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## Imprisonment of Two Senior Editors of the Turkish Daily Cumhuriyet, Can Dündar and Erdem Gül

SOURCE OF THREAT ▶ State

CATEGORY  ▶ Detention and imprisonment of journalists

**PARTNER: RSF, AEJ, EFJ/IFJ, Index**

On 26 November 2015, at the request of Istanbul prosecutor's office, Can Dündar, editor of the daily Cumhuriyet and its Ankara representative Erdem Gül were taken before a judge and placed in pre-trial detention on charges of membership of a terrorist organization, espionage and divulging state secrets.

Dündar and Gül were investigated in connection with an article published in May 2015 about allegations that Turkey's National Intelligence Organization (MIT) had been delivering arms to rebels in Syria. The newspaper produced a video and photos to support the claim.

In June 2015, after Cumhuriyet published the video, President Erdoğan had personally filed a complaint accusing Dündar of spying, and publicly vowed that he would 'not get away with it.' Since then, Cumhuriyet and Dündar were being investigated on the basis of a criminal complaint referring to several articles of the Turkish penal code. The imprisonment of the two journalists is additional evidence that the Turkish authorities are suppressing independent journalism in Turkey.

In April 2015, Can Dündar was already the subject of an alert on the Council of Europe platform, regarding his prosecution on charges of insulting Turkey's President Erdoğan and violating the confidentiality of an investigation. Dündar had published a series of articles about a corruption investigation by prosecutors in which close associates of Mr Erdoğan were implicated.

The high number of lawsuits initiated on behalf of President Erdoğan against journalists critical of the government are consistent with a concerted attempt to intimidate his opponents to remain silent about issues which are manifestly of public interest.

**17 May 2019:** On 15 May 2019, the Istanbul 14th High criminal court dismissed the case of Erdem Gül as it was opened after the 4 months period prescribed in the Press Law regarding statute of limitations.

**17 Jul 2018:** On 16 July 2018, the 14th Heavy Penal Court in Istanbul ruled to acquit Erdem Gul of charges of “publishing state secrets”. Her remains on trial in another case over the MIT trucks stories, in which he is charges of ‘helping a terrorist organisation’.

➔ **Article published by Hürriyet Daily News: "Journalist Erdem Gül acquitted of ‘publishing state secrets’ in MIT trucks case"**

**28 Jul 2017:** On 28 July 2017, an Istanbul court issued an interim judgment in the trial of 17 Cumhuriyet journalists and executives. This judgment states that the arrest warrant formerly issued against Can Dündar, who is tried in absentia, remains further in effect.

**01 Jun 2016:** The Istanbul 14th High Criminal Court’s ruling from May 2016 was appealed by the two journalists. The case is pending before the Supreme Court of Appeals. Can Dündar fled the country to seek asylum in Germany. Erdem Gül is waiting for the appeal verdict.

**10 May 2016:** On 6 May 2016, the Istanbul 14th High Criminal Court convicted Can Dündar and Erdem Gül --the former for ‘obtaining and revealing state secrets’, the latter for ‘revealing state secrets’. They were respectively sentenced to five years and 10 months and five years in prison. Shortly before the Court's decision earlier that day, Dundar survived an attempted shooting where the gunman instead wounded another journalist reporting on the Court case. Both journalists were acquitted of charges of trying to overthrow the government and espionage. But the Court ordered that the charges of “knowingly and willfully” helping a terrorist organization must be separated from the trial in order to await a verdict in a separate case against the two men on charges of supporting terrorist organisations. The Court has also ordered the lifting of the ban on the two journalists’ rights to leave the country and ruled that their political rights, including the right to vote, should be restored.

➔ **Report from AEJ : "Turkish newspaper editor Dundar survives gun attack by assailant calling him ‘traitor’"**

➔ **Report published on the Mapping Media Freedom Platform: "Turkey: Cumhuriyet editor given five- year sentence after attempted shooting"**

**29 Mar 2016:** On 25 March 2016, an Istanbul court ruled for the whole trial of Can Dündar and Erdem Gül to be held in camera. The hearing was adjourned until 1st April 2016.

➔ **Press statement from EFJ "Scandalous Ban on Media at Turkey Media Trial "**

**26 Feb 2016:** Can Dündar and Erdem Gül were freed in the early hours of 26 February 2016 after Turkey's Constitutional Court ruled that their detentions had violated their rights.

➔ Article published by Daily Hurriyet: "Arrested Turkish journalists released after 92 days in prison"

**25 Feb 2016:** On 25 February 2016, by a 12-3 vote, the plenary of the Turkish Constitutional Court ruled that Can Dündar and Erdem Gül's right to freedom and security, right to express and disseminate thought, and the freedom of press as guaranteed by Articles 19, 26 and 28 of the Constitution had been violated.

➔ Article published by Daily Hurriyet: "Rights of Dündar, Gül were violated, Turkey's top court says, as release expected"

**28 Jan 2016:** On 27 January 2016, during a court hearing in Istanbul, prosecution demanded "aggravated life imprisonment and imprisonment up to 30 years" for Can Dündar and Erdem Gül.

➔ Press release by EFJ: "Turkey must allow supporters to meet with imprisoned journalists Can Dündar and Erdem Gül "

**01 Dec 2015:** RSF launches international appeal for release of Cumhuriyet journalists

➔ Press release by RSF

## ADDITIONAL INFORMATION

➔ EFJ-IFJ press release: "EFJ-IFJ urge Turkey to immediately release Can Dündar and Erdem Gül"

➔ Press release from RSF: "Will RSF Press Freedom Prize recipient be jailed tonight in Istanbul?"

➔ Press release from RSF: "RSF backs newspaper under attack from President Erdoğan"

## STATE REPLIES



**15 Dec 2015** | Statement of the Permanent Representative of Turkey to the Council of Europe to the 1242nd meeting of the Ministers' Deputies

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



07 Dec 2015 | Response of the Turkish Government (information provided by the Ministry of Justice)

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

## FOLLOW-UPS



25 Jul 2017 | OSCE media freedom representative calls on Turkey to release imprisoned journalists

➔ Statement by Harlem Désir



13 May 2016 | The Council of Europe Secretary General refers to the case of Can Dündar and Erdem Gül in his address to the Committee of Ministers on 11 May 2016.

➔ Excerpts from the Speaking Notes of the Secretary General to the 1256th meeting of the Ministers' Deputies (11 May 2016)



10 Mar 2016 | The Monitoring Committee of the Parliamentary Assembly of the Council of Europe expresses its serious concern at recent developments in Turkey with respect to restrictions on media freedom and access to pluralistic information, challenges to the decisions of the Constitutional Court.

➔ Statement from PACE Monitoring Committee



03 Mar 2016 | Secretary General welcomes the release of Can Dündar and Erdem Gül in his address to the Committee of Ministers

➔ Excerpts from the Speaking Notes of the Secretary General to the 1249th meeting of the Ministers' Deputies (3 March 2016) regarding Turkey



26 Feb 2016 | Secretary General Jagland welcomes the release of Can Dündar and Erdem Gül.

➔ Statement of CoE Secretary General



14 Jan 2016 | CoE Secretary General mentions the continuing detention of Can Dündar and Erdem Gül in his allocution to the Committee of

Ministers about the outcome of the meeting of the informal working group on freedom of expression in Turkey

- ➔ **Excerpt from the Speaking Notes of the Secretary General to the 1244th meeting of the Ministers' Deputies (13 January 2016) regarding Turkey**



**03 Dec 2015** | CoE Secretary General focuses on the arrest of Can Dündar and Erdem Gül in his address to the Committee of Ministers

- ➔ **Excerpt from the Speaking Notes of the Secretary General to the 1242nd meeting of the Ministers' Deputies (1-2 December 2015) regarding Turkey**



**30 Nov 2015** | Hürriyet Daily News article quoting the statement by the spokesperson of European Council Secretary General Thorbjørn Jagland

- ➔ **Article published by Hürriyet Daily News: "Council of Europe reacts to Turkish journalists' arrests"**



**27 Nov 2015** | OSCE Representative condemns arrest of journalists Can Dündar and Erdem Gül, urges Turkey not to proceed with charges

- ➔ **Statement of the OSCE Media Freedom Representative**



**27 Nov 2015** | Ingebjørg Godskesen and Nataša Vuckovic, co-rapporteurs for PACE's post-monitoring dialogue with Turkey question arrests of leading journalists

- ➔ **Statement by PACE rapporteurs**



**27 Nov 2015** | Statement by Nils Muiznieks, CoE Commissioner for Human Rights

- ➔ **Post published on the Facebook page of the Commissioner for Human Rights**

## RELEVANT COE INSTRUMENTS



**09 May 2016** | Factsheet on the Freedom to Impart Confidential Information and its Limits

- ➔ **Overview of the ECHR case law and other relevant Council of Europe resources related to the Freedom to Impart Confidential Information and its Limits**

### DISCLAIMER

This section presents a non-exhaustive selection of CoE instruments and ECHR case-law. This information is not a legal assessment of the alert and should not be treated or used as such.

