

BİA MEDIA MONITORING / JANUARY-FEBRUARY-MARCH 2021

The government can convince neither the critical community in Turkey nor the European Union (EU) with the legal amendments introduced within the frame of the Human Rights Action Plan, which was announced to continue till 2023. What is worse, it is still using it as an element for publicity despite the ongoing violations of fundamental rights and media freedom.

While Turkey's failure to recognize the European Court of Human Rights (ECtHR) judgements brought the country to the verge of a crisis with the Council of Europe (CoE), it was once again convicted by the ECtHR, this time due to the arbitrary imprisonment of columnist Atilla Taş. Moreover, the enforcement of the Turkish Penal Code (TCK) Article 299 on "insulting the President", which the Venice Commission urged Turkey to repeal, went beyond the borders of the country due to a lawsuit filed against the France-based humor magazine Charlie Hebdo.

Ranking [153rd](#) in the 180-country World Press Freedom Index of the Reporters Without Borders (RSF) and having one of the most quickly functioning cycles for arresting journalists, Turkey imprisoned four journalists, including the ones who brought up the allegations that two villagers had been thrown from a helicopter in Van province, based on an extremely unqualified indictment pressing charges of "membership of a terrorist organization."

Common threat of imprisonment to journalists

Covering the January - February - March 2021 period, the first quarterly BİA Media Monitoring report shows that 228 journalists and columnists as well as five cartoonists faced a total of 2 life sentences and 1,894 years and 9 months in prison as per the TCK, the Anti-Terror Law (TMK), the Law on National Intelligence Organization (MİT), The Law on Banking Regulatory and Supervision Agency (BDDK) and the Law on Capital Markets (SPK).

Trials for 'insulting President' now international

In the period of January - February - March 2021, the names of 18 journalists and five cartoonists (Julien Serignac, Gérard Biard, Laurent Sourisseau, Alice Petti, Atilla Taş, Ahmet Sever, Hakkı Boltan, Mustafa Sönmez, Oktay Candemir, Fatih Portakal, Rüstem Batum, Hüseyin Aykol, Reyhan Çapan, Hasan Başak, Kemal Aykut, Burak Şahin, Hayko Bağdat, Cem Şimşek, Erk Acarer, Engin Korkmaz, Ayten Akgün, Cem Bahtiyar and Sefer Selvi) were mentioned in the trials for "insulting the President" due to their opinions and criticisms about ruling Justice and Development Party (AKP) Chair and President Recep Tayyip Erdoğan. They faced 98 years in total as per the Article 299 of the Turkish Penal Code (TCK).

The trials for "insulting the President" went beyond Turkey's borders and took on an international dimension after a lawsuit was filed at the Ankara Penal Court of First Instance against the four representatives of the France-based weekly humor magazine Charlie Hebdo due to a cartoon featuring President and AKP Chair Erdoğan in its issue dated October 28, 2020.

In this three-month period, Ayten Akgün was given a deferred prison sentence of 11 months, 20 days while, Fatih Portakal, Oktay Candemir, Burak Şahin and cartoonist Sefer Selvi were acquitted. The lawsuits filed against four cartoonists and one journalist were new.

12 journalists attacked, one radio presenter killed

In the first quarter of 2021, 13 physical attacks were carried out against media representatives in İstanbul, Bursa, Aydın, Aksaray and Rize. In one of these incidents, radio presenter [Hazım Özsü](#) was killed by a person from his audience who said that he did not like his comments. Becoming more widespread and given credit by the silence of the government, violence targeted the people who expressed their opinions before the public in the last three months, such as Halk TV commentator [Levent Gültekin](#), KRT TV presenter [Osman Gündü](#) and Yeniçağ newspaper's Ankara Representative [Orhan Uğuroğlu](#). In this period, at least seven journalists were threatened, mostly on social media. While Nationalist Movement Party (MHP) Chair Devlet Bahçeli targeted nine columnists in total on his Twitter account, former Ankara Metropolitan Mayor Melih Gökçek targeted journalist Nevşin Mengü on the same platform. Among the ones threatened on social media were also T24 Ankara representative Gökçer Tahincioğlu and Cumhuriyet newspaper's reporter Zehra Özdilek.

11 journalists detained, reasons varied

While one journalist was detained for "propagandizing for a terrorist organization" with his book, [one journalist](#) was detained over a cartoon that he shared on Twitter, three journalists were detained while covering the demonstration march held in support of Boğaziçi University students and two journalists were detained while following up the protest held for Gülistan Doku, a university student who got missing in Dersim over a year ago.

In the same three-month period, two journalists were taken into custody upon a detention warrant or an investigation against them, while one [journalist](#) was detained over a video from the Boğaziçi University protests that she shared on Twitter. Having arrived in Turkey to follow up the Diyarbakır Newroz in southeast Turkey, journalist Sylvain Mercadier from France was held in İstanbul Sabiha Gökçen Airport for a night and deported on the grounds that "he posed a threat to national security."

Censorship of news about officials

In January - February - March 2021, an access block was imposed on at least 149 news URLs, including the ones about AKP Elazığ MP Tolga Ağar, Turkuvaz Media Group Executive Board

Deputy Chair Serhat Albayrak, President Erdoğan's co-in-law Orhan Uzuner, Erdoğan's attorney Ahmet Özel and Terror and Organized Crimes Investigation Bureau official İrfan Fidan.

Media regulator, Ministry after critical news

In the period of January - February - March 2021, the Press Advertisement Institution (BİK) cut the public ads of Evrensel newspaper for eight days and the public ads of BirGün newspaper for five days.

However, the controversies about the BİK were not limited to this period or these two newspapers deprived of their public ads: In an article penned by journalist and media ombudsperson Faruk Bildirici on his website based on the data of the Presidency's Communication Center (CİMER), the public ads of newspapers were cut for 803 days in total throughout 2020. Bildirici reminded the public that Cumhuriyet newspaper was fined by a public ad cut for 110 days, while this period was 112 days for BirGün, 65 days for Evrensel, 29 days for Korkusuz newspaper and 17 days for Sözcü. Bildirici said, "The fines imposed on newspapers published in İstanbul covered 333 days in total. So, it means that 88 percent of the fines imposed by the BİK on İstanbul's newspapers in 2020 were given to these five newspapers!" In the first quarter of 2021, the BİK also launched an inquiry into daily Sözcü's headline news about Hagia Sophia's opening to worship as a mosque, titled "Calamity and tears came out of the bag of 2020."

Moreover, the Ministry of Trade's Directorate General of Consumer Protection and Market Surveillance gave an administrative [fine](#) of 20 thousand 953 Turkish Lira (TRY) to Evrensel newspaper over its ad broadcast on Tele1 on the grounds that a child holding a yellow-green-red scarf in her hand during the Newroz celebrations was seen in the video.

Lawsuits against 36 journalists for "insult"

In the January-February-March period, at least 30 journalists were charged with "insult" and "insulting a public official" and 1 journalist was charged with "slander" and faced a total of 65 years and 3 months in prison. Among these persons, Evrensel newspaper columnist and Turkish Medical Association (TTB) Central Committee Chair Prof. Dr. Şebnem Korur Fincancı was sentenced to pay 7 thousand 80 lira of judicial fine.

Also, 14 separate investigations were launched into the book written by two journalists (Barış Pehlivan and Barış Terkoğlu) for "insult." while Ender İmrek was acquitted of "insult," the case was rapidly taken to the Court of Appeals after an appeal by President Erdoğan's attorney

In the same period, five journalists faced a total of 1 million 610 thousand lira of compensation and six media organizations (including Oda TV) faced a total of 325 thousand lira of compensation. Mustafa Hoş was sentenced to pay 40 thousand lira in the case filed by the prosecutor of the Çorlu train accident case. While Hazal Ocak waived 20 thousand lira of

compensation in a case where she stood trial for a news report, she continued to stand trial for another report, facing 200 thousand lira of compensation.

Impunity is the rule in attacks on journalists

The cases reported in the January-February-March 2021 period showed both attacks on journalists and attempts for the punishment of these crimes continued: Two of the people who attacked Halk TV commentator Levent Gültekin could be caught after the journalist publicly complained about impunity. It was not deemed necessary to file a lawsuit against Ebubekir Sifil, an academic at Yalova University Faculty of Islamic Sciences, regarding the targeting of Sözcü newspaper columnist Yılmaz Özdil and Tele1 programmer Cüneyt Akman. A warning was enough for the officer who battered Barış Pehlivan in prison because of "good behavior." Defendants were acquitted in the case that had been continuing since December 18, 2008 for being a member of the Tevhid Selam Jerusalem Army, which was found responsible for the killing of Cumhuriyet newspaper columnist Uğur Mumcu with a bomb on January 24, 1993.

TGS Ankara Branch filed a criminal complaint with the Chief Public Prosecutor's Office regarding the increasing physical attacks by law enforcement forces on journalists. Journalist Nevşin Mengü took to the messages containing sexual harassment and insult by accounts that AKP Deputy Chair Mahir Ünal defined as "national accounts that comply with the social media ethic rules" to the court.

Constitutional Court: Four convictions for arrests, violence and silencing

In the first three months of the year, the Constitutional Court sentenced the administration to pay 84 thousand 895 lira in compensation in applications made by four journalists for the violation of freedom of expression. Among these journalists, Hakan Aygün and Şahin Alpay applied for unfair arrest, journalist Beyza Kural applied because of the detention attempt while handcuffing her behind the back and journalist Osman Palçık applied after he was handed an administrative fine because of a news report.

The Constitutional Court considered the ad ban given to Korkusuz newspaper by the Press Advertisement Institution as a violation of freedom of expression. In the application by Hüsnü Mahalli about his arrest, it ruled that his rights were not violated. An application was also made to the Constitutional Court for the four journalists who were arrested in Van after reporting the allegations that two villagers were thrown off from a helicopter. In the period of the report, the CHP took the regulation that does not recognize the depreciation right of journalists and Evrensel newspaper took BİK penalties to the Constitutional Court.

One conviction at the ECtHR, a new application for Dink

Turkey entered 2021 with a high-level crisis that can cause sanctions with the Council of Europe and the ECtHR, whose decisions were not implemented and challenged. Facing the heaviest sentences in history before the ECtHR at the end of 2020 for the arbitrary arrest of nine executives and employees of Cumhuriyet newspaper, Turkey was sentenced to pay 15 thousand 450 Euro (approximately 140 bin thousand lira) in compensation for the arbitrary arrest of columnist Atilla Taş. A new application was filed with the ECtHR for the 26 suspects for whom a decision of non-prosecution was given in the investigation into the murder of journalist Hrant Dink.

RTÜK: 57 monetary penalties, 22 broadcast suspensions on TV channels

In the January-February-March period, the Radio and Television Supreme Council (RTÜK) imposed 57 administrative monetary penalties and a total of 22 broadcast suspension penalties on TV outlets whereas no action was taken against radio outlets in this period.

Nine unemployed in three months, concerns for more

In the first three months of 2021, at least nine journalists were dismissed or had to leave their jobs because of the disagreements that arose from the media outlet's editorial policy. Also, the DİSK Basın İş criticized that union representatives were put on unpaid leave after a protocol it signed with Artı TV and Artı Gerçek website administration. T is worried that many employees may lose their jobs in the organization. Likewise, 180 media workers were left unemployed at Olay TV, which ended its broadcasting life in December 2020.