

## BİA MEDIA MONITORING / 2015 JULY-AUGUST-SEPTEMBER

The interim government, which was formed after the Justice and Development Party (AKP) has lost its majority in the parliament after 13 years in June 7 elections, has started to undertake some actions targeting opposition media.

BIA July-August-September 2015 [Media Monitoring Report](#) indicates that criminalization towards journalists and media have become more widespread after peace process was "put into cold storage" and authorities held Anti-Terror Summit with authorized editorial directors: 101 websites, 40 Twitter accounts, 178 news have been censored; 21 journalists, three media organs, one printing house were attacked; arresting media representatives increased sixfold; 28 journalists were sued based on Anti-Terror Law (TMK), 60 were sued according to TCK.

### Titles from Media Monitoring

BIA has sections "murdered journalists", "attacks against imprisoned journalists", "assault, threat and obstructions", "investigations, ongoing cases, verdicts", "insult, personal rights and action for damages", "bans, shut downs, pull offs", "Constitutional Court", "ECtHR", "Radio and Television Supreme Council (RTÜK)", "Supreme Election Board (YSK)".

The trials that were conducted according to TCK and TMK about the journalists went on for three months. In the trials, charges of "being a member of armed organization", "aiding the organization" or "forming and conducting organization" continued.

### Imprisoned journalists are mostly from Kurdish media

24 journalists and nine distributors have been put in prison on in October 2015. 13 of the journalists and all of the distributors represent Kurdish media and they are in prison over the charges related to "organization" according to TMK and TCK. 18 of the journalists are convicts, two of them are still being tried, and four of them are under investigation.

Last year in the same period, 19 journalists and 16 distributors were in prison. 15 of the 19 journalists were convicts and trial of four was ongoing. By the end of 2014, 22 journalists and 10 distributors were in prison. Of these journalists, 18 were convicts, three were defendants, one was under investigation. 13 of the 24 imprisoned journalists were subjected to trial with the allegations of being member of Group of Communities in Kurdistan-Turkey (KCK), "PKK" and "DYG", two of being member of Marxist-Leninist Communist Party (MLKP), two of being member of the Revolutionary People's Liberation Party-Front (DHKP-C), one of being member of "Parallel organization", one of being member of "Resistance Movement", one of being member of "Community Labor Party/Leninist of Turkey (TKEP-L). One was tried of being member to three

organizations (Ergenekon Organization Mersin Governance, Turkish Vengeance Union Organization and Internal Organization).

Last year in the same period, 12 out of 19 journalists are in prison due to cases of being member of KCK, PKK, and DYG, two of them in prison for being member of MLKP, one in prison for being member of DHKP-C, one for being member of "Resistance Movement", and one for being member of TKEP/L. One of them was being judged with the claim of being member of three organizations (Ergenekon Organization Mersin Governance, Turkish Vengeance Union Organization and Internal Organization). One journalist was in prison due to "espionage" allegation. 15 of the 19 journalists were convicts, trials of four were ongoing.

By the end of 2014, 14 of 22 imprisoned journalists were in prison due to cases as to KCK(PKK/PYG, one in prison as to DHKP-C, one as to TKEP/L, one as to İBDA/C, and one as to "Parallel organization". One of them was in prison with the charge of being member of three organizations (Ergenekon Organization Mersin Governance, Turkish Vengeance Union Organization and Internal Organization).

## **Attacks on 21 journalists, three media organs, one printing press**

Between July-September in 2015, 21 journalists, three media organs and one newspaper printing press were attacked, and one verbal offensive took place. 20 journalists and seven media organs were threatened. In the same period of 2014, offensives against 21 journalists and one local newspaper occurred.

Throughout the year 2014, 142 journalists, two newspapers, one newspaper printing press, six websites, one Twitter account were targeted; 23 verbal offenses or threats against journalists and media organs happened.

## **Censor on 101 websites, 40 Twitter accounts, 178 news**

Between July-September in 2015 101 websites, 40 Twitter accounts, 178 URL-based news were censored. One broadcast ban was issued. Three TV channels, three humor magazines, two books, one movie were exposed to censor. At least in one incident accreditation discrimination occurred, besides three censorship incidents happened. Within the same period of the last year five websites and news on the websites, one movie, one concert were banned, and two general broadcast bans were sustained. In prisons two communication bans took place.

In the period when Cumhuriyet daily and Doğan Media Group were subjected to "terror," "espionage," and "insult" investigations, verbal offensives by the top authorities set the stage in which Hürriyet daily and journalist Ahmet Hakan were attacked. President Recep Tayyip Erdoğan whose dream of becoming president collapses with the general election results has after a short break returned quickly to his aggressive tone against critical media. Erdoğan bringing 14 journalists to trial in the last three months has also caused 19 media representatives be inquired with his new complaints according to Article number 299. (Article number 299: One who insults president sentenced to from 1 to 4 years in prison) of Turkish Penal Code (TCK).

In 2014, 17 journalists, two newspapers, 30 websites or Internet news, three Facebook pages, three movies, two posters, one art gallery, one work of piano, one concert, and one book were censored. In total seven broadcast bans, four accreditation discrimination, two communication bans in prison took place.

## **Detainment increased sixfold**

Between July-September in 2015, 40 journalists and media workers were detained as they were pursuing news. In the same period of 2014, eight journalists were detained. The figure was 72 throughout the year 2014.

## **28 journalists tried over "TMK", 60 journalist tried over "TCK"**

Between July-September in 2015, 28 journalists were tried according to TMK with the demand of being sentenced to 430 years and 6 months in prison; new prosecutions were started or allegations were made against four journalists and 18 books according to TMK.

In total 60 journalists are being tried with the demand of being sentenced to 546 years and 6 months in prison in total with the charges of "organization management", "being member of organization", "help an organization as an organization".

Besides, three journalists are being tried with the claim of "violation of right", two journalists with the claims of "insulting religious values" and "incitement to animosity and hostility", two journalists with the charge of "insulting Turkish nation", two journalists with the charge of "alienating the public from military service", two journalists with the charge of "releasing documents as to security of the state", one journalist with the charge of "opposing Law on Meeting and Demonstration Marches". The penalties asked for them reach 44 years in total. Prosecution was brought against two journalists with the allegations of "incitement to animosity and hostility" and "violation of private life".

Throughout the year 2014, one journalist was sentenced to 16 years and 3 months in prison according to TMK, and four others were tried with the demand of being sentenced to 268 years and 6 months in prison. 10 journalists were sentenced to 3 years 5 months and 9 days in prison and ordered to pay 4,350 euros with the charges of "incitement to hostility" and "insult".

The media organs taking Kurdish Question into their agenda after aerial operations on Qandil started were subjected to police operations. Their websites have been widely censored. While financial operations were launched against İpek Group known with its close relations with Gülen Congregation, three TV channels were removed from digital platform, and Bugün daily journalist Gültekin Avcı was arrested.

## **Punishment against "insulting" is common**

Between July and September 2015, a journalist was sentenced to 3 years and 6 months in prison. Trials of 10 journalists and two newspapers continue, three journalists have been filed a criminal suit. A newspaper was ordered by the court to pay 152,795 euros as indemnification with the allegations of attacking on personal rights. Five journalists have been claimed 348,372 euros for damages in total. One of them has been claimed 30,558 euros.

Last year in the same period, two columnists were ordered to pay 2,670 euros for "attacking on personal rights".

In 2014, a journalist was sentenced to 16 years and 3 months in prison according to TMK; 10 journalists –four of them were on trial for 268 years and 6 months in prison- were sentenced to 3 years 5 months and 9 days in prison and ordered to pay 4,359 euros according to TCK with allegations "incitement to hostility", "insulting religious beliefs" and "insulting".

## **61 people are convict/defendant/suspect because of Erdoğan**

Between July and September, four people –one of them is a journalist- were sentenced to 7 years 9 months and 25 days in prison in total according to Article 299 of TCK, four years of the sentence were suspended. 23 people -11 of them are journalists- still stand trial for their columns, comments and critics according to Article 299 and again according to this article, 19 journalists have been opened an investigation, 3 journalists have been made allegations. Four journalists were nol-prossed an indictment.

A journalist was ordered to pay 2,285 euros with allegations he insulted former Prime Minister Erdoğan according to Article 125/3 of TCK. A university student was sent to prison. Two journalists, three trade unionists have been on trial for each 2 years and 8 months in prison. Two members of parliament, Republican People's Party (CHP) Leader Kemal Kılıçdaroğlu and CHP deputy Hüseyin Aygün, were ordered to pay 14,720 euros in total as damages for mental anguish. Two members of parliament, Peoples' Democratic Party (HDP) Co-Chair Selahattin Demirtaş and CHP deputy Eren Erdem, were suited for damages for 24,391 euros.

Between July and September, 61 people -37 of them are journalists- were issued legal transactions (conviction, prosecution, investigation, complaint and compensation) with allegations of insulting or attacking on personal rights of then PM, recent President Erdoğan via media according to articles 125 and 299 of TCK.

Last year in the same period, five people -one of them is journalist- were sentenced to 11 months and 20 days in prison according to Article 125 of TCK for insulting former PM Erdoğan and were imposed 8,616 euros as punitive fine, 4,299 euros of it were suspended.

Throughout the year 2014, two journalists were sentenced to suspended prison sentences for 11 months and 20 days and were ordered to pay 2,134 euros; 61 people were sentenced to 31

years 2 months and 15 days in prison in total and were ordered to pay 101,426 euros with allegations of insulting Erdoğan.

## **There is no summary of proceedings, we should close it!**

It is unknown whether a summary of proceedings was issued against HDP deputies and independent deputies between July and September because there was judicial recess. However, news about HDP members and the prosecutors that launched investigations against them were made. In July, Supreme Court of Appeals Prosecutor's Office launched an investigation against HDP with suspects of "activities against the constitution" while HDP deputies appealed to Grand National Assembly of Turkey (TBMM) to abolish their parliamentary immunity with 80 signatures of HDP members.

In September, Public Prosecutor of Diyarbakır, launched an investigation against HDP Co-Chair Selahattin Demirtaş with suspects of "propagandizing Kurdistan Workers' Party (PKK)", "publicly encouraging to commit crime" and "insulting the President". Public Prosecutor of Urfa issued a summary of proceedings to abolish HDP Co-Chair Figen Yüksekdağ's parliamentary immunity.

## **One conviction from ECtHR and five convictions from Constitutional Court**

Between July and September, European Court of Human Rights (ECtHR) convicted Turkey of violating the freedom of expression in a suit opened by Abdurrahman Dilipak. ECtHR only decided the conviction but didn't order paying compensation because journalist Dilipak didn't submit any amount of money.

Constitutional Court (AYM) which enabled "the right to individual application" before ECtHR, confirmed the violation of the freedom of expressions upon the applications of five people –one of them is a journalist-. AYM ordered Turkey to pay 3,719 euros between July and September 2015.

Last year in the same period, Turkey was ordered by ECtHR to pay 30,000 euros for pecuniary and nonpecuniary damages. Throughout the year 2014, Turkey was ordered to pay 135,612 euros upon the applications of nine journalists, a media organ and other persons and institutions.

## **RTÜK: There is no president, punishment is low**

RTÜK, couldn't choose its new president in spite of nine sessions that had been held since July 22 because the candidates couldn't take enough votes. Another session was held on October 7.

According to the datum of RTÜK, TV companies were warned four times, imposed fine five times; radio companies were warned once and imposed fine once due to their news, movies and program schedules between July and September 2015. RTÜK ordered radio and TV companies to pay 34,359 euros as administrative fine.

Last year in the same period, RTÜK warned TV companies 17 times, imposed fines 22 times, warned radio companies two times and imposed fine once. Radio and TV companies were ordered to pay 580,738 euros.

Throughout the year 2014, RTÜK issued 78 warnings, 254 penalty fines to TVs and 12 warnings and seven penalty fines to radios.

## **YSK's punishments**

Supreme Electoral Council of Turkey (YSK) gave instructions two times to 65 channels to stop broadcasting programs with allegations of publishing the June 7, 2015 general election results before the publishing ban was lifted. (EÖ/BA/BD/TK)

*\* Parallel organization, or known as Gülen Congregation which is leaded by U.S.-based preacher Fethullah Gülen, is a term introduced by AKP to describe a group of people who allegedly attempted to overthrow the government by infiltrating certain state institutions such as jurisdiction, and security forces. Some members of the group are under investigation due to claims of wiretapping some high-ranking politicians and businessmen.*

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