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Arrested Turkish Scholar Denies Smuggling Charges

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A Turkish scholar arrested last June for allegedly attempting to smuggle rare books out of Armenia has pleaded not guilty to extraordinary criminal charges that could land him in prison for up to eight years, his Armenian lawyer said on Monday.

Vartuhi Elbakian told RFE/RL that the Armenian authorities have rejected her petitions to release Yektan Turkyilmaz, a doctoral student at Duke University in the United States, pending trial. They also seem to have ignored protests from a group of Turkish intellectuals, among them prominent critics of Ankara's continuing denial of the 1915 genocide of Armenians in the Ottoman Empire.

Turkyilmaz was detained at Yerevan's Zvartnots international airport on June 17. Armenian law-enforcement authorities said he carried old Armenian books of 'high historical and cultural value which can not be taken out of the country without a government permission.

The 33-year-old scholar was remanded in custody and charged under an article of the Armenian Criminal Code that carries between 4 and 8 years in jail for the contraband of anything ranging from old books to weapons of mass destruction.

Elbakian said her client was not aware that he needed a government permission for seven of the 88 books which he bought or received as a gift during his two-month research in Armenia. She argued that neither Turkey nor the United States have such legal requirements.

The attorney also said that investigators from Armenia's National Security Service (NSS) gave 'no concrete reasons' for the rejection of her appeals for Turkyilmaz's release on bail. The petition was accompanied by personal guarantees from an opposition member of Armenia's parliament, Shavarsh Kocharian, and a renowned U.S. historian of Armenian descent, Richard Hovannisian.

According to Elbakian, the Turkish government has still not demanded explanations from official Yerevan in connection with the case. She claimed that Ankara is showing little interest in Turkyilmaz's fate because he has questioned in the past the official Turkish line on the 1915-1923 mass killings and deportations of Ottoman Armenians.

The Armenian authorities are instead facing pressure from prominent representatives of Turkish civil society. In an open letter to President Robert Kocharian last month, about two dozen of them expressed 'grave concern' about Turkyilmaz's prosecution and called for his 'immediate release.'

'We understand that none of the books he had with him were absolutely prohibited from being taken out of the country, but only required permissions,' read the letter. 'We are convinced that Mr. Turkyilmaz did not know about this requirement at the time and would have undoubtedly complied with this requirement as he has demonstrated to be a serious scholar and a friend of Armenian culture on many occasions.'

'While it may be appropriate to impose a fine for the unknowing violation of customs regulations, prison terms of 4 to 8 years are grossly disproportionate and would send a deterrent signal to other independent scholars,' said the signatories.

Among them are academics Taner Akcam, Murat Belge, Halil Berktaý as well as publisher Ragip Zarakolu and Turkey's most famous writer, Orhan Pamuk. They have all repeatedly denounced Turkey's denial of the genocide despite threats and condemnation from nationalist circles.

Kocharian's spokesman, Victor Soghomonian, told RFE/RL that the Armenian leader will examine and react to the letter only after returning from his two-week vacation which began on Monday. It is still not clear when Turkyilmaz will go on trial. According to his lawyer, the authorities have already chosen a Yerevan court of first instance that will hear the case.

Turkyilmaz became last May the first Turkish historian who sought and was given access to the Armenian National Archive. His research there focused on activities of Turkish, Kurdish and Armenian nationalist parties during the final decades of the Ottoman Empire.

Armenian officials portrayed Turkyilmaz's presence as proof that the Armenian archives have always been open to Turkish researchers despite Ankara's claims to the contrary. The signatories of the open letter to Kocharian warned that his prosecution could 'raise serious doubts as to whether Armenia encourages independent scholarly research on its history.'

The potential punishment facing Turkyilmaz is unusually harsh given the nature of his alleged crime. Imprisonment of individuals detained while trying to smuggle cultural treasures out of Armenia has been extremely rare. Such cases usually end in heavy fines and the confiscation of those items.

Individuals familiar with the case claim that the NSS, the Armenian successor to the Soviet-era KGB, considered charging Turkyilmaz with espionage before bringing the smuggling case. Giving weight to this theory is the fact that the suspect is being held in the ex-KGB's basement jail, the most tightly guarded in the country, and that law-enforcement officials confiscated electronic copies of the archival documents which he studied in Yerevan.

Furthermore, the Turkish intellectuals who appealed to Kocharian said Turkyilmaz 'has been questioned about his research and theoretical orientations.' 'There can be no justification for this treatment,' they said.

Among the individuals questioned by the NSS as witnesses in the case are three ethnic Armenian citizens of Turkey who live and study in Yerevan. The security agency has so far refused to divulge or comment on details of the investigation.