



## Turkey: Uncover Plot Behind Journalist's Murder

European Court Holds Ankara Responsible for Killing of Hrant Dink

September 16, 2010

(Istanbul) - Turkish authorities should redouble their efforts to bring to justice all those involved in the killing of Hrant Dink, Human Rights Watch said today, following a ruling on September 14, 2010, of the European Court of Human Rights. The court ruled that Turkey should have, but failed to, take steps to protect Dink, the prominent Armenian-Turkish journalist, and failed to conduct an effective investigation into his murder in January 2007. The European Court ordered the government to pay his family €105,000 in damages.

A murder trial of the alleged gunman and 19 other defendants in the case has been ongoing for three years. But the European Court ruled that Turkish administrative and judicial authorities have blocked investigations into whether members of the Istanbul and Trabzon police and gendarmerie were also implicated in the killing.

"The European Court's damning verdict should not be the end of efforts to deliver justice for Hrant Dink's murder," said Emma Sinclair-Webb, Turkey researcher at Human Rights Watch. "Turkey now has an unambiguous duty to reopen the investigation and cast the net wider than those currently on trial. Both legal obligations and justice require addressing state negligence and possible collusion in the killing."

Only days before Dink was murdered, his lawyers had applied to the European Court of Human Rights, contending that his freedom of expression and right to a fair trial had been violated after he was convicted of "insulting Turkishness." Following his murder, lawyers acting for his family lodged four more separate applications to the European Court, contending that the Turkish authorities had failed to protect Dink's life and to conduct an effective investigation into his murder. The European Court decided to consider all the applications together.

The European Court ruled that Turkey's Court of Cassation's decision to uphold Dink's conviction for "insulting Turkishness" had constituted a restriction on his free speech since his writings neither incited hatred nor violence. The European Court also ruled that the Turkish authorities had not only failed to uphold his right to free speech, but had failed to protect his life despite repeated and detailed intelligence reports about plans to assassinate him. The Court also held that local state authorities had been negligent and engaged in misconduct that led to a violation of

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Emma Sinclair-Webb, Turkey researcher at Human Rights Watch

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their duty to protect Dink's life.

Successive Turkish governments have responded to judgments by the European Court holding Turkey in violation of the European Convention on Human Rights by paying the stipulated compensation to victims, but without taking further steps to implement rulings. In cases where the European Court has held Turkey responsible for violating the right to life, Turkish authorities have repeatedly failed to reopen investigations or to take concrete steps to identify those responsible for killings.

Following the ruling on the Dink case, however, the Foreign Affairs Ministry stated that Turkey would not appeal the decision and that it would take all possible steps to implement the ruling and take measures to prevent future violations.

"The initial response of the Turkish government to the ruling is a positive change," Sinclair-Webb said. "If Ankara is serious about implementing the ruling, it needs to end restrictions on free speech by repealing restrictive laws and protect the right to speak out."

### **Background**

Hrant Dink, the founding editor of the bilingual Turkish-Armenian newspaper *Agos*, was a courageous champion of open debate, dialogue, and cooperation between all communities in Turkey, and a man committed to democratization and human rights. He was shot dead outside his office in Istanbul on January 19, 2007. Dink's killing was apparently politically and ethnically motivated; he was identified by his murderers as an Armenian who had been convicted in court for "insulting Turkishness."

Dink had been prosecuted for an article in which he discussed Armenian identity. In July 2006 the General Penal Board of the Court of Cassation, Turkey's court of appeal, upheld a six-month suspended sentence under article 301, a provision of the Turkish penal code that criminalized "publicly insulting Turkishness." Dink was prosecuted again in September 2006 under the same provision for using the term "genocide" in a statement made to the Reuters news agency to describe the massacres of Armenians in Anatolia at the end of the Ottoman Empire.

The defendants in the Dink murder trial in Istanbul Heavy Penal Court No. 14 are the alleged gunman, who was 17 years old at the time of the murder and was apprehended shortly after the killing, and 19 other defendants who, like the gunman, are mostly young men from the Pelitli district of Trabzon sharing ultranationalist political sympathies.

<http://www.hrw.org/en/news/2010/09/15/turkey-uncover-plot-behind-journalist-s-murder>

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