

**TESTIMONY OF PROFESSOR MÜMTAZ SOYSAL
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Your Honour,

I do not know any of the accused and I was not at Orly Airport on the day of the attack. I am here upon the request of the lawyers of the third party. Why? I could have appeared before this court as a moral witness, since of the 42 Turks (31 of whom were diplomats and civil servants) who were killed by Armenian terrorists, 12 had been my former students or colleagues, and among the victims of the Orly attack my countrymen form the majority.

But I am here, to clarify another matter for you. In my status as a witness, I was not allowed, to take part in the former sessions of this trial and therefore could not follow the developments apart from reading what the local papers wrote. But what I did read in the local papers proved the necessity for this clarification. The defense lawyers, by requesting the testimonies of certain political personalities, were counting on making them talk, among other things, of the "*genocide*" of Armenians and in this way expecting to bring politics into the trial. Their efforts may have proved to be vain, at this stage. But I have my suspicions that they will pursue this intention nevertheless. And this is not simply a presentiment, but a conviction, since this pattern has repeated itself in all the trials of this kind. Did not the psychiatric expert talk here of a certain fervent idealism which, he claimed could have prompted the accused to committing the crimes with which they are being charged, and did they not, in turn, talk of, childhood nourished with feelings of vengeance against the people responsible for the genocide? I have come here to talk about this very problem.

I am neither a historian nor an ethnologist. I am a jurist. It seems to me that the incidents of 1915 and the events that led to or followed them are closely pertinent to an analysis of all kinds of crimes, which pretend to be morally inspired by a feeling of collective revenge attributed to these incidents. This analysis is also necessary in speaking of the motive to attract international interest to injustices that remain unpunished.

As a jurist, I am surprised by the ease, in fact the lighthearted way in which the term "*genocide*" is used, especially in this country by everyone from statesmen to the mere partisans of the Armenian cause. And yet, this term refers to a well defined crime, the definition of which has been given in an international convention made after the Second World War: the "*Convention for the Prevention and the Repression of the Crime of Genocide*", approved by the General Assembly of the United Nations in its resolution of December 9, 1948 and which went into effect on January 11, 1951; convention which Turkey signed and ratified.

In the convention the definition of the crime of genocide consists of three elements: for one thing, there has to be a national, ethnic, racial or religious group. Then, this group has to

be subject to certain acts listed in the convention. The "*murder of the members of the group, and forced transfer of the children of one group into another group and subjecting the members of a group to conditions which will eventually bring about their physical destruction*" come within the range of actions listed in the said convention... But the third element is the most important: there has to be "*an intent of destroying*", in part or in whole the said group.

This key-description helps to differentiate between genocide and other forms of homicide, which are the consequences of other motives such as in the case of wars, uprisings etc. Homicide becomes genocide when the latent or apparent intention of physical destruction is directed at members of any one of the national, ethnic, racial or religious groups simply because they happen to be members of that group. The concept of numbers only becomes significant when it can be taken as sign of such an intention against the group. That is why, as Sartre said in speaking of genocide on the occasion of the Russell Tribunal on the Vietnam War, that one must study the facts objectively in order to prove if this intention exists, even in an implicit manner.

A survey of three groups of facts will be sufficient to reach a conclusion on this matter in connection with the Armenian problem. The first group of facts concerns eight centuries of history, from the eleventh to the second half of the nineteenth century, during which Turks and Armenians of Anatolia led a peaceful coexistence that has not been equaled in the annals of the peoples of the world. From the time of the conquest of Asia Minor by the Turks to the era of nationalism, no major conflict, no armed struggle brought these two communities against each other. In the entire history of the world there are no two other peoples with languages, and religious beliefs manner for different, who have managed to coexist in such a peaceful and long period. We are proud of this tolerance on the part of the Turkish people, who in this way made possible such an exceptional coexistence. This exceptional situation becomes even more remarkable in that it paved the way for deep cultural exchange fruits of which are still evident in the daily life of both peoples: for example most of the family names of Armenians are compositions of Turkish words (mostly names of professions) with an Armenian suffix. On the other hand the contemporary Turkish music and art is full of the names of composers and artists of Armenian origin.

The second group of facts is related more precisely to the incidents of 1915 and to the events, which led to or followed these. The second half on the nineteenth century was the era of nationalism for different ethnic groups, which formed the Ottoman Empire. It was a new current of thought which prompted each people to engage in an armed struggle in order to establish its own state on parts of the imperial territories. Almost all of them succeeded, with the exception of the Armenians whose struggle for independence differs on exceptional front from the other national fights: as a hard working people endowed with many talents in arts and artisanry and faithful to the Sultan's authority, the Armenians spread throughout Asia Minor and even to the European territories of the Empire, so that they lost their majority status in the

lands which they had been inhabiting before the times of the Turks. In this way there was not a single part of Eastern Anatolia by the end of the nineteenth century and the beginning of the twentieth century that was inhabited by an Armenian majority. Therefore there was no national liberation movement, to use a fashionable term, in any specific part of the territories of the Empire, which could be called "*Armenia*". There were only uprisings and acts of terrorism committed by the Armenians in different corners of the country. As any self-respecting state the Ottoman state took some measures, sometimes very severe, to protect itself from these activities.

Then the First World War started. In 1915 the Ottoman Empire was fighting on several fronts. While it fought in the West to resist the attacks of the allied forces in the Dardanelles, the East was threatened by the invasion of the Armies of Czarist Russia. We must note that Russia was one of the main great powers that took an interest in the Armenian question, during all of the second half of the nineteenth century with the aim of accelerating the disintegration of the Ottoman Empire from which it hoped eventually to benefit to a great extent. During the war the Russian rulers made use of their involvement with the Armenian cause with a view to devastate the Ottoman lines of defense. This brought about collaboration between the Russian Army and the Armenian rebels, including those who were doing their military service within the Sultan's army. In the eyes of the leaders of the Armenian revolt this may have been a necessary cooperation on their path to their national independence. But for the Ottomans it was treason. In this atmosphere of war there followed a series of insurrections, rebellions, reprisals and mutual killing. It is at this time that the government had to take a difficult decision:

1. to transfer the Armenian soldiers from the combat troops into the non-combating troops;
2. to evacuate the Armenian population from the zone of operations in south-eastern Anatolia and to the north of present-day Syria, which at the time was still part of the Empire. These were measures necessary to ensure the security of the troops and to protect the passages for the provisioning of the Army.

It was a painful relocation. The transport of all the Armenian population was carried out in very strict conditions, across a very mountainous and arid region. Means of transportation were scarce and the people being displaced generally had to cover long distances on foot, often harassed and attacked by some tribes who had escaped the authority of the state. At the time epidemics were running strong as well as famine that hit the whole civilian population and even the military. At times the over-zealous attitude of some administrators who, in their efforts to fulfil the government orders, did little in the way of measures to be taken for the protection of the displaced persons, aggravated the unfavorable circumstances. In brief, a tragedy was lived through in those days in that part of Anatolia, but it was a common tragedy, causing mutual suffering and taking thousands of victims on both sides.

But this tragedy cannot be called genocide. Because it lacks the essential element for the qualification of genocide, that is the intention to destroy the Armenian ethnic group as such. It is a question of wartime action, decided upon in an atmosphere of armed conflict, in the heart of a dying Empire beset by disorder and disorganization. The relocation of the Armenian element obviously had consequences that at first glimpse may fulfil the conditions set out by the 1948 Convention. There were killings involving the members of the group especially by irresponsible members of some of the tribes of the region. There was physical suffering due especially to the geographical and climatic conditions in a country already devastated by the war. It is also true that some orphans were adopted by Muslim families. But that was in no way prompted by the intention to bring about a forced transfer of the children of one group to another group, to use the language of the convention, but on the contrary, inspired, in a spirit of solidarity and charity, by the centuries of peaceful coexistence which had tied together the Anatolian families. The intention to destroy an ethnic group, in part or as a whole is absent in all this series of events, since all the sources, even the most ardent advocates of the Armenian cause, accept that none of these measures were applied to the Armenians in the areas distant to the war fronts or to the Armenians who had settled in the big cities such as Istanbul and Izmir. On the other hand, many civil servants, even district officers of Armenian origin maintained their position during all these incidents which hit the eastern regions of the country, continuing in this way the long tradition of the Ottoman State to open the doors of its administration to non-Muslim elements. In fact the Ottoman administration boasted of several Armenian ministers and ambassadors (even to important capitals such as Berlin and Vienna, etc) and high ranking offices in its service.

As to the eastern Anatolian region, Turkey is in possession of innumerable documents in its Ottoman archives - letters, telegrams, circulars etc. (of which some have been recently published), in which governmental authorities display efforts, in spite of the tragic circumstances of a desperate war, for the protection and safety of the displaced persons. It could be that they failed in these efforts in certain cases. But these failures can certainly not be considered as proof of an intention of genocide comparable in any way to that of Hitler whose ultimate aim had been the total destruction of the Jewish race, an end towards which all the mechanism of the State had been directed.

The third group of facts which makes it possible to reject the accusations of "*genocide of Armenians 'by the Turks'*" concerns the harmonious relations between the Turkish people and the Armenian minority in today's Turkey.

It is necessary to review the characteristics of the three last generations of Armenians living abroad and to compare their lot with those of the Armenians in Turkey, in order to understand the nature of these relations.

The first generation consists of the exiled, those who had to leave the country during or before the fall of the Empire, who have suffered and whose kin were victims of the First World

War. Some of these Armenians reacted to this situation with a feeling of revenge and, forgetting that the sufferings had been experienced on both sides, engaged themselves in individual acts of terrorism against Ottoman officials.

The second generation of Armenians abroad consists of those who have adapted themselves into their surroundings, people who became integrated with the new society which received them and who, thanks to their remarkable qualities as a hardworking and artistically talented people, distinguished themselves in their new society, achieving prosperity and popularity. It is this final point that led part of the third generation, that of today's young Armenians abroad to assert their national identity once more through acts of violence. The target is to prevent the past from being forgotten, to stop the progressive integration of Armenians in their new surroundings and the disappearance of Armenian culture. Unfortunately in order to assert their identity, these young people chose the easiest way: that of violence. The acts of violence carried out by these young people obviously hold several dangers for them. But compared to the worthwhile cultural and intellectual efforts, to be made for the perpetuation of an Armenian identity, these acts of violence are doomed to remain too simple and too futile a choice.

But the third generations of Armenians who live in Turkey are not going through this kind of an identity crisis. For they have all the means of perpetuating the characteristics of their ethnic group, as in the days of peaceful coexistence in the bosom of the Empire. In addition, their rights as a religious minority are guaranteed by an international treaty: the Treaty of Lausanne, signed in 1923 and of which France is the depositary. The cultural exchange between the Turkish people and the Armenian minority continues and the two communities share the same kind of life in an atmosphere of peace without grievances. It should be noted that even before the onset of the terrorism, which swept over Turkey prior to 1980, the Armenians of Turkey have never taken part in acts of violence. The few isolated incidents, which took place, were the doings of Armenians indoctrinated and trained abroad. The case of the notorious "*Seminary Jerusalem*", must be considered within this context. One of the accused, according to the Press, apparently said that he was forced to carry on his studies in Jerusalem because of a lack of Armenian schools in Turkey. Allow me, Your Honour, to list a few examples from among the 19 nursery schools, 20 primary schools, 29 secondary schools and 5 high schools (lycees) in which the instruction is carried out in the Armenian language and which have easily recognizable Armenian names: the Bezesyan nursery and primary school, the Levon Vartuhyan primary school, the Semerciyan Gemeran nursery and primary school, the Karagozyan primary school, the Aramyan Uncuyan Secondary school, the Bezciyan secondary Scholl, the Sanakyan Nunyan, Eseyan, Getronagan etc. high schools.

It is precisely against this reciprocal tolerance and this peaceful coexistence between the Turkish people and the Armenian community that the young Armenians abroad are directing their terrorism. But up to now all such efforts have proved futile and neither the Turkish people

nor the government has had recourse to acts of violence against the Armenian community in Turkey.

And yet terrorism persists and people continue to talk of the "*genocide*" of seventy years ago. Why? Because genocide is a crime against humanity and that the convention which I have already mentioned defines it as "*a crime against humanity*". It is easily possible, in speaking of genocide, to influence world public opinion, to mobilize it against a State, a nation or a people. It is also an imprescriptible crime, a crime that must be punished regardless of the time at which it had been committed. The authors of that crime must therefore be chastised everywhere and at all times and, since this crime, in the eyes of the Armenian terrorists, is one that can be attributed to all the Turkish nation, the representatives of the present Turkish State and its citizens must be punished: young diplomats, whose parents were not even born at the time of the incidents, simple workers boarding their national airliner to go on home leave.

This is why Armenian terrorists prefer to distort history and to describe as genocide a human tragedy shared by two people in circumstances of war. This serves them, as a pretext to commit further acts of terrorism. But according to the juridical definition given by the United Nations Convention which speaks of an intention to destroy, even in part, the members of a national, ethnic, racial or religious group, because they are members of that group, their own acts take on a genocidal aspect: to kill Turks because they are Turks and to attempt to place a bomb in an airplane simply because it belongs to the Turkish Airlines, transporting Turkish passengers; that in itself is "*genocidal*" act, if not genocide itself. Thank you, Your Honour.

QUESTIONS AND ANSWERS

Me. VERGES accuses Professor Soysal of giving "*a most cynical*" interpretation of "*genocide*" which, he says cost the lives of one million and half Armenians in eastern Anatolia. Then having read a passage from the book of the Belgian Minister Baron de Brouckere he asks Professor Soysal what he thinks of these dramatic descriptions of the said incidents.

PROF. SOYSAL: It is very easy to select similar passages from among a quantity of books written by the partisans of the Armenian cause. I could have done the same and read pages, and pages in books that describe the massacre of the Turks by Armenians in the same regions of the country. We, too, can give numbers to speak for themselves. Numbers taken from Ottoman census figures and confirmed by reports of the consuls of great powers of Europe, which clearly indicate that the total number of Armenians living in the Empire at the time did not exceed 1,300,000. It is therefore absurd to talk of "*a million and a half dead people*", even accepting the dismal hypothesis of a massacre of all the members of the Armenian community in the various regions of the State. I could have in the same way quoted passages from foreign authors who give another version of the events, a version which is not as biased against

Ottoman rulers. I could have cited the book of a French officer, Commander M. Larcher, "*The Turkish War within the First World War*" which bears a preface by Marechal Franchet d'Esperay who commanded the forces of the allied occupation army and talks of the "*correct behavior*" of the Turkish people and military authorities. We must not forget that all these events took place in an era in which a large Empire was falling with all the disorder that such an event implies.

There were certainly some administrators who abused their powers in an excess of zeal. But they were punished by Ottoman tribunals following the war, as the individuals responsible for these excessive behaviors and not as executors of a government policy aiming at genocide.

Me. VERGES after having read a passage by Lord Bryce on the cruelty of the Turks, and an extract from the book by M. Morgenthau, United States Ambassador to Istanbul, on the events of 1915, asks the opinion of Professor Soysal on these.

PROF. SOYSAL: Your Honour, I have just said a few moments ago that if we were allowed to produce here before you a stack of books, we could have quoted passages expressing just the opposite of what has just been read here. But it is true that the quantity of anti-Turkish, pro-Armenian books is immense. All was done to prove the existence of an act of genocide on the part of the Turks: false arguments were based on false documents, and falsifications. As to Morgenthau, we must be sure to note that both he and especially his successors who happened to be in Istanbul during the occupation of the Allied Forces had the possibility to obtain irrefutable proof certifying the responsibility of Ottoman rulers in the said "*genocide*". But nothing of the kind happened, not even after all the archives came under the control of the occupying military forces.

Me. VERGES, notes that M. Morgenthau was not in Istanbul at the end of the war and mentions this time Doctor Lepsius, German missionary, and asks what Professor Soysal thinks of him.

PROF. SOYSAL: M. Morgenthau, as ambassador in a warring country, never set foot outside Istanbul and all his reports reflect the information supplied to him by his dragomans who were more often than not of Armenian origin; and by the missionaries. Doctor Lepsius was also a missionary. I have noticed that, in the passage that has just been read, he mentions the case of the Jews of the Ottoman Empire. Allow me, Your Honour, in connection with this to say something very soon, in a few years, Turkey will be celebrating the five hundredth anniversary of the Exodus of Jews from Spain into Turkey. Escaping religious inquisition and repression these people found refuge in the territories of the Ottoman State which gave them asylum and piece with an administrative system based on self-government of non-Muslim communities. We are proud of this system and of this past full of tolerance towards the Christian and Jewish peoples of the Empire.

Me. BOURGUET reproaches Professor Soysal for having made a political speech instead of supplying a legal explanation and accuses him, with hiding behind the principle of non-retroactivity of the penal code in talking of an international convention which only went into effect after the Second World War. He asks also why in his testimony he has used the term "*Armenian element*" to designate the Armenian "*people*".

PROF. SOYSAL: The fact that the Convention for the Prevention and Repression of the Crime of Genocide dates from 1948 has nothing to do with our discussion. What I am trying to explain by using the juridical definition given in that text is the exact nature of the events which took place in the historic period beginning at the end of the nineteenth century and lasting up to the aftermath of the First World War. I take the definition of the said convention as a touchstone and accepting the existence of a human tragedy common to Turkish and Armenian people of Eastern Anatolia alike, I say that these incidents do not constitute a crime of genocide attributable to the Ottoman rulers. We are ready to confront our own history and to assume responsibility for it, even in the case of a subsequently defined crime. I know full well that there is a discussion among jurists on the retroactive character of the convention. Even though the very term, "*genocide*", is a term fabricated at the aftermath of the Second World War, we can, it is true, argue that convention is "*declarative*" of law, in that it confirms the existence of a crime already condemned by humanity. That it is retroactive or not changes nothing in the essence of our discussion here, since the historic facts are not of a nature to prove the existence of such a crime.

As to the term "*Armenian element*" which I used, I should like to remind Your Honour that this is not the only term I used in talking of Armenians. I have used other terms such as ethnic group, people, minority etc. The qualification does not change the juridical argument. The convention speaks of a group that could be an ethnic group, a people, a minority, or if you like a nation. The Armenians of the Ottoman Empire certainly formed a group in the sense of the convention. But this point is not relevant to what I am trying to explain mainly the non-existence of the crime of genocide against this group.

Me. BOURGUET asks about the number of "*Kurds*" living in Anatolia.

PROF. SOYSAL: I see no relation between this question and our discussion here, but I perceive the insinuation. Turkey is a unitary republic based on the equality of its citizens before the law, without distinction of race, religion or language. It is true that there are citizens of the Turkish Republic whose maternal language is not Turkish, but in a state, which makes no distinction among its citizens in connection with the language, which they speak, this point has no juridical consequence. To accentuate this principle even further, the issue of maternal language no longer comes up in the recent population census questionnaires. It is therefore difficult to give a number. It is as if you were asked to give the number of Britons in France. Which number could you give? The number of peoples inhabiting Brittany? They are not all

Britons. The numbers of people of Briton origin who live all over France? It is impossible to give such a number, in view of the different degrees of kinship and different concepts of origin in the people themselves.

Juridically speaking, the term "*minority*" applies only to the three non-Moslem communities established as such by the Treaty of Lausanne: the Greek Orthodox, Armenian and Jewish minorities. The rights of these people have been guaranteed by an international treaty in addition to the already existing guarantees accorded to all citizens of Turkey by the constitutional order of the country.

Me. BOURGUET asks the meaning of the term "*Mountain Turks*"

PROF. SOYSAL: I am aware that this term has been circulating abroad, in order to ridicule the Republican attitude concerning Turkish citizens of different ethnic groups. In Turkey, as in France, citizenship is not an ethnic or racial category but a juridical one. It has nothing to do with the ethnic origin and the ethnic origin of a person has no juridical implications. The term used by Maitre Bourguet is never used in Turkey, but it is sometime seen in foreign books, in derisive manner. It may also have been used in the early days of the Turkish Republic to erase all traces of ethnic hostility, an effort which merits only praise. But this term is not current in today's Turkey.

Me. BOURGUET referring to the number of victims of the 1915 incidents declares that a reduction of the number of victims does not indicate that the crime did not take place and that the fact of having escaped death does not prove the lack of a genocide or an attempt in that direction.

PROF. SOYSAL: A reduction or an increase in the number of the victims makes no difference in the nature of the crime, if the crime does exist. That is why I shunned numbers in the course of my deposition. What I tried to demonstrate was that there was no intention to partially or totally destroy the Armenian ethnic group on the part of the authorities of the Ottoman State. That is the essential aspect of the problem. Without the existence of this intention, the admission of the mutually-experienced human tragedy does not mean the admission of the alleged genocide.

Me. BOURGUET asks why Turkey insists in not admitting the "*genocide*" and wishes to be informed of the difference, in the eyes of the Turks, between the concept of genocide and that of massacre, especially from the point of view of juridical consequences.

PROF. SOYSAL: At first let us bring some precision, since law requires, above all, very precise concepts: what I contrast to the concept of "*genocide of the Armenians by the Turks*" is not the "*concept of the massacre of Armenians by the Turks*". No, the apposition is

between the "*genocide of Armenians by the Turks*" on one side and "*the tragedy shared by the two communities at a very precise period of history which consisted of rebellions, appraisals, reprisals, acts of revenge and mutual killings*". If we should speak in terms of numbers, I could also supply the number of two and a half million Turks who perished during the same period at the end of the nineteenth century, until the aftermath of the First World War. A majority of these people met their death in the incidents in the eastern region of Anatolia. I negate nothing. I only observe the historic facts and note the absence of an intention to destroy an ethnic group, because it is that ethnic group. To admit genocide under the circumstances would be to admit a non-truth. It would also mean, accepting an affront, an insult to the Turkish people whose past is full of examples of tolerance and goodwill towards other religious communities. It is an insult to a nation, which is still eager today to continue this peaceful coexistence with the Armenian community on its territory, in a unitary republic. It would also mean to admit the consequences of unilateral propaganda and the persistence of hostility between the two peoples. We nurture no collective hatred against Armenians. To admit the existence of genocide would be to admit also the necessity of a collective pardon before history, a history without blemish, in this respect, for the Turkish people, when in the period when the rest of the world was torn by religious quarrels. It would be also to admit territorial claims on the heritage of the present Turkish Republic. Anatolia was the cradle of several civilizations and several people in the past. Today it belongs to the Turks, to the Turkish Republic. Because genocide is an imprescriptible crime, the young Armenian terrorists of our days assume the right to punish this Republic and its citizens. Humanity cannot accept this concept of chastisement and revenge. The incidents in question took place seventy years ago and it is futile to rummage through the pages of history in an effort to recreate new mutual enmities. To accept the existence of these pages is a moral duty for all historians and all men of conscience, but to interpret these pages in a unilateral manner and to accuse only one of the peoples indulging in the common strife is an attitude that the collective conscience of humanity cannot accept.

Me. BOURGUET reads the text of a telegram, attributed to Talat Pasha, Minister of Interior of the Ottoman government, in 1915, and asks if this telegram, which according to him is evidence of the existence of genocide, is authentic and would like to have explanations on this subject.

PROF. SOYSAL: This telegram is a false one. What is being published nowadays in several propaganda books is the photograph of a photograph and the original does not exist. Because the original was a false one fabricated by a certain Andonian, who published a book at the time of the trial of Tehlirian, the assassin of Talat Pasha, in 1921, in Berlin. The tribunal of Berlin never accepted the authenticity of this text, nor that of other documents published in the book. But its publication influenced public opinion and the assassin was acquitted. These documents which were supposedly sold to Mr. Andonian by a low-ranking employee of the Ottoman administration contains notes "*signed*" by the Prefect of Aleppo whose real signature, as appears in the Ottoman archives, in no way corresponds to the one on the false document.

There are also errors of date resulting from the fact that the person who fabricated the false documents was not well informed in the conversion of the Julian and Gregorian calendars. I repeat, I am not a historian, but I must note that Turkish historians have meticulously demonstrated and published other errors relating to the ciphers used in telegrams and to the headings of the documents, so that these documents have lost all the value attributed to them. They have in fact become examples of falsification perpetuated in the hope to distort history for political causes.

Me. BOURGUET asks why the Turkish side does not make available to foreigners the Ottoman archives in order to disprove the accusations, and underlines the Turkish authorities reluctance to submit documents relating to the Armenian question to be examined by the Permanent Tribunal of Peoples which met in Paris in 1984 to make a judgement on the same problem.

PROF. SOYSAL: The Ottoman archives are open, to the extent that their classification permits, to scholars of goodwill of all nationalities. It is obvious that some precautions are required to safeguard the past heritage, especially in the case of such a controversial problem. The study of Ottoman archives, containing millions of documents in a difficult language and writing requires an extraordinary amount of expertise. What has just been published from out of these by a limited number of experts already proves exactly the opposite of what has been propagated for a long time on this subject. Turkey therefore has immense gain, contrary to what some are thinking, to open its Ottoman archives to the use of scholars.

As to the Permanent Tribunal of Peoples, I think that the Turkish authorities are ready to send officially requested documents by legally constituted tribunals. For example, this Court of Assizes can request the Turkish authorities to send a document or an official notice and this request will certainly be promptly met. But since the Permanent Tribunal of the Peoples is a tribunal of opinion, constituted by individuals of private status, whatever their intellectual competence may be, I think that the Turkish authorities have abstained from making official contacts with this organization which, in their eyes, risks becoming an instrument of propaganda for the Armenian cause.

Me. ZAVARIAN referring to eight centuries of peaceful coexistence between the Turkish people and the Armenians and to the characteristics of the Armenian community as described by Professor Soysal, tries to contrast what he calls the "*peasant side*" of the Turks to the "*artistic sense*" of Armenians and to draw some conclusions from this for the analysis of the problem.

PROF. SOYSAL: I did not make any comparisons in praising the qualities of the Armenian people. If by such a tentative analysis what is meant is that the Turks, less refined than their Armenian neighbours, would be more inclined towards acts of violence, there is here an insinuation that I reject with great indignation. I cannot allow my people to be insulted.

Me. ZAVARIAN asks what the date 24 April 1915 signifies for the Turks.

PROF. SOYSAL: First, allow me, Your Honour, to say precisely what this date means for the Armenian cause. For them it is the date of the beginning of the "*genocide*", therefore a date that must be commemorated each year. They wish that all the peoples in the world remember this date because it marks the beginning of a series of crimes against humanity.

In reality what did happen exactly on that date? It is the day when the Ottoman government gave the order to arrest the leaders of the Armenian revolutionary committees and to try them before military tribunals for the act of treason.

Me. ZAVARIAN noting that 650 Armenian intellectuals, writers, poets, doctors, lawyers, scholars, priests and political personalities were imprisoned on this date in Constantinople, then deported and assassinated, asks whether this is not a proof of genocide.

PROF. SOYSAL: First it is not Constantinople, but Istanbul, the name that Turks have always given to that city. Then, the Armenians were not arrested because they were Armenian intellectuals but simply because they were leaders of committees which ordered the Armenians of the Eastern provinces to revolt against the State and to cooperate with the Russian army. For the government of a warring country threatened with invasion, a different attitude would not have been thinkable. These leaders were not assassinated but simply transferred to the interior regions of the country, into the provinces of central Anatolia. The fact that some of them were sentenced and paid with their lives for treason intolerable in times of war certainly constitutes no proof of genocide.

Me. ZAVARIAN asks about the locations to which the Armenians of the eastern provinces were transferred.

PROF. SOYSAL: That yellow book to which you have been referring all through this trial and which is entitled "*Crime of Silence*" contains all the reports submitted to the "Permanent Tribunal of the Peoples", I also have it in my pocket. You will find in it, on page 6 or 8, a map showing with arrows the itineraries of the relocated Armenians. We must note here that the displacement took place within the frontiers of the State towards the south-east of the same country. There is no question therefore, of a "*deportation*" in the sense that this word acquired in the course of the Second World War.

Me. ZAVARIAN notes that the Germans did not use the word "*deportation*" while they deported millions of Jews to exterminate them.

PROF. SOYSAL: I can see what is intended by this remark. The scenario of the previous trials repeats itself here too, I am sure that the next step will be to mention the famous

phrase attributed to Hitler at the beginning of the Second World War: "*After all who remembers now the extermination of the Armenians?*". But it has been demonstrated later, especially by an American researcher, Heath Lowry, that Hitler never uttered this sentence attributed to him by an English journalist. And the documents accepted by the Nuremberg Tribunal do not contain such a phrase. The only document referred to as evidence of this phrase was rejected as a false document by the same international tribunal. It is noteworthy that there is continued effort to mobilize Jewish public opinion in the world against Turkey and to provoke a universal condemnation of the Turks by putting the Turks and Hitler in the same basket.

Me. ZAVARIAN alludes to the request of official pardon which the Federal Republic of Germany made in the name of the German people and to the positive effect of this gesture on the relations between Germany and Israel.

PROF. SOYSAL: One more example is seen here of the ultimate aim of the Armenian cause and of its terrorists: to force the Turkish governments to accept the existence of the so-called "*genocide*" and, thereupon to oblige them to pay indemnities to a fictitious Armenian entity, as was the case between Germany and the State of Israel. This is pure fantasy, and no violence, no terror in the world will make us beg forgiveness for a crime that was not committed. Israel is not a good example in this context and the parallel drawn here is unacceptable. But to speak of it seriously, and to push the various Armenian communities of the world in the part of an impossible dream is not a very honest attitude towards the Armenian people.

Me. ZAVARIAN having read an extract from the newspaper "*Le Monde*" where a news item datelined Ankara, mentions a phrase by Prime Minister Turgut Özal on the necessity of a new attitude in the Armenian affair, asks whether one can speak of a change in Turkey's official policy in connection with assuming responsibility for the "*genocide*". He feels that Professor Soysal, as the jurist specializing in these subjects, and who has defended the policy of the Turkish government at other similar occasions, must be in a position to answer this question.

PROF. SOYSAL: This comment reminds me of the famous La Fontaine fable of the Fox and the Crow. There is an effort to bring out of my mouth words that might indicate an official mission in order to make me appear as the official spokesman for the government. I am not a spokesman for anyone. I am speaking here as an academician and as a journalist and this is the first time that I bear witness in a trial concerning Armenian terrorists. What the Prime Minister may have said on the subject does not engage me in anyway. Anyway, he came up with further remarks on that subject.

What I am saying personally in my position as expert witness before this tribunal is quite clear: I say that history must be accepted as such, and facts must be restituted in the same way that they were mutually experienced by the two peoples. We Turks have nothing to fear

from this kind of confrontation since the accusation of a premeditated and organized genocide aiming at the destruction of the Armenian ethnic group cannot stand against an analysis of the true historic facts in this subject. Up to now the Turkish Republic preferred not to talk about these facts in the hope of forgetting the past and restoring peace and harmony on the Anatolian land, and in its relations with its neighbours. It is for this reason that in our schools we chose oblivion and the silence both in the subject of the suffering inflicted on the Turkish people by Armenians and Greeks, and in the subject of the human tragedies that all these people have lived through together. This Turkish silence lasted seventy years. But others have been speaking, and distorting history while doing so, and creating another image in which we appear as the guilty side. This image, based on the accounts of only one of the sides and on the interpretations of the circles hostile towards the Turks, has covered along distance and even if with faltering steps, reached counter-truths. Now we must retribute the truth. They forced us to speak and we shall speak.

Me. ZAVARIAN wishes to be informed of the causes of the events of 6 and 7 September 1955 during which Christian minorities of Istanbul suffered some material damage, as an outcome of anti-Greek demonstrations in connection with the Cyprus affair.

PROF. SOYSAL: Your honour, I think I can detect the ulterior motive behind this question. The defence seems to imply that the Turk is the barbarian, the brute; he destroys, he kills. These insinuating and the degrading description does not correspond in any way to realities of a people who can be proud of creating one of the most tolerant civilizations of history. Incidents such as those of 1955 in Istanbul are frequent in the contemporary world torn by international conflicts and their repercussions on the national scenes. But to deduce from this some consequences to accuse a single nation portrays a bad intention nurtured by historic hatred. The brotherhood of mankind will never become a reality if one continues to sow hatred among peoples in this way.

Thank you, Your Honour, for having given me the occasion to speak. It does not happen often.