

BIA MEDIA MONITORING REPORT / JULY-AUGUST-SEPTEMBER 2021

Full pressure on media and social media

Having passed the motion foreseeing the appointment of legal representatives to social media platforms and the inspection of these platforms by the Radio and Television Supreme Council (RTÜK) last year, the government is preparing to introduce prison sentences for social media users over "disinformation". While social media has long been regarded as a field where the government has been raising a "troll army", it has suddenly become a "trouble" for President and ruling Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan and an area bringing about "digital fascism" for Parliamentary Speaker Mustafa Şentop.

These preparations for the past three months and the efforts to draft a law targeting the "media using foreign funds" in recent days are taken with alarm by journalism and freedom of expression organizations and the opposition as attempts to restrict critical reporting and social media in the period leading up to the general election scheduled for 2023 in Turkey.

In this period, concerns grew due to the discriminatory accreditation practices at AKP meetings, the law enforcement's attempts to delete the images captured by reporters, the frequent appeals of prosecutors against the verdicts given for journalists and the widespread access blocks.

205 journalists faced the threat of prison, damages

The BIA Media Monitoring Report covering the months of July - August - September 2021 has shown that at least 205 journalists were on trial on 21 different offenses charged including "propagandizing for an organization" and "membership of an organization" at 56 court cases in total in these three months. In the third quarter of 2021, at least 70 journalists faced charges such as "organization membership" and 22 journalists faced the charge of "propaganda."

'Insulting President:' One of 17 defendants convicted

In this three-month period covered by the report, the number of journalists and cartoonists who were put on trial on charge of "insulting the President" and faced a total of 84 years in prison in Turkey increased to 17. This number was 8 in the same period last year.

According to the report, journalists Rüstem Batum, Ahmet Sever, Baransel Ağca, Oktay Candemir, Cem Şimşek, Hüseyin Aykol, Reyhan Çapan, Hasan Başak, Kemal Yakut, Engin Korkmaz, Erk Acarer, Deniz Yücel, Atilla Taş and cartoonists Julien Serignac, Gérard Biard, Laurent Sourisseau and Alice Petti from Charlie Hebdo faced this charge.

Of these journalists, Cem Şimşek was sentenced to 11 months, 20 days in prison on charge of "insulting the President" while the prosecutor of the hearing appealed against the acquittal of Oktay Candemir, which led his case to be taken to the appeals court without being finalized. The criminal cases of journalists Baransel Ağca and four cartoonists will begin at a later date.

All in all, since 2014, when ruling Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan was elected the President of Turkey, at least 66 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 October 1, 2021.

Attacks soared from 11 to 29, went beyond borders

In the period of July - August - September 2021, at least 29 journalists were physically attacked by the law enforcement or third persons while covering court cases, news and press statements. The circular issued by the Directorate General of Security and banning audio and visual recordings during interventions since April paved the way for the attacks on 10 journalists during the commemoration held on the sixth anniversary of the Suruç Massacre. In this period, one journalist was detained by being battered. Violence went beyond Turkey's borders with exiled journalist Erk Acarer being stabbed in Berlin. This number was 11 last period.

While five journalists were targeted by verbal attacks or threats, six journalists in exile were threatened. One journalist received a death threat from an unidentified person on social media. An attack on a live TV program and an attack on a printing house were documented in the report.

Aydın Taş, the Chief Editor of the Kırım News Agency's Turkish edition, was found dead in the agency's bureau in Ankara's Çankaya, which was found suspicious by his colleagues and some journalism organizations.

11 journalists detained: 4 over 'Kurdish question'

In the period of July - August - September 2021, at least 11 journalists were detained. Four of these journalists were detained while following up the developments pertaining to the Kurdish question, two journalists from the Netherlands were detained while reporting on the mobility of refugees in Edirne in northwest Turkey. Taken into custody "because they violated the military forbidden zone", RTL correspondent Olaf Koens and camera operator Pepijn Nagtzaam were released after giving their statements.

Access blocks on 248 news, 141 bianet news

In the period of July - August - September 2021, Criminal Judgeships of Peace and Access Providers Union (ESB) blocked access to 107 online news reports in total on such grounds as "the violation of personality rights" and "the right to be forgotten."

In the third quarter of 2021, 141 news reports published by bianet.org at different times were faced with access blocks by the Criminal Judgeships of Peace. Among the news reports facing access blocks were bianet's "Male violence monitoring report" and its news on male violence, trial of journalists, the December 14-25 Operations, the land purchase of Berat Albayrak along the route of Canal İstanbul, city hospitals and workers-labor.

Politicians and judges complained for "insult"

In the July-August-September 2021 period, at least 34 journalists were named in criminal cases on charges of "insulting a public official" and "insulting." Among the cases that referred to a total of 78 years and 3 months of prison sentences, cases against Eren Tutel from BirGün, journalist Alican Uludağ and Caner Taşpınar from Odatv were new. Özgür Boğatekin was acquitted in two cases. Journalist İsmail Saymaz is under investigation for "insult" because of three column articles of his.

Among those who make journalists stand trial are:

- Minister of Interior Süleyman Soylu,
- Deputy Minister of Justice Hasan Yılmaz,
- Senior Presidential Advisor Mustafa Varank,
- Speaker of the Grand National Assembly of Turkey Mustafa Şentop,
- Former Speaker of the Grand National Assembly of Turkey İsmail Kahraman,
- Justice and Development Party Ankara MP Ali İhsan Arslan,
- Court of Cassation Chief Public Prosecutor Abdurrahman Yalçınkaya,
- İstanbul Deputy Chief Public Prosecutor Hacı Hasan Bölükbaşı,
- İstanbul Courthouse former Penal Judge of Peace Bekir Altun and
- Turkish Wushu Federation (TWF) Deputy Chair Abdurrahman Akyüz.

In the July-August-September 2021 period, three journalists and three daily newspapers were subject to claims for damages by various financial entrepreneurs and politicians, which amounted to a total of 1 million 780 thousand lira. The lawsuit filed by Minister of Interior Süleyman Soylu against Cumhuriyet newspaper for 1 million lira for damages and the lawsuits for non-pecuniary damages of 100 thousand lira filed by Deputy Minister of Health Sabahattin Aydın against each of Evrensel, BirGün and Cumhuriyet newspapers were new.

Intense struggle against impunity, the state is in no rush

In the July-August-September 2021 period, BİA Media Monitoring Report once again reveals with examples the culture of impunity, which is observed in the failure to prosecute murders of and attacks against journalists resolutely .

The examples regarding the absence of a case concerning the killing of Silvan Mücadele newspaper's founder Yaşar Parlak, the fact that fugitive Oğuz Demir, who was accused of planting the bomb in journalist Uğur Mumcu's car 28 years ago, is still on trial in absentia, NTV reporter Yağız Şenkal's injury by a bullet in front of İstanbul Çağlayan Courthouse and the fact that a lawsuit regarding the attack on Yeni Çağ newspaper columnist Yavuz Selim Demirağ was only opened after intense backlash reflects the culture of resilience that brings impunity.

The trial of the police officer who inflicted violence on former bianet.org reporter Beyza Kural while saying, "Nothing is the same as before, we will teach you this," following a ruling of violation by the Constitutional Court is one of the few gains not to be underestimated. The initiatives taken for AFP photojournalist Bülent Kılıç, who was detained with police violence and for bianet / IPS Communications Foundation chair Nadire Mater, who filed a case against the Communications Directorate, which is affiliated with the Presidency, show that the struggle for rights is still alive.

Four journalists won cases at the Constitutional Court; the silence of the ECtHR was stifling

In the applications of four journalists in the July-August-September 2021 period, the Constitutional Court ruled a total of 21 thousand 180 lira of compensation should be paid on the grounds that their freedom of expression and the press were violated.

In the files of Şaban Sevinç, Seray Şahiner Özkan and Halit Basık, article 125 of the Penal Code, which constituted the basis for the restriction of freedom of expression with the allegation of "insult" and threat of imprisonment, came to the fore.

In the same period last year, the Constitutional Court gave only one ruling, giving a second ruling of violation regarding access to sendika.org and its successive websites being blocked for 62 times.

The European Court of Human Rights (ECtHR), which ruled in the same period last year that "right to security" of Ragıp Zarakolu, who was arrested for a while, was violated, was silent in the last three months.

26 fines, 3 broadcast suspensions by "biased" RTÜK

The Radio and Television Supreme Council (RTÜK) imposed 26 administrative fines and 3 broadcast suspension penalties on TV outlets for their news and programs in the July-August-September 2021 period. No action was taken against radio outlets in this period.

After the structure of the council, RTÜK caused heavy criticism because of RTÜK Chair Ebubekir Şahin's attitude that was viewed as "comments reflecting bias" (you revealed your vote/side). While one of the criticisms came from inside, RTÜK member İlhan Taşcı, Tele1 channel filed a criminal complaint against Şahin because "he was biased."

Dismissals at Cumhuriyet and TRT

In the July-August-September 2021 period, at least eight journalists lost their jobs. While Cumhuriyet newspaper dismissed seven journalists, including Kübra Köklü and Esra Alus, TRT dismissed its 22-year chief editor Deniz Salmanlı because of a Twitter post.