



## Assassination of Armenian Journalist Hrant Dink

### TURKEY AND ARTICLE 301

- Article 301 of Turkey’s penal code states that “publicly denigrating Turkishness” is a punishable offense.
- The penal code also makes public affirmation of the Armenian Genocide in Turkey punishable under Article 301.
- Turkey is the only country in the world where speaking the truth about the Armenian Genocide is regarded a prosecutable offense.
- Article 301 has been invoked in dozens of cases against peaceful, law-abiding citizens who have taken public positions challenging their government’s distortions and denials of historical facts.
- The Turkish courts dismissed all cases filed against Turkish nationals under Article 301 except Hrant Dink, one of the most vocal advocates of human rights and tolerance in Turkey, and the only ethnic Armenian prosecuted.
- For simply mentioning of the Armenian Genocide, Hrant Dink was hauled to court and convicted in 2005. This very public prosecution in the courts, and in the Turkish media, made him a target of extremists.
- The rule of law in Turkey was turned upside down by Article 301. Article 301 has been abused by ultranationalist prosecutors and judges to impose an authoritarian conformity on Turkish society. It has fostered extreme and intolerant forms of nationalism and was applied to target one of the bravest champions of democratic freedoms to the point of exposing him and delivering him as the victim of a ruthless assassin.
- Ninety-three years after the Armenian Genocide, Hrant Dink is the latest victim of Turkey’s continuing campaign of denial and intolerance. It is clear that Armenians and other minorities are still at risk in Turkey.
- Article 301 of the Turkish penal code has become a painful reminder of the open wounds of genocide and its denial. Because of Article 301 the name of so distinguished a journalist – a figure honored everywhere for his courage and decency – has been added to the list of victims of hate, racism, and extremism.



**HRANT DINK**  
(1954-2007)

*Newspaper Editor and Columnist*  
*Founder of Agos Weekly*



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## WHAT CAN THE UNITED STATES DO?

1. The United States should strongly condemn this act of violence and call upon Turkey to introduce immediate reforms, to guarantee the safety and security of its minorities, to put an end to the atmosphere of intolerance, and to forswear the articles in its law code that expose to criminal prosecution those brave men and women who chose to speak the truth.
2. The United States should call upon Turkey to guarantee the freedom of expression and the freedom of the press, to guarantee journalists and editors of all persuasion the freedom to publish without fear of reprisal, and to promote respect for an independent media where all views and opinions may be expressed without the threat of intimidation or indictment.
3. The United States should also call upon Turkey to improve its record on human rights, to lift its restrictions on the institutions and organizations of its minorities, educate the public about the history, culture, and religion of its minorities, and to foster better understanding among the ethnic communities in Turkey.
4. The United States should call upon Turkey to end its misguided policy of denying the Armenian Genocide, to create proper appreciation of the historical legacy of the terrible events of 1915, and to introduce honesty and objectivity in its educational system.

## U.S. & INTERNATIONAL REACTION TO DINK'S ASSASSINATION AND ARTICLE 301

**Daniel Fried, U.S. Assistant Secretary of State for European and Eurasian Affairs:** Speaking at a January 23, 2007, Washington, DC, memorial service in honor of Dink, Ambassador Fried called Hrant Dink “a man of courage and decency.”

I must express my awe and admiration for his memory and for his life's work. And we all express our shock and horror at his brutal murder. He was a proud son of the Armenian people and a citizen of Turkey, and in his work and in his life insisted on reconciliation and dialogue. And he stood for a civic virtue higher than hatred, higher than ethnic stereotypes, higher than fears and repression and ignorance. His was a vision of a better world. His was a vision of the best in Turkey's tradition.



*Daniel Fried, U.S. Assistant Secretary of State speaking at Washington, DC, memorial service.*

**Vartan Oskanian, Minister of Foreign Affairs of Armenia,** wrote in the Los Angeles Times of February 7, 2007:

Dink was an advocate of many things. Chief among them, he believed that individuals have the right to think, to talk, to explore, to debate. Dink knew that if the authorities would just allow people to reflect and reason aloud, share questions and search for answers, everything would fall into place. Eventually, through public and private discourse, Turks would arrive at genocide recognition themselves. Equally, he also believed that there must be dialogue between peoples, between nations — especially between his two peoples, the Armenians and the Turks. He himself was a one-man dialogue, carrying on both sides of the conversation, trying to make one side's needs and fears audible to the other. Unfortunately, Turkey's policy of keeping the Armenian-Turkish border closed has resulted in a reinforcement of animosities. Dink was one of many Armenian and Turkish intellectuals who understood that there needs to be free movement of people and ideas in order to achieve reconciliation among neighbors. But Turkey insists on maintaining the last closed border in Europe as a tool to exert pressure on Armenia, to make its foreign policy more pliant, to punish Armenians for defending their rights and not renouncing their past.

For more information on the assassination of Hrant Dink, including international coverage and condemnation see the Armenian Assembly of America's Web site: <http://www.aaainc.org/index.php?id=506>



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**The Economist** headlined a January 25, 2007, editorial: “How to honour Hrant?”

The best tribute for a brave journalist would be a change in the law. But if Mr. Dink is to be honoured in death, popular indignation will not suffice. Recep Tayyip Erdogan, Turkey's moderate Islamist prime minister, should rescind Article 301 of the penal code which outlaws “insults to Turkishness”. This sinister provision in a new code, which was supposed to modernise Turkey's legal system, has been a huge step backwards. It gives fanatics the chance to haul before the courts some of Turkey's best journalists, including Mr. Dink, as well as writers and scholars. Worse, noisy prosecutions have exposed many people to the rage of hotheads whose reaction to straight talk about history is to reach for their guns.

**American Jewish Committee** in a January 24, 2007 press release stated:

“The American Jewish Committee is joining in the call for abolition of Turkish legislation, Law 301, which makes it a crime to “insult the Turkish identity.”

**Amnesty International USA** in a January 19, 2007 press release stated:

Last year, Dink was prosecuted for the third time on charges of "denigrating Turkishness" under Article 301 of the Turkish Penal Code. Amnesty International called for the repeal of that law and condemned his prosecution as part of a pattern of judicial harassment against him for peacefully expressing his dissenting opinion. Dink had already been given a six-month suspended prison sentence in July 2006 following an October 2005 conviction on charges of "denigrating Turkishness."

**Committee to Protect Journalists (CPJ)** in a January 19, 2007 statement reported:

“Through his journalism Hrant Dink sought to shed light on Turkey’s troubled past and create a better future for Turks and Armenians. This earned him many enemies, but he vowed to continue writing despite receiving many threats,” said CPJ Executive Director Joel Simon. “An assassin has now silenced one of Turkey’s most courageous voices.”

In a February 2006 interview with CPJ, Dink said Turkish nationalists had targeted him for legal harassment. “The prosecutions are not a surprise for me. They want to teach me a lesson because I am Armenian. They try to keep me quiet.” Asked who “they” are, Dink replied, “the deep state in Turkey”.

**English PEN** Director, Jonathan Heawood said:

Dink's murder represents a gross attack on freedom of expression in Turkey, and highlights the urgent need for Article 301 and related Turkish laws to be repealed. Now, more than ever, the Turkish state must signal its commitment to building a genuinely multicultural society, in which difference is tolerated and in which there is space to freely debate Turkey’s past, its present and its future. Dink's persecution through the courts by nationalist lawyers may have singled him out as a target.

**World Politics Watch** in a February 2, 2007 article headlined “Hrant Dink: Silenced in the Shadow of Turkey's Penal Code 301” by Handan T. Satiroglu:

The assassination of Dink, editor-in-chief of the Istanbul-based Armenian newspaper Agos, reflects a hard fact masked by Turkey's recent democratic reforms during its EU bid: Turkey is in the throes of a profound identity conflict. On the one hand, its archaic, oppressive political machinery lies decadent and gasping under the weight of recent European-inspired reforms that have resulted in democratic changes. Yet, conversely, the reforms have been met with a fresh burst of nationalist backlash. The draconian Turkish Penal Code Article 301, making it a crime to insult “Turkishness,” has further nourished Turkish extreme nationalism. Since the article was introduced in 2005 -- replacing an even more strident law -- more than 96 writers and intellectuals have been persecuted, including high-profile cases such as novelist Elif Shafak, slain leftist journalist Ahmet Taner, and the late Dink, who was prosecuted three times under 301 for addressing Turkish-Armenian issues squarely.



## The Prosecution of Hrant Dink

**October 7, 2005:** Hrant Dink was prosecuted in Şişli (Shishli) Criminal Court under Article 301 of the Turkish penal code. Adopted as part of the Turkey's European Union accession requirements, Article 301 makes criticism of "Turkish national identity" a criminal offense. Dink was convicted and given a 6-months suspended sentence. He appealed the court's verdict and sought a full acquittal.

**February 9, 2006:** As a result of Dink's appeal, the Appeals Court in Sanliurfa overturned the lower court's decision and ordered a new trial.

**May 1, 2006:** Despite the prosecutor's recommendation, the High Court of Appeals in Istanbul suspended the invalidation of Dink's conviction upon appeal, and upheld the lower court's verdict.

**May 16, 2006:** Dink was charged with "attempting to influence the judiciary," which carries a possible sentence of up to three years. Charges were also filed against three other *Agos* associates, including Sarkis Seropyan the publisher of *Agos*, Aydin Engin a Turkish journalist, and Arat Dink, the son of Hrant Dink.

**June 6, 2006:** The High Court of Appeals Prosecutor's Office, the highest prosecutor's office in Turkey, argued that Dink had not committed any crime and that the High Court of Appeals should not have upheld his verdict.

**July 4, 2006:** The second trial of Hrant Dink began. Due to a courtroom melee, the trial was adjourned until December 12, 2006.

**September 26, 2006:** A new indictment under Article 301 was filed against Dink.



\* **January 19, 2007:** Hrant Dink was murdered in broad daylight directly in front of the *Agos* office building.

**February 7, 2007:** *Turkish Daily News* headlined: "Dink Still being tried: The retrial of Hrant Dink for "insulting Turkishness" continued on Tuesday [February 6, 2007] at the Second Şişli Criminal Court, almost three weeks after a 17-year-old nationalist shot and killed the journalist..."

**October 11, 2007:** Arat Dink, son of the late Hrant Dink, and *Agos* publisher Sarkis Seropyan were found guilty of "insulting Turkishness" under Article 301 of the Turkish Penal Code. Both were given a one-year suspended sentence after re-printing an article written by Hrant Dink in 2005. Arat Dink has since sought asylum in Belgium.

### HIGH PROFILE CASES UNDER ARTICLE 301

Article 301 of the Turkish Penal Code was introduced as part of a package of penal-law reform in the process preceding the opening of negotiations for Turkish membership of the European Union (EU). Originally, Article 301 made it a crime to insult "Turkishness." Article 301 was amended on April 30, 2008 making it a crime to insult the Turkish government, republic and judicial bodies of state. Since this Article became law on June 1, 2005, charges against writers, journalists and academics have been brought in Turkey in nearly 200 cases.



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In its short life the Article has been severely criticized in Turkey and by the international community. In Turkey critics maintain that the Article has become a tool of nationalists who use it to press charges against intellectuals in order to stifle dissent and to thwart the admission process to the EU.

Turkish novelist Elif Şafak claims the Article has a chilling effect on free expression. Amnesty International in its statement headlined "Turkey: Article 301 is a threat to freedom of expression and must be repealed now!" reports: "Article 301 poses a direct threat to freedom of expression, as enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)."



*Elif Şafak, Orhan Pamuk, Hrant Dink*

Following Dink's assassination on January 19, 2007, Orhan Pamuk declared: "In a sense, we are all responsible for his death. However, at the very forefront of this responsibility are those who still defend Article 301 of the Turkish Penal Code. Those who campaigned against him, those who portrayed this sibling of ours as an enemy of Turkey, those who painted him as a target, they are the most responsible in this."

**ORHAN PAMUK:** Under Article 301 charges were filed against writer Orhan Pamuk, winner of the 2006 Nobel Prize for Literature, for stating in an interview with a Swiss magazine: "Thirty thousand Kurds and a million Armenians were killed in these lands and nobody but me dares to talk about it."

**NOAM CHOMSKY, EDWARD S. HERMAN:** In July 2006 the Istanbul public prosecutor's office prepared an indictment alleging that the statements in the book "Manufacturing Consent" by Chomsky and Herman constituted a breach of Article 301. The publisher and editors of the Turkish translation, as well as the translator, were brought to trial in December 2006.

**MURAT BELGE, FOUR OTHER JOURNALISTS:** In February 2006, trial began for 5 journalists charged with insulting the judicial institutions of the State, and also of aiming to prejudice a court case (Article 288 of the Turkish penal code). Each of the 5 had criticized a court order to shut down a conference in Istanbul about the Armenian casualties in the Ottoman Empire during World War I. The charges carried a potential prison term of up to 10 years.

**ELIF ŞAFAK:** In 2006, Elif Şafak faced charges of "insulting Turkishness" because of words spoken by an Armenian character in her latest work of fiction, *The Bastard of Istanbul*.

**PERIHAN MAGDEN:** Writer and journalist Perihan Magden was prosecuted for a December 2005 newspaper column in which she strongly defended the principle of conscientious objection. The trial took place on July 27, 2006. If convicted, she could have faced 3 years' imprisonment.

**RAGIP ZARAKOLU:** Two months after amending Article 301, in June, 2008 publisher Ragıp Zarakolu received a 5-month jail sentence under Article 301 for publishing a translation of a book about the Armenian Genocide entitled, "The Truth Shall Set Us Free," by George Jerjian, which calls for reconciliation between Turks and Armenians and tells the story of how a Turk saved the writer's Armenian grandmother during the Genocide.

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## Biography of Hrant Dink

Hrant Dink was one of Turkey's most prominent Armenian voices. Despite threats to his life, he refused to remain silent. He always said that his aim was to improve the difficult relations between Turks and Armenians. Active in various civic platforms and civil society organizations, Dink emphasized the need for greater democratization in Turkey. He focused on issues of free speech, minority rights, civil rights and matters pertaining to the Armenian community in Turkey. In his public speeches, when talking about the fate of the Armenians, he never refrained from using the word genocide, a term fiercely rejected by Turkey.



Hrant Dink was born in Malatya, Turkey, on 15 September 1954. His childhood was spent in care of his grandfather. At age 7, Dink moved to Istanbul, where he was enrolled in the Gedikpaşa Orphanage of the Armenian Evangelical Community. For the next ten years he remained at the orphanage, where he also met his future wife, Rachel. He received his primary and secondary education in Istanbul's Armenian schools. Dink graduated from the University of Istanbul with a degree in zoology, and studied for a second degree in philosophy from the same university. Dink was an active member, and a former chairman of the Armenian Evangelical Church of Gedikpaşa, Istanbul.

Dink and his wife started life together managing the Tuzla Armenian Youth Camp. In 1979, Turkish authorities took over the camp, where 1,500 Armenian orphans were being sheltered. The General Management of Foundations started court action to rescind Gedikpaşa Armenian Protestant Church's ownership of the camp site, demanding that the land be returned to its previous owner. Following a four-year legal process, the court ruled that the land should be returned. The decision was in line with the 1974 decision of the Court of Appeals which declared that all real estate acquired by minorities after 1936 should be either returned to their previous owners, or in case of their bereavement should be handed over to the National Real Estate Foundation. Dink struggled to have the camp restored to the orphan children, but ultimately he failed in his attempts to restore the camp to Armenian management.

Dink wrote a book about the camp in which he summarized his experience: "I was eight when I first went to Tuzla. I have worked hard for 20 years for that camp. I met my wife Rachel there. We grew up together. We got married there. Our children were born there. But one day they handed us a court declaration. We were defeated after a five-year struggle. **What could we do, we had the state against us?**" After 21 years of operation, the Tuzla Armenian Youth Camp administration was transferred to direct Ministry of Education control.



Following the transfer, Dink decided to become the voice of his community by founding *Agos Weekly* in Istanbul, a newspaper published in Armenian and Turkish. As editor-in-chief, he tried to make *Agos* the democratic, opposition voice of Turkey, a voice used to inform the public of the injustices committed against the Armenian community. A major aim of the newspaper was to contribute to dialogue between the Turkish and Armenian communities, as well as between Turkey and Armenia. Additionally, he wrote for the national dailies *Zaman* and *BirGün*.



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Initially *Agos* had only 1,800 subscriptions. Because of Dink's balanced editorials, subscribers quickly increased to 6,000 and included many Turks. *Agos* became a means for reaching the Armenian community and for the Armenian community to make its voice heard. According to Dink, *Agos* encouraged the development of the Armenian community by helping to triple participation in the last elections of the Armenian patriarch of Istanbul, and also helped train many journalists. The weekly became the community's face to Turkish society and cultivated many friends. Dink also voiced his intention for opening an Institute of Armenian Studies in Istanbul. He hoped his questioning would pave the way for peace between the two peoples: **"If I write about the [Armenian] genocide it angers the Turkish generals. I want to write and ask how we can change this historical conflict into peace. They don't know how to solve the Armenian problem."**

Dink promoted a policy of wider integration of Turkish-Armenians into Turkish society. Critical of state injustices, he often emphasized that a stronger Turkey would be achieved through the elimination of discrimination. Even after his conviction for speaking of the Armenian Genocide, Dink continued to value his community, city, and country, noting often that his analysis and criticism was in the interest of strengthening the country. He concentrated on the mismanagement of community institutions, tried to promote obtaining rights through legal means, and was always open to compromise, once noting: "After all, Turkey is very reluctant to concede rights to its majority as well."

Dink was prosecuted three times. He was acquitted the first time, convicted and received a postponed six months jail sentence the second time, which he had appealed to the European Court of Human Rights, and at the time of his death, the prosecutor's office was preparing to press charges for a third alleged offense.

In a February 2006 interview with the *Committee to Protect Journalists*, Dink spoke about his conviction in criminal court on the charge of insulting Turkishness: **"This is a political decision because I wrote about the Armenian Genocide, and they detest that, so they found a way to accuse me of insulting Turks."** In the same interview, he explained that while he had always been in the sights of Turkish nationalists, the past year was witness to an intensified campaign: **"The prosecutions are not a surprise for me. They want to teach me a lesson because I am Armenian. They try to keep me quiet."**

The appeal of his October 7, 2005, conviction was rejected by a Turkish court in May 2006. Having exhausted the available appeals process, Dink turned to the European Court of Human Rights to overturn the ruling. He submitted his application on the grounds that Article 301 restricted freedom of expression and that he had been discriminated against because of his Armenian ethnicity.

In September 2006, another indictment was filed against Dink under Article 301 of the Turkish Penal Code. Amnesty International labeled the case as "part of an emerging pattern of harassment against the journalist exercising his right to freedom of expression." The charge was brought against him by the Istanbul Prosecutor's Office after he referred to the 1915 massacre of Armenians in the Ottoman Empire as genocide during a July 14, 2006 interview with the Reuters news agency: **"Of course I'm saying it is genocide, because its consequences show it to be true and label it so. We see that people who had lived on this soil for 4000 years were exterminated by these events."**

Dink regularly received threats to his personal safety. He complained about the indifference of the Turkish government to this atmosphere of terror. **"Do you ministers know the price of making someone as scared as a dove?"** he wrote in his last column in *Agos*, which appeared on January 10, 2007. Dink complained of the Turkish state propaganda against him which led many Turks to consider him an enemy of Turkey. **"It is obvious that those wishing to alienate me and make me weak and defenseless reached their goal. Right now they have brought about a significant circle of people who are not low in number and who regard me as someone insulting Turkish identity due to the dirty and wrong information."**



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He also complained of the indifference shown by Turkish authorities to provide him with personal security: **“The diary and memory of my computer is full of messages from citizens of this circle full of rage and threats. (Let me note that I regarded one among them posted from Bursa as a close threat and submitted it to Public Prosecutor’s office in Şişli but got no result).”**

A week before his assassination, Dink wrote that he felt “nervous and afraid” because of the intensity of hate mail and threats he had been receiving. In his final column in *Agos* he had written: **“I see myself as frightened, the way a dove might be, but I know that the people in this country would never harm a dove.”**

On January 19, 2007, a Turkish ultra-nationalist murdered Dink with three gunshots to the head. Soon after his apprehension, Turkish news agencies showed Dink’s assailant holding a flag of Turkey while police posed for photographs.

Dink is survived by his wife Rakel, and three children – Delal, Arat and Sarah.



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