

July 20, 2006

Prime Minister Recep Tayyip Erdogan
Office of the Prime Minister
Basbakanlik
06573 Ankara, Turkey
Via facsimile +90 312 417 0476

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 Elif Shafak for allegedly “insulting Turkishness” with respect to comments made by Armenian characters in her novel *The Bastard of Istanbul—Baba ve Piç* (Metis 2006). Dr. Shafak, a respected scholar and well-known novelist, currently teaches at the University of Arizona and is a member of this association. She faces charges brought under Article 301 of the Penal Code. If she is found guilty, she faces up to 3 years in prison.

The Middle East Studies Association of North America (MESA) is comprised of 2600 academics worldwide who teach and conduct research on the Middle East and North Africa, and is the preeminent professional association in the field. The association publishes the *International Journal of Middle East Studies* and is committed to ensuring respect for the principles of academic freedom and freedom of expression in the region and in connection with the study of the Middle East and North Africa in North America and elsewhere.

We are saddened to observe that many public intellectuals, journalists, publishers, and academics, such as Orhan Pamuk, Ragıp Zarakolu, Hrant Dink, and Baskin Oran, have recently been brought to trial on charges that they violated Article 301 of the Penal Code. This article criminalizes any alleged “insult” to “Turkishness,” the Turkish parliament, the Turkish government, or the military and security forces. These broad prohibitions directly violate the internationally guaranteed right to freedom of expression, and thus cast doubt on the sincerity of Turkey’s commitment to improve her human rights record. Furthermore, the repeated prosecutions under Article 301 sharply contrast with your government’s recent call to leave the debate around the controversial events of 1915 to the independent study and judgment of scholars.

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 therefore strongly urge you to instruct the Prosecutor General to drop the charges against Dr. Shafak without delay, in the interest of justice and Turkey’s reputation.

We further urge the government to initiate the steps necessary to remove Article 301 from the country’s Penal Code. 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. The right to freedom of expression lies at the core of academic freedom. At the very least, we encourage you to instruct the Prosecutor General to desist from bringing any charges in the future under the provisions of Article 301 as a way of punishing and silencing individuals whose ideas may diverge from those of the authorities or influential segments of society.

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