

25

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▲ Lvl. 2

State
replied

Turkey

Alert created on: 01 Apr 2015

Newspaper Editor Prosecuted for Insulting the President over Reports about a Judicial Corruption Probe

SOURCE OF THREAT ▶ State

CATEGORY ⓘ ▶ Other acts having chilling effects on media freedom

PARTNER: AEJ

The editor of Cumhuriyet, Can Dündar, had been summoned to an Istanbul court in February 2015 to face charges of insulting Turkey's President Erdoğan and violating the confidentiality of an investigation, according to reports. Dündar published a series of articles about a corruption investigation by prosecutors in which close associates of Mr Erdoğan were implicated. Concerns about a violation of Council of Europe standards arise because Turkey's laws against insulting the country's president and other public officials give special protection to office-holders and allow for more severe penalties. Concerns have frequently been voiced that they have been misused to silence criticism of the actions of officials, and are having a chilling effect on media reporting on matters of public interest.

The charge of violating the confidentiality of an investigation, which carries a maximum prison sentence of three years, relates to details contained in Mr Dündar's reports, including an interview with the main prosecutor in the case. The prosecutor was later suspended and the corruption investigation was closed. The Cumhuriyet editor has reportedly said that the information in question was publicly available, and was already the subject of parliamentary proceedings which were published on the website of Parliament. The high number of insult lawsuits initiated on behalf of President Erdoğan against his critics in the media and elsewhere are consistent with a concerted attempt to intimidate his opponents to remain silent about issues, including corruption, which are manifestly of public interest.

UPDATES

25 Apr 2016: On 25 April 2016 Can Dündar was fined 28,650 Turkish Liras by the İstanbul 2nd Penal Court of First Instance for insulting then-Prime Minister Recep Tayyip Erdoğan, his son Bilal Erdoğan, Transport Minister Binali Yıldırım and six others, and for breaching investigation confidentiality.

06 Mar 2015: The charges against daily Cumhuriyet editor Can Dündar were dropped due to a lack of evidence.

ADDITIONAL INFORMATION

 **Article "Journalist on trial for 'insulting' Erdoğan says prosecution now part of 'nature of journalism'"**

STATE REPLIES

 **22 Oct 2015** | Response of the Turkish Government (information provided by the Ministry of Justice of the Republic of Turkey)

 **Letter from the Permanent Representation of Turkey to the Council of Europe**

FOLLOW-UPS

 **15 Mar 2016** | The Venice Commission suggests that Article 299 of the Turkish Penal Code (insulting the President of Republic) be repealed to avoid further violations of the freedom of expression.

 **Venice Commission opinion 831/2015 on articles 216, 299, 301 and 314 of the Penal Code of Turkey**