

It is quite different now

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Former high-level diplomat, Gündüz Aktan is one of the best informed and deeply thinking intellectuals of the nationalist and conservatist wing in Turkish politics. Fiercely opposed to any Armenian « allegations » regarding the matter of genocide, he is also able to play the game of a debate that has been recently opened within the Turkish society on historical matters. Although his positions does not always fit well with Turquie Européenne's ones, it seemed us interesting to publish Gündüz Aktan so as to underline the nature of the debate in Turkey today and the ability of the « enlightened » conservatist wing to tackle the very matter of history, in spite of a strong inclination to denial.

On Tuesday Nov. 14, during debates on the Foreign Ministry draft budget at Parliament's Budget-Plan Committee, Foreign Minister Abdullah Gül said Turkey would take the judicial path to solution of the Armenian issue. Then Şükrü Elekdağ of the main opposition Republican People's Party (CHP) suggested arbitration and Mr. Gül responded by saying that arbitration too could be considered. Thus a bipartisan consensus was achieved on a highly important foreign policy issue. To put it differently, the compromise that had been reached when the prime minister had suggested a commission of Turkish and Armenian historians was confirmed on this occasion by an all the more critical step.

Article 33 of the U.N. Charter specifies the methods to be used for the peaceful resolution of international conflicts. By agreeing to have the Armenian issue resolved through arbitration or adjudication, Turkey has accepted all the methods cited in that article.

The Armenian side and those individuals and organizations in the West that support them are not suggesting paths of peaceful resolution. They are convinced that the Armenian incidents were genocide. They expect Turkey to acknowledge this "fact," engage in an exercise of memory and face up to its past. A judicial process would require both sides to strain to stretch their capacity to remember. It would also provide a chance to go through the history of the event in a hairsplitting manner.

However, this is not the only reason for Turkey to opt for the judicial path. The fact that Turkey is rejecting the genocide allegations attests to the presence of a conflict. Conflicts can only be resolved via peaceful means, and taking the legal path is one of them. On the other hand, the substance of this particular conflict pertains to law. For this reason there is no way other than the judicial path to resolve it.

Genocide is a word denoting a specific category of crime. Crimes are defined by law. The U.N. Genocide Convention of 1948 defines the crime of genocide in Article 2. According to Article 6 of the convention, only a competent court can decide whether the crime of genocide has been committed or not. In other words, legislative or executive bodies are not authorized to pass judgment on this issue. Yet the Armenians base their genocide allegations not only on made-to-order books they have elicited from certain "historians" but also on genocide resolutions they have obtained from legislative bodies in 18 countries and statements made by certain political figures.

In reality, the plaintiff itself, Armenia, should have taken the judicial path. It should have sought our permission for retroactive application of the 1948 convention so that it could be applied to the 1915-1916 incidents. Yet Armenia has consistently avoided that. The Armenian diaspora has been lavishly spending money to promote the genocide allegations. It would be unthinkable for them not to have consulted the

best jurists in the world. Yet they have always preferred to limit their activities to the realm of propaganda. Obviously they must have received advice from those experts to the effect that the judicial path would not be “auspicious” for the Armenians.

However, the time has come for their ship to run aground. They will either travel the judicial path together with us or their allegations will lose all credibility.

Naturally they are likely to stick to their traditional path for some more time but each time they repeat their allegations the answer they will get will be, “Come and meet us in court.” If they happen to say, “But we have already taken this issue before the International Center for Transitional Justice (ICTJ),” the Turkish side will remind them that the ICTJ is merely a nongovernmental organization, specializing in South Africa’s reconciliation process, and not a judicial body. The Turkish side will point out that the identity of the “bright” lawyer that drafted the ICTJ paper without discussing this issue with anyone has been kept secret. Turkey will also say, *“If that is all you are putting forth as a thesis we see better now why you have avoided court action on this issue all these years.”*

Then one day they will come to court. And they will regret it. They will see how the century’s greatest baloney will evaporate. It is more probable than not that they will in fact end up as the side that “owes” Turkey something. Armenian gangs killed over 500,000 Turks. We have the names, addresses, ages and sexes of the victims.

The Russian archives will be another source of evidence. Having discerned that possibility, the Armenian side is already launching an intimidation campaign, claiming that the Russians were the Turks’ accomplices in the Armenian “genocide.”

Meanwhile, we will seek access to the archives the Patriarchate moved to Jerusalem, the archives of the Dashnaks in Boston and Armenia’s official archives. Naturally we will demand verification of the authenticity of the relevant documents by a committee of international experts.

In fact, Armenia does not have to be invited to court, since that would further upset the Armenian people, who are already feeling victimized. Instead, we could invite France to court for having acknowledged the “genocide” by passing a law to this effect, or the United States if the U.S. Congress passes a similar resolution.

Going to court is a risky business in any case. One can never know what kind of conclusion the court will reach. For this reason we should congratulate Mr. Gül and the Justice and Development Party (AKP) government for courageously taking political responsibility for such a step, and do our best to prepare an impeccable file for this greatest of all court cases.