

OPEN LETTER OF PROTEST / ARTICLE 301

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By Dikran Abrahamian BA, MD

Monday, July 3, 2007

Arat Dink, Serkis Seropyan, Karin Karakashli, Aydin Engin, all members of the staff of "Agos" weekly in Istanbul, and Erdal Dogal, the Dink family lawyer, are charged with "denigrating Turkishness" under Article 301 of the Turkish Penal Code. Some of them may face three years of jail time if convicted. The pretext is the publication of an old interview with the Reuters News Agency in which the late assassinated Hrant Dink had referred to the Genocide of the Armenians.

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Renowned writers, scholars and journalists such as Orhan Pamuk, Elif Shafak, Taner Akçam, Ragip Zarakolu and others were charged with similar criminal offences over the last while. Some of them have chosen self-exile and are now living in Europe, the United States and elsewhere for fear of their own lives and avoiding the destiny that the late Hrant Dink faced.

Please visit <http://protest.keghart.com> to voice your opinion by endorsing an open letter of protest. This letter will be delivered to International PEN at <http://www.pen-international.org>. Whether the letter will have any impact on the outcome of the trials is unknown, however, it will be yet another document in the annals of Human Rights abuses in Turkey. As such it could help bring attention to the plight of Turkish Scholars, Human Rights activist, writers, journalists and people at large to end a Draconian rule that prevents Turkey to explore its own past history without fear of persecution. Furthermore, it may highlight the timeliness of the application that Taner Akçam filed before the European Court of Human Rights on the 20th of June 2007.

Your endorsement, dear friend, is solicited, because on previous occasions you have supported similar initiatives. The website <http://protest.keghart.com> is privately owned, free of advertisements and is not supported by any organization or third party whether financially or otherwise. Your privacy is valued; other than your name and location no other personal information will be displayed anywhere and will not be used without your permission.

Sincerely,

Dikran Abrahamian BA MD

Update

Reporters Without Borders condemns the charges that have been brought against the owner of the Armenian-Turkish newspaper *Agos*, Serkis Seropyan, and its new editor, Aris Nalci, because of a 9 November editorial criticising the one-year suspended prison sentences passed the previous month on Seropyan, former editor Arat Dink, and two other journalists, Aydin Engin and Karin Karakashli.

According to a press report on 16 January, Seropyan and Nalci were summoned by an Istanbul prosecutor and ordered to pay a fine of 23,500 euros because of the editorial. When they refused, the prosecutor said they would be tried for "attempted obstruction of justice" under article 288 of the criminal code, which carries a maximum penalty of four a half years in prison. Reporters Without Borders regards this prosecution as yet another case of improper use of the press law.

The one-year suspended sentence was imposed on the four journalists for reprinting an interview that Dink's father, then *Agos* editor Hrant Dink, gave to Reuters in 2006 in which he said the massacres of Armenians from 1915 to 1917 constituted genocide. Hrant Dink was murdered in January 2007.

December 4, 2007

Renowned publisher Ragip Zarakolu could receive a jail sentence for up to three years for insulting national identity under a law the European Union says unfairly restricts freedom of speech and wants scrapped.

"Tomorrow's hearing may bring a final verdict in my trial, which began in 2005. The prosecutor wants the maximum penalty," publisher Ragip Zarakolu told Reuters on Tuesday.

Prosecutors accuse Zarakolu of insulting "Turkishness" under article 301 of Turkey's penal code for publishing a Turkish language translation of a book by London-based author George Jerjian called "The Truth Will Set Us Free". The book urges reconciliation between Turks and Armenians and covers the mass killings of Armenians by Ottoman Turks during World War One,

October 11, 2007

Arat Dink and Serkis Seropyan were convicted of the crime of "denigrating Turkishness" and received suspended sentence for one year jail term.

September 11, 2007

Joint Call for Abolition of Article 301

"Today International PEN, ARTICLE 19 and the International Publishers Association issued an open letter to the newly-elected President of Turkey Abdullah Gül.

The letter calls for the abolition of Article 301 of the Turkish Penal Code. In the letter the three organisations expressed their deep concern about the impact of Article 301 on the right to freedom of expression in Turkey and its inconsistency with international law.

Article 301 of the Turkish Penal Code prohibits public denigration of "Turkishness", a term that is extremely vague and can be easily abused. It has been widely used to repress freedom of expression and open debate in the country. In particular, the letter draws President Gül's attention to the fact that, between April and July 2007, there were 18 trials against 24 people under Article 301.

While welcoming progressive changes to Turkish legislation since mid-1990s, the letter also points to the fact that hopes that the Turkish government might consider the abolition of Article 301 faded away after the assassination of (editor of the Armenian-Turkish weekly Agos) Hrant Dink in January 2007. Mr. Dink had himself been convicted under Article 301 and was handed down a six-month suspended sentence in October 2005.

Since his killing, Article 301 trials continue. The letter also makes reference to the joint declaration of 41 international and national NGOs urging the abolition of Article 301 from the Turkish Penal Code - as well as other provisions violating freedom of expression - issued on 14 February 2007; it further cites the resolution on the same issue adopted by ARTICLE 19, International PEN and the International Publishers Association on 24 November 2006. The letter urges President Gül to do all in his power to ensure Turkey's compliance with its obligations under international law, particularly through the abolition of Article 301." (Article 19/IFEX/AG)

