

## **BIA MEDIA MONITORING REPORT / 2021**

### **Journalists' struggle for freedom, a glimmer of hope from the judiciary**

In 2021, ahead of the general election in Turkey in 2023, the government mobilized the institutions called "self-regulatory" and expected to be impartial such as the Radio and Television Supreme Council (RTÜK), Press Advertisement Institution (BİK), Press Card Commission and Criminal Judgeships of Peace and similar institutions and tools to bring the journalists and media outlets that are critical, investigative and inquiring to their knees.

The fact that the Council of Europe is set to bring infringement proceedings against Turkey for not releasing jailed businessperson Osman Kavala did not prevent the continuation of the unlawful trials on charges of "propagandizing for a terrorist organization", "insult" and "insulting the President" in the country in 2021. Ranking 153rd in the 180-country World Press Freedom Index of Reporters Without Borders (RSF), Turkey was sentenced to pay heavy damages in 2021 by the European Court of Human Rights (ECtHR) on the grounds that it had arbitrarily arrested eight journalists after the failed coup attempt in the country on July 15, 2016.

### **35 journalists sentenced to 92 years in 2021**

Four quarterly BIA Media Monitoring Reports released in 2021 show that 35 journalists (İdris Sayılğan, Hakan Aygün, Müyesser Yıldız, İsmail Dükel, Kemal Sancılı, İnan Kızılkaya, Eren Keskin, Zana Kaya, Alican Uludağ, Özgür Boğatekin, Ayten Akgün, Berat Gonca, Ozan Kaplanoğlu, Sinan Aygül, Hakkı Boltan, Cihat Ünal, Ömer Özdemir, Serhat Şefkatlı, Olgun Matur, Osman Yakut, Cem Şimşek, Hikmet Tunç, Mahir Kanaat, Tunca Öğreten, Ömer Çelik, Metin Yoksu, Eray Sargın, Enver Aysever, Ali Arslan, Can Bedros Çapar, Necip Çapraz, Yılmaz Odabaşı, Perihan Kaya, Doğan Ergün, Kaan Göktaş) were sentenced to 92 years, 6 months, 24 days in prison in total on a series of charges such as "insult", "insulting the President", "membership of an [illegal / terrorist] organization", "knowingly aiding the organization", "obtaining and disclosing confidential documents" or "espionage" as per the Turkish Penal Code (TCK) and "propagandizing for a terrorist organization", etc. as per the Anti-Terror Law (TMK).

### **64 journalists acquitted**

According to four BIA Media Monitoring reports published in 2021, 64 journalists in total (Özer Akdemir, Seyhan Avşar, Necdet Önemli, Fatih Portakal, Hatice Kamer, Banu Güven, Ferhat Çelik, İdris Yılmaz, Özgür Boğatekin, Alican Uludağ, Olcay Büyüktaş Akça, Melike Aydın, Melis Alphan, İnci Aydın, İdris Sayılğan, Naci Kaya, Ali Orhan, Hasan Yavaşlar, Özkan Mayda, Kenan Baş, Onur Fazıl Soydal, Mahir Kanaat, Tunca Öğreten, Ömer Çelik, Metin Yoksu, Eray Sargın, Derya Okatan, Fırat Yeşilçınar, Doğan Güzel, Sinan Balık, Amine Demirkıran, Davut Uçar, Elif Aydoğmuş, Reyhan Hacıoğlu, Zeki Erden, Özgür Paksoy, Mesut Kaynar, Hüseyin Gündüz, Kemal Bozkurt, Burcu Özkaya, Sevdije Ergürbüz, Günay Aksoy, Ersin Çaksu, Önder Elaldı, Ender Öndeş, Gülfem Karataş, Gökhan Çetin, Bayram Balcı ve Yılmaz Bozkurt, Bekir Şahin, Yakup Önal, Ahmet Kanbal, Mehmet Şah Oruç, Rojda Aydın, Nurcan Yalçın, Halime Parlak, Canan Coşkun, Ali Açar, Can Uğur, Ruşen Takva, etc.) were acquitted in the trials where they were facing charges as per the TMK, TCK and the Law on Banking Regulatory and Supervision Agency (BDDK); six of these journalists (Fatih Portakal, Oktay Candemir, Burak Şahin ve çizer Sefer Selvi, Mustafa Sönmez, Cem Bahtiyar) were acquitted of "insulting the President".

### **RTÜK, BİK and CİB's trouble with 'critical media'**

Republican People's Party (CHP) MP Bülent Tezcan submitted a legislative proposal on October 13 and requested that the authority of the Press Advertisement Institution (BİK) to cut newspapers' public ads be lifted.

The Institution has no mercy on the critical media outlets in a mediascape where 90 percent of national media outlets are controlled by the government: While Evrensel newspaper has been unable to receive ads for 835 days, Sözcü newspaper's ads were cut as a fine for two articles of Saygı Öztürk about a ruling AKP MP's partisanship and considered to be "press freedom" by the judiciary. Cumhuriyet newspaper's public ads were also cut for 74 days throughout the year. Moreover, Korkusuz, BirGün, Karar, Millî Gazete, Yeniçağ and Yeni Asya were also some of the newspapers that were deprived of public ads by the BİK in 2021.

Media ombudsperson Faruk Bildirici, in an article about the year 2020, wrote that the public ads of newspapers were cut for 803 days in total and while the BİK cut the ads of Cumhuriyet newspaper for 110 days, it cut the ads of daily BirGün for 112 days, those of Evrensel for 65 days, Korkusuz for 29 days and Sözcü newspaper for 17 days. Faruk Bildirici said, "So, apparently, 88 percent of the fines imposed by the BİK on the newspapers in İstanbul in 2021 were imposed on these five newspapers!".

Journalists for decades, Nadire Mater, Aydın Engin and Kazım Güleçyüz as well as Evrensel newspaper's Ankara representative Birkan Bulut have been waging a legal struggle against the Presidency's Communications Directorate (CİB) for their press cards that are not granted to them or that are not renewed. Economist-journalist Mustafa Sönmez has won his struggle.

#### **RTÜK: Broadcasters fined 31,630,000 lira in 2021**

The Radio and Television Supreme Council (RTÜK) was preoccupied with imposing fines on media outlets making critical or inquiring broadcasts such as Fox TV, Halk TV, Tele1 and KRT. RTÜK member İlhan Taşçı announced that while these broadcasters were given 71 fines and fined 21 million 500 Turkish Lira (TRY) in total, no action was taken against the pro-government outlets "despite 100 thousand complaints". In 2021, the RTÜK imposed 158 administrative fines and 48 program and broadcast suspensions on the audiovisual media, mostly television channels. The total amount of RTÜK fines was 31 million 629 thousand 996 TRY.

In the last five years, the RTÜK gave 227 program suspensions to broadcasters due to their news and programs and gave them 692 administrative fines, accounting for 88 million 69 thousand 808 TRY.

#### **41 detentions in 2021, 270 in five years**

In 2021, at least 41 journalists were taken into custody. The "world's worst jailer of journalists" for years, Turkey has been relying more on "judicial control measures" against journalists in practice in the last three years. The turn to be arrested and taken into custody has now come to the citizen journalists who interview citizens on the street.

A few days after the release of the Circular of the Directorate General of Security on "Audio and Visual Recordings" dated April 27, 2021, AFP photojournalist Bülent Kılıç, covering the İstanbul LGBTI+ Pride March, was handcuffed behind his back and detained with the knee of a police officer pressed on his throat, which led to the first mass protest demonstration of journalism organizations in Turkey since the State of Emergency.

In the last five years, 270 journalists in total were taken into custody, especially while trying to cover public demonstrations. 85 journalists were detained in 2017; 47 journalists were detained in 2018; 49 journalists were detained in 2019; 48 journalists were detained in 2020.

### **Attack on 56 journalists in 2021, 141 in five years**

In 2021, at least 56 media representatives were attacked on duty while Hazım Özsu, a radio presenter in Bursa, was killed at the entrance to his house by a person who disliked his comments.

With its execution halted by the Council of State in November 2021, the Circular on "Audio and Visual Recordings", which banned audio-visual recordings during police interventions, paved the way for arbitrary preventions, detentions or attacks targeting media representatives.

In July, 10 journalists covering the sixth anniversary of the Suruç Massacre, were attacked. The stay of execution of the Circular did not stop the unlawful interventions against journalists. One of the sad developments of the year was that one of the perpetrators of the physical attacks on journalists was HaberTürk TV representative Muharrem Sarıkaya.

In the past five years, at least 141 journalists were attacked while they were doing their job. In 2017, 20 journalists and two media outlets were targeted by violence while violence targeted 19 journalists and one media outlet in 2018, 26 journalists in 2019 and 18 journalists in 2020.

In 2016 and 2017, two journalists from Syria were killed by the dissidents of their own country while Jamal Khashoggi, a journalist from Saudi Arabia, was killed by a special execution team coming from this country in the İstanbul Consulate of Saudi Arabia in 2018.

### **"Insulting the president": 70 journalists convicted in seven years**

From August 2014, when AKP Chair Recep Tayyip Erdoğan was elected the President, to January 1, 2022, at least 70 journalists were sentenced to prison, given a deferred prison sentence or fined for "insulting the President" as per article 299 of the Turkish Penal Code. the number of media representatives who were convicted as per this article, which the government has been unwilling to repeal for so many years despite calls from the Council of Europe, was seven.

Seven journalists (Ayten Akgün, Hakkı Boltan, Cem Şimşek, Yılmaz Odabaşı, Perihan Kaya, Doğan Ergün and Kaan Göktaş) whom Recep Tayyip Erdoğan, who did not hesitate to give messages to the judiciary by publicly targeting journalists, filed a complaint against were sentenced to a total of 8 years, 10 months and 27 days in prison. The Ministry of Justice continues to grant jurisdiction under article 299, which the government is unwilling to repeal despite calls from the Council of Europe.

### **975 online news articles in a year, 5,976 articles in five years were censored**

Throughout 2021, when AKP Chair and President Recep Tayyip Erdoğan targeted social media with the words "digital fascism" and other government representatives threatened "media organizations that benefit from foreign funds," access to 075 news articles was blocked by Penal Judgeships of Peace or The Union of Access Providers.

"Personal rights" or "the right to be forgotten" were the cloak of those whose names were mentioned in relation to bribery, corruption, irregularities, favoritism, violence, religious exploitation, sexual harassment and many other issues. The lift of the access ban on a news article on Diken about entrepreneur Fettah Tamince after the works of the Freedom of Expression Association's (İFÖD) team of lawyers was an example of this arbitrariness.

### **Constitutional Court ordered 49 journalists to be paid compensation in five years**

The Constitutional Court, which was targeted by Minister of Interior Süleyman Soylu and MHP Chair Devlet Bahçeli in 2021, sentenced the state to pay a total of 139,225 lira, including compensation and court costs, in applications by nine journalists and three media organizations. The amount of compensation the Constitutional Court ordered to be paid in five years was 443,658 lira.

### **36 journalists won cases at the ECtHR in five years**

The European Court of Human Rights (ECtHR), which caused the start of the infringement proceedings against Turkey before the Council of Europe, sentenced Turkey to pay a total of 114,440 Euro (1,192,250 lira) in compensation in 2021. The verdicts of violation about the unfounded arrest of eight journalists after the coup attempt weighed heavily in the compensation to be paid.

The ECtHR, which skipped 2017 despite receiving a lot of applications about the arrest of journalists following the 2016 coup attempt, sentenced Turkey to pay a total of 343,380 Euro (3,065,699 lira) in compensation in the last five years.

### **The fight against impunity is weak**

The murder case concerning Musa Anter, which the state confessed in the "Susurluk Report" and the government prevented to be dropped due to the statute of limitations in the Peace Process, is faced with the danger of statute of limitations once again because of the "maximum litigation period of 30 years."

In 2021, 35 journalists were sentenced to 92 years in prison and at least 41 journalists were detained. In Turkey, which was one of the "largest prisons of journalists" for long years, the judiciary has been focusing on "judicial control" for journalists in the last three years. Now it was the turn of citizen journalists who interviewed citizens on the streets to get arrested and detained.

The trial of three police officers who inflicted violence on former bianet.org reporter Beyza Kural after the Constitutional Court verdict of violation, the trial of the judges who did not release Mehmet Altan despite Constitutional Court and ECtHR rulings at the Court of Cassation, the trial of the judges who arbitrarily arrested journalist Ahmet Şık because of his draft book "The Army of The Imam," the overturn of the verdict of non-prosecution for police officers who prevented journalists from performing their duties in 10 separate cases, the transfer of the file of those who attacked Yeni Çağ newspaper columnist Yavuz Selim Demirağ to the Heavy Penal Court were encouraging developments.

### **79 journalists in 2021 and 807 journalists in the last five years lost their jobs**

In 2021, a total of 79 journalists lost their jobs for reasons such as the crises at Cumhuriyet, Gazete Duvar, Halk TV and Haber Global, various disagreements or forced resignations. 24 Cumhuriyet employees, 10 of 10 had been working for the newspaper for over 20 years, criticized the "one-man rule at the newspaper" when they resigned. TRT fired Deniz Salmanlı, a chief video editor for 22 years, because of a Twitter post. Habertürk TV Ankara representative Bülent Aydemir, who was targeted by the MHP after a program where the draft Constitution announced by Devlet Bahçeli was discussed, was dismissed, and the editor-in-chief of the broadcaster, Kürşad Oğuz, resigned.

Unemployment, which heavily affected the sector in 2016 with 2,708 journalists becoming unemployed, affected a total of 807 journalists in the last five years. 215 journalists lost their jobs in 2020, 190 journalists lost their jobs in 2019, 157 journalists lost their jobs in 2018, and 166 journalists lost their jobs in 2017.