

BİA MEDIA MONITORING 2008 / JANUARY – FEBRUARY – MARCH

In an atmosphere where the demands for its removal are on the rise, the new 301 will continue restricting the freedom of expression like before.

That the journalists **İlhan Selçuk**, Adnan Akfırat, **Ferit İlsever** and **Serhat Bolluk** were taken from their homes in the middle of the night, before dawn to be exact, as part of the “Ergenekon Operation” received reactions.

The Independent Communication Network (BİA) Media Monitoring Desk’s first quarter report of **38**pages, which covers the months of **January, February and March**, takes up the condition of the **270** people, including journalists, publisher and activists, under the titles of “**attacks and threats**”, “detentions and arrests”, “**the freedom of press and expression trials**”, “regulation and seeking for justice”, “**the European Court of Human Rights**”, “reactions to censorship” and “**RTÜK implementations**”.

Attacking the reporters is allowed; murders remain “mysteries”

The daily “Cumhuriyet Gazetesi”, the **Oğuz Aral** statue, and seven journalists, mostly from local media (**Senar Yıldız**, Hamit Erkut, **Necip Çapraz**, Erkan Çobanoğlu, **Şevket Yılmaz**, Sami Yılmaz, **Behçet Dalmaz**) were attacked. **Gümüşpala Kortağ** was threatened because of his articles about AKP, the Justice and Development Party. Sakarya chief of police stated that the journalists were to be classified according to their news. **Hrant Dink International Fund** received e-mail threats. In the same period in 2007, **9** media institutions were attacked and **two** internet sites were hacked.

Journalists and seekers of rights are concerned that the security personnel who resort to violence are not punished. The police officers who bludgeoned nearly **10** journalists, who were assigned to cover last year’s May Day parade, did not stand trial.

Similar to the case of the “instigators” of the murders of **Abdi İpekçi**, Uğur Mumcu and **Ahmet Taner Kışlalı** who were not found, the **Hrant Dink** case has not gone further than “triggermen youths” in one and a half year, either.

186 people are still being tried

According to the report, **186** people, **71** of whom are journalists, some of them with more than one case, are culprits in **92** litigations.

In last three months, **42** people have been brought to court from Article 301, **12** of whom were new cases: **Ali Haydar Güneş**, Esmâ Yavuz, **Sabit Çiçek**, Şahin Köseadağı, **Nadide Toker**, Ali Bozkına, **Can Aydemir Sezer**, Atilla Aka, **Esra Sönmez**, Nihal Samsun, **Nurettin Demirtaş**, Selma Irmak, **M. Kemal Çelik**, Aytekin Dal, **M. Sadık Aksoy**, M. Reşat Yiğiz, **Temel Demirer**, Banu Uzpeder, **Ahmet Şık**, Mahmut Alınak and **Ahmet Türk**. Only **Ali Rıza Vural** was acquitted. In 2007, this number was 55.

In three years that Article 301 was in effect, more than **120** journalists, publishers, activists and politicians were tried. However, the minister of Justice **Mehmet Ali Şahin** stated that in 2006, there were **1533 people with 835 litigations**, **12** of whom were children, and in the first quarter of 2007, there were **1189 people with 744 litigations**.

74 people are culprits for “praising”, 13 for “propaganda” and 7 for “alienating”

74 people, among who are the 53 mayors from DTP, the pro-Kurdish Democratic Society Party, who sent a letter to the president of Denmark Anders Rasmussen with the message that “Roj TV should not be shut down”, are on trial for “praising crime”; **12** people are new. In this period, **Gökhan Türkan**, Sancar Yamaç and **Zekai Sarıca** were acquitted.

13 people were tried for the crime of “making propaganda for a terror organization”. The owner of the periodical Çağrı **Aziz Ömer**, **Aydın Bulak** of DTP and **Selahattin Demirtaş** were sentenced to 15 months, 2 years 6 months and one year 6 months, respectively.

Among the 7 people who are on trial for “alienating people from military service” are **Yıldırım Türker**, Halil Savda, **Mahmut Alınak**, Gökhan Gençay, **Perihan Mağden**, Birgül Özbarış and **Yasin Yetişgen**.

The prime minister cannot take a joke: The weekly comic magazine Leman is on trial

Four of the eight people who are on trial for Article 288, “the attempt to influence the process of just trial”, faced this crime for the first time. **Tahir Elçi**, the lawyer who demanded fair trial in the case of Kaymazlar, was discharged of the accusation.

Among the **four** people who were on trial for Article 216, “inciting hatred and hostility”, the publisher **Erol Karaaslan** and the radio broadcaster **Cemal Doğan** were acquitted, but the politicians **Nurettin Demirtaş** and **Mahmut Alınak** are still on trial.

In three months, **39** people were tried for insult and defamation with a total charge of **one million 274 thousand YTL** in fines and **51 years 8 months** in jail time. The prime minister Erdoğan opened a lawsuit for 20 thousand YTL against the weekly comic magazine **Leman** and the publishing editor **Zafer Aknar** for carrying his words “We could not get the West’s science and technology, but its immorality” to the cover of the magazine.

The law suits regarding the journalists **İbrahim Tığ**, Cumhuriyetçi, **Tuncay Özkan** and **Emin Çölaşan** were denied or resulted in acquittals. The British collage artist **Michael Dickinson** will appear before court for “insulting”.

After arrested for “insulting”, the journalist **Faruk Aktaş** was released since his condition needed to be evaluated according to the new Turkish Penal Code (TCK). **Vedat Kurşun**, who is responsible for the newspaper Azadiye Welat was arrested for the allegation of “propaganda” and is still in jail. Why the DİHA reporters **Sıddık Güler** and **Haydar Haykır** were arrested is still not known.

The director of Özgür Radio **Fusun Erdoğan** and the four representatives of the daily Atılım, who were arrested last year, are accused of “MLKP membership”.

Censorship is everywhere; whole world is talking about the banning of You Tube

The court punished **Haftaya Bakış**, Yedinci Gün, **Yaşamda Demokrasi** and **Toplumsal Demokrasi** publications by stopping their publication six times for allegation of “PKK propaganda”. The access to **Indymedia-İstanbul** site was banned by the decision of the Military Court. The same ban was applied to the global video sharing site **youtube.com** for having videos that insulted Atatürk, the founder of the Turkish Republic.

RTÜK, the Radio and Television Supreme Council, reprimanded Star TV for the words of the famous singer **Bülent Ersoy**, who said “If I had given birth to a child, I would not send him to dying”, implying that she was against military conflict. **Ümit Kardaş**, the retired military judge known for his critiques of what happens to be on public agenda, was not allowed in Fenerbahçe Officers Club. On TRT-1, the main official television channel, the previously announced program titled **Abhazy Republic** was not allowed. The members of the pro-Kurdish Democratic Society Party (DTP) who made statements in **Kurdish** are on trial for the infringement of the law regulating political parties.

Publication bans; an increase in the amount of fines in ECHR

İstanbul 11th High Criminal Court declared publication ban regarding the **BOTAŞ** operation. Likewise, the Gendarmerie Military Court declared publication ban for the court case of the eight soldiers who were arrested after their release by PKK, which had taken them as hostages after the **Dağlica** engagement with the Turkish forces. The publication ban of last year about the Ergenekon Operation was reminded to the media. Gerger public prosecutor Sadullah Ocaklı implemented a temporary injunction for the news in the internet sites of **gergerim.com** and **bianet.org**.

The European Court of Human Rights convicted Turkey for violating the freedom of expression and the right to fair hearing and sentenced her to paying compensation of **36 thousand 150 YTL** (21 thousand euro) in cases opened by **ten** people. Last year the amount paid for the same period was **18 thousand YTL**.

A few good news

The court convicted **Zafer Filiz** for sending racist and threatening messages to the e-mail address of weekly newspaper Agos twelve days after the Dink murder and **Mert Şahin** for threatening to kill **Necati Abay** for his comment about the Dink murder. (EÖ/TB)