AVİM Commentary • No: 2017 / 9 •

ARMENIAN ALLEGATIONS DO NOT HOLD WATER BEFORE JUDICIARY

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On January 26, two very important decisions with regard to the events of 1915 were adopted by both the Danish Parliament (Folketing) and Constitutional Council of France.

First of all, the Danish Parliament, adopting a resolution, stated that it finds that the best path to reconciliation will be an open dialogue about the story on the basis of a free and uncensored history research, including the release of all official documents from the period. Furthermore, it declared the Parliament will continue to maintain its parliamentary tradition not to issue judgments about historical events.

The Danish Parliaments decision is yet another official reiteration of the fact that parliaments and governments are not the places to decide on historical controversies, that the debates on the 1915 events should be left to historians.

Constitutional Council of France, as well, declared its decision rescinding a bill recently adopted by the French Parliament to amend the Law of Citizenship and Equality to criminalize the denial and trivialization of war crimes, crimes against humanity, and genocides if it amounts to hate speech. As it is known, the law in question was the product of the collective efforts of the French President and French Armenians, and their latest formula to criminalize the rejection of the Armenian narrative in France. However, the Constitutional Council of France once again proved that such efforts are unlawful and futile.

In its verdict, the Constitutional Council of France ruled that the law was unnecessary given the existing laws on incitement to hatred. Moreover, the Council stated that this law opens the way for comments regarding events that did not constitute a crime at the time that they were made to be punishable, and causes legal ambiguity for events and comments that should normally be decided upon with historical discussions. Finally, it ruled that the law was an unnecessary and disproportionate attack against freedom of expression.

With this decision, the French Constitutional Council, in line with its previous verdict regarding the Gayssot Act and ECtHRs judgment on the Perinçek vs. Switzerland case, once again confirmed that historical events, such as the events of 1915, are legitimate matters of debate, and laws criminalizing the rejection of the Armenian allegations are in

violation of the freedom of expression. In this context, there is yet another step to be taken by the Constitutional Council of France. That is the abrogation of the one sentence law of 2001 proclaiming the events of 1915 as genocide.

Ultimately, both the Danish Parliament and the Constitutional Council of France once again proved the legitimacy of Turkeys proposal to establish Joint Historical Commission to shed light on the events of 1915.

In the light of these decisions, supporters of the Armenian narrative would be well advised to cease politically motivated legal acts to impose the one-sided Armenian version of history.

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Ali Murat Taşkent was an Analyst at Center for Eurasian Studies (AVİM) between April 2015 to September 2017. Taşkent pursued his researches on the Caucaus and Turkey-Armenia Relations.

To cite this article: TAŞKENT, Ali Murat. 2026. "ARMENIAN ALLEGATIONS DO NOT HOLD WATER BEFORE JUDICIARY." Center For Eurasian Studies (AVİM), Commentary No.2017 / 9. January 27. Accessed November 22, 2026. https://www.avim.org.tr/public/index.php/en/Yorum/ARMENIAN-ALLEGATIONS-DO-NOT-HOLD-WATER-BEFORE-JUDICIARY

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