

BİA MEDIA MONITORING 2012 / ANNUAL REPORT

68 journalists and 27* distributors welcomed the year 2013 in prison. All are imprisoned for connections with a ‘terrorist organisation’ within the scope of the Anti-Terror Law (TMK) and the Turkish Penal Code (TCK). Forty-nine out of 68 journalists and all 27 distributors are from the Kurdish media.

These journalists and distributors are generally being accused with “creating a media for the illegal organisation.” Ordinary journalism activities - such as “following news,” “criticizing the government,” and “working for the Kurdish media,” – are, in general, being considered and defined as offenses.

Among alleged offenses are, "committing an offense on behalf of the group, without being a member of that group" and/or "knowingly and willingly assisting a group although not being in the hierarchical structure of the group." Some journalists are on trial for "setting up an armed or unarmed group," "motivating and commanding it," or "being a member of it." The courts have already delivered verdicts in some of these trials.

Journalist Murders / Trials

The Hrant Dink murder

Application to the Council of Europe: The Dink family applied to the Committee of Ministers of the Council of Europe, which supervises the European Court of Human Rights (ECHR) decisions. In its application, the Dink family argued that the real perpetrators of the murder have not been penalised. Hrant Dink was killed in front of the Agos newspaper on 19 January 2007 in the Şişli district of İstanbul (6 December).

The Prosecutor was changed: The Supreme Board of Judges and Prosecutors (HSYK) appointed Hikmet Usta, who was the trial prosecutor of the Hrant Dink trial, as the Bakırköy Deputy Chief Public Prosecutor (3 December). Within the framework of the appeals process, Usta was investigating the connection between the Dink murder and the Zirve Publishing House massacre.

Chief auditor Ömeroğlu: Mehmet Nihat Önderoğlu, who was the person to examine the file in which Hrant Dink was being charged based on Article 301, and who was the person to sign the decision to punish Dink, was elected as Turkey’s first Public Chief-Auditor (Ombudsman) (27 November).

Suspicion of connections with Zirve massacre: According to the news reports about the Dink murder, evidence has been discovered that the Dink Murder and the Zirve Publishing House massacres may have been committed by connected groups. It was found out that Prosecutor Muammer Akkaş will be acting upon receiving the awaited formal document (25 October).

Demand for the reversal of the decision: The lawyers of the Dink family demanded that the Trabzon 1st High Criminal Court's decision to reject the joinder of two cases in Trabzon about Ali Öz - the Trabzon Provincial Paramilitary Police Regiment Commander of the time - is overturned (20 October). A legal action had previously been brought against Öz and seven officials of the Intelligence Department at the Trabzon 2nd Criminal Court of Peace for 'neglect of duty' because they did not prevent the Dink murder. As this trial continued, a second lawsuit was brought against Öz at the Trabzon 1st High Criminal Court.

Secrecy demand at the Constitutional Court: The lawyers of the Dink family objected to the secrecy decision on the investigation about the Hrant Dink murder carried out by the İstanbul Specially Authorised Office of the Chief Public Prosecutor for the last five years. The objection was rejected (11 October). The lawyers will appeal to the Constitutional Court.

Samast's membership in an organisation: Dink's murderer Ogün Samast is standing trial at the İstanbul 2nd Juvenile High Criminal Court for 'membership in a terrorist organisation.' The bills of indictment of the Ergenekon and Action Plan Against Reactionary Forces cases have reached the court. The court rejected a request to demand the list of base stations and telephone numbers held by the Telecommunications Communications Directorate (TİB), on grounds that the continuing "Hrant Dink murder investigation" is confidential. The court decided to wait for the decision of the Supreme Court of Appeals. Previously, the İstanbul 14th High Criminal Court had given a ruling regarding the case (18 September). The next hearing was scheduled for 31 January 2013.

During the previous hearing, the court had decided to wait for the decision of the Supreme Court of Appeals (26 April). The İstanbul 14th High Criminal Court had acquitted the defendants, including Yasin Hayal and Erhan Tuncel, from charges of membership in a terrorist organisation citing lack of evidence.

Samast was fined for threatening: The İstanbul 35th Criminal Court of Peace handed down a punitive fine that corresponds to 30 days to Ogün Samast, who is the murderer of Agos newspaper's editor-in-chief Hrant Dink, for saying, "Only 5 years to go, we will meet again," to Hosrof Dink. Samast received a punitive fine of 600 Turkish Liras (about 260 euros) - 20 Liras (about 9 euros) for each day, for 'threatening.' The fine was not postponed (28 June).

The Dink file is with the Supreme Court of Appeals: The case file regarding the Dink murder was sent to the Supreme Court of Appeals after the reasoned decision of the İstanbul 14th High Criminal Court reached the parties of the case (6 June). The court had made a ruling during the hearing on 17 January 2011, and had announced its reasoned decision about a month later.

Reasoned decision in the Dink murder: The reasoned decision of the Dink murder has been announced. The İstanbul 14th High Criminal Court, in its decision, stated that, "It is not possible in penal law, to make a conviction for charges of a terrorist organisation, without any evidence, and merely by means of a logical interpretation. Even if there is such an organisation, it has not been possible to determine where, when and with what purpose it was established " (23 February).

Samast's penalty became final: The Supreme Court of Appeals upheld a prison sentence of 22 years and 10 months handed down to Ogün Samast in the Dink murder case (21 March). At the trial held at the İstanbul 2nd Juvenile High Criminal Court, Samast was sentenced to a total of 22 years and 10 months in prison for 'felonious wilful murder' (Article 82/1-a of TCK) and 'unauthorised possession of arms (Law No: 6136 on Firearms). Samast is expected to serve two thirds of his prison sentence in line with the Law on Criminal Execution. Samast will remain in prison for another 10 years and 8 months.

Dink family's objections were rejected: The Dink family had objected to the verdict of non-prosecution about the two agents from the National Intelligence Organization (MİT), who allegedly had 'warned' Hrant Dink at the İstanbul Office of the Governor. The Sincan 1st High Criminal Court rejected the objection (10 March).

New trial against Cerrah and Güler: The lawyers of the Dink family submitted a letter of application to the İstanbul Office of the Vice Chief Public Prosecutor, and stated that, along with Muammer Güler, Celalettin Cerrah and 22 others, other officials of the Trabzon Provincial Paramilitary Police Command and Trabzon and İstanbul Police Headquarters, and the officials of the Intelligence Department of the Security General Directorate are all suspects in the murder (14 February). The letter of application did not contain the name these officials.

İğci was acquitted: No charges were brought against Coşkun İğci, who was one of the 19 defendants of the Dink murder case and who had been released pending the outcome of the trial. İğci was acquitted during the hearing at the İstanbul 14th High Criminal Court (13 February).

The Hrant Dink murder decision: The court reached a verdict on the Dink murder case on the 25th hearing. All defendants being charged with crimes related with a terrorist organisation were acquitted. Yasin Hayal was sentenced to life in prison in solitary confinement and with no possibility of parole, for 'soliciting another person to wilfully commit a murder' (Articles 37, 38, 82/1 of the TCK). Separately, Hayal was sentenced to three months in prison for threatening Orhan Pamuk and a year in prison for 'unauthorised possession of arms.' Erhan Tuncel, who was being charged with 'membership in an armed terrorist organization' and 'soliciting another person to commit a murder,' was acquitted. He was handed down a prison sentence of 10 years and 6 months for the bombing of Mc Donald's, but then was released. Osman Hayal was acquitted of both charges. Salih Hacisalihoğlu was sentenced to two months and 15 days in prison for 'unauthorised possession of bullets.' Ersin Yolcu and Ahmet İskender were sentenced to 12 years and six months in prison each, for 'assisting in a felonious murder.' İskender was sentenced to a year in prison for 'unauthorised possession of arms' (17 January). The Supreme Court of Appeals will decide whether the verdict about Hacisalihoğlu, Yolcu and İskender will be implemented. No verdict was reached about Yasin Hayal's uncle, Coşkun İğci. Prosecutor Hikmet Usta is taking the court decision to the Supreme Court of Appeals.

The Cihan Hayırsevener case

Güney Marmara'da Yaşam ('Life in Southern Marmara') newspaper's chief editor Cihan Hayırsevener was killed on 18 December 2009. During the sixth hearing at the İstanbul

10th Specially Authorised High Criminal Court, the request of 18 defendants - including three, who had been arrested pending the outcome of the trial (İhsan Kuruoğlu - the founder of the İlk Haber ('First News') Newspaper, Engin Arıcan – the newspaper's publication adviser and Serkan Erakkuş, who is being charged with murder) - to have the files on 'conspiring to rig the bids in a public tender' and 'murder' separated, was rejected. The panel of judges were also changed (22 November). The next hearing was scheduled for 26 February 2013.

During the fifth hearing of the Hayırsevener trial, the defendants' demand to be released had been rejected. Kuruoğlu, who is being charged with instigating the murder, was taken out of the courtroom (28 August). During the fourth hearing, anonymous witness Bandırma had explained how Erakkuş, who pulled the trigger, killed Hayırsevener (22 May). During the third hearing, the court had decided to listen to the anonymous witness (28 February).

Hayırsevener was killed on 18 December 2009, while walking on the street in Bandırma, soon after publishing articles on the corruption in the public tenders of the municipality in October 2009.

The defendants are being charged with 'establishing an organisation to serve personal interests,' 'membership in an illegal organisation,' 'conspiring to rig the bids in a public tender,' and 'felonious and wilful homicide.'

The Musa Anter murder

Hamit Yıldırım, who allegedly is the gunman in the murder of the Kurdish writer Musa Anter, was arrested in Şırnak. Lawyer Mehmet Emin Aktar drew attention to the fact that this person had not been arrested for years, despite the fact that there was a criminal complaint against him. Mehmet Emin Aktar is the lawyer of Orhan Miroğlu, who was together with Anter during the incident, and who was injured. He is also the head of the Diyarbakır Bar Association. Aktar demanded that the investigation does not remain limited with Yıldırım, and questioned who protected Yıldırım, where he was protected, and how he was protected (2 July).

Imprisoned Journalists

Click for a table of imprisoned journalists.

Sixty-eight journalists and 27 distributors all welcomed the month of January in prison. All journalists and distributors have been imprisoned for connections with an 'organisation,' within the scope of the Anti-Terror Law (TMK) and the Turkish Penal Code (TCK).

Forty-nine out of 68 journalists are in prison because of trials related to 'Kurdistan Union of Communities-Turkey' (KCK), 'PKK' and 'DYG'; six are in prison because of trials related to 'Ergenekon'; four are in prison because of trials related to the 'Marxist Leninist Communist Party' (MLKP); four are in prison because of trials related to the 'Revolutionary People's Liberation Party-Front' (DHKP-C); one is in prison because of a trial related to OdaTV; one is in prison because of a trial related to the 'Resistance Movement;' one is in prison because of a trial related to the 'Revolutionary Camp;' and one is in prison because of a trial related to the

Turkish Islamic militant group İBDA-C. The organisation connection of one journalist is not known.

Eighteen out of 68 journalists have been convicted, and 43 are still on trial. Seven are still awaiting the first hearing. They don't know under what allegations they have been arrested, since their bills of indictment have not yet been announced as of 31 December.

A total of 18 journalists from the Dicle News Agency (DİHA) are in prison; three journalists – including a former employee - have been convicted; 13 journalists – including a former employee – are on trial; and two journalists are awaiting the bills of indictment. A total of eight journalists from the Azadiya Welat newspaper are in prison; six have been convicted; and two are on trial. A total of nine journalists from the Özgür Gündem ('Free Agenda') newspaper are in prison; and three former employees are on trial. A total of three journalists from the Özgür Halk ('Free People') magazine are in prison. Two have been convicted and one is on trial. Three journalists from the Demokratik Modernite ('Democratic Modernity') magazine are on trial.

Ergenekon / Those on trial: Hikmet Çiçek (Executive Editor of the Ulusal Kanal ('National Channel')), Mehmet Deniz Yıldırım (executive editor of the Aydınlık ('Light') magazine), Mehmet Haberal (Kanal B ('Channel B') owner), Mustafa Balbay (Cumhuriyet) ('Republic') newspaper's columnist/Republican People's Party (CHP) deputy), Tuncay Özkan (Kanal Biz ('Channel Us' TV's owner), Turan Özlü (Executive Editor of the Ulusal Kanal)

OdaTV / Those on Trial: Professor Doctor Yalçın Küçük (OdaTV's writer)

The Revolutionary Camp / Convictions: Mehmet Yeşiltepe (Devrimci Hareket's ('Revolutionary Movement') writer - 8 years and 9 months)

KCK - PKK - DYG / Convictions: Ali Konar (Azadiya Welat's Elazığ representative - 7 years and 6 months), Faysal Tunç (DİHA's Şırnak reporter - 12 years and 6 months), Ferhat Çiftçi (Azadiya Welat's Antep representative - 22 years and 8 months), Hamit Dilbahar (Azadiya Welat's writer – not known), Kamuran Sunbat (DİHA's former Çukurova reporter - 11 years and 11 months), Kenan Karavil (Radyo Dünya ('Radio World') Manager - 19 years and 9 months), Murat İlhan (Azadiya Welat's Diyarbakır reporter - 6 years and 3 months), Nuri Yeşil (Azadiya Welat's Tunceli representative - 1 years and 7 months), Ömer Faruk Çalışkan (Özgür Halk magazine's editor-in-chief - 6 years and 3 months), Sevcan Atak (Özgür Halk magazine's editor - 7 years and 6 months), Seyithan Akyüz (Azadiya Welat's Adana representative - 22 years and 6 months), Şahabettin Demir (DİHA's Van reporter - 4 years).

KCK - PKK - DYG / Those on trial: Abdullah Çetin (DİHA's Siirt reporter), Ahmet Birsin (Gün TV's ('Day TV') general manager), Ayşe Oyman (Özgür Gündem's editor), Cengiz Kapmaz (Özgür Gündem's writer), Çağdaş Kaplan (DİHA's reporter), Dilek Demirel (Özgür Gündem's former editor), Ertuğ Bozkurt (Fırat Distribution's employee, reporter), Fatma Koçak (DİHA's editor-in-chief), Hasan Özgüneş (Azadiya Welat's writer), Hüseyin Deniz (Evrensel's ('Universal') reporter), İsmail Yıldız (DİHA's former employee, Dersim newspaper's editor-in-chief), Kenan Kırkaya (DİHA's Ankara representative), Mazlum Özdemir (DİHA's Diyarbakır reporter), Mehmet Emin Yıldırım (Azadiya Welat's general

manager), Nahide Ermiş (member of the Demokratik Modernite editorial board), Nevin Erdemir (Özgür Gündem's editor), Nilgün Yıldız (DİHA's Mardin reporter), Nurettin Fırat (Özgür Gündem's writer), Ömer Çelik (DİHA's reporter), Ömer Çiftçi (Demokratik Modernite's owner), Özlem Ağuş (DİHA's reporter), Ramazan Pekgöz (DİHA's Diyarbakır editor), Sadık Topaloğlu (DİHA's reporter), Sebahattin Sürmeli (Özgür Halk magazine's editor), Selahattin Aslan (Demokratik Modernite's editor), Semiha Alankuş (DİHA's Diyarbakır editor), Sibel Güler (Özgür Gündem's former editor), Tayyip Temel (Azadiya Welat's former general manager), Turabi Kişin (Özgür Gündem's former editor), Yüksel Genç (Özgür Gündem's writer), Zeynep Kuray (Birgün's ('One Day') reporter), Ziya Çiçekçi (Özgür Gündem's owner, editor-in-chief), Zuhul Tekiner (DİHA's owner).

KCK - PKK - DYG / Those awaiting the bill of indictment: Ferhat Arslan (DİHA's Mersin reporter), Sadiye Eser (Evrensel's reporter), Sultan Şaman (Heviya Jine's editor), Zeynep Kuriş (DİHA's Mersin reporter).

DHKP-C/Convictions: Mustafa Gök (Emek ve Adalet ('Labour and Justice') magazine's Ankara representative – life in prison).

DHKP-C / Those awaiting the bill of indictment: Bahar Kurt (Tavır ('Attitude') magazine's owner), Deniz Kısmetli (Halkın Günlüğü ('People's Journal') newspaper's İzmir representative) Musa Kurt (Yürüyüş ('March') magazine's reporter).

MLKP / Convictions: Erdal Süsem (Eylül Hapishane ('September Prison') magazine's editor – life in prison) and Hatice Duman (Atılım ('Leap') magazine's owner and editor-in-chief – life in prison).

MLKP / Those on trial: Bayram Namaz (Atılım magazine's writer), Füsün Erdoğan (Özgür Radyo ('Free Radio') general broadcasting coordinator).

Odak ('Focus') magazine's editor-in-chief Erol Zavar has been sentenced to life in prison in the 'Resistance Movement' case. Mezitli FM's general manager Mikdat Algül is standing trial for 'connections with a terrorist organisation.' However, the organisation's name is not mentioned. Akıncı Yol ('Pioneer Path') magazine's general manager Şükrü Sak has been convicted in the İBDA-C trial.

Distributors – employees

Twenty-seven distributors and employees are all in prison within the framework of KCK-PKK-DYG trials. Seven of the distributors have been convicted, 13 are standing trial, and two are awaiting the bill of indictment. There is no access to information regarding the other five.

Click for a table of distributors and employees.

KCK-PKK-DYG / Convictions: Cengiz Doğan (Fırat Distribution - Azadiya Welat's Nusaybin employee - 3 years, 7 months), Dilşah Ercan (Azadiya Welat's Mersin distributor - 8 years, 9 months), Dindare Temirhan (Özgür Halk magazine's Mardin employee - 2 years, 6 months), Mikail Çağrıncı (Azadiya Welat's Adana distributor, life imprisonment), Selim Kahraman (Azadiya Welat's Adana distributor - 14 years, 3 months), Sibel Mustafaoğlu (Fırat

Distribution's Antep employee - 21 years, 6 months), Veysi Arancak (Fırat Distribution's İstanbul employee - 9 years, 8 months, 15 days).

KCK-PKK-DYG / Those on trial: Ali Ertuğrul (Azadiya Welat's Şırnak distributor), Davut Uçar (Özgür Gündem's sales and marketing executive), Haydar Tekin (Fırat Distribution's former employee), İrfan Bilgiç (Fırat Distribution's former employee), Nazdar Ecevit (Azadiya Welat's Şırnak distributor), Pervin Yerlikaya (DİHA's İstanbul employee), Ramazan Dinç (Özgür Halk's Diyarbakır employee), Saffet Orman (Demokratik Modernite's Van employee), Salman Akpınar (Fırat Distribution employee), Savaş Aslan (Azadiya Welat's Adana distributor), Serdar Ay (Fırat Distribution's Diyarbakır distributor), Şeyhmus Fidan (Fırat Distribution's İstanbul employee), Ufuk Demir (Fırat Distribution's Iğdır former employee).

KCK-PKK-DYG / Those awaiting the bill of indictments: Mahmut Tural (Azadiya Welat's employee), Mikail Barut (Fırat Distribution's former employee).

* There is no access to legal information regarding Azadiya Welat's employees Gökhan Gümüş, Hasan Pişkin, Sabri Acar; Fırat Distribution's Batman employee Mevlüt Ayağ; and Özgür Halk distributor Hayri Bal.

Releases

In 2012, 63 journalists and media employees were released. During the same year, 104 journalists and 35 distributors were in prison.

October-December releases:

Soner Yalçın: OdaTV's owner Soner Yalçın was released on 27 December by the İstanbul Specially Authorised 16th High Criminal Court. The court cited the period Yalçın has spent under arrest.

Bedri Adanır: Aram Publishing House's owner and Hawar newspaper's editor-in-chief Bedri Adanır was released during the hearing on 27 November. During the 18th hearing at the Diyarbakır 6th High Criminal Court, Adanır was sentenced to 6 years and 3 months in prison. The court took into account the prison sentence handed down to Adanır and the time he has spent under arrest, and decided to release him.

Aslan and Candemir: Fırat Distribution's accountant Çiğdem Aslan and DİHA's former reporter Oktay Candemir were released during the 16 November hearing of the KCK Media Case. The court took into account the possibility of a change in the classification of their offense.

Sinan Aygül: DİHA's reporter Sinan Aygül, who was standing trial within the framework of the KCK operations conducted on 19 January 2011, was released by the Van 3rd High Criminal Court during the 6 November hearing.

Ahmet Akyol: DİHA's reporter and a student of the Çukurova University Ahmet Akyol, who was arrested on May 2011 within the framework of KCK operations targeting the students in Adana, was released by the Adana 6th High Criminal Court during the 6 November hearing.

Karabeğ and Çat: Azadiya Welat newspaper's Mersin representative Abdalcabbar Karabeğ and the newspaper's employee Ali Çat were sentenced to 4 years and 8 months in prison on 2 November, and were then released.

Aslan and Çelen: DİHA's Batman reporter Gülsen Aslan and Azadiya Welat's distributor Şafak Çelen were released on 15 October.

Mehmet Güneş: Türkiye Gerçeği ('Turkey's Reality') Magazine's writer Mehmet Güneş, who is standing trial in the Revolutionary Camp case, was released during the 5 October hearing. The court cited the time Güneş has spent under arrest.

Hakan İraz: Günlük ('Diary') distributor Hakan İraz was released in October. The court cited the time İraz has spent under arrest.

Hakan Soytemiz: Red Magazine's writer Hakan Soytemiz, who is standing trial in the Revolutionary Camp case, was released in August. The sentence that was handed down to him for being a member of the Revolution Party of Turkey (TDP) ended on 24 September, and Soytemiz got out of prison.

Ali Bilen: It was found out that Özgür Halk's distributor Ali Bilen was released in April. The court cited the time Bilen has spent under arrest.

Zahide Parim: It was found out that Fırat Distribution's former Iğdır employee Zahide Parim had been released.

İhsan Sinmiş: It was found out that Azadiya Welat's distributor İhsan Sinmiş had been released because his sentence of 6 years and 3 months came to an end.

* It was found out that Azadiya Welat's former Kızıltepe distributor Şahin Baydağı was released in August and that Azadiya Welat's Batman distributor Nurettin Kaya was released in December (31 January).

Attacks, threats and obstructions

During the year 2012, there were at least 46 physical, verbal or written attacks through the social media, against journalists and media employees. One concert and two panels were cancelled. The offices of four newspapers and three news agencies were raided.

October-December 2012:

İnce was threatened: Radikal ('Radical') newspaper's reporter Elif İnce was assaulted and threatened by Kadri Şener, the owner of the company, which is carrying out the urban regeneration project of İstanbul's Fatih Municipality. "I will beat you up," Şener told İnce. İnce was prevented from taking any pictures (31 December).

Habervaktim pointed Ünlü as a target: The Habervaktim ('My news time') web site pointed Barış Ünlü, a teacher at the Political Sciences Faculty of the Ankara University, by using the expression "A pro-chaos teacher" about him in a news report titled, "A Student House or a Terrorist Organisation's House?" (31 December).

Verdict of non-prosecution to battering a journalist: The Nusaybin Office of the Chief Public Prosecutor stated that the use of violence by four police officers, who battered Azadiya Welat newspaper's former employee Mehmet Ali Çelik, did not constitute a crime (30 December) Çelik had been battered by the police officers at the entrance of the Nusaybin Government Office, where he had gone to pay his traffic ticket (11 March 2009).

Pressure to "disclose the source": The Ministry of Customs and Commerce sent a formal letter to Cumhuriyet ('Republic') newspaper's reporter İlhan Taşçı asking him to disclose his source for his news reports on customs (27 December). The Ministry gave him until 5 January 2013.

Attack against Albayrak: Writer Sadık Albayrak was attacked for criticizing the award given to the documentary called "Masumiyet Müzesi" (Museum of Innocence) aired on TRT Türk Channel, during the Turkish Journalists' Association's (TGC) awards ceremony and for protesting Orhan Pamuk (26 December).

Akyavaş was freed: Turkish journalist Aziz Akyavaş, who was in Syria to cover the developments there for NBC, was kidnapped by the militia under the Syrian Army on 12 December. He was rescued by the Syrian opposition and was freed.

Baransu attacked Aydıntaşbaş over Twitter: Taraf ('Party') newspaper's writer Mehmet Baransu attacked Milliyet ('Nationality') newspaper's writer Aslı Aydıntaşbaş over Twitter without giving her name. Aydıntaşbaş had criticized Taraf newspaper in her column (17 December).

Attack against Emekçi: Gün Radio's presenter was attacked in Diyarbakır, on the same day the Yeni Akit ('New Agreement') newspaper wrote 'She was a presenter in PKK meetings' about her. Emekçi's wrist was broken and her fingers were dislocated and crushed (16 December).

Yorum concert was cancelled: The İstanbul Office of the Governor cancelled the Grup Yorum ('Group Comment') concert, citing public security (16 December). The concert was due to take place at the Bağcılar Olympic Sports Hall.

Altıntaş was battered and detained: Kızılbayrak ('Red Flag') newspaper's reporter Tayfun Altıntaş was battered and detained by the police, as he was covering the press statement read by the Solidarity Association of Prisoners' Families (TAYAD) (10 December). Altıntaş was released on 13 December.

Lawyer attacked the journalists: Lawyer Serdar Öktem of those detained in relation with the incidents that took place at the wheelchair basketball game attacked the journalists. "Are you photographing terrorists?" shouted Öktem and threatened the journalists by saying, "I will kill you" (10 December).

Devran pointed Saymaz as a target: Dean Yusuf Devran of Marmara University's Communications Faculty pointed journalist İsmail Saymaz as a target on Twitter. Devran used expressions such as, "liar, collaborator, provoker" about Saymaz, who had stated that he was not accepted into the university (8 December).

Police tried to stop SoL reporters: The police tried to stop SoL ('Left') newspaper's reporters, who wanted to cover the ground-breaking ceremony of the Hz. Abdullah Mosque in Gaziantep. The ground-breaking ceremony was also attended by Deputy Prime Minister Bülent Arınç and Minister Fatma Şahin, who is responsible for Family and Social Policies (8 December).

Raid on Onuncu Köy: Civilian teams under the Hatay Police Station raided the Onuncu Köy ('Tenth Village') newspaper in Antakya after the Chancery of the Mustafa Kemal University filed a complaint at the Office of the Attorney General. The civilian teams seized the hard disks. It was alleged that the comments on the web site of the newspaper constituted the crime of 'insult through the media' (6 December).

The freedom of expression panel was cancelled: The Dean's Office of the Marmara University's Communications Department did not give permission for the "Journalism, Power and Freedom of Expression: The evaluation of 10 Years" panel to be organised. The panel was going to be organised with the participation of NTV News Director Mete Çubukçu, Radikal reporter İsmail Saymaz and freelance journalist Alper Turgut (5 December).

Kaplan was pointed as a target: The Habervaktim web site published news reports about Yeni Şafak ('New Dawn') newspaper's writer Hilal Kaplan, after she announced - during a television programme - that she is against compulsory religion classes. In these news reports, it was highlighted that Kaplan had also made contradictory statements regarding the issues of Armenian genocide and the Kurdish problem (5 December).

Taşpınar was threatened: The 'Maslak 1453' project's officials threatened Yurt ('Country') reporter Caner Taşpınar as he was photographing the brawl between the officials of the Ağaoğlu Construction Company and the locals of the neighbourhood. They told the journalist; "Why are you taking photographs? We will bury you in this rubble" (27 November).

Raid on DİHA and Azadiya Welat: In Van, the police organised "KCK operations" against many places, including the offices of DİHA and Azadiya Welat newspaper. The police seized hard disks, the memory cards of the cameras, flash drives, CDs, camera cassettes and archived magazines at DİHA and Azadiya Welat (26 November).

RedHack hacked the Constitutional Court: RedHack hacked the web site of the Constitutional Court. The web site could not be accessed for a while (24 November).

The attorney general gave orders to reporters: Oktay Erdoğan, the İstanbul Deputy Attorney General, gave new orders about entrances to the Anti-Terrorism division of the Çağlayan Courthouse, where the public prosecutors work (23 November). Erdoğan demanded that the names, telephone numbers, and companies of the journalists, who meet with the public prosecutors, are recorded. He also demanded that records are kept on how long the

meetings took and the date of the meetings. The record book was put away on the negative reaction of the court reporters.

Ünal was freed: Al Hurra television's cameraman Cüneyt Ünal, who has been held under arrest in Syria for three months, was turned over to the Republican People's Party (CHP) delegation and returned to Turkey (17 November).

Titiz was pointed as a target: A news report by the Anatolia News Agency (AA) titled, "Orders by the Prime Minister for 4 incidents" pointed DİHA's Ankara reporter Turan Titiz as a target. Titiz had come to the scene and had been detained after a citizen set himself on fire in front of the Prime Ministry. The news report said, "On 7 November, Turan Titiz, who had a reporter card registered under DİHA, was caught as he was secretly taking photographs in front of the Prime Ministry" (10 November).

The Panel was cancelled: The Dean's Office of the Language, History and Geography Faculty (DTCF) of the Ankara University, found the content of the panel titled "What is going on in Syria?" inappropriate and therefore, cancelled it. The panel was going to be organised with the participation of CHP Denizli Deputy İlhan Cihaner and soL writer Mesut Odman (5 November).

RedHack hacked the Directorate of Religious Affairs: Red Hack hacked the Internet site of the Directorate of Religious Affairs (29 October). The visitors of the web site's English page were welcomed with the "RedHack marching music" of Suavi.

Pressurised water on journalist: AA reporter Arif Altunkaynak organised an activity to draw attention to the hunger strike of the Peace and Democracy Party (BDP) in the prisons in Mardin. The police sprayed pressurised water on the reporter. His eyeglasses were broken and his video camera and camera were damaged (27 October).

Police toured the booksellers: Officers from the Kadıköy Police Station toured the booksellers in the Kadıköy area and showed them the "list of banned publications" (20-21 October). They confiscated some newspapers, including Azadiya Welat, Kızıl Bayrak ('Crimson Flag,') Atılım and Yürüyüş newspapers, and books on the Kurdish problem. The booksellers were "suggested" not to sell such publications.

Ünal was battered: Ahmet Ağaoğlu, the President of the Turkish Golfing Federation, battered reporter Cihat Ünal of Zaman ('Time') newspaper and Cihan News Agency, who was following famous golfer Tiger Woods (10 October). Ünal filed a legal complaint at the Antalya Office of the Attorney General.

Bolat lost his life: Recep Bolat, the Director of the Press Advertisement Institute's (BİK) Sakarya Branch, who was faced with an armed assault as he was inspecting the Anadolu ('Anatolia') newspaper in Sakarya, lost his life at the hospital, where he was being treated (8 October).

Facebook ban for Baydemir: The Diyarbakır Metropolitan Municipality's Mayor Osman Baydemir was censored and banned from Facebook for a week, for violating the Facebook

Rights and Responsibilities Statement by sharing the news report titled, 'Pozantı victim takes the mountains!' on 8 October.

RedHack opened the Ministry of Interior to visitors: RedHack hacked the Ministry of Interior's Internet site (7 October). RedHack announced over Twitter that it is now possible to log into the website of the Ministry of Interior and gave out the passwords.

Local media was banned from the visit: The Balıkesir Municipality did not allow Gazete ('Newspaper') Balıkesir's News Director Mustafa Sütçüoğlu and Ayna ('Mirror') newspaper's sports reporter İsmail Koca to participate in the meetings and visits regarding the works of the municipality (6 October).

The broadcasts of Nuçe TV and MMC TV were suspended: The broadcasts of Nuçe TV and MMC (Mesopotamia) TV, which broadcast over the satellite with Roj TV's frequency and with the licence they got from Denmark, were suspended for two months (3 October).

Inquiries, New/On-going Trials, Decisions

In 2012, a total of 45 people, including 20 journalists and 2 distributors, were sentenced to a total of 214 years, 11 months and 15 days in prison and were handed down a monetary fine of a total of 40 thousand Turkish liras (about 17,000 euros) based on the "terrorism articles" of the TCK and the Anti-Terror Law. A life-long prison sentence handed down to a journalist was upheld.

Revolutionary Camp: Journalists Mehmet Güneş and Hakan Soytemiz are standing trial in the Revolutionary Camp case. The Revolutionary Camp case, which has 67 defendants - including seven, who have been arrested pending the outcome of the trial - was held at the İstanbul 9th High Criminal Court (28 December). Writer Mehmet Güneş of the Türkiye Gerçeği ('Turkey's Reality') magazine, and three other defendants were released. The court took into account the period that they spent under arrest (5 October). Soytemiz was released (7August).

2 cases against Çiftçi: A case was brought against journalist Hamdiye Çiftçi at the Van 5th High Criminal Court for "identifying the public officials on anti-terrorist duties" (Article 6 of TMK) by writing news reports about the police violence against 14 year-old Cüneyt Ertuş five years ago (28 December).

The Ergenekon Case: On the 273th hearing of the Ergenekon Case, the İstanbul 13th High Criminal Court requested that a memorandum is sent to the Turkish Grand National Assembly (TBMM) asking for the report of the Committee on Coup Investigations. A total of 275 defendants - including 67, who have been arrested pending the outcome - are standing trial in the Ergenekon Case. Lawyer Hasan Basri Özbey's rejection of the judge was not accepted by the court (27 December). Özbey is the lawyer of Doğu Perinçek, the Head of the Labour Party. Perinçek is one of the arrested defendants. The next hearing was scheduled for 10 January 2013.

A total of 42 hearings were held during the period of October-December in the Ergenekon Case. During the hearings, at least 18 witnesses, including ex-soldiers and university presidents, and nine anonymous witnesses testified before the court.

During the 270th hearing, police sprayed tear gas on the crowd in front of the Silivri Prison (13 December). It was decided that witness General Nusret Taşdeler is arrested; the request to join OdaTV and Oyak cases was accepted (28 November). The case brought against Mahmut Güzel on charges of providing gunman Alparslan Arslan of the attack on the Council of State with two Glock guns, was joined with the Ergenekon case (21 November).

Abdullah Öcalan's lawyer İrfan Dünder testified as a witness and claimed that certain bodies of the state wanted to murder Tansu Çiller and have the PKK claim responsibility for the murder (19 November). Şemdin Sakık declared that he is in fact anonymous witness "Deniz" (6 November). Anonymous witness "Mart" stated that the media boss of the Ergenekon organisation was Ertuğrul Özkök (1 November). On 18 September, CHP İzmir Deputy and Cumhuriyet newspaper's writer Mustafa Balbay, journalist Tuncay Özkan and Durmuş Ali Özoğlu had been banned from attending 16 hearings. They began to attend the hearings (20 October).

Within the framework of Ergenekon, a total of 276 defendants are standing trial in 19 cases. Sixty-seven of the defendants have been arrested pending the outcome of the trial. Journalists Tuncay Özkan, Mustafa Balbay, Yalçın Küçük and Kanal BİZ owner Mehmet Haberal are being charged with 'attempting to dissolve the Turkish Grand National Assembly,' (Article 311 of the TCK), 'attempting to dissolve the government,' (Article 312 of the TCK), 'forming and commanding an organized criminal group,' (Article 314/1 of the TCK) and 'being a member of a terrorist organisation' (Article 314/2 of the TCK); Turhan Özlü is being charged with 'being a member of a terrorist organisation' (Article 314/2 of the TCK).

OdaTV case: Soner Yalçın was released during the 15th hearing of the OdaTV trial by the İstanbul Specially Authorised 16th High Criminal Court. The court cited the period Yalçın has spent under arrest. There are a total of 13 defendants - including journalists - in the OdaTV case. Two of the defendants have been arrested pending the outcome of the trial. The court decided that Yalçın Küçük and Hanefi Avcı would continue to remain under arrest (27 December). The next hearing was scheduled for 21 March 2013.

The court accepted a request by the public prosecutor to join the OdaTV case with the OYAK and Ergenekon cases (27 November). In the response the İstanbul Police Headquarters submitted to the court, it was stated that there was no sound on the original recording of the raid on the OdaTV office on 14 January 2010 (16 November). The second report by Osman Pamuk, Ünal Tatar and Emin Çalışkan, the employees of the Scientific and Technological Research Council of Turkey (TÜBİTAK) - requested by chief justice Mehmet Ekinçi - reached the court. The report stated, "It is impossible to determine on definite terms whether any file has been created or changed on these computers" (13 November).

Decision of non-prosecution on S.S. Ay's criminal complaint: Sedat Selim Ay, the Deputy Chief of Police Responsible from Anti-Terrorism, filed a criminal complaint about 23 journalists for "slander and defamation through the Internet." The Press Office of the İstanbul Office of the Chief Public Prosecutor gave a decision of non-prosecution about bianet on 27

December, about Marksist.org, T24 and Evrensel news sites on 21 December, and about the Taraf newspaper on 5 December.

Ay, on 13 November, complained about 23 journalists at the İstanbul Office of the Chief Public Prosecutor, saying 'he had been pointed as a target' (Article 6 of the TMK). Newspapers and news web sites including bianet (Haluk Kalafat, Ekin Karaca, Çiçek Tahaoglu, Fusun Erdoğan, Sibel Yalın Yerdeniz, Samet Akten), Evrensel (Güler Can, Hülya Emeç), Marksist.org, Gerçek Gündem ('Real Agenda') (Barış Yarkadaş), T24, OdaTV and Taraf (Sümeyra Tansel) and Aydınlık (Hikmet Çiçek), and journalists including Oral Çalışlar, Işıl Özgentürk, Rıdvan Akar and Utku Çakırözer were on the list. On 21 November, the Office of the Chief Public Prosecutor said that there are no grounds for a prosecution and forwarded the petition to the Press Office with the pretension of slander and defamation.

The Batman KCK case: DİHA's Batman reporter Gülsen Aslan and Azadiya Welat's distributor Şafak Çelen are standing trial at the Diyarbakır 5th High Criminal Court. During the second hearing, the witnesses testified before the court. It was requested that voice samples are taken so that the witnesses' sound recordings could be compared (26 December). The next hearing was scheduled for 18 March. During the first hearing on 15 October, Aslan and Çelen were released. Aslan and Çelen are being charged with 'commanding a terrorist organisation' (Article 314/1 of the TCK).

Case against Ağuş: A total of 25 people, including DİHA reporter Özlem Ağuş, who was detained in Mersin on 14 February, are standing trial at the Adana 10th High Criminal Court. During the first hearing, the defendants were identified (26 December). The next hearing was scheduled for 8 February. Ağuş faces up to 23 years in prison for 'committing an offense on behalf of a terrorist organisation without being a member of that organisation' (Article 220/6 of the TCK), 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) and violating Law No: 2911 on Meetings and Demonstrations.

The Batman KCK case: DİHA's Batman reporter Gülsen Aslan and Azadiya Welat's distributor Şafak Çelen are standing trial at the Diyarbakır 5th High Criminal Court. During the second hearing, the witnesses testified before the court. It was requested that voice samples are taken so that the witnesses' sound recordings could be compared (26 December). The next hearing was scheduled for 18 March. During the first hearing Aslan and Çelen were released (15 October). Aslan and Çelen are being charged with 'commanding a terrorist organisation' (Article 314/1 of the TCK).

Türköene is standing trial for insulting Atatürk: On a criminal complaint by Restorator Ahmet Cevat Yaltraklı, the Bakırköy High Criminal Court brought a legal action against Zaman newspaper's writer Mümtazer Türköene, for saying "I take being called 'pro-Atatürk' as an insult." He is faced with one to three years in prison based on Law No: 5816 on 'Offenses Committed Against Atatürk' (24 December).

The KCK İstanbul Case: Four defendants were released in the 21st hearing of the KCK İstanbul Case. A total of 205 defendants are standing trial in the KCK İstanbul Case. A total of 122 of the defendants have been arrested pending the outcome. The court reiterated that it had rejected request to do the necessary correspondence for the voice analysis reports of the meetings that some of the defendants had allegedly participated in; the request to take some of

the evidence out of the bill of indictment; the request of defense in mother tongue, and the request to listen to BDP Co-Chairman Selahattin Demirtaş (22 December). The rejection of the judge was not accepted. Arrested defendants Zülküf Akay and Mehmet Keleş were released. The prosecutor demanded legal action against a number of lawyers for exceeding the limits of defense (1-9 October). The next hearing was scheduled for 3-15 March.

In the case, Professor Doctor Büşra Ersanlı is being charged with 'commanding a terrorist organisation' (Article 314/1 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK). Belge Publishing House's owner Ragıp Zarakolu is being charged with 'knowingly and willingly helping an organised criminal group although not being a member of that group' (Article 314/2 through a guidance of Article 220/7 of the TCK and reference in 314/3). Ersanlı is faced with 15 to 22,5 years in prison, while Zarakolu is faced with 7,5 to 15 years in prison. Azadiya Welat's writer Hasan Özgüneş has been arrested for 'commanding a terrorist organisation' (Article 314/1 of the TCK) and 'making propaganda on behalf of the terrorist organisation' (Article 7/2 of the TMK); RED magazine's writer Hakan Soytemiz and Özgür Gündem's editor Kazım Şeker are being charged with 'membership in an illegal organisation' (Article 314/2 of the TCK). They have been released pending the outcome of the trial.

DHKP-C trial against the Yürüyüş magazine: The sixth hearing of 16 defendants was held at the Ankara 11th High Criminal Court. Among the defendants are the owner of Ozan Publishing House and five journalists from the Yürüyüş magazine. Three of the 16 defendants have been arrested pending the outcome of the trial. The prosecutor is demanding that the defendants are sentenced to 22 years in prison each for 'membership in the DHKP-C' (Article 314/2 of the TCK). The prosecutor is also demanding that the charges of 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) are postponed within the scope of the Third Judicial Reform Package (18 December). The next hearing was postponed to 14 February. The objection of the lawyers of the defendants on grounds that the trial is against the Constitution was rejected (9 October).

Yürüyüş magazine's reporters Cihan Gün, Naciye Yavuz, Kaan Ünsal and Kamu Emekçileri ('Public Labourers') magazine's owner Halit Güdenoğlu and the magazine's editor-in-chief Musa Kurt, who had been arrested on 24 December 2010, were released during the hearing on 20 July. Ozan Publishing House's owner Necla Can, who had also been arrested on 24 December, was released on 21 January 2012.

Tuzcuoğlu's case: Former Evrensel newspaper's reporter-writer Müge Tuzcuoğlu's third hearing was held at the Diyarbakır 6th Penal Court (14 December). There are a total of 27 defendants standing the trial. Ten of the defendants have been arrested pending the outcome. The next hearing was scheduled for 7 March. Tuzcu had been detained and arrested on 8 March 2012 within the framework of the KCK operation against the BDP Diyarbakır Political Academy. She had been released during the hearing on 25 September.

BTK launched an investigation on TTNET: The Information Technologies and Communications Authority (BTK) decided to launch an investigation against TTNET A.Ş. (Turkish Telecom's Internet service provider) on allegations that TTNET is violating personal data through the Phorm Company (14 December). TTNET A.Ş. has a business partnership with the Phorm Company. As a result of this partnership, TTNET launched the gezinti.com

Internet site. It was harshly criticized when the users were included in the system without their information and consent. The Phorm Company had rejected the allegations. The Alternative Information Technology Association had filed a criminal complaint against TTNET and Phorm at the İstanbul Office of the Chief Public Prosecutor (18 October).

The MLKP case: During the 17th hearing of the MLKP trial, which has been continuing for the last six years, one defendant was released (13 December). The İstanbul 10th High Criminal Court cited the period the defendant has spent under arrest. Özgür Radio's broadcasting coordinator Füsün Erdoğan and Atılım newspaper's writer Bayram Namaz are among the 24 defendants standing trial in the MLKP case. Ten of the defendants have been arrested pending the outcome of the trial. The next hearing was scheduled for 12 March. The defendants, who were arrested within the scope of the 'Gaye' operations conducted in many provinces in September 2006, are being accused with 'membership in MLKP.'

The Office of the Attorney General found Radikal to be right: The Bakırköy Office of the Public Prosecutor decided that there is no need for prosecution in the case the Fatih Municipality brought against the Radikal newspaper (13 December). The Municipality had argued that the news report by Ömer Erbil dated 27 July, and titled, "3 floors for contractors and 2 floors for the owners," humiliates the municipality through deception and slander.

Investigation against three local journalists: The Diyarbakır Office of the Chief Public Prosecutor launched an investigation against the Güneydoğu Ekspres ('South Eastern Express') newspaper's editorial director Ercan Akar, Özgür Haber newspaper's editorial director Naci Sapan and Yenigün's ('New Day') editor-in-chief Mesut Fiğanççek for 'praising the offense and the offender' (Article 215 of the TCK) by using the expression "PKK Leader" in reference to Abdullah Öcalan (12 December).

Legal action against Gezmiş commemoration: Twelve defendants are standing trial at the Adana 10th High Criminal Court for 'membership in a terrorist organisation' (Article 314/2 of the TCK) and 'praising the offense and the offender' (Article 215 of the TCK) by participating in the commemoration for Deniz Gezmiş in Gaziantep. The members of the 'Emeğe Ezgi' ('Melodies for Labour') music group are among the 12 defendants. During the first hearing, the defendants gave their defenses (12 December). The next hearing was scheduled for 27 February.

Bek couple was sentenced to prison: The Board of Directors members of the Adana Branch of the Contemporary Lawyers Association (ÇHD), Tugay Bek and his wife Sevil Aracı Bek were each sentenced to 3 years 1 month and 15 days in prison by the Adana 8th High Criminal Court for 'acting on behalf of a terrorist organisation' (12 December). The Bek couple was standing trial for attending a press conference, which took place in front of the BDP Adana Head Office on 18 May 2011 as part of BDP Deputy Murat Bozlak's election campaign.

Conscientious objection theatre: The İzmir 2nd Criminal Court of Peace sentenced Nazlı Masatçı from the İzmir Yenikapı Theatre and Art Director Nimet Nazlı along with four other defendants to five months in prison each for 'discouraging people from enlisting in armed forces' (Article 318 of the TCK). Masatçı had staged the theatre play 'Palto' ('The Overcoat') by Russian novelist Nikolay Gogol during a conscientious objection demonstration. The announcement of the verdict was adjourned (11 December).

The Hopa case: Sendika.org's writer and Latinbilgi's ('Latininformation') editor Soner Torlak is standing trial at the Ankara 11th High Criminal Court. He has been released pending the outcome of the trial. Osman Can, the then- director of the Security Branch, who has claimed that he was injured and taken to hospital during the incidents, but who – at the same time - has his signature on the crime scene reports, did not attend the hearing. The other complainant police officers did not attend the hearing either. The court decided that an order will be sent to the Ankara Police Headquarters so that Can is present in the next hearing (11 December). The next hearing was scheduled for 7 May. Torlak is being accused with 'terrorism' for participating in the march organised in protest of the killing of Metin Lokumcu in Hopa on 31 May 2011.

Prison sentence for praising Samast: The Samsun 2nd Criminal Court of First Instance sentenced Statüko ('Status Quo') magazine's general coordinator Okan Baş to a year and three months in prison for praising journalist Hrant Dink's murderer Ogün Samast in the magazine's January-February 2012 issue (10 December). Baş was sentenced to prison for "praising the offense and the offender" (Article 215 of the TCK), "inciting hatred and enmity or humiliation" (Article 216 of the TCK), "defamation of a person's memory" (Article 130 of the TCK) and "provoking commission of an offense" (Article 214 of the TCK).

Eser was arrested: Özgür Gündem's employee Zozan Eser and Evrensel newspaper's reporter Sadiye Eser were detained within the scope of the "KCK operations" in İstanbul (10 December). Sadiye Eser was arrested by the court on duty, on allegations of "membership in a terrorist organisation." Zozan Eser was released (12 December).

Acquittal in "Everyone is born as a baby" case: Conscientious objector Enver Aydemir's father Ahmet Aydemir, together with Fatih Tezcan, Mehmet Atak and conscientious objector Halil Savda, who went to Enver Aydemir's hearing to support him, were acquitted by the Eskişehir 4th Criminal Court of Peace during the eighth hearing (6 December). The defendants were being charged with 'discouraging people from enlisting in armed forces' (Article 318 of the TCK) by chanting slogans like "Everyone is born as a baby" and "Release Enver Aydemir."

Savda was also acquitted by the Beyoğlu 3rd Criminal Court of Peace, where he was standing trial for an article he wrote and published on an Internet site about the retired homicide desk superintendent Ahmet Ateşli, titled "Ağar: Allegations and More" (6 December). Savda was being charged with 'insulting' Ateşli (Article 125 of the TCK). Savda also has a final verdict of six months prison sentence based on Article 318. The file is currently at the Supreme Court of Appeals.

Tunç's sentence got postponed: The Supreme Court of Appeals postponed the two-year prison sentence handed down to singer Ferhat Tunç on 27 June by the Malatya 3rd High Criminal Court, within the scope of the Third Judicial Reform Package (6 December). Tunç was standing trial for 'making propaganda on behalf of the Maoist Communist Party (MKP)' (Article 7/2 of TMK) because of the 1 May speech he gave when he was running for parliament in the 2011 elections from the Labour, Democracy and Freedom Bloc. In that speech, Tunç had said: "I salute all of you with the revolutionist spirit of Deniz Gezmiş, Mahir Çayan, İbrahim Kaypakkaya." Two trials and seven investigations had previously been brought against Tunç for his speeches in the run-up to the elections.

Grup Yorum cases: Grup Yorum's member Seçkin Aydoğan's fourth hearing was at the Specially Authorised İstanbul 15th High Criminal Court (5 December). The next hearing was scheduled for 26 February.

Aydoğan and the other defendants, who were arrested for participating in a march at Nurtepe on 16 December 2011, are being charged with 'membership in a terrorist organisation' (Article 314/2 of the TCK). Aydoğan is also being charged with violating 'Law No: 2911 on Meetings and Demonstrations,' by chanting slogans at the 'Free the Yürüyüş employees!' demonstration in Taksim, 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) and 'resisting a public official' (Article 265/1 of the TCK).

Thirteen defendants, including Grup Yorum member Ali Papur, Caner Bozkurt, Ali Aracı, Ezgi Dilan Balcı and Ayfer Rüzgar, who have all been released pending the outcome of the trial, gave their defenses during the first hearing at the 15th High Criminal Court (26 November). The next hearing was scheduled for 2 April 2013.

The defendants are being charged with "membership in the Revolutionary People's Liberation Party-Front (DHKP-C)," "resisting the police" and "damage to property." Aracı, Caner Bozkurt, Seçkin Aydoğan and Ayfer Rüzgâr face 18 months to 9 years in prison. Ezgi Dilan Balcı faces 19 to 74 years in prison. There was an objection against the "ban on leaving the house" imposed on 11 people including Grup Yorum soloist Selma Altın, Damla Sandal and violinist Ezgi Dilan Balcı by the İstanbul High Criminal Court on Duty on 18 September for 'making terrorist propaganda' (14 November). The defendants had been detained when the body of İbrahim Çuhadar, who had staged an attack on the police station in Sultangazi, was being taken from the Forensic Medicine. They had been sentenced to home confinement (13 September).

Legal action against Şık: Journalist Ahmet Şık is standing trial because of the things he said about the judges and prosecutors as he was leaving the Silivri Prison on 12 March. During the second hearing at the Silivri 2nd Criminal Court of First Instance, some of the judges dropped the charges (4 December). The next hearing was scheduled for 26 March. A total of 39 judges and prosecutors, who are involved in the Ergenekon investigation, are mentioned in the bill of indictment as the injured party. Şık faces up to seven years in prison for 'threat' (Article 106/2d of the TCK) and 'defamation of public officers' (Articles 125/1, 3a, 4 of the TCK).

Aygül and Uçan were sentenced to prison: DİHA's reporter Sinan Aygül was sentenced to ten years in prison and İslim Uçan was sentenced to six years and three months in prison for 'membership in a terrorist organisation' (through a reference to Article 5 of the TMK in Article 314/2 of the TCK) by the Van 3rd High Criminal Court. They had been arrested on 19 January 2011 within the scope of the KCK operations. A total of 30 defendants were being charged in the trial. Nineteen of them had been arrested pending the outcome. Twenty-seven defendants have been sentenced to a total of 204 years and a month in prison. Three people have been acquitted (3 December). Aygül had been released on 6 November.

One-year prison sentence demand for a caricature: Bahadır Baruter is standing trial for a caricature published in the Penguen magazine on 10 February 2011, which had the writing "There is no Allah, religion is a lie." The 2nd Criminal Court of First Instance decided to postpone the proceedings within the framework of the Third Judicial Reform Package

(December). Baruter was being charged with 'insulting the religious values embraced by a group of people' (Article 216/3 of the TCK).

Criminal Complaint against Muhteşem Yüzyıl: After the Prime Minister criticized the TV series Muhteşem Yüzyıl ('Magnificent Century'), Ömer Faruk Bildirici, who works in the tourism sector in Konya, filed a criminal complaint against the directors of the series at the İstanbul Office of the Chief Public Prosecutor on grounds that they are "ridiculing our historical values" (30 November).

A new investigation against Say: The Office of the Attorney General launched an investigation against pianist Fazıl Say for "disrespecting religious values" because of his comments about the trial he is standing (30 November). Say, on 13 November, had used the expression "the scum of the earth" on a TV programme in reference to the people, who had filed a complaint against him and called the court trying him, a "baloney court." He is faced with up to five years in prison for "defamation" (Article 125 of the TCK) and "publicly denigrating the state's judiciary organs" (Article 301 of the TCK).

Say is also standing trial at the İstanbul 19th Criminal Court of Peace for 'inciting hatred and enmity' and 'disrespecting religious values' (Articles 216/1 and 216/3 of the TCK) because of some of his comments on Twitter. During his first hearing, he submitted his written defense (18 October). The next hearing was scheduled for 18 February 2013. Say faces up to 1,5 years in prison because of his tweets.

Çetin is standing trial: A total of 27 defendants, including DİHA's Siirt reporter Abdullah Çetin are standing trial within the scope of the KCK case. Seven of the defendants have been arrested pending the outcome of the trial. The third hearing of the trial was before the Diyarbakır 5th High Criminal Court (30 November). The next hearing was scheduled for 8 February. Çetin is being charged with 'membership in an illegal organisation (Article 314/2 of the TCK).

For Insulting Atatürk: Ali Akbaş, the Head of the Kocaeli Kartepe Human Rights Association, and the association's members are standing trial for 'insulting Atatürk' (Article 1/1 of Law No: 5816 on Offenses Committed Against Atatürk) and 'Disqualification from use of public rights' (Article 53 of the TCK). The defendants gave their defenses (30 November). The next hearing at the İzmit 2nd Criminal Court of First Instance was scheduled for 22 February. A legal action was brought against the members of the association on 9 April, for aliking Atatürk to the late leader Kim Jong Il of North Korea, and aliking Turkey to North Korea.

Çiftçi's trial: DİHA's reporter Hamdiye Çiftçi was arrested within the scope of the KCK operations in Hakkâri. During his eighth hearing at the Van 3rd High Criminal Court, an order was sent to the Hakkari High Criminal Court demanding that the statements of the anonymous witnesses are taken (29 November). The next hearing was scheduled for 22 January. Çiftçi had been released on the fourth hearing of the trial on 10 April pending the outcome. He is being charged with 'membership in a terrorist organisation' (Article 314/2 of the TCK, Article 5 of the TMK) and faces two to six years in prison.

Adanır was released: Bedri Adanır, the owner of the Aram Publishing House and the editor-in-chief of Hawar newspaper, was sentenced to six years and three months in prison during the 18th hearing before the Diyarbakır 6th High Criminal Court. The court took into account Adanır's prison sentence and the time he has spend under arrest and decided to release him (27 November).

Adanır was being charged because of news reports and articles published in four issues of the Hawar newspaper. He was faced with 15 to 45 years in prison for 'membership in PKK' (Article 314/2 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK). Adanır had been under arrest since 5 January 2010.

Aydın is standing trial: The second hearing of DİHA's Muş reporter Murat Aydın was held before the Van 3rd High Criminal Court (27 November). The next hearing was scheduled for 21 February. Aydın had been released during the hearing on 18 September. Aydın is being charged with 'membership in an illegal organisation' (Article 314/2 of the TCK) within the framework of KCK case.

Investigation against Atheism: The İstanbul Ataşehir District National Education Directorate launched an investigation against philosophy teacher Adnan Marangoz of the Ataşehir Nuri Cingilloğlu High School, accusing him of "giving information to children that is against our beliefs" and "confusing the children by talking about issues such as atheism" during classes (27 November).

A new banner trial: Teacher Meral Dönmez and student Gülşah Işıklı are standing trial for opening a banner on 3 December 2011 in Kocaeli, which read, "We want a democratic high-school not a missile shield." During the fourth hearing at the İstanbul Specially Authorised 15th High Criminal Court, the defendants were each sentenced to six years and eight months in prison. The court released the defendants taking into account the amount of time they have spent under arrest (26 November). On 15 October, the prosecutor gave his opinion. Dönmez and Işıklı were being charged with, 'committing an offense on behalf of the organisation without being a member of that organisation' (through a reference to Article 314/2 in Article 220/6 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK).

Releases in the Red Hack trial: The three arrested defendants in the Red Hack trial were released during the first hearing at the Ankara 13th High Criminal Court (26 November). There are a total of 10 defendants in the trial. They are faced with 8,5 to 24 years in prison for "committing an offense on behalf of an armed terrorist organisation" and committing various cyber crimes.

Fotogol to pay damages to Fotomaç: Fotomaç ('Photomatch'), which is one of the newspapers of the Turkuvaz Publishing Group, won the legal action brought against the Fotogol ('Photogoal') newspaper, which is within the body of the Estetik Publishing House. The legal action was brought on grounds of 'brand, copyright infringement and unfair competition.' The Bakırköy Civil Court for Intellectual and Industrial Property Rights ruled that Fotogol must pay 127 thousand 681 Turkish Liras (about 55,000 euros) in damages to Fotomaç. Fotomaç found the amount too low and took its case to the Supreme Court of Appeals (24 November).

Çaykur filed a criminal complaint against Yazıcı: TheRize Office of the Public Prosecutor gave a verdict of non-prosecution about the criminal complaint filed by Turkey's national tea company ÇAYKUR's General Director İmdat Sütüoğlu against Osman Yazıcı from Trabzon's Taka (Translator's note: small fishing boat particular to the Black Sea region) newspaper (20 November). Sütüoğlu had filed the complaint because of Yazıcı's articles titled, 'Cry my Çay-Kur cry,' 'Actually Privatised,' and 'Çay-Kur and Rize.'

Investigation against members of İHD: An investigation has been brought against Human Rights Association's (İHD) member Hüseyin Küçükbalaban, Çanakkale branch head Serpil Bayar, branch manager Hayrettin Pişkin and previous İHD Çanakkale branch head Kenan Döner for participating in events organised in Çanakkale in support of the hunger strikes on 17 November, 4 November, and 30 and 25 October 2012. Küçükbalaban testified at the Anti-Terrorism Branch Directorate of the Çanakkale Police Headquarters (27 December).

Yıldız's hearing: During the third hearing of the trial of DİHA's Mersin reporter Aydın Yıldız at the Adana Specially Authorised 7th High Criminal Court, his demand to give his defense in Kurdish was rejected. The court decided to obtain the missing documents and have the defendants, who have an arrest warrant issued against them, arrested (16 November). The next hearing was scheduled for 26 April. A total of 93 people are standing trial in the case. They have all been released pending the outcome of the trial. Yıldız is being charged with 'membership in a terrorist organisation' (Article 314/2 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK).

Damage to property: Hacı Boğatekin from the Gerger Fırat Newspaper had brought a case against İlhan Karatekin in 2009, saying that Karatekin had attacked him as he was covering a story in the Gerger district of Adıyaman. The trial is being held at the Gerger Criminal Court of First Instance. Boğatekin did not attend the hearing (15 November). The next hearing was scheduled for 9 January. Karatekin is being charged with 'damage to property' (Article 151/1 of the TCK) in the trial.

Düzenci is standing trial: During the second hearing, the Van 4th High Criminal Court rejected Hakkari Yüksekovagündem internet site's owner Abdulmenaf Düzenci's request to give his defense in Kurdish. Düzenci had been released on 9 July. The defendant's lawyer gave a defense statement. Düzenci's request to be excused from the future hearings was accepted (14 November). The next hearing was scheduled for 9 January. Düzenci is being charged with 'membership in a terrorist organisation' (Article 314/2 of TCK) within the framework of the KCK case.

Çapraz is standing trial: Hakkâri Yüksekova Haber ('Hakkari Yüksekova News') newspaper's owner Necip Çapraz is standing trial at the Van 4th High Criminal Court for 'membership in a terrorist organisation' (Article 314/2 of the TCK). Çapraz did not attend the second hearing (14 November). The next hearing was scheduled for 9 January. Çapraz was detained on 22 March 2011 and was released after four days, following his questioning at the Van Office of the Chief Public Prosecutor.

İHD members were detained and charged: İHD Deputy Head Rıza Dalkılıç, İstanbul Branch's Board of Directors Chairman Ümit Efe and members Sevim Kalman, Neriman Deniz, Ali Koçyiğit and Osman Özkan were detained as they were making a press statement

in front of the Prime Ministry Office in İstanbul about their hunger strike of 64 days. They were released on the same day (14 November). A legal action was brought against six İHD members at the 53rd Criminal Court of First Instance for "organizing and participating in an illegal demonstration." The first hearing was scheduled for 7 March.

Kısmetli was detained and arrested: A total of 61 people were detained within the operations against the Democratic Rights Federation (DHF) in 15 provinces. Thirty-one of them, including the İzmir representative of the Halkın Günü (‘People’s Journal’) newspaper Deniz Kısmetli were arrested by the court they were taken to (13 November).

Aydın's DHKP-C trial: The hearing of Fatih Özgür Aydın, the editor-in-chief of the Mühendislik Mimarlık ve Planlamada Artı İvme (‘+Acceleration in Engineering, Architecture and Planning’) magazine was held at the İstanbul 16th High Criminal Court (13 November). The next hearing was scheduled for 19 February. Aydın is being charged with 'membership in a terrorist organisation' (Article 314/2 of the TCK), 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK), 'praising the offense and the offender' (Article 215 of the TCK), 'resisting to prevent a public officer from performing a duty' (Article 265 of the TCK) and violating Law No: 2911 on Meetings and Demonstrations. Aydın faces up to 53,5 years in prison. He was released on 11 July within the scope of the Third Judicial Reform Package.

The KCK Media Trial: DİHA employee Çiğdem Aslan and former reporter Oktay Candemir, who are defendants in the KCK Media Trial at the İstanbul 15th High Criminal Court, were released on grounds of the "possibility of a change in the classification of offense." The request of other arrested defendants to be released was rejected. The defendants, who requested the right to give their defences in their mother tongues, were taken out of the courtroom. Journalists and lawyers walked out of the hearing. The bill of indictment was read to an empty courtroom (12-16 November). The next hearing was scheduled for 4-8 February 2013.

A total of 44 defendants are being charged in the trial. Thirty-two of them have been arrested pending the outcome. Defendants Nurettin Fırat, Ertuğ Bozkurt, Mazlum Özdemir, Turabi Kişin, Ramazan Pekgöz, Şeyhmus Fidan, Hüseyin Deniz, Yüksel Genç, Nevin Erdemir, Semiha Alankuş, Davut Uçar and Kenan Kırkaya are being charged with 'commanding the KCK/PKK organisation' (Article 314/1 of the TCK); Sibel Güler, Mehmet Emin Yıldırım, Zuhale Tekiner, İrfan Bilgiç, Ömer Çelik, Haydar Tekin, Ömer Çiftçi, Selahattin Aslan, Dilek Demiral, Nahide Ermiş, Çağdaş Kaplan, Çağdaş Ulus, Cihat Ablay, Nilgün Yıldız, Çiğdem Aslan, Sadık Topaloğlu, Ayşe Oyman, İsmail Yıldız, Fatma Koçak, Oktay Candemir, Pervin Yerlikaya Babir, Zeynep Kuray, Şerafettin Sürmeli, Eylem Sürmeli, Sultan Güneş Ünsal, Murat Eroğlu, Evrim Kepenek, Hamza Sürmeli and Arzu Demir are being charged with 'membership in a terrorist organisation' (Article 314/2 of the TCK and Article 5 of the TMK); and Ziya Çiçekçi, Saffet Orman and Enis Yalçın are standing trial for 'membership in a terrorist organisation' (Article 314/2 of the TCK, Article 5 of the TMK) and based on Article 33/1 of the Law No: 2911 on Meetings and Demonstrations.

"Genocide" trial under 301: Writer Temel Demirer is standing trial for allegedly saying "There was an Armenian Genocide in this country," in a speech he gave in front of the Human Rights Monument on the Yüksel Avenue on 20 January 2007 to protest the murder of Hrant

Dink. During the hearing at the Ankara 2nd Criminal Court of First Instance, the statement expected from the administrative court did not arrive (14 November). The next hearing was scheduled for 19 February. Demirer is being charged with ‘inciting hatred and enmity’ (Article 216 of the TCK) and ‘publicly denigrating the Republic of Turkey’ (Article 301 of the TCK). The trial began on the criminal complaint by the Ankara Police Security Branch Directorate.

Legal action against torturing journalist: Four police officers, who allegedly tortured Atılım’s reporter Şenol Gürkan when he was under detention in 2001, are now standing trial at the Ankara 1st High Criminal Court after the Supreme Court of Appeals overturned the punishment handed down to them (9 November).

Evrensel was acquitted in the Newroz trial: Evrensel’s editor-in-chief Fatih Polat, reporter Özer Akdemir and columnist Ender İmrek were acquitted during their second hearing at the İstanbul 17th High Criminal Court on grounds that no element of crime was found (8 November). The defendants were being charged with ‘making propaganda on behalf of a terrorist organisation’ (Article 7/2 of the TMK) because of the 2012 Newroz news reports and photographs, news reports, comment and titles published in the newspaper on 24 March.

Tekin is standing trial: During the fourth hearing, the Diyarbakır 4th High Criminal Court sentenced Azadiya Welat’s Mardin representative Aziz Tekin to three years, one month and 15 days in prison for ‘committing an offense on behalf of an organised criminal group without being a member of that group’ (through a reference to Article 314/2 in Article 314/3 and 220/6 of the TCK and Article 5 of the TMK) (8 November). He was arrested on 28 January within the framework of the KCK operations. Tekin had been released in August.

"Roj TV" case: DİHA’s Batman representative Erdoğan Altan, Diyarbakır representative Kadri Kaya and Batman Postası (‘Batman Post’) reporter Mehmet Karabaş were each sentenced to 2 years and one month in prison by the Diyarbakır 7th High Criminal Court for ‘knowingly and willingly assisting a group although not being in the hierarchical structure of the group’ (Article 220/7 and 314/3 of the TCK) (7 November). The file is currently at the Supreme Court of Appeals.

Altan and Kaya have been standing trial since 28 March because of the reports they sent to Roj TV and Denge Mezopotamya (‘Balance Mesopotamia’) Radio. They had been released on 28 March.

Kuriş was arrested: DİHA’s Mersin reporter Zeynep Kuriş, who was detained on 3 November, was arrested by the Adana High Criminal Court Magistracy on Duty on 7 November for charges of "being a member of the KCK."

Akyol was released: A total of 22 people, who were arrested within the framework of the KCK operations against students in Adana in May 2011, including DİHA reporter and Çukurova University student Ahmet Akyol, are standing trial at the Adana 6th High Criminal Court. During the seventh hearing, Akyol was released (6 November). The next hearing was scheduled for 31 January. Akyol is being charged with ‘membership in a terrorist organisation’ (Article 314/2 of the TCK) and ‘making propaganda on behalf of a terrorist organisation’ (Article 7/2 of the TMK).

The İstanbul 2nd KCK case: A total of 50 people, including 46 lawyers, are standing trial at the İstanbul 16th High Criminal Court within the framework of "KCK investigations."

Journalist Cengiz Kapmaz is among the defendants. During the fourth hearing, the defendants' requests to give their defenses in Kurdish were rejected by the court (6 November). The next hearing of the 50 defendants, 28 of whom have been arrested pending the outcome of the trial, was scheduled for 3 January 2013. Kapmaz faces 15 to 22,5 years in prison for 'establishing and commanding an armed organisation' (Article 314/1 of the TCK).

Parlak and Çağlar were detained: Azadiya Welat's owner Halime Parlak and Mersin employee Ergin Çağlar were detained within the scope of the KCK operations based in Mersin and carried out in six provinces (3 November). Parlak and Çağlar were released in Adana by the Office of the Attorney General (6 November).

Karabeğ and Çat were sentenced to prison and then released: Azadiya Welat's Mersin representative Abdulcabbar Karabeğ and the newspaper's employee Ali Çat were each sentenced to four years and eight months in prison by the Adana 8th High Criminal Court for 'aiding and abetting a terrorist organisation.' The Court took into account the period the defendants have spent under arrest and the Third Judicial Reform Package, and therefore, released them (2 November).

Çiçek faces life in prison: The İstanbul Office of the Chief Public Prosecutor finalised its investigation against the Marxist Leninist Communist Party (MLKP). Atılım newspaper's executive editor İbrahim Çiçek and Ali Hıdır Polat, the Adviser to the Leader of the Socialist Party of the Oppressed (ESP) are faced with heavy life imprisonment for 'attempting to overthrow the constitutional order,' and 'establishing and commanding a terrorist organisation' (31 October). Çiçek and Polat are still on the run.

Criminal complaint against Balbay: Prosecutor Mehmet Ali Pekgüzel of the Ergenekon Trial asked the İstanbul 13th High Criminal Court to file a criminal complaint at the Silivri Office of the Chief Public Prosecutor against CHP İzmir Deputy and Cumhuriyet newspaper's writer Mustafa Balbay for his denunciatory statements about the counsel for the prosecution (30 October).

Aydın was detained: Police intervened in a press announcement in Diyarbakır, Bismil, and detained many people including DİHA's reporter Murat Aydın. Aydın's camera and cassette were also seized. Aydın was released on the same day after testifying at the Bismil Police Department (30 October).

Roj TV case: The Roj TV case, which was finalised in 2011 in Copenhagen, Denmark, has begun at the High Court (29 October). The TV channel had previously been fined, its broadcasts had been suspended until 28 October, and an order was given to shut down the media organs belonging to the Mezopotamya Broadcasting Company, to which Roj TV is affiliated. Roj TV, which had to suspend its broadcasts for two months, started broadcasting again on 1 November under the new name 'Nuce TV.'

Listening in on journalists' phone calls: The İstanbul Office of the Chief Public Prosecutor requested a permit to interrogate Turkey's National Intelligence Organization MİT's İstanbul Regional Director and a number of officials on grounds that the phone calls of nine people

including Yasemin Çongar, Ahmet Altan, Mehmet Altan, Markar Esayan, Mehmet Baransu and Amberin Zaman were listened in on between 30 October 2008 and 24 January 2012 through a court order obtained with fake names (25 October).

Babaoğlu and Kına were acquitted: İHD's Şanlıurfa Branch Head Cemal Babaoğlu and Director Müslim Kına were arrested on 30 September 2011 and released on 9 January 2012. They were acquitted by the Diyarbakır 7th High Criminal Court (22 October). Babaoğlu and Kına were standing trial for visiting the democratic solution tent in Urfa in March 2011, and for the speeches made by Babaoğlu. They were being charged with 'making propaganda on behalf of the terrorist organisation' (Article 7/2 of the TMK), 'disqualification from use of certain rights' (53/1 of the TCK), 'seizure of property' (Article 54 of the TCK) and 'recidivism and offenses of special risk' (Article 58/9).

The Aydınlar- Sağ case: The trial of Turkish folk music singer Pınar Aydınlar Sağ and Group Munzur members Özlem Gerçek and Erkan Duman at the Malatya 3rd High Criminal Court was postponed within the scope of the Third Judicial Reform Package (18 October). The defendants were faced with one to five years in prison for 'making propaganda on behalf of TKP/ML' (Article 7/2 of the TMK) because of the speeches they gave and the folk songs they sang at the Munzur Nature and Culture Festival in Tunceli. Aydınlar had previously been sentenced to 10 months in prison based on Article 7/2 of the TMK because of the things she said during a concert and the folk songs she sang. The file is currently at the Supreme Court of Appeals.

The Encü case: DİHA's reporter Murat Çiftçi, who was standing trial for writing a news report on Gülistan Encü, the key name in the Urfa KCK file, was sentenced to eight years and nine months in prison by the Diyarbakır 7th High Criminal Court. The file is at the Supreme Court of Appeals (17 October). Çiftçi was being charged with 'influencing a fair trial' (Article 288 of the TCK) and 'membership in a terrorist organisation' (Article 314/2 of the TCK).

The Adana KCK case: A total of 47 defendants, who were detained within the framework of the "KCK operation" in Adana in 2011, stood trial at the Adana 8th High Criminal Court. Fourteen of the defendants had been arrested pending the outcome of the trial. In the last hearing, Radyo Dünya ('Radio World') manager Kenan Karavil was sentenced to 13 years and six months in prison; and Azadiya Welat's Adana representative Seyithan Akyüz was sentenced to 12 years in prison. Forty-five defendants were sentenced to a total of 419 years in prison for 'membership in a terrorist organisation' (Article 314/2 of the TCK). Two defendants were acquitted. The file is at the Supreme Court of Appeals (16 October).

Producers of 'Porno Projesi' face prison sentence: A civil lawsuit was brought against D.Ö. and E.Ş.U. from the Communications Faculty of the İstanbul Bilgi University, who made the film called Porno Projesi ('Porn Project') as their dissertation (16 October). The İstanbul Public Prosecution Office is demanding one to four years in prison for Özgün and Urucu for charges of 'obscenity' (Article 226/4 of the TCK).

Özdemir's case was postponed: The Bakırköy 14th Criminal Division postponed the trial of journalist Cüneyt Özdemir within the framework of the Third Judicial Reform Package. Özdemir was standing trial for criticising the ruling of the Supreme Court of Appeals in the N.Ç. case over Twitter (16 October).

Investigation against the BDP Congress: The Ankara Office of the Chief Public Prosecutor launched an investigation against the organisation committee of BDP's 2nd Extraordinary Congress on 14 October. The investigation was launched because of the slogans chanted, and the Abdullah Öcalan posters and banners opened at the congress. The members of the committee are being accused with "making propaganda on behalf of a terrorist organisation."

Decision about 33 journalists: Selçuk Uğur Özdemir, the Çorlu Judge of the time, filed a complaint about a news report concerning him. The Office of the Attorney General decided that there is no need for prosecution of 33 journalists including Gerçek Gündem ('Real Agenda') newspaper's general manager Barış Yarkadaş, İnternethaber ('internetnews') editor Deniz Temur, Ensonhaber ('latestnews') editor Duygu Göktaş and Haber Vitriini ('News Showcase') general manager Metin Özer (12 October).

The İllallah case: In the second hearing of the trial against the 2010 Metis diary 'İllallah,' the İstanbul 2nd Criminal Court of First Instance postponed the proceeding within the framework of the Third Judicial Reform Package. The defendants' demand to continue the proceeding was rejected (11 October). The trial had been opened on 26 November 2010 at the İstanbul 16th Criminal Court of First Instance for charges of 'disrespecting religious values' (Article 216/3 of the TCK). Along with Semih Sökmen, the editors of the dairy Müge Sökmen, Özge Çelik, Tuncay Birkan, Özde Duygu Gürkan, Emine Bora and Eylem Can were being charged in the trial.

Period of limitation for Tuğluk and Birand: The trial against Aysel Tuğluk, the Diyarbakır Deputy of the Democratic Society Party (DTP), the lawyers of Abdullah Öcalan and journalist Mehmet Ali Birand, for their speeches published in newspapers and television, was abated due to the period of limitation (10 October). A total of 19 defendants were standing trial at the İstanbul 9th High Criminal Court for 'aiding a terrorist organisation' (Article 220/7 of the TCK) and 'membership in a terrorist organisation' (Article 314/2 of the TCK).

Duman was sentenced to life in prison; Abay's sentence was overturned: The trial of spokesperson Necati Abay of the Platform for Solidarity with Arrested Journalists (TGDP) and Atılım newspaper's former editor-in-chief Hatice Duman was concluded. The Ankara 9th Circuit of the Supreme Court of Appeals upheld the life sentence handed down to Duman. Duman has been standing trial for the last nine years. She had been arrested pending the outcome of the trial. The 18 years and nine months of prison sentence handed out to Abay for 'commanding a terrorist organisation' (Article 220/5 of the TCK) by the İstanbul Specially Authorised 12th High Criminal Court, was overturned (10 October). Abay was being charged with 'membership in MLKP' and 'commanding a terrorist organisation' (Article 220/5 of the TCK). On this decision, Abay applied to Germany for asylum on 25 November.

Chief of Police is accused with "praising the criminal"....: The Siverek Martyrs and War Veterans' Families Association filed a criminal complaint at the Siverek Public Prosecution Office against Diyarbakır Chief of Police Recep Güven, who said: "You are not human if you are not crying for the terrorist, who dies on the mountains" (8 October). Businessperson Cihangir Tekcan applied to the Ankara Office of the Chief Public Prosecutor for the same reason, and accused Güven of 'praising the offense and the offender', 'neglect of duty' and 'insulting the citizens.' The Ministry of Interior launched an investigation against Güven (10 October).

The Newroz case: Lawyer Şiar Rişvanoğlu is standing trial for 'holding an illegal meeting and demonstration' during the 2010 Newroz celebrations in Adana (violating Articles 12 and 23 of the Law No: 2911). The sixth hearing of the trial was held at the Adana 3rd Criminal Court of First Instance. It was decided that the defendants with missing statements are brought to court in the next hearing (5 October). The next hearing was scheduled for 30 January.

Legal action against news report on association: Journalist Murat Altunöz from Antakya is standing trial for writing two news reports about the Democratic Culture and Arts Association. He is being charged with 'membership in a terrorist organisation' (Article 314/2 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) at the Adana Specially Authorised 6th High Criminal Court (5 October). Altunöz faces 5 to 10 years in prison based on Article 314/2 of the TCK, and 1 to 5 years in prison based on Article 7/2 of the TMK.

Criminal complaint against Nişanyan: Okan Çalışan and Zekai Tatlı from the Youth Branches of the Saadet ('Felicity') Party filed a criminal complaint at the İstanbul Court House in Çağlayan, against writer Sevan Nişanyan, claiming that he insulted Prophet Mohammad. Nişanyan allegedly insulted the Prophet over Twitter. He is being accused with "libel" and "inciting hatred and enmity or defamation" (4 October).

Criminal complaint against Habervaktim: Lawyer Ömer Faruk Gergerlioğlu filed a criminal complaint at the Kocaeli Office of the Chief Public Prosecutor against the Habervaktim Internet site because of the news report titled, 'Terrorists also signed' (4 October).

Arslan was arrested: DİHA's Mersin reporter Ferhat Arslan, who was detained on 25 September and then released, was detained again on 4 October following the objection of the prosecutor. Arslan was arrested by the Adana 9th High Criminal Court on charges of "commanding KCK" and "membership in KCK" (5 October).

KCK cases were joined: A total of 175 defendants are standing trial in the KCK case. Of the 175 defendants, 110 have been arrested pending the outcome of the trial, including DİHA editor Tayyip Temel and Diyarbakır Gün TV's general manager Ahmet Birsin. The request for giving defenses in Kurdish was rejected by the Diyarbakır 6th High Criminal Court. Two defendants were released (4-15 October). The next hearing was scheduled for 14 January 2013. Temel is being charged with 'commanding a terrorist organisation' (Article 314/1 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK).

The Mahsum Korkmaz interview: The Batman Postası ('Batman Post') newspaper's owner Mustafa Kemal Çelik, Mahsum Korkmaz's brother Fehmi Korkmaz and sister Maşallah Dağ were standing trial because of an interview about Mahsum Korkmaz's life conducted with his family. The Batman 2nd Criminal Court of First Instance postponed the trial for three years within the scope of the Third Judicial Reform Package (3 October). The defendants were being charged with "praising the offense and the offender" through the media (Articles 215/1, 218/1 of the TCK).

CHP submitted a parliamentary question about the Prime Minister: CHP Deputy Heads Umut Oran and Sezgin Tanrikulu, and some parliamentarians from CHP submitted a

parliamentary question to the Turkish Grand National Assembly for a parliamentary investigation against Prime Minister Recep Tayyip Erdoğan, who stated that he had given instructions to the judiciary regarding BDP Deputies (2 October).

The Özgür Gündem cases: A total of 14 investigations were launched against Özgür Gündem newspaper's executive editor-in-chief Reyhan Çapan in 2012. She was sentenced to four years and seven months in prison.

On 17 October, the İstanbul 15th High Criminal Court sentenced Çapan to a year and three months in prison for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) in the 21 March issue of the newspaper. On 8 November, the İstanbul 17th High Criminal Court also sentenced Çapan to a year and three months in prison for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) in the newspaper issued on 18 February. The next hearing of the seven other lawsuits against Çapan was scheduled for 15 January.

In 2012, Özgür Gündem and Günlük ('Daily') newspapers' owner and former editor-in-chief Ziya Çiçekçi was sentenced to a total of 33 years, 6 months and 25 days in prison and was handed down a monetary fine of 16 thousand 600 Turkish Liras (about 7,120 euros) in 25 lawsuits against him. The investigations, trials and conviction decisions against Çiçekçi were based on allegations of 'identifying officials on anti-terrorist duties as targets' (Article 6 of TMK), 'propaganda' (Article 7 of the TMK) and 'praising the offense and the offender' (Article 215 of the TCK).

Lawsuits were also brought against the writers of the newspaper Veysi Kemal Sarısözen and Yüksel Genç, news director Ramazan Pekgöz and Günlük newspaper's general manager Filiz Koçali. On 12 April, the Supreme Court of Appeals upheld the one year and six months of prison sentence handed down to Sarısözen by the 13th High Criminal Court. Sarısözen was being charged with 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) because of an Article he wrote in 2007 titled, "Etcetera Etcetera..."

Demokratik Ulus-Vatan-Toplum-Gelecek-Yaşam: On 17 October, the İstanbul 23rd High Criminal Court sentenced journalist Arafat Dayan to six years and three months in prison for 'making propaganda on behalf of a terrorist organisation' in the 26 March-26 June issues of the Demokratik Ulus ('Democratic Nation') – Vatan ('Motherland') – Toplum ('Society') – Gelecek ('Future') – Yaşam ('Life') newspapers. Eleven trials and eight investigations against Dayan are still on-going.

Çetin Doğan is standing trial based on Article 301: Retired General Çetin Doğan was previously sentenced to 20 years in prison in the Balyoz Case. Doğan is now standing trial at the Silivri 2nd Criminal Court of Peace for 'denigrating the government of the Republic of Turkey' (Article 301 of the TCK). During the first hearing, the bill of indictment was read and defenses were given (28 September). Doğan, during the Balyoz hearing on 17 January 2012, had used expressions like "The Anti-Terrorism Branch has become a terrorist production branch." Doğan faces six months to two years in prison.

Legal action against Kurdish song: Zülküf Akelma was standing trial for singing a Kurdish song named 'Herne peş' ('Forward') during a rally organised by the Turkish Doctors' Union

(TTB) in 2011. The trial was postponed for three years by the Ankara 12th High Criminal Court within the framework of the Third Judicial Reform Package. Özgür Yıldırım had been sentenced to 10 months in prison on 26 June for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) by chanting the slogan "No life without the leader," at the same rally. His prison sentence was also postponed for three years within the framework of the Third Judicial Reform Package (25 September).

Acquittal in the caricature trial: Caricaturist Ayhan Kiraz from Zonguldak was acquitted in the trial he was standing because of a caricature titled "The circles with no regard to rights or laws are messing with Çaycuma Eğitim-Sen!" published in Çaycuma Sanat ('Çaycuma Art') (25 September). Kiraz was standing trial at the Çaycuma Criminal Court of First Instance for 'disrespecting religion' (Article 216/3 of the TCK).

Arancak was sentenced to prison: Firat Distribution's İstanbul employee Veysi Arancak, who was arrested on 20 February 2011, was sentenced to nine years, nine months and 15 days in prison by the İstanbul 9th High Criminal Court on the fifth hearing of his trial (20 September). Arancak was being charged with 'committing an offense on behalf of an organised criminal group without being a member of that group' (through a reference to Article 314/2 in Article 220/6 of the TCK) and 'breaking the window of an armoured vehicle belonging to the police department' (TCK 152/1a).

Şimşek was sentenced to prison: The Patnos Criminal Court of First Instance sentenced DİHA's reporter Veysel Şimşek to a year and six months in prison for violating Law No: 2911 on Meetings and Demonstrations (20 September). Şimşek was among the group of journalists covering the members of the Peace Group returning from Kandil in 2009.

Conscientious objector Özkan was acquitted: Conscientious objector and İHD member Doğan Özkan was acquitted (13 September). Özkan was being charged with 'discouraging people from enlisting in armed forces' (Article 318 of the TCK). Özkan was standing trial at the Üsküdar 1st Criminal Court of Peace because of the statement he made in front of the Selimiye Military Barracks.

Colonel was penalised for Hitler video: The Military Court sentenced Colonel Oktay Zaif to a year and 15 days in prison and expelled him from the Turkish Armed Forces (TSK) for 'indoctrination with political purposes' (Military Penal Code 148/1-c) by showing his students at the Air Force Academy Command, a video that depicted Prime Minister Erdoğan as Hitler during a class he taught in 2009. Zaif's sentence was postponed due to the remorse he displayed during the proceedings (5 September).

Akar brought legal action against Birand and Yıldız: Rıdvan Akar filed a claim for compensation against Mehmet Ali Birand and Reyhan Yıldız because of the documentary and book: "The Last Coup: 28 February" at the İstanbul Civil Court for Intellectual and Industrial Property Rights. Akar is demanding 15 thousand Turkish Liras (about 6,500 euros) in damages. He also filed a criminal suit at the Bakırköy Office of the Chief Public Prosecutor (1 August).

Not a terror crime: The 5th Criminal Division of the Supreme Court of Appeals ruled that the threat e-mail sent to Professor Doctor Baskın Oran in 2008 by Bilal Şekerlisoy with the

signature of Turkish Revenge Brigade (TİT), does not constitute crime. The Supreme Court of Appeals stated that the email constitutes "simple threat" (23 July).

Terkoğlu's trial was postponed: Journalist Barış Terkoğlu was being charged in the OdaTV trial at the İstanbul 12th High Criminal Court for his news report titled, 'These photographs will create turmoil' published on 5 October 2009. The trial was postponed for three years within the framework of the Third Judicial Reform Package (18 July). Terkoğlu was being charged with 'identifying officials on anti-terrorist duties as targets' (Article 6/1 of the TMK), and 'disqualification from use of public rights' (Article 53 of the TCK).

Trial for interviewing Emine Ayna: Atılım newspaper's reporter Doğan Araz was standing trial for interviewing BDP Diyarbakır deputy Emine Ayna in March 2011. The trial at the İstanbul 10th High Criminal Court was postponed within the framework of the Third Judicial Reform Package (July). Araz was being charged with 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK).

Feto and Apo: Gerger Fırat newspaper's owner Hacı Boğatekin was sentenced to a year in prison by the Malatya 3rd High Criminal Court for 'praising the offense and the offender' (Article 215 of the TCK) because of his article titled, "Feto and Apo" published in 2008 (27 June). In February 2012, the Supreme Court of Appeals had overturned a prison sentence of a year and eight months handed down to Boğatekin by the Malatya 3rd High Criminal Court for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK).

What kind of a propaganda is this?: Hearing and speech-impaired Mehmet Tahir İlhan, who was arrested during the incidents at BDP's solution tent, was sentenced to eight years and four months in prison (22 June). İlhan was being charged with 'committing a crime on behalf of a terrorist organisation' (Article 220/6), 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) and violating 'Law No: 2911 on Meetings and Demonstrations' at the Adana Specially Authorised 8th High Criminal Court.

Zengin was sentenced to prison: Selim Zengin from Baran magazine was sentenced to 18 months in prison for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) because of his article titled "1 February 1991..." (8 June). The Ministry of Justice gave permission for the officials of the magazine to be put on trial for charges of 'denigrating the state's military organisation through the media' (Article 301 of the TCK) because of an interview with Mustafa Hacımustafaoğulları published in the 255th issue of the magazine.

The Banner Trial: Berna Yılmaz, Ferhat Tüzer and Utku Aykar were sentenced to prison for opening a banner that read, "Free education" during a speech by Prime Minister Recep Tayyip Erdoğan. Berna Yılmaz and Ferhat Tüzer had remained under arrest for 19 months pending the outcome of the trial. The İstanbul 10th High Criminal Court sentenced Yılmaz and Tüzer to 8 years, 5 months and 20 days in prison for 'membership in a terrorist organisation' (Article 314/2 of the TCK) and 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK). Utku was sentenced to 2 years, 2 months and 20 days in prison for 'making propaganda on behalf of a terrorist organisation' (7 June). Yılmaz and Tüzer had been released on 6 October 2011.

Prison sentence because of Diyarbakır Prison No: 5: İrfan Babaoğlu, the writer of "From Auschwitz to Diyarbakır Prison No: 5," which is about the Diyarbakır No: 5 Prison, was sentenced to a year and three months in prison. Aram Publishing House was handed down a monetary fine of 16 thousand Turkish Liras (about 6,900 euros) (1 June). Babaoğlu was being charged with 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) in the trial, which began on 10 April at the Diyarbakır 4th High Criminal Court.

Kırmızıgül was sentenced to 11 years and 3 months in prison: University student Cihan Kırmızıgül was sentenced to 11 years and 3 months in prison in the trial known as the 'puşi trial.' (Translator's note: puşi is a traditional headwear). The reasoned decision has been prepared (22 May). In its decision, the Specially Authorised İstanbul 14th High Criminal Court stated that Kırmızıgül has been sentenced to 11 years and three months in prison on 11 May, for 'membership in a terrorist organisation' (Article 314/2 of the TCK). Kırmızıgül had been released on 23 March after having remained under arrest for 25 months.

Penalty for Öcalan books: Kemal Dal, the former İzmir Provincial Accounting Officer of the closed-down BDP and Hıdır Altun, former DTP provincial head, received penalties for 'making propaganda on behalf of a terrorist organisation propaganda' (Article 7/2 of the TMK) with Abdullah Öcalan's books. Dal was sentenced to 3 years, one month and 15 days in prison. Altun was sentenced to 3 years and nine months in prison (21 May).

Dal and Altun had been detained in 2009 in İzmir, Bornova, for possession of banned publications, as they went to the courier company to collect the packages that had been sent to them. The police had been waiting for them at the entrance of the courier company. They had then been released. The Office of the Attorney General had seized 2970 books (Uygarlık ('The Roots of Civilisation'), Maskeli Tanrılar ve Örtük Krallar Çağı ('Era of Masked Gods and Tacit Kings'), Kapitalist Uygarlık ('Capitalist Civilisation'), Maskesiz Tanrılar ve Çıplak Krallar çağı ve Özgürlük Sosyolojisi ('Era of Unmasked Gods and Naked Kings and Sociology of Freedom) in the package at the courier company that were sent to Dal and Altun, on grounds that the Siirt Criminal Court of Peace has a confiscation decision about the defense statements sent by Öcalan to the ECHR, and which were printed by the Aram Publishing House. The İzmir Office of the Attorney General had also prepared a bill of indictment about Dal and Altun regarding the issue.

Ten months in prison for two songs: The İzmir 10th High Criminal Court sentenced Çetin Güler and Metin Güler to ten months in prison each. Çetin and Metin Güler are members of the Koma Çiyayê Munzur, which gave a concert in Manisa during the 2011 Newroz celebrations. The musicians were convicted for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) by singing the songs named Berîtan and Oremar (17 May).

Verdict of non-prosecution in the Çakır case: A verdict of non-prosecution was given in the investigation against journalist Ruşen Çakır. The investigation had been launched on allegations that Çakır was 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK). The Specially Authorised Office of the Attorney General stated that there was no element of crime in Çakır's speech, and added that there is not need to bring a civil lawsuit against him. (16 May).

Köse was sentenced to prison: Islamist writer Yakup Köse was sentenced to a year in prison by the İstanbul Specially Authorised 14th High Criminal Court, for chanting ‘Allahu Ekber’ at the prison in 1999 (9 May). Köse will be sent to prison for 'aiding and abetting a terrorist organisation if the Supreme Court of Appeals upholds the sentence. Köse was sentenced to 7 years in prison when he was 14 years old, on grounds of being a member of the İBDA-C organisation.

Acquittal in the Laz Marks trial: Theatre actor Haldun Açıksözlü, who was standing trial at the Tunceli Criminal Court of Peace because of his political play ‘Laz Marks,’ has been acquitted (10 April). The case was opened in November 2010.

Açıksözlü was being charged with ‘praising the offense and the offender’ (Article 215 of the TCK) because of the sentences: “Is this not our history?”, “Which resistance’s history was written by Gezmiş, Çayan, Kaypakkaya?”, “Isn’t the fire lit by the oppressed in the Diyarbakır prisons in the 1980s still burning?” that were found in the play. He was faced with two years in prison and a professional ban of three months to three years under article 53 of TCK.

From funeral to membership in a terrorist organisation: A total of 27 defendants, who were standing trial at the Ankara 12th High Criminal Court for attending the funeral of writer Kutsiye Bozoklar, who died in 2009, were acquitted from charges of ‘membership in a terrorist organisation’ (Article 314/2). The court convicted 25 defendants for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK). The defendants, including Sanat ve Hayat (‘Art and Life’) magazine’s manager Hacı Orman, Demokrat Radyo’s (‘Democrat Radio’) employee İsmnaz Ergün and Dayanışma (‘Solidarity’) newspaper’s employee Emin Orhan, were handed down prison sentences ranging from 1 year and 15 days to 10 months. The case is currently at the Supreme Court of Appeals (15 March). The defendants had been released in 2010 pending the outcome of the trial.

One year prison sentence despite the error in the official report: The Supreme Court of Appeals, upheld the one-year prison sentence handed down to Halil İmrek, a Member of the Board of Directors of the Labour Party (EMEP) for 'making propaganda on behalf of a terrorist organization’ (Article 7/2 of the TMK) (2 March). It was alleged that the prison sentence handed down to İmrek for his speeches in 2006 at the Adana and Osmaniye Newroz demonstrations were based on erroneous police reports. At the demonstration, İmrek had told the story of Ironsmith Kawa, who stood up to the cruel ruler, which is the story that the Newroz legend is based on. In the official reports, 'Ironsmith Kawa' was recorded as 'Ironsmith bucket' and 'Cruel Dehak' was recorded as 'Cruel DEHAP.'

10 years in prison for singing: The Erzurum 2nd High Criminal Court sentenced Kurdish singer Hemê Heci to 10 months in prison for 'making propaganda on behalf of a terrorist organisation’ (Article 7/2 of the TMK) because of the songs he sang and the speech he gave at the 2010 Newroz celebrations in Kars (21 February).

Alınak was acquitted from Article 216 of the TCK: Mahmut Alınak, who was being charged with 'inciting hatred and enmity' (Article 216 of the TCK) for writing a petition to the Office of the Secretary General of the United Nations in 2007, was acquitted. The Kars 2nd Criminal Court of First Instance stated that the offense should be considered within the

scope of 'denigrating and deriding Turkishness' (Article 301 of the TCK) but added that the Ministry of Justice has not given the permission required by Article 301/4. (20 January). Mahmut Alınak was arrested on 8 December 2011 in İstanbul within the framework of the "KCK operations." He was released on 18 July 2012.

Lawsuits against Kurdish politicians

Summary of proceedings: A total of 383 summary of proceedings were prepared by various offices of the attorney general about the deputies of the Peace and Democracy Party (BDP) and independent deputies in 2012.

During the period of October-December 2012, a total of 127 summary of proceedings were prepared for 27 of the 29 BDP deputies and three independent deputies.

The deputies about whom the summary of proceedings were prepared are; Adil Kurt, Ahmet Türk, Altan Tan, Ayla Akat Ata, Aysel Tuğluk, Demir Çelik, Emine Ayna, Erol Dora, Ertuğrul Kürkçü, Esat Canan, Gülser Yıldırım, Gültan Kışanak, Hüsametdin Zenderlioğlu, Halil Aksoy, Hasip Kaplan, İbrahim Ayhan, İbrahim Binici, İdris Baluken, Leyla Zana, Levent Tüzel, Nazmi Gür, Nursel Aydoğan, Özdal Üçer, Pervin Buldan, Mülkiye Birtane, Sabahat Tuncel, Selahattin Demirtaş, Sırrı Sakık, and Sırrı Süreyya Önder.

Nursel Aydoğan is the deputy with the highest number of summary of proceedings, with 13 summary of proceedings.

The subjects of the summary of proceedings are: 'Making propaganda on behalf of PKK' (Article 7/2 of the TMK), 'violating the Law on Meetings and Demonstrations' (Article 28/1 of Law No: 2911), 'praising the offense and the offender' (Article 215 of the TCK), 'defamation of a public officer because of his/her duty' (Article 125 of the TCK), 'membership in a terrorist organisation by committing an offense on behalf of the organisation without being a member of that organisation,' (Article 314/2 through a reference in Article 220/6 of the TCK) and 'inciting hatred and enmity' (Article 216 of the TCK).

Özel-Demirtaş case was rejected: The Ankara 17th Civil Court of First Instance, rejected the libel suit opened by the Chief of General Staff General Necdet Özel against BDP Head Selahattin Demirtaş, on grounds that it is unsupportable (4 December). On 7 January 2012, Demirtaş had said the following about Özel: "Even if you are a general, for us, you are just a non-commissioned officer."

Dicle and Sadak case: Hatip Dicle, who was arrested within the scope of the KCK case, and BDP Siirt Mayor Selim Sadak were standing trial for "praising the offense and the offender" (Article 215 of the TCK) on Roj TV in 2008. The Ankara 11th High Criminal Court decided to postpone the proceedings. The court stated that the alleged crime was committed before 31 December 2011 and considered the case within the framework of the Third Judicial Reform Package (30 October). The 9th Criminal Division of the Supreme Court of Appeals overturned the six-months prison sentence handed down each to Dicle and Sadak (21 May).

Zana faces 55 years in prison: The Office of the Chief Public Prosecutor of the Supreme Court of Appeals considered that the ten-year prison sentence handed down to Diyarbakır

Independent Deputy Leyla Zana for 'membership in a terrorist organisation' is too little. It stated that Zana should be penalised for 'making propaganda on behalf of a terrorist organisation' as a successive offense and demanded a prison sentence of 55 years (24 October). The Diyarbakır 5th High Criminal Court had sentenced Zana to ten years in prison for nine speeches she had made on different dates (24 May).

Reasoned decision about Tuncel: The İstanbul 10th High Criminal Court announced the reason decision about BDP İstanbul Deputy Sebahat Tuncel, who was sentenced to eight years and nine months in prison. In its reasoned decision, the court stated that, Tuncel sent people to the mountain, gave instructions for some of the Molotov attacks and attended the PKK/KONGRA-GEL/PRD congress in Northern Iraq in 2004 (11 October). The court, on 18 September, had sentenced Tuncel to eight years and nine months in prison on grounds of membership in a terrorist organisation and Tuncel had been banned from leaving the country.

Sadak returned to his duty: Selim Sadak had been suspended from his duty with a Council of State decision after the Supreme Court of Appeals upheld a 10-month prison sentence handed down to him by the Diyarbakır 5th High Criminal Court. Sadak had objected to the decision of suspension. The General Assembly of the Divisions for Administrative Cases of the Council of State cancelled the suspension decision of the 8th Division of the Council of State, and Sadak returned to his duty (10 August).

Aysel Tuğluk cases: The Diyarbakır 6th High Criminal Court postponed the cases against Independent Van Deputy Aysel Tuğluk within the scope of the Third Judicial Reform Package (31 July). Tuğluk was being charged with 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK) and 'committing an offense on behalf of the organisation without being a member of that organisation' (through a reference to Article 314/2 in Article 220/6 of the TCK).

Tuğluk faces up to 82.5 years in prison because of the speeches she gave at a number of activities in Diyarbakır and 15 different statements she gave to the media between the years 2005 and 2009. The Diyarbakır 4th High Criminal Court sentenced Tuğluk to a total of 14 years and 6 months in prison: 8 years and 3 months in prison for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK), and 6 years and 3 months in prison for 'committing an offense on behalf of the organisation without being a member of that organisation' (through a reference to Article 314/2 in Article 220/6 of the TCK). Tuğluk was acquitted for five of her speeches (12 June).

Zana's case was postponed: The Diyarbakır 6th High Criminal Court postponed the case against Deputy Leyla Zana within the scope of the Third Judicial Reform Package (18 July). Zana was standing trial for 'praising the offense and the offender' (Article 215 of the TCK) because of the speech she gave during the Newroz celebrations in Diyarbakır in 2007.

Supreme Court of Appeals overturned Dicle's sentence: The Supreme Court of Appeals overturned a two-year prison sentence handed down to Hatip Dicle for 'making propaganda on behalf of a terrorist organisation' (Article 7/2 of the TMK). Dicle was arrested within the framework of the KCK case. The Erzurum 2nd High Criminal Court, which re-examined the file, acquitted Dicle (19 June). Dicle was being charged because of the speech he gave in the Doğubeyazıt district of Ağrı. Dicle had been elected as a Diyarbakır Deputy from the Labour,

Peace and Democracy Bloc on 12 June. Dicle's right to deputyship was taken away by the decision of the Supreme Election Board (YSK).

Lawsuit against Aydoğan: A lawsuit was brought against BDP's Diyarbakır Deputy Nursel Aydoğan for attending the funeral of PKK member Rıdvan Aktaş, who lost his life in clashes in Bitlis (16 May). Aydoğan is faced with 15 years in prison. Aydoğan will stand trial at the Diyarbakır 5th High Criminal Court, for 'committing an offense on behalf of the organisation without being a member of that organisation' and 'making propaganda on behalf of a terrorist organisation.'

Lawsuit against Binici: A lawsuit was brought against BDP's Şanlıurfa Deputy İbrahim Binici at the Diyarbakır 7th High Criminal Court (11 May). Binici faces up to 5 years in prison for allegedly standing in silent homage for the PKK members killed in 2007 in Suruç and for making a victory sign.

Halis was sentenced to prison: The Specially Authorised Malatya 3rd High Criminal Court sentenced former Tunceli Deputy Şerafettin Halis to 15 years, 3 months and 15 days in prison because of seven different speeches he gave (29 March). Halis was being charged with 'membership in a terrorist organization' (Article 314/2 of the TCK) and 'making propaganda on behalf of a terrorist organization' (Article 7/2 of TMK).

Is another right to deputyship being taken away?: The Supreme Court of Appeals upheld a two year and one month prison sentence handed down to Kemal Aktaş from BDP, who was elected to parliament when he was still in prison, because of a speech he gave during the 2006 Newroz celebrations. Upon the decision, the Diyarbakır 5th High Criminal Court stated that the Supreme Court of Appeals has upheld the two year and one month prison sentence handed down to Aktaş on grounds of 'making propaganda on behalf of a terrorist organization,' and asked the Speaker's Office of the Turkish Grand National Assembly whether Aktaş is still a parliamentarian or not (29 February).

Lawsuit against Dicle for election preparations: A lawsuit was brought against Hatip Dicle, whose right to deputyship was taken away by the Supreme Election Board (YSK), and who has been arrested within the scope of the KCK case. Dicle is being accused with 'making propaganda on behalf of a terrorist organization' in a letter he wrote from prison. Dicle's letter was read by the party's Provincial Head Zübeyde Zümrüt at the Lice meeting of the Peace and Democracy Party (BDP) on 31 May 2011. In the bill of indictment, a five-year prison sentence is demanded for Dicle, who wrote the letter, and Zümrüt, who read it out for 'making propaganda on behalf of a terrorist organization' (Article 7/2 of the TMK). The defendants will stand trial at the Diyarbakır 7th High Criminal Court (23 February).

TSK brought a lawsuit against Kışanak: The Turkish Armed Forces (TSK) stated that it has brought a case against BDP's Co-Chairman Gültan Kışanak for calling on Prime Minister Erdoğan and saying, "You cannot even shepherd three generals" (3 February).

Articles 285-288 of the TCK

In 2012, in the lawsuits opened on grounds of Articles 285 and 288 of the Turkish Penal Code, which are on 'violating the secrecy of an investigation' and 'attempting to influence a

fair trial,' four trials ended in acquittals; the defendants were handed down a monetary fine of 16 thousand 666 Turkish liras (about 7,150 euros) and the announcement of the verdict was adjourned in one trial; and the proceedings were postponed in another trial.

Lawsuits against the Taraf newspaper: A total of 122 hearings were held in the period October-December in new-on-going cases against the Taraf newspaper. Fifty-four of these cases were on grounds of 'violating the secrecy of the investigation through the media' (Article 285 of the TCK), 22 were on grounds of 'attempting to influence a fair trial' (Article 288 of the TCK), and 30 were on grounds of 'defamation' (Article 125 of the TCK). The proceedings of 70 cases were postponed within the framework of the Third Judicial Reform Package. The oldest of the cases has been going on since 2008.

Click for the lawsuits against the Taraf newspaper.

Lawsuit against Dağlar, Taşçı and Saymaz: Hürriyet reporter Ali Dağlar was standing trial for his book named, 'Name of Operation: Ağa 01;' journalist İlhan Taşçı was standing trial for his book named 'Justice in a Gown;' and Radikal reporter İsmail Saymaz was standing trial for his book named "Postmodern Jihad.' The İstanbul 2nd Criminal Court of First Instance postponed the proceedings within the scope of the Third Judicial Reform Package (4 December). The defendants were being charged with 'attempting to influence a fair trial,' (Article 288 of the TCK) and 'defamation' (Article 125 of the TCK) upon the complaint of the Erzurum Public Prosecutor Osman Şanal.

Küçükkaya stood trial for violating the secrecy: Aykut Küçükkaya, who stood trial for 'violating the secrecy through the media' (Article 285 of the TCK) because of his news report titled, 'Court Expert Also Said Rake' published in the Cumhuriyet newspaper on 24 March 2011, was acquitted by the İstanbul 2nd Criminal Court of First Instance (26 April).

Şener and Çakkalkurt were fined: The Bakırköy 2nd Criminal Court of First Instance handed down a monetary fine of 16 thousand 666 Turkish liras (about 7,150 euros) to journalist Nedim Şener and Milliyet newspaper's former editor-in-chief Hasan Çakkalkurt because of a news report titled 'The black bag was not in the room' published in the Milliyet Newspaper in 2010. The court adjourned the announcement of the verdict (6 April). The defendants were being charged with 'violating the secrecy of an investigation' (Article 285 of the TCK).

Saymaz and Çakkalkurt case: Journalist İsmail Saymaz and editor-in-chief Hasan Çakkalkurt, who stood trial for Saymaz's news report titled, "Love game in Ergenekon "- "Ergenekon public prosecutor also listened in on the judge" published in the Radikal newspaper, were acquitted (5 April). In the trial at the İstanbul 2nd Criminal Court of First Instance, the journalists were being charged with 'defamation through the media' (Article 125 of the TCK), 'violating the secrecy of the investigation' (Article 285 of the TCK), 'attempting to influence a fair trial' (Article 288 of the TCK), 'violating the secrecy of private life' (Article 134 of the TCK) and 'violating the secrecy of communications' (Article 132 of the TCK).

Pelek and Dolu case: Akşam newspaper's editor-in-chief Mustafa Dolu and the newspaper's former editor Semra Pelek were acquitted by the Bakırköy 2nd Criminal Court of First Instance (28 February). Dolu and Pelek were standing trial for 'violating the secrecy of the

investigation' (Article 285 of the TCK) and 'attempting to influence a fair trial' (Article 288 of the TCK) because of the news report titled, 'Question to Fırtına on Aydın Doğan, Rahmi Koç and Akçakoca' published on 5 January 2010.

Şener and Çakkalkurt were acquitted: OdaTV trial's defendant journalist Nedim Şener and Milliyet newspaper's former editor-in-chief Hasan Çakkalkurt were acquitted in the trial brought against them because of Şener's news report titled 'Organised Corruption in the Yol-İş Trade Union' (7 February). In the trial held at the Bakırköy 2nd Criminal Court of First Instance, Şener and Çakkalkurt were being charged with 'violating the secrecy of the investigation' (Article 285 of the TCK) and 'attempting to influence a fair trial' (Article 288 of the TCK).

Legal actions for libel, personal rights and compensation

In 2012, 33 people, including 12 journalists, were sentenced to a total of 10 years, 7 months and 16 days in prison and received a total monetary fine of 197 thousand 180 Turkish liras (about 85,000 euros) for libel and violation of personal rights. One newspaper was handed down a monetary fine of 4 thousand Turkish liras (about 1,700 euros).

Altaylı to pay damages to Ekşi Sözlük: The case between Habertürk's (Newstürk) executive editor Fatih Altaylı and Ekşi Sözlük ('Sour Dictionary'), which has been going on since 2010, was finalised at the İstanbul 5th Civil Court of First Instance. Altaylı will pay 9 thousand 500 Turkish Liras (about 4,000 euros) to Ekşi Sözlük for not publishing the article titled, "The Meeting Place of Sour Souls" and the disclaimer (28 December).

Slander action against Gerger Fırat: The slander action brought by Paramilitary Police Specialised Sergeant Ümmet Yardımcı against the Gerger Fırat newspaper on 9 May 2001 because of a news report titled 'Torture Allegations at the Paramilitary Police,' was postponed by the Gerger Criminal Court of First Instance within the framework of the Third Judicial Reform Package (26 December). Journalist Hacı Boğatekin, Özgür Boğatekin and İsmail Mente were being charged with slandering Yardımcı.

Action for damages because of a press statement: The Adana 2nd Civil Court of First Instance rejected the action for damages brought by the Ministry of Interior against Şiar Rişvanoğlu because of a joint press statement that he read. The Ministry of Interior appealed the decision. The file is currently at the Supreme Court of Appeals (18 December). The Ministry of Interior demands 10 thousand Turkish Liras (about 4,300 euros) in damages from Rişvanoğlu. The joint press statement was about the suspicious death of Azadiya Welat newspaper's distributor Metin Alataş, who was found hanged on a tree in an orange orchard in Adana.

Akkiraz was penalised because of a tweet: The Ankara 24th Civil Court of First Instance ordered CHP İstanbul Deputy Sabahat Akkiraz to pay 10 thousand Turkish Liras (about 4,300 euros) in damages to Prosecutor Hakan Yüksel of the Sivas Massacre Case for insulting him over Twitter (13 December). Akkiraz had criticised Yüksel over Twitter, saying: "The prosecutor is expressionless, as if he is the devil's grandson. He glares as an enemy... He has no respect for those, who were set on fire. He has no shame."

Çölgeçen was sentenced to prison: Takvim newspaper's writer Mutlu Çölgeçen was sentenced to 10 months in prison by the İstanbul 2nd Criminal Court of First Instance for 'libel through the media' because of his news report titled, 'PKK Camp on the Beşparmak Mountains,' published on 26 January 2012. The court adjourned the announcement of the verdict (12 December).

Compensation to Baykal: CHP's Antalya Deputy Deniz Baykal was awarded 3 thousand 500 Turkish liras (about 1,500 euros) in non-pecuniary damages in the legal action he brought against OdaTV case's defendant İklim Ayfer Kaleli, who has been released pending the outcome of the trial, and the Habertürk newspaper (5 December). Baykal had opened a lawsuit at the Ankara 5th Civil Court of First Instance on grounds that his "personal rights were violated" through the news published in Habertürk on 18 October 2011.

Slander action against Erdemol: The İstanbul 2nd Criminal Court of First Instance postponed a slander action (Article 125 of the TCK), by Adnan Oktar against Cumhuriyet newspaper's reporter Mustafa Kemal Erdemol, within the framework of the Third Judicial Reform Package (4 December). The slander action was brought because of Erdemol's article published in 'Bizim Gazete' ('Our Newspaper') on 24 November 2011.

Legal action against Koptaş: Agos newspaper's editor-in-chief Rober Koptaş gave information regarding his income at the Police Station upon the request of the İstanbul 18th Civil Court of First Instance (December). The Labour Party (İP) sued Koptaş at the İstanbul 18th Civil Court of First Instance on 24 August for 10 thousand Turkish Liras (about 4,300 euros) in compensation because of his article titled, 'İP support disgrace.' Koptaş, in his article, had criticised Alper Taş, the Head of the Freedom and Democracy Party (ÖDP) for visiting İP's media organ Ulusal Kanal ('National Channel') and the party's provincial headquarters in show of support for the party after a number of İP members were detained within the scope of the Ergenekon case. The first hearing was scheduled for 19 March.

Contemporary Lawyers Association's 'Return to Life' case: The Contemporary Lawyers Association's (ÇHD) Head lawyer Selçuk Kozağaçlı is standing trial for 'defaming' (Article 125 of the TCK) Ali Suat Ertosun, the Director of the General Directorate of Prisons and Detention Houses of the time. The trial is being held at the Ankara 21st Civil Court of First Instance (21 November).

Kılıç brought a lawsuit against Yarkadaş: Suat Kılıç, the Minister of Youth and Sports and AKP's Samsun Deputy, brought a lawsuit against Barış Yarkadaş, the owner and chief editor of the website Gerçek Gündem ('Actual Agenda'). During the second hearing, the court decided that the missing documents should be obtained (15 November). The next hearing was scheduled for 29 January. Kılıç is demanding 10 thousand Turkish Liras (about 4,300 euros) in damages, on grounds that Yarkadaş 'defamed' (Article 125 of the TCK) him in his article titled "New Question: Was Kılıç from AKP given a grant?" published on 1 April.

Acquittal from boeing: The Antalya 4th Criminal Court of Peace acquitted Doctor Levent Tunçel, the Antalya Provincial Head of the Communist Party of Turkey (TKP) and Mehmet Balık, the head of the Antalya branch of the Eğitim- İş (Education Workers) Trade Union (14 November). The defendants were being charged with 'defaming' (Article 125 of the TCK)

Antalya Deputy Governor Metin Borazan. Borazan had booed the group protesting the ‘code’ allegations in the Examination to Access Higher Education (YGS) in 2011.

Lawsuit about readers’ comments: The Kadıköy 2nd Criminal Court of First Instance postponed the lawsuit against Gerçek Gündem news website’s chief editor Barış Yarkadaş within the framework of the Third Judicial Reform Package (8 November). Yarkadaş was being charged with ‘casting aspersion upon the President’ (Article 299 of the TCK). In the trial, which began in 21 June 2011, Yarkadaş was faced with five years in prison because of the readers’ comments published in 2008.

Three lawsuits for the same report: Adıyaman Çelikhan District’s District Governor Murat Uz brought a case against journalist Hacı Boğatekin on 30 November 2011, for ‘slander through a publication’ (Article 125 of the TCK). The trial continued at the Adıyaman 2nd Criminal Court of Peace. Boğatekin did not attend the hearing (6 November). The next hearing was scheduled for 7 February. Boğatekin is standing trial for the sentence "I Will Spit in Such a District Governor’s Mould" found in his news report titled, "There is Terrorism in Çelikhan."

Boğatekin did not attend the hearing of the compensation case brought by Uz on 11 January because of the same news report (6 November). The next hearing was scheduled for 8 January. Uz is demanding 10 thousand Turkish Liras (about 4,300 euros) in compensation from Boğatekin.

The Gerger Criminal Court of Peace postponed another lawsuit brought by Uz on 12 March against Boğatekin because of the same report, within the framework of the Third Judicial Reform Package (27 December). Boğatekin was being charged with 'not removing the content and not fulfilling the judge decision regarding the right to reply’ (Law No: 5651 on Regulating Broadcasting on the Internet and Fighting Against Crimes Committed through Internet Broadcasting 9/4).

Lawsuit against Zileli: The İstanbul 7th Criminal Court of Peace postponed the lawsuit against Cumhuriyet writer Ümit Zileli within the framework of the Third Judicial Reform Package (3 October). Zileli was standing trial because of his words about Taraf newspaper’s writer Mehmet Baransu. Zileli was being charged with ‘defamation through the media (Article 125 of the TCK) because of what he said about Baransu during the programme called ‘Ters Cephe’ (‘Opposite Front’) aired on the Kanaltürk (‘Channeturk’) channel.

Özel sued Altaylı: Chief of General Staff Necdet Özel brought a compensation case against journalist Fatih Altaylı and the Habertürk newspaper (28 September). Özel is demanding 50 thousand Turkish liras (about 21,500 euros) in compensation, claiming that Altaylı violated his personal rights in the article titled, "Schopenhauer Was Apparently Right."

One year and three months in prison for insulting Gül: The Zonguldak 2nd Criminal Court of First Instance sentenced pensioner Ali Cemal Ağırman to a year and three months in prison for ‘casting aspersion upon the President’ (Article 299/1 of the TCK). Ağırman was accused with insulting President Abdullah Gül over the social networking site Facebook on 15-18 February. The court adjourned the announcement of the verdict (25 September).

Akdağ, Duvaklı and Beşer case: Journalists Melik Duvaklı, Hayri Beşer and Bedran Akdağ were standing trial for the news report titled, 'JİTEM is behind the teachers' massacre in Pınardere in 1994,' published in the Zaman ('Time') newspaper on 13 November 2010. The Bakırköy 2nd Criminal Court of First Instance postponed the case within the framework of the Third Judicial Reform Package (25 September). The defendants were being charged with 'slander through a publication (Article 267 of the TCK) and 'defamation' (Article 125 of the TCK).

Özel's criminal complaint was rejected: The İstanbul Office of the Chief Public Prosecutor rejected Chief of General Staff Necdet Özel's criminal complaint against Yurt ('Homeland') writer Cüneyt Ülsever (20 September). Özel had filed a criminal complaint against Ülsever on grounds of 'defamation of a public officer because of his/her duty' (Article 125/3 of the TCK) on 21 August because of his article titled, "Who is the Most Useless Chief of General Staff Ever?"

Çölaşan will pay compensation to İHH: The İstanbul 5th Civil Court of First Instance ordered Emin Çölaşan to pay 6 thousand Turkish Liras (about 2,600 euros) to İHH for 'violating personal rights' because of his article titled "The Lowdown of Mavi Marmara Scandal" published in the Sözcü ('Spokesperson') newspaper on 17 June 2010 (29 August).

Perinçek's cases were overturned: The 4th Civil Chamber of the Supreme Court of Appeals overturned the conviction decisions given in the compensation cases İP Head Doğu Perinçek brought against the Taraf and Yeni Şafak newspapers (15 August). The İstanbul 5th Civil Court of First Instance had ordered Yeni Şafak to pay 4 thousand Turkish liras (about 1,700 euros) for 'violating personal rights' because of an article titled, "A sign of what?" by Tamer Korkmaz published on 22 June 2009. The İstanbul 4th Civil Court of First Instance had ordered the Taraf newspaper to pay compensation because of a news report titled, "Perinçek offered me money" published on 11 November 2009.

Tayyar to pay 5 thousand Turkish liras to Ayaydın: The Supreme Court of Appeals ordered AKP Gaziantep Deputy Şamil Tayyar to pay 5 thousand Turkish Liras (about 2,150 euros) to Vatan newspaper's writer Professor Doctor Aydın Ayaydın (3 August). Tayyar, in his column in the Star newspaper in 2008, had claimed that Ayaydın had threatened the Capital Markets Board (SPK) Head of the time on the phone because of a project of the Doğan Group.

AMK demands 20 thousand Turkish Liras: The AMK newspaper brought a lawsuit against Uğur Vardan from the Radikal newspaper at the İstanbul 15th Civil Court of First Instance because of Vardan's article titled 'Did you search a lot to find this name?' The newspaper is demanding 20 thousand Turkish liras (about 8,600 euros) in compensation from Vardan (2 August).

Ergüdoğan to pay compensation: The 4th Civil Chamber of the Supreme Court of Appeals upheld a compensation penalty of 15 thousand Turkish Liras (about 6,500 euros) handed down to journalist Yalçın Ergüdoğan by the İstanbul 4th Civil Court of First Instance on 26 April 2005 because of his news report titled 'Followers of Haydar Baş rise against him.' Ergüdoğan has to pay 40 thousand Turkish liras (about 17,200 euros) including the interest and costs (12 July). Thee other lawsuits had been brought against Ergüdoğan because of the

same news report. In one of those lawsuits, Ergüdoğan was handed down a punitive fine, the announcement of the verdict was adjourned and the case was taken to the European Court of Human Rights (ECHR). In another lawsuit, Ergüdoğan was ordered to pay 1,500 Turkish Liras (about 650 euros) in non-pecuniary damages.

Pinocchio was convicted: Tekirdağ Şarköy Criminal Court of First Instance sentenced writer Yakup Önal of the weekly Şarköy'ün Sesi ('Şarköy's Voice') newspaper to two years, three months and 4 days in prison. The court ruled that Önal insulted the AKP Mayor Can Gürson and members of the municipal council Ercan Yücel and Olcay Yücel of the time, through his article series "Mayor Pinocchio and the 9 Dwarfs" that began on 20 July 2005. The court postponed Önal's sentence on grounds that an "opinion" had been formed that he would not commit a crime again and ruled that the journalist would be kept under judicial supervision for a period of one year (July).

You can say "Servant": The Gerger Civil Court of First Instance rejected the compensation case filed by AKP Adana deputy Dengir Mir Mehmet Fırat against journalist Hacı Boğatekin (28 June) Fırat was demanding 10 thousand Turkish Liras (about 4,300 euros) compensation from Boğatekin. The case was brought on grounds that the expression 'servant' found in the article titled 'Aman Miro Aman Piro' published in the Gerger Fırat newspaper on 20 September 2009, constitutes an 'attack on personal rights.'

Kütahyalı was rejected: The Kadıköy 3rd Civil Court of First Instance rejected a lawsuit brought by Takvim ('Calendar') newspaper's writer Rasim Ozan Kütahyalı against Birgün ('One Day') newspaper's writer Ümit Alan because of his article titled "Who are the Nihat Doğan of the Media?" published on 20 April 2011 (12 June). Kütahyalı had demanded 10 thousand Turkish Liras (about 4,300 euros) in non-pecuniary damages from Alan claiming that the writer had 'attacked his personal rights.'

Kaleli to pay compensation to Baykal: The Ankara 4th Civil Court of First Instance ordered İklim Ayfer Kaleli, the defendant of the OdaTV case, to pay CHP Antalya Deputy Deniz Baykal 5 thousand Turkish Liras (about 3,500 euros) (8 June). Kaleli, who had been released pending the outcome of the OdaTV trial, was being charged with 'slander and defamation.'

Karayalçın filed a complaint: The Kadıköy 2nd Court of Peace sentenced Gerçek Gündem website's chief editor Barış Yarkadaş to 5 months in prison because of his news report titled, "Karayalçın Praised Davutoğlu." Yarkadaş was being accused with not publishing the disclaimer about the Former Social Democratic People's Party (SHP) Leader on time. His prison sentence was postponed (31 May).

Avcı was sentenced to prison for "slander": Former Chief of Police Hanefi Avcı, who is standing trial in the Revolutionary Headquarters and OdaTV cases, and who is under arrest, was sentenced to a year and six months in prison. Avcı was standing trial at the Ankara 2nd Criminal Court of First Instance for slandering public prosecutor Osman Şanal in his book named, "Simons in the Golden Horn: State Yesterday, Congregation Today." The prison sentence was not postponed and the announcement of the verdict was not adjourned (30 May).

The Ankara 2nd Criminal Court of First Instance sentenced Avcı to a year in prison for 'slandering,' and three months and 15 days in prison for 'insulting' Osman Hilmi Özdil, who

is mentioned in the same book. The sentence was commuted to a judicial fine of 2 thousand 100 Turkish Liras (about 900 euros) and the announcement of the verdict was adjourned (27 March).

Fincancı and Demirci were acquitted: Şebnem Korur Fincancı and Adnan Demir were acquitted by the Kadıköy 4th Criminal Court of First Instance. They were being charged with ‘defamation’ (Article 125 of the TCK) because of an interview published on the www.taraf.com web site. (10 April).

Lawsuit against Gezen and Özdil: The Bolu Public Prosecution Office brought a lawsuit against actor Müjdat Gezen and journalist Yılmaz Özdil, on grounds that they humiliated the voters of AKP by calling them "Stupid" (1 April). Gezen and Özdil will be charged with ‘defamation’ (Article 125 of the TCK) at the Gerede Criminal Court of Peace. The lawsuit procedure had begun with a criminal complaint by Adem Çevik, the head of the Justice Platform on 2 February 2011, who stated that Müjdat Gezen and Yılmaz Özdil had publicly insulted the Turkish people by calling the voters of AKP "Stupid" during the Arena programme on Star TV.

Hamzaoğlu won the "Honour Case": Professor Doctor Onur Hamzaoğlu, the Head of the Public Health Department of Kocaeli University, had brought a slander action (Article 125 of the TCK) against Kocaeli Metropolitan Mayor İbrahim Karaosmanoğlu. The court handed down to Karaosmanoğlu a fine that corresponds to 174 days (3,480 Turkish liras) (about 1,500 euros) (15 March). Hamzaoğlu, on 5 January 2011, had announced to the public that the foremilk of mothers in Dilovası and Kandıra contained heavy metals. As a result of these statements, Kocaeli Mayor İbrahim Karaosmanoğlu from the Justice and Development Party (AKP) had called Hamzaoğlu a "charlatan."

Bayer to pay compensation to Gökçek: The Ankara Metropolitan Municipality’s Mayor Melih Gökçek had brought a case against journalist Yalçın Bayer and the Hürriyet newspaper, on grounds that he was presented as someone involved in corruption in Bayer’s article titled, "Roads Are Being Asphalted Smoothly." Gökçek won 6 thousand Turkish liras (about 2,600 euros) in compensation from Bayer and the Hürriyet newspaper (14 March). In the case at the Ankara 19th Civil Court of First Instance, Gökçek had demanded 50 thousand Turkish Liras (about 21,500 euros) in compensation.

Ekşi will pay damages to Yıldız: The Ankara Civil Court of First Instance ordered Oktay Ekşi to pay 4 thousand Turkish liras (about 1,700 euros) to the Energy and Natural Resources Minister Taner Yıldız in compensation because of his article titled, "We Said Too Little" published in the Hürriyet newspaper on 28 October 2010 (1 March). Yıldız had filed a compensation case of 100 thousand Turkish liras (about 43,000 euros) against Ekşi and the Hürriyet newspaper on grounds that this constituted an 'attack on his personal rights’ (Article 125 of the TCK).

Compensation to Özbey: The Muş Court of Peace ordered Mahsum Yılmaz, Ferit Yılmaz and Fatih Yılmaz to pay 5 thousand Turkish Liras (about 2,150 euros) in compensation to Emrullah Özbey, the owner of Muş Haber 49 (‘Mus News 49’) newspaper and editor-in-chief for ‘attacking his personal rights’ (9 February).

11 months in prison for criticizing: The Trabzon 2nd Criminal Court of First Instance sentenced Karadeniz Technical University's (KTÜ) Forestry Department's second year student Gizem Görnaz to 11 months and 20 days in prison because of her article titled, "I will burn KTÜ down" published in the 'Evrensel Genç Hayat' ('Universal Young Life') newspaper. Görnaz's punishment was postponed due to good conduct. She was suspended from school for half a semester (2 February). Görnaz was being charged with 'defamation through the media' (Article 125 of TCK) on a complaint to the Trabzon Office of the Chief Public Prosecutor by KTÜ Rector Professor Doctor İbrahim Özen.

Ekşi Sözlük penalty: Marmara University Communications Faculty senior student and top student Mikail Boz was suspended from school for half a semester because of the two entries he wrote in Ekşi Sözlük (Sour Dictionary), which constituted criticism against Dean Yusuf Devran. As a result of the news reports in bianet and on social media, Boz's punishment was reduced to a week (1 February).

Çiçekçi and Arslan were sentenced to prison: CHP Tunceli Deputy Hüseyin Aygün sequestered the wheelchair, oxygen tube and bed of his client Ali Ağu, who has a 91 per cent incapacity report, because he did not pay the lawyer fee. DIHA's reporter Fatih Arslan, who wrote a news report about this incident, and editor-in-chief Ziya Çiçekçi of the Gündem newspaper, which published the news report, were sentenced to two months in prison each (26 January). The defendants were being charged with 'defamation through the media' (Article 125 of the TCK) at the Tunceli Criminal Court of First Instance.

Compensation to Ahmet Şık: Abdullah Küçükaytekin, the general manager of the Medyasavar ('Media repellent') web site, who was standing trial for defaming journalist Ahmet Şık, was handed out a punitive fine of 1,500 Turkish liras (about 650 euros). The İstanbul 12th Criminal Court of Peace adjourned the announcement of the verdict of a 75-day punitive fine handed down for 'defamation through the media' (Article 125 of the TCK) because of the article "Well Ahmet weelll that was not smart at all." (10 January).

Vakit to pay compensation: The 4th Civil Chamber of the Supreme Court of Appeals, ordered the Yeni Akit/Vakit ('New Agreement/Time') newspaper to pay compensation to the Kaos Gay and Lesbian Cultural Research and Solidarity Association (KAOS GL), for publishing a news report about the former head of the Human Rights Commission of the Turkish Grand National Assembly Zafer Üskül's participation in the International Meeting Against Homophobia with the title, "Üskül sides with the perverts." Yeni Akit will pay 4 thousand Turkish Liras (about 1,700 euros) and the newspaper's writer Serdar Arseven will pay 2 thousand Turkish liras (about 860 euros) because of the expressions that exceed the limits of criticism and constitute insult to individuals with different sexual orientations (9 January).

Disclaimer for readers' comments: Odatv.com web site's director Barış Pehlivan was sentenced to 5 month in prison because of the readers' comments about the news reports on Fethullah Gülen. However, the İstanbul 12th Criminal Court of Peace adjourned the announcement of the verdict on Pehlivan (10 January). Pehlivan was being charged with 'not removing the content and not fulfilling the judge decision regarding the right to reply' within the scope of Law No: 5651 on "Regulating Broadcasting on the Internet and Fighting Against Crimes Committed through Internet Broadcasting," Article 9/4).

In 2012, ten people, including one journalist, were handed down a total monetary fine of 89 thousand 80 Turkish Liras (about 38,200 euros) and a total prison sentence of three years, eight months and 7 days for insulting Prime Minister Recep Tayyip Erdoğan and attacking his personal rights.

Humour magazine investigation at the Revenue Office: An investigation was launched against six public officers working at the Ankara Revenue Office for liking and sharing the cover pages of humour magazines on social networking sites for 'defaming the statesmen and insulting the Prime Minister.' It was alleged that the public officers' statement were taken upon orders from the 'Prime Ministry' and they were told, 'The State is paying your salaries.' (29 December).

Kışanak was handed down a fine of 6 thousand Turkish Liras: The 4th Civil Chamber of the Supreme Court of Appeals upheld a fine of 6 thousand Turkish liras (about 2,600 euros) handed down the BDP Co-Chair Gültan Kışanak for 'violating Prime Minister Recep Tayyip Erdoğan's personal rights' (29 December). Kışanak had said: "This is the psychological state of the Prime Minister, he has schizophrenia."

Perinçek to pay compensation to Erdoğan: Following the Supreme Court of Appeals' decision to overturn the lower court's decision, the Ankara 18th Civil Court of First Instance ordered Labour Party (İP) Head Doğu Perinçek to pay 5 thousand Turkish Liras (about 2,150 euros) in compensation (28 December). Perinçek is a defendant of the Ergenekon Case and he has been arrested pending the outcome of the trial. Perinçek was being charged with 'violating' Prime Minister Recep Tayyip Erdoğan's 'personal rights' in a speech he gave in 2007.

Altan to pay 15 thousand TL to Erdoğan: The Ankara 20th Civil Court of First Instance ordered Taraf newspaper's former editor-in-chief Ahmet Altan and the Taraf newspaper to pay 15 thousand Turkish Liras (about 6,500 euros) in compensation to Prime Minister Recep Tayyip Erdoğan (26 December). Prime Minister Erdoğan had brought a libel suit against Altan and the Taraf newspaper because of Altan's article titled, "Turkish Style" published on 8 March 2012.

Erdoğan sued BirGün: Prime Minister Recep Tayyip Erdoğan brought a libel suit against the BirGün newspaper at the Ankara Civil Court of First Instance (20 December). Erdoğan demands 100 thousand Turkish Liras (about 43,000 euros) in non-punitive damages. Erdoğan claims that his personal rights were violated when he was portrayed on the cover of the newspaper with a black tape over his eyes on 26 November.

Erdoğan sued Coşkun: Prime Minister Recep Tayyip Erdoğan brought a compensation case against Cumhuriyet newspaper's writer Bekir Coşkun for attacking his personal rights in his article titled 'Great State Thing...' published on 20 September (24 November). Erdoğan is demanding 10 thousand Turkish Liras (about 4,300 euros) in compensation.

Fine for criticising over Facebook: İbrahim Damatoğlu, who works at the post office in Zonguldak was handed down a monetary fine of 6 thousand 800 Turkish Liras (about 3,000

euros) for sharing news reports and caricatures against Prime Minister Recep Tayyip Erdoğan and the government, on his Facebook page. The panel of judges at the Zonguldak 2nd Criminal Court of First Instance decided that the monetary fine handed down for "insulting a public official" would be subject to supervision for a period of five years (15 November).

Legal action for Sultan banner: Turkish Communist Party's (TKP) Torbalı District Head Erkan Altuner was sentenced to 1,5 years in prison by the Torbalı 2nd Criminal Court of Peace on the second hearing of the trial for 'defaming the Prime Minister' (Article 125 of the TCK). Altuner's prison sentence was commuted to a monetary fine and the court ordered him to pay 10 thousand 620 Turkish Liras (about 4,600 euros). The file is currently at the Supreme Court of Appeals (8 November). Altuner was standing trial because of the banner he carried on 1 May Labour Day rally, that read "We have a few words for the so-called sultan! This people will not submit to you!"

Erdoğan won four cases: Prime Minister Recep Tayyip Erdoğan won four of the five lawsuits he brought against CHP Head Kemal Kılıçdaroğlu. The Ankara 1st Civil Court of First Instance ordered Kılıçdaroğlu to pay 5 thousand Turkish liras (about 2,150 euros) in compensation for each of the four speeches he gave for 'defamation and attacking personal rights.' One lawsuit was rejected (23 October).

Lawsuit against Baydemir: Prime Minister Recep Tayyip Erdoğan opened a compensation case against Diyarbakır Metropolitan Mayor Osman Baydemir because of his speech about the arrest of BDP members 10 June. Erdoğan is demanding 50 thousand Turkish Liras (about 21,500 euros) in compensation from Baydemir for 'attacking his personal rights' (2 October). Erdoğan had won 30 thousand Turkish Liras (about 12,900 euros) in compensation from Baydemir because of a speech he gave in 2009, and had Baydemir's salary sequestered.

Erdoğan sued Kılıçdaroğlu: Prime Minister Recep Tayyip Erdoğan brought a libel suit against CHP Head Kemal Kılıçdaroğlu for saying "A man who cannot protect his own country, his own country's interests, is called a traitor." Erdoğan is demanding 100 thousand Turkish Liras (about 43,000 euros) in non-pecuniary damages (28 September).

Özkan's trial was postponed: Journalist Tuncay Özkan, who is one of the arrested defendants of the Ergenekon Case, was standing trial for 'defaming Prime Minister Erdoğan.' The Ankara 2nd Criminal Court of Peace postponed the trial within the framework of the Third Judicial Reform Package (10 September). Özkan was faced with a year and two months to two years and four months in prison for defaming Erdoğan because of his duty in a speech he gave at the Republic Rally in Ankara in 14 April 2007.

Erdoğan's Ekşi case was rejected: Prime Minister Erdoğan had brought a lawsuit against CHP's İstanbul Deputy Oktay Ekşi because of his article titled, 'We Said Too Little,' published in the Hürriyet newspaper in 2010. The case was rejected by the Ankara 9th Civil Court of First Instance, which stated that the article is within the limits of freedom of press (20 July). Erdoğan had brought a 100 thousand Turkish Liras (about 43,000 euros) compensation case against Ekşi and Hürriyet for 'defamation' and 'attacking his personal rights.'

11 months for defaming the "Prime Minister": 17 year-old B.K. was sentenced to 11 months and 20 days in prison for 'defaming the Prime Minister' over Facebook. The Balıkesir Juvenile Court adjourned the announcement of the verdict and decided that the defendant would be subject to supervision for a period of three years (20 July). Erdoğan's lawyer Ahmet Özel had sent a letter to the court in March stating that they are withdrawing their complaint.

Legal action against Yurt reporter: Prime Minister Recep Tayyip Erdoğan brought a compensation case against Yurt reporter Ali Cemal Karabudak for 'attacking his personal rights' through the news report titled "Is Erdoğan the secret owner?" published on 24 March (6 July). Erdoğan is demanding 10 thousand Turkish Liras (about 4,300 euros) in non-pecuniary damages in the trial at the Ankara 8. Civil Court of First Instance. The first hearing was scheduled for 29 January.

Monetary Fine to Laz Marks: Haldun Açıksözlü was handed down a monetary fine of 7 thousand Turkish Liras (about 3,000 euros) by the Amasya 1st Criminal Court of Peace for 'defaming the Prime Minister' (Article 125 of the TCK). The case was opened on 31 January 2011. The announcement of the verdict was adjourned and the ruling was postponed on the condition that the same crime is not repeated for a period of five years. (3 April).

Acquittal in "Laz Marks" trial: Theatre actor Haldun Açıksözlü was acquitted by the Rize 2nd Criminal Court of Peace, where he was standing trial for 'defaming the Prime Minister,' because of a joke found in the "Laz Marks" play he staged in Rize (8 March).

"Insult" arising from a conversation between two people: Surgeon Ethem Coşkuner was sentenced to a year, two months and 17 days in prison for an alleged conversation between two people, which was not heard publicly. Doctor Coşkuner received good conduct abatement. His sentence was postponed. (15 February). Coşkuner was being charged with insulting Prime Minister Recep Tayyip Erdoğan and his wife Emine Erdoğan (Article 125/1 of the TCK) at the Trabzon 1st Criminal Court of Peace. According to Engineer Muhammet Çağlar, Coşkuner said to him a year ago: "My brother Muhammet, Tayyip is stealing, Emine is stealing. They are also stealing and greasing palms." Çağlar filed a criminal complaint upon these words.

Decisions by the Prime Ministerial Board for the Protection of Children from Harmful Publications

Postponement for Death Porn: Translator Funda Uncu of Chuck Palahniuk's book named, 'Death Porn' and Hasan Basri Çıplak, the head of the Ayrıntı Publishing House, were standing trial for 'acting as intermediary in publication of indecent publications' (Article 226/2 of the TCK). The İstanbul 2nd Criminal Court of First Instance postponed the case within the framework of the Third Judicial Reform Package. Upon the decision, publisher Çıplak handed the judge Chuck Palahniuk's most recent book published by the Ayrıntı Publishing House and turned himself in (5 July).

The Soft Machine: Translator Süha Sertabiboğlu of the book, 'The Soft Machine,' and publisher İrfan Sancı were standing trial for charges of 'acting as intermediary in publication of indecent publications' (Article 226/2 of the TCK). The İstanbul 2nd Criminal Court of First

Instance postponed the case within the framework of the Third Judicial Reform Package (5 July).

Bans, suspensions, confiscations

In 2012, seven newspapers were banned and confiscated; one newspaper's publication was suspended for a month; four magazines were seized; and one magazine was returned to the publishing house. Investigations were launched against 10 books published by the Aram Publishing House. One book was taken off the Ministry of National Education (MEB) list of "100 Fundamental Books" on grounds that it is obscene. The confiscation trial of a book continued.

Songs, poetries, paintings, magazines, film posters, and films were censored. BDP's Newroz banners, TKP's 1 May banners, and Grup Yorum's concert posters were banned and confiscated. Seven newspapers could not get permission to cover AKP's Congress. The MEB banned access to Eğitim-Sen's ('Education and Science Worker's Union') web site. One imprisoned journalist was banned from communicating with the outside world. Halil Savda's Peace Walk was banned.

A temporary article on banned publications was added to the Third Judicial Reform Package, which was approved on 2 July. With this article, "decisions of confiscation, ban, or ban on distribution and sales on printed publications given by courts, local authorities and other authorities until 31 December 2011, shall automatically become invalid, unless an authorised court rules for the continuation of the ban within six months from the date of publication of this Law. Information and evidence regarding such decisions shall be conveyed to the authorised Office of the Chief Public Prosecutor within two months by the police. The courts shall submit a copy of such decisions to the Ministry of Interior."

October-December period:

Two censorships on the poster of 'F Tipi Film': The İstanbul City Police Directorate did not give the necessary permission to İdil Productions for the posters and banners of the F Tipi Film ('F Type Film') (29 December). Ezel Akay claimed over Twitter that the İstanbul Ulaşım A.Ş. (Translator's note: public transportation company of the İstanbul Metropolitan Municipality) also censored the film's posters. İstanbul Ulaşım rejected the allegations (12 December).

Censorship on Kaygusuz Abdal: According to the Evrensel newspaper, poet Kaygusuz Abdal was censored in the Turkish Literature textbooks prepared for the 10th grade. Evrensel reported that the sections that contained concepts belonging to the Alawism culture of the "Nefes" ('Breath') poem by Kaygusuz Abdal were censored and verses that contained the words "Mourning month," "Zülfıqar," "Ali," "Hû," and "Pir" were deleted (25 December).

Censorship on Yunus Emre: According to the Evrensel newspaper, Yunus Emre's 'İlahi' ('Hymn') was censored in the Turkish Literature textbooks prepared for the 10th grade. The newspaper reported that the verse "What they call as paradise / Is a couple of mansions and a couple of houris / Give those to the ones who want them / What I need is you" was not found

in the textbook. The Ministry of National Education rejected censorship allegations (15 December).

Urban transformation was censored: Director Metin Balekoğlu of the "Ağır Roman Yeni Dünya" ('Heavy Fiction New World') TV series which made its finale, claimed that the expressions of urban transformation in the series were censored and deleted during the editing. Star Productions, however, rejected the allegations (13 December).

Ban on letters: It was found out that the letters of political prisoners at the Kocaeli No: 1 F-Type Prison, were sent to their attorneys with a 70-day delay. The letters were not sent to the journalists at all. According to the statement of the Disciplinary Board, the letters were found "objectionable" because they contained "alleged rights usurpations" (10 December).

TRT censorship on Lennon: Habertürk TV censored the "No religion too" part of John Lennon's song "Imagine" during the 'Burası Haftasonu' ('This is Weekend') programme (8 December).

Law to ban Muhteşem Yüzyıl: AKP İstanbul Deputy Oktay Saral prepared a law proposal to ban the TV series 'Muhteşem Yüzyıl' ('Magnificent Century') which was criticised by Prime Minister Tayyip Erdoğan (4 December). The proposal adds the sentence: broadcasts shall not "humiliate, insult, distort or present in a different way than actual, the historical events and personalities that are considered as part of the society's national values," to sub-paragraph (g) of paragraph one of Article 8 of the Radio and Television Higher Board (RTUK) Law, which states broadcasts shall not praise committing a crime, the criminals and the criminal organisations and shall not teach techniques of committing a crime.

Turkish Airlines (THY), which had previously stated that it is considering adding the series to its aircraft entertainment system, announced that it has decided not to do so, after the criticism by the Prime Minister (7 December).

Censorship on Afrika magazine: Professor Doctor Doğan Aydal, the Director of the Ankara University African Studies, Research and Practices (AÇAUM), censored the 3rd issue of the peer-reviewed academic Afrika ('Africa') magazine. Aydal found the words "Kurdistan," "colony" and "racist" objectionable. The researchers withdrew their articles (21 November).

Zaman censored tennis players: The Zaman newspaper censored the tennis players with bare legs on the announcement of WTA Championships to be held in Turkey. The newspaper published another version of the announcement that did not have the photographs of the tennis players (18 October).

Two magazines were confiscated: The Antep Office of the Chief Public Prosecutor gave a decision to confiscate and seize the 220th issue of the 'Yeni Evrede Mücadele Birliği' ('Struggle Unity in the New Phase') magazine and the 66th issue of the 'Zafere Kadar Genç Yoldaş' ('Until Victory Young Comrade') magazine. The Antep Office of the Chief Public Prosecutor did not base its decision on any news report or photograph, but just stated that the magazines constitute propaganda on behalf of the Turkish Communist Labour Party/ Leninist (TKEP/L) (17 October).

Facebook censored Emmanuelle: Facebook censored the cover page of the weekly online cinema magazine 'Arka Pencere' ('Back Window') which had the picture of Sylvia Kristel, aka Emmanuelle, who lost her life on 17 October.

Ban on concert: The Hatay Governor's Office banned a concert to be organised by the 'No to Imperialist Intervention in Syria Platform' on grounds of "safeguarding the national security and public order, protecting others' rights and freedoms and preventing crime" (14 October).

NTV censored Da Vinci: NTV, in the documentary called, 'Da Vinci's Lost Treasure,' censored the world famous 'Vitruvius Man' drawing. The genitalia of the man in the drawing were blurred (14 October). The media institution apologised from the viewers the next day.

"Newspapers' contents only belong to newspapers": A total of 20 newspapers, (Akşam ('Evening'), Bugün ('Today'), Cumhuriyet, Fanatik ('Fanatical'), Fotomaç, Güneş ('Sun'), Habertürk, Hürriyet (Freedom'), Hurriyet Daily News, Milliyet, Posta (Post'), Radikal, Sabah ('Morning'), Star, Takvim, Today's Zaman, Türkiye ('Turkey'), Vatan ('Motherland'), Yeni Şafak and Zaman) issued a joint declaration stating that the TV channels, internet sites and news portals may not use their content even if they indicate the source (1 October).

The European Court of Human Rights

The European Court of Human Rights (ECHR) ordered Turkey to pay a total of 78 thousand 581 euros (about 185 thousand Turkish Liras) to nine people - including six journalists - and one institution in the year 2012. Two journalists applied to the ECHR in 2012. One application was rejected.

October-December decisions:

Compensation for censoring the Internet: The ECHR ruled that the right to freedom of expression of internet user Ahmet Yıldırım was illegally restricted and ordered Turkey to pay 8 thousand 500 euros (about 3,600 Turkish Liras) in compensation (18 December). The violation took place when the Denizli 2nd Criminal Court of Peace ruled on 23 June 2009 to block Google Sites. Yıldırım's website, which was hosted by Google Sites was thus rendered inaccessible.

Compensation to Gürbüz and Bayar: The ECHR ordered Turkey to pay a total of 16 thousand 320 euros (about 38,000 Turkish Liras) in compensation to Ülkede Özgür Gündem ('Free Agenda in the Country') newspaper's owner Ali Gürbüz and editor-in-chief Hasan Bayar (27 November). The journalists had been convicted of 'making propaganda on behalf of a terrorist organisation' and 'publishing the statements of the organisation' because of the news reports and articles about the Kurdish problem in 2004.

Compensation to Mengi: The ECHR ordered Turkey to pay 7 thousand euros (about 16,300 Turkish Liras) to Vatan newspaper's writer Ruhut Mengi. The court decided that the compensation Mengi paid to Distinguished Professor Sulhi Dönmezer for criticising the policies regarding the suffering of women and children in the process of amending the TCK in 2002, should be returned (27 November).

Compensation to Belek: The ECHR ordered Turkey to pay 10 thousand 350 euros (about 24,000 Turkish Liras) to Evrensel newspaper's owner Belek for obstructing his freedom of expression (Article 10 of the European Convention on Human Rights) (20 November). Journalist Belek had been penalised in line with Article 6/2 of the TMK in three separate cases for publishing the statements of PKK leader Abdullah Öcalan and other PKK officials.

Compensation to Alkaya: The ECHR found Turkey guilty in the case brought by Yasemin Alkaya concerning her 'private and family life.' In 2002, Akşam newspaper had published the home address of Yasemin Alkaya in a news report. Turkey was ordered to pay 7 thousand 500 euros (about 17,500 Turkish Liras) in compensation to Alkaya for violating the 'right to respect for her private and family life' as stipulated by Article 8 of the European Convention of Human Rights (9 October).

ECHR found Turkey guilty in Önal case: The ECHR ordered Turkey to pay 6 thousand euros (about 14,000 Turkish Liras) to publisher Ahmet Önal. The court held that the Turkish justice had illegally violated Önal's right to freedom of expression and therefore, violated Article 10 of the European Convention of Human Rights (2 October). In 1999 and 2002, Önal had been convicted for 'inciting hatred and enmity' (old TCK 312) because he published the books 'Teyze Baz – A Kurdish Businessman Hüseyin Baybaşın - Mahmut Baksı' and 'Alawism in Dersim - Munzur Cem.'

Radio and Television Higher Board

The Radio and Television Higher Board (RTÜK), in 2012 issued a total of 603 warnings and handed down 290 monetary fines to radio and TV institutions, and suspended the broadcasting of three programmes. It was decided that eight channels broadcasting from abroad are suspended in line with Article 29/3 * (article regarding platform operators and infrastructure operators transmitting broadcast services).

In the period October-December 2012, RTÜK issued 69 warnings and handed down 69 monetary fines to TV companies; and issued 22 warnings and eight monetary fines to radio companies. (Since the board decisions have been announced until 18 December, the report contains the penalties handed down until that date.)

RTÜK issued 18 warnings and handed down nine monetary fines for the 'failure of using a protective symbol;' eight monetary fines for 'violating human dignity and the secrecy of private life;' one monetary fine for 'violation of presumption of innocence;' three warnings and four monetary fines for 'incorrect use of Turkish,' six warnings and 13 monetary fines for 'harm to general health;' two warnings for 'exploitation through commercial communication;' two warnings and three monetary fines for 'violation of the rule of law;' one warning and five monetary fines regarding competitions and lotteries; one monetary fine for 'encouraging violence;' one warning for 'public morality;' one warning for 'violation of impartiality;' and two monetary fines for 'the way news are presented.'

The rest of the warnings and penalties pertain to violation of technical and commercial arrangements regarding issues like advertisements, product placement, sponsorship and programme support.

Protective symbol: A total of 18 warnings were issued (Show TV, Haber Türk (2), Yeni Asır TV, Show Türk, ATV (2), ATV Avrupa, TV 8, FOX TV, NTV, TVNET, Ulusal 1, Türkmax, Bugün TV, Moviemax Premier, 24, Cine 5) and nine monetary fines were handed down (KANAL D 200.640 Turkish Liras (about 86,000 euros), BEST FM 1.102 Turkish Liras (about 470 euros), HİTS NR 1 11.026 Turkish Liras (about 4,730 euros) (2), Show TV 130.960 Turkish Liras (about 56,185 euros), STAR TV 253.695 Turkish Liras (about 109,000 euros), SHOW TÜRK 11.026 Turkish Liras (about 4,730 euros), CNBC-E 52.951 Turkish Liras (about 22,700 euros), FOX TV 207.684 Turkish Liras (about 89,100 euros)) for the violation of the provision, which stipulates that, "In radio and television broadcasts, any programme, which could impair the physical, mental or moral development of children and young people shall not be broadcast within the time intervals that they may be viewing and without a cautionary/protective symbol..."

Human dignity, secrecy of private life: A total of eight monetary fines were handed down (BEYAZ TV 11.026 Turkish Liras (about 4,730 euros), BEYAZ TV 19.408 Turkish Liras (about 8,325 euros), BEYAZ TV 17.839 Turkish Liras (about 7,653 euros), BEYAZ TV 17.896 Turkish Liras (about 7,680 euros), TV 8 18.083 Turkish Liras (about 7,758 euros), TV 8 19.873 Turkish Liras (about 8,526 euros) (2), Kanal Türk 25.762 Turkish Liras (about 11,052 euros)) for violating article 8 of Law No: 6112, which stipulates that broadcasts "shall not be contrary to human dignity and the principle of the privacy of personal life; shall not include humiliating, derogatory and defamatory expressions against persons and entities/organisations, beyond criticism."

Presumption of innocence: BEYAZ TV was handed down a monetary fine of 11.026 Turkish Liras (about 4,730 euros) for violating article 8 of Law No: 6112, which stipulates that broadcasts "shall not present or declare anyone as guilty unless conclusively proven guilty by a judicial decision; shall not be in the form of affecting the trial process and impartiality other than being newsworthy during the judgment process in cases that have been passed to the judiciary."

The use of Turkish: RTÜK issued a total of three warnings to TV8; and handed down four monetary fines (CNN TÜRK 29.100 Turkish Liras (about 12,500 euros), Radyo Ekin 1.102 Turkish Liras (about 470 euros), BEYAZ TV 11.026 Turkish Liras (about 4,730 euros), CNN Türk 43.845 Turkish Liras (about 18,800 euros)) for violating the provision of Law No: 6112, which stipulates that a broadcasting institution "shall make sure that Turkish is used correctly, well, and comprehensively without undermining its characteristics and rules; shall not make crude, inferior and slang use of the language."

General health: Six warnings were issued (Dost TV, Radyo Ekin, Star Artı FM (3), LALEGÜL FM) and 13 monetary fines were handed down (Kadırga TV 11.026 Turkish Liras (about 4,730 euros) (2), KÖY TV 11.026 Turkish Liras (about 4,730 euros) (4), Meltem TV 11.026 Turkish Liras (about 4,730 euros) (3), Mesaj TV 11.026 Turkish Liras (about 4,730 euros) (3), BEYAZ TV 17.896 Turkish Liras (about 7,680 euros)) for violating paragraph (1) of subsection one of Article 8 of Law No: 6112 which stipulates that broadcasts shall not "encourage acts that will jeopardise the general health..."

Commercial communication: RTÜK issued a warning to HİTS NR 1 channel for violating paragraph d of subsection 6 of Article 9 that regulates commercial communication in

broadcasting services and which stipulates that broadcasts “shall not be oriented towards the exploitation of women,” and a warning to Müjde FM for violating paragraph (ç) of the same provision which is on the exploitation of children.

Rule of law: A total of two warnings were issued (Kanal 17, EGEM TV) and three monetary fines were handed down (YABAN TV 11.026 Turkish Liras (about 4,730 euros) (2), BEYAZ TV 11.026 Turkish Liras (about 4,730 euros)) for violating paragraph (c) of subsection one of Article 8 of Law No: 6112, which stipulates that broadcasts "shall not be contrary to the rule of law..."

Competitions-lottery: BAŞAK FM was issued a warning and FLASH TV was handed down five monetary fines of 11.026 Turkish Liras (about 4,730 euros) for violating paragraph (ö) of subsection one of Article 8 of Law No: 6112, which states that broadcasts "shall not contain contests or lotteries via information communication media, and no prizes shall be awarded to listeners or viewers or shall not act as an intermediary for giving the award of prizes."

Encouraging violence: STV was handed down a monetary fine of 91.519 Turkish Liras (about 40,000 euros) for violating paragraph (ş) of subsection one of Article 8 of Law No: 6112, which stipulates that broadcasts "shall not encourage or inure violence."

Public morality: CNN Türk was issued a warning for violating paragraph (f) of subsection one of Article 8 of Law No: 6112, which states that broadcasts shall not be contrary to the "national and moral values of the society."

Violation of impartiality: Kanal Urfa was issued a warning for violating paragraph (ı) of subsection one of Article 8 of Law No: 6112, which stipulates that broadcasts "shall predicate on the principles of impartiality, truthfulness and accuracy and not impede the free formation of opinions in the society..."

Broadcasting news: BEYAZ TV was handed down two monetary fines of 11.026 Turkish Liras (about 4,730 euros) for violating paragraph (i) of subsection one of Article 8 of Law No: 6112, which stipulates that broadcasts "shall predicate on the principles of impartiality, truthfulness and accuracy and not impede the free formation of opinions in the society; news that can be investigated pursuant to the professional principles of the press shall not be broadcast without investigation or verification; shall not provide exaggerated sounds and images, any effect or music other than natural sounds while broadcasting news; archive or re-enactment images shall be indicated as it is, and the source of news obtained from agencies or other media sources shall be stated." (EG/BA)

* Platform and infrastructure operators shall following notification of the Supreme Council's resolution cease the transmission of broadcast services of media service providers that have not obtained a broadcasting license from the Supreme Council or whose broadcasting license has been cancelled by the Supreme Council, and those of media service providers that are under the jurisdiction of another country but whose broadcasts are determined by the Supreme Council as violating the international treaties which the Republic of Turkey is a party to and the provisions of this Law. The transmission authorisation of the operator shall be cancelled in case it does not stop the transmission of such broadcast services despite the notification, and this shall be notified to the Information Technologies and Communication Authority.

