

19 November 2007
TURKEY: Monthly “301” Action

PEN members are asked to continue the monthly action taking place on or around 19th of each month in memory of the murdered Armenian-Turkish Editor, Hrant Dink, killed on that day in January 2007.

Total number of writers and journalists on trial under Article 301 – 21

In this alert:

- **Hrant Dink’s son sentenced to one year in prison suspended**
- **Turkish Ministry of Justice Recommends Amendment to Article 301**
- **Trials against police accused of negligence - nationalist singer and youth accused of threats and incitement in Dink case**

Hrant Dink’s son sentenced to one year in prison suspended

Arat Dink, editor-in-chief of *Agos* magazine was sentenced to one year’s imprisonment under Turkey’s infamous Article 301 on 11 October, alongside *Agos* licence holder, Serkis Serkopyan. Arat Dink is the son of Hrant Dink who had been editor of the magazine when he was murdered on 19 January this year. International PEN is shocked at the sentence, which it sees as a direct violation of the right to freedom of expression as guaranteed under international law human rights standards. It continues to call for the abolition of Article 301 and an end to all further trials of writers and journalists under

this law. For more details of the case go to the alert issued by International PEN on <http://www.ifex.org/en/content/view/full/86981/>

As of today, PEN has on its records 21 writers and journalists still on trial for insult to the state. In an interview published in *Agos* soon after the conviction, Arat Dink spoke of his determination not to be cowed by the threats and his intentions to continue to work and live in Turkey. To read this interview go to www.agos.tr

Turkish Ministry of Justice Recommends Amendment to Article 301

The sentence against Arat Dink came despite renewed commitments from the Turkish Ministry of Justice that Article 301 is to be amended. Minister of Justice Mehmet Ali Sahin told the press in mid November that suggestions for changes to the Article would be brought before parliament by the end of this year. However he stressed that it would not be abolished referring to the existence of similar insult laws in EU countries. Turkish sources say that the key change to be proposed is to replace the term “Turkishness” with “Turkish nation” and that agreement to proceed with a prosecution under this law will need to be by approval of the Ministry of Justice or a commission of experts set up by the Ministry. There is also a suggestion that the maximum sentence should fall from three to two years.

International PEN is disappointed that outright abolition is apparently not under consideration. It has been campaigning for repeal of Article 301 ever since it first entered Turkish law in June 2005. PEN sees no role for laws that penalise insult to the state or state officials in any democracy. It has recently raised concerns about the existence of such laws in several EU countries and has called on its membership of writers in those countries to work towards their annulment.

Trials against police accused of negligence - nationalist singer and youth accused of threats and incitement in Dink case

The trial of Hrant Dink's killer and others involved in the murder continues with the next hearing due on 11 February 2008 . Meanwhile, on 12 November, the Chief of Public Prosecutions in Trabzon announced that two police officers are to be put on trial for "negligence" for not acting on information that plans were under way to assassinate Hrant Dink. If convicted, they face up to two years in prison. Many of those complicit in the murder are from the Trabzon region in north eastern Turkey. In another trial, held in Istanbul, a 19-year-old youth was given a two-year suspended prison term and issued a personal apology for sending threats by email to *Agos* after Hrant Dink's murder. *Agos* lawyers told the court that these emails had been so threatening that several staff had to leave their jobs. In another trial linked to Hrant Dink's death, opened in early November, a nationalist singer, Ismail Türüt and a composer, Arif Sirin, are accused of "praising a criminal" and "inciting enmity and hostility" for having performed a song broadcast on YouTube. The song, which was broadcast over a series of images of Hrant Dink's murder, is accused of having celebrated the killing, praising those who carried it out, and an incitement to further violence. The two men face up to seven and a half years in prison.

ACTION

Please send appeals:

- Protesting the one year suspended 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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