

R[epublic of] T[urkey]
ŞİŞLİ
STATE HEAD PROSECUTOR

INVESTIGATION NO: 2006/49047

DECISION NO: 2007/2146

DECISION THAT PROSECUTION IS WITHOUT MERIT

PLAINTIFF: P[ublic] L[aw]

INFORMANT: RECEP AKKUŞ, 77 Pembegül St., Halkalı Aytaç, Küçükçekmece–Beyoğlu

SUSPECT: TANER AKÇAM, son of Dursun, born 1953, 316/602 İstiklal Avenue

OFFENSE: INSULTING TURKISHNESS BY MEANS OF THE PRESS, INCITING THE COMMISSION OF A CRIME, PRAISING A CRIME AND A CRIMINAL, INCITING HATRED AND ENMITY AMONGST THE POPULACE

DATE OF OFFENSE: October 6, 2006

INVESTIGATIVE REPORT EVALUATED:

On the day in question, although the complainant's motion, assignment date October 12, 2006, claims that the article titled "Hrant Dink, 301 ve bir suç duyurusu" (Hrant Dink, 301 and a criminal complaint), written by the suspect and appearing in the column titled "Arada Sırada" (From Time to Time) on page 2 of the October 6, 2006, edition of the newspaper "Agos," published in the borough of Şişli, is a commission of the crimes which are ascribed to it;

When the writing is analyzed as a whole with the statements of the suspect, who is a professor of history, and who, on the basis of his research, believes that the events occurring between 1915 and 1919 constitute genocide, and who states the same in all of his writings and at academic conferences, we find that there is nothing there that can be characterized as insulting Turkishness, that it comes within [the protection of] the 10th article of the Convention on Human Rights regarding freedom of speech, that the sources of incitement to criminal activity, praising a crime and a criminal, and inciting hatred and enmity amongst the populace, cannot be found therein, and that therefore it is ordered that due to the lack of a basis for the crimes ascribed to the suspect, THERE IS NO MERIT TO PROSECUTION, that this decision be noticed to the

informant, and that the informant's right to file an objection to this decision at the Beyođlu Criminal Court be reserved for 15 days following that notice, and that this decision is without prejudice to an objection. January 30, 2007

Muhittin Ayata
State Prosecutor, ŐiŐli
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