

# CHRONOLOGY

(KRONOLOJİ)

## **A Chronology of the Case of *Perinçek v. Switzerland***

### **7 May, 22 July and 18 September 2005**

Doğu Perinçek explained in various conferences in Lausanne and Bern that the events of 1915 could not be considered as “genocide”.

### **15 July 2005**

The association “Switzerland-Armenia” applied for legal proceedings against Perinçek with reference to the Swiss National Council’s decision adopted in 16 December 2003 by a vote of 107 to 67 which is worded as follows: “The National Council acknowledges the 1915 genocide of the Armenians. It requests the Federal Council to acknowledge this and to forward its position by the usual diplomatic channels.”

### **7 March 2007**

Mr. Perinçek’s lawyer, Mr. Moreillon, demanded the following in a letter to the court: 1) To take a decision to extend the judicial enquiry on the status of the massacres/genocides with regard to the Armenian question of 1915. 2) To demand all required documents from the United Nations to further examine the actual circumstances surrounding the mentioned tragedy. 3) To have the court consult to unbiased experts who had not dealt directly or indirectly with this historical issue. 4) To have the court consult via experts the archives of Austria, Hungary, Ottoman Empire, Tsarist Russia and Armenia in determining the circumstances with regard to the Armenian issue of 1915 within the bounds of possibility. 5) To decide to extend the investigation on the status of current historical studies and the stance of historians.

**9 March 2007**

The Court found that Mr. Perinçek's motives were of a racist tendency and that he had stated that in 1915 it was Turks, not Armenians, who were attacked therefore it means the Armenians also committed genocide. The Court further stated that the massacre of the Armenians by the Ottoman Empire had been long accepted as genocide, that the court did not have to make a judgment on what the Armenians had lived through prior to and during the First World War and that the "Armenian genocide" could be compared to the Jewish holocaust.

The Lausanne Police Court convicted Perinçek of racial discrimination in accordance with Article 261bis, paragraph 4 of the Swiss Criminal Code and sentenced him to a punishment of 90 days and a fine of 100 Swiss francs. Additionally, the Court convicted him to pay 1000 Swiss francs for the benefit of the Switzerland-Armenia association for moral indemnities and 10.000 Swiss francs for court expenses. Moreover, it was decided that Perinçek would pay the whole expenses of the case which was 5.873,55 Swiss francs.

**12 March 2007**

Dr. Perinçek's lawyer lodged an appeal against the judgment. He primarily requested the invalidation of the judgment and an additional investigation concerning in particular the status of the research and the position of historians on the Armenia issue.

**13 June 2007**

The conviction of the Lausanne Police Court was upheld by the Criminal Cassation Division of the Vaud Cantonal Court.

Upon this decision of the court, Mr. Perinçek lodged an appeal before the Federal Court requesting the reversal of the judgment rendered in the sense of his acquittal and release from any conviction, both civil and criminal. In particular, he reproached the two cantonal authorities from the perspective of application of Article 261bis, paragraph 4 of the Swiss Criminal Code and of violation of his fundamental rights, and stated that the authorities had not conducted a sufficient investigation with regard to the materiality of the circumstances making it possible to describe the events of 1915 as genocide.

**12 December 2007**

The Federal Court dismissed Mr. Perinçek's appeal in its judgment.

**10 June 2008**

Having no means left to appeal in Swiss courts, Perinçek carried his appeal to the European Court of Human Rights on the grounds that Swiss courts breached his freedom of expression in accordance with the Article 10 of the European Convention on Human Rights. Particularly, he argued that Article 261bis, paragraph 4, of the Swiss Criminal Code was not sufficiently foreseeable in its effect with reference to the previous decision of the Bern-Laupen Court regarding the same issue, and that the alleged breach of his freedom of expression had not been "necessary in a democratic society." He further stated that the Swiss courts contradicted with the following articles of the European Convention on Human Rights: Article 6 on right to a fair trial, Article 7 on no punishment without law, Article 14 on prohibition of discrimination, Article 17 on prohibition of abuse of rights, Article 18 on limitation on use of restrictions on rights. He further demanded that the Article 40 of the Convention be implemented in accordance with the Article 60 of the internal regulations and demanded a compensation of intangible damages in accordance with fairness.

**18 January 2011**

The Swiss Ministry of Justice, in its defense submitted to the European Court of Human Rights (ECHR), emphasized that the Swiss Court's decision was in accordance with the following articles of the European Convention on Human Rights on freedom of speech: Article 10, paragraph 2 and Article 17. Furthermore, the Swiss Government emphasized the judicial discretion of the national courts and demanded the rejection of the case submitted by Mr. Perinçek to European Court of Human Rights.

**15 September 2011**

The Turkish government submitted written comments as a third party. The Turkish government stated in these comments that it took part in the case with the intention to defend freedom of expression.

**17 December 2013**

European Court of Human Rights ruled that there had been a violation of Article 10 of the European Convention on Human Rights on “freedom of expression” in the case of Doğu Perinçek v. Switzerland.

**11 March 2014**

The Swiss Federal Office of Justice issued a written statement on 11 March 2014 stating that Switzerland has decided to object to the judgment of the ECHR and refer it to the Grand Chamber of the ECHR .

