

Thank you madam Chair,

When Turkish EU minister said on BBC's *Hard Talk* program that there were no journalists in prison in Turkey but only "rapists, bank robbers or murderers", the Freedom to Publish Committee of the International Publishers Association (IPA) was shocked as we were in the middle of a 5-months long campaign for the release from prison of publisher Ragip Zarakolu. His son Deniz is still in prison and both are among dozens of defendants still on trial before a special court in the KCK case, a case, which is likely to drag on for long as my colleague Sara just mentioned.

Today I will focus on Article 226 of the Turkish Penal Code (TPC). For the many other provisions curtailing the freedom to publish in Turkey (ATL, Article 301 TPC, etc.), I will hand out to you personally our Turkish member's latest annual freedom to publish report.

The authorities activated a committee that had been dormant for decades around 2 years ago: The committee to protect children for harmful publications. This committee, linked to the prime minister's office, and experts' committees appointed in the course of trials, judge whether foreign literature, which a European Court of Human Rights (ECHR) ruling deemed to belong to the "European literary heritage", constitutes literature or not. Publishers on trial in the last two years (and their translators as well) include: SEL publishing for publishing books by Guillaume Apollinaire, or William Burroughs' *The Soft Machine*. Ayrinti Publishing is also concerned for publishing Chuck Palahniuk's *Snuff*. Metis publishing is also sued for publishing an atheist calendar (this latter case is actually a religious defamation case).

Recently, temporary Article 1 of Law 6352 suspended obscenity cases for the next three years after which point they will be dropped provided no further obscenity offenses are committed in the meantime.

One of the publishers concerned described the situation as an "unacceptable Damocles sword". A quote IPA agrees with. Clearly there will be further obscenity trials down the road from 2015 onwards, if not sooner.

A temporary and conditional moratorium is not sufficient. Article 226 should be amended, and the Prime Minister's committee to protect children from harmful publications should be abolished (note: This is a request from IPA's Turkish member).

Alexis Krikorian

Director, FTP (15 Oct. 2012, 106th Session, UN Human Rights Committee, Geneva).