

Hrant Dink

A victim of intolerance and the quest for justice

by Joost Lagendijk, Co-Chair of the EU-Turkey Joint Parliamentary Committee
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Hrant Dink, editor of the Turkish-Armenian Weekly AGOS, was gunned down in a busy street in Istanbul on 19 January 2007. The 'killer' Ögün Samast, a 17 year-old youth from the port of Trabzon, was arrested two days later while still in the bus returning from Istanbul. He still had the murder weapon on him. Samast did not know Hrant Dink. It was apparently only after his arrest that he understood the purpose for which he had been used and, in the first hearing in the courtroom, he asked the person who had directly ordered the killing why he had 'done this to him'. Turkish public opinion, the political leadership of the country and the press were all shaken by these events. Hundreds of thousands of people followed Hrant Dink's funeral cortege and Prime Minister Erdoğan promised the family, whom he met in their flat, that he would shed full light on the affair. Hélène Flautre, chair of the European Parliament's Human Rights Subcommittee, and I attended the funeral. A report has been drawn up on this matter and the circumstances of the killing of Hrant Dink which we forwarded to the President of the European Parliament. On the basis of this report, we decided to further monitor the trial and the debate about Hrant Dink and to report back to Parliament. Since I am no longer standing as a candidate for the European Parliament and new colleagues will soon be taking over, I should like to take the opportunity with the present report to brief the House for the last time in my capacity as Co-Chair of the Joint Parliamentary Committee.

The Hrant Dink trial quite soon focused attention on two important political issues; firstly, the tragic history of the Armenian minority and its present situation in Turkey and relations between Turkey and Armenia which were central to Hrant Dink's activities and have become the subject of a lively debate. The second political issue, namely the question how the Turkish judicial system is dealing with the case, is also of significance for the light it sheds on transformation of Turkish society. For the way in which the security forces dealt with Hrant Dink as a critical journalist has sparked off a debate in Turkey about the law and the rule of law.

Several books have now appeared on the Hrant Dink case. In addition, a lively debate is taking place on minorities in Turkey - an issue which has only begun to make an impact on Turkish public opinion with this tragic case. The present report cannot deal with all the issues raised. It will therefore concentrate on the following:

- the trials, which have now lasted for over two years, which I or my colleagues have attended as observers,
- an assessment of the report commissioned by Prime Minister Erdoğan and drawn up by the three inspectors on the responsibility of the security forces, and
- the situation of the Dink family and the Armenian minority in Turkey.

In addition, it will make recommendations about how the European Parliament should address this issue in future.

The Trial

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The trial of the group of persons directly involved - 'a terrorist association' according to the public prosecution - has been underway for over two years in the Istanbul Criminal Court in the district of Beşiktaş and has been attended by a substantial contingent of international observers. Despite repeated attempts by the defence, the number of defendants has remained restricted to the youths from Trabzon. The accused, some of whom are members of the youth organisation 'Alpernler', an extreme right political party, had already attracted attention in 2002 with their attack on a priest of Santa Maria Catholic Church in Trabzon. The men who had directly ordered the killing, Yasin Hayal and Erhan Tuncel, had already been arrested in 2004 after a bomb attack against a branch of McDonald's in Trabzon. Despite the fact that they were clearly responsible, the sufficient evidence was available and a number of people were injured, they virtually escaped a custodial sentence. The 'student' Erhan Tuncel had been recruited by the police as an 'informer' after the bomb attack and had appeared in the McDonald's trial as a 'witness', although it was known that he had both selected the McDonald's restaurant as a target - 'US interests' - and procured the bomb.

The right-wing orientation of these youths is unmistakable and they have denied neither the act itself nor their motives. One of the most important issues at stake in the trial is to establish whether these extreme-right youths acted on their own behalf; if so this would point to a new and dangerous potential for right wing terror. This question has, however, been resolved fairly as the trial has progressed. They had not read the Hrant Dink newspaper articles, nor did they know what he was working on, nor had they the resources to organise such an act in Istanbul while being based in Trabzon. Even though the financial sources have not yet been established, everyone now agrees that they must have received financial support. So far they have not revealed from whom they were taking orders. Nor has the trial so far been able to shed light on the connections between the attack on the priest, on the McDonald's restaurant and on Hrant Dink. However, it is generally accepted, not only by the Dink family and its lawyers, but also by Turkish public opinion, that these youths were carrying out orders and that the identity of the 'godfathers' is still unknown.

It also became clear during the trial that the security forces had had knowledge of the planned attack from the outset. Some of the accused, who were police contacts, systematically reported to the security forces on the activities of the group. In addition, members of the public and relatives passed on specific warnings to the security forces because 'we were worried that they would do something stupid' in the words of one family member in the trial who was heard as a witness.

A police colonel had altered the police report after the death of Hrant Dink in order to create the impression that some information had been received only after the act; he had also attempted to intimidate witnesses. A trial is now under way against a group of policemen in the city of Trabzon following the admission by two officials that they had been ordered to falsify the police reports. However, the lawyers' attempts to merge these two trials have not so far been met with success.

Despite the presiding judges' best efforts to ensure a transparent and fair trial, it is quite clear that the judges lack the courage to address the failures of the security forces and their responsibility before the court. The applications made by lawyers to subpoena and question the officials whose names are now known have all failed to win the public prosecutor's support and have been rejected by the judges.

The role played by the public prosecutor in the trial is puzzling, to say the least. He is decidedly passive and does not ask, either the accused or the witnesses, any questions although for two years new material has been emerging and the trial has changed course a number of times. He gives the impression of leaving the role of prosecution to the Dink family's lawyers, who not only represent the family's interests but also 'interrogate' witnesses and the accused, which is normally the public prosecutor's job.

The Dink family and its lawyers no longer expect the on-going trials to achieve much. The affair will be cleaned up not, they believe, in the courtroom, but through rifts in the security forces. They are therefore playing for time and are not interested in speeding up the trial, since the best result they can achieve is a long prison sentence for the youths on trial, while sparing the 'godfathers'. No new evidence emerged in court on 8 July 2009 about the 'godfathers' which might change the course of the trial. The Dink family and its lawyers assume that the case will end in spring 2010 with long prison sentences for the youths, unless new evidence turns up about the 'godfathers'. They are pinning their hopes rather on continued public interest which has repeatedly found expression, in tens of thousands of people observing a minute's silence, in particular on 19 January in front of AGOS newspapers editorial offices, and on rifts opening up in the closed ranks of the security forces. The report commissioned by Prime Minister Erdoğan encourages these hopes in every respect.

The Prime Minister's report

Prime Minister Erdoğan had assured Mrs Dink when he visited her to offer his condolences that he would take up the matter personally in an attempt to shed complete light on the affair, independently of the ongoing investigations. He took a letter by Frau Rakel Dink who had complained about the approach and behaviour of the security forces and the judiciary as an opportunity to order a report from the Ministry of the Interior. This report, which is clearly a piece of very meticulous work by the three inspectors involved, is now available and can be consulted on the Internet, for instance the website of Milliyet newspaper 'www.milliyet.com.tr'. The authorities clearly have no objections to the fact that an 'internal report' has been published in this way and continued to be accessible to the public.

It is unusual that the Prime Minister should commission a report on a case which is already the subject of ongoing court and disciplinary proceedings and then allow the results to be publicly accessible.

The Prime Minister was clearly very shaken, not only about the murder of Hrant Dink, but also about the behaviour of the security forces who had posed with the perpetrators as 'heroes' for photos against the background of a Turkish flag. Another factor which must have weighed even heavier in the Prime Minister's decision to get involved in this affair was the fact that it rapidly became clear that Hrant Dink's death was made possible only by a 'long chain of failures by the security services. Turkish public opinion assumes that the large number of 'failures' listed in the Prime Minister's report are not just a result of a 'chain of coincidences'.

Nevertheless, the report is to be welcomed from every point of view. Not only does it name those responsible for the 'failures' and issue recommendations for action to be taken; it also highlights the failings of the prosecution authorities. The report sheds new light on the role of the 'student'

Erhan Tuncel and his links with the security forces. The student's assertion that he was unaware that he had been dismissed as a police informant, as the Trabzon city police authorities claim, gains new credibility in the light of the inspectors' investigations. For these investigators have not found any evidence that the student provided 'false and unreliable information' - the reason the police authorities give as justification for his 'dismissal'. The inspectors name a number of very senior officials as being directly or indirectly responsible for the 'failures' and recommend that the Prime Minister relieve these officials of their responsibilities and initiate disciplinary procedures against them; when they provide evidence and information about the criminal 'failures' which are the subject of the trial. During our visit at the end of November 2008 we were given the opportunity to discuss the report with the Prime Minister. At that point he had already received the report but had not found time to read it in depth. He assured us that the Dink family and Turkish public opinion would be informed shortly of its contents.

The transfer of Istanbul's police chief to the post of governor of Osmaniye province sends an important signal. Although he could not be held directly responsible for the failures, the inspectors took the view that he had not carried out his responsibilities as head of police and had failed to notice the 'shortcomings' of a number of departments. The inspectors considered that if he remained in office, this would have a damaging effect. Osmaniye, where the police chief has been transferred to, was, until a few years ago, a district town in the province of Adana and is one of the new small provinces where governors generally begin their careers. The office of police chief of Istanbul, on the other hand, is one of the most senior offices in the Ministry of the Interior, and the incumbent can generally expect to be appointed afterwards to Secretary of State or Governor of the province of Istanbul or Ankara. Disciplinary proceedings have been initiated against some of the officials directly concerned who are accused of 'negligence', while others are being held to account in criminal trials.

In short, it is worth looking in detail at the report drawn up by the three inspectors for the Prime Minister. Over the following months and years we should examine very carefully to what extent the recommendations of this report are being implemented. Moreover, this report will be a good basis for judging the outcome of the trial. The inspectors have not only questioned Dink family members, they have also kept them informed about the progress of their investigations. The family has been presented with the complete report, and their lawyers are using the information it contains in the trial, inter alia as a justification for extending the prosecution's indictments.

The Dink family's situation and the Armenian minority in Turkey

As we already mentioned in our first report, the three Dink brothers come from a poor Armenian family in the city of Malatya. Abandoned by their parents, they grew up in an orphanage run by the Evangelical church in Turkey. Both Hrant and Rakel Dink joined the Evangelical church presumably in their youth. When questioned about this, an Armenian priest admitted that his Church had not done enough to care for these abandoned children and welcomed the fact that the Evangelical Church had taken them in. Clever and hard-working, the Dink brothers managed to achieve a position of relatively prosperity while still young. They were also members of various youth organisations in Turkey and took an active part in Armenian minority affairs; this led, in the 1990s, to the foundation of the weekly AGOS newspaper. The experiences of this era later fed into this newspaper. The economic situation of the Dink family remains secure today. The family is endeavouring to compensate for the financial and social repercussions of the loss of

Hrant Dink through the commitment of the younger generation which is active not only in AGOS, but also in the Hrant Dink Foundation which has now got off the ground.

The AGOS newspaper is now financially more secure than it was under Hrant Dink, who, in some months, was forced to pay the salaries of the 20 or so employees more out of his own pocket than from sales and advertising revenue. Etyen Mahçupyan, who is now editor-in-chief, told us that AGOS newspaper could now survive without injections of cash from the Dink family and that their revenue from subscriptions, sales and advertising was sufficient to secure the paper's long-term future. Because of the publicity it has received, circulation of the newspaper has increased in Armenia and Europe. A group of Armenians who published a similar Turkish-Armenian newspaper until a few years ago in Erivan, now intend to revive this old institution with a monthly issue of AGOS. In Paris, too, an initiative has been launched to publish AGOS every month in French and Armenian.

The Hrant Dink Foundation is now working on projects which address the situation of the Armenian minority. The Foundation's chief objective is to combat prejudice and discrimination against minorities. The Foundation is a very young one and its financial resources are still very limited. However, the AGOS newspaper and the Foundation can jointly do much to promote Hrant Dink's political legacy, particularly now that Turkey is beginning to rethink its policy towards minorities, and also towards Armenia. It is only a shame that it took Hrant Dink's murder to achieve this.

While the situation of the Armenian minority has not radically changed, the first signs are encouraging. The very numerous Armenian historical monuments in Turkey are now being registered. Not only are publications appearing about these monuments, but a debate has been launched about their restoration. The new law on religious foundations allows the Armenian church not only to manage church assets, but also to maintain its churches and buildings, which for decades it was forbidden from doing. Unlike other minorities, the Armenian minority is growing rapidly thanks to immigration from Armenia. It is now thought that Armenian immigrants to Turkey now outnumber Turkish Armenians. However, these immigrant families are not permitted to register their children in the Armenian schools, because they are not Turkish nationals. This poses a problem which we have discussed on a number of occasions with Turkish colleagues. Fortunately, however, the Turkish Ministry of Education has decided to treat minority schools equally as far as financial contributions are concerned. So far, they have been forced to produce their own books, mainly by photocopying.

The rapprochement between Armenia and Turkey which has begun to take shape over the last few months will have a positive impact on the situation of the Armenian minority. Last April both States announced that they had agreed on a 'roadmap' to normalise their relations. The substance of this roadmap was, however, not made public. However, it is generally supposed that it includes the following points: the resumption of diplomatic relations, the opening of the border which has been closed for over 15 years, the resumption of trade ties and the opening of rail and road links. It is expected that this process will meet with strong opposition from Azerbaijan and for nationalists in Turkey and Armenia.

This rapprochement between Armenia and Turkey, which the EU institutions have been calling for, was one of the most important issues on which Hrant Dink was working. For him it was a matter of decisive importance, not only for the population of these two countries, but also for the

situation of the Armenian minority in Turkey and the debate on the tragic history of the Armenians. Hrant Dink hoped that a *détente* between Armenia and Turkey would foster an open political debate on the tragic fate of his people and the genocide – and it is worth pointing out that he often tried to leave it to his readers and listeners to decide whether or not to use this charged term.

Conclusions

1. The continuing interest taken by Turkish public opinion in the Hrant Dink case is very encouraging. The trial is attracting very intense press interest and being exhaustively reported. The ‘minute’s silence’ staged repeatedly by tens of thousands of people over the last two years in front of the AGOS newspaper editorial offices show that the Turkish public has not lost interest. We should therefore continue to monitor the trial directly and also attend these gatherings at least until the perpetrators had been sentenced.
2. Our presence in the courtroom has not only provided support for the family who have occasionally been the subject of insulting racist outbursts from the other side's lawyers, it has also quickened press interest in the case. We should therefore maintain our observer status which has been recognised by the court.
3. How public opinion and the authorities deal with the case will provide useful information about the development of the situation of minorities in Turkey. It is therefore also advisable to continue closely to monitor the political debate on the ‘Hrant Dink’ case.
4. The Prime Minister’s report contains very specific proposals whose implementation we should monitor very closely.
5. It is quite understandable that the Armenian diaspora should be far more active politically in the Member States than the Armenian minority in Turkey itself or Armenian politicians in Armenia. However this means that the Armenian minority and the political positions it takes in Turkey are hardly reflected by the European institutions. These minorities must therefore be heard and given a platform, and as we have already done so repeatedly in our committee meetings.
6. It would be useful to consider to what extent projects initiated by the Hrant Dink Foundation could be supported with European Union budgetary resources.