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VICTIMIZED TURKS IN SWITZERLAND

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As it is known, on 15 October 2015, the Grand Chamber of the European Court of Human Rights (ECtHR) declared its judgment on the Perinçek v. Switzerland case. In its judgement, the Grand Chamber found that Switzerland violated Doğu Perinçeks right to freedom of expression. It ruled that Mr. Perinçek, who was sued calling the Armenian genocide allegations an international lie, was wrongfully convicted by Swiss Courts.

The final judgement of the ECtHR is binding and establishes a case law for the members of the European Council. As consequence of this judgement which legally proves the violation of Mr. Perinçeks right to freedom of expression, Switzerland is expected to make necessary amendments in its legislation or practices to prevent such violations in the future.

However, what will Switzerland do for its past violation of the rights to freedom of expression regarding three Turks - Ali Mercan, Ethem Kayalı and Hasan Kemahlı who did not appeal to the ECtHR?

On 16 October 2008, the Winterthur district court had found Ali Mercan guilty for calling the Armenian genocide a historical and international lie during a meeting held on June 30, 2007 in Winterthur, Switzerland. Ethem Kayalı and Hasan Kemahlı, chairmans of Atatürkist Ideas Associations (ADD) in Bern and Zurich, were found guilty by the court for being accomplices to the alleged crime, since they were the organizers of the meeting. The appeals by the defendants were turned down by the Zurich Court of Appeals on February 9, 2010, then by the Swiss Federal Court on September 16, 2010. Ultimately, their sentences converted to pay fines. [1][2]

How will Switzerland make up for the violated rights of Ali Mercan, Ethem Kayalı and Hasan Kemahlı? In general terms, what will Switzerland do for the Turkish community in Switzerland which, for years, was deprived of their right to freedom of expression?

Switzerland is known for restricting the right to freedom of expression against the Turks regarding the events of 1915. In line with the policies of the genocide lobby, the Swiss government, for years, has suppressed ideas opposing the Armenian genocide narrative and force the Armenian version of history upon its people. While allowing Armenians to make their propaganda, it prevented Turks from responding to these false propaganda

activities.

Furthermore, Swiss laws went as far as outlawing the rejection of the Armenian genocide narrative. Turks were silenced under the threat of being prosecuted. As seen in the Perinçek case and the above-mentioned case involving three Turks, those who openly expressed their views were convicted by Swiss courts. Overall, Turks were prevented from defending themselves and their history against the Armenian allegations regarding the events of 1915.

Within this context, the final judgement of the ECtHR manifests that Turks have been victimized by Switzerland for all these years.

Consequently, Switzerland is expected to draw the necessary lessons from this judgement. First and foremost, it must immediately take necessary actions to prevent the above-mentioned violations of freedom of expression. Additionally, it must cease to impose the one-sided Armenian version of history and enable Turks to utter freely their opposing views.

Moreover, Switzerland must apologize to Turks for restricting their freedom of expression [3] and silencing them for all these years. First and foremost, it must apologize to those who were sentenced for having expressed their views. These apologies will at least be an acknowledgement of the wrong and injustice perpetrated against the Turkish community living in Switzerland.

[1] Ömer Engin Lütem, Olaylar ve Yorumlar, *Ermeni Araştırmaları*, issue 36 (2010), pp. 51-52

[2] Pulat Tacar, Ermenilerin Soykırım Savın Yadsıyanları Cezalandırmak veya Türkiyeden Tazminat Almak Amacı ile Yaptıkları Yargı Mücadeleleri, *Ermeni Araştırmaları*, issue 50 (2015), pp.430-440

[3] Tanju Sümer, Restrıctıon of the Turkish Communitys Right to Freedom of Expression in Switzerland, *AVIM*, http://www.avim.org.tr/yorumnotlarduyurular/en/RESTRICTION-OF-THE-TURKISH-COMMUNITY%E2%80%99S-RIGHT-TO-FREEDOM-OF-EXPRESSION-IN-SWITZERLAND---Tanju-SUMER/4263

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