



MEDIA CRACKDOWN IN TURKEY

**THE INFRINGEMENT
OF THE PRESUMPTION
OF INNOCENCE**

SOLIDARITY WITH OTHERS

Media crackdown in Turkey: The infringement of the presumption of innocence

Introduction

In our contemporary world where information flows ceaselessly through various media channels, the power of media in shaping public opinion cannot be underestimated. Its power to shape public sentiment lies in its ability to frame issues, highlight certain narratives, and set the agenda for public discourse. In this sense, responsible journalism, founded on principles of accuracy and impartiality, plays a pivotal role in ensuring that the information presented to the public is reliable and fair.

Also, the role of the media in democracy as a watchdog on government actions, exposing corruption, and informing the public plays a pivotal role in democracies. That's why media is regarded as a powerful tool for disseminating information, making diverse voices and opinions heard, and creating public opinions to help citizens to make informed decisions.

The power of the media plays a significant role in the protection of human rights as well. The relationship between human rights and media depends on how it is used, as media plays a vital role in the promotion and protection of human rights, but it can also be a source of potential violations.

The Turkish media crackdown represents a significant example of the importance of media freedom and promoting ethical, responsible, reliable journalism that encourages principles of equality, fairness, and respect for human rights for all individuals regardless of their backgrounds. This paper will analyse the effect of the Turkish media crackdown after the July 15 coup attempt and how it has affected the principle of presumption of innocence of numbers of individuals.

Turkish Media Crackdown

Although the pressure on critical media goes back to the 2013, Gezi Park Protests, after the coup attempt in 2016 and the following years 90% of the media were controlled by the government. The government exerts control over the media to suppress dissidents and limit freedom of expression¹. The control and censorship over the media eliminated its ability to report objectively and independently, thereby undermining human rights.

¹ Reporters Without Borders. (2023, July 3). Türkiye. <https://rsf.org/en/country-t%C3%BCrkiye>

In the last decade, numerous Turkish journalists have been imprisoned, forced to leave their positions or living in exile². These journalists come from various ideological backgrounds but they share a commonality - they were critical of President Recep Tayyip Erdoğan and his political party AKP (Justice and Development Party). Journalists face prosecution and imprisonment on accusations like, ‘membership in a terrorist organisation’, ‘dissemination of terror propaganda’, and ‘involvement in a coup attempt’, based on usual journalistic activities like headlines, news articles, personal blogs, and so on³. The number of imprisoned journalists was so high that in the aftermath of the coup attempt and following years Turkey hit the records on jailed journalists⁴.

Following the 15 July coup attempt, the government closed down media agencies, newspapers, radios, publishing houses, and TV channels. These closures are often carried out on vague grounds of national security or alleged ties to terrorist organisations. The government has used legal measures to silence critical voices. This includes imposing exorbitant fines, seizing assets, and initiating criminal proceedings against media organisations, editors, and journalists. Media ownership has become increasingly concentrated in the hands of pro-government entities, reducing diversity and stifling independent journalism.

The government-controlled media attempt to manipulate public opinion in favour of the government through propaganda and hate speech. After the coup attempt, the government immediately claimed that the Gülen movement (referred to as the FETÖ terror organisation) was behind the coup attempt and since then the group has been targeted by the government and government-controlled media⁵. The government-aligned media frequently present a one-sided view of political events, portraying the government in a positive light and suppressing opposing perspectives. This bias hampers the ability of citizens to access diverse and balanced information⁶.

The trust in media has faced numerous challenges, including the rise of misinformation, political polarisation, and a growing sense of scepticism among the public. The spread of false or misleading information has eroded trust in the media⁷. The government propaganda is

² U.S. Department of State. (2023, March 20). Turkey (Türkiye) - United States Department of State, 2022 Country Reports on Human Rights Practices: Turkey (Türkiye). U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/turkey/>

³ Akyol, M. (2023, August 30). What is really happening to Turkish media?. Center for American Progress. <https://www.americanprogress.org/article/what-is-really-happening-to-turkish-media/>

⁴ Record number of journalists jailed as Turkey, China, Egypt pay scant price for repression. Committee to Protect Journalists. (2020, December 13). <https://cpj.org/reports/2017/12/journalists-prison-jail-record-number-turkey-china-egypt/>

⁵ Freedom of the Press in Turkey: Far Worse Than You Think. Stockholm center for freedom . (2017). https://usercontent.one/wp/stockholmcf.org/wp-content/uploads/2017/02/Freedom_of_press_in_Turkey_26.01.2017.pdf?media=1690581878

⁶ Guerrero, M. M. (2023a, May 25). The end of press freedom in Turkey. Atalayar. <https://www.atalayar.com/en/articulo/politics/the-end-of-press-freedom-in-turkey/20230525135939185384.html>

⁷ Yanatma, S. (2019, May 9). Turkey. Reuters Institute Digital News Report. <https://www.digitalnewsreport.org/survey/2018/turkey-2018/>

dominating the public discourse and raising concerns about the influence over the individual's ability to form their opinions independently⁸.

The Presumption of Innocence

The presumption of innocence is a fundamental human right protected by international law. The principle claims that an individual accused of a crime is considered innocent until proven guilty in a court of law⁹. It protects individual rights to prevent prejudice and ensures a fair legal process. The media is responsible for protecting the rights of individuals to be safe from any allegations until the person is proven guilty.

However, in recent times, Turkish media propaganda has posed great concern regarding this issue. The government-controlled Turkish media is threatening the presumption of innocence by portraying suspects as guilty before any trial. In some cases, individuals are tried by the media, where speculation and opinion can overshadow the legal process. Also, biased reporting can influence public opinion and make it difficult for defendants to receive a fair trial.

As can also be seen in the first trial of the so-called 'Council of Peace at Home' allegedly masterminding the coup according to the Turkish government at that time, some Turkish media organs supporting the Erdogan Regime had the title of 'Time to be judged for the Traitors'(Newspaper Star)(Newspaper Posta), 'FETO-Member Traitors are Judged' (Newspaper Yeni Akit), 'You Are All Killers' (Newspaper Yeni Şafak).¹⁰ However, then it turned out that some of the members of the alleged 'council' were acquitted at first¹¹, moreover, it has been declared recently by the court that there is no such a council at all.¹²

Beyond the borders of the presumption of innocence, biased Turkish media has also manipulated some people who lost their lives right after the 15th of July 2016. Gokhan Açıkkolu, who had been a dismissed teacher, was taken into custody and passed away due to the torture and ill-treatment on the 13. days in detention¹³. However, after his death, Açıkkolu was found 'not guilty' of the accusations by the heavy criminal court where he was judged and returned to his duty with the decision of the Ministry of Education in 2018. As this scandal was

⁸ Polarisation, misinformation and fear: Insights into Turkish media. Reuters Institute for the Study of Journalism. (n.d.). <https://reutersinstitute.politics.ox.ac.uk/news/polarisation-misinformation-and-fear-insights-turkish-media>

⁹ Tadros, V., & Tierney, S. (2004). The Presumption of Innocence and the Human Rights Act. *The Modern Law Review*, 67(3), 402–434. <http://www.jstor.org/stable/3699188>

¹⁰ Ntv. (2017, May 23). Günün Gazete manşetleri - 23 mayıs 2017. ntv.com.tr.

<https://www.ntv.com.tr/galeri/turkiye/gazete-mansetleri,8IJOQfkLIEmg - CF8MPa3w/J1V8abSqzkGXQzRXqr8dHQ>

¹¹ 15 Temmuz Davasında "Yurtta Sulh konseyi üyesi" denilen korgeneral erdal öztürk Beraat Etti. (2019, January 24). Tr724. <https://www.tr724.com/15-temmuz-davasinda-yurtta-sulh-konseyi-uyesi-denilen-korgeneral-erdal-ozturk-beraat-etti/>

¹² 15 temmuz çatı davası mahkemesi: "Yurtta Sulh Konseyi" Diye Bir Yapı yok. Tr724. (2023, May 3). <https://www.tr724.com/15-temmuz-cati-davasi-mahkemesi-yurtta-sulh-konseyi-diye-bir-yapi-yok/>

¹³ "Gökhan Açıkkollu Gözaltında Ölmüştür" 7 August 2016. Türkiye İnsan Hakları Vakfı.

<https://tihv.org.tr/basin-aciklamalari/gokhan-acikkolu-gozaltinda-olmustur/>

revealed by his family, Erdogan's Regime supporter media tried to cover the truth with defamations and disinformation. Indeed, on 1.3.2018, 'Internet Haber' served a news article with the title of 'Can you look at the man claimed not guilty?'¹⁴ by providing the readers with manipulated information against his innocence which was already proven after his death.

Overall, false accusations or wrongful portrayals in the media can irreparably damage individuals' reputations and lives, even if they are later found innocent, dead, or alive.

Conclusion

The power of the media in shaping public opinion is undeniable in today's world. The media plays a significant role as a watchdog on government actions, exposes corruption, and informs the public in democratic societies. Hence, this role comes with the responsibility to protect human rights, justice, and democracy as well.

The Turkish media crackdown, particularly after the July 15 coup attempt, serves as a significant example of the importance of media freedom and ethical journalism. The government's control over the media has led to a lack of objective reporting and ignorance of human rights. Many critical journalists have faced imprisonment, exile, or job loss due to their opposition to President Erdoğan and the AKP.

Following the coup attempt, the government shut down media outlets on vague national security grounds and initiated legal measures to silence critical voices. Media ownership became concentrated in pro-government entities, reducing diversity and independent journalism. Government-controlled media engaged in propaganda and hate speech, affecting public trust and independent opinion formation.

The presumption of innocence, a fundamental human right, has been threatened by Turkish media propaganda. Suspects are often portrayed as guilty before any trial, leading to biased reporting and influencing public opinion. Some individuals have faced wrongful portrayals in the media, which can have severe consequences on their lives.

In conclusion, one of the most significant casualties of this media crackdown has been the presumption of innocence, a fundamental human right. Prejudiced portrayals of suspects in the media have not only led to biased reporting but have also had real and lasting consequences on individuals' lives. In the face of these challenges, it is essential that societies recommit to confirming the principles of media freedom, responsible journalism, and the protection of human rights to ensure that the media continues to be a guardian of truth and a cornerstone of democracy.

¹⁴ Özışık, S. (2019, February 2). Suçsuz dedikleri Adama Bakar mısınız?. Internet Haber. <https://www.internethaber.com/sucsuz-dedikleri-adama-bakar-misiniz-1851273y.htm>

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