</sup>

As known, none of these draft resolutions have been adopted, but the possibility that they could be has sometimes led to tensions in Turkey-US relations. In the end, with the intervention of US Governments (and sometimes of the US President himself), the draft resolutions have not been put to vote.

The purpose of these draft resolutions is to make the US Congress and Administration officially recognize the Armenian “genocide”. In the justification section of the draft whose text is quite lengthy, many explanations are given in order to prove the genocide allegations. Some of these entail errors of facts. Although for over ten years these mistakes have been raised in the House of Representatives by various Turkish institutions and individuals, they have not been taken into consideration.<sup>66</sup> It could be seen that rather than addressing the facts, the only purpose of this draft resolution is to please the Armenian community in the US.

There are two points in the timing of the last draft resolution which draws attention. The first is that it has been submitted right after the elections in Turkey. But it is actually quite difficult to find a connection between Turkish elections and this draft resolution. At the most, it could have been thought that if the draft was submitted before or during the elections, this could have increased American hostility which already exists in Turkey.

A more realistic prediction concerning the timing is that some ships, with the encouragement of Turkey, would carry humanitarian aid to Gaza at the end of June 2011 (later it was delayed) and there is the possibility of this turning into a second Blue Marmara crisis. With this draft, a warning could have been issued to Turkey. Among the cosponsors, there are 14 Representatives of Jewish descent more than the half of the 27 Jewish

65 “Facts and Comments”, *Review of Armenian Studies*, No 22, pp. 29, 30; No. 21 pp.34-37; No.19-20, pp. 23, 24; No.15-16, pp. 15-39 etc.

66 One of the most authoritative articles on these studies is by Prof. Dr. Kemal Çiçek, published in *Ermeni Araştırmaları* No. 23-32, under the title “Ermeni Yasa Tasarısının İçeriği ve İddialara Verilen Cevaplar (Content of the Armenian Draft Resolution and Responses Given to the Allegations)



members of the House. This is a clear indication that this draft is also related to Israel.

Regarding whether the draft resolution will be adopted or not by the House of Representatives, this does not seem quite likely considering the low number of cosponsors at the moment. However, the Armenians will attempt to increase the cosponsors. If this is achieved, the draft will have to be adopted by the Committee on Foreign Affairs and then be put to vote in the Full House. As mentioned above, by using their influence, US Governments or Presidents have prevented this until now. It is possible that this will be the case once again and that it might not even be voted in the Committee on Foreign Affairs. On the other hand, the Republicans, having the majority in the House of Representatives, generally remain distant from the “Armenian draft resolutions.” In fact, only 14 of the 74 co-sponsors are Republicans.

In conclusion, the possibility of the draft resolution being adopted is low, but if serious disagreements and tensions occur between Turkey and the US, there could be a chance for this draft to be adopted.

#### **4. H.RES. 306 Related to Turkey Safeguarding its Christian Heritage and Returning Confiscated Church Properties**

On 15 June 2011, a draft resolution entitled “Resolution Urging the Republic of Turkey to safeguard its Christian Heritage and to Return Confiscated Church Properties” was submitted to the US House of Representatives.

As a justification of the draft, it is stated that the Universal Declaration of Human Rights affirms that everyone has the right to freedom of thought, conscience and religion and freedom to manifest his religion in teaching, practice, worship and that within this framework, Turkey is obliged to accord to all its citizens and its religious minorities freedom of thought, conscience and religion. Then, it is expressed that the Ottoman Empire’s oppression and intentional destruction of much of its ancient Christian populations has left only a small fraction of these populations and meanwhile, the intentional destruction of over 2.000.000 Armenians, Greeks, Assyrians, Pontians and Syrians is mentioned. Furthermore, it conveys that the Republic of Turkey has been responsible for the

destruction and theft of much of the Christian Heritage within its borders, has hindered the remaining Christians on its territory from freely practicing their faith, and that the reforms carried out over the past decade to ameliorate the situation of religious minorities have been sorely inadequate.

Last of all, it urges the Government of Turkey to honor its obligations under international treaties and human rights law to end all form of religious discrimination, without hindrance or restriction, to allow to organize prayer services, religious education, clerical training, appointments and succession, religious community gatherings and social services without any restrictions, return to their rightful owners all churches, other places of worship, monasteries, schools, hospitals, monuments and other religious properties, including movable properties and allow, without hindrance or restriction to preserve, reconstruct and repair all churches, other places of worship, monasteries, schools, hospitals, monuments and other religious properties.

If those reading the draft resolution do not know the subject well, they could reach the following conclusion: More than 2.000.000 Christians have been murdered during the period of the Ottoman Empire. Christian heritage in the country during the Turkish Republican period have been destroyed or stolen. The Turkish Republic still discriminates against Christians and restricts allowing the organization of prayer services, religious education etc.

A text submitted to the Congress entailing this much fabrication or exaggeration is surprising. Anyone may understand after a brief research that despite some problems, the Christians in Turkey essentially benefit from all kinds of religious freedom, their churches are open, no restrictions are applied on religious education and moreover, schools of religious communities exist, and that there are no problems related to religious buildings as long as it is in conformity with the Turkish Law of Foundations. There is also no obstacle to settling some issues, like the Theological School in Heybeliada as long as they are in conformity with Turkey's educational legislation.

Concerning the religious monuments left behind after the First World War and the War of Independence by non-Muslim minorities, since, except Istanbul there is no non-Muslim communities composed of a significant

number of Christians in Turkey, utilizing these buildings for non-religious purposes is quite normal. Meanwhile, it should also not be forgotten that in the recent years, buildings like the Akhdamar Church, which possesses historical value, or churches existing in places where liturgical services could be held, are open to worship by being restored by the Turkish State. We believe that the Christians in Turkey are in a period in which the Turkish Government supports them the most.

When this is the situation, why has there been a necessity to prepare such a draft resolution?

The militant Armenians in the US are disappointed with not being able to pass a resolution in the Congress in the recent months which recognizes the Armenian genocide allegations and with not being able to persuade President Obama to pronounce the term “genocide”. Furthermore, some US Jews have now an anti Turkey stance due to its relations with Israel. With the participation of some the Congress members, these two groups are in an attempt to start a propaganda campaign against Turkey. For this purpose, apart from the genocide allegations which always draws attention in the US, they also want to utilize the issue of religious freedoms and in particular, the rights of Christians which the US public opinion is highly sensitive to.

The first evidence of this is that two separate draft resolutions concerning the genocide allegations and the rights of Christians, which do not quite relate to each other, have been submitted to the House of Representatives at the same time. The second is that a majority of the cosponsors of both draft resolutions are formed by the same individuals who very often became cosponsors and eventually vote for resolutions which could be denominated as anti-Turkish or Turkey. Their number is about 30 consisting of mainly Democrats and a few Republicans and representing states where there is a sizeable Armenian population.

Upon Ilena Ros-Lehtinen, Chairman of the House Committee of Foreign Affairs, withdrawing her signature from H.Res.306, the possibility of this draft being adopted in the Committee has very much decreased. In response to this, the anti-Turkish group mentioned above has strived for the main principles of the draft to be included within the “State Department Authorization Act for fiscal year 2012”. This draft resolution

aims to provide some guidance to US State Department regarding foreign policy and to bring restrictions on expenses to be made within this area. Howard Berman, former Chairman of the Committee famous with his initiatives and activities against Turkey, and David Cicilline, have proposed to the Committee the adoption of the final section of H.Res.306 concerning churches in Turkey. This proposal has been supported by Armenians by starting a great campaign. The Armenian churches in the US, with Archbishops Moushegh Mardirossian and Oshagan Choloyan, the Prelates of the Armenian Church of Western and Eastern United States being at the forefront, have participated in this campaign.<sup>67</sup> Moreover, the campaign has also been supported by the Greeks and Syrians in the US.

This draft not entailing issues against Turkey, especially the genocide allegations, have been adopted in the Committee of Foreign Affairs with 43 votes against one.

The text adopted is the following:

*“The Secretary of State in all official contacts with Turkish leaders and other Turkish officials to emphasize that Turkey should:*

- 1. End all religious discrimination;*
- 2. Allow the rightful church and lay owners of Christian church properties to perform religious and social services;*
- 3. Return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including artwork, manuscripts, vestments, vessels, and other artifacts; and*
- 4. Allow the rightful church and lay owners of Christian church properties to repair all churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.”<sup>68</sup>*

<sup>67</sup> Asbarez, 20 July 2011. “House Committee Passes “Return of Churches” Amendment 43-1

<sup>68</sup> Asbarez, 26 July 2011. “Congressional Panel Urges Turkey To Return Church Properties To Christians”

This decision of the Committee of Foreign Affairs has created great pleasure among Armenian circles in the US. However, this situation is not actually very much in favor of the Armenians. Even indirectly, the genocide allegations are not mentioned in the text adopted. On the other hand, even if this text becomes a law, it only determines the points which the US Secretary of State could address, in regards to churches, during his contacts with Turkish leaders and officials. It's a well known fact that US Secretaries of State, under the pressures of Armenians and Greeks, frequently discussing these issues with Turkish officials.

Last of all, according to the US press, it could be understood that the State Department Authorization Act, will not be easily adopted in the House of Representatives. Even if it passes the Full House, it will be very difficult to pass from the Senate where there is a Democratic majority.<sup>69</sup>

#### **IV – 24<sup>th</sup> OF APRIL COMMEMORATIONS IN ARMENIA AND TURKEY, US PRESIDENT STATEMENT**

As each year, 24 April was commemorated this year also all over the world where Armenians were present. In countries where small Armenian communities exist, these commemorative ceremonies were generally held in churches in the form of liturgies. In countries like the US, France, Lebanon and Russia and in their cities like Los Angeles, New York, Boston, Paris, Marseille, Lyon, Beirut, Moscow and Rostov where large Armenian communities exist, great ceremonies were held apart from liturgies. In some cities, more than one activity took place. This year, 24 April falling on a Sunday of Easter caused the genocide allegations to be emphasized in a stronger way.

One of the commemorative activities of 24 April is organizing a demonstration in front of Turkish diplomatic and consular missions if there is one in of the cities. Since usually local security officers take measures, these demonstrations have so far not constituted a threat for security, but have also not prevented some excessive acts from taking place. For instance, a Turkish flag has been burnt this year during a demonstration in Paris.<sup>70</sup> On the other hand, sometimes Turks have also shown reactions to

<sup>69</sup> *Washington Post*, 21 July, 2011. "House Moves To Restrict U.S. Foreign Aid"

<sup>70</sup> *Yeni Çağ*, 26 April 2011. "Ermeniler Türk Bayrağını Yaktı" (The Armenians Burnt the Turkish Flag)

these demonstrations like that of Washington where, in order to balance out the Armenians, Turks have also held a demonstration in front of the Turkish Embassy.<sup>71</sup>

We do not have enough space to provide information on the demonstrations and all other activities held worldwide for 24 April. Therefore, we will shortly address the activities held in Armenia and Turkey and touch upon the 24<sup>th</sup> of April statement of President Obama.

### 1. 24 April in Armenia

Two of the commemorative activities held in Armenia for 24 April carry special significance. The first of these is the march with torches organized a day before to the Genocide Memorial. The second is the ceremony held a day later at this memorial. As mentioned above, since Easter falls on 24 April this year, the Easter liturgy has been transformed into a ceremony for commemorating genocide.

The evening march in which 10.000 people were said to have attended this year had started at the Opera Square in Yerevan, speeches were delivered and, by posing for the media a Turkish flag was burnt, torches were ignited from the ashes of the flag and then a march was conducted to the Genocide Memorial. This march, taking place for twelve years now, was organized by the Dashnak Party again this year.<sup>72</sup> In addition this year, a poster of Hrant Dink inscribed “1.500.000 + 1” under it was carried by an elderly lady.<sup>73</sup> This way, Dink was tried to be included among the Armenians dying in 1915.

In the morning of 24 April, with President Serge Sarkisian, Prime Minister Tigran Sarkisian, Speaker of the Assembly Hovik Abrahamyan and Supreme Patriarch Karekin II being at the forefront, all statesmen have marched to the Genocide Memorial and have paid homage. There, Karekin II has said a prayer. Then, the memorial has been opened to visitors. According to the press, the Memorial has been visited by “hundred thousands of people.”<sup>74</sup>

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71 Ibid.

72 *Armenews*, 24 April 2011. “Arménie-Memorial du Génocide”

73 *Hürriyet*, 25 April 2011. “Törenle Yaktılar” (They Burned with a Ceremony)

74 *Armenews*, 24 April 2011. “Arménie-Memorial du Génocide”

It has been seen that in all these ceremonies, beyond mourning, negative feelings and ideas have been dominant towards Turkey and the Turks. This is evident in the messages delivered on this occasion. We will only examine President Sarkisian's message.

In President Sarkisian's rather long message,<sup>75</sup> the points especially drawing attention are the following. The President has conveyed that "in 1915-1923 a crime against the Armenian nation, against humanity and civilization was committed". However, the relocation had taken place between 1915 and 1916 and as soon as the First World War had ended, the Armenians were permitted to return and regain their properties. The Treaty of Lausanne also foresees those Ottoman citizens who left Ottoman territories during war may return and get back their properties. Based on this, the statement that a crime against the Armenian nation was committed until 1923 carries no meaning. Yet, if only 1915-1916 periods was mentioned, it would not be possible to accuse the Republic of Turkey, which was not yet established in those years, and therefore to making claims on present day Turkey. That's why some Diaspora writers have put forth years 1915-1923 as the "period of genocide". This notion, being embraced by the Armenian President not only contradicts the historical facts, but also confirms the uncompromising approach towards Turkey which has especially adopted recently.

Another point which draws attention in Sarkisian's statement is that "the Ottoman Empire implemented at state level the program of elimination and expulsion of the Armenian people." It could be understood that his expression of "state level program of elimination" was used to indicate that the 1915 relocation was a genocide conforming to the conditions of the 1948 UN Convention.

His statement that "Armenia will struggle in the international fora not only for the recognition of the Armenian Genocide, but also for the prevention and punishment of the crime of genocide per se" in his message is also noteworthy. Although it is normal to repeat this point that Armenia will struggle in the international sphere for the recognition of the genocide allegations since it exists in the Armenian Declaration of Independence of 1990, it is unclear which crime of genocide must be prevented or punished and how they will work in this direction.

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75 "Address of President Serzh Sargsyan on the Day of Remembrance of the Victims of the Armenian Genocide" April 24th 2011 <http://www.president.am/events/news/eng/?id=1557>

President Sarkisian has also mentioned the expression of “restoring historical justice” which Armenian statesmen have frequently touched upon in the recent years. What this expression means is Turkey recognizing the genocide allegations, apologizing, paying compensation, returning the properties and giving an unidentified amount of territory to Armenia.

Another interesting point is the Armenian President’s statement that “Today in Turkey, more than ever, reasonable voices are being heard. We highly value the Turkish intellectuals, as well as many honest people all over the world, who have raised their voices in the name of justice.” The Turkish intellectuals mentioned here are those generally known in Turkey as “liberal intellectuals” and those we mentioned in our “24 April in Turkey” section. As much as their numbers, the influences of these individuals who are in favor of Turkey recognizing the genocide allegations, apologizing from the Armenians, paying compensation, returning the abandoned properties and perhaps giving some territory to Armenia, are quite low. If Armenia expects the views of these individuals to become dominant in order to settle issues with Turkey, they will be expecting for a much longer time.

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Last of all, it could be seen that Sarkisian criticizes Turkey’s policy concerning “genocide.” Within this framework, President Sarkisian has said that “official policy of Turkey carries on with the course of denial. Moreover, that policy becomes more “sophisticated”, becomes more, so to speak, “flexible”, and from time to time makes singular, formal-propaganda steps. For us one thing is incontestable: the policy of denial is a direct continuation of the Armenian Genocide. Any attempt to erase the tracks of a crime is a new crime.”

Since President Sarkisian has not provided any explanation, it is unclear what he means by “singular, formal propaganda steps”. Perhaps, the reactions created in Armenia by the article of a Turkish journalist entitled



“Yahudi Açılımından Sonra Ermeni Açılımı” (Armenian Opening Following the Jewish Opening) which we mentioned in the “Turkey-Armenia Relations” section have constituted the reason for such statements.

The Armenian President’s statement that “the policy of denial is a direct continuation of the Armenian Genocide” is a thesis which has been brought forth since a long time by Armenians and those supporting them. Its purpose is to impose that the “genocide” has not ended, it still continues through a policy of denial or in other words, that it is a current problem. This way, Turkey who never accepted genocide allegations will also be able to be accused for genocide. However, this idea has no legal basis. According to the 1948 UN Convention, in short, genocide is to destroy, in whole or in part, a national, ethnic, racial or religious group. When destroying or attempting to do so comes to an end, so does genocide. In countries like Switzerland, denying genocide is considered a crime. However, the justification here is not that denial is the continuation of genocide, but more that it offends a community or brings discrimination or even racism. On this point, we should note that as we have examined separately, the French Senate rejected a draft resolution which foresaw the denial of genocide as a crime.

## 2. 24 April in Turkey

Since 2005, April 24 has generally been commemorated in Turkey under the leadership of the Human Rights Council but only the activities of last year had drawn some attention.<sup>76</sup> Since the purpose of the organizers of such activities is for the Armenian genocide allegations to be recognized in Turkey, the number and types of activities this year have been increased.

The first significant activity has been to obtain that the name of some Armenian journalists who supposedly lost their lives in 1915 be put in the list of “Slain Journalists” held separately by both the Turkish Journalists Society and Modern Journalists’ Association of Turkey.<sup>77</sup> It could be understood that the Modern Journalists’ Association has included nine names in their list.<sup>78</sup>

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76 *Ermeni Araştırmaları*, No. 36, pp. 38-45

77 *Taraf*, 20 April 2011. “Ermeni Gazeteciler de Öldürüldü” (Armenian Journalists Were Also Murdered)

78 *Today’s Zaman*, 20 April 2011. “1915 Armenian Reporters Added to Slain Journalist List”

On the other hand, the “Say No to Racism and Nationalism” initiative of last year was also organized this year and a text was published on the internet website [www.buacihepimizin.net](http://www.buacihepimizin.net) in order to commemorate 24 April, requesting those willing to sign (click on) the text. The text is the following:

*“24 April 1915 is the starting day of the tragedy in which the Armenian community living together with the other communities of this country for centuries, regardless of women, children, elderly and the ill, were forcefully torn from their country, homes, lands, offices, jobs by the state just for being Armenian and in which hundred thousands of them died, were killed, deported and were subjected to all kinds of atrocities.*

*From that date onwards, the state and governments attempted to cover up this horrible event or if not, to consider it unimportant and even - for purposes like rebellion- to make it seem legitimate. However, this deathly deportation which no reality could justify it is clearly a crime committed against humanity.*

*Yet it should be known that*

*As long as the state’s formal policy based on the denial of this crime continues, the wounds secretly bleeding since that date within the hearts of the individuals of this country gets deeper; it further paralyzes our minds, conscience, and our feeling of right-justice.*

*But, we must now bring an end to this. Therefore, we invite all those who sincerely want their country to be a country of people whose minds and consciences are clear to fulfill their responsibility of humanity. We are calling upon all peoples to declare that the heavy crime which 24 April represents is the common pain of everyone joining together on the grounds of the essential principles of humanity.*

*We commemorate our Armenian citizens which we started losing from 24 April 1915 with flowers and candles.”<sup>79</sup>*

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79 “24 Nisan’da Ermeni Soykırımını Anmaları: Bu acı Hepimizin”[http://www.marksist.org/haberler/3485-24-nisanda-ermeni-soykirimi-anmalari-bu-aci-hepimizin\\_20](http://www.marksist.org/haberler/3485-24-nisanda-ermeni-soykirimi-anmalari-bu-aci-hepimizin_20) April 2011. (Commemoration of the Armenian Genocide on 24 April: This Pain is Our Pain)

According to news, this text was signed by 796 people on the first day. However, later on this number has not much increased and has remained around 1000. Compared to last year, this number is slightly lower. The conclusion that can be deduced from this is that the numbers of those supporting the Armenian allegations in Turkey to the extent of signing the text is quite low. On the other hand, it could be seen that the number of those supporting these allegations could flare up all of a sudden (approximately 30.000 people had signed the “Apology to the Armenians” campaign of 2008) and then could almost burn out entirely. Meanwhile, it is interesting that only two individuals among those signing the text on the first day had Armenian names. We will address this point separately below.

Concerning the content of the text, the text of last year was more emotional,<sup>80</sup> but this year it could be seen that stronger expressions (killed, deported, subjected to atrocity, attempting to cover up the event, crime against humanity etc.) have been used and moreover, that while last year’s call was to “pay tribute to the victims of 1915”, this year it was to “declare that 24<sup>th</sup> of April is the common pain of everyone.”<sup>81</sup>

Just as last year, the term “genocide” was not present in the text this year either. However, in this year’s text, there have been some expressions which imply that the 1915 event was genocide: for instance, “killed just for being Armenian”, “a crime committed against humanity”, “the heavy crime which 24 April represents”. In Turkey in which expressing that genocide has been committed against the Armenians no longer leads to “de facto” prosecution, it is likely that in the future texts entailing genocide accusations and calling upon individuals to officially recognize the genocide allegations will be seen.

Since it has been declared by the Say No to Racism and Nationalism Initiative,<sup>82</sup> apart from Istanbul, organizing commemorative activities for 24 April in Ankara, Izmir, Diyarbakir and Bodrum have also been foreseen. However, a majority of the press has neglected the activities outside Istanbul. We will shortly summarize activities in that city.

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80 *Ermeni Araştırmaları*, No. 36, p.41

81 *Ermeni Araştırmaları*, No. 36, pp. 44-45

82 “24 Nisan’da Ermeni Soykırımı Anmaları: Bu acı Hepimizin” <http://www.marksist.org/haberler/3485-24-nisanda-ermeni-soykirimi-anmalari-bu-aci-hepimizin>, 20 April 2011. (Commemoration of the Armenian Genocide on 24 April: This Pain is Our Pain)

The largest demonstration has been conducted in Taksim Square. A group here has organized a sit-in strike with the slogan “This pain belongs to all of us”. Just as last year, dancer Zeynep Tanbay has delivered a speech this year by reading out the text of “Say No to Racism and Nationalism” which we provided above.

Different views were expressed regarding how many people this group at Taksim Square was comprised of. Right after the gathering, Cengiz Aktar, from Bahçeşehir University talking to NTV Television in regards to this demonstration, said that 2.500 people comprised of Armenians, Kurds, Syrians and Diaspora Armenians coming from foreign countries gathered at Taksim. However, from the televisions and newspapers, it could be seen that there was no such crowd and that may be a few hundred people had gathered.<sup>83</sup> In fact, some attending the gathering verified this conclusion. Writer and journalist Ahmet Insel said that “I was expecting more participants this year, perhaps 2 or 3 times more people. But it wasn’t and I feel sad for that”. Columnist Ali Bayramoğlu also confirming this view said that this year there was no increase in the number of participants.<sup>84</sup>

During this gathering, a group of around 30 people under the name “Turkish Nationalists” made the sign of the Grey Wolf and shouted slogans like “Turkey is Turkish, it Will Remain Turkish” and “This is Turkey, Either Love it or Leave it”.<sup>85</sup> Another group comprised of approximately the same number of individuals and carrying the name People’s Liberation Party also shouted slogans of “The Genocide Lie is a US Plan” and “Damn Imperialism, Long Live the Brotherhood of Peoples.”<sup>86</sup>

The second great demonstration in Istanbul has taken place with the participation of around sixty people,<sup>87</sup> organized by the Human Rights Association at Sultanahmet in front of the Turkish Islamic Artifacts Museum. Member of the Board of this Association Lawyer Eren Keskin,

83 Different numbers have been provided for those participating. While a French Armenian source has mentioned 500 people, (*Armenews*, 25 April, 2011. “500 Turcs Commémorent le Génocide Arménien”) a Turkish news agency has given the number 200. (*Cihan*, 24 April 2011)

84 *The Armenian Weekly*, 10 May 2011. “Detailed Report: How Turkey Marked the 96th Anniversary of the Genocide.

85 *Zaman*, 24 April 2011. “Taksim’de Sözde Soykırım İddialarına Tepki” (Reactions in Taksim Towards the Genocide Allegations)

86 Ibid.

87 *Armenews*, 25 April, 2011. “ 500 Turcs Commémorent le Génocide Arménien”

after saying that “1915 is genocide, genocide is a crime against humanity”, expressed that “End denial, accept the crime with all its legal consequences.”<sup>88</sup>

Apart from these demonstrations, some closed hall conferences have also taken place. On 22 April, a forum has been organized at the Taksim Hill Hotel by the “Say No to Racism and Nationalism” initiative carrying the heading “What Happened in 1915”. Cengiz Algan, delivering the opening speech, has said in summary that a great atrocity was experienced in 1915, by taking the Nazis as an example, those committing genocide were rewarded, the victims were not commemorated for 96 years, and that due to the lies of official historical statements, they were late at learning what was experienced. On the other hand, Pakrat Estukyan from AGOS newspaper expressed that the 1915 ideology is still dominant, that tribes providing soldiers in 1895 to Ottoman Forces now assume the protection against PKK, that the mentality of the Young Turks still continues with Ergenekon (trials), that a link could not be drawn between the past and the present if these are not recognized and that none of the wounds will heal.<sup>89</sup> Ferdan Ergut, the Head of the Equality and Democracy Party has expressed in his 24 April statement that confronting 1915 is essential in order for Turkey to become a freer nation and then has wanted the Armenian border to be opened and for all kinds of economic embargos and restrictions to come to an end.<sup>90</sup>

Meanwhile, Leader of the Kurdish terrorist organization the PKK, Murat Karayılan has expressed his condolences to the Armenian community for April 24 and has indicated that this date represents the day the Armenians were slaughtered and deported, that the Armenians have spread all over the world, it is not important whether the event is classified as genocide or deportation and that Turkey must accept its history.<sup>91</sup>

Another feature of the demonstrations held at Taksim and other places is that very few numbers of Armenians have attended them. This situation has also been addressed in the Diaspora press.<sup>92</sup> As we said above, only two

88 AGOS, 29 April 2011. “Beş Şehir 24 Nisan’ı Andı” (Five Cities Commemorated 24 April)

89 Ibid.

90 Ibid.

91 *Armenews*, 26 April 2011. “Le Leader PKK A Exprimé Ses Condoléances Au Peuple Arménien A l’Occasion du 24 Avril”

92 Ibid.

names were Armenian among the 796 individuals signing the text of “This Pain is Our Pain” on the first day.<sup>93</sup> We have not come across any scholarly research on the reasons for the disinterest of the Armenians of Turkey in participating in the 24 April commemorative activities and the genocide allegations in general. In our view, the persons putting forth the genocide allegations in Turkey and supporting Armenian claims against Turkey have not done this for the sake of the Armenians, but because they are against the established order in Turkey and for believing that these kinds of activities will disrupt the order. Feeling that they are being used, a majority of the Armenians in Turkey have preferred to refrain from these activities.

*If one day Armenians and Turks establish a friendship, or if Armenia and Turkey make reconciliation, or if Turkey recognizes the Armenian Genocide, it will be obviously through these kinds of public exercises.*

As could be seen, participation in the commemorative events in Turkey for April 24 has been low and these have not drawn much attention within public opinion. However, the optimism of the organizers of these activities continues. For instance, columnist Ali Bayramoğlu has said that “these events have a symbolic meaning. This means that some Turks are confronting their past and they have reached the level to make an apology. If one day Armenians and Turks establish a friendship, or if Armenia and Turkey make reconciliation, or if Turkey recognizes the Armenian Genocide, it will be obviously through these kinds of public exercises. As it is in other countries, the state is hard to convince. This could happen only if the society changes and starts to push the state for that. That would be more honest and real. I regard these commemorations as firm steps in this direction.”<sup>94</sup> It is difficult to believe that a few hundred of people demonstrating, among the population of 74 million in Turkey, who defend the opposite of the general belief, will be able to change society.

Not all advocates of Armenians possess the same belief. Lawyer Fethiye Çetin of Armenian origin, expressed that “we should start by confronting our past first. After that we need to apologize. And the apology must come

93 *Hye-Tert*, 25 April 2011. “ Bu Acı Hepimizin” (This Pain is Our Pain)

94 *The Armenian Weekly*, 10 May 2011. “Detailed Report: How Turkey Marked the 96th Anniversary of the Genocide.

from the leaders of this country, not from the bottom of the society,”<sup>95</sup> has indicated that the activities conducted on 24 April do not carry much significance.

### 3. The U.S. President’s 24 April Statement

As each year, whether or not US President Barack Obama will mention the word “genocide” in his statement to be delivered in April 2011 for the Armenian Remembrance Day has been awaited with great interest. During his election campaign, Obama had indicated several times, both verbally and in writing, that he would classify the 1915 events as “genocide”. However, after being elected, taking into consideration his country’s relations with Turkey and Turkey-Armenia relations, he has refrained from using this word in his 24 April statements and instead, has used “Metz Yeghern” which is understood to be the Armenian equivalent of the word genocide.<sup>96</sup> However, this stance of the President had caused the Armenians in his country, particularly extreme nationalists like the Dashnaks, to strongly criticize him and to accuse him of not keeping his promise.

Before his statement delivered this year, many Armenian organizations in the US, with the Dashnaks being at the forefront, have urged the President to use the word “genocide.”<sup>97</sup> Even the Armenian Assembly of America, which is generally careful in maintaining friendly relations with Governments, has urged the President to “unequivocally affirms the Armenian Genocide.”<sup>98</sup> There were those who wanted Obama not to receive votes in the forthcoming elections, they protested during his visit to California<sup>99</sup> and asked that Obama not to be funded for the following elections.<sup>100</sup> The President was also asked to lay a wreath at the Armenian

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95 Ibid.

96 For the 2009 and 2010 statements of the US President see: “Facts and Comments”, *Review of Armenian Studies*, No.32, pp. 35-43 and No.35, pp. 50-52

97 *Armenian National Committee of America - Western Region, Press Release*, 18 April 2011. “Armenian Americans Protest To Urge President Obama to Honor His Pledge To Recognize Armenian Genocide”.

98 *Arm radio*, 16 April 2011. “Assembly Urges President Barack Obama to Unequivocally Affirm the Armenian Genocide”

99 *The California Courier*, 14 April 2011. “Les Arméniens Devraient Affronter Le Président Obama Lors De Sa Visite En Californie La Semaine Prochaine/

100 *News.am Armenia*, 14 April 2011. “Armenian-Americans to Protest Outside Obama’s Fundraising Event”

Genocide Memorial in Montebello.<sup>101</sup> Indeed, the Armenians organized some demonstrations of protest during the President's visit to California,<sup>102</sup> but it was seen that these did not draw much attention within public opinion. Some Congress members supporting Armenians issued a written request to the President to use the word "genocide."<sup>103</sup> On the other hand, some Turkish organizations in the US urged the President not to use the term "genocide" in his statement.<sup>104</sup> In an unusual way, Armenian President Serge Sarkisian also expressed that he asked President Obama to use the word genocide.<sup>105</sup>

In response, President Obama has continued his policy of half satisfying both the Armenians and the Turks by using the expression "Metz Yeghern" in his 24 April statement just as he did in the previous year. On the other hand, in order to classify the 1915 events, he has used rather harsh expressions like "worst atrocities", "the dark moment of history", "terrible events", "a devastating chapter in the history of Armenian people", "painful history", "the inhumanity of 1915", and "horrors of 1915". Perhaps as a response to those criticizing him, the President has indicated that what occurred in 1915 and his view of that history have not changed. Furthermore, again just as in his previous statements, he has greatly praised the American Armenians and has put forth that the US has deeply benefited from the significant contributions to their nation by Armenian Americans. By referring to Turkey, but not openly mentioning its name, he has emphasized that their nations are stronger and their cause is more just when they appropriately recognize painful pasts. He has also expressed that he supports the courageous steps taken by individuals in Armenia and Turkey to foster a dialogue that acknowledges their common history. Of course, the Turks mentioned here are those thinking and working within the lines of Armenian views.

President Obama's 24 April statement did not satisfy the Armenians at all. In order to better convey the displeasure of the Armenians, it will be enough

101 *Asbarez*, Tuesday, April 19th, 2011, "Community Asks Obama to Lay Wreath at Montebello Monument"

102 *Asbarez*, 21 April 2011. "More than 1,500 Protesters Urge Obama to Keep his Campaign Promise"

103 Among the members of Congress sending a letter to the President to urge him to use the word genocide are Adam B. Schiff, Senator Robert Menendez, Frank Pallone, Edward R. Royce.

104 ATAA, 22 April 2011, Action Alert, "Call President Obama Urging Him Not to Use the Term "Genocide" in His April 24 Proclamation"

105 *Today's Zaman*. 2 April 2011. "As April 24 Looms, Sarkisian Asks Obama to Use the G-Word"



to provide the headings of articles published in some Armenian newspapers: “Obama Disgracefully Capitulated to Turkey’s Threats”<sup>106</sup>; “Obama’s lack of moral clarity on Armenian genocide issue”<sup>107</sup>; “Obama’s Reluctance to Recognize Genocide Not Prudence but Cowardice.”<sup>108</sup>

Negative reactions have also been received from Turkey. On April 24, the Foreign Ministry issued the following statement:

*“President Obama’s statement issued on April 23, 2011, takes a one sided approach reflecting Armenian views regarding the dispute between Turks and Armenians on the painful part of their common history.*

*This statement distorts the historical facts. Therefore, we find it very problematic and deeply regret it.*

*Issued by domestic political considerations, such statements serve no purpose but making it difficult for Turks and Armenians to reach a just memory. One-sided statements that interpret controversial historical events by a selective sense of justice prevent understanding of the truth.*

*We expect the United States not to render difficulty but to facilitate the normalization process between Turkey and Armenia, and the studies on the historical dimension. Holding a partisan view on historical pains, such statements do not serve peace or the common future of peoples.*

*Despite all attempts to interfere with the writing of history based on calculations of current political interests, we will maintain our determination to reach a just memory and to build our common future with Armenia on that basis.”*

On the other hand, in a statement provided to CNN TURK, Foreign Minister Ahmet Davutoğlu has expressed that President Obama’s statement is one sided and reads history from only a single perspective and that it would

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106 *Pan Armenian. Net.* 24 April, 2011

107 *Los Angeles Times*, April 20, 2011

108 *PanARMENIAN.Net*, April 20, 2011

have been more beneficial if the US President was able to make a statement from a new perspective which also shares the pains of the Turk.

In short, it is possible to say that the US President has tried to satisfy both the Armenians and the Turks as much as possible, but that his attempts have not created the expected results.



# A EUROPEAN UNION FRAMEWORK DECISION ON THE OFFENCE OF DENYING A CRIME

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Former Foreign Minister of Turkey

**Abstract:** *The adoption of the Framework Decision entitled Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law on November 28th, 2008 was an indication that racism and xenophobia began to rise in certain EU Member States and that needs decisive EU-wide legislation in order to combat these problems. Though at a later stage, with the incorporation of a new element that defines the criteria to determine which authority would consider these crimes, the competence is entrusted to the national courts of the EU Member States from the international criminal courts established for the specific task. The decision creates controversy that the crimes the denials of which are punishable include also genocide. Therefore this essay focuses exclusively on the discussion of whether the authorities designated by the Framework Decision are appropriate and competent for this specific task. The article tries to highlight the fact that the latest amendment to the Framework Decision might cause reactions and counter-reactions to probable developments that might well concern EU member states' past doings in some of the former colonies. It also argues that if a decision by a national court of one of the EU member state recognizes the 1915 events as genocide, this could spark tensions in Europe, which in return could backfire against the earlier best intentions to combat racism and xenophobia becoming just the opposite by inciting racism and xenophobia in the EU countries.*

**Keywords:** *Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law, Competence of National Courts on Genocide, European Council, Racism and Xenophobia in the European Union*

## 1. Purpose

The European Council adopted on 28 November 2008 an important Framework

Decision. The full title of the Decision is the *Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law*.<sup>1</sup> The adoption of this Decision is an indication that racism and xenophobia started to rise in certain EU Member States and that, as a result of this, they needed to pass an EU-wide legislation in order to combat it.

While the Framework Decision was initiated for the purpose of making racism and xenophobia a punishable act, at a later stage a new element was incorporated in the text. This new element is the criteria to determine which authority will establish the crimes whose denial will be punishable. The purpose of this essay is to examine this particular aspect of the Framework Decision.

Before the Framework Decision was adopted, this competence was entrusted to the international criminal courts established for the specific task of looking into such matters or to the criminal courts of the country where the crime is committed. Now that the Framework Decision has entered into force, this competence is also entrusted to the national courts of the EU Member States.

## 2. Scope

The scope of this essay does not cover the entire Framework Decision. Neither does it cover the reasons for the incorporation of the offence of the denial of a crime within the scope of the punishable acts. The scope is much narrower than this.

There is no doubt that it is a laudable initiative to make racism and xenophobia a punishable act. It is equally laudable to incorporate the offence of denying such crimes in the scope of the punishable acts. There is nothing that could be challenged until this point. However as from this point onwards there is a series of controversial aspects. The root cause of this controversy is that the crimes denial of which is punishable includes also genocide. There is nothing unusual in the incorporation of genocide among the crimes whose denial should be punishable, because genocide is a crime against humanity. For this reason I will not dwell on this aspect of the question either. The Framework Decision introduces a new criterion to determine which authorities shall be entitled whether such a crime was committed. This essay will focus exclusively on the discussion of whether the authorities designated by the Framework Decision are the appropriate ones for this task.

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1 The full text of the Framework Decision could be reached in the following link:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008F0913:EN:NOT>

### 3. The Importance for Turkey

This question is particularly important for Turkey, because it has the potential of becoming a headache in the relations between Turkey and the EU Member States. The crimes whose denial is punishable include also the crime of genocide. The genocide issue has become important for Turkey because it is presented in a distorted manner to the international public opinion.

When the Ottoman State was at war with Russia in 1915, Ottoman citizens of Armenian ethnic origin revolted, attacked the villages inhabited by Turks and cooperated with the Russian army who promised them an independent Armenia. The Armenian terrorist gangs attacked ammunition stores of their own army and delivered to the Russian army the weapons and ammunition that they stole from these stores. They cut the communication lines of their own army making difficult the supply of reinforcement of the frontline military units.

*Armenia and Armenian Diaspora are not eager for the establishment of such a committee for fear that the truth may turn out to be different from what they claimed so far.*

The Ottoman authorities decided upon this to relocate the Armenian population to other regions of the Ottoman State where they will not be able to commit such crimes. During this relocation and also during inter ethnic clashes between Turks and Armenians hundreds of thousands Turks and Armenians perished. Armenians claim that what has been done by the Ottoman authorities in 1915 is genocide. Turkey admits that several hundreds thousands Armenians perished but it does not admit that this was genocide. What the Ottoman authorities were doing was to take appropriate security measures when the country was faced with a foreign invasion. Similar measures were taken by the United States during the Second World War by relocating its citizens of Far Eastern origin despite the fact that they did not commit any wrongdoing before or during the war. The United States implemented this relocation decision with lesser human losses because it had means to do so. The Ottoman authorities could not do it without acrimony because they did not have means to do it the same way.

What has taken place in 1915 does not fit in the definition of genocide that was made later by the 1948 Geneva Convention on Genocide.

Turkey proposed to Armenia the establishment of a committee to be composed of historians from Turkey, Armenia and other countries to determine the exact nature of what happened in 1915. Turkey stated publicly that it is prepared to apologize in case this committee concludes that Turkey has to apologize.

Armenia and Armenian Diaspora are not eager for the establishment of such a

committee for fear that the truth may turn out to be different from what they claimed so far.

For this reason genocide has become a sensitive issue for Turkey.

#### **4. Historical background**

The major international instrument that deals with the subject of genocide in its most extensive form is a UN Convention that was adopted in 1948. Its full title is the *Convention on the Prevention and Punishment of the Crime of Genocide*<sup>2</sup> (henceforth Genocide Convention). All EU Member States are party to this Convention; therefore they have a contractual obligation to abide by its provisions. The most comprehensive instrument on the subject of genocide is this Convention. It defines in detail the crime of genocide, it determines which acts could be considered as genocide and it enumerates the authorities that shall be entitled to determine whether an act could be characterized as genocide.

Since the purpose of this essay is not to study the Genocide Convention I will take up only the provisions of the Convention which are relevant to this subject.

The authorities that will be entitled to determine whether an act could be characterized as genocide are enumerated in article 6 and 9 of the Genocide Convention. The said articles read as follows:

##### ***Article 6***

*Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.*

##### ***Article 9***

*Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.*

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2 The text of the Convention could be reached in the following link:  
<http://www.un-documents.net/cppcg.htm>

According to these articles, only the following 3 authorities shall be entitled to determine whether an act could be characterized as genocide:

- a) the tribunal of the State in the territory of which the act was committed;
- b) such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction; and
- c) the International Court of Justice (of The Hague)

The past practice confirms what has been provided for in these articles. In fact, Nazi criminals who committed the crime of genocide ((holocaust) against the Jews during the Second World War were tried in a court established in the German city of Nürnberg and the Belgian Nazis were tried in a court established in the Belgian city of Mechelen. Those indicted for the crime of genocide in Rwanda were tried by a court specially established for this purpose; and the perpetrators of genocide in Srebrenica were tried by a court established for this purpose in The Hague.

There is no provision in the Genocide Convention on the denial of a crime.

### 5. EU Framework Decision

The Framework Decision authorizes the national courts of the Member States to determine whether an act could be characterized as genocide. This essay makes an attempt to find out whether this approach of the EU Member States is in conformity with their obligations stemming from the Genocide Convention, in other words whether the EU Member States can put aside their obligations stemming from the Genocide Convention and adopt other rules that modify the criteria established by a convention to which they still are a party.

#### 5.1. The evolution of the idea of the Framework Decision within EU

##### 5.1.1. Joint Action Stage

The work carried out within the EU for the punishment of racism and xenophobia was put in a text that is called “Council Joint Action” as early as on 15 July 1996.<sup>3</sup> This text was providing for a joint action of the Member States in order to combat racism and xenophobia and was stressing the need “*for further approximation of*

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3 The text of the Joint Action could be reached by following link: EUR-Lex - 31996F0443 - EN



*law and regulations of Member States and for overcoming obstacles for efficient judicial cooperation which are mainly based on the divergence of legal approaches in the Member States”.*

Among the acts that the Council wanted to punish, those that fall within the scope of our study were drafted as follows in the Council Joint Action:

### **TITLE I**

*A. In the interest of combating racism and xenophobia, each Member State shall undertake, in accordance with the procedure laid down in Title II, to ensure effective judicial cooperation in respect of offences based on the following types of behaviour, and, if necessary for the purposes of that cooperation, either to take steps to see that such behaviour is punishable as a criminal offence or, failing that, and pending the adoption of any necessary provisions, to derogate from the principle of double criminality for such behaviour:*

*(a) public incitement to discrimination, violence or racial hatred in respect of a group of persons or a member of such a group defined by reference to colour, race, religion or national or ethnic origin;*

*(b) public condoning, for a racist or xenophobic purpose, of crimes against humanity and human rights violations;*

*(c) public denial of the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 April 1945 insofar as it includes behaviour which is contemptuous of, or degrading to, a group of persons defined by reference to colour, race, religion or national or ethnic origin;*

The way this article is drafted sheds light on the reasoning of the initiators of this Framework Decision.

Firstly, what is made punishable in the paragraph A (b) of the Title I above is not “condoning of crimes against humanity (which includes genocide –added by the author-). It is an offence that has a narrower scope than condoning such crimes. The paragraph provides for the punishment of an act of “condoning of crimes against humanity (including genocide)” only in case such offense is committed “for a racist or xenophobic purpose.” This subtlety is important for the purpose of this essay, because if such offense is committed in the context of an expression of opinion or determining a historical fact, such act will not be made punishable.

Therefore the focus of the paragraph A (b) is on committing such an act *“for racist or xenophobic purposes”* and not for having committed it *per se*.

Secondly the reference to genocide is not direct. Genocide is implicit in the crimes against humanity. However the text avoided at that stage any direct reference to genocide. This subtlety is important because at the later stages there is a direct reference to genocide.

Thirdly, what is meant in the paragraph A (c) above by the reference to the “Charter of the International Military Tribunal appended to the London Agreement of April 1945” is the Nürnberg Tribunal that was established to try the Nazi criminals who committed the holocaust. The importance of this reference is that this wording makes a distinction between genocide as defined by an authorized penal court and those that are not defined by such an authorized body. It is only natural to take an appropriate measure to punish a person who denies a fact that has already been established by an authorized court and the Framework Decision rightly punishes such a denial.

*Finally, there is a parallel between the punishment of the denial of holocaust and denial of non-holocaust crimes.*

Finally, there is a parallel between the punishment of the denial of holocaust and denial of non-holocaust crimes. Both are punished in case the offence of denial is committed in a certain manner. In fact, paragraph A (c) provides that the denial of holocaust should be made punishable only in case such an act *“includes behaviour which is contemptuous of, or degrading to, a group of persons defined by reference to colour, race, religion or national or ethnic origin”*. In other words, if the act of the denial of holocaust is committed in the context of simple expression of opinion or determining a historical fact and if it is not aimed at *“degrading a group of persons”*, it will not be a punishable offense. Here again the focus of the paragraph A (c) is on committing an act that *“includes behaviour which is contemptuous of, or degrading of a group of persons...”* There is no measure envisaged for a case where the act of the denial of holocaust does not *“include a contemptuous behaviour to degrade a group of persons.”*

### 5.1.2. Commission Stage

The subsequent step in this field was taken by the European Commission. The Commission submitted on 26 March 2002 a Draft Framework Decision to the European Council. The relevant provisions are found in article 4 ( c ) and ( d ) of the Draft Framework Decision which read as follows:

#### Article 4

##### *Offences concerning racism and xenophobia*

*Member States shall ensure that the following intentional conduct committed by any means is punishable as criminal offence:*

.....

*(c) public condoning for a racist or xenophobic purpose of crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court;*

*(d) public denial or trivialisation of the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 April 1945 in a manner liable to disturb the public peace;*

The word genocide appears at this stage in the text drafted by the Commission. The draft provides that the “*public condoning of the crime of genocide*” will be punishable only in case it is committed “*for a racist and xenophobic purpose*”. If such act is not committed for a racist and xenophobic purpose, the Commission draft does not propose that it should be punished. Therefore the emphasis is again on the racism and xenophobia and not on the condoning of genocide. As we will see under the next chapter (5. a. iii) the Council text punishes “*denial*”, “*condoning*” and “*trivialization*” of a crime while the Commission text was punishing the “*denial*” only. Furthermore the concept of “*racist and xenophobic purpose*” is explained in further detail in the Council text.

Article 4 (d) of the Commission draft deals only with holocaust and provides that the trivialisation of the holocaust should be punishable only in case it is committed “*in a manner liable to disturb the public peace*”. Here the emphasis is on the public order not on the trivialisation of the holocaust.

The Second point worth noting in Article 4 (d) is that the provisions regarding the holocaust are not put in the same paragraph as the non-holocaust genocide crimes and that a separate article is drafted especially for holocaust, because holocaust is a crime established by an authorised criminal court. This distinction is valid for the Council text as well.

#### 5.1.3. Council Stage

After having received this Draft of the Commission, the European Council has

developed its own text and the work on this subject continued to be based on that new text. The work on the Framework Decision had slightly slowed down because Italy had some reservations regarding the text of the Council. The work on the Framework Decision has regained momentum in 2007.

A text that was originally designed to combat racism and xenophobia became a controversial text because of a new concept included in the text at the Council stage upon the initiative of one Member State. This new concept is the offence of the denying genocide. One may argue that with the incorporation of this new element, the Framework Decision has become a text that may ignite racism and xenophobia instead of combating it. I will clarify at the end of this essay how this may happen.

### **6. Are the legal foundations of the Framework Decision solid?**

#### **6.1. From the procedural standpoint**

Before assessing the provisions of the Framework Decision, it may be appropriate to discuss the competence of the Council to adopt such a Framework Decision.

##### **6.1.1. The Source of Council's Competence**

The preamble of the Framework Decision reads as follows:

*“Having regard to the Treaty on European Union Articles 29, 31, and 34 (2) (b)”*

This wording means that the Council draws its competence to adopt a Framework Decision from Articles 29, 31 and 24 (2) (b) of the Treaty on European Union.<sup>4</sup> Therefore a closer look at them becomes important.

##### ***Article 29***

*Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.*

*That objective shall be achieved by preventing and combating crime, organized or*

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4 The Treaty is published in the Official Journal of the European Union on 24.12.2002

*otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through:*

- *closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol), in accordance with the provisions of Articles 30 and 32,*
- *closer cooperation between judicial and other competent authorities of the Member States including cooperation through the European Judicial Cooperation Unit ('Eurojust'), in accordance with the provisions of Articles 31 and 32,*
- *approximation, where necessary, of rules on criminal matters in the Member States, in accordance with the provisions of Article 31 (e)*

Provisions relevant to our subject in this article are the underlined parts.

### **Article 31**

*1. Common action on judicial cooperation in criminal matters shall include:*

- a) *facilitating and accelerating cooperation between competent ministries and judicial or equivalent authorities of the Member States, including, where appropriate, cooperation through Eurojust, in relation to proceedings and enforcement of decisions;*
- b) *facilitating extradition between Member States;*
- c) *ensuring compatibility in rules applicable in the Member States, as may be necessary to improve such cooperation;*
- d) *preventing conflicts of jurisdiction between Member States;*
- e) *progressively adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organized crime, terrorism and illicit drug trafficking*

### **Article 34**

*1. In the areas referred to in this title, Member States shall inform and consult one*

*another within the Council with a view to coordinating their action. To that end, they shall establish collaboration between the relevant departments of their administrations.*

*2. The Council shall take measures and promote cooperation, using the appropriate form and procedures as set out in this title, contributing to the pursuit of the objectives of the Union. To that end, acting unanimously on the initiative of any Member State or of the Commission, the Council may:*

- *on the initiative of any Member State or of the Commission, in the areas referred to in Article K.1 (2) to (6)*
- *On the initiative of any Member State in areas referred to in Article K.1 (7) to (9)*

*a) adopt common positions defining the approach of the Union to a particular matter;*

*b) adopt framework decisions for the purpose of approximation of the laws and regulations of the Member States. Framework Decisions shall be binding upon the Member States as to the result to be achieved but shall leave to the national authorities the choice of form and methods. They shall not entail direct effect;*

***According to the Treaty that is in force now, the Council is authorized to adopt a Framework Decision on “racism” and on “xenophobia” but not on “genocide”.***

Important changes took place in connection with these articles after the entry into force of the Lisbon Treaty. Article 34 has been repealed in its entirety, but the Framework Decisions adopted before the Lisbon Treaty will remain in force. The Lisbon Treaty entered into force on 1 December 2009 while the Framework Decision entered into force on 28 November 2008. Therefore the validity of the Framework Decision cannot be questioned on this ground. However the question whether the European Council has the competence to adopt a Framework Decision on this particular subject is still open to question for the following reasons:

### **The Council’s Competence and the denial of Genocide**

Council’s competence was not based on the solid ground even before the repeal of Article 34 by the Lisbon Treaty. According to the Treaty that is in force now, the Council is authorized to adopt a Framework Decision on “racism” and on “xenophobia” but not on “genocide”. In fact, the provisions pertaining to racism

and xenophobia were found in Article 29 of the Treaty on European Union. This article is now replaced by the paragraph 3 of Article 67 of the Treaty on the Functioning of the European Union and it reads as follows:

**Article 67**

.....

*3. The Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws.*

This new version of Article 29 is much shorter than the original text, but the provisions relevant to our subject did not change much. In both versions the Council is authorized to adopt Framework Decisions on “racism” and on “xenophobia” but not on “genocide”. Actually this approach is perfectly in line with the original purpose of the Framework Decision where the genocide dimension was not part of the scope. Every thing started in good faith and in perfect compliance with the EU rules at the beginning. However when the “*offence of the denial of genocide*” was incorporated in the text, the ground on which the Decision is based has become questionable.

This loophole weakens the foundations of the Framework Decision. It will be up to the judiciary of the European Union to determine whether this transgression invalidates the entire Framework Decision or only the part of it that pertains to the incorporation of the denial of the crime of genocide into the text.

**6.1.2. Lisbon Treaty and the Denial of Genocide**

We have seen in the previous chapter (6.1) that pre-Lisbon Treaty on European Union did not allow the incorporation of the denial of genocide into the text. Does the Lisbon Treaty allow it? Articles 67, 82, 83 and 85 of the Treaty on the Functioning of the European Union tell us that it does not, because the Lisbon Treaty, in addition to repealing article 34 and replacing Article 29 by 67 (3), scattered also the provisions of article 31 over Articles 82, 83 and 85 of the Treaty on the Functioning of the European Union. However in neither of these new articles of the Lisbon Treaty there is any reference to the denial of genocide.

We may draw several conclusions when we read the relevant parts of these articles:

**Article 82**

**(ex Article 31 TEU)**

*1. Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in paragraph 2 and in Article 83. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures to:*

- (a) lay down rules and procedures for ensuring recognition throughout the Union of all forms of judgments and judicial decisions;*
- (b) prevent and settle conflicts of jurisdiction between Member States;*
- (c) support the training of the judiciary and judicial staff;*
- (d) facilitate cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.*

*2. To the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules. Such rules shall take into account the differences between the legal traditions and systems of the Member States.*

*They shall concern:*

- (a) mutual admissibility of evidence between Member States;*
- (b) the rights of individuals in criminal procedure;*
- (c) the rights of victims of crime;*
- (d) any other specific aspects of criminal procedure which the Council has identified in advance by a decision; for the adoption of such a decision, the*



*Council shall act unanimously after obtaining the consent of the European Parliament. Adoption of the minimum rules referred to in this paragraph shall not prevent Member States from maintaining or introducing a higher level of protection for individuals.*

*3. Where a member of the Council considers that a draft directive as referred to in paragraph 2 would affect fundamental aspects of its criminal justice system, it may request that the draft directive be referred to the European Council. In that case, the ordinary legislative procedure shall be suspended. After discussion, and in case of a consensus, the European Council shall, within four months of this suspension, refer the draft back to the Council, which shall terminate the suspension of the ordinary legislative procedure. Within the same timeframe, in case of disagreement, and if at least nine Member States wish to establish enhanced cooperation on the basis of the draft directive concerned, they shall notify the European Parliament, the Council and the Commission accordingly. In such a case, the authorisation to proceed with enhanced cooperation referred to in Article 20(2) of the Treaty on European Union and Article 329(1) of this Treaty shall be deemed to be granted and the provisions on enhanced cooperation shall apply.*

### **Article 83**

**(ex Article 31 TEU)**

*1. The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.*

*These areas of crime are the following:*

- terrorism,
- trafficking in human beings and sexual exploitation of women and children,
- illicit drug trafficking,
- illicit arms trafficking,
- money laundering,

- *corruption,*
- *counterfeiting of means of payment,*
- *computer crime and*
- *organized crime.*

Despite the fact that the Lisbon Treaty does not mention in any of these articles the denial of the crime of genocide, it enumerates in considerable detail in the above list all crimes that should be covered by the Common Action at the EU level.

If the authors of the Treaty had the intention to incorporate the denial of the crime of genocide among the offences to be covered by the Framework Decision they would have added it in such a detailed list. Since they did not, we may presume that they did not want to authorize the Council to incorporate such an offense within the scope of the Framework Decision. If this loophole is ignored, the rules of “*Nullum crimen sine lege*” and “*Nulla poena sine lege*” will be violated indirectly. According to these two fundamental principles of the penal law there could be no crime without a law and no punishment without a law. Actually these rules are not directly applicable to our case. However by extension we may also say that the authority that will pass the law should be duly authorized to pass a law. If the rule of law has to prevail, a public authority should not be able to pass laws or regulations without being duly authorized.

*The foregoing explanation indicates that the denial of the crime of genocide is made punishable by an authority that is not duly authorized.*

The foregoing explanation indicates that the denial of the crime of genocide is made punishable by an authority that is not duly authorized. Therefore the legal foundations of this part of the Framework decision do not seem to be solid.

### **6.1.3. The limits of the Council’s competence**

There is another point worth noting in the above texts, but it pertains to future actions. A new rule is introduced by Article 83 of the Treaty on the Functioning of the European Union. The Council will not have the competence to adopt Framework Decisions in the 9 fields enumerated in Article 83 (1). The legal text in these fields will have to be in the form of Directives adopted in accordance with the ordinary legislative procedures. The Framework Decisions are not covered by these procedures. Therefore after the entry into force of the Lisbon Treaty, the Council

will have the competence to adopt Directives but not Framework Decisions. However the genocide issue cannot be the subject of a Directive either, because it is not listed in article 83.

## 6.2. From the Standpoint of Substance

So far, I discussed the Framework Decision only from the procedural standpoint. I now turn to its content.

The title of the first article of the Framework Decision is “*Offences concerning racism and xenophobia.*” The offenses to be made punishable are enumerated in the first paragraph of this article. The said article reads as follows:

### *Article 1*

#### *Offences concerning racism and xenophobia*

*1. Each Member State shall take the measures necessary to ensure that the following intentional conduct is punishable:*

- a) publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin;*
- b) the commission of an act referred to in point (a) by public dissemination or distribution of tracts, pictures or other material;*
- c) publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group;*
- d) publicly condoning, denying or grossly trivialising the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group.*

2. For the purpose of paragraph 1, Member States may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting.

3. For the purpose of paragraph 1, the reference to religion is intended to cover, at least, conduct which is a pretext for directing acts against a group of persons or a member of such a group defined by reference to race, colour, descent, or national or ethnic origin.

4. Any Member State may, on adoption of this Framework Decision or later, make a statement that it will make punishable the act of denying or grossly trivialising the crimes referred to in paragraph 1( c)and/or (d) only if the crimes referred to in these paragraphs have been established by a final decision of a national court of this Member State and/or an international court, or by a final decision of an international court only.

The paragraph 1 (c) makes punishable the denial of genocide (which is among the crimes defined in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court) as well as the denial of all other crimes against humanity. There is nothing questionable in incorporating the denial of such crimes within the scope of the punishable acts if there is a decision of an authorized body establishing that such an act is in fact committed. On the contrary it would be incomplete if such offenses were to be kept out of the scope of the punishable acts. Turkey should support and contribute to these efforts as long as the acts are characterized as crime by a competent authority. I pointed out at the beginning of this essay that my purpose was not to question why such an offense is made punishable. The purpose of this essay is to discuss what should be done in case the court that characterized an act as genocide is not duly authorized to do so.

The provisions that are likely to create problems for Turkey are contained in the underlined phrase of Article 1 (4). This article authorizes the Member States to opt for either of the following two alternatives:

a) to punish the denial of crime only in case an act is characterized as genocide by an international court;

or

b) to punish the denial of crime if such an act is characterized by the national court of the Member State in question.

Any Member State will be able to make a statement, on adoption of this Framework

Decision or later, “that it will make punishable the act of denying the crimes defined in the Rome Statute only if this crime has been established by a final decision of a national court of this Member State”. After having made such a statement it will have to pass a law that makes the denial of crime a punishable act. In Article 10, the Framework Decision has tied to a timetable the preparations required to pass the necessary laws. The said article reads as follows:

### **Article 10**

#### **Implementation and review**

1. *Member States shall take the necessary measures to comply with the provisions of this Framework Decision by 28 November 2010.*
2. *By the same date Member States shall transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report established using this information by the Council and a written report from the Commission, the Council shall, by 28 November 2013, assess the extent to which Member States have complied with the provisions of this Framework Decision.*
3. *Before 28 November 2013, the Council shall review this Framework Decision. For the preparation of this review, the Council shall ask Member States whether they have experienced difficulties in judicial cooperation with regard to the conduct under Article 1(1). In addition, the Council may request Eurojust to submit a report, on whether differences between national legislations have resulted in any problems regarding judicial cooperation between the Member States in this area.*

The Framework Decision did not leave the nature of the punishment to the discretion of the Member States and rightly introduced uniformity in this field. The punishment to be imposed on the perpetrators is explained in Article 3 of the Framework Decision that reads as follows:

### **Article 3**

#### **Criminal penalties**

1. *Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 1 and 2 is punishable by effective, proportionate and dissuasive criminal penalties.*

2. *Each Member State shall take the necessary measures to ensure that the conduct referred to in Article 1 is punishable by criminal penalties of a maximum of at least between 1 and 3 years of imprisonment.*

In addition to the perpetrator, the Framework Decision penalizes as well the instigators. Article 2 of the Framework Decision provides that:

**Article 2**

***Instigation, aiding and abetting***

1. *Each Member State shall take the measures necessary to ensure that instigating the conduct referred to in Article 1(1)(c) and (d) is punishable.*
2. *Each Member State shall take the measures necessary to ensure that aiding and abetting in the commission of the conduct referred to in Article 1 is punishable.*

Article 5 of the Framework Decision provides that in case the offense is committed by a legal person, it will also be subject to punishment. The said article reads as follows:

**Article 5**

***Liability of legal persons***

1. *Each Member State shall take the necessary measures to ensure that a legal person can be held liable for the conduct referred to in Articles 1 and 2, committed for its benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:*
  - (a) *a power of representation of the legal person;*
  - (b) *an authority to take decisions on behalf of the legal person;*

*or*

  - (c) *an authority to exercise control within the legal person.*
2. *Apart from the cases provided for in paragraph 1 of this Article, each*

*Member State shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission of the conduct referred to in Articles 1 and 2 for the benefit of that legal person by a person under its authority.*

3. *Liability of a legal person under paragraphs 1 and 2 of this Article shall not exclude criminal proceedings against natural persons who are perpetrators or accessories in the conduct referred to in Articles 1 and 2.*
4. *'Legal person' means any entity having such status under the applicable national law, with the exception of States or other public bodies in the exercise of State authority and public international organisations.*

## **7. Difference Between “Denial and Trivialisation” and “Condoning”**

There is another point worth noting in Article 1(4) of the Framework Decision. While “*condoning*”, “*denial*” and “*trivialisation*” are mentioned as punishable acts in the paragraphs 1 (c) and 1(d), a different approach is adopted in the paragraph 4 of the article. The word “*condoning*” is missing in this paragraph. Therefore the analysis that I will make in this chapter is valid only for the cases covered by Article 1(4). Whether this omission is intentional or not, it will have the following effect in practice:

If we stick to the words of the Framework Decision, the Member State can include in its statement on adoption of the Framework Decision, that it will punish the “*denial*” and “*trivialization*” of the crimes, but it cannot include in this statement that it will also punish the “*condoning*” of the same crimes, because the word “*condoning*” is not mentioned in the text. It looks like a legal problem to sort out whether a Member State can point out that it will also make punishable the act of “*condoning*” despite the fact that this offense is not mentioned in the text. If the Member State cannot, on its own initiative, add to its statement that “*condoning*” a crime will also be made punishable, this may lead to an unbalanced practice for the following reason:

Condoning is a more negative attitude than the denial. In the denial you believe that the punishable act did not take place at all in the first place while in the condoning you admit that the act has taken place but that you do not believe that it was wrong to commit such an act. For instance, it is a more negative attitude to “*condone*” an act by saying “*I don't believe that it was a mistake to massacre millions of people in Rwanda*”, than “*denying*” it by saying “*I do not believe that what has happened in Rwanda is genocide.*”

The Framework Decision punishes to a prison sentence of 1 to 3 years a person who says he does not believe that what has happened in Rwanda is genocide, while it does not punish a person who says that it was not a mistake to massacre millions of people in Rwanda.

This illogical consequence gives the impression that this article was drafted in a hasty manner and incorporated in the text at the last moment.

## **8. Assessment of the Framework Decision**

The provisions of the Framework Decision constitute a violation of the international law, because they authorise the Member States to take an action that is denied to them by the Genocide Convention. All EU Member States are at the same time party to the Genocide Convention and this convention does not allow the parties to authorize tribunals other than the ones enumerated in the Convention to establish whether an act could be characterized as genocide. Therefore the EU Member States cannot put aside their obligations stemming from the Genocide Convention and develop a new set of rules.

France noticed this contradiction and used the option made available in Article 1 (4) by stating that it will make punishable the denial of crime only if the said crime has been established by a final decision of an international court. It is hoped that more countries will be inspired by this logical approach of France.

## **9. EU Attitude on the Framework Decision**

### **9.1. Attitude of the EU authorities**

I discussed this subject with various EU authorities including many members of the European Parliament in the context of Turkey's sensitivities on the genocide issue. Their attitude could be summarized as follows:

*The provisions of the Framework Decision are not in contradiction with the Genocide Convention, because the Convention sets only the minimum standards and provides for the prevention and punishment of genocide as defined in its Article 2. The Convention does not prevent the countries who want to go beyond these minimum standards and punish also those who deny these crimes.*

This attitude shifts the focus of the debate from the question of competence to the question of the minimum criteria. Turkey's contention is not there. Turkey does not question the right of the countries to punish the way they wish any person who



denies a crime duly established by an authorised body. The focus of Turkey's contention is on the authority that will establish whether the crime of genocide is committed or not.

The attitude of the EU authorities gives green light to punish the denial of genocide even if it was not established by an authorized tribunal that genocide had actually taken place. It contradicts the wisdom of signing international agreements in the field of penal matters. The need to sign such agreements stems from the requirement to provide for similar punishments in all countries for similar violations. Otherwise, potential criminals may commit the crime that they plan in the country where the punishment for such act is the lightest.

*The attitude of the EU authorities gives green light to punish the denial of genocide even if it was not established by an authorized tribunal that genocide had actually taken place.*

## **9.2. The attitude of Turkey-EU Joint Parliamentary Commission**

There is a Joint Commission that brings together equal number of Turkish parliamentarians and Members of the European Parliament (EP). It is called Turkey-EU Joint Parliamentary Commission (JPC). The main task of this Commission is to discuss issues related to all aspects of the Turkey-EU relations. Turkish wing of the JPC proposed the discussion of this issue

in one of its sessions with a view to explaining the wisdom of the French attitude on the question the Framework Decision. One expert from both wings of the JPC were tasked to discuss the subject and report their conclusion to the plenary meeting of the JPC. Turkey designated for this task a prominent member of the Turkish Parliament, the retired Ambassador Dr. Şükrü Elekdağ, and the EP wing designated Mrs Arlene McCarty. What these two experts were going to do was simple: The Framework Decision was offering the EU Member States two alternatives on the question of which court will be authorized to establish whether a given act could be characterized as genocide. France had already made the logical choice and opted to give this task to an international court. The two experts were going to explain in a report the wisdom of this choice and submit this report to the plenary session of the JPC.

The experts drafted their report and submitted it to the plenary. According to the EP format this report had to be transformed into a Draft Resolution. Upon this, the members of the EP wing of the JPC grabbed this opportunity to dilute it as much as possible. 46 amendments are proposed for this short text that was composed of 7 operative paragraphs. 39 of these amendments were submitted by the Greek

parliamentarians either from the mainland Greece or from the Greek part of Cyprus (Cypriot Greeks and mainland Greeks are largely over-represented in the EP wing of the JPC. 6 out of the 24 members of the JPC are Greeks and Greek Cypriots. As a result of this, Greeks and Greek Cypriots constitute 25 % of the EP wing of the JPC while the combined population of Greece and Greek Cypriots constitutes less than 2.5 % of the entire population of the EU).

During the 2011 spring session of the JPC the subject has become so diluted that Turkey had to withdraw the proposal that it has tabled. The EP wing of the JPC thus demonstrated the degree of its opposition to a logical proposal. Therefore Turkey's initiative to invite the EU Member States to be inspired from the French example failed.

The Framework Decision may lead to a diversified practice in the EU countries and in the world at large. When the national courts are authorized to establish whether an act is genocide, nothing will prevent the penal court of an EU Member State from defining it the way it prefers. The national court of one State may characterize an act as genocide but the national court of another country may not characterize it the same way. As a result of this, each country may have its own definition of genocide with all negative consequences that it may entail.

## **10. Implications on International Relations**

The provisions of Article 1(4) may have several consequences, but two of them are important:

- a) It may lead other countries to pass similar laws in their respective parliaments to authorize their national courts to determine whether a historical event could be characterized as genocide. When the EU Member States authorize their national court to take such a decision it may not be possible to deny the same rights to any State in the world. As a consequence of this, a multitude of definitions of genocide may emerge.
- b) This may pave the way to retaliation among the countries. If the penal court of an EU Member State characterizes a certain act as genocide, another country may characterize as genocide other acts that were committed in the past by that EU Member State. Some EU Member States are more vulnerable in this field than the non-European countries. Retaliation cannot be easily avoided if the courts of every State are authorized to make its own definition of genocide. We should not ignore the chaos that such a practice will cause in the international relations. The reason for the United Nations

to draft a convention in this field must have stemmed from the need to have a uniform practice that will be valid for all countries, EU member or non-EU member alike.

The EU introduced the Framework Decision in order to secure an approximation of laws and regulations among its Member States. The international community has taken a similar step, by adopting the Genocide Convention in 1948, to approximate practices among the member countries of the United Nations. Now the EU is undoing what was done by the United Nations in 1948. It seems to be willing to develop its own criteria for the definition of genocide. If the EU does so, it may not be easy to prevent the Arab League, ASEAN, Islamic Conference Organization or other international organizations to develop their own criteria in their turn.

### 11. The Attitude of France

France opted to authorize only the international courts to establish genocide. However there were other interesting developments in France on this subject.

The French parliament adopted on 29 January a law that characterized as genocide the events that took place in Ottoman Turkey in 1915. This law says that France recognises the Armenian genocide of 1915 but does not provide for any sanction for those who deny it. On 12 October 2006 the French National Assembly adopted a law to fill this gap, but the upper chamber, the Senate, refused to include this draft law in its agenda.

Another important development took place in the meantime. A commission was established under the chairmanship of Mr. Accoyer, the Speaker of the French National Assembly, to examine a subject that is called in France “*lois mémorielles*”. The main task of the commission was to look into the subject of France’s reconciliation with its own past. The Accoyer Commission published its report on 18 November 2008.<sup>5</sup> The report concludes that it is not the task of the parliaments to write history. One may expect that any future attempt in this field in France will be inspired by this conclusion.

On 15 July 2010, a group of senators from the French Socialist party tabled a draft law that provided for the punishment of the denial of the so-called “Armenian genocide”. The Legal Affairs Committee of the French Senate opposed by unanimous decision to the inclusion of this draft law in the agenda of the plenary session of the Senate. On 26 May 2011 the French Senate supported the report of

5 The text of this report could be reached in the following link:  
<http://www.assemblee-nationale.fr/13/pdf/rap-info/i1262.pdf>

the Legal Affairs Committee and refused with an overwhelming majority the inclusion of this draft law in its agenda. The main reason of the refusal was that the draft law contradicted the constitutional provisions on the freedom of expression.

The most important development relevant to this subject is of course the statement that France made on adoption of the Framework Decision to the effect that it will seek the final decision of an international court before punishing a person for the denial of crimes enumerated in the Framework Decision.

## 12. Denial of a Crime and the Freedom of Expression

Article 7 of the Framework Decision lays down with due emphasis certain rules to protect the freedom of expression. The said article reads as follows:

### *Article 7*

#### *Constitutional rules and fundamental principles*

- 1. This Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles, including freedom of expression and association, as enshrined in Article 6 of the Treaty on European Union.*
- 2. This Framework Decision shall not have the effect of requiring Member States to take measures in contradiction to fundamental principles relating to freedom of association and freedom of expression, in particular freedom of the press and the freedom of expression in other media as they result from constitutional traditions or rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.*

The dividing line between the denial of a crime and the freedom of expression is also underlined in the Recital (15) of the Framework Decision that reads as follows:

*(15) Considerations relating to freedom of association and freedom of expression, in particular freedom of the press and freedom of expression in other media have led in many Member States to procedural guarantees and to special rules in national law as to the determination or limitation of liability.*

Recital 14 of the Framework Decision refers to various international instruments that contain provisions on the freedom of expression:

*(14) This Framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Articles 10 and 11 thereof, and reflected in the Charter of Fundamental Rights of the European Union, and notably Chapters II and VI thereof.*

Despite this emphasis there are decisions made by the courts of certain EU Member States that take little account of the freedom of expression. For instance Mr. Bernard Lewis, an American historian, made a comment on the Armenian claim of genocide in the Ottoman Turkey in 1915. Prof. Lewis said that this was “*Armenian version of history*”. A Paris court fined Mr. Lewis in 1995 to pay 1 (one) French Frank for having denied the Armenian genocide. The court further decided that Mr. Lewis should also pay the sum necessary for the publication of the text of this court decision in the French daily *Le Monde*. The court gave the following explanation for its decision: “*Mr. Lewis stated that there was no reliable evidence to prove the Armenian genocide. The court reasoned that he made this statement by avoiding the elements that contradict his thesis and that he thus neglected his duty to be objective and sagacious on such a sensitive issue.*”

### **12.1 The approach of the European Court of Human Rights**

This reasoning behind the decision of the Paris court is in contradiction with several verdicts of the European Court of Human Rights (ECHR). I will pick three cases that are relevant to our subject:

- *Garaudy vs France* case (Application no: 65831/01, Decision on admissibility of 24 June 2003),
- *Lebideux and Isorni vs France* case (Application no: 24662/1998, Judgement of 23 September 1998),
- *Chauvy vs France* case (Application no: 64915/01, Judgement of 29 June 2004).

The first two of these three cases were brought to the court by the prosecution under a law that is called in France *Loi Gayssot* (Law no: 90-615 of 13 July 1990). The ECHR decided in the first case that the applicant Garaudy was guilty under *Loi Gayssot*, for having denied a fact that was established by the Nürnberg court. However the same court, decided in the second case that Lebideux was innocent, under the same *Loi Gayssot*, for having published an advertisement to call for the

rehabilitation of the Marshal Pétain. In the third case the Court points out the inappropriateness for a penal court to arbitrate historical issues. A closer examination of these three cases will shed more light on the subject:

### 12.1.1. The *Garaudy vs France* case

The French public prosecutor took action against Garaudy who published a book that questioned various historical truths about the persecution of Jews during the Second World War and he was convicted for this act. Garaudy took the case to the ECHR. The ECHR reasoned that the application of Garaudy was inadmissible on the following grounds:

*“There can be no doubt that denying the reality of clearly established historical facts, such as the Holocaust, as the applicant does in his book, does not constitute historical research akin to the quest for the truth. The aim and the result of that approach are completely different, the real purpose being to rehabilitate the Nationalist-Socialist regime and, as a consequence, accuse the victims themselves of falsifying history. Denying crimes against humanity is therefore one of the most serious forms of racial defamation of Jews and of incitement to hatred of them. The denial or rewriting of this type of historical fact undermines the values on which the fight against racism and anti-Semitism are based and constitutes a serious threat to the public order. Such acts are incompatible with democracy and human rights because they infringe the rights of others. Its proponents indisputably have designs that fall into the category of aims prohibited by Article 17 of the Convention.*

*Accordingly the Court considers that, in accordance with Article 17 of the Convention, the applicant cannot rely on the provisions of Article 10 of the Convention regarding his conviction for denying crimes against humanity.”*

### 12.1.2. The *Lebideux and Isorni vs. France* case

Lebideux and Isorni published an advertisement in the French daily *Le Monde* calling for the rehabilitation of Marshal Pétain (who cooperated with the German occupation forces in France between 1940 and 1944). The French public prosecutor took action against them and the French court convicted them. Lebideux and Isorni took the case to the ECHR who acquitted them on the following grounds:

*“The applicants did not call into question the category of clearly established*

*historical facts (by the Nürnberg Court) –such as holocaust- whose negation or revision would be removed from the protection of Article 10 by Article 17 (of the European Convention of Human Rights).*

*55. ....The Court further notes that the events referred to in the publication in issue had occurred more than forty years before. Even though remarks like those the applicants made are always likely to reopen the controversy and bring back memories of past sufferings, the lapse of time makes it disproportionate to deal with such remarks, forty years on, with the same severity as ten or twenty years previously. That forms part of the efforts that every country must make to debate its own history openly and dispassionately. The court reiterates in that connection that, subject to paragraph 2 of the Article 10, freedom of expression is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb, such as the demands of that pluralism and broadmindedness without which there is no “democratic society.”*

These two verdicts of the ECHR indicate that the Court makes a distinction between the denial of a fact that is established by a court and other cases of debatable nature.

### **12.1.3. Chauvy vs France case**

The third case is more relevant to this essay because in this particular case the ECHR emphasizes the importance of the freedom of expression for a genuine historical research. The relevant part of the court’s opinion is as follows:

*“60. The Court considers that it is an integral part of freedom of expression to seek historical truth and it is not the Court’s role to arbitrate the underlying historical issues, which are part of a continuing debate between historians that shape opinion as to the events which took place and their interpretation. As such, and regardless of the doubts one might have as to the probative value or otherwise of the document known as “Barbie’s written submission” or the “Barbie testament”, the issue does not belong to the category of clearly established historical facts -such as the holocaust-whose negation or revision is removed from the protection of Article 10 by Article 17 of the Convention.”*

## 12.2. Lewis case in light of ECHR decisions

Would the Paris court make the same decision if it were to judge Bernard Lewis after the above mentioned three decisions of the ECHR? There are several reasons to believe that it could decide differently:

1. The ECHR makes a clear distinction between historical events that were sanctioned with the verdict of an authorized international court, namely the Nürnberg Court, on the one hand and other historical events that are still disputed on the other. The Court points out for this reason that the negation of the holocaust is removed from the protection of Article 10 by Article 17 of the European Convention of Human Rights.
2. The said articles read as follows:

### *Article 10 – Freedom of expression*

*Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

*The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

### *Article 17 – Prohibition of abuse of rights*

*Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.*

3. The ECHR points out that the court's role is not to arbitrate the historical events that are still being disputed by the historians.



4. In the *Lebideux and Isorni vs France* case, the ECHR emphasizes the importance of the lapse of time. It considers that events that have taken place 40 years ago should not be assessed with the same severity as the events of 10 or 20 years ago. This assessment raise doubt about the fairness of the decision on the Lewis case where the defendant was convicted for having expressed doubts about historical events that had taken place 80 years ago.

Since France made a statement on adopting the Framework Decision that it will make punishable the denial of a crime only if there is a final decision of an international court to this effect, one may hope that in the future the French courts will not make decision like the one in the Lewis case.

### 13. Conclusion

Regrettable incidences may become unavoidable if the wisdom does not prevail and if the law enforcement officials in the EU Member States fail to show due diligence in the implementation of the Framework Decision.

Many events that took place in the former colonies of some EU Member States could be characterized as genocide if this task is entrusted to the national courts. The reactions and counter-reactions to such a development may ignite nationalistic racist and xenophobic rhetoric. This is exactly the opposite of what the EU was planning to achieve at the outset.

There are more than 4 million Turks or ethnic Turks in various EU Member States. If the national court of one of the EU Member States takes a decision that characterizes the 1915 events as genocide such a decision may set the floor for the rise of ethnic tension. It will not be unconceivable that one or more Turks or ethnic Turks state that they do not consider the 1915 events as genocide. If the public prosecutors or other zealous officials take a legal action against such a person this may open Pandora's Box.

In other words an initiative that started in 1990s with the best intention to combat racism and xenophobia may become a good recipe to do just the opposite and to incite racism and xenophobia in the EU countries and a race for retaliation among EU countries and their former colonies.

# THE 1934-1935 TURKISH-AMERICAN COMPENSATION AGREEMENT AND ITS IMPLICATIONS FOR TODAY

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**Abstract:** *In relation to the Turkish-Armenian conflict, one of the most important issues on the agenda today is the question of abandoned Armenian property. Members of the Armenian Diaspora are claiming compensation from Turkey for those properties abandoned and/or confiscated to meet the requirements of the army during the WWI. Armenians argue that they have a strong and legitimate claim to receive reparation from Turkey and that the Armenian entitlement for reparation has certainly not lapsed. The present article, however, contends that the claims of the naturalized American citizens of Ottoman Armenian origin are rather legally ungrounded in the light of the 1934-1935 Turkish American Agreement. Having studied the details of the talks and evaluated the contents of all files submitted to the State Department for compensation, the author concludes that Turkey agreed to pay \$1.300.000 for compensation in 13 installments. However, this figure alone shows that Armenian claims were found rather exaggerated by the State Department. Moreover, the fact that the State Department asked the Turkish government not to continue the payment after the 9<sup>th</sup> installment demonstrates blatantly that eligible Armenian claimants were indeed quite a few.*

**Key Words:** *Turkey, Armenian, U.S., compensation*

## Introduction

In relation to the Turkish-Armenian conflict, one of the most important issues on the agenda today is the question of abandoned Armenian property. Diaspora Armenians have been claiming compensation from Turkey for those properties abandoned, and/or confiscated to meet the requirements of the army.<sup>1</sup> The Armenians express their claims on all platforms and have written various books

1 See: "Türkiye'den Tazminat İsteyecekler", *Akşam*, 9 March 2010. "Ermenilerden Türkiye'ye Dava", *Akşam*, 31 July 2010. "Atatürk'ten Ermeni ve Rumlara Tazminat", *Habertürk*, 7 November 2009. "Heirs of Armenian Genocide Victims Claim Compensation from Victoria German Insurance Company", *PanArmenian.net*, 5 December 2005.

on this issue.<sup>2</sup> Although these claims frequently being discussed among organs of the press and media on whether they are just or legally valid, insensitivity towards this significant issue continues in Turkish historiography. However, until 1933, claims for damages were one of the most important issues between Turkey and the US waiting to be resolved. Despite this, it is quite thought-provoking that the issue has not been addressed in books focusing on the relations between Turkey and the USA and has even been treated as if it never existed until a doctoral dissertation published last year.<sup>3</sup> However, an American researcher named Roger R. Trask, by determining that the compensation agreement between Turkey and the USA was a very important matter, had dedicated quite a lot of space for the issue in his book published in 1971.<sup>4</sup> This article will address the process of negotiation and consequences of the compensation agreement signed in 1934 between Turkey and America.<sup>5</sup>

### Abandoned or Confiscated Properties and Compensation

One of the other most important issues discussed during the First World War in relation to the relocation of Armenians was *Emval-i Metruke* (Abandoned Property), meaning the assets of the relocated Armenians which they left behind. It is known that various statutes have been adopted during the relocation of the Armenians which made regulations concerning the properties, assets and debts left behind and their liquidation.. The most significant of these regulations are the ones made on May 30 and 10 June 1915. With these statutes, putting under government protection the properties, assets and abandoned lands of the Armenians relocated somewhere else was demanded. Article 2 of the regulation dated 30 May 1915, consisting of 15 articles, states that “the displaced Armenians could take all their belongings and live stocks together with them.”<sup>6</sup> On the other hand, the statute of June 10, consisting of 34 articles, which contains the essential regulations regarding the properties left behind, puts forth in detail how the properties and assets belonging to the relocated Armenians will be taken under protection and based on which principles they will be liquidated. One of the most noteworthy articles of this is the 3<sup>rd</sup> one. In this article, the type, quantity, value and names of the owners of

2 For the last book written on this issue see: Hrayr S. Karagueuzian-Yair Auron, *A Perfect Injustice: Genocide and Theft of Armenian Wealth*, Transaction Publications., New Brunswick, London, 2009.

3 Semih Bulut, *Atatürk Dönemi Türkiye-ABD İlişkileri (1923-1938)*, Atatürk Araştırma Merkezi (Atatürk Research Center), Ankara, 2010, p. 171-180.

4 Roger R. Trask, *The United States Response to the Turkish Nationalism and Reform 1914-1939*, The University of Minnesota Press, Minneapolis, 1971, p. 200-11.

5 The Agreement was ratified by the Turkish Grand National Assembly on December 25, 1934. The US implemented the agreement on March 22, 1935.

6 Askerî Tarih Belgeleri Dergisi (ATBD) 83 (March, 1983), p. 129-33. Document No. 1916; Compare *Arşiv Belgelerinde Ermeni Faaliyetleri*, Presidency of General Staff, Ankara, 2005, VOL.1, p. 132-33. (See: Attachment II).

the properties taken under protection are to be registered in detail; they will be transferred to suitable places of storage, such as churches, schools, and inns, in such a way that their ownership is distinct, laid out separately and with care shown for their protection. More importantly, it indicates that “the original of the records showing the amount, value, owners and the places of safe custody of the properties will be given to the local administration, while a copy will be issued to the *Emval-i Metruke* (Abandoned Properties Commission). In article 5 of the same regulation, it has been expressed that with fragile items and animals among the properties to be moved, these will be sold by auction by a board designated by the Commission, with the equivalent in value being deposited in property safety boxes, under name in those cases in which the owners are known, and under those of the village or small town for cases in which they are not known. In article 22 related to the assessment of the revenues obtained as a result of liquidations, it is demanded that sum amounts collected from sale or rent are to be deposited in safety boxes in the name of the owners and are to be paid to them after appropriate application has been made. All of these implementations have aroused hopes among the displaced individuals in receiving compensation for their properties.

Thus, it is understood that the government carried out sincere efforts to return the properties and assets of the Armenians who had returned to their territories at the end of the war. Articles 3, 10 and 11 of the decrees adopted on December 18, 1918 concerning the return of the displaced Armenians wanting to come back clarifies the issue of returning of properties, assets and other

fragile goods. In article 3, it is clearly stated that the immovable properties will be handed over to those who will return.<sup>7</sup> Article 10 of the same decree indicates that the properties devolved to the treasury must be returned with the approval of District Revenue Officer. The most important matter regarding the process of returning was the homes and lands assigned to immigrants. However, the decree has made it compulsory that even the properties sold to immigrants would be returned upon the claim of the real owner.

*The most important matter regarding the process of returning was the homes and lands assigned to immigrants.*

Since the process of returning Armenian properties and problems encountered are outside the subject of this article, we do not intend to delve into details. Moreover, although some difficulties were encountered during the restoration of the properties and assets assigned to Muslim refugees, recent studies have clearly suggested that the government persistently returned the goods to their original owners.<sup>8</sup> Due to the lack of studies, it has not been fully determined how many people benefitted from

7 BOA, BEO, nr. 341055.

8 Taha Niyazi Karaca, *Ermeni Sorununun Gelişim Sürecinde Yozgat'ta Türk Ermeni İlişkileri*, Ankara, 2005.

the process of returning. However, one of the most interesting points which should be emphasized here is that those who left the country without permission would not be allowed to benefit from the law about returning of properties and assets.<sup>9</sup> Therefore, for various reasons, an uncertain situation has developed in the liquidation of properties of individuals who did not return to their home after World War I or who acquired citizenship of another country. Thus, the settlement of the issues of those individuals in this situation would only be possible through international agreements.

As a matter of fact, the liquidation of the properties and assets left behind by Ottoman citizens of Armenian origin who had fled to the Caucasus was attempted to be resolved through the Treaty of Gyumri (December 2<sup>nd</sup> 1920). With article 6 of the Treaty of Gyumri, those Armenians who did not enter an armed struggle against the Ottoman State or who did not participate in the atrocities were permitted to return to their homes. As in civilized countries, these individuals would be able to benefit from the rights of minorities. Article 7 of the same treaty stipulates that within a year of the ratification of the treaty, those not returned to their homes would lose their rights.<sup>10</sup> However, this treaty could not be implemented due to the disposition of the Dasnaksutyun by the Soviet Union. Then, the issue of the liquidation of the abandoned Armenian properties was tried to be resolved through the Treaty of Kars (October 13, 1921).<sup>11</sup> With the article 14 of the treaty, the parties decided to conclude an agreement within six months concerning refugees, but even if this agreement had ever been concluded, it has not come to light. Looking at the statements being reflected on discussions of the Assembly, it could be understood that a period until March 1922 has been set for the Armenians to return to their homes.<sup>12</sup>

On the other hand, the Armenians returned to the south eastern part of Turkey region and possessed their properties, completely left the country upon the withdrawal of the French from the region. Their abandoned properties and assets then became a national issue. When the abandoned properties and assets of the Armenians became the subject of random confiscation, the government felt it necessary to end this practice. On April 20, 1922, with the law adopted by the Turkish Grand National Assembly (TGNA) entitled “*Memalik-i Müstahsaladan firar ve gaybubet eden ahalinin emval-i menkule ve gayrimenkullerinin idaresi*

9 Article 15 of the Decree of return states that “those Armenians going outside Ottoman borders and wanting to return will not be accepted until a new order is given”. Bkz. BOA, BEO, nr. 341055. Compare. Hikmet Özdemir et.al, *Ermeniler Sürgün ve Göç*, Türk Tarih Kurumu (Turkish Historical Society), 3rd edition, Ankara, 2010, p. 120.

10 İsmail Soysal, *Türkiye'nin Siyasi Andlaşmaları (1920-1945)*, Türk Tarih Kurumu (Turkish Historical Society), Ankara, 1983, VOL. I, p. 20-21.

11 Soysal, *Türkiye'nin Siyasi Andlaşmaları*, p. 45.

12 *TBMM Zabıt Ceridesi*, Term 1, VOL. 19, Assembly years 3, 28. İctima', 16 April 1338, TBMM Matbaası, Ankara, 1959, p. 217.

*hakkında kanun*” (Law on the administration of movable and immovable properties of the community who fled or remained absent), the selling of the abandoned properties with an auction and its price being deposited in the subdivision of treasury was made a law. If the Armenians would return, the amount would be paid to them.<sup>13</sup>

We believe that one of the most important articles of this law is article 5. In this article, it was written that the abandoned properties of those fleeing due to war conditions or political reasons were also within the scope of this law. Moreover, it was also stated in the law that those who illegally confiscated properties would submit the movable and immovable properties to the government within one week (Article 3). This way, the TGNA Government implemented the legal regulations concerning the properties left behind by the Armenian Ottoman citizens. Enacting the law was not easy at all, because millions of Muslim refugees had also fled and abandoned their properties in the Balkans, but none of the Balkan countries had introduced a similar law for the restitution of their properties. Therefore, some deputies had supported the confiscation of the abandoned properties and assets. Furthermore, it should be emphasized that with the issuing of the law, very few non-Muslims were able to reclaim their properties, because most of the Armenians had already left the country. However, the process of liquidation continued under the conditions put forth by the law. The necessity to conclude international treaties in order for those leaving the country to reclaim their abandoned properties or their values emerged.

Eventually, the issue was frequently brought to the agenda during the Lausanne Conference. In the commissions in which minority rights were discussed in particular, with the pressure of those migrating from Turkey, allies sought for the compensation of the abandoned properties. As a result of discussions, Turkey declared that it would only recognize the operations made under the protection of Allies between 30 October 1918 and 20 November 1922.<sup>14</sup> This way, Turkey was contented with the operations of the occupation forces towards the immovable abandoned properties but the essential problem remained unsolved. This situation disturbed the USA where the great number of non-Muslim citizen of the Ottoman Empire had migrated. The USA America concluded a separate treaty with Turkey during the Lausanne Conference. Within this framework, it initiated talks with Turkey concerning the compensation of the abandoned properties of their own citizens.

13 *TBMM Kavanin Mecmuası*, Volume 1, Term 1, TBMM Matbaası, Ankara, 1943, p. 265.

14 *Yaşayan Lozan*, ed. Çağrı Erhan, T.R. The Ministry of Culture and Tourism, Ankara, 2003, p. 233-35.

## The Beginning of Negotiations for Compensation between Turkey and the United States of America

It is understood that the request for discussion of the compensation issue came from the American delegation. Armenian organizations increased their activities during the Lausanne Conference and pressured the American delegation to hold talks with the Turkish delegation about the compensation for their properties left behind in Turkey. Moreover, the American Board for Foreign Missions, which had significant investments in Turkey, was also requesting from the American delegation to negotiate for the protection of their investments. On the other hand,

*Moreover, the American Board for Foreign Missions, which had significant investments in Turkey, was also requesting from the American delegation to negotiate for the protection of their investments.*

Turkey sought to conclude an agreement with the US delegation for the establishment of diplomatic relations for which all problematic issues had to be sorted out. However, the American delegation wanted to include the issue of compensation in any treaty to be concluded with Turkey. On the other hand the Turkish delegation expressed that addressing this issue separately would be more appropriate. Eventually, the two sides reconciled on the Turkish view and after the signing of the Treaty of Lausanne<sup>15</sup> between Turkey and the US, they agreed for talks on the issue of compensation to start 20 days later.<sup>16</sup>

The reason for the US acceptance of the postponement of the talks was that the claims filed for compensation were so many that the US was not able to classify and prepare them. On the other hand, Turkey insisted on the submission of the files to be classified in detail and on negotiating them under main headings.<sup>17</sup> For this reason, the US took a step back and the talks were only able to start on November 7, 1923, with a delay of 93 days.<sup>18</sup> During the talks, the United States was represented by G. Howland Shaw and Edgar W. Turlington under the chair of Rear Admiral Mark Bristol, while the Turkish delegation was chaired by the Istanbul representative of the Foreign Ministry, Abdulhak Adnan (Adivar), with two other representatives namely Münir (Erteğün) and Ibrahim Bey.<sup>19</sup>

At the end of the talks, the two sides agreed on the establishment of a commission to address the issue of compensation. With the exchange of notes on December 24,

15 In order not to confuse this agreement with the Treaty of Lausanne signed between the Allies and Turkey, it is also called the "Small Lausanne Treaty".

16 NARA 711.672/172.

17 *Foreign Relations of United States (FRUS) 1923, VOL. 2, p. 1190-91*

18 *Bulut, Atatürk Dönemi*, p. 171.

19 *FRUS 1923, VOL. 2, p. 1179, Compare: Bulut, Atatürk Dönemi*, p. 172.

1923, this agreement came into force.<sup>20</sup> In this note, it is stated that 6 months after the mutual exchange of documents with regard to the ratification of the Turkish-American Treaty of Lausanne by the parliaments a commission would convene in Istanbul consisting of two American and two Turkish members.<sup>21</sup> This commission was to examine the files concerning the claims and to reach a conclusion within six months.<sup>22</sup> However, as is known, the Turkish-American Treaty of Lausanne was rejected in the US Congress. Upon this development, the signatory parties agreed that the talks concerning the claims would not be suspended. Within the framework of a “modus vivendi” regarding the establishment of diplomatic relations between Turkey and the United States on February 17, 1927, it was agreed that the exchange of notes in Istanbul in relation to the claims would be implemented and a commission would be established.<sup>23</sup> According to the reconciliation reached, if the Treaty of Lausanne in the US Congress would not be ratified until June 1, 1928 the Commission would gather six months after the exchange of ratification of a commercial convention and a convention of establishment and residence. Finally, six months after the agreements were implemented on February 15, 1933, the Commission convened on 15 August 1933 in Istanbul.<sup>24</sup> This time, the Turkish members of the commission were Şevki Bey and Esat Bey, while the American members were G. Howland and Julian E. Gillespie.<sup>25</sup>

### How the Commission functioned and the Discussions proceeded

After the commission gathered, the parties held preliminary talks on which principles the talks proceeded. As a result of evaluations, the State Department has concluded that many vague and unfounded claims existed in the dossiers. “Based upon its experience in settling other groups of claims by such means as claims commissions, the Department is convinced that the development and presentation of these claims to an international Commission for adjudication would require the employment of a commission and a large staff of attorney by both parties over a period of years. The Department feels that in the light of the many doubtful elements involved in these claims the expense that would be incurred by a consideration of each case individually would be out of proportion to the sums

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20 Semit Bulut has indicated that this note was ratified by the Turkish Government on January 6, 1924. Bulut, *Atatürk Dönemi*, p. 173.

21 T.R. Presidential Republic Archive, 30, 18, 1, 1/8, 44, 5, *Decree*, 06.01.1924. Attachment 1. I am grateful to Dr. Semih Bulut who helped me to access this decree. See: Attachment 3.

22 Trask, *The United States Response*, s. 35. Bulut, *Atatürk Dönemi*, p. 173.

23 *FRUS* 1927, VOL. 3, p. 796-97. From Foreign Minister Tevfik Rüştü Bey to American High Commissioner Admiral Bristol. *NARA* 711.672/583.

24 *FRUS* 1934, VOL. 2, p. 894. From the Secretary of State to the Chargé in Turkey Shaw.

25 Bulut, *IBID.* p. 174.



finally adjudicated.”<sup>26</sup> Moreover, this task would take a long time and would be highly costly. Therefore, the State Department argued that “The Turkish Government is just as anxious as the Government of the United States to avoid a lengthy claims settlement of this kind.”<sup>27</sup> For this reason, the State Department expressed to the Turkish side that the American Government is prepared to accept in full payment of the claims of all of its nationals a sum representing a moderate percentages of the total claims.”<sup>28</sup> By this offer the Statement Department argued that this would accelerate the works of the commission.

Actually, the State Department believes that a majority of the claims were not based on legal grounds. It could be understood that it is for this reason that the State Department has carried out such an initiative. Eventually, in a telegraph sent by the Secretary of State, Cordell Hull to the Chargé in Turkey, Howland Shaw, it was requested that the Commission should refrain from revealing to the Turkish authorities the existing lists of the classified dossiers in which the claims were categorized. Because, The State Department was aware of the fact that a large section of these claims were not “supportable in international law or as to the amount of damages properly claimed in those cases in which international responsibility may be established.”<sup>29</sup>

In other words, the compensation dossiers of the US delegation had not yet reached maturity.<sup>30</sup> However, since the dossiers had been submitted to them two years ago, the commission sent a letter to the claimants in order for them to obtain evidence which would support their allegations. In this letter, it was also asked for those intending to submit no further evidence or wishing to withdraw their request files to inform the Department. Regarding the content of these letters, an extensive activity of informing was conducted in various languages including the foreign media organs, and therefore, 750 additional claim dossiers were passed on to the Department. However, the Department was unable to classify these dossiers according to the amount of compensation and their numbers. Furthermore, it was believed that with the dossiers received later on, the amounts claimed had increased by a couple of million of dollars.<sup>31</sup>

A total of 1880 dossiers had been submitted to the State Department. These dossiers were gathered in two groups. In the first group, the amount of compensation claims was stated in the dossiers and although not certain, was 24.150.000 dollars in total.

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26 *FRUS* 1934, VOL. 2, p. 895. Trask, *American Response*, p. 201.

27 *ibid.*.

28 *Ibid.*

29 *FRUS* 1934, VOL. 2, p. 895. From Cordell Hull to Hawland Shaw. 4.04.1933.

30 Trask, *American Response*, p. 202.

31 *FRUS* 1934, VOL. 2, p. 896. From Cordell Hull to Shaw. 4.04.1933.

In the second category of claims, the amount was in foreign currency and was approximately 12.075.000 dollars. Therefore, the total amount of compensation being claimed was 36.225.000 dollars. Adding the claims for compensation existing in the 750 dossiers received later on, the total amount had reached approximately 55.000.000 dollars. The US commission would use this figure against the Turkish Government as the total calculation of the claims, but during the first talks to be held, would start the bargain for the lump sum from 10% of this amount with 5.000.000 dollars. The instructions issued by the State Department to the commission had recalled the unwilling approach of the Turkish side towards paying compensation to naturalized American citizens of Ottoman origin and indicated that it could be asked from them for the number of individuals in this category and the amount of the claims. Yet, within the light of the classification of the dossiers, providing this kind of information was impossible. Moreover, the US was not yet able to determine how many of the claims came from the former American nationals of Ottoman origin. However, preparations for a list were continuing and as soon as it was completed, it would be issued to the commission.

In the instruction sent to the commission on April 4, 1933 by the State Department which was evaluating these ambiguities, it was suggested that the commission be reconciliatory and constructive during the talks held with the Turkish Government. Taking into consideration the economic situation of Turkey, it was expressed that the US was ready to reach an agreement on a reasonable settlement, but that the Turkish Government must also approach the question in the same spirit of good will and conciliation. The US did not want the talks to end due to the reactions that could arise in American public opinion. For this purpose, the US commission would frequently remind the Turkish side that the establishment of the commission and its operation were within the framework of the agreements between the countries. Again based on the same instruction, the commission would insist on the paying of a lump sum and the negotiations would start with a request of 5.000.000 dollars. Furthermore, meeting the claims of American nationals of Ottoman origin would be requested and the commission would try to obtain a written justification in case the Turkish side resisted.

As can be seen, the US commission had a very weak hand in terms of the content of the dossiers. Therefore, they aimed to settle the compensation issue by obtaining an appropriate lump sum without going into details of the dossiers. Shaw, the chargé in Turkey, who chaired the commission, would express his discomfort with these ambiguities in a telegraph written to the Department and would request authorization at least to state that the majority of the claims were for purposes of requisition and confiscation when information was requested concerning the content of the claims of the Turkish Government. Moreover, the undersecretary also asked for authorization to state that the US would be willing to consider the

payment of lump sum in installments.<sup>32</sup> In the reply received from the State Department, it was expressed that in case the Turkish Government persistently asked for details on the content of the files, it was requested to be indicated that an important section of the claims was related to the requisitions and confiscations (requisition for the use of the army) executed by the Turkish army and civil bureaucracy during the years 1914-1922. The issue of installments, on the other hand, was to be used as a trump card for bargain.<sup>33</sup>

Within the framework of these new instructions, in order to determine the position of Turkey, Shaw met with Foreign Minister Tevfik Rüştü Aras on May 8, 1933 in Ankara. In this meeting, Tevfik Rüştü Bey indicated that he personally leaned towards compromising on a lump sum, but that without considering the scope of the claims, reconciliation could have political and legal difficulties. In a second meeting, Tevfik Rüştü Bey told Shaw that he discussed the matter with İsmet Paşa and, İsmet Paşa stated that without Government's having further information concerning the claims no progress would be achieved on the issue of lump sum. Tevfik Rüştü Bey requested a list of the compensation dossiers from the Undersecretary and for each file, asked for the following information:

1. The name and birth place of the claimant
2. Amount of compensation
3. The nature and reason of the compensation request
4. The date of act or event giving rise to claim and the reason of the lawsuit
5. Evidences

Although these requests seemed easy, they were difficult demands for the US commission to fulfill, because the files of the commission were missing. Shaw expressed that as long as these requests remained on the table, progress was difficult to achieve. On the other hand, the Turkish side continued to ask for a list of the claims. In a meeting held with Shaw, Tevfik Rüştü Bey said that he asked this list not for discussing claims one by one in the commission. However, he added that they also did not blindly want to determine a lump sum. By observing the files and claims, the Turkish side wanted to form an opinion about the amount being

32 *FRUS* 1934, VOL. 2, p. 898. From Shaw to the Secretary of State . 3.05.1933.

33 *FRUS* 1934, VOL. 2, p. 899.

34 *FRUS* 1934, VOL. 2, p. 899-900. From Shaw to the State Department. 10.05.1933

35 Trask, *American Response*, p. 202.

requested.<sup>34</sup> Even more, Prime Minister Ismet Inonu asked Shaw, the Chargé in Turkey: “Does the US want to turn Turkey into a country in debt?”<sup>35</sup>

Upon the insistence of the Turkish side, Shaw requested at least a part of the list from his Department. The Department indicated that the list could not be made available to them before July 1. While the negotiations were proceeding in a difficult manner, a telegraph sent by the Turkish Foreign Ministry to the US on June 27, 1933 made the task of the American side more difficult. When the event being the subject of compensation was experienced, Turkey had stated that the claims of the Ottoman citizens could not be discussed in the commission and that unarguably again it would discuss compensation for the naturalized US citizens. In fact, according to the Turkish laws, when the event subject to compensation was experienced, the children of individuals whose parents were Ottoman citizens were considered to be citizens also. However, the majority of American requests belonged to those acquiring US citizenship without the permission of the Ottomans and according to US laws, permission from another country was not required to acquire citizenship.<sup>36</sup> A problem between the two countries which dated back a long time in history had appeared once again on the agenda.<sup>37</sup>

*Prime Minister Ismet Inonu asked Shaw, the Chargé in Turkey: “Does the US want to turn Turkey into a country in debt?”*

Furthermore, it could be understood that by ignoring this issue, the US started negotiations. Because when the negotiations started on August 15, 1933, the US delegation had prepared three lists to be presented to the Turkish side. In the first list, there were 95 request files which belonged to US citizens and to those who have never acquired Ottoman or Turkish citizenship. According to their own statements, the claims in this list were based on firm evidences. In the second list, 280 request files existed and were still in the process of content analysis. The third list consisted of 1504 files and the claimants were still US citizens who had been Ottoman citizens previously. The total number of files in the three lists was 1880 and the amount of compensation being claimed was 55 million dollars. The US delegation was aware that only the files in the first list met the conditions being requested by the Turkish side. Therefore, the US was consent to take only 10% of the requested total compensation amount. Moreover, it argued that discussing each file separately would only be an unnecessary waste of time and source.<sup>38</sup>

36 *FRUS* 1934, VOL. 2, p. 902.

37 For the ongoing issue of citizenship between America and the Ottoman State and then between the Republic of Turkey see: Trask, *American Response*, p. 188-216. Kemal Çiçek, “Tehcir Uygulaması ve Amerikan Vatandaşı Osmanlı Ermenilerinin Durumları”, *XV Türk Tarih Kongresi Kongreye Sunulan Bildiriler*, Türk Tarih Kurumu (Turkish Historical Society), Ankara, 2010, VOL. 6, p. 2565-76.

38 *FRUS* 1934, VOL. 2, p. 902-904. From the Acting Secretary of State Philips to Turkey’s Ambassador Skinner. 8.12.1933.

Actually, the Turkish side also had a positive look on the idea of paying a lump sum. Eventually, in November 1933, the Turkish Foreign Minister informally notified to the US ambassador that they could offer 500.000 dollars for lump sum.<sup>39</sup>

Meanwhile after the negotiations had started, when the Turkish delegation submitted to the US delegation the results of their review of the files in the first list, a very big surprise appeared. The Turkish commission had made the following evaluations concerning the files which the specialists of the State Department examined separately and which were alleged to be based on firm evidences:

- 1) The claimants in some files are recorded as Turkish citizens. For example, Basil C. Coumoulis has personally applied to the Muhtelit Mübadele (Mixed) Commission by asserting that he was a Turkish citizen in order to regain his properties on the basis of the articles of the Treaty of Lausanne. (In this example, it could be understood that Coumoulis had not informed the US commission that he was a Turkish citizen).
- 2) A great number of the claimants have expressed that they do not possess evidences which would support their claims. (The numbers of the files within the category of requisition and confiscation are given).
- 3) The claims in the files have been determined unilaterally by the owners of the files. These requests are far-fetched. For instance, the requested amount of compensation for an ordinary mill found in the small village on the border Iğdir and 400 tons of grain is 442.000 dollars. 58.500 dollars is requested for a small house in Iğdir.
- 4) Similarly, the claims are inconsistent and exaggerated. For example, instead of the requested 2600 dollars for the properties expressed in the petition delivered to the Mixed Commission by Basil C. Coumoulis, 26.100 dollars has been claimed in the file issued to the US delegation, meaning that he has claimed an amount which is ten times too high.

As can be seen, members of the Turkish commission worked hard on the lists and files submitted by the US and stated that their proposal of 500.000 dollars of lump sum in 10 installments was reasonable. Moreover, in Turkey's proposal, it was expressed that prolonging the negotiations and delaying a settlement would be contradictory to the interests of both sides and the requested amount of compensation of the US was not accepted.

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39 *FRUS* 1934, VOL. 2, p. 902. From American Ambassador Skinner to the Acting Secretary of State . 21.11.1933. Compare. Trask, *American Response*, p. 202.

It could be understood from the reports submitted by the US delegation to their leaders that these evaluations of the files weakened US's position in the negotiations. Despite this, in the meeting with Şevki Bey in Ankara on December 30, 1933, Shaw stated that Turkey's proposal was very low and completely unacceptable. According to Shaw's allegation, the files were legally strong and even the compensation claims by US companies whose documents were very convincing amounted to 15.000.000 dollars. Again, according to Shaw, even the requested compensation of MacAndrews and Forbes, asserting that their assets seized during war, amounted to 2.000.000 dollars and had very strong evidences. The total amount in the similar 21 files was 7.000.000 dollars. In the light of these examples, Shaw must have wanted to show Şevki Bey that they had a strong hand. In response, Şevki Bey noted the given examples and indicated that he would get them to be examined as soon as possible.<sup>40</sup>

Meanwhile, in a telegraph sent to Ambassador Robert P. Skinner by the State Department on January 13, 1934, it was asked for the unofficial talks to continue until February 15, 1934 on which the negotiations would start again. Moreover, it was suggested that the delegation be persistent in their compensation request and if necessary, to negotiate over the documents. Then, it was expressed that the numbers of nationals of non-Ottoman origin who had applied to the commission had reached 500 in number and the amount of compensation requested by them had reached 20.500.000 dollars. In another instruction given to the delegation, it was requested that when the negotiations started on February 15, 1934, they would convince Turkey to sign an agreement or protocol without delay. The most striking new proposal in the text of this agreement or protocol, the draft of which was submitted, was the claims on which a compromise can not be reached to be taken to Switzerland's arbitration.<sup>41</sup>

It is clear that Turkey had a positive outlook on this initiative of the US, because the Turkish side reviewed US's draft and submitted their text on February 4, 1934.<sup>42</sup> It was stated in this suggestion that in order to successfully determine the amount of lump sum, all dossiers should be submitted to them and the claims upon which arbitration was necessary could be evaluated after this. In other words, Turkey did not object to the files, which became an issue of disagreement, to be arbitrated under the refereeing of Switzerland. In response to this proposal, US Ambassador Skinner stated that they wanted the negotiations to result in reconciliation as soon as possible, because examining claims individually and sending the controversial ones to arbitration would be a great loss of time and would be quite costly for both sides. Moreover, in a telegraph sent to the US State

40 *FRUS* 1934, VOL. 2, p. 906. "Memorandum by the American Delegate to the Turkish-American Claims Commission (Shaw) of a Conversation with the Turkish Delegate (Şevki Bey) on December 30, 1933".

41 *FRUS* 1934, VOL. 2, p. 907-909. From the Acting Secretary of State Philips to the Ambassador in Turkey Skinner. 13.01.1934.

42 *FRUS* 1934, VOL. 2, p. 909-910. From Skinner to the Secretary of State .

Department, Skinner stated that he was extremely fearful that the issue be sent to an arbitrator. This shows that US's proposal to go to an arbitrator was a bluff and that it was surprising that Turkey did not object.<sup>43</sup> Following these developments, Skinner wanted the Turkish side to slightly increase their proposal for compensation. In response, the Turkish side maintained their stance and persistently expressed that they wanted the files and arbitrated lists to be submitted to them and that they would only accept the claims of the US citizens being addressed in the commission.<sup>44</sup>

In a telegraph sent to Skinner by the State Department on February 10, 1934, it was expressed that to a great extent Turkey's proposals were acknowledged and the commencing of negotiations was accepted according to these principles. The State Department only objected to Turkey's insistence to keep the discussions confined only to US citizens.<sup>45</sup> Turkey conditionally abandoned its insistence. In the first phase, talks would be holding on the lump sum without raising nationality question and if a compromise could not be reached, the content of the dossiers would be examined, but only the US citizens' claims for "the losses sustained in Turkey" would be evaluated. The United States of America accepted the first phase of this two-step negotiation proposal, but asserted that they could not differentiate or bring a geographical limitation between the citizens according to the protocols which compromised a basis for negotiations.<sup>46</sup>

Following this development, the number of US commission members was increased and new lawyers were included.<sup>47</sup> The most noteworthy change was that Mr. Shaw was replaced by, a famous lawyer Fred K. Nielsen<sup>48</sup> who had conducted the compensation talks between the US and Mexico.<sup>49</sup> This change could be interpreted as the US wanting to conclude the talks under the leadership of an experienced name as soon as possible. However, the disagreements within the American delegation and Shaw's attitude towards Nielsen considerably complicated Nielsen's duty.<sup>50</sup>

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43 *FRUS* 1934, VOL. 2, p. 909-910. From American Ambassador to the US Secretary of State , 04.02.1934.

44 *FRUS* 1934, VOL. 2, p. 910. From Skinner to the Secretary of State . 8.02.1934.

45 *FRUS* 1934, VOL. 2, p. 911. From Hull to Skinner.

46 *FRUS* 1934, VOL. 2, 912. From the Secretary of State to Skinner. 23.03.1934.

47 The jurists newly attending are Francis M. Anderson, John Maktos and John W. Connely (Jr). See: Bulut, *ibid.*, p. 175.

48 In the report of Fred K. Nielsen, the date of appointment as president of commission is given as 12 February 1934. See: Fred K. Nielsen, *American-Turkish Claims Settlement under the Agreement of December 24, 1923, and supplemental agreements between the United States and Turkey. Opinions and report prepared by Fred K. Nielsen. In accordance with the Act of March 22, 1935m 49 Stat. 67* U. S. Government Printing Office, Washington, 1937, p. 7.

49 Trask, *American Response*, p. 204.

50 Trask, *American Response*, p. 205. According to Trask's research on the special file of Nielsen, the embassy had not given him secretariat and Skinner had not accepted to see him.

Eventually, the talks starting again on March 21, 1934 were quite efficient. It could be seen that the suggestions in the last letter of instruction sent to Nielsen could be effective here. In this letter of instruction, Nielsen was told to seek a compromise for a lump sum before evaluating each file separately but if this was not possible to discuss the protocol or agreement whose draft was submitted. It was stated that if the Turkish side insisted on evaluating each file separately, it might have been accepted grudgingly. Another point was that Turkey's proposal of 500.000 dollars as a lump sum was very low and unacceptable. The State Department desired the process to end before dragging on too much and this very important question between the two countries to be settled as soon as possible. Therefore, initiative was given to Nielsen and he was instructed to be able to withdraw the files whose evidences seemed inadequate during the negotiations. The sole issue which the US would not make a subject of discussion was the separation of the conditions of the American nationals of Ottoman origin.<sup>51</sup> However, as mentioned above, this issue was partially covered up with the lists prepared on the basis of citizenship and had at least prevented the obstruction of the talks. Therefore, based on the agreement reached on 13 July 1934, the claims of those American nationals of Ottoman origin were also included within the scope of the agreement. Since the parties decided on continuing negotiations on a lump sum, the compensation to be received would encompass all compensation dossiers.<sup>52</sup>

*Therefore, based on the agreement reached on 13 July 1934, the claims of those American nationals of Ottoman origin were also included within the scope of the agreement.*

Thus, under these conditions, the sides hold very effective talks during the five month period between March-August 1934. Turkey did not bring the question of citizenship to the table and the US did not specify an amount for compensation. Nielsen reported his observations concerning the talks and claims to the State Department with a writing dated August 14, 1934 under the following main headings:

1. "Serious cases" amounted to approximately 12,099,994.18 dollars.
2. "Prima facie but unconvincing cases" amounted to 1,419,614.60 dollars.
3. Cases amounted to 1,366,242.32 dollars. It is thought within the scope of the Turkish Legal System that these were related to the abandoned properties. (The claims in this category are suspended for the present so that the American delegation could examine this legal system).

51 *FRUS* 1934, VOL. 2., p. 913-18. From the Secretary of State to the American Commissioner on the Turkish-American Claims Commission Nielsen. July 13, 1934.

52 Nielsen, *Claims Settlement*, p. 15.



4. “Insignificant cases” amounted to approximately 49,347.78 dollars. (These claims, few in numbers, would have little or no bearing on a lump sum settlement).
5. Cases which are in abeyance in order to allow the Turkish delegation to make some investigations amounted to 905,953.47 dollars.
6. “Non-serious cases” amounted to approximately 1,665,026.36 dollars. (According to the decision taken unanimously by the commission, this category contains claims which are without basis of law).
7. A large number of cases (approximately 600) found legally groundless by the American commission after a cursory examination. A list of these claims was submitted to the Turkish Delegation.
8. A small number of cases concerning the problems of Turks and Americans having dual nationality.

In his evaluation regarding the process of negotiation, which took part in his *déclarations verbales* dated to August 16, 1934 and submitted to the State Department, Nielsen stated that even if the controversial dossiers were taken out from the approximate 2500 files presented to the commission, the amount of compensation in the serious files was 15.841.150 dollars. He also added that the low percentage 15% of this amount which would be close to the sum of 2.500.000 dollars was reasonable.<sup>53</sup> By this way, for the first time an American official expressed half of the compensation amount claimed in the beginning. On the contrary, after Turkey had insisted for a long time on its original proposal, it took a step back upon Nielsen proving that the claims were just by showing some cases one by one as an example. Based on Nielsen’s report written for the Ministry on September 5, 1934, Esat Bey indicated that Turkey’s proposal could increase all the way up to 700.000 dollars. By accepting that the claims were one sided and exaggerated, Nielsen reduced it to 1.500.000 dollars and declared to Washington that they could not propose a lower amount. Moreover, he also mentioned in his report the possibility for the Turkish side to raise its proposal to 1.000.000 dollars.

Nielsen, who claimed that no progress was made in the negotiations, expressed to the Turkish side that if no agreement was reached on the amount, they would be ready to examine each file individually as indicated during the beginning of the negotiations.<sup>54</sup> Upon this development, after a long time, Şevki Bey attended the

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53 *FRUS* 1934, VOL. 2. p. 921. Attachment 2. From Nielsen to the US State Department. 16.08.1934.

54 In his letters written to his companions, Nielsen wrote that he disliked the Turks and their behaviors and conveyed his discomfort with the talks extending. Trask, *American Response*, p. 205.

commission meeting on September 19, 1934 and proposed to pay 1.200.000 dollars in 12 installments annually. Nielsen was willing to accept this proposal. He stated that the majority of the claims were exaggerated, evidences were inefficient, too much time would be lost if each file was negotiated, and that considering the economic conditions the country was in, and the acceptance of this proposal would be to the benefit of both countries' interests. Undersecretary Shaw also expressed that he was for the acceptance of the proposal. However, in the response received from the State Department, it was asked that the amount of compensation to be slightly raised and negotiations to take place for the installments to be paid in five years. Furthermore, it was indicated that considering the 3% interest rate in the 12 year payment term, Turkey's proposal equaled 995.400 dollars. Therefore, the State Department declared that an agreement should be reached on 1.500.000 dollars or an interest which would bring total payments approximately up to this figure should be added. However, Nielsen was also granted the authorization to accept the proposal if Turkey would not make any concessions.<sup>55</sup> When Nielsen discussed the situation with Şevki Bey, he told him that they could not pay more than pay more than 100.000 dollars a year. By indicating to the State Department that the economic conditions of the country should not be overlooked, Nielsen asked for the proposal to be accepted. However, he also stated that due to the installments extended over a long period, he could try to get interest on deferred payments.<sup>56</sup> In the last meeting hold with Şevki Bey, Nielsen said that he accepted the proposal of the US on the condition that an interest of 2.5% would be paid. On the other hand, Şevki Bey proposed to pay without interest 100.000 dollars with a term payment of 13 years, thus a total of 1.300.000 dollars.<sup>57</sup> America finally accepted this proposal.

### **“Müttekâbil Metâlibin Tesviyesine Mütedair İtilafnâme” (Agreement Concerning the Mutual Claims Settlement) or Turkish-American Claims Settlement**

Upon negotiations coming to an end and reaching an agreement on the conditions of the settlement, the agreement whose official name was “Agreement Concerning the Mutual Claims Settlement” was signed on October 25, 1934. The agreement was signed by Deputy of Izmir and Minister of Foreign Affairs Tevfik Rüştü (Aras) on behalf of Turkey and Fred Kenelm Nielsen on behalf of the US President. The entire agreement consisted of three articles:<sup>58</sup>

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55 *FRUS* 1934, VOL. 2, pp. 930-31. From the Secretary of State Hull to the Consul at Istanbul Elting. 20 September 1934. Compare: Trask, *American Response*, pp. 207-08.

56 *FRUS* 1934, VOL. 2, p. 931. From Nielsen to the Secretary of State. 21.09.1934.

57 *FRUS* 1934, VOL. 2, p. 932. From the Secretary of State Hull to the Consul at Istanbul Elting.

58 *Düstur*, 3. Tertip, VOL. 16, pp. 490-92. *T.R. Official Gazette*, January 2, 1935, p. 4616-17. For the full treaty see: Attachment 2.

1. The Government of the Republic of Turkey will pay to the Government of the United States of America the sum of 1.300.000 (one million three hundred thousand dollars), without interest, in full settlement of claims of American citizens which are embraced by the Agreement of December 24, 1923. Payment of this sum will be made in thirteen annual installments of 100.000 (one hundred thousand dollars). Payment of the first installment will be made on June 1, 1936; following the ratification of the present Agreement by the Grand National Assembly of Turkey.
2. The two Governments agree that, by the payment of the aforesaid sum, the Government of the Republic of Turkey will be released from liability with respect to all of the above-mentioned claims formulated against it and further agree that every claim embraced by the agreement of December 24, 1923, shall be considered and treated as finally settled.
3. The present agreement shall be effective from the date of its signature, subject to the ratification of the Agreement by the Grand National Assembly of Turkey.

Done in Ankara on twenty-fifth day of October, nineteen hundred and thirty-four in two copies each in the Turkish and English languages, which are equally authentic.

Since in the United States' case the agreement had a characteristic regarding the execution, it was not submitted to the ratification of the Senate. On the other hand, the Turkish Grand National Assembly ratified the agreement as a result of the voting on December 23, 1934. In addition to this agreement, another agreement was signed for the payment by the Turkish Republic to the United States of America of 23.824.86 dollars spent by America in order to protect the interests of the Ottoman citizens in the US in 1914-1917. According to this agreement, the amount would again be paid in 13 annual installments.<sup>59</sup> The date for the first installment was set as June 1<sup>st</sup> 1936.<sup>60</sup>

### Scope of the Claims Settlement

As can be seen, this agreement foresaw that a lump sum be paid in order to completely meet the claims of Turkish American citizens. Here, it is very important that the agreement of December 24, 1923 is referred to, because in these protocols which have also come to the agenda during the negotiations and acted as a basis of

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59 *Düstur*, 3. *Tertip*, VOL. 17, p. 1277-78. *FRUS* 1934, VOL. 2, p. 933-34. Nielsen, *Claims Settlement*, pp. 47-48.

60 Trask, *American Response*, p. 208.

agreements, the former citizenships of the owners of claims were questioned. This situation decreed that it was decided for a lump sum to be paid in order to meet all the claims of the agreement. In other words, the US requested the claims settlement to be applied to all its citizens and gathering the claims of all Greeks, Armenians and Jews who had acquired American citizenship and bringing them before the commission was an indication of United States' desire. According to American laws, a person could acquire US citizenship without the consent of their country. In this context, it is natural to gather all claims without making any differentiation between US citizens. Therefore, in the claim lists of United States of America, there are 1900 dossiers belonging to US citizens of Ottoman origin.<sup>61</sup> For this reason, Turkey opposed the US addressing the claims of former Ottoman citizens throughout the negotiations.<sup>62</sup> Thus, after Nielsen was appointed to the commission, he kept those whose citizenships were controversial, beyond evaluation, but did not bring them completely outside the agreement.<sup>63</sup> Anyhow, since the talks started taking place on the lump sum and the term to submit to the commission the files belonging to contentious citizens was to be expired on February 15, 1934, the talks did not come to a deadlock. Therefore, the State Department gave a list of the owners of these kinds of claims to the commission, but by not submitting the files within the set time, it seems that they found a midway.

Thus, according to Nielsen, the agreement was signed in order to settle all the claims. In his report concerning the agreement, Nielsen indicated: "while, as has been explained, the Commission did not consider these claims of naturalized citizens of Turkish origin, the Agreement of October 25, 1934 concluded by the two governments was framed to effect a final settlement of all outstanding claims of the nationals of each country against the other, and it was for that reason that there was incorporated in the Agreement article II."<sup>64</sup>

Furthermore, it should be highly emphasized that the general perception in Turkey was that the US requested compensation on behalf of all those they considered citizens and concluded an agreement. In the news published in Turkish press after the agreement was signed, it was expressed that in order to compensate for the harm and damages of US citizens for their properties confiscated during the First World War, Turkey was to pay compensation to United States of America. For instance, in the news in Cumhuriyet newspaper, it was written that "*compensation was claimed for the properties which were belonging to American citizens and*

61 Nielsen, *Claims Settlement*, p. 13. For the list of claims see: Attachment 3.

62 For the indications and comments on the idea that Turkey fears Greek-American citizens in particular to make claims by using their dual citizenships see: Nielsen, *Claims Settlement*, pp. 12-13. Trask, *American Response*, p. 206.

63 Nielsen, *Claims Settlement*, p. 13.

64 Nielsen, *Claims Settlement*, p. 15.

*confiscated during the First World War... the commission which had examined the list prepared by America decided on the payment of a fixed compensation.*"<sup>65</sup> The *Hakimiyeti Milliye* newspaper published the same news by stating that "*the commission verified the claims of the harmed Americans and decided on the payment of a fixed amount to the American Government in exchange for this damage.*"<sup>66</sup> The point which draws attention here is that in both articles, how much compensation had been paid was not indicated. Why this important information did not appear in the news could only be a matter of speculation within the light of the information known.

On the other hand, other points existed also in Nielsen's report which put forth that compensation claims had been made without taking into consideration the issue of citizenship. According to this, the claims in the dossiers presented to the US commission could be expressed as follows:<sup>67</sup>

1. Confiscated claims whose value has not been compensated by the Turkish soldiers or civil offices
2. Claims for the destruction, looting, and the robbing of properties by soldiers in an unnecessary and disproportionate manner
3. Those concerning the violation of human rights by Turkish civil and military offices (like false imprisonment and beating)
4. Claims concerning the negligence of officials in showing the necessary efforts regarding the prevention of the damages that could be brought to human rights or properties

Moreover, the US Government agreeing to compromise on a very low proportion of what they claimed and the reactions of Armenians and Greeks after the agreement was signed<sup>68</sup> makes one think that America only concluded a Claims Settlement for those whose citizenships were not debatable in response to Turkey's attitude. However, as explained above, Nielsen's report disregards this possibility. In his evaluation of the agreement, Trask stated that the agreement encompassed all claims. Moreover, according to Trask, the amount of compensation was not determined according to the claims, but according to Turkey's capacity to pay. Nielsen recognized that the prolonging of the work of the Commission was due to

65 "Amerikalı Emlaki", *Cumhuriyet*, 14 October 1934, p. 5.

66 "Türk-Amerikan Komisyonu" *Hakimiyeti Milliye*, 14 I. Shariah 1934, p. 3.

67 Nielsen, *Claims Settlement*, 22. Compare: Trask, *American Response*, p. 200. Bulut, *Atatürk Dönemi*, p. 171.

68 According to Trask, The Allied Turkish-American War Claims Association had protested the agreement on behalf of 200 American citizens of Ottoman origin. Trask, *American Response*, p. 209.

the inability of Turkey to pay the compensation, therefore, Nielsen favored a settlement which would be payable by Turkey.<sup>69</sup> In the news in American newspapers concerning the agreements, it was expressed that the compensation was signed in response to the claims of American citizens.<sup>70</sup>

The files which were left outside the scope of the agreement and which the Turkish side completely denied to negotiate were the following: 1) claims arising from the burning of the city of Izmir, 2) claims emerging as a result of relocation, 3) claims regarding the abandoned immovable properties in Turkey, 4) claims ensuing outside the territories of Turkey.<sup>71</sup>

### Individuals Gaining the Right to Receive Compensation

After the Claims Settlement was ratified by the American Congress on March 22, 1935, Nielsen opened a bureau in Washington and indicated those gaining the right to receive compensation. Nielsen specified the names of those owning the files submitted to the commission, the amount of compensation claimed and its legal interest one by one meticulously. He left most of claims out of its scope on the grounds that they were fake or did not have enough evidence.<sup>72</sup> According to the last report written by Nielsen in 1937, only 33 claims were found to be worthy of receiving compensation.<sup>73</sup> The sum of these claims, including main cash and interest, was 899.338.09 dollars. The largest part of the compensation, including interest of 260.870.96 dollars was received by Mac Andrews and Forbes Company. This company was followed by the missionary organization of the American Board of Commissioners for Foreign Missions which received a total of 191.583.48 dollars. Then, respectively, Socony-Vacuum Oil Company (150.131.89 dollars), the American Tobacco Company (42.938.25 dollars) and Singer Sewing Machine Company (51.087.69 dollars) followed.<sup>74</sup>

*The sum of these claims, including main cash and interest, was 899.338.09 dollars.*

69 In a letter to Foreign Minister Hull, Nielsen said that after 1911, Turkey entered into four international wars, lost them and nothing was left of the Ottoman Empire and that the country lacked the capacity to pay. Trask, *American Response*, p. 207.

70 "Turkey to Pay Our Claims", *The New York Times*, 20 December 1934.

71 Nielsen, *Claims Settlement*, pp. 24-41.

72 Trask, *American Response*, p. 209. In news published in The New York Times newspaper, from the 900 files submitted to the commission, 600 of them are legally groundless and 300 of them would be re-evaluated. See: "Turks To Pay \$ 1.500.000 in War Claims to Turkey", *The New York Times*, 22 October 1934.

73 John A. DeNovo, *American Interests and Policies in the Middle East, 1900-1939*, University of Minnesota Press, 1963, p. 239.

74 Nielsen, *Claims Settlement*, pp. 780-782. See: Attachment 3.

According to the list prepared by Nielsen, after the payments were made, 70.891.06 dollars was set aside for the works of the commission in Turkey and for Nielsen's expenses. However, when the lists received their final form, it became clear that the amount of compensation to be paid to those deserving it was 400.661.91 dollars, which is lower than the amount Turkey was to pay. Upon Nielsen's suggestion, the US decided to declare to the Turkish Government that the debt was lower and four installments would be paid. Accordingly, the installments would end in 1944 rather than 1948. Turkish Ambassador Münir Ertegün was called to the Foreign Ministry and the new payment plan was declared to him on condition that it would remain confidential between the two governments. The reason for this confidentiality was the constraint from the protests of those whose claims were not accepted. While Nielsen explained the situation to Secretary of State Hull upon the amount to be paid by Turkey being lower, he said that *"This deed would serve in a measure to salvage the honor of the United States so shamefully prostituted by the wholesale misrepresentations made to the Government of Turkey."*<sup>75</sup> This deed of the US had affected Turkey's ambassador deeply and according to the statement of Wallace Murray, chief of the Division of Near Eastern Affairs of the State Department, tears ran down the eyes of the ambassador when he received the news and said that *"he is unable to express his feelings of appreciation towards the generosity, just behaviour and honesty of the US Government and that this moment is the happiest day of his career."*<sup>76</sup> In his book, while Trask evaluated Nielsen's appointment to the commission, he also stated that Nielsen disliked the Turks. However, in his report, Nielsen had expressed that when evaluating the studies of the commission before he was appointed, he said that *"in the agreement... initiatives were taken in order to obtain money in great amounts from a poor nation through a great pack of lies."*<sup>77</sup>

## Conclusion

This Claims Settlement signed between Turkey and the United States of America, eliminated an important obstacle between Turkey and the US which had been a problem since 1923 and had caused a tension in relations. Turkey has displayed its goodwill and determination to establish friendly relations with the US by paying compensation which was considerable. On the other hand, the United States of America has showed its willingness and determination to develop relations with Turkey by signing the Agreement which fell short of their original compensation claims. By taking into consideration the economic conditions, which Turkey was in

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75 Trask, *American Response*, p. 210.

76 Trask, *American Response*, p. 210.

77 In a letter written by Nielsen to Hull, Trask, *American Response*, s. 205.

during the negotiations, the US has always made concessions on the amount of compensation. This claims settlement has been signed in order to end all claims between the parties. It is very meaningful for the US to sign this agreement despite the protests of about 1900 Armenian and Greek claimants. The report written by Nielsen in 1937, regarding the process of agreement, starkly puts forth how unjust the claims were and how they lacked legal basis. In his report, Nielsen has clearly indicated that the claims of US citizens of Turkish origin were one-sided, exaggerated, unjust, and legally groundless.



**Attachment 1. Text of the transcription regarding the decree towards  
establishing a commission on claims**

Türkiye Cumhuriyeti

Ankara

Baş Vekâlet

Kalem-i Mahsus Müdiriyyet

Aded: 102

**Kararnâme**

24 Kânun-ı evvel 923 tarihiyle İstanbul murahhaslığına tevdi kılınan Amerika Sefareti'nin ber-vech-i zîr takriri, İcra Vekilleri Heyeti'nin 6/1/340 tarihli ictimainda ledel-kırae keyfiyet tasvib edilmiş ve Hariciye Vekâleti'ne tebligat-ı icrası takarrür etmiştir.

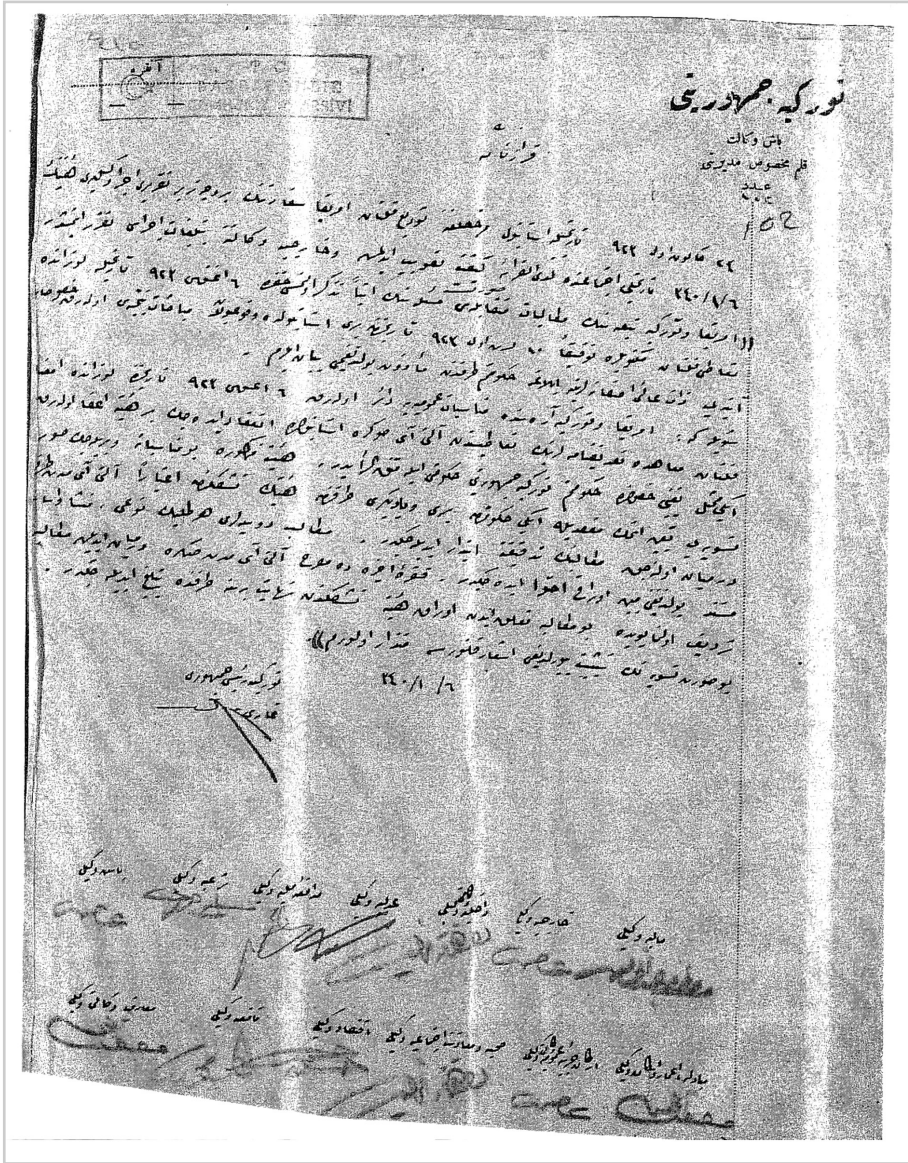
“Amerika ve Türkiye teb’asının metâlibât-ı mütakabilesi suret-i mes’ulesinin atıyyen tezekkür olunması hakkında 6 Ağustos 923 tarihiyle Lozan’da teati kılınan mektublara tevfikân 10 Teşrin-i evvel 923 tarihinden beri İstanbul’da vuku’bulan mübahasât neticesi olarak hususât-ı atıyeyi zât-ı âli-i (...) iblağa hükümetim tarafından mezun bulunduğumu beyan eylerim.

“Şöyle ki: Amerika ve Türkiye arasında münasebât-ı umumiyeye dair olarak 6 Ağustos 923 tarihinde Lozan’da imza kılınan muahede tasdiknâmelerinin teatisinden altı ay sonra İstanbul’da in’ikad edecek bir heyete ika olarak iki mümessil tayini hususunda hükümetim, Türkiye Cumhuriyeti hükümeti ile müttefiklik eder. Heyet-i mezkûre bu münasebâta verilecek suret-i tesviyeyi tayin etmek maksadıyla iki hükümetin biri veya diğeri tarafından heyetin teşekkülünden itibaren altı ay müddet zarfında dermiyan olunarak metâlibinin tedkikine ibtidar edilecektir. Metâlib dosyaları her talebin nev’i, menşe ve esasa müstenid bulunduğunu mübeyyin evrakı ihtiva edecektir. Fıkra-i ahirede mussarrah altı ay müddet sonra dermiyan edilen metalibe terdif olunmayıp da bu metalibe taalluk eden evrak, heyete teşekkülünden nihayet bir sene zarfında tebliğ edilecektir. Bu suret-i tesviyenin tesbit buyurulduğu iş’ar kılınırsa minnettar olurum”.

6/1/340

Türkiye Reis-i Cumhuru  
Gazi (imza)

<b>Maliye Vekili</b> İmza	<b>Hariciye Vekili</b> İmza	<b>Dahiliye Vekaleti Vekili</b> İmza	<b>Adliye Vekili</b> İmza
<b>Müdafaa-i Milliye Vekili</b> İmza	<b>Şer'îye Vekili</b> İmza	<b>Başvekil</b> İmza	<b>Mübadele, İmar, İskan Vekili</b>
<b>Erkân-ı Harbiye-i Umumiye Vekâleti Vekili</b> İmza	<b>Sıhhiye ve Muavenet-i İctimaiye Vekili</b> İmza	<b>İktisad Vekili</b> İmza	<b>Nafia Vekili</b> İmza
<b>Maarif Vekâleti Vekili</b> imza			



**Attachment 2:** The Agreement signed between the Republic of Turkey and the US on 25 December 1934. *Düstur*, 3. Tertip, C. 16, p. 490-92.

490

**№: 99 — Türkiye Cümhuriyetile Amerika Birleşik Devletleri arasında 25/12/1934 tarihinde imza olunan karşılıklı metalibin tesviyesine dair olan itilâfnamenin tasdiki hakkında kanun**

*23 kânunuevvel 1934*

*[Resmî Gazete ile neşir ve ilânı: 2 kânunusani 1935 — Sayı: 2896]*

*Kanun №: 2670*

Madde 1 — Türkiye Cümhuriyeti ile Amerika Birleşik Devletleri arasında 25 birinciteşrin 1934 tarihinde imza olunan ve her iki Devlet vatandaşları mütekabil metalibinin tesviyesine mütedair bulunan itilâfname kabul ve tasdik olunmuştur.

Madde 2 — Bu kanun neşri tarihinden muteberdir.

Madde 3 — Bu kanunun icrasına Hariciye ve Maliye Bakanları memurdur.

**Türkiye Cümhuriyeti ile Amerika Birleşik Devletleri arasında akdolan ve iki Devlet vatandaşları mütekabil metalibinin tesviyesine mütedair olan itilâfname**

Türkiye Cümhuriyeti Hükûmeti ile Amerika Birleşik Devletleri Hükûmeti, 24 kânunuevvel 1923 tarihinde notalar teatisi suretile akdeyledikleri ve 17 şubat 1927 tarihinde notalar teatisi neticesinde hasıl olan itilâf ile teyid ettikleri anlaşmada dahil olan talepleri dostane, çabuk ve tasarruflu surette halletmek arzusu ile işbu itilâfnameyi akde karar vermişler ve bu maksadla:

**Türkiye Cümhuriyeti ile Amerika Birleşik Devletleri arasında akdolan ve iki Devlet vatandaşları mütekabil metalibinin tesviyesine mütedair olan itilâfnamenin İngilizce metni**

The Government of the Republic of Turkey and the Government of the United States of America, being desirous of effecting an amiable, expeditious and economical adjustment of the claims embraced by the Agreement concluded by them through an exchange of notes dated December 24, 1933, and confirmed by an agreement through an exchange of

Türkiye Cümhuriyeti Reisi  
Hazretleri

İzmir Mebusu ve Türkiye  
Cümhuriyeti Hariciye Vekili  
Doktor Tevfik Rüştü Beyefen-  
diyi,

ve

Amerika Birleşik Devletleri  
Reisi Hazretleri

Fred Kenelm Nielsen'i  
Murahhas tayin etmişlerdir.

Bu murahhaslar salâhiyetna-  
melerini yekdiğere tebliğ ile  
usul ve kaidesine muvafık  
bularak atideki hükümleri ka-  
rarlaştırmışlardır:

#### MADDE 1.

Türkiye Cümhuriyeti Hükû-  
meti Amerika Birleşik Devlet-  
leri Hükûmetine, 24 kânunu-  
evvel 1923 tarihli anlaşmada  
dahil olan Amerika tebaaları  
taleplerinin tamamen tesviye-  
sini tazammun etmek üzere  
faizsiz olarak (1 300 000) dol-  
lar (bir milyon üç yüz bin )  
dolar Amerika Birleşik Devlet-  
leri doları verecektir. Bu meb-  
lâğ, her senelik taksiti (100 000)  
( yüz bin dolar ) olmak üzere  
on üç senede ödenecektir. İlk  
taksit işbu itilâfnamenin Tür-  
kiye Büyük Millet Meclisince  
tasdikından sonra 1 haziran  
1936 tarihinde tediye oluna-  
caktır.

notes dated February 17,19,27,  
have resolved to conclude the  
presant Agreement for that  
purpose, and have appointed  
as their plenipotentiaries :

The President

Of the Republic of Turkey,  
Dr. Tevfik Rüştü Bey, De-  
puty of İzmir, Minister of Fo-  
reign Affairs of the Terepublic  
of Turkey,

and

The President

Of the United States of  
America

Fred Kenelm Nielsen,

Who, having communicated  
their ful powers, found to be  
in good and due form, have  
agreed as follows:

#### ARTICLE 1.

The Government of the  
Republic of Turkey will pay  
to the Government of the  
United States of Amerika the  
sum of 1,300,000 (one million  
three hundred thousand dol-  
lars) of the United States of  
America, without interest, in  
full settlement of claims of  
American citizens which are  
embraced by the Agreement  
of December 24,1923. Paye-  
ment of this sum will be made  
in thirteen annual installe-  
ments of 100,000 (one hundred  
thousand dollars) . Payement  
of the first installement will  
be made on June, 1,1936;  
following the ratification of  
the present Agreement by the  
Grand National Assembly of  
Turkey.

MADDE 2.

Her iki Hükümet yukarıda zikredilen meblâğın tediyesi suretile Türkiye Cümhuriyeti Hükümetinin kendisine karşı dermeyan edilen yukarıda mezkûr taleblere aid bütün borçlardan ibra edilmiş olacağını ve keza 24 kânunuevvel 1923 anlaşmasına dahil bütün taleplerin de kat'î surette hal edilmiş ad ve telâkki edileceğini kararlaştırmışlardır.

MADDE 3.

İşbu İtilâfname Türkiye Büyük Millet Meclisi tarafından tasdik edilmek şartile imzasından itibaren mer'iyete girecektir.

Ankarada yirmi beş teşri-nievvel bin dokuz yüz otuz dört tarihinde her ikisi de aynı kıymeti haiz olmak üzere Türkçe ve İngilizce iki nüsha olarak tanzim edilmiştir.

*Dr. T. Rüştü Fred Nielsen*

ARTICLE 2.

The two Governements agree that, by the payement of the aforesaid sum, the Government of the Republic of Turkey will be released from liability with respect to all of the above-mentioned claims formulated against it and further agree that every claim embraced by the agreement of December 24, 1923, shall be considered and treated as finally settled.

ARTICLE 3.

The present agreement shall be effective from the date of its signature, subject to the ratification of the Agreement by the Grand National Assembly of Turkey.

Done at Ankara in duplicate in the Turkish and English and English languages, which have the same value, this twenty-fifth day of Octobre, nineteen hundred and thirty-four.

*Dr. T. Rüştü Fred K. Nielsen*

**№: 100 — 1934 mali yılı Umumi Muvazene Kanununa  
bağlı bütçelerde bazı değişiklikler yapıl-  
masına ve bazı bütçelere fevkalâde  
tahsisat verilmesine dair kanun**

23 kânunnevel 1934

[ Resmî Gazete ile neşir ve ilânı : 2 kânunusani 1935 — Sayı: 2896 ]

Kanun №: 2671

Madde 1 — 1934 mali yılı umumî muvazenesine giren bütçelerin (1) sayılı cetvelde yazılı fasıllarından (114 000) lira indirilmiştir.

Madde 2 — Birinci madde mucibince indirilen paralardan (78 000) lirası (2) sayılı cetvelde gösterilen tertiblere ilâve edilmiş ve (36 000) lirası da (3) sayılı cetvelde gösterilen daire bütçelerinde yeniden açılan fasıllara fevkalâde tahsisat olarak konulmuştur.

Madde 3 — Bu kanun neşri tarihinden muteberdir.

Madde 4 — Bu kanunun hükmünü yürütmeğe Maliye Vekili memurdur.

**CETVEL (1)**

F. M.	Muhassasatın nev'i	Lira
<i>Düyunu Umumiye</i>		
212	1722 numaralı kanun mucibince kibrit istikrazı faiz ve itfa mürettebatı	6 000
<i>Tapu ve Kadastro Umum Müdürlüğü</i>		
225	Memurlar maaşı	1 500
241 1	Ücret	2 000
245 2	Açık maaşı	500
<i>Gümrük ve İhisarlar Vekâleti</i>		
264 1	İcar bedeli	500
270 4	Gümrük idaresine aid olanlarla tahtı muhafazasında bulunan ve kaçak olarak derdest olunup gümrük idarelerine sevk ve teslim olunan bilûmum eşya ve emvalin nakliye ve bendiyesi ve kaçak olarak yakalanan hayvanların iâşe, bakım ve koruma masrafları	500
290 1	İcar bedeli	500
294 1	Mubayaa	500

Attachment 3: List of claims submitted to the commission.

Claimants	Total Amounts Allowed	Deductions	Amounts Due Claimants
Mary Jane Floyd.....	\$163. 00---	\$3. 61---	\$159. 39
Isidore Fried.....	650. 80---	14. 42---	636. 38
Mussie Hochstein, Administratrix of the Estate of Abraham Hoch- stein, Mussie Hochstein, Judith Hochstein, Israel Nathan Hoch- stein and Isaac Hochstein.....	500. 00---	11. 08---	488. 92
Rifka Levenson.....	500. 00---	11. 08---	488. 92
Alter Levin.....	2, 000. 00---	44. 33---	1, 955. 67
MacAndrews and Forbes Co.....	266, 784. 00---	5, 913. 04---	260, 870. 96
Michael J. Malamatinis, Emanuel J. Malamatinis and Bertha Mala- matinis.....	2, 000. 00---	44. 33---	1, 955. 67
Frederick Charles Newbourg, Jr., as Executor and Trustee, and Fidel- ity-Philadelphia Trust Company, as Trustee of the Estate of John Samuel Stephenson.....	10, 984. 36---	243. 46---	10, 740. 90
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In isolated instances it was impossible to determine the precise amounts asked for by claimants. With respect to more than half of the names listed, no amounts are stated below, since there are no amounts to record. These names have been listed for purposes of indexing. They are found in the Digests of Obviously Ungrounded Claims, p. 715, and in the Digests of So-called "Claims", p. 733.

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Feder, Michael	30,099.94	713
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Jacobs, Jonathan	2,975.00	403
Jacobs, Louisa	11,250.00	403
Jacobs, Louisa, as Administratrix of the Estate of Samuel Jacobs	10,975.00	403
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Jannides, George		750
Jebejian, N. H.		750
Jefyentgis, Peter John	2,390.00	253
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Those gaining the right to receive compensation and the amount received.

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INTEREST AS INDEMNITY

Britain, as some guide to principles adhered to by the United States in an interesting, comprehensive arbitration of comparatively recent date. Article IV of the terms of submission of that Agreement is as follows:

“The Arbitral Tribunal, if it considers equitable, may include in its award in respect of any claim interest at a rate not exceeding 4 per cent per annum for the whole or any part of the period between the date when the claim was first brought to the notice of the other party and that of the confirmation of the schedule in which it is included.”

In cases in which interest was allowed, notably *The Lord Nelson* case, the tribunal discussed principles of law relating to the inclusion of interest in awards. However, the tribunal pointed out that, in giving application to those principles, it was restricted by the terms of submission which were, of course, controlling. By the arbitral agreement, the contracting parties had, in a measure, eliminated the application of principles of law between themselves.

In dealing with the present cases, the Agreement of December 24, 1923, permits a fuller application of established rules of law and, therefore, a more generous treatment of claimants with respect to the allowance of interest as regards periods for which interest may be computed. The rate of 4 per cent. stipulated in the Agreement of August 18, 1910, between the United States and Great Britain has been used, and, in cases involving loss of property, interest has been allowed from the time of taking or destruction to the date when claims might be presented to the Commission. It may be noted that, generally, no information was furnished by claimants with respect to prevailing local rates in Turkey. The attached table shows computations which have been made at the rate of 4 per cent. over the respective periods. Figures showing computations of interest have been inserted in opinions which, as has been explained, were prepared before it was ascertained that funds were available for the payment of interest.

Claimants	Principal Amounts Allowed	Amounts of Interest
American Board of Commissioners for Foreign Missions.....	\$120,346.00.....	\$75,580.02
American Tobacco Company, The (Claim for \$66,678.67).....	26,669.72.....	16,268.53
Photios Aperghis.....	2,500.00.....	1,075.00
Armour and Company.....	1,341.82.....	1,017.08
Francis Blackler (Claim for \$73,470.12).....	35,652.33.....	26,489.68
Samuel W. Bridger. <i>Assistant of Am...</i>		

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Claimants	Principal Amounts Allowed	Amounts of Interest
J. I. Case Company.....	\$3,777.60.....	\$1,605.48
Anna D. Coumoulos, <i>et al.</i> .....	5,000.00.....	2,000.00
George F. Dieterle.....	6,755.00.....	2,904.65
Executors of the Estate of Ephraim Deinard.....	3,000.00.....	2,229.00
Mary Jane Floyd.....	100.00.....	63.00
Isidore Fried.....	400.00.....	250.80
MacAndrews and Forbes Co. ....	158,800.00.....	107,984.00
Frederick Charles Newbourg, Jr., as Executor and Trustee, and Fidelity-Philadelphia Trust Company, as Trustee of the Estate of John Samuel Stephenson.....	6,356.69.....	4,627.67
Christo G. Pirocaco (Claim for \$180,409.48).....	9,786.01.....	6,272.48
Quaker City Rubber Company.....	170.08.....	126.71
Elieser Rivlin, as Guardian of Hanah Belah Sternberg.....	612.50*.....	227.29
Elimeleh Sachs.....	2,371.50.....	1,731.20
Singer Sewing Machine Company (Claim for \$63,961.77).....	29,414.67.....	21,673.02
Socony-Vacuum Oil Company, Incorporated (Claim for \$101,773.28).....	86,580.00.....	63,551.89
Socony-Vacuum Oil Company, Incorporated (Claim for \$13,417.92).....	4,987.02.....	3,705.36
Socony-Vacuum Oil Company, Incorporated (Claim for \$3,844.03).....	3,844.03.....	1,691.37
Texas Company, The.....	18,533.46.....	13,109.63
J. Spencer Turner Company.....	802.65.....	599.58
Stellios Venturatos.....	1,792.17.....	1,274.92
Wellington, Sears & Company.....	981.15.....	738.81
Esther White, Administratrix of the Estate of Isaac White.....	21.30.....	15.87
Harris White.....	100.07.....	74.25
Whittemore Bros. Corp.....	116.16.....	86.54

\* Interest was computed only on \$362.50, the item relating to loss of property.

# THE “ARMENIAN QUESTION” IN EUROPEAN UNION INSTITUTIONS<sup>1</sup>

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**Abstract:** *The issue known as the “Armenian question” and which entails the genocide allegations, apart from other matters like the opening of the border with Armenia, increasingly confronts Turkey especially during the process of EU membership. The purpose of this research is to display the approach of the EU and the foremost member countries of the EU towards the “Armenian question” by addressing the resolutions adopted and the reports prepared regarding the Armenian question in EU institutions. The European Parliament, which has brought the genocide allegations the most to the agenda, has particularly been underlined. The significance of the European Parliament is that regardless of how the seats are distributed, it reflects public opinion or perhaps on the complete opposite, forms public opinion. Considering that the attempt of the Parliament, which puts to vote the membership process of candidate countries, to convince the Commission to accept Turkey’s recognition of the genocide allegations as a pre-condition for membership is dominant, it must be paid attention to.*

*By drawing attention to the discussions and statements in the Parliament, the approach of European politicians has tried to be conveyed. By leaving out those repeating each other, examples have been provided among the statements, discussions, parliamentary questions and the responses given to these in the records and proceedings of the Parliament and the documents have been provided completely based on the original texts. Besides the approach of European countries towards Armenian terror during a certain period, the article has also shortly addressed which countries and political groups have supported Armenian theses the most and the reasons for this.*

**Keywords:** *Turkey-EU relations, Armenian problem, Armenian terror*

## Introduction

The issue described as the “Armenian question” and whose most important dimension represents the issue of Turkey being pressured by Western countries

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<sup>1</sup> The Turkish article entitled “Avrupa Birliği Kurumlarında ‘Ermeni’ Meselesi” to be published in the *Ermeni Araştırmaları Dergisi* number 39, has been translated by Gizem Sökmensüer.



to recognize the 1915 events as “genocide” and to apologize for it, is a matter possessing a serious potential to transform into a crisis in Turkey-European Union (EU) relations. Since the issue is not considered to be “today’s issue” due to EU membership not seeming close for the time being, it seems necessary to take measures from now even if it is for the “potential issue of the future.”

The Armenian question has two aspects to it within Turkey-EU relations. The first is the issue of genocide, while the second is the normalization of relations between Turkey and Armenia; in other words, the opening of the border and establishment of diplomatic relations. Another heading that could form a third dimension in the future which does not seem as an issue yet, but could turn into an obstacle any time with the guidance of Armenian lobbies in Europe could be the Armenians in Turkey having minority status.

Among the EU institutions, the European Parliament in particular is steered by the Armenian lobby to a great extent, defends the Armenian theses against Turkey and adopts resolutions in this direction quite frequently. In 1987, the European Parliament recognized the Armenian events as “genocide.” Moreover, many parliaments of countries which are either members of the EU or outside the EU, have also declared the 1915 events as “genocide.” This situation shows that members of the European Parliament, the parliament representatives in EU member countries and at the same time public opinion have recognized the events as genocide; in other words, it shows that they believe this to be true. This belief is much stronger in countries like France where especially the Armenian diaspora is more active in.

Right after Turkey’s acceptance as a candidate country to EU membership in 1999, the diaspora Armenians in Europe have established a permanent organization in 2000 whose central office was located in Brussels. This way, they have aimed to assess the membership process of Turkey, which was highly susceptible to pressures, in line with their own interests. They have started activities of propaganda directed towards the Parliament, which the lobbies could influence the most, being at the forefront, and the other institutions of the EU and even the national parliaments of member countries. The goal is for Turkey to open its borders with Armenia, but most importantly, for it to recognize the Armenian “genocide”. On the one hand, either at an EU or a national level, Armenian lobbies have caused these countries to recognize the “genocide” while on the other, has caused serious pressures to be inflicted on Turkey.<sup>2</sup>

Just as European politicians wanting to obstruct Turkey’s path to EU membership,

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2 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 16-17, Winter 2004-Spring 2005.

Greek and Kurdish nationalist separatists conducting activities against the Turkish state have also been influential in the success of Armenian lobbies. Those not being acquainted with Turkey much, not knowing the true story of the 1915 events, individuals being subjected to disinformation and the ignorant defenders of human rights should also be added to the list. By taking advantage of the present negative situation, the anti-Turkish lobbies have been so successful that the possibility of setting a pre-condition for EU membership of recognizing the so-called genocide has seriously emerged. Actually, this type of condition has no place within EU law. Before membership or after, these kinds of requests have not been asked from other candidates who have “truly” experienced massacres, genocides, immoral activities or crimes against humanity in their histories.

### **TURKEY-ARMENIAN/ARMENIA RELATIONS DURING EU PROCESS**

#### **Turkey-Armenia Relations in the European Parliament**

Since the European Parliament constantly maintains on the agenda the issue of “genocide” which has not found a place much in the other more serious and technical institutions, Turkey-Armenia relations has remained in the second place. It is not the Armenian government which directs the Parliament, but is the Armenian diaspora in Europe. For the diaspora, the acceptance of the “genocide” is much more important than the relations between the two countries. On the other hand, it could even be said that the Armenian diaspora is against the normalization of relations and the opening of the border through the establishment of diplomatic relations between Turkey and Armenia. Since the only element which sustains the diaspora and creates its identities is Turkish-Armenian hostility, the normalization of relations between the two countries is not in the interest of the diaspora. As a matter of fact, the protocols, official calls and rapprochements between Turkey and Armenia are criticized by the diaspora and Armenian politicians are protested. Therefore, the issue of Turkey-Armenia relations has not been addressed in the Parliament in a remarkable way.

*For the diaspora, the acceptance of the “genocide” is much more important than the relations between the two countries.*

In the resolutions adopted or the reports prepared in the Parliament that “genocide” has been committed against Armenians, the necessity to open the border with Armenia has also been generally underlined.

In a Parliament report dated 15 November 2000, the importance of Turkey developing friendly relations with all its neighbors has been mentioned and a call

has been made for the elimination of the embargo towards Armenia and starting of diplomatic and commercial relations with Armenia again.

In another report of 2004, the European Parliament has not only called on the Turkish Government to recognize the “genocide” and to open the border with Armenia as soon as possible, but has also called on the EU Commission and Council. This way, the Commission and Council, which could make binding decisions towards candidate countries, have been encouraged to take action on this issue.

In the report of 25 September 2006 entitled “Parliament's Position on Turkey's Candidacy for EU Membership”, it has been conveyed that Turkey's unjust and unnecessary embargo towards Armenia still continues. It is mentioned that this situation has not only caused Turkey not to fulfill the requirements for accession, but also the stability in the region to be threatened.

In the resolution adopted in the Parliament on 18 October 2007 regarding Turkey-EU relations, it has been put forth that it is sorrowful to see that Turkey continues its “economic embargo”, keeps the borders closed, and threatens its neighbors of conducting military operations. Although it is correct that the border between Turkey and Armenia has been closed by Turkey, defining this situation as an “economic embargo” is wrong. On the other hand, Turkey does not threaten its neighbors, but fights against terrorism. However, considering that the purpose of this resolution, which is evident that it is determined by a few individuals and procures acceptance by others, is political mechanisms like “steering” or “pressure”, it is not important whether its content is correct or not.

### **Turkey-Armenian/Armenia Relations in the Commission**

The Commission, which is concerned with the technical dimension of the enlargement process of the EU, has become the institution having the right to comment the most on Turkey-Armenia relations based on the article that border issues should not exist as a pre-condition for membership. Due to concern for votes, while the European Parliament has emphasized the subject of genocide by addressing the political and populist aspect of the matter, since the Commission focuses on enlargement, it has leaned towards rather more realist issues like the development of diplomatic relations of the two countries, the settlement of the border issues and Armenian minorities obtaining more extensive freedoms within the framework of democratization.

The progress reports of the Commission in which the annual processes of

development of candidate countries are being evaluated each year should be assessed as significant documents for displaying how the EU technically approaches the issue.

### **Turkey-Armenia Relations in the Progress Reports**

In the first of the progress reports of 1998, the way the Armenians have first been mentioned is that the number of Armenians in the country was 50.000 and existed in the category of minorities. In 1999, the word "Armenian" has not been written and in the report of 2000, the very few signs of tolerance towards Armenian minorities have been found and the border with Armenia remaining closed has been mentioned for the first time. In 2001, it has been recorded that the border still remains closed and Armenia has been mentioned among the countries trafficking human beings.

When entering 2002, it could be seen that the Armenian issue has started being more extensively discussed all of a sudden. The issues of the Armenians, being among non-Muslim minorities, like lacking legal personalities, encountering problems of property rights, and a ban on the training of clergy in Turkey have been addressed along with the Armenian Patriarch's request for a special university department to be established specializing in the teaching of Christianity. Despite the border still remaining closed, the continuation of bilateral relations, starting of a process of dialogue, the establishment of a Turkish-Armenian Business Council, and visa requirements for Armenians entering Turkey being simplified have been mentioned as positive developments. It has also been indicated that minorities continue to face limitations regarding education, training of clergy, legal personality and property rights.

In the Progress Report of 2003, just as the year before, the general problems of Armenians living in Turkey as non-Muslim minorities have been repeated. A difference is that it has been mentioned there have been complaints that school history books are responsible for inducing feelings of hostility towards minority groups. It has been indicated that the Ministry of Education issued a circular requiring schools to organize conferences and essay competitions on "controversial historical events" related to the Armenians, Greek Pontus and Assyrians. Concerning the issue of borders, the possibilities of reopening the border to diplomats and foreign tourists and Turkey reconsidering its linkage of bilateral relations to the Karabakh issue have been mentioned. "Controversial historical events" mentioned in this report could be considered as an implicit reference to the genocide allegations. More importantly, apart from the Armenians, the Greek Pontus and Assyrians have also been included among the parties to these events.

In 2004, the problems of non-Muslim minorities related to schools and the difficulties experienced in teaching Armenian language have been indicated. It has been stated that despite the border remaining closed, there seems to be rising public awareness of the benefits of reopening it and that air transportation started from Istanbul to Yerevan. The benefits of reopening the railway between the two countries have been emphasized while the existence of a dialogue between Turkey, Azerbaijan and Armenia has been mentioned as positive developments.

Just as in the previous years, the report of 2005 has touched upon points like the problems of Armenian schools, the difficulties in teaching Armenian, the existence of a dialogue despite the border remaining closed, and the conducting of numerous bilateral meetings. A case being brought against Orhan Pamuk in the same year under Article 301 in relation to remarks he had made to a foreign newspaper regarding the killings of Armenians and Kurds in Turkey has also been mentioned. It has been indicated that the prosecution was initiated despite the fact that an earlier investigation by another prosecutor had been dropped following a different interpretation of the same article and that upon the order of the sub-governor of Sutçuler (province of Isparta) for the destruction of all Pamuk's books, Hrant Dink was convicted under Article 301 and was given a suspended six month prison sentence in relation to an article he had written on the Armenian diaspora. The cases of Emine Karaca convicted under Article 301 and Ragıp Zarakolu known as a "prominent writer" have also been addressed.

The report of 2005 has also put forth that some progress has been made on open and free debate. It has been expressed that a conference regarding the Armenians (Ottoman Armenians during the collapse of the Empire: Scientific Responsibility and Issues of Democracy) was to take place at Bilgi University, but that it had been postponed by the organizers following a critical speech by the Minister of Justice and details that its location was changed and that it received public support of the Prime Minister and government were not forgotten. As another example to progress in freedom, according to the Turkish Publishers Association, the publication of books related to the Kurdish and Armenian questions being easier than in the past has been conveyed. However, attention has been drawn to the fact that books focusing on these issues are in some cases still banned and individuals are occasionally convicted.

An indication has also been made that a Regulation on the Methods and Principles of the Boards of Non-Muslim Religious Foundations, adopted in 2004, has not been implemented in response to requests by the Armenian community, that of the 2,285 applications, 341 have been accepted regarding property rights, that given the religious communities' lack of legal status, their existing properties are permanently at risk of being confiscated, and that a number of non-Muslim

religious communities are still not entitled to establish foundations, including the Catholics and Protestants.

In the 2005 report, it has also been stated that the Turkish Prime Minister proposed to set up a joint commission composed of independent historians and other international experts with unconditional access to all relevant archives with a view to discuss the tragic events of 1915 and that in response, the Armenian President pointed out that "instead of employing historians, governments should rather establish diplomatic relations first and create a joint government commission dealing with all critical questions of the relationship, including closed borders." Furthermore, it has been pointed out that in the wake of the 90th anniversary of the 1915 events, Turkish academics participated in conferences in Yerevan and Armenian Parliamentarians made an official visit to Turkey.

The report of 2006 has indicated that the reason for Hrant Dink to face the suspended six month prison sentence under Article 301 was that he insulted "Turkishness" in his articles and writings regarding Armenian identity. The report has also put forth that Article 301 should be in line with EU standards and calls on Turkey to abolish the prosecution of expressing similar non-violent ideas in the other provisions of the Penal Code. Moreover, it has mentioned that the Anti-Terror Law has raised concerns that it could jeopardize the freedom of expression. It has also been indicated that despite an official exchange of letters between the Turkish Prime Minister and the Armenian President in 2005, important progress was not made in relations and that Turkey still did not open the border, although this step would benefit both sides.

In the progress report of 2007, it is indicated that "Hrant Dink, a Turkish journalist of Armenian origin who faced several criminal charges for expressing non-violent opinions related to historical issues, was assassinated". It has also been mentioned that while his death led to a movement of solidarity in Turkish society, there were also expressions of support for the perpetrators. Moreover, it is stated that Dink's case of murder is ongoing and there is a need for full investigations, including into allegations of police negligence.

Furthermore, it is mentioned that the European Court of Human Rights (ECHR) judgment in the *Fener Boys High School Foundation v. Turkey* case became final, that the Court held unanimously that there had been a violation of laws and recommended either return of the property or financial compensation for the complainant. A friendly settlement has been concluded between the Turkish government and the Istanbul Armenian Hospital Foundation on a case brought to the ECHR by the Foundation and was decided that Turkey returns the property. It has also been stated that the final adoption of the new Law on Foundations voted

by Parliament in November 2006 and subsequently vetoed by the then President is still pending and that actually the new law would address a number of issues which religious communities face with property management and acquisition. It has been put forth that Article 301 has resulted in numerous prosecutions and, at times, convictions of people for the expression of non-violent opinions on, among other things, Armenian and Kurdish issues, and the role of the military and that judicial proceedings and threats against human rights defenders, journalists, writers, publishers, academics and intellectuals have created a climate which has led to occurrences of self-censorship in the country.

There has also been an indication that with Armenia, meetings between high level Armenian and Turkish officials took place and more importantly, that Turkey took the symbolic steps of inviting Armenian representatives to the funeral of the assassinated Turkish journalist of Armenian origins Hrant Dink and to the inauguration of the restored Akhdamar Armenian Church, but that there were no further substantial developments and Turkey maintained its border with Armenia closed.

In 2008, it has been indicated that the Turkish President played an active role in foreign policy and travelled extensively abroad and that at the invitation of the Armenian President, he paid a visit to Armenia with a view to establishing a bilateral dialogue leading to the normalization of bilateral relations. Moreover, the registration of the Turkish Armenian Business Development Council being rejected by the Governorate of Istanbul, without clear legal grounds has been mentioned. Official discussions taking place between the Armenian and Turkish Foreign Ministers, Turkey maintaining its offer to establish a joint commission of historians, Turkey starting efforts to facilitate the solution of the conflict in Nagorno-Karabakh, and the first trilateral meeting taking place between the Foreign Ministers of Turkey, Azerbaijan and Armenia have also been expressed.

The progress report of 2009 has addressed the concerns raised by high-profile cases about the quality of the investigations and the cases of Ergenekon, the murder of three Protestants in Malatya and the murder of Hrant Dink have been provided as examples to this. The necessity to address why security forces refrained from taking action despite receiving information about death threats against Dink has been mentioned. Moreover, it has been indicated that a petition signed by 200 Turkish intellectuals to denounce “the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915” and to apologize to the Armenians was launched on the internet, 30,000 signatures were collected, and that this sparked a wide debate. Furthermore, it has been mentioned that intense debates took place in the media on other topics perceived as sensitive by Turkish public opinion, such as the Kurdish issue, minority rights in general,

the role of the military and Atatürk’s legacy. The pending for a number of years of the Armenian Patriarchate’s proposal to open a university department for the Armenian language and clergy has been expressed. It has also been reported that the distribution in schools of the documentary “*Sarı Gelin –Blonde Bride: The Truth behind the Armenian Issue*” was suspended by the Ministry of National Education following complaints by the Armenian community about what it considered discriminatory education, but that it was not withdrawn from schools and the decision whether to disseminate and show it was left to individual education authorities. There has also been an indication that the public radio network started to broadcast in Armenian in March 2009.

Furthermore, the report has recorded that following the visit by the Turkish President to Armenia in September 2008, the two countries increased the number of bilateral meetings and moved significantly towards normalizing their bilateral relations and that the two parties even agreed to prepare the signature and ratification of two protocols in order to establish diplomatic relations.

In the progress report of 2010, concerning Turkey-Armenia relations, it is stated that through its “zero problems with neighbors” policy, Turkey made efforts to normalize relations with its neighboring countries such as Greece and Armenia. On the other hand, it has been reminded that the protocols signed with Armenia to normalize relations are still not ratified.

As regards freedom of expression, while attention has been drawn to the fact that an increasingly open and free debate continued on a wide scale, topics perceived as sensitive such as the Kurdish issue, minority rights, the Armenian issue and the role of the military have been mentioned. As regards freedom of assembly, the “Armenian Genocide Commemoration Day” being held on 24 April has been provided as an example. Within the framework of freedom of religion, the first religious service since 1915 being held at the Armenian Holy Cross church on the Akhdamar Island in Van has been indicated as a positive development. As negative developments, the Armenian Patriarchate’s proposal to open a university department for the Armenian language and clergy still pending and the court case of Hrant Dink continuing without significant progress have been criticized.

### THE ISSUE OF GENOCIDE IN EU PROCESS

#### The Issue of Genocide in the Parliament

The institution in which the issue of “genocide” is discussed the most, where the most number of reports are prepared on this subject and resolutions are adopted is



the European Parliament. As soon as Turkey's interest in the EU was noticed, the Armenians in the European diaspora started their activities of propaganda against the Parliament members.

Bringing the issue of genocide to the agenda has first been carried out by the French members of the Parliament. The first initiative of the French has been the resolution of 1981 entitled "The Condition of the Armenian People".<sup>3</sup> In the beginning of the 1980's, French socialist Parliamentarians Henry Saby and Gisele Charzat, along with socialist Belgium Parliamentarian Ernst Glinne, have requested several times from the Parliament to recognize the "genocide", only to be rejected each time by the Presidency.<sup>4</sup> While the resolution of 1987 was being adopted, the French, insisting in a strange way on this issue, embraced this situation as "normal" by stating that the issue was a domestic political problem and that it did not target Turkey.<sup>5</sup>

### The 1987 Resolution

As a result of the strengthening pressures and insistences with the participation of Greek Parliamentarians in 1984, there has been a decision to prepare a report in the Parliament concerning the issue. In the report completed in 1985 by Belgian Jaak Vandemenlebroucke, appointed as rapporteur, he has defended that the events constitute genocide.<sup>6</sup> The report addressed twice in 1986 has caused extensive discussions and in 1987, a resolution has been adopted which recognizes the 1915 events as genocide.

We should note that rapporteur Vandemenlebroucke was a member of the Vlams Belang party known for being extreme-rightist and racist and furthermore, that he distributed the declaration, published against Turkey by extreme Kurdish groups who organized activities in various European cities in order to protest Turkey's operation on the territories of Iraq, in the building of the European Parliament.<sup>7</sup>

In the "*Resolution on a Political Solution to the Armenian Question*", in general, it has been asserted that the 1915 events constitute genocide and that this is "historically" proven, but that despite this proof, no enforcement has been made

3 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, p. 48.

4 Sedat Laçiner, "Türkiye-Avrupa İlişkilerinde Ermeni Sorununun Etkisi (1980ler)", USAK website, 12 June 2009.

5 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, p. 50.

6 Sedat Laçiner, "Türkiye-Avrupa İlişkilerinde Ermeni Sorununun Etkisi (1980ler)", USAK website, 12 June 2009.

7 Press and Information website, 10 March 1987, <http://www.byegm.gov.tr/ayintarihidetay.aspx?Id=273&Yil=1987&Ay=3>

on Turkey, that Turkey did not recognize the “genocide” and therefore, deprived the Armenian people of the right to their own history. In the resolution, it has been stated that the recognition of the “genocide” by Turkey is viewed as a “profoundly humane act”. A statement existing in the resolution which says that the “genocide” has been “historically” proven will mean that different views, new findings, comprehensive discussions regarding the matter and even suspicions will be blocked.

While being indicated in the resolution that the Parliament believes the events in 1915-1917 constitute genocide, there has been an emphasis that neither political nor legal or material claims against present-day Turkey could be derived from this recognition. However, then, it is stated that the “genocide” did not “receive due compensation” and these contradicting two expressions have actually crossed each other out.<sup>8</sup> Using both expressions together which completely contradict each other displays the cunningness in “pleasing both sides” which Europeans frequently use. However, playing both sides this way will create much greater problems in the future.

*While on the one hand, it is put forth that Turkey cannot be held responsible for genocide, on the other, it is said that it must recognize the genocide. If it cannot be held responsible, then why is there a desire for it to recognize the genocide?*

In the resolutions of the European Parliament, only membership is not used as a carrot in order to convince Turkey to recognize the “genocide”, but maneuvers are also used. While on the one hand, it is put forth that Turkey cannot be held responsible for genocide, on the other, it is said that it must recognize the genocide. If it cannot be held responsible, then why is there a desire for it to recognize the genocide? If the Armenians pressuring the EU to adopt this resolution cannot receive money or territory, then why should they be contented with Turkey stating “I recognize” which is only a symbolic expression creating no results? We should also note that the EU’s expression of “cannot be held responsible”, which has become unreliable for going outside the law, agreements and statements many times, is nominal and deceiving.

Furthermore, this resolution requests the development of a specific identity for the Armenian people and the securing of its minority rights. Expressing such a desire shows that European Parliamentarians have no idea about the condition of Turkish citizen Armenians who were accepted as minorities for more than 50 years and who had minority rights. Therefore, this example is only one of the evidences

<sup>8</sup> Pulat Tacar, “The Tale of European Parliament’s 1987 Resolution Entitled ‘Political Situation to the Armenian Question’”, *Review of Armenian Studies*, No. 9, 2005, p.54.

showing that participation by the Parliamentarians who were unaware of the truth concerning Turkey and the Armenians in the elections took place by one-sided steering.

The most striking point of the resolution is the one related to Armenian terrorism. The terrorist attacks between 1973 and 1986 are regretted, it is expressed that it was deplored by a majority of the Armenian people, and terrorism carried out by “isolated groups unrepresentative of the Armenian people” is condemned. However, describing the terrorist attacks as “mindless” at the same time has greatly simplified it. What is more striking is that Turkey has been criticized for

*What is perhaps more interesting is that while there were Turkish victims of terror, it was the Armenians who played the role of the victim, and instead of the Turks as victims of terror, international support was directed towards the Armenians who raised their voice through terrorist activities.*

adopting an obdurate stance due to the “mindless terrorism” and has been accused for helping in no way to reduce the tension. Actually, just as much as the Armenian diaspora, the Europeans are also well aware that the Armenian terror has caused the Armenia allegations to be heard all over the world. What is perhaps more interesting is that while there were Turkish victims of terror, it was the Armenians who played the role of the victim, and instead of the Turks as victims of terror, international support was directed towards the Armenians who raised their voice through terrorist activities.

Although the title of the resolution is related to the Armenian issue, the Kurdish question and the Cyprus and Aegean issues have also been included among the “obstacles to consideration of the possibility of Turkey’s accession.” In this section in which the influence of Greek Parliamentarians is intensely felt, issues like Turkey not resolving the Cyprus problem, its reluctance to eliminate the differences of opinion with Greece, its denial of the existence of the Kurdish question, and the lack of freedoms have been mentioned among these obstacles. Pulat Tacar, who served as Permanent Representative to the European Union in that period, described this section as a “package paragraph”, because all criticisms of Turkey are filled into this package.<sup>9</sup> This package contains all headings “used” frequently by the EU like Cyprus, Kurdish, democracy, freedoms, Greece, and Armenian. These issues are considered as “insurmountable obstacles” to Turkey’s accession to the EU. Tacar has also expressed that in that period, Turkey was brought to the agenda of nearly all EP meetings and was criticized

9 Pulat Tacar, “The Tale of European Parliament’s 1987 Resolution Entitled ‘Political Situation to the Armenian Question’”, *Review of Armenian Studies*, No. 9, 2005, p 56.

and condemned.<sup>10</sup> The influence of the Greeks is strong here. As a matter of fact, the Greek Cypriots and Greeks have been pleased with the 1987 resolution as much as the Armenians.<sup>11</sup>

Perhaps what is more interesting and significant than the content of the 1987 resolution is the process of its discussion and ratification. The draft has illegally come to the agenda of the General Assembly and has been approved through the intimidation of Parliamentarians.<sup>12</sup> The document has been rejected in the first meeting based on the justification that the Parliament is not a historical institution. According to the procedural by-law, the rejection of a report required the issue to be dropped from the agenda and never be addressed again. Based on the descriptions of Tacar who was a witness of the events, despite the pressure exerted upon the Political Committee's Chairman for the report to be reassessed, the Chairman has rejected it. Therefore, the Parliamentarians, under the pressure of the Armenian diaspora, have waited for the Chairman's term to come to an end. The new chairman has brought the issue to the agenda as if it were a fresh issue. For being contradictory to by-law, a few Parliamentarians have attempted to bring the issue to the By-law Committee, but the Committee has rejected this appeal.<sup>13</sup>

*It is now presently accepted that the structure of the EU, which is said to be established upon rules and standards, has been spoiled many times when Turkey has been the issue.*

The by-laws were once again contravened and the French socialist Parliamentarian holding the presidential chair, during a lunch break, passed a resolution at where a very few number of people were present in the Parliament, denouncing the military operation of Turkey towards the PKK.<sup>14</sup> It is now presently accepted that the structure of the EU, which is said to be established upon rules and standards, has been spoiled many times when Turkey has been the issue. When it was not seen at an early date like 1987 that Turkey's laws, promises, and general implementations could change according to the situation, these acts contradictory to by-law has been surprising for that period.

10 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, p. 46.

11 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, p. 56.

12 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, p. 45.

13 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, pp. 50-51.

14 Pulat Tacar, "The Tale of European Parliament's 1987 Resolution Entitled 'Political Situation to the Armenian Question'", *Review of Armenian Studies*, No. 9, 2005, p. 52.

For the amendment, ratification or strengthening of the draft, more than 100 motions for amendment being issued since the acceptance of the first draft until the day it would be covered in the General Assembly, displays how important each detail is and that therefore, great significance is given to this resolution.

Noticing that rapporteur Vandemeulebroucke was filled with disinformation by

***By taking the floor, German Parliamentarian Wedekind has been able to convey that he was threatened with weapons by Armenian terrorists and that this actually took place in the building of the EU Parliament.<sup>15</sup>***

***However, no one has taken notice of this situation which is serious enough to cause a great scandal regarding another issue.***

the Armenian diaspora, Pulat Tacar had invited the rapporteur to Turkey in order for him to be able to conduct a deeper research on the issue and to even come together with the Armenians in Turkey, but presumably due to the pressure and threats of the diaspora, he had rejected the invitation. In fact, to each meeting with the Turkish delegation, he was accompanied by an Armenian.<sup>15</sup> Tacar, who expressed that it became clear Vandemeulebroucke was an actor used by the diaspora, indicated that among the documents utilized in the report there existed documents, the fraudulence of which were ascertained, and factious assertions. Moreover, he has explained that the documents prepared by Turks and presented to both the rapporteur and other parliamentarians were not taken in to consideration and were even directly thrown away to the trash box.<sup>16</sup> Actually, Tacar has been

suspected that the report was drafted by the Armenian diaspora.<sup>17</sup>

While the draft was being dealt with again in the General Assembly, Dutch socialist parliamentarian Peter Dankert wanted the draft to be completely rejected, while German socialist parliamentarian Klaus Hansch wanted the expression “injustice to Armenians” to be used, as written in the first draft, in replace of the term “genocide”, but these proposals have not been taken into notice by the majority. The Turkish delegation and parliamentarians being threatened with weapons by the Armenians is a known fact. By taking the floor, German Parliamentarian Wedekind has been able to convey that he was threatened with weapons by Armenian terrorists and that this actually took place in the building of

15 Pulat Y. Tacar, ‘Ermenilere Soykırım Yapıldığı Savının Hukuksal ve Ahlaki Açılardan değerlendirilmesi’, *Ermeni Araştırmaları*, Volume: 1, No: 2, June-July-August 2001, p. 98.

16 Pulat Tacar, “The Tale of European Parliament’s 1987 Resolution Entitled ‘Political Situation to the Armenian Question’”, *Review of Armenian Studies*, No. 9, 2005, p. 49.

17 Pulat Tacar, “The Tale of European Parliament’s 1987 Resolution Entitled ‘Political Situation to the Armenian Question’”, *Review of Armenian Studies*, No. 9, 2005, p. 50.

18 Ahmet Sever, ‘Soykırım Sözcüğü de Girdi’, *Milliyet*, 19 Haziran 1987’den aktaran Sedat Laçiner, “Türkiye-Avrupa İlişkilerinde Ermeni Sorununun Etkisi (1980ler)”, USAK website, 12 June 2009.

the EU Parliament.<sup>19</sup> However, no one has taken notice of this situation which is serious enough to cause a great scandal regarding another issue.

In the discussions, the communists, the Greens and all Greeks, regardless of their party, being against Turkey’s membership have shown great efforts for the term “genocide” to be mentioned in the draft. Greek parliamentarians, considering the negative atmosphere towards Turkey an opportunity, have also brought the allegations regarding the Cyprus problem, Kurdish question and non-existence of freedom of expression in Turkey to the agenda in relation to the “genocide”. This way, they have tried to display Turkey as a “perpetrator of genocide” and “unlawful.”<sup>20</sup> During this period, many demonstrations have been organized and those defending Turkey’s theses have been threatened with death.

The balances formed in the Parliament left no possibility of going against the demands of the French.<sup>21</sup> On the other hand, not more than three fourths of the parliamentarians had attended the session, in which the resolution was adopted.

Therefore, the imbalance against Turkey has further increased. The reason for low attendance was that despite being against the resolution adopted, the parliamentarians were not able to use a dissentive vote due to threats, because those voting against the report at the first meeting had confessed that they were being threatened, would not take part in the second voting, and that it went against all rules.<sup>22</sup>

*During this period, many demonstrations have been organized and those defending Turkey’s theses have been threatened with death.*

### Some Resolutions Adopted in the Parliament After 1987

The period after the resolution of 1987, in which the European Parliament recognized the “genocide” against Armenians, was much easier for opponents of Turkey. Within the framework of relations established through various means like steering by the Armenian diaspora, bribery, threat, satisfaction of interest, or friendship, the French and Greeks have constantly adopted resolutions which condemn and criticize Turkey. Even if not on the agenda, the issue of genocide has become a subject matter many times in the Parliamentary sessions.

19 Pulat Y. Tacar, ‘Ermenilere Soykırım Yapıldığı Savının Hukuksal ve Ahlaki Açılardan değerlendirilmesi’, *Ermeni Araştırmaları*, Vol: 1, No: 2, June-July-August 2001, p. 99.

20 Ahmet Sever, “Ermeni Tasarısında Belirsizlik”, *Milliyet*, Sedat Laçiner explaining from 17 June 1987, “Türkiye-Avrupa İlişkilerinde Ermeni Sorununun Etkisi (1980s)”, USAK website, 12 June 2009.

21 Pulat Tacar, “The Tale of European Parliament’s 1987 Resolution Entitled ‘Political Situation to the Armenian Question’”, *Review of Armenian Studies*, No. 9, 2005, p. 50.

22 Pulat Tacar, “The Tale of European Parliament’s 1987 Resolution Entitled ‘Political Situation to the Armenian Question’”, *Review of Armenian Studies*, No. 9, 2005, p. 52.

## 1996

In the communication entitled “Towards a European Union Strategy for Relations with the Transcaucasian Republics”, prepared in 13 September 1996 by H el ene Carr ere d'Encausse, links with Christianity have been brought forth in the assessments regarding Armenians:

“...The religious factor, even though it is no longer as important as it once was, should not be underestimated, since it is an essential part of national identity. The conversion of Armenia and Georgia to Christianity in AD 301 and 330 respectively, was a major event, since it led these two ancient nations, for better or worse, to draw apart from their respective neighbours, establish contact with Europe (particularly during the Crusades) and to preserve their identity right down to our time. Account must also be taken of the spread of Islam amongst the peoples of the region - Persians, Turks, Azeris and North Caucasian peoples. The result, for the Georgians and Armenians, was confrontation with their neighbours which led the latter to perpetrate genocide as a result of the potent combination of religious beliefs and 19th and 20th century nationalist ideologies...”

While the statements in the report have displayed the Christians as victims, the Muslim perpetrators of genocide have tried to be conveyed as “oppressors”. Although not much geographically, Armenia and Georgia are regarded as European on the basis of belief. Having a common belief means that these countries could sometimes be more European than other countries. For example, although Turkey has a political and economic culture closer to Europe, Armenia and Georgia are culturally recognized as more European than Turkey.

## 2000

The “Report on the 1999 Regular Report from the Commission on Turkey’s Progress Towards Accession” known as the “Morillon Report”, has been adopted by being ratified on 15 November 2000. In the report prepared by Rapporteur Philippe Morillon, it has been mentioned that support must be given to the Armenian minority, as an important part of Turkish society, “because of the tragedy that befell them”. When the report was taken to the General Assembly, the expression of the “tragedy that befell the Armenians” was replaced by “publicly recognizing the genocide suffered by Armenians”.<sup>23</sup>

In the report, it has been conveyed that those suffering from genocide were the

23 Soner Karag ul, “Avrupa Birliđi ve Ermeni Sorunu”, *Ermeni Arařtırmaları*, No. 8, Winter 2003, p. 181.

Armenian minority in Turkey. This section of the report has caused concern among diaspora Armenians. Putting forth the assertion that the Armenian minority in Turkey was the group suffering from “genocide” once again shows that the report has been prepared through manipulations, without any research. Another point is that there has been no indication that Turkey not recognizing the genocide will prevent EU membership and no reference has been made to the 1987 resolution.<sup>24</sup>

A majority of the Parliamentarians have acknowledged French general Morillon’s views that Turkey has not yet fulfilled the Copenhagen criteria, but has welcomed the continuation of mutual dialogue and efforts. Apart from warning concerning issues like democracy, human rights, Kurdish minority, the Cyprus problem, and freedom of expression which exist in the Commission reports each year, the Armenian question has also been addressed. Also, Turkey is urged to “respect the rights of minorities such as the Armenians” and once again, it is seen that they are misinformed about the right of Armenian minorities. Furthermore, an amendment that was adopted calls for the Turkish authorities to “publicly recognize the genocide suffered by that minority before the establishment of the modern state of Turkey”.<sup>25</sup>

***Putting forth the assertion that the Armenian minority in Turkey was the group suffering from “genocide” once again shows that the report has been prepared through manipulations, without any research.***

During the discussions, Morillon has praised the progress concerning human rights in Turkey and has stated in a careful and moderate manner that developments regarding the Cyprus and Kurdish problem and the influence of the army on politics should be recorded.

While French socialist Pierre Moscovici stated on the one hand that Turkey still did not comply with the Copenhagen criteria, on the other, he opposed imposing excessive conditions and expressed that Turkey must be treated the same as any other candidate country. Austrian socialist Hannes Swoboda has not only defended that it was in the EU’s interest for Turkey to become a member, but also said that an amendment should be made which calls on the Turkish authorities to recognize publicly the “genocide” suffered by the Armenian minority. Although Daniel

24 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 3, September-October-November 2001.

25 “Turkey is urged to respect the rights of minorities such as the Armenians. An amendment that was adopted calls for the Turkish authorities to publicly recognise the genocide suffered by that minority before the establishment of the modern state of Turkey”, Philippe Morillon (EPP-ED, F), *Report on the 1999 Regular Report from the Commission on Turkey’s progress towards accession*, Doc.: A5-0297/2000, Procedure: Consultation paper, Debate: 14.11.00, Vote: 15.11.00.



Marc Cohn-Bendit, who is not only a member of the Greens, but also of the European Free Alliance,<sup>26</sup> has stated that it had been correct to accept the candidacy of Turkey, he has also indicated that it was very important to recognize that the “genocide” in Armenia did occur and emphasized that Turkey must face up to its past and the Parliament should debate this “genocide”.

While the Morillon report was covered in the Parliament, British Andrew Duff<sup>27</sup> being among the liberal democrats, expressed that he does not give approval to the European Parliament acting as a tribunal on the past and that Turkey should appraise its past itself. Another liberal democrat and British Baroness Emma Nicholson has conveyed that she has regretted the "hostile" amendments that were being tabled and their references to "genocide", that these were racist and discriminatory, and that the modern Turkish State was not responsible for the Armenian massacres that had taken place under the Ottoman Empire.

Commissioner Günther Verheugen has expressed that his all elements of his criticisms towards issues like Kurdish minority, democracy, human rights, and Cyprus brought to the agenda by some parliamentarians were referred to in the progress reports. He has said that making a resolution of the Cyprus issue a precondition for accession would lead to the failure of the whole process and that raising the Armenian question would not help with what was currently being debated.<sup>28</sup>

Another report prepared in 2000 was signed by French Alain Lamassoure, who was among the Christian Democrats. The efforts of the Armenian lobby to make additions to the report regarding the genocide allegations has failed to bring any results and with the requests for additions being rejected in the General Assembly, the report has been adopted on 25 October 2001.<sup>29</sup>

In Article 10 of a resolution adopted in 2000 by the European Parliament on the progress report of Turkey towards accession, it is stated that “the European Parliament calls on the Turkish Government and the Turkish Grand National Assembly to give fresh support to the Armenian minority, as an important part of Turkish society, in particular by public recognition of the genocide”. A similar disinformation once again draws attention here. Those expressing the genocide allegations are not Armenian Turkish citizens, but are the diaspora and Armenians of Armenia. In fact, the Armenians living in Turkey are the Armenians who have not been subjected to relocation and have settled in the West.

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26 EFA: European Free Alliance

27 ELDR: European Liberal Democrats

28 Philippe Morillon (EPP-ED, F), Report on the 1999 Regular Report from the Commission on Turkey's progress towards accession, Doc.: A5-0297/2000, Procedure: Consultation paper, Debate: 14.11.00, Vote: 15.11.00.

29 Soner Karagül, “Avrupa Birliği ve Ermeni Sorunu”, *Ermeni Araştırmaları*, No. 8, Winter 2003.

2002

On 28 February 2002, a report prepared by Swiss Per Gahrton from the Greens Group concerning the EU's relations with the South Caucasus has been adopted. The feature of the report is that it contained references to the 1987 resolution and has ratified the resolution once again. One of the points of the resolution is that "the recognition of the Armenian genocide by the European Parliament and by several Member States and the fact that the Turkish regime after the First World War had several of those responsible for the genocide severely punished ought to provide a basis for the EU to present constructive proposals to Turkey on the handling of the matter, e.g. by setting up a multilateral international committee of historians on the 1915 Armenian genocide". In a footnote, it was asserted that in a speech delivered in the Assembly on 10 April 1921, Atatürk had accepted the so-called "genocide" against the Armenians.<sup>30</sup>

In the discussions held during the transformation of the report into a resolution, rapporteur Per Gahrton had said that it was not clear whether Turkey really committed genocide or not, but has still rejected the motion for amendment which would delete the term "genocide" from the report.<sup>31</sup> This behavior is a very important detail which displays how the reports have been prepared and the resolutions have been adopted.

During the discussions, a few numbers of individuals have come forth who have supported the proposal to get rid of the term "genocide", have stated that the EU is not the judge of history, and who have even been aware that Turkey had not placed an embargo on Armenia.<sup>32</sup>

In general, the report has underlined that the blockade against Armenia must be terminated, has reiterated that the resolution of 18 June 1987 recognizing the "genocide", and has called upon Turkey to create a basis for reconciliation.

*Those expressing the genocide allegations are not Armenian Turkish citizens, but are the diaspora and Armenians of Armenia. In fact, the Armenians living in Turkey are the Armenians who have not been subjected to relocation and have settled in the West.*

30 Soner Karagül, "Avrupa Birliği ve Ermeni Sorunu", *Ermeni Araştırmaları*, No. 8, Winter 2003.

31 Soner Karagül, "Avrupa Birliği ve Ermeni Sorunu", *Ermeni Araştırmaları*, No. 8, Winter 2003.

32 Soner Karagül, "Avrupa Birliği ve Ermeni Sorunu", *Ermeni Araştırmaları*, No. 8, Winter 2003.

2004

The Parliamentary resolution of the European Council dated 3 December 2004 on the progress of Turkey's accession is quite interesting. On the one hand, opening the sacred places of Armenians to worship by the Armenians, the ban on the use of minority languages like Kurdish and Armenians, and the extraordinary efforts of Turkish historians on genocide and the re-establishment of relations with Armenians have been considered as significant steps for the future. On the other hand, it is asserted that all these efforts must be directed towards a "true result" and this result is the opening of the borders. "Still" and "in particular" regarding the problems of Cyprus and Armenia no freedom of expression existing has been shown as a serious problem for Turkey in the report. It could be seen once again that while the reports were being prepared, incorrect statements were made based on the fact that real research was not conducted and everything made with the purpose of propaganda was permitted.

*Anyhow, since "genocide historically proven" exists according to the European Parliament, the purpose for establishing such a committee is eliminated, because allegations to be discussed are already "proven".*

In the Parliament's report of 15 December 2004, there has been a call on Turkey to promote the process of reconciliation with the Armenian people by acknowledging the genocide perpetrated

against the Armenians as expressed in the European Parliament's 1987 resolution.

The necessity for both countries to establish a bilateral committee of independent experts in order to overcome the tragic experience of the past and for Turkey to open the borders as soon as possible has also been mentioned.

Both governments to establish "a bilateral committee of independent experts" displays once again the Europeans' act of playing both ends and fooling both sides. Anyhow, since "genocide historically proven" exists according to the European Parliament, the purpose for establishing such a committee is eliminated, because allegations to be discussed are already "proven".

In fact, it could be seen that right after, the Parliament has called on the "Commission and the Council to demand that the Turkish authorities formally acknowledge the historic reality of the genocide perpetrated against the Armenians in 1915". By referring to the Commission and Council here, the Parliament, whose resolutions are not binding, has defended that pressure be applied on Turkey for it to benefit from candidate status.

On the other hand, the report has also mentioned that Turkish authorities have still

not complied with the calls concerning the other Armenian issues made by Parliament in its resolution of 1987 and that this is an obstacle to EU membership.

### 2005

On 29 September 2005, the European Parliament had postponed the voting of the Ankara Agreement protocol. This protocol entailed the enlargement of Turkey’s existing agreement with the EU according to the 10 new members. The reason for this postponement has been concern that Turkey, which declared that the protocol does not mean any form of recognition of Cyprus, will gain legal power, since ratification of the protocol in the Parliament would mean that Turkey’s statement is acknowledged. During the voting taking place afterwards, a resolution was adopted expressing the Commission and Council’s view that Turkey had fulfilled the prerequisites to start accession negotiations on October 3<sup>rd</sup> 2005.

Although the resolution was directly related to the Cyprus problem, during the voting the Parliament had also conveyed that Turkish recognition of the Armenian “genocide” must be a prerequisite for accession. If a prerequisite was to be set, placing responsibilities upon Turkey concerning the settlement of the Cyprus problem could have been a more ordinary solution. However, it is interesting to see the Armenian “genocide” being inserted into a resolution which does not relate to the issue.

### 2006

Another of the Parliament reports is the one dated September 4<sup>th</sup> 2006, prepared by Camiel Eurlings and being ratified after several amendments. In this document, Turkey’s recognition of the “genocide” has been set as a precondition for membership to the EU. Article 49 added to the report concerning this issue is as follows: “Reiterates its call on Turkey to acknowledge the Armenian genocide, as called for in previous European Parliament resolutions of 15 December 2004 and 28 September 2005; considers such acknowledgement to be a precondition for European Union accession”. However, this paragraph has been omitted from the report with 320 votes against 282 votes.<sup>33</sup>

Furthermore, the report has contained a statement of “Turkish authorities to facilitate the work of researchers”. There is no such obstacle. The archives are open to researchers. The actual problem is that maybe the documents will indicate that the relocation was not genocide. It is interesting that currently there is no

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33 Ömer Engin Lütem, “Facts and Comments”, *Review of Armenian Studies*, No. 11-12, 2007, p. 21.

Armenian actually doing research at Turkey's archives. It is known by European Parliamentarians that attentive researchers at the archives in Armenia are being discouraged and are even thrown into jail. The European Parliament resolutions indicate that the Dashnak archives in Boston can be examined only with special permission and that, to date, no Turk has been granted permission for this.<sup>34</sup>

Sometimes some statements in the resolutions of the European Parliament and sometimes the speeches delivered by parliamentarians display the Armenian allegations using the same expressions used by the Armenians. This situation which Lütem has also drawn attention to is that "it is as if a text drafted in Yerevan was incorporated into the report without thinking."<sup>35</sup> The approach in the

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Parliamentarians' discussions or these kinds of proposal resolutions being one sided and not mentioning Turkey's views at all is a serious gap. By mentioning some names in the report, their acquittals are considered as a positive development in the area of freedom of expression. The interesting point is that almost all persons whose names were cited in the context of freedom of expression were supporters of the Armenian theses.<sup>36</sup> This should once again be regarded as the text prepared by the Armenian diaspora or Yerevan being adopted exactly as it is.

Demonstrations that "there is no Armenian genocide" being held in European countries have been strongly criticized. Displaying these demonstrations as racist which was

contradictory to European principles and which was actually carried out by "permission" and within the scope of rules, is another example of the EU's biased approach. As much as arguing that the Armenian genocide took place, defending that it did not should also be a freedom and right. However, even the nation preparing the universal declaration of human rights has requested for the closing of the institution organizing the protests by putting forth that genocide did not happen.

In the report of 25 September 2006 entitled "Parliament's Position on Turkey's Candidacy for EU Membership", it has been stated that in 2004, a clear call for

34 Ömer Engin Lütem, "Facts and Comments", *Review of Armenian Studies*, No. 11-12, 2007, p. 24.

35 Ömer Engin Lütem, "Facts and Comments", *Review of Armenian Studies*, No. 11-12, 2007, p. 25.

36 Ömer Engin Lütem, "Facts and Comments", *Review of Armenian Studies*, No. 11-12, 2007, p. 26.

Turkey to acknowledge "the genocide perpetrated against the Armenians was issued and that it has repeated this position ever since the 1987 resolution. Also a statement that "Turkey has still not acknowledged the genocide perpetrated against the Armenians, despite numerous calls from the European Parliament and several Member States".

The following statements in the report also draw attention: "although the recognition of the Armenian genocide as such is formally not one of the Copenhagen criteria, it is indispensable for a country on the road to membership to come to terms with and recognize its past. MEPs urge Turkey to take the necessary steps, without any preconditions, to establish diplomatic and good neighborly relations with Armenia, to withdraw the economic blockade and to open the land border at an early date. A similar position should be adopted for the cases of other minorities (e.g. the Greeks of Pontos and the Assyrians)".

Moreover, although the European Parliament had voted yes on October 3rd 2005 for the starting of negotiations, it had stated that it viewed Turkey's recognition of the Armenian genocide as a precondition for accession.

The recognition of the genocide allegations being set as a precondition in the report was put forth by the Parliament before. This article existing in the 1987 resolution was also conveyed many times in the following years and sometimes in reference to the 1987 resolution.

Sometimes on the contrary, by arguing that the recognition of the genocide allegations are not part of the Copenhagen Criteria, it has been put forth that this cannot be a precondition. The most interesting view is that setting this as a precondition is technically and officially impossible, but that "it is a requirement for a country expected to be European to recognize these kinds of allegations by confronting its past". The term "requirement" here is interesting for displaying how an issue could be set as a precondition without using the word "precondition".

*The most interesting view is that setting this as a precondition is technically and officially impossible, but that "it is a requirement for a country expected to be European to recognize these kinds of allegations by confronting its past". The term "requirement" here is interesting for displaying how an issue could be set as a precondition without using the word "precondition".*

## 2007

On 18 October 2007, another resolution has been adopted by the Parliament concerning Turkey-EU relations. This document has made references to the 1987

resolution of the Parliament and has called upon Turkey to officially recognize the so-called Armenian genocide, to apologize from Armenia and to start a process of reconciliation.

The “undisputable existence” of the Armenian genocide constantly brought to the agenda throughout a period of more than 20 years until 2007 and the pressure applied on Turkey to recognize it have almost come to a standstill after this date. The Parliament in particular has not adopted new resolutions or prepared reports on this matter. Organizing marches of “we are all Armenians” in Turkey after the murdering of Hrant Dink in the beginning of 2007 has actually been perceived as a negative incident being transformed into a positive development to ease the tension between the two countries. However, a reconciliation or improvement of relations has not taken place as much as expected.

The significance of 2007 was actually the starting of the normalization process of relations between the two countries. Continuing of this process without any halts and opening of the border as the first concrete step have been important for Armenia and the EU countries. The side not having any interest from the opening of the border is Turkey. Therefore, the country being convinced for the normalization process is also Turkey. Bringing the genocide issues to the agenda again could have been an attempt to prevent Turkey from becoming distant from the process. Therefore, the purpose was to first achieve normalization and open the borders. The idea that there will be time and opportunity to bring the genocide allegations to the agenda later on possible exists.

Another evaluation could be made on the general situation of Turkey and EU relations. The significance bestowed on EU membership by Turkey gradually decreasing and becoming distant from the EU as a result of the EU’s negative approach is regarded with concern by many segments. Although this could seem as a positive development for those opposing Turkey’s EU membership, drifting apart of Turkey is on the opposite considered as a negative situation, because this way Turkey has gotten out of control and has withdrawn from the field of inspection. Turkey’s withdrawal from EU membership will also be against segments making claims on Turkey, as much as against the Armenians. Turkey no longer being a candidate would mean its relations with the EU turning into equality. This way, the EU will have lost its authority to apply pressure on Turkey. The EU will no longer possess sticks and carrots for the non-candidate country of Turkey.

Ever since the possibility of losing Turkey as an EU candidate emerging, some changes have been viewed in the EU’s stance. For instance, the negotiation process expected to be stalled upon the Cyprus problem not being settled has

continued, although slowly. Instead of the harsh tone in the progress reports, milder statements have been used. It seems that the so-called genocide issue has also been laid aside for some time, based on these facts.

### Debates

Even though sometimes the subject has not been Turkey’s EU membership, the so-called Armenian genocide has been brought to the agenda in the European Parliament. Addressing this issue frequently, rather than recalling it several times in a year, causes individuals to gain incorrect information on the subject over time. On the other hand, however much people and with however much frequency the issued is only addressed one-sidedly and if no explanation is provided from the other side, the numbers of those recognizing the genocide will increase as much.

### 2001

In the debates taking place during the talks on the “Proposal for a Council regulation on assistance to Turkey in the framework of the pre-accession strategy, and in particular on the establishment of an Accession Partnership” prepared on 14 February 2001 by Austrian Socialist Hannes Swoboda,<sup>37</sup> the Armenian issue has been addressed many times. Rapporteur Swoboda’s response towards recognition of the Armenian “genocide” to be set as a precondition for Turkey’s membership is given below:

*“As far as the Armenia issue is concerned, I personally am opposed to the notion that foreign parliaments should seek to judge history and events which took place a hundred years ago. But I am also opposed to the exploitation of this issue for nationalist purposes in Turkey. A more relaxed and, above all, a more active role in the Armenia issue would be helpful. If Turkey were to take steps to invite its own historians and those from Armenia and third countries to come together to discuss this issue, this would also be a step forward towards a sensible debate about this question. In this spirit, ladies and gentlemen, I would ask you to adopt my proposal in order to give Turkey the opportunity to prove that it wishes to follow the path towards Europe.”*

... Applause

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37 On the given date, Swoboda was member of the PES-ED alliance. PES: Group of the Party of European Socialists; ED: European Democratic Group



Although Swoboda's statement seems positive for Turkey, on the opposite, it should actually be considered as an initiative aiming to make Turkey a part of the asymmetric relationship. As has clearly emerged in the following years, Swoboda does not approve Turkey's EU membership. This statement does not defend anything else but that making Turkey do what they want by continuing Turkey's relations with the EU will be better. "Giving

*Requests from Turkey, like the recognition of the Armenians genocide allegations, will easily be achieved with the EU membership carrot. If no relationship exists with the EU; in other words, if the EU does not accept starting negotiations with Turkey, since no carrot will exist for Turkey, then applying pressure over it will become impossible.*

Turkey the opportunity to prove that it wishes to follow the path towards Europe" proves our thesis. At the basis of the strategies of individuals like Swoboda lies the following idea: Requests from Turkey, like the recognition of the Armenians genocide allegations, will easily be achieved with the EU membership carrot. If no relationship exists with the EU; in other words, if the EU does not accept starting negotiations with Turkey, since no carrot will exist for Turkey, then applying pressure over it will become impossible.

On 24 October 2001, a joint debate has been made by one of the French Christian Democrats Alain Lamassoure,<sup>38</sup> on behalf of the Committee on Foreign Affairs, Human Rights, Common

Security and Defense Policy, on the proposal for a council regulation on pre-accession financial assistance and on the Report on Turkey's progress of 2000.

Lamassoure:

*"Since our resolution of 15 November 2000, which is cited in our current motion for a resolution, our Turkish partners have been aware of the importance our Parliament attaches to the official recognition of the Armenian genocide. We hope that the processes of dialogue, such as those which bring together former diplomats and academics from Armenia and Turkey, will lead to a common understanding based on scientifically-recognised historical facts."*

Cohn-Bendit (Greens/EFA,<sup>39</sup> France):

*"Our role as the European Union is not, therefore, simply to give lessons, but, rather, to accompany Turkey on the journey towards democracy, in*

38 On the given date, Lamassoure was member of the EPP-ED alliance. EPP-ED: Group of the European People's Party (Christian Democrats) and European Democrats

39 EFA: European Free Alliance

*other words, to have positions to defend. And that is why I will make a comment, and I would ask all those who still wish to tell Turkey that there was a genocide seventy-five years ago – which is true – in what way does that help the debate in Turkey today? I do not think that that helps it.”*

Pernille Frahm (GUE<sup>40</sup>/NGL,<sup>41</sup> Denmark):<sup>42</sup>

*“Mr. President, I think it important that we send two clear messages today. The first must be that we want Turkey as a member of the EU and as a member of the European family. It will be good for Turkey, but it will also be good for ourselves. The second message must be that Turkey is faced with a number of tasks, including that of being honest about its history and its genocide of one and a half million Armenians, half a million Assyrians, Chaldeans and Syrians and several hundred thousand Greeks. In addition, there are the tasks – not only on paper but also in practice and in the real world – of improving the conditions in Turkish prisons, ceasing to keep prisoners in solitary confinement, guaranteeing the rights of minorities and ensuring democratic progress not only for minorities but, I would emphasize, for the whole of the Turkish people.”*

Charles Pasqua (UEN,<sup>43</sup> France):

*“I have tried in vain to understand why the majority of this House have an absolute desire for Turkey to join the European Union. For a start, most of the territory of Turkey is not in Europe... What I do not understand, even though a certain number of countries have, unanimously in some cases, such as France, condemned the genocide suffered by the Armenians, is why the current Turkish government and Turkish people, who are not responsible for the past, but who are responsible for a collective history, are determined not to accept responsibility for that genocide... In any event, as long as it has not been recognized, as far as we are concerned, we will remain firmly opposed to Turkey’s entry into the European Union.”*

## 2002

In the report prepared on 27 February 2002 by Per Gahrton<sup>44</sup> from the Swiss

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40 GUE: Group for the European United Left

41 NGL: Nordic Green Left,

42 GUE/NGL: Confederal Group of the European United Left/Nordic Green Left

43 UEN: Union for Europe of the Nations Group

44 EFA: European Free Alliance

Greens, it was expected for Turkey to recognize the Armenian “genocide” and to terminate the “blockade” against Armenia. In Gahrton’s report, the following statement has been made:

*After the First World War, Turkish courts sentenced those mainly responsible – Enver Pasha and many others – to the most severe penalty under the law, partly for their responsibility for the mass murders of Armenians. It is a mystery to me why, 80 years later in Turkey, the attempt should be made to brush all this under the carpet. All nations have skeletons in their historical cupboards. Those who recognize this and openly come to terms with their pasts command respect, while those which deny and conceal their pasts mostly evoke surprise and disappointment.*

## 2003

Dutch Christian Democrat Arie Oostlander’s report prepared on Turkey’s application for EU membership has been debated in the European Parliament on 4 June 2003. The statement of Joost Lagendijk<sup>45</sup> from the Dutch Greens delivered during this debate draws attention:

*“My remark is directed towards the Members from the GUE<sup>46</sup>/NGL<sup>47</sup> Group, whom I urge to stop doing the dirty work of the Armenia lobby. In my eyes there is a carefully considered compromise on this question in the text and I honestly find the constant attempts to tighten the thumbscrews on this point increasingly irritating.”*

## 2004

The most interesting two debates among those taking place during the voting on 6 October 2004 for the opening of negotiations with Turkey are the ones belonging to the French and Belgian parliamentarians. Leader of the GUE<sup>48</sup>/NGL<sup>49</sup> group and French parliamentarian Francis Wurtz has indicated that the Cyprus and Armenian question existing among many other issues, membership automatically should not be possible. Belgian independent parliamentarian Philip Claeys has stated “considering that Cyprus is under occupation, the Armenian genocide is not

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45 On the given date, Lagendijk, was member of the Greens-EFA alliance. EFA: European Free Alliance

46 GUE: Group for the European United Left

47 NGL: Nordic Green Left

48 GUE: Group for the European United Left

49 NGL: Nordic Green Left

recognized and no respect exists towards ethnic minorities, it can be seen that something never coming to mind is happening.”

While the “EU Policy towards the South Caucasus” was being addressed on 26 February 2004, Per Gahrton’s report was covered and independent, French parliamentarian Dominique Souchet has said the following:

*“...The rapporteur is sufficiently perceptive to see that such a pact requires a climate of confidence to be established and that it therefore has little chance of seeing the light of day so long as Turkey continues its incomprehensible blockade of Armenia and Ankara obstinately continues to deny the Armenian genocide, for example. In that regard, the Parliament’s 1987 resolution unfortunately retains all its relevance and it is appropriate that the report should refer to it.”*

It could be seen that although not having anything to do with the subject under debate and although by forcing it, the Armenia question is brought to the agenda from time to time. An example has taken place on 27 October 2004 while the referendum results and elections were being discussed. Independent Democrat, Polish Wojciech Wierzejski (IND/DEM)<sup>50</sup> was able to combine the elections in Belarus and Turkey under the same heading and was even able to compare the level of “persecution” in both countries:

*“There can be no doubt that human rights are violated in Belarus, that basic democratic standards are not respected in that country and that there is discrimination against minorities, primarily the Polish minority... A parallel may be drawn here with Turkey, a country that has recently been the subject of much discussion. Turkey is a country that is occupying half of Cyprus. Turkey does not maintain diplomatic relations with Greece or Armenia. It persecutes the Kurdish minority and has still not apologised for the genocide of the Armenian people. In spite of all this, Turkey is regarded as a potential member of the European Union. Belarus is a country where the persecution of minorities is not as widespread as in Turkey. Belarus does not pursue any kind of hostile policy towards other nations and it wishes to open up its foreign policy and cooperate with other countries. Even so, Belarus is condemned, whilst Turkey is regarded as a country that could belong to the European Union. At the very least, we should apply similar standards to both countries.”*

During a debate taking place in the Parliament on 13 December 2004 concerning Turkey, English parliamentarian Jim Allister, taking the floor, has said the following:

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50 IND/DEM: Independence/Democracy Group

*“Is this the European Union or do some have expansionist ambitions beyond the boundaries of Europe? That is a key and defining question which arises from Turkey's application for EU membership. Turkey is not part of Europe, it is part of Asia: only a finger of land flanking Istanbul lies in Europe. That does not make it a European nation. You might as well say that Spain is African because it has some outposts on the North African coast. It is a shameless agenda of expansionism which drives the EU in wanting to encompass Turkey.*

*Turkey itself has a shameful history of expansionism. Witness its brutal invasion and occupation of Northern Cyprus. Witness its genocide of the Armenian people. Witness also, despite the massive inducements of pre-accession aid from Brussels, its intolerant suppression of religious freedom, in particular with regard to Christians.*

*No – Turkey is one country and culture that we can well do without.”*

Different from criticizing or objecting, Allister's statement is strongly filled with rage. The reason for the English parliamentarian opposing Turkey's EU membership is not only geographic, but also due to the fury bottled up inside. In fact, this rage is not only directed towards Turkey, but also to the EU for opening its door to Turkey.

## 2005

Concerning the Commission's strategy of enlargement, a debate has taken place in the Parliament on 28 September 2005 related to the report prepared by German Christian Democrat Elmar Brok. In this debate, some parliamentarians have explained with reasons how they voted. We are only displaying the statements made which relate to our topic:

Erna Hennicot-Schoepges (EPP-ED,<sup>51</sup> Luxembourg):

*“...I voted in favour of Turkey's accession during the vote in December 2004, out of respect for those who campaign for human rights. Since that vote, there has been no end to the provocations on the part of the Turks..., the denial of the Armenian genocide lead me to vote against the start of the negotiations... We need to see acts on the part of the Turkish Government, proving its willingness to comply with the rules of the European Union.”*

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51 EPP-ED: Group of the European People's Party (Christian Democrats) and European Democrats

Marine Le Pen (Independent, France):

*"Although Turkey still refuses to acknowledge its responsibility in the Armenian genocide... the Heads of State or Government, the Commission and Parliament are preparing to bypass the opinion of the people in defiance of their sovereignty... This accession will do nothing other than reinforce a logic of promoting minorities in society, and one that paves the way for the fragmentation of Europe."*

Luca Romagnoli (Independent, Italy):

*"Turkey is not Europe... Cyprus, the Armenian genocide, the Kurdish issue, civil liberties, social tensions – I could go on with a long list of undeniable contrasts that count against Turkey joining the European Union... The vast majority of Europeans do not want Turkey in Europe: that is the people's mandate, and we have a duty to respect it by voting 'no'."*

(Applause)

Marie-Arlette Carlotti (PES,<sup>52</sup> Fransa):

*"...we are far short of the target... On the contrary, Turkey is digging in its heels and even becoming more radical as regards at least two points: the recognition of Cyprus, which can under no circumstances form the subject of negotiations, and the stubborn refusal to tackle the issue of the Armenian genocide, a willingness to tackle which I consider to be a preliminary condition for membership."*

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM,<sup>53</sup> Sweden):

*"...Turkish membership cannot therefore be dismissed on religious or geographical grounds. The June List therefore believes that Turkey should in the long run be able to become a member of the EU... Quite a few requirements concerning respect for human rights have not been implemented. The Armenian genocide of 1915 has not been recognised, and nor has Cyprus's sovereignty... We are therefore voting against the resolution as a whole."*

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52 PES: Group of the Party of European Socialists

53 IND/DEM: Independence/Democracy Group

Fernand Le Rachinel (Independent, France):

*“On many occasions, we have stressed the fact that Turkey is not a European country... The Turkish people, who are themselves being provocative, refuse to recognise the Republic of Cyprus on the grounds that they occupy part of it. They do so in defiance of international law. This is without mentioning the Armenian genocide of 1915... In their new penal code, making reference to this very Armenian genocide or to the occupation of the northern part of Cyprus is punishable by imprisonment. In these conditions, and without even mentioning the tragic fate of the Christian minorities, it is obscene to open accession negotiations on 3 October with a large country in Asia Minor.”*

Jean-Claude Martinez (Independent, France):

*“...It was a ‘no’ from all sides. The speakers spoke of ‘Armenia’, ‘the violation of human rights’, ‘the light years separating two civilisations’, ‘the occupation in Cyprus of part of European territory by a foreign army... In this House, the representatives of the people of Europe’s nations are repeating the ‘no’ uttered by Cervantes at Lepanto, by Lord Byron at Missolonghi, by the Greek children of the Catacombs who used to practice their religion in fear, by the paintings and poems of, respectively, Delacroix and Victor Hugo on the empire of massacres and kidnappings, and by the martyrs of ‘Midnight Express’.*

Erik Meijer (GUE<sup>54</sup>/NGL,<sup>55</sup> Holland):

*“...Last week, a court banned a conference on the mass murder of the Armenian people in 1915, which had been denied for many years.”*

Tobias Pflüger (GUE<sup>56</sup>/NGL,<sup>57</sup> Germany):

*“...Freedom of the press is continually violated: for example, anyone publishing material that takes a critical line on the genocide of Armenians or the continuing Turkish occupation of northern Cyprus still faces imprisonment...”*

Martine Roure (PES,<sup>58</sup> France):

*“On 23 September 2005, the Turkish Court of Justice banned a conference*

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54 GUE: Group for the European United Left

55 NGL: Nordic Green Left

56 GUE: Group for the European United Left

57 NGL: Nordic Green Left

58 PES: Group of the Party of European Socialists

*on the Armenian genocide from being held. This ban unfortunately makes it clear that the Turkish Government authorities continue to keep this debate shrouded in complete obscurity and entirely outside the law... The resolution of the European Parliament of 18 June 1987 emphasised four points comprising major obstacles to the accession negotiations with Turkey. They related to: the refusal of the Turkish Government to recognise the Armenian genocide, its reluctance to comply with international law in its differences of opinion with Greece, the ongoing presence of Turkish occupying troops in Cyprus, the denial of the Kurdish issue. The Armenian issue cannot be sunk into oblivion as these negotiations become part of history. I stand firm in refusing to accept that. The European Union is strong enough to impose upon Turkey a significant change of attitude, if the latter wants to join our Union and respect our rules and values."*

### 2006

On 16 February 2006, a debate entitled "Cultural Heritage in Azerbaijan" was organized.<sup>59</sup> The following statement of Polish parliamentarian from the Independent Democracy group, Urszula Krupa (IND/DEM)<sup>60</sup> talking during this debate has drawn attention:

*"Today's debate on human rights and democracy concerns the protection of the cultural heritage of the Armenian people, which is threatened with total destruction. Armenia, which has a population of 4 million, has been Christian since 301 AD, making it the first Christian country in the world. This fact is supported not only by historical documents but also by the thousands of crosses carved onto stone tablets, called khatchkars, which have been destroyed, just as other Armenian cultural treasures have been destroyed in Azerbaijan, Georgia and Turkey."*

Krupa, providing technical and historical information on the khatchkars, has also mentioned that the Armenian cultural heritage is being destroyed and that the government of Azerbaijan sent special army units to destroy the stones bearing Armenian crosses. While indicating that the Armenians have been persecuted for centuries who "are a nation with a wealth of experience", she has said that the Azeris have experienced suffering too, but that no conflict can justify the destruction of cultural heritage, which is a common legacy for the whole of humanity.

59 Debates, 14.1 Cultural Heritage in Azerbaijan, 16.2.2006, European Parliament website.

60 IND/DEM: Independence/Democracy Group



In her statement, Polish parliamentarian has attempted to display the Armenians as victims by emphasizing Christianity. The persecution experienced by the Azeris, who she believed also suffered with the Armenians, has not concerned Krupa at all and she has not even considered that a Muslim community could also possess a cultural heritage.

In a debate held on 27 September 2006, Dutch Christian Democrat Camiel Eurlings's (EPP-ED)<sup>61</sup> statement that “*recognition as such is formally not a criterion, but for a country on its road to Europe it is indispensable to come to terms with its past*” had received great applause from other parliamentarians.

*An interesting point here is the existence of the thought that although the recognition of the genocide as such is formally not a criterion, in other words, since no such precondition exists for other candidate countries, the situation is different when Turkey is the issue and Turkey must recognize these events as genocide. The second interesting point is the mentioning that Turkey must allow research on the events.*

On October 5<sup>th</sup> 2006, the idea of the recognition of the Armenian “genocide” by Turkey being a precondition for its EU membership has been rejected as a result of the voting taking place. However, Eurlings’ statement that “recognition is formally not a criterion, but for a country on its road to Europe it is indispensable to come to terms with its past and therefore we want committees, research, open discussion” has been used. An interesting point here is the existence of the thought that although the recognition of the genocide as such is formally not a criterion, in other words, since no such precondition exists for other candidate countries, the situation is different when Turkey is the issue and Turkey must recognize these events as genocide. The second interesting point is the mentioning that Turkey must allow research on the events. This once again shows the non-existing belief that Turkey does not allow research on these events.

On the same date, during debates on the slowdown of the reform process in Turkey, the necessity to establish diplomatic relations with Armenian without any preconditions has been put forth and the settlement of border disputes being a requirement for EU accession has been indicated. However, considering the EU accession process of the Southern part of Cyprus, it could be seen that the settlement of border disputes is not always a requirement.

Many parliamentarians during this debate have conveyed their views. By expressing that the EU needs Turkey as a partner, Dutch socialist Jan Marinus

61 EPP-ED: Group of the European People's Party (Christian Democrats) and European Democrats

Wiersma has indicated that Turkey must recognize what happened, but that this could not be a sine qua non for membership as it was not part of the Copenhagen criteria. Joost Lagendijk (Yeşiller/EFA),<sup>62</sup> from the Dutch Greens, has stated that there was a big problem with the Eurlings report, the paragraphs in which, following amendments instigated by lobby groups, recognition of the Armenian genocide by Turkey was described as a precondition for Turkey to join and he has argued that one must be “critical but fair” towards Turkey. Irish Christian Democrat Simon Coveney (EPP-ED)<sup>63</sup> has defended that the Armenian issues should not be a new precondition for accession.

Austrian independent parliamentarian Andreas Molzer has expressed that Turkey was not ready to join the EU because of Cyprus, the non-recognition of the Armenian genocide and the Kurdish question continuing. English Christian Democrat Charles Tannock (EPP-ED)<sup>64</sup> has indicated that his party was in favor of Turkish membership of the EU, but that since Turkey does not recognize the Armenian “genocide” as well as some other problems, this process could be lengthy. French development commissioner Louis Michel has put forth that the Armenian “genocide” had never been a precondition and to impose it as such would amount to moving the goalposts, while he has argued that what matters is “freedom of speech” and a process of “internal awareness raising and conciliation”.

### 2007

On 15 February 2007, during the debate concerning the humanitarian situation of refugees from Iraq, English Christian Democrat Charles Tannock, being at the forefront of the parliamentarians who expresses the Armenian theses the most, has been able to refer to the genocide allegations even on this issue:

*“I too want to focus on the Assyrian Christians who are now seeking refuge mainly in Syria and Jordan. Iraq’s Christian communities are amongst the world’s most ancient, speaking Aramaic, the language of Christ. They suffered terribly during the 1915 Armenian genocide...”*

During the debate on 21 June 2007 generally concerning the recognition of the genocide, the extreme right French parliamentarian and member of Identity, Tradition and Sovereignty group Bruno Gollnisch (ITS)<sup>65</sup> has stated that “... I

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62 EFA: European Free Alliance

63 EPP-ED: Group of the European People’s Party (Christian Democrats) and European Democrats

64 EPP-ED: Group of the European People’s Party (Christian Democrats) and European Democrats

65 ITS: Identity, Tradition and Sovereignty

would like to highlight the curious lack of condemnation of the crimes of Stalin or of the Armenian genocide in this text. Only the crimes of Hitler and crimes that are recognised by international courts (Srebrenica, Rwanda) are listed...” With this statement, he has fulfilled the task of once again reminding people of the Armenian genocide issue which was not on the agenda.

In the session on 24 October 2007 where Turkey’s accession process was debated, the parliamentarians speaking have tried to bring the genocide issue to the agenda again:

Sebastiano (Nello) Musumeci (UEN,<sup>66</sup> Italy):

*“One year on from the last resolution adopted by this House on EU-Turkey relations, it is sad to see that certain fundamental issues remain tragically topical. Turkey does not recognise Cyprus, to all intents and purposes a Member State of the European Union; freedom of the press is still curtailed, since Article 301 of the Penal Code has not yet been amended and Turkey persists in not acknowledging the genocide of the Armenian population in 1915.”*

Kyriacos Triantaphyllides (GUE<sup>67</sup>/NGL,<sup>68</sup> Southern Cyprus):

*“...Turkey must recognize the genocide of the Armenians.”*

Charles Tannock (EPP-ED,<sup>69</sup> England):

*“According to The Times newspaper of London, the recent US Congressional resolution on the Armenian genocide was appallingly timed. So, when is it a suitable time to talk about genocide?”*

*The Armenian lobby is so vociferous in this Parliament precisely because of the apparent conspiracy of silence that has surrounded the genocide question for almost a century. The murder of the Turkish-Armenian journalist Hrant Dink should have provided a period of national reflection but, sadly, this did not happen. Nevertheless, reconciliation between Turkey and Armenia, including the reopening of the closed border, is an important element of Turkey’s efforts to join the EU. But, in my view, no true democracy can be in denial of its past, even its deepest and darkest secrets.*

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66 UEN: Union for Europe of the Nations Group

67 GUE: Group for the European United Left

68 NGL: Nordic Green Left

69 EPP-ED: Group of the European People’s Party (Christian Democrats) and European Democrats

Tannock's, who can easily be assumed to be among the parliamentarians establishing the most relations with the Armenian lobby, statement that "the murder of the Turkish-Armenian journalist Hrant Dink should have provided a period of national reflection, but, sadly this did not happen" does not reflect the truth. Dink's murder had caused a great reaction in Turkey; in fact, the Turks had gone as far as declaring "we are all Armenians". This fact, whether consciously or unconsciously, was attempted to be covered and perhaps Tannock, just like many other parliamentarians, had only fulfilled the task of reading the text issued by Armenians without being aware of it or researching its validity.

### 2008

On 21 April 2008, independent Bulgarian parliamentarian Slavi Binev, taking the floor during the hearing of the Commission on crimes of genocide, crimes against humanity and war crimes committed by totalitarian regimes, has made the following statement:

*"During the 20th century, in addition to the totalitarian regimes of communism and nazism, there is another fact: the atrocious assaults against the human rights of the Bulgarian and the Armenian people by the Ottoman Empire. For almost five centuries, under the rule of the Ottoman state, the violence against the Bulgarian people was marked by the features of genocide. A considerable part of the Bulgarian population was taken away into slavery, exterminated or forcibly converted to Islam, which is basically a purposeful ethnic cleansing.*

*Another undeniable fact is the forcible deportation and killing of over one and a half million Armenians by the Turkish authorities between 1915 and 1917. All of these acts against Bulgarians and Armenians fully match the elements of crimes defined in UN instruments on the prosecution and punishment of genocide. The recognition of genocide against Armenians and Bulgarians would send a clear signal to the Republic of Turkey to assume its liability and apologize for the five centuries of oppression against the Bulgarians and for the crimes and mass murders committed, and to compensate the heirs of refugees for the suffering and for the private estates stolen from them which remain on Turkish territory."*

The accusations put forth by the Bulgarian parliamentarian are surprising. However, what is more surprising is that the person posing these accusations is the citizen of a country which had aimed to eliminate all Turkish existence in the country a short while ago and which had made initiatives for cultural genocide.

## 2009

During a debate on China on 15 July 2009, English Christian Democrat Tannock has been able to bring up Turkish hostility again:

*“I note that Turkey’s Prime Minister Erdogan has labelled this violence as a genocide: a bit rich coming from him when his own country fails to recognise the Armenian genocide. His efforts to appeal to pan-Turkic nationalism are also hypocritical, given Turkey’s treatment of its own minorities and in particular the Kurds in eastern Turkey.”*

## Minutes

The parliamentarians are given one-minute times to speak in the European Parliament on the subjects they find the most important. The issue of the Armenian “genocide” does not seem like a heading important enough to influence Europe and be discussed in a minute. However, as mentioned earlier, the pressures, threats and bribes of the Armenian diaspora and the internal policy concerns of France in particular have made the issue, which actually does not concern Europe at all, significant enough to be made the subject of one-minute speeches.

## 2004

Just as the rapporteur of the 1987 resolution Vandemenlebroucke, in the minute on 19 April 2004, Philip Claeyns (Independent), both Belgian and a member of the extreme rightist and racist Vlaams Belang party, has reminded that in the next couple of days, ceremonies will be held in various places around the world to commemorate the Turkish genocide against the Armenian people and has stated that the lives of more than one million people were claimed, that between 1915 and 1918, the Turkish army evacuated almost all Armenian villages within the Ottoman Empire, that this involved the immediate execution of hundreds of thousands of citizens, while others died later, under horrendous circumstances, during hunger marches to Syria, and that this was the first genocide of the 20th century. Then, he has expressed that Turkey refuses to acknowledge this genocide and that this is quite a serious blemish on a candidate member state, because it illustrates the way in which today’s Turkish Government views human rights. Mentioning *“I would remind you of the resolution adopted by our own Parliament in 1987, which clearly stipulates that Turkey has no claim to EU membership as long as it does not recognise the Armenian genocide”*, Claeyns has said that this

same resolution, which is still valid, be brought to the attention of the Commission and the Council.<sup>70</sup>

What is more interesting than the incorrect information Claeys possesses regarding the 1915 events is his misinterpretation of the resolution adopted by the Parliament, which he describes as “our own parliament”, either intentionally or unintentionally or trying to show it that way. As known, Turkey’s recognition of the “genocide” was not put forth as a precondition in the 1987 resolution for membership.

### 2005

Marie Anne Isler Béguin (Greens/EFA,<sup>71</sup> France) has spoken in the following way on 27 April 2005:

*“As Chairman of the Delegation for relations with the countries of the South Caucasus, I very much hope that the European Parliament commemorates the 90th anniversary of the Armenian genocide. They represent ninety years that have seen the Armenian people living haunted by the past and awaiting recognition of this genocide: recognition by the world as witness, as our European Parliament did in 1987, and recognition by the perpetrators as culprits. This recognition is a long time coming, as we are dealing with the realm of pure emotions and extreme sensitivity. I remain convinced, however, that this moment will come, and it is the responsibility of the Union to encourage it.*

*In the framework of accession negotiations with Turkey, the Union must help the Turkish people and authorities to begin their memorial work, as Germany did in seeking forgiveness from the Jewish people. We must prevail upon Turkish society to recognise the Armenian genocide of 1919. I am hopeful, particularly today thanks to the agreement by the Armenian authorities to participate in an intergovernmental committee with Turkey on the genocide. I am truly convinced that Armenians and Turks will be able to find the road to reconciliation so that they may live together as good neighbours.”<sup>72</sup>*

Serious problems exist which eliminates the seriousness of Béguin’s speech. The parliamentarian talking about the world as witness puts forth that world witnesses

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70 Debates, European Parliament website.

71 EFA: European Free Alliance

72 Debates, European Parliament website.

of these events exist today who are aged at least 98-100. Secondly, by making a similar mistake, she says that the “perpetrators as culprits” who are no longer alive must recognize the “genocide”. Towards the end of the French parliamentarian’s speech, expressing her thanks to the Armenians which constitute one of the sides reaching an agreement to participate in an intergovernmental committee on the “genocide” makes the speech insignificant. While it is normal for the side being subjected to “genocide” to participate in such a committee, the “perpetrator as culprit” participating in this commission should be regarded as a behavior worthy of applause. However, this one-sided “thanks” reveals the side Béguin supports and makes this speech, already entailing problems, completely worthless.

## 2006

Georgios Karatzaferis (IND/DEM,<sup>73</sup> Greece):

*“The month of May this year marked the 61st anniversary of the end of Hitler’s barbarity against Europeans and Jews. However, it has been 87 years since the barbaric genocide of Turkish Greeks by Kemal Ataturk. On 19 May 1919, he entered the city and slaughtered 490 000 people. The Black Sea turned red. Observers at the time said that there were squares piled with the heads of innocent people. The only difference is that post-Hitler Germany said sorry. Turkey has never said sorry, either for the genocide of the Turkish Greeks or for the genocide of the Armenians. On the contrary, the other day it coerced the French parliament into withdrawing the Armenian genocide bill and three days ago in Vienna Mr Erdogan embarrassed the Greek prime minister because we want to acknowledge the genocide of the Turkish Greeks.”*

## Parliamentary Questions

The parliamentarians pose their questions concerning any issue, either written or orally, mostly to members of the Council or Commission and from time to time, to other institutions. Since the Commission and Council are obliged to respond to these questions, parliamentary questions are a mechanism of inspection and monitoring, allowing EU institutions to be supervised. The intensity and frequency of the questions may put pressure on the Council and Commission, constraining decision makers. Since 1999, the parliamentarians have the right to pose questions, either written or orally, to other institutions of the EU. The responses

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73 IND/DEM: Independence/Democracy Group

are mostly vague, general responses. Since the responses regarding our topic generally entail expressions like "continuation of Turkey's EU accession process, Turkey being under close monitoring by the Commission", examples from the most interesting responses have been provided.

**2000**

**7 April 2000**

**Subject: Dispute between Armenia and Turkey**

**To the Council**

**Marie Isler Béguin (Greens/EFA,<sup>74</sup> France):**

*"On 11 December 1999 the Council accepted Turkey's application for accession to the European Union. Paragraph 3 of Parliament's resolution of 18 June 1987 'Calls on the Council to obtain from the present Turkish Government an acknowledgement of the genocide perpetrated against the Armenians in 1915-1917 and promote the establishment of a dialogue between Turkey and the representatives of the Armenians'. Turkey has not acknowledged the genocide in question and is still imposing its economic blockade on Armenia. What action has the Council taken to encourage the development of political relations between Armenia and Turkey?"*

*Is the Council considering lifting the embargo as one of the indispensable conditions for Turkey's accession to the European Union?"*

The person responding to this question on behalf of the Council has been Portuguese Seixas de Costa. Costa has expressed that the first objective of the EU is to promote stability in the Caucasus and that the Karabakh issue is specifically given importance: "...we cannot automatically accommodate Turkey's interests, and are also making greater demands on Turkey as regards the way it responds to requests made of it by the European Union. This will, of course, oblige Turkey to adopt a set of attitudes regarding traditional aspects of EU external policy towards countries in that area. In view of this, it is worth pointing out that cooperation between the European Union and Armenia is part of the *acquis communautaire* which Turkey will have to adopt..."

Upon Béguin stating that his answer was vague, Costa has tried to give an answer

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74 EFA: European Free Alliance



again. After saying that the genocide issue is open to political interpretation and are based on a historical assumption which is important, but which is not a precondition for reopening dialogue, he has reiterated that Turkey must achieve good relations that the EU enjoys with Armenia, but that they will not intervene in forcing countries to develop good relations with another country.

**28 November 2000**

**Subject: European Charter of Minority Languages and the teaching of Armenian<sup>75</sup>**

**To the Commission**

**Florence Kuntz (UEN,<sup>76</sup> France):**

*“Since the 1915 genocide, the situation of the Armenian people has been without parallel: over half of the world’s Armenians are scattered across the entire planet. Thus in the EU Member States, we find Armenian communities making sure that their culture survives by making educational and linguistic provision for their children...*

*In France, western Armenian, taught in certain schools, has been classified as a language to be taken into consideration within the framework of the European Charter of Minority Languages.*

*Can the Commission provide information as to the full range of community actions, programmes and/or budgetary items under which it might be possible to find funding for the teaching of Armenian in schools?*

*In certain well-known French schools, Armenian is taught in premises which should be enlarged, due to growing demand.*

*Can the Commission tell me whether the requisite school extensions could be paid for by the EU, and if so, how and within what framework?*

*Could subsidies for such work come under the same heading as the teaching of minority languages, and if not, what programmes or budgetary items might be appropriate as possible sources of funding for school extensions?”*

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75 European Parliament archives, document no. P-3731/00

76 UEN: Union for Europe of the Nations Group

**Answer Given by the Commission<sup>77</sup>**

5 January 2001

*...Member States are responsible for the content of teaching and the organisation of their education systems... it is possible that such projects could be eligible for support from the Structural Funds, provided the schools in question are in the areas to which the Funds' objectives apply and the aims of the project correspond to the Community priorities in the relevant field...*

**2001**

**5 February 2001**

**Subject: Turkey's application for EU membership<sup>78</sup>**

**To the Commission**

**Roberto Bigliardo (TDI,<sup>79</sup> Italy)**

*"Can the Commission say whether it intends to adopt any binding provisions, and if so what they are, following the unanimous vote in the French Parliament on 18 January 2001 recognising the Armenian genocide as an undeniable fact?"*

*Turkey has prepared a series of trade and political reprisals against France.*

*How can the Commission accept and justify upholding Turkey's application for EU membership?"*

*Account should also be taken of Turkey's continuing blatant hostility towards Armenians. We should remember that France's national team recently had to refrain from selecting the player Djorkieff, who is of Armenian origin, for the match against Turkey.*

*It is inconceivable that such persistent persecutory behaviour should be one of the basic characteristics of a country which for so many reasons aspires to join the European Union."*

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77 European Parliament archives, document no. P-3731/2000

78 European Parliament archives, document no. E-0229/01

79 TDI: Technical Group of Independent Members - mixed group

2003

19 June 2003

**Subject: Turkey and the denial of the Armenian genocide**

**To the Commission**

**Miquel Mayol i Raynal (Greens/EFA,<sup>80</sup> Spain):**

*“In recent months the Turkish authorities' policy of denying the Armenian genocide has become ever more aggressive. The European Armenian Federation for Justice and Democracy reports that the Turkish government, through its education ministry, has launched a counter-information campaign to refute the accusations of genocide against the Armenian people. The ministry is now running indoctrination sessions for teachers and officials, with the aim of imposing an official classroom line, contrary to the right of free expression, claiming that the Armenian genocide never happened. In a decree of 14 April 2003, the Ministry called on primary and secondary schools to hold lectures affirming that the Armenian people and other peoples who have been victims of genocide have never been persecuted in Turkey, and to encourage pupils to write essays on "how to fight genocide claims".*

*This manipulation of history in the classroom is a practice that runs counter to European education standards. The policy of denying the genocide is, furthermore, incompatible with the European values of protection of human rights and minority rights, and is therefore in breach of the Copenhagen criteria.*

*Does the Commission believe that the Turkish authorities' policy of denial is compatible with the principles of the Copenhagen agreement and with the acceptance of Turkey as a candidate country?*

*Does the Commission consider that one of the indispensable requirements for the launching of accession negotiations with Turkey in the near future must be the public admission by the present Turkish authorities of the facts of the Armenian genocide, as recognised by the European Parliament in June 1987?”*

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80 EFA: European Free Alliance

**Answer Given by the Commission<sup>81</sup>**

1 August 2003

*In response to the points raised by the Honourable Member, the Commission indicates that this issue does not fall under the scope of the Copenhagen political criteria.*

**6 October 2003**

**Subject: Denigration by Turkey of its ethnic minorities<sup>82</sup>**

**To the Commission**

**Jonas Sjöstedt (GUE<sup>83</sup>/NGL,<sup>84</sup> Sweden):**

*“Violations of human rights in Turkey are continuing. This is in spite of the fact that Turkey has adapted some of its national legislation to take account of EU standards. One example of the continued denigration of minorities is that the Turkish Education Ministry issued a decree on 14 April 2003 to all schools in the country requiring essay competitions and lectures to be organised denying the genocide in and after 1914 against ethnic Armenians and Assyrians/Syrians, and accusing these ethnic groups of having been traitors to the Ottoman Empire. Assyrian/Syrian and Armenian children are suffering discrimination on a daily basis, specially by being forced to participate in these lectures which are an insult to their own ethnic and religious identity.*

*The Turkish human rights organisation IHD has reacted sharply to the decree and has recently launched a campaign together with human rights lawyers seeking to prevail upon the Turkish government to cancel the decree and cease these violations. The Education Ministry's decree of 14 April 2003 contrasts starkly with the demands made on Turkey at the European Convention and elsewhere.*

*What measures does the Commission propose to take with a view to prevailing on the Turkish government to abolish this decree and cease the insults to its ethnic and religious minorities?”*

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81 European Parliament archives, document no. E-2038/2003

82 European Parliament archives, document no. E-3032/03

83 GUE: Group for the European United Left

84 NGL: Nordic Green Left

**Answer by the Commission<sup>85</sup>**

24 November 2003

*...the Commission is aware of the difficulties encountered by minorities throughout Turkey and will continue to closely monitor their treatment.*

**2004**

**9 September 2004**

**Subject: Recognition of the Armenian genocide by Turkey**

**Philip Claeys (Independent, Belgium):**

*“In 1915 more than one million people lost their lives in acts of genocide against the Armenian people. Over the period 1915-1918 the Turkish army evacuated virtually all Armenian villages in the Ottoman Empire, and hundreds of thousands of people were massacred or died later in terrible conditions during hunger marches to Syria. This was the first case of genocide in the 20th century.*

*To date Turkey has refused to admit that this genocide took place.*

*Does the Commission intend to ask Turkey formally to acknowledge the Armenian genocide?*

*To what extent can a candidate country which refuses to admit to a genocide it carried out be considered to have a credible human rights policy today?”*

The same parliamentarian has delivered the same speech (or the same text prepared) in another session.

**30 September 2004**

**Subject: Human rights violations in Turkey (state interference in education)**

**Koenraad Dillen (Independent, Belgium)**

*“A memorandum forwarded to all Members of the European Parliament by*

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<sup>85</sup> European Parliament archives, document no. E-3032/2003

various human rights organisations (including LICRA in Paris, CETIM in Geneva, MRAP in Paris and TÜDAY in Cologne) indicates that on 14 April 2003 Turkey's Minister of Education, Dr Hüseyin Çelik, sent a circular to all secondary schools insisting that they deny the claims by the Greeks and Armenians that genocide was committed against the Armenian Christians in 1915. In Elbeyli in the province of Kilis, the Public Prosecutor has even charged six teachers with 'instigating social unrest' because during a seminar they put critical questions about this circular. The teacher Hülya Akpınar was even imprisoned for a time. (Source: press release of 10 October 2003 from the human rights organisation TÜDAY and memorandum from the Working Group Recognition - Against Genocide, Munich, 2004). Various official history books have been falsified in order to deny the genocide (e.g. Tarih LISE 2 MEB Ist. 2003 4. Baski).

In its resolution 18 June 1987, however, the European Parliament stipulated that recognition of the genocide committed against the Armenians by the Turks must be a strict condition for Turkey's eligibility for accession.

Was the Commission aware of the circular issued by the Turkish Ministry of Education, and has there been any protest against it from Europe?

Ought not the granting of financial assistance, as in the case of the ? 100 m granted to assist education in Turkey in 1995-1999, to be conditional on firm commitments by the Turkish authorities to guarantee freedom of education and not to organise State campaigns of denial?

More generally, what steps will the Commission take to secure respect by Ankara for the resolution of 18 June 1987?"

When Belgian parliamentarian Dillen describes the Armenians as "Armenian Christians" in his question and puts an emphasis on Christianity, his effort to display the matter as an issue of the Christians and not of the Armenians draws attention. No matter what a good choice it is to use "state interference in education", expressed in brackets in the subject of the question, in order to display Turkey as anti-democratic, it is completely devoid of meaning. Education is organized by the state in all places of the world, so the state interferes in education

**When Belgian parliamentarian Dillen describes the Armenians as "Armenian Christians" in his question and puts an emphasis on Christianity, his effort to display the matter as an issue of the Christians and not of the Armenians draws attention.**

and “freedom of education” cannot be found anywhere. On the other hand, could it be possible for the education institutes of European countries to teach crimes against humanity or open to discussion the Holocaust which those countries have committed? Is Belgium able to teach the massacres committed in its colonies during lessons? An example of extreme bias is seen once again.

**Answer by the Commission<sup>86</sup>**

15 November 2004

*... the Commission supported a Human Rights Project in Course Books as part of a wider project on Democracy, Human Rights and Citizenship worth ? 5 million. The purpose of this project was... addressing the general insufficiencies in the educational system concerning human rights, democracy education and recognising the need to change, develop and approve improved high-quality curricula in textbooks in line with human rights and democratic principles.*

*As regards the question concerning the resolution of the Parliament of 18 June 1987, the Commission confirms its position already expressed several times that this issue does not fall under the scope of the Copenhagen political criteria...*

**2005**

**7 April 2005**

**Subject: Armenian genocide**

**To the Commission**

**Frank Vanhecke (Independent, Belgium):**

*“According to the Dutch newspaper de Volkskrant, the well-known Turkish writer Orhan Pamuk was prosecuted in February 2005 for his statements about ‘the murder of 30000 Kurds and 1 million Armenians, which no one in Turkey dares to mention’. 24 April 2005 will be the 90th anniversary of the genocide. Eli Wiesel has called the Armenian genocide ‘the holocaust before the holocaust’. Recently the extensive work ‘Porträt einer Hoffnung’*

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<sup>86</sup> European Parliament archives, document no. E-2263/2004

*(Berlin, Verlag Hans Schiler), edited by the well-known historian Huberta von Voss, has been published. Huberta von Voss adduces irrefutable evidence that a real genocide was carried out in the early 20th century...*

*Is the Commission aware of the prosecution of Mr Orhan Pamuk? What is the Commission's assessment of this prosecution in the light of the principle of freedom of expression? What steps will the Commission take vis-à-vis the Turkish Government? Is the Commission aware of the most recent research into the Armenian genocide? Why is Turkey's reluctance to acknowledge the Armenian genocide not a problem for the Commission? If accession negotiations are opened, will the Commission make it clear to Turkey that unwillingness to acknowledge this genocide is an obstacle to accession?"*

The most interesting point in this question is the expression "irrefutable evidence" used by Belgian parliamentarian Vanhecke in the statement "Voss adduces irrefutable evidence that a real genocide was carried out in the early 20th century". A genocide being committed towards Armenians is proven with irrefutable evidence this way and the issue is even closed to discussion since it is considered as a concrete fact. However, the allegations and archives of Turks are always discussed. This approach, having nothing to do with being scientific, comes at the forefront of factors which eliminate the credibility of those supporting the Armenian allegations and makes their allegations meaningless.

### **Answer by the Commission**

17 May 2005

*The Commission is concerned by the facts mentioned by the Honourable Member concerning the measures taken by a representative of the local authorities against the writer Orhan Pamuk. In recent weeks, the Commission shared its concerns on several occasions with the Turkish authorities about court cases brought against journalists for expressing non-violent opinion. In its Regular Report of 6 October 2004, the Commission noted that there are still a significant number of cases where non-violent expression of opinion is being prosecuted and punished... The Commission mentioned that 'the prospect of accession should lead to improving bilateral relations between Turkey and its neighbours in line with the principle of reconciliation on which the European Union is founded.'*



7 June 2005

**Subject: Attempt by the Turkish Government to prevent the holding in Istanbul of a convention on the Armenian genocide**

**To the Commission**

**Mario Borghesio (IND/DEM,<sup>87</sup> Italy):**

*“The Turkish Government (in the person of the Justice Minister, Cemil Cicek) has exerted pressure with a view to preventing an historic convention on the Armenian genocide from being held at a prestigious Istanbul University, and has even described the initiative as a ‘stab in the back of the Turkish nation’.*

*In the light of the EU's relations with Turkey (a country which is applying for EU membership), what view does the Commission take of this extremely serious matter, which does not tally with the assurances given to the EU by the Turkish Prime Minister — Mr Erdogan — concerning Turkey's acknowledgement of the Armenian genocide?”*

**Answer by the Commission<sup>88</sup>**

8 July 2005

*As far as the Commission is aware, the Conference referred to in the Honourable Members' questions was due to take place at Bosphorous University... The title of the Conference was to have been ‘Ottoman Armenians during the collapse of empire: Scientific responsibility and democracy problems.’ The decision to postpone the conference was taken by the organisers in Bosphorous University following controversial comments made by Cemil Çiçek, Minister for Justice, in Parliament. Prime Minister Erdoğan subsequently stated that Mr Çiçek's remarks had been made in a personal capacity and did not reflect the position of the government on this issue. As far as the Commission is aware, no new date for the conference has yet been fixed, although it is expected to take place in the near future.*

*The Commission hopes that the Armenian question and other such sensitive issues can, in practice, be discussed in an atmosphere of tolerance in Turkey.*

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87 IND/DEM: Independence/Democracy Group

88 European Parliament archives, document no. E-2062/05, E-2070/05

*Universities in Turkey should, of course, be free to play a significant role in facilitating open and informed debate and freedom of expression.*

*The Commission will continue to monitor Turkey's compliance with the Copenhagen political criteria, including those elements relevant to freedom of thought and freedom of expression.*

**22 August 2005**

**Subject: Arrest of the Turkish scholar Yektan Turkyilmaz in Armenia<sup>89</sup>**

**To the Council**

**Emma Bonino (ALDE,<sup>90</sup> Italy):**

*"Yektan Turkyilmaz, aged 33, is studying for a Ph.D. in Cultural Anthropology at Duke University, North Carolina. Mr Turkyilmaz is an expert in Turkish history, in particular the late period of the Ottoman Empire. For this reason, he was given permission to have access, as the first Turkish scholar, to the Armenian National Archives.*

*On 17 June, as Mr. Turkyilmaz was about to fly out of Yerevan, he was forcibly removed from the aircraft and detained. When boarding his flight, he was carrying with him his research material and the books that he had bought in second-hand bookstores and the open-air market in Yerevan.*

*Mr Turkyilmaz has been charged with smuggling under the Article 215, paragraph 2 of the Armenian Criminal Code, and he faces a jail sentence of between 4 and 8 years. Since 17 June, Mr Turkyilmaz has been held in the National Security Service headquarters in Yerevan under high security conditions.*

*Mr Turkyilmaz bought the books legally from second-hand bookstores (as the testimonies of the booksellers' confirm) and did not imagine that he would need permission to take these books out of Armenia. He is being treated in the same category as a nuclear weapons smuggler.*

*Is the Commission aware of the case of Mr Turkyilmaz? Has the EU representative in Yerevan sought permission to visit Mr Turkyilmaz in prison?*

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89 European Parliament archives, document no. E-3048/05

90 ALDE: Group of the Alliance of Liberals and Democrats for Europe

*Has the Commission formally requested clarification of this matter from the Armenian Ambassador? If not, why not? If so, what replies have been received?*

*What representations will the Commission make to the Armenian Government so as to ensure that the right to a fair trial is respected by the Armenian authorities in this case?"*

Although not frequently, parliamentarians approaching the events objectively or supporting Turkish theses have also raised their voices. Italian parliamentarian Bonino has attempted to bring to the agenda the situation of a Turkish individual treated unjustly in Armenia.

### **Answer by the Council**

23 November 2005

*The Council is aware of the case of Mr Yektan Turkyilmaz in Armenia and has sought information from the Government of Armenia regarding the case. The person in question was convicted with offences under the 2004 Armenian 'Law on export and import of cultural goods' and Article 215 of the Armenian Criminal Code relating to his attempt to take out of Armenia a number of books of cultural value. From the information received by the Council, the trial began on 9 August, at the court of the Malatya-Sebastia district of Yerevan. On 16 August, the court found Mr Yektan Turkyilmaz guilty in smuggling of books, but the prosecutor pointed that he had cooperated with the investigation and has admitted is guilt and therefore requested a suspended sentence. The person in question has received a suspended sentence and was released in the courtroom. The verdict came into force two weeks after the reading, which meant that Mr Yektan Turkyilmaz was free to leave Armenia as of 31 August, which, according to the Government of Armenia he did in the first days of September. According to the information given by the Government of Armenia, the Council has no reason to think that the right to a fair trial has not been respected in the case of Mr Yektan Turkyilmaz.*

The questions of those on Turkey's side are evaluated as in the Council's reply. The Council has clearly indicated that it completely trusts the information provided by the Armenian government and that it makes a comment only based on this information without finding it necessary to conduct other research. However, when Turkey is the issue, not only is the Turkish government not taken into consideration, but by putting forth human rights, comments are made only based on the statements of terrorists.

6 July 2005

**Subject: Suppression of the freedom of expression in Turkey<sup>91</sup>**

**To the Commission**

**Mogens Camre (UEN,<sup>92</sup> Denmark)**

*"... A conference was recently held in Copenhagen on the genocide against the Armenians. In the closing debate, the hope was expressed that there could be greater openness about the historical facts, and the Armenian ambassador stressed that present-day Turks did not share the guilt of those responsible for the genocide, still less were they to be identified with them. A similar conference was scheduled to take place at the Bosphorus University in Istanbul. The day before the conference the Turkish Minister of Justice, Cemil Cicek, gave a speech in the Turkish Parliament in which he accused the university of treachery and of stabbing the nation in the back. Under these circumstances the university decided to postpone the conference.*

*On 1 June 2005 the new Turkish criminal code entered into force which, among other things, limits the freedom of the press and heavily penalises those who act against fundamental national interests. The initial drafts for the article in question contains penalties for asserting that the Armenian genocide actually took place...*

*Does the Commission still seek to defend Turkey's suppression of the freedom of expression, as condoned by the new criminal code, and does the Commission still believe that a country which in reality bans conferences of this type at a university can become a member of the EU?"*

**Answer by the Commission<sup>93</sup>**

29 August 2005

*In its regular report on Turkey's progress towards accession (2004), the Commission made the assessment that the new penal code 'provides only limited progress on freedom of expression'. Subsequently, the Turkish*

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91 European Parliament archives, document no. E-2412/05

92 UEN: Union for Europe of the Nations Group

93 European Parliament archives, document no. E-2412/2005

*Parliament adopted several amendments to provisions of the penal code, which entered into force on 1 June 2005. The impact of these amendments remains to be seen, as much will depend upon their application in practice.*

*As regards the other issue mentioned by the Honourable Member, the Commission is aware that the Bosphorus University decided to postpone the conference on Armenia initially planned for late May 2005.*

**7 November 2005**

**Subject: Condemnation of an Armenian-Turkish journalist for ‘insulting the Turkish state’<sup>94</sup>**

**To the Council**

**Philip Claeys (Independent, Belgian):**

*“On 7 October Hrant Dink, a journalist working for the Armenian-Turkish weekly Agos, was handed down a sixth-month prison sentence by a Turkish court for ‘insulting the Turkish state’ and ‘weakening Turkish identity’. The sentenced was suspended, but will come into effect if Mr Dirk repeats ‘the offences’. Under the new penal code in Turkey, certain opinions, in practice usually concerning such matters as the Armenian genocide, discrimination against the Kurds, and the military occupation of the north of Cyprus, are still regarded as insulting to the state. The sentence has been reduced, but imprisonment nevertheless remains possible. With this penal code, freedom of the press and freedom of expression are largely impossible.*

*What concrete measures has the Council taken to have the Turkish penal code brought into line with the standards of democracy prevailing in the European Union?*

*Following the sentencing of Hrant Dink, will a warning be issued on the subject of calling a halt to the accession negotiations with Turkey?”*

Although Claeys’s evaluations and criticisms could be appropriate, the possibility of Turkey being threatened is an important problem. There is a great difference between making criticisms and threatening Turkey with bringing the accession negotiations to a halt. Using this threat brings those making criticisms on top of

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94 European Parliament archives, document no. E-4071/05

turkey, further increasing the existing inequality. This "hierarchy" could cause Turkey to react all over again, rather than taking into consideration the criticisms directed towards them.

**2006**

**28 April 2006**

**Subject: Recognition by Croatia of responsibility for massacre of Italian population<sup>95</sup>**

**To the Commission**

**Roberta Angelilli (Italy)**

*"It is now a historical fact that the militia of the former Yugoslav Communist regime's Croatian authority carried out a large-scale ethnic cleansing campaign between 1945 and 1948 against the country's Italian population, murdering more than 20000 innocent victims.*

*However, 50 years on, Croatia has still not admitted responsibility for the massacre. Admitting its historical, political and moral responsibility for the mass killing of the Italian population should be considered an essential condition for completion of Croatia's EU accession negotiations, as has already been demanded of Turkey with respect to the Armenian genocide.... Will the Commission state whether recognition of this responsibility will be considered an important prerequisite for Croatia's accession to the EU, in line with the line taken in respect of Turkey?..."*

**19 May 2006**

**Subject: Threat of a boycott of French businesses by Turkey<sup>96</sup>**

**To the Commission**

**Koenraad Dillen (Independent, Belgian):**

*"In the French Parliament, round about now, a bill tabled by the Socialists*

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95 European Parliament archives, document no. E-1812/06

96 European Parliament archives, document no. E-2231/06

*is being debated to make it a criminal offence to deny the Armenian genocide, by analogy with the ban on denial of the genocide against the Jews during the Second World War. This is of course a purely domestic issue for France.*

*However, the Turkish Government has, by way of protest, withdrawn its ambassador Osman Koruturk from Paris for consultations and has warned France that Franco-Turkish relations would be severely damaged if this legislation were to be adopted.... the possibility of a boycott of French products is not excluded...*

*According to a report in the French newspaper Le Figaro of Wednesday, 10 May, a call is already circulating on the Internet for a boycott of such businesses as Axa, Danone, L'Oréal, Renault and Lafarge. The contract for the Areva group to build Turkey's first nuclear power station is also said to be at risk.*

*In 2001, when the French Parliament recognised the Armenian genocide, Turkey already cancelled contracts with French companies such as Thomson and Alcatel.*

- 1. Is the Commission aware of these economic and commercial threats by the Turkish Government against France?*
- 2. Is not such an attitude on the part of Ankara completely contrary to the spirit of the European Treaties and the internal market?*
- 3. What steps will the Commission take to induce Ankara to immediately halt any form of boycott of French businesses?*
- 4. In the light of these facts, is it not necessary to suspend the negotiations on accession to the EU?"*

If there is no other reason for the Belgian parliamentarian to embrace an issue which directly concerns the commercial relations between France and Turkey, then this is a good example for displaying that the European spirit has exceeded national boundaries. The last of the questions, posed as different points by Dillen, has removed the value of the previous ones. Addressing the suspension of the negotiations in the last point makes one think that the issues expressed until that point were not real problems, but were only used as an excuse to end the negotiation process. In other words, every opportunity is taken in order to suspend the negotiations.

Tensions arising in relations between countries could be resolved without quarrels. Always continuing relations on a normal level is particularly important in Europe's approach. Up to this day, no country has been removed from membership in the disagreements arising between EU members. It is quite interesting that the suspension of negotiations is mentioned without referring to any interim remedy for this issue which concerns Turkey and France.

### **Answer by the Commission**<sup>97</sup>

30 June 2006

*The Commission has learned that the draft law referred to in the question has been withdrawn from the agenda of the French Parliament. The Commission is not aware of any economic or commercial threats by the Turkish Government against France.*

*... Turkey's progress in preparing for accession will be measured, inter alia, on the Copenhagen criteria as well as on Turkey's obligations under the association agreement and the Customs Union.*

*Paragraph 3 of the negotiating framework provides that 'in the case of a serious and persistent breach in Turkey of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations...*

**9 June 2006**

**Subject: Reopening of the border between Armenia and Turkey**<sup>98</sup>

**To the Commission**

**Marie Isler Béguin (Greens/EFA,<sup>99</sup> France)**

*"In 1994, Turkey closed its border with Armenia, blocking all road and rail traffic between the two countries ever since.*

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97 European Parliament archives, document no. E-2231/2006

98 European Parliament archives, document no. E-2503/06

99 EFA: European Free Alliance



*This closure has had a direct economic and social impact on the border regions of both countries but has also considerably slowed development in the area as a whole, isolating Armenia further in the South Caucasus.*

*Does the Commission consider the opening of the Armenian-Turkish border a priority issue in the accession negotiations launched between the EU and Turkey on 3 October 2005?*

*Would the Commission agree to admit a new Member State that kept the border with one of its neighbours closed?*

*What reasons does Turkey give to justify this closure to the European Union? Does the Commission consider them valid arguments?"*

**4 July 2006**

**Subject: The Armenian genocide<sup>100</sup>**

**To the Commission**

**Mogens Camre (UEN,<sup>101</sup> Denmark)**

*"The denial of the Holocaust, i.e. the extermination of the Jews by the Nazis, is rightly regarded in most civilised countries as completely unacceptable, and as we know Holocaust denial is a criminal offence in a number of countries.*

*This is justified by the need to acknowledge and understand in our own times one of the greatest crimes in world history, both out of respect for the dead and out of human consideration for the survivors and their descendants, and as a form of prevention, so that such crimes do not happen again.*

*Contrasting with the Western world's attitude to Holocaust denial is the official Turkish denial of the genocide committed against the Armenians, Assyrians and Greeks in Turkey between 1912 and 1923. Over 3 million people of Christian culture were murdered or starved to death as part of an ethnic cleansing process in Turkey.*

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100 European Parliament archives, document no. E-2992/06

101 UEN: Union for Europe of the Nations Group

*No-one wants present-day Turkey to bear responsibility for acts committed in an earlier generation, but it is a serious issue that Turkish officialdom does not want to acknowledge the historical reality, and that Turkey prosecutes citizens who discuss the events which took place.*

*Turkey is thus guilty of a holocaust denial which is entirely equivalent to the denial of the Nazi genocide by certain individuals or by the Iranian government.*

*How does the Commission propose to ensure that a country which is seeking membership of the EU is not permitted to deny the genocide committed in Turkey at the time around the First World War?"*

Instead of regarding those asserting to be subjected to genocide as a group or person, the Danish parliamentarian describing them as "people of Christian culture" once again reinforces his attempt to draw attention by emphasizing Christianity.

**12 October 2006**

**Subject: The Armenian genocide<sup>102</sup>**

**To the Council**

**Nils Lundgren (Sweden):**

*"The President of France, Jacques Chirac, said in a speech in Armenia on 30 September that Turkey must acknowledge the genocide against the Armenians in order to become a Member of the EU. Chirac described an acknowledgement of the genocide as a precondition for future EU membership. On 3 October, the EU Commissioner for Enlargement, Olli Rehn, adopted the opposite position, stating that there was no need for Turkey to acknowledge the genocide in order to join the EU. It is after all the Council that accepts new members into the EU. Does the Presidency consider that Turkey must acknowledge the genocide against the Armenians? What is the Council's agreed position on this political issue?"*

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<sup>102</sup> European Parliament archives, document no. H-0885/06

20 October 2006

**Subject: Unprecedented interference in France's internal affairs by Commissioner Rehn<sup>103</sup>**

**To the Commission**

**Georgios Karatzaferis (IND/DEM,<sup>104</sup> Greece):**

*This speech of the Greek parliamentarian is filled with rage which is generally seen in those “being more royalist than the king”. Karatzaferis considers the assessment of a Commission member towards France as “interfering in internal affairs” and even as interfering in the internal affairs of “one of Europe’s oldest democracies like France”.*

*“According to the Greek press, Commissioner Rehn has addressed inexplicable remarks and instructions to democratically elected members of parliament in connection with a draft law shortly to be voted on in the French National Assembly, calling on them to face up to their responsibilities and stressing that the draft law, which seeks to make it an offence to deny the Armenian genocide, is counter-productive and could have serious consequences for relations between the European Union and Turkey...*

*Adoption of the law could have two consequences: it would restrict debate on the Armenian question in Turkey and would also be a barrier to discussion of freedom of speech in the country...*

*With what justification and on what grounds is Mr Rehn interfering in France's internal affairs, giving support to Turkish positions and offering instructions to democratically elected members*

*of one of Europe's oldest democracies?...*

*Would Mr Rehn not do better to devote his efforts to convincing the Kemalist-nationalist authorities in Ankara that it will not be able to join the EU unless it recognises that racist, hate-fuelled crimes, such as the genocide of the Pontic Greeks and the Armenians, were committed?”*

This speech of the Greek parliamentarian is filled with rage which is generally seen in those “being more royalist than the king”. Karatzaferis considers the assessment of a Commission member towards France as “interfering in internal

103 European Parliament archives, document no. E-4505/06

104 IND/DEM: Independence/Democracy Group

affairs” and even as interfering in the internal affairs of “one of Europe’s oldest democracies like France”. The Greek parliamentarian, who does not approve of “instructions” being given to France, has indicated that it is better for the same commissioner to instruct Turkey to recognize the genocide allegations and to even threaten them. Once again, the biased approach of the parliamentarian makes his statements and assertions worthless.

**26 October 2006**

**Subject: Draft French act restricting freedom of expression on the Armenian genocide**<sup>105</sup>

**To the Commission**

**Marco Cappato (ALDE,<sup>106</sup> Italy)**

*“The French National Assembly has just passed at first reading an act which, were it to enter into force definitively, would punish anyone who contested the actual occurrence of the 1915 Armenian genocide with penalties ranging from fines (EUR 45000) to 5 years' imprisonment.*

*According to three Armenian intellectuals under investigation in Turkey for having raised the issue of this genocide, this act seems to be designed to fight genocide and claims to be founded on responsibility and universal human rights, but in reality it stands in total opposition to the freedom of expression, which is the principle underlying the exercise of every human right (Etyen Mahcupyan, Hrant Dink and Ragip Zarakolu in Le Monde of 13 October 2006).*

*Does the Commission not feel that this act, were it to be adopted by a Member State, would run contrary to the fundamental freedoms of European citizens, and might in particular strike at freedom of thought and the free circulation of ideas, especially in an area which historians and experts still want to and should debate without preconceptions being imposed?*

*Will the Commission notify the French authorities that adoption of this act could represent a violation of the freedom of expression?”*

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105 European Parliament archives, document no. E-4590/06

106 ALDE: Group of the Alliance of Liberals and Democrats for Europe

**Answer by the Commission<sup>107</sup>**

22 December 2006

*The Commission is aware of the French bill making illegal the denial of the Armenian genocide. In an article published in the French newspaper Libération on 12 October 2006, the Member of the Commission responsible for Enlargement stressed that only an open and democratic debate within Turkish society, between Turkey and Armenia and between Turkey and the Armenian community at large can lead to reconciliation in relation to the tragic events of 1915. Some encouraging steps have been taken in this respect. Last year, the Turkish Prime Minister proposed to set up a joint commission composed of independent historians and other international experts with unconditional access to all relevant archives. A conference on the issue, during which all points of view could be expressed, took place in autumn 2005 in Istanbul. In general, debate has increased in Turkish society on Armenian issues.*

**31 October 2006**

**Subject: Criminal reaction of Armenian genocide denial in France<sup>108</sup>**

**To the Commission**

**Kyriacos Triantaphyllides (GUE<sup>109</sup>/NGL,<sup>110</sup> Southern Cyprus):**

*“Ignoring Turkish reactions, the French National Assembly has voted in favour of a law imposing a one-year prison term accompanied by a fine of EUR 45000 on anyone found guilty of denying the 1915 Armenian genocide. The Turkish Foreign Minister, Abdullah Gül, declared that the bill seriously undermined longstanding relations between Turkey and France. More specifically, on 11 October the Turkish legislators responded by tabling a law recognising the genocide of Algerians by the French colonial forces in 1945. The Turkish Government also announced that it was unable to end the boycott of French products, which was an expression of the will of the people.*

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107 European Parliament archives, document no. E-4590/2006

108 European Parliament archives, document no. E-4691/06

109 GUE: Group for the European United Left

110 NGL: Nordic Green Left

*What view does the Commission take of this matter? Does it believe that such reactions are consistent with the European image currently being projected by Turkey?"*

**Answer by the Commission<sup>111</sup>**

11 December 2006

*The adoption of a draft law by the French Parliamentary Assembly 'repressing the contestation of the existence of the Armenian genocide' sparked a wide debate in Turkey.*

*However, the Turkish Government resisted pressure from Turkish public opinion to impose a boycott on French products.*

*Furthermore, all political parties agreed to sign a common declaration which, whilst condemning the French draft law, asked for debates about history to be dealt by historians and not by politicians. In this respect, the declaration recalls the proposal of the Turkish Prime Minister to set up a joint commission composed of independent historians and other international experts with unconditional access to all relevant archives.*

**14 November 2006**

On 14 November 2006, the Parliament has held a question time concerning the "Armenian genocide" and the parliamentarians have directed various questions to the Council.<sup>112</sup>

**Nils Lundgren (Sweden):**

*"The President of France, Jacques Chirac, said in a speech in Armenia on 30 September that Turkey must acknowledge the genocide against the Armenians in order to become a Member of the EU...On 3 October, the EU Commissioner for Enlargement, Olli Rehn, adopted the opposite position, stating that there was no need for Turkey to acknowledge the genocide in order to join the EU. It is after all the Council that accepts new members into the EU. What is the Council's agreed position on this political issue?"*

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111 European Parliament archives, document no. E-4691/2006

112 European Parliament archives, document no. B6-0445/2006

Although Lundgren had asked the same question shortly before, this question which was once again carried to the agenda has been answered by Finn President-in-Office **Paula Lehtomäki** in the following way:

*“...The Council of the European Union will not adopt an opinion on the alleged genocide of Armenians in Turkey. Making historical judgments is the job of historians. The Union takes a positive view of certain initiatives, such as the conference in Turkey on the Armenian Question and Prime Minister Erdogan’s proposal to set up a joint Turkish-Armenian commission of historians to research the tragic events of 1915. The Union is enthusiastically encouraging Turkey to do all it can to improve relations with its neighbour Armenia, especially with regard to opening the border between the countries, which would be a very propitious move for the entire region. It was this summer that the European Council last reconfirmed that it would adhere to its commitments on enlargement. No new criteria should be set midway through the negotiations process.”*

**Danutė Budreikaitė (ALDE,<sup>113</sup> Lithuania):**

*“Madam Minister, I fully agree that historians are the ones charged with evaluating history; however, they have different attitudes. A democratic state, which is unable to assess its own past, cannot be called democratic. I doubt that Turkey complies with the first Copenhagen criterion. Turkey also fails to meet other requirements, such as the specification of the Ankara Protocol to open Turkish ports to Member States of the European Union. It seems that Turkey is dictating EU membership terms; therefore, I am concerned about possible severe outcomes if Turkey starts dictating further terms”.*

**Piia-Noora Kauppi (EPP-ED,<sup>114</sup> Finland):**

*“...Mr President, you have now twice stated the Finnish Presidency’s view that recognition of the Armenian genocide cannot be a new condition for Turkey’s membership. The Commission is of the same opinion. Is this the Council’s common position, by which I mean has the legislative process on the Armenian genocide now under way in France been discussed and common conclusions adopted?”*

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113 ALDE: Group of the Alliance of Liberals and Democrats for Europe

114 EPP-ED: Group of the European People’s Party (Christian Democrats) and European Democrats

**Lehtomäki:**

*“... as I said in an earlier answer, it was this summer that the European Council last stated that it would adhere to its commitments on enlargement. The Council is also committed to the notion that no new criteria will apply to candidate countries...”*

**2007**

**1 February 2007**

**Subject: Murder of the journalist Hrant Dink<sup>115</sup>**

**To the Commission**

**Kyriacos Triantaphyllides (GUE<sup>116</sup>/NGL,<sup>117</sup> Southern Cyprus)**

*“On Friday, 19 January 2007 the Turkish journalist of Armenian origin, Hrant Dink, was assassinated in Turkey. He was particularly well known for his position on the Armenian genocide and had been sentenced by a Turkish court, under Article 301 of the Penal Code, for ‘revealing’ the Armenian genocide.*

*Will the Commission give its views on this matter?*

*What efforts is it making to have Article 301 repealed?*

*Is this kind of assassination compatible with the principles of law and democracy promoted by the European Union?*

*How does it interpret the statement by the Speaker of the Armenian Parliament, Mr Torosian, who stressed shortly after the assassination, that: “... after this assassination, Turkey should not even dream about joining the European Union”?”*

The statements of parliamentarians from the southern part of Cyprus once again draw attention due to the rage and strange accusations they entail. He has put forth that the assassination is not compatible with “the principles of law and democracy promoted by the EU”. He also does not explain how there is a link between an

115 European Parliament archives, document no. E-0305/07

116 GUE: Group for the European United Left

117 NGL: Nordic Green Left



assassination taking place and the principles of law and democracy in this country. Assassinations are conducted and murders take place in every country. The problem does not lie in these kinds of crimes existing, but could emerge in the stage following them. If the Greek parliamentarian had criticized the trial, mentioning the faults during the legal procedure could have been a valuable criticism. However, creating a connection between assassination and EU principles is nothing but a forcible factor to accuse Turkey.

**13 February 2007**

**Subject: Holocaust Denial<sup>118</sup>**

**To the Commission**

**Frank Vanhecke (ITS,<sup>119</sup> Belgium):**

*“Brigitte Zypries, Germany’s Justice Minister (SPD) is seeking to make Holocaust denial a criminal offence punishable in all EU Member States.*

*This move has been identified as a priority of the German EU Presidency for which the European Commissioner for Justice and Home Affairs, Mr Franco Frattini, has pledged his full support. His spokesman commented ‘This would give a good signal that there are no safe havens for racists and xenophobes in the EU’*

***He also does not explain how there is a link between an assassination taking place and the principles of law and democracy in this country. Assassinations are conducted and murders take place in every country.***

*Eli Wiesel, a Nobel Prize Winner and Holocaust survivor, described the Armenian genocide as ‘the Holocaust before the Holocaust’. In 2005 the famous historian Huberta von Voss, in her comprehensive work entitled Portraits of Hope, indicated that the genocide of the Armenians at the beginning of the 20th century was something that could not be denied.*

*Although Mr Barnier, the former French Foreign Minister, declared in December 2004 that the Armenian question must be settled prior to commencement of accession negotiations the EU did not regard this as an issue.*

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118 European Parliament archives, document no. E-0585/07

119 ITS: Identity, Tradition and Sovereignty

*In its progress report for 2004 to the Commission, Turkey made not a single mention of the Armenian genocide. In December 2004, the Dutch Parliament adopted a special resolution on Armenia in response to failure to consider this question officially at European level*

*Does the Commission agree with the legal definition of the mass murder of the Armenians as genocide? If not, why not? If so, does the Commission consider it acceptable in legal, political and moral terms to make denial of the genocide of the Jews a criminal offence while failing to do the same regarding the Armenian genocide?"*

**20 July 2007**

**Subject: Armenian genocide denial trial in Turkey<sup>120</sup>**

**To the Commission**

**Charles Tannock (EPP-ED,<sup>121</sup> England):**

*"Following the tragic murder in January 2007 of Hrant Dink, the Editor-in-Chief of the Agos Turkish-Armenian bulletin, allegedly intimidation and judicial harassment by the Turkish authorities against the publication and its staff has not ceased. Arat Dink, the current editor and son of the late Hrant Dink, and three of his colleagues have been reportedly charged with 'denigrating Turkishness' in accordance with the article 301 of the Turkish Penal Code. Their crime has been to challenge the States' denial of the Armenian genocide of 1915..."*

*As the Portuguese Presidency is hoping to re-open admission talks with Turkey, should the Turkish government not be encouraged to remove or substantially modify Article 301 as an act of good faith and drop proceedings against Arat Dink and his colleagues?"*

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120 European Parliament archives, document no. E-3744/07

121 EPP-ED: Group of the European People's Party (Christian Democrats) and European Democrats

2009

23 October 2009

**Subject: Turkey's handling of the Armenian genocide issue**<sup>122</sup>

**To the Commission**

**Morten Messerschmidt (EFD,<sup>123</sup> Denmark)**

*“Does the Commission consider that the signature of a document establishing diplomatic links between Turkey and Armenia on Saturday 10 October 2009 in Zurich has wiped out at a stroke Turkey’s past handling of the Armenian genocide? Can this be true when Turkey still officially refuses to use the term ‘genocide’ and when the notorious Section 301 of the Turkish Criminal Code — in spite of cosmetic changes — not only still enables ultra-nationalist groups in Turkey to bring proceedings for ‘attacks on Turkishness’ against journalists, authors and editors who refer in articles and books to the genocide perpetrated on the Armenians in 1915, but also blurs the distinction between the judiciary and the executive, since all Section 301 cases have to be approved by the Ministry of Justice. This most recently happened in the Section 301 case against author Temel Demirer, who was sued after he had publicly expressed the view that the Armenian-born editor Hrant Dink was not murdered because he was Armenian but because he acknowledged the genocide perpetrated against the Armenians, leading the Turkish Minister of Justice, Mehmet Ali Sahin, to say ‘I will not allow anyone to call my state a murderer’. For reference, see the article “All Turks insulted by Pamuk” in the Danish daily Politiken of 25 May 2009.”*

**Answer by the Commission**<sup>124</sup>

9 December 2009

*“The Commission welcomes the signature of Protocols for the normalisation of relations between Turkey and Armenia.*

*... The Commission closely follows the specific case against Temel Demirer, and had reported on this issue in the 2008 Progress Report on Turkey.”*

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122 European Parliament archives, document no. E-5191/09

123 EFD: Europe of Freedom and Democracy

124 European Parliament archives, document no. E-5191/2009

**9 November 2009**

**Subject: The recent rapprochement between Turkey and Armenia<sup>125</sup>**

**To the Council**

**Charles Tannock (ECR,<sup>126</sup> England)**

*“What is the Council's view of the recent rapprochement between Turkey and Armenia? To what extent does the Council believe that such a rapprochement, if followed through, would contribute to regional stability? Given that the European Parliament has recognised the Armenian genocide, how important in the Council's view is the recognition of the Armenian genocide for the long-term success of Turkey-Armenia relations? Moreover, to what extent does the Council believe that Turkey's recognition of the Armenian genocide is a requirement for Turkey's entry into the EU?”*

**2010**

**26 March 2010**

**Subject: Turkish ambassador to Sweden protests against vote on resolution on Armenian genocide<sup>127</sup>**

**To the Commission**

**Philip Claeys (Independent, Belgium)**

*“The Turkish ambassador to Sweden, Zergun Koruturk, has been recalled to Turkey in protest at the adoption of a resolution on the Armenian genocide in the Swedish Parliament.*

*Is the Commission aware of the facts? Has contact been taken up with the Turkish Government in this connection?*

*Does the Commission regard the denial of the Armenian genocide by the Turkish Government as in accordance with the Copenhagen criteria? Does the Commission consider the Turkish position conducive to accession negotiations?”*

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125 European Parliament archives, document no. E-5944/09

126 ECR: European Conservatives and Reformists

127 European Parliament archives, document no. E-1883/10

**Answer by the Commission**<sup>128</sup>

11 May 2010

*The European Union is not about judging history, but about reconciliation. It is a future oriented project, aiming at securing peace, democracy, stability and prosperity on the continent.*

*Against this background the Commission encourages Armenia and Turkey to remain committed to the process of normalisation and calls on both countries to ratify and implement the bilateral protocols without preconditions and in a reasonable timeframe. The Commission believes that the full normalisation of bilateral relations between Armenia and Turkey would be an important contribution to security, stability and cooperation in the Southern Caucasus. It will require vision, courage and dialogue to overcome the wounds of the past.*

*The Commission knows that both ambassadors have in the meantime returned to their posts.*

**22 April 2010**

**Subject: Armenian genocide-impact on relations between Turkey and the EU**<sup>129</sup>

**To the Commission**

**Franz Obermayr (Independent, Austria)**

*“Both the Swedish Parliament and the Committee on Foreign Affairs of the US House of Representatives have recently passed resolutions classifying the Turkish massacre of Armenians during the First World War as genocide. Turkish Prime Minister Erdoğan has described these resolutions literally as a ‘farce’, a ‘parody’ and the ‘product of erroneous polices’, and has reacted by stating that relations between Turkey and the other countries are now strained... He also threatened immediately to expel 100 000 Armenians who did not have valid residence permits.*

*How does the Commission view these blatant threats by the Turkish Prime*

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128 European Parliament archives, document no. E-1858/10 , E-1883/10 , P-2010/10

129 European Parliament archives, document no. E-2684/10

*Minister against the USA and Sweden, in particular with regard to Turkey’s democratic and political maturity and further accession negotiations?*

*Will the Commission react appropriately to Erdoğan’s threat to deport 100 000 Armenians?*

*Will Erdoğan’s announcement have appropriate consequences for Turkey’s accession negotiations with the EU?”*

**1 June 2010**

**Subject: Relations with Turkey**<sup>130</sup>

**Jonas Sjöstedt (Sweden)**

*“Violations of the Christian minority’s human rights persist. The rights of individuals freely to practice their religion and use their own language are, in practice, restricted. Old churches and monasteries fall into ruin or are deliberately destroyed. The Turkish authorities continue to deny the genocide of Armenians and Syrians at the beginning of the previous century.*

*How does the Council intend to raise the question of the oppression of Armenians and Syrians in Turkey in its contacts with that country with its possible membership of the EU in view?”*

### **The Significance of the European Parliament**

Until slightly strengthening with the Treaty of Lisbon, the European Parliament has actually been an institution so weak that it could be described as “ineffective”. However, the only EU institution, whose representatives are elected by the public, being this weak, has raised discussions of a democratic deficit and the influence of the European Parliament has been increased.

The Parliament is not a legal-political institution like the Council or a legal-technical institution like the Commission, but is entirely a political institution. This political arena, in which numerous debates are held on all subjects, is also open to propagandas, lobbying activities, bribes, and influences and is susceptible to an environment where concerns for votes and guidance makes the Parliament

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130 European Parliament archives, document no. H-0312/04

function. Although its resolutions are not binding and its reports mostly create no results, the Parliament is still significant enough to be deterministic on some issues. For instance, the membership of a candidate country is also ratified by the Parliament. Therefore, the voting of an institution that contains resolutions regarding the “genocide” committed by Turkey and whose members view Turkey “so backward that it does not accept its crimes” becomes more important. The resolutions adopted in the Parliament regarding the Armenian issue could be considered as an important criterion which determines the approach within the EU towards this subject.<sup>131</sup> The complete opposite of this is also possible. Rather than being deterministic, the Parliament could also be an institution which represents the already existing approach.

*The reports, resolutions, proposals and the questions posed towards the officials within the EU are actually completely directed towards pressuring the Council and Commission and to influence these important decision-making institutions.*

Perhaps, in order to ease the situation, comments are made that when the Parliament prepares reports or adopts resolutions particularly against Turkey, these documents are sometimes not binding in any way towards the Turkish public opinion and their consequences are not important. Although this assessment is correct, it entails several problems. The reports, resolutions, proposals and the questions posed towards the officials within the EU are actually completely directed towards pressuring the Council and Commission and to influence these important decision-making institutions.

The starting point of the Armenian genocide allegations, which have been recognized today by the parliaments of many countries, is formed by the European Parliament. With the recognition of the EU’s most insignificant, ineffective, and most easily influenced institution, the thought that the genocide allegations are true has spread to member countries and in fact, to other countries within the spheres of influence of those member countries.

Although the 1987 resolution has created no legal result “for now”, it reflects a certain view. In an institution in which the majority is formed by those regarding Turkey as a “perpetrator of genocide”, it seems quite low, under the present circumstances, that a “yes” result will be obtained for Turkey’s membership despite not accepting “its crime”. It will not be surprising that when the time comes for membership, the 1987 resolution will be brought forth as a “final condition” or “final attempt for prevention”.

131 Soner Karagül, “Avrupa Birliği ve Ermeni Sorunu”, *Ermeni Araştırmaları*, No. 8, Winter 2003.

Even after 1987, many debates, press statements and reports have been prepared which defends that the Armenian "genocide" must be recognized by Turkey. Ideas and pressures regarding the recognition of the "genocide" do not only belong to 1987, but has continued up until this day. Armenian authorities have put forth that although the recognition of the so-called "genocide" does not seem as a precondition for EU membership for now, the general view of EU members is that it must be set as a precondition. In this context, the Armenians believe that the decision of the European Parliament is an important political document and that Turkey is obliged to acknowledge the so-called genocide and to open the border before membership.<sup>132</sup>

In the Parliament resolutions or documents, while on the one hand Turkey not being able to be held responsible for the crimes committed in the last period of the Ottoman Empire was emphasized, on the other, pressures were applied on the Turkish Republic to recognize the "genocide". We should note that the expression Turkey cannot be "held responsible" actually means that Turkey will be held responsible and that there is no obstacle to paying its penalty. With this play on words, in order for Turkey to recognize the "genocide", it has tried to be conveyed as if after this recognition, Turkey will not face any liabilities. Karagül has drawn attention to the fact that one of the Turkish theses is supported in some of the resolutions. This means that on the Turkish side, the establishment of an institution on an international level, formed by neutral and independent researchers to historically examine the issue will be expressed.<sup>133</sup>

The process of recognition of the Armenian allegations by the Parliament starting at the same time with Turkey bringing the issue of EU membership to the agenda is seen as an attempt to halt Turkey's membership process. Although this allegation is true, it is incomplete, because if membership is obstructed right from the start, the resolutions adopted by the Parliament will carry no significance for Turkey, the criticisms towards Turkey in the EU will not fulfill its purpose and the link between Turkey and the EU will be cut off since candidate status will no longer exist. Therefore, pressuring Turkey, which was thought to accept everything for membership, is a much more rational inference than rejecting its membership. Throughout the membership process, Greeks, Armenians, separatist Kurdish nationalists and all radical groups could make claims under the name of human rights and freedoms. There is no guarantee that in the last moment, the result will be "no" for Turkey who believes that it has approached membership by accepting these claims. On the contrary, all official documents of the EU show that the process is "open-ended" or in other words, it frequently conveys that the end

132 "Armenia Positively Assesses European Parliament Decision on Turkey", *PanARMENIAN.Net*, 29 September 2006.

133 Soner Karagül, "Avrupa Birliği ve Ermeni Sorunu", *Ermeni Araştırmaları*, No. 8, Winter 2003.



of the accession process is not membership. This way, it escapes the immorality and liability which breaking a promise will bring.

The resolutions and reports of the Parliament regarding the issue are used as an instrument of pressure and seem dangerous enough to have an “intercepting” effect on membership by putting forth “genocide” any time as a precondition. However, a point worth indicating is that decisions on membership are always taken “politically” and the decision is usually reached by several great countries. When Turkey’s time for membership comes, if the “decisive countries” believe that this membership is to their interests, then their “yes” vote will not be able to be prevented neither by the Armenian diaspora, nor the Commission, Parliament and small countries. Therefore, what is actually important is whether or not Turkey’s membership is desired by the major countries of the EU. In such a situation, not only the recognition of “genocide”, but even whether it took place or not will no longer have any significance.

### **The Issue of Genocide in the Commission**

It could be seen that in the Commission, the concept of “genocide” is not stated and that at the most, “1915 tragic events” or only “1915 events” are mentioned. The Commission is a technical institution, keeping far from politics, which do not only protect the interests of member states, but the whole of EU interests. Since the Commission is also formed by representatives, it could show as much weakness as any institution possessing “humans” within issues of objectivity and being political. However, its essential purpose of fulfilling the EU’s general interests distinguishes this institution from the others.

Therefore, it could be better understood why none of the documents of the Commission entails the genocide allegations. As can be seen in the answers of the Commission which are given to questions of Parliamentarians and which we displayed above with examples, the Commission is careful with its criticisms towards Turkey and most of the time, do not take the side of any party. However, it is still clear in the progress reports that for sometimes being misinformed, the Commission willingly takes sides concerning some issues.

The issue which the Commission particularly dwells on or repeats each year by addressing it in the progress reports is good neighborly relations. The technical basis needed for the Commission to mention the genocide or to bring it forth as a precondition also does not exist, because there is no point in the Copenhagen Criteria related to the recognition of the genocide.

## THE EUROPEAN UNION AND THE ARMENIAN TERROR

Relations between Turkey and the EU are not only conducted through EU institutions. The approaches, view points and bilateral relations of especially the strong member states towards Turkey are as important as the views of the EU institutions. Those among these countries which possess negative behaviors and actions, going as far as hindering Turkey, must be evaluated in particular. For instance, it is not a coincidence that the members today which pressure Turkey the most concerning the so-called Armenian genocide are those countries which had given the greatest support in the past to terrorist organizations which targeted Turkey.

The reason for the ASALA not instantly drawing reactions was that similar to the method of the PKK, it had not created a problem for Europe. If it does not create tensions in Europe and for Europe, then for Europe this means that there is no problem. These groups being terrorists, committing murders, and conducting massacres is not much important for the European. ASALA has also been a group which has not been taken into notice for a long time by Europe.

*Like other fundamentalist groups, on the condition of not being a problem for the Europeans, the ASALA and the PKK have also been able to freely become organized, make their plans, launder money, make propaganda and have even been able to hide.*

Despite the center of the ASALA being Western Beirut-Lebanon, France has come forth as a more important center, because the aim has been to find supporters within European public opinion. ASALA choosing France as the center of coordination in Europe has been important from several aspects. While a large number of Armenians existing in France provides easiness in finding finance and militants, the actual easiness has come from the French government. With the private treaty signed in 1980, in return for activities not to be conducted within the borders of France, an agreement was reached in obtaining a safe haven for the ASALA terrorist organization.

Like other fundamentalist groups, on the condition of not being a problem for the Europeans, the ASALA and the PKK have also been able to freely become organized, make their plans, launder money, make propaganda and have even been able to hide. Since the ASALA only targets the Turks, it has been able to easily take shelter in the territories of Western countries. The bomb exploded in 1983 in front of the Turkish Airlines bureau at the Orly Airport in Paris has caused the French to be directly effected by the ASALA for the first time and measures to be taken. Actually, when looking at the bombing of the Orly Airport from the aspect of the ASALA, there has been a strategic mistake. The terrorists had explained the

reason for the Orly incident as France starting to violate the agreement signed between France and the ASALA.<sup>134</sup>

France has not accepted Turkey's request to get involved with the prosecution process of the Armenian terrorists and those supporting the terrorists. It is even doubtful whether the judgments really took place or not. The majority of the terrorists have already been released.

Concerning the ASALA's relations with Europe, France has been the leading country in aiding the terrorist organization the most. The reason for this is given as the number of Armenians living in France being high and this being evaluated as a threat to both internal affairs and security. However, considering that the same state had supported the PKK, it is seen that this optimistic viewpoint is not correct. More than the presence of Armenians in the country, the aim seems like interests directed towards foreign affairs. Today, France is still the country which brings the allegations, which are one-sided and which sometimes truly reaches a radical extent through negotiation, most extensively to the agenda and is the most "ambitious" country which is in an attempt to utilize these against Turkey.

Greece, another country within the EU today, has hosted the small units of the ASALA organizations, but more importantly, has been the European state directly providing financial resources to the Armenian terrorist organization.<sup>135</sup> Together with Greece, similar to their support given to the PKK, the Greek Cypriots has also been among the countries aiding and harboring the ASALA in the following years. Some suspicious indications like the ASALA members being arrested and then being set free despite the evidences found could be considered among the signs showing that Sweden is also among the European countries supporting the ASALA. Considering that the PKK organization is strong in Sweden, we could assume that this country has also supported the ASALA. The support provided by England to the Armenian rebels during the First World War has also been given to the ASALA later on. Just as they have done for the PKK in the following periods, the English media has participated in the ASALA's propaganda initiative by publishing the allegations and messages of the Armenian terrorists.<sup>136</sup>

Although the ASALA was recognized as a terrorist organization by Europe during the period in which it was active and seems as if it has now disappeared, it has actually achieved an important opening through Europe. The Armenian allegations have come to the agenda this strong for the first time through ASALA. After the terrorist organization introduced the Armenian allegations to the world and

134 Ercan Karakoç, *Geçmişten Günümüze Ermeni Komiteleri ve Terörü*, IQ Kültür Sanat, İstanbul, 2009, p. 405.

135 Ercan Karakoç, *Geçmişten Günümüze Ermeni Komiteleri ve Terörü*, IQ Kültür Sanat, İstanbul, 2009, p. 192.

136 Ercan Karakoç, *Geçmişten Günümüze Ermeni Komiteleri ve Terörü*, IQ Kültür Sanat, İstanbul, 2009, p. 413.

completed its mission, it disappeared. However, the Armenian allegations became permanent and remained on the agenda never to be fallen off it again. Perhaps the ASALA has abandoned its weapons, but has continued its struggle in the political sphere.

The support of the Europeans given to their selves has no longer been a "support given to terror", but has been "support given to a victimized group." Europe, which does not openly support the ASALA, is in a situation to openly support the Armenian theses, because surprisingly the victim has changed: The victims are no longer the Turks as victims of terror, but are the Armenian victims of genocide.

On the other hand, a relation has been established between the ASALA and the PKK terrorist organization for a long time. Armenian terrorists also being captured among the PKK and the PKK representation office in Yerevan publicly operating are known facts. Furthermore, the allegation of ASALA leaving its place to the PKK while withdrawing is being defended. The ASALA not acting for a long time is again linked to the existence of the PKK. At the point reached today, there are assertions that the PKK has fulfilled its mission, so now it will leave the stage for the ASALA once again.<sup>137</sup> On the other hand, there are also those who do not believe in the order of the emerging of the PKK and the ASALA and think that the PKK terrorists have not learned from the Armenians, but the Armenians have taken lessons from the PKK.

*Armenian terrorists also being captured among the PKK and the PKK representation office in Yerevan publicly operating are known facts.*

### WHO IS WORKING IN THE EU ON THE ARMENIAN ISSUE?

While those among European countries and within the EU who support the Armenian allegations the most by a long shot are the French parliamentarians, representatives of Sweden, Belgium, Italy, Holland and Denmark follow behind. All these countries mentioned have a stained record regarding crimes against humanity and not only have not accepted their responsibilities, but have attempted to impose their principles on other countries. It could be seen that in all Western countries strongly accusing Turkey for the Armenian "genocide" and recognizing this so-called genocide, there is a history of crime against humanity which is tried to be covered up. As examples, it is possible to give the massacres of Belgium in

137 Sinan Oğan, "Protokoller İmzalanırken ASALA'nın Yeniden Piyasaya Sürülmesi Neyin İşaretidir?", 15 October 2009, <http://www.turksam.org/tr/a1825.html> (Moreover, the site includes the declaration by the ASALA published in Armenian newspapers); For an article which argues that the awakening of the ASALA is low see. Ömer Engin Lütem, "Is the Armenian Terror being Awakened?", 6 December 2010, AVİM website, <http://www.avim.org.tr/degerlendirmetekli.php?makaleid=4488>

Congo, France in Rwanda and Algeria, the Greek Cypriots in Cyprus, Greece in Western Thrace, Holland in Srebrenica and Indonesia, and the activities of provocation of Sweden towards the Sami people and towards the “ordinary race” in their own country, along with the crimes against humanity committed by all colonial powers against African slaves. Some of these countries still not admitting their crimes increase their feelings of guilt and makes these countries more aggressive in accusing the others. Moreover, in order to cover up these incidents, countries like France view these periods as a necessary and constructive part of their history.

As a political group, with the Greens-European Free Alliance, European People’s Party-Group of European Democratic Alliance, and Group for the United Left-Nordic Green Left Alliance being at the forefront, it could be seen that almost all parties and groups have carried to the Armenian allegations to the agenda and have supported them. In general, the French Socialists and the Greens come to the foreground.

Observing the debates taking place in the European Parliament, the tempers of those supporting the Armenian genocide allegations going out of control and the choice and aggressiveness of the words they use display them as “more royalist than the king”. Defending the interests of another group with such passion should not be quite ordinary. There are several reasons to this situation.

It is not surprising that Greece has supported the Armenian theses. Greece regards Turkey as a threat towards them and attempts to weaken Turkey by utilizing all the opportunities. It has been proven and revealed to the entire world that Greece has supported the ASALA and the PKK, that it has obstructed the financial aids to be given to Turkey, has made the Cyprus problem an issue of the EU and has been used as in instrument to prevent Turkey’s membership. Therefore, Greece is a supporter of the so-called genocide which is already known, expected and considered as ordinary. The fear towards Turkey has caused them to be passionate supporters of the Armenians.

The reason for French Socialists to support the Armenian allegations should be tied to internal affairs and concern for votes. It is known that traditionally, the Armenians support the Socialists. Even the Socialist parliamentarians have criticized the support by the Socialists of the Armenian allegations being this hysterical and have put forth from time to time that this approach is “selective.”

Leader of the Socialist party François Hollande, together with the leader of the French Dashnaksutyun Murad Papazyan, have signed a text on April 3rd 2004, calling on Turkey to recognize the so-called Armenian genocide. The leaders have

expressed their devotion to the democratic and social Europe and have explained that states wanting to become members of the Union must adopt ethical values. Based on this thought, according to the leaders, in order for negotiations to start with Turkey, as much as conforming to the Copenhagen criteria, the resolution of 18 June 1987 of the European Parliament also had to be adopted.<sup>138</sup> When failing to establish the recognition of the so-called genocide as a precondition for negotiations to start, this time they have strived to make it accepted as a precondition for membership.

According to the majority of the Socialists, "if the Turks do not recognize the genocide, the door will be shut on their face." According to Michel Rocard among the prominent figures of the Socialists, "negotiations will serve in the progress of the Turkish community. From this aspect, naturally the recognition of the genocide will confront Turkey during this process."<sup>139</sup>

In France, not only the Socialists, but all other groups believe that genocide has taken place. However, when bringing it to the agenda or reaching decisions, they act by taking relations with Turkey into consideration. For instance, the draft resolution which foresees the acceptance of the denial of the Armenian genocide as a crime, has been prepared by Socialists, but has been rejected by rightist groups by particularly taking into consideration the commercial bilateral relations. On the other hand, based on the fact that almost the entire right wing is against Turkey's EU membership, setting the recognition of the Armenian genocide as a precondition for Turkey has become an issue also supported by those against this membership.

For instance, it is known that center-right leader of MoDem François Bayrou, being among the individuals opposing Turkey's EU membership, had made this proposal a long time back before the genocide was recognized in the French Parliament in 2001. In an interview, Chirac's evaluation of the Armenian question as an issue between Armenia and Turkey had drawn reactions from the Armenians in the country and some parliamentarians along with Bayrou.<sup>140</sup>

If the right parties opposing Turkey's EU membership are after the votes of those doubting the EU and are closer to the extreme right, then the Socialists seek not losing the votes of the Armenians. The Socialist Party embracing the Armenian question and attempting to establish the so-called genocide as a precondition relates to internal politics.<sup>141</sup> In an article published in 2004 in the *Libération*

138 "M. Hollande Exige la Reconnaissance du Génocide Arménien", *Le Monde*, 4 June 2004.

139 Eric Aeschimann, "Turquie: PS et UMP Tournent Casaque", *Libération*, 9 June 2004.

140 Christiane Chombeau ve Nicolas Weill, "Les Arméniens de France Répondent Vivement au Chef de l'Etat", *Le Monde*, 2 May 2004.

141 Eric Aeschimann, "Turquie: PS et UMP Tournent Casaque", *Libération*, 9 June 2004

newspaper, it has been stated that by the Armenian Socialist Party, entering the elections of the European Parliament together with the Socialist Party, threatening the Socialists with forming their own lists in the two regions in which Armenian presence is very high, they have been successful in carrying the Armenian issue to the very top.<sup>142</sup> For the Socialist Party, although the so-called Armenian genocide as a means or an instrument of pressure is not a new discovery, addressing the issue in such an intensive and furious way is a development of the recent years.

As can be seen in the examples provided above, European Parliamentarians even sometimes bringing the Armenian allegations to the agenda in sessions which do

*According to the Armenian allegations, sufficient research and examination have already taken place and there is no need to prove that the events constitute genocide. It is also seen that some European politicians have put forth that the genocide, whose “reality is already proven”, must be recognized. This situation is nothing other than the Europeans reading the note prepared by Armenian lobbyists.*

not relate to the issue in any way draws attention. It is possible to link bringing the so-called Armenian genocide issue to the agenda, regardless of what the subject of the session or debate is and despite not having any connection to the subject, to the successful lobbying activities of the Armenians. Even when discussions take place on different subjects, money obtained in high amounts or indirect gains have caused parliamentarians to bring the subject to the genocide allegations, although they would seem ridiculous, by adding a theatrical atmosphere.

It could be seen that in various international conferences, meetings or television programs, statements sometimes not relating to the subject in any way and whose contents are most of the time clearly incorrect have been conveyed.

Generally, statements have been delivered by a speech text thrust into hands with an amount of money. When directing any kind of question to the speakers, obtaining an answer from them has not been possible.

The Europeans do not only mention that genocide took place against the Armenians. At the same time, they defend the updated Armenians theses. For instance, the Armenians express that they do not want a commission, comprised of historians, to be established. From time to time, they accuse Turkey of being “fetishist” for being so keen on archives or documents. According to the Armenian allegations, sufficient research and examination have already taken place and there is no need to prove that the events constitute genocide. It is also seen that some European politicians have put forth that the genocide, whose “reality is already

142 Eric Aeschmann, “Turquie: PS et UMP Tournent Casaque”, *Libération*, 9 June 2004.

proven", must be recognized. This situation is nothing other than the Europeans reading the note prepared by Armenian lobbyists.<sup>143</sup>

Although Europe seems as a developed civilization whose freedom of expression should be taken as an example, disregarding what they did in the past or not accepting these, it silences those arguing that genocide has not been committed upon the Armenians and only allows the supporters of "genocide" to speak up. In the conferences held in European countries, those against "genocide" are not invited and even if they are, their rights to ask questions are kept restricted. In some conferences open to the press, restrictions are only applied on the Turkish press. It is known that some academicians and politicians have faced punishment in European countries due to denying the "genocide". News was published in which a 13 year old Turkish student was suspended from school for rejecting the "genocide" and more surprisingly, was asked from him to prepare a homework regarding the "genocide". The actual conflicting point is that the Europeans, who punish the opponents of "genocide" in their own countries, condemn criticisms directed towards those recognizing the "genocide" in Turkey.

### REASONS FOR ARMENIAN ADVOCACY IN TURKEY

Although Armenians do not generally always have a high population in the countries they live in, they play an active role within the society's economic, cultural and political life.<sup>144</sup> On the one hand they maintain their own identities while on the other, they easily become integrated into the society they live in. The number of the Armenian population might be important within domestic politics for receiving votes. However, quality is more important than quantity. The Armenians being active within the areas of culture, art and politics is more effective than their numbers. Countries like the US and France, in which the Armenians are this strong, take the lead in utilizing the Armenian theses against Turkey.

Power being high along with the number brings the lobbies to the foreground. Behind many of the resolutions or reports in the US, France and the EU lie the Armenian lobbies. Power means that the activities of the Armenian lobbies are successful. This success is achieved as a result of various agreements of interest with money being at the forefront.

European countries recently being concerned with the Caucasus has resulted in the Armenian theses started being supported again. Regarding timing, there is a direct

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143 Ömer Engin Lütem, "Facts and Comments", *Ermeni Araştırmaları*, No. 16-17, Winter 2004-Spring 2005.

144 Soner Karagül, "Avrupa Birliği ve Ermeni Sorunu", *Ermeni Araştırmaları*, No. 8, Winter 2003.



parallelism between the emphasis on the policies of the Caucasus and the increase in pressures for Turkey-Armenia relations to be normalized. The Caucasus policies, being based on economy and energy, firstly and particularly entails Europe becoming closer to Armenia. In order for Armenia to escape from Russia's domination, it must withdraw to Europe's side and for this, it must be "conquered" through various promises and guarantees by the EU. The Armenians are known for being one of the nations who could do many things with various promises. By promising to convince Turkey on critical issues like recognizing the so-called genocide or opening the borders, the possibility of Europe trying to fulfill their requests from Armenians - like abandoning the Russians - must be taken into consideration.

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Besides the EU's policies of the Caucasus, its bilateral relations are also important. The EU's most powerful three states like Britain, France and Germany are concerned with this region. However, France, who has the closest relations with Armenia, is in the most fortunate position within this rivalry.

It is important for a country like Germany, who is guilty of genocide, to find another perpetrator who committed genocide before it. This way, Germany will have eased the guilt weighing upon it. Allegations exist which put forth that Hitler had learned many of the methods of applying genocide from the methods of the Ottomans used towards the Armenians. This not only eases the weight for the Germans, but for all the Europeans, because the country guilty for the Holocaust is not only Germany which committed this directly, but is the other European countries which handed over the Jews in their own countries to Nazi Germany. In this situation, all of Europe laying claims on a genocide that took place before the Holocaust is understandable.

On the other hand, there is a Muslim-Christian aspect to the issue. Throughout history, it has been the Christians who have committed genocide, exploited and oppressed, while those being exploited, slaughtered, left underdeveloped and oppressed have been the Muslims. However, the so-called Armenian genocide, which could be perceived as a Muslim nation committing genocide against a Christian nation, once again becomes a reason to eliminate the Christian Europe's great burden and to ease them psychologically.

It will not be correct to explain the condition of obsessive embracement of the Armenian allegations in European countries with thinking similarly with the

Armenians on only some issues. The issue also has a Turkish dimension. Considering the existence of Turkish hostility and the belief that "my enemy's enemy is my friend" in these countries, this support could be better understood. In countries fighting against the Ottomans like Britain and France, there is intensive hostility towards the Ottomans.

The idea of the "oppressed Armenian" has become one of the political instruments fostering Turkish hostility by using it together with the genocide allegations. As the French Socialist Party has done, it has sometimes only or mostly been used with the purpose of domestic policy and has sometimes gained significance based on interests of foreign policy. The subject which those wanting to prevent Turkey's EU membership have mostly dwelled upon is the recognition of the Armenian "genocide" being set as a precondition for membership. European countries are also aware that there is not a possibility for Turkey to take steps like emerging as a perpetrator of genocide which they know for sure did not take place, recognizing this, apologizing, paying compensation, and responding to the territorial claims. This way, by on the one hand displaying themselves as supporting Turkey's EU membership they are not "double-crossers", while on the other, by saying "yes" by putting forth the condition of recognizing the genocide, they are actually saying "no."

*In various comments, due to the sensitivity on concepts like human rights, protection of minorities, oppressed nations, historical justice and law, it is put forth that Europe supports the genocide theses. In Europe, these concepts are highly used with the purpose to serve national interests.*

In various comments, due to the sensitivity on concepts like human rights, protection of minorities, oppressed nations, historical justice and law, it is put forth that Europe supports the genocide theses. In Europe, these concepts are highly used with the purpose to serve national interests. In other words, a general and impartial sensitivity exists regarding human rights and the protection of minorities. They are able to deport the oppressed in their own countries, to infringe on their rights, support terrorist organizations committing murders, protect the murderers, and act far from justice "inside". Therefore, these principles could be put into or out of use within the framework of national interests. For instance, concerning the crimes against humanity of France towards Algeria, France accepting these events as massacre, crime or genocide has come to the agenda. However, against these accusations, the French government has given the same answer as Turkey concerning the Armenian allegations: "Let us leave the judgment of these kinds of allegations to historians." While not accepting the

judgment of the Armenian genocide allegations to be left to historians, wanting to leave the judgment of the allegations concerning the massacres in Algeria clearly displays the situation regarding domestic policy, interests and principles.

## CONCLUSION

Within Turkey's relations with the EU, the Armenian question is an issue which has increasingly gained significance. Actually the issue known as the Armenian question is a heading remaining on the EU's agenda and confronting Turkey at various times ever since it declared its intention to become a member of the EU. The reason for it "increasingly" gaining significance is that Turkey's negotiation process is approaching an end. After the negotiation process is completed, establishing the recognition of the so-called Armenian genocide as a precondition is highly possible.

*The time has also come for Turkey to react, because it is evident that they will not only be satisfied with the recognition of the genocide, but Turkey will also be pressured with claims for territory and compensation.*

Despite the presence and success of the Armenian diaspora which operates very intensely and actively, Turkey has not taken great initiatives regarding this issue. It could be seen that Turkey, which displayed its power

during the period of the ASALA terror, chose not to respond to the accusations concerning the Armenian issue in the following periods. Perhaps, the idea that responding would mean "defense" and defense would mean "accepting the crime" could explain Turkey's preference to remain passive. However, the "opposite side" has received and is still receiving the results of their works, lobbying activities, and propaganda. The time has also come for Turkey to react, because it is evident that they will not only be satisfied with the recognition of the genocide, but Turkey will also be pressured with claims for territory and compensation.

The Armenian theses being embraced so much by Europe cannot only be linked to the success of the Armenian lobbyists. There are many other reasons also. Those among the countries who are against Turkey's EU membership and cannot openly express their thought attempt to obstruct Turkey's path to membership in indirect ways. The Armenian question comes at the forefront of these indirect ways. We could note that for the Europeans, the Armenian question is a "political instrument."

This "political instrument" is sometimes applied in order to obstruct Turkey and

sometimes to receive votes from the diaspora. In this situation, the Armenians become an “instrument” used by the Europeans for their own interests, just as can be seen in other examples within history.

The negotiation process is the most appropriate time for those who have various requests from a candidate country, but cannot impose them on the country at “normal times”. The candidate wanting to become a member of the EU is obliged to fulfill the requests required from them for membership. These requests do not sometimes entail the necessary conditions for EU membership and are requests within the interests of more dominant countries or sections. For instance, while some EU member countries do not recognize the presence of minorities in their countries although they exist, they could require the candidate countries to grant extensive rights to minorities. This is not directly related to EU membership. If becoming a member of the EU, whether or not Turkey recognizes the so-called Armenian genocide will have no effect on the whole of the EU. However, through Armenian lobbies, sections against this membership attempt to set this as a precondition, although it does not exist in EU legislation. The support for Turkey’s EU membership by countries having claims like the Armenians and Greeks could be explained in this direction. These groups think that they could make claims through the EU during this period in which Turkey is open to pressures the most. These groups do not actually support Turkey’s membership, but its candidacy.

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# FORGERIES VS. HISTORICAL RESEARCH

## ARAM ANDONIAN'S "MEMOIRS OF NAIM BEY" AND THE CONTEMPORARY ATTEMPTS TO DEFEND THEIR "AUTHENTICITY"

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**Abstract:** *This article analyses the attempts made, since 1986, to maintain that the "documents" published in 1920 by Aram Andonian are probably, if not almost certainly, "authentic". A systematic checking of the assertions defending Andonian's work proves that these attempts are not less misleading than the book which they support. Andonian's forgeries served for dec*

**Keywords:** *Aram Andonian, Armenian forced displacement, ASALA, Vahakn N. Dadrian, JCAG/ARA, Boghos Nubar, propaganda, Ramkavar, Yves Ternon, terrorism.*

### Introduction

For years, one of the most used "evidence" of the "Armenian genocide" allegation were the "Andonian documents". Aram Andonian (1875-1951) compiled his material, i.e. the so-called "Memoirs of Naim Bey", the so-called "official documents" supposedly sent by leaders of the Committee Union and Progress (CUP, the party which ruled the Ottoman Empire from 1913 to 1918) and his proper comments, apparently in the Spring or the Summer of 1919. The French and English translations were published later in 1920. The compilation and the publication in Western languages happened in the context of attempts to obtain the largest territorial ("integral") Armenia, from the Black Sea to the Mediterranean Sea,<sup>1</sup> a design which would mean a vast operation of ethnic cleansing, as acknowledged by the Armenian leaders themselves.<sup>2</sup> The English version of some "telegrams" was republished in July 1921 by the monthly *Current History*.

1 Houri Berberian "The Delegation of Integral Armenia — From Greater Armenia to Lesser Armenia," *Armenian Review*, XLIV-3, Autumn 1991, pp. 39-64; Yücel Güçlü, *Armenians and the Allies in Cilicia*, Salt Lake City: University of Utah Press, 2010, pp. 102-139; Firuz Kazemzadeh, *The Struggle for Transcaucasia*, New York: Philosophical Library, 1951, p. 213.

2 Avetis Aharonian and Boghos Nubar, *The Armenian Question Before the Paris Peace Conference*, 1919, pp. 2 and 7-13 (more especially p. 12)  
<http://www.archive.org/download/armenianquestion00pari/armenianquestion00pari.pdf>

Andonian's work was used during the trials of Armenian terrorists: S. Tehlirian (of "Nemesis", the terrorist branch of the Armenian Revolutionary Federation in 1920-1922), murderer of Talat Pasha, in 1921; Mardiros Jamgotchian (of Armenian Secret Army for Liberation of Armenia, ASALA), murderer of Mehmet Savaş Yergüz, secretary of the Turkish Consulate in Geneva, in 1981; Max Hraïr Kilndjian (of Justice Commando of Armenian Genocide, JCAG, the terrorist wing of the ARF in 1970's and 1980's) in Aix-en-Provence, 1982; four ASALA terrorists who attacked the Turkish Consulate of Paris, 1984; and the three main perpetrators of the bombing by ASALA in Orly airport, judged in Créteil (Parisian suburb), 1985.<sup>3</sup> The increasing use of these documents to support the "genocide" charge and to excuse the numerous acts of Armenian terrorism provoked a detailed refutation by the Turkish side, in 1983-1986.<sup>4</sup>

In 1986, Vahakn N. Dadrian, at that time professor of sociology at State University of New York (SUNY) in Geneseo (he was forced to resign in 1991 for sexual harassment against female students)<sup>5</sup> published a long article concluding that the "documents" of Andonian are in fact "with a high degree of certainty [...] true documents".<sup>6</sup> In 1989, the Dashnak-owned publishing house Parenthèses (Marseille) published a book of Yves Ternon, a surgeon in Paris — and defense witness for Armenian terrorists during the Geneva, Aix-en-Provence and Paris trials (1981-1984) —, who supported the main conclusions of Mr. Dadrian.

Outside the circle of the most nationalist Armenian writers and their friends, Mr. Dadrian and Mr. Ternon's analysis convinced very few persons. Michael M. Gunter, professor of political science at Tennessee Technical University and International University-Vienna, answered to Mr. Dadrian and maintains until today that Andonian material is nothing but forgeries.<sup>7</sup> Gilles Veinstein, professor of Ottoman and Turkish history at the Collège de France, considers that "the Andonian

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3 *Armenian Terrorism and the Paris Trial/Terrorisme arménien et procès de Paris*, Ankara University, 1984, pp. 24 and 48 [http://turquie-news.fr/IMG/pdf/TERORISME\\_ARMENIAN\\_ET\\_PROCES\\_DE\\_PARIS.pdf](http://turquie-news.fr/IMG/pdf/TERORISME_ARMENIAN_ET_PROCES_DE_PARIS.pdf); Comité de soutien à Max Kilndjian, *Les Arméniens en cour d'assises. Terroristes ou résistants?*, Marseille : Parenthèses, 1983, pp. 114 and 201-202 ; Jean-Pierre Richardot, *Arméniens, quoi qu'il en coûte*, Paris : Fayard, 1982, p. 102; *Terrorist Attack at Orly: Statements and Evidence Presented at the Trial, February 19 - March 2, 1985*, Ankara: Faculty of Political Science, 1985.

4 Şinasi Orel and Sürreya Yuca, *Ermeniler Talat Paşaya Atfedilen Telegrafların Gerçek Yüzü*, Ankara: TTK, 1983. French translation (used hereafter) : *Les « Télégrammes » de Talât Pacha. Fait historique ou fiction?*, Paris: Triangle, 1986, <http://www.eraren.org/index.php?Lisan=en&Page=YayinIcerik&SayiNo=27> English translation: *The Talât Pasha Telegrams. Historical Fact or Armenian Fiction?*, Nicosia-Oxford: K. Rüstem & Brothers/Oxford University Press, 1986. The demonstration is summarized in Türkkaya Ataöv, *The Andonian "Documents" Attributed to Talat Pasha Are Forgeries!*, Ankara, 1984, <http://www.ataa.org/reference/andonian-ataov.html>

5 "Geneseo Fires Professor for Sexual Harrasment," *Times Union*, April 25, 1991, p. B10.

6 Vahakn N. Dadrian, "The Naim-Andonian Documents on the World War I Destruction of Ottoman Armenians: The Anatomy of a Genocide," *International Journal of Middle East Studies*, XVIII-3, August 1986, pp. 311-360 (quotation p. 340).

7 Michael M. Gunter, "Gunter Response to Dadrian Article," *International Journal of Middle East Studies*, XIX-4, November 1987, pp. 523-524 ; "A Reply to Judith Tucker's Excerpt of Vahakn Dadrian's Article," id., XL-4, Autumn 2008, pp. 728-729.

'documents' were just fakes, as established by the historical critique."<sup>8</sup> Paul Dumont, director of the Turkish studies department in Strasbourg-II University, who was also director of the French Institute of Anatolian Studies, writes that the authenticity of Andonian's "documents" "is today seriously contested."<sup>9</sup> Erik Jan Zürcher, professor of Turkish studies and hardly an advocate of the CUP, considers that it "have been shown to be forgeries."<sup>10</sup> For Guenter Lewy, professor emeritus of political science at Massachusetts-Amherst University, Andonian material is of "highly questionable authenticity"; "Orel and Yuca's painstaking analysis of these documents have raised enough questions about their genuineness as to make any use of them in a serious scholarly work unacceptable."<sup>11</sup> The noted historians Andrew Mango and Norman Stone stated repeatedly that the book of Andonian is just the work of a clumsy falsifier.<sup>12</sup>

Even some Armenian and pro-Armenian authors showed, explicitly or implicitly, their skepticism about Andonian "documents." Christopher Walker, one of the main supporters of the "Armenian genocide" allegation in UK from 1970's to 1990's, considers that despite Vahakn N. Dadrian's article, "the doubt must remain until and unless the documents or similar ones themselves resurface and are published in a critical edition"<sup>13</sup> — a suggestion which was never carried out. The German sociologist Taner Akçam, who was supervised by Vahakn N. Dadrian himself for his thesis, wrote in 1992 that "there are important grounds for considering these documents fake."<sup>14</sup> Recently, the Armenian American scholar Ronald Grigor Suny called the book "the controversial and disputed 'Andonian documents.'"<sup>15</sup> During the 1990's, the use of the Andonian's book declined strongly, Mr. Ternon was more an exception than an example of the rule in maintaining positive developments on this work.<sup>16</sup> Mr. Ternon himself wrote in 1998 that "it is preferable" to "refrain to present [Andonian's material] as evidence of the criminal intention of the Ittihad [ve Terraki,

8 Gilles Veinstein, « Trois questions sur un massacre », *L'Histoire*, avril 1995.

9 Paul Dumont, « La mort d'un empire (1908-1923) », in Robert Mantran (ed.), *Histoire de l'Empire ottoman*, Paris: Fayard, 1989, p. 624.

10 Erik Jan Zürcher, *Turkey : A Modern History*, London: I.B. Tauris, 2004, pp. 115-116.

11 Guenter Lewy, *The Armenian Massacres in Ottoman Turkey*, Salt Lake City: University of Utah Press, 2005, pp. 73 and 250.

12 Andrew Mango, "Turks and Kurds," *Middle Eastern Studies*, XXX-4, October 1994, p. 985; "The Definition," *Times Literary Supplement*, September 17, 2004; Norman Stone, "A Bungled Case for the Prosecution," *The Spectator*, April 24, 2004, [http://www.spectator.co.uk/books/20864/part\\_3/a-bungled-case-for-the-prosecution.html](http://www.spectator.co.uk/books/20864/part_3/a-bungled-case-for-the-prosecution.html); "Armenia and Turkey," *Times Literary Supplement*, October 15, 2004; "Armenia in History," id., November 26, 2004; and "What Has this 'Genocide' to Do With the Congress?," *The Spectator*, October 17, 2007, <http://www.spectator.co.uk/essays/all/269381/what-has-this-genocide-to-do-with-congress.html>

13 Christopher Walker, "World War I and the Armenian Genocide," in Richard G. Hovannisian (ed.), *The Armenian People From Ancient to Modern Time*, New York: St Martin's Press, 1997, p. 247.

14 Taner Akçam, *Türk Ulusal Kimliği ve Ermeni Sorunu*, İstanbul, 1992, p. 119, n. 8; reed., 2001, p. 156, n. 246.

15 Ronald Grigor Suny, "Writing Genocide", in *A Question of Genocide*, New York-Oxford: Oxford University Press, 2011, p. 320, n. 41.

16 Yves Ternon, *Les Arméniens, histoire d'un génocide*, Paris : Le Seuil, 1996, pp. 333-336 and even more p. 390, n. 53.



i.e. the Committee Union and Progress, in power in 1913-1918]”.<sup>17</sup> During the civil court case against Bernard Lewis in Paris, in 1995, the Andonian “documents” were not used by the plaintiffs’ lawyers.

However, only the French philologist Jean-Louis Mattei provided a detailed response to the attempts to save the authenticity of Andonian’s material.<sup>18</sup> And there was a revival of the use of this book since 2003: the writer Peter Balakian and the journalist Robert Fisk used some Andonian “documents” in their books.<sup>19</sup> Vahakn N. Dadrian reiterated in 2005 his assertions about Andonian material, on the Web site Jihad Watch, which is not known to publish scholarly articles; excerpts of his article of 1986 were republished in 2008.<sup>20</sup> In her short biography of Aram Andonian, Rita Soulahian Kuyumjian, relying on Mr. Dadrian and Mr. Ternon’s, alleges that Andonian “clearly established the background and lay the corner stone for Armenian genocide studies”.<sup>21</sup> In a communiqué of 2011, the French deputy Richard Mallié (UMP) used an Andonian “document” to claim the vote of a bill penalizing the “contestation of the existence of the Armenian genocide”.<sup>22</sup> Called “liberticidal, inquisitorial and obscurantist” by the chairman of Senate’s Foreign Affairs Committee, Jocelyn de Rohan (also UMP), the bill was rejected by a large majority of senators, members of all the groups.

The purpose of this paper is to make a detailed rebuttal of the argumentation which attempted to “prove” that the Andonian material is “probably” accurate. Since Mr. Dadrian is the main author of such arguments, his article of 1986 is the most commented work below, and the references to the pages of his article are hereafter included in the text itself, instead of the footnotes. But other publications, and especially Mr. Ternon’s books, will be, of course, studied also. Beyond the case of Andonian material, this study shows how mainstream Armenian historiography attempts to “prove” the charge of “genocide”, since both Mr. Dadrian and Mr. Ternon assert that the best argument for “probable authenticity” is to compare this material with other sources.

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17 Yves Ternon, « La qualité de la preuve. À propos des documents Andonian et de la petite phrase d’Hitler » in Comité de défense de la cause arménienne (ed.), *L’Actualité du génocide des Arméniens*, Paris : Edipol, 1999, p. 138.

18 Jean-Louis Mattei, *Belgelerle Büyük Ermenistan Peşinde Ermeni Komiteleri*, Ankara-Istanbul : Bilgi Yayınevi, 2008, pp. 261-284.

19 Peter Balakian, *The Burning Tigris*, New York: Harper & Collins, 2004 (first edition, 2003), pp. 345-347 and p. 435, n. 66. On this tendentious book, see Andrew Mango, “The Definition”, art. cit.

20 Judith Tucker, “Excerpt from ‘The Naim-Andonian Documents’,” *International Journal of Middle East Studies*, XL-2, May 2008, pp. 171-179; <http://www.jihadwatch.org/2005/10/vahakn-dadrian-responds-to-guenther-lewy.html>

21 Rita Soulahian Kuyumjian, *The Survivor. Biography of Aram Andonian*, London: Gomidas Institute/Tekeyan Cultural Association/Taderon Press, 2010, pp. 24-36 (quotation p. 36).

22 [http://www.armenews.com/article.php3?id\\_article=69493](http://www.armenews.com/article.php3?id_article=69493) See also: <http://www.collectifvan.org/article.php?r=0&id=52322>

## Lack of Logic and Neglected Facts

### Logical Fallacies

The most obvious shortcoming of Mr. Dadrian's article is located pp. 339 and 355, n. 102 of his article: he uses for "evidence" one of Andonian's "document" to corroborate the authenticity of Andonian's "documents". It does not need any comment. Mr. Dadrian refers, pp. 322-323, to a "cipher [...] which is not included in the Naim-Andonian material" (Vahakn N. Dadrian's emphasis). This "cipher" is one of the "telegrams" which Andonian possessed but did not publish and whose "originals" are also lost. This is another example of circular argumentation.

Equally circular is this remark, p. 324: Andonian's "penchant for faithfulness in translation is certified by none other than the two Turkish authors Orel and Yuca", because in several case, they notice that the translations from Ottoman to French are not bad. Mr. Dadrians says even: "such fidelity bespeaks of discipline and self-restraint, if not integrity". Such a way of reasoning supposes that Andonian did not forge his documents, but it is precisely what Mr. Dadrian is supposed to attempt to demonstrate. And actually, Şinasi Orel and Sürreya Yuca noticed several serious discrepancies in the translation of certain "telegrams".

Similarly absurd is this allegation: "The presence and easy detection of such defects in the material under review militate against that charge [of forgery]". The ultimate logical consequence of this way of reasoning is to reject the basic methods of the internal critique of historical documents: in following strictly Mr. Dadrian, more the obvious aberrations would be numerous in a document, more the authenticity of this document would be likely. And Mr. Dadrian contradicts himself by this sentence, since he pretends, in the rest of his article, that the defects are not very important — especially p. 339.

Mr. Dadrian alleges that the Andonian "documents", "If authentic, assume extraordinary import" (p. 312 and p. 358, n. 109). But Aram Andonian was not very careful with these "documents". He showed an "incomprehensible laxity" (p. 319) according to the proper words of Mr. Dadrian. Probably to diminish this "laxity", Mr. Dadrian attempts to limit greatest part of these shortcomings to the English version: "the English version is mere a 'summary' and as such is deficient in textual precision" (p. 319); "it received a shabby treatment in its English translation" and "not knowing English at all, Andonian could neither control typographical errors nor oversee the body of the translation" (p. 344, n. 6). The problem is that Andonian himself criticized both the Paris and the London Committees to have treated "cavalierly" his manuscript.<sup>23</sup> Andonian knew French and Mr. Dadrian fails to

23 Ara Krikorian (éd.), *Justicier du génocide arménien : le procès de Tehlirian*, Paris : Diasporas, 1981, p. 232-235. Hereafter Procès.

explain why this treatment was “cavalier” in the French version and why Andonian was so powerless for the publication of his proper material of “extraordinary import.”

Even more disturbing is that Andonian acknowledged in a letter of 1937 that, as early as Spring 1921, before the Tehlirian trial he “did not think to these documents anymore,”<sup>24</sup> a very strange statement about so important “documents.” How Andonian could have almost forgotten such “documents” in the context of London conference (February-March 1921), the first attempt to revise the dead-born Sèvres

treaty after the collapse of the independent Armenian Republic?<sup>25</sup> The material of Andonian was compiled in 1919 and translated primarily into Armenian, but the Armenian version was published (in Boston) only in 1921, probably after the Tehlirian trial. Mr. Ternon observes, this time correctly, that the “telegrams” which remained in the possession of Andonian were never catalogued in the Boghos Nubar Library.<sup>26</sup> Not unlike Andonian, Mr. Dadrian does not refer to these “documents” of “extraordinary import” in his *History of the Armenian Genocide* published

firstly in 1995, and his article of 1986 is not reprinted in his collection of papers *Warrant for Genocide*.<sup>27</sup>

Mr. Dadrian refers to the Memoirs of General Sabis, stressing that “Şakir’s pervasive authority, extending to the Ottoman War Office and High Command, was confirmed by General Ali İhsan Sabis and by Colonel Ari Baytın” (p. 330) and that “General Sabis in his memoirs complained about Şakir’s key role in Turkey’s entry into the war, and his pan-Turanist, or pan-Turkist, ideology, denouncing his lack of grasp and incompetence in military affairs” (p. 350, n. 48). Such remarks are irrelevant for the authenticity or not of Andonian’s “documents”, even more since the CUP did never assume a “pan-Turanist, or pan-Turkist” ideology, even in 1917-1918.<sup>28</sup> Even more

***The material of Andonian was compiled in 1919 and translated primarily into Armenian, but the Armenian version was published (in Boston) only in 1921, probably after the Tehlirian trial.***

24 Procès, op. cit. p. 231.

25 Serge Afanasyan, *L'Arménie, l'Azerbaïdjan et la Géorgie, de l'indépendance à l'instauration du pouvoir soviétique. 1917-1923*, Paris: L'Harmattan, 1981, pp. 176-181 ; Paul Dumont, *Mustafa Kemal invente la Turquie moderne*, Bruxelles : Complexe, 1997, pp. 100-105 ; Stanford J. Shaw, *From Empire to Republic : The Turkish War of National Independence. 1918-1923*, Ankara: TTK, 2000, tome III, pp. 1200-1243; Anahide Ter Minassian, *1918-1920, la République d'Arménie*, Bruxelles : Complexe, 2006, pp. 250-252.

26 Yves Ternon, art. cit., p. 137.

27 Vahakn N. Dadrian, *Warrant for Genocide: Key Elements of Turco-Armenian Conflict*, New Brunswick-London, Transaction Publishers, 1999. For a concise critique of this collection of tendentious essays, see Mary Schaeffer Conroy, “Review of Vahakn N. Dadrian, *Warrant for Genocide: Key Elements of Turco-Armenian Conflict*,” *The Social Science Journal*, XXXVII-3, July 2000, pp. 481-483.

28 Michael Reynolds, “Buffers, not Brethren: Young Turk Military Policy and the Myth of Panturanism,” *Past and Present*, n° 203, May 2009, pp. 137-179. See also Niyazi Berkes (ed.), *Turkish Nationalism and Western Civilization. Selected Essays of Ziya Gökalp*, Westport: Greenwood Press, 1959.

problematically for his argumentation, Mr. Dadrian neglects that the Memoirs of General Sabis contradict the "letter" attributed by Andonian to Dr. Şakir, and dated of March 3, 1915. Indeed, the "letter" is supposed to have been sent from Istanbul; General Sabis indicates that Şakir was actually in Erzurum, where he remained until March 13, 1915.<sup>29</sup>

Mr. Dadrian, Mr. Ternon and Ms. Kuyumjian reproduce without any critique the assertion of Krikor Guerguerian, aka "Krieger" (1911-1988), who pretended to have seen the original version of "Naim Bey's Memoir" in the middle of the 1960's. Nobody can corroborate this testimony, and there are two additional serious problems. At first, it is hard to believe that the "original" was conserved intact and unknown during almost an half-century, when the Armenian nationalist organizations were in a very bad mood — discredited at first by the Lausanne treaty, and then by their compromising with Fascism, Nazism and/or Stalinism as well as by the inter-Armenian bloody clashes<sup>30</sup> —, but "disappeared" in the second half 1960's, i.e. precisely during the revival of the Armenian nationalism, when the "Armenian genocide" allegation appeared in the public opinion. Even more disturbing is that Andonian explained, in his letter to Mary Terzian, that he sent the manuscript of Naim to the patriarchate of Jerusalem in 1920. In the same letter, Andonian indicated that he "did never know what happened" to the documents sent to Jerusalem and London.<sup>31</sup> Andonian did not pretend to have retaken this manuscript and to have deposited it in Nubar Library, where he served as curator until his death, or to have sent only a part of Naim's manuscript. "Krieger" pretended even to have seen twenty-five "originals" of "telegrams",<sup>32</sup> despite that such documents were never cataloged in the Nubar Library, as explained already.

Mr. Dadrian praises "the pioneering work of Krieger, who for decades singlehandedly and patiently canvassed the available archives here and abroad, especially the Jerusalem Armenian Patriarchate Archive, compiling a mass of documentary data. The author takes his opportunity to express his appreciation to Krieger, who helped him become initiated into this most neglected genre of scholarship combining Turkish and Armenian studies" (p. 344, n. 5). Unfortunately, the archives of Armenian patriarchate are closed to any researcher who would

29 Ali İhsan Sabis, *Harp Hatıralarm: Birinci Cihan Harbi*, İstanbul: Nehir Yayınları, 1990, tome II, p. 378.

30 Jean-Pierre Alem, *L'Arménie*, Paris : PUF, 1959, pp. 95-97 ; John Roy Carlson (Arthur Derounian), "The Armenian Displaced Persons," *Armenian Affairs Magazine*, I-1, Winter 1949-1950; Georges Mamoulia, *Les Combats indépendantistes des Caucasiens entre URSS et puissances occidentales : le cas de la Géorgie (1921-1945)*, Paris, L'Harmattan, 2009, p. 159 ; Gäidz Minassian, « *L'Internationale socialiste et les partis socialistes exilés du bloc communiste : le cas de la Fédération révolutionnaire arménienne* », *Revue d'études comparatives Est-Ouest*, XXXII-3, 2001, p. 111 ; Cyril Le Tallec, *La Communauté arménienne de France. 1920-1950*, Paris : L'Harmattan, 2001, pp. 186-199 ; Kapriel Serope Papazian, *Patriotism Perverted*, Boston: Baikar Press, 1934, pp. 52-73; Christopher Walker, *Armenia. The Survival of a Nation*, London-New York: Routledge, 1990, p. 357, 360-363 and 366-370.

31 Procès, op. cit. p. 231.

32 Yves Ternon, *Enquête...*, op. cit. p. 77, [http://www.imprescriptible.fr/ternon/2\\_chapitre1](http://www.imprescriptible.fr/ternon/2_chapitre1)

disagree with the “Armenian genocide” label, or even to any Armenian scholar who is seen as insufficiently nationalist, for instance Ara Sarafian.<sup>33</sup> Mr. Dadrian knows perfectly this kind of problem. After his forced resignation from SUNY (see n. 5), he became, and is still, the director of the Zoryan Institute, a think-tank which received many private papers of Armenian exiles in 1980’s. Despite the close links of the Institute with the ARF, these documents were never catalogued and remain closed to the independent researchers, even if they are of Armenian heritage.<sup>34</sup> In addition, Mr. Dadrian neglected always to make any research in the Ottoman and Turkish archives, in İstanbul and Ankara, despite their obvious importance for the “scholarship combining Turkish and Armenian studies.”<sup>35</sup> The results of his disciple Taner Akçam, who worked extensively in these archives, are less than impressive: full of factual errors, mistranslations, misquotations and allegations given without proof.<sup>36</sup>

None of the supporters of the Andonian’s material “authenticity” pay attention to the “telegrams” whose reproduction is not provided. Especially, no one attempts to explain how Enver Pasha could have sent, in February 1918, a telegram asking to exterminate the Armenian officers of the Ottoman army. Andonian alleged, in the previous parts of his books, that the Armenians living in Anatolia under the control of Ottoman forces were “exterminated” in 1915, but curiously, he asserted also that Armenians remained among the officers of the Ottoman army in 1918. The fact is that at least several hundred — probably more — of loyal Armenians remained in the Ottoman army without suffering any discrimination, nor massacre in any form whatsoever,<sup>37</sup> until the end of war. This is generally not commented by the supporters of the “Armenian genocide” label, especially those who attempt to defend the “probable authenticity” of Andonian material.

33 “Study the Armenian Genocide with Confidence, Ara Sarafian Suggests,” *The Armenian Reporter*, December 18, 2008. <http://www.reporter.am/go/article/2008-12-18-study-the-armenian-genocide-with-confidence-ara-sarafian-suggests>

34 Ibid.

35 For developments on this topic, see Türkaya Ataöv, *The Ottoman Archives and the Armenian Question*, Ankara, 1986; Yücel Güllü, “Will Untaped Ottoman Archives Reshape the Armenian Debate? Turkey, Present and Past,” *The Middle East Quarterly*, XVI-2, Spring 2009, pp. 35-42, <http://www.meforum.org/2114/ottoman-archives-reshape-armenian-debate>; Yusuf Halaçoğlu, *Facts on the Relocation of Armenians. 1914-1918*, Ankara, TTK, 2002, pp. 119-122; Yusuf Sarıay, “Türk Arşivleri ve Ermeni Meselesi,” *Belleten*, LXX/257, April 2006, pp. 291-310; Jeremy Salt, “The Narrative Gap in Ottoman Armenian History,” *Middle Eastern Studies*, XXXIX-1, January 2003, pp. 19-36.

36 Erman Şahin, “Review Essay: A Scrutiny of Akçam’s Version of History and the Armenian Genocide,” *Journal of Muslim Minority Affairs*, XXVIII-2, Summer 2008, pp. 303-319; id. “Armenian Question: Scholarly Ethics and Methodology,” *Review of Armenian Studies*, n° 19-20, 2009, pp. 141-152; id. “Review Essay: the Armenian Question,” *Middle East Policy*, XVII-1, Spring 2010, pp. 144-157.

37 Edward J. Erickson, *Ottoman Army Effectiveness in World War I: A Comparative Study*, London-New York: Routledge, 2007, pp. 129-130; Maurice Larcher, *La Guerre turque dans la guerre mondiale*, Paris, 1926, p. 396; Turkish General Staff, *Armenian Activities in the Archive Documents*, Ankara: ATASE, tome II, 2005, pp. 72-80, [http://www.tsk.tr/eng/ermeni\\_sorunu\\_salonu/arsiv\\_belgeleriyle\\_ermenii\\_faaliyetleri/pdf/Arsiv\\_Belgeleriyle\\_Ermenii\\_Faaliyetleri\\_Cilt\\_2.pdf](http://www.tsk.tr/eng/ermeni_sorunu_salonu/arsiv_belgeleriyle_ermenii_faaliyetleri/pdf/Arsiv_Belgeleriyle_Ermenii_Faaliyetleri_Cilt_2.pdf); for individual cases, see also “İki Pastermacıyan ve diğer bilmediklerimiz”, *Milliyet*, June 4, 2006; *Facts from the Turkish Armenians*, İstanbul: Jamanak, 1980, p. 25; Willy Sperco, *Moustapha Kemal Atatürk, créateur de la Turquie moderne*, Paris: Nouvelles éditions latines, 1958, p. 137; and hereafter, the case of the Stange detachment.

### Neglected Problems about Naim and Andonian

In complete contradiction with his assertions of 1920 about the character of Naim,<sup>38</sup> Andonian acknowledged in 1937 that "Naim Bey was an alcoholic and addicted to gambling, and in reality it was his vices which dragged him into treachery. The truth is that we bought all what he provided us in the way of documents", "Naim was a totally amoral creature" and that "Naim was a totally insignificant civil servant."<sup>39</sup> Guenter Lewy notices rightfully that "no one could be expected to believe the 'memoirs' of an alcoholic, gambler or dissolute character [...] who would be suspected of having manufactured the documents to obtain money for his destructive and expensive habits."<sup>40</sup> But Mr. Dadrian does not refrain to use Naim's "testimony" as evidence to corroborate the "documents" (p. 345, n. 13). Moreover, in the "Memoirs" which Naim is supposed to have written that he became in 1915 "Chief Secretary",<sup>41</sup> a much higher position than "a totally insignificant civil servant."

Another problem with Naim's position is to understand how a "totally insignificant civil servant" could have taken documents of "extraordinary import". Mr. Dadrian quotes the pro-Armenian German Consul Rössler, who "stated that Naim's possession of the documents can be entirely granted for as far as I knew the Turks [in Aleppo] never catalogued and attached their documents." Mr. Dadrian fails to demonstrate that a foreign Consul, by no means friend of Turks, is a reliable source for the internal and material issues of the Ottoman administration. And Rössler believed wrongly that Naim was a chief secretary, not a "totally insignificant civil servant". Mr. Dadrian avoids also responding to other objections of Şinasi Orel and Sürreya Yuca, on the same topic. Especially, Andonian gave completely contradictory explanations about the way of the recuperation of the "documents".<sup>42</sup> Contradictory also is the part of the French version where it is alleged twice that Naim was "revoked" (révoqué) in 1916.<sup>43</sup> Mr. Dadrian dares to reply that "the French word révoquer in addition to 'dismiss' has the meaning of 'recall'" (p. 346, n. 22). This meaning is indeed the etymological sense, but it disappeared completely of the common use many years before the publication of Andonian's book. The Grand Dictionnaire universel du XIXe siècle of Pierre Larousse (15 volumes, from 1866 to 1876) does not even include this meaning, out of the etymology; the Dictionnaire général de la langue française (two volumes, 1890-1893) mentions it only as "ancient." The meaning is completely absent of the 8<sup>th</sup> edition of the dictionary

38 *Memoirs...*, p. X; *Documents...*, p. 12.

39 *Procès*, op. cit. p. 234.

40 Guenter Lewy, op. cit. p. 69.

41 *Memoirs*, p. 8; *Documents...*, op. cit. p. 22.

42 Şinasi Orel and Sürreya Yuca, op. cit., pp. 20-22.

43 *Documents...*, op. cit., pp.12-13 and 79.

published by the French Academy (two volumes, 1932-1935).<sup>44</sup> Anyway, there is no reason which could explain why Naim would have kept these “documents” during more than two years, since he pretended to have nothing to fear, and since he could not know the result of the war.

The revelation about Naim’s character and position tends not only to discredit Naim’s “testimony” (already seriously problematic because the disappearance of the original) but also Aram Andonian’s assertions. Andonian lied purely and simply about his key source. There are other examples of acknowledged falsifications. The pro-Armenian Walter Rössler made a strong critique of Andonian’s allegations against Germany. These critiques were eventually accepted as valid by Andonian himself (my emphasis):

*“Certainly, he [Rössler] is right for most of the cases which he stresses. He forgotten only that my book was not an historical work, but of propaganda, and, naturally, could not be exempt of the imperfections inherent to this kind of publications. It is also necessary to think that at that time, to be listened by the Entente countries, you had inevitably to say something bad against Germany”.*

Rössler denied even that Andonian could be “able of objectivity”.<sup>45</sup>

Not less problematic for Andonian’s credibility is the strident anti-Turkish racism expressed in his book:

*“Every Turk expressed a sadistic happiness when a whole people were slaughtered with a barbarity unknown in history.”*

*“Can one show one Turk who did not take profit of these pillages? Can one show one Turkish house which does not keep a ravished Armenian woman, girl or boy?”<sup>46</sup>*

It is unneeded to say that, even if all the Turks would had wanted to “ravish” one Armenian for their house, there would had been not sufficiently potential victims. Such racist and self-refuting allegations are by no means isolated in the literature of the Armenian nationalism.<sup>47</sup> More importantly, the absurdity of the charge shows

44 <http://gallica.bnf.fr/ark:/12148/bpt6k205365n/f1132.image.r=.langFR>  
<http://gallica.bnf.fr/ark:/12148/bpt6k206410m/f828.image> <http://atilf.atilf.fr/academie.htm>

45 *Procès*, op. cit., p. 232.

46 *Documents...*, pp. 11 and 165.

47 *The “Clean-Fighting Turk”*. *Yesterday, Today and Tomorrow*, London: Spottiswoode, Ballantyne & C<sup>o</sup>/Armenian Bureau Publications, 1918 (especially p. 3); Avetoon Pesak Hacobian, *Armenia and the War*, New York: George Doran C<sup>o</sup>, 1918, pp. 37-39, 44-47 and 56-61; Mikael Varandian, *L’Arménie et la question arménienne*, Laval: G. Kavanagh & Cie, 1917, pp. 23-30. For later racist speeches, see, for example, *The Armenian Mirror-Spectator*, April 21, 1945, p. 1; *The Armenian Weekly*, June 1, 1983, p. 42 and June 30, p. 2.

clearly that Adonian was not always concerned by the credibility of his allegations. Mr. Dadrian mentions briefly the "vituperative comments" who "somewhat tainted Andonian's credibility" (p. 324) but does not make any development.

On the large-scale massacres of Turks by Armenians during the Russian retreat of 1917-1918, Andonian attempts to deny crudely the existence of these crimes, and, in self-contradiction, to justify them by military necessities.<sup>48</sup> Probably because the considerable body of — not only Ottoman, but also Russian and Western — evidence,<sup>49</sup> Mr. Dadrian does not attempt to deny the existence of these massacres. Mr. Ternon calls even the butchery in the city of Erzincan and neighboring villages "unspeakable" and "unjustifiable" crimes.<sup>50</sup>

Despite all these problematic facts, Mr. Dadrian uses Andonian as a valuable reference, for example pp. 323-324 and p. 348, n. 34, always to corroborate the "authenticity" of the Andonian's "documents". However, it is true that, as pointed correctly the Armenian British historian Ara Sarafian, Mr. Dadrian asserts that "all the Turks and Kurds were involved in the genocidal process".<sup>51</sup> It is equally true that in a later publication, Mr. Dadrian attempts himself to excuse, minimize, not to say to justify, the butchery of Turks in 1917-1918.<sup>52</sup> Mr. Dadrian's indulgence for Aram Andonian should so not be a surprise.

*Mr. Dadrian avoids to explain why the British and the French, who were looking for evidence against the CUP leaders, did not find the "documents" and were never involved in the process of "checking" by the Armenian National Union*

To explain why Andonian was able to find "documents", and why they were not destroyed before the capture of Aleppo, Mr. Dadrian argues that "not only was Aleppo not considered in danger, but as late as autumn 1917, it became the site of the Headquarters of Army Group F (*Yıldırım*)."<sup>53</sup> Such a remark has few relevance, since it neglects the change happened in 1918, especially during the last months of the

48 Documents..., op. cit., pp. 154-155.

49 *Documents relatifs aux atrocités commises par les Arméniens sur la population musulmane*, İstanbul: Société anonyme de papeterie et d'imprimerie, 1919, [http://louisville.edu/as/history/turks/atrocites\\_commises\\_par\\_les\\_armeniens.pdf](http://louisville.edu/as/history/turks/atrocites_commises_par_les_armeniens.pdf); *Documents on Ottoman Armenians*, Ankara, tome II, 1985, pp. 119-154, <http://louisville.edu/a-s/history/turks/Documents2.pdf> and tome III, 1986, pp. 135-171, <http://louisville.edu/a-s/history/turks/Documents3.pdf>; Justin McCarthy, "The Report of Niles and Sutherland," *XI. Türk Tarih Kongresi*, Ankara: TTK, 1994, tome V, pp. 1828-1830, 1842, 1850, [http://louisville.edu/a-s/history/turks/Niles\\_and\\_Sutherland.pdf](http://louisville.edu/a-s/history/turks/Niles_and_Sutherland.pdf); Vladimir Nikolaevitch Twerdokhleboff, *War Journal of the Second Fortress Artillery Regiment, and Notes of a Superior Russian Officer on the Atrocities of Erzerum* İstanbul, 1919, <http://louisville.edu/a-s/history/turks/Khlebof%20War%20Journal.pdf>

50 Yves Ternon, *The Armenian Cause*, (Delmar : Caravan Books), 1985, pp. 123-124; *Les Arméniens*, op. cit., p. 341.

51 "Study the Armenian Genocide With Confidence, Ara Sarafian Suggests," art. cit.

52 Vahakn N. Dadrian, *The History of the Armenian Genocide*, Providence: Berghahn Books, 2003, pp. 425-426 (first edition, 1995).



war.<sup>53</sup> More problematically, Mr. Dadrian avoids to explain why the British and the French, who were looking for evidence against the CUP leaders, did not find the “documents” and were never involved in the process of “checking” by the Armenian National Union — and this is the most important argument of Şinasi Orel and Sürreya Yuca on this precise topic.

Mr. Ternon adds another inaccuracy in asserting, without any source, that Andonian was “one of the few survivors of the April 24 raid.”<sup>54</sup> In fact, the majority of the Armenians arrested on April 24 were not killed.<sup>55</sup>

### Inventing “Errors” in the Orel-Yuca Book

To dismiss the importance of the “errors” in Andonian “documents”, Mr. Dadrian alleges that the book of Şinasi Orel and Sürreya Yuca contains itself “many errors of counting, dating, and inaccurate referencing.” Among his examples, he mentions (p. 346, n. 25):

- a) “The March 25 letter (n° 2) is not misprinted as February 8, as they assert, but rather is printed in the ET [English translation] correctly.” In fact, Şinasi Orel and Sürreya Yuca do not allege that it is “misprinted as February 8”, but as November 18, and this allegation is true. Şinasi Orel and Sürreya Yuca say that the letter cited in the March 25 letter is dated on February 8 in the English text, and it is also true.
- b) “Again on p. 33 they inaccurately report that the FT [French translation] has omitted the year of the February 18 letter (n° 1); it did not.” Indeed, it did not, and Şinasi Orel and Sürreya Yuca do not pretend that.

### Sources Contradicting the “Documents” (1): Forgotten and Denied Facts

The “documents” dated of March 9, September 21 and September 16, 1915, are supposed to have been specially sent to the prefecture of Aleppo, concerning the “whole extermination of all the Armenians.”<sup>56</sup> But almost all the Armenian community of Aleppo city (around 22,000 persons) was explicitly exempted of forced displacement by the CUP government and remained at home during the war,<sup>57</sup> a fact that even Mr. Dadrian and Mr. Ternon do not deny. Some thousands of

53 Edward J. Erickson, op. cit., pp. 127-154.

54 Yves Ternon, art. cit., p. 136.

55 Yusuf Sarıncay, “Decree of April 24, 1915 and the Armenian Committee Members Arrested in Istanbul,” *Review of Armenian Studies*, n° 15-16, 2007, pp. 69-81.

56 Documents..., pp. 146; Memoirs..., op. cit., p. 15, 60 and 64.

57 Guenter Lewy, op. cit., p. 191.

Armenians from eastern Anatolia and northern Syria were relocated to Aleppo instead of the camps; they were in the most safe of the persons subjected to forced reinstallation.

More generally, the numerous geographical (İstanbul, Edirne, İzmir, Aydın, Kütahya, Kastamonu, Antalya, Konya, Maraş, Aleppo, Mosul, Jerusalem) and categorical exemptions (Catholics, Protestants, artisans, officers of the Ottoman Bank, Ottoman Debt Administration and Ottoman Post, employees of the Railroad Administration, sick persons in hospitals, orphans, families of soldiers and MPs, some notabilities of cities like Bursa) of forced displacement to camps in Arab lands<sup>58</sup> are denied, forgotten or explained by totally unconvincing arguments. Guenter Lewy points correctly:

*"the argument that the Turks refrained from deporting the Armenians of these cities [Istanbul, İzmir, Aleppo] in order to avoid unfavorable publicity is invalid, for the world heard of the deportations and accompanying massacres in the provinces almost as soon as they took place. Adverse publicity was not avoided by sparing the Armenians of these three important cities."*<sup>59</sup>

Neither Mr. Dadrian nor Mr. Ternon or Ms. Kuyumjian provide any direct response to the numerous Ottoman documents on the Armenian insurrections and other acts of treachery; no direct reply, also, to the explicit claims made by the Armenian nationalist leader Boghos Nubar, conserved in French archives and reproduced in the book of Şinasi Orel and Sürreya Yuca.<sup>60</sup> The Turkish authors are however far to have exhausted the list of acknowledgments of treachery by Armenian leaders. The most famous is the Manifesto of Hovannes Katchaznoui, leader of the ARF until 1923, Prime Minister of the independent Armenia in 1918-1919. In this very lucid speech pronounced in front of the Dashnak congress, Katchaznoui acknowledged that the ARF did not keep their promise of loyalty to the Ottoman government, organized recruitment of volunteers for the Russian army, as early as 1914, which "was wrong". The Dashnaks "embraced Russia whole-heartedly without any compunction" and "had lost [thei]r sense of reality and were carried away with [their] dreams."<sup>61</sup>

58 Kemal Çiçek, "Relocation of the Ottoman Armenians in 1915: A Reassessment," *Review of Armenian Studies*, n° 22, 2010, pp. 120-121; Yusuf Halaçoğlu, *The Story of 1915. What Happened to the Ottoman Armenians?*, Ankara: TTK, 2008, pp. 52 and 91; Guenter Lewy, op. cit., pp. 158, 165, 180, 186-187, 191, 203-205; Şinasi Orel and Sürreya Yuca, op. cit., pp. 119-123; Hikmet Özdemir and Yusuf Sarıncay, *Turkish Armenian Conflict Documents*, Ankara: TTK/TBMM, 2007, pp. 119, 127, 175, 201, 203, 207, 213- 221, 237, 265, 283, 321, 339, 341.

59 Guenter Lewy, op. cit., p. 251. See also Michael M. Gunter, "Pursuing the Just Cause of their People". *A Study of Contemporary Armenian Terrorism*, Westport-New York-London: Greenwood Press, 1986, p. 23; and Eberhard Jäckel, "Genozid oder nicht?", *Frankfurter Allgemeine Zeitung*, March 22, 2006, <http://www.faz.net/artikel/C30525/genozid-oder-nicht-30146581.html>

60 Şinasi Orel and Sürreya Yuca, op. cit., pp. 38-41 and 104-113; See also, among others, Kâmuran Gürün, *The Armenian File*, İstanbul: Türkiye Bankası Kültür Yayınları, 2007 (first edition in Turkish 1983, first edition in English 1985), pp. 237-256; and Turkish General Staff, *Armenian activities...*, op. cit., eight tomes, 2005-2008, [http://www.tsk.tr/eng/ermeni\\_sorunu\\_salonu/arsiv\\_belgeleriyile\\_ermeni\\_faaliyetleri/arsiv\\_belgeleriyile\\_ermeni\\_faaliyetleri.htm](http://www.tsk.tr/eng/ermeni_sorunu_salonu/arsiv_belgeleriyile_ermeni_faaliyetleri/arsiv_belgeleriyile_ermeni_faaliyetleri.htm)

61 Hovannes Katchaznoui, *The Armenian Revolutionary Federation Has Nothing to Do Anymore*, New York: Armenian Information Service, 1955 (1st edition, 1923), pp. 5-8, <http://ia600602.us.archive.org/14/items/armenianrevolution00katc/armenianrevolution00katc.pdf>

In a letter published by *Russfoje Slovo*, n° 19, January 24, 1915 (so several months before the decree of forced displacement), an Armenian lawyer named Calkus argued (my emphasis):

*“In Turkey’s eyes, the Armenians deserved the horrors inflicted upon them by the Turks because we were guilty of treason. Armenians confess to this treason without any further ado. No Armenian shoots a Russian, because he sees a big brother or a defender in him. The Armenian is a traitor to Turkey because Turkey is not his mother but his stepmother. A growing number of Armenians are volunteering in the ranks of the Russian army. They are streaming toward Russia from the far corners of the world, from America, Asia, and Europe. They believe in Russia and Russia’s mission.”*<sup>62</sup>

The Armenian Deputy Papadzanov stated in the Russian Duma, January 28, 1915 (my emphasis):

*“The Armenian population of Turkish Armenia [Eastern Anatolia] joyously greeted our victorious [Russian] army. Armenians helped wherever and however they could, and prepared a hearty welcome for the Russians....”*<sup>63</sup>

Garegin Pasdermadjian, a former Dashnak terrorist who became, thanks to the pardon of the CUP, deputy of Erzurum from 1908 to 1912, came to Russia as early as Summer 1914, to organize the recruitment of Armenian volunteers. He wrote in 1918 that if the Armenians “had bought their fate in 1914 to the German cause”, “first of all, these frightful Armenian massacres would have not taken place.”<sup>64</sup> In his Memoirs, Pasdermadjian added that he came to Russia despite the warnings of some of his proper Dashnak comrades, who said that this decision “could have negative effects for the Armenians of Turkey.”<sup>65</sup> Aram Turabian, Pasdermadjian’s counterpart for the France’s Foreign Legion, was even more explicit. He claimed that he and his associates (including the ARF-Dashnak) “knew perfectly” the bloody consequences of the revolutionary activities against the Ottoman Empire. Aram Turabian advocated shameless for the “necessity” to “sacrifice a part of the current [Armenian] generation.”<sup>66</sup>

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62 Ernest Jackh (Ernst Jäckh), *The Rising Crescent. Turkey Yesterday, Today and Tomorrow*, New York-Toronto: Farrar & Rinehart, 1944, p. 43, n. 6.  
<http://www.archive.org/download/risingcrescent002408mbp/risingcrescent002408mbp.pdf>

63 Ibid.

64 Garegin Pasdermadjian, *Why Armenia Should Be Free*, Boston: Hairenik, 1918, p. 43. See also Avetis Aharonian and Boghos Nubar, op. cit., pp. 4-5.

65 Garegin Pasdermadjian, *Bank Ottoman: Memoirs of Armen Garo*, Detroit: Armen Topouzian, 1990, p. 19. See also Richard G. Hovannisian, *Armenia on the Road to Independence*, Berkeley-Los Angeles-London: University of California Press, 1967, pp. 44-45 and 272, n. 18.

66 Aram Turabian, *Les Volontaires arméniens sous les drapeaux français*, Marseille: Imprimerie nouvelle, 1917, pp. 41-42. See also Kapriel Serope Papazian, op. cit., p. 38.

In a note of July 24, 1915, Boghos Nubar's committee claimed that "in Turkey, only the Armenian populations of Armenia [eastern Anatolia] and Cilicia have very marked insurrectional tendencies against the Turkish regime", giving as evidence that there were "25,000 insurgents" in Cilicia and "15,000" in "neighboring provinces".<sup>67</sup> Such an insurrectional situation had few links with the decree of forced displacement: as early as November 1914, Boghos Nubar proposed a landing to the British and the French: "Armenians in Cilicia are ready to enlist as volunteers to support a landing in İskenderun, Mersin or Adana. Armenians in mountainous areas can also provide valuable support; they will rebel against Turks if they are supplied with arms and ammunitions."<sup>68</sup>

All these sources contradict the part of Andonian material which alleges that the Turkish actions against Armenians were unprovoked and motivated only by vicious designs. The indirect ways used by Mr. Dadrian to dismiss the obvious fact of numerous Armenian uprisings, and their danger for the Ottoman army,<sup>69</sup> is discussed in the third part of this article.

On the issue of the Ottoman leaders interned in Malta in 1919-1921, Mr. Ternon avoids purely and simply to make a development in his main book and makes a brief paraphrase of Mr. Dadrian's article in the one devoted specifically to the "probable authenticity" of the Andonian material. So, not surprisingly, the essential of the response comes from Mr. Dadrian. Principally:

- 1) "The disposition of Abdülhalik had very little to do with his guilt or innocence" and everything with "a 'package deal' [of the British] with the Kemalists" (p. 336). If the immediate reason of the release was indeed an agreement between London and Ankara, the British authorities concluded before the agreement that, despite two years of intensive researches in Ottoman, British, Armenian and US documents, by a British prosecutor

67 Commission des archives diplomatiques, *Documents diplomatiques français : 1915*, tome III, Brussels : Peter Lang, 2004, p. 98; Vatche Gazarian, *Boghos Nubar's Papers and the Armenian Question, 1915-1918. Documents*, Waltham: Mayreni, 1996, p. 203.

68 Mim Kemal Öke, *The Armenian Question*, Ankara: TTK, 2001, p. 111. See also Edward J. Erickson, "Bayonets on Musa Dagh: Ottoman Counterinsurgency Operations — 1915," *The Journal of Strategic Studies*, XXVIII-3, 2005, pp. 529-548; Yücel Güçlü, op. cit., pp. 51-101; Guenter Lewy, op. cit., pp. 103-109. For the background, see Yücel Güçlü, op. cit., pp. 19-50; Salâhi R. Sonyel, "The Turco-Armenian 'Adana Incidents' in the Light of Secret British Documents," *Bellesten*, LI-201, December 1987, pp. 1291-1338; Yusuf Sarıncay (ed.), *Osmanlı Belgelerinde 1909 Adana Olayları*, Ankara, 2010, two volumes.

69 For an overview: Edward J. Erickson, "Armenians and Ottoman Military Policy," *War in History*, XV-2, April 2008, pp. 141-167, [http://www.tc-america.org/media/Ericson\\_militarypolicy1915.pdf](http://www.tc-america.org/media/Ericson_militarypolicy1915.pdf); Justin McCarthy, "The Armenian Uprising and the Ottomans," *Review of Armenian Studies*, II-7/8, 2005, <http://www.eraren.org/index.php?Lisan=en&Page=Dergiler&IcerikNo=134>; id., "Losing the War in the East: the Armenian Contribution to Ottoman Defeat 1915," in Şafak Ural and alii (ed.) *The New Approaches to Turkish-Armenian Relations*, İstanbul: İstanbul University Press, 2008, pp. 383-390; Justin McCarthy and alii, *The Armenian Rebellion at Van*, Salt Lake City: University of Utah Press, 2006. For the background, see also Türkkiye Ataöv, "Procurement of Arms for Armenian Terrorists: Realities Based on Ottoman Documents," in *International Terrorism and the Drug Connection*, Ankara: Ankara University Press, 1984, pp. 169-177; and William L. Langer, *The Diplomacy of Imperialism*, New York: Alfred A. Knopf, 1960, pp. 150-164, 321-325 and 349-350.

assisted by Armenians and Greeks, it was not possible to organize a trial against any of the 144 Ottoman interned in Malta, including Abdülhalik.<sup>70</sup> Mr. Dadrian discusses no one of the British documents expressing this failure to find any evidence.

- 2) “Britain’s U.S. Ambassador never stated that he could find no evidence of massacres in U.S. State Department files” (ibid.) Şinasi Orel and Sürreya Yuca did not pretend that, focusing on the case of Abdülhalik and the other Ottoman leaders interned in Malta.
- 3) Few British British officials accused a minority of the 144 interned persons to be criminals (p. 337). But if the British authorities themselves had found any credibility in these reports, they would have used them for a trial. They did not.

However, the most important point of the Malta procedure, for the issue of Andonian material, is that the “telegrams” attributed to Talat and other CUP leaders were included in the file of several indicted persons, who were nevertheless found not guilty and released.<sup>71</sup> Mr. Dadrian avoids carefully discussing this fact. About the attempt of a trial of Abdülhalik in Turkey, Mr. Ternon and Mr. Dadrian reproduce without particular explanations the allegations of Andonian, failing to challenge the response of Şinasi Orel and Sürreya Yuca on this point.

### Sources Contradicting the “Documents” (2) : The Alleged “Double Track”

Mr. Dadrian replies in few paragraphs only to the third part of Şinasi Orel’s and Sürreya Yuca’s argumentation: the dozens of authentic documents, taken from Ottoman archives, which rebut completely the charge of extermination intent.<sup>72</sup> His first argument is also the most obviously misleading. Mr. Dadrian quotes, p. 328, the comment of Nevile Henderson, actually High Commissioner in İstanbul, in 1923:

*“These are well worth reading and keeping as a vivid illustration of Turkish methods and mentality. It is left for academic speculation whether they were countermanded by secret orders or whether they were merely drafted in the certainty that natural savagery and callousness would make them worthless.”*

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70 Guenter Lewy, op. cit., pp. 122-128; Şinasi Orel and Sürreya Yuca, op. cit., pp. 96-98; Bilâl N. Şimşir, “The Deportees of Malta and the Armenian Question,” in *Armenians in the Ottoman Empire and Modern Turkey (1912-1926)*, İstanbul: Tasvir Press, 1984, pp. 26-41.

71 Guenter Lewy, op. cit., pp. 123 and 125.

72 Şinasi Orel and Sürreya Yuca, op. cit., pp. 101-134.

Henderson gives not a single argument to support his allegations, based only on openly racist prejudices ("Turkish methods and mentality"; "natural savagery and callousness"). In the continuity of his misrepresentation of the Malta investigation, Mr. Dadrian provides no real discussion on the documents seized by British army, and the comments of British diplomats like W. S. Edmonds ("There is not enough evidence here to bring home the charge of massacre any closer") or D. G. Osborne ("On the contrary, the last paragraph of the order of the Minister of the Interior specifically warns against measures liable to lead to massacres").<sup>73</sup>

Mr. Dadrian relies also to the book Falih Rifık Atay, pp. 339-340. Atay wrote (italics added):

*"One day, he [Talat] again called out for me from the office. There was an applicant [man] next to him. He said: 'Write a letter to the Mutasarrıf [sub-governor] of Izmit and recommend them to definitely do the work of this Gentleman'.*

*I wrote and brought [the letter]. He signed it. The poor man took the letter and left by giving his thanks. A little later, they had told me that the Minister [Talat] wanted to see me. I went [to see him]. He said: 'write a ciphered telegram to the Mutasarrıf of Izmit and inform him that the letter I sent has no importance'."*<sup>74</sup>

At first, Atay was speaking about a letter of recommendation, demented by a cipher telegram giving this time an order, and not about an order by cipher telegram denying another, which is already sufficient to diminish the pertinence of this book for this controversy. Secondly, nowhere in this quotation, or in the rest of his book, Falih Rifık Atay gives any indication that this event was an example of a "routine practice" or a "system" (as asserted by Mr. Dadrian pp. 328 and 339), still less a practice involving the Armenian relocation.

Mr. Dadrian argues that "in his memoirs, the American Ambassador in Istanbul reveals another feature of Talat's cover and informal methods of transacting party and/or government business that is not mentioned anywhere else": a "telegraphic equipment in the privacy of his home". Heath W. Lowry established, in comparing the diary of Morgenthau with his allegations in the Story that the former Ambassador rewrote entirely the scene, and, in particular, that the "telegraphic equipment" was

73 Salâhi R. Sonyel, "Armenian Deportations: A Re-Appraisal in the Light of New Documents," *Belleleten*, January 1972, pp. 58-60; id. (ed.), *Displacement of the Armenians: Documents*, Ankara: TTK/Baylan Matbaası, 1978; id., *The Great War and the Tragedy of Anatolia. Turks and Armenians in the Maelstrom of Major Powers*, Ankara: TTK, 2000, pp. 114-120.

74 Quoted and translated in Erman Şahin, art. cit., p. 134.

nothing but an invention.<sup>75</sup> In his diary, Morgenthau mentioned a telephone, and did not assert that Talat was using this to send secret orders. Morgenthau's diary was entirely published online by the Gomidas Institute, so anybody can check that Mr. Lowry's finding is right.<sup>76</sup>

Not only the allegations of "double track" are baseless, but the information of the documents given by Şinasi Orel and Sürreya Yuca are largely corroborated by later findings.

***Dr. Hilmar Kaiser, a supporter of the "Armenian genocide" allegations, acknowledged that trials occurred actually in 1916, and that he does not know how to reply to this contra-genocide argument.***

Especially important are the documents demonstrating that the Ottoman government asked the punishment of the Muslims who attacked Armenian exiles.<sup>77</sup> This issue is much better known today. It is established that, following the initiative of Talat, the Ottoman government created three commissions<sup>78</sup> to investigate the complaints of Armenians and the denunciations of civil servants, including Şükrü Bey (his role is discussed below). It is also established that, as a result, in March-April, 1 673 Muslim were sent to martial-courts, including 67 who were sentenced to

death and hanged, 524 were sentenced to jail, 68 received other punishment, including forced labor.<sup>79</sup> It was the most active time of repression, but not the single. For instance, Cerkez Ahmed and Galati Halil were arrested in September 1915 for murders (especially the assassination of Krikor Zohrab and Seringulian Vartkes, two Armenian deputies of the Ottoman Assembly) and robberies, sentenced to death and hanged in November, under the authority of Cemal Paşa, who followed the instruction of Talat Paşa.<sup>80</sup> These facts constitute one of the most destructive rebuttals of Andonian's material, especially the "documents" asking to kill all the Armenians and to prevent the investigation against the perpetrators.<sup>81</sup> Even more especially, the trial and the death-sentence of Ahmed and Halil destroy the credibility of the unpublished "file" conserved by Andonian (which disappeared opportunely, like the other "telegrams") about Zorhab's assassination, used by "Krieger" and praised by

75 Heath Lowry, *The Story Behind "Ambassador Morgenthau's Story"*, Istanbul: The Isis Press, 1990, pp. 47-50. For other analysis of Morgenthau's book see Şükrü Server Aya, *The Genocide of Truth Continues... But Facts Tell the Real Story*, Istanbul: Derin, 2010, pp. 274-331; Ralph Elliot Cook, *The United States and the Armenian Question, 1894-1924*, Ph.D. dissertation, Flechter School of Law and Diplomacy, 1957, p. 129; Clinton Hartley Grattan, *Why We Fought*, New York: The Vanguard Press, 1929, pp. 250-251; George Abel Schreiner, *The Craft Sinister*, New York: G. Albert Geyer, 1920, pp. XXI and 125-126, <http://ia340943.us.archive.org/2/items/craftsinisterdip00schruoft/craftsinisterdip00schruoft.pdf>

76 [http://gomidas.org/gida/index\\_and\\_%20documents/MorgRecords\\_index\\_and\\_documents/with%20frames/index\\_archives\\_MorgRecords.htm](http://gomidas.org/gida/index_and_%20documents/MorgRecords_index_and_documents/with%20frames/index_archives_MorgRecords.htm)

77 Şinasi Orel and Sürreya Yuca, op. cit., pp. 125-127.

78 Yusuf Halaçoğlu, *Facts...*, op. cit., pp. 84-86; Hikmet Özdemir and Yusuf Sarıay, op. cit., p. 294.

79 Kemal Çiçek, art. cit., pp. 125 and 133; Yusuf Halaçoğlu, *The Story...*, op. cit., pp. 82-87.

80 Guenter Lewy, op. cit., pp. 112-113; Hikmet Özdemir and Yusuf Sarıay, op. cit., p. 261. For other cases, see Stanford J. Shaw, op. cit., tome I, pp. 57-58.

81 *Memoirs...*, p. 17.

Mr. Ternon.<sup>82</sup> Dr. Hilmar Kaiser, a supporter of the "Armenian genocide" allegations, acknowledged that trials occurred actually in 1916, and that he does not know how to reply to this contra-genocide argument.<sup>83</sup>

Similarly, it is solidly established that the Ottoman administration allocated an important budget to give food and other needed aid to the Armenian exiles, and allowed — contrary to the allegations of Andonian and other supporters of the "general extermination" charge —, the Western relief groups to give food to displaced Armenians,<sup>84</sup> despite that the great majority of the relief from Western countries was devoted to the Christians, the Muslims, i.e. the majority of the Ottoman population, receiving only a small minority. William W. Peet, the American head of the International Armenian Relief Effort in İstanbul, explained that Talat "gave prompt attention to my requests, frequently greeting me as I called upon him in his office with the introductory remark: 'We are partners, what can I do for your today?'"<sup>85</sup>

These facts, never seriously challenged by the Armenian side, would be sufficient to demonstrate that the Andonian material is nothing but forgeries; however, the rest of the argumentation in favor of the "probable authenticity" will be studied now.

## The Internal Critique

### Signatures (1)

There is at least one point where both Andonian and his contemporary advocates on one side, Şinasi Orel, Sürreya Yuca and those who share their main conclusions on the other side, agree: the signature of governor Abdülhalik is a fundamental issue for the "authenticity" or not of the Andonian "documents." Şinasi Orel and Sürreya Yuca argued that the signature of Abdülhalik in authentic document is completely different of the "signature" in Andonian "documents." In his reply, Mr. Dadrian uses two main arguments:

- 1) "The matter can hardly be settled on the basis of inspecting printed pages that consist of reproductions, and in some cases, of consecutive reproductions." The differences are actually sufficiently obvious and the reproductions of the alleged signatory are not so bad. Moreover, the ultimate logical consequence

82 Yves Ternon, *Enquête...*, op. cit., pp. 199-204, [http://www.imprescriptible.fr/ternon/3\\_chapitre7](http://www.imprescriptible.fr/ternon/3_chapitre7)

83 *The Armenian Weekly*, March 8, 2008.

84 Yusuf Halaçoğlu, *The Story...*, op. cit., pp. 71-82; Guenter Lewy, op. cit., pp. 65, 194-198 and 218-220.

85 Louise Jenison Peet, *No Less Honor: The Biography of William Wheelock Peet*, Chattanooga: E. A. Andrews, 1939, p. 170 (based on W. W. Peet's personal papers).



of such a reply is to dismiss any possibility of checking on any of the Andonian “documents”.

- 2) “The determination of whether there are substantial differences in the two versions of the signature in question is a much more complicated task than that performed by these critics; one may even dispute the existence of any important differences.” One more time, the differences are very clear, and Mr. Dadrian fails to give any explanations. Mr. Ternon himself acknowledges the differences, and suggests that “Abdulhalik modified deliberately his signatory on secret documents, with the goal to annul, one more time, the document”.<sup>86</sup> This is not only in contradiction with Mr. Dadrian’s denial, but also a completely absurd and baseless supposition, a desperate attempt to challenge what is obvious.

Mr. Dadrian and Mr. Ternon avoid also replying on the resemblance between the forged signatories attributed to Mustafa Abdulhalik and those attributed to the governor of Aleppo Abdulhad Nuri.<sup>87</sup>

Another problem, not sufficiently expressed by Şinasi Orel and Sürreya Yuca, is that, in the authentic documents, Abdülhalik signs “The governor of Aleppo (Halep valisi)” and in the Andonian “telegrams”, the signatory is simply “The governor (vali)”.<sup>88</sup> Similarly, in the numerous documents from the Ottoman archives used by scholars, including many documents published,<sup>89</sup> Talat Pasha signed “The Minister” or “The Minister, Talat”; but never “The Minister of Interior Talat”, a signatory systematically used in the “telegrams” of Andonian. This question was raised in the 2000’s by Yusuf Halaçoğlu and Jean-Louis Mattei.<sup>90</sup> No reply from the nationalist Armenian side followed.

Anyway, both Mr. Dadrian (p. 324) and Mr. Ternon argue also of the checking carried out by the Armenian National Union/Union nationale arménienne at Aleppo, for the Andonian “documents” in general and for the signature in particular. Mr. Dadrian refers to “two specific tests”, one involving the work of Naim — and it was seen before that this is a circular reasoning — one being a comparison with “several specimens of Aleppo Governor Abdülhalik signature and handwritten notes”. For this second “test”, all the credibility depends of the reliability of this Armenian group.

One more time, appears the question raised by Şinasi Orel and Sürreya Yuca, and

86 Yves Ternon, *Enquête...*, op. cit., p. 63, [http://www.imprescriptible.fr/ternon/1\\_chapitre5](http://www.imprescriptible.fr/ternon/1_chapitre5)

87 Şinasi Orel and Sürreya Yuca, op. cit., pp. 56-57.

88 Şinasi Orel and Sürreya Yuca, op. cit., pp. 53 and 57-59. I express my thanks to Jean-Louis Mattei to have called my attention to this point.

89 Hikmet Özdemir and Yusuf Sarıncay, op. cit., passim; Şinasi Orel and Sürreya Yuca, op. cit., passim.

90 Jean-Louis Mattei, *ibid.*

unresolved by the supporters of "probable authenticity": why the British and the French authorities, who were looking for evidence against Ottoman officials, were never involved in the operation, and did not give credit to it? But there are other reasons to consider as unreliable the findings of the Armenian Nationale Union/Union nationale arménienne. As explains Mr. Ternon himself, the Union nationale arménienne was a branch of the Armenian General Benevolent Union (AGBU), and so, of the Ramkavar party.<sup>91</sup>

In a letter to the French Minister of Foreign Affairs, Boghos Nubar, as a leader of the Union nationale arménienne, complained about the treatment of the Armenian volunteers of the Légion d'Orient (separated few weeks after in a Légion syrienne and a Légion arménienne).<sup>92</sup> General Jules Hamelin, chief of the French armies in the Near East, replied that the allegations were baseless. Hamelin added that he sent the Légion d'Orient from Syria to Cilicia because the Armenian "exactions against the Muslim population" at the end of 1918 prevented him to maintain this military unit in Syria, and that the attacks by Armenians continued "every day" in Cilicia ("robberies, hold-ups, pillages, murders"), forcing the French officers to punish the perpetrators. In March, Hamelin went further, warning that France was not, and would be never awarded by any gratitude from the Armenians.<sup>93</sup> Hamelin blamed explicitly the Armenian committees for their "pernicious influence" on the legionnaires, especially the Union nationale arménienne, for its "excitations to indiscipline, and against France", in a "systematic" way. Hamelin supported his conclusions by letters sent from Egypt and USA to Armenian legionnaires, by Boghos Nubar's organizations. These letters contain indeed a strident anti-French propaganda.<sup>94</sup> Assuming Hamelin's findings, the official French military history blames both the Union nationale arménienne and the Ramkavar ("Comité d'Égypte") for a defamatory campaign against France, campaign due to the punishments given by the French military judiciary to Armenian soldiers who perpetrated crimes against Turkish civilians.<sup>95</sup>

Captain Roger de Gontaut-Biron, a staff officer of the High Commissioner François Georges-Picot in the Near East, corroborated fully the Hamelin's account. He

91 Yves Ternon, *Enquête...*, op. cit., p. 31, [http://www.imprescriptible.fr/ternon/1\\_chapitre2](http://www.imprescriptible.fr/ternon/1_chapitre2)

92 Lettre de Boghos Nubar au ministre, 13 janvier, archives du ministère des Affaires étrangères (AMAE), microfilm P 1426.

93 Télégrammes du général Hamelin, 2, 25, 26 février, 4, 5 mars 1919 ; lettre du général Hamelin au ministre de la Guerre, 15 février 1919 ; lettre du président du Conseil au ministre des Affaires étrangères, 25 février 1919 ; télégramme de Georges Picot, 19 février 1919, télégrammes de l'amiral Cassard au ministère de la Marine, 13 février, 1er mars 1919, *ibid*.

94 Lettre du général Hamelin au ministre de la Guerre, 27 juin 1919 ; rapport au président du Conseil, 10 septembre, AMAE, P 16672 and 16673. See also Général Hamelin à M. le général commandant le XX<sup>e</sup> corps britannique, 20 mars 1919 ; Général Hamelin au ministre de la Guerre, 27 juin 1919 ; Général Hamelin à M. le commandant des troupes françaises en Cilicie, 20 août 1919, Service historique de la défense nationale, 4 H 47, dossier 6.

95 *Les Armées françaises au Levant*, Vincennes, Service historique de l'armée de terre, tome I, 1979, p. 123, quoted and translated in Stanford J. Shaw, *From Empire to Republic*, op. cit. tome II, pp. 878-879.

mentioned the bad and disturbing influence of the Union nationale arménienne on the Armenian legionnaires and led them to commit numerous crimes against the Muslim civilians and acts of rebellion against their French officer. Gontaut-Biron complained of its “obvious bad faith” and the “hugely exaggerated” grievances against the French army.<sup>96</sup>

The Armenian Legion itself was disbanded in 1920, because the numerous troubles which most of its members provoked,<sup>97</sup> but Boghos Nubar continued his bitter and unsubstantiated critics, for instance in alleging that France promised Cilicia as the land for an “autonomous Armenia”, an assertion which was completely false.<sup>98</sup> Even Aram Turabian, in charge of the recruitment of Armenian volunteers for the French Foreign Legion, criticized strongly the lack of loyalty and sincerity of Boghos Nubar vis-à-vis France, from another perspective: the double negotiations and double speech about a Western mandate on Cilicia, with both France and USA, at the same time, a strategy which had no result but only discredited the Armenian parties in Paris.<sup>99</sup>

Since the Union nationale arménienne and its holding group Ramkavar showed, as early as the beginning of 1919, such a disloyal and dishonest attitude against an actual ally — against the single power which occupied a territory claimed by the Armenian nationalists — who could trust their grievances against the Turks, who they considered as their arch-enemy?

Anyway, these Armenian groups diffused so clumsy propaganda in 1919-1920, i.e. when the translations into French and into English of the Andonian material were made and published, that the British diplomats W. S. Edmonds and D. G. Osborne warned the Foreign Office against these “alarmist rumors” and this “fallacy of the massacres and deportations”.<sup>100</sup> Admiral Mark Bristol, US High Commissioner, made a similar analysis, and even Zenope Bezdjian, head of the Protestant Armenian community, acknowledged that considerable exaggerations were diffused by the

96 Roger de Gontaut-Biron, *Comment la France s'est installée en Syrie (1918-1919)*, Paris : Plon, 1922, pp. 54-55, <http://www.archive.org/download/commentlafrances00gontuoft/commentlafrances00gontuoft.pdf>

97 Année 1920 — Dossier relatif à divers incidents qui ont lieu à la Légion arménienne, SHDN, 4 H 47, dossier 6 ; Lettre du ministre de la Guerre au ministre des Affaires étrangères, 20 mai 1920 ; réponse du ministre des Affaires étrangères, 18 juin ; ministre de la Guerre au ministre des Affaires étrangères, 12 juillet, AMAE, P 1426. See also, Paul Bernard, *Six mois en Cilicie*, Aix-en-Provence : Éditions du Feu, 1929, pp. 36-37, 45-49, 59-60, 63, 70-73, 82, 85-94 ; Édouard Brémond, *La Cilicie en 1919-1920*, Paris : Imprimerie nationale, 1921, p. 66.

98 Lettres de M. de Selves, président de la commission des Affaires étrangères du Sénat, au président du Conseil, 28 décembre 1920 et 13 février 1921, AMAE, P 16670 ; Réponse à des questions posées par la commission des Affaires extérieures du Sénat, 29 novembre 1921, AMAE, P 16676.

99 Aram Turabian, *L'Éternelle victime de la diplomatie européenne : l'Arménie*, Marseille : Imprimerie nouvelle, 1929, pp. 66-72. (It is needless to say that whatever could Turabian's incontrovertible and interesting lucidity on some subjects, his strident anti-Turkish racism takes off any credibility to him on several other points.) See also, vice-consul Guernonprez au ministère, 28 janvier, 14 juillet 1919 ; télégramme de Georges Picot au ministère, 16 juillet, AMAE, P 16670 and P 16672.

100 Salâhi R. Soneyel, “How Armenian Propaganda Nurtured a Gullible Christian World in Connection With the Deportations and ‘Massacres’”, *Bellesten*, January 1977, pp. 167-168; “Armenian Deportations”, art. cit., p. 65.

Armenian propaganda.<sup>101</sup> The intelligence service of the French Navy warned several times Paris against the "Armeno-Greek provocations", especially the "so-called massacres in Cilicia" of March 1920.<sup>102</sup>

## Signatures (2)

Ms. Kuyumjian invents another argument (my emphasis):

*"As regards the debate over the signature of the Vali (the governor of Aleppo) Mustafa Abdul Halik, the German Consul compared it with signatures on documents in his possession from the same period signed by Mustafa Abdul Halik when Rössler was stationed in Aleppo, and concluded that it looked alike."*<sup>103</sup>

She refers not directly to Walter Rössler, but to Yves Ternon. Actually, nor Walter Rössler neither even Yves Ternon pretend that the German Consul had "documents in his possession". Rössler said actually (my emphasis):

*"The authenticity of the telegrams sent from Constantinople and containing the instructions of the Ministry of Internal Affairs is of course very difficult to establish, because they contain only the handwriting of the civil servant of Telegraph or of the person in charge of deciphering. However, I believe to recognize the signatory of the vali Mustafa Abulhalik Bey. Anyway, it should be possible to check this signatory in Aleppo, and in doing like that, one would give an indirect proof of the authenticity of the Ministry of Internal Affairs' telegrams."*<sup>104</sup>

Mr. Ternon summarized it by the following paraphrase:

*"Rössler had stated that he supposed to recognize on the originals of these telegrams the signatory of Mustafa Abdulhalik. (Rössler avait déclaré qu'il lui semblait reconnaître sur les originaux de ces télégrammes la signature de Mustafa Abdulhalik.)"*<sup>105</sup>

Mr. Ternon himself commits another misrepresentation: Rössler did not claim to

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101 Yücel Güçlü, op. cit., pp. 124-127; Heath W. Lowry, "American Observers in Anatolia ca. 1920: The Bristol Papers," *Armenians in the Ottoman Empire...*, op. cit., pp. 42-58. On the Kars affair, see also Défaite de l'armée arménienne, 6 janvier 1921, AMAE, P 16675.

102 Lieutenant de Vaisseau Rollin, chef du S.R. Marine, 19 octobre 1920, AMAE, P 16674.

103 Rita Kuyumjian, op. cit., pp. 30-32.

104 *Procès...*, p. 228.

105 Yves Ternon, *Enquête...*, op. cit., p. 63, [http://www.imprescriptible.fr/ternon/1\\_chapitre5](http://www.imprescriptible.fr/ternon/1_chapitre5)

have read “the originals” but only, as Mr. Dadrian points — for one time correctly — “the French version” (p. 324) with facsimiles.<sup>106</sup>

Rössler’s recollections of 1921 seem especially questionable. For instance, he alleges “a general impression of authenticity”, without making any reference to the “telegrams” where Talat is supposed to ask the “extermination” of the Armenians to the prefecture of Aleppo. As a former Consul in this city during the war, Rössler was in a good position to understand that these telegrams were obvious forgeries.

*Lepsius, who never set foot in Anatolia during WWI, was a major piece of a propaganda machine working in practice for the Entente and against Germany’s interest;*

Mr. Dadrian indicates rightfully (pp. 324-325) that Rössler was “induced to prepare his above-mentioned evaluation in a confidential report to Johannes Lepsius, the author of the massive compilation of German Foreign Office documents on the Armenian deportations and massacres.” But such a relation is not a positive indication for Rössler’s objectivity, since Lepsius falsified largely his material, as established by a systematic comparison between the originals and the version published in

1919.<sup>107</sup> Frank G. Weber, an historian rather sympathetic to the Armenian claims, gives this interesting information on Lepsius:

*“What he [Lepsius] wrote was not always up to date or unbiased. [...]*

*Meanwhile, the incorrigible professor Lepsius ground out brochures and pamphlets claiming that the German banking and finance, the navy, the Chancellor, and even Hindenburg, all disgusted at the Armenian atrocities, favored peace and satisfaction of Britain’s claims at Turkey’s expense. The Foreign Ministry had to deny all this through Kühlman, but it was impossible to shut up the professor because had taken refuge in a Dutch coastal resort and there merrily spun out his fulminations and intrigue.”<sup>108</sup>*

Actually, Lepsius, who never set foot in Anatolia during WWI, was a major piece of a propaganda machine working in practice for the Entente and against Germany’s interest;<sup>109</sup> it is not a good indication for Rössler’s lucidity that a German patriot like him was compromised with somebody who could be appropriately called a traitor to Germany.

106 See also *Procès...*, p. 226: Rössler explains that he “received the book of A. Andonian”.

107 Cem Özgönül, *Der Mythos Eines Völkermordes*, Köln: Öner Verlag, 2005.

108 Frank G. Weber, *Eagles on the Crescent. Germany, Austria and the Diplomacy of the Turkish Alliance. 1914-1918*, Ithaca (NY)-London: Cornell University Press, 1970, pp. 151 and 216.

109 Stanford J. Shaw, *The Ottoman Empire in World War I*, Ankara: TTK, tome II, 2008, pp. 1113-1128.

### The Code Keys and the Legend on Special Organization

Extremely laconic and unconvincing is the reply of Mr. Dadrian about the aberrations of the codes used in Andonian "documents" (p. 322):

*"The matter of changing code keys is related to a regular, structured communication system, not necessarily applicable to the ad hoc improvisations surrounding the deportations and massacres. These improvisations were not enacted by the General Staff, the author's reference point, but by the Interior Ministry, its subsidiary agencies, and the Special Organization. Moreover, 'the chronic confusion in the archives of the Ottoman General Staff during the war' has been pointed out [by Philip H. Stoddard]."*

Mr. Dadrian asserts without any proof about the "ad hoc improvisations", of which he fails to demonstrate the simple existence. He misrepresents the argumentation about the code key. Şinasi Orel and Sürreya Yuca give, as evidence, telegrams sent by Talat Pasha, as Minister of Internal Affairs: it shows clearly that the Ottoman Ministry of Interior used in 1915 code keys of five numbers instead of three numbers.<sup>110</sup> Mr. Dadrian forgets other arguments. Şinasi Orel and Sürreya Yuca explain that it is almost impossible to decipher a telegram ciphered by both groups of two and groups of three, as used in some telegrams.<sup>111</sup> The disappearance of the code key in several telegrams, which Mr. Ternon himself considers as a very serious problem, at least in relying on legal criteria,<sup>112</sup> is not explained by any supporter of the "probable authenticity" of the Andonian "documents".

Anyway, it is very difficult to understand why Mr. Dadrian rejects the pertinence of the Ottoman General Staff's archives for this precise point, and in the next sentence makes a comment about these very same archives. He relies to the Ph.D. thesis of Philip H. Stoddard, but nothing in the context of the mentioned page suggests that Dr. Stoddard was referring to the code keys. In addition, Dr. Stoddard did never support Mr. Dadrian's allegations against the Special Organization, quite the contrary, and co-signed in May 1985 the petition of 69 scholars asking to the US Congress to avoid using the "genocide" label for the Armenian case, petition published in *The New York Times*, *The Washington Post* and *The Washington Times*.<sup>113</sup> It is now completely established that the allegations of SO's participation to the forced displacement and massacres of Armenians are based on nothing but

110 Şinasi Orel and Sürreya Yuca, op. cit., pp. 87-92.

111 Şinasi Orel and Sürreya Yuca, op. cit., p. 71. See also p. 86.

112 Yves Ternon, art. cit., p. 138.

113 <http://www.historyoftruth.com/declaration-made-by-american-academicians-may-19-1985>

falsifications of sources and a complete negligence of the relevant Ottoman archival documents.<sup>114</sup> For instance, Mr. Dadrian, followed without precaution by Mr. Ternon and Mr. Akçam, alleges (p. 357, n. 108) that, according to the Memoirs of Arif Cemil Denker, “Şakir conveyed in Erzurum a meeting of his top aides” in February 1915, that “he was subsequently able to persuade his cohorts in İstanbul that the Special Organization had to shift its operations from the external to the internal front, involving the Armenians.”

What Arif Cemil Denker said actually is very different (*italics added*):

*“In İstanbul, Dr. Bahaettin Şakir Bey has now decided to concentrate on the country’s internal enemies by abandoning the Special Organization’s affairs related to foreign enemies.*

*This was because Dr. Bahaettin Şakir Bey has witnessed many facts during the period of four-five months he has spent in Erzurum and at different points of the Caucasian front. The attitude the Armenians have taken against Turkey and the assistance they provided to the Russian army have convinced him [Bahaettin Şakir] that it was necessary to fear the internal enemies as much as the external ones. By forming bands, the Armenians inside were threatening the rear of our army and were trying to cut our lines of retreat.”<sup>115</sup>*

Arif Cemil Denker affirmed even that “the deportation of the Armenians is totally beyond the action of the Special Organization (Ermenilerin Tehciri meselesi Teşkilatı Mahsusa mevzuunun büsbütün harincinde kalmaktadır).”<sup>116</sup>

Mr. Dadrian (p. 358) and Mr. Ternon distort also the meaning of Philip H. Stoddard: “the fear of a future Armenian independence on a territory separated from the Ottoman Empire, was, adds [Stoddard] an important factor in the strategy of the S.O.”<sup>117</sup> The context of Dr. Stoddard’s short remark about this fear shows clearly that he was meaning only to operations in Central Asia, instead to any participation to the Armenian relocations:

*“Steps to cause an uprising of Muslim Turks in Russian Central Asia — this*

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114 Edward J. Erickson, “Armenian Massacres: New Records Undercut Old Blame,” *The Middle East Quarterly*, XIII-3, Summer 2006, pp. 67-75, <http://www.meforum.org/991/armenian-massacres-new-records-undercut-old-blame> ; Guenter Lewy, op. cit., pp. 82-88; Erman Şahin, “Review Essay: the Armenian Question,” art. cit., pp. 151 and 153; Stanford J. Shaw, *The Ottoman...*, op. cit., tome I, 2006, pp. 373-409; Arslan Terzioğlu, “The Armenian Deportation in Line With National and Foreign Sources of Information,” in Selçuk Erez and Mehmet Saray (ed.), *Uluslararası Türk-Ermeni İlişkileri Sempozyumu*, İstanbul: İstanbul University, 2001, pp. 321-358.

115 Quoted and translated in Erman Şahin, “Review Essay: the Armenian Question,” art. cit., p. 151.

116 Quoted and translated in Arslan Terzioğlu, art. cit. p. 328 (quotation in Turkish p. 306).

117 [http://www.imprescriptible.fr/ternon/3\\_chapitre4](http://www.imprescriptible.fr/ternon/3_chapitre4)

*would thwart any Russian-Armenian plans for an independent Armenia carved out the Ottoman territory.”<sup>118</sup>*

Both Mr. Ternon and Mr. Dadrian (p. 346, n. 21) write wrongly that Mr. Stoddard's thesis was presented in University of Michigan, instead of Princeton University; such a error is not a good indication of a careful reading of Dr. Stoddard's work.

According to Mr. Dadrian (p. 331), a report of German Major Stange has “extraordinary importance” because Stange

*“was the highest German officer commanding Turkish guerilla units, which were operating in the border areas before being shifted to brigandage against the Armenian deportees convoys.”*

But, as demonstrated by Dr. Edward J. Erickson, Stange, “a conventional military officer with no special knowledge of guerilla operations” commanded indeed 1,430 members of the Special Organization, but, as early as December 1914 (i.e. before the forced displacement of Armenians) he “kept the Special Organization engaged in conventional military operations” and “Special Organization units associated with Stange were not redeployed from the Caucasian front to deport and massacre Armenians.”<sup>119</sup> The German officer Paul Leverkuen wrote in his Memoirs that the Stange Detachment included Armenians,<sup>120</sup> a fact more than difficult to conciliate with the thesis of a participation of the Stange detachment to any “extermination campaign against the Armenians”, and also with any allegations of a campaign of this kind by the Ottoman army. Last but not least, Stange justified explicitly the forced displacement of the Armenians from Erzurum by the insurrectional activities of the Armenian revolutionaries, and their attacks against the Muslim population.<sup>121</sup>

Mr. Dadrian misrepresents equally (p. 351, n. 52) the role of Ahmed Refik (Altınay), who was not “a captain at the War Office's Intelligence Section”. A virulent opponent to the CUP even before 1914, he was appointed in the beginning of the war as a major (not a captain) in Eskişehir (Western Anatolia), where he was in charge of the Recruitment Department; as early as 1915, he was transferred to the civil service. The quotation used is especially unconvincing, since Altınay mentions the case of Ahmed and Halil, the murderers of two Armenian deputies in the Ottoman Parliament, and immediately after accuses the CUP government of

118 Philip H. Stoddard, *The Ottoman Government and the Arabs. A Preliminary Study of the Teskilat-I Mahsusa*, Ph.D. dissertation, Princeton University, 1963, p. 56.

119 Edward J. Erickson, “Armenian Massacres: New Records Undercut Old Blame,” art. cit.

120 Paul Leverkuen, *Posten auf ewiger Wache: Aus dem abenteuerlichen Leben des Max von Scheubner-Richter*, Essen: Essener Verlagsanstalt, 1938, p. 33.

121 Cem Özgönül, op. cit., p. 200.



extermination designs. Actually, Ahmed and Halil were arrested following an order of Talat, sentenced to death and hanged under the authority of Cemal Pasha, Minister of Navy and number 3 of the government, as seen previously.

### The Signs of Besmele

The two “letters” published by Andonian include an obviously wrong sign of Besmele, a religious insignia placed on the top of the Ottoman documents. Especially, the size of the “bismallah” sign is much bigger and of a clearly different form than in the authentic Ottoman documents: for instance, in the authentic documents, the “bismillah” is closed, a bit like a Greek alpha, but open in the Andonian “documents.”<sup>122</sup> This is not, as Mr. Dadrian alleges (p. 321), “minuscule variation in the positioning of signs”; and if “handwriting, as compared with standardized printing, is intrinsically irregular in any language”, there are “in any language” graphical aberrations which cannot be committed any literate person, especially if religion is implied. It is significant that, like in several other occasions, Mr. Dadrian asserts without any detailed analysis.

In addition, the majority of the Andonian “documents” do not include the Besmele sign, which should necessarily be present<sup>123</sup> — so, this absence in itself sufficient to consider these “documents” as very suspect.

### The Paper of the “Documents”

Şinasi Orel and Sürreya Yuca observed that all but two Andonian “documents” are written on ordinary paper, instead of the official paper of the Ottoman Empire; three are even written on a paper for notebook in primary schools. Mr. Dadrian replies (p. 321) in referring to a book of Ahmed Reşit Rey, a civil servant during WWI. The passage used is the following:

*“After the State Council reviewed my application, it found me rightful and decided on doing what is necessary about the application. This way, I was rescued from unjustly losing each month one thousand three hundred kouroush. As an additional benefit of my application, during this process, I saw in the file a letter written to the Prime Ministry. Minister of Internal Affairs Talat Bey, who had written the letter, never mentioned me as if I had vaporized in Aleppo and as if the Aleppo Governorship was empty,*

122 Şinasi Orel and Sürreya Yuca, op. cit., pp. 46-50 and 188-264; Hikmet Özdemir and Yusuf Sarıay, op. cit., passim. This analysis was confirmed to me by Jean-Louis Mattei.

123 I express my thanks to Yusuf Halaçoğlu and Jean-Louis Mattei, who attired my attention on this important point.

*submitted to the Prime Ministry the name of a general from the army for this post, whose name I forgot, with a letter, who knows where and when was written, because it was inscribed on an ordinary paper and probably they were not able to find one with letterheads.*"<sup>124</sup>

The author was, as this text explains, a bitter critique of Talat, and not an impartial observer. He does not refer to the paper of any school. Last but not least, he is only speculating, having no way to know that "they were not able to find one with letterheads". He could make confusion between the draft and the letter itself. To reinforce this very weak argument, Mr. Dadrian uses the "testimony" of "Naim himself" (pp. 321 and 345, n. 13). We saw how unconvincing is such a reference.

The single pertinent argument which could dismiss the use of ordinary paper would be the discovery in the Ottoman archives of a telegram written on such paper. Mr. Dadrian never wanted to work in these archives, and such a telegram was never found by nobody else, not even Taner Akçam, Vahakn Dadrian's disciple, who worked many times within the archives of İstanbul. The alleged letter itself was not discovered.

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### **Grammatical and Stylistical Problems**

About the grammatical issues raised by Şinasi Orel and Sürreya Yuca, Mr. Dadrian replies by generalities on the — undisputed — difficulties of the Ottoman language especially about the "chaotic sway of Persian and Arabic" and on second-hand comments about two texts written in Ottoman, including an (authentic) letter of Talat (pp. 321-322). Such a reply is largely irrelevant, since it is the specifically Turkish part of the Ottoman language which is mistreated in some Andonian "documents" and so targeted by Şinasi Orel and Sürreya Yuca. Barely more pertinent is the comment of İsmail Hami Danişmend on a letter supposedly in written in "bad" Turkish by Talat in 1918: no kind of general analysis of Talat's mastering of the Ottoman language, and no kind of grammatical comparison between the alleged "bad" Turkish of this letter with the errors contained by several telegrams is provided.

124 Ahmed Reşit Rey, *Gördüklerim-Yaptıklarım (1890-1922)*, İstanbul, 1945, p. 117.

Concerning the very strange style of several “documents” (like the two “letters”), looking like a clumsy fabrication of self-confession more than to an authentic document,<sup>125</sup> Mr. Dadrians replies just nothing.

### Chronological Aberrations

The “cipher telegram” attributed to Talat Pasha and dated of September 3, 1331 (September 16, 1915) contains a note attributed to Abdülhalik, as governor of Aleppo, and dated of September 5, 1331. But at that time, Abdülhalik was not yet governor of Aleppo. Mr. Dadrian himself acknowledges that “should this presumption hold, the cipher becomes highly suspect” (p. 320). All what Mr. Dadrian finds as response is that “instead of the year and the month, the customary symbol *minh* is written, literally meaning ‘from it,’ and roughly translating ‘same’”. Mr. Dadrians takes it as argument to allege that “the indication ‘5’ may have been referring on October 5”. There is absolutely no basis for such a speculation. Quite the contrary, on the “telegram”, the single month named is September, so the *minh* can only refer on September. A similar case can be found in the book of Şinasi Orel and Sürreya Yuca: an authentic telegram dated of March 5, 1331 (March 18, 1915) has two apostilles, one time “fi 5 minhu”, one time of the complete date.<sup>126</sup>

Concerning the two “letters” absurdly dated of February 18, 1331 (April 7, 1915) and March 25, 1331 (March 2, 1916), Mr. Dadrian assert to have found the “key to resolving this confusion” in the “facsimile of the March 25, 1915, letter produced in all three versions, i.e. Armenian, French and English”, which “restores the sequential interconnection between the two” (p. 319). One more time, Mr. Dadrian uses a circular reasoning, with the présupposé that the “documents” are in fact “authentic”. Anyway, this “letter” raises itself a serious problem of date. Andonian alleges indeed that, because this letter, Cemal Bey left Adana to participate to the “massacres of the Armenians.”<sup>127</sup> But in March 1915, the forced displacement did not begin (except for the Armenians of Zeitun, who were displaced to Konya). More important, the “letter” of March 25, 1331 (April 7, 1915), has an obviously forged sign of *Besmele*, as we saw already; both the “letters”, as explained previsously, include stylistical aberrations; and anyway, Mr. Dadrian fails to explain why such “important letters” would had been sent by the ordinary mail. Not very more convincing is the reference to “a similar instance of Şakir’s misplacing dates”. The misplacing concerns, according to what Mr. Dadrian himself explains

<sup>125</sup> Şinasi Orel and Sürreya Yuca, op. cit., pp. 51-52.

<sup>126</sup> Şinasi Orel and Sürreya Yuca, op. cit., p. 205 (translation p. 108). Jean-Louis Mattei must be thanked to have attired my attention on this point.

<sup>127</sup> *Documents*, p. 100.

after, *one* date and not several. More important, the source of Mr. Dadrian, Ernest Ramsaur, speaks of a "misprint" and does not allege clearly that Şakir was responsible of this one.<sup>128</sup>

In the matter of chronology, the problem of the numerotation is at least as serious as those who were discussed in the precedent paragraphs. For instance, the telegram actually sent by the Ministry of Interior to Aleppo on September 3, 1331 (September 16, 1915) has not the number 502 but 78 is devoted to the digging of wells for water in various parts of the Sinai Peninsula. The telegram sent to the same city on September 29, 1331 (1915) has not the number 537 but 95 and has a very different content than the fake document published by Andonian.<sup>129</sup> The "telegram" of March 7, 1332 (March 20, 1916) has the number 819. But at that time, the first day of the year was March 1st. It would mean that the Ottoman government would have sent 819 ciphered telegrams to Aleppo in one week, as noticed Şinasi Orel and Sürreya Yuca. The "telegram" of November 5, 1331 (November 18, 1915) has the number 603. The telegram sent to Aleppo at that date is in the register of the Ottoman Ministry of Internal Affairs; its number is 150, and the content is completely different of Andonian's "telegram". On March 7, 1332 (March 20, 1916), no telegram with the number 819 was sent to Minister of Internal Affairs to Aleppo; the telegram registered has the number 9 and was sent to Antep.<sup>130</sup>

In addition to the discrepancies with the Ottoman archives, there are internal contradictions. The "telegram" of December 12, 1915 received the number 830, but the one of December 29, 1915 received the number 809 and the one of January 1916 received the number 820. Similarly absurd, Andonian gave the same number (76) to two "telegrams" dated of the same year, and sent to same authority.<sup>131</sup> Nor Mr. Dadrian neither any other supporter of the "probable authenticity" of Andonian material attempted to explain these aberrations.

### Other German Comments

Mr. Dadrian writes that Rössler "described these flaws as 'simple errors'" (p. 344, n. 5). In fact, Rössler called "simple errors" only some aberrations of date, and did not give a single argument for this dismissal. More importantly, Rössler said also:

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128 Ernest Edmondson Ramsaur, *The Young Turks. Prelude to the Revolution of 1908*, Princeton: Princeton University Press, 1957, p. 123, n. 73.

129 Şinasi Orel and Sürreya Yuca, op. cit., pp. 66-71.

130 Şinasi Orel and Sürreya Yuca, op. cit., pp. 72 and 79.

131 *Documents*, pp. 106 and 112 ; *Memoirs...*, pp. 54-55 and 72.

*“On the authenticity, or inauthenticity, of the especially important letter, which preceded all the deportations, [and] which the Young Turk Committee addressed to his representative in Adana, Djemal Bey, in date of February 1915 (p. 96 of this book), like on the other letters of the Committee, I can say nothing and I do not see how their authenticity could be proven.”*<sup>132</sup>

As we saw already, Rössler was very critical against other aspects of Andonian’s book, and denied even any objectivity to the author.

Treating at least one of his contradictors like several of his sources, Mr. Dadrian alleges (p. 347, n. 29) that “Ataöv credits Gollnick, the Prosecutor-General at the trial, with a definitive statement declaring the documents as ‘false’; this attribution is false because Gollnick never made such a statement. [...] Gollnick merely raised the possibility of falseness out of a general skepticism.” The real misquotation is made by Mr. Dadrian. Prof. Ataöv wrote actually:

*“Further, many foreign circles take it for granted that the German court which tried Tehlirian, Talat Pasha’s assassin, had accepted or had even endorsed at least some Andonian Naim Bey ‘documents’ as authentic. But the minutes of the court proceedings show that the Court has neither accepted them as evidence, nor judged them as authentic. Tehlirian’s lawyer Von Gordon withdraw them, and the Prosecutor said that the use of false documents cannot mislead him and that he know how so-called documents carrying the signatures of high dignitaries were later proven to be fabrications.”*<sup>133</sup>

This is an accurate summary of the prosecutor’s statement, and indeed, some Armenian authors, and not among the less known, asserted falsely that the documents were accepted during the Tehlirian’s trial.<sup>134</sup> This manipulation does not incite Mr. Dadrian to express any reprobation. Recently, Ms. Kuyumjian asserted falsely that “copies of the telegrams in *Medz Vodjiru* were translated into German and used in Soghomon Tehlirian’s trial in Berlin in 1921. They were given to jurors as evidence of the crimes committed by Talaat, and as proof of the innocence of Soghomon Tehlirian, who had taken vengeance on Talaat in the streets of Berlin.”<sup>135</sup>

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132 *Procès*, pp. 228-229.

133 <http://www.ataa.org/reference/andonian-ataov.html>

134 For instance : Jean-Marie Carzou (Zouloumian), *Arménie 1915 : un génocide exemplaire*, Paris: Flammarion, 1975, p. 248. Seventeen years later, Mary Mangigian Terzian repeated the same lie: *The Armenian Minority Problem. 1914-1934*, Atlanta: Scholar Press, 1992, p. 65.

135 Rita Soulahian, op. cit., pp. 28-29.

The validity of Şinasi Orel and Sürreya Yuca's criticism is even more enlighten by the findings of the inter-Allies investigative commission of İzmir/Smyrna events, 1919:

*"Fears of Christian massacres were unjustified. Investigations have shown that attempts to rally Muslims to a Greek massacre, which came to the attention of the Greek authorities a few weeks before the landing and which were forwarded to Athens, were not written by officers in the Turkish constabulary, whose signatures appeared on these documents. These documents are undoubtedly forgeries."*<sup>136</sup>

The Greco-Armenian cooperation had increased in 1918, and in February 1919, a joint committee was established in London.<sup>137</sup> The coincidence of both time and clumsy technique between the Greek and Armenian forgeries raises necessarily questions.

But whatever could be questionable the arguments of Mr. Dadrian and Mr. Ternon about the "conformity" of the Andonian material to the actual historical facts, this "conformity" will be examined now.

## **The External Critique (1): Inventing a Genocidal Intention**

### **The Trials in Court-Martials of 1919-1920**

This argument deserves a special attention, since it is largely used to defend the "Armenian genocide" label, far beyond the attempts to defend the "probable authenticity" of Andonian "documents", and even far beyond the writings of Mr. Dadrian and Mr. Ternon.

The trial of the Ministers, which happened in İstanbul in 1919 was the most important. Such a trial was legally wrong, since the Constitution of 1876, suspended in 1878 and restored in 1908 by the Young Turk Revolution, ordered

<sup>136</sup> <http://www.sam.gov.tr/perceptions/sampapers/GREEKOCUPATIONOFIZMIR.pdf> For other examples of nationalist Greek propaganda, war crimes and treachery, see, among others, Laurence Evans, op. cit., pp. 179-182 and 272; Dimitri Kitsikis, *Propagande et Pressions en politique internationale : la Grèce et ses revendications à la conférence de la paix (1919-1920)*, Paris: Presses universitaires de France, 1963; Pierre Loti, *Les Alliés qu'il nous faudrait*, Paris: Calmann-Lévy, 1919, pp. 28-38, 62-64, 71-74, 77-78, 90-91, 97-103, 106-117, 123, <http://www.archive.org/download/alliesquilnous00loti/alliesquilnous00loti.pdf> ; Justin McCarthy, *Muslims and Minorities. The Population of Ottoman Anatolia and the End of Empire*, New York-London: New York University Press, 1983, pp. 89-99; id., *Death and Exile. The Ethnic Cleansing of Ottoman Muslims, 1821-1922*, Princeton: Darwin Press, 1995, pp. 255-332; Stanford J. Shaw, *From Empire....*, op. cit., tome II, pp. 469-480, 507-539 and III-1, pp. 1260-1290.

<sup>137</sup> Attaché militaire à Berne au ministère des Affaires étrangères, 29 janvier 1919, AMAE, P 16670 ; Salâhi R. Sonyel, *Minorities and the Destruction of the Ottoman Empire*, Ankara: TTK, 1993, pp. 345-347 ; Aram Turabian, *L'Éternelle victime....*, op. cit., pp. 244-260.

that the members of the government could be judged for the acts committed only by a special tribunal, the High Court. The Entente Libérale (also called in English “Liberal Union”), which was recreated by the instigations of the British Embassy, thanks to Greek and British money, in 1910-1911,<sup>138</sup> came back to power in 1919 during the occupation of İstanbul thanks to the British pressure, and was even infiltrated by the British Intelligence Service, according to the French officers in Turkey.<sup>139</sup> The party was an arch-enemy of the CUP and wanted to reject all the

*An unconstitutional procedure was chosen by the Entente Libérale to sue former CUP Ministers and their ex-collaborators, because in front of military justice, the indicted persons were not allowed to be assisted by a lawyer during the investigation and did not have the right of cross-examination during the trial.*

possible blames on the CUP’s leaders, both by personal hatred and because an illusory hope to obtain a better peace treaty.<sup>140</sup> For the trial of the Ministers, even Oskan Mardikian, former Minister (CUP) of Post and Telegraph, was indicted.<sup>141</sup>

An unconstitutional procedure was chosen by the Entente Libérale to sue former CUP Ministers and their ex-collaborators, because in front of military justice, the indicted persons were not allowed to be assisted by a lawyer during the investigation and did not have the right of cross-examination during the trial.<sup>142</sup> On May 6, 1919, the defense counsel for the trial of the Ministers “challenged the court’s repeated

references to the indictment as proven fact, but the court rejected the objection.”<sup>143</sup> The American High Commissioner in İstanbul Lewis Heck noted with disapproval that the defendants of the Yozgat trial would be tried by “anonymous court material”.<sup>144</sup> The government of Damat Ferit Pasha himself was disturbed by the numerous abuses of Investigation teams, and sent repeated orders — such a repetition being hardly a proof that the orders were applied.<sup>145</sup> But Damat Ferit

138 Berthe Georges-Gaulis, *Angora, Constantinople, Londres*, Paris: Armand Colin, 1922, p. 65, <http://www.archive.org/download/angoraconstantin00geor/angoraconstantin00geor.pdf> ; Edward F. Knight, *The Awakening of Turkey. The Turkish Revolution of 1908*, Boston-Tokyo: J. B. Millet C°, 1910, p. 290, <http://www.archive.org/download/turkeyawakeningo00knigrich/turkeyawakeningo00knigrich.pdf>

139 Lettre du général Pellé au ministre des Affaires étrangères, 22 novembre 1921 ; Notice au sujet de Zeinel Abeddin Bey, novembre 1921, AMAE, P 17785.

140 Hüsamettin Ertürk, *İki Devrin Perde Arkası*, İstanbul: Hilmi Kitapevi, 1957, pp. 370–373; Laurence Evans, *United States Policy and the Partition of Turkey (1914-1924)*, Baltimore-Lewy, op. cit. p. 75; Malcolm E. Yapp, “Review of *The History of the Armenian Genocide*, by V. N. Dadrian,” *Middle Eastern Studies*, XXXII-4, October 1996, p. 397.

141 Ferudun Ata, op. cit., pp. 219-220; Raymond H. Kévorkian, *Le Génocide des Arméniens*, Paris: Odile Jacob, 2006, p. 966, n. 523. Mr. Kévorkian fails to comment this fact, like most of the problems raised by the trials of 1919-1920.

142 Guenter Lewy, op. cit., p. 79.

143 Guenter Lewy, *ibid.*

144 Guenter Lewy, op. cit., p. 80.

145 Ferudun Ata, *İşgal İstanbul’unda Tehcir Yargulamaları*, Ankara: TTK, 2005, p. 148.

Pasha, going even beyond the restriction of the court-martials' ordinary rule, in April 1920, banned the defendants from hiring a lawyer, finishing to suppress any right of defense.<sup>146</sup>

After the forced resignation of Damat Ferit (October 1920), the right to appeal the decisions was eventually accorded, for the sentences pronounced after April 23, 1920. All the persons who had this right appealed, and all were acquitted of every charges by the appeal court.<sup>147</sup> The others trials were not "jettisoned during the subsequent months of Kemalism", as asserts Mr. Dadrian without giving any reference, but ended in practice on March 28, 1922 by the last Ottoman government, which acknowledged, after an administrative investigation, many shortcomings in the conducts of these trials.<sup>148</sup> Nemrut Mustafa Paşa, president of one of the main courts, was himself sentenced for corruption in December 1920.<sup>149</sup> The former CUP leaders were not alone to receive unfair sentences in abstentia by magistrates of questionable ethics. Damat Ferit, who saw no salvation for the Ottoman Empire but a kind of British protectorate, was unable to accept the contradiction, and even obtained a court-martial death sentence of Mustafa Kemal (Atatürk) for rebellion on May 11, 1920<sup>150</sup> — a self-explanatory decision for both the Liberal Union and its misuse of justice.

In his reply to Guenter Lewy published in 2005, Mr. Dadrian attempted to defend the reliability of the martial-courts of 1919-1920 in asserting that they applied a procedure similar to the French one. In fact, the right to be assisted by a lawyer during the investigation exists in the French law since the Constans Act (*loi Constans*) of December 8, 1897 and of course, the right to hire a lawyer appeared in the origins of the French legal system. Even in the Moscow trials organized by Lenin's regime in 1922, the right of cross-examination was allowed to the defendants.<sup>151</sup>

The serious violations of the rights of defense are even more discrediting the findings of the martial-courts of 1919-1920 since all the material is lost. Mr. Ternon points rightfully that no one is able to show a single original of the "documents" used during in front of these courts.<sup>152</sup> But if Mr. Ternon acknowledges that the lost of the originals of the Andonian "documents" is an insoluble problem for the use of

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146 Erman Şahin, "A Scrutiny", art. Cit., p. 307.

147 Ferudun Ata, op. cit., pp. 281-283.

148 Ferudun Ata, op. cit., p. 287; Guenter Lewy, op. cit., p. 78.

149 Türkkiye Ataöv, *What Happened to the Ottoman Armenians?*, New York: Okey, 2006, pp. 75-81.

150 Paul Dumont, op. cit., pp. 26-27, 31-33, 36, 49, 52-54, 67-69 and 75 ; Bernard Lewis, *The Emergence of Modern Turkey. Third Edition*, New York-Oxford: Oxford University Press, 2002, pp. 240-241, 246 and 250-252.

151 Leonard Schapiro, *The Origin of the Communist Autocracy. Political Opposition in the Soviet State*, Cambridge (MA)-London: Harvard University Press, 1977, p. 153 (1st edition, 1955).

152 Yves Ternon, *Les Arméniens...*, op. cit. p. 333.



this text as “evidence of genocide”, at least with the exigencies of a tribunal,<sup>153</sup> he does not explain why the lost of all the material of the martial-court (not even facsimiles remain) is, this time, unimportant. All what subsists, it is the reproductions of some documents and partial accounts of audience in newspapers, but these accounts contain several important contradictions between them,<sup>154</sup> and there is no way to know what is the right, or even *if* there is one which is accurate.

The validity of Mr. Dadrian’s allegations is not improved by his selection among the second-hand material which remains of the trial’s proceedings. Actually he chooses, as argument, some of the less convincing “evidence”.

He alleges, p. 326, that “the Court martial key indictment cites Talat’s ‘criminal posture’ [...] and declares him ‘a principal co-perpetrator of the massacres’ [...] In further corroboration of evidence against Talat, the Indictment adduces the testimony of Trabzon deputy Hafız Mehmed on the Black Sea mass-drowning operations (*gark*), which Talat knowingly allowed to continue”. At first, an indictment is not a proof — especially in such unfair tribunals. This acceptance of an indictment as face value is the best example of what Mr. Sarafian called Vahakn N. Dadrian’s “prosecutorial approach”.<sup>155</sup> Secondly, and more importantly, the “*mass* drowning” in the Black Sea was proven to be a hearsay by a supporter of the “Armenian genocide” label, Mr. Sarafian, relying on the work of Lord Byrce,<sup>156</sup> one of the most vituperative enemies of the Turks. Thirdly, there were indeed some *isolated* cases of drowning, but far to have “knowingly allowed to continue” such crimes, Talat, when he was informed of their existence, ordered that the prefect of Ordu be dismissed and tried for his participation to these murders.<sup>157</sup>

Mr. Dadrian asserts, p. 330, that “the most devastating confirmation of Şakir’s decisive role was provided by Third Army Commander Mehmed Vehib Paşa, whose military command zone nearly coincided with the operational zone of Şakir’s Special Organization”. The same General asserted, at the same time, that the war of independence launched by Mustafa Kemal (Atatürk) would ruin Turkey<sup>158</sup> — an absurdity which does not deserve any comment. These anti-CUP and anti-Kemalist statements become more understandable in knowing that they were made at a time when Vehib was himself charged for a serious case of

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153 Yves Ternon, art. cit., p. 138.

154 Erman Şahin, “A Scrutiny”, art. cit., p. 305.

155 “Study the Armenian Genocide with Confidence, Ara Sarafian Suggests,” art. cit.

156 Ara Sarafian, “Icons and Scholarship,” *Armenian Forum*, II-3, pp. 91-94, <http://www.gomidas.org/forum/icons.pdf>; “Ara Sarafian Responds,” *Armenian Forum*, II-4, February 2003, pp. 143-145, <http://www.gomidas.org/forum/af8-adal.pdf>

157 Erman Şahin, “Review Essay: The Armenian Question,” art. cit., p. 148.

158 Michael M. Gunter, “A Reply to Joseph Kéchichian and Keith Watenpaugh,” *International Journal of Middle East Studies*, XXXIX-3, August 2007, <http://www.hnn.us/roundup/entries/41948.html>

embezzlement, and feared to be sentenced to jail — eventually, he received indeed a sentence of four month of prison in September 1921.<sup>159</sup>

Mr. Dadrian adds that Vehib “launched an investigation [in 1916], which led to a Court Martial and to some executions” perpetrators of a massacre of Armenians; nor Mehmed Vehib Paşa neither Vahakn N. Dadrian explain how a General serving a State which was allegedly carrying out a “campaign of extermination” could have been, without being himself arrested, “launched an investigation”, the result of which was several “executions” of perpetrators of this “campaign of extermination”. In short, Vehib was by no means a credible “witness”. Anyway, Şakir was never the director of the SO,<sup>160</sup> and, as explained already, the SO was not redeployed in the interior of Anatolia to participate to any forced displacement of Armenians.

Mr. Dadrian’s praising of the 1919-1920 trials raises also serious questions of internal logic. Falih Rifkî Atay is used, pp. 339-340 and pp. 352-353 (n. 76), as a reliable source. But in his book, Atay criticizes the conduct of the trials, explains that he was himself judged by one of these martial-courts, that the decision to sentence him to death was made even before the beginning of the trial, and that he escaped by paying to the judges less than 500 Lira.<sup>161</sup> This account is largely corroborated by Refik Halid Karay, an anti-CUP and anti-Kemalist author.<sup>162</sup>

The German Ambassador Paul von Wolff-Metternich, also used as an important reference by Mr. Dadrian (his reliability is discussed below) demanded in January 1916 “the supervision of Turkish courts by German officials, ‘since one cannot have confidence in Turkish jurisprudence’”.<sup>163</sup> Mr. Dadrian himself alleged that the Ottoman martial-courts “hanged countless Armenians on the filmiest charges” in 1915<sup>164</sup> — avoiding to explain how an even less equitable procedure, in front of the same kind of tribunals, could have been produced in 1919-1920 honest judgments.

The famous writer and feminist Halidé Edib, another source used by Vahakn N. Dadrian, and also by Yves Ternon, gave in her books a picture of Istanbul in 1919-1920 which does not lead the reader to be optimistic on the serenity of the court-martials.

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159 Gotthard Jaeschke, *Türk Kurtuluş Savaşı Kronolojisi, Mondros'tan Mudanya'ya Kadar*, Ankara: TTK, 1989, p. 161 (1st edition, 1970); Tarık Mümtaz Göztepe, *Osmanoğullarının Son Padişahu Vahidettin Mütareke Gayyasında*, İstanbul: Sebil, 1994, pp. 88-91 (1st edition, 1969). Peter Balakian, op. cit., p. 343, refers also to Vehib as a very good witness, ignoring purely and simply all his shortcomings.

160 Yücel Güçlü, “Mislabeling Genocide?”, *The Middle East Quarterly*, XIII-2, Spring 2006, p. 68. <http://www.meforum.org/969/the-great-game-of-genocide>

161 Falih Rifkî Atay, *Çankaya: Atatürk'ün Doğumundan Ölümüne Kadar*, İstanbul: Bateş, 1998, pp. 218-230 (pp. 219 and 223-224 for Atay's case).

162 Refik Halid Karay, *Minelbab İlelmihrab*, İstanbul: İnkılâp-Aka Kitabevleri, 1964, pp. 195–196.

163 Guenter Lewy, op. cit., p. 78.

164 Vahakn N. Dadrian, “The Secret Young Turks Ittihadist Conference and the Decision for the World War I Genocide of the Armenians,” *Journal of Political and Military Sociology*, XXII, 1994, p. 188.

*“With the entry of the Allied armies the insolence of the Greeks and the Armenians and the treatment of the peaceful Turkish citizens in the streets became scandalous. [...] The Greek and Armenian interpreters and assistants of the Allied police – the English particularly – greatly influenced and colored the behavior of these men toward the Turks.*

*Apart from the unjust as well as unwise policy of the Allies toward Turkey, their armies of occupation in the first months saw the Turks with the eyes of the Greeks and Armenians, and perhaps this was what hurt the man in the street most at the time. One often saw Turkish women roughly pushed out of tramcars, and heard Turkish children called ‘bloody cusses.’ [...] As the Turkish press was tightly muzzled by the Allied censor, and as very few of these things could be published, the rumors became more serious and probably more exaggerated.*

*Colonel Heathcote Smythe, who seemed to be the most powerful person in the English headquarters, had gone to inspect the Turkish prisons in Istantboul. [...] Colonel Heathcote Smythe had ordered all the Christian criminals to be set free. Most of them were ordinary murderers. [...]*

*As the Turkish population was entirely unarmed and anyone found with arms was very severely punished, and as all the Christians had deliberately armed themselves, a series of murders verging on massacre started in the Turkish quarters, especially in the Ak-Serai and Fatih regions, where the streets are dark and covered over with lonely ruins of past fires.”<sup>165</sup>*

More especially, Edib described the actual Armenian newspapers of Istanbul as far from objectivity:

*“The first sigh of foresight and the greatest evidence of wisdom was publicly shown by Dr. Gates at this period. He is a fervent Christian and naturally a friend of the Armenians. He took a small trip to southern Turkey all through Adana to study the situation. On his return he dared to say that owing to the fact that the Armenians were so infinitely in the minority, an Armenia in southern Turkey was an impossibility. The Armenian press was furious, never realizing that his declaration, if listened to in Paris, would prevent a tragedy in the unfolding of which the Armenians as well as the Turks would suffer.”<sup>166</sup>*

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165 Halidé Edib, *The Turkish Ordeal*, New York-London: The Century C°, 1928, pp. 4-6.

166 Halidé Edib, *The Turkish Ordeal*, op. cit., p. 11.

It does not prevent Mr. Dadrian to refer several times to the trials' accounts published by the İstanbul's Armenian newspapers. It is also noticeable that Halidé Edib herself was sentenced to death in absentia by an İstanbul's martial-court on May 11, 1920.<sup>167</sup> The distortions of Edib's book by Vahakn N. Dadrian are discussed in the next section.

Perhaps even more problematically, Mr. Dadrian writes in a later publication that Cemal Paşa and some other CUP's leader "refused to embrace the secret genocidal agenda of the party's top leadership and whenever they could tried to resist and discourage the attendant massacres".<sup>168</sup> But Cemal was sentenced to death in absentia at the end of the Ministers' trial (1919) and eventually assassinated by a Dashnak terrorist on July 25, 1922. Equally embarrassing for Mr. Dadrian's thesis is that Cemal, considered correctly as without any criminal intentions against the Armenians, defended Talat and the other CUP top-rank leaders in his Memoirs. Cemal argued that if the choice of the Arab provinces as place for relocation was an error, the relocation itself was very likely justified by the Armenian revolts; and that the CUP government had no intention to exterminate the Armenians.<sup>169</sup> Mr. Dadrian knows that, since he refers to Cemal's Memoirs (p. 336), but mentions only the comments of Cemal about the place of relocation, not his defense of the CUP.

### Sources Distorted: Turkish Authors

Mr. Dadrian misquotes the *Memoirs of Halidé Edib* (p. 352, n. 76): "Edib grants that 'besides the political argument there was a strong economic one... to end the economic supremacy of the Armenians, thereby claiming the markets for the Turks and the Germans.'" Mr. Dadrian changes "this" into "the", fails to quote what Edib was meaning by "political argument", and avoids to say that Edib was not far to understand this one (my emphasis):

*"It was an extremely difficult time for the Turkish population; in spite of the public disapproval of the government's acts, every Turk was deeply conscious of Turkey's danger, and that it would mean complete spoliation and extermination of the Turks if the Turkish army should be defeated. One naturally felt that Armenian revolutionary centers were used as the strategic points to carry out allied policy against the Turks. [...]"*

167 Paul Dumont, op. cit. p. 75.

168 Vahakn N. Dadrian, *The Key Elements in the Turkish Denial of the Armenian Genocide: A Case Study of Distortion and Falsification*, Cambridge (Massachusetts)-Toronto, Zoryan Institute, 1999, p. 54, n. 64.

169 Cemal Paşa, *Memories of a Turkish Statesman. 1913-1919*, London: Hutchinson & C°, 1922, pp. 241, 277-280 and 299-302. See also pp. 42, 72-73 and 128-129, <http://www.archive.org/download/memoriesofturkis00ahmeuft/memoriesofturkis00ahmeuft.pdf>

*In 1916 I spoke to a very large audience, mostly Unionists, in the Turk Ojak on the Armenian question and national economics. I saw the Armenian question quite differently from the way I see it to-day. I did not know about the Armenian crimes, and I had not realized that in similar cases others could be a hundred times worse than the Turks. [...] I received the next day a great volume about the massacre of the Turks by the Armenians.”<sup>170</sup>*

To finish this distortion, Mr. Dadrian edits also his quotation of Halidé Edib according to his whim, suppressing the following words: this political argument “which the Armenians did their best to justify by *their own bloody deeds*” (my emphasis). Mr. Dadrian does not even mark this ellipsis.

Edib’s Memories contain important remarks which denies the Andonian’s presentation of Talat as a bloody monster (my emphasis):

*“His frugal ways, his modest life, and his charm of the true democrat kept my respect and admiration for him as a man throughout. However one may criticize him, one is obliged to admit that he was the truest of patriots, and that no act of his was either for personal gain or love of power. He lived and died a poor man, proud to be poor, and ready to endure all for what he believed to be best for his country.*

*He succeeded during those years in creating a much better department of the interior, and he fought mercilessly against corruption and abuse.”<sup>171</sup>*

Edib praises even Talat for some aspects of his attitude vis-à-vis the Armenian, even if she criticizes a lot this policy in general (my emphasis):

*“In 1915 the Ojak generously used its influence to have him [Komitas] spared from deportation, but in 1916 he had a serious disturbance in his mind, which gave way under the strain of those horrible times. Dr. Adnan begged Talaat Pasha to allow him to go to Paris for a cure, and this was accorded to him. He is still in an asylum.”*

*“What is more I heard that some of the Unionists were furious with me and that they proposed to have me punished, which Talaat Pasha refused. ‘She serves her country in the way she believes,’ he had said. ‘Let her speak her mind; she is sincere.’ But the number of young intellectuals who came to my house decreased to a considerable degree. Talaat Pasha himself, however, did not change his friendly attitude.”<sup>172</sup>*

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170 *Memoirs of Halidé Ebid*, New York-London: The Century C°, 1926, pp. 386-388.

<http://www.archive.org/download/memoirsofhalide00haliuoft/memoirsofhalide00haliuoft.pdf>

171 *Memoirs of Halidé Ebid*, op. cit., p. 349.

172 *Memoirs of Halidé Ebid*, pp. 374 and 387-388.

Another statement of Talat confirms that there is no "utterance of guilt" (as alleged by Vahakn N. Dadrian p. 359, n. 113) but regrets about a moral responsibility (my emphasis):

*"What other choice was there but to remove this race away from the war zones? There was absolutely no other solution. This was not at all an easy task. For that reason, therefore, while this policy was being carried out, some instances of bad management and evil deeds took place. But one cannot blame members of the government like myself for such instances which took place in far away provinces and of which had no knowledge. It grieves me that we were unable to save some Armenians who had no connection with the revolt, among whom were two of my very closest colleagues. One can accuse us of lack of experience, incapacity and ignorance. But no one can say that we were thieves. I still to the present day feel great pain and distress that I was unable to prevent the atrocities that were carried out against people who were outside the area of revolt and had absolutely nothing to do with it."*<sup>173</sup>

Behind this misuse of Edib's writings, there is apparently a book of Armenian propaganda, published in Armenian in 1926, and later translated into English by Mr. Dadrian, then into French by the Athens chapter of the Armenian Revolutionary Federation.<sup>174</sup>

Anyway, Mr. Dadrian continues to distort Edib's intention in asserting (p. 353, n. 78) that a "statement about the forced mass conversion of Armenian orphans is verified by the writer Halidé Edib, who denounced it as 'wrong'". More precisely, Edib wrote (my emphasis):

*"There were a large number of Turkish orphanages in Anatolia filled with Turkish children whose parents had been the victims of the Armenians. These orphanages had taken Armenian children as well and made them Moslems (which was wrong). The rest of the Armenian orphans were taken by the Americans. Apart from this, some Turkish families had taken Armenian children out of kindness and pity without any desire to make them Moslems: for the Moslem Turks do not have the missionary instincts of the Christians of the West. [...]"*

*An international committee for the separation of the Armenian children was formed under the patronage of Colonel Heathcote Smythe. It rented a house in Shishli, and the central committee which had to separate the children were*

173 Stanford J. Shaw, *From Empire to Republic*, op. cit., tome I, pp. 61-62.

174 Zarevand (Zeven et Vartouhie Nalbandian), *United and Independent Turania. Aims and Designs of the Turks*, Leyde: E. J. Brill, 1971, p. XII (French version: *Touranie unifiée et indépendante*, Athènes: éditions arméniennes, 1988).

mostly Armenians. Nezihe Hanum, the general secretary of the women's section of the Red Crescent, was asked to represent the Turks. She went three times a week for nearly two months, but resigned afterward. She used to say that her presence did not in any way help the Turkish children, who were being Armenianized daily. The children who were brought to the association were left in the care of the Armenian women, and these Armenian women, either by persuasion or threats or hypnotism, forced the Turkish children to learn by heart the name of an Armenian woman for their mother and the name of an Armenian man for their father."<sup>175</sup>

On the other hand, several Western sources, including the missionaries Mary L. Graffam and Mary Caroline Holmes noticed that most of the children and women converted to Islam resisted strongly to the attempts to take them out of the Muslim houses in 1919, i.e. when no kind of threat or hypnotism, if it existed, was no more possible for Muslim families.<sup>176</sup>

The distortion of some letters published in Yusuf Hikmet Bayur's and Ahmed Bedevi Kuran's books is even more obvious (pp. 356-357, n. 107). Mr. Dadrian sees in these letters signs of "premeditation" of "genocide". Nowhere such an intent appears. For instance, "In one of these letters dated June 11, 1907, Şakir is accusing the Armenian revolutionaries of wanting to establish an Armenian State to be carved out of the territory of the Ottoman Empire." But this is exactly what the Armenian revolutionaries wanted, since decades.<sup>177</sup> Mr. Dadrian alleges also that "touching on the ingredient of premeditation, Bayur concedes that, exasperated with the tribulations of discord with the Armenians, Ittihad would eventually solve the problem by force of arms, i.e. using the army [işî ordu ile görmek] (Bayur, *Türk İnkilâbı Tarihi*, vol. 2, part 4, p. 13)." Even in this version, what Mr. Dadrian argues is not a "premeditation" of "genocide". But at the indicated page, Yusuf Hikmet Bayur quotes two texts of Ahmet Rıza, who rejects the use of violence against Abdülhamit, mentions the weapons of the Bulgarian and Armenian revolutionaries, then the strategy of provocation used by both — in noticing that fortunately, the provocation was not followed by bloody reprisals during the last years. Yusuf Hikmet Bayur comments these texts in saying that later, the idea to use army became stronger among the Young Turks. Nothing in the text or in the comment allows speculating about a specific use of the army against the Armenians, especially for an enterprise of extermination.<sup>178</sup>

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175 Halidé Edib, *The Turkish Ordeal*, op. cit., pp. 16-17.

176 Stanford J. Shaw, "The Resettlement of Refugees in Turkey During World War I and the Turkish War of Independence, 1917-1923," reprinted in *Studies in Ottoman and Turkish History. Life With the Ottomans*, İstanbul: The Isis Press, 2000, pp. 471-479; Salâhi R. Sonyel, "How Armenian Propaganda Nurtured a Gullible Christian World in Connection With the Deportations and 'Massacres'," art. cit., pp. 174-175.

177 William L. Langer, *ibid.*; Louise Nalbandian, op. cit.

178 Thank you to Jean-Louis Mattei for the translation of this text, which contains several words of Ottoman Turkish.

The allegation of "premeditation" is especially absurd, since the CUP opened its membership to the non-Muslims, including Armenians. Bedros Halacyan Effendi, elected three times as an Unionist deputy of İstanbul, was "influential in the CUP"<sup>179</sup>, served as Minister of Commerce and Public Works in 1910-1912 and was appointed as representative of the Ottoman Empire to the International Court of Justice of The Hague in March 1915. Oskan Mardikian Effendi was Minister of Post and Telegraph in 1913-1914.<sup>180</sup> A sympathizer of the CUP, Bedros Kapamacyan Effendi, was elected as mayor of Van in 1909, thanks to the support of the Unionists, and eventually assassinated in December 1912 by the Dashnak committee because of his loyalty to the Ottoman State.<sup>181</sup>

Seeming to have forgotten his rational and critical remark of 1992 about the Andonian's material, Taner Akçam wrote in 2008 that a letter of Bahaettin Şakir, quoted in a book of Ahmed Emin Yalman, has important "similarities" with the two letters attributed to Şakir. But Yalman, who was a bitter critique of the government who ruled the Ottoman Empire in 1913-1918 (despite his CUP's membership), did not quote any "letter" in the page indicated by Mr. Akçam, but conveyed a rumor.<sup>182</sup>

*Seeming to have forgotten his rational and critical remark of 1992 about the Andonian's material, Taner Akçam wrote in 2008 that a letter of Bahaettin Şakir, quoted in a book of Ahmed Emin Yalman, has important "similarities" with the two letters attributed to Şakir.*

### Sources Distorted: "Confessions" to German Officials

In attempting to find Talat's admission of his criminal designs, Mr. Dadrian alleges "On at least two occasions Talat slipped into the mistake of admitting Ittihad's plan of eradicating the Armenian question by eradicating the Armenians themselves" (p. 327). As evidence, he gives two conversations.

"Talat told Interim Ambassador Hohenhole that the Armenian Question is finished,

179 Feroz Ahmad, *The Young Turks*, Oxford: Clarendon Press, 1969, p. 171.

180 Feroz Ahmad, "Young Turk-Armenian Relations During the Second Constitutional Period," in Metin Hülagü (ed.), *Armenians in the Ottoman Society*, Erciyes University, 2006, tome I, p. 330, <http://armenians-1915.blogspot.com/2007/01/1349-young-turk-armenian-relations.html>

181 Hasan Oktay, "On the Assassination of Van Mayor Kapamacyan by the Tashnak Committee", *Review of Armenian Studies*, I-1, 2002, pp. 79-89, <http://www.eraren.org/index.php?Lisan=en&Page=Dergiler&IcerikNo=94>; Kapriel Serope Papazian, op. cit., p. 69. For critiques a the "premeditation" allegation by two supporters of the "genocide" label, see Donald Bloxham, "The Armenian Genocide of 1915-1916: Cumulative Radicalization and the Development of a Destruction Policy," *Past and Present*, n° 181, November 2003, pp. 141-191; and Ronald Grigor Suny, "Reply to My Critics," *Armenian Forum*, I-2, Summer 1998, pp. 131-136.

182 Ahmet Emin Yalman, *Turkey in the World War*, New Haven-London: Yale University Press, 1930, p. 220.



is no more (*La question arménienne n'existe plus*)" (pp. 348-349, n. 36), but Mr. Dadrian reverts purely and simply the sense of Talat's statement in presenting it as a confession of criminal intention:

*"On the 2nd of this month [September 1915], Talaat Bey gave me the German translation of various telegraphic orders on the persecution of the Armenians which he sent to the provincial authorities concerned, copies of which are enclosed. With these, he wished to deliver proof that the central government is seriously attempting to end the riots, which have taken place against the Armenians in the heart of the country and to see to it that those who have been deported receive provisions during transport. A few days earlier, in reference to this, Talaat Bey said to me, 'La question arménienne n'existe plus.' ('The Armenian question no longer exists.')*"<sup>183</sup>

Writing to the German Ministry of Foreign Affairs on September 14 and September 25, 1915 Hohenhole denied that Talat Pasha was deceiving his Western interlocutors in affirming that he exempted families of soldiers, artisans, Catholic and Protestant Armenians. The German Ambassador considered that these exemptions were not respected by some local officials, especially in Adana.<sup>184</sup> Hohenhole's conclusion is supported the following events: the US Consul Nathan reported on October 30, 1915, that "three rabid members of the Union and Progress Committee of Adana were expelled from that city because of the manner in which they were hounding the Armenians out of the city" and on November 6 that the order to stop any further deportations had been arrived.<sup>185</sup>

In addition, Mr. Dadrian makes a highly questionable interpretation of the statement made by Talat to Mordtmann, and reported on June 17, 1915: "he intended to get rid Turkey's 'internal foes' by 'taking advantage of the war'" (p. 348, n. 36). What Talat meant can be interpreted only in its full context. Mordtmann's reports themselves contain indications on this context, especially his report of May 7, 1915, based on the findings of the German Consul in Adana — a Consul who seems a very good source according to Mr. Dadrian (p. 349, n. 38). Mordtmann explained that in this town, bombs were discovered in the houses of Armenians, after the accidental explosion of one of them.<sup>186</sup> So, it appears that Talat wanted to eliminate the Armenian terrorists and to relocate the other Armenians of eastern Anatolia in places where they would be no more under the influence of Russian agents — as explained clearly by the

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183 Document published by Wolfgang Gust:  
<http://www.armenocide.de/armenocide/armgende.nsf/24599fab3538b532c1257794007b610b/300f11530a3eacfd1256d3d006c1e43!OpenDocument> Ironically, the translation was "sponsored by the Zoryan Institute".

184 Guenter Lewy, op. cit., pp. 185 and 231.

185 Guenter Lewy, op. cit., p. 186.

186 Cem Özgönül, op. cit., p. 150-151.

German General F. Bronsart von Schellendorf.<sup>187</sup> Other sources on the Armenian insurrections and terrorism are discussed below.

Mr. Dadrian finishes his article (p. 343) in referring to three quotations of the *Memoirs of Bernstorff*, which are supposed to corroborate the "genocide" allegation in general and the guilty of Talat in particular. Mr. Dadrian distorts seriously two (precisely those who are presented as almost confessions) and the third is an unreliable opinion on the situation in Eastern Anatolia. I devoted a previous article to the misuse of Bernstorff's book.<sup>188</sup>

Mr. Dadrian considers apparently Paul von Wolff-Metternich as a reliable source, free of anti-Turkish prejudice, and raises no doubt about the accuracy of von Wolff-Metternich's testimony against Talat (pp. 327, 343, p. 349, n. 37, p. 356, n. 104). Hans Human, Marine's attaché of the German embassy in İstanbul gave a very different picture (my emphasis):

*"The Minister of Internal Affairs, Talat Pasha, said that in no occasion he exchanged more than one word with the count Metternich. When they meet them in the room of a third person, he [Talat] leaves the room to avoid to see [Metternich]. Metternich is a man who hates the Turks and who wants to harm them. Enver, Talat, Halil, like the Grand Vizier, know that the Ambassador has no concern for the Turks, but only for the enemies of the Turks, those who have ties with the powers which the Ottoman government is fighting, i.e. the Greeks and the Armenians, the Levantines, the Liman's clique."*<sup>189</sup>

Frank G. Weber, a rather pro-Armenian historian as said already, notices that von Wolff-Metternich was openly the reverse of a Turkophile, had many problems with the Ottoman government, "was dogged by ill omens and never gained the position his predecessors achieved".<sup>190</sup> Mr. Dadrian does not explain how a mediocre and highly prejudiced Ambassador, who "in no occasion exchanged more than one word" with Talat Pasha during the weeks preceding his allegation can be a reliable source for Talat's actual intention vis-à-vis the Armenians.

Before that the relations with Talat became so bad, Metternich sent a report, on December 15, 1915, indicating that, following the orders of Talat, more than twenty Muslims were sentenced to death and hanged for crimes against the Armenians; and

187 F. Bronsart von Schellendorf, "Ein Zeugnis Für Talaat Pascha", *Deutsche Allgemeine Zeitung*, July 24, 1921. See also Heath Lowry, op. cit., pp. 61-62.

188 Maxime Gaun, "The Misuse of 'Memoirs of Count Bernstorff' in Armenian Nationalist Publications," *The Journal of Turkish Weekly*, March 18, 2011, <http://www.turkishweekly.net/article/402/the-misuse-of-memoirs-of-count-bernstorff-in-armenian-nationalist-publications.html>

189 Cem Özgönül, op. cit., p. 252.

190 Frank G. Weber, op. cit., pp. 159-224 (quotation p. 163).

wrote a telegram of February 10, 1916, favorable to both Enver and Talat, including about the Armenian issue.<sup>191</sup> Nor Mr. Dadrian neither Mr. Ternon makes any comment on these self-contradictions of von Wolff-Metternich.

### Tendentious Interpretations and Hearsays on Şükrü Kaya

To accuse Şükrü Bey (Kaya), director of Migrations, Mr. Dadrian uses second-hand and unconvincing quotations. He quotes the conversation between Şükrü and Rössler, as reported by the late six years after. The director is supposed to have said: “Nous voulons une Arménie sans Arméniens (We want an Armenia without Armenians)” (p. 332). Even in taking Rössler’s assertion as face value — which is not an obligation, as seen before —, this is by no means an evidence of a genocidal intention. Rössler himself explained that in the context of the time, he did not consider it as a declaration of extermination plan. It is only after reading Andonian’s book that Rössler made such a reinterpretation. As we saw already, F. Bronsart von Schellendorff, in an incomparably better position to know the designs of the Ottoman authorities, discerned an idea to relocate the Armenians from eastern Anatolia to Arab lands permanently, for safety reasons, and absolutely not for extermination.

Mr. Dadrian argues also that the *Kölnische Zeitung* “quoted Şükrü as saying ‘As Germany wants only Germans in Germany, we Turks want only Turks’”. Because the correspondent of this newspaper in the Ottoman Empire was Harry Stürmer, who never set foot in Arab provinces or Eastern Anatolia, and was the author of a highly questionable book on Germany, the Ottoman Empire and the Armenians,<sup>192</sup> the accuracy of this quotation is not ascertained. Anyway, since the Wilhelmina Germany, whatever could be its shortcomings, was far to carrying out any genocidal policy on its metropolitan soil, this quotation, even if authentic, is not an evidence of extermination design.

The single explicit allegation looks like a hearsay. It is a conversation reported to Rössler by “a German engineer named Bastendorf”. Şükrü had no reason to confess a secret policy to a simple engineer. Rössler himself contradicted his source in a report of February 14, 1917, where he explained that the Ottoman authorities

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191 Cem Özgönül, op. cit., pp. 245-246; Guenter Lewy, op. cit., p. 111.

192 English version: Harry Stuermer, *Two Years in Constantinople*, New York, George H. Doran, 1917. For instance, Stuermer alleges, pp. 42-43: “I must hold the German Government as equally responsible with the Turks” for the fate of the Armenians, which is false (Guenter Lewy, op. cit., pp. 159-161), and condones *Armenian Atrocities*, i.e. a tendentious propaganda booklet of Arnold J. Toynbee, with a pronounced anti-German bias (William McNeil, *Arnold Toynbee. A Life*, New York-Oxford, Oxford University Press, 1989, p. 74). Stuermer charges Enver of pan-Turanist policies (p. 77, 181-187 and passim), which is also false (see n. 28). Stuermer called “emigrants” the Muslim refugees fleeing the massacres in the Balkans and defamed them (“their instability, their idleness and love of wandering, their frivolity, and their extraordinary fanaticism”, p. 168). Despite his insurances, Stuermer does not avoid crudely racist remarks (“The Arabs, intellectually far superior to the Turks, have at last made up their minds to defy their oppressors”, p. 179).

approved a program of aid for the Armenian exiles, distributed by the Consul Jackson<sup>193</sup> — despite that Jackson had a strong pro-Armenian bias and was a bitter, not to say inaccurate in several occasions, critique of CUP government.<sup>194</sup> Nevertheless, the main relevant sources on Şükri's policy are the Ottoman archives, these archives where Mr. Dadrian did never want to work. Many Ottoman documents demonstrate beyond any reasonable doubt that Şükri had a central role in the distribution of food needed by Armenian exiles and in the punishment of Muslims who attacked Armenians, both as an executioner of Talat's orders and as informant on necessities and misdeeds.<sup>195</sup> In the province of Aleppo alone, where Şükri's office was installed, 56 Muslims were sent to martial-courts for crimes against Armenian exiles during the Spring 1916.<sup>196</sup>

## The External Critique (2): Inventing a "General Extermination" Against an "Impotent Minority"

### Use of Fakes and Unreliable Sources

Among his "evidences" of "extermination", Mr. Dadrian mentions the book of "an Arab", Faiz el-Gusein (pp. 327 and 348, n. 34). Vahakn N. Dadrian wrote his article before than Justin McCarthy demonstrated that el-Gusein was purely and simply a fictional character, invented by the British propaganda: no person of this name, or of similar name, is recorded in the Ottoman archives; since the Wellington House burned its archives at the end of the war, there is no British document on him (such document would had probably explained what British propagandist invented this character), and obviously not the "original Arabic" of the book.<sup>197</sup> But before the analysis of Mr. McCarthy, it was possible to have serious doubts about the reliability of el-Gusein. There are geographical errors, which could not have been committed by an Ottoman official, and absurdities, like conversations of Talat and Enver which el-Gusein, if he really existed, would never had been in a position to listen, especially not from his supposed prison of Diyarbakır.

Mr. Dadrian refers also, as a very valuable source, to *Les Mémoires de M<sup>gr</sup> Jean Naslian* (p. 354, n. 96). The voluminous book of this Catholic bishop, who remained in Istanbul during the whole war, was demonstrated to be less than reliable by the

193 Guenter Lewy, op. cit., p. 195.

194 Guenter Lewy, op. cit., p. 142.

195 *Armenian Activities in the Archive Documents*, op. cit., tome VIII, pp. 162 and 165; Yusuf Halaçoğlu, *The Story...*, op. cit., pp. 73-74 and 85; Şinasi Orel and Sürreya Yuca, op. cit., p. 120; Hikmet Özdemir and Yusuf Sarınoy, p. 259, 311-315, 329, 335, 351, 361, 365.

196 Yusuf Halaçoğlu, op. cit., p. 86.

197 Justin McCarthy, "Wellington House and the Turks," in *The Turks*, Ankara: Yeni Türkiye, 2002, tome IV, pp. 464-465, <http://www.mfa.gov.tr/wellington-house-and-the-turks.en.mfa>

Dashnak author James H. Tashjian, several years before the publication of Vahakn N. Dadrian's article.<sup>198</sup> Even Yves Ternon, generally sympathetic to the ARF, and who praises Mr. Dadrian's article on Andonian, acknowledges that Naslian's Memoirs "contain too many egregious errors to be accepted, apart the personal recollections of the bishop".<sup>199</sup> One of the most obvious "errors" looks like a lie: Naslian attributed to Mustafa Kemal Atatürk a quotation made by another person; G. Guergerian, the first Armenian author who noticed that Atatürk did not make actually this statement, asked to Naslian to correct his Memoirs, but Naslian did not, neither in the original version in French (1951) and nor in the Armenian translation (1960).<sup>200</sup>

Mr. Dadrian does not refrain to take as face value the famous quotation of Adolf Hitler (p. 355, n. 103), which is proven to be apocryphal.<sup>201</sup> In one of his few concessions to the Turkish side, Mr. Ternon himself acknowledged that Prof. Türkkaya Ataöv's criticism against this sentence is "totally justified (tout à fait justifié)".<sup>202</sup> To support his abrupt affirmation, Vahakn N. Dadrian relies on two references. One of them is the article of the German historian Winfried Baumgart, published in 1968. But Winfried Baumgart said actually that the authenticity of this sentence is not sure, and that it could be an interpolation.<sup>203</sup> The second is a short book of Kevork B. Bardakjian, a professor of literature, without degrees or experience in history, and published by the Zoryan Institute, a think-tank whose reader can already have a certain idea with the example given by the methods of Mr. Dadrian.

Mr. Dadrian and Mr. Ternon use also as a very good source the book of Armin T. Wegner on Armenians. The German scholar Martin Tamcke, not exactly a pro-Turkish author, demonstrated conclusively that this book has no historical value, and that Wegner's photographs represent, in the best hypothesis, only a part of the truth — using for his demonstration the proper archives of Wegner and other German documents (including the papers of Lepsius).<sup>204</sup> Tessa Hoffman, who praised for

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198 James H. Tashjian, "On a 'Statement' Condemning the Armenian Genocide of 1915-1918, Attributed in Error to Mustafa Kemal, Later 'The Ataturk'," *Armenian Review*, XXXV-3/139, Autumn 1982, pp. 228, 230 and 232-233.

199 Yves Ternon, *Les Arméniens*, op. cit., p. 397, n. 42.

200 James H. Tashjian, art. cit., p. 230; Türkkaya Ataöv, *Armenian Falsifications*, New York: Okey, 2008, p. 45.

201 "Historian of Armenian Descent Says Frequently Used Hitler Quote is Nothing but a Forgery," *The Armenian Reporter*, August 2, 1984; Türkkaya Ataöv, *Hitler and the Armenian Question*, Ankara, 1984, <http://www.mfa.gov.tr/hitler-and-the-armenian-question.en.mfa> ; Michael M. Gunter, *Armenian History and the Question of Genocide*, New York-London: Palgrave MacMillan, 2011, pp. 27-28; Robert John, "Did Hitler Say It?," *The New York Times*, June 8, 1985; Heath Lowry, "The US Congress and the Armenians," *Political Communication and Persuasion*, III-2, 1985, <http://www.ataa.org/reference/hitler-lowry.html> ; Arnold Reisman, "Could the US Holocaust Memorial Museum Have Erred in a Major Exhibit?," Social Science Research Network, December 31, 2010, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1520503](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1520503)

202 Yves Ternon, *Les Arméniens*, op. cit., p. 347.

203 Winfried Baumgart, „Zur Ansprache Hitlers von den Führern der Wehrmacht am 22. August 1939: Eine Quellenkritische Untersuchung“, *Vierteljahrshefte für Zeitgeschichte*, XVI, 1968, p. 139.

204 Martin Tamcke, *Armin T. Wegner und die Armenier. Anspruch und Wirklichkeit eines Augenzeugen*, Münster: LIT, 1996 (first edition, Göttingen: Cuvillier, 1993). See also Cem Özgönül, op. cit., pp. 284-293.

years the book of Wegner, nuanced her judgment in 1996, recognizing that it suffers of "pathos and passionate exaggeration"<sup>205</sup>, and finally admitted during a meeting with Guenter Lewy (September 2001) that this work is less than reliable.<sup>206</sup>

In his counter-response of 1987 to Michael M. Gunter, Vahakn Dadrian argued that he was not defending, in his article of 1986, the book published by Mevlanzade Rifat in Aleppo in 1929.<sup>207</sup> That is true, but in 1999, he did not refrain to use this obvious falsification as a rather good reference.<sup>208</sup> Even Yves Ternon acknowledges that "one finds in this text so egregious errors that one cannot give to it any credit".<sup>209</sup>

### Sources Distorted

Referring to the book of the journalist Ahmed Emin Yalman on the WWI, Mr. Dadrians asserts (p. 358, n. 109):

*"Referring to the 'policy of general extermination', he described the Ittihadist rationale as follows: 'A dense Armenian population in the Eastern Provinces has proved to be a danger to the very existence of Turkey... [T]he instruments to remove this danger... shall be universally despised and condemned. Only in a very distant future' would this sacrifice for the national cause appreciated."*

Actually, Yalman was just reproducing a hearsay: "Those who put forward the policy of general extermination were said to take this stand."<sup>210</sup> Yalman does not give any reference for this rumor, and not a single evidence of any "policy of general extermination". Even more problematically for the use of Yalman by Mr. Dadrian, this author mentions, in the same book, the Armenian rebellion at Van, the "thousands of organized revolutionaries and daring fights well armed with modern rifles", who "constituted a great military danger. He speaks of the "massacre" of the "Mohammedan population" — who "was entirely defenseless" — by the men of Garegin Pasdermadjian, former deputy of Erzurum who left to Russia in 1914 and organized the recruitment of Armenian volunteers in Russian army. Yalman concludes that "some measures of precaution were certainly justified",<sup>211</sup> in complete

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205 Tessa Hoffman, *Armin T. Wegner: Writer, Eyewitness and Photographer of the Armenian Genocide*, Yerevan: Arpaqa, 1996, p. 7.

206 Guenter Lewy, op. cit., p. 304, n. 22.

207 "Dadrian Response to Gunter," *International Journal of Middle East Studies*, XIX-4, November 1987, p. 524.

208 Vahakn N. Dadrian, "The Convergent Roles of the State and the Party in the Armenian Genocide," in Levon Chorbajian and George Shirinian (ed.), *Studies in Comparative Genocide*, New York: St Martin's Press, 1999, p. 100.

209 Yves Ternon, *Les Arméniens...*, op. cit., p. 389, n. 45. For a detailed analysis, see Gwynne Dyer, art. cit. pp. 379-382.

210 Ahmed Emin Yalman, op. cit., p. 220.

211 Ahmed Emin (Yalman), op. cit., pp. 218-219.

contradiction the Andonian material. Unlike the hearsays who he reproduces on unnamed Ottoman leaders, Yalman's remarks about the Armenian revolutionary activities are corroborated by many valuable sources.<sup>212</sup>

Similarly, Mr. Dadrian relies on two ciphers of Robert Lansing, Secretary of State, dated of November 1916 (pp. 341 and 358, n. 110). It has not been possible, for the moment, to check if Mr. Dadrian reserved the same fate to these documents than to the account of the discussion between Hohenhole and Talat, but it is at least achievable to notice that the same Lansing wrote to President Woodrow Wilson, also in November 1916 (my emphasis):

*“The well-known disloyalty of the Armenians to the Ottoman government and the fact that the territory which they inhabited was within the zone of military operations constituted grounds more or less for compelling them to depart their homes. It was not to my mind the deportation which was objectionable, but the horrible brutality which attended its execution.”*<sup>213</sup>

It is so logically impossible to use Lansing as a corroborating source for the Andonian material, since Lansing refers unequivocally to the Armenian insurrections, and justify the displacements themselves.

Even more surprising is the distortion of Bernard Lewis' meaning (p. 355, n. 96): “the noted scholar Bernard Lewis, presumably in recognition of the practice of burning alive, saw fit to describe the Armenian experience as ‘the terrible holocaust of 1916, when a million and a half Armenians perished (*The Emergence of Modern Turkey*, London, Toronto, New York, 1961, p. 350)”. There is absolutely no basis to “presume” that Prof. Lewis supported the “practice of burning alive” allegation (supported, in Mr. Dadrian's article, by Naslian's book and similar hearsays); and, one more time, Mr. Dadrian eliminates the most relevant part of his source. In the preceding lines, Bernard Lewis wrote (my emphasis):

*“For the Turks, the Armenian movement was the deadliest of all threats. From the conquered lands of the Serbs, Bulgars, Albanians, and Greeks, they could, however reluctantly, withdraw, abandoning distant provinces and bringing the Imperial frontier nearer home. But the Armenians, stretching across*

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212 For the case of Van, see, among others: *Aspirations et agissements révolutionnaires des comités arméniens, avant et après la proclamation de la Constitution ottomane*, İstanbul, 1917, pp. 261-301 ; Hüseyin Çelik, “The 1915 Armenian Revolt in Van: Eyewitness Testimony,” in Türkkaya Ataöv, *The Armenians...*, op. cit., pp. 87-108, <http://web.itu.edu.tr/~altilar/tobi/e-library/TheArmenians/RevoltInVan.pdf>; *Documents on Ottoman Armenians*, Ankara, tome II, 1983, pp. 13 and 44-54 ; Edward J. Erickson, “The Armenians and Ottoman Military Policy”, art. cit., pp. 153-155 ; Kâmuran Gürün, op. cit., pp. 239-242 ; *Armenian Activities...*, op. cit., tome I, pp. 32-33, 65-70, 75-76, 89-95 109-121, 124-125, 128-129 and passim ; Maurice Larcher, op. cit., p. 395; Justin McCarthy and alii, op. cit., pp. 180-266 et 277-281 ; Hikmet Özdemir et Yusuf Sarıay, op. cit., pp. 16-17.

213 Yücel Güçlü, op. cit., pp. 88-89.

*Turkey-in-Asia from the Caucasian frontier to the Mediterranean coast, lay in the very heart of the Turkish homeland-and to renounce these lands would have meant not the truncation, but the dissolution of the Turkish state. Turkish and Armenian villages, inextricably mixed, had for centuries lived in neighbourly association. Now a desperate struggle between them began-a struggle between two nations for the possession of a single homeland..."*

Such remarks are obviously in contradiction with the Andonian material. In the second edition, published in 1968, i.e. 18 years before the article of Mr. Dadrian, Prof. Lewis changed "holocaust" into "slaughter", added "according to estimates" before "a million and a half Armenians perished", in addition to "as well as an unknown number of Turks" after. In the third edition, he changed "one million and half" to "one million" (always "according to estimates").<sup>214</sup>

*The highly selective use of sources by Vahakn N. Dadrian is a well-known fact, explained by both Turkish and some pro-Armenian historians.*

Before the publication of Mr. Dadrian's article, Mr. Lewis had already criticized the "Armenian genocide" label, signing the petition of 1985, and devoting some lines to the Armenian issue (against the "genocide" charge) in a book published the next year.<sup>215</sup> It is barely needed to say that Bernard Lewis reiterated several times his contra-genocide views.<sup>216</sup>

### Selections of Western Sources

The highly selective use of sources by Vahakn N. Dadrian is a well-known fact, explained by both Turkish and some pro-Armenian historians,<sup>217</sup> and up to this point of the article, the reader has already seen some examples. But the list is not finished.

Mr. Dadrian asserts that "in a 22-pages report [Ernst] Jäckh, a key promoter of friendship ties with Turkey, describes Talat's 'unabashed sense of political relief over the destruction of the Armenian people'" (p. 349, n. 36). The report is not entirely

<sup>214</sup> Bernard Lewis, *The Emergence...*, op cit., p. 356.

<sup>215</sup> Bernard Lewis, *Semites and Anti-Semites: An Inquiry into Conflict and Prejudice*, New York-London: W.W. Norton and C<sup>o</sup>, 1986, p. 21.

<sup>216</sup> «Les explications de Bernard Lewis», *Le Monde*, January 1<sup>st</sup>, 1994 ; Haaretz, January 23, 1998 ; <http://www.youtube.com/watch?v=qG70UWESfu4>; Bruce Fein, "Armenia Crime Amnesia?" *The Washington Times*, October 16, 2007, [http://www.turkishcoalition.org/media/fein\\_wt.pdf](http://www.turkishcoalition.org/media/fein_wt.pdf)

<sup>217</sup> See, among others: Türkkaya Ataöv, *The Armenian Question. Conflict, Trauma and Objectivity*, Ankara: SAM Papers, 1997, <http://www.sam.gov.tr/perceptions/sampapers/SamPaperNo199.pdf> ; Hilmar Kaiser, "Germany and the Armenian Genocide: A Review Essay," *Journal of the Society for Armenian Studies*, VIII, 1995, pp. 127-142; id., "Germany and the Armenian Genocide: Reply to Vahakn N. Dadrian's Response", *Journal of the Society for Armenian Studies*, IX, 1996, pp. 135-140.



devoted to the Armenians, far from that, and it contains several parts in clear contradiction with Andonian's book, above all the allegations against Germany and the assertion of "unprovoked massacres":

*"On the Armenian question, Enver maintains the concern for Ottoman Empire's needed security against an Armenian revolution, which erupted behind the Turkish troops (eine armenische Revolution, die im Rücken der türkischen Truppen ausgebrochen war). [...]"*

*Against the Turkish government and against Germany, the French corrupted the Levantines, the Armenian layer (who held the Germany responsible of the Armenian persecution) and the Arab population, particularly the Christian (in French and English training services)."*

Supporting his conclusions only by Western and Armenian sources, Jäck wrote later that "from the Turks' point of view, the Armenian revolutionaries, citizens of the Ottoman Empire, played the role of a 'fifth column' more than twenty years before that term was coined during the Spanish Civil War."<sup>218</sup>

In his report of 1915, Jäckh does not give any source for Talat's "unabashed sense of political relief" and is laconic on the "destruction of the Armenian people". Both allegations are seriously contested by the proper archives and later statements of Jäckh. Jäckh received a letter from the Armenian plenipotentiary in Berlin, Dr. Greenfield, on November 29, 1916 (my emphasis):

*"I learned from Dr. Lepsius that you have succeeded in saving all the Armenian families in Konya as well as in Cilicia and Syria the relatives of Missirian, Boghossian, Adamian and Atayan by your intervention with Grand Vizier Talaat Pasha and General Djemal Pasha respectively. I feel I must thank you for all you are doing for the Armenian cause. It is indeed unique to be able to depend on the humanity of someone who has the confidence of both your Turkish friends and our Armenian representatives."*<sup>219</sup>

Mr. Dadrian refers (p. 352) to a report of Alexandrette (İskenderun) Consul Hermann Hoffmann as an excellent source to prove the "extermination process" and the "defensive nature" of the insurrections in "Zeytun (Süleymanlı), Funducak, Urfa and Musa Dağ". This report is totally inaccurate, informing us on the prejudices of its author instead to inform us about the historical facts. To challenge the charge of "extermination process", it is not necessary to look outside of the files of Hoffmann

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<sup>218</sup> Ernest Jackh (Ernst Jäckh), op. cit., p. 43.

<sup>219</sup> Ernest Jackh (Ernst Jäckh), op. cit., p. 44, n. 7. See also Hikmet Özdemir and Yusuf Sarinay, op. cit., p. 345, 355 and 385.

himself: as far as Spring 1916, he reported that he used German money to help Armenian deportees, without being prevented in his relief work by the Ottoman authorities.<sup>220</sup>

Consul Rössler, despite his strong pro-Armenian bias, wrote that in organizing uprisings in Cilicia during the year 1915, "the Armenians themselves were to blame for causing the outbreak of fighting."<sup>221</sup> In a previous report, Rössler mentioned "insurrectional" activities around Zeytun.<sup>222</sup> The Austrian counterpart of Rössler in Aleppo blamed the Great Power to have incited the Christians to uprisings, and said also that the rumors of bloody massacre have few credibility (*wenig Glauben*).<sup>223</sup> The rebellion in Zeytun — a city with a strong tradition of Armenian revolutionary activities and revolts<sup>224</sup> — started in August 1914, increased in January-February 1915, and the displacement of the Armenian population of this town was an ad hoc measure in reaction to the revolt and which was not immediately followed by a mass displacement from other regions.<sup>225</sup> The uprising of Urfa broke up despite that the city was initially exempted from forced displacement; and the strong measures of the Ottoman State, whatever could be their brutality, were only reactions to the insurrection.<sup>226</sup> The insurgency of Musa Dağ appears in both Western and Ottoman sources as a revolt prepared as early as 1914 rather than a desperate self-defense action.<sup>227</sup> Mr. Dadrian avoids to deal with the biggest Armenian revolt of 1915, the insurrection of Van. So, he can present the assassination of the Dashnak deputy Arshak Vramian as an episode of "genocide" (p. 337). Vramian was actually one of the leaders of the insurrection.<sup>228</sup>

Mr. Dadrian relies also (p. 349, n. 37) to a report sent by Johann Pallavicini, Austrian-

220 Guenter Lewy, op. cit., p. 195.

221 Quoted in Stanford J. Shaw, *The Ottoman Empire...*, op. cit., tome II, p. 881.

222 Document published and translated by Wolfgang Gust:  
[http://www.armenocide.net/armenocide/armgende.nsf/\\$\\$AllDocs/1915-04-12-DE-001](http://www.armenocide.net/armenocide/armgende.nsf/$$AllDocs/1915-04-12-DE-001)

223 İnanç Atılğan and Garabet Moundjian (ed.), *Archival Documents of the Viennese Armenian-Turkish Platform*, Klagenfurt-Vienna-Ljubljana-Sarajevo: Wieser Verlag, 2009, pp. 370-373.

224 See, among others: Aghassi (Garabet Tursargisian), *Zeïtoun, depuis les origines jusqu'à l'insurrection de 1895*, Paris: Mercure de France, 1895 <http://gallica.bnf.fr/ark:/12148/bpt6k5855106p> ; Louise Nalbandian, *The Armenian Revolutionary Movement*, Berkeley-Los Angeles-London: University of California Press, 1963, pp. 66-78, 126-128 and 165, <http://www.ucpress.edu/op.php?isbn=9780520009141>

225 *Aspirations...*, op. cit., pp. 222-226; Arthur Beylerian, (éd.), *Les Grandes Puissances, l'Empire ottoman et les Arméniens dans les archives françaises (1914-1918)*, Paris : université de Paris-I, 1983, p. 7; *Documents on Ottoman Armenians*, op. cit., tome I, p. 5; Gwynne Dyer, "Correspondence," *Middle Eastern Studies*, IX-3, 1973, p. 383; Yusuf Halaçoğlu, *Facts...*, op. cit., pp. 47-48 and 58-60 ; Yusuf Sarıınay (ed.), *Osmanlı Belgelerinde Ermeni İsyânları*, Ankara, 2009, tome IV, pp. 88-90, 105-108, 113-15; George Abel Schreiner, *From Berlin to Bagdad: Behind the Scenes in the Near East*, New York-London: Harper & Brothers, 1918, pp. 197-198 ; Azmi Süslü, *Armenians and the 1915 Event of Displacement*, Ankara: Yüzyüncü Yıl University Rectorship Publications, 1994, p. 68.

226 İnanç Atılğan and Garabet Moundjian, op. cit., pp. 270-273; Yusuf Halaçoğlu, *Facts...*, op. cit., p. 69; Guenter Lewy, op. cit., pp. 198-203; Hikmet Özdemir and Yusuf Sarıınay, op. cit., p. 229 ; Yusuf Sarıınay, op. cit., pp. 127-128 and 138-151; Azmi Süslü, op. cit., pp. 84-85.

227 Edward J. Erickson, "Bayonets on Musa Dagh", art. cit.

228 Justin McCarthy and alii, op. cit., pp. 165-166, 182 and 200-201.

Hungarian Ambassador, on September 8, 1915. This text<sup>229</sup> is one of Pallavicini's most inaccurate ones. For example, he asserted that the Armenian population in relocation towns could not constitute more than 5 % of the population. Actually, the limit was 10 %.<sup>230</sup> Other reports of Pallavicini are much closer to the truth, mentioning Armenian rebellions and "large-scale massacres of Turks" by Armenians.<sup>231</sup> Even more importantly, in a report dated of September 29, 1917, Karl von und zu Trauttmansdorff, the Austrian-Hungarian chargé d'affaires commented favorably a speech of Talat Pasha. Trauttmansdorff concluded that the Ottoman Empire was right at least for the principle of the forced displacement, which was decided because, the insurrectional activities of the Armenian committees.<sup>232</sup> To insinuate, as does Mr. Dadrian, that the Austria-Hungary's diplomatic archives support mostly the allegation an unprovoked "genocide" is just false.

Mr. Dadrian relies (pp. 311 and 343, n. 1), to Arnold J. Toynbee. To decide if Toynbee reversed entirely or not his minds about the Turkish-Armenian conflict is beyond the limits of this article. It will be sufficient to notice that he changed on at least some important points, which prevent to use him as a corroboration of the Andonian material. Toynbee asserted in 1915 that "All this horror, both the concerted crime and its local embellishments, was inflicted upon the Armenians without a shadow of provocation."<sup>233</sup> As early as 1922, Toynbee wrote that "it is quite possible that (as the Turks allege) there was similar provocation for the atrocities against the Armenians in 1915" and that the Turkish crimes "are undoubtedly exaggerated in the popular Western denunciations, and the similar crimes by Near Eastern Christians in parallel situations are almost always passed over silence."<sup>234</sup> In a letter of 1966, he said that the displacement in itself — not the conditions — was a "legitimate" measure,<sup>235</sup> and reiterated in his Memoirs, one year later, that:

*"These [...] Armenian political aspirations had not been legitimate [...] Their aspirations did not merely threaten to break up the Turkish Empire; they could not be fulfilled without doing grave injustice to the Turkish people itself."*<sup>236</sup>

229 İnanç Atılğan and Garabet Moundjian, pp. 480-484.

230 Kâmuran Gürün, op. cit., p. 243; Hikmet Özdemir and Yusuf Sarıay, op. cit., p. 69.

231 İnanç Atılğan and Garabet Moundjian, op. cit., pp. 166-170, 240-242 and 280-281 (see also pp. 186-188 the report of the Consul in Trabzon); Artem Ohanjanian (ed.), Österreich-Armenien, 1872-1936: Faksimilesammlung diplomatischer Aktenstücke, Vienna, 1995, tome VI, p. 4675.

232 İnanç Atılğan and Garabet Moundjian, op. cit., pp. 796-805.

233 Arnold J. Toynbee, *Armenian Atrocities. The Murder of a Nation*, London-New York-Toronto: Hodder & Stoughton, 1915, p. 69  
<http://ia600400.us.archive.org/20/items/armenianatrociti00toyn/armenianatrociti00toyn.pdf>

234 *The Western Question in Greece and Turkey*, London-Bombay-Sydney: Constable & C<sup>o</sup>, 1922, pp. 276 and 354. See also pp. VII-VIII.  
<http://www.archive.org/download/westernquestioni00toynrich/westernquestioni00toynrich.pdf>

235 <http://www.tallarmeniantale.com/pics/professors/toynbee-files/1-toynbee-etmekjian-1966.JPG>

236 Arnold J. Toynbee, *Acquaintances*, London: Oxford University Press, 1967, p. 241.

Such post-WWI statements contradict at least a substantial part of the Andonian material; but even in the Blue Book, despite the numerous shortcomings of this work<sup>237</sup> — shortcomings which Toynbee acknowledged later, in 1957 and 1959, according to Stanford J. Shaw and Robert F. Zeidner<sup>238</sup> — there is at least one report, written by the missionary Mary L. Graffam, which denies explicitly that the government or top-rank officials were involved in any criminal acts against the Armenian population.<sup>239</sup>

Mr. Dadrian fails to discuss any of these points and so misrepresents, one more time, his Western sources.

More generally, Mr. Dadrian avoids discussing any Western source which challenges the charge of a "general extermination" ordered by the central Ottoman authorities, especially the journalists Gustav H. Pravitz, George Abel Schreiner and Stefan Steiner, who travelled in Anatolia and, in the case of the first, in the Arab provinces<sup>240</sup> and the German Consul in Trabzon Heinrich Bergfeld.<sup>241</sup>

### The number of victims: confusion and distortion

Wanting to persuade his reader that the majority of the Armenian population was assassinated, Mr. Dadrian gives the figure of 800,000, given by the Ottoman Ministry of Interior in 1919 (p. 342). It has been explained already of the very little credibility of this government, which wanted to demonize by all ways —including the most unfair — its predecessor and any critiques. Mr. Dadrian gives no documentary evidence establishing that the figure of 800,000 was the conclusion of any serious investigation. He gives also second-hand and third-hand rumors about the figure of one million (p. 359, n. 111).

In fact, the most careful studies indicate that the total losses of the Armenian population from 1914 to the beginning of the 1920's are about 600-650,000 individuals.<sup>242</sup> Some Armenian authors, like Levon Marashlian and Raymond

237 Justin McCarthy, "Wellington House and the Turks", art. cit., pp. 460-463; Hikmet Özdemiş, *Arnold Toynbee'nin Ermeni Sorununa Bakışı*, Ankara: Türkiye Bilimler Akademisi Forumu, 2005; James Morgan Read, *Atrocity Propaganda. 1914-1919*, New Haven-London: Yale University Press/Oxford University Press, 1941, pp. 221-222; Ahmed Rüstem Bey, *La Guerre mondiale et la question turco-arménienne*, Berne: Stämpfli & Cie, 1918, pp. 95-132 <http://www.archive.org/download/laguerremondiale00ahmeuoft/laguerremondiale00ahmeuoft.pdf>

238 Stanford J. Shaw, *From Empire...*, op. cit., tome I, p. 62, n. 21.

239 *The Treatment of Armenians in the Ottoman Empire*, London-New York-Toronto: Hodder & Stoughton, 1916, pp. 306-308. See also İnanç Atılgan and Garabet Moumdjian, op. cit., pp. 500-511.

240 Gustav H. Pravitz, "Armeniernas läge", *Nya Dagligt Allehanda*, April 23, 1917; George Abel Schreiner, op. cit., pp. 124-125; Stefan Steiner, "Armenien", *Algemeen Handelsblad*, 25 mai 1920.

241 Guenter Lewy, op. cit., pp. 145-146 and 231; İnanç Atılgan and Garabet Moumdjian, op. cit., pp. 332-335.

242 Guenter Lewy, op. cit., pp. 236-239; Justin McCarthy, *Muslims and Minorities*, op. cit., pp. 121-130; id., "The Population of the Ottoman Armenians," in Türkkaya Ataöv (ed.), *The Armenians*, op. cit., pp. 65-78, <http://web.itu.edu.tr/~altilar/tobi/e-library/TheArmenians/Population.pdf>

Kévorkian, took argument of the figure of around 1,900,000 Armenians, estimated by the patriarchate on the eve of WWI, to defend higher losses.<sup>243</sup> But if this estimation is accepted as face value (which is questionable), the simple logic implies to accept also the number of survivors estimated by the same patriarchate at the end of 1918, and assumed by the Armenian delegation in Paris: 1,260,000.<sup>244</sup> In 1919, the Armenian National Council gave a similar estimation: 1,250,000.<sup>245</sup>

In considering that about 150,000 Ottoman Armenians perished during the displacement by the Russian army in 1915-1916, dozens of thousands (refugees) by epidemics in Armenia in 1918-1919, probably dozens of thousands others during the military battles (within or against the Ottoman army) and between 2 and 3,000 were dead during the displacement by the French army in Cilicia (1920),<sup>246</sup> it is safe to conclude that the global estimation of Boghos Nubar Pasha in December 1918 (around 300,000 Armenian who died because the displacement by the Ottoman forces, on a total of perhaps 700,000 exiled)<sup>247</sup> is very close to truth.

*The most careful studies indicate that the total losses of the Armenian population from 1914 to the beginning of the 1920's are about 600-650,000 individuals.*

As a result, the mortality rate represents around 37-41% of the total pre-war Armenian population and more than 40 % for the displaced Armenians. Such figures are obviously high, but in themselves by no means exceptional for this place and time. From 1914 to 1919, more than 43% (701,166 on 1,604,031) of the Muslim refugees fleeing (from eastern Anatolia and Caucasus) the war crimes of Russians and Armenians perished of hunger, disease or massacre.<sup>248</sup> The demographic losses of the Muslim Anatolians represent at least 18 % of the pre-war population — 62 % in the province of Van, 42 % in Bitlis,<sup>249</sup> which had both a strong Armenian minority until 1915, including a large number of insurgents. The mortality rate of the Armenians displaced by the Russian army was, according to the Richard G. Hovannisian's figures, around 50% — which would mean that the Ottoman displacement was

243 Raymond H. Kévorkian and Paul B. Paboudjian, *Les Arméniens dans l'Empire ottoman à la veille du génocide*, Paris, 1992. The figure in 1913 was 1,915,000; in 1912, 1,845,000. The second estimation was assumed by Johannes Lepsius (*Procès*, op. cit., p. 118) and Christopher Walker (*Armenia. The Survival of a Nation*, London: Routledge, 1990, p. 230 [http://armenia-survival.50megs.com/Survival\\_Ch\\_7.htm](http://armenia-survival.50megs.com/Survival_Ch_7.htm)).

244 Alexander Anastasius Pallis, *Greece's Anatolian Venture and After (1915-1922)*, London: Methuen & Co., 1934.

245 Georges Mesrop, *L'Arménie au point de vue géographique, historique, ethnographique, statistique et culturel*, Istanbul : Conseil Consultatif national arménien, 1919, p. 81.

246 Georges Boudière, « Notes sur la campagne de Syrie-Cilicie. L'affaire de Maras (janvier-février 1920) », *Turcica IX/2-X*, 1978, p. 160; Richard G. Hovannisian, *Armenia on the Road...*, p. 67; id. *The Republic of Armenia. The First Year, 1918-1919*, Berkeley-Los Angeles-London: University of California Press, 1971, p. 130 (gives the figure of around 200,000 victims of epidemics in 1918-1919, Russian Armenians, Ottoman Armenian refugees and non-Christian minorities confused).

247 <http://www.ttk.org.tr/templates/resimler/Image/ErmeniArsivBelgeler/belge5.jpg>

248 Stanford J. Shaw, *The Ottoman Empire in World War I*, op. cit., tome II, p. 993.

249 Justin McCarthy, op. cit., pp. 133-137.

proportionally a bit less costly in human life, despite the certified cases of massacres. The epidemics and famine killed huge numbers of people among every Ottoman population, and the massacre was not at all the exclusivity of only one side.<sup>250</sup>

Actually, the specificity of the Ottoman Armenians' tragedy is that they disappeared as an ethnic community from large parts of Anatolia, unlike the Muslims; but the main reason of this specificity is the foolish policy of the Armenian nationalists, followed until 1922,<sup>251</sup> not any "plan of general extermination" designed by the CUP.

### The Burning of İzmir: An Irrelevant Allegation without Source

Searching to put the blame on the Turks on every occasion, Mr. Dadrian writes that Abdülhalik "was promptly appointed Governor of İzmir in the wake of the capture, sacking and burning of that port city in 1922", without giving any reference to support his allegations. The "sack" is a myth, at least if it is attributed to the regular Turkish army, and the charge that it was Turks who burned the city is a more than questionable assertion. Numerous American, British, Jewish and Turkish sources demonstrate that the responsibility is not Turkish but Greek and/or Armenian.<sup>252</sup> The painstaking investigations of the French officials — Consul Graillet, Admiral Dumesnil and their associates — came to the same conclusion, and added that the conduct of the Turkish army was fair: the soldiers did not pillage, did their best to extinguish the fire, and severely punished the Muslim irregulars who committed crimes (mostly pillages) against Christians.<sup>253</sup> The engineer C. Toureille corroborated

250 Guenter Lewy, op. cit., pp. 53-62, 97-98, 116-122 and 250; Justin McCarthy and alii, op. cit., pp. 233-257 and 279-281; Hikmet Özdemir, *The Ottoman Army, 1914-1918. Disease and Death on the Battlefield*, Salt Lake City: University of Utah Press, 2008.

251 Télégramme du général Gouraud au ministère des Affaires étrangères, 24 octobre 1921 ; télégramme du ministère au Haut-Commissaire à Beyrouth, 3 novembre ; télégrammes du général Pellé au ministère, 5, 15 et 23 novembre 1921 ; lettre du ministère à Franklin-Bouillon, 12 novembre 1921, AMAE, P 17785; Hüseyin Çelik, art. cit., pp. 95-96; Yücel Güçlü, op. cit., pp. 143-200, relying on Western and Armenian sources. For other examples of Armenian regrets and self-criticism, see also Abraham H. Hartunian, *Neither to Laugh nor to Weep: A Memoir of the Armenian Genocide*, Cambridge (MA): Armenian Heritage Press, 1986, p. 190 (first English edition, 1968); Hovannes Katchaznouni, op. cit.; Donald E. Miller et Lorna Touryan Miller, "Armenian Survivors: A Typological Analysis of Victim Response," *Oral History Review*, X-1, 1982, pp. 63-64.

252 "A Missionary Eyewitness Lays the Blame on the Armenians," *The Times*, September 25, 1922; "Armenians, not Turks Set Smyrna Ablaze Relief Worker Declares," *The San Antonio Express*, January 22, 1923; Türkkaya Ataöv, *Armenian Falsifications*, op. cit., pp. 109-123; Florence Gilliam and Arthur Moss, "The Turkish Myth," *The Nation*, June 13, 1923; Lord Kinross, *Ataturk: A Biography of Mustafa Kemal, Father of Turkey*, New York: William Morrow & C°, 1965, pp. 365-375; Heath Lowry, "Turkish History: On Whose Sources Will it Be Based? A Case Study on the Burning of Izmir," *The Journal of Ottoman Studies*, IX, 1988; Jean Méliá, *Mustapha Kémal ou la rénovation de la Turquie*, Paris: Fasquelle, 1929, p. 31; Henri Nahum (ed.), *La Grande Guerre et la guerre gréco-turque vue par les instituteurs de l'Alliance israélite universelle d'Izmir*, Istanbul : Les éditions Isis, 2003, pp. 68 and 71; E. Alexander Powell, *The Struggle for Power in Moslem Asia*, New York: The Century C°, 1923, pp. 32-33; Jeremy Salt, *The Unmaking of the Middle East*, Berkeley-Los Angeles-London: University of California Press, 2008, pp. 77-78; Stanford J. Shaw, *From Empire...*, op. cit., tome IV, pp. 1722-1739; Salâhi R. Sonyel, *Turkey's Struggle for Liberation and the Armenians*, Ankara: SAM Papers, 2001, pp. 206-207. See also Willy Sperco, op. cit., pp. 81-84.

253 Amiral Dumesnil à Marine, 16 septembre 1922 ; Amiral Dumesnil, rapport, 28 septembre ; Graillet au ministère, 22, 26 septembre 1922 ; Général Pellé au ministère, 15, 17, 23 septembre 1922 ; télégramme chiffré du ministère au chargé d'affaires à Washington, 26 septembre 1922, AMAE, P 1380.

fully the allegations against Greeks and Armenians.<sup>254</sup> These conclusions are especially credible, since the Greek army and its Armenian volunteers burned systematically the cities and villages of Western Anatolia, except when a Western intervention prevented it.<sup>255</sup> The intrigues of some Armenians to excite — this time in vain — the Greek authorities occupying İzmir against the Turks, at the end of 1920,<sup>256</sup> suggests also an Armenian origin of the fire — not incompatible with Greek firings, some hours after.

Nevertheless, the Kemalist movement was by no means hostile to the non-Muslims in general, and was supported, not only by most of the Turkish Jews, but also by a part of Istanbul's Armenians, the most famous being Berç Keresteciyan (1870-1949), future deputy to the Turkish National Assembly from 1935 to 1947.<sup>257</sup>

*The Kemalist movement was by no means hostile to the non-Muslims in general, and was supported, not only by most of the Turkish Jews, but also by a part of Istanbul's Armenians,*

### Conclusion: Warrant for Terrorism

This analysis illustrates the previous judgment of several scholars. Malcolm E. Yapp noticed that Vahakn N. Dadrian is “obsessed by his theory”.<sup>258</sup> Mary Schaeffer Conroy observed that he “relies too much on theory and educated guesses and too little on facts or Turkish archival sources.”<sup>259</sup> Guenter Lewy demonstrated conclusively that “Many Armenian scholars use selective evidence or otherwise distort the historical record, but V. N.

Dadrian is in a class by himself. His violations of scholarly ethics, which I document in my book, are so numerous as to destroy his scholarly credentials.”<sup>260</sup> Mr. Dadrian's attempt to save Aram Andonian's forgeries — and the publications which copy without critique these logical fallacies — typify such a non-scholar, unethical treatment of history, by the usage of other falsifications, or the fabrication of misleading arguments. The judgment of Prof. Xavier de Planhol, one of the best

254 Incendie de Smyrne par les Grecs et les Arméniens, 3 novembre 1922, *ibid.*

255 Elzéar Guiffroy, administrateur délégué de la Société des quais de Smyrne, au ministère, 27 juillet 1922 ; Télégramme de l'ambassadeur de France à Londres au ministère, 12 septembre 1922 ; Pellé au ministère, 13 septembre 1922 ; télégramme chiffré du ministère aux ambassadeurs français à Rome, Londres, Washington et Athènes, 5 octobre 1922 ; rapport du père Ludovic Marseille, septembre 1922 ; ambassadeur à Athènes au ministère, 3 mai 1923 ; AMAE, P 1380.

256 S.R. Marine, Affaires arméniennes, 15 novembre 1920, AMAE, 16674.

257 Mim Kemal Öke, *op. cit.*, pp. 196-202 and 210-216; *id.* “The Response of the Turkish Armenians to the ‘Armenian Question’ (1919-1926),” in *Armenians in the Ottoman Empire and Modern Turkey*, *op. cit.*, pp. 71-88; Stanford J. Shaw, *From Empire...*, *op. cit.*, tome III-1, p. 1050.

258 Malcolm E. Yapp, *art. cit.*

259 Mary Schaeffer Conroy, *art. cit.*

260 “No Evidence of Ottoman Intent to Destroy Armenian Community,” *Today's Zaman*, April 24, 2006, [http://www.todayzaman.com/newsDetail\\_getNewsById.action?load=detay&link=32399](http://www.todayzaman.com/newsDetail_getNewsById.action?load=detay&link=32399) ; Guenter Lewy, *op. cit.*, pp. 46-89, 94 and 160-161.

specialists of Turkish studies, seems to have been written to describe Mr. Dadrian's publications: "The 'Armenian question' is the topic of a huge literature [...] which contains frequently considerable historical distortions, which takes away any value to it".<sup>261</sup>

"The noted scholar Bernard Lewis", to use Vahakn N. Dadrian's proper words, places the Andonian "telegrams" in the same category of forgeries than the *Protocols of the Elder of Zion*.<sup>262</sup> The Protocols were called "warrant for genocide". The Andonian material could be called appropriately "warrant for terrorism" because of its use to justify terrorist acts, from the assassination of Talat by S. Tehlirian to the more recent crimes of JCAG/ARA and ASALA. Aram Andonian glorified Tehlirian in an article published in 1946.<sup>263</sup>

Significantly, Mr. Dadrian avoids to call "terrorist" both Tehlirian and the assassin of Yılmaz Çolpan, counselor of the Turkish embassy in Paris, murdered on the Champs-Élysées in 1979 by JCAG/ARA (p. 359, n. 112), like for the victims of Nemesis terrorists (p. 350, n. 51, p. 359, n. 113). Mr. Dadrian participated several times in political meetings of the ARF,<sup>264</sup> i.e. the party which created and controlled the JCAG/ARA and, before, Nemesis.<sup>265</sup> Forgetting that Mr. Dadrian was deprived since several years of his professorship title, Roxanne Makasdjian, spokesperson of the Armenian National Committee (ANC) said in San Francisco: "Prof. Dadrian and those few like him are our precious intellectual soldiers of truth."<sup>266</sup> A branch of the ARF, the ANC gave an unconditional — moral and material — support to the JCAG/ARA.<sup>267</sup> Mr. Dadrian cannot ignore that.

Mr. Balakian, who transposed in popular essays Mr. Dadrian's main arguments, praises a lot the terrorists of Nemesis, is not far to excuse the assassinations of Turkish diplomats by ASALA and JCAG/ARA and does not say a single word about the Orly attack and other bombings of this kind.<sup>268</sup> Mr. Teron was a witness of

261 Xavier de Planhol, *Minorités en Islam. Géographie politique et sociale*, Paris: Flammarion, 1997, p. 450, n. 144.

262 Bernard Lewis, *From Babel to Dragomans. Interpreting the Middle East*, New York-Oxford: Oxford University Press, 2004, p. 389; reed. London: Phoenix Paperbacks, 2005, p. 480.

263 Aram Andonian, *Exile, Trauma and Death. On the Road to Chankiri with Komitas Vartabed*, London: Gomidas Institute/Tekeyan Cultural Association/Taderon Press, 2010, p. 2 (translated from Armenian by Rita Soulahian Kuyumjian).

264 For example: [http://www.anca.org/press\\_releases/press\\_releases\\_print.php?prid=318](http://www.anca.org/press_releases/press_releases_print.php?prid=318)

265 Michael M. Gunter, "Pursuing...", op. cit., pp. 29-30 and 55-65; Gaïdz Minassian, *Guerre et terrorisme arméniens. 1972-1998*, Paris: Presses universitaires de France, 2002, pp. 28-29 32-34, 42, 70, 73, 77, 81, 90-93, 105-109 and passim; Francis P. Hyland, *Armenian Terrorism: The Past, the Present, the Prospects*, Boulder-San Francisco-Oxford: Westview Press, 1991, pp. 61-62.

266 <http://www.ancof.org/pressreleases/1999/01311999.htm>

267 Michael M. Gunter, "Pursuing...", op. cit., p. 99; *The Armenian Weekly*, January 14, 1984; Asbarez, September 16, 2000.

268 Peter Balakian, op. cit., pp. 345 and 380. For similar praising of the Nemesis terrorist acts, see Edward Alexander, *A Crime of Vengeance. An Armenian Struggle for Justice*, New York-Toronto: The Free Press/MacMillan, 1991; Michael Bobelian, *Children of Armenia*, New York: Simon & Schuster, 2009, pp. 52-64; Jacques Derogy, *Resistance and Revenge*, New Brunswick-London: Transaction Books, 1990; "2000 Remember Tehlirian Renew Commitment for Justice," *Asbarez*, March 18, 2002, <http://asbarez.com/46564/2000-remember-tehlirian-renew-commitment-to-justice/>



defense for Armenian terrorists, as explained in the introduction. He used not only the Andonian material, but also, in 1984, a fake quotation of Atatürk,<sup>269</sup> despite that it was proven to be a forgery as early as 1982 by James H. Tashjian, as explained above.

In a painstaking study of the support enjoyed by Armenian terrorists of 1970's and 1980's, Heath W. Lowry concluded pertinently, in 1984:

*"History does in fact contain lessons for today. It explains how the failure of the Armenian community to openly condemn the Armenian terrorism of the 1920's [assassinations of Turkish and Azerbaijani ex-leaders] has contributed to the 'current round' of terrorist activities, and, it suggests that the Armenian failure to condemn today's terrorism, will guarantee yet another 'round' in the coming generation."*<sup>270</sup>

It is exactly what happened with the wave of terrorism against Azerbaijan (1988-1994), in the context of the aggression of Azerbaijan by Armenia.<sup>271</sup>

The needed scholar approach of the Armenian question, as well as the not less needed reconciliation of Turkish and Armenian people, imply a strong condemnation, from both sides, not only of the numerous war crimes committed during WWI, but also of terrorism and falsifications, remarkably exemplified by the Andonian material and its use by polemicists supporting the Armenian nationalists' point of view.

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269 Türkkaya Ataöv, *Armenian Falsifications*, op. cit., p. 48. For another use of forgery, see Jeremy Salt, "Forging the Past: OUP and the Armenian Question," *EurasiaCritic*, January 2010, <http://www.eurasiacritic.com/articles/forging-past-oup-and-armenian-question>

270 Heath W. Lowry, "Nineteenth and Twentieth Century Armenian Terrorism: 'Threads of Continuity,'" in *International Terrorism...*, op. cit., p. 82.

271 [http://mfa.gov.az/eng/khojaly\\_en/index.php?option=com\\_content&task=view&id=25&Itemid=39](http://mfa.gov.az/eng/khojaly_en/index.php?option=com_content&task=view&id=25&Itemid=39)

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