

BIA MEDIA MONITORING REPORT / OCTOBER-NOVEMBER-DECEMBER 2021

Both gains and concerns in journalists' rights!

On the path leading to the 2023 general elections in Turkey, the government has been restricting critical reporting and social media by administrative and judicial means; in the meantime, journalists have achieved some gains in the face of various anti-democratic practices, especially through the rulings of the Council of State, which has recently halted the execution of the Press Card Regulations' some articles and the police circular banning audio-visual recordings at public demonstrations.

In the period of October - November - December 2021, nine journalists were sentenced to prison as per the Anti-Terror Law (TMK) and Turkish Penal Code (TCK); 36 journalists were acquitted in this period.

The BIA Media Monitoring Report shows that these positive developments cannot overshadow the files of Cumhuriyet and Sözcü newspapers pending before the Court of Cassation or the threat of imprisonment still prevalent in the ongoing trials of dozens of journalists.

214 journalists faced threat of prison, damages

The report covering the period of October - November - December 2021 demonstrates that at least 214 journalists faced 23 different charges, especially "membership of an illegal/terrorist organization" and "propagandizing for a terrorist organization", in 81 court cases. In this period, at least 62 journalists faced the charge of "organization membership" and at least 14 journalists "terror propaganda".

'Insulting President': 4 of 22 defendants convicted

In the fourth quarter of 2021 covered by this report, 22 journalists and cartoonists faced 102 years, 8 months in prison in Turkey on charge of "insulting the President" (as per the Article 299 of the TCK).

According to the fourth quarterly Media Monitoring Report, these journalists were Ahmet Sever, Engin Korkmaz, Ender İmrek, Hasan Cemal, Mehmet Emin Kurnaz, Gökhan Biçici, Deniz Yücel, Kaan Göktaş, Hüseyin Aykol, Reyhan Çapan, Hasan Başak, Kemal Yakut, Yılmaz Odabaşı, Perihan Kaya, Atilla Taş, Rüstem Batum, Hayko Bağdat, Doğan Ergün; and the cartoonists were Julien Serignac, Gerard Biard, Laurent Sourisseau and cartoonist 'Alice' from France's Charlie Hebdo weekly humor magazine.

Of these journalists and cartoonists, Yılmaz Odabaşı, Perihan Kaya and Doğan Ergün were sentenced to 11 months, 20 days and Kaan Götaş to 2 years in prison. The lawsuit against Ender İmrek was new.

One of five attacks by Muharrem Sarıkaya

In the period of October - November - December 2021, at least five journalists were subjected to physical attacks in Turkey.

Nine reporters faced the hindrance, violence or threat of law enforcement or threat of third persons while covering news and statements for the press. One journalist's house was raided by police. The fact that the perpetrator of one of these physical attacks was HaberTürk TV representative Muharrem Sarıkaya caused an outrage within the media rights community.

14 detentions, 'citizen journalist' arrested

In the period of October - November - December 2021, at least 14 journalists were taken into custody in Turkey.

Six journalists were detained while they were covering various protest demonstrations, three were detained during news follow-up, four journalists were detained with their houses raided and one journalist from Syria was taken into custody over the news that he had reported.

In the same period last year, eight journalists, including two journalists from Russia, were taken into custody in Turkey.

Listed among the world's worst jailer of journalists for years, Turkey has been imposing judicial control measures against professional journalists for the past three years. The turn to be arrested has now come to citizen journalists interviewing citizens on the street: In October - November - December 2021, one citizen journalist who interviewed a citizen on the street was arrested along with the person who spoke to him. He was released afterwards.

Blocks, bans on 554 news, 2 broadcast bans

In the last three months of the past year, when ruling Justice and Development Party (AKP) Chair and President Recep Tayyip Erdoğan targeted social media with his "digital fascism" remarks and other government officials threatened the "media organizations receiving foreign funding", Criminal Judgeships of Peace imposed access blocks on at least 547 news reports concerning a wide array of issues such as bribery, corruption, irregularity, favoritism, violence and sexual harassment by bringing "personality rights" to the forefront".

Columns of journalists Çiğdem Toker, Fatih Polat and İhsan Çaralan were among the content censored by these access blocks. The Access Providers' Agency (ESB) imposed bans on at least seven online news reports. In this three-month period, broadcast bans were imposed on two files; one was about the beheading of a young person in the dormitory of a religious cult and the other one was about the murderer of a woman. In the same period last year, access blocks were imposed on 485 online news links.

The only good news of these three months was that the access block previously imposed on a news report about entrepreneur Fettah Tamince published by Diken news website was lifted thanks to the efforts of the Freedom of Expression Association (İFÖD) legal team.

'Insult': 39 journalists faced prison terms

In the period covered by this report, the names of at least 39 journalists were mentioned in criminal cases filed on charges of "insulting a public official" and "insult". While journalists faced 101 years, 9 months in prison in total, the lawsuits against the following journalists were new: İsmail Saymaz, Evrim Kepenek from bianet and Onur Öncü from Özgürüz as well as Cumhuriyet newspaper Editorial Coordinator Serkan Ozan, Managing Editor Olcay Büyüктаş Akça, Internet Managing News Director Ozan Yurtoğlu and reporter Hazal Ocak, who were put on trial upon the criminal complaint of Erdoğan's son Bilal Erdoğan. In the same period, Cumhuriyet newspaper Barış Pehlivan columnist faced an investigation of "insult".

In the period of October - November - December 2021, five journalists and two dailies faced lawsuits filed by various financial entrepreneurs and politicians seeking 3 million, 480 thousand Turkish Lira (TRY) in damages in total. The lawsuit filed by Sezgin Baran Korkmaz, a businessperson currently arrested in Austria, against Sözcü columnist and journalist Uğur Dündar was new. In the same period, the court dismissed the lawsuit which was filed by ruling AKP Ankara MP Asuman Erdoğan's spouse Fatih Erdoğan and Pasifik Real Estate

Investment Construction Inc. against Cumhuriyet newspaper and Cumhuriyet Foundation Secretary General and columnist Işık Kansu and was seeking 2 million TRY in damages.

In the period covered by this report, the trial of the three police officers who used violence on former bianet.org reporter Beyza Kural continued at the Constitutional Court. The lawsuit for damages that Mehmet Altan filed against the judges of the İstanbul 26th and 27th Heavy Penal Courts, who had not acquitted him despite Constitutional Court and the European Court of Human Rights verdicts, and the trial of the seven judges and prosecutors on the grounds that they had, in a conspiracy, arrested journalist Ahmet Aşık in March 2011 because of his draft book, "The Army of The Imam," continued. Minister of Interior Süleyman Soylu was sentenced to pay a compensation of 1 Turkish lira to journalist Müyesser Yılmaz.

The decision of non-prosecution for police officers who prevented journalists from doing their jobs in 10 separate incidents in Ankara was lifted. The case file of those who attacked Yeni Çağ newspaper columnist Yavuz Selim Demirağ was brought to the Heavy Penal Court.

The two cases in Ankara concerning the killings of Uğur Mumcu, Bahriye Üçok, Muammer Aksoy and Ahmet Taner Kışlalı are not yet completed. After 27 years, no one who ordered the attack on Özgür Ülke newspaper is on trial.

"Late but important" decisions from the Constitutional Court and the ECtHR

In the period of October - November - December 2021, the Constitutional Court, albeit late, made a pilot decision out of nine applications, and ordered a compensation of 8,000 lira for each of the orders of access block on news articles on some news outlets, including Diken, Gazete Duvar and Artı Gerçek.

In this period, the European Court of Human Rights (ECtHR) convicted Turkey to pay a compensation of 16,000 Euro (about 260,000 Turkish lira) for violating freedom of expression because of journalist Nazlı Ilıcak's arrest. In this period, the ECtHR, with its verdict on Vedat Şorli, gave an important verdict about the essence of the regulation of "insulting the President," which has been made a tool of silencing since Recep Tayyip Erdoğan's election in August 2014.

28 monetary penalties, 2 broadcast suspensions from RTÜK

The Radio and Television Supreme Council (RTÜK) was criticized for being biased towards media outlets close to the government in this period, too. In the period of October - November - December 2021, the RTÜK issued 28 monetary penalties and 2 broadcast suspension penalties on TV outlets. No action was taken against radio outlets in this period. The council imposed an administrative fine of 5 million 469 thousand 679 lira in total on TV outlets.

Crisis in four places: 58 unemployed journalists

In the period of October - November - December 2021, 58 journalists were either dismissed or forced to leave their jobs after crises with the managements of Cumhuriyet, Gazete Duvar, Halk TV and Haber Global. 24 journalists, including 10 who had worked for over 20 years, criticized the "one-man administration" as they left Cumhuriyet.

The main reason for 187 media workers becoming unemployed in the same period last year was the termination of the contracts of 180 employees of Olay TV, which was shut down after 25 days of broadcasting.