

Network of Concerned Historians				NCH
Campaigns				
Year original	Year follow-up	Circular	Country	Names
2005		40	Turkey	Orhan Pamuk, writer

### *Announcement*

The Writers in Prison Committee of International PEN reported yesterday that author Orhan Pamuk will be brought before an Istanbul court on 16 December 2005 and that he faces up to three years' imprisonment for expressing an opinion about the Armenian genocide of 1915 and the Kurdish insurrection of 1984-2000 (See also NCH #38). We hope that you can send the recommended urgent appeals immediately. Please remember to write in your professional capacity. Thank you.

PS: For previous items on the Armenian genocide, see NCH #2, 5, 10, 23, 27, 32, 38 (Annual Reports of 1995, 1996, 1998, 2001-2003, 2005); on the Kurdish insurrection, see NCH #2, 6, 10, 17, 23, 27, 32, 37 (Annual Reports of 1995, 1997, 1998, 2000-2004).

## **INTERNATIONAL PEN WRITERS IN PRISON COMMITTEE RAPID ACTION NETWORK**

2 September 2005

Update to RAN 11/05 (5 April 2005).

### **TURKEY: Author Orhan Pamuk to Face trial for “public denigration” of Turkish identity**

International PEN greets with shock the news that the world-famous Turkish writer, Orhan Pamuk, will be brought before an Istanbul court on 16 December and that he faces up to three years in prison for a comment published in a Swiss newspaper earlier this year.

The charges stem from an interview given by Orhan Pamuk to the Swiss newspaper Das Magazin on 6 February 2005 in which he is quoted as saying that “thirty thousand Kurds and a million Armenians were killed in these lands and nobody but me dares to talk about it”. Pamuk was referring to the killings by Ottoman Empire forces of thousands of Armenians in 1915-1917. Turkey does not contest the deaths, but denies that it could be called a “genocide”. His reference to “30,000” Kurdish deaths

refers to those killed since 1984 in the conflict between Turkish forces and Kurdish separatists. Debate on these issues have been stifled by stringent laws, some leading to lengthy lawsuits, fines and in some cases prison terms.

Article 301/1 of the Turkish Penal Code under which Orhan Pamuk will be tried is a case in point. PEN sees it extraordinary that a state that has ratified both the United Nations International Covenant on Civil and Political Rights, and the European Convention on Human Rights, both of which see freedom of expression as central, should have a Penal Code that includes a clause that is so clearly contrary to these very same principles. To quote Article 301/1: “A person who explicitly insults being a Turk, the Republic or Turkish Grand National Assembly, shall be imposed to a penalty of imprisonment for a term of six months to three years.” To compound matters, Article 301/3 states: “Where insulting being a Turk is committed by a Turkish citizen in a foreign country, the penalty to be imposed shall be increased by one third.” So, if Pamuk is found guilty, he faces an additional penalty for having made the statement abroad.

Joanne Leedom Ackerman, International Secretary of International PEN states that “International PEN is deeply concerned by the efforts of the public prosecutor to punish and therefore curb the free expression of Orhan Pamuk, not only in Turkey, but abroad.” She adds that “It is a disturbing development when an official of the government brings criminal charges against a writer for a statement made in another country, a country where freedom of expression is allowed and protected by law.”

The trial against Orhan Pamuk is likely to follow the pattern of those against other writers, journalists and publishers similarly prosecuted. Karin Clark, Chair of PEN’s Writers in Prison Committee points out that “PEN has for years been campaigning for an end to Turkish courts trying and imprisoning writers, journalists and publishers under laws that clearly breach international standards to the Turkish government itself has pledged commitment.” Although the numbers of convictions and prison sentences under laws that penalise free speech has declined in the past decade, PEN currently has on its records over 50 writers, journalists and publishers before the courts. This is despite a series of amendments to the Penal Code in recent years which were aimed at meeting demands for human rights improvements as a condition for opening talks into Turkey’s application for membership of the European Union. The most recent changes were enacted in June this year. Journalists in Turkey have staged protests against the fact that there remain considerable problems in the revised Penal Code. In April International PEN joined its the International Publisher’s Association in a statement to the United Nations Commission on Human Rights which described the newly revised Penal Code as “deeply flawed”.

Orhan Pamuk is one of Turkey's most well known authors, whose works have been published world wide in over 20 languages. In 2003 he won the International IMPAC award for "My Name is Red". His 2004 novel "Snow" has met with similar acclaim. His most recent book, "Istanbul", is a personal history of his native city.

In early 2005, news of the interview for which Pamuk will stand trial led to protests and reports that copies of his books were burned. He also suffered death threats from extremists. PEN members world-wide then called on the Turkish government to condemn these attacks.

**PLEASE SEND APPEALS:**

Expressing concern that Orhan Pamuk is to be tried for a statement made in an interview for an overseas publication;

Pointing out that this is in direct contravention of the United Nations Covenant on Civil and Political Rights, and the European Convention on Human Rights, to which the Turkish government is a signatory;

Therefore protesting the decision to bring Orhan Pamuk to trial.

**APPEALS TO:**

Prime Minister Recep Tayyip Erdogan

TC Easbakanlik

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Turkey

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Cemil Cicek

Minister of Justice

TC Adalet Bakanligi

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Similar appeals should be sent to the Turkish Embassy in your own country.

For further information please contact Sara Whyatt at the Writers in Prison Committee of International PEN, 9/10 Charterhouse Buildings, London EC1M 7AT, United Kingdom. Tel: +44 (0) 207 253 3226; Fax: +44 (0) 207 253 5711; email: [swhyatt@wipcpn.org](mailto:swhyatt@wipcpn.org)