

Turkey: trampling on free speech continues

Novelist Orhan Pamuk faces jail terms

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The prominent Turkish novelist Orhan Pamuk will be tried on December 16 and faces up to four years imprisonment on charges of “public denigration” of Turkish identity for publicly speaking out about the Armenian genocide. It is estimated that more than one million Armenian were killed between 1915-1918 during World War I when the Ottoman Empire—the precursor of the Republic of Turkey—was crumbling.

In an interview with the Swiss daily *Tagesanzeiger* published on February 6, Pamuk was quoted as saying, “Thirty thousand Kurds and a million Armenians were killed in Turkey. Almost no one dares speak but me, and the nationalists hate me for that.” This was the evidence of his “crime.”

On February 18, after filing charges at the Kayseri state prosecutor’s office, Kayseri Bar Association attorney Orhan Pekmezci said, “Pamuk has made groundless claims against the Turkish identity, the Turkish military and Turkey as a whole. I think he should be punished for violating Article 159 and 312 of the Turkish Penal Code.”

Despite having made the statements in February, Orhan Pamuk is expected to be tried under the new Turkish Penal Code Article 301/1 passed only last June. According to this article, a person who “insults ... the Republic” can be jailed for between six months to three years. If “the insult” was executed abroad, as Pamuk has done, then Article 301/3 imposes a one-third increase in the length of sentence.

The new Turkish Penal Code was passed by the parliament after a two-month delay due to widespread opposition. It includes harsh jail terms not only for journalists (as in the old code) but also for all members of the media deemed to have insulted the state and/or any of its institutions, such as parliament, the army, etc. It also introduces a new clause that equates any

member of these institutions with the institution itself, should they be individually insulted. A clear definition of insult is not included in the law—the only escape clause being Article 301/4, which declares that any “critical opinion” does not constitute a crime.

The actions taken against Pamuk come amidst a wave of nationalistic sentiment whipped up by the Turkish establishment (See “Turkey: military’s nationalist campaign conceals rapprochement with US”). The Turkish press was full of attacks on Pamuk in recent months, which resulted in his receiving death threats.

The killing of Armenians between 1915-1918 is not disputed by the Turkish state, but the number of the dead and the definition of genocide are. Successive Turkish governments, Britain and the United States, have never acknowledged genocide. In the recent discussions of Turkey’s possible entry into the European Union, France and other countries demanded that Turkey acknowledge the Armenian genocide as a pre-condition for entry.

The victimization of Pamuk throws light on Turkey’s rejection of even the limited demands of the EU to improve its record on democratic rights. In fact the opposite is the case. It is the EU that has made the concessions regarding democratic rights during the negotiations and allowed the recent penal code to pass without opposition. Human right abuses in Turkey are hardly news in the Western media unless they are extremely dramatic, such as the beating of women at the Women’s Day celebrations this year, or unless they represent a timely bargaining chip in the EU negotiations for France or other countries that view Turkey as too close to Washington.

In Britain, a close ally of Washington and therefore a backer of Turkey’s bid for EU membership, the press has reacted nervously to the charges against Pamuk.

The *Sunday Times* wrote that “Pamuk’s case has been an embarrassment for the Turkish government.” The *Independent* was concerned that Turkey is giving excuses to her enemies.

The last thing on the minds of Europe’s ruling elites is Pamuk’s right to free speech.

Pamuk is a household name in Turkey and he has gained prominence in international literature over the last decade and a half, with his novels translated into 20 languages. When he won the Independent Award for Foreign Fiction in 1990 the *New York Times* confidently noted, “A new star has risen in the east.” He went on to win international literature’s most lucrative prize, the IMPAC Dublin Award, for his novel, *Benim Adim Kırmızı* (My Name Is Red), published in 2000.

Pamuk has consistently opposed right-wing forces in Turkey. He once wrote in an academy journal, “Turks gripped by romantic myths of nationalism are keen to establish that we come from Mongolia or central Asia.... scholars have come no closer to offering definitive or convincing evidence to link us with a particular time and place.” Against this right-wing theory of Turkish identity reaching back thousands of years, Pamuk, in his novel *Kar* (Snow), chose the venue of Kars—a formerly Armenian city—and made sympathetic references to Armenian culture.

In 1999, he refused to accept the highest cultural accolade awarded by the Turkish government—the title of state artist. He said, “For years I have been criticizing the state for putting authors in jail, for only trying to solve the Kurdish problem by force, and for its narrow-minded nationalism, I don’t know why they tried to give me the prize.”

Turkey has never been a safe country for artists. Virtually every prominent writer who has something to say about the repression in the country has been targeted for persecution by the state. Nazim Hikmet, arguably the best poet the country has ever produced, was charged in 1925 as a secret (Communist) party member and sentenced to 15 years hard labor. His works were banned between 1938 and 1965, until two years after his death in exile in Moscow.

In 1939, Orhan Kemal, one of the most prominent Turkish writers of the last century, was sentenced to a five-year jail term for his political views. Having stayed in the same jail as Nazim Hikmet, Kemal was intensely

influenced by him.

On 1 July 1993, the humorist Aziz Nesin barely escaped with his life from Madimak Hotel where he was staying with other artists attending the traditional Pir Sultan Abdal festival in Sivas. The hotel was set on fire by fundamentalist mobs, killing 36 artists and injuring 24. A 6,000-strong military brigade situated near the hotel did nothing for eight hours, until the mobs achieved their mission. A group of artists was finally rescued by the fire brigade, but when they realized that Aziz Nesin was amongst them the firemen and the police joined the mob attack—inflicting injuries to his head and body. Eventually the military moved in to stop the lynching. Nesin’s crime was to speak out publicly and consistently on behalf of secularism. He too was jailed several times as a result of his socialist views.

More recently, a local administrator in the city of Isparta, Mustafa Altınpinar, sent a circular to all libraries in the region demanding that Pamuk’s books be seized and burned. The government was negotiating at the time with the EU over membership. It was spared further embarrassment because none of the libraries in the region actually stocked Pamuk’s books.

Apart from these high-profile cases, literally thousands of journalists and writers have been prosecuted and jailed over the years. Only recently, a few days after the new laws were passed, journalist-writer Emin Karaca was charged with “condemning the execution of the three leaders of revolutionary youth”—referring to the executions of Deniz Gezmiş, Yusuf Aslan and Hüseyin İnan, 30 years ago. PEN American Center, an organization that defends free expression, reported that, according to their records, there are today over 50 journalists, writers and publishers before the courts in Turkey.



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