



DAY OF THE
IMPRISONED
WRITER

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**PEN INTERNATIONAL
WRITERS IN PRISON COMMITTEE**

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15 NOVEMBER 2013**

**Fazıl Say
Turkey
Writer, composer and musician**



People don't want to see 'religion' and 'punishment' as going hand in hand anymore. Too many tragedies have been committed on earth in the name of religion... Punishment carried out in the name of religion just creates great antipathy amongst people now. They ask; "Whatever happened to religions of tolerance? Societies of tolerance... Whatever happened to the [Sufi Muslim] saying, 'Come, whoever you are'? Whatever happened to democracy, human rights, freedom of thought?"

Fazıl Say, *Milliyet* interview with Can Dündar, 5 May 2013

Fazıl Say is a Turkish writer, composer and musician whose 10-month suspended sentence for "religious defamation" was upheld on 20 September 2013. His conviction relates to a series of tweets and retweets made in April 2012, including a verse attributed to the 12th Century Persian poet Omar Khayyam. PEN International considers Say's prosecution as an infringement of his right to freedom of expression, and calls for the immediate and unconditional dropping of the suspended sentence against him in accordance with Article 19 of the International Covenant on Civil and Political Rights, and Article 10 of the

European Convention on Human Rights, both of which have been ratified by Turkey.

Born in Ankara in 1970, Fazıl Say is an internationally renowned classical composer, concert pianist and writer whose orchestral pieces have been performed by the New York Philharmonic and Berlin Symphony Orchestra. A prolific composer, Say has penned orchestral works, oratorios, concertos and chamber music in a career spanning over 20 years. He has also written three books on his life and music, the second of which, *Requiem for Metin Altınok*, was inspired by a Turkish writer and poet who died in July 1993 of injuries sustained during an attack by Islamic extremists against mainly Alevi intellectuals at a hotel in Sivas. Thirty-five people died in what became known as the Sivas massacre.

Say was charged with religious defamation under Article 216/3 of the Turkish Penal Code on 25 May 2012, with the public prosecutor seeking an increased sentence for the offence under Article 218 of the Turkish Penal Code because it was committed via press or broadcast. The initial trial, which concluded on 16 April 2013, resulted in Say's conviction for religious defamation, and the imposition of a 10-month suspended sentence that would be triggered if Say were to commit the same offence during a probationary period of five years. On 20 September 2013, Say's suspended sentence was upheld upon appeal, although the probationary period was reduced from five to two years.

The indictment against Say listed the following tweets and retweets as the evidence against him (translated from Turkish):

- *"Is God something you'll live for, die for, or is it something you'll become an animal and kill for? Think about this too"*
- *"What if there is rakı in heaven and not in hell, but there is Chivas Regal [whiskey] in hell and not in heaven? Then what will happen? This is actually the important question!!!"*
- *"I don't know if you have noticed, but wherever there is a sycophant, a low-life, a follower of celebrity gossip, thief or fool, they are all Islamists. Is this a paradox?" [A retweet]*
- *"The Muezzin recited the call to prayer in 22 seconds. Prestissimmo con fuca!!! Why the rush? A lover? A rakı table?"*
- *"I am an atheist, and I am proud to be able to say this so comfortably"*
- *"I am an atheist, I don't know about the rest"*
- *"It is as if half of the population are real atheists, and the other half are traumatised atheists, but don't know it yet!"*
- *"You say its rivers will flow with wine. Is paradise a tavern? You say you will give two hours to each Muslim. Is paradise a brothel?" [A retweet of a verse attributed to Omar Khayyam]*
- *"A lot of people have become atheists tonight, many thanks to them"*

In January 2013, six members of the PEN Turkey board and poet and critic Nihat Ate [were called in for questioning](#) by the Istanbul Public Prosecutor's Office for a statement condemning the prosecution of Say [posted on the PEN Turkey website](#) in June 2012. No charges have been brought against the PEN Turkey board as of October 2013.

Please send appeals:

- Calling for the immediate and unconditional dropping of the suspended sentence against Say in accordance with Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights;
- Urging the Turkish authorities to amend Article 216 of the Turkish Penal Code to ensure that any restrictions imposed on freedom of expression comply with international law;
- Specifically demanding that subsections (2) and (3) of Article 216 be repealed, as they exceed permissible restrictions on freedom of expression;
- Expressing concern at the questioning of PEN Turkey board members over a statement of support for Say.

Send appeals to:

His Excellency Abdullah Gül
 President of the Republic of Turkey
 TC Cumhurbaşkanlığı Genel Sekreterliği
 06689 Çankaya
 Ankara, Turkey

CC. Mr Sadullah Ergin
 Justice Minister of the Republic of Turkey
 Adalet Bakanlığı
 06669 Kızılay
 Ankara, Turkey

PUBLICITY

PEN members are encouraged to:

- Publish articles and opinion pieces in your national or local press highlighting Fazıl Say's case;
- Organise public events, press conferences or demonstrations;
- Share information about Fazıl Say and your campaigning for him via social media.

Remember to let us know about your activities and to send us reports about them so that we can share them with other centres.

For further information please contact Ann Harrison at International PEN Writers in Prison Committee, Brownlow House, 50/51 High Holborn, London WC1V 6ER, Tel.+ 44 (0) 20 7405 0338, Fax: +44 (0) 20 7405 0339, email: ann.harrison@pen-international.org