

Network of Concerned Historians				NCH
Campaigns				
Year original	Year follow-up	Circular	Country	Names
2005		40	Turkey	Orhan Pamuk, writer
	2006			<i>follow-up 1</i>
	2006			<i>follow-up 2</i>

#### *Announcement*

International PEN greeted with relief the decision to drop proceedings against Orhan Pamuk (See NCH #40, 40(ii)). Pamuk had expressed an opinion about the Armenian genocide of 1915 and the Kurdish insurrection of 1984-2000. PEN remains concerned for fifteen similar cases, including the trials against Hrant Dink and Abdullah Yilmaz. We hope that you can send the recommended urgent appeals immediately. Please remember to write in your professional capacity. Thank you.

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

23 January 2006

Update 2 to RAN 11/05

#### **TURKEY:**

#### **INTERNATIONAL PEN CALLS ON TURKISH AUTHORITIES TO END ALL TRIALS AGAINST WRITERS FOLLOWING DECISION TO DROP PROCEEDINGS AGAINST ORHAN PAMUK**

The news that the Ministry of Justice decided yesterday that the trial against the world-famous Turkish writer Orhan Pamuk will not proceed is greeted with relief by International PEN members world wide. Yet it does little to assuage PEN's concerns that the right to freedom of expression in Turkey is severely curtailed by the existence of laws that penalise debate on "taboo" topics.

During the past 12 months, PEN has monitored over 60 cases of writers, journalists and publishers who were brought before the courts or faced with prosecution for their writings. Around 15 of these are currently on trial on charges of "insult" under Article 301, similar charges to those levied against

Orhan Pamuk. Some recent notable cases include: the editor of an Armenian magazine, Hrant Dink, accused of insult to the State; five journalists accused of “interfering” with the judiciary for their comments on attempts to ban a conference, and publisher Abdullah Yilmaz who is to go on trial for a novel set in early part of the last century.

On 9 February, there will be another in a series of hearings against Hrant Dink editor of the Armenian language *Agos* magazine, whose trial opened in April last year, nine months ago. His “crime” was to make comments at a conference in which he expressed his belief that a phrase in the Turkish national anthem was discriminatory. Originally charged under the old penal code before it was amended in June 2005, the court decided to continue with his case, transferring it to the new penal code Article 301. Dink faces up to three years in prison. In another case that concluded in October, Dink was sentenced to a six months suspended prison sentence for an article that discussed the impact on present day Armenian diaspora of the killings of hundreds of thousands of Armenians by the Ottoman army in 1915-1917. As a result, new charges were opened against Hrant Dink and three others writing for *Agos* in December 2005 for an article that challenged Dink’s October conviction. The four are accused of attempting to “influence the judiciary” under Article 288 of the Penal Code.

Commentators are surprised to see the emergence of the application of Article 288 of the Penal Code that is designed to protect the courts from outside influence yet is now being used to penalise legitimate comment on the judicial process. A notable case is that of five journalists working for the mainstream press who will appear in a court in Istanbul on 7 February. All are accused for their articles on a conference of Turkish historians on the Armenian tragedy. The conference was postponed after it was banned by a court order, eventually taking place at the end of September. However Ismet Berkan, Erol Katirciolgu, Murat Belge, Haluk Sahin and Hasan Cemal will still be brought before a court in two weeks time. Four of the five are additionally accused under Article 301 for “insult to the state” for the same articles of the same law under which Orhan Pamuk was charged.

In early April, the editor of the Literatür Publishing House, Abdullah Yilmaz, will be brought to trial under Article 301 for the book by the Greek writer Mara Meimaridi entitled *The Witches of Smyrna*. The book is a novel set in the last years of Ottoman rule in Izmir (known in Greek as Smyrna). Scenes in the book that describe some parts of the Turkish quarter of Izmir as dirty is seen to be “denigrating to Turkish national identity”. What is surprising is that the book has already been in print for a year, selling 50,000 copies in Turkey, and 100,000 in Greece, with a film adaptation under way.

These are just some of the cases that are currently causing concern in Turkey. Although, to date, the trials have not ended with long prison terms, acquittals are not assured, and the result is often fines and suspended sentences. This is a great improvement to the situation in the 1990s when hundreds of

writers and journalists were sent to prison, often for many years. Yet this does not lessen the impact of the present situation where judicial harassment is now used to silence criticism of the Turkish state. These trials take months to complete, involving many hearings, causing extensive disruption to the lives of the defendants, bearing with them emotional as well as financial stress. That eminent writers and publishers, as well as mainstream journalists, are not immune from prosecution serves to send a strong warning to anyone who dares to consider writing on issues considered “taboo”. These include comments on the mass killings of the Armenian population in the early 20th century, that suggest that the Turkish state and army has carried out human rights abuses, or even simply reporting frankly on the outcome of trials.

While there are court cases against writers, journalists and publishers who challenge “taboos” and while there exist laws that enable them to be prosecuted, International PEN will continue to call for an end to all trials of those accused solely for having practised their right to freedom of expression. It calls on the Turkish authorities to take note of the international indignation at the court hearings against Orhan Pamuk and to take the opportunity to review Turkish legislation with the aim of the possibility of future trials once and for all.

#### **PLEASE SEND APPEALS:**

Welcoming the decision not to proceed with the trial against Orhan Pamuk;

Pointing out that there are many other writers, journalists and publishers on trial for similar “offences”;

Noting that these trials are 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 calling for an end to all prosecutions of those who practice their right to freedom of expression and that there be a further review of Turkish legislation with a view to removing from its remit any possibility for future such trials.

#### **APPEALS TO:**

Prime Minister Rəcəp Tayyip Erdoğan

TC Easbaskanlik

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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)