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Ergenekon

Life imprisonment for journalists in terrorism case?

20 March 2013

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Four journalists – **Mustafa Balbay, Tuncay Özkan, Yalçın Küçük and Güler Kömürcü Öztürk** – are among the more than 150 defendants for whom long jail sentences were requested in the “Ergenekon” conspiracy trial when the prosecutor presented a 2,271-page summation to an Istanbul court on 18 March.

Two of the journalists, [Balbay](#) and [Özkan](#), are among the 64 for whom life sentences were requested for their presumed membership of a secularist conspiracy and for allegedly plotting against Prime Minister Tayyip Erdogan’s Islamic-leaning government.

“The life imprisonment demanded by the Istanbul prosecutor for two journalists shows that the Turkish authorities are acting with incomprehensible vindictiveness,” Reporters Without Borders said.

“Such long jail terms for journalists who have already spent years in arbitrary preventive detention are unacceptable. We urge the authorities to free these journalists at once and to drop the charges.”

Balbay was a columnist for the daily *Cumhuriyet* (Republic) and a parliamentary representative for the Republican People’s Party (CHP) in the western city of Izmir. Özkan was a presenter on *BizTV* (We TV), which he used to own.

They have been held for more than four years in a prison in Silivri (a city to the north of Istanbul) on a charge of membership of the presumed “terrorist organization Ergenekon” but are [still awaiting a verdict](#) in the case against them.

When the prosecutor presented his summation on 18 March, during what was the 281st hearing in the trial, he insisted that “the existence of the terrorist organization is established” and requested “aggravated life imprisonment” for Balbay, Özkan and 62 other defendants, who include military officers and politicians.

The sentence is being requested under article 312-1 of Turkey’s criminal code, in effect since June 2005. It says: “Anyone trying to destroy the Turkish Republic’s government or trying to prevent it from partially or fully performing its duties shall be punished by aggravated life imprisonment.”

Balbay is also facing a possible sentence of 14 to 33 years in prison on a charge of possessing and disseminating classified documents.

After the prosecutor’s presentation, Balbay protested: “For the past five years, the requests of the defendants and their lawyers have been rejected. This is a judicial sham. We reject the summation. The court is reducing all the charges to crimes against the government. We are in a government security tribunal.”

There are a total of 275 defendants in the Ergenekon case, of whom 67 are currently in preventive detention. The writer and journalist [Küçük](#) is one of those who was granted a conditional release in the Ergenekon case, but he continues to be detained in connection with the parallel Oda TV trial.

As well as life sentences for 64 of the defendants, the prosecutors requested sentence of

seven and a half to 15 years in prison for 96 other defendants on a charge of “membership” of Ergenekon.

This group includes Öztürk, who used to be a columnist for the evening newspaper Aksman. She has never been detained but she was fired after being named as a defendant and because she is married to another defendant.

This is also the reason for the charges brought against another journalist, **Merdan Yanardağ**, editor of the daily *Yurt* (Fatherland), who is not currently detained but is also facing up to 15 years in prison.

Celal Ülgen, a lawyer who represent several of the Ergenekon defendants, said the court has ignored their requests for an evaluation of the prosecution evidence and for the withdrawal of certain evidence they regard as illegal.

“The sentences requested by the prosecutor in his summing-up are clearly the ones that are going to handed down in seven or eight months from now,” Ülgen said, adding that the defence lawyers have already filed a motion challenging the conduct of the trial.

Verdicts are not expected for at least six months. The 282nd hearing will be held on 8 April. Reporters Without Borders will continue to follow the trial closely, just as it is following the Oda TV case, in which the next hearing is scheduled for tomorrow.

[Read the July to November 2012 reports](#) on judicial harassment of the Turkish media.

(Picture: Mustafa Ozer / AFP)
