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N O R W A Y**

Interview with Lawyer Resul Temur:
**Kurdish press under
judicial pressure**

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As PEN Norway, we spoke with Lawyer Resul Temur, who represents Kurdish journalists and media organisations, about freedom of expression in Turkey, the oppression and discrimination faced by Kurdish media workers, and the right to defence in Kurdish. Temur continues to serve as defence lawyer in several cases monitored by PEN Norway, including those involving journalist Dicle Müftüoğlu, the trial of 20 journalists in Diyarbakır, and the Abdurrahman Gök case.

Could you briefly introduce yourself to us?

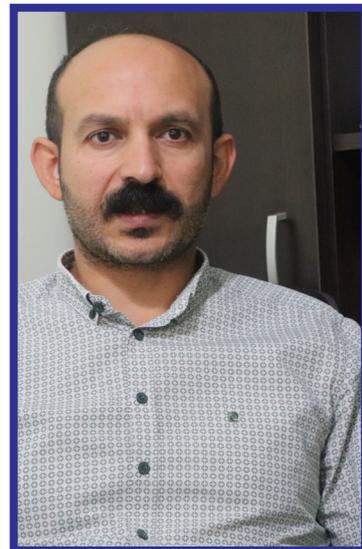
As a graduate of Marmara University Faculty of Law, I have been working as an independent lawyer registered with the Diyarbakır Bar Association for 14 years, handling political criminal cases and cases involving Kurdish media workers.

We understand that the majority of your clients are from Kurdish media organizations and Kurdish press workers and journalists. Was this a choice? Why did you decide to specialize in press freedom and freedom of expression?

My career began in Diyarbakır province. A few months into my career, I began handling a case referred to me by a friend from the Kurdish press. He then asked if I would take on the role of the legal counsel for the newspaper Azadiya Welat, where he was employed. I accepted with great honour. As I handled the legal affairs of the Azadiya Welat newspaper, my dedication and working style caught the attention of other Kurdish press workers. They approached me with offers to manage the legal files of their media organizations and the journalists affiliated with them. In this way, I started to work as a lawyer for Kurdish press institutions and Kurdish journalists in various provinces, with Diyarbakır as the centre. I am really honoured to manage the legal cases of Kurdish journalists.

Can you explain the current situation of Kurdish media organizations and journalists? There seems to be an impression that Kurdish journalists in Turkey face more judicial harassment compared to their other colleagues. What are your thoughts on this?

The journalists I defend are systematically investigated on charges of membership of an illegal organization due to their Kurdish identity



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and many journalists are punished for this reason. In Turkey, any attempt by Kurds to engage in civic life is met with the state's expectation that they first relinquish their Kurdish identity and any associated demands. Provided that you relinquish your demands and identity, you are allowed to exist as a state-sponsored Kurd. The Kurdish press refuses to comply with this enforced identity erasure. Because they persist in following the principles of "free press" rather than of embedded journalism, their journalistic work is systematically criminalized, and they frequently face accusations of "not being actual journalists but persons engaging in organizational activities." Because they write and follow news and developments in their own societies, they face the allegation that they are serving the organisation of the Kurdistan Workers' Party (PKK). The language media workers use in their news reports, their editorial preferences, the Kurdish politicians they interview, the agencies and newspapers they work for, and even the communication between journalists themselves can be grounds for accusations.

What are the common accusations faced by Kurdish journalists? Can you give examples? Press and media organizations are also complaining about financial pressures. Can we get your views on this as well?

The most common accusations we come across are accusations of membership of an illegal organisation on the grounds of their identity, and trials based on the allegation of disseminating propaganda in favour of an illegal organisation because of the language they use in their news reports. For example, publishing/reporting a press statement made by MPs on solitary confinement in İmralı Prison, or even using Öcalan's¹ poster in the visual of a news article can be grounds for punishment.

Recently, 8 journalists working for the Kurdish press in Ankara province were sentenced to 6 years and 3 months in prison on the basis of an anonymous witness statement. In their testimony, the anonymous witness claimed that journalists working for the Mesopotamia and Jin News agencies were acting on behalf of the PKK, without referring to a single incident or providing any concrete evidence. In fact, during the hearing of the anonymous witness, a lawyer colleague asked this witness whether they were working on behalf of the State. And the anonymous witness stated that he was working on behalf of the State. The presiding judge repeated the same question to the anonymous witness, who confirmed with a "yes."

By juxtaposing the abstract statements of the anonymous witness with the news published in the agencies the journalists have been working for, they hoped to justify the statements of the anonymous witness. Nonetheless, the only target of their penalties was the media platform where the journalists were employed, and essentially, the act of journalism itself.

More recently, a striking revelation came during the trial of journalist Sofya Alağaç in January 2025. Alağaç faced charges for 104 news articles published by Jin News agency, where she was the former owner and responsible editor-in-chief, and was sentenced based on these articles on grounds of an alleged membership in an illegal organization. In fact, during the episode when Sofya Alağaç owned the agency, a total of 144,605 news items had been published.

"Anyone can ban any book at any time"

Do you also have clients who are authors whose books have been seized? How do you assess the situation of book seizures and bans in Turkey?

I am also the lawyer of Aram Publishing, a Diyarbakır-based publishing company. As far as we have been able to determine so far, confiscation orders have been issued for 144 books from the publishing house. We have appealed to the Constitutional Court for most of these, but not a single appeal has been concluded since 2016. Bans on books are issued in the form of bans on their sale and distribution and of confiscation orders under Article 25 of the Press Law. Generally, recall orders are issued on the grounds that the books promote organisational propaganda. However, none of the judgements specifies which parts of the book promote such a propaganda. There is no specifically designated court responsible for ruling bans on books. Therefore, upon the request of the prosecutor of any province or district, the criminal judgeship of peace can issue a ban without any investigation. However, the Press Law stipulates that a decision to ban a book can only be taken within the scope of an investigation into the book. Moreover, as there are no limitations regarding the period of prescription, they can rule a ban on a book even years after it has been published. However, once the books leave the printing house, a copy is dispatched to the press prosecutor's office in the area where the printing house is situated. Nevertheless, since there are no limits on the date of publication or the authority of the courts, anyone can ban any book at any time and place.

We also want to ask about whether your clients can defend themselves in Kurdish during the investigation and prosecution phases. What is the situation of Kurdish in the courtroom?

Kurdish has been the preferred language of defence for journalists working in the Kurdish press and journalists on pre-trial detention in political cases. In fact, this serves both as a declaration of their identity and a form of resistance. In certain journalist trials, defences are presented in Turkish to ensure that international visitors who attend the hearings for support and solidarity could comprehend the journalism defence in court. One of the main problems with the defence in Kurdish is that some courts limit the right to defend in Kurdish only to the first and last hearing. Another issue is that if the defendant is sentenced at the end of the proceedings, they are expected to pay the interpreter's fee. This situation effectively penalizes the decision to defend oneself in their native language. The quality of translations is a problem too.

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We know that you have faced various criminal investigations from time to time. Could you elaborate on these? We remember you were detained along with your clients at one point. Do these situations not affect you and the journalists you defend?

Most recently, I was detained in 2023 on the basis of the statement of a witness whom I did not recognise at all and whom I was sure did not recognise me either. The main allegation was that I was handling the cases of journalists on behalf of the organisation. In the early hours of the morning, both my house and my law office were raided and searched. All my case files in the office, my computer, my mobile phone and all our digital belongings at home were seized. After 4 days of detention, I was released with a mandatory reporting duty and a ban on leaving the country. The day after my release, when I got back to the office, I found myself without any documents, devices, or materials needed to handle my cases. This negatively affected both me and the people I have been defending. About 15 of my clients were detained with me within the scope of the same operation. Since I was a suspect in the same case, I was not able to handle the files of journalists and my other clients for a long time. In other words, I was unable to practice my profession, and simultaneously, my clients' right to defence was effectively restricted. Subsequently, when their files were separated and individual cases opened, I was able to once again represent them as their lawyer.

Many indictments we have worked on within the Turkey Indictment Project have been reviewed by our colleagues from different countries in Europe, like the ongoing mass journalist trial in Diyarbakir and Dicle Müftüoğlu. And we know that you have been working on those cases as a defence lawyer. Do these indictment reports contribute to the protection of journalists' rights and your professional activity?

In political trials in Turkey, there is a recurring pattern. The similar accusations presented each time lead to defences that also become similar to one another. As a result, this situation fosters an environment where the courts further disregard the lawyers, whom they already tend to overlook. At this point, the expert opinions from the PEN Norway Turkey Indictment Project guide the court's attention back to the defence lawyer. In this context, the expert

opinion and the defence are becoming noteworthy. Being continuously engaged in the same trials, we risk taking certain unlawful acts for granted. In this context, the indictment project gives you the perspective of legal professionals who have not become desensitized to such trials and thus lets you question even the minute unlawful procedures that have become routine. In this sense, we find it very valuable to see a different perspective supporting our efforts. Unfortunately, because the courts rarely address the lawyers' defences in their reasoned judgments, they also fail to address their evaluations regarding the indictments in those judgments. What is important, however, is both that we, as lawyers, draw strength from different perspectives and that the journalists on trial feel stronger thanks the support offered to their defence. Naturally, we care about the outcome of the trials, but we also care about maintaining our stance in defence as much as the outcome of the trial. The analyses prepared as part of the indictment project strengthen our stance.

What do you think about the quality of indictments in Turkey? Do you or your clients face difficulties in building a defence due to the indictments? What do you think is the biggest problem with the indictments?

Prosecutors in Turkey are less concerned about the legal role they should be playing. For this reason, they serve the demands of law enforcement rather than clarifying an incident. For example, although Article 160 of the Code of Criminal Procedure stipulates that prosecutors have the authority to collect both exculpatory and inculpatory evidence, we have yet to come across any prosecutor who collected exculpatory evidence or made a favourable comment regarding the Kurdish journalists or those being investigated politically. This situation results in the police investigation report, a summary of the case file as drafted by the law enforcement, being directly converted into an indictment. At times, indictments span hundreds of pages, yet the section related to the client is merely one or two pages placed at the very end of the document. The rest is often a history of the organisation that the prosecutor simply copied and pasted into the indictment without even reading it themselves. This makes the indictment vague and incomprehensible. However, a defence is built on specific, clear and unambiguous allegations. Such vague and repetitive indictments also blur the boundaries of the defence.

Do you have any message you would like to give to the PEN Norway family and the international community?

The primary aim of political trials in Turkey is to gag the individual on trial, stopping them from voicing their thoughts or opinions entirely. Those on trial often respond by highlighting the identity they associate with and by showcasing the absurdity of the trial they are undergoing. In such trials, one of the developments that empower those who are unjustly accused is to be able to be heard and seen from the outside. In this context, PEN Norway and similar national and international organizations and individuals who monitor these proceedings help bring visibility to these trials conducted behind closed doors. I believe that such an act of solidarity is crucial because it empowers those who have been wronged. For this reason, I would like to reiterate that we highly value your work, including your work as a court observer. We find it very valuable that you provide a different perspective to both us and the case, particularly through your legal opinions.

Endnotes

- 1 PEN Norway's note: Abdullah Öcalan is the recognised political and ideological leader of the Kurdistan Workers' Party (PKK) who was abducted by Turkey's intelligence forces in 1999 and has been imprisoned ever since on the prison island İmralı. Abdullah Öcalan's family visits were completely cut off as of March 2020. After 43 weeks, Ömer Öcalan, a member of Öcalan's family, visited Öcalan on 24.10.2024. Then, in 2025, following a speech by the leader of the Nationalist Movement Party in parliament, it was announced that a peace process had begun again in Turkey. On 27 February 2025, a statement written by Öcalan from prison was made public through a visiting delegation and Öcalan emphasised the need for peace and called on the Kurdistan Workers' Party to lay down arms and dissolve itself.