

BİA MEDIA MONITORING 2013 / APRIL – MAY - JUNE

69 journalists and 30 distributors welcomed the months of April behind bars in Turkey. All of them have been jailed for charges related to "organization linkages" defined by Turkish Penal Code and Anti-Terror Act. Out of 69 journalists and 30 publishers currently jailed in Turkey, 44 journalists and 29 distributors were from the Kurdish media.

Between January and March 2013, 2 defendants - including 1 journalist - was ordered to serve 15 years and 10 months of prison for charges related to Anti-Terror Act in Turkey.

In April 2012 at least 100 journalists and 35 distributors were jailed in Turkey. At the time, Turkish courts ordered 7 defendants - including 4 journalists - to serve 16 years and 11 months of prison for charges related to "terrorism" defined by Turkish Penal Code and Anti-Terror Act.

Highlights from Media Monitoring Report

Topics from BIA Media Monitoring Report include "murdered journalists", "jailed journalists", "attacks, threats and blocks", "prosecutions, new-ongoing trials, verdicts", "Turkish Penal Code Articles 285-288", "defamation, personal rights and non-pecuniary damage demands", "banned, closed, seized publications", "ECHR" and "Turkish Radio and Television High Council".

On March Parliament's Justice Commission approved the "Bill on the revision of several laws in the context of human rights and freedom of expression" - publicly known as 4th Judicial Package. New judicial reforms envisioned penalties for those who "propagate, print or publish material for a terrorist organization" only in the case that the material legitimized, praised or encouraged force, violence or threat.

During this period, several journalists, profession or rights organizations released statements for the release and fair trial of jailed journalists; followed Ergenekon, Oda TV and KCK Media trials; criticized the 4th Judicial Package saying that it was insufficient to remove obstacles against press and expressions freedoms; and demanded the parliament to revise its amendments.

Between January and March 2013, 5 defendants (including 3 journalists) received a total of 90 days of prison and 44,100 liras (roughly 20,000 euros) for charges related to "insult" and "violating personal rights". In addition, Turkish courts found 3 defendants and 1 newspaper guilty of "insulting and violating the personal rights of PM Erdoğan", ordered them to pay him 33,500 liras (roughly 16,000 euros). Two other defendants received warnings.

A total of 34 attacks have been reported at journalists and media representatives. 32 books were seized. Inmates were subjected to limitations regarding their allowed number of reading material. TV programs were canceled. 1 sculpture and 1 film were censored. There have been bans of posters, books and poems. Public school teachers were reportedly put through official investigation regarding their curriculum materials.

It was reported that there are currently 450 cases pending at the European Court of Human Rights (ECHR) related to freedom of expression in Turkey. ECHR found Turkey guilty of violating Article 10 of the Convention, ordering to pay 14 applicants (5 politicians and 9 newspapers/magazines) a sum of 73,500 euros.

Prosecutions related to Anti-Terror Act / Turkish Penal Code

In the period of January-March 2013, prosecutions and arrests related to Anti-Terror Act / Turkish Penal Code resumed in Turkey. Several journalists, distributors and media staff were charged with "being an armed organization member", "committing an illegal, organization crime while not being a member", "aiding voluntarily to an illegal organization while not taking part in the organization's hierarchy" and "founding and managing an illegal organization".

All jailed journalists in Turkey have been charged due to their "connection" with "illegal organizations". Out of 69 journalists and 30 publishers currently jailed in Turkey, 44 journalists and 29 distributors were from the Kurdish media.

Out of 69 jailed journalist, 17 have been convicted and 38 are standing trial. The remaining 14 are waiting for their charges to be made by prosecutors.

Dicle News Agency, Welat, Özgür Gündem

There are currently 16 jailed journalists from Dicle News Agency - 3 have been convicted, 11 are still standing trial and 2 are waiting for their charges to be made. There are currently 8 jailed journalists from Azadiya Welat - 6 have been convicted and 2 are still being tried. There are currently 8 jailed journalists from Özgür Gündem - while 3 of them are former staff, all 8 are still being tried. There are currently 3 jailed journalists from Özgür Halk - 2 have been convicted and 1 is still standing trial. There are currently 2 jailed journalists from Demokratik Modernite - both of them are standing trial.

Attacks, threats

In the period of January-March 2013, journalists and media staff have been subjected to at least 34 verbal, physical and social-media related attacks, threats and bans. Various state institutions blocked a film screening and access to websites. Around the same period in 2012, journalists and media staff have been subjected to at least 9 verbal, physical and social-media related attacks, threats and bans.

“Defamation”

Between January and March 2013, 5 defendants (including 3 journalists) received a total of 90 days of prison and 44,100 liras (roughly 20,000 euros) for charges related to "insult" and "violating personal rights". In addition, Turkish courts found 3 defendants and 1 newspaper guilty of "insulting and violating the personal rights of PM Erdoğan", ordered them to pay him 33,500 liras (roughly 16,000 euros). Two other defendants received warnings.

32 books were seized. Inmates were subjected to limitations regarding their allowed number of reading material. TV programs were canceled. 1 sculpture and 1 film were censored. Posters of Democratic Free Women Movement and Labor Youth have been banned. There have been bans of posters, books and poems. Public school teachers were reportedly put through official investigation regarding their curriculum materials.

Around the same period in 2012, 5 newspapers were subjected through either seizure, confiscation, or sales and distribution ban. In addition, Peace and Democracy Party's Newroz celebration posters were seized by the police and prosecutors launched official investigations on 10 books released by Aram Publishing House.

ECHR

It was reported that there are currently 450 cases pending at ECHR related to freedom of expression in Turkey. ECHR found Turkey guilty of violating Article 10 of the Convention, ordering to pay 14 applicants (5 politicians and 9 newspapers/magazines) a sum of 73,500 euros.

Around the same period in 2012, at least 37 journalists have applied to the court and only 1 application was turned down. The court had found Turkey guilty on one journalist's case of violating Article 10 of the Convention, ordering Turkish state to pay 5,000 euros.

Higher Council of Radio and Television

Turkey's Higher Council of Radio and Television (RTÜK) ordered 97 warnings, 337 disciplinary fines and 2 program suspensions in the January-March period of 2013. Broadcasting licenses of 5 television channels were cancelled according to Law 6112 Article 29/3 which regulated unlicensed media servers. In 2011, the council ordered 863 warnings, 89 disciplinary fines and 3 program suspensions and 1 compulsory disclosure.

The council's warnings on the following issues: "not using TV disclosure symbols" (7), "breaching confidentiality and violating human dignity" (1), "bad usage of Turkish" (8), "harming public health" (84), "violating the superiority of justice" (2), "insulting national-moral values" (1), "contests and lotteries" (1), "undeserved profit" (1), "usage of tobacco products" (1), "presentation of a news piece" (1).

The council's disciplinary fines were on the following issues: "breaching confidentiality and violating human dignity" (7), "bad usage of Turkish" (3), "harming public health" (287), "insulting national-moral values" (1), "undeserved profit" (1), "usage of tobacco products" (3), "violating public gender equality" (1), "broadcasting of obscene content".

The council's broadcasting suspensions were related to "promoting violence".

The remaining fines and warning were on the following technical issues: commercial communication, ads, material replacement, sponsorship, program support.

Around the same period in 2012, the council issued 327 warnings, 94 disciplinary fines and 2 program suspensions. (EG/BM)