

From the Office of the State Head Prosecutor at Eyüp  
To the Office of the State Head Prosecutor at Şişli

Complainant: : Recep AKKUŞ  
77 Pembegül St.  
Halkalı Aytaç, Küçük Çekmece  
Istanbul

Suspect: : Taner AKÇAM  
Sebat Apartments  
192 Halaskargazi Ave.  
First Floor, Apt. 1  
Osmanbey, Şişli  
Istanbul

Offense: : TCK [Turkish Criminal Code] 301/1, 214, 215 and 216

(insulting Turkishness, inciting the commission of a crime,  
praising a crime and a criminal, inciting hatred  
and enmity amongst the populace or crimes of  
degradation)

Investigation [faint stamp]  
18-10-06 [faint stamped date]

Umit [Illegible] State Prosecutor Republic of Turkey  
[handprinted] [faint stamp]  
26 – 10 – 2006  
State Prosecutor [illegible]  
[signature]

DATE of OFFENSE: Oct. 6, 2006.

SUBJECT: In the October 6, 2006, edition of AGOS Newspaper, page two, appearing in the corner column titled “Arada Sırada” (From Time to Time) in his article titled “Hrant Dink, 301 and a Criminal Complaint,” [the suspect] having made it obvious that he was defending the existence of an Armenian genocide, it is demanded that prosecution be initiated against the suspect, that his statements be evaluated in whole, and that this submission is based upon the acts having comprised the crimes of insulting Turkishness, TCK [Turkish Criminal Code] Article 301/1; inciting the commission of a crime, TCK Article 214; praising a crime and a criminal, TCK Article 215; inciting hatred and enmity amongst the populace, TCK Article 216; and therefore an indictment against the suspect and sentencing of punishment after prosecution is hereby demanded.

## EXPLANATIONS:

1) In the October 6, 2006, edition of AGOS Newspaper, page two, appearing in the corner column titled “Arada Sırada” (From Time to Time) in his article titled “Hrant Dink, 301 and a Criminal Complaint,” the suspect wrote:

\* “I am a person who often 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.”

\* “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.”

In making these statements, [the suspect] committed the following crimes:

- a) By claiming in his article that Turks are perpetrators of genocide, and of massacres, [the suspect] has committed the crime of insulting Turkishness, TCK 301/1. That the suspect is emphatic in his description of Turks as perpetrators of genocide, that he expresses [this claim] frequently in his articles, and [that he] uses the word [genocide] regularly, clearly establish that he is conscious of his actions and commits the crime with the requisite knowing intent.
- b) In the writing, the suspect invites everyone reading the article to participate in the crime that Hrant Dink is claimed to have committed and calls upon all readers to join in a complicit mutual crime. Therewith, the suspect has committed the crime of inciting the commission of a crime as defined in TCK Article 214.

c) Throughout the article and in his statement that others should join in complicity with the crime that Hrant Dink is claimed to have committed, the suspect admits to having committed this crime himself, to having his article considered by prosecutors to be an admission of guilt, and to having committed the crime on a weekly basis in his writings, thereby constituting the act of praising a crime and a criminal as defined in TCK article 215.

d) Throughout the article, by inviting the entire Armenian community and its supporters who live in Turkey to commit the crimes defined in the TCK, to organize themselves, to inculcate the belief that Turks committed genocide, the suspect incited Armenians and their supporters to develop a hatred and enmity towards Turks, thereby committing the crime of incitement of hatred amongst the populace as defined in TCK Article 216.

2) Throughout the article, the suspect openly mocks the organs of justice, rebels against the Turkish justice system, and, directing his comments to one part of the population, uses provocative expressions against Turkish justice. It is impermissible that anyone be allowed to attack the organization of Turkish justice in this way. To protect the integrity of society, everyone must act within the framework of the law. It is essential for the basis of justice that those who act in violation of it be punished.

I submit that for the foregoing reasons, the suspect should be investigated and indicted for the crimes ascribed to him.

LEGAL CAUSES: TCK [Turkish Criminal Code], CMK [Criminal Law of Procedure], and other statutes.

PROOFS: Article appearing in the AGOS newspaper on Oct. 6, 2006, identification registry, and all other legal evidence.

DEMAND: By revealing his defense of the existence of an Armenian genocide in the article appearing in the corner column "Arada Sırada" (From Time to Time) in the Oct. 6, 2006, edition of AGOS newspaper, page two, [the suspect] asks to be prosecuted for the crime of insulting Turkishness; accordingly, I respectfully request that upon evaluation of the statements of the suspect in whole, that the suspect be indicted, prosecuted and punished for violating TCK Article 301/1, insulting Turkishness; TCK Article 214, inciting the commission of a crime; TCK Article 215, praising a crime and a criminal; and TCK Article 216, inciting hatred and enmity amongst the populace.

Oct. 12, 2006

Complainant

Recep AKKUŞ  
(signature)