

## REPORT FOR THE 3<sup>RD</sup> ANNIVERSARY OF HRANT DINK'S MURDER

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Three years have gone by since Hrant Dink was murdered. These were the observations we made in the conclusions and comments section of the report we wrote on the second anniversary of the murder:

\* Notwithstanding all the developments before the murder, all the legal enactments, and the concrete observations in the reports of the Human Rights Commission of the Turkish Parliament and of the Inspection Council of the Office of the Prime Minister like, "the fact that Hrant Dink's life was under a close and serious threat should have been evaluated by security forces, and he should have been provided protection," **questions like why Hrant Dink was not protected and why those who did not provide this protection were not tried have continued to remain unanswered.**

\* At this point, it has become painfully clear that the National Intelligence Organisation - MİT, the Gendarmerie and the Police Department were all guilty of neglecting their responsibilities and of not cooperating and not coordinating among themselves as far as the murder of Hrant Dink is concerned, that they also hid information and documents from each other, and that they accused each other to save themselves. **It is noteworthy that these three institutions, which quarrel among themselves have united and acted in unison in two matters:**

\*Their determination in not taking any steps to protect Hrant Dink even though they knew he would have been killed,

\*Treating the suspect/suspects of the murder of Hrant Dink as heroes.

\*As we have so far explained in detail, it is clear that the inquiries and investigations conducted in this manner will not fully shed light on the murder unless the process before and after the murder is taken up as a whole and merged with the main trial has once more been reached.

\*According to documents that were included to the file during the trial, Yasin Hayal, who was one of the planners of the murder, Osman Hayal, about whom there are strong suspicions that he was present at the crime scene as the crime was being committed, and the murdered Hrant Dink were all under the surveillance of the security department. Taking this information to account together with the information that the Reverend Santoro and the Zirve Publishing House employees murdered in Malatya were also under the police surveillance at the time of their murder, one can reach at striking conclusions. People being followed by the state so closely get murdered, but all the same the state cannot reach the material truth concerning the perpetrators, who were also being followed. This situation is worth considering.

The state, in the light of the conclusions of the investigations run by its own bodies, should at least bring the responsible to justice, and the judicial institutions should combine all the trials and the investigations with the aim of taking up the issue as a whole and by a single body, if it wishes to get rid of the burden of responsibility of Hrant Dink's murder."

It would not be an exaggeration to note that we are back to square one 3 years after the murder. However, despite the lack of any considerable progress in revealing the actual perpetrators of the murder by the end of these three years, the process that paved the way for the murder and the developments that took place in the following three years present significant evidence on who the perpetrator or perpetrators may be. It brings us closer to answers to the questions we posed in the report of the second year.

Failure to solve the murder despite the operations of psychological war and action plans revealed by some investigations and trials particularly in the current process we have been going through, as well as the statements that "[murder] will be investigated until the end" and hundreds of pages of reports, necessitates once again to pose the question "Why was Hrant Dink murdered?" and answering it and re-examining where Hrant Dink's murder stands in the Turkish political scene.

The following report aims to provide an integrated picture of the murder within the limits it has to remain in.

## **WHAT HAS BEEN DONE BEFORE THE MURDER OR PREPARATION FOR THE MURDER**

The article published in *Agos* on 6 February 2004 noting that Atatürk's adopted daughter Sabiha Gökçen was an Armenian girl from an orphanage, was in headlines in *Hürriyet* on 21 February 2004, and the issue resonated broadly among the press.

The General Staff issued an extremely harsh statement upon these reports on 22 February 2004 and following this statement, early in the morning on 24 February 2004 Fırat (Hrant) Dink was summoned to İstanbul Governorate. At the meeting which was held in Deputy Governor - responsible for carrying out procedures concerning minority issues - Ergun Güngör's office there were two more persons, one being a female. One of these persons, called Ö.Y., who was later introduced as an intelligence officer by the then Interior Minister Abdülkadir Aksu, appeared in the Ergenekon investigation as well.

Two days after this meeting a group of members of *Ülkü Ocakları* (Turk-Islam Idealists) rallied from Nationalist Movement Party (MHP) Şişli District Office and held a demonstration in front of *Agos*, chanting slogans; "Love it or leave it", "One night suddenly we can come". Head of İstanbul Provincial Organisation of *Ülkü Ocakları*, Levent Temiz, who made a press statement on behalf of the group said; "From now on Hrant Dink shall be the object of our rage and hatred, he is our target." Levent Temiz is being tried as a defender at the Ergenekon case.

A similar demonstration took place a few days later, again in front of Agos, held by “the Federation of Fight against Unfounded Armenian Allegations”, and once again Hrant Dink became the target of threats and hate speeches and slogans.

Around a week after Hrant Dink was summoned to the Governor’s office along with documentation and information on the issue, 4-5 civilian police officers visited Dink’s house and said; “If you feel uneasy about anything call us.” (see Rahil Dink’s testimony submitted to İstanbul Chief Public Prosecutor’s Office, 12.02.2007)

Immediately after this incident a new smearing campaign was launched using just a sentence from Hrant Dink’s article series titled “On Armenian Identity” as a pretext. Some organisations and persons filed complaints against Hrant Dink by identical petition.

The systematized attacks which seemed to be orchestrated from one centre continued in several internet sites and newspapers and Hrant Dink was pointed as “enemy of Turks” and became an object of hatred.

Upon authorisation granted by Ministry of Justice, a court case was filed against Hrant Dink and editor in chief of Agos, Karin Karaşlı, on 16.04.2004 under Article 159 of the Turkish Penal Code which regulates the offence of “insulting and denigrating Turkishness through publication”. The persons who had filed complaints have also participated in the hearings of this case in an organised fashion, submitted petitions in order to take part as intervenors and despite the appeals of Dink and Karakaşlı’s attorneys the court upheld these requests.

During the trial, the attorneys of Dink and Karakasli insisted on having an expert report and the report issued by a board of experts composed of three academicians from İstanbul University, selected by the court, concluded that no specific intent for the offence could be detected when the article was reviewed as a whole. Upon the submission of the report to the court, the complainants complained against the experts and began to attend the court hearings in larger crowds and in an organised fashion as a result of the announcements via internet that “Hrant Dink will be acquitted by the court.” The court case resulted on October 7, 2005 with the conviction of pursuant to the previous TPC Article 159/1.

Dink and Karakaşlı’s attorneys appealed against this verdict. According to the notification issued by the Office of Chief Public Prosecutor of Court of Cassation (CoC), the expert report was valid and the decision should be reversed. However 9<sup>th</sup> Chamber of CoC unanimously upheld the decision on the merits of the case on 01.05.2006. The Office of Chief Public Prosecutor of CoC appealed this decision however Penal Board of the COC which is the appeal authority, unanimously rejected this appeal.

Throughout this entire process and as the court decisions were reflected to the press those circles which indicated Hrant Dink as a target, continued their attacks against Dink as “certified enemy of Turks” based on the court decisions.

The day he was convicted Hrant Dink made a statement to the press whereby he said; "According to my perception this offence is racism and I have not committed that offence. This is an attempt to cast a slur on my dignity; if the judiciary does not remedy this I shall leave my country and leave for good." This statement was published in Agos and all other press and media outlets. Upon this statement the complainants of the court case where Hrant Dink was convicted, particularly Kemal Kerinçsiz and Great Union of Jurists filed a complaint against Dink on grounds of "influencing judiciary" through uniform petitions. Thus another court case was filed on 14.10.2005.

Here we need to underline that Hrant Dink's statement is a natural and legal right of an accused and does not correspond to any type of offence defined by Law. Despite that, it was used as a good pretext for those in charge of paving the way for the killing of Hrant Dink. These persons had already fulfilled their task to turn Hrant Dink into a target; however why the prosecutor launched the case although he knew that there were no elements of crime in those words, why the judge dragged the case in every hearing of which there were lynching attempts although he could absolve due to absence of criminal elements, these should be explained. This was not the first and the single case launched on the basis of statements which do not involve any criminal elements. Because of the complaints of these people Hrant Dink had to visit the Court House frequently to testify for many prosecutions and cases initiated with the complaints of these persons.

Great Union of Jurists and its members which caused the launch of a court case against Hrant Dink on grounds of inter alia "influencing fair trial", as well as other groups were ready in front of the Court House during the hearings. These people also demanded through identical petitions to be intervening parties to the case. Oktay Yıldırım, Veli Küçük, Sevgi Erenerol and Kemal Kerinçsiz who are currently being tried at the Ergenekon case were among these demonstrators. The banner opened in front of the Court House which read; "**Hrant, the son of a missionary, do not disturb the peace of Turkish Armenians, Hrant do not betray the bread you ate**" and the reference to missionary activities in the banner was a significant clue about the plan that was pursued.

The physical attacks, threats and insults during the case hearings against Hrant Dink were widely covered in the press. Hrant Dink was saved from a possible lynch attack with the security measures taken upon the request of Hrant Dink's attorney. Yet both Dink and his attorneys were only able to leave the court house in police vehicles.

### **The developments which took place in the country while the trials against Hrant Dink were ongoing are worth noting**

- At the press conference held on 01.11.2004 where the final version of the "Minority Report" drafted by the Human Rights Advisory Board (HRAB) of the Prime Ministry-Minority and Cultural Rights Working Group, Chairman of HRAB Prof. Dr. İbrahim Kaboğlu was subjected to physical and verbal violence. The press conference was sabotaged by a group including the representatives of Kamu-Sen<sup>1</sup>.

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<sup>1</sup> The Confederation of Public Employees Trade Unions

Secretary General of Kamu-Sen and President of Büro-Sen<sup>2</sup> Fahrettin Yokuş, interrupted Kaboğlu, by shouting that the report could not be distributed. Stating that it was unacceptable that the Report opens Lausanne Treaty to discussion and that it was irregularly voted. Yokuş said; “This Report does not have any reference to human rights. This report is a provocation.” and he took the summary report in front of Kaboğlu, tore it and threw it on the floor.

Prof. İbrahim Kaboğlu and Prof. Baskın Oran were tried due to their work on the report on grounds of “inciting hatred and enmity among the people and explicitly insulting the judiciary bodies of the state.” The court ruled for acquittal of İbrahim Kaboğlu and Baskın Oran; however upon appeal of prosecution the file was sent to CoC. The 8<sup>th</sup> Penal Chamber of CoC unanimously reversed the decision for acquittal on grounds that the views expressed in the report were of criminal nature. Upon appeal of the chief Public Prosecutor’s Office of CoC the file was sent to General Board of Criminal Matters where the acquittal of local court was upheld. Thus, views expressed in a scientific report were saved from constituting an offence.

- The nationalists held a demonstration in front of the Fener Patriarchate using the upcoming meeting between the Holy Synod of Fener Greek Orthodox Patriarchate and Holy Synod of the Autocephalous Church of Cyprus on November 10, 2005 as a pretext and initiated a signature campaign for the Patriarchate be transferred to Greece. On the other hand it was reported in the press that the same groups applied to İstanbul Governorate to prevent the meeting, thus the Governorate launched an investigation on the matter. Those who launched these demonstrations were once again Sevgi Erenerol, Kemal Keriñsiz and his team.

-- On 25-27 May 2005 a conference was scheduled at the Bosphorus University on “Ottoman Armenians during the Collapse of the Empire” with the participation of many academicians and scholars as well as researchers, journalists and writers.

Upon the news reports in the press related to this conference, it was brought to the attention of the public with the efforts of Keriñsiz and his team. The conference and its organizers were subjected to serious racist attacks, threats and insults. The then Minister of Justice Cemil Çiçek made the following statement about the conference; **“This is stabbing the Turkish nation from the back.”**

With this comment, a group of lawyers from racist circles who got organized under the Great Union of Jurists established by Kemal Keriñsiz and his team filed a complaint against this conference to the administrative judiciary, and the 4<sup>th</sup> Administrative Court of İstanbul ruled the suspension of the conference. This submission and the decision is unprecedented in the justice system.

Upon this decision the conference was held at İstanbul Bilgi University under strict security measures. Once again there were racist protests staged in and outside the conference hall.

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<sup>2</sup> Turkish Union of Workers Employed in Commerce, Office, Education and Fine Arts

- The racist groups attacked the opening of Exhibition on 6-7 September Incidents, organized by History Foundation, Karşı ArtWorks, Human Settlements Development Association and Helsinki Citizens' Assembly on the occasion of 50<sup>th</sup> Commemoration of the incidents which took place on 6-7 September. Right after the opening of the Exhibition on 6 September, a group of aggressors raided the Karşı Arts Gallery, threw the photographs on the floors and tore them down, threw eggs and destroyed several photographs.

Ramazan Kırkık, Ramazan Bakkal from the "Union of Civil Society Organisations of Turkey (TSTKB)" and Levent Temiz, one of the former presidents of Ülkü Ocakları, were among the group who attacked the exhibition and the same people had attacked the Conference on Ottoman Armenians at Bosphorus University. We also need to underline that these three names were among the people who attended Hrant Dink's hearings and who wanted to be intervenors.

- On 5 February 2006 Andrea Santoro, priest of the Italian Catholic Church in Trabzon was killed during the mass by 16 year-old boy, O.A.

- The discussions at the French Parliament on a draft law which criminalizes denial of Armenian genocide escalated tensions. Patriarch of Turkish Armenians Mesrob Mutafyan was concerned about the potential consequences of these tensions and filed a petition to İstanbul Governorate on 11.10.2006 requesting "security of institutions and organisations belonging to Turkish Armenians be ensured, in consideration of the highly tense political and social circumstances."

- Department of Intelligence must have taken Mutafyan's petition seriously that the very next day an official letter was sent to the Intelligence Departments in all provinces on 12.10.2006 warning the officials about possible provocative actions against Armenian citizens due to the draft law at the French parliament.

- In the meanwhile another activity which reflected the perceptions on Hrant Dink's murder and the Armenian issues, was taking place. Sevgi Erenerol, who is a defendant at the Ergenekon case today, was giving seminars on missionary activities and minorities at the General Staff and Air Force Command in October and November 2006. As stated by Sevgi Erenerol, "threats" against Turkey were discussed at these seminars which took place in many other cities in Turkey.

**While these were taking place in Turkey, there was a commotion in Trabzon.**

The defendants of the Hrant Dink murder case had been residing in the Pelitli town of Trabzon, which was under the gendarmerie supervision.

Yasin Hayal, who is under trial as the instigator behind Hrant Dink murder, too, was living in Pelitli like some of the other defendants. In March 2002, he met Erhan Tuncel when he came back to Trabzon for a short break during his military service. Yasin Hayal, who in this period beat up the priest of Santa Maria Church so badly that the priest was in coma for days, said afterwards that he had done so [beaten up the priest] because Erhan told him that "the missionary activities had increased

considerably in Trabzon.” It is also striking that in the flow of events Yasin Hayal, too, made an emphasis on missionary activities.

After he completed his military service, his connection with Erhan Tuncel continued.

In August 2004, he made a hoax call regarding a bomb planted on the aircraft carrying the Prime Minister. Yasin Hayal later said that he did this in order to “**test the reflexes of the police**”.

When the gendarmerie was looking for him in relation with the fake bomb call, Yasin Hayal went to Chechnya. As his attempts failed there, he had to return back. He expressed that the reason for his visit had been to fight together with the Chechens.

In October 2004, he conducted the attack against McDonalds, which he had planned together with Erhan. He fled to İstanbul, got arrested and was placed in jail.

The person who had prepared the bomb and who acted as the sentry during the plantation of the bomb in McDonalds was Erhan Tuncel, whose responsibility in this incident was kept secret and who had been employed as an ancillary intelligence personnel (YİE).

In September 2005, Yasin Hayal was released from prison; after he came out, he was saying that he had made friends with people from İbda-C, and that he had been influenced by them. [Then] Trabzon Security started to wiretap Yasin Hayal considering the contacts Hayal had established while he was in prison important.

According to the statements of Erhan Tuncel, after Yasin Hayal was released from prison, he had a grudge against Armenians and that he was planning to undertake an attack in İstanbul.

Working in Trabzon Intelligence Branch Directorate as ancillary intelligence personnel (YİE), Erhan Tuncel was assigned with the duty of collecting information on Yasin Hayal. From the statements of Muhittin Zenit, who was working at the Intelligence Branch of Trabzon Police Directorate, taken during investigation and prosecution phases, it has been understood that Yasin Hayal was also kept under physical surveillance; this physical and technical surveillance continued until the “**last minute**” as stated in the hearing by Mehmet Ayhan, who is working at Trabzon Intelligence Branch Directorate.

Presumably tarting with January 2006, Yasin Hayal started to say that he was going to kill Hrant Dink to the people around him including Erhan Tuncel. As Erhan Tuncel informed Trabzon Intelligence Branch Directorate about it, a letter was drafted on 17.02.2006 addressing Ankara Intelligence Department and İstanbul Intelligence Branch Directorate. The letter said the following:

*“According to the information provided by the ancillary intelligence personnel (YİE), ‘the subject [person] has expressed to the people around him that he had a huge grudge against Armenians; that he is planning an attack in the forthcoming days in İstanbul and **he chose the individual named Firat (Hrant) Dink -- the editor chief of AGOS daily-- as his***

*target due to his libellous activities against the Turks and the Republic of Turkey; that if he was supported financially, he would go to Istanbul for the mentioned action [attack], and that he would stay over at his brother's, who works at a bakery in the district of Sarıgazi'.*

*Moreover, taking into consideration that the aforementioned person had used a similar discourse prior to the McDonald's bombing, he is considered capable of such an attack and therefore we continue to work on the person, who uses the phone line assigned with number 0538 7193181."*

A phone call between Erhan Tuncel and Muhittin Zenit immediately after the murder revealed that the Trabzon Police was aware of all the details about the murder of Hrant Dink, including how and where he would be shot, and whether the perpetrator would run away after the shooting.

Officers at Trabzon Police Department knew that the murder was first going to be committed by Yasin Hayal but then the plan was changed and it was Zeynel Abidin Yavuz, who would perpetrate the killing. The officers also knew about Ogün Samast. Probably in one of his last calls with the police, and since he had not yet known the name of Ogün, Erhan Tuncel had said "Yasin has found a boy to have the job done. He is a fast boy, playing [football] in Pelitlispor as the left wing."

In January 2007, Yasin Hayal started his search for bullets. The SMS he sent in search of a bullet was traced in the technical surveillance; however, this SMS too, was one of the evidences that were forged/distorted and hidden from the prosecutors by the officers of Trabzon Police Directorate.

The Pelitli area, where many of the defendants reside in, was under gendarmerie jurisdiction.

Yasin Hayal was one of the people who often paid visits to Trabzon Gendarmerie Intelligence Branch Directorate.

The gendarmerie intelligence branch director of the time had said that Yasin Hayal **"is a solid boy, a clean one, he will do good work in the future."**

In his statement first to the prosecutor's office under Ergenekon investigation, and later to Istanbul 14<sup>th</sup> Heavy Penal Court as witness, gendarmerie informant Veysel Şahin said that in the period of 2003-2005, he had visited Trabzon upon the invitation of Gendarmerie Intelligence, and said: **"There was this Captain Feridun, intelligence branch director, I was only familiar with Yasin; when I asked to Feridun about him, he [the captain] said 'he is a solid boy, a clean one, a boy that we talk to'"** Veysel Sahin identified Yasin Hayal during the hearing.

Working at DMO (State Equipments Office) as a security staff, Yasin Hayal's brother-in-law Coşkun İçci was serving as an unofficial information personnel for Trabzon gendarmerie. Additionally, during the court case at Trabzon 2<sup>nd</sup> Megistrate's Court, it was revealed that the gendarmerie had six registered messenger/information staff employed in the area of Pelitli.



Around July 2006 Coşkun İçci, who aware of Yasin Hayal's plans to murder Hrant Dink, notified the gendarmerie officers Okan Şimşek and Veysel Şahin, with whom he was in contact, on the subject.

He told the gendarmerie officers that Yasin Hayal wanted him to find a gun, and that he had seen the sketches of Hrant Dink's home and office in Hayal's hand.

Okan Şimşek and Veysel Şahin notified this to their superior gendarmerie Captain Metin Yıldız.

In one of the ordinary public-order meetings in July, Metin Yıldız talked about this issue with the provincial gendarmerie regiment commander Ali Öz, who in return closed the issue, saying **"We will speak about this later."**

Waiting for an instruction in this regard, Okan Şimşek and Veysel Şahin reminded the matter to Metin Yıldız; however, he stalled them off, saying **"Our commander is going to instruct us later"**.

This matter was confirmed by the information exposed during the trial at Trabzon 2<sup>nd</sup> Magistrate's Court.

Despite this information, neither Trabzon Police Directorate nor Trabzon Gendarmerie Command did anything to prevent the murder.

On 19.01.2007, Hrant Dink was murdered.

**Istanbul Security Directorate also knew that Hrant Dink was going to be murdered.**

Trabzon Intelligence Branch Directorate sent to Istanbul Security Directorate a letter dated 17.02.2006, bearing the information that Hrant Dink was going to be murdered by Yasin Hayal. In his statements, the Director of Trabzon Intelligence Branch Engin Dinç said that immediately after this letter, he phoned and spoke personally to Ahmet İlhan Güler --the Director of Istanbul Intelligence Branch-- and informed him about the importance of the matter.

Far before this letter, Istanbul Security Directorate was aware of all the developments since 2004. They knew that Hrant Dink was summoned to the Governor's Office after the news coverage on Sabiha Gökçen and that in relation to this coverage, various groups organized racist demonstrations in front of Agos; that Hrant Dink was exposed to lynching attempts in the hearings he stood for trial; that the same mass of people were once again on the stage during the court cases that had been initiated against writers like Elif Şafak and Orhan Pamuk and during the Armenian Conference. This matter had been phrased as follows by Şammaz Demirtaş, the then-deputy intelligence director of Istanbul Security Directorate, in his statement to the Prime Ministry Inspectors: **"I may say that due to his activities that were also covered by the media and due to the atmosphere that prevailed in that period, Hrant Dink was within the area of interest of our Istanbul Intelligence Branch**

**not as a target but because of any potential sensational situation that might have emerged.”**

However, despite this information, Istanbul Security Directorate did nothing to prevent the murder.

On 19.01.2007, Hrant Dink was murdered.

**The letter dated 17.02.2006 was also sent to the Department of Intelligence, where all intelligence-related information was gathered.**

According to the regulation laying down the powers, duties and responsibilities of the Department of Intelligence under the Turkish National Police, the Department is in charge of registering and sorting out all intelligence-related information collected by the Central and Local units; following-up the intelligence input and operations; following-up and evaluating the information, documents and the intel that arrive from other cities and institutions; and coordinating the work with local units. Although this is the job description, the Unit did not do what was necessary as regards the information and documents related to Hrant Dink, and did not take any measures.

At the time of the murder, the Head of the Intelligence Department was Ramazan Akyürek.

Before his appointment to this post, Ramazan Akyürek was the Trabzon Provincial Police Director –the chief of the institution which had employed Erhan Tuncel as ancillary intelligence personnel (YİE). In May 2006, he was appointed as the head of Intelligence Department of Turkish National Police.

Being fully informed of all the developments about the murder since the very early stages and being aware of the tensions, Ramazan Akyürek wrote a letter in October 2006 to the intelligence branch directorates in 81 provinces, calling for more attention and diligence for the security of Armenians and Armenian institutions.

In his statement to the Human Rights Committee of the Turkish Grand National Assembly (TGNA), Ramazan Akyürek expressed that in that period, they had received various information from different provinces; however, the question why he had not processed and done what was necessary in view of the information remained unanswered.

The inspectors of the Prime Ministry were of the opinion that the Intelligence Department had neglected its duty in controlling the process, and for not doing what was necessary in terms of making an assessment and launching an operation and/or taking protective measures for Hrant Dink.

On 19.01.2007 Hrant Dink was murdered.

**The similarity between the attitude of some institutions and some people observed prior to the murder still continued after the murder.**

-- Immediately after the murder, Istanbul Police Chief Celalettin Cerrah said: **"The murder does not have any political dimension or any linkage with an organization. The suspect committed the murder with nationalistic sentiments. He had been in consultation with his friend Yasin Hayal on this issue"**, trying both to divert the direction the investigation was heading, and to conceal the ties of the murder with [an] organization.

-- During the investigation carried out by Istanbul Chief Prosecutor's Office, the prosecutors that the officers at Trabzon Security Directorate and Gendarmerie hid evidence, and that they obscured evidence after the murder. They referred the dossier to Trabzon Prosecutor's Office in order to be processed in light of these identifications comprising of 11 articles; nevertheless, Trabzon Prosecutor's Office -- somehow -- was unable to detect any criminal elements in those acts.

-- Although the inspectors --after three examinations-- expressed the opinion that an investigation should be launched against the officers at Istanbul Security Directorate for negligence of duty at the least, basing on their findings such as evidence had been destroyed, documents had been forged, and it was shown as if a duty had been attended despite it had not been so, , no single investigation has been launched against any of the officers.

-- The complaint against the judges of the Istanbul Provincial Administrative Court, who ended the judicial means against the officers at Istanbul Security Directorate, with the claim that they [the judges] were not independent and impartial and that they had not fulfilled their Constitutional and legal liabilities to the High Council of Judges and Prosecutors (HSYK) was rejected by HSYK without any justification.

-- At the case being dealt with at Istanbul 14<sup>th</sup> Heavy Criminal Court, demands were made that all investigations and trials be conducted by the same authority, and that all ongoing court cases be merged as one; nevertheless, these demands were rejected continuously and systematically. The requests, which were accepted by the court, on the other hand, face resistance from State institutions.

-- In the ongoing court case against the Trabzon Gendarmerie officers, although it has been documented that some documents have been forged and some have been destroyed after the murder, no action has been taken against those officers in relation to these offences.

-- Ogün Samast was captured in Samsun with a joint operation of the National Police and the Gendarmerie on his way to Trabzon from Istanbul. He was taken from the Gendarmerie station to Samsun Police Directorate, where he was treated as a hero.

The police and the gendarmerie in their official uniforms, had their several photos taken with Ogün Samast, posing in front of a calendar embroidered with a Turkish flag, on which there was the laconic phrase "*The soil of the motherland is sacred, it cannot be left to its destiny.*" Moreover they also posed, using the flag, which was confiscated on Ogün Samast and which is one of the evidences in the case.

After the press coverage of these images, İsmail Çalışkan --the Spokesman of the National Police-- made a statement on 02.02.2007, and responded to the question: "Do you consider such photography acceptable?" and said: **"The National Police has an institutional structure. [A] Police [officer] has to be professional. He should not reflect his sentiments and thoughts to his performance."**

What should be understood from this comment is that it is not the fact that the police posed with the assassin and treated him like a hero, or that they shared with him the same sentiments and ideas that disturbed the Spokesperson; but rather, the way they did it, namely in an explicit way, damaging professionalism.

-- General Dursun Ali Karaduman --Giresun Regional Gendarmerie Commander to which Trabzon Gendarmerie was attached hierarchically in the period when the preparations for the assassination were underway in Trabzon Pelitli-- was together with Trabzon Gendarmerie Commander Ali Öz on the day of the assassination. Dursun Ali Karaduman, who hierarchically had a liability to prevent the murder, not only failed to honor this responsibility but also read out a "poem" of racist content in a martyr's funeral in Giresun almost about six months after Dink's murder, voicing his discomfort of the funeral and the commemorations for Hrant Dink. In another funeral in Amasya, he delivered a speech wherein he accused Hrant Dink of "treason", insulted him in various forms, aiming to create enmity against him [Dink] and his family.

It was striking to see a general --an official person on duty-- striving to show someone that he does not even know as a target and as if he were responsible for the deaths in such a sensitive environment, to understand his stance on the Hrant Dink case. This general, in terms of this position, was the successor of Veli Küçük.

-- In December 2008, on TRT -- the official channel of the State-- a documentary called "The Labyrinth of the Shahs" was aired. In the documentary, apart from many names, Ökkeş Şendiller --the convict of the Maraş Massacre -- expressed his views also. Ökkeş Şendiller made some statements, which implied that and created the image as if the Maraş massacre had been organized and perpetrated by the Armenians and Hrant Dink, and he attempted to put the blame and burden of this massacre on the shoulders of Hrant Dink and the Armenians. The broadcast on TRT of such a documentary containing severe accusations and racist approach against Hrant Dink, and words fuelling enmity within the society, caused an outrage.

The recent developments have proven that the attitudes of the high level State officials were not arbitrary, on individual basis or coincidental.

The progress achieved in the Ergenekon case shortly after the murder of Hrant Dink, revealed important information as to why and how Hrant Dink was murdered and why the attacks against non-Muslim citizens living in the country had increased for a while.

All the incidents listed below should be considered and assessed as a whole: In the National Security Council meeting in December 2001 "activities of the minorities" were listed among "domestic threats" and "missionary activities" were declared as a threat; and in the seminars given by Sevgi Erenerol, it was implied that missionary

activities were undertaken by the minorities in the country, and that the threats against the country were like a pyramid on top of which the minorities were sitting. With this propaganda, after these seminars the attacks against non-Muslim clergy increased; Priest Andrea Santoro was murdered Hrant Dink was murdered. On 18 April 2007, Tilman Geske, Necati Aydın and Uğur Yüksel were murdered brutally by four people in Malatya on grounds that they were missionaries. On 1 December 2007, Edip Daniel Savcı --the priest of Mor Yakup Assyrian Church-- was kidnapped by three unidentified men, and released after three days. On 16 December 2007, Adriano Franchini --the priest of St. Antuan Church in İzmir-- was stabbed. The Cage Action Plan, which has recently been uncovered and the investigation on which is still going on, presents significant evidences with respect to the links with the afore mentioned facts and incidents.

## **ASSESSMENT**

**1. The developments, inquiries and investigations that are conducted outside this case** repeatedly verify that our persistent claims that those, who have been the accused under this court case constitute only a part of a bigger professional organization are not merely abstract claims and that they point to facts.

Collection of all evidence representing the incidents, merging of all parts that may represent the entirety and evaluation of all clues that might decipher the organization are imperative for an efficient and effective investigation and in order to unearth this extremely professional organizational structure.

Therefore, it is necessary that the gunmen in the murder of Hrant Dink and the ones who turned Dink into an open target, singled him out at the preparatory stage of the murder; the media actors of this plan, the role of the members of judiciary at this campaign and the ones who facilitated the murder by neglecting their duty should be evaluated altogether and their roles in the criminal act and their relation with the organization should be investigated.

It is only possible to identify and understand this organization, which moves within a certain plan and commits a murder step by step through actions spreading over a period of time, if all these incidents are taken under meticulous examining.

In light of the evidence revealed, it would not be erroneous or exaggerated to say that the stones paving the way to the murder of Hrant Dink were implanted by those, who turned him into an open target, together with the security forces, who were [actually] in charge of preventing the murder from taking place. Thus, the gunmen, walking on that pavement, had killed Hrant Dink.

For these very reasons, starting with the investigation phase, we have reiterated in all stages of the trial that all court cases and investigations related to this murder should be dealt by a single authority, that it would be impossible to reveal the hard facts by running investigations and dealing with cases in a piecemeal fashion.

Unfortunately all our requests to the courts for such a merging were refused.

Therefore, in relation to our complaints filed with Istanbul Chief Prosecutor's Office against the officers at Trabzon Police Directorate, Trabzon Gendarmerie and Istanbul Police Directorate, non-prosecution decisions were ruled and the investigations, which were referred to the authorities claimed to have been in charge, resulted in non-prosecution as well.

In light of all these developments, there is a clear and evident conclusion: This murder cannot be resolved with the method that has been employed so far.

2. It is not possible to believe that this murder was conducted by a couple of youngsters with nationalistic sentiments; moreover, it is also not possible to believe that a more organized structure, which --in one way or another-- has leaked into the National Police and the Gendarmerie and which uses illegal powers and authorities, has gotten those three-five youngsters to commit the murder. From the General Staff to the judicial authorities, from the government speakers to security units, from media to paramilitary forces, all official/political actors have a responsibility in the murder of Hrant Dink, the failure to prevent the murder and the failure to bring to light the real perpetrators.

3. The investigations and trials in the post-murder period have revealed two significant elements so far:

- a) All intelligence institutions of the State were watching Hrant Dink.
- b) All intelligence institutions of the State were also watching the people who were going to kill Hrant Dink.

The answer to the question why this outcome could not be prevented in spite of the fact that both Hrant Dink and those, who would kill him, were being followed by the State, actually lies in the facts that we have mentioned above.

With the revelations of numerous investigations, we see that this State or some people, who use powers and authorities within or on behalf of the State, have a problem with the Armenians (actually with those who are not Turkish and/or Muslims). Otherwise, it would not be possible to reason why the the common ground for Ogun Samast, a general, a high ranking police officer, and the official channel of the State is the enmity for Hrant Dink, why they all unite on this point regardless of the differences and the distance between them, why it is allowed to make Hrant Dink on the state television and why the efforts to create enmity among the society still continues.

In fact, Hrant Dink had an explanation for this . Before his murder, he had expressed his sentiments with the following sentences:

*"But I have to admit that as someone who has matured by experiencing numerous instances of discrimination, my mind can't stop asking this question: "Has my being an Armenian played a role in this outcome?"*

*Of course when I bring together the things I know and the things I sense, I do have an answer to this question. This is how it can be summed up: certain people decided and said, "This Hrant Dink man has gone too far. He needs to learn a lesson," and pushed the button. I know this is a claim which puts myself and my Armenian identity at the center. You may argue that I exaggerate... But nevertheless, this is my perception of it. The facts I have and my life experiences leave me no other explanation. My task now is to tell you everything I have lived and sensed. **Then, you can decide for yourself.**"*