

BİA MEDIA MONITORING 2008 / JULY – AUGUST - SEPTEMBER

Reactions to the censorship and monopolization

At the end of September, Constitutional Court Rapporteur **Osman Can**, who had submitted a report against closing the Justice and Development Party (**AKP**), was terminated from his job at Çankaya University . Can learned that he was not going to teach in Çankaya University any longer when he called the school to find out the hours of the course he was going to teach. He said the school did not give any explanation regarding the reason for its decision. Associate Professor Dr. Osman Can was giving lectures at Çankaya University as a contracted member of the faculty. He was warned twice by the university administration about urging, in his writings, for the removal of article 301 and the recognition of the conscientious opposition as a right. Osman Can, who was the rapporteur of the case for allowing wearing headscarves in the universities, had opposed closing of the AKP and insisted that the headscarf regulation should be taken into consideration within the context of freedoms. Can's lecturing was ended in Ufuk University in 2006 as well.

Immediately after the popular internet dictionary of Turkey Ekşi Sözlük was banned for a short period, the internet site of anarsist.org was banned, too. The ban came on the grounds that famous creationist **Adnan Oktar**, known as Harun Yahya, was insulted, and no formal warnings were issued. **Anarsist.org** representatives criticized the decision by indicating the scandalous nature of the decision as basically any critique against Adnan Oktar was construed as insult. Furthermore, they argued that they were not held responsible for any of the deeds included in the law regarding the crimes committee in the internet. They also criticized the existence of a state institution with the authority to determine whether or not what kind of knowledge can be accessible, indicating that such a practice was outright violation of the fundamental rights and freedoms.

A complaint by Adnan Oktar (also called Harun Yahya) led to the banning of another internet site on September 24. This time, the 2nd Civil Court of First Instance of Gebze in Istanbul banned the internet site of the Union of Education and Scientific Workers (**Eğitim-Sen**), egitimsen.org.tr. The access to the site was banned as a reaction to the Union's press release about Adnan Oktar's Creation Atlas, which was sent to the schools free of charge on February 28. Describing the move as illegal, the Eğitim-Sen lawyers said that they were trying to remove the ban. The 2nd Civil Court of First Instance has just banned evolutionist Richard Dawkins's site for the same reason last week.

Ten professional press organizations, responding to the call by the Turkish Journalists Society (**TGC**) on September 23, announced a statement condemning Prime Minister Erdoğan for attacking and making a call to boycott the Doğan Media Group. They described Prime Minister's handling of the situation as the kind of hostility against the Press Freedom never seen anywhere around the world that targets both the media and readers. The following organizations responded to the call of the TGC: the Turkish Journalists Union (**TGS**), the European Journalists Association (**AEJ**), the Contemporary Journalists Association (**ÇGD**), the Communications Research Association (**ILAD**), News Union affiliated with the Confederation of Public Employees Trade Unions (**KESK**), the G9 Platform, the Press

Council, the Press Senate and the Press Institute Association. The organizations declared that the monopolization in the media should be prevented, the editorial independence should be secured and therefore the obstacles, restrictions and bans that the freedom of expression is facing should be removed.

Istanbul's 9th High Criminal Court banned the circulation of the newspaper **Alternatif** for one month on the grounds that it published statements on behalf of the "PKK/KONGRA-GEL" (Kurdistan Workers Party). Alternatif had begun its life in May. The court concluded the application by the Office of the Istanbul Chief Prosecutor to have the September 20 issue of the newspaper seized on the same day that it was filed and the newspaper's sale and circulation were banned. The two articles for which the newspaper was banned were titled "They can meet with the Democratic Society Party for solving the problem" and "Claim your mother tongue", first one expressing the opinions of Abdullah Öcalan, leader of the Kurdish Workers Party (PKK), who is in prison for life, and the second one Murat Karayılan's, another high-level PKK official. In the article, Öcalan says that he was given medicine that helped his breathing, but was being subjected to many disciplinary punishments for provoking people with his messages, and another punishment was on its way. Öcalan is quoted in the article as saying "I am warning the people against the cultural genocide and the dangers; I express my opinions. They want me to hand over the people to them, without resisting..." In the other article, Karayılan mainly talks about the issue of mother tongue and announces that he supports those who show their reaction to the ban on Kurdish and "the cultural genocide policies." Cevat Düşün, license holder and chief editor for the newspapers Alternatif and Gelecek, says that they will not give up even though both newspapers were banned three times altogether.

On September 18, the 1st Criminal Court of First Instance of Gebze banned the access to the internet site turandursun.com created for the memory of Turan Dursun, writer who was murdered by a gunman on September 4, 1990. The name of the person or the institution responsible for the banning is not clear.

The new Chief of Staff has added two new newspapers to the list of the allowable media organs in the meetings of the Armed Forces. Previously unwanted Yeni Şafak and Star were the new newspapers in the introductory meeting of the new Chief of Staff on September 16. The ban continues for the newspapers Zaman, Vakit, Taraf, Evrensel, Birgün newspapers and the STV and Hayat TV channels. These media institutions and their Ankara representatives could not attend the meeting at the General Staff. Birgün's Ankara representative Nuri Kayış described the ban as unlawful and not nice.

The Istanbul Governorship banned the slogan "Yankee Go Home" that the Turkish Communist Party (TKP) wanted to use in its activities for the 88th anniversary on September 10 on the grounds that creations of minorities should be prevented according to the law regarding the political parties and that it might hurt the relationship between Turkey and the United States. TKP's lawyer **Özgür Murat Büyük** said that they objected to the decision by filing a petition with the Istanbul Governorship. The State Council had annulled in February a similar decision in regards to the Socialist Power Party which had used the same slogan eight years ago.

The internet site dailymotion which was banned in the beginning of August was opened to access in the beginning of September.

On September 3, Istanbul's Şişli 2nd Criminal Court of Peace banned world famous evolutionist Prof. **Richard Dawkins'** internet site (richarddawkins.net) in Turkey on the grounds that Adnan Oktar's personality was violated by this site. The court reached the decision to ban the site on September 3. The site was accused of containing insults against Oktar's (known as Harun Yahya too) book titled "Atlas of Creation". The internet users who try to reach the site come across a statement saying that 'The access to the site has been banned by court order'; no explanations about why, when and by which court order the site has been banned are given. Oktar had managed to shut down the Google Groups in Turkey before as well. In addition to Dawkin's site, video sharing sites Youtube, kliptube and geocities are still banned in Turkey.

More than 500 internet site and blog owners protested the closing of the internet sites by making their sites inaccessible temporarily. One of these sites <http://anafikir.com/sansur/> (the main theme.com/censorship/) appeared with a text on a black background with a statement saying "This is a preview of the future of the internet! Everyday another site is being banned. We are curious what kind of internet we will have, if the internet banning goes at this rate. This is the simulation of the future." This particular site gave technical assistance to those sites who want to be part of this movement that will last until August 20. The internet site elmaaltshift.com joined the campaign by responding with the statement "The access to this site is denied by its own decision." in its own site. <http://www.sinema.com/> followed it. <http://www.zargan.com/>, known by the internet users as the English-Turkish dictionary, is supporting the campaign, too. In the past year, Eksi Sözlük, Antoloji.com, Wordpress, Indymedia İstanbul, Youtube, the newspaper of Gündem, Google Groups, Geocities and many other internet sites have been banned by the courts.

Ankara's 11th High Criminal Court banned gundemonline.com, a site about the Kurdish problem, on August 7 without any justification. However, it was not known what particular page of the site led to the banning. According to one of the site authorities, **Ramazan Pekköz**, their site had been closed by court orders four times so far. He said that nobody had given them any explanation about the situation. Since it was a very long process to remove this court order, they simply continued their existence by changing names.

The 12th High Criminal Court of Istanbul had seized the August 10, 2008 issues of the newspaper Birgün for "allocating space to PKK's opinions" by publishing **Hakan Tahmaz'**s interview with Kurdistan Workers Party (PKK) representative Murat Karayılan, titled "Tek Taraflı Ateşkes Sorunu Büyütüyor" (One-sided ceasefire is making the problem worse). The interview was conducted at PKK's headquarters in Kandil in the northern Iraq. Tahmaz wrote in his interview that although Karayılan had emphasized that the person on the street was against living in violence, he had also told that they were not interested in a one-sided ceasefire, since this would bring more harm, and therefore they would continued with "the legitimate defensive war" activities.

Istanbul Police Department announced that they were planning to file a lawsuit against the newspaper Radikal for publishing in the headline an article titled "Did you have no shame?" by İsmail Saymaz about another set of friendly Ogün Samast photographs that the police

officers had taken. The police department construed the report as an insult. The Radikal report criticized the fact that **Ogün Samast** was smiling in the pictures, looking very happy. This, the article claims, casts a shadow on the objectivity of the police. Answering bianet's questions regarding the article, Saymaz emphasized that he was doing his job when he took these pictures as the police officers too when they took Ogün Samast's pictures. However, he could not help mentioning that one of them was not doing his job right.

He also stated that while he, as a journalist, could use his initiative to critique, the police did not have a similar right when it came to taking the pictures of a murderer. Saymaz concluded by stating that he would be honored to be sued in this case. Reporter **Ismail Saymaz** of daily Radikal reacted to the announcement by the Istanbul Police Department that they were going to file a lawsuit against the news titled "Did you have no shame", which had criticized the picture-taking session the police officers had in a rather happy atmosphere with Ogün Samast, murder suspect of Hrant Dink, right after he was caught. He argued that the Police Department did not have the right to use such an initiative, especially in the case of such an important person like Hrant Dink. He also added that while a journalist could criticize such an incident, but it was not the duty of the police to entertain a murderer.

At the 100th anniversary of the lifting of censorship, the Turkish Journalists Society (TGC) Press Freedom Award was presented to reporters **Gökçer Tahincioğlu** of daily Milliyet and **Kemal Göktaş** of daily Vatan at the Dolmabahçe Palace. Both journalists are under investigation for publishing the permission given by a court order to the Police Department, National Intelligence Organization (MİT) and the Gendarmerie to monitor the communications between people. TGC's president Orhan Erinc criticized the latest move as a form of censorship never experienced before.

Hayat TV, founded on December 3, 2007, with the slogan "Life's all colors", found itself unable to broadcast on 16th of July. Their satellite connection was cut by the Türksat authorities on the grounds that they had supplied pro-Kurdish RojTV with images about Newroz celebration. Meeting with the Supreme Council of Radio and Television (RTÜK), Türksat, the Ministries of Interior and Communication, Hayat TV managed to start broadcasting again.

Hundreds of people gathered for the call of the Association of Intellectuals for Democracy to protest the shutting of **Hayat TV**. From the Galatasaray Post Office in Istanbul, the group faxed a protest text titled "Turn On My Television" to the Ministry of Interior, the Supreme Council of Radio and Television (RTÜK) and Türksat A.Ş. The Association of Intellectuals for Democracy is formed by the Turkish Writers Unions (TYS), PEN Center for Turkey, the Turkish Journalists Union (TGS), the Platform of Istanbul Branches of the Confederation of Turkish Labor Unions (Türk-İş), the Platform of Istanbul branches of the Confederation of Public Employees Trade Unions (KESK), the Provincial Coordination of the Turkish Union of Chambers of Engineers and Architects (TMMOB). Hundreds of people, including representatives from non-governmental organizations, joined the press release organized by the Association of Intellectuals for Democracy to support Hayat TV, which was banned from broadcasting right at the centenary celebration of the end of censorship in Turkey. Reporters Without Borders (RSF) protested the closing of the channel without any warning and indicated to the Turkish authorities that this was a sign showing that some media institutions in Turkey were under pressure.

On July 10, the Turkish Writers Association (TYB) presented the 2008 Freedom of Thought and Expression Awards to journalist-writer **Perihan Mağden**, who works under the lawsuit threats, representative of Evrensel Printing and Publication Songül Özkan and publisher Vural OKur from the province of Bursa. Announcing the 2007 Publishing Freedom Report, **Ragıp Zarakolu**, president of the TYB Committee of the Publishing Freedom, brought up the lack of necessary laws and how he became the first person convicted under article 301, one of the major obstacle in front of the freedom of expression. He also stated that until up to the middle of 2008, 47 books by 38 writers published by 22 publishers had been or was still being investigated and prosecuted. 7 books were acquitted and 17 books were convicted. The report also stated that the violations were based on the charges “to praise the crime and the criminal” (TCK 215), “to do propaganda of an organization or its goal” (TCK 220/8), “to provoke hatred and hostility” (TCK 216 former 312), “to be against the bans of the Turkish Law of Alphabet and its Application” (TCK 222), “to attempt to influence the process of fair trial” (TCK 288), “to alienate people from military service” (TCK 318), “to do propaganda of an organization” (TMY 7/2), “not to report a crime” (TCK 278). Speaking at the award ceremony, Mağden said that she was tired of seeing the prosecutors more than her husband, her children and her friends, she was under too much pressure, and she would quit being a columnist if she felt she was under censorship or self-censorship.

On July 3, the General Staff threatened the newspaper Taraf by sending a letter that if they did not return the documents they used in Dağlica story, they would get them through a law-enforcement action.. In this story, Taraf had published some secret documents about the incident

Taraf’s Chief Editor **Ahmet Altan** said that the prosecutor threatened the newspaper by crossing the legal boundaries. The prosecutor had asked the newspaper how these documents were secured from an institution as important and critical as the General Staff and stated that their share of responsibility in this chain needed to be determined. It was stated in the military intelligence report published by Taraf where and when the ambush was going to take place and who were going to take part in it. The intelligence report was prepared by Van Gendarmerie Law and Order Corps Command, numbered 3590-2292-07/İDAM (63939). Reporters Without Borders (RSF) criticized the method the military prosecutor resorted to and stated that forcing a newspaper to reveal its source was a really an intimidation tactic, demanding an end to the threats by the prosecutor.

Latife Tekin, a famous Turkish writer, who was invited to participate in Karabük Culture, Art and Industry Festival, received Karabük Mayor Hüseyin Erer’s reaction, when she started talking against government’s energy policy. Upon Erer’s declaration that she cannot discuss politics, Latife Tekin left the conference. **Hüseyin Erer** is a member of the ruling Justice and Development Party (AKP). International Association of Writers PEN Turkish Center Committee For Women Writers, which made an announcement on July 2 to support Tekin, said that the mayor’s shutting up of Latife Tekin by violent means was a perfect example of the totalitarian mentality. The committee asked the public not to forget this incident and show its reaction. The head of the Contemporary Journalists Association (ÇGD) Ahmet Abakay had said in his previous statement about the incident that the Prime Minister and the top administration of the Justice and Development Party should be first to hold this aggressive mayor responsible for his act.

On September 23, The European Court of Human Rights (**ECHR**) has sentenced Turkey for punishing Sakine Aktan, a reporter of the newspaper Özgür Bakış, for having an interview with the President of the Kurdistan Journalists Association. Turkey will pay Aktan 1500 euro in damages for pain and suffering.

The Istanbul State Security Court had sentenced Aktan to prison for one year and eight months in May 2001 and fined her in February 2008, both for her interview published in December 1999 regarding the problems of the reporters working in the Kurdish media. The decisions were based on article 312 of the old penal Code. Aktan was acquitted when he was retried under the new Penal Code that went into effect in June 1, 2005. But, the decision was appealed by the prosecutor of the case. Now, the sides are waiting for the decision of the Supreme Court of Appeals. The ECHR in its announcement regarding the case that since a retrial process was commenced, the right to a just trial was not violated, but the the 10th article of the European Convention on Human Rights, which covers the freedom of expression, was violated. Since the statements in the interview which criticized the Turkish State, rather very harshly, did not encourage use of violence or call to an armed resistance or uprising, the ECHR described the sentences given to Aktan “disproportional and unnecessary in a democratic society.”

On July 17, the European Court of Human Rights (ECHR) sentenced Turkey to paying **Abdullah Yılmaz** and **Erdem Kılıç**, administrators of the Çiğli District for the People’s Democracy Party (**HADEP**), who were sentenced in November 1998 for participating in an activity on the grounds of “harboring and helping an [illegal] organization”, 5 thousand euro for restricting illegally their right to freedom of expression and trying them unfairly. Izmir State Security Court (DGM) had sentenced Yılmaz to three years four months in prison and Kılıç to four years four months in prison for participating in a meeting in Izmir to protest the arrest of Abdullah Öcalan, imprisoned leader of the Kurdish Workers Party (PKK). The ECHR also ruled that the trial was not independent and objective since there were military members in the court during the time of the trial. The ECHR stated, “Even if the goal was to protect the public order in the tense political climate at the time when Öcalan was caught, the sentences given were disproportional both in quality and quantity in comparison with the licit goals (...) they were unnecessary in a democratic society.

RTÜK Impementations

The news channel NTV is still on trial for quoting the words of Cyprus’ Foreign Minister **Erato Kozaku-Marcoullis** describing Turkey as a state that occupied the northern Cyprus, refuses to abide by the international treaties and is threatening [to the existence of Cyprus]. The case at the Regional Administrative Court of Istanbul was filed upon the warning of the Supreme Council of Radio and Television (RTÜK). The RTÜK had warned the news channel, which had quoted these words from its Nicosia representative **Selim Sayar**, for “not conducting its broadcasting activities in accordance with the understanding of public service based on the rule of the law, the general principles of the Constitution, the fundamental rights and freedoms, the national security and the public decency.” The RTÜK also made reference to the following passage by the foreign minister: Moreover, we do not see the comments by the Four-Star general Yaşar Büyükanıt encouraging. These explanations

will take Turkey back a few centuries. I know you do not like what I say, but this is how we feel. Here, the Turkish Army is preventing the citizens of a country that is a member of the European Union to obtain their human rights. This is the role of the Turkish Army n the island...”

The file about RTÜK’s warning of Izmir’s local radio **Demokrat Radyo** for airing a news report titled “Devlet Derin Devlete Karşı” (The State is against the Deep State) from daily Sabah about the Ergenekon operation. By broadcasting this report that had appeared in Sabah on January 23, 2008, the local radio found itself facing the accusation of violating the principle of “Radio, television and data broadcastings are done within the framework of public service in accordance with the general principles of the Constitution, the belief in the Rule of Law, fundamental rights and freedoms, the national security and the public morality.” The Demokrat Radyo same radio had received another warning based on the allegation that its broadcasting “was encouraging use of violence and provoking the feeling of racial hatred”, when it aired news about the attack against the provincial headquarters of the Democratic Society Party (DTP). Counterattacking, the administrators of the radio had taken the warning to the Administrative Court and argued in the court that it had in fact aired this news to point out to the harm such attacks would cause to the relations between different groups. The court has not reached a decision yet. (The end of the report) (EÖ)