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Working session 16: Fundamental Freedoms, including: Freedom of expression, free media and information.

Presentation by Kerim Yildiz, Executive director the Kurdish Human Rights Project



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The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living with the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.

Mr Moderator, I speak on behalf of the Kurdish Human Rights Project, which is dedicated to protecting and promoting the human rights of all persons living in the Kurdish regions of Turkey, Iran, Iraq, Syria and elsewhere.

Despite debate increasing within Turkish society on wide range of issues in recent years, freedom of expression in line with European and OSCE standards is not yet guaranteed by the present legal framework in Turkey.

The right to freedom of expression remains a key issue in the relationship between Turkey and the international community, in particular the European Union.

The KHRP has repeatedly stressed the importance of freedom of expression, calling for Turkey to bring its legislation in line with European and OSCE standards.

In response the Turkish government has continuously declared its commitment to reforms, instigating a series of legislative amendments intended to liberalize the legal system so as to allow non-violent expression of opinion.

Despite these developments, concern remains in relation to freedom of expression in Turkey. Human rights defenders, writers, publishers, intellectuals and others expressing dissenting opinion continue to be subjected to harassment and persecution today.

Article 301 of the Turkish penal code, which criminalizes ‘insulting Turkishness’, has been the justification for many recent arrests. Prosecutions under this Article alone have risen from 29 in 2005 to 72 in 2007. This translates into real danger and persecution, as shown by the recent murder of Hrant Dink, an Armenian journalist who had previously been tried several times for ‘insulting Turkishness’.

Since the assassination of Hrant Dink, fear has prevailed amongst intellectuals. Recently journalists covering his murder trial have been harassed, even receiving death threats.

The existing penal code, particularly article 301 has been used to suppress legitimate debate. For example Professor Baskin Oran and Professor Ibrahim Kaboglu had a case brought against them on the basis that they criticized Turkey’s policy towards minorities. Because they suggested that the official use of the word ‘Turk’ to describe a citizen of Turkey is insufficient, as the state includes citizens of other backgrounds, such as Kurdish, Arab, Greek and Armenian, the Professors are accused of ‘denigrating Turkishness’. The irony of the case was the fact the Professors peacefully expressed these sentiments under the aegis of an official report commissioned by the Prime Minister’s office.

We have repeated here at the OSCE human dimension implementation meeting over the years, that what is needed in Turkey to facilitate democratic reform is a change of attitude. In order for this to take place the Turkish military should not be involved in

politics, and should not continually undermine the implementation of reforms regarding freedom of expression/media.

Mr moderator, the KHRP urges the OSCE to exert its influence with Turkey to address these and many other cases where cosmetic reforms regarding freedom of expression have failed to guarantee the right to free speech and the independence of the media, as envisaged in the principles of the OSCE.

The KHRP has monitored and observed the several trials related to freedom of expression, including those of Hrant Dink and the Professors Oran and Kaboglu. The evidence from these observations suggests that there remain major difficulties for free expression in Turkey. Therefore we urge that the OSCE to closely monitor the application of its principles on freedom of expression in a number of investigations currently open in Turkey.

Thank you.