

Freedom of Expression and the Press Agenda

JULY - AUGUST - SEPTEMBER 2022



DARWIJ GABELEHUN PLATFORM

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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 seventh of our regular Freedom of Expression and the Press Agenda reports. Covering the months of July, August and September 2022, this is our third report this year.

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. Our report contains detailed information as well as statistics about journalism trials that took place in the third 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 Advertising Agency (BİK) may put financial pressure on media outlets through penalties they impose, forcing the media to align its 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 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 THIRD QUARTER OF 2022

Intense and multifaceted repression on press freedom and freedom of expression in Turkey continued unabated in the third quarter of 2022. In addition to continued political repression on the media, the period covered in this report saw many journalists undergo court trials, detentions and arrests while some journalists suffered physical attacks for doing their work.

The latest developments have added to fears that particularly online news outlets and social media will be subject to more severe intervention from the government in the run up to the country's general elections, expected to take place in June 2023.

In the reporting period, no amendments were made in legislation concerning press freedom and freedom of expression due to the Parliament being on summer recess. However, a new regulation titled "General Assembly Decision Concerning the Press Ethics Code," drafted by the Press Advertising Agency (BİK), was published in the *Official Gazette* and came into effect.

Due to the summer recess, Parliamentary talks on the bill the government drafted for the supposed purpose of "curbing disinformation" were postponed until the new legislative year. Opponents of the bill have been arguing that the draft law, if enacted, will lead to severe censorship on online news outlets and social media. Even though the Parliament was in summer recess, during the reporting period, the Presidency's Directorate of Communications announced the establishment of a "Center for Combating Disinformation." In the meantime, government representatives continued making public statements about the bill, saying it would be enacted as soon as possible.

The reporting period once again saw the Turkish broadcasting watchdog Radio and Television Supreme Council (RTÜK) impose program

suspension penalties and administrative fines on numerous radio and TV channels. RTÜK's penalties mainly targeted Halk TV and Tele 1 TV. During the three months covered in this report, Halk TV was imposed six different penalties. In July, the two penalties the channel was imposed combined amounted to TL 265,408 in administrative fines in addition to three program suspension penalties. In August, the channel was imposed more administrative fines due to statements made on two different shows. In September, RTÜK imposed on the channel three administrative fines, two of which required that the channel pay 3 percent of its ad revenues in the form of administrative fines; and one requiring 5 percent of revenues. One of those decisions additionally included a five-time program suspension penalty. In the same reporting period, Tele 1 was given two administrative fines by RTÜK. HaberTürk TV was given three penalties in August, requiring that the channel pay a sum of TL 442,389 in administrative fines. RTÜK member İlhan Taşçı, who was elected from the main opposition Republican People's Party (CHP) quota, published a report titled "RTÜK Objectivity Report Card" in the reporting period. The numbers Taşçı revealed in his report, which listed the penalties RTÜK imposed on radio and TV channels from 1 January through 15 September 2022, showed once again that dissident media outlets are being specifically targeted by RTÜK. According to Taşçı's report, since the beginning of the year, RTÜK fined Halk TV 14 times; Tele 1 11 times; KRT five times; Fox TV four times, and Flash Haber four times. These five channels were imposed a total of 38 penalties, amounting to a sum of TL 11.5 million in administrative fines. In the same period, pro-government channels were fined only three times in total, amounting to only TL 1.5 million with TGRT Haber, Beyaz TV and ATV receiving one penalty each. Other pro-government stations including A Haber, Ülke TV, Kanal 7 and TV-Net were not imposed any penalties during the said period.

Four journalists were imprisoned in the reporting period. As of the end of September 2022, there are 68 journalists in prison in Turkey

Judicial harassment targeting journalists continued in the third quarter of the year. According to data compiled by Expression Interrupted, four journalists were jailed during the reporting period; two of them

(Fatih Tezcan, Sinan Aygül) were released briefly while the other two (Mehmet Gündem, Hasan Tolga Balcılar) were still in prison as of the end of September. Vahit Yazgan, the former Aegean Region Representative of the now-defunct *Zaman* newspaper, was released in June upon completing the sentence he had been given. As of the end of September, there were 68 journalists in prison.

Data compiled by Expression Interrupted through its trial monitoring work also showed that journalists in Turkey are incapacitated by way of judicial harassment. In the three-month period covered in this report, excluding the judicial summer recess from 20 July to 1 September 2022, press trials continued unabated. Throughout these three months, 73 journalists, 23 of whom were women, appeared in courts in a total of 51 trials. Seven among the journalists appeared in courts due to more than one court case. Prosecutors are seeking a combined prison term of up to 744 years, 4 months and 15 days for these 73 journalists on trial. Additionally, three journalists appeared in court as defendants in a lawsuit in which the payment of TL 300,000 is sought in compensation for their news coverage. Fifteen of the 51 trials concluded during the reporting period. In 10 of those cases, 11 journalists were handed down a combined prison term of 30 years, 11 months and 11 days. The prison sentence handed down to one journalist was commuted to a judicial fine of TL 10,110. Only five journalists were acquitted.

In the third quarter of 2022, 73 journalists appeared in courts in 51 separate trials. Prosecutors sought a combined prison term of up to 744 years, 4 months and 15 days for the journalists on trial. In 10 of the cases that concluded, 11 journalists were handed down a combined prison term of 30 years, 11 months and 11 days, while only five journalists were acquitted. Eleven journalists were taken into custody

The majority of journalists on trial in this period faced terror-related charges. Other charges they faced, in order of prevalence, were “violating the Law on Meetings and Demonstrations,” “insulting a public official” and “insulting the president.”

In the reporting period, nine new cases were filed against 14 journalists while 11 journalists and media workers were taken into custody.

In the third quarter of 2022, journalists continued to suffer physical attacks, receive threats and face interventions for doing their job. According to data compiled by Expression Interrupted using information available in open sources, in the three months covered in this report, at least 23 journalists were either physically attacked or threatened by police officers. Ankara and İstanbul were the two provinces where most of the police intervention or assaults on journalists took place. During the same period, five journalists were assaulted by civilians and two were threatened. One journalist was deported while another journalist was denied entry to the country. One journalist and one media worker died in a car accident that took place during news coverage. Twenty journalists, on the other hand, were subjected to profiling.

LEGAL AND POLITICAL DEVELOPMENTS

“Disinformation” Bill and BİK’s Amendments on the “Press Ethics Code”

In the third quarter of 2022, no amendments were introduced in the legislation concerning press freedom and freedom of expression due to the Parliament being on summer recess. However, a new “General Assembly Decision concerning the Press Ethics Code” prepared by BİK was published in the *Official Gazette* and thus came into force. This development marked the first ever update to Turkey’s Press Ethics Code in the last 28 years. The decision rearranges provisions laid out in the Press Ethics Code that regulate the publication of public advertisements and announcements in hard copies and online editions of periodical publications and their social media accounts, as well as procedures to be carried out by BİK in this regard. Under the amendment, not only newspapers that publish public advertisements, but also their online editions and social media accounts are now obliged to comply with the said provisions. Experts and journalism organizations have been stating that the regulation contains vague expressions and that this will have a direct impact on press freedom. The Journalists’ Union of Turkey (TGS) and the Turkish Journalists’ Association (TGC) filed two motions with the 10th Chamber of the Council of State against the amendment, seeking the suspension of its execution and eventually its annulment. In the motions, TGS and TGC complained that BİK was usurping authority not prescribed in law and violated press freedom through vague provisions and that it assumed a role of an “ethics watchdog.” More details on the regulation can be found in our analysis, [New Press Ethics Code: The censorship that came before the “censorship law,”](#) available on our website.

Due to the Parliament being on summer recess, parliamentary talks on the draft law referred to as the “disinformation” bill were postponed until the new legislative year. But the bill was frequently discussed during the reporting period. Government ally Nationalist Movement Party (MHP) Chairman Devlet Bahçeli commented in a

public statement: "It is imperative that social media is restricted. The social media bill should be enacted." Shortly after Bahçeli's statements, ruling Justice and Development Party (AKP) Deputy Group Chairman Mahir Ünal said in a statement regarding the new legislative year beginning 1 October 2022 that when the Parliament reopens, talks on the draft law would be their priority. Article 29 of the 40-article bill, which imposes new rules and restrictions on news portals, social media platforms and social media users alike, foresees a prison sentence from one to three years for "anyone who publicly disseminates untrue information concerning the internal and external security of the state, public order and general health in a manner conducive to disturbing public peace." The article also states that "in case the crime is committed by concealing the true identity of the perpetrator, or within the framework of the activity of an organization, the punishment imposed according to the above provision shall be increased by half."

In the meantime, without waiting for the enactment of what the opposition has been calling the "censorship bill," the Presidency's Director of Communications Fahrettin Altun announced on his social media account that a "Center for Combating Disinformation" had been established under the Directorate of Communications.

Political Pressure

The third quarter of the year saw developments signaling mounting political repression in the months to come as the county approaches its upcoming general elections in addition to the new legislation that will affect press freedom and freedom of expression.

The reporting period saw new examples of dissident journalists being targeted by government representatives. Interior Minister Süleyman Soylu targeted *BirGün* newspaper and Tele 1 TV for reporting about a photo featuring the minister that was used in a promotional poster for Yediiklim Publishing House, which was a topic of public debate during the reporting period due to an alleged theft of Public Personnel Selection Exam (KPSS) questions.

In a separate incident, the Ministry of Justice, in response to an application submitted to the Presidency's Communications Center (CİMER) requesting information about the number of imprisoned journalists in the country, described the issue as "information that does not concern the public" and stated that the matter was "outside the scope of the right to information."

In another incident, the Presidency's Directorate of Communications canceled the permanent press card of veteran journalist Tuğrul Eryılmaz and requested that he return his card. The institution previously canceled the press cards of many other journalists while it has put on hold card renewal applications by numerous journalists who are critical of the government. Currently, applications by dozens of journalists seeking the renewal of their press cards are still pending although they meet the required criteria.

During this reporting period, several lawsuits were filed against journalists and media institutions by AKP representatives.

More lawsuits were launched against journalists in this reporting period upon complaints by Mustafa Doğan İnal, a lawyer who formerly represented President Recep Tayyip Erdoğan. In one of those cases, İleri Haber news portal Editor in Chief İzel Sezer and Responsible Managing Editor Batuhan Batan are charged with "insult" and "libel," each facing up to 4 years and 4 months in prison and additional judicial fines. The charges stem from İleri Haber's coverage of "bribery" allegations concerning İnal, made by former investigative journalist and current Workers' Party of Turkey (TİP) MP Ahmet Şık on social media. Another case was launched against Bianet's former Chief Editor Nazan Özcan, again upon İnal's complaint, for reporting on the case İnal had filed against İleri Haber editors.

Following a separate complaint by İnal, a criminal investigation was launched against Kısa Dalga news portal columnist Eran Atar and Responsible Managing Editor Sezgin Kesim due to an article titled "Mafyanın 'yol kesme' tutanakları ve devletin derin sessizliği" (The mafia's "road blockade" minutes and the deep silence of the state).

Journalists İzel Sezer, Dođan Ergün, Can Bursalı, Barıř Pehlivan, Barıř Terkođlu and Nevzat Çiçek appeared before courts on similar charges in three other cases launched during the reporting period upon complaints by İnal.

Separately, journalist Metin Cihan's Twitter account was briefly suspended after he shared "the Canikli File," which contained documents and allegations about AKP Deputy Chairman Nurettin Canikli. Lawyers representing Treasury and Finance Minister Nureddin Nebati also filed a criminal complaint against Metin Cihan, accusing him of "insult" for other Twitter posts he had shared.

Kerem Kırpaç, a journalist based in Birecik, a district of the southeastern řanlıurfa province, announced that he had been physically assaulted by Birecik Mayor Mahmut Mirkelam, an AKP politician, for covering a public statement by the local district branch of the Peoples' Democratic Party (HDP).

Citing a report titled "Tarım ve Orman Bakanlığı'nda Milyonluk İhale Oyunu" (Tender game worth millions in Ministry of Agriculture and Forestry), published on the news portal İleri Haber, AKP Ankara Deputy Ali İhsan Arslan filed a lawsuit against İleri Haber's former Chief Editor Dođan Ergün and former Responsible Managing Editor İzel Sezer, seeking TL 20,000 in nonpecuniary damages.

Separately, *BirGün* newspaper editor Gökay Bařcan was charged with "insult" in a new case launched upon a complaint by President Erdoğan's wife, Emine Erdoğan, due to Bařcan's reports about the Turkish Environment Agency, founded under the auspices of Mrs. Erdoğan.

Journalist Sinan Aygöl, the president of the Bitlis Journalists Association, was briefly imprisoned upon the finalization of a judicial fine he had been given in a case where he had stood trial for calling former AKP Bitlis MP Vahit Kiler a "wolf" in his column.

JUDGMENTS OF ECtHR AND TURKISH SUPREME COURTS

ECtHR Judgments

Judgments awaiting execution: Grand Chamber rules Turkey violated the Convention in Kavala case

The European Court of Human Rights (ECtHR) judgments finding multiple violations in the cases of jailed businessperson Osman Kavala and jailed politician Selahattin Demirtaş, both of which had become final in 2020, were still not executed by the end of the third quarter of 2022.

During the reporting period, the European Court's Grand Chamber [ruled that Turkey had failed to fulfill its obligations](#) under the European Convention on Human Rights (ECHR) in the case of *Osman Kavala v. Turkey*. The Grand Chamber issued its judgment on 11 July 2022. Kavala has been detained since 18 October 2017. The Committee of Ministers of the Council of Europe, which supervises the execution of ECtHR judgments, had referred Kavala's case to the Grand Chamber on 2 February 2022.

The Grand Chamber [judgment](#), rendered through a majority vote of 16 to one, noted that the "espionage" charge against Kavala that led to his arrest for a second time was "based on facts that were similar, or even identical to those the Court had already examined" in its *Kavala v. Turkey* judgment. The sole dissenting vote was cast by the Turkish judge of the Court, Saadet Yüksel.

The Court said the measures and action plans offered by Turkey towards the execution of the 2019 judgment "did not permit it to conclude that the State Party had acted in 'good faith,' in a manner compatible with the 'conclusions and spirit' of the *Kavala* judgment."

In the reporting period, the Committee of Ministers continued to discuss further steps to be taken concerning the ECtHR's Osman Kavala and

Selahattin Demirtaş judgments, both of which have still not been executed. The Committee, in its meeting held on 20-22 September 2022, reiterated its call for the immediate release of both Kavala and Demirtaş. In their [decisions](#) concerning the Kavala case, the Committee called on the Chair of the Committee of Ministers “to consider further action to ensure appropriate oversight of this case” and “to discuss with the President of the Parliamentary Assembly of the Council of Europe further steps that could be taken by the Committee if the applicant remains in detention.”

In their [decisions](#) concerning the Demirtaş case, the Committee once again strongly urged the Turkish authorities to assure the applicant’s immediate release, underlining that Demirtaş has now been held in pre-trial detention since 4 November 2016.

During this reporting period no new judgments were rendered by the European Court concerning applications claiming violations of freedom of expression or press freedom from Turkey.

Judgments of the Constitutional Court

“Pilot judgment” regarding public ad penalties on newspapers: In August, the Constitutional Court issued a pilot judgment in which it merged 14 separate applications filed by *Cumhuriyet*, *Sözcü*, *BirGün* and *Evrensel* newspapers against the public ad penalties they have been imposed by the Press Advertising Agency, or BİK. The Court’s 10 March 2022 [judgment](#) held that the penalties violated press freedom and freedom of expression and that each newspaper that had been fined be paid TL 10,000 in compensation. Asserting that the violations stemmed from a structural shortcoming, the Constitutional Court 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 BİK. The Court said it opted for the “pilot judgment” procedure because the violations had been caused by a structural shortcoming in the law and that therefore it would not be reviewing similar applications for the next 12 months.

BİK issued a statement following the top court's judgment, announcing that under its executive board decision based on the judgment, it would not be reviewing further applications within the scope of the Press Code of Ethics until the Parliament amends Article 49 of Law No. 195.

Hacı Boğatekin application: In a judgment issued during this reporting period, the Constitutional Court held that a compensation imposed in 2012 on Adıyaman-based journalist Hacı Boğatekin, the owner and responsible managing editor of the local *Gerger Fırat* newspaper, for reporting on allegations that an excavation work had been carried out in the region on account of a dream a local imam had, had violated press freedom and freedom of expression. Ruling that the TL 5,000 compensation Boğatekin had been ordered to pay had violated press freedom and freedom of expression, the top court also held in its [judgment](#) dated 25 May 2022 that the court case against Boğatekin that lasted for six years had violated the right to trial within a reasonable time and ruled that Boğatekin be handed a compensation of TL 30,000.

Application against prison management's ban on Evrensel newspaper: During the reporting period, the Constitutional Court rendered its [judgment](#) in an individual application filed by an inmate in the Sincan High Security Closed Prison, who was denied delivery of *Evrensel* newspaper by the prison management. The applicant, Mustafa Koca, claimed in his application that this was a violation of the right to freedom of expression. The top court ruled that the rejection of the applicant's request by the prison management did "not constitute an unjustified restriction on freedom of expression" and was "in accordance with the requirements of a democratic society."

New applications lodged with the Constitutional Court: During the reporting period, the lawyers representing 16 journalists who were arrested in Diyarbakır in June 2022 and have later been jailed on "membership in a terrorist organization" charges filed an application with the Constitutional Court against their unlawful detention. Another individual application was filed with the Court against the five-month prison sentence handed to journalist Yelda Çiçek on

the charge of “violating the Law on Meetings and Demonstrations,” claiming the sentence is in violation of press freedom and freedom of expression.

Judgments of the Supreme Court of Appeals

Sentences handed to Hidayet Karaca and Alaeddin Kaya on “coup” charges reversed: In the third quarter of 2022, the Supreme Court of Appeals adjudicated on two different appeal motions concerning three journalists.

The 3rd Criminal Chamber of the Court overturned the life imprisonment sentences handed to the jailed former president of the now-defunct Samanyolu Media Group Hidayet Karaca and Alaeddin Kaya, one of the founders of the now-defunct *Zaman* newspaper, on the charge of “attempting to overthrow the constitutional order,” and the additional prison sentences of 17 years and 4 months on the charges of “laundering of assets acquired through an offense” and “qualified theft by way of exploiting the religious beliefs of a person.” The Chamber held that both Karaca and Kaya were in pre-trial detention during the time of the attempted coup of 15 July 2016 and that no concrete actions by the journalists regarding the coup attempt could be determined. Ruling that both Karaca and Kaya should have been charged with “leading an armed terrorist organization,” the Chamber sent the case file to the Ankara 4th High Criminal Court for a retrial.

10-month sentence handed to Uğur Yılmaz upheld: The Supreme Court of Appeals upheld a 10-month prison sentence handed to jailed journalist Uğur Yılmaz on the charge of “terrorism propaganda” in a case that had been launched in 2015. Yılmaz has been in prison since 2017 due to a separate sentence of 6 years, 10 months and 15 days he had been given on charges of “membership in a terrorist organization” and “terrorism propaganda.” Yılmaz was expected to be released on 23 March 2023, however, due to the latest Supreme Court judgment, he may have to remain behind bars until 26 August 2023.

JUDICIAL VIOLATIONS

Trials of Journalists in Numbers: Cases, Convictions and Acquittals

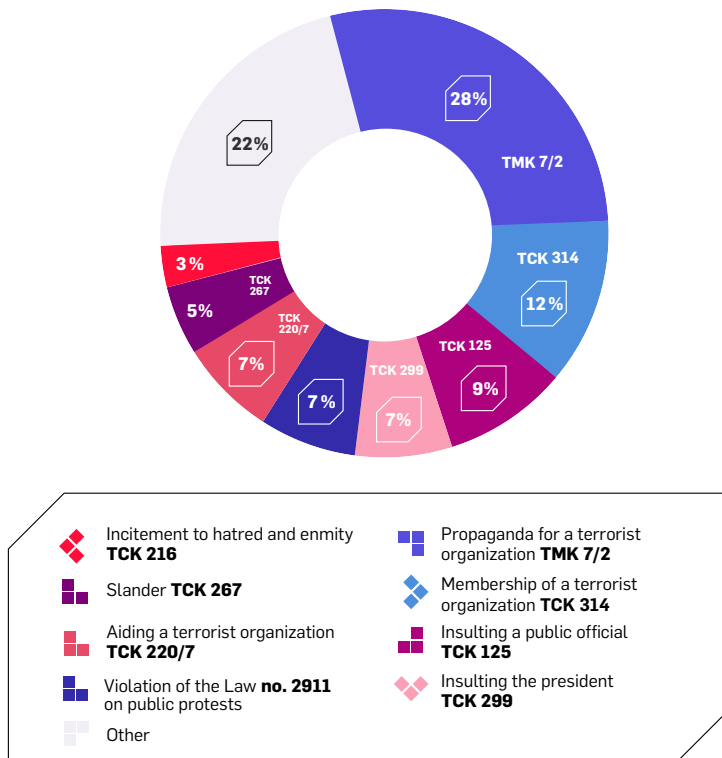
Due to the judicial summer recess in Turkey, which annually lasts from 20 July until 1 September, few press trials took place during that period. However, with the opening of the new judicial year, journalists appeared in courts almost every day.

In the three months covered in this report, 73 journalists, 23 of whom were women, appeared in courts for a total of 51 separate trials. Seven among the journalists appeared in courts due to more than one court case. Prosecutors sought a combined prison term of up to 744 years, 4 months and 15 days for these 73 journalists on trial. Additionally, three journalists appeared in court as defendants in a lawsuit in which the payment of TL 300,000 is sought in compensation for their news coverage. Twenty-eight of these trials were overseen by high criminal courts; 22 were overseen by criminal courts of first instance and one case was overseen by a civil court.

Fifteen of the 51 trials concluded during the reporting period. In 10 of those cases, 11 journalists were handed down a combined prison term of 30 years, 11 months and 11 days. The prison sentence handed to one journalist was commuted to a judicial fine of TL 10,110. Only five journalists were acquitted.

The majority of journalists on trial faced terror-related charges. Among them, the “terrorism propaganda” charge under Article 7/2 of the Anti-Terror Law (TMK) was the most common accusation, which was used 19 times, while the charge of “membership in a terrorist organization” under Article 314 of the Turkish Criminal Code (TCK) was used eight times. The charge of “knowingly and willingly aiding a terrorist organization” under Article 220/7 of the TCK was used at least five times. Terror-related charges were followed by charges of “insult” and “violation of the Law no. 2911 on Meetings and Demonstrations.” In the trials held during the reporting period, “insult” (TCK 125) was used six times, while “insulting the president” was used five times. The charge of “violation of the Law no. 2911” was also used five times.

Charges most commonly used in trials of journalists



In the three months covered in this report, nine new cases were filed against 14 journalists.

Following are monthly statistics regarding cases against journalists¹:

July 2022

Journalism trials continued in the first half of the month before the judicial summer recess got under way on 20 July. In this period, hearings of seven trials against seven journalists were held. One of

¹ The discrepancy between the three-month statistics and the monthly statistics may stem from the fact that a journalist was prosecuted in more than one case; more than one journalist was prosecuted in a case, and more than one hearing of a case took place in the three-month period.

the trials was overseen by a high criminal court, while the remaining six were overseen by criminal courts of first instance.

The majority of the hearings were held in İstanbul. Five hearings took place in İstanbul courts while one hearing took place in Diyarbakır and the other in Tunceli province. Prosecutors are seeking a combined prison term of up to 37 years and 2 months in these trials for the charges the journalists faced.

Five of the seven trials concluded in July while the remaining two were postponed. In two of the five trials that concluded, two journalists (Fatih Tezcan, Can Ataklı) were handed down 2 years and 2 months in prison and TL 10,110 in judicial fine. Three journalists (Vedat Örüç, Ali Ergin Demirhan and Onur Öncü) were acquitted.

In July, new cases were filed against four journalists (Canan Coşkun, Barış Pehlivan, İzel Sezer and Batuhan Batan) as a result of criminal investigations against them.

JULY 2022

Journalists put on trial	7
Number of trials	7
Trials adjourned	2
Trials concluded	5
Trials that ended with conviction verdict	2
Trials that ended with acquittal verdict	3
Journalists facing new trials	4

Can Ataklı, one of the journalists who was convicted, was sentenced to 11 months and 7 days in prison on the charge of “publicly denigrating a section of the public based on social class, race,

religion, sect, gender or regional differences by means of the press” on account of his comments during a program that had aired on Tele 1 TV. The court commuted Ataklı’s sentence to a judicial fine of TL 10,110. **Fatih Tezcan** was sentenced to 2 years and 2 months in prison on the charge of “insulting the memory of Atatürk.”

Journalist **Vedat Örüç**, who was briefly taken into custody while covering a demonstration, was later charged with “violating the Law on Meetings and Demonstrations” and “insulting a public official” on account of his coverage. The court acquitted Örüç, ruling that the act of recording the demonstration on camera could not be deemed sufficient evidence that the journalist had participated in the alleged crime. Journalist **Ali Ergin Demirhan**, who was charged with “insulting the president” on account of a social media post in which he had commented on the death of 33 Turkish soldiers in Syria’s Idlib in a Russian airstrike, was acquitted on the grounds that the legal elements of the alleged offense were not present. 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 by the court on the grounds that the elements of the alleged crime were not present.

The new cases filed against journalists in July were as follows: A case was filed against journalists **Canan Coşkun** and **Barış Pehlivan** upon a criminal complaint filed by Akın Gürlek, a former high criminal court judge notorious for the harsh prison sentences he has handed to many academics, journalists, lawyers and politicians during his time as a presiding judge in İstanbul, who was recently appointed a Deputy Minister of Justice. Gürlek had complained about the two journalists’ reports on the Religious Scholars’ Solidarity Association (DİAYDER) case, which was held as the grounds for an inspection launched against a number of İstanbul Metropolitan Municipality employees upon special orders from Interior Minister Süleyman Soylu, alleging they had “ties with terrorist organizations.” The investigation launched against the two journalists resulted in an indictment, in which Coşkun and Pehlivan are charged with “marking an official who has taken part in the fight

against terrorism as a target," facing between one to three years in prison if convicted. The case file was sent to the İstanbul 34th High Criminal Court.

İleri Haber news portal's Editor-in-Chief **İzel Sezer** and Responsible Managing Editor **Batuhan Batan** are charged with "insult" and "libel," facing up to 4 years and 4 months in prison each, in a new case launched upon a complaint by President Recep Tayyip Erdoğan's former lawyer Mustafa Doğan İnal. The charges stem from İleri Haber's coverage of a criminal case against their editors, on trial for reporting on "bribery" allegations concerning İnal, made by former investigative journalist and current Workers Party of Turkey (TİP) MP Ahmet Şık on social media. The indictment for the new case was accepted by the İstanbul 25th Criminal Court of First Instance. The first hearing of the case is scheduled for 27 December 2022.

No judgments concerning journalist trials have been rendered in July by regional courts of appeal.

August 2022

During the month of August, when the judicial summer recess continued, only one journalist trial took place: Concluding a case in which journalist **Alican Uludağ** was charged with "insulting a public official due to the performance of their duty," the court ruled for Uludağ's acquittal. The charge carried a prison term from 1 year and 2 years to 4 months.

AUGUST 2022

Journalists put on trial	1
Trials that ended with acquittal verdict	1
Journalists facing new trials	4

Although the number of court hearings decreased due to the summer recess, the month of August saw many new cases filed against journalists. Three new cases were launched against four journalists in three different cities. The journalists and the charges they face are as follows: Bianet's former Chief Editor **Nazan Özcan** is charged with "insult" and "libel by means of the press" for reporting on a case filed against İleri Haber editors by President Erdoğan's former lawyer Mustafa Doğan İnal. *Gazete Kadıköy* Responsible Managing Editor **Semra Çelebi** is charged with "publicly degrading the Turkish flag" for a social media post. **Ergin Çağlar** and **Rozerin Gültekin** are charged with "violating the Law on Meetings and Demonstrations" in a case that resulted from an investigation launched after the two journalists were taken into custody while covering a demonstration held in Bursa province on 12 June. The four journalists are facing a combined prison term of up to 15 years and 4 months in the indictments against them.

In the meantime, the 2nd Criminal Chamber of the Diyarbakır Regional Court of Justice, an appellate court, overturned a dismissal judgment rendered for journalist **Ferhat Parlak** in a case in which he was charged for a second time with "membership in a terrorist organization" based on the same evidence held against him in a previous case, at the end of which the journalist was acquitted. Reversing the dismissal of the case on the grounds that the trial court's judgment was unlawful, the regional court referred the case back to the trial court, ordering a retrial.

September 2022

As the judicial summer recess ended on 1 September, trials against journalists resumed at full speed. Journalists appeared before courts almost every day during this month, when a total of 65 journalists, among whom 23 were women, appeared in hearings of 43 separate trials (five of the journalists appeared in courts more than once). The charges they face combined carry a prison term of between 268 years and 2 months and 704 years, 10 months and 15 days. In one of the cases, three journalists face a combined compensation claim of TL 300,000.

Thirty-four of the cases were adjourned while nine cases concluded.

In cases concluded, nine journalists (Sadık Topaloğlu, Sadiye Eser, Rojda Oğuz, Hatice Şahin, Gökhan Kaya, Kadri Esen, Nurcan Yalçın, Rabia Önver, Sabahattin Önkibar) were convicted. Courts handed the nine journalists a combined prison term of 27 years, 10 months and 4 days. Only one acquittal judgment was rendered in September.

İstanbul was the province where most journalist trials took place, hosting 27 of the cases. İstanbul was followed by Diyarbakır and Van, each hosting four cases. Two cases were overseen by courts in Ağrı while Rize, Hakkâri, Elazığ, Batman and Ankara each hosted one journalism trial in September. Twenty-seven of the cases were overseen by high criminal courts; 15 by criminal courts of first instance; and one in a civil court of first instance.

Hearings of three separate cases filed by three journalists due to rights violations they had faced during news coverage were also held in September.

Also in September, a regional court of justice overturned a prison sentence previously handed to one journalist.

In September, four new cases were filed against seven journalists on account of their reporting and/or their social media posts.

SEPTEMBER 2022

Journalists put on trial	65
Number of trials	43
Trials adjourned	34
Trials concluded	9
Trials that ended with conviction verdict	8
Trials that ended with acquittal verdict	1
Journalists facing new trials	7

Details of trials that concluded in September are as follows:

Eren Erdem, the former editor-in-chief of the now-defunct *Karşı* newspaper, was acquitted in his retrial, ordered by the Supreme Court of Appeals, which overturned a prison sentence of 4 years and 2 months handed to Erdem on the charge of “knowingly aiding a terrorist organization without being its member” on 1 March 2019. Erdem had spent 490 days in pre-trial detention as part of the trial against *Karşı* newspaper.

Former Mezopotamya News Agency reporters **Sadiye Eser** and **Sadık Topaloğlu** were each handed a prison sentence of 6 years and 3 months on the charge of “membership in a terrorist organization” in their trial overseen in İstanbul.

Journalist **Rojda Oğuz**, who was charged with “membership in a terrorist organization” and “terrorism propaganda” for covering a demonstration staged by students at Van Yüzüncü Yıl University, was acquitted of “membership in a terrorist organization” but was handed a prison sentence of 1 year, 6 months and 22 days for “terrorism propaganda” in the trial, held in Van. The court deferred the sentence.

Yeni Yaşam newspaper’s former editor **Hatice Şahin** was sentenced to 6 years and 3 months on the charge of “membership in a terrorist organization” for covering activities organized by the Democratic Society Congress (DTK) in her trial that concluded in Diyarbakır province.

Gazete Davul news portal employee **Gökhan Kaya**, who was on trial for his social media posts, was handed a prison sentence of 1 year and 3 months on the charge of “terrorism propaganda.”

Kurdish weekly *Xwebûn* newspaper’s publisher **Kadri Esen** was handed a prison sentence of 1 year and 3 months on the charge of “terrorism propaganda” on account of his social media posts at the first hearing of his trial, overseen by the Diyarbakır 10th High Criminal Court.

Journalist **Nurcan Yalçın**, who was charged with “aiding a terrorist organization without being a part of its hierarchical structure” for an interview she had conducted in Diyarbakır’s Sur district prior to the curfews imposed in the region in 2015, was sentenced to 2 years and 6 months in prison by the Diyarbakır 4th High Criminal Court.

JinNews reporter **Rabia Önver** was handed a prison sentence of 1 year, 6 months and 27 days on the charge of “terrorism propaganda” for her social media posts. The court deferred the sentence.

Journalist **Sabahattin Önkibar** was sentenced to 11 months and 20 days in prison on the charge of “insulting the president” for his commentary in a broadcast on his YouTube channel. The case was overseen by the İstanbul Anadolu 53rd Criminal Court of First Instance.

In the 43 trials that took place in September, journalists mostly faced terrorism-related charges. The most prevalent charge was “terrorism propaganda,” faced by journalists in 19 trials. “Membership in a terrorist organization” was the second most prevalent charge, which was faced by eight journalists. Five journalists faced “aiding a terrorist organization without being its member” charge while four journalists were charged with “insulting the president” and four with “violating the Law on Meetings and Demonstrations.” The charges of “insulting a public official” and “libel” were each faced by three journalists. “Insult,” “violating the privacy of one’s personal life,” “praising a crime or a criminal offender” and “inciting the public to hatred and animosity” accusations each came up twice. The charges of “unlawfully obtaining or disseminating personal data,” “unlawfully publishing or broadcasting information obtained through recording private conversations between persons,” “resisting [a public officer] to prevent the performance of their duty,” “publishing or printing statements by a terrorist organization,” “marking persons who took part in the fight against terrorism as a target” and “publicly denigrating the Turkish nation and the State of the Turkish Republic” each came up once.

Hearings of three separate cases filed by three journalists due to rights violations they had faced during news coverage were also held in September: The third hearing in a case filed by dokuz8HABER Editor-in-Chief Gökhan Biçici against five police officers on account of the police brutality he had suffered while covering 2013's Gezi Park protests was held at the İstanbul 48th Criminal Court of First Instance. The court accepted Biçici's lawyer's request for a witness to be heard in court and issued an arrest warrant for one of the defendant police officers.

The fifth hearing in the trial against three police officers who threatened and attempted to detain former Bianet.org reporter **Beyza Kural** on 6 November 2015 as she was covering police intervention in a protest staged by university students in İstanbul's Beyazıt quarter was held at the İstanbul 35th Criminal Court of First Instance. The court issued an order for the defendants to be present in court for the next hearing.

Journalist **Barış Terkoğlu**, who remained behind bars for several months in 2020 as part of a case against reports about the funeral of a Turkish intelligence officer killed in Libya, won a compensation case he filed against his unlawful detention. İstanbul's Anadolu 4th High Criminal Court ruled that Terkoğlu be paid TL 25,000 in compensation. Terkoğlu had remained in pre-trial detention for 3 months and 19 days as part of the trial, in which he was charged with "exposing the contents of documents and information concerning intelligence operations."

In September, regional courts of justice heard two journalism cases. The 22nd Criminal Chamber of the Ankara Regional Court of Justice held the appellate hearing of a case against journalist **Alican Uludağ**, in which he was given a 10-month prison sentence on the charge of "marking persons who took part in the fight against terrorism as a target" on account of his Twitter posts about former Ankara Chief Public Prosecutor Yüksel Kocaman. Uludağ told the court during the hearing that the case was a revenge case that Yüksel Kocaman had filed with the aim of silencing and intimidating

him for his work as a journalist. The prosecution requested a continuance for the drafting of their final opinion. The hearing was adjourned until 23 November.

The 9th High Criminal Chamber of the Diyarbakır Regional Court of Justice overturned a prison sentence of 1 year and 3 months handed to journalist **Perihan Kaya** on the charge of “terrorism propaganda.” The Court held that the trial court should have considered whether to apply the provision concerning “successive offenses” (Article 43/1 of TCK) in the case against Kaya.

In September, five new cases were filed against eight journalists. *Yeni Yaşam* newspaper reporter **Yadigar Aygün** and *Yeni Demokrasi* newspaper reporter **Tuba Apaydın** are among 83 people indicted in a case against those who were taken into custody during a demonstration held on 14 January 2022 in İstanbul to protest the death of university student Enes Kara, who took his life in a dormitory in Elazığ province. The case will be overseen by the İstanbul 25th Criminal Court of First Instance. Aygün and Apaydın are charged with “violating the Law on Meetings and Demonstrations,” facing a prison term between 1 year and 6 months to 3 years.

Mezopotamya News Agency Managing Editor **Ferhat Çelik** and Jiyen TV Publisher **İdris Yayla** are indicted for reporting that the arrest warrants issued for locals Servet Turgut and Osman Çıban in the Çatak district of Van province, who were tortured by the soldiers who detained them, and for the journalists who uncovered the torture allegations had been issued by the same public prosecutor. Çelik and Yayla are charged with “marking a public official who took part in the fight against terrorism as a target,” each facing a prison sentence between 1 year and 3 years. The first hearing of the trial will be held on 22 November at the Van 2nd High Criminal Court.

Citing a report titled “Tarım ve Orman Bakanlığı'nda Milyonluk İhale Oyunu” (Tender game worth millions in Ministry of Agriculture and Forestry), published on the news portal İleri Haber, AKP Ankara Deputy Ali İhsan Arslan filed a lawsuit against İleri Haber's former Editor-in-Chief

Doğan Ergün and former Responsible Managing Editor **İzel Sezer**, seeking TL 20,000 in nonpecuniary damages. The lawsuit will be overseen by the Ankara 20th Civil Court of First Instance.

Imprisoned journalist **İsmail Çoban** was ordered to stand retrial in a case where the announcement of the judgment had been deferred after a 2-year prison sentence he was given in a separate case for possessing clippings of the allegedly “banned” newspaper *Özgürlükçü Demokrasi* in his prison cell was upheld. Upon the approval of Çoban’s 2-year sentence, the trial court lifted its decision to defer the prison sentence of 1 year, 8 months and 25 days it handed Çoban on the charge of “spreading propaganda for a terrorist organization.” Çoban’s retrial will be overseen by the Diyarbakır 5th High Criminal Court.

Investigations and Arrests

Throughout the three months covered in this report, a total of 11 journalists and media workers were arrested (Deniz Nazlım, Sibel Yüklér, Yıldız Tar, Azime Bozkurt, Rıza Çimen, Zeynep Kuray, Diren Yurtsever, Elif Bayburt, Zilan Azad, Faruk Eren, Arat Barış). Among them, Etkin News Agency (ETHA) reporter Elif Bayburt was arrested twice in four days.

Seven of the journalists were arrested during news coverage while four of them were detained as part of ongoing investigations against them. One journalist’s home was raided by the gendarmerie.

Police intervened in a joint press statement organized in Ankara’s Ulus quarter by Dicle Fırat Journalists Association and Mezopotamya Women Journalists Platform in reaction to the imprisonment of 16 journalists. During the intervention, police violently detained Mezopotamya News Agency Ankara News Director **Deniz Nazlım** and journalists **Sibel Yüklér** and **Yıldız Tar**. All three were taken to the Ankara Police Department, where they gave their statements for allegedly “violating the Law on Meetings and Demonstrations” and were subsequently released. (5 July)

Yeni Yaşam newspaper distributor **Azime Bozkurt** was taken into custody at a police checkpoint on the Tunceli-Ovacık freeway based on “reasonable suspicion.” Bozkurt was released later in the day after her statement was taken. (16 July)

Atılım newspaper distributor **Rıza Çimen** was taken into custody as he was distributing the newspaper in the Ovacık district of Tunceli province. Çimen, who was taken to the district police department, was released after his statement was taken. (1 August)

Journalist **Zeynep Kuray** was violently taken into custody by the police while covering a protest staged by construction workers who were demanding their wages in front of the real estate developer Emlak Konut’s headquarters in İstanbul’s Ataşehir district. Kuray was released after her statement was taken at the police station. (12 August)

Mezopotamya News Agency Responsible Managing Editor **Diren Yurtsever** was taken into custody at the Sabiha Gökçen Airport in İstanbul based on an arrest warrant. Yurtsever, who was taken to the airport police station, was released on condition that she give her statement to the prosecutor’s office in the next two days. (15 August)

Etkin News Agency (ETHA) reporter **Elif Bayburt** was detained as she was entering the Cezayir Apartment in İstanbul to cover a meeting organized by the Socialist Party of the Oppressed (ESP). She was detained as part of a case launched against her in 2021 on the charge of “violating the Law on Meetings and Demonstrations.” Bayburt was released the next day, after giving her statement at the courthouse. (29 August)

Police arrested three people in İstanbul’s Kadıköy district following a press statement organized by the İstanbul Labor, Peace and Democracy Forces on the occasion of Turkey’s annual 1 September “World Peace Day.” Journalists who wanted to cover the police brutality were also violently removed from the area by the police.

Sendika.org news portal reporter **Zilan Azad** was violently arrested. (1 September)

Police broke up a Justice Watch demonstration by relatives of prison inmates in İstanbul's Kartal Square. During the intervention, journalists were prevented from taking photos. ETHA reporter **Elif Bayburt**, who wanted to cover the intervention, was violently arrested with her hands cuffed behind her back. Bayburt was taken to the İstanbul Police Department and was released after her statement was taken. (September 3)

A planned gathering to show solidarity with 46 people who were detained during the police intervention in the 700th weekend sit-in by Saturday Mothers ahead of the fifth hearing of their trial was prohibited by the Kağıthane District Governor's Office, which cited "the sensitive period the country is going through" as the grounds for the decision. Despite the ban, people gathered in front of the İstanbul Courthouse to deliver a press statement. Police intervened in the crowd and detained several people, including **Faruk Eren**, the head of journalists' union Disk Basın-İş and the responsible managing editor of Gerçek Gündem news portal. Eren was released later that day. (21 September)

Journalist **Arat Barış** was arrested at İstanbul's Sabiha Gökçen Airport following a flight from abroad. Barış was taken into custody as per an arrest warrant issued as part of an ongoing investigation against him on the allegations of "inciting the public to hatred and animosity" and "publicly denigrating the institutions of the state" for his reports and social media posts. Barış was released after giving his statement. (23 September)

In the third quarter of 2022, new criminal investigations were launched against seven journalists (Öznur Değer, Ersan Atar, Sezgin Kesim, İbrahim Varlı, Yavuz Selim Demirağ, Can DüNDAR, Oktay Candemir). Prosecutors issued decisions of non-prosecution in investigations against three journalists (Özgür Boğatekin, Vildan Atmaca, Öznur Değer). Criminal charges were filed against two journalists.

The prosecutor overseeing the investigation against Adıyaman-based *Gerger Fırat* newspaper News Director **Özgür Boğatekin** on the allegation of “terrorism propaganda” on account of his social media posts issued a decision of non-prosecution. (15 July)

The Mardin Chief Public Prosecutor's Office launched an investigation against JinNews reporter **Öznur Değer** on the allegation of “terrorism propaganda” on account of her social media posts. (20 July)

Foça, İzmir-based *Evrensel* newspaper reporter **Ramis Sağlam**'s home was raided by the gendarmerie at about 03:00 a.m.. Sağlam, who was not home during the raid, found out about the incident from his neighbors. Sağlam went to the Foça District Gendarmerie Command to seek information about the reason for the raid, but the officials told the journalist that they had “no information.” (8 August)

A criminal investigation was launched against Kısa Dalga news portal columnist **Ersan Atar** and Responsible Managing Editor **Sezgin Kesim** following a complaint filed by President Erdoğan's former lawyer Mustafa Doğan İnal, who complained about the article titled “Mafyanın 'yol kesme' tutanakları ve devletin derin sessizliği” (The mafia's “road blockade” minutes and the deep silence of the state). The two journalists were called in for questioning on the allegation of “libel.” (18 August)

The prosecutor conducting the investigation against **Vildan Atmaca**, a former reporter for the now-defunct *Gazete Şujin*, which was closed under an emergency decree, issued a decision of non-prosecution. (22 August)

An investigation was launched against *BirGün* newspaper's Publications Coordinator **İbrahim Varlı** on the allegation of “inciting the public to hatred and animosity” on account of a Twitter post he shared on 25 September 2020, in which he commented: “Islamists are cruel, Islamists are tyrants, there is no evil act an Islamist would not do.”

Varlı gave his statement at the police department as part of the investigation, which was launched following a complaint filed with the Presidency's Communication Center (CİMER). (25 August)

An investigation was launched against journalist-columnist **Yavuz Selim Demirağ** for a speech he made at a book fair organized by the local municipality in Edremit, Balıkesir province, from 13-21 August 2022. The Edremit Chief Public Prosecutor's Office launched the investigation on the allegations of "insulting the president" and "inciting the public to hatred and animosity." Separate investigations were also launched against main opposition Republican People's Party (CHP) Mersin MP Ali Mahir Başarır, former CHP Balıkesir MP Mehmet Tüm, former CHP İstanbul Deputy Provincial Head Murat Akbaş and Workers' Party of Turkey (TİP) Chairman Erkan Baş on the same grounds. (26 August)

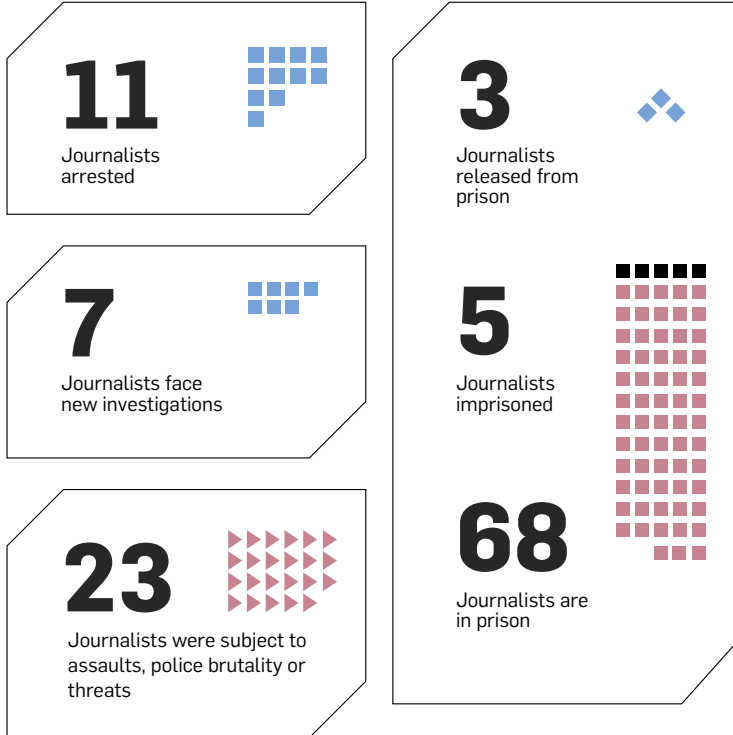
Lawyers representing Treasury and Finance Minister Nureddin Nebati filed a complaint against journalist **Metin Cihan** on the allegation of "insult" on account of Cihan's social media posts. (30 August)

The prosecutor conducting the investigation against JinNews reporter **Öznur Değer** on the allegation of "terrorism propaganda" on account of her social media posts issued a decision of non-prosecution. (2 September)

The İstanbul Chief Public Prosecutor's Office launched an investigation against journalist **Can Dündar** on the allegations of "insulting the president" and "publicly degrading the Turkish nation, the State of the Turkish Republic and the organs and institutions of the State" for a social media post in which Dündar posted the front cover of an issue of *Leman*, a satirical magazine, and commented, "That super prosecutor is not coming." (5 September)

An investigation was launched against journalist **Oktay Candemir** on the allegations of "insult" and "libel" on account of a report in which he wrote about irregularities in a TL 2.5 million car rental tender by the Van Metropolitan Municipality. (6 September)

A criminal complaint was filed against journalist **Barış Yarkadaş** on the allegation of “slander” by İYİ Party General Secretary Uğur Poyraz after Yarkadaş claimed in a live broadcast that İYİ Party executives had “won public tenders.” (7 September)



Pre-Trial Detentions and Releases

The number of journalists imprisoned in Turkey continued to rise in the third quarter of 2022. The number had significantly increased after a long while in the second quarter of the year with the arrest of 15 journalists as part of an investigation in Diyarbakır. In the third quarter of 2022, five journalists and media workers (Hasan Tolga Balcılar, Fatih Tezcan, Mehmet Gündem, Sinan Aygül, Ramazan Dışarı) were imprisoned pending trial. Two of them (Fatih Tezcan, Sinan Aygül) were released shortly. Mehmet Gündem and Hasan Tolga Balcılar

were still in prison as of the end of September. In this reporting period, Vahit Yazgan, the former Aegean Regional Representative of the now-defunct *Zaman* newspaper, who had been jailed for several years, was released upon completing the sentence he had been given.

According to the Expression Interrupted database, at the beginning of 2021, the number of journalists in prison was 87. By the beginning of the second quarter of 2022, this number had decreased to 56. However, by the end of the same period, the number had risen to 67, despite the release of four journalists who had been in prison for a long time. According to data compiled by Expression Interrupted during the period covered by this report, by the end of September 2022, the number of journalists and media workers in prison in Turkey was 68.

- Journalist Hasan Tolga Balcılar was arrested after releasing a video showing refugees escaping from a temporary housing center in Cevdetiye district of Osmaniye province. Balcılar was jailed pending trial by the court on the charge of “inciting the public to hatred and animosity.” (26 July)
- Journalist Mehmet Gündem, who was jailed pending trial following the 15 July 2016 coup attempt and subsequently sentenced to 6 years, 10 months and 15 days in prison, was arrested in Enez district of the border province of Edirne along with his wife. Gündem, who was subject to an international travel ban, was sent to prison. (3 August)
- Journalist Fatih Tezcan was sent to prison to serve a sentence of 2 years and 2 months he was given on the charge of “insulting the memory of Atatürk.” The court did not defer the sentence, citing Tezcan’s “previous criminal record; failure to convince [the court] that he will not commit another offense; tendency to commit crimes.” Tezcan was released shortly. (18 August)
- Journalist Sinan Aygül, Bitlis News editor-in-chief and president of the Bitlis Journalists Association, was sent to prison upon the finalization of a judicial fine he had been given in a case where he had stood trial for calling former AKP Bitlis MP Vahit Kiler a “wolf”

in an article he wrote in December 2014 in his column. The court had sentenced Aygül to TL 1,500 on the charge of “insult by means of the press” and deferred the sentence. However, Aygül was later handed another prison sentence for an article he penned in 2019, which caused the deferral of his previous sentence to be revoked. Aygül refused to pay the judicial fine, saying it violated press freedom and freedom of expression. Thereupon, an arrest warrant was issued against Aygül and the journalist was sent to prison. After remaining behind bars for one day, Aygül was released on 14 September under Covid-19 measures. (13 September)

- Demokratik Modernite magazine employee Ramazan Dışarı, who was arrested while distributing the magazine during a provincial congress of the Peoples’ Democratic Party (HDP) in Tekirdağ, was placed in pre-trial detention on the allegation that the magazine’s ID card was “fake” and on the grounds of the news reports about him and the magazine he was selling. Dışarı was sent to the Tekirdağ Muratlı Prison. (26 September)

Highlights from Trials

Journalist acquitted of “insulting the president:” The case in which journalist Ali Ergin Demirhan was charged with “insulting the president” on account of a social media post in which he had commented on the death of 33 Turkish soldiers in Syria’s Idlib in a Russian airstrike concluded. The İstanbul 55th Criminal Court of First Instance acquitted Demirhan on the grounds that the legal elements of the alleged offense were not present.

Two journalists sentenced to 12 years and 6 months in prison: The case in which former Mezopotamya News Agency reporters Sadiye Eser and Sadık Topaloğlu were both charged with “membership in a terrorist organization,” facing up to 15 years in prison, also concluded during the reporting period. The İstanbul 22nd High Criminal Court rendered its judgment at the end of ninth hearing of the case, sentencing Eser and Topaloğlu as charged. Each were handed a prison sentence of 6 years and 3 months.

Arrest warrant for officer who assaulted Gökhan Biçici: The third hearing of a case filed by dokuz8HABER Editor-in-Chief Gökhan Biçici against five police officers on account of the police brutality he had suffered while covering 2013's Gezi Park protests was held at the İstanbul 48th Criminal Court of First Instance. The police 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 employment." The prosecutor withdrew the motion for dismissal due to statute of limitations he had filed at the previous hearing and requested the continuation of the proceedings. The court accepted Biçici's lawyer's request for a witness to be heard in court and issued an arrest warrant for one of the defendant police officers who has still not given his statement. The next hearing is scheduled for 22 November.

Journalist Uludağ appears before appellate court: Journalist Alican Uludağ appeared before the 22nd Criminal Chamber of the Ankara Regional Court of Justice for the appellate hearing of a case in which he was given a 10-month prison sentence on the charge of "marking persons who took part in the fight against terrorism as a target" for his Twitter posts about former Ankara Chief Public Prosecutor Yüksel Kocaman. Addressing the appellate court during the hearing, Uludağ stated that the case was a revenge case that Yüksel Kocaman had filed with the aim of silencing and intimidating him for his work as a journalist. The prosecution requested a continuance for the drafting of their final opinion. Issuing an interim ruling in the absence of the presiding judge, the appellate court granted the prosecution a continuance and adjourned the hearing until 23 November.

Journalist Şahin sentenced to 6 years and 3 months in prison: A trial in which former *Yeni Yaşam* newspaper editor Hatice Şahin was charged with "membership in a terrorist organization," facing up to 15 years in prison, also concluded during the reporting period. The court sentenced Şahin as charged, handing the journalist a prison sentence of 6 years and 3 months.

Trial against three journalists gets under way: The first hearing of a case in which journalists Can Bursalı and Barış Terkoğlu and Independent Turkish Editor-in-Chief Nevzat Çiçek are charged with “insult” and “libel,” based on a complaint filed by President Recep Tayyip Erdoğan’s former lawyer Mustafa Doğan İnal, was held during the reporting period. The next hearing is scheduled for 26 January 2023.

Musa Anter murder trial dismissed due to expiry of statute of limitations: The court overseeing the trial into the murder of journalist and author Musa Anter in Diyarbakır on 20 September 1992 ruled at the hearing held on 21 September 2022 to discontinue the proceedings due to the expiry of the statute of limitations. The court’s ruling was in accordance with the prosecutor’s final opinion, which argued that “the statute of limitations has expired for Musa Anter as the identified date of the crimes impugned to the defendants now exceeded 30 years, which was the extraordinary duration of the statute of limitations as per articles 102 and 104 of the Turkish Criminal Code, which were in effect at the time.”

Önkibar sentenced for “insulting the president:” Journalist Sabahattin Önkibar’s trial on the charge of “publicly insulting the president” ended with a conviction. İstanbul’s Anadolu 53rd Criminal Court of First Instance sentenced Önkibar to 11 months and 20 days in prison. The charge stemmed from Önkibar’s commentary in a broadcast on his YouTube channel. In the indictment, the prosecutor was seeking a prison sentence between 1 year and 2 months and 4 years and 8 months for Önkibar.

Journalist Barış Terkoğlu granted compensation for unlawful arrest: Journalist Barış Terkoğlu won a compensation case he filed against his unlawful detention due to news coverage about the funeral of a Turkish intelligence officer who was killed in Libya and buried in Turkey’s Manisa province. İstanbul’s Anadolu 4th High Criminal Court ruled that Terkoğlu be paid TL 25,000 in compensation. After winning the case, Terkoğlu said: “This was a conspiracy against me and my colleagues, set up using the judiciary.

We were taken hostage as part of a fabricated investigation. This judgment is a confession of this shame by the state. Those who set up that conspiracy will one day be brought to justice." Terkoğlu's lawyer Kazım Yiğit Akalın said: "Certainly, the amount granted cannot compensate the suffering. But still, this judgment means the state is confessing to having unlawfully arrested someone and they are apologizing." Terkoğlu had remained in pre-trial detention for 3 months and 19 days as part of the case on the charge of "exposing the contents of documents and information concerning intelligence operations."

ATTACKS AND INTERVENTIONS AGAINST JOURNALISTS

In the third quarter of 2022, attacks, threats and interventions targeting journalists continued to increase. According to data compiled by Expression Interrupted using information available in open sources, in this reporting period, at least 23 journalists were subjected to physical violence and threats by the police during news coverage. Ankara and İstanbul were the two provinces where most of the police intervention or assaults on journalists took place.

During the same period, one journalist was harassed by a police officer while five journalists were assaulted by civilians and two were threatened. One journalist was deported while another journalist was denied entry to the country. Twenty journalists, on the other hand, were blacklisted by police. One journalist and one media worker died in a car accident that took place during news coverage.

In the reporting period, one development that added to concerns about impunity in attacks against journalists was the Musa Anter murder trial. The 36th hearing of the case into the murder of Musa Anter, a Kurdish writer and journalist who was assassinated in Diyarbakir on 20 September 1992, was held at the Ankara 6th High Criminal Court. In an interim ruling, the court decided to apply the 30-year statute of limitations and to dismiss the case. For details of the murder case and an evaluation of the judgment in terms of violence against journalists and impunity, you can read the article titled [The Musa Anter case: A tale of impunity](#), available on our website.

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

- **5 July:** Police broke up the Pride Parade planned to take place at Ankara's Kuğulu Park as part of the Pride Week. During the intervention, Mezopotamya News Agency reporter Emel Vural was sprayed with teargas by the police at close range. Vural later fainted

after she was beaten by the police. During the intervention, KaosGL.org reporter Aslı Alpar was injured in the leg. (Ankara)

- **5 July:** Police intervened in a press statement organized in Ankara's Ulus quarter by Dicle Fırat Journalists Association and Mezopotamya Women Journalists Platform in reaction to the imprisonment of 16 journalists. During the intervention, police violently detained Mezopotamya News Agency Ankara News Director Deniz Nazlım and journalist Sibel Yüklér and LGBTI+ news portal reporter Yıldız Tar while PİRHA News Agency reporter Eren Güven was assaulted and his camera was broken by the police. The detained journalists were taken to the Ankara Police Department, where they gave their statements for allegedly "violating the Law on Meetings and Demonstrations." They were released later in the day. (Ankara)
- **6 July:** Mezopotamya News Agency reporter Yakup Demir was physically attacked by Fevziye Karaer, a lawyer registered with the Gaziantep Bar Association, as he was covering an argument between shopkeepers and police officers during a foreclosure process in the Sur district of Diyarbakır province. Demir, who received a medical report proving the assault, filed a complaint against Karaer. (Diyarbakır)
- **7 July:** HaberTürk, tv100 Haber, Artı TV and DHA reporters had an argument with Police Chief Hanifi Zengin while they were covering a strike and protest march by health workers at İstanbul's Çapa Faculty of Medicine. A police officer threatened Artı TV reporter Meral Danyıldız and cameraman Bilal Meyveci and charged towards them. HaberTürk reporter Gizem Türemen and tv100 reporter Gülay Alaca were also verbally assaulted by the police. Journalists filed complaints against Police Chief Zengin. (İstanbul)
- **26 July:** Kerem Kırpaç, a journalist based in the Birecik district of the southeastern Şanlıurfa province, announced that he had been physically assaulted by Birecik Mayor Mahmut Mirkelam, an AKP politician, for covering a public statement by the local district branch of the Peoples' Democratic Party (HDP). (Şanlıurfa)

- **26 July:** Journalist Aysu Basri Akter, a former executive of the Bayrak Radio and Television Corporation (BRT), the state broadcaster of the Turkish Republic of Northern Cyprus, was denied entry to Turkey. Akter was sent back to Cyprus after being held for hours at Antalya Airport. (Antalya)
- **26 July:** A press statement by the Women's Platform of the Ankara branch of the Confederation of Public Employees' Trade Unions (KESK) regarding the İstanbul Convention was blocked by the police. Journalists who wanted to cover the press statement were not allowed to take images. PİRHA reporter Melis Ciddioğlu, Mezopotamya News Agency reporter Emel Vural and Artı TV cameraman Kadir Devir were physically assaulted by the police. (Ankara)
- **27 July:** Journalists Vedat Örüç and Elif Kurttaş, who were conducting research at the Adana recycling industrialists' site for a report on imported waste, were held and beaten by two company owners and their employees. Journalists received medical reports proving the assault and filed a criminal complaint against the attackers. (Adana)
- **2 August:** İsmail Arı, a reporter for *BirGün* newspaper, was threatened by the police while covering a vigil against the cutting down of trees in İstanbul's Çekmeköy district. Arı was prevented from taking pictures and was threatened by a deputy police chief, who told the journalist, "You just wait, I will take you too." (İstanbul)
- **3 August:** A person named Mustafa Yücel, who threatened Professor Dr. Esin Davutoğlu Şenol by putting a veal tongue in front of her door, and who introduced himself as a surgeon, threatened journalists Zafer Arapkirli and Ayşenur Arslan on his social media account.
- **6 August:** An argument between Deputy Chairman of Democrat Party (DP) and Ordu MP Cemal Enginyurt and journalist Latif Şimşek during a live political debate on tv100 turned into a scuffle as Enginyurt charged towards Şimşek during the broadcast. The

station immediately cut the broadcast. During the commercial break, Enginyurt and a person claimed to be his bodyguard physically attacked Şimşek. Enginyurt's bodyguard was taken into custody and subsequently imprisoned pending trial.

- **13 August:** Ebru Uzun Oruç, who conducts street interviews and broadcasts them on her YouTube channel “Sokak Kedisi,” and her husband Barış Oruç were attacked on İstanbul’s Bağdat Street by two people carrying guns. Ebru Uzun Oruç announced the attack on her social media account. Oruç previously received threats for an interview about Nationalist Movement Party (MHP) Chairman Devlet Bahçeli. (İstanbul)
- **20 August:** İHA reporter Muhammet Abdulkadir Esen and the driver of the live broadcast vehicle Umut Yakup Tanrıöver died in a car crash as they were heading to the Nizip region of the Gaziantep Highway to report on another car accident. (Gaziantep)
- **22 August:** Journalists covering the forced eviction of citizens from their homes in İstanbul’s Beykoz district on the grounds of urban transformation were blocked by the police. The police physically intervened against *BirGün* reporter İsmail Arı, KRT TV reporter Sultan Eylem Keleş and her cameraman and removed the journalists from the area. (İstanbul)
- **25 August:** Greek journalist Evangelos Areteos, who has been reporting on Turkey for over 20 years and lived in Turkey for a while, announced that he was deported by Turkish authorities on the grounds that he “disturbed public order.” Areteos said that he was detained by the police upon landing at İstanbul’s Sabiha Gökçen Airport from Brussels at 6 p.m. on 25 August and that he was held by the police and interrogated for about seven hours, after which he was denied entry to Turkey and sent back to Brussels on the 9:40 a.m. flight on 26 August. (İstanbul)
- **1 September:** Halk TV reporter Erdinç Yılmaz and cameraman Murat Kibar were blocked by the police from reporting on the

demolition of houses in the Tokatköy neighborhood of Beykoz district in İstanbul for supposed urban transformation purposes. The police, using their shields, violently pushed the journalists out of the area. (İstanbul)

- **1 September:** A press statement to be made in front of the Van Courthouse by the relatives of detainees was prevented by the police. Journalists covering the press statement were subjected to a security check by the police. They were prevented from taking photos and subsequently removed from the area. (Van)
- **1 September:** Police violently arrested three people in İstanbul's Kadıköy district following a press statement organized by the İstanbul Labor, Peace and Democracy Forces on the occasion of Turkey's annual 1 September "World Peace Day." Journalists who wanted to cover the police brutality were also violently removed from the area by the police. Bianet reporter Tuğçe Yılmaz, who was also among journalists covering the intervention, pointed at one civil police officer and said, "You grabbed my breast, you harassed me." (İstanbul)
- **1 September:** Journalists covering a march organized in Van province on the occasion of Turkey's annual 1 September "World Peace Day" were assaulted by the police. Police officers pushed journalist Mesut Bağcı to the ground and broke his camera. A plain clothes police officer threatened to kill Mezopotamya News Agency reporter Berivan Kutlu and JinNews reporter Zelal Tunç, saying, "I will shoot you and no one can find your body." The same police officer pointed a gun at JinNews reporter Elfazi Toral. (Van)
- **2 September:** Police raided the press room inside the Ankara Courthouse while journalists were trying to cover the former Rector of the Turkish Aeronautical Association University Ünsal Ban, who was detained on bribery allegations, being transferred to the courthouse. Journalists were threatened against publishing Ban's photos. (Ankara)

- **5 September:** It was revealed that some 20 journalists, including the Dicle Firat Journalists Association (DFG) Co-Chair Dicle Müftüoğlu, Journalists Union of Turkey (TGS) President Gökhan Durmuş and Vice President of the European Federation of Journalists (EFJ) Mustafa Kuleli, have been blacklisted by the General Directorate of Security. The “confidential” document, which emerged in a case file against Müftüoğlu, contained intelligence information against the Fethullah Gülen community. The journalists who were blacklisted in the document either worked for or published articles in the *Journalist Post* magazine, published by the International Journalists Association, which was founded in Germany in 2019.
- **16 September:** The Directorate of Communications canceled the permanent press card of veteran journalist Tuğrul Eryılmaz and requested that he return his card to the institution.
- **16 September:** Demirören News Agency (DHA) Sivas correspondent Hüsnü Ümit Avcı was injured when he was punched and kicked by police officer Ü.G. at the scene of a fire as he was trying to cover the incident. (Sivas)
- **20 September:** The İstanbul Governor’s Office did not permit an investigation to be launched against police officers who assaulted and violently arrested journalists who were covering a demonstration on 31 May, which marked the anniversary of the Gezi Park protests. Nine journalists were assaulted by the police and six journalists were detained with their hands cuffed behind their back. They filed complaints against the police officers on allegations of “abuse of power, torture, maltreatment, threat, insult, intentional injury, and violation of the freedom to work.”
- **21 September:** A demonstration planned to be held ahead of the fifth hearing of the trial against 46 people who were detained during the police intervention in the 700th weekend sit-in by Saturday Mothers was prohibited by the Kağıthane District Governor’s Office, citing “the sensitive period the country is going through.” Despite

the ban, people gathered in front of the İstanbul Courthouse to deliver a press statement. Police broke up the crowd. Artı TV correspondent Meral Danyıldız and Medyascope reporter Edanur Tanış, who were among journalists covering the police intervention, were assaulted by the police. Faruk Eren, the head of journalists' union Disk Basın-İş and the responsible managing editor of Gerçek Gündem news portal, was detained. (İstanbul)

PENALTIES BY RTÜK AND BİK

The broadcasting watchdog RTÜK and BİK, the Press Advertising Agency, both of which have long been criticized for turning into tools of political pressure on the media, continued imposing administrative fines, program suspension penalties and public ad penalties on media outlets in the third quarter of 2022.

In the reporting period, BİK permanently revoked *Evrensel* newspaper's right to publish public ads and announcements. The newspaper has been banned from publishing public ads since September 2019.

In the meantime, BİK issued a statement in the wake of a Constitutional Court judgment that found rights violations in 14 applications filed against public ad penalties imposed by the Agency, announcing that it would not be reviewing further applications within the scope of the Press Code of Ethics until the Parliament amends Article 49, headlined "Sanction," of the Law No. 195 on the Establishment of the Press Advertising Agency.

RTÜK Penalties

In the reporting period, Halk TV, HaberTürk and Tele 1 TV channels received penalties from the Turkish broadcasting watchdog. The Council imposed six separate penalties on Halk TV in the three months covered in this report. In July, the two penalties the channel was imposed combined amounted to TL 265,408 in administrative fines in addition to three broadcast bans. In August, the channel was imposed more administrative fines due to statements made on two different shows. In September, RTÜK imposed on the channel three administrative fines, two of which required that the channel pay 3 percent of its ad revenues in the form of administrative fines; and one requiring 5 percent of revenues. One of those decisions additionally included broadcast ban on five episodes of a program.

In the same reporting period, Tele 1 was imposed two administrative fines by RTÜK.

HaberTürk TV was imposed three penalties in August, requiring that the channel pay a sum of TL 442,389 in administrative fines.

During the reporting period, RTÜK member İlhan Taşçı, who was elected from the main opposition Republican People's Party (CHP) quota, published a report titled "RTÜK Objectivity Report Card," listing the penalties the Council imposed on radio and TV channels from 1 January through 15 September 2022. The numbers revealed in Taşçı's report showed once again that dissident media outlets are being specifically targeted by RTÜK. According to Taşçı's report, during the first nine months of the year, RTÜK fined Halk TV 14 times; Tele 1 11 times; KRT five times; Fox TV four times, and Flash Haber four times. These five channels were imposed a total of 38 penalties, amounting to a sum of TL 11.5 million in administrative fines. In the same period, pro-government TV channels were fined only three times in total, amounting to TL 1.5 million with TGRT Haber, Beyaz TV and ATV each receiving one penalty. A Haber, Ülke TV, Kanal 7 and TV-Net were not imposed any penalties throughout the nine-month period covered in Taşçı's report.

Following is a list of RTÜK decisions rendered in the three months covered in our quarterly report:

- Halk TV was imposed an administrative fine of TL 152,091 and three broadcast suspension penalties for a comment by HDP MP Mehmet Rüştü Tiryaki during the 20 June 2022 episode of the political debate "Sözüm Var," in which he used the word "esteemed" for PKK leader Abdullah Öcalan. (6 July)
- Halk TV was imposed an administrative fine of TL 113,317 for airing for a second time an online video dated 24 May 2022 by main opposition CHP Chairman Kemal Kılıçdaroğlu, in which he claimed that the Ensar and TÜRGEV foundations close to President Erdoğan's family, were transferring funds to the US-based TURKEN Foundation. (6 July)
- Tele 1 TV was given an administrative fine of TL 38,460 for commentators' criticism of RTÜK fines in an episode of the program "18 Dakika." (6 July)

- Tele 1 TV was imposed an administrative fine for “making unfair profits by collecting donations from viewers” and for not complying with a broadcast ban on news about the murder of cardiologist Ekrem Karakaya in Konya province. (17 August)
- Halk TV was imposed an administrative fine for “insulting national and moral values, the President, the Interior Minister and Ministry officials” in two different shows. (17 August)
- Habertürk TV was imposed an administrative fine for remarks by geologist Celal Şengör in an episode of the show “Teke Tek Bilim” for allegedly “insulting religious values” upon a complaint filed by the Directorate of Religious Affairs. RTÜK imposed two other fines on Habertürk TV for two other shows on the same day. Thus, Habertürk was imposed a combined administrative fine of TL 442,389 in three different decisions on a single day. (17 August)
- RTÜK imposed a penalty on Netflix for the animated show “Jurassic World Camp Cretaceous,” which was previously slammed for featuring LGBTI+ characters. RTÜK cited the clause “Media services shall not be contrary to the national and moral values of the society, general morality and the principle of protection of family” from the By-Law on The Procedures and Principles of Media Services as the grounds for the penalty. (17 August)
- RTÜK issued a decision ordering Spotify to remove “playlists and podcasts that contain insults against national and moral values, slander, Fethullahist Terrorist Organization (FETÖ) propaganda, insults against the president, political party leaders and top-level state officials.” (17 August)
- RTÜK suspended five episodes of Halk TV’s political discussion show “Sözüm Var” and imposed on the channel an administrative fine amounting to five percent of its ad revenues for “broadcasting in a manner that would serve the purposes of terrorism” due to on-air comments criticizing an incident that took place at the

Diyarbakır Courthouse, where a Kurdish father who lost his son in a clash was handed his son's remains in a plastic bag. (14 September)

- Halk TV was imposed a three percent administrative fine for on-air comments criticizing Interior Minister Süleyman Soylu in an episode of the show "Medya Mahallesi," hosted by Ayşenur Arslan. (14 September)
- Halk TV was imposed a three percent administrative fine for comments by CHP MP Ali Mahir Başarır, who appeared as a guest on an episode of the show "Sözüm Var." (14 September)

BİK Penalties

During the reporting period, BİK, the public body responsible for fair distribution of public advertisement revenues among newspapers, continued to impose penalties on newspapers that have become yet another tool of political pressure on print media over the recent years. BİK's three-year public ad ban on *Evrensel* newspaper became permanent during this reporting period. The public ad ban on *Yeni Asya* newspaper, which has been going on since 28 January 2020, was still in effect as of the end of the reporting period. In the same period, BİK suspended *BirGün* newspaper's right to publish additional advertisements for seven days.

- BİK revoked *Evrensel* newspaper's right to publishing public ads and announcements. Based on a BİK decision dated September 2019, the newspaper had already been embargoed from publishing public ads for the past three years. The latest decision completely revoked the newspaper's right to publish public ads, which had been on hold for the past three years. BİK cited "bulk buying" and "irregular records of corporate subscriptions and irregular bookkeeping" as the grounds for the decision. (22 August)
- Upon a complaint filed against a news article titled "Dokuz Eylül'de çöküş yaşanıyor" (Dokuz Eylül University collapsing), published in *BirGün Ege*, BİK cut the newspaper's "additional indicator right,"

which is a parameter used in determining the monthly public ad quotas of newspapers, for seven days. (18 August)

Also, during the reporting period, BİK introduced a new regulation which concerned both print media and online media. The new “General Assembly Decision concerning the Press Ethics Code,” prepared by BİK, was published in the *Official Gazette* and came into force. This development marked the first ever update to Turkey’s Press Ethics Code in the last 28 years, since 1994. The decision rearranges provisions laid out in the Press Ethics Code that regulate the publication of public advertisements and announcements in hard copies and online editions of periodical publications and their social media accounts, as well as procedures to be carried out by BİK in this regard. Under the amendment, not only newspapers that publish public advertisements, but also their online editions and social media accounts are now obliged to comply with the said provisions.

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