



Justice for Journalists
Foundation for International
Investigations of Crime against Media



Media and Law Studies Association
Medya ve Hukuk alıřmaları Derneđi

**JOURNALISTS IN THE
JUDICIARY'S CROSSHAIRS**
SLAPP lawsuits:
Power vs. pen

Justice for Journalists Foundation (JFJ)

Justice for Journalists Foundation (JFJ) is a London-based non-governmental organization. JFJ funds journalistic investigations into violent crimes against media workers and helps professional and citizen journalists to mitigate their risks. The foundation was established in August 2018 by Mikhail Khodorkovsky, founder of the Open Russia pro-democracy movement, an Amnesty International-recognised prisoner of conscience, and Putin's most prominent critic, together with his former business partner, philanthropist, and member of the Free Russia Forum's standing committee Leonid Nevzlin.

Our mission is to facilitate journalists' access to existing resources and make them relevant to the specifics of each region. We believe security is the essential basis for work in the media. We help journalists acquire the skills and knowledge to address their professional challenges.

Media and Law Studies Association (MLSA)

At a time when crackdown on fundamental rights and freedoms in Turkey had reached an alarming peak, the Media and Law Studies Association (MLSA) was founded as a non-profit in December 2017. With our work, we aim to respond to an urgent yet growing need for defending freedom of expression, freedom of the press and the right to information. We provide a holistic response to threats to media freedoms by combining legal support and advocacy work for mainly journalists but also academics, activists, lawyers and other professional groups, regardless of their popularity level or ideology.

Our core activities are combined with the following specific projects:

- judicial monitoring programme focused on freedom of expression trials
- human rights training for lawyers
- professional journalism workshops
- creating of writing opportunities for independent and jobless journalists
- monitoring of internet censorship and speaking up for internet freedoms

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In 2021, 545 journalists stood trial because of their work in Turkey

according to data compiled by the Media and Law Studies Association (MLSA).

Journalists were sentenced to **58 years, 16 months and 17 days in prison in the cases adjudicated in 2021.**

At least **49 journalists welcomed the new year in prison.**

JOURNALISTS IN THE JUDICIARY'S CROSSHAIRS

SLAPP Lawsuits: Power vs. pen

Strategic Lawsuits Against Public Participation, or *SLAPPs* for short, are increasingly used in different parts of the world against authors, activists, and journalists.

SLAPPs are defined as judicial processes that are initiated to hinder disclosure of information, dissemination of which is in the public interest but can potentially damage a government or a company's reputation.¹ As it is also the case in the West, *SLAPPs* are often brought up on charges of defamation and slander.

The main purpose of these lawsuits is to intimidate and punish journalists and rights defenders and deter them from criticizing those in power through forcing them to spend time and energy on the litigation processes and through the resulting sentences and fines.

This type of lawsuit is typically characterized by plaintiffs who possess large financial resources, and defendants who lack such resources. To give an example, Maltese journalist Daphne Caruana Galizia, who was assassinated in 2017, stood trial in 47 criminal and civil cases in Malta and other countries at the time of her assassination.²

Deteriorating judicial freedom and SLAPP lawsuits in Turkey

With countless investigations, detentions, and lawsuits, the judiciary is among the most frequently used tools against journalists also in Turkey: Turkey ranks 153rd among 180 countries in the 2021 World Press Freedom Index of Reporters Without Borders (RSF).³ According to the organization, "Even if Turkey is no longer the world's biggest jailer of journalists, the risk of imprisonment and the fear of being subjected to judicial control or stripped of one's passport is ever-present."

Among the institutions criticizing the functioning of the judiciary in Turkey is the Venice Commission, whose main task is to advise the Council of Europe on legal issues. In its report on the duties and functioning of the criminal judgeships of peace, which is a special court responsible for making decisions during investigation processes, the Commission emphasized that many concerns arise when the judicial powers of these judges and how they make use of them are closely examined.⁴

1. Peter Coe, 27 October 2021, Slapps: the rise of lawsuits targeting investigative journalists, <https://theconversation.com/slapps-the-rise-of-law-suits-targeting-investigative-journalists-169505>

2. Mapping Media Freedom, 20 October 2020, Malta: 25 active defamation cases against Daphne Caruana Galizia, <https://mappingmediafreedom.usahidi.io/posts/23543>

3. Reporters Without Borders, 2021 World Press Freedom Index, <https://rsf.org/en/ranking>

4. Venice Commission, 13 March 2017, Sulh Ceza Hâkimliklerinin Görev, Yetki ve İşleyişleri Hakkında Görüş, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur)

The Commission also recommended abolishing the charge of “insulting the president”, which is described as a criminal offense under Article 299 of the Turkish Penal Code and has been widely used against journalists since 2016. In 2021, the European Court of Human Rights (ECtHR) reiterated this request in a decision on the issue.⁵ Many legal experts and human rights defenders believe that the judiciary is being weaponized against oppositional voices and journalists.⁶

However, perhaps the most important sign that the judiciary in Turkey has moved away from being independent and from the principles of rule of law are the cases of business person Osman Kavala and politician Selahattin Demirtaş. They are being insistently held in pre-trial detention in separate cases for a very long time, despite the ruling of the ECtHR which found that their detention had political motivations other than those prescribed by the Convention and despite warnings by the Council of Europe’s Committee of Ministers.

The state of emergency and the special judicial regime that were both introduced after the coup attempt in 2016 can be said to be the continuation of a number of previously completed milestones. Gökçer Tahincioğlu’s report “Media Under Siege”, which he prepared for PEN Norway,⁷ lists some examples of this:

- The changes made to judicial institutions with the constitutional amendments adopted on September 12, 2010,
- The abolishment of special authorized courts of justice and establishment of Criminal Judgeships of Peace following an investigation carried out against ministers of the Justice and Development Party (AKP) between December 17-25, 2013.

Shifting red lines and journalism

Though in some countries SLAPP lawsuits may not go beyond just legal harassment because of the legal system of that country, in Turkey, after the developments mentioned above *SLAPPs* may result in punishments for journalists, activists, and those who seek to speak and disseminate the truth in society.

Associate Professor Ceren Sözeri who specializes in media ownership and press freedom recalls the lawsuit brought up after a 2015 article published in Cumhuriyet daily and which reported on the claims that Turkey had sent weapons to armed groups in Syria as an example of a *SLAPP* lawsuit in the global sense. According to Sözeri, especially after the failed coup attempt in 2016, the matters which concern “the security of the state” have begun to be considered in this regard.

It can be argued that there are some red lines, especially on matters concerning military security in Turkey when it comes to journalism and crossing of which will not be tolerated by the judiciary since the foundation of the Republic. For example, writing news and articles about the Kurdish issue or the “1915-1916 Armenian Genocide” has been historically “undesirable” in Turkey except for the period

5. Union of Turkish Bar Associations, 20 October 2021, AİHM’nin Cumhurbaşkanına hakaret suçu ile ilgili 19.10.2021 tarihli Vedat Şorli ihlal kararı hakkında not, <https://www.barobirlik.org.tr/Haberler/aihm-nin-cumhurbaşkanına-hakaret-sucu-ile-ilgili-19102021-tarihli-vedat-sorli-ihlal-karari-hakkini-82003>

6. Reuters, 4 May 2020, How Turkey’s courts turned on Erdogan’s foes, <https://www.reuters.com/investigates/special-report/turkey-judges/>

7. EN Norway/ Gökçer Tahincioğlu, 1 December 2021, Kuşatma Altındaki Medya: PEN Norveç Türkiye İddianame Projesi, https://norskpen.no/eng/wp-content/uploads/2021/11/Turkiye-Iddianame-Projesi_01-Aralik-2021.pdf

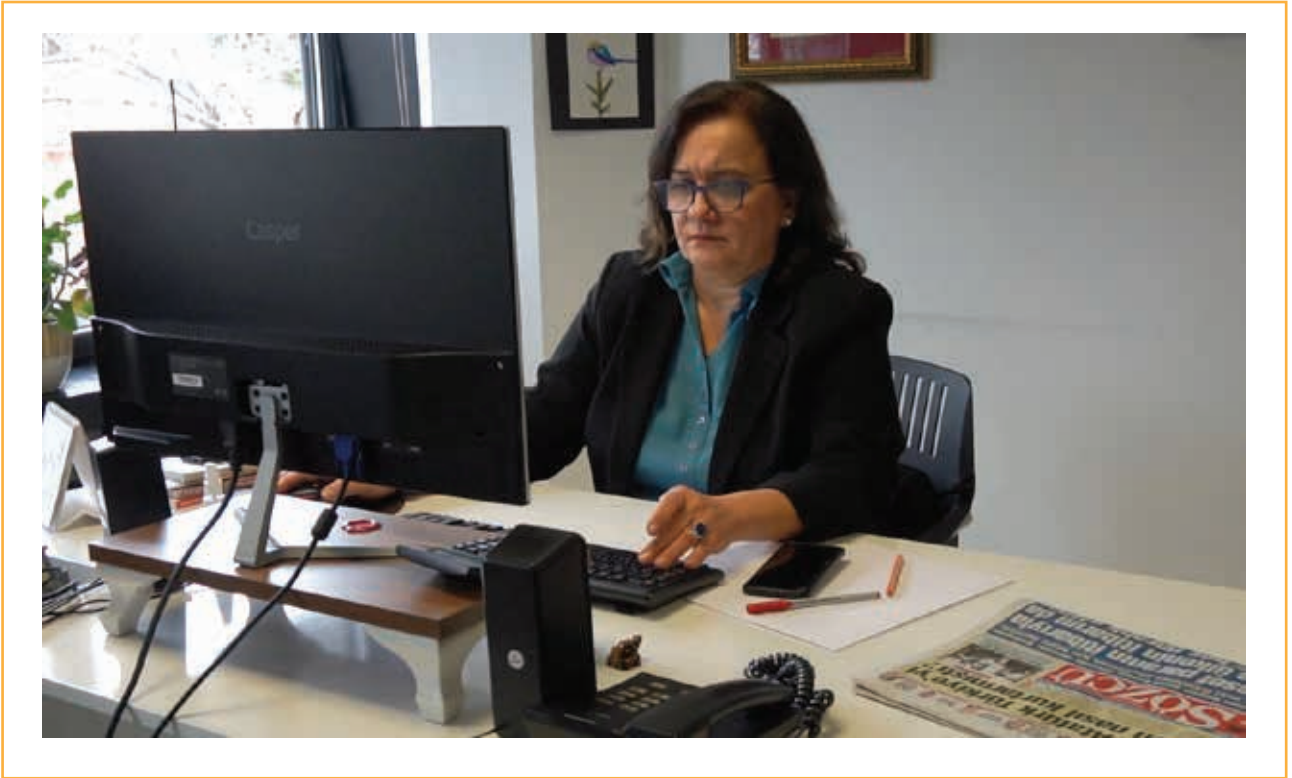
between 2013 and 2015, during which the PKK and Turkey conducted peace negotiations as part of the so-called “Solution Process.”

As a result of the recent weaponization of the judiciary against journalists and the opposition, a new system has emerged, in which the traditional red lines can expand and shift rapidly, while new red lines can be added according to changing circumstances. *SLAPPs* have been playing an important role in the formation of this system.

This use of the judiciary has created a new and unpredictable territory for journalists, where a comment on the devaluation of the Turkish Lira or a report on a father’s suicide can lead to accusations of undermining the country’s economic performance, or where news reports on forest fires in the summer of 2021 led to accusations of trying to portray the state as incapable. Naturally, it did not take long for companies that have been consistently winning all large-scale public tenders to realize the power of this weapon. Consequently, compensation lawsuits filed by companies against journalists for non-pecuniary damages on charges of “damaging the commercial reputation” have been added to the politically determined red lines of reporting.

This report, which accompanies the video documentary produced by Gökçer Tahincioğlu and İsmail Özgür Zeren in cooperation with the Justice for Journalists Foundation (JFJ) and the Media and Law Studies Association (MLSA), features five cases of *SLAPP* lawsuits that journalists have been exposed to for having defended the public’s rights against those who hold power.

Çiğdem Toker, who was targeted with many suits for damages amounting to millions of lira because she questioned the use public resources; **Abdurrahman Gök**, who stands trial in a case facing up to 20 years in prison for documenting how university student Kemal Kurkut was killed by law enforcement during Newroz 2017 in Diyarbakır; **Ruşen Takva**, who was targeted by the Ministry of Interior after reporting the migration from Afghanistan and who was tried for membership in a terrorist organization for covering a march planned in Van as a journalist; **Ergün Demir**, a local journalist in Kocaeli who was detained for reporting a tragic suicide; and **Sinan Aygül**, who was sentenced to prison for reporting on child abuse, talk about their experiences with *SLAPP* lawsuits.



Photos: İsmail Özgür Zeren

The trials against Çiğdem Toker:

Calling officials to account for the use of public resources

As a result of the recent increasing pressure in Turkey, allegations of corruption, particularly those against the government, have been among the areas in which journalists have been reluctant to report. After the release of audio recordings in 2013 by those affiliated with the religious community led by Fethullah Gülen, a former partner of the AKP, associating the government with corruption has started to be seen as an act of support for the coup attempt of July, 2016.

While private companies, and banks changed their balance sheets to show a positive mood in the economy, economy correspondents communicated “the positive mood” to the public. Many government agencies that publish data on the economy, such as the Turkish Statistical Institute (TUIK), have come under criticism for falsifying the figures.

Both in the period after 2016 and before, President Recep Tayyip Erdoğan has attributed many problems in the economy, some of which stemmed from corruption, to the “interest rate lobby” or “foreign powers”. However, after the elections held on March 31, 2019, in which the opposition parties won many metropolitan municipalities, major corruption allegations during the previous administrations of some municipalities especially in Istanbul and Ankara emerged. For example, government-affiliated organizations such as the Turkey Youth Foundation (TÜGVA) were accused of having a significant share in corruption within the municipalities and the government. Even though the access to such news was blocked, some journalists continued to pursue the public interest and, of course, paid the price.

Çiğdem Toker, one of the most competent journalists in investigations of corruption related to public resources in Turkey, has been working as an economics journalist for many weekly magazines and newspapers since 1990. After having worked in *Hürriyet*'s Ankara office as an economics correspondent for 15 years - where she had started in 1994, Toker became the first Ankara representative of *Habertürk* newspaper. A few months later, she resigned after she had realized that the newspaper's "power does not reside in its freedom" as it was stated in their motto. She worked as a columnist and as the Ankara representative of the *Akşam* daily, which was seized by the Savings Deposit Insurance Fund (SDIF) due to the debts of the owner of the Çukurova Group. Toker, who had pointed out that the developments during the Gezi Protests in 2013 heralded the establishment of a state media, now says, "Indeed, that's what happened".

The experienced journalist, who worked in the *Cumhuriyet* newspaper for five years until the handover of the management of the foundation which owns the newspaper, now writes in *Sözcü* for more than three years.

Toker says she believes that judicial harassment intensified during the period between 2014 and 2018 and points out that she has faced six lawsuits for her news reports on corruption for which she had gathered the data from sources that are open to the public. Stating that this period has been particularly difficult, Toker says: "When I look back today, I can see better that in this period, irregularities and favoritism in public tenders were very common, and subtle and special ways have been found to transfer public resources to selected companies."

However, the lawsuits filed against Toker are not limited to the period of the AKP government: "25 years ago, when I was a young reporter, large public banks, state-owned institutions, general managers, and business people also sued me because of my news stories."

Among the lawsuits filed against Toker to date are a criminal case filed by Kadir Topbaş and several suits for damages, including a lawsuit filed by Ömer Faruk Kavurmacı for 1 million TRY; a lawsuit by Agrobay Greenhouse for 1.5 million TRY, a lawsuit by Senbay Mining Inc. for 1.5 million TRY, a lawsuit by PTT for 50 thousand TRY, and a lawsuit by T3 Foundation for 80 thousand TRY.

What does this judicial pressure mean for Toker?

"If you believe that you are right, you will have a peace of mind and self-confidence. However, this alone is not enough. The news which are the subject of the lawsuit and the support of the institution where your articles are published are very decisive. If you feel supported, the impact is low, even if there is pressure."

Stressing the importance of professional solidarity, Toker explains that in these periods, professional organizations and members of the Parliament focusing on rights violations came to all the hearings: "So despite all the pressure, I never felt alone."

Toker underlines that in the world of journalism, where only a few independent media institutions survive today, these lawsuits put greater pressure on journalists who continue their work as "freelancers", that is, independently and without any institutional security.

"It is vital for journalists to have an institution which they work for and feel supported by. Without this assurance, facing a lawsuit constitutes a serious risk. It is a great pressure both

financially and, if there is the possibility of a prison sentence, emotionally through the fear of imprisonment, especially considering the people whom the journalist is responsible for, such as family members. The opposite is much more comfortable. In other words, in a case where you believe you are right because it has been brought up only because of your journalistic work, it makes journalists feel very good to have their institutions stand behind them while facing the pressure of the government.”

Saying that she felt something different from pressure in her experience with the judiciary, the experienced journalist underlines that courts can always render a negative decision in an environment where the judiciary is not independent:

“The concrete facts are there. We are talking about an environment in which many talented, judge candidates who scored high in the exams are repeatedly rejected in interviews, and jurists who are known to be party-affiliated are appointed as judges.”

At the time when this article was written, the compensation lawsuit of 80,000 TRY brought up by the T3 Foundation against Toker continued. One of the two lawsuits filed against her with compensation requests of 1.5 million TRY was dismissed. “In terms of press freedom, the judge made a good decision. The case is on appeal,” says Toker and adds:

“In the other 1.5 million TRY compensation case, an unusual situation occurred (after the first dismissal). The plaintiff company did not attend the final hearing. The file was ceased. Nothing happened for three months. Consequently, the case was considered as never having been opened. The 50,000 TRY compensation lawsuit filed by the PTT was also dismissed. There was no other possibility because I had written the news based on the records of the Committee on Public Enterprises.”

So what are these companies actually aiming for when going after journalists?

Toker replies: “In the hearing, I also expressed before the judge that they were aiming to put on pressure. Companies tend to act like they are in power because they act together with those in power. They request immunity, just like the government. For this reason, they actually want to intimidate young colleagues and journalists working in similar fields with these particular lawsuits.”

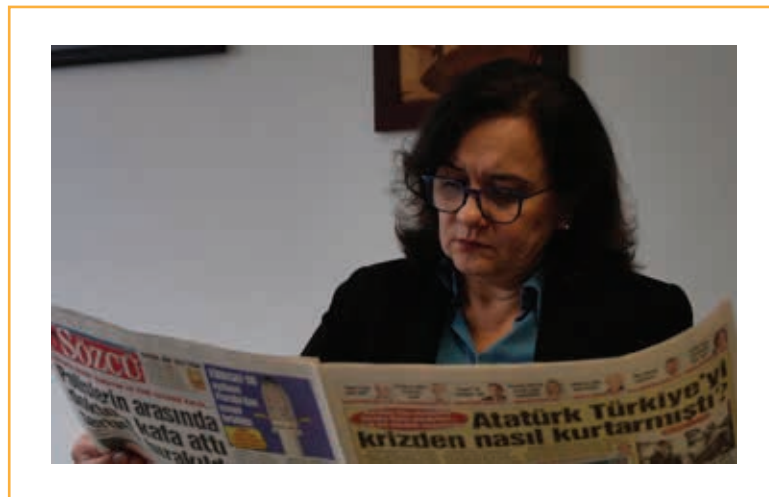




Photo: İsmail Özgür Zeren

The trial against Abdurrahman Gök:

Extrajudicial execution under the sun

On March 21, 2017, 23-year-old Kermal Kurkut, who attended the Newroz celebration in Diyarbakır, was killed by a police officer's bullet for no reason. The police officer who killed Kurkut said that he shot the teenager because he suspected that he was a suicide bomber. As he said this, the police officer was unaware of the fact that journalist **Abdurrahman Gök** had captured those moments frame by frame. In the eight shots showing the last minutes of Kurkut's short life, it can be seen that the young man was naked.

The photos revealed the murder of an innocent young man to the whole world. However, the perpetrators remain unpunished. The accused police officer was acquitted. Instead, the target of the judiciary became journalist Gök, who enabled us to learn about the circumstances under which Kurkut was murdered.

Gök, who graduated from the Faculty of Communication of Ege University, has been working as a journalist for 18 years. Working as a reporter, regional news director, editor, and news director at Dicle News Agency (DİHA) in Batman, Ankara, Istanbul, Van, and Diyarbakır, the journalist also has experience with war reporting in Iran, Iraq, and Syria. Gök, who currently works as an editor at Mezopotamya Agency, says the cases against him and other journalists lack any legal basis:

“The government is trying to put pressure on those who attempt to do their job with charges such as ‘membership in a terrorist organization’ and ‘terrorist propaganda’. As a result of this pressure, hundreds of journalists were forced to flee the country, dozens are in prison, and many, like myself, are facing up to decades in prison.”

Saying that he was detained in 2018 after taking Kurkut’s photographs, Gök tells us that this investigation resulted in non-prosecution. However, the pressure on him did not end after that. The accusations of “membership in a terrorist organization” and “terrorist propaganda” on different grounds were turned into an indictment against him in 2020. In this lawsuit, Gök faces up to 20 years of imprisonment. On January 2022, another lawsuit was filed against him because of his social media posts which were not included in the indictment of the main lawsuit. This lawsuit in which a prison sentence of up to 7.5 years was requested for Gök, was merged with the main case.

Emphasizing that all accusations brought against him are related to his journalistic activities, Gök says: “They must have thought that this would not be enough for my conviction, so they brought forward a secret witness. According to his testimony, Kemal Kurkut was a member of a terrorist organization, and that day, I was there on the orders of the organization and I supposedly photographed the execution upon orders.”

Gök says that according to the logic in this fabrication, both the police and the governor who made a statement, must have acted on the orders of the organization. Of course, the outcome of such a trial is difficult to predict. Gök gives an example for this:

“Just think about it, we expected the prosecutor to present their opinion in the last hearing; yet the prosecutor did not present their opinion but filed a criminal complaint about two more of my news photos. One is the photograph of a father who defended his land during the Kobanê war and later died; the other is a photo I took during the Raqqa operation.”

Gök’s photographing of Kurkut’s execution caused the pressure against him to increase once again. Telling us about what happened after he took those photos, he said: “My house was raided twice. They opened three investigations against me, two of which resulted in a decision of non-prosecution. One of them turned into a full-fledged case, and I’m on trial with the request of 20 years in prison. During these investigations, I’ve learned that my phone has been tapped since 2011 and the wiretap warrant was renewed each time.”

Journalists in Turkey are often accused of terror-related crimes. The supposed criminal elements stated in these cases are often news texts or images, social media posts, or expressions that fall within the limits of the right to freedom of expression guaranteed by Article 26 of the Turkish Constitution and Article 10 of the European Convention on Human Rights. For example, in 372 trials against journalists, activists and academics that have been monitored by the Media and Law Studies Association between June 2018 and July 2021, journalistic activities, such as publishing news stories, sharing photos and visuals, doing interviews and tweeting, were the basis of 74 % of the accusations. It is not surprising that journalist Gök has faced many terrorism-related charges based on the Anti-Terror Law (TMK) and the Turkish Penal Code (TCK): “Among the pieces of evidence are the photographs I took, notes for news stories, phone conversations made with news sources, books in my house, newspaper clippings that I kept for archival reasons and that were not under a recall order...”

These cases affect Gök's personal and professional life:

“My family is worried. The fact that my journalistic archives are being confiscated in every other raid causes me to have nearly no digital material and archive at home, which are indispensable for journalism.”

So, what difference does it make when journalists receive support from their institutions or from colleagues while the judiciary is being used as a weapon?

“Without any self-interest, journalists act in the public interest and take all kinds of risks in doing so. When something happens to them, solidarity becomes the biggest pillar of support and gives them the strength to continue doing their profession. However, when they face charges on grounds of their news stories, and when they suffer solitude, their faith in the profession may be shaken and they may become resentful and withdraw from the community, whose right to information they have been fighting for. That's when those in power are empowered in their belief that these cases are a way to achieve the desired results. After that, judicial pressure begins to be applied on every journalist. As a matter of fact, the current situation in our country is somewhat like that.”

“The impact upon me wasn't big enough to keep me from doing my job.”

Currently, there are four pending files on Gök at the Court of Cassation. The case that was filed after Kemal Kurkut's death is still ongoing. Gök knows that if the courts act as if there was rule of law, he will not be punished based on the evidence cited against him.

“However, the lack of independence of the judiciary in Turkey is the main problem for journalists. For example, I was tortured while I was being detained in Siirt in 2009. I fainted because of the violence I was subjected to. They pulled my hair out. I presented all of these before the prosecutor.”

Although the torture Gök had endured was documented by the Institution of Forensic Medicine, he was arrested, charged with violence against a police officer and sentenced to pay a fine:

“After this and all the cases I faced since then, I have come to believe even more strongly that the judiciary is not independent. All this put me under pressure but the impact upon me was not big enough to keep me from doing my job.”



Photo: İsmail Özgür Zeren

The trials against Ruşen Takva:

Reporting on assemblies and marches during a demonstration ban

According to rights defenders, there has been a general ban on gatherings and demonstrations that started after the nationwide protests against the government in 2013 and peaked in terms of strictness after the 2016 coup attempt. In fact, according to Article 34 of the Turkish Constitution, which regulates the “Right to Organize Meetings and Demonstrations”, “everyone has the right to organize unarmed and peaceful assemblies and demonstrations without prior permission.” However, in reality, this right cannot be exercised; assemblies often result in police intervention. For example, according to the report “Blocking the Streets: Violations of Freedom of Assembly and Demonstration (2015-2019)” prepared by the Human Rights Foundation of Turkey (TİHV),⁸ 4 771 incidents in which the freedom of assembly and demonstration were violated occurred between 2015 and 2019.

For journalists, covering meetings and the police violence witnessed in these meetings, can also have legal consequences. On the grounds of meetings or demonstrations they attended, press members, civil society activists, and rights defenders have been increasingly subjected to judicial harassment based on Law No. 2911 on Assemblies and Demonstrations, or on the grounds of terrorism-related crimes, depending on the nature of the demonstration.

Ruşen Takva, a freelance journalist in Van, is one of dozens of journalists on trial for having covered meetings and protests. In the indictment prepared against Takva, who joined the press statement

8. Human Rights Foundation of Turkey, 2021, Sokağı kapatmak: toplanma ve gösteri özgürlüğüne yönelik ihlaller (2015-2019), https://tihvakademi.org/wp-content/uploads/2021/05/Yurttaslik_Alani_Bilgi_Notu_2.pdf

organized by the Democratic Regions Party (DBP) in Van in January 2021 as a member of the press, it was claimed that he “led” the crowd gathered for the press statement.

Though acquitted of the charges at the second hearing, as many journalists who operate in the Kurdish region of Turkey, Takva stood trial in separate cases because of his news reports and social media posts.

Starting his journalism career in 2005, Takva worked in the Diyarbakır and Van offices of İMC TV between 2015-2016. İMC TV was shut down with a decree in September 2016, during military operations in Sur, Cizre, and Nusaybin, which were carried out by the Turkish Armed Forces and the General Directorate of Security against PKK members.

Takva has faced many investigations - some of which turned into lawsuits - stemming from allegations such as “terrorist propaganda”, “degrading the reputation of the state in the international area” or “inciting the public to enmity and hatred”. The photographs he took during the 2015-2016 operations became the subject of an investigation on charges of “terrorist propaganda without being a member” in 2018. In the trial, he was sentenced to 1 year and 8 months in prison. The case continues before the Constitutional Court.

Like many of his colleagues, Takva says that the purpose of such political trials is to oppress individual journalists. In his case, the pressure resulted in the opposite of the desired effect:

“To escape from the pressure, which they want to impose on almost all fields, I clung to my profession even tighter. In other words, this policy, which was implemented to put pressure on and to prevent journalism, resulted in the increase of journalistic activities. Hence, I have come to adopt the motto: The more pressure, the more journalism.”

Takva has also recorded the border crossings of people fleeing from Afghanistan to Turkey. The news story of Takva, who has been targeted for having photographed the border crossings, was at first denied by the Ministry of Interior. No action could be taken against Takva for the news story he had documented, but the pressure exerted upon him increased through other cases.

For freelance journalists, facing judicial harassment is more challenging than for their colleagues who are supported by media institutions. According to Takva, a journalist working under the safety of an institution and a freelance journalist are socially not equal, to say the least. However, freelance journalists can face the consequences with courage and self-established solidarity platforms:

“This social injustice is very much manipulated by the authorities and it diversifies the scope of pressure that can be applied. Freelance journalists who want to minimize these pressures have to build their own power on a societal base, sometimes at the expense of making mistakes. Because the stronger the individual, the more cautious and the less repressive is the direction of the authority that determines the dose of repression.”



Photo: İsmail Özgür Zeren

The investigation against Ergün Demir:

A poverty suicide in Kocaeli

Recently, the judiciary has taken action against journalists for every news story that may harm the fiction created around Turkey's economy. Among these sensitive issues are the suicides that occur due to financial difficulties and which are known as "poverty suicides." According to the data of the Republican People's Party (CHP) - the main opposition party - 5 806 people committed suicide in Turkey between 2002 and 2019 due to financial difficulties.

These suicides are observed to have increased in recent years, especially in days when the Turkish lira decreased in value. For example, on August 12, 2018, the dollar rate broke a historical record against the Turkish lira, reaching 7.22 TRY. The government went to great lengths to block any news about that development. Six journalists who covered the issue and 33 social media users who commented on it are still being prosecuted on the grounds of their posts which allegedly contained "statements that cause distrust and create chaos."

In Turkey, which recorded 3161 suicides in 2018, financial difficulties were the second leading reason for suicide, according to TUIK data. Although the judiciary tried to prevent this from being included in the statistics, one of these people was I.D., who committed suicide in Kocaeli on September 21, 2018, because he could not afford to buy a school uniform for his son. The journalist who covered this father's suicide faced unprecedented judicial harassment.

Ergün Demir, Editor-in-Chief of the *Astakos Haber* website based in Kocaeli says that the reason for founding Astakos Haber, at which he has been working for six years, was to do “free journalism”.

Hearing from a source that there was an odd case of suicide in Yukarı Hereke, a poor town far from the city, Demir recounts, “I called the mukhtar of the neighborhood and asked about this suicide. The mukhtar answered, ‘If you don’t come to me, I won’t give you any information.’ I started to feel suspicious at once. Get wind of the news, they say in journalism. I acted on that impulse.”

When Demir went to Yukarı Hereke, which is about 30 kilometers away from the Kocaeli center, and found the mukhtar, something unexpected happened. The mukhtar said that he could get him to meet with H.D., the wife of the father who had committed suicide.

“There were many women in the house. When H.D. agreed to speak to me, two women, the mukhtar and I went into a room. I prepared myself not to hurt H.D. I asked my questions calmly. I didn’t even take out my camera. I pulled out my mobile phone and conducted my interview in the form of questions and answers.”

“Everything stopped,” as the funeral coach arrived at the house, while Ergün was preparing to ask permission for a video recording, he tells us. “H.D. and her children immediately set off for their hometown of Balıkesir with the funeral vehicle. Since the family had left the city, no one except me had a chance to meet with them.”

The father’s suicide, who could not overcome that he was unable to buy pants for his son, was first published by Astakos Haber. The evening it was published, the news story began to spread in waves: “The number of readers was soaring. Local newspapers in the town started using my news story right away. Everyone was talking about this news. I received hundreds of calls in that night.”

As the news spread, so did the pressure, Ergün recalls:

“When the news websites and newspapers that used my news (and stole it without citing the source) got under pressure, they started calling me and asking if the news was real. They asked for the recording. I replied that I have the recording. Some websites took the news story down, because of the pressure. Some did not.”

And the Governorate gets involved...

The night after the news was published, the Kocaeli Governorate made a statement that I.D. had committed suicide not because of financial difficulties but because of psychological reasons. In this statement, Ergün was also accused of publishing fake news.

“The Kocaeli Governorate managed the process poorly,” says Ergün. Nevertheless, he explains, the news spread even further:

“The day after, some of the national newspapers covered my news in the headlines. Moreover, they called it special news and published it with the signatures of their reporters! Some of the largest newspapers...”

Demir says he has different rumors that the pressure related to the news had increased:

“A friend of mine, a Kocaeli correspondent for a national newspaper, called me at around 06:00 in the morning. He asked for the recording. I asked why. ‘Brother, they are going to fire me and the editor at the headquarters. I heard that the editor-in-chief came and said, ‘Whoever made this news, whoever uploaded it on the website, should better bring me the related recordings by noon, else they should pack their stuff and go home.’ I handed a recording of our talk with H.D. to the reporter, which he sent to the headquarters. This way, they did not lose their jobs.”

Ergün was detained three days after this incident, on Monday, September 24, 2018, after the related recording was published. He says:

“Actually, I was not going to publish this recording. Because it sounded like an overly emotional conversation to me. But I saw that trolls and a part of the press started accusing I.D. of insanity and his wife and me of lying. To get ahead of all this, I published the recording. Believe me, during this time, my phone never stopped ringing. Those who wanted to help called from all over the world. Journalists from at home and from abroad called constantly. I tried to answer their calls as much as possible.”

Demir was called to the police station while he was working in the Doğu Kışla region of Izmit at noon on September 24. He went to give his statement and was detained:

“There I learned that they actually came to pick me up from my home in the morning hours. When they couldn’t find me at home, they called!”

Demir learned that the reason for his detention was recording the interview he had with H.D. without permission. The journalist states that he does not think that it the wife of the father who committed suicide actually filed a complaint against him:

“What I feel is that they took some time to ponder on this matter and decided to advise this course of action to H.D. In fact, recording without permission was not what happened in this situation. After all, I entered the funeral home as a journalist, with a camera bag in my hand. There were three other people besides me. The interview proceeded with questions and answers. I think the law enforcement officers who took my statement were also very embarrassed by this situation, but there was nothing else they could do!”

Demir, who was transferred to the Criminal Judgeship of Peace with a request for arrest from the prosecutor’s office, was released. Later, the matter was brought before a mediator and never turned into a case. As H.D. did not make any demands, the case was dropped.

However, H.D., the wife of the father who committed suicide, gave some interviews to the pro-government media, in which she said that what was published was not true. Why could she have done this? “I never met with H.D. again. From what I’ve heard, after the funeral, she moved to her brother’s house in Istanbul,” answers Demir.

“Basically, it is a news about a suicide, a news about public order, but when we look at the motive for this suicide, we also see other relations”, says Demir and underscores that the reason this news caused so much uproar was its connection to the economy.

What did he feel during this whole process, was he afraid?

“No, I was not afraid. It just made me sad what my then three-year-old son would think if he could not see me at home in the evening. After this news, I have never practiced self-censorship. If I had the same recording and the same news story, I would do it all over again.”



Photos: İsmail Özgür Zeren

The trial against Sinan Aygül: The cost of reporting on child abuse

In late summer 2019, **Sinan Aygül**, a journalist from Bitlis, prepared a news story that would eventually result in his imprisonment, albeit just for one day.

Aygül started his journalism career in Istanbul in 2007 and since then has contributed to many national and local publications. He has been living in Bitlis since 2010. Aygül, who works as editor-in-chief of the *Bitlis News* website and manager of some local publications, is also the Bitlis correspondent of *Gazete Duvar*. On top of all that, he is a journalist, who is familiar with *SLAPPs* and judicial harassment. To date, he has faced 133 investigations, mostly because of his news stories.

“During my investigation into the intel I received on July 12, 2019 about the sexual abuse of a child in Tatvan, I accessed security camera footage from a workplace. In the footage, an old man was molesting a girl in the middle of the street. I sent the pictures via WhatsApp to the then chief of police of the Tatvan District and asked if anything had been done about this,” recounts Aygül.

However, instead of answering the question, the chief of police replied that “the person is not from here”. Shortly after this correspondence, Aygül’s phone rang. The caller was another journalist from Bitlis; he suggested not reporting about the matter.

In other words, all the conditions to turn this into a news story were given.

“I felt suspicious about the situation, researched it, and learned that the child had complained and the perpetrator had not been caught. I came to the conclusion that the case would be kept under wraps with the phrase “the person is not from here”. I published the footage - with the girl’s face blurred - with my news story on July 12.”

In the following days, this news, which was published by Bitlis News, appeared in various other news outlets, websites, TV channels, and newspapers; it resonated in all national media. While the news spread, judicial authorities in Bitlis expanded the investigation. “One day later, the perpetrator was caught in Denizli and arrested on charges of ‘qualified sexual abuse of children.’”

However, Aygül learned that shortly after the news was published, the Tatvan Public Prosecutor’s Office launched an investigation against him with the allegation of “violating the confidentiality of an investigation.” The investigation against Aygül did not come as a surprise to journalists covering violence against children and women across Turkey. In another example, an investigation was launched against journalist Baransel Ağca, who published the autopsy report of Yeldana Kaharman, who was found suspiciously dead at her home in Elazığ in 2021. The journalist was forced to leave Turkey due to persistent pressure.

There have been a number of developments in this regard in Turkey over the same period. With a Presidential Decree issued in March 2021, Turkey withdrew from the Istanbul Convention.

In Turkey, women’s rights organizations criticize the Justice and Development Party (AKP) government for producing policies that support impunity for crimes against women and children. In line with the 4th Judicial Package, which came into force in July 2021, for instance, “concrete evidence” is required for a catalogue of crimes included in the Code of Criminal Procedure, such as sexual abuse, willful murder, and torture. Women’s organizations say the requirement of concrete evidence in crimes such as sexual abuse, rape, and torture will make it impossible to arrest perpetrators of sexual crimes against women or children.

According to the 2019 judicial statistics published by the Ministry of Justice, 49 057 cases were filed in Turkey under “crimes against sexual inviolability.” Among these, 22 689 are crimes of sexual abuse against children.

Against this background, Aygül describes what happened after the news he wrote:

“The police were instructed to take my statement. Normally they should have called me and invited me to the police station and then taken my statement. However, instead of doing that, they raided my house at around 10:30 p.m., which is very unconventional. I was not home. My downstairs neighbor is also a journalist, and my colleague. They called me on his phone and told me to come home. They said that they would not let my friend go until I got home. I went home, I was detained and brought to the police station, and my statement was taken at night. In a very short time, the indictment was prepared.”

In the first hearing of the case at the Tatvan 2nd Criminal Court of First Instance, Aygül was sentenced to 10 months in prison for the charges against him. In the appeal process, Aygül’s 10-month sentence was commuted to 5 months.

With the finalization of the verdict against him, he was imprisoned for a previous sentence resulting

from a dispute he had with the former Mayor of Tatvan, Fettah Aksoy, on the grounds of a news article. As the probation period of this sentence had not yet expired, it was considered a repeated offense and he was imprisoned:

“Since the sentence was below a certain limit, it was supposed to be executed first in an open prison and then on probation. I was released after one day of imprisonment and completed the sentence under judicial control measures by signing two days a week during five months on probation. The execution of the final verdict is over, but the legal remedies have not been exhausted yet. Our application to the Constitutional Court is still pending. If the Constitutional Court does not decide to reverse the verdict, we will take the case to the European Court of Human Rights (ECtHR).”

Aygül says that, after this point, he has given up investigating the molester’s identity.

“I found out that he was the father of a soldier and was temporarily in Bitlis. However, I don’t know which soldier’s father he is, how influential this soldier is and whether this had a negative impact on this case. But at that time I was already targeted. I had made a series of corruption stories about ruling party politicians, and I was constantly being threatened because of these.”

What happened to the person in the footage after the journalist was imprisoned, even if it was for one day?

“The perpetrator was detained and arrested after the news,” says Aygün. “A lawsuit was filed against him under the allegation of ‘qualified sexual abuse of a child’. He stayed in prison for about seven months. Interestingly, however, the child and her family, who initially complained, later retracted their statements and dropped the charges. Nevertheless, the court imposed a prison sentence of approximately 3.5 years. An appeal has been filed against the verdict, and is still pending.”

Aygül says that after the incident, the child in the footage suffered mental health problems for a long time and could not leave the house on her own.

“After I made the news, the girl and her family reached out to me and thanked me. It was clear that if there had been no news, the perpetrator would not have been caught. But why did they withdraw their complaint afterward? I didn’t get that. Maybe they were threatened, maybe they were persuaded in some other way. The family didn’t even want to talk about it.”

‘Fighting non-state forces is a very different issue’

Aygül says that the majority of the 133 investigations opened against him so far have been dismissed with a decision of non-prosecution. “More than 30 cases have been opened. I have been sentenced in most of them. I have cases on appeal, I also have cases at the Court of Cassation. I have pending files at Criminal Courts of First Instance and High Criminal Courts. Apart from the criminal cases, I also have many civil lawsuits against me that were filed for compensation. Some rulings against me have been finalized. Among these finalized decisions are sentences I received for allegedly making propaganda in the news I covered, and also verdicts given for allegedly insulting or threatening others in my articles.”

Aygül also states that he was exposed to attacks and threats due to his news stories about corruption. Aygül, who was attacked by four people in Bitlis for one of his news stories, tells us that he was sentenced to 4 months and 20 days in prison for “threatening with a gun” the attackers, which he resisted. “Actually, it was all about the news story, but I was sentenced because I had to defend myself.”

According to Aygül, in parallel to the reflexes of the judiciary, complaints from company owners and rent-seekers can also play a role in addressing news coverage of harassment, rights violations, torture, and corruption.

Saying “There is a limit to the interventions from the state, but fighting non-state forces is a quite different issue”, Aygül tells that there are no other journalists in Bitlis who have problems with the judiciary and that he feels alone in the city as a journalist who is concerned about this issue. “In other words, cases of rights violations, corruption, or sexual abuse can only come to light if I make the news.”

So, how do his relationship with the judiciary and the successive cases filed against him impact Aygül’s journalism?

Stating that these cases will never intimidate him, Aygül answers this question as follows:

“Instead of slowing me down, it makes me faster; it scares me but it helps overcome my fears; it never stops me.”





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