

T.R. [Republic of Turkey]
Şişli
State Head Prosecutor
Investigation No:
2006/49047

Suspect's Statement Form

PROSECUTOR TAKING
STATEMENT:

NİHAT ERGÜN

RECORDING CLERK:

ÜLGER ATEŞ

LOCATION OF STATEMENT:

State Prosecutor Room – 6th floor

DATE OF STATEMENT:

Jan. 5, 2007

IDENTIFICATION:

TANER AKÇAM, born to Dursun and Perihan, in Ardahan, 1953. Registered in Kars, Ardahan, village of Ölçek. Attorney's address: 316-602 Istiklal Avenue, Beyoğlu.

PERSONAL AND FINANCIAL
SITUATION OF PERSON
GIVING STATEMENT:

FACULTY MEMBER – America, University of Minnesota, Professor of History.

In accordance with CMUK [Criminal Code of Procedure] Article 147, after the suspect's identification was confirmed, his rights were explained to him, and he was reminded of his duty to answer questions about his identity honestly.

[The suspect] having declared that he wanted help in his defense and that his attorneys were available, his power of attorney was to be presented to Erdal Doğan, Esq., and Fethiye Çetin, Esq., of the Istanbul Bar, office address at 316-602 Istiklal Ave., Beyoğlu. [The suspect] having declared that he would grant formal power of attorney to them later, they were present at his defense, during the process of taking the statement.

In the presence of his defense attorneys, the suspect's rights under CMK [Criminal Code of Procedure] Article 147 were read to him again.

He was given a statement regarding his legal right to an explanation of the charges.

He was reminded that he had the right to gather concrete evidence to lift the accusation against him and that he would have the opportunity to present affirmative information on his behalf as well as evidence to remove the suspicion over him.

THE SUSPECT IN HIS OWN DEFENSE: The criminal charges were explained to him; he declared that he would give a statement in his defense.

ASKED: He declared:

I wrote the article titled “Hrant Dink, 301, ve Bir Suç Duyurusu” [Hrant Dink, 301 and a Criminal Complaint], which appeared in the Newspaper called “Agos,” published in the borough of Şişli on Oct. 6, 2006, at the end of the sheet of page two under the heading “Arada Sırada” (From Time to Time), with a byline of Taner Akçam, writer, written in black. The article which you have shown me here is comprised entirely of my own thoughts.

As I made clear in the article, I believe that the policy towards the Armenians in 1915, the policy of the *İttihad ve Terakki* [Union and Progress] Party, meets the definition of genocide as set forth in the 1948 United Nations Convention on Genocide. I expressed this opinion in my article, relying upon the framework provided by freedom of the press.

I did not write this article to serve any organization or group. I am a professor of history. I have carried out research on the subject. The conclusion at which I arrived, as a result of this research, was reflected in that article. I have come to this conclusion over the past 15 to 20 years.

I have expressed my thoughts on the subject on a variety of occasions, not only in “Agos” but also in other media organs in Turkey. I have published academic books on the subject in Turkish as well as in other languages.

I did not write [this article] with the intent to demean a nationality or to further the interests of a particular race or ethnic group. I reflected the thoughts which I have developed over time, based upon research studies, in my writings, within the framework of freedom of the press and democratic freedom of thought. This is how I think on the subject. As new information or documentation could cause me to change my position on the matter, I may later also express a different opinion. I am a social scientist and I act within the principles of objectivity and freedom of the press. In writing the article, I do not believe that I committed a crime. I am innocent.

STATEMENT OF THE SUSPECT’S LEGAL REPRESENTATIVE:
ERDAL DOĞAN, 316-602 Istiklal Ave., Beyoğlu.

He stated:

In addition to agreeing to the foregoing statement, the issues which were identified by the individual who petitioned for a criminal summons against my client, called forth as the suspect, namely, the crimes of demeaning Turkishness, inciting crime, praising a criminal or crime, and inciting hatred or enmity amongst the populace, were not committed by my client; moreover, the aforesaid newspaper article reflects conclusions based on studies which he has defended for many years.

Defining something as genocide is not a crime; neither can it be considered as the object of a criminal statute such as “praising a criminal.” Such opinions are entirely the result of research and study and come within freedom of thought. There is no support under CMK [Criminal Code of Procedure] Article 170/4-5 for either an abstract or concrete source of crime to justify an indictment being issued here.

Regarding the investigation in question, I demand that a decision to dismiss be issued in accordance with CMK Article 172/1. If an indictment is issued and prosecution sought in spite of this request, then we believe that it will disturb societal peace and security because the aforementioned opinions are thoughts which have been voiced by a variety of people and historians for many years. If in fact a decision is made to indict and prosecute, then its illegality and the baseless nature of the charges will be even more evident in the presence of those who will be called as complainants to the trial. The individuals who are behind the criminal complaint are [illegible] people. I am of the opinion that this [matter] will have to be evaluated in this way.

STATEMENT OF THE SUSPECT’S LEGAL REPRESENTATIVE:
FETHIYE ÇETİN, 42/5 Süleymanpaşa St., Kadıköy. The case was explained to her and it [?] was asked.

She stated:

I concur with the statements of my client and my colleague. The writing in question is obviously both abstract and objective. As such, it does not have the qualities of a crime.

Use of the word “genocide” has never been defined as a crime in any part of our criminal code. In similar cases that have been brought, the defendants have been acquitted. For example, the decisions in favor of writers like Elif Shafak have set a clear and definite [precedent].

Various individuals have [expressed similar opinions] in the press and media organs. The opening of a case solely against “Agos” newspaper and this writer, for use of this word, could be regarded as a case of arbitrariness. For this reason, I demand that a decision to dismiss be issued.

In accordance with the requirements of CMK Article 147, the contents of this transcript were read to the suspect and the signatures affixed at the bottom of the transcript.

Jan. 5, 2007

State Prosecutor
Suspect

Reporter

Defense Attorneys

Nihat Ergün
Akçam

Ülger Ateş

Erdal Doğan, Esq.

Taner

Fethiye Çetin, Esq.