



2023 REPORT

bia media monitoring reports
and media monitoring database



bia Media Monitoring Reports and Media Monitoring Database Evaluation Report 2023

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bianet/IPS Communication Foundation has been reporting on violations of freedom of expression against media workers and institutions since 2001, providing reliable and detailed data. The reports are prepared by Erol Önderoğlu, the RSF representative in Turkey.

The **Media Monitoring Database (MMD)** lists lawsuits, legal, judicatory, and administrative interferences that target the freedom of expression of journalists and media organizations. These interferences have been covered by **bia Media Monitoring Reports** (bia MMR) since 2017. MMD was launched in July 2019 as an open archive, and it's contributing to the struggle for freedom of expression by making violations of media and freedom of expression in Turkey visible.

This study evaluates the state of freedom of expression in Turkey over the past year, focusing on media outlets and journalists. The evaluation is based on the bia Media Monitoring Reports published between 1 January 2023 and 1 January 2024, as well as data entered into the Media Monitoring Database. To provide context, the study briefly mentions significant events that occurred during this period that affected the media and freedom of expression.

The Media Monitoring Database, updated by daily media monitoring, lists 210 new interferences between 1 January 2023 and 1 January 2024.

In total, there are 352 interferences in 2023, including third-party interferences like threats, harassment, physical violence against journalists, and interferences by judicial or executive bodies.

The last number includes interferences from previous years for which trials are ongoing.

According to Bia Media Monitoring Reports and Media Monitoring Database data from the past year, journalists and media workers face the risk of imprisonment primarily due to lawsuits based on the Turkish Penal Code (TPC) and the Anti-Terrorism Law (ATL).

In 2023, journalists were taken into custody on the grounds of the "disseminating misleading information to the public" law, which publicly known as the "disinformation law", added to the TPC. This law was specifically introduced after their reporting on the earthquake that occurred on 6 February, and it has been the subject of numerous trials.

based on bia MMR and MMD

LOOKING TO 2023

2022

149



165

2023

Turkey, in the year 2023, fell further in the Reporters Without Borders (RSF) 2023 Annual World Press Freedom Index, dropping from 149th to 165th place among 180 countries.

number of journalists who are detained

55

number of journalists who are attacked

25

210

Between 1 January 2023 and 1 January 2024, a total of 210 interventions against media and freedom of expression were listed.

81

number of media workers who were dismissed or resigned due to disagreements over their media outlet's editorial line

42

number of journalists who were subjected to physical interference, assault, destruction of equipment, targeting or verbal threats



On freedom of expression in 2023

In 2023, Turkey returned to the category of **"countries with the highest number of journalists arrested"** for the first time since the attempted coup of 15 July 2016 (via MMR 2023).

According to the 2023 annual World Press Freedom Index of Reporters Without Borders (RSF), Turkey ranked 165th out of 180 countries, which is a further decline from the previous year (when it was 149th in 2022). The Freedom House report categorises Turkey as

"not free" in both the global freedom index and the internet freedom index.

The law on "disseminating misleading information to the public" (also known as "disinformation law"), which came into effect in October 2022, has been described as a "censorship law" by those opposing the government, and has added a new one to the interferences against freedom of expression.

According to 2023 data, the law has been used to target not only opposition groups but also journalists who have criticised the government, particularly in the aftermath of

Lawsuits and Penalties

At least 13 journalists were sentenced to a total of 18 years, 8 months and 25 days in prison, a total judicial fine of 14,500 TL.



At least 121 journalists were accused of crimes, in cases of insult and defamation.



At least 22 journalists and media workers were prosecuted for "insulting the President".



RTÜK imposed a total of 56 fines, 18 broadcast suspensions and a total fine of 29,861,186 TL on radio and television organizations.



986

Criminal Judgeships of Peace or the Association of Access Providers blocked access to at least 986 news articles at the request of government representatives and privileged circles in a manner that restricted the formation of public opinion.

88,800 ₺

The Constitutional Court awarded a total of 88,000 Turkish Lira in compensation to the journalists, ruling that "the right to freedom of expression was violated" in the cases where journalists were given prison sentences.

€ 34,375

The European Court of Human Rights (ECHR) awarded a total of 34,375 Euros in compensation for "unjustified detention" in the applications of three journalists who were arrested and tried on charges of being linked to "FETÖ".

the earthquake on 6 February. The database contains 16 interferences that are related to the "disinformation law" under Article 217/A of the TPC.

The presidential elections held on 14 and 28 May were indicative of the decline in media freedom. Delegations from the OSCE and Council of Europe, as well as journalism organizations, noted that the elections were not conducted fairly, impartially, or transparently in a media environment where 90% of **media owners** share political and/or economic interests with the government.

The arrest of Kurdish journalists en masse, the severe assault of Sinan Aygül after reporting on corruption in Tatvan, and the arrest of TELE1 Editor-in-Chief **Merdan Yanardağ** are just a few examples of such interferences.

The form of interferences in 2023

In 2023, there were various interferences against media and freedom of expression, which involved both state and non-state actors ^[1] (such as members of law enforcement agencies).

As highlighted in Karan's evaluation report on the 20 years of the MMRs, *"interferences may entail collaboration between state and non-state actors. Examples of this situation may include compensation lawsuits filed by private individuals and legal entities against individuals who exercise their freedom of expression, or the practice of prosecutors initiating criminal proceedings in cases of offenses subject to complaint upon someone else's complaint."* ^[2]

A category of third-party interferences was created in the database to indicate

non-state actors. This category encompasses a range of interferences, including "physical interference", "threats and harassment", "interference with the content of expression", "termination of employment contract", "filing a lawsuit for compensation", "actual prevention of expression", and "request for blocking access".

In 2023, there were 25 instances of "physical interference" and 11 instances of "threats or harassment". In the same category, there were six "lawsuits for compensation" involving non-state actors.

Other interferences excluded from the list were detentions that took place during news or protest monitoring. Additionally, detentions that are not part of an investigation are also categorised as third-party interferences.

According to 2023 bia MMR and MMD, it has been reported that 42 journalists were subjected to physical interference, assault, destruction of equipment, targeting or verbal threats during the year.

Following the 6 February earthquakes, the database also documented incidents of security forces using arbitrary interference and violence against reporters working in the earthquake zone.

For instance, during coverage of search and rescue operations in Battalgazi, Malatya, a police chief with the Ankara counter-terrorism inscription on his vest have kicked Halk TV reporter Ferit Demir.

In a recent incident, Sinan Aygül, the president of the Bitlis Journalists' Association, was assaulted by a municipal employee and the police bodyguard of Mehmet Emin Geylani, the AKP mayor of Tatvan. This occurred after Aygül reported on corruption and

¹ The database categorises it as "third-party interferences".

² Karan, U. (2022). Medya Özgürlüğünün 20 yılına bir bakış 2001 - 2021. ["A retrospective on two decades of media freedom: 2001 - 2021"] Link: https://static.bianet.org/system/uploads/1/files/attachments/000/003/705/original/MedyaOzgulugunun20YilinaBirBakis_v02.pdf?1668423227, 20 December 2023

irregularities in the municipality.

Additionally, the database contains records of journalists who have received death threats. For example, **Ismail Arı**, a reporter for BirGün newspaper, and **Bilal Güldem**, an editor for Mesopotamia Agency (MA), have received threats from various groups, including sects, Jamaat, and jihadist organizations.

In addition, **Mehmet Karakeçili**, the editor-in-chief of Viran TV, was physically assaulted by a bodyguard and relative of Viranşehir Mayor Salih Ekinçi. Karakeçili had been writing allegations of corruption against the municipality.

Detentions

In the first three days of the February earthquake, four journalists were taken into custody for "filming without permission", "not having a turquoise press card" or "inciting the public to hatred and hostility".

Among the journalists taken into custody throughout the year was Aren Yıldırım, the editor of bianet's Kurdish service, on allegations of "organisation membership".

In the following period, there were at least 55 detentions, again including Kurdish media representatives. via MMR and MMD data

Disinformation Law

Article 217/A

"Disseminating misleading information to the public" has been amended to provide for a prison sentence of one to three years for the crime of "disinformation".

"Disinformation" was used as a justification for investigations and prosecutions against at least 33 journalists throughout the year.



Sixteen journalists were detained, investigated or arrested on charges of "Disseminating misleading information to the public"

At least 9 journalists were targeted on charges of "disinformation" due to their reporting on the February 6 Maraş earthquakes or their social media posts.

suggest that detention in plastic handcuffs or violence against media representatives has become common.

Convictions and acquittals under ATL and TPC

According to the 2023 BIA Media Monitoring Report and the Media Monitoring Database, journalists and media workers were prosecuted under several laws, including the Anti-Terrorism Law, the Turkish Penal Code and Law No. 2911 on Meetings and Demonstrations, and the law on "disseminating misleading information to the public".

In the past year, 13 journalists, including Genççağa Karafazlı, Sinan Aygül (twice), Doğan Ergün, İzel Sezer, Oğuz Güven, Cengiz Çandar, Bülent Mumay, Merdan Yanardağ, Ertuğrul Mavioğlu, Çağan Demirel, Zafer Arapkirli, İsmail Arı, and Sertaç Kayar, were on trial in at least 14 cases, and were sentenced to a total of 18 years, 8 months and 25 days in prison, along with a judicial fine of 14,500 TL.

In 2023, 23 journalists, including İsmail Saymaz, Fırat Fıstık, Ozan Buz, Alican Uludağ, Nazlan Ertan, Ruken Tuncel, Pınar Gayıp, Ruşen Takva, İrfan Tunççelik, Ümit Turhan Coşkun, Hazal Ocak, Vedat Arık, Olcay Büyüктаş, İpek Özbey, **Fırat Can Arslan**, Merdan Yanardağ, Hasan Sivri, **Ahmet Kanbal**, Zafer Arapkirli, İsmail Arı, and **Sertaç Kayar**, were acquitted of "disseminating personal data", "opposing the Law on Demonstrations", and "targeting people who took part in the fight against terrorism".

The oppressive environment created by the "disinformation law"

In 2022, a new criminal offence of "disinformation" was added to the Turkish Penal Code (TPC) under Article 217/A, "Disseminating misleading information to the public".

The law was opposed by journalists, civil society organisations and opposition parties

due to its vague wording and perceived as a threat to freedom of expression.

However, sentences of one to three years of imprisonment for "disinformation offences" were passed into law.

Fearing to be instrumentalised to interfere with freedom of expression prior to the May elections, the regulation set the stage for a series of investigations, particularly against local journalists who were reporting on the February earthquakes.

The Constitutional Court (CC) rejected the Republican People's Party's (Cumhuriyet Halk Partisi) application to cancel the regulation on 8 November 2023. This decision missed an opportunity to protect freedom of expression. The Media Monitoring Database lists 16 journalists who have been taken into custody, investigated, or arrested on charges of "Disseminating misleading information to the public".

However, by the end of the year, the article on "disinformation", which was used as a justification for investigations and prosecutions against at least 33 journalists, had become common enough to lead to the arrest of Tolga Şardan, one of the country's prominent investigative journalists.

At least nine journalists were targeted for their reporting or social media posts regarding the 6 February Maraş earthquakes.

Following the earthquake, Ali İmat, the administrator of the Mutlu Şehir Osmaniye page in Osmaniye, and his brother, journalist İbrahim İmat, were arrested for their social media posts alleging that tents sent to help earthquake victims were delayed. They were released a month later.

T24 news website writer Tolga Şardan was arrested on charges of Article 217/A following an investigation into his article titled "What's in the 'judgement report' submitted by MİT to the Presidency?" He was released after five days.

Lawsuits on "insulting the President of the Republic"

The offence of "insulting the President of the Republic" (TPC, Art. 299) remained a significant obstacle to freedom of expression in 2023. This regulation, which was unexpectedly declared constitutional by the Constitutional Court in early 2017, is one of the most condemned regulations in Turkey and abroad (bia MMR Evaluation Report).

Despite the Venice Commission's recommendation to repeal the "insulting the President of the Republic" article and the ECHR's conviction of Vedat Şorli in October 2021, prosecutions based on the same article persist. Since Erdoğan's election as President in August 2014, 74 journalists have been sentenced to prison or fined (bia MMR 2023).

In 2023, 22 journalists and media workers faced prosecution for "insulting the President of the Republic". Mustafa Sönmez, Ender İmrek, Engin Korkmaz, Levent Gültekin, and Mehmet Baransu were acquitted, while Gökay Başcan, politics editor of BirGün newspaper, received a suspended sentence of 11 months and 20 days in prison.

"Insult" lawsuits against journalists are common

According to Karan's (2022) evaluation report on bia media monitoring reports, *"...if someone is insulted in Turkey, they have the right to sue for material and moral damages under the Turkish Code of Obligations. However, insult is also a criminal offence under Article 125 of the Turkish Penal Code. If the insult is directed towards a public official because of their position, the minimum penalty is one year. Disaggregated data on insult offences is not collected by the state. Therefore, it is impossible to quantitatively evaluate the extent to which interferences against media outlets and journalists fall under Article 125 of the TPC, and which actors are involved."*

However, the information reflected in bia MMR and MMD show that both the lawsuits filed against media outlets and journalists on the grounds of insult, as well as the criminal lawsuits filed on the same grounds, demonstrate a continuity and occupy a significant place among the interferences against freedom of expression.

Last year, criminal lawsuits were also filed against journalists for "insulting a public official", "insult", and "defamation". Throughout the year, at least 121 journalists were investigated and prosecuted for these offences, according to bia MGR data.

Impunity and murder of journalists

The trials of [Hrant Dink](#) and [Uğur Mumcu](#), both murdered journalists in the database archive, remained in the impunity category in 2023. The alleged perpetrator who caused the death of journalist Uğur Mumcu by planting a bomb in his car on 24 January 1993 and was wanted through Interpol has been on trial for 30 years. Meanwhile, Ogün Samast, who killed Hrant Dink, has been released on conditional release.

Although the judicial process can quickly conclude the murders of local journalists in Turkey, political murders of journalists are often left unpunished even decades later due to the lack of will on the part of public authorities.

RTSC targets channels with critical content

Established in 1994, the Radio and Television Supreme Council (RTSC) operates under the Law on the Establishment of Radio and Television Enterprises and their Media Services. According to RTSC's decisions, added to the system until 1 December, and the data reflected in MMD, RTSC imposed a total of 18 broadcast suspensions and 56 fines, resulting in a total fine of 29,861,186 TL on radio and television institutions. Organisations such as Halk TV, TELE1 and

FOX TV, among others, received fines and suspensions. ^[3]

The continuous heavy fines undermine the influence of channels with critical content before the public and weaken them economically. This has caused RTSC to be perceived as a tool of the government. These severe interferences cause RTSC, which is supposed to be an impartial public legal entity, to be perceived as a threat to the freedom of expression.

Access ban on 986 news items: Interference with the right to access information

The access bans imposed on media outlets and journalists broadcasting on the internet are justified by Law No. 5651 on the Regulation of Publications on the Internet and Combating Crimes Committed through These Publications, which came into effect in 2007. In 2023, Criminal Courts of Peace or the Association of Access Providers imposed access bans on at least 986 news items at the request of government representatives and privileged circles, according to MMR. This restricted the formation of public opinion. The Criminal Courts of Peace or the Association of Access Providers mainly imposed access blocks on online news or journalistic content that raised or criticised allegations of corruption, bribery, or favouritism.

Access bans were imposed on journalists who raised issues related to the government, such as irregularities and interest relations during

the earthquake devastation. These bans were also justified on the grounds of "personal rights".

For instance, in 2023, Criminal Courts of Peace prohibited access to 180 news articles related to the Ministry of Health's administration, as well as articles published on Cumhuriyet, BirGün, and Halk TV websites. These articles alleged that Supreme Court of Appeals member Yüksel Kocaman had ties to Ayhan Bora Kaplan, who was close to former Interior Minister Süleyman Soylu.

ECHR and Constitutional Court verdicts

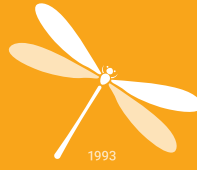
In 2023, the European Court of Human Rights (ECHR) did not rule on freedom of expression and the press in Turkey, but it did award a total of 34,375 Euro in compensation for wrongful imprisonment in the cases of three journalists arrested and tried on charges of being linked to the outlawed "FETÖ".

In 2023, the Constitutional Court also found the prison sentences given to journalists unconstitutional. It ruled that the journalists' "right to freedom of expression" was violated and ordered them to pay a total of 88,800 TL in compensation.

Unemployed journalists

Last year, 81 media workers were dismissed or resigned due to disagreements over their media outlet's editorial line. This included both pro-government and critical media outlets.

³ At the time the report was written, RTSC had attached the decisions of the supreme council up to November 8th.



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