

Christians in Turkey Acquitted of ‘Insulting Turkishness’

After four years of legal battle in a Turkish court, a judge acquitted two Christians of insulting Turkey and its people by spreading Christianity, but not without slapping them with a hefty fine for a spurious charge.

Four years ago this month, Turan Topal, 50, and Hakan Tastan, 41, started a legal battle after gendarmerie officers produced false witnesses to accuse them of spreading their faith and allegedly “insulting Turkishness, the military and Islam.”

At the Silivri court an hour west of Istanbul, Judge Hayrettin Sevim on Thursday (Oct. 14) acquitted the defendants of two charges that they had insulted the Turkish state (Article 301) and that they had insulted its people (Article 216) by spreading Christianity. Sevim cited lack of evidence.

He found them guilty, however, of collecting information on citizens without permission (Article 135) and sentenced them to seven months of imprisonment each. The court ruled that the two men could each pay a 4,500 lira (\$3,170) fine instead of serving time, said their lawyer Haydar Polat.

Tastan expressed mixed feelings about the verdicts.

“For both Turan and I, being found innocent from the accusation that we insulted the Turkish people was the most important thing for us, because we’ve always said we’re proud to be Turks,” Tastan said by telephone. “But it is unjust that they are sentencing us for collecting people’s information.”

At the time of their arrests, Topal and Tastan were volunteers with The Bible Research Center, which has since acquired

official association status and is now called The Association for Propagating Knowledge of the Bible.

The two men had used contact information that individuals interested in Christianity had volunteered to provide on the association's website.

Administrators of the association stated openly to local authorities that their goal was to disseminate information about Christianity.

The two men and their lawyer said they will be ready to appeal the unjust decision of the court when they have seen the official statement, which the court should issue within a month. Polat said the appeal process will take over a year.

"Why should we have to continue the legal battle and appeal this?" asked Tastan. "We are not responsible for the information that was collected. So why are they fining us for this? So, we continue our legal adventure."

Still, he expressed qualified happiness.

"We are free from the charges that we have insulted the Turkish state and the people of Turkey and we're glad for that, but we are sorry about the court's sentence," Tastan said. "We're happy on one hand, and sorry on the other."

The court hearing lasted just a few minutes, said Polat.

"The judges came to the court hearing ready with their decision," Polat said. "Their file was complete, and there was neither other evidence nor witnesses."

Polat was hesitant to comment on whether the decision to convict the men of collecting private data without permission was because they are Christians. He did underline, however, that the court's decision to fine the men was unjust, and that they plan to appeal it after the court issues an official written verdict.

"This was the court's decision," said Polat, "but we believe this is not fair. This decision is inconsistent with the law."

Christianity on Trial

The initial charges in 2006 against Tastan and Topal were based on "a warning telephone call to the gendarme" claiming that some Christian missionaries were trying to form illegal groups in local schools and making insults against Turkishness, the military and Islam.

In March 2009 the Turkish Ministry of Justice issued a statement claiming that approval to try the two men's case under the controversial Article 301 came in response to the "original" statement by three young men that Topal and Tastan were conducting missionary activities in an effort to show that Islam was a primitive and fictitious religion that results in terrorism, and to portray Turks as a "cursed people."

Two of the three witnesses, however, stated in court that they didn't even know Topal and Tastan. The third witness never appeared in court. Prosecutors were unable to produce any evidence indicating the defendants described Islam in these terms. At the same time, they questioned their right to speak openly about Christianity with others.

Polat and his legal partners had based their defense on the premise that Turkey's constitution grants all citizens freedom to choose, be educated in and communicate their religion, making missionary activities legal.

"This is the point that really needs to be understood," Polat told Compass last year. "In Turkey, constitutionally speaking, it is not a crime to be a Christian or to disseminate the Christian faith. However, in reality there have been problems."

The lawyer and the defendants said that prosecuting lawyers

gave political dimensions to the case by rendering baseless accusations in a nationalistic light, claiming that missionary activities were carried out by imperialistic countries intending to harm Turkey.

Tastan and Topal became Christians more than 15 years ago and changed their religious identity from Muslim to Christian on their official ID cards.

Initially accompanied by heavy media hype, the case had been led by ultranationalist attorney Kemal Kerincsiz and a team of six other lawyers. Kerincsiz had filed or inspired dozens of Article 301 court cases against writers and intellectuals he accused of insulting the Turkish nation and Islam.

Because of Kerincsiz's high-level national profile, the first few hearings drew several hundred young nationalist protestors surrounding the Silivri courthouse, under the eye of dozens of armed police. But the case has attracted almost no press attention since Kerincsiz was jailed in January 2008 as a suspect in the overarching conspiracy trials over Ergenekon, a "deep state" operation to destabilize the government led by a cabal of retired generals, politicians and other key figures.

The lawyer is accused of an active role in the alleged Ergenekon plot to discredit and overthrow Turkey's ruling Justice and Development Party government.

Ergenekon has been implicated in the cases of murdered priest Andreas Santoro, Armenian editor Hrant Dink, and the three Christians in Malatya: Necati Aydin, Ugur Yuksel and Tilmann Geske.

In a separate case, in March of 2009 Tastan and Topal were charged with "illegal collection of funds." Each paid a fine of 600 Turkish lira (\$360) to a civil court in Istanbul. The verdict could not be appealed in the Turkish legal courts. This ruling referred to the men receiving church offerings without official permission from local authorities.