

Media Freedom on Ice

Judicial harassment, regulatory
censorship and the looming
threat of the espionage act

JOINT INTERNATIONAL PRESS FREEDOM
MISSION TO TURKEY

(NOVEMBER 12 – 15, 2024)

MISSION REPORT



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This report has been prepared by the International Press Institute (IPI) with contributions from partner organizations that participated in the press freedom mission to Turkey. Members of the mission included:

- » International Press Institute (IPI)
- » Committee to Protect Journalists (CPJ)
- » European Centre for Press and Media Freedom (ECPMF)
- » Reporters Without Borders (RSF)

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Contents

Introduction **4**

The Mission **4**

Overview of Key Developments in 2024 **6**

Key Issues **8**

“Agent of Influence” bill **8**

Press and media freedom violations **10**

Judicial persecution and legal threats to journalists **11**

Punishment without conviction:
Judicial harassment of journalists in Turkey **11**

Online censorship **13**

The Broadcast Regulator:
Radio and Television Supreme Council (RTÜK) **14**

Summary and Conclusions **16**

Introduction

The Mission

A coalition of four international media freedom and journalism organizations participated in a mission to Turkey from November 12 to 15, 2024 in Ankara. The delegation's visit coincided with the parliamentary debate on the highly contentious "agent of influence" bill, which, if passed, could significantly expand the scope of crimes used to prosecute journalists to include "working in alignment with a foreign state".

The mission was convened by the International Press Institute (IPI), and comprised representatives from the following organizations: Committee to Protect Journalists (CPJ), European Centre for Press and Media Freedom (ECPMF), and Reporters Without Borders (RSF).



The delegation held meetings with the following institutions and stakeholders:

- » Turkish Constitutional Court (AYM)
- » Radio and Television Supreme Council (RTÜK)
- » Delegation of the European Union to Türkiye
- » Foreign diplomatic missions in Turkey
- » MPs and representatives of the following political parties: Republican People's Party (CHP), Peoples' Equality and Democracy Party (DEM), Democracy and Progress Party (DEVA), and Labour Party (EMEP)
- » Association of Journalists, Ankara, and members of the journalism community.

Requests for meetings with the following institutions were left unanswered:

- » Ministry of Justice's Human Rights Department
- » Presidency's Director of Communications: Fahrettin Altun
- » Radio and Television High Council (RTÜK), Chair: Ebubekir Şahin
- » Parliamentary Commission on Digital Platforms, Chair: Hüseyin Yayman
- » Parliamentary Human Rights Investigation Commission, Chair: Derya Yanık

Briefings were held with the Delegation of the European Union to Türkiye and the foreign diplomatic missions in Ankara. The mission concluded with a press conference held in Ankara.

This was the sixth successive international press freedom mission led by the International Press Institute (IPI) in Turkey, building on those organized in [September 2019](#), [October 2020](#), [October 2021](#), [October 2022](#) and [October 2023](#).

Overview of key developments in 2024

In February, 2024, the Constitutional Court (AYM) [ruled](#) that there was a violation of rights resulting from the access bans on more than 500 pieces of content published on news sites including Birgün, Diken, Duvar, Artı Gerçek. The AYM made a ruling of “collective rights infringement” concerning a law provision which enabled the blocking of online content. The Court came to this decision after having reviewed 502 individual applications from numerous news outlets against the access blocking decisions to news content made by criminal judgeships between 2014 and 2023. The Court ruled that freedom of expression and the right to effective application were violated.

In March, 2024, the Constitutional Court (AYM) ruled that the travel ban imposed on human rights defender and author Nurcan Kaya constitutes a violation of the constitutional right to freedom of expression. This ruling is the first from the court to directly link [judicial control](#), in the form of a travel ban, to an infringement of freedom of speech. The landmark judgment obtained by the Media and Law Studies Association ([MLSA](#)) [Legal Unit](#) will pave the path for hundreds of journalists to seek remedy for unjust international travel bans imposed as a judicial control mechanism under criminal investigations. It has been observed that most of the investigations against journalists in Turkey result in international travel bans as a substitute for pre-trial detention.

Following the earthquakes in Kahramanmaraş on February 6th, 2023, the Information Technologies and Communication Authority (BTK) restricted access to X (formerly Twitter) two days later. This left users unable to access the platform for approximately 10 hours, impacting critical functions such as search and rescue efforts and communication for aid requests. [Professor Dr. Yaman Akdeniz](#) sought information from the BTK but received unsatisfactory responses, leading him to pursue [legal action](#). In March 2024, the court ruled in Akdeniz’s favor, stating that the BTK’s responses did not comply with the law, resulting in the annulment of the administrative action.

In August, 2024, the AYM [annulled](#) the 2020 Presidential Decree regarding the Department of Strategic Communication and Crisis Management, which was established within the Presidential Directorate of Communications to “fight against manipulation and disinformation”, on the grounds that it “interfered with the freedom of the press and expression”.

In October, the AYM ruled on individual applications regarding advertising ban penalties imposed by the Press Advertising Agency (BİK) on numerous media organizations, including [Evrensel](#) newspaper. In its decision, the Court ruled that the advertising ban penalties imposed by the BİK violate freedom of the press and expression, and sent the cases back to lower courts for retrial.

In October, Article 9 of Law No. 5651 on Regulation of Publications on the Internet and Suppression of Crimes Committed by Means of Such Publications, was officially repealed. This law was the cornerstone of legislation on internet access restrictions. [Article 9](#) outlined the procedure for blocking access in cases of personal rights violations. Due to its interference with freedom of expression, this article has faced frequent applications to the AYM, enabling the [Court](#) to develop extensive case law on the interpretation of the article. However, due to insufficient protection of freedom of expression both in practice and within the law itself, the Court has altered its jurisprudence. Through the pilot judgment procedure, it ruled that the violation originated from the law itself and ordered the change.

In October, 2024, Turkey's broadcast regulator Radio and Television Supreme Council (RTÜK) officially [revoked](#) the terrestrial broadcasting license of independent radio station [Açık Radyo](#). Açık Radyo, an independent and non-profit media organization founded in 1995, has long been a vital source of free expression in Turkey. IPI, along with 66 press freedom and freedom of expression groups, media outlets, and CSOs, [urged](#) RTÜK to uphold its mandate to protect media pluralism and freedom of expression, to immediately reverse its decision to revoke Açık Radyo's broadcasting license, and to cease censoring critical and independent outlets like Açık Radyo.

In 2024, media regulator [RTÜK](#) issued six warnings, removed four catalogs, suspended five programs, imposed five temporary broadcast suspensions, and revoked seven licenses. According to the report by [İlhan Taşçı](#), elected to RTÜK from the main opposition CHP quota, RTÜK imposed penalties on channels that broadcast content critical of the government that were ten times greater than those imposed on pro-government outlets. RTÜK also decided to remove or block access to 78 pieces of content online in 2024.

Key Issues

“Agent of influence” bill

In May 2024, the proposed “agent of influence” bill came to public attention following its leak by the pro-government daily, [Yeni Şafak](#), and subsequent coverage by the [ANKA](#) news agency. The initial draft stipulated that “those who conduct or commission research on Turkish citizens or institutions, or foreigners in Turkey, against the security of the state or its domestic or foreign political interests, in accordance with the strategic interests or instructions of a foreign state or organization, will face imprisonment.”

The [Ankara Bar Association](#) publicly opposed the draft, citing significant threats to constitutional rights, particularly press freedom. As a result of this and other criticism it was reported that the draft bill would be revised before official publication with the 9th Judicial Package.

On October 18, the “agent of influence” bill was [resubmitted to Parliament](#) as an amendment to the espionage act, outlining new penalties for crimes perceived to have been committed in alignment with foreign interests. Despite opposition members raising concerns about the potential suppression of dissent, the bill was approved by the [Justice Commission](#) on October 23 and subsequently moved to the General Assembly for review.

The following day, over 80 local NGOs issued a [joint statement](#) demanding the withdrawal of the bill, warning that it posed a threat to civil society. In November, the Parliamentary Assembly of the Council of Europe ([PACE](#)) monitor criticized the bill for its potential to criminalize civil society activities, emphasizing that its adoption could hinder efforts to document human rights violations and impede the work of journalists affiliated with foreign media outlets or those receiving foreign funding.

On November 14, the Turkish government paused the progress of the bill, promising to consult all political parties over a revision of its content. IPI, along with partner organizations CPJ, ECPMF, and RSF, published a [joint statement](#) urging the government to withdraw the amendments to the espionage act.

The agent of influence bill introduces amendments to the espionage act which creates a new offense of harming the political interests of the state when acting in alignment with, or under the direction of, foreign states or organizations.

The offense would be an aggravating factor when sentencing someone for a conviction if the court judges that the crime was also committed against the interests of the state while also directed by, or in alignment with, a foreign state or organization. In these circumstances any sentence would be increased by between three and seven years.

The vague definition of the terms used make it impossible to see the limits of what may or may not fall under this law. 'Acting against the interests of the state' and 'acting in alignment with or directed by, foreign states' are highly ambiguous terms that allow far too much room for interpretation by the courts. Exacerbated by a lack of judicial independence, this bill would enable courts to arbitrarily use the law against government critics.

Moreover, there is no limit to the type of crime that the aggravating factor can be applied to. Journalists are being prosecuted daily for their journalism under a range of different criminal codes including defamation, insult, disinformation, financial crimes or terrorism. In each case, should the judge consider the crime to be committed in alignment with the interests of a foreign state, then, this will be applied in the sentencing as an aggravating factor.

The bill has been widely presented as an effort to increase transparency around foreign funding of civil society including media, human rights groups and academics. It has also been compared to Georgia's "foreign agents law" passed in the summer of 2024. However, these comparisons fail to convey the severity of Turkey's proposed legislation.

Georgia's law imposes administrative burdens and restrictions on NGOs regarding funding transparency, with rules that can be arbitrarily applied to intimidate government critics. Under Georgia's law, the most severe penalty for non-compliance is the closure of the organization.

In contrast, Turkey's "agent of influence" bill allows individuals deemed to be acting in line with foreign interests to be effectively treated as spies in judicial proceedings.

The mission considered which journalists might be most at risk of being labelled agents of influence, and what evidence might be considered valid to demonstrate 'alignment' with foreign interests. Journalists working for media which receive grants and other forms of financial support from abroad? Journalists who work for foreign media or have been published by foreign media? Journalists sent abroad to report, to attend foreign conferences or who are members of international organisations?

And what form of journalism may be considered against the interest of the state? Journalism that exposes state secrets that are in the public interest? Journalism that exposes corruption, abuse of power and crimes perpetrated on behalf of the state? Journalism that questions government policy, implementation or impact on different communities or its record managing the public finances or ensuring public safety?

Without clearly defined terms the law will send a deep chill throughout Turkey's journalists community.

The mission believes the only acceptable amendment to the bill would be to replace all references to acting in alignment with or under the direction of foreign states or organizations with “acting on behalf of a foreign intelligence agency.” Anything less may open up the possibility for the law to be used to arbitrarily target government critics.

Press and Media Freedom Violations

In the twelve months since November 11, 2023, Turkey registered [141 media freedom alerts](#) impacting 297 individuals or media related organisations on the Mapping Media Freedom monitoring database. This is a significant decline from the previous twelve months which reported 223 alerts reflecting a calmer period for journalists since the 2023 elections. Nevertheless, the persistently high volume of alerts shows that the state of media freedom in Turkey remains under extreme threat.

In Turkey, legal cases made up 62% of all violations; followed by verbal attacks (20%), blocking journalistic activity (17%), physical attacks (12%) and attacks to property (9%).

Almost a third of all incidents (34%) involved arrest, detention or imprisonment and the severity of the legal cases remains a major issue. 16% of the violations (22 alerts) recorded convictions of journalists. There were a similar number of verbal threats.

The judiciary was the most frequent source of violations making up 43% of cases, followed by police and state security (23%). Private individuals (which is the overall top source of violations across Europe) in Turkey made up only 11% of cases. Government and public officials were the source of 7% of alerts. The media regulator, RTÜK, was the source of 5 media violations. These included fines on numerous broadcasters, a news black out during the terrorist attack in Istanbul and the closure of Açık Radyo.

In line with the judiciary being the source of violations, 48% of violations took place in a courthouse, 11% took place online, 9% during demonstrations and another 6% in public spaces.

According to [IPI's monitoring](#), there were 18 journalists imprisoned in Turkey at the end of 2024. While precise figures may vary according to the monitoring organization, it is clear that the detention of journalists as a result of political operations can function as a useful tool to keep the media under pressure or to escalate political tensions. On the other hand, many journalists who are not imprisoned are forced to live under judicial control for months or years as part of arbitrary trials.

The government's junior coalition partner, [MHP](#) and affiliated political entities such as the [Ülkü Ocakları](#) (also known as the Grey Wolves) regularly threaten investigative journalists with impunity. Targets include media outlets such as Halk TV who persistently raise issues such as the murder of Sinan Ateş in Ankara.

Judicial persecution and legal threats to journalists

Influential investigative journalists are often subjected to arbitrary judicial harassment for “defamation”, “insult”, “disinformation”, “denigration of state or public institutions” and “targeting a counter-terrorism official”, etc. These legal pressures are often combined with online censorship when reporting on a wide range of issues, such as political or judicial corruption, favouritism, lack of transparency, etc.

According to the Bianet portal, Article 299 of the Turkish Penal Code on “insulting the President” paved the way for the prosecution of more than 250 journalists during Erdoğan’s 10-year tenure as President, with at least 77 of them sentenced to prison terms or fines (mostly with suspended sentences). Despite the European Court of Human Rights’ (ECtHR) October 2021 “Vedat Şorli”¹ decision against Turkey, which ruled that the conviction for insulting the President had been a breach of Article 10 of the European Convention on Human Rights (ECHR) on freedom of expression, journalists continue to be harassed by arbitrary lawsuits under Article 299.

In its meeting with the General Secretariat of the Constitutional Court, the delegation welcomed the positive decisions taken in the context of individual or pilot decisions on violations of media freedom, but criticized the Court in terms of “norm review”. In particular the delegation regretted the failure of the Court in November 2023 to rule Article 217/A, known as the “Disinformation Offence” as unconstitutional². It also regretted the Court’s failures to remove Article 299 on “Insulting the President” that had been regularly criticised by the European Court of Human Rights. The Court explained that the problem is not with the letter of the law, but acknowledged that problems may arise in its application.

Punishment Without Conviction: Judicial Harassment of Journalists in Turkey

Punishment without conviction remains a common form of judicial harassment that targets journalists in Turkey. It is frequently used by the authorities in cases that are either allegedly related to terrorism or criminal cases on alleged [fake news](#) or sometimes in cases about reporters “making targets of those who were tasked to combat terrorism” through their work.

Regarding the terrorism based cases, the Turkish authorities often charge journalists on the basis of no, or extremely flimsy, evidence. The accused journalists often only know the charges when they are indicted and the hearings are held in secret, further weakening the basis of fair trials.

¹ <https://hudoc.echr.coe.int/fre#%20>

² <https://ipi.media/turkey-repeal-the-disinformation-offence-and-overreaching-legal-amendments/>

When accused of disinformation or “knowingly distributing misleading information to the public”, the courts ignore the need to demonstrate that this information has caused fear or panic among the public. When accused of making targets of those tasked to combat terrorism, the courts often fail to demonstrate how media reports exposing alleged wrongdoings of the authorities makes them targets for terrorist organizations.

Often, anti-terrorism police pick up journalists from their houses in the middle of the night as if they are violent criminals; courts lock them away without being properly charged and they spend weeks or months behind bars while the prosecutors pen indictments before finally a court date is set. Some of these journalists are being released by the courts pending trial at their first hearings but that’s not guaranteed, and spending up to a year behind bars awaiting trial is not unusual.

Journalists [Dicle Müftüoğlu](#) and [Sedat Yılmaz](#) were separately [arraigned](#) by the authorities in 2023 with charges of terrorism based on flimsy evidence and they spent seven [months behind bars](#) before [being released](#). Both journalists were [acquitted](#) by [courts](#) in 2024 due to a lack of evidence. These cases are just two among many providing solid examples of punishment without conviction based on empty claims of having ties to terrorism. Similarly, journalist [Sezgin Kartal](#) who was [arraigned](#) for suspicion of terrorism in 2023, spent five months in jail due to his alleged resemblance to a man in a 2014 photograph, before he was [acquitted](#) in 2024.

Journalist Furkan Karabay was subjected to such treatment twice within a year. Karabay was first [put under arrest](#) on the suspicion of “making targets of those who were tasked to combat terrorism” and defamation on December 28, 2023 due to his article about an ongoing corruption and bribery trial of members of the judiciary; only to be [released](#) pending investigation on January 8, 2024. His most [recent arrest](#) came on November 8, 2024 on suspicion of “insulting a public servant,” “making targets of those who were tasked to combat terrorism” and “knowingly distributing misleading information to the public,” due to another article about the arrest of an opposition mayor. Once again, he was [released](#) pending investigation on November 18.

Turkish authorities raided the houses of veteran journalists Tolga Şardan and Cengiz Erdinç putting the former briefly under arrest in [November 2023](#) on the suspicion of fake news because both journalists had written about a report prepared by the Turkish Intelligence Organization (MIT) on corruption in the Turkish judiciary. Şardan is still being tried for “knowingly distributing misleading information...” charge in that case.

Reporter Firat Can Arslan was arrested in [July 2023](#) due to a post on X which “made targets of” a judge and prosecutor who are married to each other and are involved in an ongoing mass trial of journalists. The post was about the couple being reassigned to another city and the information was publicly available online. Four other journalists were taken into police custody for resharing Arslan’s post; the journalist himself was [acquitted and freed](#) by a court only in late October. JINNEWS reporter Rabia Öner [found police officers at her door](#) in September 2024 due to her reporting on alleged corruption by some authorities involved in a possible narcotics trafficking and prostitution crime ring.

Overall, even if the investigations would be eventually dropped or the journalists acquitted, there can be no real compensation for the imprisonment or the general harassment brought upon the members of the media. Punishment without conviction due to the misuse of the law is among the primary concerns regarding the press freedom violations in Turkey.

Online censorship

Turkey's performance when it comes to internet freedoms seem to have shown a slight decline according to the annual [Freedom on the Net Report](#) by Freedom House. This change is limited to a small change in the overall score due to the country's investments in the infrastructure and absence of a major natural disaster in the reporting period. However, the chapters concerning the information field and safety of information providers, show that the regression on users' access to information and freedom of information continued to deteriorate.

The original 2007 law 5651 regulating internet publications has been amended on multiple occasions expanding the scope of access blocking orders, introducing content removal orders, requiring tech companies to establish databases for data localisation purposes, and introducing the "right to be forgotten" principle, which is used for removing content that is critical of government and erasing social memory from the digital space. It also contradicts the "right to memory".

As of [December 2023](#), according to the Freedom of Expression Association data, at least 953.415 web domains, 260.000 URLs, and 67.100 tweets remain blocked in Turkey. During the 12 months prior to the mission, several thousand pieces of news content received access blocking orders, were removed from online sources or subjected to legal processes. On Mapping Media Freedom, during the reporting period [24 cases](#) were listed under censorship of which 14 were used to block journalistic activity, including articles and journalists' social media accounts.

The case of investigative journalist [Timur Soykan's](#) investigation into corruption in the judiciary illustrates the severity of the problem. In late 2023, within 24 hours of Soykan publishing the investigation, an access blocking order had been issued. Ten more orders were issued by the same judge over the following days to block other media who had re-published the content. In total [741 news articles](#) on 161 news platforms were blocked.

Exiled journalist, [Metin Cihan](#), was also targeted by online censorship for his coverage of trade links between Turkey and Israel, despite the government's repeated declarations that there were no commercial relations between the two countries. Even with the multiple attempts to block Cihan's publications, popular coverage in the media prevented the attempts at censorship. Cihan, who has to live in an undisclosed location, is regularly targeted with internet censorship.

In August 2024, Turkey imposed a ban on Meta's Instagram with no official justification before it was lifted eight days later. It was since reported that the ban was in response to Meta blocking access to the condolences posted by government officials following the death of the Hamas leader in Gaza for breach of terms. The platform was inaccessible for many users during the eight days, impacting the public, but also the outreach of independent media organisations and journalists who use Instagram to reach their audience.

During the mission meetings, it was also stated that in order to offer a freer and more open internet in Turkey, there is an urgent need for reform, focused on protecting rights and liberties in the digital space. It is essential to move away from the current path of repression and towards a governance framework that prioritises human rights and freedom of expression. Future legislation should ensure the protection of digital rights, promote digital literacy and foster an open internet environment that serves all citizens equally.

As Turkey navigates the complexities of modern governance, the approach to digital policy will be crucial in shaping the country's future. The need for a user-centred digital environment is critical. Turkey needs to reclaim its digital space for the benefit of every resident and ensure that the internet remains a medium for freedom, diversity and unfettered dialogue.

The Broadcast Regulator: Radio and Television Supreme Council (RTÜK)

The mission met with Tuncay Keser, Member of the Radio and Television Supreme Council (RTÜK), representing CHP, to discuss RTÜK's record of fining broadcasters, the revocation of the license for Açık Radyo, and the political independence of RTÜK.

In 2023, RTÜK issued 40 different broadcast bans and 64 fines totaling over 49 million TL. The most heavily fined were Halk TV and TELE 1.

By the end December 2024, RTÜK had issued 82 million TL of fines in the year of which 18.5 were issued against pro-government broadcasters and 63.5 million against critical broadcasters.

The most egregious decision of the RTÜK was the removal of Açık Radyo's terrestrial license on October 16, 2024 after it failed to respect the RTÜK sanction to temporarily cease broadcasting in May. Açık Radyo had been punished after an April 24 broadcast guest referred to the banning of the commemoration of the Armenian genocide. As a consequence, RTÜK imposed a fine and a five-day broadcast suspension for 'inciting public hatred'. Açık Radyo paid the fine, but did not cease broadcasting. Subsequently, on July 3, RTÜK canceled the radio's license for failure to respect the RTÜK rulings. This decision was held up following legal appeals until on October 11, Açık Radyo received the formal notice to end broadcasting.

Açık Radyo is an independent non-profit media, founded in 1995, which has built a reputation for public debates on key social topics such as conflict, climate change, public health and equality. IPI issued a [solidarity](#) statement supported by 66 other media freedom and cultural organizations in Turkey condemning the closure as a severe blow to independent radio in Turkey.

In October a terrorist incident took place in Ankara during which the RTÜK [issued](#) a ban on all media reporting of it. At midday the Minister of Interior issued a public statement on the situation and broadcasters reported the statement despite the ban still remaining in place. Subsequently 13 broadcasters received penalties.

Tuncay Keser noted that almost all broadcasters had reported the terrorist events despite the ban and yet only a select few were punished. The penalties are prepared by the RTÜK chair and nodded through by the board with little discussion.

The Supreme Council consists of nine members elected by the Turkish Parliament based on each party's representation in parliament. There are currently five members from AKP, two members from CHP, and one member from MHP and DEM (formerly named as YSP) each, serving six-year terms. The last elections took place in October 2023. This gives the governing coalition a majority of six to three on the Council.

The law empowers RTÜK to punish broadcasters who breach broadcasting standards. This includes breaches of “national values and general morality”. Such terms are left undefined and enable RTÜK to target political opponents of the government.

The mission concluded that

- » RTÜK continues to target independent broadcasters with regular penalties
- » The closure of Acik Radyo has deeply damaged the country's radio landscape limiting media pluralism and a clear violation of media freedoms
- » The broadcast regulation governing RTÜK's work is too broadly drafted enabling RTÜK to issue vexatious penalties against the media for conducting legitimate journalism and promoting important public debate.
- » This power is further abused by the dominance of the governing coalition on the board enabling it to use its powers to target media that are critical of the government.

Summary and Conclusions

Media freedoms in Turkey remain under sustained pressure. While the Constitutional Court has made some important rulings in the past year, the overall situation remains severe. The ongoing judicial harassment of journalists continues unabated with a heavy chilling effect on all journalism. The number of incidents and threats of violence against journalists, by police or by third parties that are rarely held accountable is unacceptably high. The extraordinary level of online content blocked by the regulators creates a blanket of digital suppression silencing those who expose government corruption and abuse of power. Meanwhile the broadcast regulator, RTÜK, continues to exercise its censorship powers against the government's critics, issuing huge fines, suspending programmes and threatening license removal. Moreover, should the 'agent of influence' bill, paused in parliament since November, return and pass in its current form, journalists, along with many other human rights actors, with any association with non Turkish organisations risk being labelled as spies and judged under the espionage act.

We call for the following:

- » The immediate and permanent withdrawal of the "agent of influence" bill.
- » The root and branch reform of the broadcast regulator RTÜK to end its role as government censor, to guarantee its political independence and to act as a guardian of independent broadcast journalism.
- » The end of the judicial harassment of journalists
- » The removal of Article 299 on 'Insulting the President and of Article 217/A 'Disinformation Offense' from the penal code as incompatible with the Constitution.

