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Human rights situations that require the Council's attention

Written statement* submitted by Press Emblem Campaign (PEC), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Kurdish journalists in Turkey waiting for months in custody for a political trial

Press Emblem Campaign calls on again the Human Rights Council's attention to the situation of journalists' rights, and the freedom of press and information in Turkey. Our organization already alerted the Council at its 21st and 22nd sessions¹, during the general debate on Agenda item 4, on the severe conditions Kurdish journalists have to face in their country. Almost three-quarter out of the more than 200 journalists imprisoned in Turkey are from the Medias that criticize the governmental policy towards the Kurdish people.

While last February the 15th Chamber of the Istanbul Appeal Court ordered the release of seven employees of Kurdish media, "given the time already spent in detention" and "the state of evidence", in 2012, seventeen cases were opened against Ibrahim Güvenç, the editor of the only Kurdish daily newspaper, Azadiya Welat. Mr. Güvenç had to resign from his post and is now threatened, like his predecessors, Mr. Vedat Kursun and Mr. Ozan Kiliç, with imprisonment for his coverage of the Kurdish question.

According to different sources, 72 journalists, including six chief-editors and co-owners are still in detention. Among them are at least 48 Kurdish journalists including 18 reporters from news agency DIHA, 13 journalists from Azadiya Welat eight of Özgür Gündem, two of Demokratik magazine Modernity and the news agency Firat. Freedom of expression and rights of journalists to freely investigate, report and criticize government policies are excessively restricted in Turkey.

It has to be highlighted here that from 1959 to 2011, out of 479 cases brought to the European court of human rights under freedom of expression, 207 originated from Turkey.

Despite the recent opening of negotiations between the Turkish government and representatives of the PKK, last April a trial was held in Silivri (80 km. west from Istanbul) against 44 Kurdish journalists, prosecuted for membership of an alleged "media committee" created by the outlawed Union of Communities in Kurdistan (KCK), a Kurdish non-governmental organization accused of backing the Kurdish Workers Party (PKK).

Surprisingly, after a short introduction of the President of the Court, the reading of the indictment (more than 800 pages) was made by a Turkish well-known television announcer. Finally, only two journalists (Zeynep Ceren Kuray of the *Firat* news agency and Sadik Topaloglu of the *Diha* news agency) were released. The Court will hold its next session of hearings from 17 to 19 June and will take decisions on other requests for provisional release. At the same time other arrest warrants have been issued against Kurdish journalists.

Mrs. Kuray criticized the court board for ordering the release of only two journalists, adding that, "KCK operations and trials are targeting not only Kurdish journalists but also Kurdish identity. Journalists working for the mainstream media can go to Kandil for interviews but we are standing trial for doing the same work. Namık Durukan (journalist working for *Milliyet* daily) has been awarded for his report on the so called Imrali Protocols, while we have been criminalized because of the similar reports we wrote"².

In this context it is interesting to note that the Parliamentary Assembly of the Council of Europe (PACE), in adopting a resolution on 23rd April 2013, decided not to consider PKK as a terrorist organization. In the same resolution, PACE spells out the steps Turkey still needs to take if it is to successfully complete its reform program, such as further reform of

¹ See also PEC written contribution A/HRC/22/NGO/90

² <http://en.firatnews.com/news/news/zeynep-kuray-kck-trials-target-kurdish-identity.htm>

the Constitution and continuing revision of the Criminal Code, as well as progress on freedom of expression, pre-trial detentions, local and regional decentralization and resolving the Kurdish question³.

It is always fundamental to recall that the Commission on Human Rights, in its resolution 2003/42 on the right to freedom of opinion and expression, adopted without a vote, « mindful of the need to ensure that unjustified invocation of national security, including counter-terrorism, to restrict the right to freedom of expression and information does not take place », urged States « to refrain from using counter-terrorism as a pretext to restrict the right to freedom of expression in ways which are contrary to their obligations under international law. »

Mr. Martin Scheinin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, in his report on the visit to Turkey⁴ (16 to 23 February 2006), among other recommendations, already stressed «... that only full definitional clarity with regard to what acts constitute terrorist crimes can ensure that the crimes of membership, aiding and abetting and what certain authorities referred to as “crimes of opinion” are not abused for other purposes than fighting terrorism...»

The Human Rights Council, in adopting by consensus Resolution A/HRC/RES/21/12 on “Safety of journalists” acknowledged the particular role played by journalists in matters of public interest, including by raising awareness of human rights and recognized that the work of journalists often puts them at specific risk of intimidation, harassment and violence. At the same time, the Human Rights Council condemned in the strongest term all attacks and violence against journalists, such as arbitrary detention, as well as intimidation and harassment.

Recently, the Turkish Parliament discussed changes in the legislation known as the Fourth Legislative Package, but apparently the governmental proposal falls short to the expectations and the definition for the term "terrorist" needs a more clear-cut. On the other hand, in early March, the Constitutional Court granted the prime minister's office authority to order temporary media censorship in extraordinary circumstances and situations in which national security makes the ban a must. The law allows the Prime minister to stop news broadcasting on issues regarding national security such as war and terrorist attacks when it is strongly possible that the public order is to be seriously disrupted.

In light of the above elements, the Press Emblem Campaign calls on the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers to monitor the proceedings of the collective trial against the Kurdish journalists in Turkey and to report to Human Rights Council.

³ Doc. 13160 - Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

⁴ E/CN.4/2006/98/Add.2