

BİA MEDIA MONITORING / 2018 OCTOBER-NOVEMBER-DECEMBER

The BİA Media Monitoring Report has shown that in the period of October-November-December 2018, 233 journalists and media representatives faced 10 aggravated life imprisonment, one life imprisonment, 2 thousand 552 years and 10 months in prison and 3 million 928 Turkish Lira (TRY) in pecuniary and non-pecuniary damages in total. The report has also been manifesting the widespread censorship faced by the media in Turkey.

In this period, 25 journalists became defendants and suspects for "insulting Erdoğan. The Article no. 299 of the Turkish Penal Code (TCK), which started to be implemented for criticisms and allegations about Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan since August 2014, when he was elected President, became the basis of prison sentences or judicial fines given to at least 54 journalists until January 1, 2019.

You can find the following chapters in the BİA Media Monitoring Report: "killed journalists", "assaults, threats and obstructions", "impunity / right-seeking", "investigations, opened-ongoing cases, verdicts", "insults, personal rights and actions for compensation", "Constitutional Court", "ECtHR" and "Radio and Television Supreme Council".

123 imprisoned journalists

123 journalists in Turkey entered January 1 in prison over their journalistic activities or political cases. While 47 of these 123 journalists were convicts and trials of 34 of them were still continuing, an investigation was launched against 30 of them and 12 journalists took their cases to the Court of Appeal or the Supreme Court of Appeals after being convicted.

In October-November-December 2018, seven journalists were arrested. While four of them (Murat Aksoy, Atilla Taş, Kibriye Evren, Rojhat Doğru) were imprisoned as convicts or defendants, three of them (Hakan Gülseven, Berivan Bila, Sedat Sur) were arrested and released in the same period. Max Zirngast, a columnist from Austria, Ece Sevim Öztürk and Şirin Kabakçı, who were previously arrested, were released on probation in this period.

12 detentions

In the period of October-November-December 2018, 12 journalists were taken into custody. Ten of these journalists were detained as part of investigations related to the "Kurdish Question."

In the same period last year, 17 journalists and media workers were detained. While 10 of them were taken into custody as part of "Kurdish Question"-related investigations, five of them were detained as part of investigations related to "FETÖ" (Fethullahist Terrorist Organization, which is held responsible for the coup attempt on July 15, 2016).

Throughout 2017, 85 journalists in total were detained; while 31 of them were working at media outlets affiliated with Fethullah Gülen Community, 20 of them were working at the Kurdish media and five of them were from international media. In 2016, when the coup attempt took place and State of Emergency was declared, this number of detained journalists was 201.

One journalist murdered; two journalists and two media outlets threatened

In the period of October-November-December 2018, Washington Post columnist and journalist Jamal Khashoggi from Saudi Arabia was murdered inside the Consulate General of Saudi Arabia in İstanbul on October 2. Two journalists (Fatih Portakal and Nalin Öztekin) and two media outlets (Cumhuriyet newspaper and Odatv news website) were threatened: Fox TV anchor Fatih Portakal was threatened by both President Erdoğan and Ottoman Hearths. After Cumhuriyet was targeted by Minister of Interior Süleyman Soylu, a vehicle owned by the newspaper was hit by a bullet while it was in the car park of its central office in Şişli, İstanbul.

In the same period last year, six journalists and one media organization were assaulted. Among the ones threatened with death were again Fatih Portakal and workers of the Cumhuriyet newspaper. Moreover, Fatih Altaylı and Burcu Yıldırım also faced the same situation.

Throughout 2017, one woman journalist from Syria was killed in İstanbul; 20 journalists, one newspaper and one publishing house were attacked. Moreover, 12 journalists and one media outlet were threatened and five journalists were verbally attacked.

Turkish Penal Code (TCK) and Anti-Terror Law (TMK): 183 media representatives at court

In October-November-December 2018, 10 journalists or media representatives have been facing 10 aggravated life imprisonment in total on charges of "participating in the attempted coup" or "damaging the unity of the state." Nine journalists have been facing one life imprisonment and 500 years in prison in total on charges of "espionage" or "acquiring and publishing the confidential documents of the state."

In this period, 100 journalists faced a total of 1,514 years in prison on charges of "leading a terrorist organization", "being a member of a terrorist organization", "committing crimes in the name of a terrorist organization as a non-member" and "aiding a terrorist organization" over their journalistic activities or political cases. While three of these 100 journalists were sentenced to 26 years, 9 months and 15 days in prison in total, 20 of the lawsuits were filed in this period.

In the last three months of 2018, 51 journalists or media workers faced 352 years and 6 months in prison in total on charge of "propagandizing for a terrorist organization" or "reporting the statements of a terrorist organization as news." While one journalist was acquitted of the charged offence, three journalists were sentenced to 11 years, 1 months and 20 days in prison

in total (6 months and 7 days deferred). Four of the lawsuits were filed in this period. The sentences previously given to six journalists were also upheld by the court of appeal in this period.

Four journalists faced 8 years in prison for "denigrating state institutions"; while two of the lawsuits were filed in this period, one journalist was given deferred prison sentence of 6 months and 7 days. Three journalists faced 9 years in prison in total for "praising the crime and the criminal." While three journalists faced 8 years, 6 months in prison in total on charge of "inciting the public to enmity and hatred" or "denigrating religious values", one journalist was given a deferred prison sentence of 5 months as per the Article 216 of the Turkish Penal Code. While one journalist faced 3 years in prison for "violating the confidentiality of the communication", one journalist faced 4 years and 6 months in prison for "insulting the memory of Atatürk."

On all of the above-mentioned charges, 182 journalists faced 10 aggravated life imprisonment, one life imprisonment and 2 thousand 399 years and 10 months in prison in total. The lawsuits filed for "insult" and "insulting the President" are not included in this calculation.

36 journalists suspects or defendants for "insult"

In this three-month period, 31 journalists faced 83 years and 4 months in prison in total as part of lawsuits filed for "insult". While one of the journalists was acquitted of the charged offence, two journalists were sentenced to 2 years, 11 months and 12 days in prison in total (1 year, 8 months and 25 days deferred). Two of the lawsuits were filed in this period.

In the same period, five journalists (one of them an illustrator) and five media organizations were facing non-pecuniary damages of 3 million and 928 thousand TRY on charge of "attack on personal rights" or "insult." While one illustrator and one media organization were sentenced to pay 18 thousand TRY in damages, the claim for damages of 1 million 500 TRY was rejected. The claim for damages of 360 thousand TRY was filed in this period.

In October-November-December 2017, nine journalists also faced 30 years and 4 months in prison in total on charge of "insult"; while one journalist was sentenced to 1 year, 5 months and 15 days in prison, one journalist was acquitted of the charged offence. Moreover, 22 media workers faced 51 years, 4 months in prison in total as part of newly filed lawsuits. Five journalists, two newspapers, one website and one cartoonist were facing 2 million 790 thousand TRY in pecuniary or non-pecuniary damages; the claim for damages of 200 thousand TRY was rejected by the court.

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 Turkish Lira . A verdict of acquittal was given for one journalist.

"Insulting Erdoğan"

In the last three months, 15 journalist in total faced 70 years in prison in total due to their views and criticisms regarding President Recep Tayyip Erdoğan; while one of these journalists was acquitted, five journalists were sentenced to 8 years, 2 months and 22 days in prison in total (2 years, 9 months and 20 days deferred). Moreover, either new investigations were launched or existing investigation continued against 10 journalists (Ahmet Sever, Berivan Bila, Hasan Cemal, Nurcan Gökdemir, Deniz Varlı, Fatih Portakal, Selma Erdal, Alican Uludağ, Kutlu Esendemir and Levent Gültekin) as per the Turkish Penal Code. That being the case, in the last three-month period, 25 journalists became either suspects or defendants of Erdoğan.

In the same period last year, five journalists were given deferred prison sentences of 1 year, 11 months and 10 days and judicial fines of 42 thousand TRY in total on charge of "insulting the President" as per the Article 299 of the Turkish Penal Code (TCK). One journalist was acquitted in the trial. While news lawsuits were filed against six journalist for "insulting the President", the lawsuits of 14 journalists were continuing. 20 journalists in total faced 98 years in prison. When two journalists, against whom an investigation was launched, is included in the count, the number of journalists who became suspects or defendants of Erdoğan reached 28.

Throughout 2017, 17 journalists and columnists were sentenced to prison for 8 years, 4 months and 10 days (4 years, 10 months and 10 days deferred) and fined 136,500 TRY in total as per the Article 299. While four journalists and columnists were acquitted, one case was abated because of the statute of the limitations. At the end of the year, six journalists faced new lawsuits.

Because of the Article 299 of the TCK, which began being implemented in August 2014 against criticism and allegations against Recep Tayyip Erdoğan, who was elected president at the time, provided a basis for conviction of 54 journalists by January 1, 2019.

327 links to news stories censored, Wikipedia has been banned for 20 months

In the period of October, November and December 2018, 327 news stories on the Internet were denied access. Two publishing/broadcast bans were issued regarding national topics, access to one news website was prohibited. World's most popular internet encyclopedia Wikipedia has been banned for 20 months on the ground that it contains content which targets the government of Turkey! From Çalık Holding to Kalyon Construction, businessperson Akın İpek and actor Kivanç Tatlıtuğ, many persons and entities got news articles on the Internet banned. In this period, Turkish Airlines' ban on critical newspapers were once again discussed, one interview was prevented from being published, two reporters were prevented from doing their jobs and one prison letter was banned.

In the same period last year, 36 news and articles, eight comic strips, six books and three newspapers were censored. Two publishing/broadcasting bans were imposed and at least two other incidents of censorship took place in that period.

The year 2017 passed with unquestionable acts of administrative and penal censorship due to the State of Emergency declared and the Statutory Decrees issued after the coup attempt on July 15, 2016. In 2017, six temporary or permanent publishing/broadcast bans, three cases of discrimination in accreditation, cancellation of 47 passports and one press card and shutdown of three media organizations upon Statutory Decrees took place. In the same period, 10 websites, six newspapers, 97 news stories and articles on the Internet, eight books, six magazines, three tweets and eight comic strips were censored. Nine other incidents of censorship also took place.

Priority for "risk free" cases at the Constitutional Court

The Constitutional Court recognized that the right to freedom of expression of two journalists, one news website and one police officer was violated and ruled for a compensation of 8,227 TRY (including legal expenses) in total.

The Constitutional Court took cases which are not risky and do not contradict the security policies of the government into its agenda to some extent while it continues its silence on the complaints regarding arbitrary arrests and heavy isolation on journalists and violation of freedom of press since the coup attempt on July 15, 2016. The Court broke this silence only on January 11, 2018, when it ruled for the release of journalist Şahin Alpay and academic Mehmet Altan. Employees of the Cumhuriyet newspaper and other media organizations could go to prison, as convicts this time, in case the General Assembly of the Constitutional Court does not give its verdict on their applications on time.

ECtHR leaves Turkey alone

In the period of October, November and December 2018, no verdicts of the European Court of the Human Rights (ECtHR) regarding Turkey in terms of freedom of expression was announced to public.

After the amendments made to the Internal Regulations in May 2017, the ECtHR, which took action for the first time on the applications regarding the arrested journalists in Turkey with the verdicts on Şahin Alpay and Mehmet Altan it gave on March 20, 2018, has retreated into silence again.

Many journalists who were arrested just after the coup attempt on July 15, 2016, such as Ahmet Altan and Nazlı Ilıcak, are awaiting verdict regarding their applications over "unjust arrest."

As a matter of fact, United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression David Kaye and former Commissioner for Human Rights of Council of Europe Nils Muiznieks as well as 13 rights organizations promoting and defending the freedom of expression and freedom of the press in the world also got involved in the case files of journalists, who were still in prison under conditions of heavy isolation or had just been released.

Struggle against impunity

The trial regarding the abduction and killing of journalist Haydar Meriç is continuing. A police officer, who was said to be conducting physical surveillance on the journalist, was sentenced to 23 years and 4 months in prison for charges such as "unlawful wiretapping" and "being a member of the FETÖ".

Murat Şahin, who carried out an armed attack on Can Dündar, the former Editor-in-Chief of the Cumhuriyet newspaper, got away with a 10-month prison sentence for "carrying a weapon without permission" and a 4,500 TRY of administrative fine for wounding NTV reporter Yağız Şenkal. The attack by the security forces and a civilian group on the journalists who were reporting on the attack on the Midyat Security Directorate in Mardin province was left with impunity.

A lawsuit was filed against seven judges and prosecutors for "misconduct" and "restricting freedom" on the ground of arresting investigative journalist Ahmet Şık in a plot in March 2011.

The Umut Case (Hope Case), which also includes the killings of journalists Uğur Mumcu and Ahmet Taner Kışlalı in the 1990's, is continuing under two separate files, one regarding the bomber Oğuz Demir and the other regarding the five perpetrators for whom the Constitutional Court requested retrial. On the other hand, those who were responsible for the bombing of the Özgür Ülke newspaper after the order of the then Prime Minister Tansu Çiller have never been touched.

Radio and Television Supreme Council

In the period of October, November and December 2018, the Radio and Television Supreme Council (RTÜK) stopped the broadcasts of 23 TV programmes and issued 37 fines for TV channels. No action was taken against the radio channels in this period. The Council stopped 37 programs on TV channels and imposed 5,297,702 TRY of fines in total.

37 journalists become unemployed in three months

In the period of October, November and December 2018, at least 37 journalists, columnists or editorial office personnel were dismissed or forced to leave their jobs as a result of editorial transition of the media groups they were working for. In this period, critical journalists who worked for their organizations for years such as Şirin Payzın, Ferhat Boratav, Deniz Zeyrek and Gökçer Tahincioğlu left their jobs.

In the same period last year, 46 journalists and media workers were either dismissed or forced to leave their jobs. On the other hand, four former employees of the Sputnik Turkey Group filed lawsuits for reemployment.

Throughout 2017, 166 journalists and media workers were dismissed, forced to leave their jobs or became unemployed after the programmes they prepared or presented were canceled. (EÖ/APA/VK/SD)

** One US Dollar equals to 5.37 Turkish Liras as of January 17, 2019*