

BİA MEDIA MONITORING 2009 / JANUARY – FEBRUARY - MARCH

According to the first quarterly BİA Media Monitoring Report of 2009, a total of 110 people, 60 of them journalists, were tried in 70 trials concerning freedom of expression.

Under seven headings, the report writes about a total of 295 people who are being tried or struggling for freedom of expression: "Attacks and threats", "Detentions and arrests", "Trials and attempts", "Seeking legal redress", "European Court of Human Rights", "Reactions to censorship" and "RTÜK penalties".

While the report is unlikely to be complete, it aims at showing the variety and intensity of the attacks that press freedom and freedom of expression face.

Attacks and Threats

Fırat Akyol, TV reporter for the local Tempo channel in Giresun, was attacked in front of the district building of the AKP, which lost the local municipal elections. It was alleged that the attackers were party members. Akyol was reporting to the TV channel by phone about the mood at different party headquarters when he was hit in his face and on his head. He was taken to hospital. He said that he had been attacked by a big group of people, and that AKP mayor Hurşit Yüksel's official driver Alpaslan had said "Stop, don't do it" just before he was beaten. Police officers and some AKP members made efforts to protect him.

The second indictment of the Ergenekon trial, accepted by the Istanbul 13th High Criminal Court on 25 March, writes about the notebook of suspect Yüksel Dilsiz, in which, on page 167, is a list of handwritten names: "Doğan Güreş, Hüseyin Kıvrıkoğlu, Hrant Dink, B...G Aydın Doğan, former Air Forces Commander, Veli Küçük, K and =R". The indictment says that Dilsiz wrote the notes as part of the organisation's actions and that the list contains names of "Chiefs of staff, a murdered journalist, force commanders, businessmen and members of the Ergenekon terrorist organisation." The indictment writes about defendant Levent Temiz that he took part in a protest meeting organised by the nationalist Great Lawyers' Union at the Beyoğlu court on 21 September 2006, on "the threat of military occupation and splintering due to the Global Great Middle East Project". At the meeting, threats were expressed against writers, including Hrant Dink. Temiz, the former district presidnet of the ultranationalist Ülkü Ocakları organisation in Üsküdar, had shouted during a protest in front of Dink's Agos newspaper on 26 February 2004: "Hrant Dink, from now on you are the target of all our anger and hatred." Several other defendants are named in relation to Hrant Dink.

Kanal D reporter İbrahim Gündüz and Star TV reporter Özden Erkuş were attacked at the Atatürk Sportshall in Ankara when they wanted to cover a meeting by the trade union of municipal and general services workers (Belediye-İş) on 25 March. The journalists said they had been targeted by a group of people loyal to Melih Gökçek, then mayor of Metropolitan Ankara and AKP candidate for the same post again. The reporters said that while they had tried to argue with a person telling them to leave, 15 to 20 people walked over to them and, beating them, threw them out of the building.

On 24 March, writer Latife Tekin was assaulted by several people at a panel organised by the Gümüşlük Environment and Education Foundation in the Bodrum district of Muğla. Tekin wanted to ask a question about the nationalisation of land in relation to excavations in Myndos, but some people tried to get her thrown out of the discussion. According to Berrin Esin Kaya, spokesperson of the Aegean Environment and Culture Platform (ECEÇEP), Tekin's "crime" was "to feel responsibility for the antique city of Myndos, that is, our cultural heritage. Just like those who support the protection of Allianoi and Hasankeyf, she has become the target of profit makers."

On 23 March, the Turkey Journalists' Society (TGC) condemned an utterance made by Metropolitan Ankara mayor Melih Gökçek during an election campaign speech. Referring to two well-known journalists, he had said, "After the elections, I swear, I will make Mehmet Ali Birand and Uğur Dündar uncomfortable in Turkey." The TGC expressed its worry at the accusations against media organs and journalists, which recently had turned into threats. Ahmet Abakay of the Contemporary Journalists' Association (ÇGD) called on prosecutors to act in the face of this "petty crime". Uğur Dündar, Star News Group president, said that he had been threatened openly. He said, "If anything happens to me, Melih Gökçek is responsible."

Show TV reporters Ediz Alıç and Rengin Gültekin, as well as cameraman Kadir Puslu, were attacked by a group when they tried to cover a protest by the Democratic Society Party (DTP) in Adana's Dağlıoğlu neighbourhood. Their cameras were broken and they were treated in hospital. They underwent a forensic medical examination and filed complaints against the assailants. The Çukurova Journalists' Society condemned the attacks.

It has been claimed that Mersin MP Prof. Dr. Akif Akkuş of the Nationalist Movement Party (MHP) called Cemal Dolaşmaz, president of the Tarsus Journalists' Society and the editor of the Tarsus Merhaba newspaper, and threatened him. It is said that Akkuş called Dolaşmaz after the publication of a column on 23 February 2009 and said: "Your surname is Dolaşmaz [meaning 'does not stroll around'], and I will make sure you cannot walk around Tarsus." The journalist filed a criminal complaint.

At the eighth hearing of the Hrant Dink murder trial on 26 January, three detained defendants were released: Tuncay Uzundal, Mustafa Öztürk and Zeynel Abidin Yavuz. The next hearing was set for 20 April.

On 17 February, the Trabzon 2nd High Criminal Court decided that Gendarmerie Regiment Commander Colonel Ali Öz and five other officers, accused of negligence in not preventing the murder of journalist Hrant Dink despite being warned that his life was in danger, should be tried not at a High Criminal Court but at a criminal court of peace. They will be tried not for "abusing their position" but for "negligence of duty". Judge Şevki Uluçam of the Trabzon 2nd Criminal Court of Peace had argued that there was a more serious crime involved and had sent the file to the 3rd Criminal Court of Peace, which had rejected the argument. On objection, the file had come to the 2nd High Criminal Court.

On the anniversary of PKK leader Abdullah Öcalan's capture, reporters Meral Özdemir (Anadolu Ajansı), Mahmut Bozarlan (NTV) and Mehmet Emek (Habertürk) were attacked when covering protests in Diyarbakır in the middle of February.

Diya Yarayan, owner of the local Birlik newspaper in Siirt, was seriously wounded after being attacked by four people with face masks and sticks in front of his home in the night of 17 February. His wife said that he was beaten severely and then left lying in the street. He was initially kept in the intensive care unit. She believes that he was attacked for his journalistic activities. The journalist believes that Siirt mayor Mervan Gül is responsible: "When he was not put forward as candidate again, he took his revenge like this, I believe." He asked for support for his independent line of reporting. Reportedly, Gül's press advisor Diyaddin Temiz rejected the accusations, expressing the good relations the mayor had with the press and their shock at the attack.

Lawyers filed a criminal complaint against the state TRT 1 channel and a production company for a documentary in which Ökkeş Şendiller, accused by some of being a planner of the Maraş massacre in 1979, was allowed to show murdered Turkish-Armenian journalist Hrant Dink as the person responsible for the massacre. The programme, entitled "Labyrinths of Shaks" was broadcast on 24 December 2008. The lawyers submitted their complaint on 11 February, arguing that Dink was accused without basis, insulted and defamed. The lawyers demand compensation from the TRT General Directorate, the production company making the film and Şendiller, a defendant in the Maraş massacre trial. Şendiller said, "There was no conflict between Alevis and Sunnis. There were leftist organisations founded by Hrant Dink and his friends who were involved. Hrant Dink and his friends' organisations did these things. Anyway, how were the bodies of 6-7 uncircumcised men who died there related to Alevis and Sunnis?" The Haber-Sen trade union condemned the words, and demanded that TRT general director İbrahim Şahin apologise.

Following the report of the Prime Ministerial Review Committee, the Ministry of the Interior decided to reopen the examination into Trabzon police chief Ramazan Akyürek and Ali Fuat Yılmazer, then intelligence branch director in relation to Hrant Dink's murder. Deniz Tuna, joint attorney in the murder trial, said that lawyers were not being informed of administrative procedures and only found out about issues when writing letters to the ministry. She warned that if the joint attorneys were again not involved, a reexamination would not find anything new.

A group of around 15 people entered the office of the Bizim Kocaeli newspaper and vandalised the office in reaction to a news item entitled "Shooting in Suadiye". The attackers overturned furniture, threw chairs, broke windows and doors and then disappeared. The police started an investigation and identified the attackers with security camera recordings. The assailants were taken to court on 2 February. Editor İlker Akşit said that their dissident publications sometimes met with such attacks. "We then file our complaints. But we have heard that the prosecution released the last attackers."

On 30 January, some AKP supporters attacked journalists when Prime Minister Erdoğan opened a new subway station in Istanbul. Following his criticism of the media, the crowd shouted, "Say shoot, we will shoot. Say die, we will die." Some of them then punched the journalists present, others threw the sticks of their flags at them. Around 70 journalists faced such attacks. Oktay Ekşi, president of the Press Council and editor for the Hürriyet newspaper condemned the attack and said that the PM's hostile attitude had caused the attack.

The G-9 platform of journalistic organisations has condemned the call of PM Erdoğan to boycott certain media institutions, saying that it was "inacceptable to target newspapers, journalists and readers." On 27 January, Erdoğan had said, "What happens is different from what they write and say. They say the same at meetings in Brussels, that we censor the media. No, we don't censor the media, that is not true. But I say, let's use some civil initiative. What does that mean? I say, let's start a campaign against the media that publishes lies. That is all I say. Why do you pay money for lies?"

On 26 January, the Istanbul 14th High Criminal Court decided that lawyer Fuat Turgut, himself a defendant in the Ergenekon trial, who, in the Hrant Dink murder case, had handed out an article insulting joint attorneys, Dink, and intellectuals calling for justice, and containing racist expressions, would no longer be permitted to represent defendants in the case. Turgut was detained on 22 January 2008, arrested, and later released.

On 20 January, PM Erdoğan, referring to the suicide of retired Gendarmerie Colonel Abdülkerim Kırca, accused "some institutions, individuals and even columnists" of "extrajudicial executions". Orhan Erinc, president of the Turkey Journalists' Society, reminded the PM that he had styled himself as the "prosecutor" of the Ergenekon trial previously. Ahmet Abakay, president of the Contemporary Journalists' Association, also accused the PM of interfering with the judiciary.

On 19 January, the second anniversary of the death of journalist Hrant Dink, family members, friends and supporters gathered at his grave to commemorate him. London-based Amnesty International said that the truth about the involvement of security forces in his death was emerging. The organisation also said, however, that there was no progress in the investigation of security forces. Around 10,000 people gathered in front of the Agos newspaper office where he was killed, and shouted slogans calling for justice.

Mehmet Elkatmış, former president of the committee investigating Susurluk, the case of a car accident that brought to light relations between politics, mafia and the "deep state", was threatened with a note reading "Shut up" found in his office in Ankara. Elkatmış, a former AKP MP and former president of the Parliamentary Human Rights Committee, confirmed that unknown persons had left such a message in his office on 19 January, but did not go into details. The police started an investigation.

On 13 January, Burhan Yazar, Metropolitan Ankara Roadworks Coordinator, attacked Channel D reporter Gamze Dondurmacı and cameraman Doğan Durak when they filmed him ordering the tarring of the road in front of his home. In another case, a group of 10-12 people attacked Neşet Öner, owner of the local Bursa Gündem newspaper, as well as editor Şükrü Öner and columnist Orhan Kaplan. The Turkey Journalists' Society condemned both attacks and called on politicians to stop targeting journalists. The society emphasised that brute force would never stop journalists from doing their jobs.

Ergin Cinmen, a Dink family lawyer, referred to the fact that Ergenekon suspect Ersin Gönenci, convicted murderer of priest Andrea Santoro Oğuzhan Akdin and Dink murder suspect Ogün Samast had all had photos with Turkish flags taken: "They are all products of the Turkish-Islamic synthesis which has been sown in Turkey for years." Cinmen said that the murders of Dink, Santoro and the three Christian men in Malatya were all based on the same

mindset as Ergenekon. Gönenci, who had been arrested for being in contact with former special team member İbrahim Şahin, is alleged to have planned the assassination of an Armenian citizen in Sivas.

On 8 January, lawyer Erdal Doğan said that he was being threatened with death by fellow lawyer İlhami Yelekçi after speaking on TV about the campaign to apologise to Armenians. Doğan filed a criminal complaint against Yelekçi, saying that the latter called him after he spoke on Ülke TV on 18 April 2008 and threatened him. Doğan is the last in a long line of people who have been threatened for expressing their opinions, among them Nobel prize winner and writer Orhan Pamuk, former members of the Prime Ministerial Human Rights Advisory Board Prof. Dr. Baskın Oran and Prof. Dr. İbrahim Kaboğlu, employers of the weekly Agos newspaper, Istanbul Özgür Radio, singer Ferhat Tunç, lawyer and human rights activist Eren Keskin, and publisher Necati Abay.

Detentions and Arrests

At the Ergenekon trial which began at the Istanbul 13th High Criminal Court on 20 October 2008, 86 defendants, 41 of them detained, are being tried. Among them are journalists, such as Cumhuriyet newspaper license holder İlhan Selçuk, Vedat Yenerer, Güler Kömürcü, Ferit İlsever (broadcasting director of the Ulusal TV channel), Serhat Bolluk (editor of the Aydınlik magazine) and Adnan Akfırat and writer Ergün Poyraz.

İlhan Selçuk stands accused of "forming and leading the Ergenekon armed terrorist organisation", "attempting to forcibly remove the government" and "inciting armed rebellion against the government". He faces two life sentences and between 217 and 500 years imprisonment. Selçuk was taken from his home early in the morning on 21 March and into custody, questioned at the anti-terrorism branch of the Istanbul police and later released to be tried without detention. Yenerer, Kömürcü and Akfırat face up to 15 years imprisonment for "membership in an armed terrorist organisation", İlsever and Bolluk face up to 35 years for "membership in an armed terrorist organisation" and "incitement to armed rebellion against the government". The Ergenekon indictment draws connections between the organisation and the murder of priest Andrea Santoro (5 February 2006), the bomb attacks on the Cumhuriyet newspaper office (5-10 and 11 May 2006), the attack on the State Council in Ankara (17 March 2006) and the murder of journalist Hrant Dink (19 January 2007). The 2,455-page indictment was written on 10 July 2008 says that "when all the activities are considered as a whole, they can be seen as attempting to create civil war, anarchy, terror and chaos in the country in order to make it necessary for the army to intervene."

On 25 March, the Istanbul 13th High Criminal Court accepted a 1,909-page second indictment in the Ergenekon case. Retired Generals Hurşit Tolon and Şener Eruygur (the latter the president of the Atatürk Thought Association) are accused of "leadership of the Ergenekon organisation and attempting military coups". They face up to 1,047 years prison sentences and 14 life sentences. Cumhuriyet newspaper's Ankara representative Mustafa Balbay, Tercüman newspaper editor Ufuk Büyükçelebi, and journalists Tuncay Özkan, Erol Mütercimler and Merdan Yanardağ (the latter two not detained) are all on trial for membership in the organisation. Büyükçelebi, Aygün, Eruygur and Tolon were taken into custody on 1 July 2008 and later arrested. Aygün was released upon objection to the

detention, and Balbay was also released. However, Balbay was later arrested a second time, on 6 March 2009. The court case pertaining to the second indictment will begin on 20 July.

Writer Murat Coşkun was released from prison at the end of March, after serving a one year 15 day prison sentence for "inciting hatred and hostility" in his book "Woman, the language of pain", published by Peri Publications in January 2002. He had been sent to prison on 22 August 2008. Already in prison in Bursa for alleged PKK membership, Coşkun was questioned for the trial from prison. When he was released from there, he returned to his family in Adana. When the Istanbul 12th High Criminal Court handed down the sentence in relation to the book, he was arrested and taken to Adana Kürkçüler Prison. While his release was expected in December 2008, he was penalised with three more months for taking part in a hunger strike to protest against the execution of journalists in Iran.

Mehmet Ali Varış, technical manager at Belge Publications and responsible for the Uzun Yürüyüş (Long March) magazine, was arrested on 30 October 2008 for an article in memory of İbrahim Kaypakkaya, a young communist leader who died in Diyarbakır prison. He was released from prison on 26 March after serving his sentence. Varış had been unaware that a 20,000 YTL fine had been handed down for violation of the Anti-Terrorism Law, as the court decision had been sent to the former address of the publishers (despite them having notified officials of the new address). He was thus unable to appeal against the fine. Varış was arrested during a random ID control in central Istanbul, arrested for not paying the fine and sent to prison.

Erdal Güler, owner and editor of the Devrimci Demokrasi (Revolutionary Democracy) newspaper, has been in prison ever since he was taken into custody on 26 December 2007. He faces more than 30 trials for "spreading propaganda of the PKK and the Marxist Communist Party". The Istanbul 11th High Criminal Court sentenced him to a total of 21 months imprisonment, and he has also been given 60,000 TL in fines. Güler's lawyer Ümit Hanbayat has asked for Güler to be taken to a prison closer to Istanbul so that he can attend the hearings more easily (he is currently in Amasya prison), but there has been no change. Güler hopes to be released on 11 December 2009, but as there are still outstanding trials, this may not happen.

Abdurrahman Gök, reporter for the DİHA agency, was questioned at the Siirt police for two days and then arrested for "spreading PKK propaganda" and taken to a prison in Siirt. Devrim Gökteş, responsible editor at DİHA, condemned the arrest and called for the release of Gök. He called on press organisations and the public to react to "this unfair and illegal practice". DTP politician Selahattin Demirtaş also blamed the Siirt governor's office and the police for the arrest, saying that the "Ergenekon deep state" was continuing in Siirt. The statement was supported by Muharrem Erbey, deputy president of the Human Rights Association (İHD) and lawyer for the Diyarbakır branch, Abdullah Karahan, spokesperson for the KESK trade union confederation, Seher Akçınar, branch president of the MAZLUMDER association for human rights and solidarity with the oppressed, Ali Öncü, spokesperson for the Diyarbakır Democracy Platform, Mehmet Emin Aktar, president of the Diyarbakır Bar Association, Sezgin Tanrikulu, lawyer for the Turkey Human Rights Foundation (TİHV), Faruk Balıkçı, president of the Southeast Journalists' Society (GGC), Ahmet Birsin, broadcasting coordinator for Gün TV, employees of the Azadiya Welat newspaper and DTP province leaders. Gökteş said that four DİHA reporters were in prison and said that Gök had been arrested after coming

from Ankara to report on Newroz activities. He added that those working Siirt were often threatened by police, and that Gök was threatened and beaten by the police. He added that they had applied to the İHD Siirt branch and filed a criminal complaint with the Siirt prosecution

Ali Buluş and Mehmet Karaaslan, taken into custody and later arrested after a police raid on the Mersin office of the Gündem newspaper on 19 April 2007, have been convicted of PKK membership. Their files have been sent to the Supreme Court of Appeals. It is not clear yet whether their arrests are due to journalistic activities.

Faysal Tunç, a reporter for the Dicle News Agency (DİHA), was taken into custody during an ID control on the outside of Eruh, a district town in Siirt, on 5 April 2007. On the same day, reporter Behdin Tunç, was taken into custody at a checkpoint in Idil, when returning from Ömerli village to Şırnak, after reporting on a march to the natal village of Abdullah Öcalan. He has been sentenced for "knowingly and willingly aiding the PKK organisation" by the Diyarbakır 5th High Criminal Court. The reporters are in prison in Diyarbakır. Haydar Haykır, a reporter for the same agency, who was taken into custody in the Cizre district of Şırnak, was arrested on 12 January 2008 and sent to Batman H-type prison.

On 10 March, the Güneş agency, which provides technical support for the Atılım newspaper, was searched by the police. Figen Yüksekdağ, editor of the newspaper, was taken into custody and later released.

On 5 March, Cumhuriyet newspaper's Ankara representative Mustafa Balbay and Toplumsal Haber (Social News) website writer Neriman Aydın were arrested as part of the investigation into the Ergenekon organisation. They were taken from Ankara to Istanbul to make a statement and then taken to prison. They are said to be accused of "an armed attempt to change the constitution". Orhan Erinc, president of the Turkey Journalists' Society (TGC) expressed his sadness at the arrests but said that it was impossible to make comments on the court decision. He called for a speedy preparation of indictments and a quick beginning to the court case. He emphasised the problematic attitude of politics towards the media in recent days, saying that journalists were being impeded. Cumhuriyet newspaper journalist Hikmet Çetinkaya pointed out in a TV interview that Balbay had a permanent address and that he could thus not understand the need to arrest him. He added, "What was in Balbay's home or study? books, documents and newspaper cuttings. He had neither guns nor bombs buried in the ground. Balbay is a Republican, a Kemalist, a liberal, a nationalist. If that is a crime, then I don't know." Ahmet Abakay, president of the Contemporary Journalists' Society (ÇGD) said that the arrests could give the impression of attempting to intimidate journalists or dissidents. Ercan İpekçi, president of the Turkey Journalists' Trade Union (TGS) said, "Our colleagues are being harmed by being portrayed as connected to gangs to which we believe they have no connections."

After being held in custody for three days, İzmir Demokrat Radio broadcasting coordinator Nadiye Gürbüz and former employee for the Özgür (Free) Radio Mine Özalp were arrested by the Istanbul Duty 12th High Criminal Court on 7 February. They had been taken into custody together with Özgür Radio advertising department employee Sinan Gerçek, accountant Metin Özalp and Hacı Çiçek on 4 February. While Gerçek and Metin Özalp were released, the prosecution demanded the arrest of the other three. Çiçek was released pending trial. On 5

February, İsmınaz Ergün, employee for the Demokrat Radio news centre arranged a press briefing, in which she criticised the police search carried out as part of the operation against the Marxist Leninist Communist Party (MLKP) as illegal, as they were not allowed to have lawyers present.

Özgür Radio broadcasting editor Füsun Erdoğan, weekly Atılım newspaper editor-in-chief İbrahim Çiçek and editor Sedat Şenoğlu, as well as 20 others have been under arrest since September 2006, when operations against the MLKP took place. Their court case continued on 20 February. At the hearing at the Istanbul 10th High Criminal Court, Erdoğan protested against the detentions at Özgür Radio. Emphasising that she was a journalist, she demanded to be released. Çiçek, Arif Çelebi, Naci Güner and Seyfi Polat also demanded to be released. The court decided to release Bilgi Tağaç and Soner Çiçek. On 24 October 2008, the court had released Hatice Bolat because of health problems. On 5-6 June 2008 three others had been released.

Of the 24 people taken into custody on 23 May 2008 for organising a caricature exhibition entitled "Common Enemy is America" at the Sivas branch of the educational trade union Eğitim Sen, students İlker Ekiz, İbrahim Karataş, Mustafa Doğan, Elbil Çınar and one more are still being held in Sivas prison. Their file is confidential. Four demands for their release have been rejected. Taylan Tanay, lawyer and member of the Istanbul branch of the Contemporary Lawyers' Association (ÇHD) said that the arrests had come after attacks at the university and democratic group protests at the attacks. The five people are accused of "opening a caricaturist exhibition", "reading the Tavır magazine" and "being a member of the Youth Federation". A court case has yet to be opened.

Press Freedom and Freedom of Expression Court Cases

Milliyet newspaper reporter Gökçer Tahincioğlu and Vatan newspaper reporter Kemal Göktaş were acquitted on 31 March after having reported on the "general monitoring permission" given to the police, the secret service (MİT) and the gendarmerie by the Ankara 11th High Criminal Court. They had been on trial at the Istanbul 9th High Criminal Court since 16 October 2008, accused of "obtaining banned information" and "turning public employees engaged in anti-terrorism activities into targets". They faced up to three years imprisonment. The two reporters received the Press Freedom Prize of the Turkey Journalists' Society (TGC) on 24 July 2008 and the Metin Göktepe Journalism Prize on 10 April. Göktaş expressed his pleasure at the acquittal but added that even the fact that an investigation was allowed was a "serious threat to press freedom". The news item had appeared in the Vatan newspaper on 1 June 2008, entitled "A Document to Shake Turkey". It said that the police had taken legal steps to obtain phone communication details of all companies served by Telekom between 25 January and 25 April 2007. The Ankara court had permitted the request. Tahincioğlu had also reported on the case in an article entitled "Objection to monitoring" in the Milliyet newspaper on 2 June 2008.

Writer Nedim Gürsel is again on trial for his novel "Allah's Daughters". While the Şişli 2nd Criminal Court of First Instance had dropped a case against him before, he is now being tried for "denigrating the religious values held by a section of society". The trial is a result of the objection against the first dismissal of proceedings. A. Emre Bulağılı, who had filed a

complaint on 25 April 2008, was accepted as a complainant. The trial, which began on 29 December 2008, will continue on 5 May.

Bedri Adanır, editor of the Ülkeye Barış (Peace to the Country) newspaper, has been sentenced to three years and two months imprisonment for "PKK propaganda" for photos and articles published in the newspaper. The sentence was handed down by the Diyarbakır High Criminal Court on 19 March. The editor was held responsible for published items in the weekly newspaper's 12 October 2008 and 18-24 October 2008 issues. Adanır demanded to be acquitted, saying that the items had been published as news and not propaganda. The sentence has been appealed against. The relevant articles were entitled "With permission, opportunity for solution may be missed", featuring pictures of Mustafa Karasu and other leading armed members of the PKK, "Başbuğ also wants to try his luck" with a picture and statement by Duran Kalkan underneath, "Women creating news networks", with statements of the PKK's women's branch PAJK'S 7th congress, pictures of female PK members, "End of hunger strike after 47 days", announcing a hunger strike of PKK members in Iran, and "KCK: Bezele was legitimate defense", featuring statements by the PKK and describing Abdullah Öcalan as "Leader Apo". In addition, the indictment of 24 November 2008 also listed the articles "They attacked Öcalan in Imralı, they are playing with fire, they poisoned Öclaan, the votes given to the AKP are going to war" and "Democratic means are the only solution" with a statement and photograph of Murat Karayılan, "While the state is increasing violence in the Kurdish question, Öcalan has suggested another solution. Let us solve the problem this winter", "Address and contact for solution clear", "PKK's steps for solution", "Here is the urgent solution action plan" and "Solution suggestions from Öcalan", all published in the 18 October 2008 issue.

Mustafa Koyuncu, editor of the local Afyonkarahisar Emirdağ newspaper, was imprisoned for a time after accusing the police of prostitution, beatings and insults in an article entitled "Were we supposed to enter the EU like this? They are abusing their positions" on 12 March 2007. He now faces up to six years imprisonment and the payment of 440,000 TL compensation. At the Emirdağ Criminal Court of First Instance, three witnesses confirmed the accusations in the article. The criminal case continued on 17 March, while the compensation case will continue in June. Koyuncu was arrested on 13 March 2007 for publishing insults in the media. He was released a week later, under the condition that he publish a confutation.

The Istanbul 9th High Criminal Court is trying Alternatif newspaper owner Cevat Düşün and editor Ragıp Zarakolu for "spreading propaganda for a terrorist organisation", "praising a crime and a criminal" and "alienating the public from military service". The indictment of 23 September 2008 cites the newspaper issues of 16 and 17 August 2008, where an article by conscientious objector Mehmet Ali Avcı, entitled "I refuse to be a Turkish soldier" was published. Other articles include "The first bullet must be discussed", in which the PKK is described as "an organisation struggling for the freedom of the Kurdish people" and Öcalan as "Kurdish people's leader". Celebrations on 15 August in the Southeast were described in an article entitled "Fireworks celebrations everywhere" and a speech by a DTP MP in the province of Ağrı was reported on in an article entitled "If there is no political solution, Kurds will turn towards the mountains".

Taraf newspaper reporter Soner Arıkanoğlu was taken into custody on 27 March 2008 for reporting that a layout plan of the State Council had been found during a search of the

headquarters of the Workers' Party (İP) as part of the Ergenekon investigation. On 24 March 2008, the journalist published an article headed "Suspicious State Council Plan at IP" and "They were going to attack the State Council". Arıkanoğlu is now on trial for "slander" (Article 267 of Turkish Penal Code), "attempt to influence judicial process (Article 288) and "violating secrecy (Article 285) at the Kadıköy 2nd Criminal Court of First Instance. The court case will continue on 29 May. The journalist also faces a second similar trial.

Police officer **Muhittin Zenit** filed a lawsuit for damages against **bianet.org** for reporting the telephone conversation between Zenit and **Erhan Tuncel** about **Hrant Dink's** murder. Tuncel is on trial for instigating the murder of Hrant Dink. Zenit is suing bianet.org for the news reports appeared on the site on September 30, 2007 under the title "Vurulacak Şekil Belliydi" (How he was going to be shot was known) and on April 28, 2008 under the title "Dink Cinayetinde Yeni Kanıt: Muhsin Başkan'la Yasin Konusunda Görüşeceğiz" (New evidence in Dink's murder: We will converse with President Muhsin about Yasin). The amount Zenit is asking for damages is 25,000 YTL (about 12,500 Euro). Zenit appears in these news reports as telling Tuncel during a phone conversation that "What, they shot him from the head... This is the only difference. He was not going to run away, but this one did." The court case began at the Ankara 25th Civil Court of First Instance on 12 November 2008. Judge Ömer Kızılkaya has decided to research the financial situation of Zenit and the IPS Communication Foundation. The source for the first news report that bianet is being sued for was Doğan News Agency (**DHA**) report by **Murat Utku** about one hour forty-seven minute long telephone conversation between police officer Zenit and one of the alleged conspirators of Dink's murder, Erhan Tuncel. While Zenit talks about the details of the murder and congratulates those who did it in the telephone conversation, Tuncel denies any responsibility for it. The source for the second news was **NTV** report by **Erdoğan Durna** about the same telephone conversation, but this time the topic was how Tuncel told Zenit that he would discuss the situation of **Yasin Hayal**, who is on trial as an instigator of the murder, with President of the Great Union Party (**BBP**) **Muhsin Yazıcıoğlu**. Here Tuncel addresses Yazıcıoğlu as "President Muhsin" and gives Zenit his program of the Trabzon visit. Zenit is suing the NTV, one of the major television channels in Turkey, and asking for 90000 YTL (about 45000 euro) in damages. The case is being heard by Ankara's 1st Civil Court of First Instance.

Former Radikal journalist Perihan Mağden criticised the video clip "Don't make a plan" in two articles. She has now been convicted of insulting songwriter Arif Şirin (also known as Ozan Arif) and singer İsmail Türüt in the media, and has been sentenced to paying legal fines of 3,480 TL (around 1,550 Euros). In September 2007, an investigation was started into the song "Don't make a plan", composed by Şirin and sung by Türüt. It is said to include references to and praise of the suspected murderers of journalist Hrant Dink, editor-in-chief of the weekly Agos newspaper. In addition, the song was put on the Internet website YouTube with a video clip about the murder. The Beykoz 2nd Criminal Court decreed that Mağden was guilty of insult when she criticised Türüt for praising the suspects in the murder of Hrant Dink and when she accused Arif of "fascism". The two cases ended with a sentence of 174 days imprisonment, converted to a 3,480 TL fine, on 12 March. Her lawyers took the sentence, which was not deferred, to the Supreme Court of Appeals. However, because the sentence in a case needs to be worth at least 2,000 TL in fines, and because there were two cases, there was a debate whether the lawyers could apply to the court. Finally, they tried to appeal with the two cases as one. The defence lawyer said in court that the articles as a whole did not represent insults, and that they were meant as criticisms. However, the court rejected

the plea for an acquittal. The articles, both published in the Radikal newspaper were: "Don't make a plan/Let a jackal eat his mother" (18 September 2007) and "Terribly Personal Article" (16 October 2007). Speaking to the Agos newspaper, Mağden accused the lawyers of the plaintiffs to have taken the case to the Beykoz court with the help of faked addresses of their clients. She added that the refusal of the court to merge the two cases meant that she had been prevented from appealing to the Supreme Court of Appeals. She added, "While the clip and song lyrics that honour the murderers of Hrant Dink are creating new murderers and encouraging people to commit murder, my conviction is exemplary. Just like Hrant Dink and his son were given unjust punishments, I have been punished for defending Hrant Dink. I am going to take the decree to the ECHR to set an example."

Caricaturist İbrahim Özdebak was on trial for having satirised Chief Public Prosecutor of the Supreme Court of Appeals Abdurrahman Yalçınkaya, who opened the closure case against the AKP, as a "cloaked owl". Özdebak was acquitted on 24 March at the Bakırköy 2nd Criminal Court of First Instance. The caricature was published in the Yeni Asya newspaper on 19 March 2008, and portrayed Yalçınkaya as stating "Huguk! Huguk! Huguk! Huguk!", a play on the word "Hukuk" (law) and the sound of an owl. The caricaturist was prosecuted under Article 125 of the Turkish Penal Code, accused of "insulting via the media".

Günlük daily columnist **Veysi Sarısözen** and managing director **Ziya Çiçekçi** will face court on allegations of "propaganda of terrorist organization," with regard to an article titled "We don't do propaganda, public does". Prosecutor **Hüseyin Ayar** claimed that the article published on February 6th, 2009, is a violation of Article 7/2 of the Counter Terrorism Law. If convicted, Sarısözen and Çiçekçi face up to 7,5 years in prison. First hearing of the case will be held on June 19th at Istanbul 12th High Criminal Court. This is the first case involving the newspaper, which only reached 65 editions so far. In his article, Sarısözen wrote, "We define the PKK [Kurdish rebel group] different than PM Erdoğan. We say that, in the Penal Code, PKK's actions should be regarded classified as the ban on uprising and armed organization to cause insurgence. Why would we make propaganda [of the PKK]? People do what they do. I never shouted or wrote Biji PKK [Long live PKK]. But I saw that in Diyarbakır, during the Newroz festivities one million people made propaganda against the Counter Terror Law". In the indictment, Ayar alleged that "the author makes propaganda by saying that the PKK is not regarded as a terrorist organization by the public and by himself; it's defined as a insurgent movement; that the people don't call terrorist those who the PM calls terrorists... and the suspect managing director has participated in this crime by publishing the article."

Journalist **Hakan Tahmaz**, Birgün daily manager **Bülent Yılmaz** and editorial manager **İbrahim Çeşmecioğlu** will face court for a published interview with Kurdish rebel group PKK's Murat Karayılan. In an indictment notified to the newspaper, public prosecutor Kadir Altınışık accuses them of publishing PKK statements and urges prison sentences. First hearing of the court will be held on April 30th, at the Istanbul 10th High Criminal Court. They face up to 3 years in prison if convicted. Previously, the paper's edition dated August 9, 2008 was confiscated for publishing the interview, titled "Unilateral Ceasefire Amplifies the Problem". During a four-page interview, it read "Karayılan, who met with Tahmaz in Kandil Mountain [PKK's base] in Northern Iraq, stated that people on streets no longer want to witness violence but they're determined to continue a 'legitimate defense war', in his words." Emphasizing, "they don't want to establish a separate state but react to the denial of the Kurdish solution", Karayılan said that the Democratic Society Party (**DTP**) is regarded as a

mid-tier but they want to pursue politics as PKK and this isn't in contradiction with the ongoing armed-struggle. Tahmaz and Çeşmecioğlu already testified before a prosecutor during the inquiry. On August 25, all three will once again give testimonies. During his testimony, Tahmaz rejected the allegations of "terrorist propaganda", saying he merely acted as a journalist and only relayed his observations to readers. They will be tried with Article 6/2 of the Counter Terrorism Law.

The Malatya 2nd Criminal Court of First Instance has sentenced Bülent Kutlutürk, owner of the Malatya Yenigün newspaper, and editor Fadime Akıncı to a suspended sentence of 1 year 3 months imprisonment each for "violating the secrecy of an investigation". They were convicted under Articles 285/1-3 and 53 of the Turkish Penal Code. The court decision was made public on 19 March. The two journalists published the statement a witness made to the police in a case of scrap metal corruption on 28 September 2007. Kutlutürk, the branch president of the Contemporary Journalists' Association (ÇGD) and Akıncı, a manager of the association, will be monitored for five years. The journalists appealed to the Malatya 1st High Criminal Court, but their appeal was rejected. The journalists argued that according to Article 11 of the Press Law, a newspaper's owner cannot be handed a prison sentence. Kutlutürk announced that they would appeal to the ECHR.

Mehmet Arslan, broadcasting editor of Radio Dünya, was acquitted on 17 March. He had been tried at the Adana 2nd Criminal Court of First Instance for "inciting hatred and hostility" by playing the Kurdish song "Keçe Kurdan" (Kurdish girl) in November 2007. Arslan pointed out that the song was sung by singer Aynur Doğan, whose cassettes were sold with the official stamp of the Ministry of Culture on them.

University students Ali Haydar Güneş, Esmâ Yavuz, Sabit Çiçek, Şahin Köseadağı, Nadide Toker, Ali Bozkına, Can Aydemir Sezer, Atilla Aka, Esra Sönmez and Nihal Samsun, who were facing two years imprisonment in a trial brought for saying "murderer state" and "war veterans of 19 December", were acquitted by the Eskişehir 2nd Criminal Court of Peace on 17 March. The Ministry of Justice had permitted their trial under Article 301, after they had protested against state operations in prisons on 19 December 2000, where many inmates died. The students had experienced lynching attempts and had been taken into police custody after the protests. They stood accused of "denigrating the state" and "praising a crime and criminals". The Ministry of Justice had also permitted the trial of writer Temel Demirer previously for calling the state a "murderer". Lawyers for the students said that going on hunger strike and calling the operations against prisoners a massacre were not crimes, and that supporting a hunger strike could not be called "praising a crime".

On 13 March, the Şişli 2nd Criminal Court of First Instance, which was trying journalists Ahmet Sami Belek and Şahin Bayar of the Günlük Evrensel newspaper for the article "Torture just in case" under Article 301, sent the file not to the Ministry of Justice but to the Constitutional Court. When the Istanbul gendarmerie province command filed a complaint against the article, which was published on 23 August 2007, prosecutor Muhittin Ayata had prepared an indictment on 4 October 2007. Judge Hakkı Yalçınkaya said that having to ask permission of the Ministry of Justice for continuing the trial seemed to him a violation of Articles 8 and 9/2 of the constitution. He therefore wrote to the Constitutional Court. The case continues on 14 April. The news article was based on the allegation of six youths who said they had been tortured systematically in Esenyurt gendarmerie station. Their lawyer, Baran

Doğan, said that his six clients had been taken into custody on 20 August 2007 for "preparing for a protest" and had been examined much later. His clients were not given copies of the reports and, so the lawyer, torture evidence was covered up.

Yakup Önal, writer for the local Şarköy Sesi newspaper, faces 25 years imprisonment, following the complaint of AKP mayor Can Gürsöy and two council members about his article entitled "Mayor Pinokyo and 9 dwarves", in which he criticised problems in Şarköy, Tekirdağ. The court case, in which the journalist is accused of "insulting via the media", continued on 11 March. An expert had evaluated the fairy tales as "news items if there is any truth in them". The case will continue on 3 June. The journalist began a series of articles on 20 July 2005, writing "Once upon a time, there was a mayor Pinokyo in a town called Şarkı, near the seaside. All of his decisions were unquestioningly accepted by nine dwarves." The journalist has been on trial for around 3 years.

The trial of six journalists who published articles on the death of 11-year-old Mizgin Özbek, who died after being shot from a security forces vehicle, continued at the Batman High Criminal Court on 10 March. Mustafa Kemal Çelik, owner of the Batman Postası, Batman Barış and Batman Vizyon newspapers, Aytekin Dal, editor of the Vizyon newspaper, Mehmet Sadık Aksöy, editor of the Barış newspaper and Mehmet Reşat Yiğiz, editor of the Çağdaş newspaper, and Nedim Arslan and Mustafa Seven of the Batman Petrol newspaper, are all being tried under Article 301 for "denigrating military forces". Their files have been sent to the Ministry of Justice. They have been acquitted of the accusation of attempting to influence a fair trial. On 16 September, defendants Batman Bar Association president Sedat Özevin and MAZLUMDER branch president Ahmet Sevim had been acquitted after being on trial for writing a report on the shooting. The Ministry had not given permission for their trial.

Abdurrahman Dilipak, journalist for the Anadolu'da Vakit newspaper, has been on trial for around five years for an article published in the 29 August-3 September 2003 issue, entitled "When the Generals Don't Listen". Dilipak was first tried at the 3rd Corps Command Military Court for damaging relations of hierarchy, and for using, via the media, insults that encouraged a disregard of duty towards superiors and commanders (Article 95/4 of the Military Penal Code). Following changes in the military penal code, it became unclear which civilian court should hear the case. Finally, the case continued at the Bakırköy Heavh Penal Court. Together with Dilipak, Mustafa Karahasanoğlu and three retired army officers are also on trial. The indictment demands between six months and three years imprisonment for the defendants. Dilipak is also on trial for an article entitled "Cloak and Turban", published on 13 September 2008 in the same newspaper. He is accused of "denigrating military forces in the press", under Article 301. He had written, "In visible places in their homes, they may hang up a green fez with a white turban around it, rather than their officer's hat. Remember how the Red Army was dispersed in one night...Society in Turkey has been frightenend and oppressed by briefings, killings by unknown perpetrators and systematic labelling...In order to create chaos, JİTEM worked in the east and NGOs in the west. The leader of the patriots said, 'We had 4,000 soldiers in plain clothes and no one realised.'"

Prime Minister Recep Tayyip Erdoğan continues to file for compensation from journalists, many of whom he attacked during the local election campaign prior to 29 March and defined as "partisan media", accusing them of attacking personal rights. He has recently filed for 10,000 TL compensation from Emin Çölaşan for comments during the "Ankara Rüzgarı"

programme broadcast on ART TV on 8 February and from Cüneyt Arcayürek for an article entitled "Those getting on an unknown horse get off again quickly", published in the Cumhuriyet newspaper on 6 February 2009. The AKP is demanding 10,000 TL from the Yeniçağ newspaper and 35,000 TL from the Ortadoğu newspaper. Erdoğan has gone to court for a total of 25,000 TL.

Minister of Justice Mehmet Ali Şahin did not grant permission for academics Prof. Dr. İbrahim Kaboğlu and Prof. Dr. Baskın Oran to be tried under Article 301 for suggesting the term "citizen of Turkey" (Türkiyeli) rather than "Turk" (Türk) in their Minority Rights and Cultural Rights Report. The two were the president and sub-committee president of the Human Rights Advisory Board. Oya Aydın, lawyer for the two academics, said that the Ministry had evaluated phrases in the report as acceptable criticism and within the limits of the freedom of expression. The Ministry also referred to Article 26 of the Turkish Constitution and Article 10 of the European Convention on Human Rights. Oran and Kaboğlu had been on trial for four years (without detention). It is expected that the court will now make a decision on 1 April. Kaboğlu and Oran said that Article 301 created crises in Turkey and limited personal freedom.

Yasin Yetişgen, editor of the weekly Çoban Ateşi (Shepherd's Fire) newspaper in Gaziantep, is still on trial for an article written by Berkan Coşkun, entitled "Mother, don't send me to the military" and published on 8 November 2007. Yetişgen faces accusations of "alienating the public from military service" and "insulting the memory of Atatürk". The case at the Gaziantep 2nd Criminal Court of First Instance will continue on 15 April. The court case began on 9 May 2008, and the prosecution is demanding 7.5 years imprisonment. Another court case related to the article "Antep and the Shepherd's Fire" published on 3 August 2007 continues, based on the expression "Antep is an industrial city in Northern Kurdistan". Journalist Hurşit Kaşıkçırmaz, for whom an arrest warrant has been issued, is being tried for "inciting hatred and hostility".

On 20 February, the Adıyaman 1st High Criminal Court accepted the demand of journalist Hacı Boğatekin for a new judge at the Gerger Criminal Court of First Instance. He argued that he had been arrested for no reason and was not receiving a fair trial under judge Ayşe Gül Şimşek. The file was thus transferred to the Kahta Criminal Court of First Instance. Because judge Abdullah Günakın was doing his military service, Şimşek had been hearing two cases of Boğatekin. The journalist had spent 109 under arrest in Kahta Cezaevi prison, after writing an article entitled "Feto and Apo", in which he criticised prosecutor Sadullah Ovacıklı, who had taken a statement from him, for being close to religious leader Fethullah Gülen. He stands accused of "attempting to influence the judiciary". Boğatekin rejected judge Şimşek on 5 February. He is now being tried without detention. His lawyers, Mustafa Köroğlu, Zeynel Fırat, Osman Süzen and Taylan Tanay, the latter from Istanbul's Contemporary Lawyers' Association (ÇHD), had withdrawn at the previous hearing in protest at what they said was an unfair trial.

Politician Mahmut Alnak has been sentenced to planting trees and looking after them for four months after being convicted of insulting PM Erdoğan. Alnak had said, "If he had an ounce of shame, he would not have come to Kars. We don't want Erdoğan, the enemy of freedom who has turned the lives of Turkish and Kurdish and all people into hell, in Kars. We protest against the air and soil of Kars being polluted by this blood politician." Alnak had first been

sentenced to 11 months 20 days imprisonment by the Kars 2nd Criminal Court of First Instance. According to Article 231 of the Criminal Procedure Code, he was released with the provision that he does not reoffend within the next five years, and was ordered to plant 500 trees in a designated area and look after them. The court decreed that the statement which Alnak had sent to the local media in Kars was insulting. Alnak will object to the decree at the Kars High Criminal Court within seven days. In his defence, he said, "According to the rules of a social state, the Prime Minister and their government are responsible even if a citizen hits their foot on a stone. The Prime Minister heads the government. Kars has gained the government two MPs, but the AKP has not done anything in Kars. It is our most natural right to criticise a Prime Minister who does not provide services. I had not intention of insulting, that is not in my nature, but rather of harsh criticism. The court case violates the freedom of expression and ECHR decisions." Last year, Alnak went to prison twice after refusing to pay administrative fines for calls to civil disobedience.

The Bursa 4th Criminal Court of Peace has sentenced four people for shouting slogans about the Prime Minister, Recep Tayyip Erdoğan. The defendants were handed deferred prison sentences of 11 months and 20 days. Another defendant, O.B., is being tried at a children's court, while there are nine others still being tried by the Criminal Court of Peace. Two highschool pupils, two teachers and an association member were put on trial for "insulting" the PM at a protest. Nine more are still on trial for a protest staged against the central university entrance exam (ÖSS) on 29 March 2008. According to the report of the Bursa police, a 40-strong group called the "Hope of the Highschool Youth" gathered last year and walked to a theater in Bursa. Two snare drums were played, placards were carried and slogans shouted. Radikal newspaper journalist İsmail Saymaz quotes the report as saying: "The crowd was shouting 'Pro-American, collaborator, first religious, now liberal, selling education' with a recurring chorus of 'Lightbulb Tayyip'. Then two people playing snare drums kept the rhythm, and the slogan 'You are a lightbulb, Tayyip, you are a lightbulb, Tayyip, you are a lightbulb, Tayyip' was shouted twice." The "lightbulb" refers to the symbol of the ruling Justice and Development Party (AKP). The group gathered in front of the theatre and frequently shouted slogans, such as "He is a pro-American, he is a collaborator, he is an IMF lackey, he is the enemy of the students, one, two, three, you are a lightbulb, Tayyip." and "Imam of the AKP, enemy of the students" and "jump, jump, AKP member who cannot jump". A megaphone was held by a highschool student, O.B., while a press statement was read by Berna Özlaşan, last year also a highschool student but now at university. The protest was also attended by teachers Hasan Özyaydın and Betül Öztürk, both leaders of the Bursa branch of the educational trade union Eğitim-Sen. Following the press statement, the group, shouting slogans, dispersed. Five months later, Özlaşan, Öztürk, Özyaydın and Battal were taken to trial on the charge of insulting Erdoğan, and O.B., who was under 18, was taken to Bursa Children's Court. Defence lawyers have argued that the slogans were satirical. They argued that in the past politician Mesut Yılmaz had been called "Bee Mesut" after the symbol for the Motherland Party (ANAP), and Deniz Baykal has been called "Six Arrow Deniz" after the logo of the Republican People's Party (CHP), and that these incidents had never been considered insults. At the second hearing of the case, the PM had filed his complaint, and on 27 February 2009 the sentences were handed down. Citing Article 125 of the Turkish Penal Code, the four defendants were given deferred sentences of 11 months and 20 days. The court argued that the slogans were a deliberate attempt to injure the respect and dignity of the Prime

Minister's public position. On 1 April 2008, the "lightbulb" slogan was also used at a protest organised by the DİSK and KESK trade union confederations. Nine people were put on trial at the 7th Criminal Court of Peace under the same article, and Erdoğan also filed a complaint. The case continued on 18 March.

"A man born in Turkey cannot have a duty to his fatherland just because he was born in Turkey. This is not only true for Turkey either. People are born naked, without sin, without debt, and most importantly, without guns. No institution has the right to take over the life of a free person for a definite or indefinite time." Mustafa Karayay said these words in a speech in Yüksel Street near Kızılay Square in Ankara on 10 October 2008, when he announced that he was a conscientious objector. He had criticised military service, saying, "Many young people were taken in the prime of their life and killed in the name of military service. How can anyone pay the rights these people had?" Karayay faced three years imprisonment for alienating the public from military service. At the first hearing on 1 April at the Ankara 1st Criminal Court of Peace, Karayay told the court that he had expressed his own opinion during the press release and that they should be evaluated within the framework of the freedom of expression. The court hearing was monitored by members of the Conscientious Objection Committee of Ankara's Human Rights Association (İHD). The court acquitted Karayay at the first hearing. The legal article in question, Article 318 of the Turkish Penal Code, came into effect on 1 June 2005: (1) Persons who give incentives or make suggestions or spread propaganda which will have the effect of discouraging people from performing military service shall be sentenced to imprisonment for a term of six months to two years. (2) If the act is committed through the medium of the press and media, the penalty shall be increased by half.

The 2nd Criminal Court of First Instance of Fatih, İstanbul declared lack of jurisdiction in the case against weekly Atılım, filed for the article it published article about past leftist revolutionaries Deniz Gezmiş, Mahir Çayan and İbrahim Kaypakkaya. Atılım is accused of "praising the crime and the criminal." The case that was filed for the article titled "İbo, Mahir, Deniz, together till victory" published in the agenda section of the newspaper has been sent to the High Criminal Court. The said case began today November 3. Gezmiş, Çayan and Kaypakkaya are still seen as criminals and charged with article 215 of the Turkish Penal Code (TCK) in the 40th anniversary of the 68 movement. In the indictment presented at the trial, Gezmiş, Çayan and Kaypakkaya, identified as the leaders of the Youth Movement of the 68 and 71, were described as "terrorists" and their activities as "terror activities". According to the article that brought the case, "They were remembered by the slogans that represented only one channel of the revolutionary movement of 71. Today, we need to claim the stars of 71 with a perspective that embraces all three channels and that learn from each of these channels. We need to adopt and go beyond their legacy by bringing up the advanced and criticizing the backward aspects of it. Therefore, we are not only claiming Deniz or Mahir or İbrahim, but all three of them. We see the revolutionary leap of 71, together with the Mustafa Suphis's Turkish Communist Party of 1920s, as our root, as our history. We will follow İbo, Mahir and Deniz till the victory."

On 26 February, the prosecution at the Diyarbakır 4th High Criminal Court demanded the punishment of Kurdish politician Leyla Zana for a speech she made at London's SOAS University. At a seminar held at the university on 24 May 2008, she had said, "What the brain and heart are for humans, PKK and Öcalan are for the Kurdish people. They created a new

life for the Kurdish people, so that a people which was ashamed of its own existence gained a spirit of freedom and resistance." Zana is being tried under Article 7/2 of the Anti-Terrorism Law and accused of spreading propaganda for the PKK. At the hearing on 26 February, Zana said that she did not remember whether she had referred to imprisoned PKK leader Abdullah Öcalan, but that her opinions were within the limits of the freedom of expression. She demanded her acquittal. The prosecutor read her words from the transcript of the Kurdish Roj TV channel that had been sent to court by the police. Zana was one of several politicians arrested in 1994 for adding a Kurdish oath to their swearing-in in parliament. They were released in 2004.

The court case of Metropolitan Diyarbakır Mayor Osman Baydemir and DTP province chair Nejdet Atalay, who are on trial for describing PKK members as "guerillas", will continue on 21 April. Because of the local elections, the defendants have been given time to prepare their defence. They are being tried under Article 7/2 of the Anti-Terrorism Law and face up to five years imprisonment. The politicians had read out a press statement on 25 February 2008, protesting against the ground invasion of Northern Iraq by Turkish Armed Forces. Baydemir said in his defence, "When I made that speech, my aim was to express my hopes and expectations for an end to the pain in the country, and to criticise. I did not intend to commit a crime. As a sensitive citizen, I expressed the sorrow I felt for the deaths of police, soldiers, civilians and guerillas." Atalay said that the speech was not made with criminal intent, but "to show that the events and the blood flowing in the region for 30 years cannot be solved in the way the government thinks they can." Baydemir is also on trial for Kurdish language content on the municipal website's monthly Metrepor Bulletin. The Diyarbakır 3rd Criminal Court of First Instance is trying him for "violating the Law on the Wearing of Hats and the Turkish Alphabet". He is further on trial in another case, accused of abusing his position.

The trial of journalist Yalçın Ergüdoğan of the Birgün newspaper continues, with both demands for imprisonment and compensation. Haydar Baş, president of the Independent Turkey Party and head of Kadiri religious order, had filed a lawsuit against Ergüdoğan for attacking his personal rights through the abovementioned news article published on April 26, 2005 and asked for compensation in the amount of 5000 YTL (about 2500 Euro). Although there was a trial process for the same article with three-year prison sentence demand, which had a scheduled hearing on September 18, Beyoğlu's 4th Criminal Court of Peace in Istanbul had already fined the author 1500 YTL (about 750 Euro).. The Legal Chamber of the Supreme Court of Appeals reversed the decision on the grounds that the trial process had not been completed. Therefore, Ergüdoğan's case continues at Beyoğlu's 4th Civil Court of Peace, while the criminal court case continues at the Beyoğlu 2nd Criminal Court of First Instance. The writer had said the following right before his sentence: "Now, is it not news to publish in an internet site (The Real Face of Haydar Baş) that the disciples of Haydar Baş, who is president of a political party, left him and why they left. It is with the publishing of this news that the subject was brought to public's attention and a Republican People's Party deputy had brought it to the Parliament's agenda." The journalist is further on trial at the Istanbul 7th Civil Court of First Instance, facing a demand for 20,000 YTL compensation, and at the Criminal Court of Peace, with 5,000 TL demanded.

A court case against Vakıf newspaper owner Nuri Aykon, editor Harun Aksoy and former RTÜK member Mehmet Doğan brought by 312 generals, including four former force commanders, continues at the Ankara 20th Civil Court of First Instance. The soldiers are

demanding compensation. The Supreme Court of Appeal's 4th Legal Chamber had overruled the court's handing down of a 1 million TL compensation punishment because it was not clear whether the article in question, published on 25 August 2003 under the pen name Asım Yenihaber, was sent to the newspaper by Mehmet Doğan, whose IP address had been identified.

The Ministry of Justice has granted permission for the trial of Hakan Taştan and Turan Topal under Article 301.