

BİA MEDIA MONITORING 2017 / ONE YEAR OF JOURNALIST, MEDIA

Turkey has wasted its legal acquisitions, which it gathered over the last 15 years but could never fully internalize, as the empowered presidential system has fortified. Turkey has been trying to deal with the violations caused by the judicial system.

The Justice and Development Party (AKP) government has suspended the right of expression and media under the name of “security” with the coup attempt that occurred a year after the Resolution Process ended in July 2015.

Despite critical statements of international bodies such as the United Nations (UN), Organization for the Security and Co-operation in Europe (OSCE) and European Union (EU), the government continues to enact statutory decrees. The State of Emergency (OHAL) Commission, which was established to address the objections raised against statutory decree practices, hasn’t still proven effective.

The Constitutional Court and the European Court of Human Rights (ECtHR), which shut their eyes to arbitrary detentions of at least 22 journalists, cast shadow upon national and international rights organizations’ activities to defend journalists and luminaries.

According to BİA Media Monitoring Report 2017, the number of journalists facing prosecution over Turkish Penal Code (TCK) and Anti-Terror Law (TMK) reached 520 on January 1, 2018. The figure was 220 in the first three months. The aforementioned journalists faced 237 aggravated lifetime imprisonment and 3 thousand 672 years and 6 months in prison in total.

17 journalists and columnists were sentenced to 8 years 4 months and 10 days in prison, and were fined 136 thousand 500 liras on charge of “insulting the President” in the recent year. Even though the number of imprisoned journalists decreased to 122 from 131, Turkey is still “one of the biggest journalists’ prison in the world” in the eyes of the Reporters Without Borders (RSF) and Committee to Protect Journalists (CPJ).

122 journalists are in prison

131 journalists entered 2017 in prison due to their occupational activities. This figure climbed to 136 with arrests from Kurdish media, Cumhuriyet newspaper and Gülen Community affiliated media outlets in the first half of the year. In the second half, this figure dropped to 122 as of January 1, 2018.

Of the 122 imprisoned journalists 21 are convicted, 66 have been tried, 31 have been facing investigation, and four await the outcome of their objection to their convictions.

79 of the imprisoned journalists are in prison as part of the “Fethullahist Terrorist Organization (FETÖ)” investigation. 24 journalists were associated with organizations such as “PKK/PYD/YDGH”. The remaining 19 journalists from Cumhuriyet (3) Evrensel (1), Die Welt (1), Sosyalist Dayanışma dergisi (1), Atılım (1), Eylül Hapishane magazine (1), ETHA Ajansı (2), Emek-Adalet magazine (1), Özgür Gelecek (1), Odak (1), Mezitli FM radio channel (1), Yeni Evrede Mücadele Birliği Magazine (1), Nokta (1), TV10 (1), Solyayin.com (1), and one is a freelance photo-reporter.

Of the 131 journalists who entered 2017 in prison, 18 are convicted, seven have still been tried and 106 have been under investigation.

85 detentions one year

In total 85 journalists including 31 from Gülen Community affiliated media outlets, 20 from Kurdish media, five international media representatives were detained in 2017. This figure was 201 in 2016 when the State of Emergency was put into effect.

Murder, assault and threat

In 2017, one Syrian woman journalist was killed in İstanbul, 20 journalists, one newspaper and one publishing house was assaulted. During this period, 12 journalists and five media outlets were threatened, and five journalists were verbally assaulted.

In 2016, 56 of the media workers working in conflict zones were attacked. Besides, six media outlets were attacked and one Syrian journalist was murdered. Again in 2016, 118 journalists and five media outlets were threatened.

Convictions by TCK 299

In 2017, 17 journalists and columnists were sentenced to 8 year 4 months and 10 days in prison, and fined 136 thousand 500 liras on charge of “insulting the President” regulated under TCK Article 299. Four journalists were acquitted, case of one journalist dropped by lapse of time. Six journalists were facing new lawsuits at the end of the year.

TCK 299 constituted the basis for at least 35 people including 34 journalists to be sentenced to 42 years 5 months and 2 days in prison in total and to pay 188 thousand 500 liras administrative fine over “criticisms and complaints” against Recep Tayyip Erdoğan from August 2014 when Erdoğan became president to January 1, 2018.

In 2016, 16 people including 12 journalists were sentenced to 15 years and 4 days in prison and to pay fine of 42 thousand liras in total for “insulting the president”. 31 people including 13 journalists were acquitted in the lawsuits brought by TCK 299.

Jurisdiction used TCK 299 against journalists, rights defenders, academics, students and thousands of citizens in spite of the criticisms raised by the Council of Europe, Venice Commission and European Union. Besides, the Constitutional Court recently took a controversial decision asserting that TCK 299 “doesn’t constitute contrariety to the Constitution”.

Broadcasting ban, censorship, social media

2017 passed with unquestionable administrative and criminal censorship practices put into effect by statutory decrees enacted under the OHAL in the wake of July 15, 2016 coup attempt. In 2017, six temporary or permanent broadcasting ban; three accreditation discrimination; 47 passport and one press card cancellation; closing of three media outlets occurred. During this period, 10 websites; six newspapers; 97 news reports or articles; eight books; six magazines; three Twitter messages; eight caricatures were censored in addition to various nine censorship cases.

In 2016, 778 press cards were cancelled, 54 journalists’ properties were confiscated. In total 29 temporary or permanent broadcast ban incidents occurred. 179 media outlets were closed; 49 journalists’ passports were cancelled; three accreditation discrimination took place. Furthermore, 300 Twitter and 33 YouTube accounts; 79 Instagram links; 323 news reports and 76 websites were censored.

520 defendants by TCK/TMK

In 2017, 520 journalists, columnists, reporters and media representative faced 237 aggravated lifetime imprisonment and 3 thousand 672 years and 6 months in prison in total.

2016’da, üç gazeteci “devletin güvenliğine ilişkin belge yayınlamak”tan 12 yıl 6 ay; ikisi “örgüt üyeliği”nden 55 yıl hapse; biri “gizliliği ihlal”den 2 bin 100 TL adli para cezasına mahkum edilmişti. 22 gazeteci ve bir site yetkilisine “hakaret” suçlamasıyla 8 yıl 2 gün hapis ve 99 bin 670 TL adli para cezası verilmişti. beş gazeteci toplam 28 bin TL manevi tazminat cezasına mahkum edilmişti. Dört gazeteci bu suçlamadan aklanırken ikisine dava şartlı afla düşmüştü.

“Espionage”, “illegal organization”, “insult”

In 2017 two journalists were sentenced to 45 years in prison in total on charges of “plotting coup” or “threatening security of the state”; six were sentenced to 60 years and 6 months in prison on charge of “being a member or executive of an illegal organization”; eight were sentenced to 4 years and 3 months in prison on charge of “insulting state institutions”; five were fined 43 thousand 840 liras; one was sentenced to 1 year and 3 months in prison by “Law on Protection Atatürk’s Memory”. So, in total 22 journalists were sentenced to 111 years in prison and to pay fine of 46 thousand 840 liras in 2017.

In 2016, three journalists were sentenced to 12 years and 6 months in prison on charge of “releasing documents related to the security of the state”; two were sentenced to 55 years in prison on charge of “being a member of an illegal organization”; one was fined 2 thousand 100 liras for “compromising confidentiality”. 22 journalists and one website authority were sentenced to 8 years and 2 days in prison and to pay administrative fine of 99 thousand 670 liras over “insult”. Five journalists were fined immaterial compensation of 28 thousand liras.

31 journalists were convicted by the TMK

Şanar Yurdatapan, İbrahim Bodur, Cengiz Baysoy, İmam Canpolat, Çilem Küçükkeleş, Nadire Mater, İbrahim Bodur, Cengiz Baysoy, **İmam Canpolat, Çilem Küçükkeleş, Nadire Mater, Yıldırım Türker, Hasan Cemal, Faruk Balıkcı, Dicle Anter, Derya Okatan, Kumru Başer, Ayşe Batumlu, Jülide Kural, İlham Bakır, Murat Uyurkulak, Murat Çelikkan** and Beyza Üstün, who were prosecuted for participating in Editor-in-Chief on Watch campaign launched by Özgür Gündem daily, were sentenced to 220 months and 15 days in prison and were fined 62 thousand liras in total.

During 2017, in total 31 journalists were sentenced to 54 years 10 months and 29 days in prison on the basis of the TMK.

In 2016, 13 journalists were sentenced to 32 years 8 months and 3 days in prison by the Anti-Terror Law, which was a subject of debate with the European Union about the visa exemption.

Constitutional Court left the “OHAL” to the ECtHR

In 2017, the Constitutional Court condemned Turkey to pay fine of 23 thousand 427 liras upon the applications of four journalists, one television channel, one radio channel, and publisher and one soldier.

However, the court didn't take 22 journalists' application to its agenda during 2017. The journalists were arrested under the OHAL.

In 2017, the ECtHR condemned Turkey to pay fine of 205 thousand 430 euros (782 thousand 927 liras) upon applications of 23 people for violating freedom of expression.

In 2016, it was ruled that 11 people including seven journalists be paid 27 thousand 590 euros. It was also ruled for one journalist to be paid fine of 2 thousand euros over “unjust arrest”.

166 journalists are unemployed in 2017

In 2017, 166 journalists and media employees were fired, forced to quit or the programs they prepared or hosted were ended.

In 2016, 2 thousand 708 journalists and media employees were fired or forced to quit. However, Journalists' Association of Turkey (TGC) had stated that as many as 10 thousand people were left unemployed after 179 media outlets were closed by the statutory decrees. (EÖ/APA/TK)

