

‘Domestic and national’ journalism by force of prison, censorship, seizure!

Drifting apart from the European Union (EU) in terms of not only fundamental rights, but also regional interests as well, Turkey has been witnessing grave abuses of media freedom, which is totally incompatible with the spirit of the Human Rights Strategic Document foreseeing reform until 2023.

The July-August-September 2020 BIA Media Monitoring Report shows that Turkey has become a country where journalists are taken into custody for criticizing an Ottoman Sultan, television channels are silenced for five days for the same reason, the assets of journalists in exile are seized in an attempt to bring them back to the country and violence against especially local journalists ends in impunity as it gets more and more widespread.

Ranking 154th in the 180-country Press Freedom Index of the Reporters Without Borders (RSF) and as one of the countries with the highest circulation of arrest for journalists, Turkey is now likely to cause concerns with restrictions imposed on social media platforms following the common and arbitrary censorship imposed on online reporting.

89 journalists defendants as per a series of law

President and ruling Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan and government officials do not see any harm in promising the best of press freedom and freedom of expression for the country after 18 years in office and sometimes indicating that they have improved freedom of expression and criticism more than ever before.

However, according to the BIA Media Monitoring Report, 81 journalists face life sentences aggravated for 7 times and 760 years, 3 months in prison and eight journalists face 1 million 410 Turkish Lira (TRY) in total in damages as per the Turkish Penal Code (TCK), Anti-Terror Law (TMK), National Intelligence Organization (MİT) Law, Law on Banking Regulation and Supervision Agency (BDDK) and the Law on Capital Market (SPK). National and international professional organizations kept on denouncing these violations on every platform in the last three months.

Prison, judicial control, seizure of assets

Arrested for covering the funeral of a national intelligence officer who lost his life in Libya, Oda TV news website Editor-in-Chief Barış Pehlivan and Oda TV reporter Hülya Kılınc have been sentenced to 3 years, 9 months in prison on charge of "disclosing information and documents related to intelligence activities" and daily Yeni Yaşam executives Aydın Keser and Ferhat Çelik and Yeniçağ columnist Murat Ağirel have been sentenced to 4 years, 8 months, 7 days as per the Article 27/3 of the MİT Law. While Pehlivan, Kılınc and Ağirel have been released on probation despite being convicted in this period, Müyesser Yıldız, who was detained for "military espionage" and arrested, has been in prison for four months.

Arbitrarily arrested pending trial for a year in Turkey while he was the Turkey correspondent of Germany's Die Welt newspaper, Deniz Yücel has been sentenced to 2 years, 9 months, 22 days in prison. Put on trial on charge of "obtaining confidential information for purposes of espionage" due to the news on MIT trucks, the assets of journalist Can Dündar in exile will be seized if he fails to attend his hearing in İstanbul within 15 days.

At least 4 journalists detained

In the July-August-September 2020 period, at least four journalists were detained. While journalist Hakan Gülseven was taken into custody on charge of "insulting the President", Oktay Candemir was detained for allegedly "insulting the memory of a person" as he criticized the names of TV series with the names of Ottoman Sultans. On the grounds that he did not depose relating to the allegation that "he degraded religious values," over which he was previously arrested, journalist Hakan Aygün was also detained.

In this period, journalist Sibel Hürtaş announced that she would file a criminal complaint against the police officers who battered and detained her while she was trying to cover the sit-in protests of bar association chairs who were not allowed to attend the meetings in the Parliamentary Constitutional Commission during the debates on the law amendment foreseeing changes to the structure of bar associations.

11 journalists attacked, 9 were local journalists

In July-August-September 2020, the physical and verbal attacks on especially local journalists caused concerns. In this three-month period, 11 journalists and one journalism association (in Nevşehir) were targeted in physical assaults, the attacks targeted nine local journalists in Diyarbakır, Elazığ, İzmir, Antalya, Ordu, Bursa and İstanbul. This violence committed on different grounds and for different reasons was reminiscent of the violence suffered by local journalists on the streets, most of whom for criticizing the "People's Alliance" after the Local Elections on March 31, 2019.

In the third quarter of 2020, at least five journalists were subjected to verbal assaults and threats. Minister of Interior Süleyman Soylu targeted Tele1 TV channel, Cumhuriyet newspaper's columnist Barış Terkoğlu and Saygı Öztürk from daily Sözcü, who expressed their criticisms about him. Selami Şişman, a member of the Nationalist Movement Party's (MHP) Central Executive Committee, threatened Şirin Payzın.

In the same period last year, at least three journalists were attacked; while two of these journalists were subjected to armed attacks, one journalist was subjected to police violence. In the third quarter of 2019, one media outlet was targeted by a verbal attack and one journalist was threatened. Targeting the journalists who were critical of the People's Alliance partners AKP and MHP in the period following the Local Election on March 31, 2019, the climate of violence continued to affect local journalists for other reasons (in the provinces of Balıkesir and Mersin).

'Insulting President': 3 of 11 defendants were new

In the period of July-August-September 2020, eight journalists (Mustafa Hoş, Ahmet Sever, Engin Korkmaz, Mustafa Sönmez, Oktay Candemir, Cem Şimşek, Erk Acarer and Necla Demir) faced 37 years, 4 months in prison in total on charge of "insulting the President" due to their views and criticisms about President Erdoğan in their articles or books.

While journalist Fatih Portakal faced a new indictment in this period, new lawsuits were filed against Can Ataklı and Mustafa Sönmez. A criminal complaint was filed against Die Welt's reporter Deniz Yücel and an investigation was launched against Hacı Boğatekin on the same charge.

In the same period last year, five journalists in total were facing 18 years, 8 months in prison. Article 299 of the TCK, which began to be widely used because of publications and thoughts regarding Recep Tayyip Erdoğan after he was elected the President in August 2014, constituted the basis for the prison sentences, deferred prison sentences and fines against at least 61 journalists until October 1, 2020.

Minister of Interior Soylu targets Constitutional Court

The Constitutional Court gave the second decision of violation about sendika.org and its successive sites being blocked to access 62 times. The Constitutional Court, which had tensions with the government in the past over the decisions of violation in the cases of journalists such as Tuncay Özkan, Mustafa Balbay and Can Dündar, and Erdem Gül, was targeted by Minister of Interior Süleyman Soylu over a case about "freedom of organization."

The ECtHR is not working, its president is on a trip

In the July-August-September 2020 period, the European Court of Human Rights (ECtHR) ruled that journalist, author and rights defender Ragıp Zarakolu's arrest in the Kurdistan Communities Union (KCK) investigation violated "the right to safety and freedom" and "freedom of expression" and that Turkey shall pay 6,500 Euro to Zarakolu for non-material damages.

ECtHR President Robert Speno receiving an honorary doctorate from İstanbul University and paying a series of official visits, including to President Erdoğan and the Justice Academy, while skipping non-governmental organizations led to strong reactions in terms of "impartiality."

RTÜK: 46 monetary penalties, 15 broadcast suspensions

The Radio and Television Supreme Council issued 46 monetary penalties and 15 broadcast suspensions against TV organizations, no action was taken against radio broadcasters in the July-August-September 2020 period. The Council issued a total of 1 million 190 thousand 026 Turkish lira of monetary penalties against televisions.

In this period, TELE1 channel was given a five-day blackout penalty because of its editor-in-chief Merdan Yanardağ's remarks about Ottoman Sultan Abdulhamid II and Halk TV was given a five-day blackout penalty due to journalist Ayşenur Aslan's criticism of Turkey's foreign policy.

In the same period last year, the RTÜK imposed 9 monetary penalties and 5 broadcast suspension penalties to TV outlets while no action was taken against radios. The council imposed 1 million 180 thousand 146 lira of fines in total.

Seeking rights is to a certain extent, impunity is personal

The case about Saudi Arabia's killing of Washington Post columnist Jamal Khashoggi in its İstanbul Consulate on October 2, 2018, started and the second indictment was released. The trial of public officials for Hrant Dink's killing in Şişli, İstanbul, on January 19, 2007, has been continuing for four years. In order to quickly give a ruling, the court gave up listening to the National Intelligence Organization (MİT) officers who warned the journalist at İstanbul Governor's Office. In the case regarding the killing of intellectual and journalist Musa Anter in 1992, Mahmut Yıldırım, who had the codename "Yeşil" could not be found and a statement could not be taken from former PKK confessor and MİT member Abdülkadir Aygan (Aziz Turan), who is currently in Sweden.

The defendants who are on trial for threatening the Hrant Dink Foundation via email were released. Barış Pehlivan, who was battered by a prison officer at the entrance of the Silivri Prison on the day he was arrested, is waiting for the Ministry of Justice's decision about his application. The case filed by Mehmet Altan for "unfair arrest" after he was kept in prison for 656 days despite a Constitutional Court decision started. The case filed by Faruk Bildirici after he was dismissed as an RTÜK member was rejected because "he lost impartiality."

Seven dismissals, two "forced" resignations

In the last three-month period, seven employees were dismissed at NTV. Fatih Portakal, who was previously investigated for "membership of FETÖ" and now on trial for "damaging the reputation of the economy," left his job. Ferit Demir, who had been working for the Demirören New Agency for 21 years, is among those who were forced to leave their jobs.

The reinstatement lawsuit filed by 23 of the 45 dismissed Hürriyet employees will take place on October 8. 35 dismissed journalists who worked for Olay TV and Olay FM, which were shut down on November 1, 2019, filed a lawsuit to claim their rights. Mustafa Aşçı, who was dismissed from the state-run TRT, won the reinstatement case.