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Turkey: Temporary closure of Özgür Gündem latest blow to freedom of expression

Amnesty International calls on the authorities to lift the temporary closure of Kurdish daily newspaper Özgür Gündem. The newspaper was closed for an indefinite period on 16 August 2016 on the decision of the judge of the Istanbul 8th Criminal Court of Peace. A prosecutor requested the closure on the grounds of ongoing criminal investigations against the newspaper for making propaganda for the armed Kurdistan Workers' Party (PKK) and acting as its media outlet.

A lawyer for Özgür Gündem told Amnesty International that newspaper staff learned of the decision through social media shortly before police raided their offices late on Tuesday afternoon. Police detained 24 people, including journalists, from the newspaper offices. Twenty two were detained for resisting police officers, while two editors, İnan Kızılkaya and Bilir Kaya were detained on suspicion of the terrorism offences cited in the decision to close the newspaper. The lawyer told Amnesty International that police officers carrying out the raid damaged computers and other property, and ill-treated journalists as they were being detained. Police sealed off the newspaper offices, and searched the houses of four journalists and the newspaper owner. In addition to the 24, journalist Aslı Erdoğan was detained from her house. Police raided the houses of three journalists and the newspaper owner but they were not at home. There are outstanding detention orders against the four others.

On Thursday afternoon, the 22 who were detained on the grounds that they resisted police officers during the raid were brought to Istanbul's Çağlayan courthouse and released pending the continuation of the investigation against them. According to Özgür Gündem's lawyer, as of Friday afternoon, Aslı Erdoğan had been brought to the courthouse to give a statement to the prosecutor. Editor İnan Kızılkaya and editor in chief Bilir Kaya, who were detained from the newspaper offices during the raid, were being held at the anti-terror branch of Istanbul police headquarters and had not been able to contact family members or lawyers. Özgür Gündem's lawyer said that police officers told them that there was an order prohibiting the detainees' access to lawyers for five days, although no written order issued by the prosecutor had been seen by the lawyers.

The closure decision refers to the ongoing investigations into representatives of Özgür Gündem for allegedly endangering the territorial unity of the state, membership and formation of a terrorist organisation and making propaganda for a terrorist organisation. Özgür Gündem's lawyer told Amnesty International that they were not aware of the first two, more serious, allegations against the newspaper – the investigations they had previously been aware of had been on the grounds of making propaganda for a terrorist organisation, which carries a lower penalty. The court decision cites Article 28 of the Turkish Constitution which states that newspapers “may be temporarily closed by court ruling if convicted of containing material which contravenes the indivisible integrity of the State with its territory and nation, the fundamental principles of the Republic, national security and public morals.” As the criminal investigation is ongoing, Article 28 does not provide valid legal grounds for the closure of the newspaper. There is no provision in Turkish law permitting this measure.

The closure of a newspaper is an extremely serious measure which interferes with the right of its journalists and readers to freedom of expression, including the right to seek, receive and impart information. Any restriction on these rights is only permissible if it is provided by law; demonstrably necessary for one of the legitimate purposes specified under international law; and if it is proportionate to that purpose. The short court document setting out the decision to close Özgür Gündem fails to demonstrate how the measure meets these requirements. Amnesty International takes the view that the indefinite closure of the newspaper is a disproportionate restriction on the right to freedom of expression and should be lifted.

The closure of Özgür Gündem and the detention of 25 people on 16 August is a heavy blow to freedom of expression at a time when many in Turkey are afraid to speak out against the government. The state of emergency has seen a clampdown of extraordinary proportions, with almost daily reports of journalists being detained and 131 media outlets shut by decree, accused of links to Fethullah Gülen, who the authorities believe masterminded the coup attempt. Özgür Gündem is not accused of such links; rather, it is known as one of only a few press outlets reporting critically on counter-terrorism operations in the south-east and reporting statements made by the PKK. It has faced continuous judicial harassment since its inception, including closure by courts in 1994 and, more recently, [the pre-trial detention of three of its guest editors](#).

Amnesty International calls for the closure of Özgür Gündem to be lifted and for the three journalists detained by anti-terror branch police officers to be given immediate access to lawyers. Moreover all those detained should be brought before a judge promptly which, under international law, should normally be within 48 hours of their initial detention, and should be released unless there are demonstrable reasons for suspecting them of criminal responsibility for recognisably criminal acts.

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