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Europe/Ex-USSR - Turkey

Justice possible?

Judicial authorities urged to press ahead with Hrant Dink murder case

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This week saw the eighth anniversary of Turkish-Armenian newspaper editor Hrant Dink's murder, while the trial of his accused killers continues today in Istanbul. Reporters Without Borders hails the recent progress in the judicial investigation and urges the authorities to press on to the end without letting politics influence the outcome.

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The founder and editor of the weekly *Agos* and a leading civil society figure, **Hrant Dink** [was gunned down](#) in broad daylight in central Istanbul on 19 January 2007. A tireless campaigner for democratization and for reconciliation between Turks and Armenians, he was the victim of a media and judicial lynching in the run-up to his murder.

His death was a turning point for Turkish society, which began to ignore the taboo about discussing the Armenian genocide and to debate the fate of Turkey's minorities more freely. Will light finally be shed on a crime whose shock waves are still being felt eight years later?

At the end of a [half-hearted](#) trial concerned above all with protecting the state, a court [ruled](#) in January 2012 that Oğün Samast, the ultra-nationalist youth from the northeastern city of Trabzon who shot Dink, did so at the behest of a single instigator, Yasin Hayal.

The Court of Cassation overturned this ruling in May 2013, opening the way for a more thorough investigation into the suspected instigators and those within the state who are suspected of being accomplices or providing protection. More than a year went by before the judges in charge of the case acted on this ruling, but the judicial investigation is finally making progress.

"Now that the judicial system has at last removed its blinkers after a very long wait, the testimony of police and intelligence officers is starting to shed light on the organized nature of Dink's murder and the involvement of state officials, something that was obvious from the start," said Johann Bühr, the head of the Reporters Without Borders Eastern Europe and Central Asia desk.

"It remains to be seen whether it is not too late to shed light on all aspects of this murder or whether the case will again be manipulated for political ends. Time is running out if justice is to be rendered to Hrant Dink."

Prolonged injustice

Investigative journalists such as [Nedim Sener](#), [Kemal Göktaş](#) and [Adem Yavuz Arslan](#) had revealed that members of the police and gendarmerie in Istanbul and Trabzon and members of the MIT intelligence agency received information about the plan to kill Dink and did nothing to prevent it.

The European Court of Human Rights reached a similar conclusion and issued a ruling against Turkey in 2010. And after examining the case, the offices of the president and prime minister also criticized the police and intelligence services.

Nonetheless, the Turkish judges responsible for the various aspects of the case continued for a long time to refuse to take account of these facts. Obstructive manoeuvres by the police and state

agencies, combined with judicial foot-dragging, contributed to the [fiasco of the first trial](#) and its [verdicts](#), which Reporters Without Borders condemned as “outrageous.”

What little progress was made at that time was due to the tireless efforts of the Dink family’s lawyers, who conducted investigative work that the investigating judges refused to do. It was therefore with great relief that Reporters Without Borders hailed the Court of Cassation decision recognizing that Dink’s murder was a “criminal enterprise” and not just the work of a small group of fanatics. A first step, the organization hopes, towards a thorough examination of the terrorist dimension of this crime.

The appeal trial opened in September 2013 but it was not until the end of October 2014 that the court decided to incorporate the Court of Cassation’s findings. Since then, it has been accepted that the police and intelligence services had a role in the murder.

Police finally treated as suspects

Most of the various components of the case were then merged into one – an indispensable step for a better understanding. Until then, they had been handled by different courts, which helped complicate the case unnecessarily and led to delays, a lack of cooperation between judges and overall lack of effectiveness.

When Reporters Without Borders visited Trabzon in September 2013, it pointed out that it was much harder for the city’s judges to question the behaviour of the local police because of the close relations within the provincial elite.

The main investigations into the Istanbul and Trabzon police were finally merged on 7 November 2014. The case of the hit-man, Ogün Samast, who was 17 at the time of the shooting and who was originally tried before a court for minors, was also attached to the main case. Sentenced to 23 years in prison on a charge pre-meditated homicide in 2012, Samast is now additionally charged with “membership of a criminal organization.”

The Istanbul prosecutor-general for terrorism and organized crime has been questioning nine senior police and intelligence officials as suspects since November 2014. They include former Istanbul police chief Celalettin Cerrah, former Istanbul deputy prefect Ergün Güngör, former Istanbul police intelligence directors Ahmet İlhan Güler and Ali Fuat Yilmazer, and the former head of the intelligence department of the General Directorate for Security, Ramazan Akyürek.

As a result of the initial hearings, two Trabzon police officers, Muhittin Zenit and Özkan Mumcu, were placed in pre-trial detention on 13 January on charges of negligence and abuse of authority for doing nothing to prevent Dink’s murder. Phone calls reportedly established that Zenit had been told of the murder plans.

Ercan Demir, who was recently appointed police chief of the southeastern district of Cizre and who was working in Trabzon police intelligence at the time of the murder, was also arrested on 19 January.

Caution

Nonetheless, problems remain. The case of Retired Colonel Ali Öz, who headed the Trabzon gendarmerie at the time and who is being tried before a Trabzon court on a negligence charge, has yet to be combined with the main Istanbul trial. No progress has been registered in this aspect of the case for the past three years, despite repeated requests by the Dink family’s lawyers pending a Court of Cassation decision.

The recent sudden progress in the case has come at a time of extreme tension in Turkey. The judicial system has emerged as one of the chief bones of contention in the rivalry between the government and its former allies in the Gülen Movement, which President Recep Tayyip Erdogan now regards as public enemy No. 1.

A major anti-corruption investigation targeting senior government officials that was launched last December was regarded by the government as a Gülen Movement “conspiracy.” The investigation [was suppressed](#) and hundreds of police officers, inspectors, judges and prosecutors have been fired in the past few months.

These purges have made it possible to question the police, but they do not necessarily make it more likely that the truth will emerge. In fact, the government could again exploit the trial of Dink’s killers

for political ends, as it did already in its battle with former officials who espouse the secularist views of the Turkish Republic's founder, Mustafa Kemal Atatürk.

(Photo: AFP)

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