

# TURKEY

## SET JOURNALISTS FREE



REPORT 2011

## INTERNATIONAL PRESS FREEDOM MISSION TO TURKEY



## Introduction

Due to the severe situation for freedom of the media in Turkey, and as a part of its ongoing work, the European Federation of Journalists (EFJ) invited other international organisations to participate in a 22-24 November 2011 press freedom mission to Turkey. The aim was to make clear to the Turkish government and politicians the view of the international organisations, as well as to show support for the immediate release of 63 Turkish journalists who appear to have been jailed because of their work.

On 22 November 2011, the trial of 10 detained Turkish journalists (Ahmet Şik, Nedim Şener, Soner Yalçın, Barış Pehlivan, Barış Terkoğlu, Müyesser Yıldız, Doğan Yurdakul, Yalçın Küçük, Sait Çakır and Coşkun Musluk), indicted for their alleged support of terrorist organisations in the so-called “Ergenekon” case, was to start in Istanbul.

In connection with the hearing, the Turkish “Freedom for Journalists Platform” (an umbrella group of nearly 100 local journalist organisations) planned to demonstrate in front of the Istanbul Justice Palace and to attend the hearing. They were joined by delegates from the Mission of International Journalists, Media and Freedom of Expression Organisations, including the European Federation of Journalists (EFJ), represented by President Arne König from Sweden and Vice President, Philippe Leruth from Belgium; the EFJ’s Turkish member union, the Türkiye Gazeteciler Sendikası (TGS - Journalists' Union of Turkey), led by President Ercan Ipekçi; the German Deutscher Journalisten Verband, represented by Ramis Kılıçarslan and Monika M. Kabay; the International Press Institute, represented by Executive Board Vice Chair Pavol Mudry from Slovakia and Steven Ellis, press freedom advisor for Europe and North America; Reporters Without Borders (Reporters Sans Frontières - RSF), represented by the head of its Europe & Central Asia Desk, Johann Bühr, and its delegate in Turkey, Erol Onderoglu; and the Association of European Journalists (AEJ), represented by First Vice President Saia Tsaousidou from Greece and Second Vice-President L. Dogan Tilic from Turkey.

# MISSION ACTIVITIES & FINDINGS

*Morning, 22 November 2011*

## **Demonstration & attendance trials**

More than 100 journalists gathered in front of the Istanbul Justice Palace to demonstrate their support for the detained journalists, demand their immediate release, and reaffirm their commitment to press freedom in Turkey.

The demonstration attracted intense media coverage: many TV stations covered the event live and the Turkish and foreign press abundantly commented on the demonstration (see annexes to the present report) both in their printed editions and on their websites. The participating organisations also reported on the event on their respective websites.

Despite massive police presence, the demonstration took place *without any incident*, a positive development. But the way in which the hearing was conducted in the Istanbul courtroom led, on the contrary,



Philippe Leruth, the EFJ Vice President addressed to the protesters and journalists outside of the court in Istanbul.



to *many negative comments*. The gallery of the room where the hearings took place was much too small – it held approximately 120 seats – and rapidly became overcrowded with some 150 people, including families of the 10 defendants and others who wanted to attend the sitting. Some organisations' delegates could only reach the room after a queue of more than two hours. Inside, relative chaos reigned: many attendants had to sit on the ground when the hearings resumed after a suspension. Sitting in front of standing policemen and a wooden balustrade, they couldn't follow the debate properly.

According to the Turkish judicial authorities, the room where the trial took place is the largest one within the Istanbul Justice Palace. If their declaration can be accepted, an internal television transmission to another room open to the public would probably have been the best way to ensure the public character of serene justice.

The defendants' attorneys asked the presiding judge, Resul Cakir, to recuse himself, arguing that he could not be impartial because he previously sued one of the defendants, Odatv News Director Barış Terkoğlu, for publishing a picture of him dining with other judges, prosecutors and police officers. The attorneys also requested the *immediate release of the defendants*, who remain under indictment. The court followed the prosecution's request to forward the recusal motion to a higher court, where a ruling is expected on 26 December, and to maintain the imprisonment of the accused. This decision led to a massive protest from the journalist, media, and freedom of expression associations.

The date of the expected ruling, 26 December, led to some *speculation* whether the date was chosen to avoid massive attendance at the next hearing. While the date carries no particular significance in Turkey, its status as a holiday in other countries means that very few foreign observers are likely to be able to travel to Istanbul to witness the trial.

## Meeting with EU Delegates

In the evening, the EFJ and RSF delegates had the opportunity to meet and exchange views with members of a European delegation who also witnessed the trial, including Sema Kiliçer, political and human rights officer of the delegation of the European Union to Turkey; Jan-Willem Vlasman, advisor to the European People's Party group on the European Parliament's Inter-parliamentary Delegation to Turkey, Neva Sadikoglu, policy advisor to the European Conservatives and Reformists Group of the European Parliament; and Maurizio Picheca, assistant to MEP Barbara Matera (EPP).

23 November 2011

## Meeting with families of imprisoned journalists



Members of the mission met with the families of imprisoned journalists at the headquarter of the Freedom for Journalists Platform in Istanbul. Around 50 family members took the chance to meet with the mission's members. Their *testimonies* were both moving and full of facts, fear, and courage. Particularly worrying is the observation that the tendency towards self-censorship is growing within the Turkish media: the intimidation policy of the Turkish authorities seems to be reaching its apparent goal of silencing critical voices in the country.

Although it is impossible to review all the accounts the mission's members heard, some of them are particularly illustrative of the worsening state of press freedom in Turkey:

- Charged with “making propaganda of a terrorist organisation (PKK) or its purpose”, Vedat Kurşun was first sentenced to 166 years and six months imprisonment. The court of appeal reduced the decision to 10 years imprisonment. In two other cases, he was sentenced to 3 years and to 4.5 years in prison respectively. His appeal to the Superior Court is still pending.
- Mustafa Balbay's attorney has asked for his client's release 144 times (Balbay has been detained since 6 March 2009). All requests have been rejected on the grounds that he might flee abroad or destroy pieces of evidence, or that some persons are still to be questioned.
- Imprisoned since 30 September 2008, Tuncay Özkan has repeatedly asked on what charges he has been indicted. He still has no clear answer. He has been confined for nine months in an eight-square-metre isolation cell – with no window to outside and constant electric light 24 hours a day -- where he is not even allowed to have flowers. His loss of weight has caused his clothing size to decrease by four sizes.
- Also worrying are the circumstances under which journalists are held in prison: more than 30 are held in cells for 10 people, moisture in buildings under construction creates growth of mold on the walls, and prisoners are held in total isolation far away from their families for months after months.

The meeting was not limited to hearing testimony: its purpose was also to define concrete proposals to help the detained journalists and their families. In this respect, several proposals were formulated. Their feasibility will be scrutinised during the coming weeks.

## ACTION PLAN

- This mission's report will be sent to *different European institutions* (the European Commission, the European Parliament; the Council of Europe; and the Organisation for Security and Co-operation in Europe) in order to raise awareness of the worsening of the state of press freedom in Turkey.
- Notably, insofar as the Turkish authorities refuse to give precise figures about the imprisoned journalists or the number of cases open against journalists, and figures produced from journalists' unions, even when confirmed by the authorities, are denounced as being biased, the creation of an *independent monitoring body financed by the European Union* will be examined.
  - In this respect, the example of the Russian Union of Journalists can be mentioned: the RUJ has created a monitoring body which reviews all attacks against journalists, from “simple” aggression to assassination. Setting up such a monitoring body is now under discussion among journalist organisations in Serbia.
- *Visits to Turkish jails* in order to monitor the conditions of detention of the detainees will be requested from a specialised NGO.

- Such missions could be conducted by the “Observatoire International des Prisons”, which has been recognised since 2005 as a permanent consultant by the United Nations.
- To help families who might feel isolated, an *organisation in charge of circulating information and coordinating actions between families* should be set up.
- The organisation of *legal training for young Turkish journalists* in order to improve their coverage of judicial cases involving their colleagues could be useful.
- Representatives of Turkish society often complain that the real situation in their country is not well known in Europe. Taking this point of view into account and taking also into account the deteriorating working conditions of many European journalists, the *production of an “information kit”* on Turkey, with up-to-date information for European journalists and media seems to be a right answer.
- Remembering the works of the Turkish police in some dossiers, the development or the search of electronic toolkits to prevent or detect the introduction of files onto a PC or other electronic device should be encouraged.
- The detainees' families very much insist on the need to *put the pressure* on Turkish authorities: the journalists' and freedom of expression organisations will seek all means at their disposal not to give up their efforts. No programme is designed yet for 2012, it will be set up according to circumstances.

**23 November 2011**

## **Meetings at the Turkish Parliament**

The participants to the mission had expressed the wish to meet with the Turkish minister of justice, but their demand was not satisfied. On Thursday, 24 November, they nevertheless travelled to Ankara, where meetings were planned with the vice-presidents of the parliamentary groups of the different parties represented in the Turkish Parliament.

As a consequence, the mission met successively with the BDP,



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and the MHP in the morning, and with the CHP (all opposition parties) in the early afternoon, followed by a meeting with the ruling party, AKP, in the afternoon.

The conversations with the different parties were not quite satisfactory:

- All parties repeated their commitment to freedom of expression and press freedom, as could be expected. Nevertheless, no opposition party was able to explain which changes they would bring to the Turkish anti-terror law or the Turkish penal code in order to prevent the future indictment of journalists who simply do their work. The AKP repeated its well-known anthem that indicted journalists are not indicted because of their professional activities but because of alleged infringements of criminal laws. However, it could not explain why so many more journalists are imprisoned in Turkey than in any other European country.
- Opposition parties exonerated themselves from initiatives by invoking the absolute and large majority of the ruling party AKP, and criticising an alleged bias in media towards better coverage for the AKP than for the other parties' positions.
- One of the opposition parties blamed the visiting international journalists and freedom of expression organisations and international media for not doing enough to support their Turkish colleagues!
- In another case, the participants to the mission had the feeling that their presence was exploited when they arrived to meet with one political party only to find that the party's vice president was at that moment starting a scheduled press conference with Turkish media.
- The AKP avoided several questions on possible legislative modifications by referring to upcoming constitutional changes.

Nevertheless, some ideas were discussed that could lead to parliamentary initiatives:

- One opposition party agreed on a proposed *special session of the Parliament on press freedom*; the AKP was at first reluctant but promised to take this idea "into consideration".
- One opposition party already sent MPs to the journalists' trials as "*observers*": the other two agreed on the idea of sending some of their own MPs to similarly witness future trials
- The AKP promised also to "take into consideration" a proposal to monitor *the detention conditions* "not only of journalists but of all detainees".
- The AKP promised also to *involve* non-governmental organisations in future legislation on press issues.
- Melda Onur of the CHP, a former journalist, declared her intention to try to set-up an informal parliamentary group composed of former journalists from the different parties, on the model of the "Intergroup" existing within the European Parliament.



# Conclusions

After the trial, the meetings and the contacts with the Turkish political authorities, the mission's final conclusion is not positive, as press freedom seems to be more than ever in danger in Turkey.

Unsurprisingly, given those circumstances, participating journalists, and freedom of expression organisations in their final statement:

- Repeat their concern and their anger over the worsening situation of press freedom in Turkey, which currently has the highest number of imprisoned journalists in Europe;
- Demand a change in legislation to drop cases opened against journalists under the umbrella of the anti-terror law and the Turkish penal code;
- Maintain their request for the immediate release of imprisoned Turkish journalists.

# Annexes

## Selected Press Extracts

### Turkish journalists go on trial in alleged coup plot, court quickly adjourned again

Text Size

Print

E-mail

Reprints

By Associated Press, Published: November 22

ISTANBUL — Ten journalists and three other people went on trial Tuesday accused of being involved in an alleged plot to topple Turkey's Islamic-rooted government, a case that is a key test for press freedoms in Turkey.

The trial highlights growing concerns about threats to freedom of expression in the democratic, mostly Muslim nation that seeks membership in the European Union. Prime Minister Recep Tayyip Erdogan's Islam-based government has come under increased international criticism that it is trying to silence challengers.

**Source:** (an extract from the *Washington Post*)

[http://www.thedailyplanet.com/index.php?option=com\\_content&view=article&id=7299:turkish-journalists-go-on-trial-in-alleged-coup-plot-court-quickly-adjourned-again&catid=52:industry-links&Itemid=282](http://www.thedailyplanet.com/index.php?option=com_content&view=article&id=7299:turkish-journalists-go-on-trial-in-alleged-coup-plot-court-quickly-adjourned-again&catid=52:industry-links&Itemid=282)

# SUNDAY'S ZAMAN

HOME NEWS BUSINESS INTERVIEWS COLUMNISTS OP-ED ARTS & CULTURE EXPAT ZONE SPORTS FEATURES TRAVEL  
NATIONAL DIPLOMACY POLITICS WORLD

## Turkish journalists stand trial in anti-government plot case

22 November 2011, Tuesday / AP, İSTANBUL

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A group of journalists gathered in front of an Istanbul courthouse where the trial took place to call for release of jailed journalists. (Photo: Zaman)

Several journalists accused of involvement in an alleged plot to topple the Turkish government went on trial Tuesday after spending about nine months in jail.

Their lawyers demanded the presiding judge be replaced, arguing that he cannot be impartial because of a separate case that pits him against one of the journalists.

The case is seen as a test for media freedoms in Turkey, but the lawyers' demand could bring a quick end to the opening hearing if the court decides to adjourn the trial until a ruling by a higher court over whether to replace the presiding judge, Resul Çakır, state-run TRT television reported.

Source: [http://www.todayszaman.com/newsDetail\\_getNewsById.action?newsId=263557](http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=263557)



# 9 ay sonra da konuşamadılar

Ergenekon üyesi oldukları iddiasıyla aralarında gazeteciler Nedim Şener ve Ahmet Şık'ın da bulunduğu 14 sanıklı odatv davasının ilk duruşması dün İstanbul 16. Ağır Ceza Mahkemesi'nde görüldü. Duruşmada, mahkeme heyeti, reddi hâkim talebini bir üst mahkemeye gönderdi. Yaklaşık 9 aydır cezaevinde bulunan sanıklar savunma yapamadı, duruşma 26 Aralık'a ertelendi.

**E**RGENEKON üyesi olduğu iddiasıyla yargılanan aralarında gazeteciler Nedim Şener, Ahmet Şık, Doğan Yurdakul, Başar Tokoğlu, Başar Pekler'in ve Soner Yalçın'ın da bulunduğu 14 sanıklı odatv davasının ilk duruşması dün İstanbul 16. Ağır Ceza Mahkemesi'nde görüldü. Mahkeme heyeti, reddi hâkim talebini değerlendirilmek üzere İstanbul 17. Ağır Ceza Mahkemesi'ne gönderilmesine karar verdi. Yaklaşık 9 aydır cezaevinde bulunan sanıklar yine savunma yapamadılar. Soner Yalçın mahkemeden six istedi ancak avukatlarına talepte bulunduğu belirtilen beyet, Yalçın'a da vermedi. 3 salonda jandarmaya arsaında gelen sanıklardan Ahmet Şık, zafer iğareti yapıp "Biz geleceğiz hiç merak etmeyin" dedi.

**odatv davası başladı**

İnal olduğunu söyledi. Şık'ın diğer sanıklar Akın Arslanay ile id ilanama edile müvekkilinin Soner Yalçın'dan aldığı talimat ile Sabri Uzun adıyla bir kitap yayınlamasının ileri sürüldüğünü belirterek, "Kitap incelendiği dipnotlarda 'Tutuklu Maviye' ile birlikte yazdığımız 40 satır 40 satır isimli kitabı bakınız" şeklinde yazılar yer alıyor. Bu da Ahmet Şık'ın kitabın kendisinin yazdığını gösteriyor" diye konuştu.

## Talep üst mahkemeye

Mahkeme duruşmaya verdiği yaklaşık 20 dakikalık arada reddi hâkim talebini değerlendirilmek için duruşmanın üst mahkemeye gönderilmesine karar verdi. Sanıkların tahliyesine yönelik ise başkanı Resul Çakar'ın reddine ilişkin talebin değerlendirilmesini önleme kararı duruşma günü beklenmekle birlikte arsaında karara bağlanmasına imkân verildi. Duruşma, 26 Aralık tarihine ertelendi. Duruşmanın sona ermesinin ardından sanıklar salondan çıkartılmakla yakınına ve izleyicilerle birbiriyle el salladılar. Salonda bulunan yaklaşık 100 kişi sanıkların alkışları ile cezaevine gönderildi.

## Soner Yalçın'ın mektubu

Yalçın, duruşma ada okumak istediği 4 sayfalık konuşma metnini yazıp avukatı aracılığıyla basın mensuplarıyla paylaştı. Yalçın mektubunda, "Önümüzde girilecek cezaevinden utangaç çıkmaya hiç niyetim yok. Gazeteciler, yazarlar cezaevine atılmak hiçbir dönemde hiçbir mahkemeye otur vermemiştir. Şüphesiz olarak güsterilen yazılar diğer gazetelerden kopyalanan yazılardır. İkinci önemli delil telefon görüşmeleridir. Yolda tahmini 7500 telefon görüşmesi yapıyorum. Her ikisi süre süre 2 yılda Yalçın Küçük'le 9 telefon görüşmesi yaptım. 15 bünde 9. Bu maile öngörülür. Deniz Baykal 'Halk TV'yi alın kiralayın' dedi. Ben satın almak istemedim. Örgüt ölecek, ama cüras için kullanılacak ölecek kiralayıp da yaparık" dedi.

■ Ayşegül USTA / Muzat KAZANCI / İSTANBUL



# Meslektaş desteği



**O**DATV duruşması nedeniyle Adilçe ömüne gelen yerli ve yabancı gazeteciler, Türkiye ve İngiltere'de "Özgür basın varsa, özgür toplum vardır" yazılı pankart ve tutuklu gazetecilerin fotoğraflarının yer aldığı dövizleri yere koyarak, sokaklarda toplandı. Grup üyeleri, "Gazetecilere özgürlük, hemen şimdi adalet, 63 gazeteci cezaevinde" yazılı pankart ve "Ahmet Nedim onurumuzdur", "Halk savunma gazeteciler yargılanamaz", "Tür-

kiye basın özgürlüğünde 138 anında" ve "Tade özgürlüğü" yazılı dövizler taşıdı. Gazetecilere Özgürlük Platformu Başkanı ve Ankara Gazeteciler Cemiyeti Genel Sekreteri Ümit Çiğdem, "Türk Ceza Kanunu ve Terörle Mücadele Kanunu'nun, basın ve ifade özgürlüğünü kısıtlayan hükümlerinden dolayı, cezaevlerinde tutuklu ve hükümlü gazeteciler sayısı 63'e ulaştı. Bu sayıyla Türkiye, dünyada tutuklu gazeteciler arsaında 17'nin sıradadır. Bu da demokratikleşme (babası)ğünde olan bir ülkeden ayrıdır" dedi.

## Özgürlüğünden utanıyorsun

Davaşı takip eden CHP Denizli Milletvekili ve eski İçişleri Bakanlığı Başsavcısı İbrahim Çiğdem de adilçe çıkarda "Bugün burada insanları özgürlüklerinden utanıyor hale geldik. Özgür basın için insanlarımızın, yurttaşlarımızın fikir almaya hakkı var. Çünkü biz, gazeteciler yaptıkları için, bu ceza insanlarımızın, yurttaşlarımızın, Türkiye'nin, özgürlüğünden utanıyorsun" diye konuştu.

■ İsmail ARTAŞ / İSTANBUL

## Bir sanık eksikti

Dava, MİT Asya Bölge Soruşturması Kağıt Koznoğlu'nun cezaevinde ölmesi nedeniyle 1 eksik sanık ile başladı. Tutuklu sanıklar İbrahim Ayfer Kalemli ve Ahmet Mümtaz İdri diğer sanıklardan aynı şekilde oturdu. Nedim Şener ile eski emniyet müdürü Harun Ayar aynı arada, Soner Yalçın ile Ahmet Şık ise bu ikilinin arsa sırasında oturdu. Yeterince oturma nedeniyle salona alınmadığı ve basın mensuplarının sayısına katılmaması nedeniyle arsaide yazmadı. Duruşmanın başlamasının ardından Mahkeme Başkanı Resul Çakar, kendisi hakkında reddi hâkim talebinde bulunulduğuna habislandı. Hâkim Çakar, bu nedenle gelen esnede sakınan olursan haller korosunda talepte bulunmasını için avukatlarına soru verdi.

## Adil yargılama için

Avukat Hüseyin Breis, "Müvekkilim Müyesser Yıldız'ın emniyet sorgusunda el konulan bilgisayarın işletim sistemi tanıtımından "Ulusal Medya 2010" isimli belge ile ilgili çok ayrıntılı sorular sorulmuştur. Adil yargılama için reddi hâkim talebinde bulunmamızın sebebi budur" dedi. Ahmet Şık'ın avukatı Filizet İktida ise müvekkilinin 9 aydır savunma yapamaması için beklemediğini anlatarak, bunun gecikmesininde sakınca bulunan bir



Basın meslek örgütlerinden temsilciler, duruşma öncesi adliye önünde pankart açtı.

# Adliye klasığı!

Gazeteciler  
Ahmet Şık ve  
Nedim Şener,  
265 gün  
sonra hakim  
karşısındaydı.

## 'BASINA ÖZGÜRLÜK'

■ TUTUKLU gazetecilere destek vermek için Adliye Sarayı'na gelen yüzlerce gazeteci içeri giremedi. Mahkeme, tahliye istemlerini görüşmek üzere duruşmayı erteledi. Yerli ve yabancı basın örgütleri de davayı mercek altına aldı. >> 12'DE

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