

Istanbul, 22 April 2019

Dear Members of the Press, we're very happy to have you here today.

We felt the necessity to host this meeting after last week's developments regarding our court case, now known as 'the Cumhuriyet Newspaper trial'. As you know, an Istanbul appeals court confirmed the high criminal court verdict. Therefore, we are now at the execution phase of the prison terms. Once the Istanbul 27th High Criminal Court completes its paperwork and submits its written verdict to the office of the execution prosecutor, it will be only a matter of time before implementation of the prison sentences starts.

According to the sentencing we have in hand, 8 of our 14 friends who were charged - namely Güray Öz, Musa Kart, Hakan Kara, Önder Çelik, Kadri Gürsel, Bülent Utku, Mustafa Kemal Güngör and Emre İper – will be returning to jail. That's why we felt the need to once more underline the level of unfairness and unlawfulness involved in this legal process, as well as the implication for press freedom. Hopefully, this will help us discuss ways of stopping this unlawful execution.

First of all, let's quickly remember what we have been through so far. Cumhuriyet staff were taken from their homes on 31 October 2016, while their houses were searched high and low crimes After a 4-day detention period, they were formally arrested on charges of members of these committing on behalf of both FETO and the PKK, although not being actual organizations. In the indictment that came six months later, the accusation was revised as -assisting terrorist organizations" and the DHKP-C was added to the list of terror organizations. Twelve members of the Cumhuriyet newspaper remained under arrest for up to 1.5 years under the extreme circumstances of the State of Emergency that was then in place.

When we look back, we see that the prosecutor who led the initial investigation in the Cumhuriyet court case has since become a defendant himself as he was charged with membership in PET() and now faces life in prison. We immediately filed a complaint about this to the Senior Board of Judges and Prosecutors and just recently received a reply, saying there was nothing unlawful about it. It was absolutely natural for a prosecutor who has been charged with membership in a terror organization to lead an investigation into allegations related to the same terror group. We should then also treat it as natural that this prosecutor has picked Huseyin Gulerce and Latif Erdogan, both outspoken mouthpieces of Fethullah Gülen, the leader of the terror organization, as his court witnesses. However, no matter how far imaginations, we could not get our heads around the fact that one of the Cumhuriyet journalists of that jailed after he placed a call to a travel agency's customer helpline, and the owner of that travel agency has since become a "minister". Yes, among the charges, there was also one about phoning a tourism agency named ETS. The owner of this agency is now Turkey's Tourism Minister.

Although there was not a single financial angle in the investigation, MASAK (Financial Crimes Investigation. Board) was then engaged in the process. Cumhuriyet staff went through an inspection that went as far as researching former spouses from 40 years ago. They, of course, couldn't come up with the slightest evidence that might have led to a crime, yet the 'distinguished' judges of the 27th High Criminal Court handed in sentences that lacked any lawful basis.

When we read the sentencing document, it is seen that simply news stories, headlines and a few opinion pieces were listed as criminal evidence. In light of these publications -in other words, journalistic activities- it was decided that we have assisted while not being members in any of them. In a verdict that independent and truthful journalism, minimum sentencing guidelines were dismissed for sentences that ranged

between 3 years and nine months up to 8 years, one month and 15 days. Such harsh sentencing had no precedent.

In response, we appealed with a 200-page petition and demanded a hearing. The Istanbul Regional Court of Law did not even respond to it. It simply rejected our objections in one-Regional Court of Law responses without any explanation.

At this point, we would also like to briefly refer to Article 220/7 of the Turkish Criminal Code as it stands as the main culprit of issues in Turkey. The European Court of Human Rights underlines the vagueness in the wording of this article and states that it, therefore cannot be regarded as legislation. The Venice Commission demands the article be lifted, or otherwise, not be applied to cases that relate to freedom of expression or freedom of assembly. Unfortunately, our judges and prosecutors still label the work of journalists that criticize the government and even social media posts by ordinary citizens as criminal activity. We hereby highlight the urgent need to legally readdress Article 220 of the Criminal Code.

Yes, you wonder about the timing of our friends' return to jail. Our view is that they should not return to jail as a court dossier, regarding our friends with jail sentences longer than five years, has landed at the Supreme Court of Appeals. Maybe, and what we hope for, is that a decision by the Supreme Court of Appeals will end this unlawful process and reverse the verdict of convictions. Then, all will be over, and six of the Cumhuriyet journalists with sentences longer than 5 years will not step into prison again. However, because the related clause of the article in the criminal code blocks the way to the Supreme Court of Appeals for those with sentences less than 5 years, the ones who have been charged with exactly the same crimes, same doings and in the same court case will be forced to return to jail. This is not acceptable and openly violates the principle of equality under the law.

As a matter of fact, both Ismail Rustic Cirit, the president of the Supreme Court of Appeals and also Abdulhamit Gul, the Minister of Justice, have made statements, pointing to the undue suffering this legislation has caused. The legislation might even get revised in the near future. Today, we will appeal to the Istanbul 27th High Criminal Court, demanding the suspension of the execution of the verdict in consideration of such an open violation of the law. It is a requirement of the law that the court suspends the execution.

Meanwhile, let's remember that our individual applications to Turkey's Constitutional Court and the European Court of Human Rights, regarding the unfairness of the arrests, remain unanswered after more than two years. Had Turkey's Constitutional Court or the European Court of Human Rights issued a verdict in line with the European Human Rights Convention, we might not be here today.

Lastly, we would like to say that although we're here today to remind you of the facts of the Cumhuriyet court case, what we are actually talking about is the story of Turkey's press freedom. In February, IPI quoted the number of jailed journalists in Turkey as 155. On a daily basis, we hear about journalists being detained, their homes being searched, of being accused of membership in or assisting a terror organization. According to a recent report by Reporters Without Borders, we rank 157th in the World Freedom Index. Ninety-five percent of the media remains in the hands of the government. The possibility of Cumhuriyet journalists landing back in jail for a crime that does not exist is just an important detail in this bigger picture. Otherwise, free news, free information, free opinion are the essentials of a democratic society.

That's why we are calling upon the public to stand up for journalism and journalists, and the government to respect the press and freedom of expression. Journalism is not a crime.

Lawyers for the Cumhuriyet Newspaper Court Case