



*Permanent Representation  
of Turkey  
to the Council of Europe*

Strasbourg, 3 December 2015

Dear Director,

In response to the alert submitted by the Reporters without Borders, the European Federation of Journalists, the International Federation of Journalists, the Association of European Journalists and the Index on Censorship, I am transmitting at annex the response of the Turkish Government.

Yours sincerely,

Erdoğan İçcan  
Ambassador  
Permanent Representative

Encl.:

- Information Note

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

**27 Nov 2015 (Update - 3 Dec 2015) - Form concerning “Imprisonment of two senior editors of the Turkish daily Cumhuriyet, Can Dündar and Erdem Gül” submitted by RSF, EFJ/IFJ, AEJ, Index on Censorship**

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

1. Following a series of articles published in Cumhuriyet daily newspaper in May, June and October 2015, with regard to the interception of trucks belonging to the National Intelligence Agency (MİT) on 1 January 2014 and 19 January 2014, the Istanbul Terrorism and Organized Crime Investigation Office has initiated an investigation against Can Dündar, editor in chief of Cumhuriyet, and Erdem Gül, chief of Ankara office of the said daily, on the charges of willfully aiding an armed terrorist organization without being a member of it (Turkish Criminal Code 220/7, TCC 314/2); obtaining state information which should be kept secret, for the purpose of political or military espionage (TCC 328/1); and disclosing, for the purpose of espionage, information which relates to the security of the State and which is to remain secret (TCC 330/1).
2. The abovementioned suspects in connection with these charges were detained on remand by the decision dated 26 November 2015 of the İstanbul 7<sup>th</sup> Criminal Magistracy. As per the law, based on the conclusion that the application of judicial control measures would be insufficient due the nature of offenses they have been charged with, the said Magistracy decided to detain the suspects, at this stage, in accordance with Article 100 et seq. of the Code of Criminal Procedure.
3. As expressed in the previous items, the scope of the investigation is not related with the freedom of media, which is a fundamental right guaranteed by the Constitution in Turkey. Utmost care is shown that the rights and freedoms of the suspects are protected as stipulated by the relevant law which are in accordance with international norms. Moreover, effective legal remedies to which the suspects may resort, exist in domestic law.