FRENCH PRESIDENT HOLLANDE 'GAUCHE' IN THE LITERAL SENSE

Ali Murat TAŞKENT

Analyst (2015-2017)

For the final time in the capacity of the President of France, on 8 February 2017, French President Francois Hollande attended the annual dinner of the Coordination Council of Armenian Organizations of France (Conseil de Coordination des Organisations Arméniennes de France CCAF). During his speech, which was full of clichés of the Armenian narrative,[1] reminding his long-standing commitment to a law to criminalize the "denial of the Armenian genocide allegations, President Hollande mentioned his efforts and initiatives to this end.

Beginning from the time he was an MP, President Hollande reminded that in 2006, a bill that would criminalize the denial of the Armenian genocide allegations was drafted by the Socialist Party, of which he was the leader at the time (in 2011, this bill was rejected by the Upper House of the French Parliament (Senate)). He also stated that he had supported the Boyer Bill that criminalized the rejection of the Armenian genocide, which was annulled by the French Constitutional Council in 2012. Later mentioning his efforts during his presidency, President Hollande touched upon to the fact that France intervened in the Perinçek v. Switzerland case as a third party to support Switzerland in hope of a decision by the ECtHR that would allow for the criminalization of the denial of the Armenian genocide allegations. However, this attempt had also resulted in failure as the ECtHR ruled that the disputes over the nature of 1915 events is a matter of public concern and a person has the right the reject the Armenians claims of genocide.[2]

Finally, President Hollande mentioned his latest initiative. As it is known, during last years CCAF dinner, President Hollande had declared that he had entrusted the mission to devise a formula to the former President of the European Court of Human Rights Jean-Paul Costa that would avoid the constitutional and legal obstacles posed by the Constitutional Council of France and the European Court of Human Rights (ECtHR). President Hollande had also cautioned that the rejection of a law by the Constitutional Council or the ECtHR would be a failure and a terrible defeat for France and for the Armenian cause.[3]

As a result, it was decided to make an amendment on the Law on Equality and Citizenship to include a provision that criminalized the denial, minimization or trivialization of war crimes, crimes against humanity, and genocides if it incites racial, ethnic, national or religious hatred or violence. The amendment aimed to render possible the criminalization

of the rejection of Armenian genocide allegations without making direct references to the events of 1915, but by allowing punishment for the denial of events that were recognized as genocide by France (in 2001, the events of 1915 was recognized as genocide by the French Parliament).

On 22 December 2016, the above-mentioned amendment was adopted by the French Parliament. However, on 26 January 2017, the amendment was annulled by the Constitutional Council of France on the grounds that it was a disproportionate attack against freedom of speech. Furthermore, finding it unnecessary given the existing laws on incitement to hatred, the Constitutional Council also concluded that the amendment may also lead to wrongful penalization with regard to events that are subject of historical debates and havent been characterized as a crime by a competent court (e.g. the events of 1915). Thus, in President Hollands words, caused a terrible defeat for France and for the Armenian cause.

In his speech, President Hollande, reminding that the Constitutional Councils decisions are binding, stated that in the absence of a competent court decision declaring an event as genocide or crimes against humanity, it was not possible to criminalize the denial of the Armenian genocide as it would be a disproportionate attack to the freedom of expression. However, stating that France would continue to support domestic and foreign initiatives for the recognition of the Armenian Genocide, Hollande tried to reassure the audience by declaring that a mission was launched to work on the modalities to institute a national day of commemoration of all genocides, war crimes and crimes against humanity, and thus the Armenian genocide.

Thus, President Francois Hollande finally admitted that efforts to criminalize the denial of the Armenian genocide and thus impose the Armenian narrative are futile. He admitted his failure and defeat in the face of law. Obviously, his proposition to make up for this failure -a day in which the Armenian genocide will be celebrated among others- is not what those who embraced the Armenian views expected; they wanted the punishment of those who rejected their opinions. However, the final ruling of the Constitutional Council, in fact, is the final nail in the coffin of the efforts in France to impose the one-sided Armenian version of history and to punish those who reject it. Ultimately, President Hollande, who has been gauche in the political sense, has proven to be gauche in the literal sense.

**Photo: Presidency of the Republic of France*

[1] For the original text of his speech (in French), see: Discours lors du dîner du Conseil de Coordination des organisations Arméniennes de France, *Presidency of the Republic of France*, http://www.elysee.fr/declarations/article/discours-lors-du-diner-du-conseil-de-coordination-des-organisations-armeniennes-de-france/

[2] It should be also mentioned that in in January 2016, the Constitutional Council of France, declared its verdict with regard to the Gayssot Act, a law concerning Holocaust denial, and confirmed that only a competent tribunal may decide whether or not an event

or act constitutes genocide.

[3] Ömer Engin Lütem, Facts and Comments, *Review of Armenian Studies*, Issue 33, p.33;

Hollande Has Entrusted to Jean-Paul Costa Preparation of New Bill Criminalizing Denial of the Armenian Genocide, *Armenpress,* http://armenpress.am/eng/news/833781/hollande-has-entrusted-to-jean-paul-costa-preparation-of-new-bill-criminalizing-denial-of-the-armenian.html

About the Author :

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.

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Süleyman Nazif Sok. No: 12/B Daire 3-4 06550 Çankaya-ANKARA / TÜRKİYE
Tel: +90 (312) 438 50 23-24 • **Fax**: +90 (312) 438 50 26
@avimorgtr
https://www.facebook.com/avrasyaincelemelerimerkezi
E-Mail: info@avim.org.tr
http://avim.org.tr

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