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Turkey must review legislation restricting freedom of expression

Amnesty International has urged the Turkish authorities to review the use of a law on “incitement to hatred or hostility” after eight journalists were arrested yesterday for holding membership of Ergenekon, an alleged ultra-nationalist network with links to state institutions.

Some of the group were detained under Article 216 of the Turkish penal code, which has a much broader definition than restrictions to the right to freedom of expression permitted under international human rights law.

“At least two of the journalists were detained under legislation that is implemented arbitrarily and mainly used to prosecute minority dissenting opinions,” said Nicola Duckworth, Europe and Central Asia Programme Director.

“A large number of articles in the Turkish the Penal Code and other laws limit the right to freedom of expression either directly, or through their vague wording and arbitrary application.”

Ergenekon is the subject of an ongoing prosecution which began in 2008, in which the accused included both serving and retired senior members of the armed forces.

Amnesty International has expressed concern over past prosecutions of some of the journalists, including Ahmet Şık, who faced charges for ‘denigration of Turkishness’ in 2007 and was acquitted in April 2008, and Nedim Şener, who faced charges for ‘attempting to influence the judiciary’, ‘insulting a public official’ and ‘violating secrecy of communications’ and was acquitted in December 2010.