

BİA MEDIA MONITORING 2009 / APRIL – MAY - JUNE

According to the quarterly report of the BİA Media Monitoring Desk published for April, May and June 2009, a total of 125 people, 57 of them journalists, were on trial in 80 cases for expressing their opinions during that period.

The report cites the trials and struggles of a total of 475 people under the headings Attacks and Threats, Detentions and Arrests, Trials and Attempted Trials, Corrections and Legal Redress, European Court of Human Rights, Reactions to Censorship and Penalties by the Radio and Television Supreme Council (RTÜK).

While it is impossible to cover all incidents, it aims at giving an impression of the various and frequent ways in which press freedom and the freedom of expression are targeted.

Attacks and Threats

Ozan Kılıç, license owner and editor of the daily **Azadiya Welat** newspaper has, applied to the Diyarbakır Chief Public Prosecution because he has been receiving death threats via SMS messages on his mobile phone. On 18 June, he told the prosecution that he had been told via the phone that if he did not stop publishing the newspaper, his life would be in danger. He further told the prosecution that he received another message from the same number the next day, reading; "Did you get my warning? **TİT**". TİT is known to be the abbreviation of the ultranationalist Turkish Revenge Brigade, which became known after an armed attack on Akın Birdal, president of the Human Rights Association (**İHD**) in 1998. Kılıç said in his criminal complaint that the two messages have left him in fear for his life. The TİT organisation has also in the past threatened singer and activist **Ferhat Tunç**, lawyer and former İHD activist **Eren Keskin**, as well as the **İstanbul Özgür Radio**. Furthermore, in October 2008, Prof. Dr. **Baskın Oran**, former member of the Prime Ministerial Human Rights Advisory Board, had received a threatening email signed by the organisation.

Major **Metin Yıldız**, Trabzon Province Gendarmerie Command Intelligence Unit Manager, on trial for negligence in the murder of journalist **Hrant Dink**, was asked whether he had informed the police and the secret service (**MİT**) of intelligence relating to Dink. He said, "It was not clear whether the information received was true. If the source and the truth had been confirmed, I would have informed the relevant institutions...Because they were not and because they were not clear and trustworthy, I did not inform MİT or the Trabzon police intelligence unit." Yıldız made this statement at the Bolu Criminal Court of Peace on 8 June. He further said that Colonel **Ali Öz**, then Gendarmerie Regiment Commander and himself on trial for negligence, did not order any disclosure of information relating to Dink to any other intelligence units. Hakan Bakırcıoğlu, a lawyer for the Dink family, said that Yıldız' statement was worthless, pointing out that when Öz gave a statement to the Bursa Chief Public Prosecution on 18 November 2008, he handed over a document which outlined the authorities and responsibilities of Yıldız' position.

On 15 May, the Bursa 3rd Criminal Court of Peace heard the statement of Colonel Ali Öz, the highest-ranking of eight gendarmerie officers on trial for negligence in the murder of Hrant

Dink. Öz said, "I did not receive any information that Dink was going to be killed." Following the statements of gendarmerie officers **Okan Şimşek** and **Veysel Şahin**, both also on trial, the Trabzon 2nd Criminal Court of Peace had prepared an indictment on Öz and five officers, and then decided to merge the cases. Öz has rejected accusations of negligence, saying that intelligence on a planned murder that gendarmerie informant **Coşkun İğci** spoke about did not reach him. Öz was then asked about the bomb attack on McDonald's in Trabzon in October 2004, in which later Dink murder suspect **Yasin Hayal** was involved: "Trabzon is a small place, and Yasin Hayal was known. Did you not have any information about his activities?" Öz said he did not. However, **Ramazan Akyürek**, then Trabzon Chief of Police and now head of the intelligence unit of the Police General Directorate, told the Parliamentarian Investigating Committee that he had met with the governor and Öz on a weekly basis and that Hayal had been talked about several times. When Öz was asked if he did not receive information through those channels, he said "no".

A group of hackers describing themselves as nationalist sabotaged the website of the **Günlük** newspaper, www.gunlukgazetesi.com on 14 May, publishing racist and uncouth messages on the site. Under the name "by The hacker&fatih&suskun&", the hackers caused the site to crash. Not long before, hackers had put a video clip of the song "My homeland" onto the site of the pro-Kurdish Democratic Society Party (**DTP**). Calling themselves "AYYILDIZ TEAM- Siber Savunma Ordusu" (Crescent Star Team - Cyber Defence Group), they also added a text opposing the DTP and excerpts from the Qur'an.

On 8 May, reporter **Sedat Şahinler** for the **Mahmutlar News** newspaper was attacked by **Abdullah Pişkin**, member of the AKP's municipal council in the Mahmutlar town in Alanya district, province of Antalya. Şahinler had entered the municipal building and briefly talked to Pişkin, and was later kicked by him. The attack was also recorded by municipal security cameras. The journalist said that prior to the attack, Pişkin had reminded him of an article he had written about a fight between former AKP mayor **Alaattin Çakır** and a market woman: "He said 'here, this is for what you wrote', and started to punch me. If a municipal councillor beats a journalist, how can he serve the public? I invite him to resign." Şahinler's camera was damaged and he was injured in the face, necessitating treatment in the Alanya State Hospital. He filed a criminal complaint against Pişkin.

On 6 May, the case of two gendarmerie officers on trial at the Trabzon 2nd Criminal Court of Peace for negligence in the **Hrant Dink** murder was merged with that of Gendarmerie Regiment Commander Colonel **Ali Öz** and five other gendarmerie officers. Gendarmerie Sergeant Major **Okan Şimşek** and Gendarmerie Sergeant **Veysel Şahin** have been on trial at the Trabzon court since 22 January 2008. Following their statements, Colonel Öz and five gendarmerie officers stand accused of having been warned about murder plans and not having acted on the warning. Öz and the five others face between six months and two years imprisonment. They are being tried not for "abusing their position", but for "negligence", an offence which will result in a lower sentence. The other five officers are from the gendarmerie intelligence unit: Captain **Metin Yıldız**, Noncommissioned officers **Gazi Günay** and **Hüseyin Yılmaz**, and Sergeants **Hacı Ömer Ünalır** and **Önder Araz**. The Trabzon court hearing was attended by Şimşek, Şahin, Ünalır and Yılmaz, all of them being tried without detention. Dink family lawyers demanded that Öz and his junior officers be tried for faking documents as well, but this demand was rejected. The four gendarmerie officers questioned at the hearing said that they had been given information by gendarmerie informant

Coşkun İğci, but that they had not received any orders, despite being aware that the issue was important. Lawyers for the Dink family asked Ünalır and Yılmaz whether they were active in far-right political groups. When they asked the defendants whether extreme nationalist activities were not far-right activities, the defendants negated this. They said that far-right activities for them meant al Qaida, Hizbullah and other reactionary activities. The trial will continue on 24 July.

On Monday, 20 April, was the 9th hearing of the Hrant Dink murder case at the Istanbul 14th Heavy Penal Court. Journalist **Hrant Dink**, editor-in-chief of the weekly Turkish-Armenian **Agos** newspaper, had been shot dead in front of his office in Şişli, Istanbul, on 19 January 2007. The court decided to continue the detention of suspects **Oğün Samast**, Erhan Tuncel, **Yasin Hayal**, Ersin Yolcu and **Ahmet İskender**. It rejected demands by lawyers to listen to Istanbul Chief of Police Celalettin Cerrah, former Istanbul intelligence unit head Ahmet İlhan Güler, Police General Directorate intelligence department head Ramazan Akyürek, former Trabzon Chief of Police Reşat Altay, and former Trabzon Gendarmerie Regiment Commander Colonel Ali Öz, saying that their statements would bring "nothing new to the case". The court has asked the police to transcribe a speech by Ergenekon detained suspect Sevgi Erenerol which she gave at a conference entitled "Missionary Activities in Turkey". The court also decided to take a statement from **Ertuğrul Balcı**, son of former Istanbul Chief of Police **Şükrü Balcı** and convicted of murder, based on the statements of prisoners **Volkan Eryedi**, Şinasi Erşentürk, **Veli Halis Çelik**, Orçun Cülek and **Adil Orhan**, who are in the same prison in Silivri. The court has also accepted the demand of third party lawyers for **Murat Güneş** to be listened to as a witness. Further, the court demanded a copy of the indictment against Colonel Ali Öz and the other gendarmerie officers on trial, and decided to ask the prosecutors in the Ergenekon investigation for Öz' telephone records and bank transactions again. A report by the Intelligence Department, sent to the court on 22 January 2009, yet also containing information about people not in the trial, was included in the proceedings by judge **Rüstem Eryılmaz**. The court further called Assoc. Prof. **Yavuz Tekelioğlu** of the Black Sea Technical University to attend the court as a witness concerning the relationship between Erhan Tuncel, accused of being an instigator to the murder, and **Ercüment Ovalı**. The court has also renewed its demand for reports on the physical pursuit of Yasin Hayal when he went to different provinces, among them Van, Elazığ and Erzurum. It has also demanded msn and email transcripts of the communications of Erhan Tuncel between 1 January 2006 and 20 January 2007 from Microsoft. Following the demand by third party lawyers, the court has also asked the Ankara Telecommunications Directorate to identify the users of three mobile phone numbers at the time of the murder and to list the numbers that called or were called. The court case continues on 6 July.

On 11 April, far-right Great Union Party (**BBP**) Istanbul youth branch chair **Mustafa Kayatuzu** physically attacked Taraf daily columnist **Rasim Ozan Kütahyalı**. During a television show the journalist mentioned BBP leader Muhsin Yazıcıoğlu's involvement in the Maraş massacre. Yazıcıoğlu died in a recent helicopter accident. Kütahyalı was leaving a talk show at Kanal 7 when Kayatuzu attacked him. He fainted and was taken to a hospital. Following a complaint Kayatuzu faces legal action. Kütahyalı's lawyer **Ergin Cinmen** argues that this assault should be taken as "an attempt to debar someone from expressing political or philosophical ideas" as described in Article 115 of the Penal Code. If accepted by the court, this crime carries a heavier penalty than sole physical assault. Kayatuzu

said he was sorry after attacking Kütahyalı. The columnist said he knew Kayatuzu previously and received a blow as he was greeting him after the TV show.

Yasin Hayal, a suspected instigator of the **Hrant Dink** murder in 2007, has been tried for the second time in the case regarding the bombing of a **McDonald's** branch in Trabzon in 2004. The Trabzon 1st Heavy Penal Court today (9 April) sentenced Hayal to three years and four months imprisonment, as well as a 183 Lira fine, for his involvement in the bombing that injured six people. The **Northern Express** newspaper in Trabzon reported on its website that Hayal had not been brought to the hearing from the prison in Tekirdağ, western Turkey, where is currently held. The judges found Hayal guilty of using explosives in a way that spread fear, worry and panic among people, of injuring six people by throwing an explosive, and of damaging a person's car with explosives. After the bombing on 24 October 2004, Hayal had been arrested. On 17 April 2006, he had been imprisoned to a total of six years and eight months imprisonment for making an explosive, injuring people and damaging the environment. However, he was released from prison after 11 months. The 8th Criminal Chamber of the Supreme Court of Appeals had approved the punishment for producing an explosive, but had reevaluated the punishment given for injury and damage to the environment. In the Hrant Dink murder case, Hayal stands accused of creating an armed criminal group, instigating a premeditated murder and violating Law 6136 on guns. The trial at the Istanbul 14th Heavy Penal Court continues on 20 April.

Lawyer and writer **Hüseyin Aygün** filed a criminal complaint with the Tunceli Chief Public Prosecution on 7 April, saying that a video entitled "Famous Informants of Dersim" on [youtube.com](https://www.youtube.com) and news items on the websites [rojamunzur.com](https://www.rojamunzur.com) and [neweddersim.com](https://www.neweddersim.com) were insulting to him and his family. The former president of the Tunceli Bar Association believes that he has been targeted because he supported independent candidate Murat Kur and not the DTP in the local elections of 29 March.

The second indictment in the Ergenekon investigation, published on 25 March, speaks of retired general **Veli Küçük** as the "person pressing the button" in the Hrant Dink assassination. This information is based on notes said to have been written by **Sinan Aygün**, president of the Ankara Chamber of Commerce and an undetained suspect in the Ergenekon trial. A person only identified as "X" is said to have been in contact with Küçük since 1978 and points to Küçük as having planned an attack on Dink for a long time. **Fethiye Çetin**, lawyer for the Dink family, says that the statements in the indictment are not legally sufficient to solve the murder. Rather, the suspects' relations to the murder need to be investigated. She announced that they would make all the relevant applications to court.

The Diyarbakır Chief Public Prosecution has reopened the case into the murder of Kurdish journalist **Musa Anter** seventeen years ago, following statements by former JİTEM member **Abdülkadir Aygan**, now living in Sweden. The prosecution has issued warrants of arrest for the JİTEM members said to be involved in the murder. After Turkey has renewed its demand for Aygan to be extradited to Turkey, the Swedish government has asked the Ministry of Justice's General Directorate for International Law and Foreign Affairs for the reason of the demand. The Ministry then cited the arrest warrant for Aygan issued by the Diyarbakır prosecution. His previous statements make him a suspected perpetrator and witness in many extrajudicial killings, including that of Anter. His extradition, so the ministry, would allow

other perpetrators to be identified and for cases to be solved before they reach a statute of limitations. Police and gendarmerie departments in all of Turkey's provinces have ordered the arrest of **Mahmut Yıldırım**, Cemil Işık, **Ali Ozansoy** and Hamit Yıldırım, all suspected of involvement in the murder. The prosecution has started an investigation into the PKK informants-turned JITEM members **Cemil Işık**, **Ali Ozansoy**, Abdulkadir Aygan, **Hamit Yıldırım**, and **Mahmut Yıldırım** (code name "Green"), as well as into JITEM commander Major Ahmet **Cem Ersever**, who was himself killed in an unsolved murder in Ankara in 1993. Aygan has announced that he will resist extradition to Turkey. "If I cannot prevent it, I will kill myself. I prefer to join my family in a grave to going to Turkey and being killed there."

Emin Bal, reporter for the **DHA** news agency, says that he was threatened by village guards related to AKP candidate **Kamil Durmuş**, who lost the local elections in the Beytüşşebap district of Şırnak, specifically **Reşit Durmuş**, brother of the candidate and leader of the guards, as well his sons and other relatives who were also village guards. Bal notified the police by telephone. He said, "As members of the press, we cover everything we see, be it positive or negative. Unfortunately those who cannot stomach their loss and who trust their village guard weapons can approach those carrying out their journalistic duties with arrogance and target us personally."

Reporters Without Borders (RSF) supports a request which the family and lawyers of slain Turkish- Armenian journalist **Hrant Dink** have addressed to an Istanbul court asking it to seriously consider the possibility that the clandestine ultranationalist group **Ergenekon** was involved in Dink's January 2007 murder. The court is trying a group of men accused of the murder and is due to hold its next hearing on 20 April. "The court must examine the links that may have existed between certain Ergenekon members and Dink's murderers," Reporters Without Borders said. "If the court takes account of this evidence, the trial could enter a new phase that could lead to an impartial verdict in the weeks ahead."

On 1 April, members of the **Istanbul Students' Collective** were handing out information about a planned protest in front of the Greater Istanbul Municipality. They were then attacked by a group which called itself "religious". The attack happened at around 12.30 pm and one of the five injured students had to be taken to hospital. The attacked students told **bianet** that they were handing out information about a planned protest the day before when they were threatened by a group of self-labelled "religious" people. They were told not to hand out any more flyers. The threatening group had taken issue with a sentence in the flyer, which read, "The sects and religious communities of the Justice and Development Party (**AKP**) have created reactionary attitudes in society." Despite the threats, the collective members handed out flyers in front of the canteen of Istanbul University's Beyazit campus. Then the group who had threatened them attacked them with bottles and sticks. At 13.30 pm, the students held a press briefing in front of the Faculty of Letters, condemning the attack. The Turkish Communist Party (**TKP**) also condemned the attack in a written statement.

Detentions and Arrests

The Istanbul 10th Heavy Penal Court continued its hearing in the trial against 23 people accused of membership in or leadership of the illegal Marxist Leninist Communist Party (**MLKP**) on Friday, 26 June. The defendants were arrested during operations in around 10

provinces, including Manisa, Istanbul and Antalya, between 8 and 11 September 2006. They face up to 40 years imprisonment, some of them standing accused of "attempting to change the constitutional order by force". Those detained include **Fusun Erdoğan**, the broadcasting coordinator of the Istanbul **Özgür Radyo** ("Free Radio") station, and editor of the **Atılım** newspaper, **İbrahim Çiçek**. Others are **Bayram Namaz**, Ziya Ulusoy, **Arif Çelebi**, Sultan Ulusoy, **Adem Serkan Gündoğdu**, Ali Hıdır Polat, **Seyfi Polat**, Mehmet Ali Polat, **Erkan Özdemir** and Naci Güner, the last being accused of being the General Secretary of the organisation. Of the 23 defendants, 17 have been in detention. 22 of the defendants attended the hearing. At the hearing on Friday, the court decreed the release of **Erkan Salduz** and **Arzu Torun**, who will be tried without detention. The court heard witnesses from the Ocaklı village in the Nazilli district of Aydın, western Turkey, where defendant Naci Güner owns a house. Village administrative official **Ali İhsan Demiralay** and neighbours **Şükrü Tanrıverdi**, Ufuk Öztürk and **Mehmet Beşir Çiftçi** said that they knew Güner as "Ali Taş" and Fatma Siner as his wife "Hanım Taş", and that both were known as helpful people not related to any suspicious events. Demiralay said that he had been called to the house in order to monitor the search, which around 30 police officers took part in. He said that he had seen around six people lying on the ground with their hands cuffed behind their backs, that he had seen part of the search, but not of all the rooms, that the police were still in the house when he left, and that he signed the police report without reading it in detail. Two witnesses identified Seyfi Polat as the person they knew as the nephew of Güner. Joint attorneys argued that their clients have been held for 2 years and 8 months. They accused the police of deliberately trying to draw out the case, as four officers called to the hearing did not appear. The next hearing will be on 6 November. Lawyer **Mihriban Kırdök** said, "The police continues its old habit of writing reports the way it wants...They are documents that are well-known to be produced against dissident individuals. Why did the police not, as they claim, raid a congress, but caught people in different places?" Arif Çelebi said that the reports on the search and arrests were prepared later, citing as evidence the fact that some reports were signed by up to 30 officers, while others had fewer signatures. He has filed a criminal complaint against officers for producing fake documents. Lawyer **Müslüm Akkuş** emphasised that it was not clear from which computer a 40-page print out claimed to belong to the MLKP had been taken. He pointed out that a Supreme Court of Appeals decree ruled that photocopies could not be used as evidence, a point also made by other lawyers. The lawyers further said that Erdoğan and Çiçek had not, as is being claimed, been arrested in Nazilli, but had been arrested in Izmir and then brought to Nazilli district.

On 11 June was the 100th hearing of the Ergenekon case. The court meets not in central Istanbul, but in Silivri, a district far outside the centre. On 20 October 2008, the Istanbul 13th Heavy Penal Court started hearing the case of the clandestine ultranational **Ergenekon** organisation, said to have planned to overthrow the government and to create chaos in the country with murders and attacks. There are 86 suspects, 31 of them in detention. The case began with 46 detained suspects, but fourteen have been released: **Gazi Güder**, Muammer Karabulut, **Vedat Yenerer**, Orhan Tunç, **Sami Hoştan**, Serhan Bolluk, **Abdulmuttalip Tonçer**, Vatan Bölükbaşıoğlu, **Hüseyin Gazi Oğuz**, Bekir Öztürk, **Abdullah Arapoğulları**, Rasim Görüm, **Oğuz Alparslan Abdülkadir** and Halil Behiç Gürçihan. Businessman **Kuddusi Okkır**, who had been arrested as part of the investigation and sent to prison in Tekirdağ, Northwestern Turkey, died on 6 July 2008, before the trial began. **Ayşe Asuman Özdemir** was released on 17 July 2008, and **Ferit İlsever** on 29 August 2008, both for health reasons. General **Şener Eruygur**, who had been in

Kocaeli prison, was released after suffering a brain haemorrhage on 21 September 2008. Retired General **Hurşit Tolon** was taken to a military hospital in Istanbul after falling ill in Silivri prison, and he was released on 6 February 2009. Prof. Dr. **Erol Manisalı**, who had been arrested on 17 April, also fell ill in prison. He was operated on in hospital and then released for health reasons. Following the decision of the Supreme Court of Appeals, the Ankara 11th Heavy Penal Court has decided to merge the case of the attacks on the **State Council** and the **Cumhuriyet** newspaper with the Ergenekon case. Furthermore, the **Malatya** 3rd Heavy Penal Court has asked the prosecution to investigate whether there is any relation between Ergenekon and the murder of three Christian men in Malatya in 2007. Defence Lawyer **Metin Çetinbaş**, whose client is Prof. **Kemal Alemdaroğlu**, a defendant accused of "forming and leading an illegal organisation and incitement to armed rebellion against the government", has defended recorded telephone conversations in which possible assassinations of people like writer **Orhan Pamuk** and journalist **Fehmi Koru** were discussed, saying: "Can you try someone for killing someone just because they thought about killing someone? Precautions can be taken to ensure someone is safe, but showing these telephone chats as assassination attempts is either prejudice or ignorance." Other defendants are İlhan Selçuk, license holder of the Cumhuriyet newspaper, Vedat Yenerer, Güler Kömürcü, Ulusal Kanal's general broadcasting editor Ferit İlsever, Aydın magazine's editor-in-chief Serhat Bolluk, journalist Adnan Akfırat and writer Ergün Poyraz. Selçuk faces two life sentences and between 217 and 500 years imprisonment for "founding the armed terrorist Ergenekon organisation", "attempt to force an overthrow of the government" and "incitement to armed rebellion against the government." Yenerer, Kömürcü and Akfırat face up to 15 years imprisonment for "membership in an armed organisation", while İlsever and Bolluk are accused of membership in Ergenekon and "incitement to armed rebellion", facing up to 35 years imprisonment.

The Istanbul 13th High Criminal Court will begin the second Ergenekon trial, based on a second, 1,909-page, indictment, on 20 July. Retired General **Hurşit Tolon**, former commander of the First Army and retired General Şener Eruygur, former general commander of the gendarmerie, are accused of leading the Ergenekon organisation and attempting a military coup. The prosecution is demanding 1,047 years imprisonment and 14 life sentences under severe conditions for each. **Cumhuriyet** newspaper's Ankara representative **Mustafa Balbay**, **Tercüman** newspaper's editor-in-chief **Ufuk Büyükçelebi** and journalists **Tuncay Özkan**, **Erol Mütercimler** and **Merdan Yanardağ** are accused of membership in the organisation. Büyükçelebi, Aygün, Eruygur and Tolon had been taken into custody on 1 July 2008 and later arrested. Aygün was released after objecting to the arrest, as was Balbay, but Balbay was rearrested on 6 March 2009.

After being taken into custody on 26 December, **Erdal Güler**, owner and responsible editor of the **Devrimci Demokrasi** (Revolutionary Democracy) newspaper, has been kept in Amasya prison ever since. He is on trial in over 30 cases, accused of "spreading propaganda for the **PKK** or the Maoist Communist Party (**MKP**). Güler had been sentenced to a total of 21 months imprisonment by the Istanbul 11th High Criminal Court and he has to pay a total of 60,000 TL in fines. Güler's lawyer **Ümit Hambayat** said that they had applied for his client to be taken to a prison closer to Istanbul so that transportation to the hearings would be easier, but they had not received any reply. He hopes that his client will be released on 11 December 2009, but as there are more trials, this is not clear.

On 18 August, the Erzurum 2nd High Criminal Court will start trying **İlker Ekiz**, **İbrahim Karataş**, **Mustafa Doğan** and **Elbil Çınar** from the Gençlik Federasyonu (Youth Federation). They had organised a caricature exhibition entitled "The common enemy is the USA". They are accused of "organising a caricature exhibition", "reading the **Tavir** magazine" and "membership in the Youth Federation". The five are being kept in Sivas prison and will be tried for "membership in an illegal organisation", "spreading organisational propaganda", and "violating the law on meetings, protests and demonstrations". Lawyer **Taylan Tanay** from the Istanbul branch of the Contemporary Lawyers' Association (**ÇHD**) said that the arrests came after an attack at the university and after democratic organisations expressed their opposition to the attack.

The **Cihan** News Agency has said that its news team was attacked and insulted by police on 11 June when they were trying to report on a planned human chain of students on the Bosphorus Bridge. The agency claims that cameraman **Muharrem Özder** and reporter **Uğur Öztürk** were attacked by around 10 police officers, including an inspector, and that the officers used unrepeatable swear words. The police are said not only to have confiscated the camera and equipment, but also to have bent Özder's arm and have tried to handcuff him. When the journalists protested, the police gave up on handcuffing him, but took the two journalists to the Bridge Protection Branch, where they were held for two hours before being released. Öztürk said that their tapes had recorded the swearing, but that **Bülent Kurt**, head of the Bridge Protection Branch did not give the tapes back as promised. The agency accused the Ministry of the Interior and the Istanbul police of remaining silent. Öztürk said that a second team's camera was also confiscated.

On 15 May, **Seferi Yılmaz**, owner of the Umut Bookstore in the Şemdinli district of Hakkari, was arrested for referring to PKK leader Abdullah Öcalan as "leader of the Kurdish people" at a panel discussion in Bursa. The bookstore had been bombed on 5 November 2005. Yılmaz was sent to prison in Hakkari, accused of "praising a crime and a criminal". He had been sentenced to one year imprisonment. Because Yılmaz has already spent 9 months and 20 days in prison in Van, he will be released after 79 days.

Ahmet Abakay, president of the Contemporary Journalists' Association (**ÇGD**), has called for the immediate release of **Aylin Duruoğlu**, editor of the website **gazetevatan.com** belonging to the daily **Vatan** newspaper. She was taken into custody on 27 April and arrested three days later, following the operation against an organisation called "**Revolutionary Headquarters**". A militant member, a police officer and a young bystander were killed during part of the operation in Bostancı, Istanbul. Duruoğlu was arrested by decision of the Istanbul Duty 12th Heavy Penal Court and sent to the Bayrampaşa Women's Prison in Istanbul. Other journalists have protested against her arrest by gathering in front of the Vatan newspaper's office. Abakay told **bianet** that Duruoğlu should be released immediately, and that she could still be tried without detention if necessary. "Our greatest wish is the release of our friend. These kind of confusions sometimes happen, and as a result, we have colleagues who are arrested or lose their jobs. Even if she is acquitted, she faces the risk of losing her job or moving away from her profession. If a journalist is released months later, and even if she is acquitted, this leaves indelible marks and that kind of danger has to be prevented now." **Naile Kılıç**, Duruoğlu's lawyer, told **bianet** that the file was classified, and that her client and herself had not been able to find out any more apart from what they were told during the questioning. She said that her client had said all that

she knew. She said that they were continuously objecting to the arrest, but that the first one had been rejected on the grounds that evidence was still being collected and that the public had been shaken by the event. Kılıç said that Duruoğlu had studied in the Political Sciences Faculty at Istanbul University with **Orhan Yılmazkaya**, the militant who was killed in the shoot-out in Bostancı on 27 April. She had met with him because he had written a book called "Turkish Hamam". She added that her client had no knowledge of Yılmazkaya's links to any illegal organisations and that she had made a detailed statement to the police. Nevertheless, her request for a release has been refused.

Ahmet Birsin, broadcasting director of the local Diyarbakır **Gün TV** station was taken into custody and later arrested during operations in several cities targeting the PKK. The Diyarbakır prosecution announced that it had been monitoring phone calls, interactions and bank transactions of eight PKK members, a "Turkey coordination unit" for a year. The Gün TV office was searched by the police. Birsin is in prison in Diyarbakır.

In April, a demand for the release of journalist **Abdurrahman Gök**, reporter for the Dicle News Agency (**DİHA**), was rejected. He was first harrassed and then taken into custody when covering the Newroz celebrations in Siirt, southeastern Turkey. First the Siirt prosecution had prolonged the time of detention for Gök, who had been taken into custody with others (Bilal Aşkara, Resul Yıldız, Cihan Obuz, Teyfik Yılmaz, Ahmet Tiryaki, Ziyarettin Akın and Yakup Akça), saying that there was a trial open against Gök in Izmir and that his statement was incomplete. On 25 March, he was taken to the Siirt Criminal Court of Peace which ordered his arrest for spreading **PKK** propaganda. He was taken to the Siirt E-Type prison. Another reporter from DİHA who was at the Newroz celebrations in Siirt, **Celal Kalpak**, told **bianet** that there were different accusations levelled at Gök all the time. "First they said that he had thrown stones at the police. When that was not credible, they said that he had manipulated the crowd; finally, they said that he was taken into custody for terrorist propaganda because he had written down the slogans shouted and written down on placards and because he had been linked to Roj TV." Lawyer **Servet Özen** has argued that Gök suffered torture and mistreatment when being taken into custody. The medical report on Gök, written at the Siirt State Hospital, is currently with the prosecution. As soon as the lawyer is able to examine them, he has announced, he will file a criminal complaint against those responsible. On 26 March, DİHA broadcasting editor **Devrim Göktaş** called for the release of Gök and four other reporters from the agency under arrest. He called on press organisations and the public to protest against "these illegal and unfair practices." At a press conference organised by the Society of Journalists in the Southeast (**GGC**), Democratic Society Party (**DTP**) group vice chair **Selahattin Demirtaş** held the Siirt governor and police department responsible for Gök's arrest. The DİHA agency had previously called for the release of its reporters **Ali Buluş**, **Mehmet Karaaslan**, **Faysal Tunç** and **Behdin Tunç**, who are all in prison for alleged connections to the PKK. It is not clear yet whether the arrests are related purely to journalistic activities.

Vedat Kurşun, former editor of the **Azadiya Welat** newspaper was taken into custody at the airport in Istanbul on 29 January 2009 and later arrested because he had not made a statement in a trial at the Diyarbakır 6th High Criminal Court. He will be taken to the Diyarbakır court on 10 September. Kurşun faces more than 20 trials, accused of "spreading PKK propaganda and thus aiding and abetting the organisation".

Press Freedom and Freedom of Expression Trials

The trial of **Yasin Yetişgen**, editor at the weekly **Çoban Ateşi** in Gaziantep, will continue at the Gaziantep 2nd Criminal Court of First Instance on 1 October. Yetişgen is on trial for an article entitled "Mother, don't send me to the military", written by **Berkant Coşkun** and published on 8 November 2007. At the hearing on 9 May 2008, the prosecution had demanded punishment under Article 318, for "alienating the public from military service", as well as Law 5816 on Crimes against Atatürk. The sentences "The growing war profiteering must be exposed and conscientious objection must be used in order not to be a part of the dirty war" and "Mustafa Kemal personally ordered the Dersim massacre" were cited in the indictment. Yetişgen is also still on trial for an article entitled "Antep and the Shepherd's Fire" by **Hurşit Kaşıkırmaz**, published on 3 August 2007. The sentence "Antep is an industrial city in Northern Kurdistan" was cited as a reason for a trial. Yetişgen is accused of "inciting hatred and hostility", while a warrant of arrest has been issued for Kaşıkırmaz, who lives abroad.

Ersen Korkmaz, owner of the **Demokrat İskenderun** newspaper, is being tried at the İskenderun 2nd Criminal Court of First Instance for "praising a crime and a criminal" after reporting a speech of DTP İskenderun district chair **Mahmut Aydın**, who referred to Öcalan as "honourable". Both Korkmaz and Aydın will appear in court again on 18 October for the sentence "Putting an end to İmralı Prison and its practices must be considered an important contribution to social peace" (published 18 November 2008). The prosecution demands that they be punished under Article 215 of the Turkish Penal Code. The trial began on 24 December 2008. Korkmaz is further on trial under Article 159 of the former Turkish Penal Code, "insulting and deriding the army and police", after reporting on a panel by the Turkey Communist Party (**TKP**) with an article entitled "The Kurdish leader was taken and surrendered to the fascists". Korkmaz and TKP representative **Necmettin Salaz** face up to three years imprisonment each. At a trial at the Civil Court of Peace, the former mayor is suing Korkmaz for 10,000 TL compensation. This case will continue on 21 October.

The Supreme Court of Appeals has overruled the acquittal of British satirical collage artist **Michael Dickinson**, who had been arrested and later acquitted by the Kadıköy 2nd Criminal Court of Peace after portraying PM **Erdoğan** as former US President **George W. Bush's** dog. Dickinson has been living in Turkey for 23 years and also worked as a university lecturer for some time. Following the overturning of his acquittal, he left Turkey. On 25 May, the 4th Criminal Chamber of the Supreme Court ruled unanimously that someone living in Turkey for 20 years and having worked in educational institutions could not be ignorant of "Turkish traditions and customs" and would have known the effect his action would have on the public. The Kadıköy court had tried Dickinson under Article 125. After the recent overruling, Dickinson told the **British Daily Mail**, "I was shocked and could not believe it. I collected my stuff and got on the first plane to Britain. I have no desire to experience Turkish hospitality in prison again."

A prosecutor in Izmir has filed a case against the pro-Kurdish Democratic Society Party (DTP) Karabağlar mayor **Cemal Coşgun** and Gaziemir mayor **Şehmuz Seyhan** on allegations of violating the political party law by "propagating in Kurdish". The two DTP members will stand trial on 31 July at the Bakırköy 10th Criminal Court. The alleged "crime" took place two days prior to the local elections on 29 March. The prosecutor's office in İzmir

stated in the indictment "the accused had owned up to the alleged crime, proposing that the constitution and the current legislation fails to answer the needs of the society, therefore speaking in Kurdish." The prosecution stated that the law on political parties explicitly states that political propaganda in languages other than Turkish is forbidden. Noting that three other inquiries are filed against him, Cosgun expressed his concern to **bianet**. "Existing legislation doesn't cover the needs of the society. The constitution was prepared following the military coup of 1980 and it exerts pressure on the society. Taking someone to court because of speaking in his or her mother tongue is a shame."

On Friday, 26 June, the Istanbul 11th Heavy Penal Court continued the hearing of the case against journalist **Nedim Şener**, who has written a book about the murder of journalist **Hrant Dink**. Şener recounts the negligence of police and gendarmerie officers prior to the murder, accusations that have been made by other reports on the case. He stands accused of revealing classified information, of turning people on duty against terrorism into public targets, and of attempting to influence the judiciary. In the case of his book, entitled "**The Dink Murder and Intelligence Lies**", the journalist faces up to 28 years imprisonment. At the hearing on Friday, the Istanbul court accepted the demands of police officers **Ramazan Akyürek**, **Muhittin Zenit** and **Ali Fuat Yılmaz** to become third party plaintiffs. The court agreed that they had been damaged by the alleged "targeting" of the book; the court decreed that they had not been damaged under the other accusations. The court declined the demand by Şener and his lawyers to obtain video recordings of murder suspect **Erhan Tuncel**, saying that the request was unrelated to the book. The court case was postponed until 23 October. Three indictments have been prepared on the book. Following the hearing, Şener made a statement, saying: "We will do everything for the truth to come out. Because of the efforts of journalists and lawyers, eight gendarmerie officers from Trabzon have been put on trial, but there is still no police officer in the defence box." **Nail Güreli**, former president of the **Turkey Journalists' Society**, said, "We hope that the court's decision will be made according to the right of the public to be informed, and according to the supremacy of democracy and the law."

Singer **Ferhat Tunç** is still on trial for an article entitled "Leyla, a revolutionary, and a song", published in the "**Yeniden Özgür Gündem**" on 19 January 2004. In the article, he wrote about the "Deep Judiciary". The Beyoğlu 2nd Criminal Court of First Instance is trying him and **Mehmet Çolak**, the section editor who lives abroad; both face prison sentences. Tunç has further been on trial at the Izmir 10th High Criminal Court after saying at a concert in Alanya (Antalya province) on 22 July 2006, "Just as all the soldiers who died in this country are the children of the country, so all the guerillas killed are also children of this country. My heart bleeds for each soldier who dies, and for each guerilla who is killed." After the Izmir court acquitted him of "organisational propanda", the prosecutor took the case to the Supreme Court of Appeals.

On 26 June, it emerged that the court case against **Abdulbasit Bildirici**, Van branch president of the Association for Human Rights and Solidarity with the Oppressed (**MAZLUMDER**), brought because of what he said in an interview with the local Prestij Haber newspaper, has been dropped. The interview had been published on 2 December 2008, and the court case began in March. The prosecution said that too much time had passed, as the Press Law states that no more than two months may pass from the publication of a text in a daily newspaper to its prosecution. In November and December, the newspaper had prepared a series of articles entitled "A civilian look at the issue". In his interview, Bildirici had said that the Kurdish

question had changed from 2004 to 2005, as more people outside of the PKK had become involved; he said that he had realised that "there would be so many people going to the mountains" if the state did not find a solution.

On 25 June, Writer **Nedim Gürsel**, author of the book "**Allah's Daughters**", was acquitted of "denigrating religious values" and "inciting the public to hatred and hostility" by the Şişli 2nd Criminal Court of First Instance. Following the complaint of an **Ali Emre Bukağlı**, the writer had been taken to court, and faced a second trial after a second complaint on 19 November 2008 when the second edition of the novel came out. The two court cases were merged at the hearing on 26 May, and the acquittal followed. The court said that "the novel as a whole does not have any criminal intent and does not represent a crime." Head judge **Hakkı Yalçınkaya** argued that the excerpts cited in the complaint were misleading. Thus the expression, "Allah's daughters, lying stretched out, completely naked" was to be found neither on page 120 of the book nor anywhere else. The expression "Allah's beloved subjects" on page 120 was wrongly cited as "Allah's lovers" in the complaint. The court further declared that a statement from the Istanbul police showed that the publication of the book had not resulted in any events disturbing the public peace, that the book was generally a novel, trying to represent events experienced by a person living during the time of the Prophet Muhammet and extending to events during the First World War. The court thus decreed that Article 216 of the Turkish Penal Code, which deals with denigration of people based on social class, ethnicity, religious affiliation or region of origin, as well as the denigratiof of religious values held by a section of society, was not applicable. The writer's lawyer, **Şeyhnaz Yüzer** argued in court that there were no criminal elements in the book according to Article 216 and criticised the fact that a theology professor, **İlyas Çelebi**, had been asked for an opinion. If the complaining party does not appeal against the decree within seven days, the acquittal will be confirmed.

On 24 June, the Ardahan 2nd Civil Court of First Instance refused to send the files of **Fakir Yılmaz**, editor at the **Northeast Anatolia** Newspaper, **Semli Yılmaz**, owner of that newspaper and the **Son Vilayet** newspaper, to an expert. The two journalists are accused of insulting a person, after judge **Dilek Şen** and Ardahan prosecutor **Emrah Ünal** filed a demand for 40,000 TL after an article entitled "Should I have demanded a different judge?" was published in the newspaper and on its website (www.kuzeyanadolugazetesi.com) on 14 May 2009. The article was about a court case, and Yılmaz said that he had been denigrated by the head judge in front of his wife and sibling after saying that he did not know why he was on trial. He then summarised the dialogue that passed between him and judge Şen. The compensation claim trial began on 10 June and will continue on 3 July. The two journalists said that they have complained against the two plaintiffs to the President, Prime Minister and the Supreme Board of Judges and Prosecutors (**HSYK**). Yılmaz said that he had been taken to his hearing late, and that the judge had been tense because of a busy court. When he had said that he was uninformed about the indictment, the judge, so Yılmaz, vented against him. The journalist further wrote about "his amazement at the technological equipment of the court room, the beauty of the judge and the hairloss of the prosecutor." The original court case had been opened because of the complaint of Çıldır district governor (Kaymakam) **Önder Can**, after Yılmaz had written an article entitled "Authorities in Ardahan must have gone mad" in the **Taraf** newspaper on 11 January 2009.

On 24 June, the trial against the **bianet** news website continued at the Ankara 25th Civil Court of First Instance. The trial was initiated with the complaint of police officer **Muhittin Zenit**, who is known for having spoken to **Erhan Tuncel**, a suspect in the **Hrant Dink** murder case, right after the murder. Zenit said in the phone conversation, " they shot him directly in the head...the only difference is that he was not going to run away, but this one did." Zenit was an intelligence officer with the Trabzon police at the time. He now demands 25,000 TL compensation from bianet for two articles published in bianet, "It was clear how he was going to be shot", published on 30 September 2007, and "New Evidence in the Dink Murder: We will meet with Muhsin about Yasin", published on 28 April 2008. Head judge **Ömer Kızılkaya** decided to write to the Beyoğlu police in order to receive a copy of the last balance sheet showing the financial situation of the foundation and to ask the Police General Directorate whether there had been any criminal complaints because of the articles. The court had rejected the application of the **İPS Communication Foundation**, which had argued that it could not be held responsible for publications and that the court case should be dismissed for lack of standing. The Ankara 1st Civil Court of First Instance has partially accepted a compensation claim by Zenit from NTV. Zenit demanded 90,000 TL, and the court has ordered the TV station to pay 5,000 TL. Lawyers for NTV have appealed.

On Friday, 19 June, the Şişli Criminal Court of First Instance heard the case of the Turkish translation of **Richard Dawkins' "God Delusion"**. The public prosecutor, **Sait Yakışan**, demanded that **Erol Karaaslan**, owner of the **Kuzey Publications** which has published the book, not be prosecuted. Karaaslan had faced another trial last year, following the criminal complaint of an **Emre Bukağlı**. Karaaslan had been acquitted. This time, the prosecution was following up the complaint of a **Sonia Eskinazi**, who argued that the book insulted Judaism, Allah and the prophets. Karaaslan again faced a possible prison sentence, accused of "inciting the public to hatred and hostility or denigration". Prosecutor Yakışan, speaking at the hearing, said that Article 10 of the European Convention on Human Rights also included the freedom of religion and conscience. He added, "In order for science to progress, we accept that every issue has to be approached critically and with a questioning mind; otherwise, the whole of society is held hostage by dogmas." The prosecutor pointed out that the European Convention protected the rights of both those with religious beliefs and of atheists, and that this had been confirmed in case law. Evaluated as a whole, the book was written as a criticism of religion and God in general, and the author did not target any particular religious group. Yakışan reminded the court that the previous court case had ended in acquittal and thus demanded the case to be dropped. Otherwise, he warned, "publishers and writers will continuously be on trial, which would lead to personal suffering." Publisher Karaaslan spoke at the hearing, to, saying, "The author of the book says many times in the book that he does not believe in any religion. He has used scientific works to support his claims, his criticism of religions and their irrationality. It is a right to criticise religions and beliefs as part of the freedom of thought and expression." The demand of Karaaslan's lawyer **Pervin Bıyıklıoğlu** for a different judge to replace presiding Judge **Hakkı Yalçınkaya** was not supported by the prosecution and rejected. The court case will continue on 7 July. The court will ask the Istanbul police force whether public peace has been disturbed by any events related to the book. On 10 November 2008, **Muhittin Ayata**, Şişli public prosecutor, wrote an indictment in which up to four years imprisonment were demanded under Articles 216/1-3 and 54 of the Turkish Penal Code.

On 18 June, the Constitutional Court decided not to make changes to the amendments of the Anti-Terrorism Law made on 29 June 2006, which have led to many temporary publication

bans. 10th President **Ahmet Necdet Sezer** had demanded the abolishment of the amendments, arguing that some of the clauses violated the constitution. The court rejected an abolishment of the amendment which allows the ban of a publication from 15 days to one month if a prosecutor so demands. This means that any publication that "encourages a crime as part of the activities of a terrorist organisation, that praises a crime or a criminal or that spreads propaganda of a terrorist organisation" can be handed a ban by a judge, while prosecutors can order an immediate ban if they feel that any delay would be harmful and only have to inform a judge within 24 hours. Another article, which held owners of publications and broadcasts responsible for articles that "committed the crime of terrorist propaganda" and ordered legal fines from a thousand to ten thousand days, has been amended so that owners of broadcasting institutions are not held responsible.

On 17 June, the Bursa 1st Criminal Court of Peace acquitted **Murat Şenol**, Hüseyin Sevgi, **Mehmet Emre Battal**, Taylan Uztürk, **İbrahim Koyuncular**, Pınar Koyuncular, **Ahmet Keskin** and Onural Keskin, members of the **People's Houses** and the **KESK** trade union confederation. They had protested against university fees and shouted the slogan "Lightbulb Tayyip", referring to the PM and his party logo. The undetained defendants were acquitted after the court decreed that no crime had been committed. Six people, among them two of the defendants acquitted in this case, had previously been sentenced to 11 months and 20 days imprisonment each for shouting the same slogan. The court later suspended the sentences. On 1 April 2008, they had protestse against the reform of the social security system. They were taken into custody and later released. In March 2008, **Betül Öztürk**, Hasan Özydın, **Berna Özaslan** and O.K. were taken to the Bursa 4th Criminal Court of Peace for "insulting" the PM after shouting the slogan "Lightbulb Tayyip" at a protest against university fees. On 4 Marcy, the court sentenced Mehmet Emre Battal, Ahmet Keskin, Betül Öztürk, Hasan Özyaydın and Berna Özaslan to 11 months 20 days imprisonment, later suspended, while O.K.'s case was taken to a Children's Court.

Lawyer **Erdal Doğan** has been taken to court by retired General and Ergenekon defendant **Veli Küçük**, who demands 10,000 TL compensation for statements the lawyer made on the NTV, Habertürk and STV channels on the day that journalist **Hrant Dink** was murdered, 19 January 2007. The case had initially been dropped, after lawyers of the complainant had not attended the hearing without making their apologies, but it was reopened. Doğan is being tried at the Beyoğlu 1st Civil Court of First Instance, because he said that before his client Dink had been murdered, Veli Küçük had tried to become a third party in the journalist's trial under Article 301. Doğan said, "Veli Küçük wrote an application with his own handwriting to join the case. After that, Hrant told me and his family and friends that he worried much more because Veli Küçük was not just anyone. Everyone knows that." The court case will continue on 5 November.

It emerged on 17 June that **Ethem Açıkalın**, president of the Human Rights Association (**İHD**) in Adana, southern Turkey, faces trial. Speaking on satellite channel **Roj TV**, he had criticised the arrest and punishment of children taking part in demonstrations. He was investigated for "spreading **PKK** propaganda", but is now on trial for "inciting hatred and hostility." On 29 November 2008, Açıkalın gave information about the legal situation of the children concerned and criticised their trial. His court case will begin on 27 October at the Adana 1st Criminal Court of First Instance. He had criticised the words of Adana governor **İlhan Atış**, who had threatened to withdraw health care support for the parents of

children taking part in protests. In addition, Açıkalın had spoken of a "dirty war." He told bianet that he believes he has been targeted, and that all he did was share his thoughts on an urgent issue. So far 84 children, seven of them arrested, have been sentenced to 382 years and 11 months imprisonment in Adana. The human rights activists are already on trial for allegedly resisting the police when protesting against a police raid at the province headquarters of the Democratic Society Party (DTP). On 15 June, the Adana Heavy Penal Court sentenced four children to a total of seventeen years and six months imprisonment for "committing crimes in the name of an illegal organisation" and "spreading organisational propaganda". The children have been accused of taking part in protests in support of imprisoned PKK leader **Abdullah Öcalan** on 15 February 2007, shouting pro-PKK slogans and throwing stones. Three children received sentences of 4 years and 8 months each, and one child a sentence of 3 years and 6 months.

It emerged on 15 June that **DTP** politicians **Ahmet Türk** and **Selahattin Demirtaş** face a court case for speaking Kurdish at a parliamentary group meeting on "Mother Tongue Day". The Sincan 2nd High Criminal Court in Ankara overruled the dropping of the case by the Ankara Chief Public Prosecution and demanded an investigation of the two politicians. The prosecution had found in its investigation that the constitution and the parliamentary internal rules do not consider the speaking of a language other than Turkish a crime and thus decided not to prosecute. However, **MHP** parliamentary group deputy chair **Oktay Vural** objected to the decision and said they were also looking at the dropping of another case against three DTP members in Digor, province of Kars. The Ankara court said that the prosecution had decided to drop the case without making use of transcripts or knowing what the speech was about. It thus ordered a new investigation.

Ömer Tütüncü, prosecutor in Digor, Kars, dropped an investigation against DTP Dağpınar mayor **Ayhan Erkmen**, Kars province party chair **Veli Müyken** and DTP head office politician **Cemal Coşğun** for speaking Kurdish during the election campaign. The Digor police had filed a criminal complaint against the politicians. Politician **Orhan Miroğlu**, who has himself been convicted under the Law of Political Parties for addressing voters in Kurdish and who is appealing to the ECHR, welcomed the decision which became public on 12 June but was made on 25 May. Tütüncü said in his argument that although laws banned the use of languages and alphabets other than Turkish, the state **TRT 6** channel had officially been broadcasting in Kurdish since 1 January 2009, meaning that highest-level state representatives were using Kurdish to address citizens.

The trial of **Ahmet Altan**, editor-in-chief of the Taraf newspaper and writer, started at the Kadıköy 2nd Criminal Court of First Instance on 12 June. Altan is on trial for a front page article entitled "Büyükanıt was also a target", published on 28 March 2008. He is accused of violating secrecy and attempting to influence the judiciary. Taraf newspaper journalists **Ahmet Altan**, **Yasemin Çongar**, **Nevzat Çiçek**, **Mehmet Baransu**, **Bahar Kılıçgedik**, **Başar Arslan**, **Sibel Hürtaş**, **Adnan Keskin** and **Adnan Demir** are on trial in over 80 cases, most concerned with articles written about the Ergenekon investigation. They face accusations of violating the secrecy of investigations, attempting to influence the judiciary and those handing out justice. Lawyer **Ergin Cinmen** said, "There has been no decision yet, but if the courts decide to hand down punishments and the Supreme Court of Appeals ratifies the sentences, these files will go to the European Court of Human Rights. Turkey will return to the Turkey of 1995, which means that it will be back in the category of

countries that violate human rights systematically. Judges must definitely respect the clauses of the European Court of Human Rights. Otherwise, the European Union negotiations will be threatened by court decisions, and Turkey will have a difficult time with the Council of Europe. Since the Ergenekon investigation started in June 2007, media institutions that are part of the Doğan Group have been taken to court more than 200 times, facing the same accusations.

On 11 June, the Istanbul 10th High Criminal Court listened to the defense of rights activist **Hakan Tahmaz** and section editor **İbrahim Çeşmecioğlu** of the **Birgün** newspaper which printed articles by Tahmaz. Tahmaz had interviewed leading PKK members on Kandil mountain. Editor Çeşmecioğlu said that no crime had taken place and that the articles were journalistic. He added that they had not spread PKK propaganda but had talked to individuals whom they believed to be able to have a possible effect on a solution. The court is trying Tahmaz, Birgün license holder **Bülent Yılmaz** and Çeşmecioğlu for "publishing PKK statements" in the article entitled "Unilateral ceasefire increases problem", published on 9 August 2008. The court case continues on 15 September.

On 10 June, **Veysi Sarısözen**, journalist for the **Günlük** newspaper, and the newspaper's license holder **Ziya Çiçekçi** appeared in the Istanbul 12th High Criminal Court for the first hearing of a trial in which they are accused of "spreading propaganda for the PKK". The court case is dealing with an article entitled "We do not spread organisational propaganda, the people do", published on 6 February 2009. Under Article 7/2 of the Anti-Terrorism Law, the two journalists face up to 7.5 years imprisonment. The court had told Çiçekçi that it would drop the case if he paid 20,000 TL in fines, the equivalent of 1,000 days of legal fines within ten days, but that the case would continue otherwise.