

BİA MEDIA MONITORING 2008 / JANUARY – FEBRUARY – MARCH

In Turkey, **violations and pressures** in the area of the freedom of expression have increased in the past three months. From caricature to literature, journalism to speech, every field of expression received its share of violations and pressures. The only consolation was the reduction of the compensation payments in the European Human Rights Court cases.

BİA Media Monitoring Desk's **Media Monitoring Report for April-May-June 2008** states that in these three months, **194** people had to face the judge for expressing opinions about the implementations and procedures of the state and protesting the human rights violations done by the state.

Of those tried in total of **88** cases, **79** were journalists. There were **132** people last year in the same period, 60 percent increase compared with this year's figure.

In three months, forty-six people appeared in courts under article 301; Zarakolu was sentenced

33 page long report about 246 people presents the violations under the headings “attacks and threats”, “custodies and arrests”, “cases and attempts”, “arrangements and justice seeking”, “the European Court of Human Rights”, "reactions to censorship” and “RTÜK implementations.”

Expressing opinions continues to be a crime because of the Law To Fight Against Terrorism (TMY), Turkish Penal Code (TCK) and the Law To Protect Atatük's Legacy. The new permission requirement from the Ministry of Interior to file a lawsuit under 301 has not changed the situation. Owner of Belge Publishing **Ragıp Zarakolu** was fined 400 YTL (200 Euro) under article 159. The court did not bother to ask for permission, since it was done under article **159**. Right now, nine cases are waiting for the permission of the Ministry of Justice. In Kocaeli, **Y.Y.** became a **301** victim for a conversation in a bus.

Forty-six people, among whom nineteen are journalists, are on trial in forty-six cases under article 301. There were twelve cases in the same period last year. Eleven people in eleven cases were tried for “provoking people towards hatred and hostility” under article 216 of the Turkish Penal Code. There were five cases last year.

Hundred percent increase in “Terror” accusation

Fourteen people were taken to the court in eight cases for the charges of **TMY 7/2** (to make propaganda of a terrorist organization) and **TMY 6/2** (to publish the announcements of a [terrorist] organization). Last year this number was four.

Hacı Boğatekin, owner of daily **Gerger Fırat** in Adıyaman, was sentenced to 18 months in prison for “making the propaganda of the Kurdish Workers Party (PKK). He is still in prison. There were four cases launched under TMY.

Fifty-three **mayors**, of whom fifty-two are from the Democratic Society Party (**DTP**), were fined 1875 YTL each (about 900 Euro) for “praising the crime and the criminal”, when they sent a letter to the Prime Minister of Denmark in order to prevent the closing of pro-Kurdish Roj TV.

Those who criticize the violation of rights are sued

Among eleven people, nine of whom are journalists, who were sued for protesting against human rights violations and making news reports about them, only **Aris Nalçı** and **Sarkis Seropyan** from weekly “Agos” and **M. Sami Belek** and **M. Uğraş Vatandaş** from daily “Evrensel” were acquitted. There were four cases last year.

Prison time and compensation for “insulting”

Of those who were tried for “insulting through the media”, twenty-two people faced prison sentence and thirteen people faced damages for mental anguish. **Nurgün Balcıoğlu**, chief editor of weekly Gaziantep Sabah, was sentenced to pay compensation of 20 thousand YTL to retired judge **Zekeriya Dilsizoğlu** for criticizing his claim that every nine thousand murders out of ten thousand has a woman behind it.

Alper Görmüş, former chief editor of weekly Nokta, was tried and acquitted for the charge of “insult and slander” for publishing a story about “coup diaries” of the retired navy admiral Özden Örnek. Owner of the newspaper Muş Haber 49 **Emrullah Özbey** was sentenced to seven months in prison and 525 YTL (about 250 Euro) in fine for making a type of news defined as infraction of rules.

“Prison sentence to those who say conscientious objection

Eight people who were defending the right to “conscientious objection” were tried in seven cases for “alienating people from the military service”. **Halil Savda** was sentenced to five months. Writer **Yıldırım Türker** was acquitted. Singer **Bülent Ersoy**, Perihan Mağden, **Gökhan Gençay**, İbrahim Çeşmecioğlu, **Yasin Yetişgen** and Birgül Özbarış are still on trial.

Writer Tekin could not speak; the police and the community attacked the journalist

In three months eight journalists and one media organ was attacked. Two journalists, one academician and one writer were threatened. In May Day celebration, daily Cumhuriyet’s reporter **Ali Deniz Uslu**’s arm was broken. **Esra Açıkgöz** was bludgeoned. The pressurized waters of the police forces broke reporters’ cameras.

In Karabük Festival, writer Latife Tekin’s microphone was disconnected. İsmailağa religious community targeted daily Vatan’s reporters **Alper Uruş**, İlker Akgüngör and **Ahmet Şener**. Bayrampaşa center of daily Yeni Şafak experienced an armed attack.

Intolerance towards caricatures is continuing

Leman comic magazine and its cartoonist **Mehmet Çağçağ** is facing a compensation fine to the Prime Minister Erdoğan for the carton he draw against Prime Minister's words "We did not receive West's science, but its immorality" and similarly cartoonist Muhammer Şengöz is facing a compensation fine to Kocaeli Mayor. Cartoonist **İbrahim Özdabak**, who satirized the Justice and Development Party (**AKP**), is on trial facing a prison sentence. **Turhan Selçuk**, cartoonist for daily Cumhuriyet, was acquitted for his "pig wearing a turban" caricature.

Ban on publishing; ban on tenders leads to worrying

The ban on publishing news about Ergenekon investigation, which went into effect on June 15, 2007, is still on. Publishing ban was implemented regarding the PKK attack on a gendarmerie team. Youtube.com has been inaccessible in Turkey for two months. The Geocities sites and Google groups were temporarily banned. DEM TV's broadcasting was cut without any legal warning and justification.

The Radio and Television Supreme Council (**RTÜK**) warned İzmir Demokrat Radio for reading daily Sabah's news about the Ergenekon Operation on the radio. Weekly YedinciGün was shut down for one month for "PKK propaganda".

Journalists from many cities protested the bill for changing the State Projects Law for taking away an important income source from the local media.

There are good news too...

The European Human Rights Court (AİHM) sentenced Turkey to a compensation of 8 thousand Euro in three cases. In the same period last year, twenty-five people had gone to the court and Turkey was sentenced to 78 thousand 250 euro.

A legal regulation to allocate a channel of The Turkish State Radio and Television (**TRT**) to Kurdish and other non-Turkish languages was passed. **Halil Özen** and **Kurtuluş Çelikparmak**, reporters from the newspaper Çağdaş Tuzla, had Tuzla Municipality authorities sentenced for assault.

(EÖ/TB)