

# Turkish intellectuals dismayed by Swiss court's genocide ruling

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## **A Swiss court's ruling against three Turks for their denial of allegations of an Armenian genocide has drawn ire from liberal intellectuals in Turkey, including Professor Baskin Oran.**

The court, in Winterthur, ordered Workers Party (İP) Europe representative Ali Mercan to pay a fine of 4,500 Swiss francs (\$3,900). Two others were ordered to pay 3,600 Swiss francs each for violating anti-racism legislation.

During a demonstration in June of last year, Mercan had denied Armenian claims of genocide at the hands of the Ottoman Empire. The other two Turks were co-organizers of the demonstration.

"Now, wait and see how this massive attack on the freedom of expression will strengthen fascists in Turkey and elsewhere, and how non-Muslims, Alevis, Kurds, leftists and liberals will suffer more under this heavy blow. Maybe this is what is being aimed at by certain circles," Oran wrote for a discussion network on the Internet.

Oran himself was prosecuted two years ago under infamous Article 301 of the Turkish Penal Code (TCK) on charges of "insulting Turkishness" for a report on minorities and cultural reports he had prepared for the Prime Ministry. The report maintained that Turkey's understanding of minority rights lagged behind universal norms and proposed far-reaching amendments to the Constitution and related laws. He was acquitted of the charges but continued to be threatened by radical groups.

"I cannot see any difference between our courts, which are punishing people who are saying 'genocide,' and the Swiss court. Actually, the Swiss court is even guiltier than ours because their tradition of freedom of speech is stronger than ours," Oran said in an interview with Today's Zaman. He also pointed out that the Swiss court's verdict would have a negative effective on freedom of speech in Turkey, since the circles that already oppose freedoms will use the verdict to show that there are limitations to freedom of speech even in a European country like Switzerland.

"In the present situation it is totally impossible to get rid of Article 301," Oran added.

In the past there have been many court cases against intellectuals under the article. As part of Turkey's ongoing European Union accession process, the government amended the law and introduced a requirement under which prosecutors must seek authorization from the Ministry of Justice before initiating a court case under the article.

Yusuf Alataş, a lawyer and a former chairman of the Human Rights Association (İHD), stressed that in Europe the borders of freedom of thought are determined by racism but that the verdict of the Swiss court was against freedom of speech.

"There is no conclusion from any international body regarding the genocide. Until there is such a decision, it is normal that some people will claim that it is genocide and others will argue the opposite," Alataş said.

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## Sources

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