

EMİN BAL

CASE



Emin Bal is a 24 year old journalist from Şırnak's Beytüşşebap district. He has been working for Doğan News Agency (DNA) for two years and having a hard time over the last year. Police asked him to act as an informant in 2006. Bal refused that saying "*I am a journalist, my job is to inform the public*". As he was in in Beytüşşebap Justice Hall on 10 October 2006 to report a news, the police officer who had asked him to become an informant Muharrem Başel insulted him and attacked him physicaly. Bal got a medical report which said "can not work for 6 days". Yet a case was filed against him with the charge of "resisting an officer", the case continues in Beytüşşebap Criminal Court of Peace. The second case against Emin Bal filed in October 2007 is a first of its kind and deserves a place in the history of the press. The journalist was at the funeral of a PKK member, he reported it as a news, he mentioned in his report that pro-PKK and Öcalan slogans were chanted at the funeral.

However the prosecutor filed a case asking him “Why did not you inform us about that?”!..

The First Fruit of TPC 278

DNA’s Beytüşşebap reporter Emin Bal’s piece “DTP members washed the bodies of PKK members in the river” was published on 4 October 2007 on the website of “Hürriyet” newspaper. The newsreport conveyed that DTP members washed the bodies of seven PKK members in Feraşinz River, who had been killed in an armed confrontation with the security forces in Kato Mountain, and that red-green-yellow clothes were put on the coffins symbolising the organisation’s flag and pro-PKK and Ocalan slogans were chanted during the funerals. Beytüşşebap Prosecution Service decide to act on the news. Beytüşşebap Criminal Court of Peace issued a confiscation order for Bal’s tapes on the grounds that illegal slogans were chanted at the funerals. Police officers seized Bal’s recordings on 8 October. Then the prosecution filed a case against Bal.

What is Emin Bal’s Crime?

Let us read that from the indictment written by Beytüşşebap Public Prosecutor Ahmet Biçer on 26 October 2007:

“It has been understood that the suspect knew that the act he witnessed was a crime yet he reported it without informing the authorities. The suspect thus violated article 278 of TPC (failing to report a crime), consequently it is demanded from the court on behalf of the public that the suspect is charged under article 278 and punished.”

The reporter who is charged with not being an informant hence became the first victim of the new law article which did not exist in the former penal code. Bal appeared in Beytüşşebap Criminal Court of Peace on 22 November 2007 as the first suspect of such crime in the history of Pres and Media. Bal told the court that he worked under hard conditions and

all he did was doing his job and added: *“If this is a crime journalists do that everyday.”*

At the end of this “pilot case” Bal was acquitted of the charge on 24 January 2007, on the grounds that he did not intend to commit the crime.

Are the Reporters Informants?

There are “protections” only for journalists under Press Law 5187. One of them is “freedom of press” under article 3 and the other is “confidentiality of the source” article 12. This is a right accepted by the advisory decision on *“Principles on the right of journalists not to reveal their sources”* dated 8 March 2000, additional R (2000) Decision Num 7 of European Council Committee of Ministers. Turkey internalised those principles through amendments in Press Law in 2003. A journalist using the right to inform does not receive punishment. Journalists can not be forced to reveal documents, information and sources or to stand as witness. Hence a journalist can not be act as an informant before reporting a news. Those universal principles which are included in the Press Law are under threat with the new TPC article 278. TPC 278 can victimise anyone, but for the journalists it is in conflict with article 26 of the same law, with Press Law, and with international press and media principles.

TPC 26

1- Some who using a right shall not be punished.

TPC 278

1- Those who fail to report an ongoing crime to the authorities shall be punished with a prison sentence for up to one year.

2- Those who fail to report a crime which had already been committed but can still be limited in its consequences, shall be punished under above article.

3- The punishment will be increased by half when the victim is under the age of 15, or mentally or physically disabled or a pregnant woman.

PRESS LAW

Article 3- Press is free. This freedom entails getting information, inseminating it, criticism, interpreting and creating work. The use of this right can only be limited in a democratic society with the protection of rights and names of others, public health and morals, national security, public order and security, integrity of the land, official secrets, or prevention of crime, or protection of judicial authority and impartiality.

Article 12- The owner of periodical, responsible editor or work owner, can not be forced to reveal information, documents or sources or stand witness on those.

EYES OF THE WORLD

(National and International Committees against Human Rights Abuses)

Purpose:

- * Setting up national and international committees to act fast and effectively against the violations of human rights and freedom of expression,
- * Informing the public opinion in and outside the country,
- * Creating a democratic pressure to stop the continuing of such violations.

Origin:

Prof. Noam Chomsky and Kurdish author Mehmed Uzun arrived Turkey to attend trials against their books creating public opinion around the cases, led to the fast track ending of both cases (10-15 minutes) in acquittals. If the eyes of the world are set on a case violations could not be sustained.

What do we want to do?

Repression does not always appear in the form of the cases in State Security Courts. Sometimes it takes the shape of a threat against minorities, or an investigation against university students, sometimes it appears as a ban on the use of mouthertounge or wearing headscarf, ranging from the violation of freedom of expression or conscience, to the seizure of right to work or have education. Thus a chain of reactions should be formed in an organised way against all repressive acts, informing national and international public regularly and instantly.



THE INITIATIVE FOR FREEDOM OF EXPRESSION

Tel.: +90 216 531 7080, +90 216 492 0504

antenna@antenna-tr.org

www.antenna-tr.org