

Freedom of Expression and the Press Agenda

MAY - JUNE 2021



AGAINST CENSORSHIP PLATFORM

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FROM THE EDITOR

As the Expression Interrupted, operating within the Punto 24 Platform for Independent Journalism (P24) since 2017, we present our latest report on the developments regarding freedom of expression and the media in Turkey. This study, which is the second of our *Freedom of Expression and the Press Agenda* periodic reports, covers the months of May and June 2021.

This report, which aims to review the freedom of expression and the press agenda from a comprehensive perspective, includes statistical information from the trials -- the most widely and systematically used tool to restrict freedom of expression and the press -- in addition to major developments regarding legislation and government policy to the extent they contribute to creating and sustaining the repressive atmosphere. Also included in the report are those activities and decisions of the European Court of Human Rights and the Turkish supreme courts, including the Constitutional Court, and of the public bodies tasked with media regulation, such as the Radio and Television Supreme Council (RTÜK) and the Press Advertising Agency (BİK), which set standards for media freedom in Turkey and directly affect the situation on the ground. Inevitably, the report also covers physical attacks and police violence against journalists, as well as statements by politicians including threats or public condemnation, all of which have been on the rise at an alarming rate.

The information provided in this report is based on the extensive work carried out by the Expression Interrupted in monitoring trials and tracking open sources of information. More detailed information can be accessed on our [website](#). Similarly, the information provided in this report is limited to the data obtained by the Expression Interrupted team through its trial and media monitoring work and, thus, cannot not be expected to provide an exhaustive overview of all the relevant developments.

This report primarily aims to share the results of our work in tracking violations of freedom of expression and the press in Turkey with the general public more effectively. But we hope that it will also contribute to the body of existing valuable work in this field and, more crucially, to a much-needed progress towards protection of the freedom of expression and the press in Turkey, in line with the Constitution of the Republic of Turkey and the international human rights standards that Turkey vows to uphold.

PRESS FREEDOM ATMOSPHERE IN MAY AND JUNE

Throughout the reporting period of May-June 2021, the government continued its verbal commitment to reform and introduced a set of legislative changes that are publicly known as the 4th Judicial Reform Package. But in practice, thanks to repressive government policies combined with discriminatory practices of politicized public institutions and judicial violations, the situation of freedom of expression and the media deteriorated further. The closure case against the pro-Kurdish Peoples' Democratic Party (HDP), which was interrupted in the previous reporting period when the Constitutional Court had returned the indictment, officially went under way in this period after the top court accepted the revised indictment; Deniz Poyraz, a young woman who was a HDP worker, was killed by an extremist assailant who stormed the HDP building in the western province of İzmir; public gatherings for 1 May International Workers' Day and the Pride parade were banned, which resulted in scores of demonstrators and journalists trying to cover the demonstrations being forcefully dispersed, prevented from working and detained; Turkey's withdrawal from the Istanbul Convention, which was initiated by an overnight decree by the President to that effect in March, was formally completed despite massive mobilization by women and LGBTI people across the country; opposition politicians faced increasing pressure through court cases and convictions as shown in investigations and trials brought against MPs Ahmet Şık and Canan Kaftancıoğlu and a verdict sentencing jailed HDP politician Selahattin Demirtaş to 2 years and 6 months in prison for his comments about a senior prosecutor who was later promoted to become a member of the Supreme Court of Appeals.

Also in the same period, fugitive organized crime leader Sedat Peker stunned the country with a series of videos alleging grave crimes committed by Interior Minister Süleyman Soylu and a number of other people close to the government. His revelations concerning

the murders of journalist Kutlu Adalı, who was killed by unknown assailants in Turkish Cyprus in 1996, and of Uğur Mumcu, an investigative journalist who was killed in 1993 in Ankara, particularly brought the issues of the state role in crimes against journalists and impunity to the fore again. In his revelations, Peker said he had sent his own brother, Atilla Peker, to Turkish Cyprus to kill Adalı after he was told by former Interior Minister Mehmet Ağar and former military and intelligence official Korkut Eken that Adalı was an enemy of the nation. Atilla Peker confirmed Sedat Peker's allegations with a written statement he presented to a prosecutor. Peker also disclosed that he had ordered an attack in 2015 on the headquarters of *Hürriyet* newspaper, then owned by businessman Aydın Doğan, at the request of a deputy from the ruling Justice and Development Party (AKP) and that soon after that attack, Doğan was forced to sell *Hürriyet* and other media outlets which were a part of his Doğan Media Group to the Demirören group close to the government. Peker's shocking revelations were largely met with silence by the government although one investigation was launched into the Kutlu Adalı murder upon Atilla Peker's testimony. Additionally, Peker's allegations concerning pro-government journalists Hadi and Süleyman Özışık and Veyis Ateş offered a glimpse into a network of media-state-mafia relations.

Judicial crackdown on the media continued unabated in this reporting period as well. According to the tracking and monitoring work carried out by *Expression Interrupted*, the [number of journalists in prison](#) went down from 68 to 65 over the two-month period covered by this report. Two of the three journalists who were released in this period (Cuma Ulus and Erkan Acar) were released upon completing execution of their sentences after spending five years behind bars.

Trials of journalists went ahead except during the 17-day Covid-19 lockdown between 29 April and 17 May. Several journalists faced investigations or had court cases filed against them. Throughout the two-month reporting period, a total of 109 journalists appeared before a court in at least 51 ongoing trials. Four of them were sentenced to a total of 9 years, 8 months and 2 days in prison.

Criminal investigations were filed against at least six journalists while new lawsuits were brought against at least four journalists.

Throughout May and June, 109 journalists appeared before a court in 51 ongoing trials. 4 of them were sentenced to 9 years, 8 months and 2 days in prison. Criminal investigations were filed against at least 6 journalists; at least 4 journalists were indicted

In the period covered by this report, the Directorate of Communications of the Presidency issued a revised Press Card Regulation that journalists' unions say include arbitrary and vague standards, while a highly controversial circular issued in late April by the Police Directorate to ban audio and visual recordings during protests were put into use. Relying on the circular, police forcefully broke up peaceful protests, detaining dozens of demonstrators. Journalists who were covering the demonstrations were prevented by the police; some were detained, others had their phones taken away and smashed to the ground. Prominent AFP photo-journalist Bülent Kılıç was heard shouting "I cannot breathe" as he was pressed to the ground with police holding him down with their knees during the banned Pride parade in downtown Istanbul on 26 June. The incident, which became a symbol of increasing police violence against journalists, prompted protests led by journalists' unions in Turkey's three biggest cities, Istanbul, Ankara and İzmir, under the slogan "We Can't Breathe."

At least five journalists were assaulted during the reporting period while scores of them were subject to police violence while covering public protests. At least two of them were detained in the process.

At least five journalists were physically attacked in May and June, while scores of them were subject to police violence while covering demonstrations

In the two-month period, the European Court of Human Rights has ruled against Turkey in applications filed by journalists Banu Güven, Tunca

Öğreten, Mahir Kanaat and Ali Bulaç, while Turkey continued to not implement earlier judgments by the Strasbourg court delivered in the cases of jailed business person Osman Kavala and ex-HDP leader Selahattin Demirtaş. The Constitutional Court, on the other hand, rejected an appeal filed by the main opposition Republican People's Party (CHP) against legislation granting the Radio and Television Supreme Council (RTÜK) the authority to license online broadcasters and supervise the content of online broadcasts. The top court ruled in favor of journalist Hayko Bağdat and the pro-government *Yeni Akit* newspaper in the same period.

RTÜK and the Press Advertising Agency (BİK), which have received increasing criticism for being “instruments” at the hands of the government to financially undermine critical media outlets over the past years, continued to issue penalties that disproportionately targeted opposition outlets. Reports and data emerging in this two-month period revealed that these institutions have used the means at their disposal to reward pro-government outlets, while it was documented that public institutions also followed a similar policy by transferring their advertising budgets to pro-government newspapers. As of the end of the reporting period, BİK decisions that suspend *Evrensel* and *Yeni Asya* newspapers' permit to publish public advertisements remained in effect. These two newspapers still face the risk of permanently losing their license to publish public ads.

LEGAL AND POLITICAL DEVELOPMENTS

The 4th Judicial Reform Package, which was prepared within the scope of the Judicial Reform Strategy announced by President Recep Tayyip Erdoğan in 2019, and the new Press Card Regulation were the two key legislative measures introduced by the government in the reporting period that are likely to have significant ramifications on the atmosphere of freedom of expression and the press. Looking at the government policy towards freedom of the press, political pressure on journalists continued in this period as well, with dismissals and statements targeting media organizations and individual journalists.

The 4th Judicial Reform Package

In the reporting period, the government introduced yet another package of judicial reforms under the Judicial Reform Strategy Document of 2019. The Bill on Amendments to the Criminal Procedure Code and Certain Laws, publicly known as the 4th Judicial Reform Package, was submitted to the Parliament's Justice Commission, where it was adopted and sent to the General Assembly for enactment. The bill envisages amendments to a total of seven laws and consists of 27 articles. According to the bill;

- Decisions of the Criminal Judgeships of Peace will be subject to a "vertical" system of appeal, whereby objections to decisions of the judgeship on matters of pre-trial detention and judicial control measures will be reviewed by the Criminal Courts of First Instance, rather than by another judgeship
- Evidence showing that judicial control measures will be insufficient will be provided in the specific case at hand and included in the court decision ordering pre-trial detention
- In cases involving the so-called "catalogue crimes," which include serious crimes such as terrorism crimes, crimes against humanity,

murder and sexual abuse of a minor, concrete evidence will have to be provided for a court to order pre-trial detention. This article prompted widespread criticism over concerns that its application to crimes involving sexual abuse of a child might result in impunity for perpetrators.

For jurists, on the other hand, what matters is how these changes will be implemented by the judiciary, given the fact that countless amendments passed in Parliament under previous judicial reform packages over the past years have failed to yield a meaningful improvement. A more detailed assessment of the issue can be found in our article entitled [Can Turkey Achieve Democracy Through Judicial Reform Packages?](#)

Press Card Regulation

A revised Press Card Regulation went into effect in the reporting period, following annulment by the Council of State of its certain provisions that were deemed “arbitrary and vague” on 1 April 2021. After the Council of State decision, which proved to be a short-lived victory for the journalists’ associations that had taken it to the court, head of the Presidency’s Directorate of Communications, Fahrettin Altun, promised to come up with a “better” Regulation and to “fight against those who spread terrorism propaganda under the disguise of journalism as long as we are in charge.” The Regulation promised by Altun went into effect on 21 May when the Regulation on Amendments to the Press Card Regulation was published on the Official Gazette. According to the renewed Press Card Regulation, journalists who apply to get a press card will be required to have no prior conviction on charges of “establishing an organization for the purpose of committing crimes, membership of or aiding such an organization.” According to the article concerning permanent press cards, a permanent card can be canceled if its holder

- acts in a way that harms the honor of the profession of the press by engaging in methods and attitudes that may cast a shadow on the dignity of their professional status,

- engages in activities that are clearly against national security and public order or openly supports these activities,
- creates content that will encourage violence and terrorism and undermine the fight against all kinds of organizational crimes, or
- engages in activities that will incite or encourage crime and undermine the fight against crime.

Thousands of journalists had their press cards canceled since the failed coup attempt of 2016, while hundreds have been waiting for the renewal of their existing cards. For journalists' associations, the new Press Card Regulation has once again tied the eligibility to receive a press card to arbitrary, vague and political criteria. More detailed views on the issue can be found in our article [The Press Card Regulation: A Means of Designating Gov't-Approved Journalists](#).

Statements by Politicians and Political Pressure

During the two-month period covered by the report, the government's tight control over the mainstream media outlets continued. Independent or critical media organizations, on the other hand, were the target of statements by political leaders, while journalists criticized by government officials lost their jobs. Verbal attacks targeting media organizations and journalists not only increased the threats to the safety of journalists, but also contributed to the strengthening of the environment of censorship and self-censorship. The highlights of May and June in this context are as follows:

Senior HaberTürk journalists resign, dismissed after spat with

MHP: On 4 May, İzzet Ulvi Yönter, a deputy chairman of the government ally Nationalist Movement Party (MHP), shared a [Twitter post](#) that included insulting remarks targeting HaberTürk TV anchorwoman Ebru Baki for a program she hosted in which a constitutional amendment proposal by the MHP leader Devlet Bahçeli was discussed. The following day, the news channel's Ankara Representative Bülent Aydemir criticized Yönter for his

remarks -- in which he had called Baki a “so-called journalist who distorts truths with her mocking smile” and said it was “a complete deprecation that she chose her guests from among enemies of the MHP” -- and called on Yöner and the MHP to apologize. Aydemir’s remarks, however, prompted further MHP backlash and this time MHP’s Deputy Chairman Responsible for Media, Promotion and Public Relations İsmail Özdemir shared a [series of posts](#) targeting Aydemir. “Who are you and how dare you invite the MHP and our Chairman to apologize?” Özdemir wrote, adding that the MHP expected a response from the HaberTürk TV administration as well.

MHP Chairman Devlet Bahçeli also joined the campaign, starting a boycott against the HaberTürk TV on social media by [tweeting](#) #IDontWatchHaberTürkTV. The hashtag quickly topped the list of trending topics in Turkey.

Following the public spat with the MHP, HaberTürk TV Ankara Representative Bülent Aydemir was fired while the channel’s Editor-in-Chief Kürşat Oğuz resigned.

Interior Minister targets Cumhuriyet and BBC over Peker coverage:

Interior Minister Süleyman Soylu threatened the opposition *Cumhuriyet* newspaper over a news story concerning Sedat Peker’s revelations. “Cumhuriyet newspaper, which insults the most glorious Commander in our history of struggle against terrorism on the basis of the delusions of a mafia lowlife and seeks revenge on behalf of its partners HDPKK; Your history is a history of deep, dirty and dark relationships. Turkey is not the old Turkey. You will be called to account before the law,” Soylu wrote in a [Twitter post](#). Soylu also [targeted](#) the BBC Turkish service, which also reported on Peker’s allegations, calling it a “channel of disinformation, both financially and politically.”

AA reporter who asked ministers about Soylu fired: Musab Turan, a reporter for the state-run Anadolu Agency (AA), was sacked after asking Minister of Industry and Technology Mustafa Varank and Minister of Agriculture and Forestry Bekir Pakdemirli whether the government planned any measures against Interior Minister

Süleyman Soylu following Peker's incriminating allegations. Anadolu Agency announced that it also filed a criminal complaint against Turan so that "whether he is a member of a terrorist organization can be investigated" and contacted the relevant institutions for the cancellation of his official passport and press card. In addition, Turan [alleged](#) that his wife, working for the private holding Ülker, was also dismissed from her job following his dismissal from AA, while Ülker [claimed](#) the termination was due to her poor professional performance.

MHP officials targets journalists and newspapers: Throughout the reporting period, MHP representatives made several statements on social media targeting critical journalists or newspapers.

Sözcü columnist Emin Çölaşan was targeted by the MHP's Deputy Chairman Responsible for Media, Promotion and Public Relations İsmail Özdemir because of a column criticizing the MHP's constitutional amendment proposal. "Emin Çölaşan and his mentality may not possess the valor for fighting in the name of our country and our national interests and yet embrace a culture of sneakiness and plotting, but he should not deem everyone else to be like himself!" Özdemir wrote in [his post](#).

In another [post](#), Özdemir attacked *Cumhuriyet*, *Sözcü* and *Karar* newspapers while Deputy Chairman İzzet Ulvi Yönter [targeted](#) *Yeni Akit* columnist Kenan Alpay for criticizing the MHP leader Bahçeli, calling the journalist a "ferocious enemy of the Turks" and saying he was "at the bottom of the pit of sin and treachery for becoming a pawn for the devil."

In a Twitter [post](#), Bahçeli's press advisor Yıldırım Çiçek said "Cumhuriyet newspaper is the voice, breathe and nest of those who wish to bring down the Republic of Turkey."

MHP Deputy Chairman Semih Yalçın attacked *Sözcü*, *Karar* and *Yeniçağ* newspapers while MHP Deputy Chairman Responsible for Legal and Election Affairs Feti Yıldız [accused](#) *Cumhuriyet* columnist Alev Coşkun of "protecting separatist traitors" over a column.

THE JUDGMENTS OF ECtHR AND TURKISH SUPREME COURTS

ECtHR Judgments

Judgments awaiting execution: Kavala, Demirtaş and others

Throughout the reporting period, there was no progress towards the execution of the European Court of Human Rights (ECtHR) judgments in the cases of jailed business person Osman Kavala and jailed politician Selahattin Demirtaş. The Committee of Ministers of the Council of Europe, in charge of monitoring the implementation of the ECtHR judgments, discussed the issue once again during its meeting on 7-9 June. The Committee [refrained](#) from issuing a strong-worded call on Turkey for the execution of the Demirtaş judgment; however, it [affirmed](#) its “determination, if Kavala is not released, to ensure the implementation of the judgment through all the means at the disposal of the Organisation, including if necessary infringement proceedings.”

In addition to these relatively recent cases, the Committee also reviewed groups of cases against Turkey in which the ECtHR had found violations of freedom of expression and have been pending before the Committee for years. In its decision on these cases, known as *Öner and Türk v. Turkey*, *Nedim Şener v. Turkey*, *Altuğ Taner Akçam v. Turkey*, *Artuğ ve Güvener v. Turkey* and *İşıkırık v. Turkey*, the Committee reiterated its call on Turkey to fully implement the judgments and provide statistical information specifically on journalists prosecuted, convicted and held in pre-trial or post-conviction detention on the basis of the legislation pointed out in the relevant ECtHR judgments. A detailed assessment of the Committee of Ministers' decisions on these judgments can be found in our article [Council of Europe: End the Abuse of Criminal Laws and Amend Articles 220, 299 and 301](#).

New judgments: Banu Güven, Tunca Öğreten, Mahir Kanaat and Ali Bulaç

The European Court announced on 4 May its [judgment](#) in a joint application by journalist Banu Güven and academics Yaman Akdeniz and Kerem Altıparmak concerning an interim injunction ordered by courts banning the dissemination and publication of information on a parliamentary inquiry into allegations of corruption against four former ministers, which had been instigated following an operation conducted by the Istanbul police and prosecutor's office on 17 and 25 December 2013. The Court ruled that the ban constituted a violation of freedom of expression in respect of Banu Güven, saying it amounted to a preventive measure aimed at prohibiting any future dissemination or publication of information and had major repercussions on Güven's exercise of her right to freedom of expression on a topical issue. The ECtHR declared the case inadmissible in respect of Akdeniz and Altıparmak, saying they lacked victim status. The Court held that Turkey was to pay Banu Güven 1,500 euros in respect of costs and expenses. She had no claim for damages.

The ECtHR released its [judgment](#) in the applications of journalists Tunca Öğreten and Mahir Kanaat on 18 May. The two journalists were arrested and placed in pre-trial detention for a year for reporting on emails from the account of Berat Albayrak, son-in-law of President Erdoğan who was the Energy Minister at the time, which had been hacked and published on the Wikileaks site in December 2016. The Court ruled that Article 5/1 (right to liberty and security), Article 5/4 (refusal to access file) and Article 10 (freedom of expression) of the European Convention on Human Rights had been violated and held that Turkey was to pay Öğreten 5,750 euros in respect of pecuniary damage, 14,000 euros to each applicant in respect of non-pecuniary damage and 2,250 euros to each applicant in respect of costs and expenses.

Lastly, on 8 June, the ECtHR released its [judgment](#) in the application of former *Zaman* columnist Ali Bulaç, who spent nearly two years

in prison on the basis of his writings published in the now-defunct newspaper. The Court ruled that Bulaç's right to liberty and security and freedom of expression had been violated and ordered Turkey to pay 12,240 euros in respect of non-pecuniary damage.

Judgments of the Constitutional Court

The Constitutional Court concluded various applications regarding freedom of expression and the press during the reporting period. Some of them are as follows:

CHP's RTÜK appeal: A Constitutional Court judgment upholding RTÜK's authority to license online broadcasters and supervise the content of online broadcasts went into effect after it was published in the Official Gazette on 7 May. The appeal, filed by the main opposition CHP deputies, sought the annulment of amendments of 2018 which extended RTÜK powers to cover online radio and television broadcasts. The Constitutional Court ruled by majority vote on the application. Five members of the Court, including President Zühtü Arslan, dissented, saying the amendments, which allow principles and procedures regarding the licensing and supervision of online broadcasts to be established by a regulation instead of a law, were unconstitutional under the constitutional principle that freedom of expression and the press can only be restricted by law. The Constitutional Court decision is dated 3 March 2021 and its full text can be accessed [here](#).

Hayko Bağdat application: The Constitutional Court ruled in its [judgment](#) on 26 May that a court decision ordering Turkish-Armenian journalist Hayko Bağdat to pay compensation to former Ankara Mayor Melih Gökçek for "insulting" him in a social media post constituted a violation of Bağdat's freedom of expression. Gökçek sued Bağdat in 2015 over a tweet in which Bağdat criticized him for an earlier post slamming a Turkish-German politician for visiting the Armenian Genocide Memorial Complex during a visit to Armenia. "I hear Melih Gökçek is an Armenian. I literally called you Armenian. You should sue me, Melih Gökçek. Melih Gökçek is

a disgusting man” Bağdat wrote on Twitter. The court convicted Bağdat at the end of the trial and sentenced him to pay TL 2,500 to Gökçek. The Constitutional Court said in its judgment that Bağdat's conviction could “harm the environment of criticism and exchange of information about actions and statements of politicians, which is an essential element of a democratic society.”

Hacı Yakışıklı and Others application: In another judgment released on the same date, the Constitutional Court concluded an application filed by Hacı Yakışıklı, a reporter for the Islamist pro-government daily *Yeni Akit*, its owner Ramazan Fatih Uğurlu and publisher Uğurlu Journalism, Printing, Publication and Advertisement Company. The Court held that a lower court ruling ordering the applicants to pay compensation for a report published in the newspaper in 2013 amounted to violation of freedom of expression and the press. The *Yeni Akit* report had alleged that a 10th grade student was chastised for wearing headscarf at school and accused some of the school teachers of “treating those who wear headscarf as enemies as if to spew their grudges and hatred just to satisfy their egos.” One of the teachers whose name and photo were published in the story then sued the applicants for attacking his personal rights, as a result of which Yakışıklı and the other applicants had been sentenced to pay TL 5,000 in compensation. The Constitutional Court ruled that the statements given as a reason for the applicants' conviction constituted “harsh criticism, were related to a debate of public interest and did not constitute an unjustified attack.”

Judgments of the Supreme Court of Appeals

Ahmet Turan Alkan application: The 16th Criminal Chamber of the Supreme Court of Appeals *overturned* its previous judgment upholding the conviction of former *Zaman* columnist Ahmet Turan Alkan on the charge of “membership of a terrorist organization.” Ruling that Alkan should stand trial on the charge of “aiding a terrorist organization without being part of its hierarchical structure,” the Chamber sent Alkan's file to the Istanbul 13th High Criminal Court for a retrial.

On 24 September 2020, the Supreme Court of Appeals ruled on the “Zaman trial,” upholding the sentences given to Alkan and his co-defendants Mustafa Ünal and İbrahim Karayeğen on the charge of “membership of a terrorist organization.” Reviewing the judgment following an objection filed by Alkan’s lawyer, the Office of the General Prosecutor of the Supreme Court of Appeals sent the file to the Chamber on 12 February 2021, requesting a correction of the judgment, stating that Alkan had criticized the “FETÖ armed terrorist organization” on many occasions; that he did not have any administrative duties in the *Zaman* newspaper; and that there was no evidence in the file showing that he was a “member” of the organization other than the articles he wrote. The General Prosecutor’s Office held that Alkan should have been charged with “aiding” the organization. Based on the General Prosecutor’s opinion, the Chamber reviewed the judgment and decided to reverse its previous decision to uphold Alkan’s sentence on the grounds of misjudgment due to an incorrect assessment of the evidence. The judgment, rendered unanimously on 18 March 2021, said the appeal by the defendant’s lawyer was deemed appropriate.

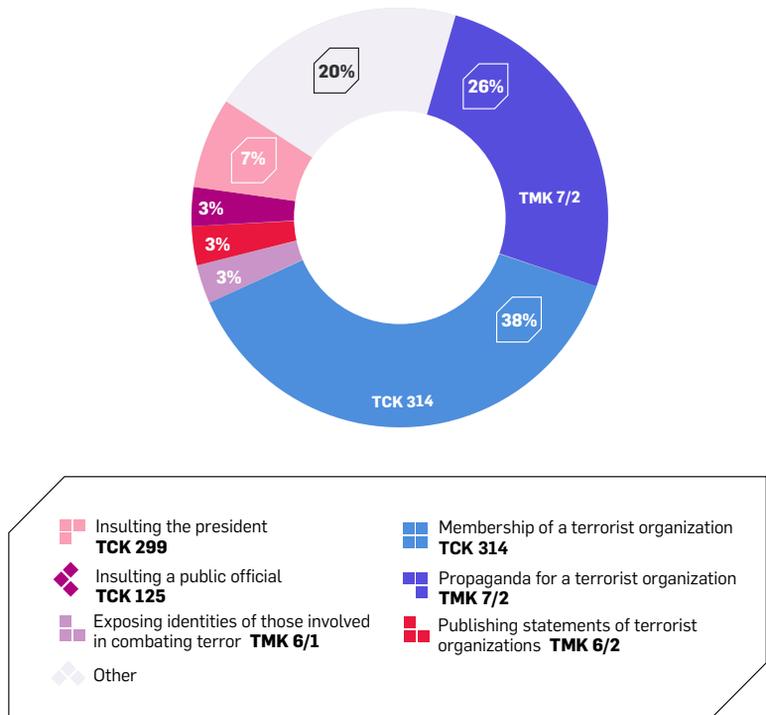
Alkan had been sentenced to 8 years and 9 months in prison on the charge of “membership of a terrorist organization” and spent two years behind bars as a result of the original trial. The Supreme Court of Appeals judgment clears the way for his retrial. First hearing in the ongoing retrial of *Zaman* columnists Ali Bulaç, Mümtazer Türköne and Şahin Alpay and editor Mehmet Özdemir was held on 13 April. The second hearing is scheduled to take place in September.

JUDICIAL VIOLATIONS

Trials of Journalists in Numbers: Cases, Convictions and Acquittals

The trials continued to be one of the most widely used tools to restrict freedom of expression and the press in May and June. In this two-month period, a total of 109 journalists were prosecuted in 51 ongoing cases. Four journalists were sentenced to a total of 9 years, 8 months and 2 days in prison, while six journalists were acquitted.

Charges most commonly used in journalists' trials in May-June 2021



The journalists were mostly charged with terrorism crimes. The other commonly used charges were “insulting the president” and “insulting a public official.” According to data obtained as a result of monitoring trials and tracking open sources by the Expression Interrupted, 26 of the 51 journalists who stood trial in May and

June were charged under Article 314 of the Turkish Criminal Code (TCK): 25 journalists were charged with “membership of a terrorist organization” (TCK 314/2) and one journalist was charged with “founding and leading a terrorist organization” (TCK 314/1). In 18 cases, the journalists were charged with “spreading propaganda for a terrorist organization” under Article 7/2 of the Anti-Terrorism Law (TMK). The charges of “exposing the identities of those involved in combating terrorism” (TMK 6/1) and “publishing or printing statements of terrorist organizations” (TMK 6/2) were each used in two cases. In five cases, the journalists were charged with “insulting the president” (TCK 299) and in two cases they were charged with “insulting a public official” (TCK 125).

At least five new court cases were brought against four journalists in the reporting period as well, two of which were later merged.

In addition to the trials overseen by the courts of first instance, various media freedom cases were also concluded by regional courts of appeals (istinaf). Regional courts of appeals upheld a verdict of conviction against one journalist and ruled for acquittal of eight journalists by either upholding verdicts of acquittal or overturning convictions delivered by lower courts.

Again in the same period, three journalists appeared before a court not as defendants but as complainants in two cases, suing public officials and private citizens for forcefully preventing them from doing their work.

Monthly statistics of cases against journalists are as follows:

May 2021

Many of the trials that had been scheduled to take place in May were postponed to future dates without a hearing due to a Covid-19 lockdown that remained in effect from 29 April to 17 May. After the lockdown, a total of 13 cases in which 15 journalists stood trial were held in May. 11 of these trials were adjourned until future dates while two of them were concluded.

MAY 2021

Journalists put on trial	15
Number of trials	13
Trials adjourned	11
Trials concluded	2
Trials that ended with conviction verdict	1
Trials that ended with acquittal verdict	1
Number of new trials	2

In the two cases that were concluded, journalist and filmmaker Ruhi Karadağ was sentenced to 1 year and 3 months in prison on the charge of “spreading propaganda for a terrorist organization.” Journalist Melis Alphan, who was on trial on the same charge, was acquitted.

Out of the 13 trials that were held in May, the journalists were charged with “membership of a terrorist organization” (TCK 314/2) in nine cases; “founding and leading a terrorist organization” (TCK 314/1) in one case; and “spreading propaganda for a terrorist organization” (TMK 7/2) in five cases.

Also in May, new lawsuits were filed against two journalists (Deniz Yücel, Yılmaz Özdil) for their writings: Former *Die Welt* Turkey correspondent Deniz Yücel will stand trial on the charge of “publicly denigrating the Turkish Nation and the State of the Republic of Turkey” (TCK 301), carrying up to two years in prison, because of two articles published in 2016, while *Sözcü* columnist Yılmaz Özdil faces up to 2 years and 4 months in prison on the charge of “publicly insulting” the complainant Ebubekir Sifil, an academic, in his December 2020 column entitled “Yobazın tehdidi” (The threat of the bigot).

June 2021

In June, a total of 94 journalists were prosecuted in 38 trials. 31 of them were postponed to future dates while seven cases were concluded. In four of the concluded cases, a total of five journalists (Melike Aydın, Alican Uludağ, Olcay Büyüктаş Akça, Cem Bahtiyar, Mustafa Sönmez) were acquitted of all charges, while three journalists (Ozan Kaplanoğlu, Hakkı Boltan, İsmail Çoban) were sentenced to a total of 8 years, 5 months and 2 days in prison in the remaining three cases.

JUNE 2021

Journalists put on trial	94
Number of trials	38
Trials adjourned	31
Trials concluded	7
Trials that ended with conviction verdict	3
Trials that ended with acquittal verdict	4
Number of new trials	3
Number of trials brought by journalists	2

Ozan Kaplanoğlu, the owner and managing editor of the local news portal BursaMuhaliif.com, was sentenced to 1 year, 10 months and 15 days in prison for "terrorism propaganda" for his coverage of a protest against Turkey's 2018 military operation on Syria's Afrin. Journalist and the former spokesperson of the Free Journalists Initiative Hakkı Boltan was sentenced to 1 year, 2 months and 17 days in prison for "insulting the president" and to another 10 months for "insulting a public official" over a statement he made concerning the death of Rohat Aktaş, the former managing editor of *Azadiya Welat* newspaper, who was killed in the basement of a building where he took shelter in Cizre district during the curfews

imposed in 2016. Lastly, former responsible editor of the Kurdish-language *Azadiye Welat*, İsmail Çoban, was sentenced to 4 years and 6 months in prison for “systematically spreading propaganda for a terrorist organization” in connection with 15 news reports and opinion articles published in the newspaper in 2013.

In the 38 trials held in June, journalists were mostly charged with “membership of a terrorist organization” (16 cases) and “spreading propaganda for a terrorist organization” (13 cases). Other charges included “insulting the president” (five cases), “insulting a public official” (two cases) and “printing or publishing statements of terrorist organizations” (two cases).

Also in June, new cases were filed against three journalists (Alican Uludağ, Ayşe Kara, Deniz Yücel). Alican Uludağ will stand trial on the charge of “insulting a public official,” carrying up to 2 years and 4 months in prison, for a social media post in which he criticized the way the detention of journalists Hülya Kılınc, Barış Terkoğlu and Barış Pehlivan, who were arrested in March 2020 for reporting on the funeral of a Turkish intelligence official killed in Libya, had been reviewed by a court. Journalist Ayşe Kara, who was arrested and later released in June 2020 as part of an investigation against the Democratic Society Congress (DTK), a pro-Kurdish NGO, was charged with “membership of a terrorist organization.” *Die Welt* journalist Deniz Yücel was charged with “insulting the president” in a new indictment for calling President Erdoğan a “dictator” in an article published on 6 November 2016. The indictment was merged with another trial launched in May in which Yücel is accused of “publicly denigrating the Turkish Nation and the Turkish Republic.”

In June, two lawsuits filed by three journalists (Beyza Kural, İdris Yılmaz, Erhan Akbaş) were also held. These lawsuits, which were filed against police officers and private individuals on the grounds that they forcefully prevented the journalists in question from doing their work, were postponed to later dates.

In addition to first instance courts, regional courts of appeals also

reviewed journalists' cases in June. These courts concluded four cases in this period: A regional court of appeals in Istanbul overturned a conviction against journalist Sabiha Temizkan on the charge of "spreading propaganda for a terrorist organization" and ruled for her acquittal; the Diyarbakır Regional Court of Appeals upheld an earlier verdict for the acquittal of journalists Ömer Çelik, Çağdaş Kaplan, Selman Çiçek, Abdulvahap Taş, İnan Kızılkaya, Kemal Sancılı and Hamza Gündüz; the Van Regional Court of Appeals upheld a prison sentence against local journalist Sinan Aygül after reducing the sentence from 10 months to five; and, lastly, a regional court of appeals in Istanbul reversed an earlier verdict to drop "terrorism propaganda" charge against writer Aslı Erdoğan in the Özgür Gündem case, where she had stood trial because of her role in the newspaper's advisory board.

Investigations and Arrests

In May and June, at least three journalists (Ersin Özgül, Bülent Kılıç, Ceylan Şahinli) were taken into custody.

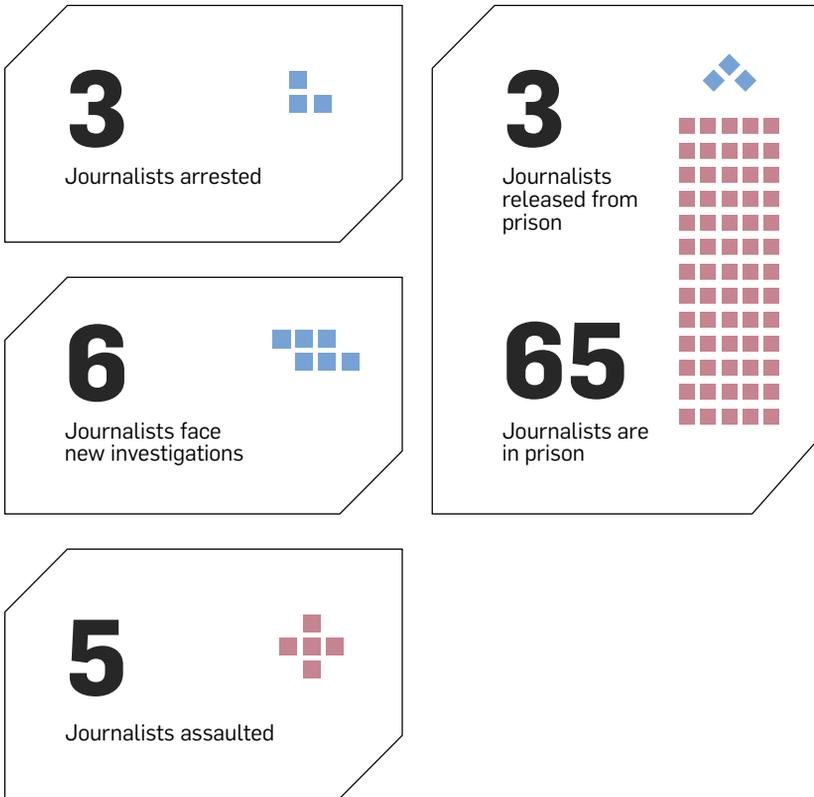
Ersin Özgül, a reporter for Pir News Agency (PİRHA) based in the western province of İzmir, was arrested on the charge of "membership of a terrorist organization" as part of a Diyarbakır-based investigation into the Democratic Society Congress on 5 May. Mezopotamya News Agency reporter Ceylan Şahinli was detained as she was reporting on the banned 1 May demonstrations in Ankara, while AFP photojournalist Bülent Kılıç was detained as he was covering the banned Istanbul Pride parade on 26 June.

In the two-month period covering May and June, at least six journalists (Baransel Ağca, Gökhan Biçici, Aykut Küçükkaya, Olcay Büyüктаş Akça, Ahmet Kanbal, Yağmur Kaya) gave their statements as part of at least one investigation launched against them.

- Two separate investigations were launched against journalist Baransel Ağca after he shared the autopsy report on the suspicious death of Yeldana Kaharman, a Kyrgyz university student in

Turkey who was found dead in her home in the province of Elazığ in 2019, on his social media account, which was also mentioned by the convicted crime ringleader Sedat Peker in his video allegations of corruption among top officials. The first investigation [concerns](#) a past social media post, while the second one was [launched](#) on the allegation of “illegally obtaining or disseminating personal data” over the autopsy report Ağca shared.

- Gökhan Biçici, the editor-in-chief of the news outlet Dokuz8Haber, gave his statement as part of an investigation launched on account of a criminal complaint based on a news article the platform shared on Twitter in March 2019. Biçici [stated](#) that the investigation was launched due to a news report about Necmettin Kesgin, who had made various allegations of wrongdoing about Ankara Metropolitan Mayor Mansur Yavaş during his candidacy.
- An investigation was [launched](#) against *Cumhuriyet* newspaper’s editor-in-chief Aykut Küçükkaya and responsible editor Olcay Büyüктаş Akça over a criminal complaint filed by the Commander General of the Gendarmerie Arif Çetin, who was mentioned in Sedat Peker’s video allegations about Yeldana Kaharman’s suspicious death. Çetin reportedly filed a criminal complaint because the said newspaper published the photos showing him next to crime ringleaders Selahattin Yılmaz and Galip Öztürk under a headline that read, “Commander with the mob boss!” (“Komutan çete lideriyle!”).
- An investigation was [launched](#) against Mezopotamya News Agency reporter Ahmet Kanbal and Artı Gerçek reporter Yağmur Kaya on the allegation of “exposing identities of those involved in the fight against terrorism” on account of a criminal complaint by Deputy Commander General of the Gendarmerie, Lieutenant General Musa Çitil. Human Rights Association (İHD) Co-Chair Eren Keskin is also listed as a suspect in the investigation.



Pre-Trial Detentions and Releases

In the reporting period, three jailed journalists (Mehmet Aslan, Cuma Ulus, Erkan Acar) were released from prison. Thus, the number of journalists behind bars in Turkey, either in pre-trial detention or serving sentences, decreased from 68 at the end of April to 65 by the end of June 2021.

Mezopotamya News Agency reporter Mehmet Aslan, one of the freed journalists, was released pending trial at the end of his first hearing held in May. Aslan was placed in pre-trial detention on the charge of “membership of a terrorist organization” in January 2021.

Journalists Cuma Ulus and Erkan Acar, who were prosecuted and sentenced to 7 years and 6 months in prison each as part of the case publicly known as the “FETÖ media trial,” were released from the Silivri Prison on 30 June 2021 upon completing the execution of their respective sentences after spending five years behind bars. Ulus and Acar were jailed pending trial in July 2016.

In the same period, a regional court of justice upheld the 10-month prison sentence handed down to local journalist Sinan Aygül on the charge of “violating the confidentiality of an investigation” over his coverage of an alleged sexual abuse case involving a minor that took place in 2019 in the Tatvan district of Bitlis province, reducing the sentence to 5 months in prison. Once the sentence became final, Aygül was sent to prison to serve his 5-month sentence, but released the same day under probation.

Highlights from Trials

The trials held in May and June, 51 in total, witnessed a number of convictions and acquittals; there were also numerous claims of rights violations during the hearings. Some of the highlights from the trials are as follows:

Jailed journalist Mehmet Aslan released from prison: Mezopotamya News Agency reporter Mehmet Aslan, who was placed in pre-trial detention on 8 January 2021 over his news reports, was [released pending trial](#) on the charge of “membership of a terrorist organization” in the first hearing of the trial held on 27 May. Aslan addressed the court via the judicial video-conferencing system SEGBİS from the Antalya L Type Prison, and stated in his defense that he was being prosecuted for his journalistic activities, and that his activities as a reporter were being criminalized on account of the news agency for which he worked. “It came to a point where we are accused of the situations that we witness and cover. Then, why did we become journalists in the first place? Why did I study for years to become a journalist?” asked Aslan, adding that he was not given his medicines for 15 days after his arrest, and that he was subjected

to a strip search in prison. The prosecutor demanded that Aslan be released under judicial control measures, taking into account the time he spent in detention. The Istanbul 24th High Criminal Court decided to release Aslan under a ban on traveling abroad. The next hearing will be held in October.

Prosecutor seeks conviction for journalists in the Taraf trial: In the trial where former executives of the since-shuttered *Taraf* newspaper Ahmet Altan, Yasemin Çongar, Yıldırım Oğur; reporter Mehmet Baransu, and journalist Tuncay Oğün are prosecuted for allegedly publishing a confidential military document called “Egemen (Sovereign) War Plan,” the prosecutor submitted their final opinion on the merits of the case. In the final opinion, the prosecutor argued that it was “granted” that Baransu “was a member of the hierarchical structure of the FETÖ,” however, demanded that the court dismiss the charge of “membership of a terrorist organization” in respect of Baransu in the present case, since he was previously sentenced to 19 years and 6 months in prison on the same charge by the Mersin 2nd High Criminal Court.

The prosecutor asked the court to sentence Baransu on the charges of “partially or completely destroying or damaging documents or certificates relating to the security or domestic or foreign interests of the state” (TCK 326); “obtaining information that, due to its nature, must be kept confidential” (TCK 327), and “disclosing information that, due to its nature, must be kept confidential” (TCK 329), arguing that it was granted that Baransu had taken part in the criminal acts in question. The prosecutor also asked the court to separate the file against Tuncay Oğün, who resides abroad, and to sentence Ahmet Altan, Yasemin Çongar and Yıldırım Oğur on the charge of “disclosing information that, due to its nature, must be kept confidential” (TCK 329). The journalists will present their defense statements in response to the final opinion of the prosecutor during the next hearing, which is scheduled for October 2021.

Officers who detained journalist Beyza Kural go on trial: The first hearing in the trial where three police officers, who forcefully

detained Beyza Kural, a former reporter for the Bianet news website, as she was covering a protest in Istanbul was held on 23 June. The police officers are charged with “violation of freedom to work and labor” as part of the trial, which was launched following a Constitutional Court judgment that found that police brutality against Kural violated her rights. “As journalists, we are often faced with violations such as obstruction, violence, arrest, pressure to delete the images, or confiscation of equipment. When we complain, the courts decide to discontinue the proceedings [against police officers]. I hope this case will be a step towards putting an end to such practices,” said Kural, who attended the hearing as the plaintiff.

The three officers, identified as Y.Ş., N.D. and K.A., had prevented Kural from covering a protest against the Council of Higher Education (YÖK) on 6 November 2015, and one of the officers had detained Kural, handcuffing her from behind while allegedly saying, “Nothing is as it used to be anymore, we will teach you that.” The Constitutional Court rendered its decision on 18 February 2021, holding that the treatment of Kural constituted violation of freedom of expression, freedom of the press and prohibition of ill-treatment. The Constitutional Court also ordered that Kural be paid TL 15,000 in respect of non-pecuniary damages. At the end of the hearing, the court ordered that the officer N.D., who failed to attend the hearing, be brought to court for the next hearing, which is scheduled to take place in September.

Journalist Sinan Aygül, who reported on the sexual abuse of a child, sent to prison: Sinan Aygül, the president of the Bitlis Journalists Association and the editor-in-chief of the local newspaper *Bitlis News*, who had been previously sentenced to prison on the charge of “violating the confidentiality of an investigation” on account of his coverage of a case of sexual abuse of a minor, was sent to prison on 30 June after his sentence was upheld by the Van Regional Court of Appeals.

Aygül had been sentenced to 10 months in prison by the Tatvan 2nd Criminal Court of First Instance in December 2019. The regional

court of appeals upheld the decision, while reducing the sentence to 5 months in prison. Aygül was then sent to prison, but released at the evening hours of the same day under probation.

New arrest warrant and red notice request for Can Dündar: The first hearing in the trial where Can Dündar, the former editor-in-chief of *Cumhuriyet* newspaper, was prosecuted on the charge of “espionage” as part of a file separated from the “MİT trucks” case was held on 8 June at the Istanbul 14th High Criminal Court. In December 2020, Dündar was sentenced to 27 years and 6 months in prison on the charges of “espionage” and “aiding an armed terrorist organization” at the end of the trial commonly known as “MİT trucks case” where he was accused on account of the news coverage concerning the alleged illegal shipment of weaponry to insurgents in Syria on trucks operated by the National Intelligence Agency (MİT). The case was under way when another lawsuit was filed against Dündar due to a video he published on the Özgürüz website, which was later merged with the MİT trucks case. However, since Dündar, who resides in Germany, failed to give his statement as part of that case, the file was separated at the final hearing of the main case, by which point it resumed as a separate case.

As part of the file, Dündar is prosecuted on the charges of “obtaining information that, due to its nature, must be kept confidential for reasons relating to the security or domestic or foreign interests of the state for the purpose of political or military espionage” (TCK 328) and “disclosing information that, due to its nature, must be kept confidential for the purpose of political or military espionage” (TCK 330). The Istanbul 14th High Criminal Court, which oversees the trial, decided to issue an arrest warrant for Dündar. In addition, the court demanded that necessary steps be taken to issue a requisition for Dündar’s extradition from Germany to Turkey and request Interpol to issue a red notice for his arrest. The next hearing in the trial will be held on 6 October 2021.

Azadiya Welat editor İsmail Çoban handed down 4.5 years of imprisonment: İsmail Çoban, the former responsible editor of the

Kurdish newspaper *Azadiya Welat*, which was shut down by an emergency decree in 2016, was sentenced to 4 years and 6 months in prison on the charge of “successively making propaganda for a terrorist organization” on account of 15 articles and news stories published in the newspaper in 2013, at the final hearing of his trial held on 29 June.

Çoban addressed the court via the judicial video-conferencing network SEGBİS from the prison where he was kept in pre-trial detention as part of a separate case, and delivered his defense statement in response to the final opinion of the prosecutor in Kurdish. Arguing that the articles and news stories in question fell decidedly within the scope of journalistic activities, Çoban demanded his acquittal. Resul Tamar, Çoban’s lawyer, argued that the final opinion of the prosecutor was unclear and lacked clarification as to which news stories it sought to punish. Stating that Çoban was also prosecuted for the news stories that were published when he was not the responsible editor of the paper, Tamar demanded the court to return the final opinion to the prosecutor. In its decision, the Diyarbakır 7th High Criminal Court sentenced Çoban to 4 years and 6 months in prison on the charge of “successively making propaganda for a terrorist organization.”

Decision to drop charges against novelist Aslı Erdoğan reversed:

The decision to drop the charge of “spreading propaganda for a terrorist organization” against novelist and *Özgür Gündem* editorial advisory board member Aslı Erdoğan as part of the case commonly known as “Özgür Gündem main trial” was reversed by a regional court of appeals. Ruling on the objection of the prosecutor’s office against the decision of the Istanbul 23rd High Criminal Court to drop the charge in question, the regional court overturned the verdict, and sent the file to the trial court for a re-examination. In its decision, the regional court claimed that the four-month statute of limitations prescribed in the Turkish Press Law was not applicable to the present case, since the articles in question were also published on the website of the newspaper.

Aslı Erdoğan, who was jailed pending trial on 19 August 2016 as part of the Özgür Gündem main trial, was released pending trial on 29 December 2016, after spending 4.5 months behind bars. At the final hearing of the trial held on 14 February 2020, the Istanbul 23rd High Criminal Court acquitted Erdoğan on the charges of “disrupting the unity and integrity of the state” (TCK 302) and “membership of a terrorist organization” (TCK 314/2), while dropping the charge of “spreading propaganda for a terrorist organization” (TMK 7/2) on the grounds that the statute of limitations had expired in the case.

ATTACKS AND INTERVENTIONS AGAINST JOURNALISTS

During the reporting period, concerns about the safety of journalists in Turkey increased significantly. In addition to the physical attacks targeting journalists, members of the press who covered demonstrations and protests also experienced severe police interventions and obstructions, especially on the heels of the entry into force of the police circular prohibiting the audio-visual recordings during demonstrations. The knee-on-neck arrest of AFP photojournalist Bülent Kılıç as he was covering the banned Pride parade in Istanbul was demonstrative of the extent of the physical dangers the journalists encounter while performing their duties.

That only two people, one of whom is under the age of 18, were prosecuted and placed in pre-trial detention following an attack on journalist Levent Gültekin by a large crowd of people, and that both suspects were released pending trial at the end of the first court hearing, on the other hand, further deepened the concerns that violence against journalists is rewarded with impunity.

According to data compiled from open sources by Expression Interrupted in May and June, at least five journalists (Hüseyin Arif Çakmak, Ahmet Atmaca, Hanifi Güzel, İbrahim Akkuş and Mustafa Uslu) were attacked by various people; at least one journalist (Lezgin Tekay) was detained by unidentified individuals; at least one journalist (Hasan Tolga Balcılar) was battered while his house was raided by police in the absence of a search or arrest warrant. Dozens of journalists were subjected to police violence and obstruction while reporting, and at least two journalists (Ceylan Şahinli, Bülent Kılıç) were detained.

The physical attacks and interventions against journalists in Turkey that were reported in the period discussed in this report are as follows:

- **1 May:** Police prevented journalists from filming a violent

intervention against those who wanted to stage a demonstration in Istanbul on 1 May International Workers' Day. Journalist Sultan Eylem Keleş was removed from the area while documenting police intervention against those who wanted to get to Taksim, a historically significant area for May Day protests. (Istanbul)

In Ankara, police threw away the mobile phone of Özge Uyanık, a reporter for Yol TV, as she was covering the police intervention against protesters, and attempted to delete the footage, citing the police circular issued on 27 April. Dozens of people, including Mezopotamya News Agency reporter Ceylan Şahinli, were taken into police custody. (Ankara)

- **3 May:** Two persons who were indicted for allegedly attacking journalist Levent Gültekin on 8 March 2021 in the Bakırköy district of Istanbul were released pending trial at the first hearing of their case. The prosecutor demanded the court to release the accused pending trial, taking into account the time spent in detention; the nature of the crime; the state of the collected evidence, and the pandemic, upon which the court ordered the release of the accused pending trial. Gültekin previously stated that he was attacked by a group of 20-25 people, however the indictment claims the attackers could not be identified in the camera footage of the incident. The indictment seeks a prison sentence of 1 year to 4 years and 6 months for each of the defendants. (Istanbul)
- **11 May:** An armed man attempted to attack the headquarters of the *İstiklal* newspaper in Istanbul's Zeytinburnu district. An individual identified as Turgay Türker entered the office of Hüseyin Arif Çakmak, the editor-in-chief of the newspaper, and asked him to hand over TL 2 million, threatening to kill Çakmak unless he gave away the money. The attacker was eventually stopped by locals and police officers dispatched to the scene. The officers recovered a rifle, a handgun, bullets and magazines from the individual's vehicle. Following the raid on the newspaper's offices, Türker was referred to the court with a request for his placement in pre-trial detention by the prosecutor, but the court released him pending trial. (Istanbul)

- **25 May:** Lezgin Tekay, a reporter for the Mezopotamya News Agency, was detained by individuals who identified themselves as “intelligence officers” as he was boarding a city shuttle at the Ankara Intercity Bus Terminal. Tekay, who was in Ankara for a family visit, informed his fellow journalists that he was being “arrested” at the time. Tekay was detained for approximately two hours, and released without any official arrest procedures. (Ankara)
- **27 May:** Police **raided** the house of Hasan Tolga Balcılar, a local journalist in the southern province of Osmaniye, in the absence of a search or arrest warrant. It was reported to be the third such raid in less than a week. Balcılar claimed to have been subjected to pressure and threats due to his coverage of the allegations of corruption in the Osmaniye Municipality, and said that during the latest raid, he was battered; his right shoulder was dislocated, and that the footage of the raid on his wife’s phone was deleted. (Osmaniye)
- **27 May:** Police arrested a university student due to a banner he was carrying as he took part in a demonstration protesting Israeli attacks on Palestine, and prevented journalists Derya Saadet and Fatoş Erdoğan from filming the incident. Citing the circular issued by the Police Directorate, police attempted to remove the journalists from the scene. (Istanbul)
- **31 May:** Ökkeş Taşkın, a reporter for *Cumhuriyet* newspaper, was prevented from filming the police intervention on those who wanted to stage a commemoration to mark the anniversary of the Gezi Park protests of 2013 in Istanbul’s Fatih district. Police allegedly battered Taşkın and threw away his phone, with which he was recording the incident. (Istanbul)
- **1 June:** Police broke up a gathering to read out a press statement after the latest court hearing in a long-running trial into a series of attacks on trans women in 2006 in Ankara. Journalists Yıldız Tar, Seda Taşkın and Büşra Taşkiran were **subjected** to physical intervention. (Ankara)

- **10 June:** Ahmet Atmaca, a reporter for Demirören News Agency (DHA), was attacked by the relatives of a man who lost his life in a knife fight as the journalist was reporting on the incident at the Forensic Medicine Institute in the province of Gaziantep. Atmaca was rescued by police and his colleagues, and taken to a hospital due to his injuries. (Gaziantep)
- **11 June:** Hanifi Güzel, a reporter for İhlas News Agency (İHA), was assaulted by several people as he was reporting on an individual who climbed to a minaret to commit suicide in the Nizip district of Gaziantep. Güzel suffered blows to his face with a hard object, and his tooth was broken. (Gaziantep)
- **21 June:** İbrahim Akkuş, a reporter for *Yeniçağ* newspaper who reported on the shortcomings of a newly constructed state hospital in the 19 Mayıs district of Samsun province, was bludgeoned and battered by the employees of the contractor company of the construction due to his news coverage. Akkuş filed a criminal complaint after the attack; the attackers were released after their statements were taken. (Samsun)
- **22 June:** Mustafa Uslu, a reporter for İhlas News Agency (İHA), was attacked as he was covering a demolition work on a farm owned by the opposition İYİ Party Group Deputy Chairman Lütfü Türkkan in the Dilova district of Kocaeli province. Uslu was brutally beaten by four individuals, who allegedly worked at the farm, and was taken to a hospital by a paramedic team sent to the scene. The four assailants, who also broke Uslu's camera and other equipment, were taken into custody. Lütfü Türkkan condemned the attack as an "unseemly incident" and [wished](#) Uslu a speedy recovery. (Kocaeli)
- **26 June:** Bülent Kılıç, a photojournalist for Agence France-Presse (AFP), was taken into custody, handcuffed from behind, as he was covering the Istanbul Pride parade in the Taksim neighborhood. Kılıç was filmed saying "I can't breathe," as an officer kneeled on his neck. During the banned parade, many journalists faced police intervention. (Istanbul)

- **28 June:** Muhammed Emin Güleç, a local reporter for *Konya Hakimiyet* newspaper, warned police officers who were performing identity checks on the grounds that they were not wearing masks and following the guidance on social distancing. Güleç was battered by the officers he warned and filmed on his phone. His phone was damaged in the altercation. Güleç filed a criminal complaint against the officers. (Konya)

PENALTIES BY RTÜK AND BİK

In Turkey, where the majority of the mainstream media operates under tight government control, media regulatory authorities such as RTÜK and BİK, which are mandated by law to act independently and impartially, have increasingly become instruments of censorship and pressure over the past years. As data emerging in May and June once again revealed the politicized and discriminatory policies of RTÜK and BİK, a [news report](#) published on the Gazete Duvar website suggested that public banks also implemented discriminatory policies similar to those of RTÜK and BİK. According to the report, public banks did not place even a single ad in *Korkusuz, BirGün, Evrensel, Karar, Cumhuriyet, Millî Gazete, Sözcü, Yeniçağ, Yeni Asya* and *Yeni Mesaj* newspapers, well-known for their critical stance against the government, in 2020. All 16 newspapers that received ads from public banks, on the other hand, are pro-government outlets. At the top of the list are *TürkGün* newspaper, known as the mouthpiece of the coalition partner MHP, *Sabah* and *Akşam* newspapers, respectively.

This attitude of public banks indicates that the distribution of public ads is driven by a central strategy and political motives, and that media outlets that are not under the control of the government are being financially weakened by being deprived of advertising revenues.

Penalties by RTÜK

Halk TV, KRT TV, and FOX TV, which are frequently penalized by RTÜK, continued to be the targets of various [penalties](#) issued by the media watchdog in the reporting period. All of the following penalties were issued at RTÜK's weekly meeting that concluded on 2 June:

- Halk TV was issued an administrative fine due to the remarks of presenter Şirin Payzın, who described President Recep Tayyip Erdoğan's statements about İYİ Party Chairperson Meral Akşener as instigating violence against women in a political talk show called "I Have Something to Say" ("Sözüm Var"). A crowd of people protested

against Akşener as she visited the northern province of Rize on 20 May, claiming “she was collaborating with the PKK,” which led to a physical altercation between the party officials and the crowd. Following the incident, Erdoğan publicly stated that Akşener “was given a good lesson” in Rize. “There is more to come,” Erdoğan said, “These are your good days.” RTÜK addressed the issue at its weekly meeting and decided that “it was a violation of the broadcasting principles to divert the viewers to the issue of violence against women from the political squabbles of two party leaders,” noting that it found no gender-based discrimination or incitement to violence against women in President Erdoğan’s remarks.

- KRT TV was issued an administrative fine due to the remarks of politician Rifat Serdaroğlu who attended a TV program called “Word Council” (“Söz Meclisi”) and said “These shady coups such as [that of] 15 July... I have never dealt with such lousy coups. I have dealt with the truest of coups,” concerning the attempted coup of 15 July 2016. KRT was also **fined** because of Serdaroğlu’s same statements that allegedly “discredited” Adnan Tanrıverdi, the founder of the pro-government defense consultancy company SADAT.
- FOX TV, on the other hand, was issued a fine due to the scenes depicting physical violence against women in the Turkish TV series “Innocence” (“Masumiyet”).

In the reporting period, it was also revealed that an episode that featured trans actress Çağla Akalın as a guest in March in a program that was broadcast on the local digital platform Exxen was pulled from streaming. Akalın claimed that the platform was issued a fine by RTÜK due to the episode she appeared in, and that the supreme council asked for the removal of the program. However, a statement by RTÜK on the matter rejected the allegations, **claiming** that Exxen was not imposed any fine due to the program in question.

Ebubekir Şahin, the president of RTÜK, rejects accusations of partisanship, **saying** “Creating a perception as if the penalties were directed only at certain media organizations and declaring

RTÜK as the defender of the government is sheer ignorance, to put it mildly." Yet, newly emerging data and reports about the administrative and other penalties issued by the media watchdog and its activities in general clearly demonstrate its increasingly politicized role. A report released by the CHP Deputy Gamze İlgezdi [exhibits](#) that political censorship by means of RTÜK penalties has increased significantly over the past few years since Turkey officially transitioned from a parliamentary system to presidential system in 2018. According to the figures announced by İlgezdi, between January 2014 and May 2021, RTÜK decided to suspend a total of 671 programs, 505 of which – 75 percent of all suspended broadcasts – took place between 2019 and 2021. To put it plainly, RTÜK suspended the broadcasting of one program in all of 2016, while it went on to suspend hundreds of programs in 2020. The supreme council imposed a total of 373 administrative fines in 2014 and a total of 1,239 administrative fines in 2019, the first full year of the presidential system, marking an increase of 232 percent.

As mentioned above in the section on Constitutional Court judgments, another significant development in the reporting period was the rejection of an application concerning RTÜK's authority to license and supervise digital broadcasts by the top court. The Constitutional Court rejected the CHP request for annulment of the legislation on subjecting radio and television broadcasts over the Internet to the permission of RTÜK and the supervision of such content by RTÜK.

In another matter that was resorted to the judiciary, the court ruled against RTÜK. In an application concerning the rejection by RTÜK of the application to change the logo of TV channel "SRT Sivas," recently acquired by the Sözcü group, to "SZC", the Ankara 15th Administrative Court [overturned](#) the decision of RTÜK, which did not process Sözcü TV's request for a logo change for 11 months and then downright rejected it. The court's judgment, thus, paved the way for Sözcü TV, which had been waiting for a logo change approval from RTÜK for months to start broadcasting, to finally go on air.

Penalties by BİK

The BİK decisions concerning the suspension of the right of *Yeni Asya* and *Evrensel* newspapers to publish public ads continued to be in effect in the reporting period. *Evrensel* newspaper is prohibited from receiving public announcements and advertisements due to “bulk buying” since September 2019, while *Yeni Asya* newspaper cannot run public ads due to the allegation of a “violation of the General Communique related to the Electronic Bookkeeping Obligations” since 28 January 2020.

In addition to the suspension of the right to publish public ads, *Evrensel* newspaper was [imposed](#) a 5-day advertising ban in the reporting period. BİK imposed the ban due to an article penned by columnist Ceren Sözeri published in the paper on 14 March 2021 under the title “The motherland makes history as the people suffocate” (“Vatan destan yazmış halk nefes alamıyor”) which used the word “attack” (“saldırı”) to describe police conduct during a demonstration. The latest penalty brought the advertising bans levied against *Evrensel* to a total of 103 days, which means that the newspaper will not be able to run public announcements and advertisements for an additional 103 days, even if the suspension of their permit to publish public ads is lifted.

Like RTÜK, the activities of BİK were under close scrutiny in the reporting period. DW Turkish has recently run a story based on the activity reports of BİK, which has not shared its figures with the public for some time, [revealing](#) once again that the distribution of public ads was utilized to enrich the pro-government newspapers and punish critical newspapers. According to the news report, BİK distributed TL 416,182,000 worth of public announcements and advertisements in 2020. Of this, TL 182,492,436 worth of public ads went to 30 national newspapers. National newspapers that support the government received more than TL 141,932,000 from BİK, with a share of approximately 78 percent of all public ads given to national newspapers. The newspapers that received the most public ads were *Sabah*, *Hürriyet*, *Posta*, *Milliyet* and *Yeni Şafak*.

The 2019 and 2020 annual activity reports of the BİK, which form the basis of the aforementioned news report, also illustrate the unprecedented increase in the penalties that prohibit newspapers from publishing public ads, which are an essential source of income for newspapers. Issuing public ad penalties on the grounds of failing to fulfill the requirements of the provisions as per the relevant legislation and violating the decisions of the General Assembly of BİK pertaining to the Press Ethics Principles, BİK imposed a total of 324 days of advertising bans in 2019. All of the national newspapers that were imposed penalties were critical of the government.

In 2020, the penalties increased by two-and-a-half fold to a total of 808 days of public ad bans. Of the penalties issued on national newspapers in 2020, 97 percent were imposed on five dissenting newspapers: *Evrensel*, *Cumhuriyet*, *BirGün*, *Sözcü* and *Korkusuz*.

You can find a detailed assessment on the effects of the BİK penalties on freedom of the press in our article, entitled "[Public Ad Penalties as a Tool for Financial Crackdown on Critical Newspapers](#)." You can watch an Expression Interrupted online panel where we discussed the issue with CHP Deputy Utku Çakırözer, RSF Turkey representative Erol Önderoğlu and *Evrensel* newspaper's lawyer Devrim Avcı [here](#).

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