

Reporters Without Borders

<http://www.rsf.org/turkey-as-trial-of-44-journalists-resumes-13-11-2012,43674.html>

Europe/Ex-USSR - Turkey

Already held for 11 months

As trial of 44 journalists resumes, court continues to ban use of Kurdish

13 November 2012

[The trial of 44 journalists and other employees of Kurdish media accused of being members of a "media committee" operated by the outlawed Union of Communities in Kurdistan \(KCK\)](#) resumed yesterday in Istanbul after a two-month break.

Reporters Without Borders, which attended the hearing, reiterates its call for the release of the 34 defendants who are still detained – and have been since 20 December 2011 – and for them to be given interpreters and allowed to testify in Kurdish.

"The right to a fair trial includes the right to use one's own language in court," Reporters Without Borders said. ["Article 6.3 of the European Convention on Human rights says](#) that 'everyone charged with a criminal offence' has the right to 'the free assistance of an interpreter if he cannot understand or speak the language used in court.'

"By ignoring this right and systematically abusing provisions for preventive detention, Turkey is yet again violating its international obligations. This refusal can only exacerbate the already existing tension, which is far from conducive to the dispassionate atmosphere in which trials should be conducted.

"It is with hope that we greet the bill that the ruling AKP party submitted last night, which envisages the possibility for defendants to use their native language. But, as the KCK trial shows, turning this possibility into a reality is a matter of the utmost urgency."

Yesterday's hearing began with a roll-call of the defendants, to which each of them replied "Az livir im" ("Present" In Kurdish). When addresses were verified, the journalists **Fatma Koçak**, **Nilgün Yıldız** and **Semiha Alankus** refused to speak in Turkish and, speaking in Kurdish, requested interpreters. Not understanding, presiding judge Ali Alçık asked them to sit down.

The judge then refused to allow one of the defendants, **Kenan Kirkaya**, the Ankara representative of the *DIHA* (Tiger) news agency, to address the court about [the declining health of his colleagues who are on hunger strike](#). Kirkaya just had time to say the hunger strikers were demanding the right to use their own language in court before being expelled by the judge on the grounds that "hunger strikes are irrelevant." All but one of the defendants then left the court in protest.

All of the 44 defendants have joined the hunger strike in recent weeks. The condition of at least three of them is now very worrying. Reporters Without Borders [reiterates its concern about their health and their survival, and appeals again](#) to all sides to begin a dialogue in order to avoid the worst.

Despite [last July's law reform](#), under which judges are encouraged to use alternative control methods to preventive detention, 34 of the defendants – who work for *DIHA*, *Özgür Gündem* (Free Agenda), *Azadiya Welat* (Free Country) and *Demokrat Modernite* (Democratic Modernity) – have been held for nearly 11 months although the trial has only just begun.

Yesterday's hearing was attended by a European parliamentary delegation consisting of the chair of the EU-Turkey parliamentary delegation, Hélène Flautre, and the Polish MEP Jaroslaw Walesa.

Those attending also included Turkish Press Council representatives Orhan Birgit and Turgut Kazan, parliamentary representatives of the Kurdish party BDP, and local representatives of Human Rights Watch and Reporters Without Borders.

Several of the defence lawyers such as Ercan Kanar and Rusen Mahmutoglu urged the court to dismiss the case if it was unable to make any headway.

"You will not succeed in establishing order in the courtroom by force," Kanar said. "A trial cannot be held under the shadow of firearms. Our clients are on [hunger] strike to defend their universal rights. You cannot even bear to listen to them. They are approaching death but no step has been taken by the authorities."

Judge Alçik said he would listen to no one and intended to proceed with the reading of the 800-page indictment. As announced, reading of the indictment began after all the defendants and lawyers had left the courtroom except *Vatan* reporter **Cagdas Ulus** and his lawyer.

Reading of the indictment continued today.

Read our previous statements on this case:

- 13.09.2012 - [In mass trial, journalists get two more months in jail, public barred from court](#)
- 10.09.2012 - [Authorities asked to stop criminalizing journalism as trial of 36 detained pro-Kurdish journalists gets under way](#)
- 20.12.2011 - [Police arrest 40 journalists on suspicion of Kurdish separatist links](#)

Read Reporters Without Borders' recommendations in the report: ["A book is not a bomb! Media and justice in Turkey – mistrust and repression"](#) (June 2011)

(Picture: Bülent Kilic / AFP)

You can download those documents on our website :

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