

BİA MEDIA MONITORING 2016 / JOURNALISM GRIPPED BY STATE OF EMERGENCY

With the government's draft constitutional amendment, which if approved, would bring with it a reinforced presidential system, 2016 was a year of social polarization.

Following the July 15 attempted coup, the government has expanded its repression of critical media to an unbearable extent. The State of Emergency, declared in the wake of the coup attempt, has been the target of harsh criticism by domestic and international human rights organization, while also tightening the noose on European Union accession negotiations, which have been ongoing for 15 years.

The quarterly 2016 BİA Media Monitoring Report demonstrates that the number of journalists behind bars rose from 31 to 131 in one year. The report shows that seeking one's rights through appeals to the Constitutional Court (AYM) and the European Court of Human Rights (ECHR) was no longer a feasible possibility. It also reveals how statutory decrees and other administrative instruments were wielded as "the Sword of Damocles" against both oppositional media and the general public.

Number of imprisoned journalists rises from 31 to 131

While 31 journalists were behind bars at the start of 2016, the figure was 131 by January 2017 as a result of operations carried out against Kurdish media, Cumhuriyet daily and allegedly pro-Gülen Community media. 18 of the 131 were convicted, while 7 others still stood trial, and 106 journalists were under investigation.

81 of the journalists were arrested as part of the investigation into the "Fethullahist Terrorist Organization (FETÖ)", while 31 members of the Kurdish media were arrested for alleged associations with the Kurdistan Workers' Party (PKK).

These media workers are behind bars for crimes related to "an illegal organization", "terrorism" or "insulting state authorities" under the Turkish Criminal Code and Anti-Terror Law. 11 journalists, columnists and editorial authorities of Cumhuriyet daily were arrested on charges of "aiding or propagandizing for FETÖ/PKK".

In addition, five journalists were arrested on charges of "being a member of an illegal organization" (Marxist-Leninist Communist Party (MLKP), Revolutionary People's Liberation Party/Front (DHKP-C), Resistance Movement), and one journalist was charged with being a member of the organizations "Ergenekon Organization" and Turkish Revenge Brigade. 1 journalist from the state-run Anadolu Agency (AA) and another from Yurt newspaper were arrested for "defaming the president" and "insulting state authorities".

In 2015, 22 journalists were behind bars, as well as 59 in 2013 and 68 in 2012.

Record number of detentions in 2016

In 2016, at least 201 journalists and media workers were taken into custody while on strike. Due to "security policies" applied in the last five years, the number of journalists taken into custody has reached 463.

The figure has been steadily increasing since 2012, when 31 journalists were taken into custody in 2012; 39 were taken into custody in 2013; 72 in 2014; 120 in 2015 and 201 in 2016, a record high.

56 attacks, 118 threats

In 2016, 56 media workers were attacked while in the field. In the same year, 6 media outlets became targets of attacks, and 1 Syrian journalist was killed. 118 journalists and 5 media outlets were threatened.

In 2015, 3 Syrian journalists and 1 columnist from Turkey on duty in the southeastern provinces of Antep and Şanlıurfa were targets of violence, as well as 64 media workers, 1 columnist and 4 media outlets.

In the last five years, four Syrian journalists and a columnist from Turkey were attacked and lost their lives. 495 media representatives and 13 media outlets were also targeted by violence. From the start of the Gezi Resistance in 2013, through 2014, 328 media workers were targets of violence, mostly from security forces. There were 46 attacks in 2012, 186 attacks in 2013, 145 attacks in 2014 and 73 attacks in 2015.

17 journalists were Erdoğan "suspects"

In 2016, 16 people, including 12 journalists, were sentenced to 15 years and 4 days in prison (6 years and 2 months deferred) and a punitive fine of 10,850 euro on the charge of "Defaming the President," in accordance with Article 299 of the Turkish Criminal Code (TCK). 31 people, including 13 journalists, were acquitted of similar charges.

Despite criticism from the Council of the European Union, Venice Commission and the European Union, Article 299 was applied against journalists, human rights defenders, academics and students. At the same time, the Constitutional Court reached the controversial verdict that Article 299 does not violate the Constitution.

Article 299, which began to be applied against critics of Recep Tayyip Erdoğan after he was elected President in August 2014, has led to 25 arrests (17 journalists), 26 years and 22 days in

total prison sentences (6 years and 2 months deferred) and a 10,850 euro punitive fine as of January 1, 2017.

In 2016, seven people, including one journalist and one caricaturist, stood trial for "Insulting Erdoğan due to the performance of his public duty" in accordance with Article 125 of TCK. They were sentenced to 6 years, 1 month and 24 days in prison (2 years, 3 months and 2 days deferred), as well as a punitive fine of 4,480 euro. Two journalists were acquitted of the charges based on Article 125, and one MP was fined 1,806 euro in non-pecuniary damages.

In 2015, 9 people, including 5 journalists, were sentenced to 10 years, 8 months and 22 days in prison on charges related to Article 299.19 people, including 14 journalists and 2 caricaturists, were sentenced to 10 years, 9 months and 27 days in prison for crimes under Article 125.

29 broadcast bans, 179 media outlets closed

Arrests of members of the media and the closure of opposition media outlets in the wake of the July 15 coup attempt, as well as the State of Emergency that followed, have spelled the death of the rule of law.

778 press cards were cancelled, the property of 54 journalists was confiscated, 29 broadcast bans were imposed, 179 media outlets were closed by statutory decrees, the passports of 46 journalists were cancelled and three cases of accreditation discrimination were reported. In addition, 300 Twitter accounts were closed, while 33 Youtube and 79 Instagram links, 323 news reports and 76 websites were censored.

In 2015, 6 broadcast bans were imposed and 5 confidentiality orders were issued. There were 10 cases of accreditation discrimination, while 118 websites, 353 Twitter accounts, 399 articles, 21 TV outlets and 2 journalists were censored. 12 videos, 7 books, 5 comic books, 4 films, 2 magazines, 2 journalists, 1 documentary film, 1 brochures, 1 panels, 1 commemoration, 1 election film, 1 banner and one painting were also censored.

Including the 7 broadcast bans imposed in 2014, 43 broadcast bans have been imposed in the last three years, which were in effect temporarily or during certain investigations, resulting in a media that was unable to question controversial issues related to the political agenda in Turkey.

Anti-Terror Law: 13 journalists sentenced to 32 years 8 months in prison

Following the July 15 coup attempt, media representatives, along with human rights defenders and politicians, were subjected to legal actions, especially as the Kurdish issue was reduced to a problem of "terrorism". In 2016, 13 journalists were sentenced to 32 years, 8 months and 3 days in prison in accordance with the Anti-Terror Law (TMK), which was made an instrument of negotiations between Turkey and the EU on the visa waiver.

By the end of 2016, 73 journalists, 38 of whom were from Özgür Gündem daily, were sentenced to 547 years and 6 months in prison.

In 2015, 3 journalists were sentenced to 6 years, 3 months and 22 days in prison (1 year, 6 months and 22 days deferred) and punitive fines of 6,200 euro. 26 journalists were still on trial facing 337 years and 6 months in prison. 2 journalists were acquitted.

75 years, 6 months imprisonment for crimes of "spying", "terrorist organization", "defamation"

In 2016, 3 journalists were sentenced to 12 years and 6 months in prison on the charge of "publishing documents regarding security of the state". 2 journalists were sentenced to 55 years on charges of "being a member of an illegal organization", while another journalist was given a punitive fine of 540 euro for "breaching confidentiality". 22 journalists were acquitted of "inciting people to hatred and hostility". In addition, 22 journalists and one website officer were sentenced to 8 years and 2 days in prison and fined 25,740 euro for "defamation". 5 journalists were fined non-pecuniary damages in the amount of 7,232 euro. 4 journalists were acquitted of similar charges, while the cases of 2 others were dropped due to conditional pardons.

The 2015 sentences were mostly on charges of "defamation" and "attack on personal rights": 15 journalists and one website were sentenced to 5 years, 8 months and 17 days in prison and to punitive fines of 12,670 euro (450 euro deferred). 3 journalists were fined compensation of damages in the amount of 3,620 euro. In addition, 1 journalist was sentenced to 10 months in prison on the charge of "insulting security forces" and another to 1 year and 15 days for "slander".

Constitutional Court Steps Back: 10 times fewer verdicts

Though the Constitutional Court took a stance in favor of freedom of speech in the first half of 2016, such as in the cases of journalists Can Dündar and Erdem Gül's, it has backpedaled after two members were arrested in the wake of the July 15 coup attempt. Ruling on individual applications by 2 journalists, 1 educator and 1 worker, the Constitutional Court fined the state 1,863 euro in damages.

In comparison, last year, the court ruled on 12 individual applications, including those made by 6 journalists, 1 writer, 1 radio and website officer, and fined the state 11,063 euro in damages.

ECtHR fines Turkey 401,180 euro in 5 years for "squelching" journalists

In 2016, the European Court of Human Rights (ECtHR) fined Turkey 27,590 euro in damages for violating freedom of expression in 11 cases, 7 of which were brought by journalists. The court also fined the state 2,000 euro in damages for "false imprisonment of a journalist".

In 2015, the court fined Turkey 42,043 euro in damages in 26 cases, including the cases of 5 journalists, 3 legists, 1 politician and 1 retired soldier. In 2014, Turkey was fined 135,612 euro in damages, including the cases of 9 journalists and 1 media outlet. Turkey was fined 198,935 euro in damages in cases including those from 2 journalists and 11 media outlets in 2013. The amount was 78,581 euro in cases brought by 9 individuals including 5 journalists and 1 organization.

In cases brought before the ECHR in the last five years, including those of 23 journalists, 12 media organs and 52 individuals, Turkey was fined 401,180 euro in damages.

RTÜK fines TV and radio outlets 4,094,000 euro

In 2016, the Radio and Television Supreme Council (RTÜK) imposed 50 warnings, 112 fines and 2 broadcast bans on TV outlets, as well as 7 warnings and 11 fines on radio outlets. The fines imposed on TV and radio outlets for violating broadcasting principles totaled 4,005,888 euro.

In 2015, the council council imposed 69 warnings and 168 punitive fines on TV outlets and 4 warnings and 4 penalty fines for radio outlets. The imposed punitive fines reached the sum of 2,550,000 euro in 2015. In 2014, on the other hand, 78 warnings and 245 penalty fines were imposed on TV outlets, while 12 warnings and 7 penalty fines were imposed on radio outlets, a total of 4,779,000 euro in fines.

In total, the RTÜK has imposed 197 warnings and 534 penalty fines on TV outlets, as well as 23 warnings and 22 penalty fines on radio outlets, in the last three years. The total amount of penalties fined in the last five years reached 6,625,500 euro.

Statutory decrees leave 10,000 unemployed in media sector

In 2016, 2,708 journalists and media workers were fired or forced to resign. The Turkish Journalists' Association (TGC) reported, however, that 10,000 people were left unemployed as a result of the closure of 179 media outlets. By comparison, in 2015, 348 journalists, writers and media workers were fired or forced to resign; that number was 339 in 2014 and 143 in 2013. (EÖ/HK/DG)

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