

BİA MEDIA MONITORING 2016 / OCTOBER-NOVEMBER-DECEMBER

Following turning its back on democratic standards, especially freedom of the press and expression, Turkey has entered a deep crisis with its strategic partner the European Union.

The government, which found having constitutional amendment talks with the Nationalist Movement Party (MHP) adequate to take President Recep Tayyip Erdoğan to Presidency with more authorities, has shut down the media organs by means of the Statutory Decrees enacted during the State of Emergency declared following July 15 coup attempt. The government also blocked all ways to seek rights for closed media organs and arrested journalists.

Covering the period of October-November-December 2016, BİA Media Monitoring Report demonstrates that despite all objections raised by international and national journalism organizations, the European Union, Organization for Security and Co-operation in Europe (OSCE), the government overlooks the fact that 131 journalists are in prison and journalism has been silenced with 12 gag orders in three months.

The report indicates that the government's effort to destroy critical journalism under the cover of security policies.

The report also goes to show that the Constitutional Court didn't issue a single verdict in over the six months to protect the rights of the journalists who were arrested following the coup attempt or whose right of freedom of expression were violated in Turkey, which has turned into the "biggest journalist prison in the world".

Headlines from the Media Monitoring

Category	2015	2015/4	2016/4	Total
Imprisoned Journalists		31	131	162
Imprisoned Distributors				
Detained Journalists	120	34	41	195
Attacks	72	20	9	101
ECTHR Penalties (Euro)	42990 euro	19060 euro	8500 euro	0
RTÜK Penalties (TL)	9905674 TL	1175106 TL	1559955 TL	
Defaming Erdoğan				
Penalties of Defaming				
Discharging and Forcing to Quit Job	348	45	2500	
Penalties by TCK 216 and 125				

There are sections including "murdered journalists", "imprisoned journalists", "assaults, threats and preclusions", "investigations, ongoing trials, verdicts", "defaming, personal rights and suits for damages", "bans, shut downs, pulling off the shelves", "Constitutional Court", "European Court of the Human Rights and Radio and Television Supreme Council (RTÜK)".

The lawsuits against the journalists continued during these three months.

The charges “being a member of an armed organization”, “aiding an [illegal] organization” or “founding, managing an [illegal] organization” pressed against the journalists went on.

Imprisoned journalists: They are claimed to be predominantly from the Gülen Community

131 journalists entered the new year, 2017 in prison. Of the arrested journalists, 81 were allegedly from the Gülen Community and 31 from the pro-Kurdish media.

Furthermore, 11 journalists from Cumhuriyet newspaper were arrested on charge of “aiding or propagandizing for FETÖ/PKK (Fethullahist Terror Organization/Kurdistan Workers’ Party)”. These people are in prison over “illegal organization”, “terrorism” or “defaming state authorities” charges.

Five journalists are kept in prison on charge of “being a member of illegal organizations” ” (MLKP, DHKP-C, TKEP/L, Resistance Movement), and one other is kept in prison for being a member of three organizations (Ergenekon Organization, Mersin Organization, and Turkish Vengeance Union Organization and Internal Organization).

One journalist was a former AA worker and another one was arrested on charges of “defaming the president” and “defaming the state authorities”.

Of the 131 journalists, 18 have been convicted, seven tried and 106 have undergone investigations.

Year-on-year, 31 journalists were in prison; 17 of them were from pro-Kurdish media. Of them, 19 were convicted, nine underwent investigations and three were still being tried.

Attack on eight journalists and one newspaper

At least eight journalists and one newspaper center were attack during the period of October-November-December 2016. Besides, 105 journalists and one media organ were threatened directly or via social media users who were predominantly from pro-government circles. Furthermore, two journalists and one news site were subjected to verbal attack. Social media accounts of two journalists were attacked.

Year-on-year, three Syrian journalists were killed in Antep. 15 journalists, one media group and one media organ were attacked. Four journalists and five media organs were threatened.

In the whole 2015, three Syrian journalists and one columnist were killed, 64 journalists, four media organs and one columnist were attacked. Last year, 38 journalists and 21 media organs were subjected to threats.

State of Emergency: 41 journalists four whom were foreigners detained

In total 41 journalists including 21 from media organs shut down by Statutory Decrees and four international media representatives were detained.

Year-on-year, 34 journalists and media workers were taken into custody, one was handcuffed from behind and tried to be detained. The figure in the entire 2015 was 120.

Impunity: Mumcu, Kışlalı, Anter, Agos...

Related to the murders of Uğur Mumcu, Bahriye Üçok, Muammer Aksoy and Ahmet Taner Kışlalı committed in the 90s, the Hope Trial will be re-heard upon Constitution Court detecting violations about three suspects.

Musa Anter murder case, which started 24 years ago, deadlocked due to witness testimonies. The trial as to the killing of journalist Cihan Hayırsever will be re-heard at Bandırma Heavy Penal Court. Those who left a black wreath in front of Agos newspaper's building and said "We may come one night all of a sudden" were acquitted. No legal action was taken against those who were accused of beating 13 journalists in Midyat.

28 "Erdoğan" suspects including seven journalists

21 protesters and seven journalists were being tried on charge of "defaming the president ". A lawsuit was lodged against a judge on the same charge. Eight journalists were acquitted of this charge.

From October-December 2016, no new investigation was launched on charge of defaming the president. Furthermore, no suit for damages on ground of attack on personal rights of Erdoğan was filed.

Year-on-year, legal actions were taken against 93 people including 42 journalists on charge of attacking personal rights of then Prime Minister and President Recep Tayyip Erdoğan. For instance, four journalists and one politician were in total sentenced to 2 years, 10 months and 27 days in prison. New lawsuits were brought against eight journalists and one former deputy on charge of defaming the president. The trial was still going on about eight journalists and two political party members. Furthermore, one journalists, one newspaper and one website were sentenced to pay fine of 28,000 TL for attacking personal rights of Erdoğan.

12 gag orders, 24 shut downs, Internet cuts...

During the period of October-November-December 2016, at least 12 gag orders or temporary gag orders were issued. Eight news sites were censored. 24 media organs were shut down by Statutory Decrees, properties of 54 journalists were confiscated.

Bans on leaving or entering Turkey were issued against two journalists from international media. One journalist's permanent press card was not renewed, two others' press cards were cancelled.

While some Peoples' Democratic Party (HDP) MPs were arrested, regional Internet cuts affecting Internet journalism negatively occurred. Cloud storage systems like Dropbox were censored in the Red Hack investigation. Bans were imposed on one signboard and two protests. Five more censorship cases occurred in addition to those.

Year-on-year, 18 TV channels were excluded from digital platforms such as Tivibu, Digiturk and TURKSAT, 13 news sites, four books, two magazines, two humor magazines, one newspaper coverage, one brochure, one panel, one commemoration were censored, four confidentiality orders and three gag orders were issued and accreditation discrimination occurred in at least two incidents.

In the entire year of 2015, six gag orders, five confidentiality orders, 10 accreditation discrimination incidents had taken place. Furthermore, 118 websites, 353 Twitter accounts, 339 news and columns, 21 TV and two journalists faced censorship. 12 videos, seven books, five humor magazines, four movies, two magazines, two journalists, one documentary, one brochure, one panel, one commemoration, one election film, one poster, one picture were censored.

Defaming: One journalist was convicted, 62 years in prison demanded in total for seven others

During the period of October-November-December 2016, one local journalist was sentenced to pay fine of 7,300 TL over defaming, and to pay fine of 10,000 TL over attacking personal rights. There are still seven journalists facing trials in which 62 years and 4 months in prison demanded for them.

Year-on-year, seven journalists were in total sentenced to 2 years, 2 months and 7 days in prison and to pay fine of 19,850 TL. Lawsuits against 13 journalists were ongoing and additional lawsuits were lodged against five of them. Two journalists acquitted. Two journalists were sentenced to pay fine of 9,000 TL on charge of attacking personal rights.

During 2015, 15 journalists and one website were in total sentenced to 5 years, 8 months and 17 days in prison and to pay fine of 49,940 TL. Three journalists were sentenced to pay fine of 14,000 TL on charge of attacking personal rights.

11 lifetime imprisonments, threat of 2,500 years in prison

In the period of October-November-December 2016, 73 journalists were tried in accordance with the Anti-Terror Law (TMK). In total, 547 years and 6 months in prison was demanded for the

journalists. Five journalists were sentenced in total to 15 years 2 months and 3 days in prison, five journalists acquitted, one journalist's case dropped due to prescription.

38 of the 73 journalists had attended "Editors-in-Chief on Watch" campaign launched by Özgür Gündem newspaper. No decision was issued on January as part of these investigations as of January 1, 2017.

99 journalists faced trials in which 1,606 years and 6 months in prison demanded on charges of "being a member of an [illegal] organization" and "aiding [illegal] organization". 10 times aggravated life imprisonment, one life imprisonment and 257 years in prison were demanded for 16 journalists on charges of "disrupting unity and integrity of the state", "espionage", "damaging, obtaining or releasing the documents that are related to state security".

18 journalists were tried on charge of "promoting crime and criminal", five on charge of "insulting Turkishness", two on charge of "inciting people to animosity and hostility", one on charge of "insulting religious values", one on charge of "insulting memory of Atatürk". In total 79 years were demanded for the journalists. Two of these journalists acquitted of charge of "inciting people to animosity and hatred". One journalist was tried over "violating confidentiality" and sentenced to pay fine of 2,100 TL; a lawsuit demanding 4.5 years in prison was brought against a journalist.

The sum of the penalties demanded for all these accusations make 10 aggravated life imprisonments, one life imprisonment, and 2,494 years and 6 months in prison.

During 2015, three journalists were sentenced to 6 years 3 months and 22 days in prison in accordance with the Anti-Terror Law, and to pay fine of 24,000 TL. The trial demanding 337 years and 6 months in prison for 26 journalists was ongoing. While two acquitted, lawsuits were brought against two others. Trials demanding 135 years in prison for 18 journalists had dropped due to prescription.

No decision was issued by the Constitutional Court in six months

The Constitutional Court didn't issue any decision in the last three months as in the period of July-September. The court also didn't find Turkish Penal Code Article 299 contrary to the Constitution with respect to the act of "defaming the president".

During this period, applications to the Constitutional Court continued: When Cumhuriyet newspaper couldn't get a positive result from its objection as to its 10 employees being arrested as part of "FETÖ investigation", it appealed to the Constitutional Court. The case will be brought to the European Court of the Human Rights (ECtHR) if they cannot receive a positive conclusion. Furthermore, Diyarbakır Bar Association applied to the court due to the Internet cuts that occurred in this region.

Year-on-year, the Constitutional Court had ruled violation of freedom of expression and communication occurred in individual applications of one writer, one radio outlet and one news site and fine of 5,094 TL be paid.

During 2015, within the scope of 12 verdicts issued in response to the applications of six journalists, four politicians or local authority, one writer, one radio channel and one website, the court had ruled fine of 42,990 TL be paid. Besides, it ruled that a journalist be paid fine of 55,000 TL over “torture in custody”, and another one be tried again due to the fact that he wasn’t previously justly tried.

Turkey was convicted by the ECtHR of three cases

During the period of October-November-December 2016, the ECtHR sentenced Turkey to pay fine of 8,500 Euros for “violating freedom of expression” in applications submitted by a journalist, a conscientious objector and a party representative. Journalists Murat Aksoy and Atilla Taş, who were arrested on September 2, 2016 as part of “FETÖ” investigation, applied to the ECtHR when no progress was made in domestic law.

Year-on-year, Turkey was condemned to pay fine of 19,060 Euros in the lawsuits filed by three legists, two journalists and one politician again for violating freedom of expression.

During 2015, the ECtHR had condemned Turkey to pay fine of 42,043 Euros on the same charge in lawsuits filed by 26 people including five journalists, three legists, one politician and one retired soldier.

2,500 media workers were left unemployed

During the period of October-November-December 2016, seven journalists and media workers were fired or forced to quit the job. Following the State of Emergency, over 2,500 media workers were left unemployed after over 170 media organs were shut down. Journalists’ Association of Turkey (TGC) stated that as many as 10,000 employees were left unemployed in the last year.

The journalists who haven’t lost their job and don’t want to give up on their right of freedom of expression continue to do their job under an intense auto-censor.

Year-on-year, at least 213 journalists and media workers were either discharged or forced to quit the job. This figure was 348 for the year of 2015.

RTÜK: Heavy penalties were imposed on “insulting” broadcastings

The RTÜK issued six warnings, 11 fines against TV establishments; imposed five fines and one warning against radio establishments. The council imposed a fine of 1,559,955 TL in total on

radio and TV channels. During this period, the heaviest penalties were imposed on “using Turkish gauchely” and “insulting broadcastings”.

Year-on-year, the RTÜK had issued 24 warnings and imposed 23 fines against TV establishment. The council hadn’t issued a warning nor imposed fine against radio channels. The council had fined radio and TV channels of 1,175,106 TL.

During 2015, the TV channels had received 69 warnings, 168 fines; the radio channels received four warnings and four fines. The broadcasting establishments received fine of 9,905,674 TL in total. (EÖ/BA/TK)