

BİA MEDIA MONITORING 2017 / JULY-AUGUST-SEPTEMBER

122 journalists entered prison in October. 296 journalists and media representatives faced 182 lifetime imprisonment and 3,036 years and 8 months in prison over the TCK and TMK. 109 journalists and media workers were discharged or forced to quit.

Attempting to base the international cooperation on a strategic ground rather than democratic values, Turkey has shut its ears to critics against rights violations committed during the State of Emergency in the wake of July 15, 2016 coup attempt. However, the issue of freedom of the press has acquired an unprecedented international dimension.

Arrest of Deniz Yücel and Meşale Tolu has stirred a diplomatic crisis with Germany: Turkey issuing Interpol Red Notice for the journalists and writers abroad has drawn criticism from the West: United Nations (UN) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye and Council of Europe Commissioner for Human Rights Nils Muijnicks have become a party in the cases at the European Court of Human Rights (ECtHR) of imprisoned journalists.

The Organization for Security and Co-Operation (OSCE) Freedom of Expression Representative Harlem Desir demanded release of the journalists. UN Commissioner for Human Rights Zeyd Raad Al Hüseyin urged Turkey not to extend the State of Emergency.

BIA Media Monitoring Report that covers the period of July-August-September 2017 shows that 122 journalists entered prison on October 1; 296 face 182 aggravated lifetime imprisonment and 3,036 years in prison on charges of "participating in the coup", "insulting state institutions", "defaming the president"; the journalists who have been spending their times under heavy isolation have been started to be released amid exchanges between the Constitutional Court and the ECtHR.

Turkey where journalist Murat Çelikkan was arrested when his sentence of 18 months in prison was approved on charge of joining symbolic solidarity campaign launched for Özgür Gündem newspaper, and 29 journalists were convicted for defaming "President Erdoğan", ranked 155th in 180 countries in Reporters Without Borders (RS) World Freedom of the Press Index.

Headlines from the Media Monitoring Report

BIA Media Monitoring Report includes sections such as "murdered journalists", "imprisoned journalists", "assault, threatening and obstructions", "investigations, opened-ongoing cases, verdicts", "insult, cases of personal rights and fines", "bans, closings, pulling off the shelves", "Constitutional Court", "ECtHR" and "Radio and Television Supreme Council".

Legal proceedings were launched against the journalists over Turkish Penal Code (TCK) and Anti-Terror Law (TMK) during three months: charges of "being a member of an armed organization", "propagandizing for an illegal organization", "forming illegal organization", "participating in the coup" and "targeting unity of the state and integrity of the country" were pressed against the journalists.

68 defendants, 35 suspects, 19 convicts

122 journalists being tried for their occupational activities or political files entered prison on October 1. 75 of the imprisoned journalists were from pro-Gülen media, and 28 from Kurdish media.

3 of the imprisoned journalists were from Cumhuriyet newspaper, 15 from Sözcü, Die Welt, BirGün, Evrensel, Socialist Solidarity Magazine, ETHA News Agency, Özgür Gelecek, Nokta, Emek-Adalet, Eylül Hapishane, Odak, Atılım, Yeni Evrede Mücadele, Mezitli FM, Diken, and a freelance photo-reporter.

During this period, the imprisoned journalists faced charges such as "participating in the coup", "attempting to abolish the constitutional order", "cooperation with armed organizations such as FETÖ (Fethulahist Terror Organization), PKK (Kurdistan Workers' Party), DHKP-C (Revolutionary People's Liberation Party-Front), MLKP (Marxist-Leninist Communist Party), TKEP/L (Communist Labor Party of Turkey/Leninist), Direniş Hareketi (Resistance Movement)". Trial of 68 of the 122 imprisoned journalists still continues, 35 of them were still under investigation. Only 19 of them are convicted.

107 journalists were in prison in the same period of 2016. 71 of the arrested journalists were from the pro-Gülen community media, and 29 from pro-Kurdish media. 82 of the 107 journalists' investigations were continuing. 18 of them were convicted, one waits for the verdict of Supreme Court, and 5 others were being tried.

Constitutional Court

The Constitutional Court whose two members were arrested following the coup attempt ignored at least 22 complaints concerning arbitrary arrests of journalists during and in the wake of the coup attempt, and it rendered three verdicts on freedom of expression in the period of July-August-September 2017.

The court ruled that memurlar.net news site officer Hakan Yiğit, who received punishment due to the news report titled "Gülen Meeting Eldest Brother Reported on Internet", be paid 2,000 TL (465 Euros) of immaterial compensation and 2,027 TL for legal expenses. Complaints of Bölgesel Sabah Yıldızı TV and Staff Colonel Engin Kabadaş were rejected.

Not being a party to the arbitrary arrest of the journalists and their isolation for 14 months, the ECtHR didn't render any verdict about Turkey in terms of freedom of expression in the period of July-August-September 2017.

The ECtHR asked the government of Turkey to submit its statement for defense for Ahmet Altan until October 2, and for 7 journalists including Ahmet Altan, Mehmet Altan, Nazlı Ilıcak and Murat Aksoy until October 4. 8 of the 22 journalists were released as the ECtHR had rendered this verdict.

14 detentions in 3 months

14 journalists or media workers were detained during the period of July-August-September. 7 of the journalists were detained over "Kurdish question", and 4 others were detained as part of the "FETÖ" investigation.

In the same period of previous year, 78 journalists and media staff had faced detentions. Furthermore, there were detention warrants for 24 of them in the days following the coup attempt; houses of 6 journalists were raided; 1 journalist was being kept in house confinement. Throughout the whole 2016, the number of detentions were 201 21 of which were related to the State of Emergency period.

3 assaults 1 of which was homicide against journalists

1 Syrian woman journalist was killed; at least 2 journalists were physically assaulted; 6 were threatened; 1 faced attempted assault in the period of July-August-September.

In the same period of 2016, 7 journalists and 2 media bureaus were attacked; 2 journalists were threatened; 2 were reportedly subjected to ill-treatment. During the whole 2016, 56 of the media workers who worked at conflict zones were assaulted. In this period, 6 media organs were attacked, and 1 Syrian journalist was killed. Again in 2016, 118 journalists and 5 media outlets were threatened.

Trials

In total, 296 journalists and media representatives faced 182 lifetime imprisonment and 3,036 years and 8 months in prison over the TCK and TMK during July-August-September 2017.

72 of these journalists face 182 aggravated lifetime imprisonment on charge of "participating in the coup attempt" or "disrupting unity of the state".

In the aforementioned 3-month, 35 journalists have been tried on charge of "propagandizing for an illegal organization" or "covering illegal organizations' statements" facing 262 years in prison; journalist Murat Çelikkan was arrested when his sentence of 18 months in prison was approved

on charge of joining symbolic solidarity campaign launched for Özgür Gündem newspaper. Jülide Kural was sentenced to 15 months in prison and fined 6,000 TL (1400 Euros), and Derya Okatan was fined 7,000 TL. Both penalties were approved. Besides, Oktay Candemir was sentenced to 18 months in prison for "propagandizing for PKK" in four different news reports.

In the last 9 months, at least 18 people namely, Şanar Yurdatapan, İbrahim Bodur, Cengiz Baysoy, İmam Canpolat, Çilem Küçükkeleş, Nadire Mater, Yıldırım Türker, Hasan Cemal, Faruk Balıkçı, Dicle Anter, Derya Okatan, Kumru Başer, Ayşe Batumlu, Jülide Kural, İlham Bakır, Murat Uyurkulak, Beyza Üstün and Murat Çelikkan have been sentenced to 220 months and 15 days in prison as well as to 62,000 TL (14,320 Euros) for participating in the solidarity campaign with the Özgür Gündem daily in accordance with the Anti-Terror Law put into action to maintain the opposition under pressure.

175 journalists are standing trial on facing 2,695 years in prison in total for crimes such as "conducting a terrorist organization", "being a member of a terrorist organization", "committing crimes on behalf of a terrorist organization as non-members and "aiding a terrorist organization". 5 other journalists are still standing trial on the charge of "praising the crime" and "inciting to crime" facing 37.5 years in prison. 1 journalist faces 4 years and 6 months in prison for "insulting the memory of Atatürk".

Defamation

In the period of July-August-September 2017, journalists Ahmet Şık and Barış Terkoğlu stood trial in a defamation case facing 9 years and 8 months in prison, journalist Melis Alphan was acquitted in a libel suit.

In the same period of last year, 1 local journalist was sentenced to a judicial fine in amount of 17,300 TL (3.996 Euros) and to compensation payment in moral damages. In the same period, 7 journalists were standing trial facing 62 years and 4 months in prison in total as well as compensation payment of 100,000 TL (23,100 Euros) in moral damages.

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.

Cases of "defaming President Erdoğan"

In the period of July-August-September 2017, journalist Çağlar Özbilgin was sentenced to 11 months and 20 days in prison for "defaming the President" in accordance with the article 299 of the Turkish Penal Code.

3 journalists, namely Ertuğrul Mavioğlu, Çağrı Sarı and Kazım Kızıl were sued for "defaming the President" in their articles, view and critics while the trial of other 3 journalists namely, Hüsni Mahalli, Ahmet Altan Nasuh Mahruki still continue. They face 28 years in prison in total. In addition, arrested journalist Ahmet Şık and journalist Fatih Portakal are still under investigation for defaming President Erdoğan. Journalists Kazım Kızıl and Ozan Kaplanoğlu who stood trial on the same charges have been released pending trial.

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.

Closures, broadcast bans, access blocks...

In the period of July-August-September 2017, at least 3 media outlets were closed through statutory decrees, 3 TV channels were thrown out of the satellite Türksat, 2 broadcast bans were imposed, 6 magazines were banned in prison, access block has been imposed on 1 website, and 14 news reports and articles, and there was 1 case of accreditation discrimination. In addition, there were 4 cases of bans and censorship.

In the same period of 2016, under State of Emergency, 775 press cards were cancelled, the passports of 46 journalists were cancelled, the passports of arrested Şahin Alpay's daughter, Ercan Gün's son and Can Dünder's wife Dilek Dünder, were seized. A motion was submitted to seize the passports of 5 other journalists. In this period, 155 media outlets (TV, radio, newspaper and publishing house) were closed, 3 broadcast bans and temporary broadcast bans were imposed, 18 websites were closed, 4 web news articles were censored, there were 7 cases of intervention in a broadcast. In addition, 2 journalists were deported and 1 newspaper was pulled off the shelves.

Impunity

As a part of the investigation launched after Ayn el Vatan newspaper's Editor-in-Chief İbrahim Abdulkadir and its reporter Faris Hammadi were killed two years ago in Şanlıurfa, Islamic State of Iraq and Syria (ISIS) suspect, Muaz el A was captured.

Following the decision of the Constitutional Court partial trial, the 25-year "Umut (Hope)" Trial started again for five people who were convicted earlier. An indictment was handed down regarding abduction and murder of journalist Haydar Meriç six years ago.

The legal remedies sought by 12 TV and 11 radio channels which were closed through through a cabinet decision issued under the State of Emergency were hindered on the grounds that the closure decision was not issued through a statutory decree.

No progress was made for 16 months regarding the massive assaults against over 10 journalists who wanted to report on the bobm attack in Midyat. The employees of Özgür Gündem newspaper, İMC TV and DİHA being detained after being battered by police in August 2016 will not be brought to trial either.

Lay offs

In the period of July-August-September 2017, 109 journalists and media workers were laid off, of were forced to resign. There were 4 lay offs in İzmir and approximately 100 lay offs Turkey wide alone in Doğan News Agency.

In the same period last year, approximately 2,500 journalists and media workers were left unemployed due to statutory decrees. In the entire year of 2016, the number of the journalists and media workers left unemployed had reached 2,708. Yet the Journalists' Association of Turkey (TGC) had announced that the number of lay offs due to the closure of 179 media and broadcast outlets had reached 10,000.

Supreme Board of Radio and Television

In the period of July-August-September 2017, Supreme Board of Radio and Television (RTÜK), imposed 8 fines on TV channels due to their news, movies and shows, and 3 fines on radio channels. TV and radio channels were sentenced to pay administrative fine of 3,734,705 TL (862,595 Euros) by the RTÜK.

In the same period of last year, the board had imposed 5 warnings, 5 monetary fines and stopped 1 broadcast. Monetary fine was imposed on 1 radio outlet. The monetary fines imposed by the board had reached 300,698 TL (69 451 Euros).

In the entire year of 2016, the RTÜK had imposed has imposed 50 warnings and 112 monetary fines on TV outlets and stopped one broadcast as well as imposed 7 warnings and 11 monetary fines on radio outlets. The total amount of fines imposed for violating broadcasting principles had reached 15,907,627 TL (3,674,143 Euros).

**The situation of the journalists and media workers in prison in Turkey is being made public both on national and international level.*

Some organizations and initiatives advocate for these journalists using the criteria of them "the occupation as a journalist" as a baseline while others base on the criteria that these journalists are "behind bars for performing journalism". These organizations and initiatives can even obtain different results sometimes, although they use the same criteria as a baseline.

BİA Media Monitoring Report uses for defining journalists behind bars and those identified as journalists by the outlets they are working in, the criteria that these have been subjected to some kind of a legal action in accordance with the Turkish Penal Code or Anti-Terror Law, without referring to any determination or conclusion drew in terms of performing journalism.

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