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Istanbul Court Clears Author of Insulting Turkish Identity

By Sebnem Arsu

ISTANBUL — An Istanbul court on Thursday dropped charges against the writer Elif Shafak of insulting Turkish identity in dialogues by the characters in her latest novel.

In a 90-minute session, the court decided that substantial evidence was lacking and abandoned the case. The case had been watched by academics and supporters of Ms. Shafak in Turkey and abroad. The European Union criticized the charges and monitored the case. European Union nations have warned Turkey that putting writers and intellectuals on trial for their statements could prevent it from becoming a member.

Despite many measures the Parliament has passed so Turkey can qualify for membership talks, Article 301 of the criminal code continues to permit prosecutions for criticism of the state and Turkish identity.

The acclaimed Turkish writer Orhan Pamuk has faced prosecution under the article, which carries a maximum penalty of three years in prison. The charges against him were dropped after international opposition to his prosecution. Ms. Shafak was accused by nationalistic lawyers of insulting Turkish identity because an Armenian character in her novel, "The Bastard of Istanbul," speaks of "Turkish butchers" who killed his ancestors in 1915. The character uses the term "genocide."

Turkey refuses to accept the word "genocide" to describe the killings of Armenians during that period.

Ms. Shafak, 34, an assistant professor of Near Eastern studies at the University of Arizona, did not attend the trial after giving birth to a girl on Saturday in Turkey. "The verdict is very pleasing in terms of Turkey's test of democracy and freedom of expression, but incomplete as long as Article 301 remains as it is, open to manipulation," she said by phone.

Lawyers who defend the decision to try her say presenting opinions through fictitious characters should not be an excuse to assault the state.

Joost Lagendijk, co-chairman of the Turkey-European Union Joint Parliamentary Commission, said that, regardless of the outcome, every case filed was a victory for Turkish opponents of the European Union.

Outside the court, a small group of protesters condemned Ms. Shafak.

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