

BİA MEDIA MONITORING / JANUARY-FEBRUARY-MARCH 2020

With authoritarianism finding a firmer foothold in Turkey, the government has not hesitated to detain or arrest new journalists to control the reporting on the military operation in Syria's Idlib, the intervention in Libya and the refugees in Edirne province, for whom it opened the borders of Europe. On yet another May 3 World Press Freedom Day, journalists in Turkey feel unease about losing their jobs, being censored, put on trial or arrested.

In the course of novel coronavirus (COVID-19) pandemic, when the only source of information is Minister of Health Fahrettin Koca, 12 local journalists were taken into custody for allegedly "spreading panic and fear" and three of them had to depose at security directorates.

The **January-February-March 2020 BİA Media Monitoring Report** has shown that in Turkey, where the Committee of Ministers of the Council of Europe is not convinced by the First Judicial Reform Package and has decided to keep the country under "enhanced supervision", at least 121 journalists faced the threat of 9 aggravated life sentences, 4 life sentences and 1,501 year, 8 months in prison in total and seven journalists faced a total of 1 million 560 Turkish Lira (approx. 222 billion US dollars) in damages based on 25 different legal regulations including the Turkish Penal Code (TCK), Anti-Terror Law (TMK) and Law on Capital Market (SPK).

62 journalists convicted for 'insulting President' in 5 years

Moreover, in Turkey, which ranks 154th in the Reporters Without Border (RSF) World Press Freedom Index among 180 countries, at least 62 journalists were sentenced to prison or to pay judicial fines as per the Article 299 of the TCK, which has become "a symbol of authoritarianism" since August 2015, when ruling Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan was elected President.

BİA Media Monitoring Report has the chapters of "killed journalists", "jailed journalists", "assaults, threats", "impunity", "investigations and court cases", "criminal cases and lawsuits for damages on insult-related charges", "Press Advertisement Institution (BİK)", "bans, closures, seizures", "reporting", Constitutional Court", "European Court of Human Rights (ECtHR)", "Radio and Television Supreme Council (RTÜK)", and "journalists left unemployed".

Jailed journalists: Coronavirus following injustice...

In January-February-March 2020, after a series of legal regulations such as the Anti-Terror Law (TMK), Article 220/7 of the Turkish Penal Code (TCK) pertaining to the offense of "aiding the organization as a non-member" and Article 299 of the TCK relating to the offense of "insulting the President", Turkey now also witnessed the arrest of six journalists for violating the Law on National Intelligence Organization (MİT) for solely reporting on the "funeral of a MİT member who died in Libya". Journalist Hakan Aygün was also arrested for "inciting the public to grudge and enmity" with a tweet.

The Ministry of Justice has suspended family visits of all prisoners due to COVID-19 outbreak, which originated in China and reached Turkey in March; it has announced that, instead of family visits, the right to make a 10-minute phone call once a week has been increased to twice. When the Media Monitoring Report was published, it was foreseen that journalists, who were arrested based on the Anti-Terror Law (TMK), would be exempted from the Law on Criminal Enforcement, which would pave the way for the release of 90 thousand people in the face of coronavirus risk. In that case, in addition of journalist-writer Ahmet Altan, who is older than 70, and Mümtazer Türköne and Ziya Ataman, who have chronic diseases, dozens of media representatives will be faced by the risk posed by the outbreak.

33 journalists taken into custody: 17 for reporting on 'asylum seekers', 12 for 'coronavirus'

In January-February-March period, at least 33 journalists and media representatives were detained, three of them were forced by the police to depose. While 12 of these journalists were detained for reporting on coronavirus outbreak, three of them were forced to depose at security directorates within this frame. The detention of 17 journalists and media representatives took place while they were reporting on the refugees who were allowed by Turkey to leave for Europe and attempted to cross into Greece through Pazarkule Border Gate in Edirne province.

In the same period last year, nine journalists were taken into custody and six of them were detained as part of Kurdish Question-related investigations. Throughout 2018, 49 journalists in total were taken into custody while 26 of them were related with the Kurdish Question.

Pehlivan attacked, attempted attack on Sputnik workers

In January-February-March 2020, on the day when he was detained and arrested, Odatv news website Editor-in-Chief Barış Pehlivan was subjected to violence by an officer while entering Silivri Prison. An attempted attack was carried out against three journalists from Sputnik News Agency by a group who chanted the slogan "Martyrs are immortal, our homeland is indivisible." Addressed a question by a reporter regarding the opposition's criticisms of his sentence "We have a number of martyrs," President Erdoğan was enraged by the question and verbally attacked FOX TV channel.

In the same period last year, four journalists were assaulted and one journalist was threatened with death. In that period, the attacks mostly targeted local journalists in Nevşehir and Konya provinces and Nazilli district. Throughout 2019, 26 journalists in total were attacked.

Attempts to claim rights hindered by 'coronavirus'

The so-called Case for Hope, which also covers the assassination of Uğur Mumcu and Ahmet Taner Kışlalı in the 1990s, was going to continue with the trial of five defendants upon the Constitutional Court's request for re-trial. However, due to the coronavirus outbreak, the trial could continue in November 2020. Put on trial for having arrested investigative journalist Ahmet Şık over his draft book "The Imam's Army" in March 2020 with conspiracy, the trial of seven

judges and prosecutors for "misconduct in office" and "restriction of freedom" started at the 14th Penal Chamber of the Court of Cassation. The trial has been adjourned to June 2020.

Criminal cases: 121 defendants facing prison sentence

In 74 hearings held in the period of January-February-March 2020, 121 journalists stood trial on 25 different charges, including the offenses related to the armed terrorist organizations and insulting the president.

The courts announced their verdicts in the trials of nine journalists or media representatives facing the charge of "disrupting the unity of the state" in journalism or political cases and eight of them faced a total of 225 years in prison on charges of "espionage" and "obtaining and publishing confidential documents of the state." As of January 1, 2020, 20 trials ended at the local court level and three trials at the court of appeals level. In this period, courts announced their verdicts on 30 journalists. In the last three months, 18 verdicts of acquittal, 13 prison sentences and 2 judicial fines were given.

In this three-month period, 57 journalists faced 18 years, 9 months in prison in total on a series of charges including "leading a terrorist organization", "membership of a terrorist organization", "committing crimes on behalf of the organization as a non-member" and "aiding the organization." While four of these cases were concluded, three journalists were sentenced to 18 years, 9 months in total. Standing trial for "disrupting the unity of the state" in addition to the charge of "membership of a terrorist organization," three journalists' files were separated and they were acquitted.

55 journalists or media workers faced 275 years in total for "propagandizing for a terrorist organization", "reporting on the statements of the organization" and "targeting the ones struggling against terror by revealing their identities." While 50 journalists were charged with "propagandizing for a terrorist organization," 37 journalists faced the charge of "membership of a terrorist organization." While six journalists were acquitted in these trials, seven journalists were sentenced to 11 years, 2 months, 8 days in prison. The courts ruled that the announcement of 3 journalists' verdicts and the execution of one journalist's sentence should be deferred. It was ruled that there were no grounds for deferment in the cases of two journalists who were sentenced to 3 years, 2 months in prison in total.

It has also been reported that while eight journalists stood trial for "insulting the President" and six journalists for "defaming state institutions" as per the Article 301 of the TCK, five journalists were put on trial for targeting state officials who took part in counter-terrorism.

Taken together, 121 journalists faced 9 aggravated life sentences, 4 life sentences and 1,501 years, 8 months in prison in total on the above-mentioned charges. The trials of "insult" and "insulting the President" are not included in this calculation of defendants and penalties.

Cases of insult: Seven journalist face compensation claims, five face prison term

Trials of five journalists for "insult" continued in the January-February-March period. One journalist was acquitted, one was sentenced to pay a fine of 7,080 Turkish lira (~1,000 US dollars). A court of appeal upheld a journalists' prison sentence of five months.

Seven journalists faced a total of 1 million 560 thousand lira (~222,500 US dollars) for damages (300 thousand lira in lawsuits filed in this period). A lawsuit filed against a newspaper was rejected.

In the same period last year, 27 journalists faced a total of 72 years and 4 months in prison for "insult" and "slander." Three of them were acquitted of insult, one case for "slander" was abated due to statute of limitations, one journalist was sentenced to 1 year and 1 month in prison and to pay an administrative fine of 8,660 lira (~1,235 dollars). Also, six journalists and three media organizations were on trial, facing a total of 1 million 901 thousand lira for non-pecuniary damages. Among them, two journalists and one media organization were sentenced to pay a total of 30 thousand lira for compensation, claims for a total of 1,000 lira were rejected.

Insulting the President: One in seven defendants were convicted

In the January-February-March period, cases were filed against seven journalists for their views and criticism of President Recep Tayyip Erdoğan. Trials continued for Engin Korkmaz, Necla Demir, Ahmet Sever and Erk Acarer, who are facing a total of 18 years and 8 months in prison. Faruk Arhan was sentenced to 1 year, 2 months and 17 days in prison. The case of Can Dündar and Abbas Yalçın was abated due to the statute of limitations.

Article 299 of Turkish Penal Code, which has been extensively enforced for publications and thoughts about Erdoğan since he was elected the president in August 2014, was the basis for 62 journalists' conviction of a prison sentence, a deferred prison sentence or a monetary fine as of April 1. In 2019 alone, at least seven journalists were sentenced to a total of 3 years, 2 months and 26 days in prison and to pay a total of 35 thousand lira of administrative fine.

Official ads of Evrensel and BirGün were cut for 59 days

The Press Advertising Agency (BİK) cut the official ads for Evrensel newspaper for 10 days over a news report titled, "Action Plan Report," which was made by Mezopotamya Agency based on a report by Gaziantep University. The report was prepared by interviewing journalists in the region. Also, official ads for BirGün were cut off due to "not citing the news source in some reports" and for Evrensel due to "new titles." Ads for the two newspapers were cut off for a total of 49 days.

232 reports were censored, 177 press cards were pending approval or canceled

In the January-February-March period, three news sites were censored. Regarding the news report that Minister of Treasury and Finance Berat Albayrak's purchase of land near the Canal İstanbul route, access to 232 links were blocked (Cumhuriyet, bianet, Diken, BirGün, Artı Gerçek, Gazete Duvar, T24, Odatv, Sputnik Türkiye, Evrensel, Halk TV, Tele1, Gerçek Gündem etc). Also, access to reports about "the 50,000-dollar bag" of Emine Erdoğan, the spouse of President Erdoğan, and a truck driver who hung himself because of financial difficulties were blocked. Wikipedia, which had been censored for two years and eight months on the ground of statements against Turkey in several of its pages, was opened to access after a decision of violation by the Constitutional Court.

In this period, more than 150 international media representatives' press cards, which also grant residence permits and expired on December 31, 2019, were not renewed. Also, press cards of 27 journalists who work in critical media outlets were canceled.

Reporting on the virus

On the mass applause of health laborers, who fought devotedly against the coronavirus epidemic, Haşmet Babaoğlu, a columnist for Sabah newspaper, said, "From here, I see and watch how some scumbags welcome this applaud campaign." After President Erdoğan also supported the applause, he closed his twitter account to non-followers.

After being taken into custody over reports on the virus, İsmail Çiğit, the editor-in-chief of Ses Kocaeli newspaper, said that "We had to stop chasing news." The main opposition Republican People's Party (CHP) decided not to appear on CNN Turk on the grounds that it did not make an objective and neutral broadcast.

Four journalists and one media outlet won cases at the Constitutional Court

In the January-February-March period, the Constitutional Court ruled that freedom of expression of four journalists and one newspaper was violated and convicted the state to pay 30,905 lira for compensation. It ruled that procedures and court judgments regarding one journalist and one newspaper did not violate freedom of expression. Also, having examined the access block order on Sendika.org news site for four-and-a-half years, the Constitutional Court ruled that the block on the entire website violated freedom of expression, emphasizing the disproportionality.

Turkey was convicted by ECtHR

In the January-February-March period, the European Court of Human Rights (ECtHR) convicted Turkey to pay damages totaling 10,200 Euro (~76,500 lira) in applications by eight journalists. The applications were against judgments of "propagandizing for an illegal organization" and "insult."

The Council of Europe Ministers Committee took Turkey under review after finding problems about freedom of expression in cases for "insulting the president" and "insulting a public official," especially when journalists are involved in cases. It requested Turkey to review numerous law articles, including the Turkish Penal Code and the Anti-Terror Law.

RTÜK: 89 monetary fines, two warnings, five program stop penalties

In the January-February-March period, the Radio and Television Supreme Council (RTÜK) issued 89 monetary fines, two warnings and five program-stop penalties to TV outlets due to films and programs. It did not take any action against radio outlets. The council penalized TVs to pay a total of 5,520,078 lira of monetary fine.

Dismissals: Without progress payments and impertinently

In the first three months of 2020, two journalists were laid off. Journalists who worked for many years were dismissed in an uncivilized and unlawful way. After the Demirören Group laid off 49 employees of Hürriyet newspaper without making progress payments, Timur Soykan, who is known for speaking out on media freedom and unionization and worked for a long time as the news manager of Posta, another newspaper of the group, was dismissed. Batuhan Çolak was dismissed as the editor-in-chief of Yeniçağ newspaper's website. He said on social media that "I cannot find a word that can explain this unfair and disrespectful act. One leg of the operation was also inside, we couldn't see!"