

12 October 2007

TURKEY: PEN Protests Sentences under Article 301

On 11 October 2007, the Sisli Criminal Court in Istanbul sentenced Arat Dink, the editor of the Armenian Turkish magazine, *Agos*, and the magazine's licence owner, Sarkis Serkopyan to one year suspended prison terms. They were convicted under the notorious Article 301 of the Turkish Penal Code on charges of "insult to Turkishness". International PEN protests the convictions that are in direct denial of the right to freedom of expression as guaranteed under international legislation to which Turkey is a signatory. It is further alarmed at the continuing trials and sentences of other writers and journalists similarly charged under Article 301.

Arat Dink and Sarkis Serkopyan were sentenced for an article carried in *Agos* on 21 July 2006 which reported on an interview that then editor of the magazine, Hrant Dink, had given to the newsagency, Reuters. In it Hrant Dink is quoted as referring to the mass killings and disappearances of Armenians in Turkey in the early years of the last century as a genocide. Hrant Dink was murdered by a nationalist extremist six months later on 19 January 2007.

Hrant Dink's murder led to mass demonstrations in Turkey and international condemnation. He had earlier been sentenced in 2005 to a six months suspended prison term under Article 301 in another case and International PEN shares the belief that this had led him to be identified as a "traitor" and thus a target for the extremist nationalists. His killer, and a number of others accused of being accomplices, are currently on trial. Concerns for the safety of Arat Dink, Sarkis Serkopyan and others who are on trial under Article 301, remains high.

Even at the highest levels of Turkish government there is recognition that this law is problematic. A few days ago, newly elected President Abdullah Gül suggested that it could be amended. International PEN is calling for the article's repeal, and is thus hugely disappointed that around twenty writers and journalists are presently on trial under Article 301 and

that convictions continue. On 27 September, writer, **Umur Hoztali** was convicted to a six month prison sentence, commuted to a fine of around 1,770 Euros. He had been charged for an article entitled 'Irritating Men' which criticised the police and judiciary and suggesting that they are mistrusted by the general public. In another high profile case, that of publisher **Ragip Zarakolu**, who was in court in early October at the twelfth hearing of a case against him opened in August 2005 for publishing a book by an Armenian author about her family history. The hearing was once again adjourned. These developments indicate that there has been little change of attitude towards the application of Article 301 despite Hrant Dink's murder.

Other News

German PEN has announced that *Agos* Magazine will be awarded Hemann Kesten medal 2007 endowed since 2000 with € 10.000 by the Hestia Ministry of Sciences and Arts. The medal will be presented to Hrant Dink's wife, Rakel Dink, at a ceremony to take place in Darmstadt, Germany, on 15 November 2007, International PEN's Day of the Imprisoned Writer. The guest speaker will be Daniel Cohn-Bendit, French-German publicist and politician (MEP).

Please send appeals:

- Protesting the one year sentences served against Arat Dink and Sarkis Serkopyan and the continuing trials against other writers and journalists under Article 301 and other laws that suppress the right to freedom of expression;
- Pointing out that these trials are in contravention of international standards protecting the right to freedom of expression as enshrined under Article 19 of the International Convention on Civil and Political Rights, and Article 10 of the European Covenant on Human Rights, to which Turkey is a signatory;
- Therefore expressing the hope that these trials will be dropped in recognition that they are in breach of the international treaties to which Turkey is committed;
- Supporting calls for the repeal of Article 301 in recognition of the fact that it has been used to bring numerous people to the courts

solely for having legitimately expressed their opinions, in direct violation of international human rights standards.

Appeals to:

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**TURKEY: PEN Protests Sentences under Article 301 -
Correction**

An alert issued on 11 October 2007 on convictions under Article 301, referred to the case of Ragip Zarakolu, currently on trial under the same law. Please note that the book for which Zarakolu is being prosecuted is George Jerjian's *History Will Set us Free /Turkish-Armenian Conciliation*. The next hearing is set for 5 December 2007.