



Freedom to Publish Trial Opens in Turkey IPA Observers Call for Acquittal of Publisher Ragıp Zarakolu

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As the Koma Civaken Kurdistan (KCK) trial begins tomorrow in Silivri, Turkey, the International Publishers Association (IPA) urges the Turkish authorities to drop all charges against publisher and Nobel Peace Prize nominee Ragıp Zarakolu. Zarakolu is charged with ‘aiding and abetting an illegal organization’ and is threatened with up to fifteen years in prison. IPA believes that he and several other writers and intellectuals are charged solely because of their writings and publishing. This violates Turkey’s international human rights obligations. While Zarakolu has been released under strict conditions, publisher Deniz Zarakolu and academic Büşra Ersanlı remain in custody. IPA calls for their acquittal and release as well. Dozens of writers and publishers in Turkey are either held in prison, or are currently on trial.

An IPA delegation will be observing the first court hearing of the KCK trial. It will be led by IPA Board member and Chair of IPA’s Freedom to Publish Committee, Bjørn Smith-Simonsen.

Smith-Simonsen commented: “It is essential not to confuse the efforts of those who, like Zarakolu, have worked to bring down barriers of censorship in Turkey with those who press political agendas through violence. Ragıp Zarakolu is an internationally recognised defender of the right to write and publish freely. He was nominated to this year’s Nobel Peace Prize. IPA emphatically protests the ongoing harassment of this outspoken, yet peaceful publisher who, for years, has been documenting the numerous freedom to publish violations in Turkey and has been an advocate of the freedom to publish of *all* publishers. IPA therefore urges the Turkish authorities to drop all charges against Zarakolu as soon as possible.

“Turkey is a signatory of international human rights treaties and is therefore under the obligation to observe individuals’ human rights, including in particular Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the European Convention on Human Rights (ECHR). IPA remains concerned that these rights will be denied to Zarakolu, and several other intellectuals, including Deniz Zarakolu and Büşra Ersanlı, who should be released immediately. More writers are either in prison or on trial in Turkey than in any other country in the world.

“On 14 June 2012, the 29th IPA Congress adopted a resolution ‘rejecting the abuse of broad definitions of terms such as defamation, state security, state secrecy, or **terrorism** as dangerous inroads for censorship, harassment of the media, and undemocratic

International Publishers Association

influencing. It is in the public interest to give openness and transparency their primary, due, and a prominent role in legislation’.”

Background:

Ragıp Zarakolu was arrested on 28 October 2011. Forty-one people were also arrested around the same time under what is known as the Koma Civaken Kurdistan (KCK), or Democratic Society Congress, operation. The KCK operation was initiated in 2009 and aims at cracking down on Kurdish political parties and has led to hundreds, even over one thousand arrests and trials. The KCK is seen as the civil/political wing of the outlawed Kurdistan Workers Party (PKK), and thus illegal.

After his arrest, Zarakolu was moved to a high security “F-Type” prison in the city of Izmit, 80 kilometres east of Istanbul. He was held on pre-trial detention for more than 160 days between 4 November 2011 and 10 April 2012. It was only on 19 March 2012 that he was officially indicted under Turkish anti-terrorism legislation for “aiding and abetting an illegal organisation,” a charge that could carry a 15-year sentence.

Zarakolu was one of fifteen suspects accused of membership in the KCK who were released pending trial on 10 April 2012. The Istanbul 15th High Criminal Court cited the length of time suspects had already been imprisoned, “the nature of their crimes” and “the state of the evidence” as reasons why the fifteen suspects were released.

Zarakolu’s lawyers have been denied access to the investigation file and related documents for months. It appears that his arrest and pre-trial detention were based solely on his attendance of two public meetings of the Peace and Democracy Party (BDP), a legal organisation. This is unacceptable and seriously questions the rule of law in Turkey. Zarakolu’s lawyers have therefore filed an application to the European Court of Human Rights, accusing Turkey of violating articles 3, 5 and 10 of the European Convention on Human Rights. The Secretary General of the Council of Europe, Thorbjørn Jagland, recently declared that 1,000 of the pending cases before the European Court of Human Rights concern freedom of expression in Turkey. Turkey is actually the country which regularly gets the highest number of convictions by the European Court on Human Rights, ahead of Russia. Presently, Turkey has more writers and journalists in prison than any other in the world. All of this is incompatible with the values of a free and democratic society.

For more information, please visit: www.freedomforragip.wordpress.com

More about Freedom to Publish in Turkey:

The EU Commission’s 2011 Turkey Progress report stressed that legal amendments to the Turkish anti-terror legislation are needed to comply with various rulings of the European Court of Human Rights. IPA has also witnessed an increasing use of the anti-terror law (ATL) to stifle freedom to publish in Turkey in the last couple of years. ATL has long been criticised as being too vague in its definition of terrorism and terrorist organisations. This coupled with the lengthy trial processes, sometimes years long, makes the application of the ATL particularly problematic.

On 25 October 2011, the European Court of Human Rights ruled in *Altuğ Taner Akçam v. Turkey* that Article 301 TPC as amended in 2008 still violates Article 10 of the ECHR. IPA and PEN International support their Turkish members’ request that Article 301 be repealed. Following the recent explosion of obscenity cases under Article 226 TPC, IPA also supports its Turkish members’ request that the Prime Ministerial Board for the

International Publishers Association

Protection of Children from Harmful Publications be disbanded as it insists on banning literature for adults which has been described by the European Court of Human Rights as “belonging to the European literary heritage”.

IPA further notes with concern the ruling made by Istanbul’s 14th High Criminal Court in August 2011 that the printer of a book be considered “like its author”. This was used to condemn the owner of Berdan Printing House, Sadik Daşdoğan, to a 9-month prison sentence in absentia for printing a book that included interviews of Abdhullah Öcalan. Daşdoğan was convicted of “spreading propaganda for an illegal organisation”. If the printers are held responsible for the books they print, the consequences on freedom of expression, freedom to write, and freedom to publish in Turkey could be severe.

To curb the flow of freedom of expression and freedom to publish trials in Turkey, Turkish legislation (Articles 125, 216, 301 [...] TPC, Law 5816, Anti-terror legislation, etc.) and practice should be amended to meet international standards, including the Charter of Fundamental Rights of the European Union. Turkey was reminded of this by its peers when it came under review during the 8th Session of the Universal Periodical Review (UPR) of the UN Human Rights Council in May 2010 in Geneva. To see the joint submission on Turkey to the UPR Working Group of IPA, PEN International and Index on Censorship, please go to:

www.internationalpublishers.org/images/stories/MembersOnly/FTPC/UPR/turkey%20upr%20_3_.pdf

More about IPA:

The International Publishers Association (IPA) is the global non-governmental organisation representing all aspects of book and journal publishing worldwide. Established in 1896, IPA's mission is to promote and protect publishing and to raise awareness for publishing as a force for cultural and political advancement worldwide. IPA is an industry association with a human rights mandate. IPA currently has 65 member associations in 53 countries.

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