



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Report on the right of Freedom of opinion and Expression in Israel and Turkey

Presented to: Special Rapporteur on the promotion and protection of the right of freedom of Opinion and Expression

Presented by: Maat for Peace, Development and Human Rights (in special consultative status on UNECOSOC)

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Preface

Maat for Peace, Development and Human Rights (Egypt) submits this report to monitor and analyze human rights situation, particularly, freedom of expression and opinion in Israel and Turkey. In which activists and Journalists face several forms of repression and difficulties in their work.

The report uses a methodology based on the international obligations of Israeli and Turkish governments, by their ratification for a number of international instruments for the protection of human rights. In addition to compiling, collating and analyzing available information on the human rights situation in those countries, as well as communicating with a number of local activists, to prepare this report.

Targeting Journalists by Israeli forces

The Israeli occupation authorities continued their violations against Palestinian journalists and media professionals. The most serious violations were the killing of Yasser Abdel Rahman Murtji and Ahmad Hassan Abu Hussein while covering the peaceful return marches in eastern Gaza, by occupation soldiers. This crime illustrates the way in which the Israeli occupation forces deal with journalists and the risks they face. Especially since the various data and testimonies indicate that these crimes were committed deliberately and directly with the aim of killing. The both journalists were sentenced in two separate incidents as they were targeted by the occupation explosive fire.¹

There is no need for more clear evidence than that the Israeli army minister's, "Avigdor Burman," disregard for killing the Palestinian journalist Yasser Murtaji, by one of his soldiers, while covering the events of the return march in the second Friday on April 6, 2018. He directly declared and called for killing Journalists. "I do not know who he is (the journalist Mortaji), whether he is a photographer or not a photographer, who activates a helicopter (a small photographic plane), over the soldiers should know that he risks his life" Burman said, referring to the murder of journalist Mortaji, as quoted by the Israeli newspaper Haaretz on April 8, 2018, during his participation in the Mimouna ceremony in Ashdod.

¹ For more information, check this link <https://bit.ly/2ET1Nmx>

المنظمة حاصلة على المركز الاستشاري الخاص في المجلس الاقتصادي والاجتماعي منذ 2016

Organization in special consultative status with the Economic and Social Council since 2016

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However, The journalist Murtaji (who was shot dead) was located approximately 350 meters from the border fence, in which Israeli soldiers and snipers were deployed opposite the participants in the peaceful marches that Murtaji was covering with a small plane to photograph the demonstrators (Note that some sources denied his use for a photographic plane)².

In similar circumstances, Israeli occupation forces killed Ahmed Abu Hussein, a journalist, where he was about 300 meters from the border fence. He was wearing the uniform of the press, while he was shot in the left side during covering the return march east of Jabaliya, on 13 April 2018. He underwent several operations in several hospitals in Gaza, the West Bank and Israel, but all failed to save his life, and his last breath was after 12 days of injury³.

The murders of journalists Murtaji and Abu Hussein add to the 41 murders of journalists committed by the Israeli occupation forces since the beginning of 2000 in the West Bank and Gaza Strip, including 17 murders during the Gaza Strip offensive in 2014, and dozens of journalists injured during this aggression, which cause permanent disabilities for some. In addition to these two crimes, Palestinian human rights organizations have monitored at least 46 injuries by live and explosive bullets, in Gaza strip, during 6 months only (from 30 April 2018 to 30 September 2018). Most of these injuries fall within the serious and dangerous injuries which get journalists away from their work for different periods. As well as the legitimate concerns and fear of journalists of deliberate targeting of them. Such cases in which the Israeli army used live and explosive ammunition that even prohibited in wars against journalists show aside from what is happening on the ground to Journalists⁴.

On 30 July 2018, The Israeli army arrested four journalists from the Al Quds channel: Alaa Rimawi, director of the Ramallah office, and correspondents Mohammed Hamdan and Qutaiba Hamdan, as well as photographer Hosny Ingas. They got arrested from their homes. According to Israeli Channel 24, the four journalists were detained on charges of "inciting hatred through the Al Quds TV channel". The Israeli Ministry of Defense banned the broadcast of Al-Quds TV in early July 2018, claiming that it was "one of Hamas propaganda wings and a central platform for spreading the messages of this terrorist organization". On July 31, the Israeli army also arrested Mohammed Anwar Mani, Al Quds Agency journalist, from his home. He also ran a local radio station in Nablus. A week earlier, on July 24, the Israeli army arrested the writer of opinion articles, Lama Khater, from her home, as part of a campaign of arrests targeting Palestinians considered close to Hamas⁵.

On November 17, 2018, a number of Palestinian and international journalists were subjected to unjustified attacks by the Israeli occupation forces, many of whom were suffocated by gas bombs. This happened during a peaceful march organized by the Palestinian Journalists Association, which was launched near the Qalandia checkpoint north of occupied Jerusalem. It was for showing solidarity with Palestinian journalists and their right to move freely through Israeli checkpoints by the International Press Card. However, the occupation forces met these just demands with sound bombs and tear gas canisters, which led to the injury of a group of journalists - including guest journalists who came to participate in a conference in Ramallah. They were injured by suffocated despite wearing their uniforms and showing their IPC⁶.

On December 10, 2018, the Israeli occupation forces stormed the headquarters of the Palestinian News Agency "Wafa" in Ramallah. They attacked the workers, fired a gas bomb at the editorial hall and detonated a sound bomb inside it. A number of journalists were detained and prevented from leaving their offices for about an hour and a half. It also abused the agency's photographers Maan Yassin and Sharaq Zaid by pushing with bad words, because they were documenting that the army break into the agency's headquarters. Before the Israeli occupation forces stormed the headquarters of the Wafa

² For more information, check this link http://www.madacenter.org/images/text_editor/gazarepA.pdf

³ Ibid.

⁴ Ibid.

⁵ For more information, check this link <https://rsf.org/ar/news/-82>

⁶ مدي: الاعتداء على الصحفيين الفلسطينيين والدوليين اعتداء سافر على حرية التعبير، المركز الفلسطيني للتنمية والحريات الإعلامية، 18 نوفمبر 2018 .
http://www.madacenter.org/report.php?lang=2&id=1835&category_id=6&year=2018

agency, they arrested journalists Sameh Mahmoud Manasra from Tulkarem, Hussain Shujaia from Ramallah and Samer Abu Eisha from Jerusalem after raided their homes⁷.

Targeting Journalists and media professionals by Turkish authorities

In July 2018, The Turkish government declared the end of the state of emergency. It was a fake step towards enhancing the freedom of opinion and expression and restoring the democratic climate, in order to improve its international image. This step was just a cover for the continued repression. The government targeted opposition journalists, human rights activists and academics by prosecuting them on politicized terrorism charges.

The accusation individuals of being belonging to terrorist organizations does not follow clear and precise structural criteria. Under article 220/6, prosecutions on charges of committing crimes on behalf of an armed organization without being members of that organization, are allowed. The writers and journalists may be accused of belonging to the Terrorist organization affiliated with Fathallah Gulen, simply for writing or publishing any articles bearing positive connotations about him, under article 220/7, on charges of "assisting and inciting an armed organization". In addition to article 6 of the Anti-Terrorism Law, which provides for "the punishment of persons who print or disseminate 'news or media' issued by terrorist organizations with imprisonment from one to three years." The penalty is not limited to the journalist, but also to the editors by a judicial fee⁸.

Hence, the prosecution of journalists and political activists have continued since 2016 to date. More than 300 journalists and editors were arrested on terrorist charges, as well as 34 journalists working in the Turkish newspaper "Zaman". The detained journalists from Cumhuriyet newspaper at Silivri prison in Istanbul: Bülent Utku, Mustafa Kemal Güngör, Musa Kart, Güray Tekinöz, Turhan Günay, Önder Çelik and Hakan Karasinir, get released. However, the Turkish authorities have kept another 4 journalists: Ahmet Şık, Kadri Gürsel Murat Sabuncu and Akın Atalay⁹. Moreover, they announced the final verdict on Ahmet Altan, Mehmet Altan and Nizli Ilyakak, prominent writers in Turkish affairs, for life imprisonment without the right of conditional release¹⁰.

Also, Judge Aydin Sefa Akay -his immunities didn't protect him from the repressive policies and arbitrary provisions in the absence of fair trials- was sentenced to seven years and six months in prison, awaiting the Supreme Court approve for final judgment¹¹. Despite the decision of the European Court to release the opposition politician Saladin Demirtas, he has been arbitrarily imprisoned for more than two years with other politicians belonging to pro-Kurdish parties.

Turkey has been one of the top countries in its requests to remove the content, directed to Twitter and Facebook. The Turkish government has blocked a large number of press sites, especially those that contradict the views of the government. According to statistics from the Turkish Ministry of the Interior, during the years 2017-2018, the Turkish security forces investigated about 50,000 social media accounts on charges of publishing terrorist content on the Internet, resulting in more than 20,000 legal proceedings Towards those individuals. In addition, a massive wave of arrests in response to criticism of Turkish military operations in Afrin, in which journalists Hayri Demir and Sibel Hurtas

⁷ مدي يستنكر اقتحام مقر وكالة وفا واعتقاله ثلاثة صحافيين، المركز الفلسطيني للتنمية والحريات الإعلامية، 11 ديسمبر 2018. http://www.madacenter.org/report.php?lang=2&id=1843&category_id=6&year=2018

⁸ For more information, check this link <https://academiccommons.columbia.edu/doi/10.7916/D82Z2PF5>

⁹ For more information, check this link <http://www.hurriyetdailynews.com/seven-daily-cumhuriyet-journalists-executives-released-from-istanbuls-silivri-prison-116094>

¹⁰ For more information, check this link <https://www.hrw.org/news/2019/01/17/turkey-state-emergency-ends-not-repression>

¹¹ For more information, check this link <https://verfassungsblog.de/prosecuting-a-judge-that-enjoys-diplomatic-immunity-the-case-of-judge-aydin-sefa-akay>

were detained. Hayri Demir condemned to one year, six months and 22 days suspended, while Sibel Hurtas and 10 others faced up to 10 years and 6 months imprisonment¹².

The writer and activist Nurcan Baysal was arrested for her comments on the Turkish military incursion in the city of Afrin, Syria, calling for peace. She was then surprised to be convicted of insulting the Turkish security forces in an article she wrote in 2016 for criticizing a Turkish military operation in the Kurdish city of Cizre. She was condemned to 10 months' imprisonment and her release was under the condition of not repeating such practices within five years. Not only that but Turkish force also arrested six people in June 2018, for insulting the president through social media by publishing videos criticizing Turkish President Recep Tayyip Erdoğan¹³.

With regard to the principle of freedom of circulation of information which the Turkish internet law contradict with, many news websites opposed to the government, including Ahval News, Liveleak, Yarna Bakış, Yeni Hayat Gazetesi, Can Erzincan TV, Gazeteport, Haberdar, Karşı Gazete¹⁴. As well as blocking the access to the service of the live broadcast owned by Twitter "Perscope" and banned the blogging service "Blogpost" owned by Google¹⁵. In addition to blocking the site of Wikipedia since the year, after the refuse of Wikipedia editors the Turkish government's request to change the content of four different articles, Turkey in the operations of oil trading with Isis in Syria¹⁶.

The Turkish government also eliminated all areas for expressing opinions and even through art. Zehra Doğan was detained for performing a work depicting the Kurdish town of Nisibin after the destruction of the Turkish forces and sentenced to three years' imprisonment¹⁷.

Recommendations

Maat for Peace, Development and Human Rights recommends that international parties and the governments of Israel and Turkey:

- The need to pressure on the Israeli government to open an international investigation into the killing of journalists and hold the perpetrators accountable.
- The Israeli authorities should be pressured for the immediate release of detained journalists.
- The Israeli authorities should allow activists and journalists to do their work without fear of retaliation and without any restrictions.
- Using the international human rights mechanisms to pressure on the Turkish government to abide by the provisions of the international conventions which it's a state party, especially the provisions of the International Convention on Civil and Political Rights and the European Convention on Human Rights.
- The Turkish government should review and amend domestic laws and regulations concerning counter-terrorism measures, to be in line with international standards for the protection of human rights and not to use them to intimidate and harass journalists.
- The Turkish government should be pressured to release journalists detained on terrorist charges without going through fair trials, and ensuring the safe space for them to do their work freely.

¹² For more information, check this link <https://freedomhouse.org/report/freedom-net/2018/turkey>

¹³ Ibid.

¹⁴ Ibid.

¹⁵ For more information, check this link <https://turkeyblocks.org/>

¹⁶ For more information, check this link <https://freedomhouse.org/report/freedom-net/2018/turkey>

¹⁷ For more information, check this link <https://news.artnet.com/art-world/1319540-1319540>