

BİA MEDIA MONITORING 2018 / ONE YEAR OF THE JOURNALIST AND MEDIA

Termination of the resolution process of the Kurdish question in 2015 and the coup attempt in 2016 caused the media to be a target of repression through security policies, just as the civil society and the academy.

In 2018, many international organizations such as the Organization for Security and Co-operation in Europe (OSCE), the European Parliament, the Committee of Ministers of the Council of Europe and international journalism organizations have raised their voice against unlawful practices in Turkey. Institutions like the state broadcaster TRT and General Directorate of Press, Broadcast and Information (BYEGM) have become affiliated with the presidency in the new system of an empowered presidency, and the preparations for more strict control on the media has been completed.

Documenting that at least 125 media employees were convicted upon Anti Terror Law and Turkish Penal Code, BİA Media Monitoring Report almost lets us know that "the arrested journalists will become convicted" in 2019.

The report underpins that apart from a couple of judgments in the first months of 2018, the European Court of Human Rights (ECtHR) and the Constitutional Court have become functionless.

In the last two years, 7 journalists have been sentenced to five life sentences and 45 years in prison in total for "attempting coup" and "targeting the security of the state"; 64 journalists have been sentenced to 480 years and 2 months in prison in total for "managing a terrorist organization", "being a member of a terrorist organization" and "aiding a terrorist organization"; 52 journalists have sentenced to prison for 122 years, 6 months and 3 days (14 years, 10 months and 7 days of sentences deferred) upon the Anti Terror Law.

123 journalists were behind bars due to occupational and political activities. 47 journalists were taken into custody, 19 reporters and one media organization were assaulted, 20 journalists, reporters and columnists were convicted of "insulting the President" because their news stories and criticism. At least 2,950 news stories on the internet were blocked upon the rulings of the Penal Courts of Peace.

123 journalists behind bars

While 122 journalists entered 2018 in prison, this number became 123 for 2019, with new verdicts of release and conviction throughout the year.

47 of the 123 imprisoned journalists were convicted, while 34 were still on trial. 30 journalists were under investigation. 12 was convicted but appealed against the verdicts.

The 73 journalists and media employees who were arrested after the coup attempt on July 15, 2016 in operations related to the "Fethullahist Terrorist Organization / Parallel State Structure (FETÖ/PDY)" were behind bars as of January 1, 2019.

38 journalists and media employees were in prison because of the charges related to the organizations such as Kurdistan Workers' Party (PKK), Kurdistan Communities Union (KCK), Democratic Union Party (PYD) as of January 1, 2019.

47 reporters taken into custody

At least 47 reporters were detained in 2018. 36 of them were taken into custody in Security Directorates or Anti-Terror Branches while they were chasing developments within the scope of the Kurdish question.

This number was 85 in 2017, when the effect of the state of emergency was more intense. 31 of the detainees were from the media organizations close to the Fethullah Gülen Community, 20 were from the Kurdish media and five were from the international media.

The number of detentions was 201 in 2016, 120 in 2015 and 72 in 2014.

One murder, 20 attacks, 74 threats

At least 19 journalists and one media organization were subjected to an attack in 2018. Jamal Khashoggi, a journalist from Saudi Arabia, was killed the country's Consulate General in İstanbul. His body is yet to be found. 70 journalists and 4 media organizations received threats.

In 2017, a Syrian woman journalist was killed in İstanbul. 20 journalists, one newspaper and one publishing house were attacked. 12 journalists and one media organization received threats, one journalist was subjected to verbal assault.

In 2016, 56 media employees working in conflict zones were attacked. Six media organizations were subjected to attacks and one Syrian journalist was killed.

20 journalists convicted for "insulting the President"

At least 20 journalists were convicted to 38 years, 5 months and 4 days (6 years, 10 months and 12 days of which were deferred) in prison and fines of 35,000 TRY (~6600 USD) in total for criticizing or making allegations against President and Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan.

Article 299 of the Turkish Penal Code, which has begun to be applied extensively since Erdoğan's election as president in August 2014, has provided a basis for at least 54 journalists to be given prison sentence, deferred prison sentence or fine.

In 2017, 17 journalists and columnists were sentenced to 8 years, 4 months and 10 days in prison and to pay a fine of 136,500 TRY in total for "insulting the President." Four journalists were acquitted, one case was canceled because of the statute of limitations.

In 2016, 16 people, including 12 journalists were sentenced to 15 years and 4 days (6 years and 2 months) in prison and to pay a fine of 42,000 TRY in total.

The Constitutional Court ruling in 2017 that Article 299 "does not violate the Constitution," despite criticism from the judiciary, Committee of the Ministers of the Council of Europe, Venice Commission and European Union, paved the way for the last year's right violations.

2,950 online news articles censored

In 2018, at least 2,950 online news articles, 77 tweets, 22 Facebook posts, 5 Facebook videos and 10 websites were blocked. Three broadcast bans, one of which was temporary, issued. 8 newspapers, 2 TV channels, 2 letters, 1 report, 1 TV series, 1 interview was censored. Wikipedia, the world's most popular internet encyclopedia, has been censored throughout the year.

2017 passed with unquestionable administrative and penal applications of censorship because of the statutory decrees and the state of emergency declared after the coup attempt on July 15, 2016. In 2017, 6 temporary broadcast bans were issued, three incidents of accreditation discrimination happened, 47 passports and one press card were canceled, three media organizations were shut down upon statutory decrees. 10 websites, 6 newspapers, 97 online articles, 8 books, 6 magazines, 3 tweets and 8 comic strips were censored. 9 miscellaneous cases of censorship also happened.

In 2016, 778 press cards were canceled, 54 journalists' assets were confiscated, 29 broadcast bans, including temporary bans, were issued. 179 media and broadcast companies were shut down upon statutory decrees, passports of 46 journalists were canceled, three incidents of accreditation discrimination happened. 300 Twitter accounts, 33 Youtube links, 79 Instagram links, 323 news articles, 76 websites were censored.

From 2014 to 2018, 45 broadcast bans were issued in order to prevent main topics regarding the country to be addressed.

"Espionage", "terrorism", "insult"

In 2018, 5 journalists were sentenced to aggravated life imprisonment for "attempting a coup"; 59 journalists were sentenced to 419 years and 8 months in prison in total for "being a member of a terrorist organization", "managing a terrorist organization" or "aiding a terrorist

organization"; 7 journalists were sentenced 7 years, 2 months and 7 days (2 years, 2 months, 7 days deferred) in prison in total for "insulting state institutions"; 1 journalist was sentenced to 10 months in prison for "violating private life"; 1 journalist was sentenced to 5 months in prison for "provoking someone to commit a crime". 7 journalists were sentenced to 4 years, 9 months and 17 days (2 years, 8 months and 15 days deferred) in prison for "insult" upon the Turkish Penal Code. 1 illustrator and one media organization were sentenced to 18,000 TRY of compensation in total.

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 sentenced to pay immaterial compensation of 28 thousand liras.

Convicts of Anti-Terror Law

In 2018, at least 21 journalists were sentenced to prison for 67 years, 7 months and 4 days (6 months and 7 days deferred) in total on the charges of "propagandizing for a terrorist organization" or "publishing statements of terrorist organizations." 8 journalists were acquitted.

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 "domestic law" to its own fate

In 2018, the Constitutional Court sentenced Turkey to pay 135,881 TRY of compensation in total in 18 different cases. 10 of the appeals were made by journalists, 1 by a newspaper, 1 by an online portal. But after its verdict in January 2018 for the release of journalists Şahin Alpay, Mehmet Altan and Turhan Güney, it retreated into silence.

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.

The Constitutional Court, after serving an important function for the release of journalists Can Dündar and Erdem Gül, limited itself to applications regarding to freedom of expression which were not related to the state of emergency. It sentenced the state to pay 4,223 TRY of compensation in four different cases, which were filed by two journalists, one educator and one worker.

ECtHR convictions

In 2018, the ECtHR condemned Turkey to pay 73,000 euros of compensation upon applications of 12 people, including six journalists and two publishers, for violating freedom of expression.

In 2017, the ECtHR condemned Turkey to pay 205,430 euros of compensation upon applications of 23 people for violating freedom of expression.

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

157 journalists left unemployed

In 2018, 157 journalists and media employees were fired, forced to resign or left unemployed after the programs they prepare or host were canceled.

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

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.

Radio and Television Supreme Council

In 2018 the Radio and Television Supreme Council (RTÜK) temporarily stopped broadcasts of 67 TV programmes, issued 85 fines and 1 warning to TV networks. 5 radio programmes were temporarily stopped and 1 fine was issued. RTÜK issued 11,951,153 TRY of fines in total.

In 2017, RTÜK temporarily stopped broadcasts of 13 TV programmes, issued 82 fines and 11 warning. It issued 12 fines and 3 warnings for radios. RTÜK issued 21,333,825 TRY of fines in total.

In 2016, RTÜK issued 50 warnings and 112 fines for TV networks and stopped the broadcast of 2 programmes temporarily. It issued 7 warnings and 11 fines for radios. RTÜK issued 15,907,627 TRY of fines in total.

(EÖ/APA/VK)