

BİA MEDIA MONITORING 2017 / APRIL-MAY-JUNE

Turkey has entered a phase of decoupling with democratic world due to the heavy destruction in (OHAL) put into effect in the wake of July 15, 2016 and statutory decrees implemented under the OHAL.

Expressing concern for a long time, international politics and rights organizations have warned President Recep Tayyip Erdoğan and the government recently. As European Parliament President Antonio Tajani said that “Turkey will be left out of European perspective in case capital punishment is enacted”, Council of Europe Human Rights Commissary Nils Muijnicks asked for “urgent help for re-construction of freedom of the press and expression”.

European Parliament (EP) Rapporteur to Turkey Kati Piri in her report said that “Accession negotiations must be suspended if the constitutional package is implemented without any change”.

Condition of press freedom in Turkey, which has been running accession negotiations with the European Union for 15 years, is better than only 25 countries. According to Reporters Without Borders’ (RSF) World Press Freedom Index, Turkey ranked 155th among 180 countries.

BIA Media Monitoring Report that covers April-May-June period reveals that 136 media representatives are behind bars, 22 journalists ignored by the Constitutional Court are also abandoned by the European Court of Human Rights as well, the OHAL Commission to discuss media closures hasn’t done its job, and 301 journalists live with the threat of 142 aggravated lifetime imprisonment, 5 lifetime and 4,259 years and 10 months in prison in total in Turkey.

18 journalists who were charged with insulting President Recep Tayyip Erdoğan were tried with 90 years in prison; nine of them were sentenced to 4 years, 5 months and 20 days in prison and they were fined 84,000 TL (16,000 Euros) in total. Four other journalists met prison on this ground as convict or suspect.

Headlines from the Media Monitoring

BIA Media Monitoring Report has sections such as “murdered journalists”, “imprisoned journalists”, “assault, threat and obstructions”, “prosecutions, lawsuits brought and ongoing lawsuits, verdicts”, “insulting, personal rights and compensations suits”, “bans, closings”, “Constitutional Court”, “ECtHR and Radio and Television Supreme Council (RTÜK)”.

During the three months, prosecutions were carried out on the basis of Turkish Penal Code (TCK) and Anti-Terror Law (TMK); not only charges of “membership of an armed terror organization”, “aiding an illegal organization”, “illegal organization propaganda” or “forming an

illegal organization”, but also “participating in the coup” or “targeting state’s integrity and country’s unity” were pressed against them.

136 imprisoned journalists await trial/freedom

136 journalists entered Jul 1 in prison. 78 of the arrested journalists consist of members of Gülen Community media as 30 from Kurdish media. Besides, 11 Cumhuriyet newspaper staff are under arrest on charge of “aiding and propagandizing for the Fethullahist Terror Organization (FETÖ)”. Nine other journalists are in prison on charges of “being a member of illegal organizations” or “propaganda”.

84 of the 136 journalists are still undergoing prosecution or no indictment was prepared for them; 23 have been tried as 19 are convicted; in the same period of 2016 32 journalists were in prison; half of them are still convicted and five of them were being tried and 11 were facing prosecutions.

AYM bypasses “OHAL Year”

Following the coup attempt, the Constitutional Court (AYM) whose two of its members were arrested didn’t take a single verdict concerning freedom of expression to its agenda in the period of April-May-June 2017. Furthermore, the AYM didn’t see the file of 22 journalists, who were kept in prisons under heavy isolation for months, as of July 1.

22 arrested journalists wait for the ECtHR

The ECtHR fined Turkey 1,500 Euros in total in the files of two applicants one of whom is arrested and the other is an accountant for “violating freedom of expression” in the period of April-May-June of 2017.

Like the AYM, the ECtHR didn’t take the applications about heavy isolation, arbitrary arrest and ill-treatment that the journalists faced to its agenda for six months. then, the Turkish government was asked to send its plea about imprisoned Cumhuriyet newspaper staff until October 2; seven journalists including Ahmet Altan, Mehmet Altan, Nazlı Ilıcak and Murat Aksoy were asked to send to their pleas until October 4.

In conclusion, being held in Silivri and Bakırköy prisons under heavy isolation, Ahmet Altan, Mehmet Altan, Şahin Alpay, Nazlı Ilıcak, Ali Bulaç, Murat Aksoy, Atilla Taş, Murat Sabuncu, Akın Atalay, Önder Çelik, Turhan Günay, Mustafa Kemal Güngör, Kadri Gürsel, Hakan Karasınır, Musa Kart, Güray Tekin Öz, Bülent Utku, Ahmet Şık, Deniz Yücel, Tunca Öğreten, Mahir Kanaat Ömer Çelik wait for ECtHR’s decision.

16 detentions four of whom from international media

In April-May-June 2017, 16 journalists four of whom were from international media were detained. For instance, French Mathias Depardon was detained in Hasankey. He was transferred to Antep Repatriation Center. Depardon was deported after kept waiting for a month.

In the same period of last year, 33 journalists and media workers were detained, two media outlets were raided, at least three international media representatives were deported. In the entire 2016, 201 journalists and media workers were detained.

Assaults against journalists increased

At least five journalists faced physical and two faced verbal assaults during April-May-June 2017. Besides, three journalists were threatened. For instance, home of İrfan Değirmenci, who was fired by Kanal D TV, was shot; Ali Bayramoğlu who left Yeni Şafak newspaper was assaulted; Habertürk reporter Leyla Ünal was assaulted by the municipal police; Milliyet newspaper sports reporter Bilal Meşe was assaulted by Arda Turan.

In the same period of last year, 26 journalists and one journalism organization's office were assaulted and that one Syrian newspaper was killed. Besides, four journalists and media outlet were threatened.

In 2016, 56 of the media workers who were working in conflict zones were assaulted. As six media organs became target for other assaults, one Syrian newspaper was killed during this period. Again last year, 118 journalists and five media outlets were threatened.

Turkish Criminal Law / Anti-Terror Law

In the period of April-May-June 2017, 301 journalists faced 142 aggravated life imprisonments, 5 life imprisonments and 4,000 years and 10 months in prison in total on charges such as "participation in the coup attempt, being a member of an illegal organization", "propagandizing for a terrorist organization", "defaming the President" and "insulting state institutions".

In this quarter, 54 journalists and media representatives among the above mentioned 301 faced 142 aggravated life imprisonments on charge of "participating in the coup attempt". 2 of these were sentenced to 45 years in prison in total. Five journalists are standing trial on charge of "disturbing the integrity and unity of the state" facing life imprisonment.

40 journalists have stood trial facing 306 years in prison on charge of "propagandizing for an illegal organization" and "including statements of an illegal organization". Four of these were acquitted, five others were sentenced to 10 years and 3 months in prison (2 years and 6 months deferred).

167 journalists are standing trial facing 3,798 years in prison on charges of such as "managing an illegal organization", "being a member of an illegal organization", "committing crimes in the name of an illegal organization as a non-member" and "aiding a terrorist organization".

11 journalists have stood trial on charge of “insulting the Turkish Nation and security forces” and in accordance with the Article 301 of the Turkish Penal Code, seven of the cases were new. Four journalists were sentenced to 2 years and 2 months in prison (deferred). Three journalists are still standing trial facing 30 years in prison on charge of “praising the crime” and “inciting to committing crimes”. One journalist faces 4 years and 6 months in prison on charge of “insulting the memory of Atatürk”.

Defamation

In the period of April-May-June 2017, two journalists are standing trial in defamation cases facing 9 years and 4 months in prison in total.

In the same quarter of last year, four journalists were sentenced to 1 year, 5 months and 15 days in prison as well as to a punitive fine of 10.380 Euros. One journalist was acquitted, the case of another was dropped on conditional pardon, and seven others were still standing trial.

In the entire year of 2016, 22 journalists and an authority of a website were sentenced to 8 years and 2 days in prison as well as to a punitive fine in amount of 24.580 Euros. Five journalists were sentenced to compensation payment of 6.910 Euros in moral damages. Four journalists were acquitted of the same charges while the cases of two others were dropped on conditional pardon.

Suspects of “Defaming President Erdoğan”

In the period of April-May-June 2017, 18 journalists stood trial on charge of “Defaming President Erdoğan” facing 90 years in prison, nine of these were sentenced to 4 years, 5 months and 20 days in prison as well as to a punitive fine in amount of 20.720 Euros.

Authorities from BirGün daily, İbrahim Aydın and Berkant Gültekin convicted and put to Kırklareli Prison were released on probation. While there was no acquittal decision in this quarter, detained journalists Kazım Kızıl and Ozan Kapanoğlu were arrested.

Seven journalists newly sued on charge of crimes under Article 299 of the Turkish Penal Code as well as their colleagues still standing trial face 42 years and 1 months in prison. In addition, new investigations have been launched against journalist Ahmet Şık who is already arrested. When taken all these data in account, in this quarter, there are 19 journalists who became suspects of cases of “defaming President Erdoğan”.

This respective article which begun to be applied since August 2014 where President Erdoğan was elected President against criticism and complaints regarding President Erdoğan has set the ground for sentencing 35 people 19 of whom are journalists to 35 years and 12 days in prison (15 years, 1 month and 20 days deferred) and to punitive fine of 15.415 Euros in total as of March 31, 2017.

Censorship, bans and Wikipedia

In the period of April-May-June 2017, censorship was imposed on at least 6 websites, 47 articles and reports, 3 Twitter messages, one book as well as one film. There was at least one case of accreditation discrimination and passports of 46 media workers were cancelled. In addition, there were three other cases of censorship. The access to the world's most well-known internet encyclopedia Wikipedia has been blocked for 2 months in Turkey!

Impunity cannot be prevented

Turkey has been able to even prevent impunity in murder cases in the 90s of journalists such as Musa Anter, Uğur Mumcu and Ahmet Taner Kışlalı. In the Hrant Dink murder trial which has been going on for 10 years the blame has been out on the “Fethullahist Terrorist Organization” which used to be the “Ergenekon Terrorist Organization” earlier. While the trials of 26 suspects in cases regarding the attacks of AKP circles against Hürriyet daily still continue, cases have been brought against 19 people three of whom are arrested and five others are ranking personnel regarding the occupation of Doğan Media Center on the night of the coup attempt and one person being killed.

The forensic medicine reports of over 10 journalists who were attacked while on duty in Midyat was demanded only 10 months after the incident. Journalist Seray Şahiner has filed a complaint against being taken into custody after her hotel room in Bursa was entered without permission do to a press trial which was mentioned as the reason for the raid.

Agos weekly with a black wreath and messages were convicted. Another positive development was that the conviction of a suspect in many crimes including the murder of journalist Naji El Jerf from Syria in Gaziantep in December 2015.

4 employees quitted / were forced to quit

In the period of April-May-June 2017, four journalists and media workers were made redundant, were forced to resign. Two of these journalists were working in media organs which are close to the Government. One journalist had to leave her/his position as the program she/he was hosting was no longer being broadcasted. In this quarter, the humor magazine Penguen and Al Jazeera Türk also stopped broadcasting/being issuing.

Supreme Board of Radio and Television

In the period of April-May-June 2017, the Supreme Board of Radio and Television has imposed 30 fines and 11 warning fines on TV outlets, as well as 8 monetary fines and three warning fines on radio outlets due their reports, articles and programs. The board has imposed punitive fines in amount of 1.687.000 Euros in total. (EÖ/BA/DG/TK)

* Condition of imprisoned journalists and media workers in Turkey has been reflected on public in different ways on both national and international platforms. As some organizations and initiatives carry out their defenses based on them being "journalist", some others predicate their defense on "whether they are in prison due to journalistic practices". They may even come to different conclusions even departing from the same criteria. BIA Media Monitoring Report doesn't try to determine who is a journalist and not. The imprisoned journalists are accepted as journalists since the media outlets they work for identify them in that way, and the report evaluates imprisoned journalists by taking into consideration the legal steps taken against them through Turkish Penal Code or Anti-Terror Law.