

November 30, 2005

Mr. Recep Tayyip Erodgan  
Prime Minister  
Basbakanlik  
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Dear Prime Minister Erdogan,

I write to you on behalf of the Middle East Studies Association of North America, and its Committee on Academic Freedom, in order to express our grave concern over the prosecution of Fatih Tas, owner of Aram publishing house, for his publication of the Turkish translation of Professor John Tirman's, *Spoils of War: The Human Cost of America's Arms Trade* (Free Press, 1997). Mr. Tas was called before the court of First Instance of Istanbul on November 17, 2005 on charges of violating paragraphs 1 and 2 of Article 301 of the Turkish Penal Code. He is accused of humiliating Turkishness, the Turkish Republic, Turkish Soldiers, and the Government. If indicted, Mr. Tas will face up to 5 years in prison.

The Middle East Studies Association of North American (MESA) was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has more than 2600 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

Trying Mr. Tas on these charges is a direct violation of his civil and human rights. As a member state of the Council of Europe and a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as a state party to the International Covenant for Civil and Political Rights (ICCPR), Turkey is required to protect freedom of expression.

We urge the government of Turkey to initiate the steps necessary to remove article 301 from the country's Penal Code. Article 301 criminalizes any "insult" to "Turkishness", the Turkish Parliament, the Turkish government, or the military and security forces. It is difficult to imagine how the government could prosecute a person under this law without violating Turkey's obligations, under Article 10 of the European Human Rights Convention and Article 19 of the ICCPR, to guarantee and protect freedom of expression. Freedom of expression lies at the core of academic freedom. At the very least we encourage you to instruct the Prosecutor General to drop immediately the charges against Mr. Tas and desist from bringing such charges in the future under the provisions of Article 301 of the Penal Code as a way of punishing and intimidating academics, publishers, public intellectuals and other Turkish citizens who express ideas a views of Turkish history and politics at variance with those of the authorities.

Thank you very much for your attention to this matter, and we look forward to your positive response.

Sincerely,

Juan R.I. Cole  
MESA President