

## BİA MEDIA MONITORING / 2018 JANUARY-FEBRUARY-MARCH

Happy May 3 World Press Freedom Day!

Turkey is entering May 3 World Press Freedom Day as journalists have been imprisoned in groups despite solidarity acts by international rights organizations. We can also underline the mainstream Doğan Group's transfer to pro-government Demirören group.

It has become very difficult to talk about critical independent media, which doesn't side with the government but people's right to information. The gap between "democratic world" is increasing. Election preparations are made under State of Emergency conditions.

Covering January-February-March 2018, BiA Media Monitoring Report 301 journalists, columnists, executives or illustrators have been facing 20 aggravated lifetime imprisonment, one lifetime imprisonment, 3 thousand 158 years 6 months and 8 days in prison, 2 thousand 545 TL administrative fine and 2 million 545 thousand compensation.

According to the report, journalists were sentenced to 3 aggravated lifetime imprisonment, 210 years 5 months and 22 days in prison on charges of "plotting coup", "propagandizing for an illegal organization", "being a member of an illegal organization", "insulting state institutions", or "insulting the President".

Sections such as "murdered journalists", "imprisoned journalists", "assault, threat and obstructions", "impunity/rights seeking", "investigations, filed or ongoing lawsuits", "insult, personal rights and suits for damages", "bans, closings, pulling off the shelves", "Constitutional Court", "ECtHR" and "Radio and Television Supreme Council" are included in the report.

### 121 prisoners

121 journalists who have been tried due to their occupational activities and political cases entered prison on April 1. 75 of the arrested journalists were working at media outlets that are affiliated with Gülen Community, and 31 others were from Kurdish media.

During this period, the arrested journalists faced with charges of "plotting coup", "attempting to abolish constitutional order", "aiding or cooperating with armed organizations such as FETÖ, PKK, DHKPC, MLKP, DHKP-C, TKEP/L, Resistance Movement".

36 of the 121 journalists are still being tried; 36 are still under investigation. Only 22 of the imprisoned journalists are convicted, 27 others appealed to the higher court.

In the same period of 2017, 16 of the 118 journalists were convicted and 18 others were being tried. Investigation against 84 journalists was ongoing.

17 of the 23 detentions are related with Kurdish Question.

During January-February-March, 23 journalists, photo-reporters or media workers were detained. 17 of the journalists were detained as part of the operations related with “Kurdish Question” during Turkish Armed Forces’ Afrin operation.

In the same period of last year, 38 journalists 22 of whom as part of “FETÖ” investigation, three from Kurdish media and one from international media were detained.

For whole 2017, 85 journalists 31 of whom were pro-Fethullah Gülen Community media outlets, 20 from Kurdish media and five from international media were detained. This figure was 201 in 2016 when coup attempt occurred and State of Emergency was put into effect.

Two journalists were assaulted, one journalist and two media outlets were threatened during January-February-March 2018. An international media representative’s Twitter account was hacked.

In the same period of 2017, at least seven journalists and one publishing house were attacked; two journalists were subjected to verbal threat. Besides, four media organs were threatened by government officials. For the whole 2017, one Syrian woman journalist was killed in İstanbul, 20 journalists, one newspaper and one publishing house were attacked. Furthermore, 12 journalists and five media outlets were threatened, five journalists were subjected to verbal assault.

## **Discrimination in struggle against impunity**

While some cases against the journalists are resolved quickly, the others are left as open-ended investigations. Three former captains, who were imprisoned in the trial related to the raid against Doğan Group at the coup night, were sentenced to aggravated lifetime imprisonment on charge of “violating constitutional order”. Ahmet Berakat, who was tried for allegedly killing Syrian activist Oruoba Barakat and his journalist daughter Halla Barakat, were sentenced to lifetime in prison twice.

Investigations into wiretapping, kidnapping and killing of journalist Haydar Meriç about 143 police continue.

10 journalists being attacked by law enforcers and a group while covering bomb attack launched on Midyat Security Directorate on June 8, 2016 has been unpunished for 22 months.

On the other hand, Nicosia Court in Cyprus convicted six of the defendants who were detained for attacking Afrika newspaper in one month.

## **TCK and TMK**

20 journalists and media representatives were being tried on charge of “participating in coup” and facing 20 times aggravated lifetime imprisonment. In one of these cases, three journalists were sentenced to aggravated lifetime imprisonment.

During the aforementioned three months, 49 journalists faced 276 years in prison in total on charges of “propagandizing for an illegal organization” or “covering statements of an illegal organization”. While six of them were sentenced to 12 years and 9 months in prison, one was acquitted. New lawsuits were brought against four journalists.

During this period, 143 journalists have been facing 2 thousand and 159 years in prison on charges of “managing an illegal organization”, “being a member of an illegal organization”, “committing crime on behalf of an illegal organization as non-member”. While 25 of them were sentenced to 174 years and 6 months in prison, eight others were acquitted. New lawsuits were brought against seven of them.

10 journalists were tried on charge of “insulting Turkish nation and law enforcers” as per Turkish Penal Code (TCK) Article 301, facing 21 years and 6 months in prison in total. Five of them were sentenced to 6 years and 2 months in prison, two others were acquitted.

10 journalists are still facing 32 years in prison in total on charge of “praising crime” and “inciting to commit crime”. While one of them was sentenced to 5 months in prison on charge of “inciting to commit crime”, a lawsuit brought on charge of “praising crime” was recent. Two journalists appeared before judge facing 6 years in prison on charge of “violating confidentiality”. While one of them was acquitted, the other’s case is new. Three journalists faced 13 years and 6 months in prison on charge of “inciting people to enmity and hostility”, the of lawsuits were new. One journalist was acquitted in the trial in which he was being tried for “insulting memory of Atatürk”.

Sum of penalties that 250 journalists faced were 20 aggravated lifetime imprisonment, one lifetime imprisonment and 3 thousand 21 years and 6 months in prison. Trials concerning “insulting” and insulting the President” are not included in this calculation, which is about the number of defendants and penalties.

### **38 journalists suspected of “insult”**

In the period of January-February-March 2018, 30 journalists faced 76 years and 4 months in prison in total as part of criminal cases filed against them on charge of “insult.” While one journalist was acquitted, the court cases against four journalists were filed in this period. Eight journalists also faced pecuniary and non-pecuniary damages of 2 million 545 thousand TRY in total. While the case filed against one journalist was dismissed, the cases against six journalists were filed in this period.

During the same period last year, as part of criminal cases filed on charge of insult, five journalists were sentenced to pay a judicial fine of 43 thousand 840 TRY in total

Throughout 2017, one journalist was sentenced to 1 year, 5 months and 15 days in prison and five journalists were sentenced to pay a judicial fine of 43 thousand 840 TRY in total while one journalist was acquitted.

## **“Insulting” the President**

In the last three months, as per the Article 299 of Turkish Penal Code and on charge of “insulting the President,” eight journalists were sentenced to 16 years, 7 months and 22 days in prison in total (of which, 3 years, 2 months and 22 days were suspended) and to pay a judicial fine of 21 thousand TRY in total. Four journalists were acquitted after their trials.

Moreover, due to their articles, opinions and criticisms, 10 journalists still face 46 years, 6 months and 6 days in prison on the same charges. New criminal cases were filed against three journalists.

There are also investigations launched against the journalist Ahmet Şık, the Editor-in-Chief of Evrensel newspaper Fatih Polat and the reporter of Cumhuriyet newspaper Alican Uludağ. As it is, in the last months alone, 28 journalists were the aggrieved, defendants and suspects of Erdoğan.

In the same period last year, as per the Article No. 299 of Turkish Penal Code, 10 people, two of whom were journalists, were sentenced 8 years, 11 months and 20 days in prison in total, which were suspended, and to pay a judicial fine of 20 thousand 500 TRY in total. While new criminal cases were filed against three journalists as per the Article No. 299 of Turkish Penal Code, three journalists were acquitted and one case against one journalist was abated due to prescription. The criminal cases filed against four journalists were still continuing. The number of journalists, against whom criminal cases or investigations were launched as per the Article No. 299, was 24.

Throughout 2017, 17 journalists and columnists were sentenced to 8 years, 4 months and 10 days in prison in total (of which, 4 years, 10 months and 10 days were suspended) and a judicial fine of 136 thousand 500 TRY in total as per the Article No. 299 of Turkish Penal Code. While four journalists were acquitted, one criminal case was abated due to prescription. At the end of the year, new criminal cases were filed against six journalists.

The Article 299 of Turkish Penal Code, which started to be enforced for criticisms and complaints directed against Erdoğan as of August 2014, when the President of Turkey was elected, paved the way for conviction of at least 42 journalists between August 2014 and April 1, 2018.

## **Censorship, Inhibition**

In the period of January-February-March 2018, censorship was imposed on 9 news websites, 73 Internet news reports, 5 newspapers, 3 newspaper articles, one TV channel, one TV series, one

letter and one report. 35 Internet news reports, which commented that “the Parliament protects child abusers” upon the official answer of the Parliamentary Spokesperson İsmail Kahraman about child abuse, were also subjected to censorship.

In the same period last year, there were at least three permanent or temporary publication and broadcast bans, censorship of three websites, ban or blocking of three newspapers, one book and one movie, one accreditation discrimination, cancellation of one press card and one passport and deportation of one international media representative.

Moreover, İsmail Saymaz, who was invited to the province of Bolu to talk about occupational homicides, was not provided with a hall; HaberTürk TV cancelled the program invitation previously made to the Nationalist Movement Party (MHP) MP Yusuf Hacaloğlu, who declared that he would cast a “No” vote at the referendum on April 16, 2017; Hürriyet newspaper did not publish the interview with the writer Orhan Pamuk, where he said that he casted a “No” vote at referendum.

As for the year 2017, it was marked by a series administrative and penal censorships which could not be questioned due to the State of Emergency declared after the coup attempt on July 15, 2016 and statutory decrees issued afterwards. In 2017, there were six temporary or permanent publication and broadcast bans, three accreditation discriminations, cancellation of 47 passports and one press card and closure of three media organs as per statutory decrees. In this period, censorship was imposed on 10 websites, six newspapers, 97 website news reports or articles, eight books, six magazines and journals, three tweets and eight comics as well as nine other censorship incidents.

## **Constitutional Court**

In the period of January-February-March 2018, in response to the applications submitted by three journalists, one newspaper and one attorney, the Constitutional Court ruled for a compensation of 58 thousand 663 TRY in total including court expenses on charge of violation of freedom of expression.

It was only on January 11, 2018 that the Constitutional Court could acknowledge the rights of the journalists who were unlawfully arrested after the coup attempt on July 15, 2016 and whose demands for release were systematically rejected by the local courts and judgeships.

The Constitutional Court ruled that the former columnist of Zaman newspaper Şahin Alpay and Chief Editor of Cumhuriyet newspaper’s book supplement Turhan Günay’s rights had been violated. However, the Heavy Penal Courts resisted the related Constitutional Court rulings, which led to the criticism, “The Constitutional Court is not an effective judicial remedy in terms of individual applications.” Alpay could only be released on March 16, when a second rights violation ruling was made by the Constitutional Court after its first ruling on January 11, 2018 was not implemented.

In the period of January-February-March 2018, in response to five different applications submitted by five journalists (Şahin Alpay, Mehmet Altan, Türkan Aydoğan, Fevzi Saygılı and Ali Karataş) and one entrepreneur, the European Court of Human Rights (ECtHR) sentenced Turkey to pay a compensation of 52 thousand Euro (approximately 245 thousand 300 TRY) for violating the Article No. 10 of the European Convention on Human Rights. The file of Abdurrahman Dilipak was rejected.

After the coup attempt on July 15, 2016, it was only on March 20, 2018 that the ECtHR started to conclude the cases of arrested journalists, whose files were pending for more than a year, in Turkey, where a number of articles of the European Convention on Human Rights, except for the right to life, were suspended.

## **Radio and Television Supreme Council**

In the period of January-February-March 2018, Radio and Television Supreme Council (RTÜK) stopped the broadcasts of 28 TV channels, imposed 17 fines and one warning punishment on them while it stopped the broadcasts of five radio channels and imposed five fines on them. In total, the Council stopped the broadcasts of 33 channels, imposed administrative fines of 3,408,899 TRY in 22 proceedings and gave one warning punishment.

## **Disemployment of journalists**

In the period of January-February-March 2018, 10 journalists and media employees were dismissed from their jobs; their employment was terminated after the programs that they prepared/ presented were ended or they were forced leave their jobs after the institutions they that they worked for passed into the hands of different groups. (EÖ/TK/SD)