

# Freedom of Expression and the Press Agenda

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DARUASTI GRAJECHELIUM PLATFORNI

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# FROM THE EDITOR

As the Expression Interrupted platform, operating under the Punto 24 Platform for Independent Journalism (P24) since 2017, we present the eighth of our regular *Freedom of Expression and the Press Agenda* reports. This is the last report of 2022 and covers the months of October, November and December.

Our Freedom of Expression and the Press Agenda reports, first launched in 2021, aim to provide a comprehensive snapshot of the state of press freedom and freedom of expression in Turkey. Journalism trials continue to serve as the most prevalent tool of repression in Turkey targeting press freedom and freedom of expression. Therefore, our report contains detailed information as well as statistics about journalism trials that took place in the last quarter of the year. However, repression targeting press freedom and freedom of expression in Turkey is not limited to trials alone. In addition to the restrictive legislation, the actions and attitudes of state institutions and government representatives determine the overall legal and political context regarding press freedom and freedom of expression as well as the public's right to information. While judgments by the Constitutional Court and the European Court of Human Rights set the related case law, regulatory bodies such as the Radio and Television Supreme Council (RTÜK) and the Press Advertisement Agency (BİK) may put financial pressure on media outlets through penalties they impose, forcing the media institutions to align their editorial stance with certain political criteria. On the other hand, police brutality and physical attacks by civilians targeting journalists have turned into a chronic issue that is also affecting the press freedom atmosphere in Turkey. All these topics are covered in detail in our report.

The information provided in this report is based on Expression Interrupted platform's extensive trial monitoring work as well as our media and open-source information tracking efforts, which can be found in detail on our [website](#). Similarly, we would like to remind readers that the data provided in this report is limited to

information gathered by the Expression Interrupted team and therefore cannot be expected to provide an exhaustive overview of all the relevant developments.

We hope that this report will contribute to the body of existing valuable work in this field and, more importantly, to a much-needed progress towards the protection of freedom of expression and the press in Turkey, in line with the Constitution of the Republic of Turkey and international human rights standards.

# PRESS FREEDOM ATMOSPHERE IN THE FOURTH QUARTER OF 2022

The last quarter of 2022 was a period in which the decline of press freedom and freedom of expression in Turkey notably worsened. A bill that had long been in the making for the purported purpose of “combating disinformation” was eventually enacted and put into effect. There is widespread concern that Article 29 of the 40-article law, under which “publicly disseminating false information” is defined as a punishable offense, may serve as a major tool to restrict the flow of information and increase censorship and self-censorship particularly in the run up to the 2023 elections. The restrictive impact of the law on internet news websites and social media platforms, on the other hand, is expected to become clearer in the coming months.

Announcing the preparations for the law aimed at “combating disinformation” for the first time in July 2021, President Recep Tayyip Erdoğan had said that the opposition in Turkey “has built its policies on the terror of lies” and argued that this called for a new law to “fight lies.” Shortly after the law was enacted, the General Directorate of Security requested that a lawsuit be filed against the main opposition Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu under the “disinformation” law due to his statements about drug trade. Bitlis-based journalist Sinan Aygül, on the other hand, was arrested after social media posts about allegations of sexual abuse of a child. Aygül became the first journalist to be imprisoned pending trial under Article 217/A of the Turkish Penal Code (TCK) -- the “disinformation” law.

***The “disinformation” bill was enacted and came into force following a long period of preparation by the government. Access to social media was blocked following the deadly bomb attack on İstanbul’s İstiklal Street***

Following a bomb attack that killed six people on İstanbul’s İstiklal Street on 13 November, bandwidth throttling targeting social media platforms and a broadcast ban imposed by the Radio and Television

Supreme Council (RTÜK) on TV stations drastically restricted flow of information about the attack. While legal experts asserted that the bandwidth throttling measure was an arbitrary interference with the freedom of expression and the right to information of the entire society, the possibility that similar draconian interventions could be used especially during the election period added to concerns about election security.

The pressure on human rights defenders and the civil society intensified with the arrest and pre-trial detention of Şebnem Korur Fincancı, the president of the Turkish Medical Association (TTB) Central Council and a prominent rights defender, for her statement that allegations that the Turkish Armed Forces (TSK) had used chemical weapons against the PKK targets should be investigated. A separate investigation was reportedly launched against Fincancı and other TTB Central Council members on the allegation of “membership in a terrorist organization.” The aggravated life sentence given to jailed businessperson Osman Kavala and the 18-year prison sentences given to seven other rights defenders in the “Gezi Trial” were upheld by an appellate court. In another case targeting the civil society, an Istanbul court released four of the 17 imprisoned defendants at the end of the first hearing of a trial targeting members and executives of the Migration Monitoring Association (GÖÇİZDER). In the “Büyükada Trial,” the Supreme Court of Appeals overturned the convictions of rights defenders Taner Kılıç, İdil Eser, Özlem Dalkıran and Günal Kurşun and ordered a retrial.

As for the judicial harassment targeting journalists, the increase in the number of imprisoned journalists since mid-2022 continued in this reporting period as the pressure on the Kurdish press intensified. Following the pre-trial detention of 16 journalists and media workers from Kurdish media outlets in Diyarbakır in June, nine more journalists from Mezopotamya News Agency and JinNews were imprisoned in Ankara in October. This means a total of 25 journalists working for pro-Kurdish media outlets were put behind bars in just five months. According to Expression Interrupted data, as of the end of 2022, there were 75 journalists in prison in Turkey.

In the last three months of 2022, Turkish courts heard a total of 99 cases in which 173 journalists, six of whom were foreign nationals, appeared before judges as defendants. In 16 of the 29 cases that were finalized during the reporting period, courts sentenced a total of 25 journalists. Seventeen of the convicted journalists were handed a combined prison sentence of 47 years, 8 months and 1 day in prison, while eight journalists were handed a combined judicial fine of TL 82,040. Eleven new cases were filed against 15 journalists. Thirty-two journalists were arrested. At least nine journalists faced new investigations.

*In the last quarter of the year, 173 journalists appeared in courts in 99 separate trials. Courts sentenced 25 journalists to a combined prison sentence of 47 years, 8 months and 1 day and TL 82,040 in judicial fines. Eleven new cases were filed against 15 journalists. Thirty-two journalists were arrested*

In addition to court cases and criminal investigations, journalists continued being the target of violence and obstruction. In the three-month period covered in this report, at least 19 cases of attacks, police brutality and threats against journalists took place.

RTÜK and the Press Advertisement Agency (BİK), frequently criticized for serving as tools of financial pressure on opposition media outlets with the disproportionate penalties they impose, continued being the target of criticism for their practices in this reporting period. According to 2022 figures announced by RTÜK Member İlhan Taşçı, the Council mainly fined opposition channels such as Halk TV, Tele 1 and KRT TV throughout the year, while not imposing any penalties on most of the pro-government TV channels. According to figures announced by Taşçı, in 2022, RTÜK imposed a total of 54 penalties on opposition broadcasters, with Halk TV receiving 23 penalties; Tele1 TV receiving 16; KRT TV receiving six; Fox TV receiving five; and Flash TV receiving four penalties. Among pro-government channels, RTÜK fined TGRT TV twice while Beyaz TV and ATV were each fined once throughout the year. The Council imposed no penalties on other pro-government channels,

including A Haber, Ülke TV, Kanal 7, TV Net and TV 24. The fines RTÜK imposed on Halk TV, Tele 1, KRT, Fox TV and Flash TV in 2022 amounted to a sum of TL 17,335,000, while the fines imposed on TGRT, Beyaz TV and ATV amounted to a sum of TL 1,674,000.

In the previous reporting period, the Press Advertisement Agency had permanently revoked *Evrensel* newspaper's right to publish public ads and announcements. The objections the newspaper filed against the Agency's decision during this reporting period were all rejected. In the meantime, BİK's public ad ban on *Yeni Asya* newspaper, which has been unable to publish public ads and announcements since January 2020, marked 1,000 days during the reporting period.

# LEGAL AND POLITICAL DEVELOPMENTS

## “Disinformation” Law Enters into Force

During the reporting period, the Draft Law on the Amendment of the Press Law and Some Other Laws, publicly known as the “disinformation bill,” was enacted by the votes of the ruling Justice and Development Party (AKP) and the Nationalist Movement Party (MHP) deputies.

The Law, which comprises 40 articles, came into force on 18 October 2022, when it was published in the *Official Gazette*. With the entry into force of Article 29 of the law, a new article (217/A) was added to the TCK, introducing a prison sentence of 1 to 3 years for the crime of “publicly disseminating information that is deceptive to the public.”

The main opposition CHP filed an application with the Constitutional Court, seeking the annulment and suspension of the execution of Article 29 of the Law on the Amendment of the Press Law and on Some Other Laws. After an initial examination, the Constitutional Court decided to review the article in question on substantive grounds.

Under the new law, online news portals in Turkey are now also subject to the provisions of the Press Law, just like print media, and therefore are obliged to run corrections and clarifications. Through this amendment, news websites are now eligible to run public ads and announcements provided they fulfill the criteria set out by BİK, and journalists working in these outlets will be eligible to apply to receive press cards.

The law also amended the obligation for social media platforms to appoint a representative in Turkey. According to the new law, the representative will not only have to be a Turkish national but will also have to reside in Turkey.

The law also sets out a framework regarding the nature and types of press cards and the procedures for application. Accordingly, press card applications will now be filed with the Presidency's Communications Directorate.

The 40-article law, billed by the opposition and press freedom and freedom of expression organizations as the “censorship law,” is expected to further expand censorship and self-censorship on social media and online media outlets, and add to the existing restrictions faced by social media platforms. As parliamentary talks on the draft law continued, 22 international press freedom, freedom of expression and journalism organizations, including P24, issued a [joint statement](#), urging lawmakers to vote against the bill. “The bill, with its vaguely formulated definition of disinformation and ‘intent,’ overseen by Turkey’s highly politicized judiciary, will put millions of Internet users at risk of criminal sanction and could lead to blanket censorship and self-censorship in the run up to the 2023 elections,” the statement read.

You can read more on the new law and criticism regarding new regulations in these articles published on our website (available [here](#) and [here](#)).

## Council of State Decision about Amendments to Press Card Regulation

During the reporting period, the Council of State issued a decision regarding the regulations about the media freedom and freedom of expression. Adjudicating on a motion filed by the Progressive Journalists Association (ÇGD) and the Press and Printing House Workers’ Union of Turkey (DİSK Basın-İş), which sought the annulment and the suspension of the execution of some of the provisions of the Regulation on Amendments to the Press Card Regulation, the 10th Chamber of the Council of State ruled for stay of execution for some of the amendments to the Press Card Regulation, which were introduced by the Presidency’s Directorate of Communications on 21 May 2021.

The Council of State held that the provisions abolishing the Press Card Commission and authorizing the Directorate of Communications for cancellation of press cards, and those that render employees of RTÜK and some other public institutions eligible to receive press cards were unlawful. The Council of State had previously suspended the execution of some provisions in the regulation, after which the Directorate of Communications made amendments in the regulation.

The latest judgment also suspended the execution of some of the latter amendments by the Directorate of Communications.

The Council of State, on the other hand, rejected the request by press associations for stay of execution of some other provisions.

## Political Pressure

In the last quarter of 2022, press freedom in Turkey was constrained by public statements of politicians targeting journalists, administrative measures, arbitrary accreditation practices and lawsuits filed against journalists based on complaints by politicians.

Exiled journalist Can Dündar was added to the Interior Ministry's list of "wanted terrorists." Dündar was placed in the "gray" category and is wanted in connection with his "ties with the FETÖ/PDY terrorist organization." The İstanbul 14th High Criminal Court had sentenced Dündar to 27 years and 6 months in prison for his 2015 coverage of allegations of illegal weapons transfer on trucks operated by the National Intelligence Organization (MİT). Dündar's assets have also been seized.

In a statement made during an official visit by Swedish Prime Minister Ulf Kristersson in Ankara, President Erdoğan demanded that Sweden extradite exiled journalist Bülent Keneş, the former editor-in-chief of *Today's Zaman*, to Turkey. Erdoğan said that the deportation of Keneş, whom he called "a terrorist," was very important. The Swedish Supreme Court rejected Turkey's request for Keneş's deportation, saying there were "obstacles to extradition because it is a matter of so-called political crimes, i.e., crimes that are directed against the state and that are political in nature."

Minister of Industry and Technology Mustafa Varank filed a complaint against *BirGün* reporter İsmail Arı on account of a report published on 18 November and headlined "Deniz manzaralı araziyi Varank'ın 'kuzeni' kaptı!" (Varank's 'cousin' gets plot with sea view). Claiming that Arı's report "openly insulted a public official and created distrust against him in public," Varank requested that Arı be charged with "insulting a public official." The

investigation launched following the complaint resulted in an indictment against Ari. The first hearing of his trial will be held in April 2023.

Another case was filed against *Evrensel* daily's Responsible Managing Editor Görkem Kınacı and publisher Kürşat Yılmaz based on a complaint by Serhat Albayrak, the vice president of the board of directors of the pro-government Turkuvaz Media Group and the brother of President Erdoğan's son-in-law, Berat Albayrak, due to the newspaper's coverage of allegations concerning Albayrak by crime boss Sedat Peker. The complaint filed by Albayrak's lawyers argued that "the reports that contained insult and libel violated Albayrak's personal rights and constituted a crime."

Sibel Hürtaş, the head of the Ankara bureau of the Journalists Union of Turkey (TGS), and Deutsche Welle reporter Alican Uludağ became subject to arbitrary accreditation practices. When Hürtaş went to the Parliament to follow parliamentary debates on the "disinformation" bill, she was told by the police that she was banned from entering. Uludağ, on the other hand, was barred from attending a ceremony at the Constitutional Court held on the occasion of the inauguration of Judge Muhterem İnce after his invitation had been rescinded following an intervention by the Presidency's Directorate of Communications. Uludağ announced that his press card was also recently canceled by the Directorate of Communications.

Interior Minister Süleyman Soylu targeted journalist Şirin Payzın on social media for her comments during a political talk show aired on Halk TV. Soylu wrote: "Bloodthirsty vampires... They sucked the blood of a Prime Minister and two ministers, but they couldn't get enough. Children of the West and Soros... Do your best."

Al-Monitor columnist Amberin Zaman received numerous threats on social media after sharing a photo taken during her meeting with CHP leader Kemal Kılıçdaroğlu in London. AKP lawmaker Mehmet Ali Çelebi, who was among those targeting Zaman on social media, wrote in his Twitter post: "Amberin Zaman... -PKK-Öcalan lover-Supporter of so-called genocide claims-Taraf newspaper columnist... Ergenekon-Balyoz manipulator-She is facing an arrest warrant for being a FETÖ supporter..."

# JUDGMENTS OF ECtHR AND TURKISH SUPREME COURTS

## ECtHR Judgments

### ***Judgments awaiting execution: The cases of Selahattin Demirtaş and Osman Kavala***

The European Court of Human Rights (ECtHR) judgments finding multiple violations in the cases of jailed businessperson Osman Kavala and jailed former Co-Chairperson of the Peoples' Democratic Party (HDP) Selahattin Demirtaş were still not implemented by the end of the fourth quarter of 2022. Both judgments had become final in 2020.

The Committee of Ministers of the Council of Europe, which supervises the implementation of ECtHR judgments, reviewed the Kavala case twice during this reporting period. In their meeting held on 19-20 October 2022, the Deputies **decided** to appoint a Liaison Group of Ambassadors to assist the Chair in engaging with the Turkish authorities regarding the implementation of the judgment.

In their meeting held on 6-8 December 2022, the Committee reviewed both Kavala and Demirtaş cases. Reiterating their call for the immediate release of both Kavala and Demirtaş, the Committee **urged** Turkish authorities to eliminate all the negative consequences of the criminal charges brought against Kavala. In its **decision** regarding the Demirtaş case, the Committee urged Turkish authorities to take all possible steps to ensure that the Constitutional Court makes its determination concerning Demirtaş's ongoing detention in the shortest possible time frame. The Committee also instructed the Secretariat to prepare a draft interim resolution for the Committee's consideration at its upcoming meeting in March 2023, if the situation remained unchanged.

### ***New judgments***

**ECtHR finds violations in the case of HDP lawmakers:** In the reporting period, ECtHR delivered its judgment in the case of 13 HDP politicians who

were imprisoned in 2016. The European Court ruled that the detentions of the MPs violated their freedom of expression and the right to engage in political activity. The applicants were HDP's former Co-Chairperson Figen Yüksekdağ and politicians İdris Baluken, Besime Konca, Abdullah Zeydan, Nihat Akdoğan, Selma Irmak, Ferhat Encü, Gülser Yıldırım, Nursel Aydoğan, Çağlar Demirel, Ayhan Bilgen, Burcu Çelik and Leyla Birlik.

The European Court ruled by six votes to one that in addition to freedom of expression and the right to engage in political activity, the detentions also violated Articles 5 and 18 of the European Convention on Human Rights (ECHR). The only dissenting vote was cast by the Turkish Judge Saadet Yüksel.

## Judgments of the Constitutional Court

**Erdal Süsem application:** The Constitutional Court ruled that Eylül magazine editor Erdal Süsem's right to a fair trial, safeguarded under Article 36 of the Constitution, had been violated. Süsem has been in prison since March 2011, serving a life imprisonment sentence he had been given on the charge of "attempting to overthrow the constitutional order." In its judgment rendered on 13 September 2022, the top court ruled to send Süsem's case to the İstanbul 12th High Criminal Court for a retrial and ordered that Süsem be paid TL 20,000 in non-pecuniary damages.

**Hacı Boğatekin application:** The Constitutional Court ruled that a one-year prison sentence handed to Adıyaman-based *Gerger Fırat* newspaper's owner and Responsible Managing Editor Hacı Boğatekin on the charge of "praising a crime or a criminal offender" for an article he wrote in 2008 in the newspaper violated press freedom and freedom of expression. In its judgment rendered on 19 October 2022, the top court ordered a retrial and decided to send the case file back to the Adıyaman 1st High Criminal Court.

## Judgments of the Supreme Court of Appeals

**Supreme Court of Appeals reverses convictions in "Büyükada Trial:"** The 3rd Criminal Chamber of the Supreme Court of Appeals

overturned the convictions handed in the “Büyükada Trial,” in which 11 human rights defenders were prosecuted. The case file was sent to the relevant courts for retrial.

In its judgment dated 17 October 2022, the Chamber overturned the prison sentence of 6 years and 3 months handed to Amnesty International Turkey Honorary Chair Taner Kılıç for “membership in a terrorist organization” on grounds of “insufficient investigation” while the sentences handed to academic Günal Kurşun, former Amnesty International Turkey director İdil Eser and founding member of Amnesty International Turkey Özlem Dalkıran were overturned on grounds of “unlawfulness.”

At the final hearing of the case held in July 2020, the trial court had sentenced Taner Kılıç to 6 years and 3 months in prison on the charge of “membership in a terrorist organization” and Günal Kurşun, İdil Eser and Özlem Dalkıran to 1 year and 13 months in prison each on the charge of “aiding a terrorist organization.”

**Journalist Mehmet Güleş’s sentence overturned:** The 3rd Criminal Chamber of the Supreme Court of Appeals overturned the sentence handed on 3 May 2017 to journalist Mehmet Güleş on account of his social media posts. Güleş, who was arrested in December 2016, remained in prison for 4 years and 8 months. The Chamber held that the sentence, increased by the trial court, was disproportionate. Güleş had been sentenced to 6 years and 3 months in prison for “membership in a terrorist organization” and an additional 3 years, 1 month and 15 days for “terrorism propaganda.”

**Journalist Ece Sevim Öztürk’s conviction overturned:** In another judgment rendered on 18 October 2022, the 3rd Criminal Chamber of the Supreme Court of Appeals overturned a prison sentence of 3 years, 1 month and 1 day given to journalist Ece Sevim Öztürk on the charge of “membership in a terrorist organization” on account of her social media posts. The Chamber stated in their unanimous judgment that Öztürk’s sentence was reversed “as it is against the law to render a conviction in writing as a result of an erroneous evaluation of the evidence instead of acquitting the accused ... for her acts within the scope of journalism.”

# JUDICIAL VIOLATIONS

## **Trials of Journalists in Numbers: Cases, Convictions, Acquittals**

Journalism trials continued unabated in the last quarter of 2022. In the last three months of the year, a total of 173 journalists, six of whom were foreign nationals, appeared before courts in 99 separate cases. In 16 of the 29 cases that were concluded during the reporting period, courts sentenced a total of 25 journalists. Seventeen of the convicted journalists were handed a combined prison sentence of 47 years, 8 months and 1 day in prison, while eight journalists were handed a combined judicial fine of TL 82,040. Fifteen journalists were acquitted in 12 separate cases. A compensation case filed against two journalists was dismissed by the court.

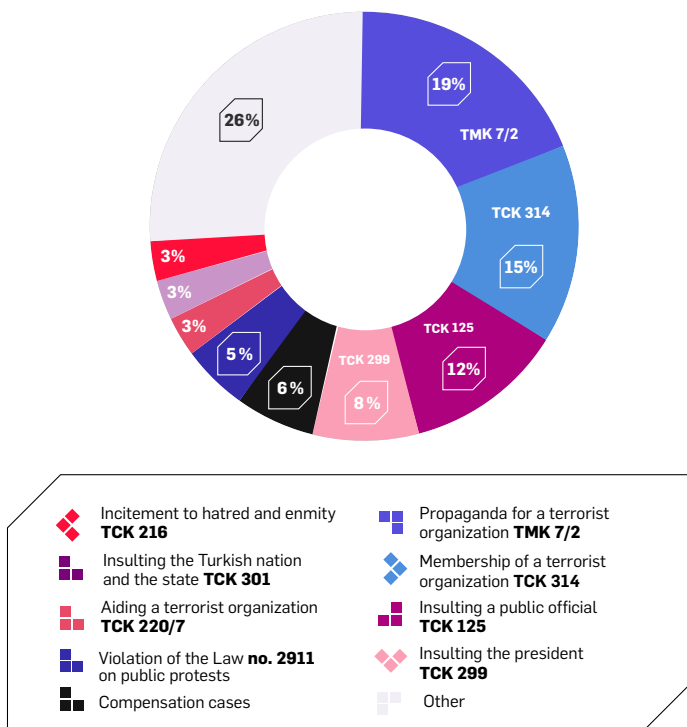
During the same period, regional courts of justice, which are appellate courts, concluded two cases in which seven journalists stood trial. The appellate courts upheld a combined prison sentence of 8 years and 4 months previously handed to five journalists in the two cases that were concluded. A prison sentence of 1 year, 12 months and 17 days handed to one journalist was reversed on the grounds of "erroneous sentencing" with the court ruling that the journalist should have been handed the "maximum sentence prescribed by the law." An acquittal judgment rendered for one journalist was also reversed, with the appellate court ruling that the journalist should have been convicted.

In the trials held during this reporting period, journalists mostly faced "insult" and "terror" charges. According to data derived from the trial monitoring work by Expression Interrupted, journalists who stood trial before a court of first instance in the last three months of 2022 faced the charge of "insulting a public official" under Article 125 of the TCK 22 times; "terrorism propaganda" charge under Article 7/2 of the Anti-Terror Law (TMK) 21 times; "membership in a terrorist organization" charge under Article 314 of the TCK 14 times; and "insulting the president" charge under Article 299 of the TCK 12 times.

While journalists in nine trials were charged with "Violating the Law on Meetings and Demonstrations," they faced "defamation" charges

under TCK Article 267 in seven trials. In six lawsuits, journalists faced compensation claims. The charges of “marking persons who took part in the fight against terrorism as a target” (TMK Article 6/1) and “inciting the public to hatred and animosity” (TCK Article 216) were each used in six trials. The charges of “aiding a terrorist organization without being a member” (TCK Article 220/7) and “publicly degrading the Turkish nation, the State of the Turkish Republic, the organs and institutions of the State” (TCK 301) were each used five times. The charge of “illegally obtaining or disseminating personal data” (TCK 136) was used four times, while “praising a crime or a criminal offender” (TCK 215) was used three times and “publishing statements by terrorist organizations” (TMK 6/2) was used twice.

### Charges most commonly used in trials of journalists



In the last quarter of 2022, covered in this report, 11 new cases were filed against 15 journalists.

In the same period, at least two journalists (Beyza Kural, Gökhan Biçici) appeared in courts not as defendants but as plaintiffs due to the violations they were subject to as journalists.

Following are monthly statistics regarding cases against journalists<sup>1</sup>:

## October 2022

In October, 58 journalists appeared before courts in 46 separate cases. While courts adjourned 33 cases, 13 cases were concluded. In six of the 13 concluded cases, courts acquitted eight journalists (Barış Barıştıran, Uğur DüNDAR, Görkem Kinacı, Uğur Şahin, Uğur Koç, Hasan Tolga Balçılar, İnci Aydın, Doğan Akın) and ruled for the release of one of them. In seven cases that resulted in conviction, five journalists (Çetin Kurşun, Faruk Eren, Furkan Karabay, Mehmet Emin Kurnaz, İsmail Arı) were handed a combined prison sentence of 20 years, 8 months and 10 days, while three journalists were ordered to pay a sum of TL 38,320 in compensation.

Three new cases were filed against five journalists (Nişimiye Güler, Özgür Boğatekin, Hacı Boğatekin, İbrahim Aydın, İsmail Arı).

### OCTOBER 2022

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| Journalists put on trial                         | <b>58</b> |
| Number of trials                                 | <b>46</b> |
| Trials <b>adjourned</b>                          | <b>33</b> |
| Trials <b>concluded</b>                          | <b>13</b> |
| Trials <b>that ended with conviction verdict</b> | <b>7</b>  |
| Trials <b>that ended with acquittal verdict</b>  | <b>6</b>  |
| Number of <b>new trials</b>                      | <b>3</b>  |

<sup>1</sup> The discrepancy between three-month statistics and monthly statistics may stem from factors such as a journalist being prosecuted in more than one case; more than one journalist being prosecuted in a case; and more than one hearing of a case taking place in the three-month period covered by the report.

Çetin Kurşun, a former reporter for *Azadiya Welat* newspaper, which was closed under a statutory decree (KHK), was sentenced to 8 years and 3 months in prison on “membership in a terrorist organization” and 5 years on “terrorism propaganda” charges. The court did not grant any reduction in the sentence. Also ruling for Kurşun's imprisonment upon sentencing, the court issued an arrest warrant for the journalist.

Gerçek Gündem Responsible Managing Editor Faruk Eren and Gerçek Gündem editor Furkan Karabay were each sentenced to 2 years and 3 months in prison on the charge of “insulting a public official” over a report titled “Yargıda ‘Antalya’ operasyonunda ‘İstanbul’ ayrıntısı: Atanan savcılar neyin göstergesi?” (‘İstanbul’ detail in judiciary’s ‘Antalya’ operation: What do the appointed prosecutors indicate?)

*BirGün* newspaper editor Mehmet Emin Kurnaz was sentenced to 11 months and 20 days in prison for “insulting a public official” and another 11 months and 20 days for “insulting the president” at the end of his trial launched over an article titled “Çetelerin İktidarı” (Rule of Gangs), published on 25 May 2021. The court deferred both sentences.

A lawsuit filed by SADAT against *Evrensel* daily and its columnist Yusuf Karadaş on the charge of “violation of personal rights” was partially accepted by the court. The court ruled that Karadaş and *Evrensel* pay SADAT a compensation of TL 15,000 in non-pecuniary damages.

A lawsuit filed by TÜGVA against journalist Mehmet Kızmaz and *Cumhuriyet* newspaper due to an article published on 23 October 2021 was partially accepted by the court. The court ruled that Kızmaz and *Cumhuriyet* pay TL 15,000 in compensation for the article titled “Ensar, TÜRGEV, TÜGVA paralel terör örgütü gibi” (Ensar, TÜRGEV, TÜGVA are like a parallel terrorist organization).

Samsun Etik Haber news portal's Editor-in-Chief Berat Gonca was ordered to pay Judge Kemal Alver TL 8,320 in compensation. Alver, the former president of the Samsun Justice Commission, had filed a complaint against Gonca for revealing that his image was reflected in the mirror in a photo shared on social media by crime boss Galip Öztürk, who was

on the run at that time after his life sentence was upheld. Gonca stated that Alver filed the complaint on the grounds that a news article that was previously removed was brought up again.

*BirGün* newspaper reporter İsmail Arı was sentenced to 2 years in prison on the charge of “illegally obtaining and disseminating personal data” for his report titled “Kızılay Başkanı ile Genel Müdürüne kesilen para cezalarının belgelerine BirGün ulaştı” (BirGün uncovers documents showing fines imposed on president and general manager of Turkish Red Crescent). The court deferred the sentence.

Journalist İnci Aydın was acquitted of “marking persons who took part in the fight against terrorism as a target” in her trial over an article titled “İktidara notumuz yok lafımız var: Haksızlıklarınla göndereceğiz!” (We have a word for the government: We will send you away for your injustice!), published in *Yeni Yaşam* newspaper supplement *Kadın*.

Journalist Doğan Akın was acquitted of “insult” and “libel” charges in a case that was filed upon a complaint by President Recep Tayyip Erdoğan's former lawyer Mustafa Doğan İnal.

Osmaniye-based journalist Hasan Tolga Balcılar, who was jailed pending trial on the charge of “marking persons who took part in the fight against terrorism as a target,” was acquitted and released from pre-trial detention by the trial court. Balcılar was on trial for revealing the name of the head of the local police anti-terror unit in a public statement about a police raid conducted last year on his home.

Barış Barıştıran, the former responsible manager of Özgür Gün TV, which was closed under a statutory decree, was acquitted in his retrial on the charge of “terrorism propaganda.” The journalist was on trial because the channel aired live a Democratic Society Congress (DTK) congress held in Diyarbakır on 26 March 2016.

Journalist Uğur Dünder was acquitted of “praising a crime and a criminal offender” at the first hearing of his trial. The accusation stemmed

from a speech Dündar made and a social media post in which he had tagged crime boss Sedat Peker.

*Evrinsel* daily's Responsible Managing Editor Görkem Kınacı, *BirGün* daily's News Manager Uğur Şahin and *birgun.net* Responsible Managing Editor Uğur Koç were acquitted of "libel" and "insulting a public official" charges in their trial, launched upon a complaint by the Constitutional Court Judge İrfan Fidan.

In the 46 cases heard in October, "insult" and "terrorism propaganda" were the most prevalent charges, each appearing in 10 instances. They were followed by "membership in a terrorist organization" and "insulting the president" charges, which were each used seven times. The charges of "violating the Law on Meetings and Demonstrations," "marking a person who took part in the fight against terrorism as a target" and "illegally obtaining and disseminating personal data" were each used three times. In three cases, journalists faced compensation claims. "Inciting the public to hatred and animosity" and "libel" charges were each used twice while "aiding a terrorist organization," "resisting [a public official] to prevent the performance of their duty," "violating the Law on Military Forbidden Zones and Security Zones," "publicly degrading the organs and institutions of the state," "publishing statements by terrorist organizations," "violating the secrecy of private life" and "praising a crime and a criminal offender" charges were each used once.

During the same period, three new cases were filed against five journalists. They are as follows:

An indictment in which *JinNews* editor Nişmiye Güler is charged with "terrorism propaganda" on account of the news reports she had shared on her social media account was accepted by the İstanbul 27th High Criminal Court. The court set 19 January 2023 as the date for the first hearing.

A new case was filed against *Gerger Fırat* newspaper News Manager Özgür Boğatekin and columnist Hacı Boğatekin on account of a report about bribery allegations concerning Judge Batuhan Maraşlı, who was a judge at the Adıyaman Gerger Courthouse in 2018.

Minister of Industry and Technology Mustafa Varank filed a lawsuit against *BirGün* daily, the newspaper's Executive Board Chairman İbrahim Aydın, and reporter İsmail Arı, seeking TL 50,000 in compensation on account of a report titled "Varank'ın kuzeni köşeyi döndü" (Varank's cousin gets rich).

## November 2022

In November, 83 journalists appeared before courts in 32 separate cases. Twenty-four cases were adjourned while eight cases were concluded. In two of the cases that were concluded, three journalists (Velat Öztekin, Çağrı Sarı, Arif Koşar) were acquitted. In five cases that resulted in conviction, 10 journalists (Semiha Şahin, Pınar Gayıp, Mehmet Acettin, Serdal Işık, Beritan Canözer, Şahin Alpay, Ali Bulaç, Ahmet Turan Alkan, Mümtazer Türköne, Engin Eren) were sentenced to a combined prison term of 23 years, 7 months and 9 days. In one case, four journalists (Hazal Ocağ, Serkan Ozan, Olcay Büyüktaş Akça, Ozan Yurtoğlu) were ordered to pay a sum of TL 8,720 in compensation.

In the same period, two cases filed by two journalists (Beyza Kural, Gökhan Biçici) due to the violations they were subjected to as journalists were adjourned while a regional court of justice held the appellate hearing of a case against six journalists (Ömer Çelik, Tunca Öğreten, Mahir Kanaat, Derya Okatan, Eray Sargın, Metin Yoksı).

### NOVEMBER 2022

|  |           |
|--|-----------|
| Journalists put on trial                         | <b>83</b> |
| Number of trials                                 | <b>32</b> |
| Trials <b>adjourned</b>                          | <b>24</b> |
| Trials <b>concluded</b>                          | <b>8</b>  |
| Trials <b>that ended with conviction verdict</b> | <b>6</b>  |
| Trials <b>that ended with acquittal verdict</b>  | <b>2</b>  |

Journalists Semiha Şahin and Pınar Gayıp were acquitted of “membership in a terrorist organization” charge but were each sentenced to 2 years, 13 months and 15 days on the charge of “terrorism propaganda.”

Journalists Hazal Ocak, Serkan Ozan, Olcay Büyüктаş Akça and Ozan Yurtoğlu were each ordered to pay TL 2,180 in judicial fine on the charge of “insult” in a case filed upon a complaint by President Recep Tayyip Erdoğan’s son, Bilal Erdoğan. The court ruled that the sentences were final because the fines were under TL 3,000.

Etkin News Agency (ETHA) responsible Managing Editor Mehmet Acettin and former ETHA editor Serdal Işık were each handed a prison sentence of 2 years, 6 months and 22 days on the charge of “terrorism propaganda.”

Journalist Beritan Canözer was handed down two separate prison sentences on the charge of “terrorism propaganda” by the Diyarbakır 4th High Criminal Court. The court sentenced Canözer to 1 year, 10 months and 15 days and additionally to 1 year and 3 months for social media posts shared by four social media accounts.

Former *Zaman* newspaper columnists Mümtazer Türköne, Şahin Alpay, Ali Bulaç and Ahmet Turan Alkan, who were on retrial on the charge of “aiding a terrorist organization without being a member” after their convictions in the original trial were overturned by the Supreme Court of Appeals, were convicted by the trial court. Mümtazer Türköne was sentenced to 3 years and 9 months in prison while Şahin Alpay, Ali Bulaç and Ahmet Turan Alkan were each sentenced to 2 years and 6 months in prison.

Engin Eren, a former reporter for the now-defunct Dicle News Agency (DİHA), was sentenced to 3 years, 1 month and 15 days in prison on the charge of “aiding a terrorist organization without being a member” in his trial overseen by the Batman 2nd High Criminal Court. Eren was acquitted of “membership in a terrorist organization,” “violating the Law on Military Forbidden Zones” and “violating the Law on Meetings and Demonstrations.”

Velat Öztekin, a former reporter for the now-defunct *Azadiya Welat* newspaper, was acquitted of “insulting the president” in his trial overseen by the Diyarbakır 7th Criminal Court of First Instance. The court ruled that legal elements of the alleged offense were not present.

Journalists Çağrı Sarı and Arif Koşar were acquitted of “publicly degrading the state’s military or security forces” in their retrial over a report titled “Polis Nusaybin’de halkı taradı: 3 yaralı” (Police in Nusaybin open fire at people: 3 injured).

The most common charge in journalists’ trials held in November was “terrorism propaganda,” appearing in eight of the 32 cases. The charges of “membership in a terrorist organization” and “insult” were each used seven times, while “publicly degrading the organs and institutions of the State” was used four times. The charges of “aiding a terrorist organization,” “insulting the president” and “violating the Law on Meetings and Demonstrations” were each used three times. The charges of “marking persons who took part in the fight against terrorism as a target,” “praising a crime or a criminal offender,” “inciting the public to hatred and animosity” were each used twice. “Libel,” “violating the Law on Military Forbidden Zones and Security Zones” and “failure to properly publish a correction and a clarification” were each used once.

In November, two cases in which journalists are plaintiffs were heard.

The public prosecutor submitted their final opinion in the trial of three police officers who violently detained journalist Beyza Kural as she was covering a demonstration in İstanbul in 2015, asking the court to sentence the officers for “violation of the freedom to work or employment by using force, threats or an unlawful act.” The court adjourned the case until 1 December 2022.

In the trial of five police officers who violently detained journalist Gökhan Biçici as he was covering the Gezi protests, the court issued an arrest warrant for one of the defendant officers who had yet to make his statement before the court. The officers are charged with “actual

bodily harm by means of exceeding the limits on authority to use force," "insult" and "violation of the freedom to work and labor." The court adjourned the case until 23 February 2023.

In addition to cases heard by the courts of first instance, the appellate hearing of a case in which six journalists are on trial was also held in November. The 27th Criminal Chamber of the İstanbul Regional Court of Justice, an appellate court, upheld the prison sentences of 1 year and 8 months handed to journalists Ömer Çelik, Tunca Öğreten, Mahir Kanaat, Eray Sargin and Metin Yoksü on the charge of "illegally obtaining personal data" in a case launched upon a complaint by former Energy Minister Berat Albayrak. The Chamber also reversed the acquittals of Derya Okatan on charges of "illegally obtaining personal data" and "terrorism propaganda" and Sargin on the charge of "terrorism propaganda" and ordered a retrial for Okatan and Sargin. The Chamber rejected Albayrak's lawyer's objection against the journalists' acquittals of "membership in a terrorist organization," "terrorism propaganda" and "committing crime on behalf of a terrorist organization without being a member" charges on the grounds that Albayrak was not harmed by the offense.

## **December 2022**

In December, 32 journalists appeared before courts in a total of 30 trials. Twenty-two of the cases were adjourned while eight were concluded. Among the eight cases that were concluded, courts acquitted four journalists (Zübeyde Sarı, Hayri Tunç, Sezgin Kartal, Onur Öncü) in four trials. One case against two journalists (Can Bursalı, Barış Terkoğlu) was dismissed by the court. In three cases that resulted in conviction, two journalists (Hayri Demir, Özgür Boğatekin) were handed a combined prison sentence of 3 years, 5 months and 7 days. In one lawsuit, one journalist (Sedef Kabaş) was ordered to pay TL 35,000 in compensation.

One case filed by a journalist (Beyza Kural) was concluded. The court sentenced each of the three police officers on trial to TL 6,000 in judicial fines for violating Kural's freedom to work.

In a case overseen by an appellate court, the judgment rendered by the trial court regarding one journalist (Hakkı Boltan) was reversed.

Eight new cases were launched against 10 journalists (Görkem Kınacı, Kürşat Yılmaz, Ferhat Çelik, Osman Akın, Nazlan Ertan, Mustafa Sönmez, Yılmaz Özdi, Levent Gültekin, Semra Çelebi, İbrahim Haskoloğlu).

### DECEMBER 2022

|  |           |
|--|-----------|
| Journalists put on trial                         | <b>32</b> |
| Number of trials                                 | <b>30</b> |
| Trials <b>adjourned</b>                          | <b>22</b> |
| Trials <b>concluded</b>                          | <b>8</b>  |
| Trials <b>that ended with conviction verdict</b> | <b>3</b>  |
| Trials <b>that ended with acquittal verdict</b>  | <b>4</b>  |
| Trials <b>dismissed</b>                          | <b>1</b>  |
| Number of <b>new trials</b>                      | <b>8</b>  |

Journalist Hayri Demir was handed a prison sentence of 1 year, 21 months and 22 days on the charge of “terrorism propaganda” by an Ankara court. Demir’s reports and social media posts were held as evidence against him. The court acquitted Demir of “membership in a terrorist organization” on the grounds of insufficient evidence.

*Gerger Fırat* newspaper News Manager Özgür Boğatekin was handed a prison sentence of 7 months and 15 days on the charge of “insulting a public official” in a case launched upon a complaint by former Adıyaman Governor Mahmut Demirtaş. The court did not defer the sentence.

Journalist Sedef Kabaş was ordered to pay TL 35,000 in compensation in a lawsuit filed on the allegation that she insulted President Recep Tayyip Erdoğan in her remarks on a TV show that aired in January 2022.

Kabaş was previously sentenced to 2 years and 4 months in prison on the charge of “insulting the president” in a separate criminal case filed on account of the same remarks.

Journalist Sezgin Kartal was acquitted of “insult” in a case launched upon a complaint by pro-government *Türkiye* newspaper columnist Fuat Uğur.

Journalist Onur Öncü, who was charged with “insulting a public official” for a 3 May 2021 broadcast on Özgürüz news portal’s YouTube channel about Interior Minister Süleyman Soylu, was acquitted at the first hearing of his trial, overseen by the Küçükçekmece 22nd Criminal Court of First Instance.

Journalist Hayri Tunç, who was charged with “inciting the public to hatred and animosity” due to his social media posts, was acquitted at the second hearing of his trial, overseen by the İstanbul 42nd Criminal Court of First Instance.

Journalist Zübeyde Sarı, who was charged with “inciting the public to hatred and animosity” due to her social media posts, was acquitted on the grounds that the elements of the alleged offense were not present.

A lawsuit filed against journalists Barış Terkoğlu and Can Bursalı by President Recep Tayyip Erdoğan’s former lawyer Mustafa Doğan İnal, seeking a total of TL 200,000 in compensation, was rejected by the İstanbul 11th Civil Court of First Instance.

The most common charge used in journalist trials in December was “insult,” appearing in eight of the 30 cases heard in courts. It was followed by “terrorism propaganda,” which was used five times. “Inciting the public to hatred and animosity,” “libel” and “violating the Law on Meetings and Demonstrations” charges were each used four times while “insulting the president” charge was used three times. The charges of “membership in a terrorist organization” and “illegally obtaining and disseminating personal data” and compensation claims were each used twice. The charges of “aiding a terrorist organization without being a member,” “military and political espionage,”

“publishing statements by terrorist organizations” and “unlawfully listening, publishing or broadcasting private conversations between persons” were each used once.

In December, a case filed upon a complaint by a journalist was also heard.

The trial in which three police officers who threatened and attempted to violently detain former Bianet reporter Beyza Kural as she was covering a protest by university students in İstanbul on 6 November 2015 was concluded in December. The court sentenced each of the police officers to TL 6,000 in judicial fines. The sentence for one of the officers was deferred while sentences given to two officers were not deferred because they had previously received suspended sentences. The court ruled that the payment be made in 10 installments.

In December, an appellate court heard a case against one journalist. The 2nd Criminal Chamber of the Diyarbakır Regional Court of Justice reversed the prison sentence of 1 year, 12 months and 17 days handed to journalist Hakkı Boltan on the charges of “insulting the president” and “insulting a public official” over his remarks concerning the killing of *Azadiya Welat* newspaper’s former Managing Editor Rohat Aktaş in a basement in Cizre during a military operation. Ruling that Boltan should have been given the maximum sentence prescribed by the law, the appellate court ordered a retrial and sent the case file to the trial court.

In December, eight new cases were filed against 10 journalists. They are as follows:

Journalist İbrahim Haskoloğlu was charged with “illegally obtaining personal data” in a new case launched upon a complaint by the Interior Ministry. An investigation had been launched against Haskoloğlu on account of his social media posts alleging data leak from Turkey’s e-government portal. As part of the investigation, Haskoloğlu was placed in pre-trial detention on 19 April 2022 and released on 27 April.

An investigation launched against *Evrensel* Responsible Managing Editor Görkem Kınacı and publisher Kürşat Yılmaz upon a complaint by Serhat Albayrak, the vice president of the board of directors of Turkuvaz Media

Group, due to the newspaper's coverage of allegations concerning Albayrak by crime boss Sedat Peker, resulted in an indictment. The first hearing of the trial, in which Kınacı and Yılmaz are charged with "insult" and "libel," will be held on 23 March 2023 at the İstanbul 2nd Criminal Court of First Instance.

*Yeni Yaşam* newspaper's Editor-in-Chief Ferhat Çelik and Responsible Managing Editor Osman Akın were charged with "insult" and "libel" in a new case launched on account of the newspaper's coverage of allegations concerning Serhat Albayrak by crime boss Sedat Peker. The first hearing of the trial will be held on 21 March 2023 at the İstanbul 2nd Criminal Court of First Instance. The court issued an arrest warrant for Çelik as part of the case.

Journalist Nazlan Ertan was charged with "insulting a public official" and "marking persons who took part in the fight against terrorism as a target" for retweeting a Twitter post by Human Rights Association (İHD) Co-Chair Eren Keskin about the murder of HDP employee Deniz Poyraz during an armed attack on the party's İzmir office. The İzmir 21st High Criminal Court set 24 January 2023 as the date for the first hearing of Ertan's trial.

A new case was filed against journalist and economist Mustafa Sönmez on the charge of "insulting the president" on account of a social media post. The trial will be overseen by İstanbul's Anadolu 38th Criminal Court of First Instance, which set 2 February 2023 as the date for the first hearing.

*Sözcü* newspaper columnist Yılmaz Özdil was charged with "insult" in a new indictment issued following a complaint by Hasan Yeşildağ, whose name was mentioned by Sedat Peker. The case will be overseen by a criminal court of first instance in İstanbul's Anadolu Courthouse. The first hearing is scheduled for 9 March 2023.

A new case was launched against journalist Levent Gültekin on the charge of "insulting the president" due to his commentary in a TV show.

*Gazete Kadıköy* Managing Editor Semra Çelebi was charged with “publicly degrading the symbols of the State’s sovereignty” on account of a social media post she shared during the 2020 İstanbul LGBTI+ Pride Week. The first hearing of Çelebi’s trial will be held on 2 February 2023 at İstanbul’s Anadolu 10th Criminal Court of First Instance.

## Investigations and Arrests

In the three months covered in this report, at least 32 journalists were arrested (Eylem Akdağ, Azat Taşkın, Esra Solin Dal, Ömer İbrahimioğlu, Mazlum Engindeniz, Rabia Önver, Meral Danyıldız, Ceren Erdoğan, Zeynep Kuray, Gülsüm Khalilova, Ümit Zileli, Elif Bayburt, Şakir Bedir, Mehmet Koyuncu, Yaren Çolak, Hakan Tosun, Mehmet Zeki Kaya, Diren Yurtsever, Deniz Nazlım, Selman Güzelyüz, Zemo Ağgöz, Berivan Altan, Hakan Yalçın, Emrullah Acar, Mehmet Günhan, Ceylan Şahinli, Habibe Eren, Öznur Değer, Çetin Desde, Sibel Tekin, İsmail Mumcu, Fatih Yaşlı).

Mezopotamya News Agency reporter **Eylem Akdağ** and journalist **Azat Taşkın** were among six people who were arrested during a demonstration held in Diyarbakır on 4 October 2022 in protest of the murder of academic Nagihan Akarsel in the Iraqi Kurdish city of Sulaymaniyah. All six people, who were arrested on allegations of “violating the Law on Meetings and Demonstrations” and “terrorism propaganda,” were released on the night of 5 October after their statements were taken by the police.

Mezopotamya News Agency reporters **Esra Solin Dal** and **Ömer İbrahimioğlu** were arrested on 9 October 2022 in İstanbul while covering a demonstration demanding the release of PKK leader Abdullah Öcalan. Both journalists were released later that day following procedures at the police department. Mezopotamya News Agency reporter **Mazlum Engindeniz** and JinNews reporter **Rabia Önver** were also arrested during the police intervention in a similar demonstration held in the Yüksekova district of Hakkari province.

Journalist **Meral Danyıldız** was taken into custody on 14 October 2022 as she was covering scuffles between locals in Tozkoşan, a

neighborhood in İstanbul's Güngören district, and the police, who came to the neighborhood to evict the residents for an "urban development" project. Danyıldız was put in a police vehicle and searched by the police. She was released shortly.

Eleven journalists who are employees of the Mezopotamya News Agency and JinNews were arrested on the allegation of "inciting the public to hatred and animosity" on 25 October 2022 in simultaneous police raids across nine provinces as part of an investigation launched by the Ankara Chief Public Prosecutor's Office. The detained journalists were Mezopotamya News Agency Managing Editor **Diren Yurtsever**, reporters **Deniz Nazlım, Selman Güzelyüz, Zemo Ağgöz, Berivan Altan, Hakan Yalçın, Emrullah Acar, Mehmet Günhan** and **Ceylan Şahinli** and JinNews reporters **Habibe Eren** and **Öznur Değer**. Zemo Ağgöz was released and placed under house arrest while Mehmet Günhan was released under judicial control measures. The remaining nine journalists were imprisoned pending trial on 29 October.

*Gazete Yolculuk* columnist **Ceren Erdoğan** was arrested on 26 October 2022 as she was covering demonstrations against the detention of TTB Central Council President Şebnem Korur Fincancı. Erdoğan announced on her Twitter account on 27 October that she has been released.

Journalist **Zeynep Kuray** was violently arrested and her hands were cuffed behind her back as she was covering the 32nd week of the "Justice Watch," initiated by the relatives of sick prisoners, in front of the İstanbul Courthouse. Kuray was released the same day.

**Gülsüm Khalilova**, a Ukrainian citizen known for her broadcasts during the Russian occupation of Ukraine, was detained on 28 October 2022 in İstanbul upon landing in the İstanbul Airport on a flight from the Croatian capital of Zagreb. In a statement on her social media account, Khalilova announced that she was detained upon a complaint by Moscow, held at the İstanbul Airport for 16 hours, and released in the evening hours later that day after authorities stepped in.

*Korkusuz* newspaper columnist **Ümit Zileli** was arrested in İzmir, where he was scheduled to attend a book fair, on 28 October 2022 as part of an investigation launched against him on the allegation of "insulting the president." The public prosecutor ordered Zileli's release on condition that he make his statement at a later date.

ETHA reporter **Elif Bayburt** was arrested on 17 November 2022 in a police raid on Kaktüs Young Women's Association in İstanbul's Kadıköy district. Bayburt was released later that night.

*Yeni Yaşam* reporter **Şakir Bedir** was violently arrested on 21 November 2022 in Van province as he was covering a demonstration in front of the HDP's Edremit district office against the Turkish Armed Forces' airstrikes on Iraq and Syria. Bedir was released later that day after his statement was taken at the police department.

*BirGün* editor **Yaren Çolak** was arrested on 25 November in İstanbul while she was covering a rally marking the International Day for the Elimination of Violence against Women as police intervened in the demonstration.

**Mehmet Koyuncu**, who publishes street interviews on his YouTube channel "Sade Vatandaş," was arrested on 26 November in Gebze, Kocaeli, as he was conducting an interview. Koyuncu was released shortly. In a video he shared later on social media, Koyuncu said he was detained although there was no official detention order against him.

Journalist **Hakan Tosun** was arrested as he was covering a press statement in front of Cengiz Holding offices in İstanbul's Üsküdar district on 6 December 2022, ahead of a court hearing to be held in Çanakkale for the cancellation of the holding's copper mine project in the Kaz Mountains. Tosun was released after giving his statement.

**Çetin Desde**, the İstanbul representative of the magazine *Yeni Dünya İçin Çağrı*, was arrested in a police raid on his home in İstanbul's Beyoğlu district on 12 December 2022. A confidentiality order was imposed on the file against Desde. He was released on probation on 16 December.

Documentary filmmaker and journalist **Sibel Tekin** was arrested in a police raid on her house on 16 December 2022 as part of an investigation conducted by the Ankara Chief Public Prosecutor's Office. Police confiscated Tekin's two computers, numerous hard disks containing her work, her cameras and some of her books. Tekin was placed in pre-trial detention on 17 December on the charge of "membership in a terrorist organization."

Journalist **İsmail Cengiz Mumcu** was arrested in his home in Ankara on 21 December 2022 as part of an investigation conducted by the Ankara Chief Public Prosecutor's Office. Mumcu was released under judicial control measures after spending two days in police custody.

Artı TV cameraman **Mehmet Zeki Kaya** was arrested after recording the footage of a police officer slapping HDP İstanbul Provincial Co-Chair Ferhat Encü during a vigil held by the relatives of sick prisoners on 18 December 2022 in İstanbul's Kadıköy district. Kaya was released later on the same day.

Academic and journalist **Fatih Yaşlı** was arrested on 19 December 2022 at the Ankara intercity bus terminal as part of an investigation conducted by the cyber-crimes division of the Police. Yaşlı's social media posts were held as evidence for allegations including "publicly degrading the State of the Republic of Turkey," "insulting state officials" and "inciting the public to hatred and animosity" in the investigation file. Yaşlı was released after his statement was taken.

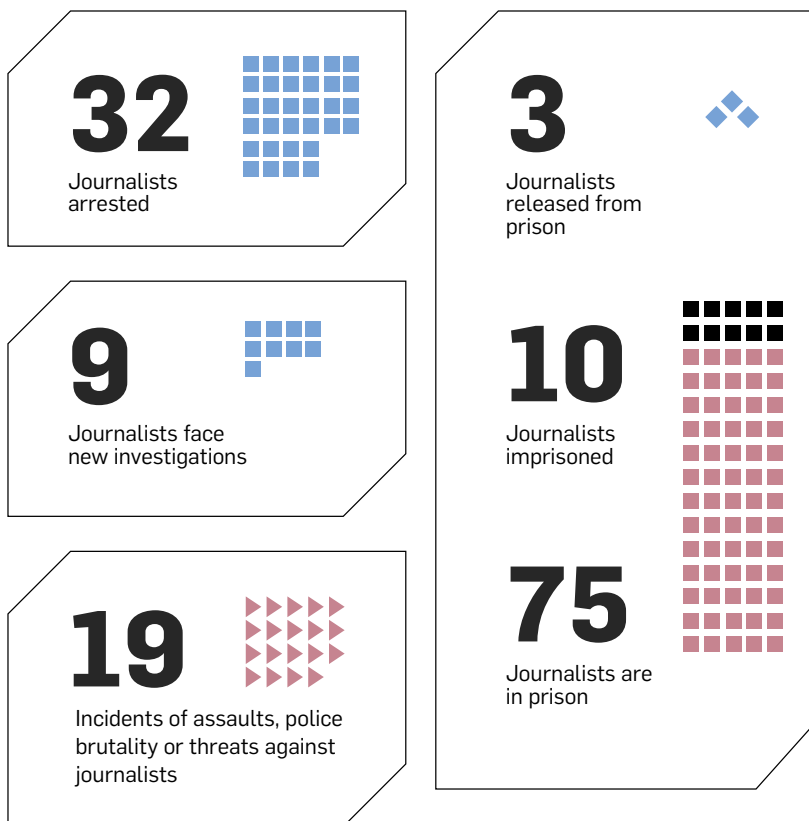
Additionally in the last quarter of 2022, new investigations were launched against at least nine journalists (Pınar Gayıp, Bahattin Seçilir, Ferhat Çelik, Osman Akın, Fatih Gökhan Diler, Altan Sancar, Mehmet Selçuk Ada, İsmail Arı, Oktay Candemir). Two investigations launched against three journalists were dismissed.

- An investigation was launched against journalist **Oktay Candemir** on the allegation of "insulting the memory of a deceased person" on account of a social media post he shared about singer Müzeyyen Senar. Accompanied by his lawyer, Candemir went to the police station on 12 December to give his statement, after which he was released.

- An investigation on the allegation of “inciting the public to hatred and animosity” was launched against ETHA editor **Pınar Gayıp** upon a complaint filed by a law firm on account of a post she had shared on social media. Gayıp went to the İstanbul Police Department to give her statement, after which she was released.
- A second investigation was launched against *Halkın Günlüğü* Managing Editor **Bahattin Seçilir** on account of a report published in *Gazete Patika* about the murder of Deniz Poyraz during the attack on HDP’s İzmir office.
- An investigation on the allegations of “insult” and “libel” was launched against *Yeni Yaşam* newspaper Editor-in-Chief **Ferhat Çelik** and Responsible Managing Editor **Osman Akın** on account of the newspaper’s coverage of allegations concerning Turkuvaz Media Group CEO Serhat Albayrak by crime boss Sedat Peker. The investigation resulted in an indictment.
- An investigation was launched against Diken news portal’s Responsible Managing Editor **Fatih Gökhan Diler** and Ankara representative **Altan Sancar** on account of the news portal’s report titled “Adli yıl açılış töreninin yayıncılığını ‘kapan’ AKP’ye yakın şirket Sağkan’ı sansürledi” (Pro-AKP broadcaster censors Sağkan). The investigation was launched upon a complaint by AKP Ankara Deputy Ali İhsan Arslan. Both journalists were called in to the Police Department for questioning.
- Journalist **Mehmet Selçuk Ada** announced that he was facing an investigation on the allegation of “inciting the public to hatred and animosity” on account of a social media post he shared on 13 November 2022.
- Minister of Industry and Technology Mustafa Varank filed a complaint against *BirGün* reporter **İsmail Arı** on the allegation that Arı’s report titled “Deniz manzaralı araziye Varank’ın ‘kuzeni’ kaptı!” (Varank’s ‘cousin’ gets plot with sea view), published on 18 November 2022, “insulted” him. An investigation was launched against Arı on the allegation of “insulting a public official.”

The Tunceli Chief Public Prosecutor's Office issued a decision of non-prosecution regarding a complaint filed against *Tunceli Emek* newspaper publisher **Hüsniye Karakoyun** and Responsible Managing Editor **Mahmut Karakoyun** as per the "disinformation" law, on the allegations of "publicly disseminating misleading information" and "insult," on account of a report they had published. The prosecutor's office stated that the "disinformation" law was not in effect at the time the report was published. The prosecution also asserted that the publication of the report was a matter of public interest.

An investigation launched against ETHA editor **Pınar Gayıp** on the allegation of "inciting the public to hatred and animosity" on account of a Twitter post she shared about a deadly mining accident in Bartın was dismissed by the prosecutor's office.



## Pre-Trial Detentions and Releases

The number of journalists in prison continued to increase in the last quarter of the year particularly due to the intensifying pressure on Kurdish media outlets. By the end of the previous quarter, there were 68 journalists in prison in Turkey. Following the imprisonment pending trial of nine journalists from the Mezopotamya News Agency and JinNews in the last quarter of the year, the number of imprisoned journalists went up to 75. During the reporting period, two other journalists who had been in prison were released.

Also during the reporting period, one journalist was imprisoned pending trial and released following 10 days of imprisonment.

- Nine journalists who were among 11 Mezopotamya News Agency and JinNews employees that were arrested on 25 October 2022 in simultaneous police raids across nine provinces as part of an investigation launched by the Ankara Chief Public Prosecutor's Office, were imprisoned pending trial on the charge of "membership in a terrorist organization" on 29 October 2022.
- Journalist Hasan Tolga Balcılar, who was jailed pending trial on the charge of "marking persons who took part in the fight against terrorism as a target," was acquitted at his hearing held on 11 October 2022. The trial court ruled for Balcılar's release.
- Journalist Nedim Türfent, a former reporter for the now-defunct Dicle News Agency (DİHA) who was imprisoned in Van province on 13 May 2016 on charges of "membership in a terrorist organization" and "terrorism propaganda," was released from the Elâzığ Karakoçan K-1 Type Closed Prison on 30 November 2022 after spending six years and six months behind bars. (Expression Interrupted interviewed Türfent after his release. You can read the story, titled "Nedim Türfent: We were in prison within a prison," [here](#).)
- Bitlis Journalists' Association President Sinan Aygül became the first journalist to be imprisoned pursuant to the "disinformation" law

when he was arrested after sharing on social media allegations that a child in Bitlis had been sexually assaulted. Aygül was placed in pre-trial detention on 14 December 2022 on the charge of “publicly disseminating misleading information” (TCK 217/A). He was released on 22 December.

## Highlights from Trials

### Four columnists of now-defunct *Zaman* daily sentenced in retrial:

Former *Zaman* newspaper columnists Mümtazer Türköne, Şahin Alpay, Ali Bulaç and Ahmet Turan Alkan, who were on retrial on the charge of “aiding a terrorist organization without being a member” after their convictions in the original trial were overturned by the Supreme Court of Appeals, were sentenced by the trial court. The court [sentenced](#) Mümtazer Türköne to 3 years and 9 months in prison while Şahin Alpay, Ali Bulaç and Ahmet Turan Alkan were each sentenced to 2 years and 6 months in prison. The court separated the file against the newspaper’s former editor Mehmet Özdemir, whose acquittal in the original trial was also overturned by the Supreme Court of Appeals and who now faces an arrest warrant as part of the retrial.

**Sentences handed in *Taraf* trial overturned:** The 27th Criminal Chamber of the İstanbul Regional Court of Justice [overturned](#) the sentences handed to the former executives of the now-defunct *Taraf* newspaper, Ahmet Altan, Yasemin Çongar, Yıldırım Oğur, and its former reporter Mehmet Baransu on the grounds of unlawfulness. The file was sent to the trial court for a retrial.

In its unanimous judgment, the appellate court also ruled that Baransu should be released due to the expiry of the maximum period of pre-trial detention, unless he is serving another conviction. However, Baransu, who was sentenced to 19 years and 6 months in prison in a separate trial over his report on genetically modified rice, seized at the customs in Mersin Port, will not be released from prison due to his finalized sentence.

At the final hearing of the case, held on 4 March 2022, the İstanbul 13th High Criminal Court had sentenced Baransu to a total of 13 years in

prison on two charges: 6 years for “obtaining documents related to the security of the state” and 7 years for “disclosing information related to the security and political interests of the state.” Acquitting Baransu of the charge of “partially or completely destroying, stealing or damaging documents and records related to the security and domestic or foreign political interests of the state,” the court had dismissed the case against Baransu regarding the “membership in a terrorist organization” charge. The court had sentenced Çongar, Altan and Oğur to 3 years and 4 months in prison each on the charge of “obtaining documents related to the security of the state” and ruled for their acquittal of the rest of the charges.

You can find a detailed analysis of the appellate court's judgment in [this article](#), penned by Çongar and Altan's lawyer Figen Albuga Çalikuşu.

**Sentences upheld, acquittals overturned in RedHack trial:** The 27th Criminal Chamber of the İstanbul Regional Court of Justice upheld the sentences handed to journalists Ömer Çelik, Tunca Öğreten, Mahir Kanaat, Eray Sargın and Metin Yoksu on the charge of “illegally obtaining personal data” in the “RedHack Trial,” in which the journalists were accused on account of reports about former Energy Minister Berat Albayrak's emails that were leaked by hackers group RedHack. Additionally, the Chamber overturned journalist Derya Okatan's acquittal of the charges of “illegally obtaining personal data” and “terrorism propaganda” and Sargın's acquittal of “terrorism propaganda.” The appellate court ordered a retrial for Okatan and Sargın.

**Officers who violently detained Beyza Kural to pay judicial fine in 10 installments:** Three police officers who attempted to violently detain former Bianet reporter Beyza Kural in November 2015 as she was covering a demonstration in İstanbul were sentenced to pay judicial fines for “violation of the freedom to work or labor by using force, threats or by any other unlawful act.” The trial followed a Constitutional Court judgment that had held that Kural's detention violated freedom of expression, freedom of the press and prohibition of ill-treatment.

The officers, whose initials are Y.Ş., N.D. and K.A., had tried to arrest Kural and to handcuff the journalist behind her back. The court sentenced N.D. to TL 6,000 in judicial fine and deferred his sentence. K.A. and Y.Ş. were also sentenced to TL 6,000 judicial fine each. The court ordered that they pay the fine in 10 installments. The sentences handed to K.A. and Y.Ş. were not deferred because both officers had prior suspended sentences.

**Sedef Kabaş ordered to pay compensation:** Journalist Sedef Kabaş was ordered to pay TL 35,000 in compensation in a lawsuit filed on the allegation that she “insulted” President Recep Tayyip Erdoğan in her remarks on a TV show that aired in January 2022. The İstanbul 41st Civil Court of First Instance also ordered ABC Radio Television and Digital Broadcasting Inc., the company that owns Tele 1 TV, to pay a compensation of TL 25,000 plus legal interest to the plaintiff. Kabaş was jailed pending trial on the charge of “insulting the president” in January 2022 for her remarks. At the final hearing of that case, she was sentenced to 2 years and 4 months in prison. Kabaş was released in March 2022 after spending 49 days in prison as part of the case.

**Beritan Canözer sentenced for her social media posts:** JinNews reporter Beritan Canözer was [sentenced](#) on the charge of “terrorism propaganda” in her trial over social media posts shared on four different accounts. The Diyarbakır 4th High Criminal Court handed Canözer two separate prison sentences -- one of 1 year, 10 months and 15 days and another of 1 year and 3 months. The court sentenced Canözer despite the journalist asserting during her trial that two of the social media accounts held as evidence against her did not belong to her. Canözer’s lawyer Resul Temur had also submitted to the court evidence proving that the account with the handle “Beritan Sarya,” for which Canözer was accused in the indictment, had shared posts during the time when Canözer was detained, requesting the journalist’s acquittal.

**Hayri Demir sentenced for “terrorism propaganda:”** The Ankara 15th High Criminal Court convicted journalist Hayri Demir at the end

of his trial on the charges of “membership in a terrorist organization” and “terrorism propaganda” on account of his work as a journalist in northern Syria. Rendering its judgment at the 15th hearing of the case, the court **sentenced** Demir to 1 year, 21 months and 22 days in prison for “terrorism propaganda.” The court acquitted Demir of the “membership in a terrorist organization” charge for lack of sufficient and conclusive evidence and lifted the international travel ban that had been imposed on Demir as part of the case.

### **Lawsuit against journalists Barış Terkoğlu and Can Bursalı**

**dismissed:** The third hearing of a lawsuit filed by President Erdoğan's former lawyer Mustafa Doğan İnal against journalists Barış Terkoğlu and Can Bursalı and the news portal Independent Türkçe, was held on 6 December 2022 at the İstanbul 11th Civil Court of First Instance. The court ruled for the dismissal of the case. In his book titled “*Metastaz 2: Cendere*,” co-authored with Barış Pehlivan, Terkoğlu claimed that İnal had received TL 15 million in legal representation fees from the İstanbul Metropolitan Municipality (İBB). Bursalı reported about Terkoğlu's claims in an article published on Independent Türkçe. Alleging that the reports harmed his reputation, İnal was seeking TL 100,000 in compensation from Terkoğlu, Bursalı and Independent Türkçe each.

# ATTACKS AND INTERVENTIONS AGAINST JOURNALISTS

Attacks and interventions targeting journalists continued in the last quarter of 2022. According to data compiled by Expression Interrupted using information available in open sources, in the last quarter of the year, journalists suffered at least 19 physical attacks, violent police interventions and/or threats. In the same period, one journalist was denied entry into Turkey while another journalist's house was raided in a midnight operation based on a tip-off that later turned out to be baseless.

In the same period, courts also heard cases against perpetrators of some attacks targeting journalists. The third hearing of a case in which five police officers who violently detained dokuz8HABER Editor-in-Chief Biçici as he was covering 2013's Gezi protests was held in the absence of the accused police officers, who are charged with "actual bodily harm by means of exceeding the limits on authority to use force," "insult" and "violation of the freedom to work." The court issued an arrest warrant against one of the five accused officers and adjourned the trial until 23 February 2023. The court had previously issued an arrest warrant for another accused officer.

The trial against three police officers who attempted to violently detain journalist Beyza Kural in 2015 was concluded. The court sentenced officer N.D. to TL 6,000 judicial fine on the charge of "violation of the freedom to work" and deferred his sentence. Officers K.A. and Y.Ş. were also sentenced to TL 6,000 judicial fines on the same charge. The court ordered that they pay the fine in 10 installments. The sentences handed to K.A. and Y.Ş. were not deferred because both officers had prior suspended sentences.

The İstanbul Regional Administrative Court reversed the İstanbul Governor's Office decision not permitting an investigation to

be launched against police chief Hanifi Zengin, who is accused of threatening, assaulting and insulting journalists in several occasions. The court ruled that an investigation be launched against Zengin. Two criminal complaints had been filed against Zengin on behalf of Artı TV cameraman Bilal Meyveci and AFP photojournalist Bülent Kılıç.

The İstanbul Regional Administrative Court also lifted another İstanbul Governor's Office decision not permitting legal action against police officers who assaulted journalists covering a demonstration organized in İstanbul's Taksim Square on 31 May 2022 to mark the ninth anniversary of the Gezi protests. Halk TV reporters Erdinç Yılmaz and Ozan Demiriz, Tele 1 TV reporter Engin Açar and cameraman Umutcan Yitük, Gazete Fersude reporter Hayri Tunç, Dokuz8HABER reporter Fatoş Erdoğan and Karşı Mahalle reporter Sezgin Kartal were among journalists attacked, beaten, insulted and threatened by the police. *Evrinsel* reporter Meltem Akyol, *BirGün* reporter Gökay Başcan, Halk TV reporter Ozan Demiriz, Flash Haber TV reporters Dilan Polat, Nil Derin Aydoğdu and Sevda Doğan were detained and held in custody for hours with their hands cuffed behind their backs.

Following is a summary of physical attacks, threats and interventions faced by journalists in the three months covered in this report:

- **2 October:** Journalist Hakan Yalçın was violently removed from the area by the police as he was covering a demonstration by women's associations in Van province for Mahsa Amini, an Iranian woman who died due to police brutality. (Van)
- **2 October:** Solfasol TV reporter Zişan Kürüm was beaten by the police who intervened in a press statement made for Mahsa Amini by the Ankara Women's Platform. (Ankara)
- **3 October:** *Şarköy'ün Sesi* newspaper editor Deniz Önal was physically attacked by Alper Var, the brother of CHP's Şarköy Mayor Alpay Var. Alper Var also threatened to kill the journalist's father, Yakup Önal, who is the publisher of the newspaper. Yakup

Önal stated that the attacks were due to their reporting on a fraud investigation regarding Alpay Var. (Tekirdağ)

- **12 October:** Police raided *Sözcü* newspaper reporter Sayime Başı's home in İstanbul's Şişli district at midnight on the grounds of a tip-off alleging a suicide bomber threat. A police squad broke the apartment's door with a ram. The tip-off turned out to be baseless. (İstanbul)
- **26 October:** Police blocked journalists from covering protests against the detention of TTB Central Council President Şebnem Korur Fincancı and arrested *Gazete Yolculuk* reporter Ceren Erdoğan. An officer grabbed *Evrinsel* reporter Eylem Nazlıer in a chokehold and her phone and press card were confiscated. (İstanbul)
- **28 October:** Journalists Gülistan Dursun and Hayri Tunç were beaten by the police, who intervened in a Justice Watch demonstration organized by the relatives of sick prisoners. Police officers attempted to confiscate Dursun's camera. Journalist Zeynep Kuray was also beaten and her hands were cuffed behind her back. (İstanbul)
- **3 November:** Journalist Amberin Zaman received threats and verbal attacks on social media after sharing a photo taken during a meeting with CHP leader Kemal Kılıçdaroğlu in London.
- **15 November:** Victory (Zafer) Party Chairman Ümit Özdağ threatened Rudaw reporter Ömer Sönmez, saying, "Under the rule of Victory Party, Rudaw TV will not be allowed to cross the borders to Turkey," upon a question from Sönmez regarding Victory Party Deputy Chairman Adem Taşkaya's false accusations targeting lawyer Jiyan Tosun as the "person who planted the explosive" in the deadly bomb attack on İstiklal Street. (İstanbul)
- **16 November:** Başaran Düzgün, the editor-in-chief of *Havadis* newspaper, published in the Turkish Republic of Northern Cyprus

(KKTC), was denied entry to Turkey by authorities who cited the restriction code N-82 (Foreigners whose entry to the country is subject to a preliminary permission) as the grounds for the decision. (İstanbul)

- **21 November:** *Evrensel* reporter Volkan Pekal was beaten and threatened by the police as he was covering a press statement by HDP's Adana provincial branch in protest of the Turkish Armed Forces' airstrikes on northern Iraq and northern Syria. One police officer threatened Tekal, saying, "We know who you are." (Adana)
- **21 November:** During the police intervention in a similar press statement held in front of HDP's Van Edremit district office, *Yeni Yaşam* reporter Şakir Bedir, who was there to cover the press statement, was beaten and violently arrested by the police. (Van)
- **21 November:** Journalists were blocked by the police from recording footage from a press statement in Diyarbakır against the Turkish Armed Forces' airstrikes on northern Syria and the Iraqi Kurdistan Region as the police broke up the gathering. (Diyarbakır)
- **21 November:** Police forcefully dispersed a crowd that gathered in front of the Sirkeci Post Office in İstanbul to send letters and postcards to the TTB Central Council's imprisoned President Şebnem Korur Fincancı, upon a call from the İstanbul Medical Chamber. Journalists covering the event were removed from the area by the police. (İstanbul)
- **25 November:** Journalists were blocked by the police from covering the demonstrations organized in İstanbul's Beyoğlu district to mark the International Day for the Elimination of Violence against Women. *BirGün* editor Yaren Çolak was arrested, *BirGün* reporter Havva Gümüşkaya was verbally assaulted by a police officer and photojournalist Ali Öz was beaten by the police. (İstanbul)

- **6 December:** Police teams broke up a protest in front of the Cengiz Holding offices in İstanbul's Üsküdar district, ahead of a court hearing to be held in Çanakkale for the cancellation of the holding's copper mine project in the Kaz Mountains. Journalist Hakan Tosun, who was covering the protest, was prevented from filming it. Seven people including Tosun were arrested. (İstanbul)
- **8 December:** Journalist Timur Soykan was targeted on social media for his report revealing allegations that the founder of the İsmailağa community-affiliated Hiranur Foundation, Yusuf Ziya Gümüşel, had married off his 6-year-old daughter to a grown man. Islamist comic magazine Misvak posted a cartoon targeting Soykan on its social media account, saying "Timur Soykan and his mentality who attacked Islam should be arrested." Following Misvak's post, a campaign was launched on Twitter with the hashtag "Timur Soykan should stand trial."
- **11 December:** Police teams intervening in a demonstration held in Diyarbakır province in support of PKK leader Abdullah Öcalan raised their shields to prevent journalists from filming the demonstration. (Diyarbakır)
- **11 December:** Halil Tekin, the publisher of the local newspaper *Halkın Sesi*, was assaulted by the police as he was covering the police intervention in a group of fans following the Bartınspor-Polatlı Belediyespor football match in Bartın. The police dragged Tekin on the ground as he was trying to film the intervention and tried to seize his phone by pushing him down and beating him. Bartın Governor's Office announced following the incident that one police officer was suspended from duty. (Bartın)
- **13 December:** Büyük İzmir TV reporter Figen Avcıoğlu and her cameraman were assaulted and threatened by a civilian as they were shooting a report on allegations that the local municipality did not follow the instructions of the İzmir Provincial Directorate

of Agriculture and Forestry regarding illegal construction in the Çamlık neighborhood of İzmir's Selçuk district. The attacker took Avcıoğlu's microphone, damaged the journalists' camera and threatened them, saying, "I'll be coming back with my rifle." (İzmir)

- **18 December:** Police teams breaking up a vigil in İstanbul's Kadıköy district by the relatives of sick prisoners arrested Artı TV cameraman Mehmet Zeki Kaya. Journalist Umut Taştan, who was pushed to the ground by the police during the intervention, also suffered a blow to his ear. (İstanbul)
- **20 December:** Tele 1 TV's YouTube crew members, reporter Hude Gurbüz and cameraman Furkan Durmaz, were attacked by a group of people who kicked and punched the journalists as they were conducting street interviews in İstanbul's Esenler district. (İstanbul)

# PENALTIES BY RTÜK AND BİK

The Radio and Television Supreme Council (RTÜK) and the Press Advertising Agency (BİK) continued in this reporting period to serve as tools of political pressure on dissident media through impartial decisions.

As in previous reporting periods, penalties imposed by RTÜK on broadcasters in this reporting period mainly targeted Halk TV, Tele 1 and KRT TV while a three-day broadcast suspension penalty that RTÜK imposed on Tele 1 was canceled by a court.

BİK had permanently revoked *Evrensel* newspaper's right to publish public ads and announcements. Objections *Evrensel* filed against the BİK decision were rejected in this reporting period. In the meantime, BİK's public ad ban on *Yeni Asya* newspaper marked 1,000 days during this reporting period.

## RTÜK Penalties

According to annual statistics revealed by RTÜK member İlhan Taşçı, who was elected from the main opposition CHP quota, in 2022 the Council once again mainly fined opposition TV channels. In 2022, RTÜK imposed 23 penalties on Halk TV; 16 penalties on Tele 1, six penalties on KRT TV, five penalties on Fox TV and four penalties on Flash TV, imposing a total of 54 penalties on opposition broadcasters. During the same period, RTÜK fined TGRT TV twice while Beyaz TV and ATV were each fined once. The Council imposed no penalties on other pro-government channels A Haber, Ülke TV, Kanal 7, TV Net and TV 24. The administrative fines RTÜK imposed on Halk TV, Tele 1, KRT, Flash TV and Fox TV in 2022 amounted to a sum of TL 17,335,000, while the fines imposed on TGRT, Beyaz TV and ATV amounted to a sum of TL 1,674,000.

Developments in the period covered in this report added to concerns that RTÜK may increase its pressure on pro-opposition TV and radio broadcasters to further the political goals of the government in

the run up to the 2023 elections. RTÜK member Okan Konuralp, who was elected from the CHP quota, announced on his Twitter account on 3 November 2022 that the Council "has decided that all TV and radio channels broadcast a promotional film designed as political propaganda for AKP and that the broadcasts will be 'for free and compulsory!'"

The bandwidth throttling imposed on social media and a broadcast ban imposed by RTÜK on TV channels after the deadly bomb attack on İstanbul's İstiklal Street on 13 November 2022 particularly added to fears regarding the prospects of a restriction of information flow in the run up to the elections. Following the attack, access to social media platforms from Turkey was blocked for 10 hours while RTÜK issued a broadcast ban on news reports about the attack at the request of the Ministry of Culture and Tourism.

During the period covered in this report, a new member was elected to RTÜK upon the resignation of Taha Yücel, who had been elected from the AKP quota, upon being appointed as deputy general manager to ASELSAN. The election of a new RTÜK member brought on a debate among political parties as to which party should fill the vacant position since the number of seats the parties hold in the Parliament had changed due to resignations of some lawmakers, however, the debate ended with the election of Mete Hacıarifoğlu, who was nominated by the AKP. Currently, members elected from quotas allotted to AKP and its ally MHP make up the absolute majority in RTÜK. The nine-member Council has four members nominated by AKP, two members each nominated by MHP and CHP, and one member nominated by HDP.

Following is a list of penalties RTÜK imposed on broadcasters in the last quarter of 2022:

- At its weekly meeting held on 6 October 2022, RTÜK imposed administrative fines on Tele 1, Halk TV and KRT for broadcasts in which crime boss Sedat Peker's allegations concerning Turkuvaz

Media Group CEO Serhat Albayrak and AKP Erzurum Deputy Zehra Taşkesenlioğlu were discussed.

- At the same meeting, RTÜK imposed another administrative fine on Tele 1 due to program host Merdan Yanardağ's commentary regarding the Ottoman Empire in an episode of the show "18 Dakika."
- Also on 6 October, the Council imposed an administrative fine on Kafa Radyo for presenter Nihat Sırdar's comments criticizing the Religious Affairs Directorate during his program "Nihat'la Muhabbet."
- The 10 October 2022 episode of Halk TV's current affairs show "Sözüm Var" was canceled due to a program suspension penalty imposed by RTÜK. Five episodes of the show had been suspended by RTÜK at their meeting on 14 September, during the previous reporting period, on the grounds that "a member of a terrorist organization was portrayed as a civilian victim" and a black-and-white photograph of Interior Minister Süleyman Soylu accompanied by the word "wanted" was used in the shows "Sözüm Var" and "Medya Mahallesi."
- On 19 October 2022, RTÜK imposed a three-day broadcast ban on Tele 1 through a majority vote. The grounds for the penalty was the Workers' Party of Turkey (TİP) İstanbul Deputy Sera Kadıgil's on-air comments calling the Religious Affairs Directorate "a tool of political Islam" and arguing that it should be closed. The RTÜK decision said the channel's broadcast violated the provision in Article 8(b) of Law no. 6112, which stipulates that "broadcasts shall not incite the public to hatred and animosity through discrimination based on race, language, religion, gender, social class, region or religious sect;" and that the channel's broadcast was suspended for three days due to a violation of the same provision for the second time in one year. The decision means that Tele 1 may be shut down if it receives a similar penalty until February 2023. However, ruling on an

objection filed by Tele 1, the Ankara 2nd Administrative Court unanimously ruled to suspend the execution of the penalty and demanded that RTÜK provide a detailed explanation regarding the reason and justification for the penalty.

- RTÜK President Ebubekir Şahin announced that an investigation was launched against TV5 because the channel hosted former football player and AKP Deputy Hakan Şükür, who is on trial on “FETÖ” accusations, as a guest on their show “Düşünme Vakti.”
- At their meeting held on 21 December 2022, RTÜK imposed three penalties on the Halk TV show “Medya Mahallesi.” RTÜK member İlhan Taşcı announced that one of the penalties was given on the grounds that program host Ayşenur Arslan had allegedly “praised terrorism through her facial expressions.” Denying Taşcı’s claim, RTÜK President Ebubekir Şahin said, “Our member İlhan Taşcı has deliberately spread disinformation, as usual.” RTÜK also imposed two more administrative fines amounting to 3 percent of the channel’s ad revenues on Halk TV for Ayşenur Arslan’s comments during two other episodes of her show “Medya Mahallesi.”
- At the same meeting, RTÜK also imposed two penalties on Tele 1 TV. The Council imposed a 3 percent administrative fine on the channel for Professor Emre Kongar and Merdan Yanardağ’s on-air comments regarding the prison sentence handed to İstanbul Mayor Ekrem İmamoğlu. The second 3-percent administrative fine was given for presenter Gökmen Karadağ’s statements in an episode of the current affairs show “Açıkça.”
- At the same meeting, RTÜK imposed a 3-percent administrative fine on Fox TV for TİP İstanbul Deputy Sera Kadıgil’s comments about President Erdoğan’s statements on Turkey’s economy during a guest appearance on the show “Çalar Saat,” hosted by İlker Karagöz. Kadıgil had said: “He would be ashamed to utter this sentence if he had gone to the market once.”

## BiK Penalties

During the period covered in this report, BiK did not impose any ad penalties on newspapers. In a pilot judgment dated 10 March 2022, in which 14 individual applications lodged against BiK's advertisement penalties were merged, the Constitutional Court had held that the penalties violated press freedom and freedom of expression and ruled that the judgment be sent to the Parliament for a revision of Article 49 of the Law No. 195, which was the grounds for the penalties imposed by BiK. In a statement issued following the judgment, BiK had announced that it would not be reviewing further applications within the scope of the Press Code of Ethics until the Parliament amends the relevant legislation.

During the same period, BiK rejected objections filed by *Evrensel* newspaper against the Agency's decision to permanently revoke the newspaper's right to publish public ads and announcements. In September 2019, BiK had imposed a public ad ban on *Evrensel* on the grounds of "bulk buying." In August 2022, the agency permanently revoked the newspaper's right to publish public ads. BiK rejected two objections filed by *Evrensel* during this reporting period. The Agency stated that the objections were rejected because "no new positive information or documents were submitted that would eliminate the violation by the newspaper."

Separately, *Yeni Asya* newspaper has also been banned by BiK from receiving public ads since 28 January 2020. The ban imposed on *Yeni Asya* marked 1,000 days in October 2022 and was still in effect at the time of the drafting of this report.

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