

# Freedom of speech under continuing attack in Turkey

Sinan Ikinici

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Last week, a court in Istanbul began hearings against the Turkish publisher, editors and translator of the book *Manufacturing Consent: The Political Economy of the Mass Media* by Noam Chomsky and Edward S. Herman. The charges related to Article 301 and Article 216 of the Turkish Penal Code (TCK).

Article 301 is a highly controversial law that has been used to penalise many writers, journalists, publishers and even translators and editors. Amnesty International has called for the repeal of Article 301, which was first introduced as part of the legislative reforms of June 1, 2005, and poses a direct threat to the fundamental right to freedom of expression.

The article states that anyone who “publicly denigrates Turkishness, the Republic or the Grand National Assembly of Turkey be punishable by imprisonment of between six months and three years.” If the public “denigration” is directed against Turkey’s government, the judicial institutions of the state, the military or security organisations, punishment is up to two years. One of the most recent cases involving Article 301 involved the Turkish writer and recent Nobel Literature Prize winner Orhan Pamuk, who was charged for speaking out openly on the massacre of Armenians by Turkey at the beginning of the twentieth century.

The case launched against Chomsky’s publishers in Turkey, the Aram Yayincilik Publishing House, its owner Fatih Tas, editors Omer Faruk Kurhan and Lutfu Taylan Tosun and translator Ender Abadoglu accuses them of openly humiliating Turkish identity, the Turkish Republic and parliament, as well as spreading public hatred and enmity by publishing this book. If convicted, the defendants face jail sentences of between one-and-a-half and six years.

In an article dated August 10, 2006, posted on the web site *zmag.org*, Aram Yayincilik explains that according to the indictment, the “crime” committed was as follows: in the updated introduction of the 2002 edition of the book, writers Chomsky and Herman make a comparison between US mass media coverage of the atrocities committed by Serbia against Albanians and by Turkey against the Kurds in the 1990s.

While it was estimated that approximately 2,000-3,000 died in Kosovo, Turkey’s war against the Kurds cost the lives of 30,000 with between 2 million and 3 million Kurds forced to leave the country. In spite of this, the [American] mass media gave widespread coverage to the atrocities in Kosovo, frequently using the terms “ethnic cleansing” and “genocide.” Yet, when it came to Turkey—a client state and NATO ally of the US—the Turkish atrocities against the Kurds were given very little coverage.

It seems that the Turkish prosecutor did not even try to challenge the content of the claims made in the preface, nor was he bothered by the fact that the claims were in the first place not even directed against Turkey but against double standards in the US media.

In their book, Chomsky and Herman state: “ ‘Genocide’ is an invidious word that officials apply readily to cases of victimisation in enemy states, but rarely if ever to similar or worse cases of victimisation by the United States itself or allied regimes. Thus, Saddam Hussein and Iraq have been U.S. targets in the 1990s, whereas Turkey has been an ally and client of the United States—a major arms supplier to Turkey—as it engaged in a severe ethnic cleansing of Kurds during those years. We find that Turkey’s treatment of Kurds was in no way less murderous than Iraq’s treatment of Iraqi Kurds, albeit according to then U.S. Ambassador Peter Galbraith, Turkey only ‘represses,’ while Iraq engages in ‘genocide.’ ”

The prosecutor regards that such a critical comment about government policy, which is common in a traditional bourgeois democracy, constitutes denigration of the Turkish identity and the republic.

According to *New Anatolian*, an English-language newspaper, “Fatih Tas’s attorney Ozcan Kilic said in the hearing that the authors of the book are still alive and therefore can stand trial.”

In 2002, Tas was also charged for publishing political essays by Chomsky that allegedly constituted propaganda against the unity of the Turkish state. Chomsky himself travelled to Istanbul to lend his support to Tas, and the court

acquitted the publisher. After his acquittal, Tas told the *BBC*, “If Chomsky hadn’t been here we wouldn’t have expected such a verdict.” It seems that the defendants are once more planning to force the court to try a world-famous academic like Chomsky and put the court in a difficult situation by garnering world attention on the case.

In his defence, Abadoglu said that as a translator he was only doing his job in accurately translating the book from English into Turkish, and maintained that a translator cannot be held responsible for the views of authors. According to the *New Anatolian* news report, Abadoglu said, “In a similar way, the views of French parliamentarians who are supporting the Armenian genocide claims were translated and published in newspapers. There are no cases filed against these translators. Hence, I think translators can’t be held responsible.”

The editors also defended themselves with similar arguments, saying that they only edited the book, and their duty is to ensure that the quality of the translation is good and the book contains no material mistakes. They also told the court that the book contains nothing that constitutes a criminal offence.

For his part, Tosun said that he edited the book in question and tried to ensure the translation was fair. Tosun rejected the charges, saying that he couldn’t see any point in a book that would constitute a crime. In addition, Omer Faruk Kurhan emphasised that the way in which Article 301 has been interpreted assumes that the state and its institutions cannot be criticised in any form whatsoever.

After the hearing, Tas told the *New Anatolian*, “An editor is standing trial for the first time in this case. Hence, the writer, publisher, translator and editor of a book are standing trial on the same charges. We shouldn’t be surprised in the future to see charges filed against the distributor, bookstore owner and readers.”

In his own statement on the lawsuit, Noam Chomsky rejected the accusations made by the Turkish state prosecutor and his failure to address the substantial issues raised in his book. “The indictment raises no question about the accuracy of the evidence reported, or our treatment of it, or its appropriateness in the context of the discussion. Nor has there been a serious question raised elsewhere. The claim of the prosecution, then, reduces to invoking the principle that appropriate and significant truths are unacceptable when the state authorities object to them. There should be no need for further comment.”

In August 2005, a lawsuit was also brought against the Aram Yayincilik publishing house for the Turkish translation of the book *Spoils of War: The Human Cost of American Arms Trade* by John Tirman, director of international studies at MIT. This lawsuit was also launched

under Article 301 together with Law No. 5816, which protects the moral personality of the founder of the modern state of Turkey, Mustafa Kemal Atatürk. The prosecutor has demanded jail sentences of between two and seven-and-a-half years for those charged in connection with this case.

Since Article 301 came into force, more than 100 writers, journalists, publishers, translators, editors and intellectuals have been brought before the courts. Cases involving renowned intellectuals, such as Nobel Literature Prize winner Orhan Pamuk or Elif Safak, have received some coverage by the mainstream bourgeois media, but many more lesser-known cases go unnoticed.

The European Union has voiced some criticism of Article 301, but mainly in high-profile cases. In addition, conservative European media outlets and politicians are using the issue of human rights violations to mobilise resentment against Turkey and its attempt to join the EU. The US has remained silent about the Article 301 trials. This is no surprise because the very forces behind such censorship are the right-wing nationalists and military circles, which are traditional allies of the US in its bloody conquest under the banner of “democracy and freedom” in the Middle East.

Deniz Baykal, leader of the secular “leftist” Republican People’s Party (CHP), the biggest opposition faction in Turkish parliament, acting as a mouthpiece for the military against the moderate Islamist Justice and Development Party (AKP) government, has no such qualms about making clear where he stands. He openly opposes changes to Article 301.



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