

RESOLUTION ON INEFFECTIVE DOMESTIC LEGAL REMEDY FOR TURKEY'S JOURNALISTS

The lack of visible improvements in freedom of the media in Turkey since the state of emergency was lifted on 18 July 2018 is of great concern. The mass arrests, detention and sentencing of Turkey's journalists continue to be used as methods to stifle dissenting voices across society.

According to data from the International Press Institute (IPI), [155 journalists and media executives](#) were in prison as of 29 January 2019. This figure makes Turkey the country with the highest number of imprisoned journalists in the world.

Points of concern to the signatories of this resolution are, among others:

- the lack of independence and impartiality of the judiciary in Turkey;
- the lack of a speedy recourse to justice both domestically and before the European Court of Human Rights;
- the practice in Turkey of criminalizing journalism by committing journalists to lengthy pretrial detention;
- the slow production of indictments in journalist cases in Turkey and the use of journalistic material as evidence to convict journalists; and
- the failure of public prosecutors in Turkey to exhaustively prove the legal criteria in place to establish the charge of “membership of a terrorist organization” in the case of journalists.

RECOMMENDATIONS

To the Government of Turkey:

1. Turkey must fulfil its obligations under national and international law to protect journalists' rights
 - to liberty and security;
 - to freedom of expression;
 - to the right to receive and disseminate the news; and
 - to a fair trial including:
 - the presumption of innocence;
 - the right to appear physically before a judge in a timely manner; and
 - the right to receive a fair hearing within a reasonable timeframe, conducted by an independent and impartial judicial panel.
2. The judiciary in Turkey must require public prosecutors to produce indictments in a timely manner, especially in cases where the defendant is held in pretrial detention. Evidence in indictments against journalists must be required to be proven beyond reasonable doubt of criminal activity.
3. Turkey must release all journalists held in pretrial detention in whose cases journalistic evidence is cited as proof of criminal activity.
4. All journalists imprisoned on unsubstantiated allegations or as a result of the practice of journalism should be immediately freed.

5. The Turkish judiciary should take all steps to fulfil its obligation to ensure that rulings in freedom of expression cases are in line with decisions by the European Court of Human Rights and relevant international standards, especially as regards the right to personal freedom and the right to a fair trial.

6. Turkey must ensure that journalists' right to freedom of expression; their right to engage in critical, well-founded reporting in the public interest; and their right to disseminate the news are protected in order to restore the plurality of voices and alternative news sources for the people of Turkey.

7. The Public Advertising Authority (Basın İlan Kurumu) must ensure that public advertising revenue is given out, in accordance with its own guidelines, to pro-government and independent media alike. It must not deprive the few remaining independent printed daily newspapers in Turkey of much-needed state advertising revenue.

8. Turkey must fulfil its responsibility to provide journalists with the personal security to which they are entitled under the constitution and allow them to carry out their work without fear of arbitrary arrest or detention, and must condemn any threats to journalists' safety expressed in public by officers of the state or private persons.

9. The Reform Action Group formed of ministers of state in Turkey is invited to act upon these recommendations as they undertake the impending reform of Turkey's judiciary.

To regional actors:

10. European institutions and decision-makers should reinforce these recommendations in their discussions with Turkish ministers in 2019.

SIGNED:

MEPs:

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NGOs and other signatories:

Article 19
Committee to Protect Journalists (CPJ)
European Centre for Press and Media Freedom (ECPMF)
European Federation of Journalists (EFJ)
Euro Med Rights
International Press Institute (IPI)
Journalists' Union of Turkey (TGS)
Media and Law Studies Association (MLSA)
PEN Germany
PEN Norway
PEN International
Reporters without Borders (RSF)
Simone Susskind (Deputy, Parlement francophone bruxellois)
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