

Summary of the proceeding against ROJ TV

1th December 2011, ROJ TV, Copenhagen

Have ROJ TV broken the danish criminal law?

The charge from the Danish government against the Kurdish TV station ROJ TV with Danish broadcasting license claims that when ROJ TV broadcasts TV programs with interviews, fighting and reports of conflict between the Turkish state and its Kurdish population, so they break the criminal law to promote rebel organization PKK, which is on the EU terror list.

Indictment, 24 September 2010 from the Attorney General, on behalf of the Danish government:

The companies behind the Kurdish TV station ROJ TV is accused of:

"Violation of Penal Code § 114 e, for the period from 10 June 2006 and until 24 September 2010 from the address HC Andersens Boulevard 29 in Copenhagen to have encouraged the company to a person, group or groups who commit or intend to commit acts covered by Penal Code § § 114, 114a, 114b, 114 c or 114 d, since, based on registration of 9 December 2003 at the Radio and Television Board, through the TV station "ROJ TV" to be repeat broadcast TV programs and feature among other things, interviews with PKK sympathizers and leaders and with reports of fighting between Kurds and Turkish authorities, and from PKK training camps, which "ROJ TV" functioned as a mouthpiece for the PKK, including invitations to join the PKK and participate in terrorist activities of PKK and glorified mention of PKK and terrorist activities of PKK, on the whole with a content of promotion of the terrorist organization PKK / Kongra Gel's company. "

Location, time, and actors:

The lawsuit against ROJ TV will take place in Copenhagen City Court from 15th August – 14th December 2011, with 30 scheduled hearings. Verdict expected delayed and delivered in early 2012.

Prosecutors have the Public Prosecutor for Copenhagen and Bornholm, by Deputy Attorney General Anders Riisager and defense attorney kept by Bjorn Elmquist. The judge is Grethe Jørgensen and two unnamed lay assessors.

Defence three initial criticisms:

Already in the first Hearing requires the defense attorney Bjorn Elmquist that the entire case should be dismissed because of an inaccurate indictment. He finds it problematic that no person has been charged, but a TV station and a limited company.

The defender wants to interrogate the two prosecutors, Deputy Attorney General Anders Riisager and Police Judge Jakob Buch-Jepsen, as he believes the prosecution has been too close and convivial relations with the Turkish authorities, long before the charges against the Danish-Kurdish television station is a reality .

Prosecutors are responsible for and are also leaders of the entire investigation of the case.

By that, the defense attorney thinks that the prosecutors are incompetent. And if so, they are denied access to the trial, when defender will use them as witnesses in the trial.

The judge rejected all defense requirements.

Defence lawyer Bjorn Elmquist desires 13 witnesses, but 11 of them being rejected by both the prosecution service as a judge as "irrelevant to the case."

Defenser' 11 "forbidden" witnesses:

- Oluf Jørgensen: Cand. Laws and department director in the information and administrative law at the Danish School of Journalism. Should have told you about free speech.
- Haluk Gergen: Former chairman of Turkey's largest human rights organization IHD. Should have told about the human rights situation in Turkey.
- Christian Scherfig: Lawyer, President of Radio and Television Board. Should have assessed ROJ TV's broadcasting.
- Metin Yuce Tekce: Former Kurdish mayor. Should have problematized PET's assessment of the PKK.
- Mehmet Salih Yildiz: Former Kurdish mayor. Should have problematized PET's assessment of the PKK.
- Kerim Yildiz: Lawyer and Director of Human Rights Organization of Kurdistan Human Rights Project (KHRP). Should have told about the human rights situation in Turkey.
- Osman Baydemir: Kurdish mayor. Should have problematized PET's assessment of the PKK.

- Leyla Zana: Kurdish MPs in Turkey. Should have told about the human rights situation in Turkey.
- James P. Cain: former U.S. ambassador to Denmark. Should have told about WikiLeaks revelations of the political scene.
- Pola Rojan: Journalist and correspondent in Turkey for the Jyllands-Posten. Should have told about the conditions for journalists working in Turkey.
- Jakob Svendsen: Journalist at Politiken. Should have told about the conditions for journalists working in Turkey

Later in the proceedings desires defender four new witnesses and viewing four hours of television footage from ROJ TV's broadcasting area.

The judge also dismisses the three new witnesses and the many hours of TV clips, except for two reports about PKK produced by the Danish TV station TV2 and one witness, a Danish / Kurdish doctor who regularly produces health-broadcasts for ROJ TV.

Defenser' documentation and angle:

Political background to the charges against ROJ TV

Press and freedom of expression is at stake in the indictment of ROJ TV.

Both Danish broadcasters and global media reporting on the conflicts between the Turkish state and the Kurdistan Workers Party PKK. But only ROJ TV stands accused of terrorism by having brought news reports, interviews and images of combat operations from conflict areas.

There is no press freedom in Turkey, and the media that exists is subject to censorship and control of the state. Kurdish media are under constant pressure, closing and threats. Thomas Hammarberg, Commissioner for Human Rights in Europarrådet summarize in a report of June 2011, how bad things are in Turkey for press freedom in Turkey. So does the various humanitarian organizations.

The Danish Radio and TV Board has four times investigated the broadcasting of ROJ TV and decided that ROJ TV complies with all provisions in relation to their Danish broadcasting license.

A nato-position to a television station

Diplomatic documents from the Web whistleblower service Wikileaks show that the Danish prime minister and his officials has promised Turkey to close ROJ TV in exchange for Anders Fogh Rasmussen gets the position of Secretary General of NATO.

Defense witnesses:

The Director of the accused broadcasters - Imdat Yilmaz, Amed Dicle - editor of ROJ TV, a

former employee, a Danish / Kurdish doctor who regularly produce health broadcasts for ROJ TV.

Prosecutor documentation of evidence:

Five main themes in the prosecutor's evidence:

- Is the PKK a terrorist organization?
- Are the broadcasts on ROJ TV to promote the PKK-related organizations?
- History - ROJ TV 'relationships?
- Are there relationships between the various organizations and personal relationships in addition?
- Participates in PKK funding of ROJ TV?

Prosecutor's evidence consists of:

- Documents and photos obtained through police raids in Belgium and Denmark - nobody admits the material and people are nor called as witnesses
- Documents and photos stolen by Zonoozi, x-director of ROJ TV, the computers in the production ROJ NV (BE) (computers used by countless volunteers)
- Illegal recorded audio files of meetings between colleagues and partners and Zonoozi (secretly recorded by Z)
- Two witnesses, one of which, Zonoozi is unbalanced and straitened financial circumstances of his own addiction-like - and the other witness, state employee villageguard in Turkey, Hazim Babat (which of two Danish newspapers are revealed as unreliable)
- A witness from the Police Intelligence Service (PET), two accountants, Chairman Henry Winkel (ROJ TV), Daniella Kuzmanovic - assistant professor at the University
- 16 witness statements to print from Turkey, made under the "repentance law". Witnesses does not meet up to testify in the Danish court, only one has been there and she refused to comment because of danger to her life and she renounces her testimony from Turkey, after she has been granted asylum in the Denmark
- 0.3 per thousand television clips from the forward surface of ROJ TV - news reports, interviews and glimpses from the conflict between Turkish authorities and Kurds and Kurdish life in general

- Report on the Kurdistan Workers Party, PKK from the Center for Terror Analysis (CTA) - made in the police's own nest of officers without either legal or media savvy insight or education - based on info from Turkish government and American Web Sources
- Analysis report of financial statements from accused companies created by the accounting firm KPMG - no clear evidence, only sought comparisons
- The statement on situation of the Kurds in Turkey, by Daniella Kuzmanovic, Assistant Professor, Department of Cross-Cultural and Regional Studies at Copenhagen University

Unequal distribution of funds and resources for prosecution and defense:

Defender was refused to get a help-affiliated lawyer. Prosecutor have two people and as resource Danish police and exploration teams.

Defense is denied 14 witnesses and showcasing four-hour television clips. Accusations have approved all of its 22 witnesses and evidence with few exceptions.

Prosecutors non execution objectivity principle, by the almost consistently reject both witnesses and material.

Kurdish texts, TV clips and testimony is consistent ignored. Only once involve the prosecution a Kurdish interpreter in the courtroom.

Conflict Points at trial:

On the eighth Hearing police apprehends an armed guard from the Turkish Embassy in the courtroom, it is forbidden to carry weapons in a Danish courtroom.

Repeatedly audience - including journalists, politicians and international audience – are demanded identification, explanation of their presence and body search.

Prosecutors behaving increasingly aggressively and offensively. Often there are anti-terror corps in court, and outdoor around the courthouse is a massive security array.

During the trial it is revealed that the police have helped crown witness Zonoozi to write letters concerning his debt to ROJ TV. The former Director of ROJ TV in 2009 was sentenced to repay half a million Danish kroner to his former work as a result of economic embezzlement he has committed.

Representing defendants companies, Imdat Yilmaz and defense attorney are not informed of their legal status in connection with possible participation of witnesses in Turkey before trial, during the investigation. Imdat Yilmaz, Director of ROJ TV and representative of the defendant companies would obviously be at risk by being in Turkey, as ROJ TV is banned media in the

country. He was the 1994 attempted murder in the Denmark, case unsolved.

The media in Denmark

One major Danish newspaper, Berlingske (B.dk), running since spring 2010 - just after the first police raids in Belgium - a witch-hunt-like campaign against ROJ TV.

Most other Danish media have only had ROJ TV affair prioritized at a few events of timeliness, such as the start of the trial, when the Turkish armed security guard is revealed in the courtroom and when testimony from the PET-guarded village guard from Turkey is given.

However, the newspaper, Laborer, written periodically about free speech and the oppressed people, the Kurds and the trial.

Recently, Laborer starts with a series of interviews with "The Forbidden Witnesses", ie a kind of testimony from 11 witnesses defender had refused to pursue in court.

So far, the Laborer brought interviews with: Oluf Jørgensen, an expert in media law from the Danish School of Journalism, Christian Scherfig, chairman of the Radio and Television Board and Leyla Zana, parliamentarian in Turkey.

Daily newspapers Jyllands Posten and Politiken have recently questioned the prosecutor's sole Turkish witness, the village guard, who has been physically present in the Danish court. They termed the Turkish village guards as "paid henchmen for Turkish security forces" and reports that the witness has many murders on his conscience.

Gateway Modkraft also backed up about free speech and the oppressed people, the Kurds, with articles and a regular blogger who follows all the legal proceedings of courts-meetings with commentary, documenting and debating blog.

Regular during trial international politicians, journalists, lawyers and other political people guest City Court to observe the time and give their support and vote on the matter. Among others, the Kurdish parliamentarian and icon, Leyla Zana, visited the trial in November. MPs from Sweden, Germany, Belgium and Wales are also among the guests. Get international journalists have visited the courtroom, even though the case has been featured worldwide via news services.

Timeline:

2004 - ROJ TV gets Danish broadcasting license and start up

2005 - The Turkish Embassy in Denmark is sending its first complaints

about ROJ TV to Danish and political authorities. Embassy complaints again in 2006 and in 2007

2005 - 2011 Radio and TV Board absolves ROJ TV four times

2005 - Prime Minister Erdogan walks out from a press conference held in Denmark by the Danish Prime Minister, Anders Fogh Rasmussen (AFR), because of ROJ TV is there to report from the meeting

2009 - Anders Fogh Rasmussen (AFR) is Secretary General of NATO While the AFR is in negotiations for NATO position, travel representatives from the Copenhagen Police and the Attorney General to Turkey to cooperate with Turkish authorities

2010 - A wave of police-raids rolls in European countries, Italy, Spain, France, the Netherlands, Belgium and Germany as in Australia. At the same time starts the Danish newspaper B.dk a media smear campaign on ROJ TV and Kurds.

2010 - 31th August, the Danish Minister of Justice sends out a press release about ROJ TV will be charged with "incitement to terrorism" by sending journalism from conflicts in which the PKK is included. Same day makes Danish police raid on ROJ TV in Copenhagen, at the Director's home address and at the address at the home of the chairman of ROJ TV. ROJ TV's bank accounts are frozen

2010 - The internet whistleblower-organization WikiLeaks, leak diplomatic documents from meetings at the highest diplomatic level, including between the U.S. Deputy Secretary of State William Burns and the Turkish Deputy Foreign Minister Feridun Sinirlioglu and their entourage of top officials, showing that Anders Fogh Rasmussen has promised Turkey to shut down ROJ TV to become Secretary General of NATO

2011 - IHD-chairman alarms, as Turkey is increasingly violating human rights

2011 - Thomas Hammarberg, Commissioner for Human Rights of the EU-Council issues a sharp report on the violation of human rights in Turkey and the Turkish state gives a verbal slap

2011 - Turkey gets the highest number of judgments by the European Court of Justice

2011 - 15th August begins trial against ROJ TV in the Copenhagen City Court - expected ruling in January 2012