

Reporters Without Borders

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Europe/Ex-USSR - Turkey

News feed

Judicial harassment of Turkey's media - latest

22 October 2012

Reporters Without Borders has decided to start a news feed with regular updates in order to follow the many prosecutions of journalists and news media in Turkey. Despite [Law 6352's adoption in July](#), the media continue to be [the target of constant judicial harassment](#), in which the [KCK](#) and [Ergenekon](#) trials are just the most visible cases.

22.10.2012 - Four journalists given jail terms in space of three days

Four Turkish journalists were given prison sentences in the space of three days this week while four others were given conditional releases pending the outcome of their trials.

Kurdish media still at centre of storm

A court in the southern city of Adana sentenced **Seyithan Akyüz**, a reporter for the Kurdish-language daily *Azadiya Welat* (Free Country), and **Kenan Karavil**, the former manager of local *Radyo Dünya* (Radio World), to twelve years and thirteen and a half years in prison respectively on 16 October.

Convicted of belonging to the outlawed Union of Communities in Kurdistan (KCK), regarded as the urban wing of the armed separatist Kurdistan Workers Party (PKK), they were among the 45 defendants in a mass trial who received a total of 419 years and two months in prison. Two other defendants were acquitted.

The next day, a court in the southeastern city of Diyarbakir sentenced **Murat Ciftçi**, a reporter for the Kurdish news agency *Diha*, to eight years and nine months in prison on a charge of collaborating with the KCK. After five months in pre-trial detention, he had been released in April 2012 pending the outcome of his trial.

Reporters Without Borders has learned that another *Diha* reporter, **Gülşen Aslan**, was given a conditional release in Diyarbakir on 17 October. Arrested on 4 February, she had been released and then re-arrested at the request of the local prosecutor's office.

Diha said **Safak Celen**, who works for *Azadiya Welat*, was also released. Aslan and Celen were among 34 suspected KCK members who were arrested in Batman province. Aslan is facing up to 15 years in prison. Their trial is to resume on 26 December.

The trial of *Diha* journalist **Özlem Agus** will begin in Adana on 26 December. Held since 6 March, she is accused of [having links with the KCK's "Media Committee"](#), as are *Diha* editor **Ali Bulus** and *Azadiya Welat* reporter **Ferit Köylüoğlu**.

Agus, Bulus and Köylüoğlu will be among a total of 54 defendants in the next mass trial in Adana, of whom 20 are in preventive detention. The 300-page indictment accuses Agus of covering demonstrations in a way "that respects the ideology" of the PKK and of "sending information to [Roj TV](#) liable to serve as PKK propaganda."

The work phone calls between Agus and Bulus, and those between Köylüoğlu and *Azadiya Welat's* distributors are regarded as prosecution evidence in the indictment, which also cites the fact that Köylüoğlu himself distributed copies of the newspaper and asked about sales, as

if this constituted criminal activity although *Azadiya Welat* is not banned.

Provisional outcome in *Atilim* case

The fourth journalist to get a jail sentence this week was **Hatice Duman**, the editor of the leftist newspaper *Atilim*, whose life sentence on a charge of being one of the leaders of the outlawed Marxist-Leninist Communist Party (MLKP) was upheld by the supreme court on 15 October, according to her lawyers.

The supreme court overturned the conviction of fellow *Atilim* journalist **Necati Abay**, the spokesman of the Solidarity Platform with Imprisoned Journalists, who had been sentenced to 18 years and nine months in prison by an Istanbul criminal court on the same charge.

However, although the supreme court ruled that he was not one of the MLKP's leaders, it determined that he was still a member. So he is still facing up to 15 years in prison.

Zero tolerance for torture coverage

An Istanbul criminal court forced *Taraf* (Camps), a daily critical of the government and armed forces, to publish a retraction in its 13 October issue at the request of Sedat Selim Ay, the deputy head of the Istanbul police anti-terrorism section, who is accused of torturing suspects in the 1990s (see below).

Citing the presumption of innocence, the court overturned an earlier court ruling that the allegations *Taraf* had published about Ay were "in the general interest." Eight members of the newspaper's staff still face criminal charges in connection with the 12 articles it ran from 22 July to 2 August quoting victims identifying Ay as their torturer.

Prime Minister Recep Tayyip Erdogan reacted strongly at the time to media criticism of the protection his government has given to Ay, which contradicts its declared policy of "zero tolerance" for torture.

Ay's promotion to his current position triggered an outcry this summer. A few years ago, the European Court of Human Rights ruled that Turkey had failed in its obligation to "conduct an effective investigation and trial" in connection with the torture allegations.

12.10.2012 – No let-up in judicial harassment of journalists since July reform

Three months after Law 6352's adoption, Reporters Without Borders has evaluated the impact so far of this reform, which is supposed to reduce the frequency with which Turkey's media are the targets of lawsuits and prosecutions.

"We welcome the release of several journalists who were held without trial for months or years but the judicial climate for the media has not improved. Dozens of journalists continue to be detained and, regardless of Law 6352's requirements, decisions are being taken to keep them in provisional detention with hardly any more justifying grounds being presented than in the past. As we had feared, 'terrorism' charges are being used as a pretext for not applying the reform to many cases and new prosecutions are being brought against people for the opinions they express because Law 6352 is limited to 'offences' committed before 31 December 2011," Reporters Without Borders said.

"Law 6352 was a step forward but, as we said already, marginal reforms will not suffice, any more than another general amnesty like the ones Turkey has had in the past. Civil liberties will not be guaranteed in any sustainable manner until the Anti-Terrorism Law, the criminal code and the criminal procedure code are purged of the repressive attitudes that permeate them," the organisation concluded.

Adopted on 5 July, Law 6352 provides for a three-year suspension of all prosecutions and convictions for "press and opinion crimes" with a maximum sentence of five years in prison that were committed before the end of 2011. If the person concerned refrains from committing an offence of the same kind during the three years, the case is dropped for good. Otherwise it resumes.

As Reporters Without Borders [said at the time, this leaves journalists with a threat hanging over them for three years, during which they are forced to remain silent or to censor themselves.](#)

It is this provision that has just been applied to **Cüneyt Özdemir**, the well-known columnist of the daily *Radikal* and host of a popular programme on *CNN Türk*, who was facing a sentence of three months to two years in prison for "insulting an official in the course of his duties" under article 125 of the criminal code.

On 16 October, an Istanbul magistrate court ordered a three-year suspension of the prosecution brought against him over Tweets criticizing the president of the 14th Chamber of the Court of Cassation, Fevzi Elmas. Özdemir denies being the author of the Tweets and says the authorities brought the case on the sole basis of an article on the conservative website *Star Medya* accusing him of sending them.

The Tweets criticized the Court of Cassation for upholding decisions taken in the alleged gang-rape of a 13-year-old minor by 26 men in the eastern city of Mardin in 2002. After lower courts ruled that the victim had consented and that other attenuating circumstances existed, the short jail sentences were not implemented on the grounds that the statute of limitations applied.

Released journalists still being harassed

Reporters Without Borders has learned that **Mehmet Günes**, the publisher of the periodical *Türkiye Gerçeği* (Turkey's Reality), was released by an Istanbul court on 5 October because of "the length of the time spent in preventive detention" but his trial is to continue on 28 December.

He had been held since December 2011 for alleged membership of a small underground group called "Revolutionary Headquarters."

Another journalist held on the same charge since October 2011, **Hakan Soytemiz**, the publisher of the periodical *Red (No)*, was released on 9 July. Like the alleged [Ergenekon network](#), Revolutionary Headquarters is accused of organizing armed attacks on government offices and the ruling AKP party with the aim of destabilising the government.

Sedat Senoglu, the editor of the leftist weekly *Atilim* (Momentum), was finally released on 6 September after being held for six years without trial on a charge of membership of the outlawed Marxist-Leninist Communist Party (MLKP). The Istanbul court that freed him said it took account of a "possible change in the charge" and the years he spent in prison.

Eleven of the 26 people who are charged in the same case are still held. They include **Füsun Erdoğan**, the former editor of an *Özgür Radio* publication, and *Atilim* columnist **Bayram Namaz**. Both have also been held without trial since 2006.

A court in the eastern city of Van that is trying **Murat Aydın**, a reporter for the Kurdish news agency *Diha* (Tiger), decided at the end of a hearing on 18 September to grant him a conditional release. He had been held for 11 months. His trial on a charge of cooperating with the outlawed Union of Communities in Kurdistan (KCK), regarded as the urban wing of the armed separatist Kurdistan Workers Party (PKK), will continue on 27 November.

Cagdas Ulus, a reporter for the daily *Vatan* (Homeland) who is also accused of KCK links, and **Cihat Ablay**, an employee of the newspaper distribution company *Firat*, were granted conditional releases on 13 September by an Istanbul court, which said "the nature of the charges could change."

[They were arrested in December 2011 along with 42 other journalists and media workers, of whom 34 are still held](#). The next hearing in this mass trial is set for 12 November. **Hasan Özgünes**, a journalist held for the past year in a related anti-KCK investigation, is also to remain in prison. He is a columnist for the Kurdish-language daily *Azadiya Welat* and member of BDP, a legal Kurdish party.

New prosecutions

A court in the southern city of Adana jailed *Diha* reporter **Ferhat Arslan** on 5 October in response to an appeal by the prosecutor's office against his release a week earlier after four days in police custody.

He is one of 25 individuals being investigated on suspicion of KCK membership. They include members of the (legal) BDP and the Human Rights Association (IHD) and an employee of *Radyo Ses* (Voice), a station based in the southeastern city of Mersin, Mahir Ögretmen.

Journalist accused of blasphemy

Representatives of the Islamist political party Saadet (Happiness), filed a complaint on 5 October accusing **Sevan Nisanyan**, a writer and journalist of Armenian origin, of blaspheming and insulting the Prophet Mohammed in comments on Twitter about the US-produced anti-Islamic video "Innocence of Muslims."

The complaint demanded his trial on charges of criminal insult or "inciting hatred on the basis of religious differences."

More disturbingly, the Islamist daily *Milli Gazete* (National Gazette) has been urging prosecutors to react, claiming in a barely veiled threat against Nisanyan that "judicial inertia is straining patience." On its front page on 7 October, a photograph of Nisanyan was switched with the photograph of a cow that illustrated another article.

Workers Party complaint against journalist

The Workers Party (IP) has filed a suit against **Robert Koptas**, a journalist of Armenian origin who edits the Turkish-Armenian weekly *Agos*, over a 24 August column headlined "Shameful visit to IP." It criticized a decision by the head of the Freedom and Solidarity Party (ÖDP) to visit the IP and its newspaper *Ulusal Kanal* after they were searched as part of the Ergenekon investigation.

Koptas, who regarded the visit as a misplaced show of solidarity, is being sued for 10,000 Turkish lira (4,350 euros) for comments that were allegedly "insulting" and "contrary to the truth."

Judicial intimidation of the daily Taraf

Sedat Selim Ay, a senior official said to have tortured prisoners during the 1990s, has filed a complaint against eight journalists with the daily *Taraf* (Camps) who criticized his appointment as deputy director of the Istanbul anti-terrorist department.

Ay previously accused *Taraf* of exposing him to possible terrorist attacks by identifying him, and he is now accusing the newspaper of again exposing him and his subordinates by interviewing the victims of torture.

The Istanbul prosecutor's office has reacted to the complaint by opening an investigation into *Taraf* editors **Tuncer Köseoglu** and **Burhan Ekinci**, columnists **Mehmet Baransu** and **Melih Altinok**, and reporters **Sümeyra Tansel**, **Adnan Keskin**, **Tugba Tekerek** and **Hüseyin Özkaya**.

Taraf's two managing editors and three other *Taraf* journalists have meanwhile received summonses from the prosecutor's office on libel and insult charges in connection with columns published in July on the same subject.

Journalists sued by armed forces chief of staff

Gen. Necdet Özel, the armed forces chief of staff, is suing **Fatih Altayli**, the editor of the daily *HaberTürk*, for 50,000 lira in damages for "insulting" him in a 9 September column about an accidental explosion at an arms depot in the western city of Afyonkarahisar that cost the lives of 25 conscripts.

Headlined "Schopenhauer was right," Altayli's column criticized Özel's management of the armed forces and quoted German philosopher Arthur Schopenhauer's phrase, "The notion of honour does not exist in eastern societies." The case is expected to be heard in the next few months.

Gen. Özel has also filed a complaint against the journalist **Cüneyt Ülsever** under article 95 of the military penal code concerning "the humiliation of a representative of the state in the exercise of his duty."

07.08.2012 - Editor of Kurdish newspaper released after two years in custody

The Diyarbakir criminal court today approved the release on parole of the journalist **Ozan Kilingç**, imprisoned since 22 July 2010 on charges of criminal propaganda.

The court granted a request by his lawyer under Law 6352, introduced on 5 July, which is

intended to limit pre-trial detention.

Kilinç, the former owner and editor of the country's only Kurdish-language daily, *Azadiya Welat* (Independence Homeland), was sentenced in April 2011 to six years and nine months in prison after being found guilty of publishing propaganda in support of the outlawed Kurdistan Workers Party (PKK) and of committing a crime on behalf of the organization,

He was originally sentenced to 21 years in prison in February 2010 but this was reduced on appeal.

31.07.2012 - Court refuses to release three journalists under reform package

An Istanbul court refused on 27 July to release three journalists who have been held for nearly three years as part of the investigation into the alleged clandestine ultranationalist network called Ergenekon.

They are **Mustafa Balbay**, a columnist for the secularist and nationalist newspaper *Cumhuriyet* (Republic), **Tuncay Özkan**, the owner of *Biz TV* (We TV) and **Mehmet Haberal**, owner of Ankara-based BTv.

They could have been released under the newly-introduced Law 6352, which is intended to limit pre-trial detention. More than 200 court hearings in their case have so far been held since their arrest.

27.07.2012 - Courts start to free journalists under reform package

Vedat Kursun, the former editor of the Kurdish-language daily *Azadiya Welat* (Free People), has finally been freed after three years and seven months in jail on a charge of propaganda on behalf of the outlawed Kurdistan People's Party (PKK). His release was ordered by a court in the eastern city of Diyarbakir on 23 July.

"We take note of this release," Reporters Without Borders said. "The rate at which journalists are being freed is still too slow and should be accelerated by the newly-adopted package of reforms," Reporters Without Borders said. "We call for the conditional release of all journalists held in connection with their work or because of alleged cooperation with banned organizations."

As a result of the Diyarbakir court's ruling, Kursun was freed from the Type E prison in Giresun where he had been held since 30 January 2009 and where he was serving a sentence of 16 and a half years in jail for articles about Kurdish issues and human rights violations in Kurdistan that were deemed to constitute pro-PKK propaganda.

He was released under Law 6352, adopted on 5 July, under which prosecutions of journalists accused of propaganda on behalf of terrorist organizations may be suspended or abandoned. This law also provides for the release of media personnel accused of belonging to or "collaborating" with outlawed organizations.

Around 90 journalists working for Kurdish, secularist or left-wing opposition media remain in jail pending an upcoming series of hearings. Some of them have already been tried and convicted but most have not.

Ragip Zarakolu's high profile trial

The trial of the famous journalist, publisher and human rights activist **Ragip Zarakolu** began on 13 July and continued until 21 July when, after two specially-invited Turkish TV presenters had finished reading the indictment (2,400 pages) in turn, the court adjourned until after the summer break.

Few journalists have so far been released since Law 6352 took effect. **Bedri Adanir**, the editor of the Kurdish-language periodical *Hawar* (Solution) and **Ozan Kilinç**, one of his journalists, are hoping that the possibility of their release will be examined in the coming days or weeks.

Local newspaper publisher convicted

A court in the southeastern city of Malatya sentenced local newspaper publisher **Haci**

Bogatekin in absentia on 27 June to a year in prison on charges of relaying PKK propaganda and "praising a crime or a criminal" under article 215 of the criminal code over a January 2008 editorial in his newspaper, *Gerger Firat*, a weekly based in the nearby town of Gerger.

Headlined "Feto and Apo," the editorial contrasted the government's failure to combat the threat posed by Fethullah "Feto" Gülen's influential religious community, the target of much criticism by Turkey's secularists, with the government's repeated police and military offensives against the PKK armed separatists led Abdullah "Apo" Öcalan.

In another article shortly after the "Feto and Apo" one, Bogatekin reported that Gerger prosecutor Sadullah Ovacikli has ordered him to apologize for insulting Gülen. This resulted in his being immediately detained for 109 days on charges of insult, libel and trying to pervert the course of justice.

Bogatekin told Reporters Without Borders he would appeal against his conviction to Turkey's highest court.

Abandoned prosecution

Oda TV case

An Istanbul court ruled in mid-July that the prosecution of **Baris Terkoglu**, the editor of the *Oda TV* news website, should be abandoned. He had been held since 14 February 2011 for supposedly collaborating with Ergenekon, an alleged terrorist network made up secularists and ultranationalists.

Terkoglu was accused of endangering intelligence officers, judges and prosecutors in charge of the Ergenekon investigation by publishing photos of them under the headline "These photos will cause a stir." They were shown fasting together during Ramadan. Prosecutors claimed that the photos could expose these senior officials to reprisals by terrorist groups. Terkoglu had been facing a possible three-year jail term under Article 6-1 of the Anti-Terrorism Law 3713.

The court did not wait for the *Oda TV* hearing scheduled for 19 July to release Terkoglu provisionally. However, three years will have to elapse before the case against him is closed for good, and then only if he has not been arrested in the meantime on similar charges.

The prosecution of **Güray Öz**, the editor of the republican daily *Cumhuriyet*, who had helped circulate the photos taken by Terkoglu, has also been suspended. Although not detained, he had been investigated and was being prosecuted.

The other detained *Oda TV* journalists – **Soner Yalçın**, **Baris Pehlivan** and **Yalçın Küçük** – have not been amnestied but the possibility of their release could be examined at the next hearing, scheduled for mid-September.

Journalists freed

Yürüyüs – another part of the reform package

Halit Güdenoglu, the editor of the far-left weekly *Yürüyüs* (March), and four of her journalists who like her had been held since 24 December 2010 – **Cihan Gün**, **Naciye Yavuz**, **Kaan Ünsal** and **Musa Kurt** – were released on 20 July under Law 6352, which instructs the police and judicial authorities to place suspects under judicial control rather than systematically detain them.

They were released at the behest of an Ankara court which said it had taken account of the "time spent in detention" and the "prosecution evidence." The court also ordered prosecutors to prepare their indictment and to hand over recordings made during the investigation. The five newly-released journalists have been forbidden to leave the country.

Woman journalist freed after three months

Gülnaz Yildirim Yildiz, the former editor of the far-left periodical *Yeni Evrede Mücadele Birliği* (Combat in the New Period), was released from Istanbul's Bakirköy prison on 23 July. She had been held since 27 April, when the Court of Cassation upheld her sentence of three years and nine months in prison for propaganda on behalf for the Turkish Communist Party of Labour/Leninist (TKEP/L).

Journalist freed one month before completing sentence

A court in the southeastern city of Adana released **Mehmet Karaaslan**, a reporter for the pro-Kurdish news agency *Diha*, from Birecik prison in the nearby city of Şanlıurfa under Law 6352 on 13 July, a month before he would have completed his sentence of six years and three months for alleged membership of the PKK. He was arrested during a demonstration on 19 April 2007 for allegedly shouting slogans in support of jailed PKK leader Abdullah Öcalan.
