

## **BİA MEDIA MONITORING 2007 / JANUARY – FEBRUARY - MARCH**

The 2007 1st Quarterly Media Monitoring Report prepared by the BIA<sup>2</sup> Media Monitoring Desk and covering the months of January, February and March has been released.

This year the Turkish media celebrates the World Press Freedom Day on May 3, grieving and protesting the brutal murder of their colleague Hrant Dink, the Turkish-Armenian journalist who had been murdered on January 19 after being targeted by a series of trials with reference to the infamous article 301 of the Turkish Penal Code.

The three-monthly report discloses that 12 new cases have been launched against journalists and activists. Media Monitoring Desk's 2006 annual report listed 293 people subjected to freedom of expression cases.

### **Four new article 301 cases**

During this period, Ethem Açıkalin from Turkey's Human Rights Association Mersin branch and pro-Kurdish Özgür Gündem daily reporters İrfan Uçar, Sinan Kara and Umut Horzatlı have been tried with article 301, which has been rendered a political issue to which the government turns a blind eye.

The growing list of trials from article 301, which denotes crimes such as "insulting Turkishness", since the adoption of the new Turkish Penal Code just 22 months ago reached more than a hundred activists and journalists.

### **18 attacks and eight threats in three months**

Following Hrant Dink's murder, numerous journalists, activists and websites have been targeted with threats from nationalist circles and groups.

Prof. Dr. Baskın Oran, Prof. Dr. İbrahim Kaboğlu, journalist Can Dündar, Aziz Özer and Necati Abay, singer Ferhat Tunç, activist Eren Keskin and Özgür Radio had received death threats via e-mails.

During the first quarter of 2007, nine media outlets -among them two websites- have been attacked. In 2006, 26 journalists and two media outlets had been attacked while seven journalists had been threatened.

### **Three more blamed for "instigating people to hatred"**

Milliyet editor-in-chief Tahir Özyurtseven and Cem Dizdar with writer Tarhan Erdem are alleged to "instigating a part of the people to hatred" with reference to the article 216 of the Penal Code, following a series of articles titled "Who are we?" based on a public survey that revealed the ethnic, religious and other affiliations of the Turkish people.

The same article laid ground for 35 cases in 2006.

Gaining force with the increasingly polarized political scene in the country, allegations of "insulting Ataturk" -the founder of modern Turkish republic- have increased. Prof. Dr. Atilla Yayla and translator Atilla Tuygan are on trial with such accusations.

In 2006, four writers and journalists have been acquitted in cases related to this article; publisher Ahmet Önal is still on trial.

### **Judiciary hard on the Kurdish issue**

Remaining silent faced with discriminatory content for years now, the Turkish judiciary increased pressure on pro-Kurdish publications while the government continues to press towards a deadlock on the issue.

During March, Ülkede Özgür Gündem, Azadiya Welat, Güncel and Yaşamda Gündem newspapers have been temporarily shut down, from 15 days to one month with reference to the Prevention of Terror Law.

### **Discretion for "news sources" just on paper**

In the south-eastern city of Şırnak, the public prosecutor's office led a raid into the offices of the local Dogan News Agency, confiscating tapes of reporter Emin Bal, thus violating the journalist's right to not reveal his/her sources.

### **"Terrorist propogandation" cases continue**

The prosecution refuses to reveal the charges against Özgür Radyo programmer Fusun Erdoğan and Atılım newspaper editor İbrahim Çiçek, taken under custody during a police operation targeting the illegal Marxist Leninist Communist Party (MLKP) seven months ago.

The recent changes in the Prevention of Terror Law and the Code of Criminal Procedure provide the ability to the prosecution to keep such information from the public.

University student Mehmet Emin Demir, who commented "I'm Kurdish. (Pro-Kurdish guerilla group) PKK is a result, not a cause" during a TV programme has been condemned to 20 months imprisonment for "propagandation of the terrorist organization".

Furthermore, journalists Sinan Kara and Mustafa Koyuncu have been arrested on grounds of "defamation via press", which is more and more penalized with damages in European Law.

### **Disproportional action against cyber crimes**

Faced with allegations of crimes in the cyber space, Turkish courts ruled for disproportional cautions, such as banning access to a whole website for several controversial lines.

Turkish internet users' access to the video sharing portal YouTube had been temporarily blocked by court order following a video allegedly insulting Ataturk. Several other websites such as 8sutun.com or alinteri.net had also been blocked on different grounds.

Antalya public prosecutor's office's decision to seize the March 22 edition of the Hurriyet Akdeniz newspaper before it was dispatched met with protests from journalists' associations on grounds it wasn't a lawful action.

### **And there're good news...**

9th criminal chamber of the Supreme Court of Appeals rejected the claims for the trial of journalists Zihni Erdem of Radikal daily and Derya Sazak of Milliyet daily as well as responsible Hasan Çatalkurt and main opposition People's Republican Party (CHP) MP Esat Canan by the Ministry of Justice with regard to Şemdinli events where a provocation by armed forces had been revealed.

In accordance with the declining number of applications, The European Court of Human Rights (ECHR) condemned Turkey to just 18 thousand YTL (around 10 thousand euros) in contrast with the amount ruled in 2006 (398 000 YTL or around 200 000 euros). (EÖ/EÜ)