



*Permanent Representation
of Turkey
to the Council of Europe*

Strasbourg, 19 October 2015

Dear Director,

Concerning the alerts issued by the Council of Europe's "Platform to promote the protection of journalism and safety of journalists" on the list enclosed herewith, submitted by the European Federation of Journalists, the International Federation of Journalists, the Association of European Journalist and the Reporters Without Borders, I am transmitting at annex the responses of the Turkish Government concerning 15 submissions.

Yours sincerely,

Erdoğan İşcan
Ambassador
Permanent Representative

Encl.:

- List of alerts
- Information Notes (15)

Mr. Matjaž Gruden
Director
Directorate of Policy Planning
The Council of Europe

1 Apr 2015 - Form concerning Can Dündar submitted by AEJ under “Newspaper Editor Prosecuted for Insulting the President over Reports about a Judicial Corruption Probe”

Information provided by the Ministry of Justice of the Republic of Turkey

(i) The Istanbul Chief Public Prosecutor's Office is currently conducting a number of investigations against Can Dündar who is a columnist of the daily Cumhuriyet (Republic) newspaper.

(ii) The suspect, Can Dündar, published a series of articles on the newspaper, Cumhuriyet, and also on the website of the same newspaper <www.cumhuriyet.com> between 2-8 August 2014 under different titles:

- On 2 August 2014- the article titled as "Friend's Father (*Arkadaşın Babası*)",
- On 3 August 2014- the article titled as "Bilal... Oh sorry, friend (*Bilal...Ay Özür Dilerim Arkadaş!*)",
- On 4 August 2014- the article titled as "AKP's Susurluk (*AKP'nin Susurluk'u*)",
- On 5 August 2014- the article titled as "He is the one who distributes the takings (*Hasılatı O Paylaşıyor*)",
- On 6 August 2014- the article titled as "Five Phone Calls Extending to the Villa (*Villaya Uzanan Beş Telefon*)",
- On 7 August 2014- the article titled as "Put in the Sack, God Willing (*Tak Tak Çuvala İnşallah*)"
- On 8 August 2014- the article titled as "How was the Pool Filled? (*Havuz Nasıl Doldu?*)".

On the grounds of these articles, an investigation has been initiated against the suspect with the charges that he insulted the complainant former Minister Binali Yıldırım and also that he breached the confidentiality of the investigation by revealing and sharing the information included in the file of another investigation conducted by the Istanbul Chief Public Prosecutor's Office. Following the investigation, a criminal case was filed before the 2nd Chamber of the Istanbul Criminal Court of First Instance for the offences of defamation and breaching the confidentiality of an investigation. The criminal proceedings are ongoing.

(iii) The Istanbul Chief Public Prosecutor's Office initiated an investigation against Can Dündar with the allegations that he insulted the complainants, the former Prime Minister Recep Tayyip Erdoğan and his son Necmeddin Bilal Erdoğan, through his articles dated 18 July 2014 titled as "We have the right to read the summaries of proceedings (*Fezlekeleri okumak hakkımız*)" and dated 1 July 2014 titled as "Erdoğan's weak point (*Erdoğan'ın yumuşak karnı*)", which were published in the Cumhuriyet newspaper, as well as its website, and that he breached the confidentiality of another investigation by sharing the classified information in another investigation file. Following the investigation, a criminal case was filed before the 2nd Chamber of the Istanbul Criminal Court of First Instance, for the offences of defamation and breaching the confidentiality of an investigation. The criminal proceedings are still ongoing.

(iv) An investigation had been initiated against Can Dündar, upon the complaint of the attorney of the President of the Turkish Republic, Recep Tayyip Erdoğan, on the grounds that some statements in Can Dündar's articles published on different dates in the Cumhuriyet newspaper, as well as its website, constitute the act of defamation. A decision of non-prosecution was issued in respect of Can Dündar at the end of the investigation process.