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Cumhuriyet Newspaper Employees arrested on Terrorism-Related Charges

SOURCE OF THREAT ▶ State

CATEGORY  ▶ Detention and imprisonment of journalists

NO STATE REPLY YET

PARTNER: Article 19, AEJ, CPJ, EFJ/IFJ, Index, IPI, RSF

On 31 October 2016, Turkish police detained at least 12 employees of Cumhuriyet newspaper, Turkey's largest secular, left-leaning paper, and one of the few publications that continues to criticise the government. The detained media workers are accused of membership of, and committing crimes on behalf of, two terrorist organisations: the Kurdistan Workers' party and the Fethullah Terrorist Organisation (FETÖ), which the government accuses of being behind the failed coup attempt. According to media reports, prosecutors also issued detention warrants for two of the newspaper's executives, who are both currently abroad.

Following police raids, the following people were taken into custody: Murat Sabuncu (Cumhuriyet Editor-in-Chief); Güray Öz (Cumhuriyet board executive and columnist); Aydın Engin (former editor-in-chief of the newspaper); Hikmet Çetinkaya (columnist); Eser Sevinç, Hakan Kara, Musa Kart, Bülent Utku, Mustafa Kemal Güngör and Önder Çelik (all board members of the Cumhuriyet Foundation); Turhan Günay (Editor-in-Chief of the newspaper's book supplement); and columnist Kadri Gürsel, who is also the head of the International Press Institute's Turkey office.

UPDATES

22 Nov 2019: On 21st November 2019, the Istanbul 27th High Criminal Court upheld the conviction of 12 former Cumhuriyet employees (Akın Atalay, Ahmet Şık, Aydın Engin, Bülent Utku, Güray Öz, Hakan Kara, Musa Kart, Hikmet Çetinkaya, Murat Sabuncu, Orhan Erinç, Mustafa Kemal Güngör and Önder Çelik), despite the Court of Cassation ruling issued in September 2019 that had acquitted the 12 defendants, with the exception of journalist Ahmet Sik, who the court had said should be tried for a different crime. The High Criminal Court also ruled for the continuation of judicial supervision imposed on the 12 defendants, and acquitted a 13th defendant, journalist Kadri Gürsel.

28 Oct 2019: On 25 October 2019, an appellate court ruled for the release of Emre İper, on the basis of changes in the law aimed at improving the freedoms of speech and the press that entered into force on 24 October 2019. In their appeal, the defense referred to an amendment to the Anti-Terror Law pertaining to the offense of "propagandising for a terrorist organisation", whereby the expression of "opinions that do not overstep the boundaries of giving news or that have the aim of criticism does not constitute a crime".

13 Sep 2019: On 12th September 2019, overturning the verdict of a lower court, the 16th Penal Chamber of the Supreme Court of Appeals (Court of Cassation) ruled that the execution of the sentences of seven Cumhuriyet staff members shall be suspended and requested the journalists be released. Musa Kart, Güray Öz, Hakan Kara, Önder Çelik, and Mustafa Kemal Güngör were released in the evening from Kandıra prison. The released staffers are barred from leaving the country. The court did not overturn the sentence of Emre İper, who remains in jail. It additionally requested cancellation of Bülent Utku's arrest warrant. The ruling also overturned the conviction of IPI Executive Board member Kadri Gürsel, who was serving the remainder of a two-and-a-half year sentence on probation. He currently remains under travel ban. The Court also requested Ahmet Şık to be retried under a new set of "terrorist propaganda" charges. All the Cumhuriyet journalists and staffers except İper have been released following this verdict, and those thirteen defendants will be retried for the original terrorism charges at a lower court.

03 Jun 2019: On 29 May 2019, Kadri Gürsel was sent to Metris Prison to begin a 30-month prison sentence upheld by the court of appeal in February 2019. Later the same day, the journalist was released from prison as his request for probation was accepted.

03 May 2019: On 2 May 2019, the Constitutional court ruled that the rights of journalists Kadri Gürsel and Murat Aksoy were violated. (The court has been reviewing rights violations for those arrested after the coup attempt, but its rulings do not automatically affect criminal sentences.) On 2 May 2019, the appeals based on the "breach of fundamental rights" were overruled for Akin Atalay, the former publisher of Cumhuriyet; Murat Sabuncu, Cumhuriyet's former editor-in-chief; Ahmet Şık, a reporter; and Bulent Utku, a high-level editorial manager.

29 Apr 2019: On 25 April 2019, six journalists and executives surrendered to Kandıra prison in Kocaeli province after an appeals confirmation of their jail sentences was officially communicated to Turkey's National Judicial Informatics System (UYAP) on 19 April. Defendants – Musa Kart, Önder Çelik, Mustafa Kemal Güngör, Güray Öz, Hakan Kara and Emre İper – returned to prison to serve the remainder of their sentences.

19 Feb 2019: On 19 February 2019, the 3rd Penal Chamber (the court of appeal) of the İstanbul Regional Court of Justice upheld the verdict on the Cumhuriyet newspaper' case handed down by a lower criminal court in April 2018. This is the final judgment for the defendants who were sentenced to prison for less than five years: journalist Kadri Gürsel and lawyer Bulent Utku will not go back to prison due to time already served ; journalists

Hakan Kara and Guray Oz, cartoonist Musa Kart, lawyer Mustafa Kemal Gungor, board member Onder Celik, and accountant Emre Iper will return to prison to complete their sentences. Editor-in-chief Murat Sabuncu, journalists Ahmet Sik, Hikmet Cetinkaya, Orhan Erinc, Akin Atalay and Aydin Engin, all sentenced to more than five years, will appeal against their sentences.

26 Apr 2018: On 25 April 2018, an Istanbul court convicted 13 journalists and executives of Cumhuriyet of aiding terrorist organizations and sentenced them to jail terms ranging between two and seven years. The court placed the journalists on probation and banned them from traveling until the appeals process has ended. The judge also ordered the conditional release of Cumhuriyet chairman Akin Atalay. The court acquitted three of the defendants : Bülent Yener, a former board member, Turhan Günay, chief editor of the daily's literary supplement, and Günseli Özatalay, the chief accountant.

➔ **CPJ report : "Turkey convicts Cumhuriyet journalists on terrorism charges"**

12 Mar 2018: On 9 March 2018, the 27th High Criminal Court of Istanbul ruled for the release of Murat Sabuncu and Ahmet Şık pending the conclusion of the trial. Sabuncu and Şık remain under judicial control. The daily's chairman, Akin Atalay, however, was remanded in custody until the next hearing, scheduled for 16 March, during which the prosecutor is expected to submit his final opinion.

29 Dec 2017: On 29 December 2017 an Istanbul Court ruled to release Emre İper. He remains under judicial control and an international travel ban.

➔ **Article published by the daily Hürriyet: "Istanbul court releases daily Cumhuriyet staff member İper in ByLock case"**

25 Dec 2017: On 25 December 2017 a judge at Istanbul's Çağlayan Courthouse ruled to keep Ahmet Şık, Akin Atalay, Emre İper and Murat Sabuncu in jail for at least two more months until the next session of the trial on 9 March 2018.

➔ **Article published by Reuters: "Turkish court keeps opposition newspaper staff in jail during trial"**

22 Nov 2017: On 21 November 2017, Oğuz Güven received a three year and one month prison sentence on two separate terror charges. Güven remains free pending appeal.

➔ **Article published by Hürriyet Daily News : "Court sentences daily Cumhuriyet journalist Oğuz Güven to three years in jail on terror charges"**

26 Sep 2017: On 25 September 2017, the Court ruled to release Kadri Gürsel, though he remains on trial on charges of links to terror groups. After completing formalities, he was released from the Silivri prison. The Court confirmed the detention of Akin Atalay, Emre İper and Murat Sabuncu. Their next hearing is scheduled for 31 October 2017.

➔ **Article published on Yahoo News: "Top Turkey journalist released after almost year in jail"**

➔ **Article published by Cumhuriyet (in Turkish)**

12 Sep 2017: On 11 September 2017, a Turkish court confirmed Ahmet Şık's detention. The next hearing is scheduled for 25 September.

12 Sep 2017: On 11 September 2017 a Turkish court Court confirmed the detention of Akın Atalay, Murat Sabuncu and Kadri Gürsel. Their next hearing is scheduled for 25 September.

31 Jul 2017: On 28 July 2017, an Istanbul court released seven Cumhuriyet journalists and executives. Five are to remain under arrest including Ahmet Şık. The court also decided that additional criminal charges would be brought against Ahmet Şık for his defense statement.

➔ **Article published by the daily Hürriyet: "Istanbul court releases seven Cumhuriyet journalists, executives, five to remain under arrest"**

15 Jun 2017: On 14 June 2017, after 30 days of imprisonment, Oğuz Güven was released pending trial. His next hearing is scheduled to take place on 14 September 2017.

16 May 2017: On 12 May 2017, Oğuz Güven, editor-in-chief of the online edition of the daily newspaper Cumhuriyet, was detained as part of a criminal investigation led by the Bureau of Press Offences of the Chief Public Prosecutor's Office in Istanbul. On 15 May, Güven appeared before a judge, who ordered that he be held in pre-trial detention, on "propaganda for a terrorist organisation" and "defamation against a person's memory" charges. Both charges against the journalist are solely based on the title of a news report published and tweeted by Cumhuriyet on an online account about the accidental death of a prosecutor. During the hearing, the journalist repeated that the controversial tweet ("the prosecutor who sought the first warrants against FETÖ was cut apart by a truck") was only visible during 55 seconds, was immediately corrected ("the prosecutor lost life in a serious car accident") and is one of the 300 tweets per day written by the journalist, that he cannot be suspected of doing anything to support any terrorist organisation.

➔ **Güven's case in CPJ's daily blog Turkey Crackdown Chronicle: Week of May 14, 2017**

➔ **Report published on the Mapping Media Freedom platform: "Turkey: Cumhuriyet web editor detained by police"**

➔ **IPI article: "Concern as Turkey detains another Cumhuriyet staffer"**

➔ **Update on Oğuz Güven's case published on Expression Interrupted website**

19 Apr 2017: On 7 April 2017, Cumhuriyet's Finance Manager Emre İper was taken into custody during a midnight raid on his home by police. He was arrested on 19 April on charges of using ByLock, a communications app allegedly used by the Fethullah Gülen network and "being member of a terrorist organisation".

11 Jan 2017: On 29 December 2016, the investigative journalist Ahmet Şık was detained by Turkish authorities on charges of "propaganda on behalf of an illegal terrorist organisation" and "openly denigrating the Republic of Turkey, its judicial organs and its military and police". Şık tweeted that he was being detained due to a single tweet; a news report stated that the detention also related to various reporting elements including an interview with Kurdistan Workers' Party (PKK)'s administrator published in Cumhuriyet daily in March 2015. On 30 December, Ahmet Şık was officially put under arrest on charges of spreading propaganda for the PKK, the Revolutionary People's Liberation Party/Front (DHKP-C) and for the Fethullah Gülen group, an Islamic network the Turkish judiciary refers to as the Fethullahist Terrorist Organization (FETÖ). All three groups are outlawed in Turkey. A report published by the Cumhuriyet claimed that Ahmet Şık had been denied drinking water for three days at Metris Prison, where he was kept before being transferred to Silivri Prison on 3 January. The Justice Ministry's Directorate General for Correctional Facilities released a statement denying the allegation, the official statement claimed Şık was given 1.5 liters of bottled water on 1 January. The Turkish authorities own regulation states that "any inmate has to right to have on daily basis 200 liters of cold water and 50 liters of hot water". Ahmet Şık also claimed that he was denied access to newspaper, pen and books in the cell. Ahmet Şık's access to his lawyers (Can Atalay and Tora Pekin) and family members were also denied during the first 5 days of his detention because the authorities couldn't record the conversation between the lawyers and their client. Şık was previously arrested in March 2011 in relation to an investigation into the Oda TV news website. He spent a year in prison for an unpublished critical book about the Gülen movement supported, at that time, by the AKP government. Today, the journalist is charged with doing propaganda for the same movement.

- ➔ **RSF's statement : "More journalists arrested as novelist goes on trial"**
- ➔ **Report published on the Mapping Media Freedom platform: "Turkey: Journalist Ahmet Şık detained over social media post"**
- ➔ **EFJ's statement : "Calling Turkish authorities to stop criminalising journalists"**
- ➔ **IFJ's statement : "Turkey: Another journalist arrested in media crackdown"**

14 Nov 2016: On 12 November 2016, the CEO of daily Cumhuriyet, Akin Atalay, was arrested for "being a member of a terrorist organization" , upon his arrival at Istanbul Atatürk Airport. A detention warrant had been issued for him on 30 October while he was abroad.

08 Nov 2016: On 5 November 2016, nine journalists and executives from the Cumhuriyet daily were placed under formal arrest by the İstanbul 9th Penal Court of Peace. The daily's


columnists Aydın Engin and Hikmet Çetinkaya were released by the court pending trial. A travel ban was imposed on them. On 4 November 2016, Günseli Özaltay, the accounting manager of the newspaper, and former accounting manager Bülent Yener were released.

[➔ Statement from EFJ](#)


ADDITIONAL INFORMATION

- [➔ IPI statement: "IPI outraged over confirmation of Cumhuriyet sentences"](#)
- [➔ Article from the European Federation of Journalists: "New wave of arrests targeting daily Cumhuriyet in Turkey"](#)
- [➔ Report published on the Mapping Media Freedom platform: "Turkey: Cumhuriyet journalists detained on terror charges"](#)
- [➔ Statement by the G9 Platform for press freedom organisations \(in Turkish\)](#)


FOLLOW-UPS

 **28 Oct 2019** | OSCE Media Freedom Representative welcomes release of several journalists in Turkey, calls for further reforms that ensure better legal protection.

[➔ Statement by Harlem Désir](#)

 **13 Sep 2019** | OSCE Media Freedom Representative welcomes release of seven former Cumhuriyet journalists in Turkey.

[➔ Statement by Harlem Désir](#)

 **29 Apr 2019** | OSCE Media Freedom Representative appalled by return to prison of former Cumhuriyet journalists in Turkey, calls for their immediate release.

[➔ Statement by Harlem Désir](#)



04 May 2018 | Secretary General deeply worried by the chilling effect the heavy criminal sentences may have on media freedom

[➔ Excerpts from the Speaking Notes of the Secretary General to the 1315th meeting of the Ministers' Deputies \(2 May 2018\) regarding Turkey](#)

OSCE 26 Apr 2018 | OSCE representative welcomes release of Akın Atalay in Turkey but strongly condemns prison sentences for Cumhuriyet journalists and staff.

➔ **Statement by Harlem Désir**

OSCE 23 Mar 2018 | All Cumhuriyet journalists must be released, says OSCE representative Désir following continued detention of CEO Atalay

➔ **Statement by Harlem Désir**

OSCE 12 Mar 2018 | OSCE Media Freedom Representative welcomes the release of two Cumhuriyet journalists, calls on Turkey to free Akın Atalay and drop charges against all defendants

➔ **Statement by Harlem Désir**



19 Jan 2018 | The Council of Europe Secretary General refers to the recent decisions of Turkey's Constitutional Court in his address to the Committee of Ministers

➔ **Excerpts from the Speaking Notes of the Secretary General to the 1304th meeting of the Ministers' Deputies (17 January 2018) regarding Turkey**



19 Oct 2017 | On 10 October 2017, the Commissioner for human rights intervened before the European Court of Human Rights in cases concerning the detention of journalists and freedom of expression in Turkey

➔ **Third party intervention by the Council of Europe Commissioner for Human Rights under Article 36, paragraph 3, of the European Convention on Human Rights**

OSCE 26 Sep 2017 | OSCE Representative on Freedom of the Media welcomes the release of Kadri Gürsel and calls for release of imprisoned Cumhuriyet journalists in Turkey.

➔ **Statement by Harlem Désir**

OSCE 12 Sep 2017 | OSCE Media Freedom Representative renews calls on Turkey to urgently release jailed journalists.

➔ **Tweet by Harlem Désir**

OSCE 31 Jul 2017 | Cumhuriyet trial interim court decision shows urgency to drop charges and release all imprisoned Turkish journalists, says OSCE Media Freedom Representative.

➔ **Statement by Harlem Désir**

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

➔ **Statement by Harlem Désir**



12 Jun 2017 | On 8 June 2017, the European Court of Human Rights communicated to the Turkish Government the case of Sabuncu and Others v. Turkey. The applicants, ten journalists from the daily newspaper Cumhuriyet placed in police custody and subsequently in pre-trial detention on suspicion of having committed offences on behalf of terrorist organisations and disseminating propaganda for them, complained about their pre-trial detention and its duration, and also submit that there has been a breach of their freedom of expression. They further allege that their detention is a sanction against them for criticising the government and amounts to politically-motivated judicial harassment. They rely in particular on Article 5 § 1, 3 and 4 (right to liberty and security / right to speedy review of the lawfulness of detention), Article 10 (freedom of expression) and Article 18 (limitation on use of restrictions on rights).

➔ **Case communicated by the ECHR (in French)**



15 Feb 2017 | Human Rights Commissioner : Urgent measures are needed to restore freedom of expression in Turkey

➔ **Visit Memorandum on freedom of expression and media freedom in Turkey**



31 Oct 2016 | Statement from Secretary General Jagland expressing his concern about state of emergency measures and freedom of expression in Turkey

➔ **Statement from Secretary General Jagland**