

Network of Concerned Historians				NCH
Campaigns				
Year original	Year follow-up	Circular	Country	Names
2004		36	Turkey	Hakan Albayrak, journalist

Announcement

Defamation, in particular of heads of state, constitutes a major problem for journalists and historians. A peculiar form of defamation of heads of state is defamation of deceased heads of state. In Turkey, a law protects the memory and legacy of Mustafa Kemal Ataturk, Turkey's first president (1923-38). International PEN reports about the case of journalist Hakan Albayrak who on 20 May 2004 was sentenced to fifteen months' imprisonment for "insulting Ataturk". Below you find some NCH Background and PEN's campaign for Hakan Albayrak. We hope that you can send the recommended urgent appeals immediately. Please remember to write in your professional capacity.

NCH BACKGROUND

In Turkey, a law protects the memory and legacy of Mustafa Kemal Ataturk, Turkey's first president (1923-38). In 1979, Turkish sociologist and political scientist Ismail Besikci (1939-) was sentenced to thirty months' imprisonment for violating this law because of his 1977 book "The Turkish Thesis on History, the Theory of Sun and Language, and the Kurdish Question", which had immediately been confiscated. Released in 1981, he was sentenced a decade later for the second edition (1991). The book criticized Ataturk's "sun-language theory" that postulated that Turks were the first people to inhabit the earth and that Turkish was the original language spoken on earth, from which all Semitic and Indo-European languages descended. This thesis was already rejected in 1935 by Fuad Koprulu (1890-1966), perhaps Turkey's most famous specialist in early Ottoman history. The law was used repeatedly. In 1991 Sinami Orhan, editor of an Islamic political magazine, was sentenced to four months' imprisonment for publishing controversial historical documents concerning Ataturk. And in 1997 the center-left daily "Radikal" was seized because it had translated and reprinted a French article, "Turkey: Army against the Islamists," written by Islamist intellectual Abdurrahman Dilipak (1949-), and describing Ataturk as an "authoritarian military ruler". NCH reported on some of these cases in the past: see NCH #6, #10, #32.

RAPID ACTION NETWORK

10 June 2004 -- RAN 28/04

TURKEY: JOURNALIST IMPRISONED FOR “INSULT TO ATATURK”

The Writers in Prison Committee of International PEN is surprised by the news that journalist Hakan Albayrak was sentenced to 15 months in prison, of which he will have to serve five months, for “insulting Ataturk”. PEN considers the sentence to fly in the face of international standards that guarantee the right to freedom of expression, and calls for the journalist to be immediately and unconditionally released.

Hakan Albayrak, a former journalist for Milli Gazete, was sentenced by the Supreme Court of Appeals on 20 May 2004 under a 1951 law that provides one to three years in prison for “insults to the memory of Ataturk”. The sentence can be doubled if the “crime” is carried in the press. Albayrak will serve the sentence at Kalecik Prison, Ankara. Mehmet Terzi, the newspaper’s then editor-in-chief was also sentenced to a 15-month prison term, reduced to a fine.

The convictions arose from a phrase in an article by Albayrak published in 2000 entitled “A Funeral Prayer”. In the article, Albayrak criticized the recital of prayers at the funeral of writer Mina Urgan, a well known atheist, and compared it with the funeral of Ataturk. The contentious phrase was: “Mustafa Kemal Pasha was buried without a funeral prayer. And neither the State nor the public was disturbed by this”. According to press reports, Albayrak wrote a subsequent article in which he claimed that he had been misinformed about Ataturk’s funeral and apologized for any offence he had caused.

International PEN is surprised by the ruling which comes at a time when the Turkish government has made significant efforts towards redressing its previously poor human rights records through legislative reforms. In recent months the numbers of persons convicted to prison terms for their writings has declined dramatically. However the fact that legislation remains in place that not only penalizes certain types of free speech, but also carries prison terms suggests that there is some further way to go before Turkish state can be considered to have full respect for the right to freedom of expression.

(Sources: BIANET, Reporters sans Frontières)

RECOMMENDED ACTION:

(1) LETTER WRITING

PEN Centres are requested to send letters to the Turkish government as well as to the representative of Turkey in their own countries:

Expressing surprise at the sentence against Hakan Albayrak

Calling for his immediate and unconditional release

Urging that there be further review of Turkish legislation with the aim of removing from Turkish law any remaining laws that can lead to the imprisonment of writers and journalists solely for the practice of their right to freedom of expression.

(2) PRESS AND PUBLICITY

Interest in Turkish human rights issues features highly in the press, particularly following positive steps towards liberalization, notably this week's first ever broadcast on public service radio of a program in the Kurdish language. PEN members are requested to take this opportunity to bring the case of Albayrak to the attention of their national press as an example of the further steps that need to be taken.

ADDRESSES:

Prime Minister Recep Tayyip Erdogan

TC Easbakanlik

Bakanlikir

Ankara, Turkey

Fax: + 90 312 417 0476

Cemil Cicek

Minister of Justice

TC Adalet Bakanligi

Ankara, Turkey

Fax: + 90 312 417 3954

PEN members are also recommended to copy their appeals to the Turkish embassies in their countries as well as to lobby their own country representatives in Turkey and at their own government foreign affairs departments to also raise Albayrak's case with the appropriate officials in Turkey.

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>.