

BİA MEDIA MONITORING REPORT / APRIL-MAY-JUNE 2021

In Turkey, the defenders of freedom of expression and media have been waging a great struggle in the face of several issues such as the government's discrimination against journalists with regards to press cards while boasting about the Human Rights Action Plan on the international arena, the police violence against media representatives which ends in impunity and the public ad cuts of the Press Advertisement Institution (BİK).

The BİA Media Monitoring Report covering April - May - June 2021 has shown that at least 222 journalists were put on trial in 68 cases on 19 different charges, especially on charges of "propagandizing for a terrorist organization" and "membership of a terrorist organization" (which were filed as per the Turkish Penal Code (TCK), Anti-Terror Law (TMK), the Law on Banking Regulation and Supervision Agency (BDDK), etc.).

This period when at least nine journalists were subjected to physical attacks in Kocaeli, Samsun, Antep, Osmaniye and İstanbul, five journalists were detained and four cartoonists were put on trial for "insulting the President" also brought about some gains and positive developments thanks to the bitter struggle for rights. Some examples were the acquittal of journalists Mustafa Sönmez and Cem Bahtiyar of "insulting the President", the trial over the attempted detention of former bianet reporter Beyza Kural after five years, the Council of State's "stop" to the arbitrariness about press cards, the Constitutional Court's annulment of an article underpinning the closure of several TV channels by Statutory Decrees, dozens of journalism organizations' mass protests of "We cannot breathe" in the face of police violence and the release of Ahmet Altan and the four journalists charged with "being the members of a terrorist organization" in Van.

As for the international rights organizations, in their joint letter to European Council President Charles Michel and European Commission President Ursula von der Leyen, they called for determination against Turkey, which no longer has credibility when it comes to the reforms to end the deterioration in fundamental rights. In the meanwhile, the report on Turkey adopted by the European Parliament (EP) urged the European Union (EU) to "suspend the full accession negotiations with Turkey."

'Insulting the President'

In the period of April - May - June 2021, 18 journalists faced a total of 84 years in prison in Turkey on charge of "insulting the President." The ones who stood trial on this charge were 14 journalists (namely Hakkı Boltan, Mustafa Sönmez, Hüseyin Aykol, Reyhan Çapan, Hasan Başak, Kemal Aykut, Deniz Yücel, Cem Bahtiyar, Engin Korkmaz, Rüstem Batum, Cem Şimşek, Atilla Taş, Ahmet Sever and Erk Acarer) and four cartoonists (Julien Serignac, Gérard Biard, Laurent Sourisseau and Alice Petti from France-based weekly humor magazine Charlie Hebdo).

Of these people, Hakkı Boltan were sentenced to 2 years, 17 days in prison for "insulting" President Recep Tayyip Erdoğan and the then Prime Minister Ahmet Davutoğlu. While Mustafa Sönmez and Cem Bahtiyar were acquitted of this charge, the lawsuit against Deniz Yücel was new. While six journalists were defendants of "insulting the President" in the same period last year, this number increased to 18 in the second quarter of 2021.

All in all, since 2014, when ruling Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan was elected the President of Turkey, at least 65 journalists have been given prison sentences, deferred prison sentences and judicial fines on charge of "insulting the President" as per the Article 299 of the Turkish Penal Code (TCK) by July 1, 2021.

Rising against police violence

In the last three months, at least 9 journalists were subjected to physical attacks in Kocaeli, Samsun, Antep, Osmaniye and İstanbul. Two media representatives faced the hindrance and intervention of the police while covering the trial over the attacks on trans women in Ankara.

After the Directorate General of Security issued a circular banning citizens from audio and video recording of police interventions on April 27, journalists covering the 1st of May demonstrations and the 19th İstanbul LGBTI+ Pride March on June 26 were subjected to widespread police violence. Several journalism organizations protested the escalating police violence and impunity following the detention of Agence-France Presse (AFP) photojournalist Bülent Kılıç during the İstanbul Pride March with his hands handcuffed behind his back and his neck and throat pressed by the police, saying, "We cannot breathe" in İstanbul, Ankara and İzmir.

In the wake of the conflicts between Israel and Palestine, a group defining itself as the "IBDA-Cyber Front" hacked the website of Şalom, the only Jewish newspaper published in Turkey. Amid the ongoing protests against Israel's attack on Gaza and its intervention against al-Aqsa, Nesi Altaras, the editor of Avlaremoz website, was subjected to racist and anti-semitic attacks on Twitter on the grounds of his Jewish identity.

One of five detained journalists 'made breathless'

In the period of April - May - June 2021, at least five journalists were taken into custody in house raids or during news follow-up. There was also an attempt to take one journalist into custody in a house raid.

One journalist was detained by being subjected to the physical attack of the police while following up the İstanbul Pride March in İstanbul's Taksim, one journalist was taken into custody upon a detention warrant, two journalists were detained while following up the press statement of the Peoples' Democratic Party (HDP) İstanbul Provincial Organization about the Kobanî trial on April 26 and one journalist was detained in a house raid. The house of one journalist was raided on the grounds that he had reported on the allegations of irregularities at Osmaniye Municipality.

Impunity: Intense struggle, but no results

The period of April - May - June 2021 was marked by the intense struggle of the unlawfully arrested and battered journalists against unlawfulness. The difficulties and obstacles faced while seeking rights in Turkey were manifested in the lawsuit filed against three police officers over the violence on former bianet reporter Beyza Kural after six years years following a Constitutional Court ruling of rights violation and the lawsuit filed against the assaulters who had attacked Yeniçağ columnist Yavuz Selim Demirağ in the middle of the street following the local elections in 2019 after three years.

Most recently, AFP photojournalist Bülent Kılıç, who was detained by the police with his back and throat pressed and his hands handcuffed behind his back while trying to cover the 19th İstanbul Pride March in Taksim, filed a criminal complaint against the police officers. Examining the application about the failure to renew his press card, the Ankara 12th Administrative Court found the application of economist-journalist Mustafa Sönmez, a permanent press card holder for 32 years, justified. The legal struggles of journalists such as Nadire Mater, Aydın Engin and Kazım Güleçyüz against the Presidency's Communications Directorate are still ongoing.

Facing a warrant in Turkey for leading a criminal organization, Sedat Peker has been making some statements by posting videos since May. His statements once again brought up the state's rule and impunity in the files of journalist Uğur Mumcu, who was killed in a bomb

attack in Ankara in 1993, and the assassination of journalist Kutlu Adalı in Northern Cyprus in 1996.

Ad cuts and inspector fines

As if it is not enough that the government controls 90 percent of the national media outlets, it was revealed that public banks did not place even a small ad on newspapers critical of the government such as Korkusuz, BirGün, Evrensel, Karar, Cumhuriyet, Millî Gazete, Sözcü, Yeniçağ, Yeni Asya and Yeni Mesaj in 2020.

Access bans at the service of the government

In the April-May-June 2021 period, Penal Judgeships of Peace blocked access to at least 24 news articles published on online news outlets and many tweets of journalist Erk Acarer. In this period, censorship also targeted Engelli Web, a website of the Freedom of Expression Association, which works to inform the public about access bans.

While access to the YouTube channel, some videos and Twitter and Instagram accounts of Sedat Peker, who is sought for leading an organized crime group, was blocked on the ground of "protection of the national security and public order," reports about President Erdoğan's son Bilal Erdoğan that had been published since 2014, the SADAT company, which was founded by President Erdoğan's former chief advisor and retired general Adnan Tanrıverdi, the aids of the İHH Human Relief Foundation, which were also mentioned by Sedat PEker, Yeldana Kaharman, a journalist who suspiciously died in Elazığ and allegations about AKP İstanbul Provincial Women's Branch official Manolya Demirören-Tekin, the pollution of shores and tenders won by companies close to the government.

The "media-politics-mafia" crisis

Sedat PEker, who is sought for leading an organized crime group, claimed that Minister of Interior Süleyman Soylu sent him the message "Don't release new videos, let's close this" through a journalist and released the recording of the video call he had with journalist Hadi Özişik, who had said, "Who does this is ignoble." Like Özişik, Habertürk TV presenter Veyis Ateş, whose name was also mentioned in Sedat PEker's statements, was expelled from the membership of the Turkish Journalists' Association (TGC).

Making a public plea about the "media-politics-mafia" relations, which became the most outstanding issue in this period, 12 professional press organizations stated, "Let's put up a fight for journalism for the public good together. Let's prevent them from using journalists sometimes as a shield and sometimes as a weapon."

The Constitutional Court: Both "libertarian" and not

The Constitutional Court sentenced the administration to pay 9,150 lira for immaterial damages after an application by journalist Hayko Bağdat. In this period, the Constitutional Court annulled a law article that was the basis for the closure of many television outlets by statutory decrees five years ago, including Hayatin Sesi TV and İMC TV.

However, the Constitutional Court approved the Presidency Communications Directorate's authority to access all relevant information about people from public institutions and organizations. With this decision, the Constitutional Court provided a basis that may pose a risk to the safety of journalists in case of abuse.

Sentences by the ECtHR

In the last three months, the European Court of Human Rights (ECtHR) sentenced Turkey to pay a total of 82,990 Euro (792,250 lira) in compensation after applications by five journalists regarding their arrests in the period following the 2016 coup attempt and an application by another journalist regarding the publication/broadcast ban on news reports about the investigation at the parliament into four ministers for "corruption" during the December 17-25 period.

While the ECtHR sentenced Turkey to pay 81,490 Euro for "arbitrary arrest" and "violation of freedom of expression" in the applications concerning the arrest of journalists Ahmet Altan, Murat Aksoy, Tunca Öğreten, Mahir Kanaat and Ali Bulaç after the coup attempt, it ordered a compensation of 1,500 Euro (14,850 lira) for journalist Banu Güven, who had applied to the ECtHR about the publication ban on the news about corruption.

RTÜK: 47 monetary fines, 20 broadcast suspension penalties

In the April-May-June 2021 period, the Radio and Television Supreme Council (RTÜK) imposed 46 monetary fines and 20 days of broadcast suspension penalties on TV outlets and one administrative fine on radio outlets. The council fined television channels 11,300,617 lira and radio outlets 6,732 lira.

Four journalists lost their jobs in three months

Habertürk TV Ankara representative Bülent Aydemir was dismissed and editor-in-chief Kürşat Oğuz resigned after they were targeted by the MHP following a program where the draft constitution announced by MHP Chair Devlet Bahçeli was discussed. Özge Mumcu-Aybars, the daughter of slain journalist Uğur Mumcu and Erinç Yeldan, a columnist and economist resigned from Cumhuriyet newspaper in protest of it "using the period when Can Dündar was the editor-in-chief as a shield" against the accusations by Minister of Interior Süleyman Soylu.