

## BİA MEDIA MONITORING 2016 / APRIL-MAY-JUNE

The arrests of forensic science expert Prof. Dr. Şebnem Korur Fincancı, journalist-writer Ahmet Nesin and bianet rapporteur and Reporters Without Borders (RSF) Turkey Representative Erol Önderoğlu three months after the release of Cumhuriyet daily's Editor-in-Chief Can Dündar and its Ankara Representative Erdem Gül has coincided with Turkey's relations with the European Union (EU), Israel and Russia reviving ahead of opening of Chapter 33 of Turkey's EU Accession Process concerning "Financial and Budgetary Provisions".

Turkey has returned the "Progress Report" which has laid emphasis on the principles of the state of law and democratic values back to Brussels and has kept distance from the recommendations of the Venice Commission.

In the wake of these developments, Turkey has entered a period in which opposition MPs whose parliamentary immunities have been lifted, journalists and rights defenders had to live in an environment facing a continuous threat of getting arrested.

BİA Media Monitoring Report 2016 April - May - June demonstrates that journalists have performed their duties under the threat of conviction to life-time imprisonment twice and 2,679 years and 10 months in prison in total. The data shows that 7 individuals 5 of whom were journalists have been sentenced to 3 years, 8 months and 4 days in prison with a 2 year-and-11-months reprieve and to a punitive fine of 150 euro on charges of "defaming the President" alone.

The report shows that the year on year figures of attacked journalists has risen from 20 to 28, detentions from 30 to 33 and arrested journalists from 23 to 32.

### Headlines from Media Monitoring Report

BİA Media Monitoring Report includes the chapters "Killed Journalists", "Imprisoned Journalists", "Assaults, Threats and Blockings", "Investigations, On-going Trials, Verdicts", "Defamation, Personal Rights and Claims for Damages", "Bans, Closures and Pull-offs", "Constitutional Court", "European Court of Human Rights (ECtHR)", "Radio and Television Supreme Council (RTÜK)" and "Supreme Election Board (YSK)".

During these three months, the lawsuits brought against journalists on grounds of both the Turkish Penal Code (TCK) and Anti-Terror Law (TMK) have increasingly continued. The charges pressed against journalists, distributors and media outlet workers in these trials were "being a member of an armed organization", "aiding an [illegal] organization" as well as "forming, conducting and controlling an [illegal] organization".

### Journalists in prison mostly from Kurdish media

32 journalists and 10 distributors have entered July 2016 in prison. 22 of these journalists and distributors are all from the Kurdish media and are charged with being affiliated with an [illegal] organization in Anti-Terror Law and the Turkish Penal Code.

In the same period of the last year (2015), 23 journalists and 9 distributors were in prison; 13 of the journalists and all of the distributors were from the Kurdish Media.

23 of these 32 journalists in prison have stood trial for being a member of “Group of Communities in Kurdistan (KCK)”, “Kurdistan Workers’ Party (PKK)” and “Democratic Patriotic Youth (DYG)”, 2 others for being a member of “Marxist-Leninist Communist Party (MLKP)”, 1 for being a member of “Fethullahist Terrorist Organization (FETÖ) / Parallel State Organization (PDY)”, 1 for being a member of “Revolutionary Peoples’ Liberation Party-Front (DHKP-C)”, 1 for being a member of “Resistance Movement”, another one for being a member of “Turkey Communist Labour Party/Leninist (TKEP/L)”, 1 journalists for “spying” and another one for “providing/destroying classified information”. 1 journalist has been put on trial for being a member of “Ergenekon Organization Mersin Arm, Turkish Revenge Union Organization and the Inner Organization” at the same time.

16 of the above mentioned 32 journalists in prison are convicted, 1 of them is in prison waiting for the decision of Supreme Court of Appeal, 4 others are still being tried and the other 11 are under investigation.

6 of the 11 journalists under investigation are being probed on suspicion of “being a member of an [illegal] organization, 1 journalist of “propagandizing for the [illegal] organization”, 1 other for “aiding an [illegal] organization”, 2 others both of “being a member of and propagandizing for the [illegal] organization” and another one of both “providing confidential documents and spying”.

## **Syrian journalist executed, number of assaults rise from 20 to 28**

In the 2nd quarter of 2016, 26 journalists and 1 journalism organization were attacked, 1 Syrian journalist was killed. In addition to that, 4 journalists and 1 media organ was threatened.

In the same quarter of 2015, 18 journalists, 1 writer and 1 media organ had been attacked, 7 journalists, 1 social media activist as well as 5 media organs had been threatened.

In the entire year of 2015, In the entire year of 2015, 3 Syrian journalists and 1 newspaper columnist had been killed; 64 journalists, 4 media organs and 1 writer had been assaulted. In addition to that 38 journalists and 21 media organs had been threatened.

## **33 journalists detained, 3 others deported**

In the 2nd quarter of 2016, 33 journalists and media workers have been taken into custody. Police have conducted raid on 2 media organs, at least 3 representatives of international media have been deported.

In the same quarter of 2015, 30 journalists and media workers had been detained. The figure was 120 for the entire year of 2015.

## **50 Individuals including 34 journalists were “Erdoğan” suspects/victims**

In the 2nd quarter of 2016, 5 journalists and 2 other individuals one of whom was a public official have been sentenced to 3 years, 8 months and 4 days in prison with a 2 year-and-11-months reprieve as well as 9,400 euro punitive fine in total on charges of “Defaming the President” in accordance with Article 299 of Turkish Penal Code. 28 individuals including 19 journalists 11 of whom are new suspects, 8 political party members and 1 former MP still stand trial on grounds of the same article.

3 Journalists have been acquitted of the charges. In addition, investigation has been launched into 3 journalists and 1 director on grounds of Article 299. The Presidency has filed criminal complaint against Republican People’s Party (CHP) Leader Kemal Kılıçdaroğlu and Gerçek Gündem website.

4 individuals including 1 journalist, agricultural worker, 1 politician, 1 former MP and 1 model have been sentenced to 4 years, 7 months and 24 days in prison with a 2 year-3 month-2 day reprieve and 650 euro punitive fine on charges of defaming former Prime Minister Recep Tayyip Erdoğan through means of media according to Article 125(3) of Turkish Penal Code. Besides 2 journalists have been acquitted and 1 other still stands trial.

President Erdoğan and CHP leader Kemal Kılıçdaroğlu have sued for compensation of moral damages, each in amount of 30,000 euro on claims of their personal rights being violated.

In the same quarter of last year (2015), 5 journalists had been brought to trial on charges of defaming President Erdoğan (Art. 299 TCK), 2 of whom are still on trial and another one had been acquitted. Investigations were launched into 9 journalists on grounds of the same article.

In the same quarter, 8 journalists, 2 newspapers and a lawyer had been sentenced to 4 years, 6 months and 10 days in prison with a 2-year-and 7-months reprieve and a compensation payment of 10,450 euro for moral damages as well as a punitive fine in amount of 9,500 euro on charges of “Defaming Erdoğan” in accordance with Article 125 of TCK.

In the entire year of 2015, 9 persons 5 of whom were journalists had been sentenced to 10 years, 8 months and 22 days in prison in total on charges of defaming President Erdoğan (Art. 299 TCK), 19 persons 14 of whom were journalists and 2 were caricaturists had been sentenced to 10 years, 9 months and 27 days in prison on charges of defaming President Erdoğan in his

Prime Ministerial term (Art. 125(3) TCK). As a result, 28 persons in total including 19 journalists and 2 caricaturists had been convicted for defaming Erdoğan.

## **9 broadcast bans, 26 websites, 7 reports censored**

In the 2nd Quarter of 2016, 9 broadcast bans and temporary broadcast ban orders have been issued, 1 case of discrimination in accreditation has been experienced, 26 websites, 100 Twitter accounts and postings as well as 7 reports, 180 books, 1 magazine and 1 TV channel have been censored in addition to other 4 censorship cases.

In the same quarter of last year, 169 reports and articles, 1 website, 1 film, 1 election film, 1 documentary film, 1 banner, 12 videos and 1 Twitter account had been censored and 1 confidentiality order had been issued. 20 media organs had become victims of discrimination accreditation in at least 5 cases and 3 censorship cases had been experienced in addition.

In the entire year of 2015, media had experienced 6 blackouts, 5 confidentiality and 10 accreditation discriminations. In addition, 118 websites, 353 Twitter accounts, 399 news articles and columns as well as 21 TV channels and 2 journalists had been subjected to censorship. 12 footages, 7 books, 5 humor magazines, 4 movies, 2 magazines, 2 journalists, 1 documentary film, 2 leaflet, 1 panel, 1 commemoration, 1 election film, 1 banner and 1 image had been censored.

## **Defamation: Of 8 journalist suspects, 4 convicted**

In the 2nd Quarter of 2016, 4 journalists have been sentenced to 1 year, 5 months and 15 days in prison as well as a punitive fine in amount of 12,900 euro. 1 journalist has been acquitted while another has been granted a conditional pardon. The trial of 7 journalists still continue. 1 journalist put on trial on charges of violating personal rights seeking compensation payment in amount of 47,750 euro in two lawsuits has been acquitted. Another journalist has been put on trial demanding 6,000 euro.

In the same quarter of last year, 5 journalists and 1 website had been sentenced to a punitive fine in amount of 7,350 euro (520 euro deferred) and the trials of 8 journalists still continued. 3 journalists had been acquitted and 3 others had been put on trial or subjected to criminal complaints. The trials of 4 journalists, 1 columnist and 1 newspaper seeking 393,500 euro in damages in total still continued.

In the entire year of 2015, 15 journalists and 1 news site had been sentenced to 5 years, 8 months and 17 days in prison and 15,280 euro of punitive fine (540 euro deferred). 3 journalists have been sentenced to compensation payment of 4,330 euro in total for violating personal rights.

## **TMK/TCK: Life-time imprisonment for 2 journalists, 2,680 years in prison demanded**

In the 2nd Quarter of 2016, 56 journalists have been tried in accordance with the Anti-Terror Law (TMK), 6 journalists have been sentenced to 15 years in prison in total. 14 of the cases were new. Investigations have been launched into or criminal charges have been filed against 4 journalists in accordance with the Anti-Terror Law.

66 journalists have been tried seeking a prison sentence of 1,685 years and 6 months in total on charges of “conducting [illegal] organization”, “being a member of an [illegal] organization” and “aiding an [illegal] organization”. 1 journalist has been sentenced to 6 years in prison on charge of “being a member of an [illegal] organization”. There has been 5 new cases. 7 journalists have stood trial on charges of “coup plotting”, “spying” or “providing and publishing documents concerning the security of State”. 2 of these journalists have been sentenced to 10 years and 10 months in prison on charges of “providing and publishing confidential documents”.

7 journalists have been put on trial on charges of “violating confidentiality”, 2 of whom have been sentenced to 1 year, 8 months and a punitive fine of 3,770 euro in total, 3 others have been acquitted. 5 journalists have been put on trial on charges of “inciting people to hatred and hostility”, 2 of whom have been sentenced to 4 years in prison. 5 journalists have been put on trial on charges of “insulting the Turkish Nation”, 5 others of “insulting religious values”, “inciting to crime” and “praising the crime”. 2 of these have been sentenced to 4 years in prison in total on charges of “inciting people to hatred and hostility”.

Based on all the above listed charges, 2 life imprisonments and prison sentence of 2,679 years and 10 months are being demanded in total. In this Quarter, many prosecutions and investigations have been carried out into hundreds of Academics for Peace Initiative members.

In the cases against press members within the trials of “Group of Communities in Kurdistan (KCK)”, 46 media workers have stood trial seeking 460 years in prison on charges of “being a member of an [illegal] organization”. Within the Odatv trial, 10 journalists have stood trial demanding 30 years in prison on charges of “aiding an [illegal] organization”. 2 journalists were yet to stand trial on charges of “insulting religious values”. 3 journalists have stood trial on charges of “violating confidentiality and attempting to influence judgement”. Complaints have been filed against 2 journalists and 1 humour magazine on charges of “inciting people to hatred and hostility”.

In this Quarter, investigations have been launched into 7 journalists on charges of “spying”, “disclosing documents regarding security of the state”, “being a member of an [illegal] organization”, “inciting to hatred and hostility”, and “violating privacy”.

In the entire year of 2015, penalties had been imposed in accordance with the Anti-Terror Law demanding 6 years 3 months and 22 days in prison (1 year 6 months and 22 days deferred) and punitive fine of 7,425 euro. 26 journalists were still being tried seeking 337 years and 6 months in prison, 2 journalists had newly been put on trial and 2 others had been acquitted. The cases of 18 journalists tried demanding prison sentence had been dismissed due to statute of limitations.

## **787 summaries of proceedings for 152 MPs in Parliament**

Minister of Justice Bekir Bozdağ has announced that 117 files regarding the 152 MPs subjected to summary of proceedings whose parliamentary immunities have been lifted. There are 787 summary of proceedings about the 152 MPs in the Parliament.

## **Constitutional Court and ECtHR decide in favor of 8 journalists**

In the 2nd Quarter of 2016 the Constitutional Court (AYM) has ruled on the individual application by 1 worker, and 1 education staff that the freedom of expression, the right to information have been violated and that court costs of 650 euro should be compensated. The court has not considered Taraf daily's correspondent Mehmet Baransu being arrested since March 2015 a violation of the right to safety and freedom of expression and press.

In this period, the censorship on Turkcell, access block on soL website and the nolle prosequi on the investigation into the murder of Hrant Dink have been brought before the Constitutional Court. The court has decided to discuss on the substance of the Turkish Penal Code with regards to its Article 299 which regulated "defaming the President". In addition, also the arrested Samanyolu Broadcasting Group President Hidayet Karaca has been waiting for the results of his individual application.

In this quarter, the European Court of Human Rights (ECtHR) has sentenced Turkey to 2,000 euro compensation payment for moral damages for "violating the right to safety and freedom through unjustified detention of a journalist.

In the same quarter of last year, Turkey had been convicted in a trial brought by a retired soldier for violating freedom of speech. The court did not order and compensation of damages as no amount had been reported.

In the entire year of 2015, Turkey had been convicted for violation of freedom of speech and sentenced to 42, 043 euro of compensation payment in lawsuits brought by 26 individuals including 5 journalists, 3 lawyers, 1 politician, 1 retired soldier.

## **18 journalists laid off, programmes removed from broadcasting**

In the 2nd Quarter of 2016, 16 journalists and a media worker have been laid off, forced to resign. The programmes hosted by 2 journalists have been removed from broadcasting.

In the same quarter of last year, at least 82 media workers had been laid off or forced to resign. This figure was 348 for the entire year of 2015.

## **Radio and Television Supreme Council increased penalty required for resisting broadcasting bans**

Radio and Television Supreme Council (RTÜK) has imposed 15 warnings, 45 penalty fines and 1 broadcast ban on TV outlets due to broadcasting certain reports, films and programmes. In this quarter, the council has inflicted 2 warnings and 4 penalty fined on radio outlets. The administrative fines imposed on Radio and TV outlets has reached the sum of 1,270,000 euro in this quarter.

On the same quarter of last year, the council had imposed 14 warnings and 53 punitive fines on TV outlets and 1 warning and 1 penalty fine for radio outlets. The punitive fines imposed had reached the sum of 939,500 euro.

In the entire year of 2015, RTÜK has inflicted 69 warnings, 168 punitive fines on television outlets and 4 warnings as well as 4 punitive fines on radio outlets. The punitive fines imposed had reached the sum of 3,045,000 euro in 2015. (EÖ/BA/DG)