

## **Hrant Dink, 301 and a Criminal Complaint**

by Taner Akçam<sup>1</sup>

With the ink not yet dry on Elif Shafak's case, we're faced with yet another article 301 matter. Hrant Dink will appear before a judge for having used the word "genocide" during an interview.

If Elif's case was in the realm of comedy, Hrant's is downright tragic. It's said that over 60 cases have been tried under Article 301. I don't know if any of them involved anyone using the word "genocide," but I have a hard time understanding why Hrant, of all people, is being prosecuted.

Just look at his writings, look at his talks. You won't find one single instance of the word "genocide," because he never used it. Anytime he was asked if a genocide took place or not, he'd crack a smile. He didn't place a whole lot of importance on which word was necessary to describe what happened. "You call it what you want," he would say. "I know what happened to my people."

I don't recall that Hrant ever took an interest in the legal label for the events of 1915. That side of the issue didn't concern him; the human side did. From what I can remember, he even wrote on the subject: "A nation which once lived here is no more. It was pulled out by its roots, like a tree. Their lives here were ended. I can't put into words this human tragedy, this ending of a life." It was words like this that came out of him.

The real question for Hrant, his primary concern, was never about what happened. It was about how to construct a positive future after all the negativity we've seen. I know from our private conversations that he preferred to stay away from the word "genocide" because of the tension it created and because it didn't do very much to resolve the problem.

Why do I bother to bring all this up? If saying "genocide" is a crime and we need to prosecute everyone who uses the word, then Hrant's name should not be on the list. It makes no sense to say that this crime has been committed by someone like Hrant.

For that matter, there's even a comic side to the issue—a personal offense, if I may say so. Look, there is a serious "injustice" going on here. I am a person who often

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uses the word “genocide” in my weekly articles for AGOS, not out of any special attention or interest, but because I believe that the events of 1915 to 1917 must be viewed that way. If someone who often uses this word isn’t prosecuted, but someone else is—a person who responds once, during an interview, to a question like “Is it or isn’t it?”—then you have to see that there is a real miscarriage of justice.

In all seriousness, though, it’s no coincidence that Hrant is facing charges—just as it’s no coincidence that the laws on foundations have not been reformed as they apply to minorities. I believe that these two issues arise from the same systemic problem. Turkey is unable to relate to the groups defined as minorities according to its laws, either on an individual or an institutional basis.

In one of his statements Hrant declared that he’d been especially targeted. This is true. He’s been targeted mainly because he’s an ethnic Armenian. The only conclusion you can draw is that for someone of Turkish descent, using the word “genocide” doesn’t present a problem, but for an Armenian, it does.

If only to minimize the injustice being done here, we have to join in the crime that Hrant Dink is said to have committed. I request that the prosecutor accept my article as an admission of guilt: “I believe that what occurred between 1915 and 1917 was genocide and I say so at every opportunity that presents itself; I have written books, articles and weekly columns on this topic.” If it’s a crime to refer to what happened between 1915 and 1917 as genocide, then I commit this crime pretty much on a weekly basis.

I invite everyone reading this article to participate in the crime that Hrant Dink is accused of. We have to demand that we be prosecuted right along with Hrant.

It’s especially important for people who don’t say “genocide,” who actually have a problem with the word, to show their support for Hrant. Those who don’t use it need to speak out in defense of those who do, to show that their usage cannot be considered criminal.

Is it a crime to say “genocide”? If anyone needs to defend themselves, it shouldn’t be us. It should be those who make it a crime to talk about history. Turkey is about to face a serious test.