

Kathy, [redacted]

For info. Here's the link to the petition <http://epetitions.direct.gov.uk/petitions/261> apparently its been on the website for some time now though.

Regards
[redacted]

Many thanks for the real time reporting today. We agree with your suggested approach.

[redacted]

From: [redacted]
Sent: 24 January 2012 13:01
To: [redacted]
Cc: [redacted]
Subject: FRANCE/TURKEY: ARMENIAN GENOCIDE RESOLUTION: UPDATE

[redacted]

Thanks for this. An update on the next legal steps below, a broader diptel to follow today. As for whether it is likely to pass into law in the next two weeks, my inclination is yes. [redacted]

Next steps for the bill criminalizing denial of genocides.

1. The bill must be promulgated and published within 15 days of its adoption by Parliament. The definitive text is transferred to the General Secretariat of the Government. This body is charged with collecting the signatures necessary to promulgate the law and publish it in the *Journal Officiel*. Promulgation of a law involves a decree signed by the President and countersigned by the Prime Minister and the Ministers who will be charged with its application. After which time, the bill has entered into French law.
2. If requested by President, Prime Minister, Speaker of the National Assembly, Speaker of the Senate or a group of 60 MPs or 60 Senators, the Constitutional Council will assess the constitutionality of the bill. [redacted] However, if asked the Constitutional Council (CC) has a month to examine the constitutionality of the bill before it must deliver its decision, during which time the delay of 15 days to promulgate the law is suspended.
3. If the CC decides the bill is constitutional, the text is passed to the General Secretariat of the Government and follows the steps outlined in para 1. [redacted]
4. If the CC rules that the bill is unconstitutional, the bill is either sent back for slight amendments (Comment: could not happen with this bill, there would be no bill left) or rejected completely. The third and very rarely employed option is that if the CC find that the bill is unconstitutional, the President can request a reconsideration of the bill, which means the whole process (examination by both houses and votes) starts again.

From: [redacted]
Sent: 24 January 2012 10:39
To: [redacted]
Cc: [redacted]
Subject: FRANCE/TURKEY: ARMENIAN GENOCIDE RESOLUTION: UPDATE
Importance: High

[redacted]

Thanks again for all your input last week into the Armenian genocide resolution note. Please see latest reporting from Ankara below.

Given the Turks' position that they will wait for "the completion of the finalization of the process for the law" before taking steps, there's clearly a strong interest here in understanding exactly what the next legislative steps are. I set out below the relevant extract from the note we put to Ministers:

If the bill is passed and there are no amendments to be made, the bill is adopted and enters into law once it has been signed by the French President, and counter-signed by the Prime Minister, up to two weeks later.

If, however, the Senate wishes to make amendments to the bill, it will be sent back to the National Assembly for a second examination before coming back to the Senate. If this happens, it is unlikely that the bill will be passed before the French Parliament is dissolved in September.

Do we still expect the bill to enter into law within the next two weeks? Does the opinion of the Commission of Laws that the bill risked being unconstitutional alter matters?
I'm sure you already have this in hand, but it would be really helpful if any reporting egram could cover these points.
Many thanks,

[redacted]

From: [redacted]
Sent: 24 January 2012 08:04
To: [redacted]
Cc: [redacted]
Subject: FRANCE/TURKEY: ARMENIAN GENOCIDE RESOLUTION: UPDATE
Importance: High

[redacted]

Update!

Just after I sent my email below, the MFA issued a statement on the French Bill. The key point is that it says that the Turks are going to wait for the "completion of the finalization of the process for the law" before taking retaliatory action. Which is good, although there is a warning that the MFA has already agreed measures if the Bill goes into law.

We will report further when we have been able to talk to people here.

[redacted]

Press Release

The law proposal presented by deputies of the governing Union for a Popular Movement (UMP), aiming to penalize in France any challenge to genocide allegations regarding the events of 1915 was adopted by a vote in the General Assembly of the Senate today (23 January). We strongly condemn this decision, which is problematic in every aspect and constitutes an example of irresponsibility, and declare that we will express our reaction against it in every platform.

A similar law proposal was rejected earlier by the General Assembly of the Senate on 4 May 2011 by 196 votes against 74, in line with the opinion of the Commission of Laws of the Senate which had concluded that the proposed law was in breach of the Constitution. Although the Commission of Laws of the Senate once again concluded that the latest proposal was in breach of the Constitution, the Senate adopted it. Since there has not been a change in the substance of the matter in the meantime, this development is a blatant indication of how such a sensitive issue can be exploited for domestic political purposes in France. This has been an entirely unfortunate step for French politics. Politicization of the understanding of justice and history through other people's past and damaging freedom of expression in a tactless manner are first and foremost a loss for France.

It is obvious that the interpretation of historical events cannot be determined by the attitude of French politicians who see in themselves the right to judge other nations on the basis of one-sided views and declare a judgment on a serious allegation of crime such as genocide, thereby ignoring the principles of international law. In fact, no Parliament has such a right nor such a competence. The decision in question goes further and delivers a blow against the freedom of expression and scholarly research. At a period when we need positive examples for the dissemination of universal values throughout the world, it is disconcerting to see narrow political calculations producing such a result even in a country which plays a role in the advancement of such values and which takes pride in rule of law.

It is further unfortunate that the historical and multi-dimensional relations between the Republic of Turkey and France have been sacrificed to considerations of political agenda in spite of all our initiatives and warnings, as well as the opinions of prominent French institutions and jurists. It is quite clear where the responsibility for this lies.

The circles which consider that Turkey has overreacted on this matter or think that its reaction will only remain in words neither comprehend the essence of the matter, nor understand Turkey and the Turkish people. We find it useful to remind all parties that, in case of the completion of the finalization process for the law, we will not hesitate to implement, as we deem appropriate, the measures that we have considered in advance. Similarly, it must be also known that we will continue to strongly use our right to defend ourselves on a legitimate basis against unfair allegations. No one should doubt our Government's principled approach in this issue.

On the other hand, we share the calls for common sense of those who, during this process, have admitted the error being committed in French politics, appealed to return from this error and opposed to damaging relations with Turkey in such a tactless manner.

It is clear that all avenues need to be explored for the finalization of the present process in a way which will avoid this being recorded as part of France's political, legal and moral mistakes.

Turkey is determined to take every step required against this unjust action, which disregards basic human values and public conscience.

From: [redacted]

Sent: 24 January 2012 09:40

To: [redacted]

Cc: [redacted]

Subject: FRANCE/TURKEY: ARMENIAN GENOCIDE RESOLUTION

[redacted]

In case it comes up with Ministers early today 24 January:

We haven't yet had a formal Turkish reaction to the bill passed by the French Senate yesterday evening, and the MFA haven't hinted at what they will do. [redacted]