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ARMENIAN GENOCIDE “YESTERDAY AND TODAY”

EREN KESKIN*

I value this gathering highly, as I sincerely believe that the crimes committed in the past must not be forgotten and that it is impossible to fully compensate for them, especially during when sovereign powers of the world are trying to “normalize” Turkish-Armenian relations.

It is always the ruling regime that decides what “normal” is. It is the same this time around too. The powers of the world have decided how the relationship between Turkey and Armenia will be normalized.

For me, there is one absolute truth that needs to be maintained. And that is: nothing but full recognition of the fact of genocide, acceptance of the consequences, and an apology to the Armenian nation.¹

It is a great sign that a lot of things are being discussed openly and publicly in Turkey nowadays. This is primarily because of the European Union integration process, as well as the changes in the Middle East, and U.S. foreign policy towards the Middle East. However, I still do not think there is freedom of expression when it comes to the taboo subjects. Today, although not all public prosecutors seem to be willing to take action, it is still punishable, under Article 301 of the Turkish Penal Code,² to speak of a Kurdistan, to speak of the need for Turkish armed forces to pull out of Cyprus, and to publicly acknowledge the Armenian genocide.

There was a conference organized in Istanbul in 2005. The advertisements for the conference, which was known to the public as “the Armenian Conference,” stated, “The orders, which caused thousands of people to move away from their homes and resulted in the deaths and

* Eren Keskin is a Turkish Human Rights Activist. This text memorializes her remarks from the February 5, 2010, symposium at the University of St. Thomas titled “The Armenian Genocide within the Framework of National and International Law.” These remarks were translated from Turkish to English.

1. Eren Keskin, *Eren Keskin: We Are All Guilty!*, THE ARMENIAN WEEKLY, Oct. 20, 2009, available at <http://www.armenianweekly.com/2009/10/20/eren-keskin-we-are-all-guilty/>.

2. Turkish Penal Code (Türk Ceza Kanunu / TCK), Law No. 5237 of 26 Sept. 2004. However, this law has been updated to Turkish Penal Code (Türk Ceza Kanunu / TCK) Law no: 5759 of 30 April 2008. See also, Bulent Algan, *The Brand New Version of Article 301 of Turkish Penal Code and the Future of Freedom of Expression Cases in Turkey*, 9 GERMAN LAW JOURNAL 2237–39 (2008).

murders of many in 1915 and afterwards, were given, executed and enforced by a government which was ruling the Ottoman Empire, and which is not the same as today's Republic of Turkey."

Even though I believe in the sincerity and good will of the organizing intellectuals, I believe that there is a fundamental difference of understanding here. I do not see the foundation of the Turkish Republic as a revolution or a break from the old system.

The ideology of the Committee of Union and Progress and its foot soldier, the Teşkilat-ı Mahsusa (Special Organization), is the founding ideology of the Turkish Republic. The Republic of Turkey, which assumed the financial debts of the Ottoman Empire at the Lausanne conference, did not assume and is still resisting assuming the biggest debt of the Empire, which is its debt of an apology.

The Republic of Turkey, which continues under a mindset, guilty of the genocide, was founded as a military Republic. I think the main problem in our country is still this militarism. Militarists have achieved a totalitarization through what they call the "red lines" or taboos they have created. And one of these is the world of lies about the Armenian genocide.

Let's look at one of the documents of the Turkish General Staff, the head body of the Turkish Armed Forces, which decides the domestic and international policies of Turkey.

The preface to a document produced by the Military History, Strategic Education, and Supervision Command states: "Deportation of Armenians, a decision taken out of necessity in the face of acts of provocation and treachery committed by Armenians, is being presented by means of distortions reflected on a mirror of lies, instead of the true reflections on the mirror of reality."³ The preface is signed by the Air Marshall, Erdogan Karakus. But, let's go back to history.

At a secret meeting of the Committee of Union and Progress in 1915, a member of the party, Dr. Nazim said, "Armenians are like a deadly wound; it will definitely kill the patient unless treated promptly by a doctor. We need to clear our lands from the Armenian people. Not even one person must be spared, and the Armenian name must be forgotten."⁴ Think about this: what person with a conscience would not agree that the statements of Dr. Nazim and General Karakus are in a unity of thought and feeling?

I believe that the judicial, executive, and legislative institutions are all committed to militarism. The official ideology created by the militarist system dictates what one must think on the Armenian genocide, the Kurdish

3. Armenians.ca, Homepage, <http://sites.google.com/site/armenianfacts/Home> (last visited Apr. 8, 2010).

4. Eren Keskin, *Keskin: From April 24, 1915 to January 19, 2007*, THE ARMENIAN WEEKLY, Feb. 4, 2010, available at <http://www.armenianweekly.com/2010/02/04/5801/>.

problem, and other critical matters. Turkey is still being governed by a constitution which is the result of a military coup. Article 28 of the Constitution is the biggest obstacle to freedom of thought and expression. Article 28 first states that "the press is free, and shall not be censored."⁵ But it then adds:

Anyone who writes or prints any news or articles which threaten the internal or external security of the state or the indivisible integrity of the state with its territory and nation, which tend to incite offence, riot or insurrection, or which refer to classified state secrets and anyone who prints or transmits such news or articles to others for the above purposes, shall be held responsible under the law relevant to these offences.⁶

The meaning of this article is that there is no freedom of expression or thought for people who think differently than the state on the topics marked with the famous, impassable "red lines" of the military. The renowned Article 301 of the Turkish Penal Code states: "A person who publicly denigrates Turkishness, the Republic or the Grand National Assembly of Turkey, shall be punishable by imprisonment of between six months and three years."⁷ During the days when there were changes made to this Article, when explanations were given for the reasons behind the phrase "insulting Turkishness," speaking of an Armenian genocide was given as a major reason. However, the intense international debates on the topic have resulted in the removal of the reasons for the law from the text of the article. Yet, the actual reason still maintains its presence in the mindset.

The judiciary is fully committed to militarism. The Supreme Court has decided that any Turk who thinks that his or her sensitivities have been damaged or degraded by the statements of the writer, Orhan Pamuk, who said in an interview that the Turks "killed 1.5 million Armenians," can open a court case demanding compensation against the writer.⁸ This decision means that the official view on the Armenian genocide is once again dictated to the public through the judiciary.

Another legal example is the case of Hrant Dink. As you all know, it has been three years since the murder of Hrant Dink. After his death, I wrote an article with the title "Teşkilat-ı Mahsusa (Special Organization) at work." In this article, I stated that the Special Operations Command of the Turkish Armed Forces, which is the continuation of the legacy of the

5. Anayasa [Constitution] art. 28 (Turk.), available at http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf; see also <http://www.tbmm.gov.tr/anayasa.htm> (last visited Apr. 8, 2010).

6. Anayasa [Constitution], *supra* note 5, art. 28 (Turk.).

7. Law No. 5237 of 26 Sept. 2004.

8. *Turk 'Genocide' Author Faces Jail*, BBC NEWS, Sept. 1, 2005, available at <http://news.bbc.co.uk/2/hi/4205708.stm>.

Special Organization of Young Turks, is responsible for his murder. I was charged with insulting Turkishness under Article 301 and a court case started.⁹

It is clear that the Turkish judiciary only considers the sensitivity of those who agree with it. Our thoughts and sufferings have no meaning or value for them. So this must be “Turkishness.”

After Hrant Dink’s murder, two Turkish musicians put their racist feelings on paper and composed songs praising Ogun Samast, the murderer of Hrant Dink.¹⁰ Following the official complaint of the Human Rights Association, a court case was opened against these people. However, the judiciary has given its decision once more. The judges who punished those who condemn Hrant’s murder found these racists not guilty. They did not find a criminal element in this song that defends a murder.

Things have changed much in Turkey. After spending time in prison in 1995 for expressing my thoughts, there are twenty-one court cases open against me and five of these are at the highest court deciding criminal punishment. The reasons for the accusations include: recognition of the Armenian genocide, the use of the phrase “Kurdistan,” and my criticism of the army. There are currently thirty-seven intellectuals in Turkey who have been charged under Article 301,¹¹ and all of these court cases are still pending. In most of these cases, the verdicts include a year or two of imprisonment, which is converted into a monetary fine, but because most Turkish intellectuals either are not able to pay such high prices, or are not willing to pay, all of these verdicts are converted back to imprisonment.

Turkey is a graveyard for identities. The Turkish state has been founded on an identity which allows only the Turkish and Sunni identity to be legitimate.

Julien Benda says, “True intellectuals have to take the risk of being tied to a pole and burnt, sent to exile and crucified on the cross. That is why their numbers are not that many. Before anything else, they must be in a position of opposition to the status quo.”¹²

Edward Said says, “An intellectual cannot easily be owned by governments and mega corporations, and only exists to represent people or topics that are continually forgotten or brushed under the carpet.”¹³

9. Law No. 5237 of 26 Sept. 2004.

10. *Turkey: Hrant Dink shot dead*, THE ENGLISH CENTRE OF INTERNATIONAL PEN, Jan. 19, 2007, available at <http://www.englishpen.org/writersinprison/bulletins/turkeyhrantdinkshotdead/>.

11. See generally Erol Onderoglu, *Freedom of Expression Under Nationalist Siege*, OBIANET, Feb. 16, 2007, available at <http://bianet.org/english/freedom-of-expression/92115-freedom-of-expression-under-nationalist-siege>.

12. JULIEN BENDA, *THE TREASON OF THE INTELLECTUALS*, 43 (Richard Aldington trans., Horton 1969) (1928).

13. EDWARD W. SAID, *REPRESENTATIONS OF THE INTELLECTUAL: THE REITH LECTURES* 11 (1994).

In Turkey, even those who define themselves as “the opposition” are shaped by the official ideology along the military’s impassable “red lines.” Sadly, the number of people who refuse to abide by these restrictions is small. That is why I would like to end my talk with the ending of an article of mine published by the *Armenian Weekly* some time ago:

It’s been 94 years!

Those who believe in lies,

Those who don’t question the lies,

Those who remain silent even if they don’t believe in the lies,

Those, by their silence, approve of the lies,

We are all, guilty. . .

And we owe thousands, millions of apologies. . .¹⁴

14. Eren Keskin, *supra* note 1.