



Statement

ENGLISH only

**On the Violation of Freedom of Expression in Turkey
as delivered by Ambassador Arman Kirakossian, Permanent Representative of
Armenia at the 1187th Meeting of the OSCE Permanent Council
May 31, 2018**

Mr. Chair,

We would like to draw the attention of the Permanent Council on another case of violation of freedom of expression in Turkey. We recall that the freedom of expression in Turkey has been in the focus during the several meetings of the Permanent Council. In this statement, we would like to refer to the application of the article 301 of the Penal Code of Turkey, which criminalizes denigration against Turkish nation.

It should be recalled that the article 301 had been used against the prominent citizens of Turkey, including Hrant Dink and Orhan Pamuk, who dared to speak out on the issues of memory and remembrance.

The Hrant Dink case exemplifies to what extent the allegations of insulting Turkishness can stigmatize and eventually make the person target for assassination. The European Court of Human Rights in its landmark verdict of the September 14, 2010 found Turkish state liable in failing to protect the right of life, right to the freedom of expression and right to effective remedies of Hrant Dink.

Though the Turkish state pledged full compliance with this verdict, however, after eight years in May 2018, another public figure, this time, the member of the Turkish Parliament Garo Paylan is facing similar charges.

According to the recent reports, Turkish prosecutors are seeking to strip the parliamentary immunity of Garo Paylan in order to prosecute him under the article 301.

As we understand, this article can be invoked by the prosecutors, once the Ministry of Justice of Turkey endorses the complaint, which unfortunately has already occurred in this case. The complaint identifies comments made by Mr. Garo Paylan in the Turkish Parliament on the Armenian Genocide as an insult against the Turkish nation.

Attempts to prosecute a member of the Parliament for his comments delivered in the Parliament seem to be unprecedented even for Turkey and clearly violate Turkey's OSCE commitments particularly on freedom of expression.

We would be grateful if the Turkish delegation could forward the content of this statement to Ankara. We call on Turkish side to ensure implementation of the OSCE commitments on freedom of expression without any discrimination.

Thank you.

Remarks delivered under the Right of Reply

It is noteworthy that Turkey invokes freedom of expression in justifying its denialist policy with regard to the Armenian Genocide abroad including here in the OSCE. However, at home Turkish authorities openly violate freedom of expression by initiating legal actions against those who refer to the Armenian Genocide no matter whether these persons represent people, communities or survivors of grave human rights violations.

This double standard is appalling and it indicates the level of sincerity by which Turkish authorities approach their international obligations and commitments.

As I noted in my statement, the Turkish state has already been involved in this case, since the Ministry of Justice of Turkey endorsed the application of the article 301 of the Penal Code and thus Turkish state bears all responsibility for promoting legal actions against Garo Paylan.

As for the point of the Turkish Ambassador regarding the provocative attitude towards his country, let me highlight the following. In our view, protecting freedom of expression of the member of the Turkish parliament cannot be considered as a hostile and provocative act against Turkey.