



Press Freedom in Turkey's Inter-Election Period

2015 JOINT INTERNATIONAL EMERGENCY PRESS FREEDOM MISSION TO TURKEY



International
Press
Institute

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*Cover: Mission participants outside
Turkey's parliament building in
Ankara on Oct. 20, 2015.*

Photos of mission participants on pp. 8, 14, 16, 18, 20, 24, 26, 28 and 30 provided courtesy of the CIHAN News Agency.

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Mission Participants

International Press Institute (IPI)
Committee to Protect Journalists (CPJ)
Reporters Without Borders (RSF)
Article 19
Index on Censorship
Ethical Journalism Network (EJN)
International Federation of Journalists (IFJ)
European Federation of Journalists (EFJ)
Journalists Union of Turkey (TGS)

Editor

Steven M. Ellis

Layout

Javier Luque Martínez

Acknowledgments

IPI wishes to thank the members of its Turkey National Committee, all those who participated in the 2015 mission and the respective groups they represent, the Journalists Association of Turkey (TGC) and the CIHAN News Agency.

We also wish to thank our many colleagues in Turkey who continue to bravely report the news, often at great personal sacrifice.

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About this Report

From Oct. 19 to 21, 2015, the International Press Institute (IPI), joined with seven other international free expression and press freedom groups to conduct a Joint International Emergency Press Freedom Mission to Turkey.

IPI's partners included the Committee to Protect Journalists (CPJ), Reporters Without Borders (RSF), the International Federation of Journalists (IFJ), the European Federation of Journalists (EFJ), Index on Censorship, Article 19 and the Ethical Journalism Network (EJN). The mission was conducted with the support and assistance of the Journalists' Union of Turkey (TGS) and IPI's National Committee in Turkey, with representatives of both groups also joining the mission.

The groups conducted the mission in light of deep concerns over the deteriorating state of press freedom in Turkey. Their primary goals were to demonstrate solidarity with colleagues in the media in Turkey, to focus attention on growing pressure on independent media and its likely impact on the election, and to push for an end to such pressure.

Specific concerns related to, among other developments, physical attacks on journalists and media outlets, raids on media outlets and seizures of publications, threatening rhetoric directed at journalists and the increasing use of criminal insult and anti-terrorism laws targeting independent media and government critics.

They also included the ongoing imprisonment of journalists, deportations of foreign journalists, and decisions by satellite and online television providers to stop carrying signals of broadcasters critical of the government.

During the course of meetings in Istanbul and Ankara, the mission heard from representatives from nearly 20 different major media outlets in Turkey. They also met with representatives of three of the four parties currently

holding seats in Turkey's Grand National Assembly: the Republican People's Party (CHP), the Nationalist Movement Party (MHP) and the Peoples' Democratic Party (HDP).

Organisers sought to meet with representatives of the Justice and Development Party (AKP), but were not afforded an opportunity to do so. Similarly, organisers sought meetings with President Recep Tayyip Erdoğan's spokesperson and foreign policy adviser, but received no response.

At the close of the mission, participants joined a dialogue forum bringing together representatives from a broad cross section of media in Turkey. The forum was intended to share with them the participants' experience in Ankara meeting with foreign diplomats and representatives of political parties, and to hear the media representatives' concerns and suggestions for how international organisations can best support press freedom and free expression in Turkey.

Following the mission, participants again banded together to contribute to this report highlighting concerns raised during the mission by highlighting in detail specific concerns raised during the mission.

As each individual chapter in this report was authored by a different member of the mission delegation, the organisations that joined the mission do not necessarily endorse the content of each chapter.

Nevertheless, the report as a whole is intended to illustrate concerns in order to advance press freedom and free expression in Turkey. To that end, it includes the "Declaration of the 2015 Joint International Emergency Press Freedom Mission to Turkey" issued at the close of the mission and an evaluation by IPI of the degree to which authorities in Turkey have heeded recommendations set forth six months ago in "Democracy at Risk, IPI Special Report on Turkey, 2015".



Mission participants meet with the editors-in-chief of daily newspapers *Hürriyet* and *Hürriyet Daily News* at the dailies' headquarters in Istanbul on Oct. 19, 2015.



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Introduction

MARKUS SPILLMANN

Executive Board Vice Chair



INTERNATIONAL PRESS INSTITUTE (IPI)

Press freedom and freedom of expression are not a luxury – they are basic needs for democratic society. Turkey wants to be a democracy. Turkey has signed the European Convention on Human Rights. Turkey is willing to join the European Union by accepting the so-called “Copenhagen Criteria” which seek among other objectives to safeguard the rule of law and fair and equal access to a free press.

Given that, it is hard to understand why Turkey has such a sombre track record of intimidation, harassment, attacks and unjustified legal and financial interventions, not only against individual journalists, bloggers and authors, but also against national and international publishing houses and media outlets that operate independent of the state.

As the chair of IPI’s Turkey National Committee, Kadri Gürsel, wrote in a Feb. 19, 2015 column in daily *Milliyet*, political leaders try to control media via “huge tax fines, calls for boycotts, advertisement embargos, seizing media outlets and transferring their ownership to supporters, publication bans, targeting journalists in rallies, having journalists fired, imprisoning journalists and frustrating them with legal cases on insult claims, targeting opposition journalists with social media trolls, and cultivating Internet sites and columnists... tasked with scaring and intimidating critics...” Five months later, Gürsel was fired after suggesting that Turkey’s policy toward the Islamic State (IS) group played a role in a deadly IS bombing of a cultural center in Suruç.

In an unprecedented venture, eight international organisations undertook a Joint International Emergency Press Freedom Mission to Turkey to highlight the deep international concerns over the deteriorating state of press freedom in Turkey and its impact on the upcoming parliamentary elections and beyond.

The joint mission demonstrated a profound solidarity with colleagues in the media in Turkey and it focused attention in Turkey and abroad on the impact that

growing pressure on independent media is likely to have on the ability to hold a free and fair election. The international delegation met with journalists, media representatives, international diplomats and leading members of the opposition parties.

At the close of the mission, delegates stood in solidarity with their colleagues and demanded an immediate end to all pressure that hinders or prevents them from performing their job or which serves to foster an ongoing climate of self-censorship. The delegates also urged that steps be taken to ensure that all journalists are able to freely investigate stories involving matters of public interest, including allegations of corruption, the “Kurdish issue”, alleged human rights violations, armed conflict – particularly issues related to the ongoing conflict in Syria – and local or regional issues or policies.

The mission highlighted a number of problems, including a lack of solidarity among journalists in Turkey that, unfortunately, has served them poorly. However, to comply with European and international standards, it is first and foremost the responsibility of the palace, the government and the ruling Justice and Development Party (AKP) to change the situation for better.

If the upcoming election is to be viewed as a democratic exercise, authorities must refrain from any politically or personally motivated intimidation of free press. This includes bringing legal cases against journalists for criticism of the president, applying anti-terror or criminal defamation laws to silence journalists, or using financial and economic pressure against media companies.

To guarantee democracy in Turkey, a swift and sustainable improvement must take place – not only in light of the upcoming elections but beyond. This mission was a demonstration of solidarity in support of that principle, and should serve to send the message that IPI and its partners will remain very attentive to any decisions and developments impacting press freedom in Turkey.

Mission Participants

Participants in the 2015 Joint International Emergency Press Freedom Mission to Turkey

- **Markus Spillmann**, IPI Executive Board Vice Chair
- **Barbara Trionfi**, IPI Executive Director
- **Steven M. Ellis**, IPI Director of Advocacy and Communications
- **Muzaffar Suleymanov**, Committee to Protect Journalists (CPJ) Europe and Central Asia Program Research Associate
- **Erol Önderoğlu**, Reporters Without Borders (RSF) Representative
- **Patrick Kamenka**, Journalist and International Federation of Journalists/European Federation of Journalists Member (IFJ/EFJ)
- **Mustafa Kuleli**, Journalists Union of Turkey (TGS) Secretary General; IFJ/EFJ Member
- **David Diaz-Jogeix**, Article 19 Director of Programmes
- **Melody Patry**, Index on Censorship Senior Advocacy Officer
- **Ceren Sözeri**, Ethical Journalism Network (EJN) Member; Galatasaray University Associate Professor
- **Representatives** of IPI's Turkey National Committee

*The **International Press Institute (IPI)** is a global network of editors, media executives and leading journalists dedicated to furthering and safeguarding press freedom, promoting the free flow of news and information, and improving the practices of journalism.*

*The **Committee to Protect Journalists (CPJ)** is an independent, non-profit organisation that works to safeguard press freedom worldwide.*

***Reporters Without Borders (RSF)** is a non-profit organisation which defends the freedom to be informed and to inform others throughout the world.*

***Article 19** is human rights organisation that fights for the protection of freedom of expression and access to information, particularly protecting those that dissent.*

***Index on Censorship** is an international human rights organisation that promotes and defends the fundamental right to freedom of expression and campaigns against censorship.*

*The **Ethical Journalism Network (EJN)** promotes ethics, good governance and independent regulation of media content.*

*The **International Federation of Journalists (IFJ)** is a global union federation of journalists' trade unions that aims to protect and strengthen the rights and freedoms of journalists.*

*The **European Federation of Journalists (EFJ)** is a branch of the International Federation of Journalists.*

*The **Journalists Union of Turkey (TGS)** is the affiliate in Turkey of the International Federation of Journalists and the European Federation of Journalists.*

Mission Declaration

DECLARATION OF THE 2015 JOINT INTERNATIONAL EMERGENCY PRESS FREEDOM MISSION TO TURKEY

Following the conclusion of an Oct. 19 to 21, 2015 joint international emergency press freedom mission to Turkey, representatives of participating international, regional and local groups dedicated to press freedom and free expression find that pressure on journalists operating in Turkey has severely escalated in the period between parliamentary elections held June 7 and the upcoming elections.

The representatives also determine that this pressure has significantly impacted journalists' ability to report on matters of public interest freely and independently, and that this pressure, if allowed to continue, is likely to have a significant, negative impact on the ability of voters in Turkey to share and receive necessary information, with a corresponding effect on Turkey's democracy.

Accordingly, the representatives stand in solidarity with their colleagues in the media in Turkey and demand an immediate end to all pressure that hinders or prevents them from performing their job, or which serves to foster an ongoing climate of self-censorship. They also urge that steps be taken to ensure that all journalists are able to freely investigate stories involving matters of public interest, including allegations of corruption, the "Kurdish issue", alleged human rights violations, armed conflict – particularly issues related to the ongoing conflict in Syria – and local or regional issues or policies.

Further, the representatives specifically urge authorities in Turkey:

- To conduct a complete and transparent investigation into violent attacks on journalists and media outlets, including recent incidents targeting *Hürriyet* and columnist Ahmet Hakan, and to ensure that impunity for violent attacks on journalists is not allowed to flourish.
- To end the abuse of anti-terror laws to chill reporting on matters of public interest or criticism of public figures, and to ensure that such laws are both precisely tailored to serve only legitimate ends and interpreted narrowly.
- To reform laws providing criminal penalties for insult and defamation by dealing with such cases under civil law and to end all use of such laws to target journalists, particularly Art. 299, which provides Turkey's president with heightened protection from criticism, in violation of international standards.
- To enact reforms to free state media outlets from political pressure, e.g., by effecting a transition to a public broadcasting service that presents information from plural and diverse sources.
- To end the use of state agencies, such as tax authorities or others, to apply pressure against journalists who engage in criticism or critical coverage of politicians or government actions.
- To end the practice of seeking bans on the dissemination of content related to matters of public interest, e.g., the ban on dissemination of information related to the recent bombings in Ankara, and the practice of seeking to prohibit satellite or online platforms from carrying the signals of certain broadcasters.
- To refrain from taking other steps to censor online content, such as the blocking of websites or URLs, or the blocking of social media accounts, absent a legitimate, compelling reason for doing so, subject to independent judicial oversight.

Mission Declaration

- To release all journalists imprisoned on connection with journalistic activity, and to immediately and unconditionally release VICE News fixer Mohammed Rasool, who remains behind bars despite the release of two British colleagues for whom he was working and with whom he was detained.
- To end all arbitrary detentions and/or deportations of foreign journalists.
- To respect the right of journalists to freely associate and to end pressure brought in recent years against the Journalists Union of Turkey.

The mission representatives also urge Turkey's president:

- To end all exercises of direct personal pressure on owners and/or chief editors of critical media.
- To stop using negative or hostile rhetoric targeting journalists.
- To accept the greater degree of criticism that comes with holding public office, to stop using criminal insult or defamation provisions to silence critics, and to publicly call on supporters to refrain from seeking to initiate such cases on his behalf.

Moreover, the mission representatives urge foreign governments, particularly those of the United States and countries within the European Union:

- To press Turkey to uphold its commitments to respect and uphold international human rights standards and, in the case of the EU, to ensure that any concessions granted in connection with resolution of the ongoing refugee crisis are made consistent with a long-term strategy specifically designed to encourage Turkey to comply with its commitments to uphold international human rights standards.

Finally, the mission representatives urge journalists in Turkey:

- To avoid the use of negative or hostile rhetoric targeting other journalists and to strive to uphold ethical standards developed by or as the result of self-regulatory bodies or processes.
- To exercise greater solidarity with colleagues under pressure and to defend the rights of all journalists.

-Markus Spillmann, IPI Executive Board Vice Chair

-Barbara Trionfi, IPI Executive Director

-Steven M. Ellis, IPI Director of Advocacy and Communications

-Muzaffar Suleymanov, Committee to Protect Journalists (CPJ) Europe and Central Asia Program Research Associate

-Erol Önderoğlu, Reporters Without Borders (RSF) Representative

-Patrick Kamenka, Journalist and International Federation of Journalists/European Federation of Journalists Member (IFJ/EFJ)

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-David Diaz-Jogeix, Article 19 Director of Programmes

-Melody Patry, Index on Censorship Senior Advocacy Officer

-Ceren Sözeri, Ethical Journalism Network (EJN) Member; Galatasaray University Associate Professor



Mission participants meet with MP Idris Baluken of the HDP at Turkey's parliament building in Ankara on Oct. 20, 2015.

Kurdish and Border/Local Issues

FREEDOM OF THE PRESS AT STAKE IN SOUTH-EAST TURKEY

PATRICK KAMENKA
Journalist



INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ)
EUROPEAN FEDERATION OF JOURNALISTS (EFJ)

The situation in the Kurdish region of Turkey is worsening day by day during the electoral campaign ahead of the general election set to take place on Nov. 1.

A real war remains ongoing in this part of Turkey. It has continued since July, when Ankara declared a “war on terrorism” following the bombing in Suruç, in which 34 Kurdish activists were killed and hundreds were wounded during an HDP gathering.

Turkey held the Islamic State (IS) group responsible and moved to fight the jihadists as well as the Kurdistan Workers Party (PKK), which is outlawed in Turkey and which NATO countries similarly consider to be a terrorist organisation. But Turkey's opposition is accusing the country's military of concentrating its actions solely

on PKK guerrillas. This summer, after two years of negotiations, the PKK suspended the truce established in 2013 between its imprisoned leader, Abdullah Öcalan, and Ankara.

The PKK resumed combat against the Turkish army, accusing Ankara of playing a double game with the IS group, using the jihadists against Kurds in Turkey and in Syria on both sides of the countries' border.

Since then, Turkey's police and army have arrested presumed PKK and IS group activists in the region, as well as members of radical groups.

Using Turkey's anti-terror law, authorities on Sept. 28 raided the offices of Kurdish daily newspaper *Azadiya Welat* and the DİHA news agency in Diyarbakır, arresting

32 journalists and media workers without an official warrant. The journalists were detained and questioned for more than seven hours before being released.

For a long time before this tense situation, Kurdish journalists had been harassed by police and a number of them were jailed and prosecuted on accusations of terrorism. Many of them appeared in trials where EFJ observers were present in solidarity with TGS activists.

Recently, in a letter to President Erdoğan titled “Deteriorating climate for journalists in Turkey”, the IFJ and EFJ denounced the fact that – amid other attacks on Turkish media outlets such as *Hürriyet* – the [Kurdish] DİHA news agency had been targeted “more than [20 times] this summer by the Turkish telecommunications authority (TIB) without any form of judicial review”.

The IFJ and EFJ were joined in the letter by both the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC).

The situation before the crucial ballot is worse than ever in the south-east region, where fierce fighting has taken place, leaving dozens of soldiers and civilians killed. Air raids and curfews have been present in some districts of Diyarbakır, as well as in the city of Cizre.

This month’s suicide bombing in Ankara on Oct. 10 targeting an HDP demonstration left 102 dead and some 500 wounded. Prime Minister Ahmet Davutoğlu has promised to erase the “terrorists” – presumably referring, without distinction, to both the PKK and IS.

In an example not seen since the military coup d’état in the 1980s, anti-terrorist police last week arrested the president of the Diyarbakır Bar Association, who was released two hours later after questioning.

A real war remains ongoing in this part of Turkey. It has continued since July, when Ankara declared a “war on terrorism” following the bombing in Suruç, in which 34 Kurdish activists were killed and hundreds were wounded during an HDP gathering.

Opposition parties accuse the AKP regime of arresting dozens of people each day, as well as HDP activists, and of attacking the party’s outlets using the anti-terror law. Meanwhile, President Erdoğan has accused HDP leader Selahattin Demirtaş of being a “terrorist”, and Demirtaş is effectively prevented from appearing on public television in order to campaign.

Unfortunately, the situation in the region may yet worsen, as Turkey has authorised its air force to strike Syrian Kurds [the PYD, or Democratic Union Party], which Turkish officials accuse of being the Syrian branch of the PKK. Ankara is making every effort to stop a Kurdish zone from being created on the border with Turkey.

Mission participants demonstrate solidarity with *Hürriyet* on Oct. 19, 2015 in front of doors damaged in attacks by mobs in September.

Impunity

LACK OF JUSTICE IN ATTACKS ON THE PRESS RESULTS IN MEDIA CENSORSHIP

MUZAFFAR SULEYMANOV
Europe and Central Asia
Program Research Associate



COMMITTEE TO PROTECT JOURNALISTS (CPJ)

One of the most effective forms of censorship in Turkey today is impunity – the government’s inability or unwillingness to conduct a swift and transparent investigation and bring justice in violent attacks on the press. Eighteen journalists have been murdered in Turkey since 1992, CPJ research shows. Justice is still lacking in 14 of those cases, including the 2007 murder of Hrant Dink, managing editor of the bilingual Turkish-Armenian weekly *Agos*.

Recent assaults on the press in Istanbul, including two consecutive attacks on the newspaper *Hürriyet* and an assault on Ahmet Hakan, a *Hürriyet* columnist and host at CNN Türk, are still being discussed in local newsrooms.

No one has been held to account in either case, so they linger as a stark reminder to journalists of the potential

price of doing their job. According to news reports, authorities have identified perpetrators in both incidents. Local media outlets said some of the assailants were members of the AKP.

Turkish police failed to respond properly to the incidents. *Hürriyet* editors told CPJ and other groups during our meeting in Istanbul that the police took unusually long to respond to the incident, in which dozens of protesters attacked the newspaper’s building with stones and sticks.

No progress has been reported in the case, journalists said.

In Ahmet Hakan’s case, authorities could have prevented the attack by following up on threats he had received prior to the incident and offering him protection, but

his request was left unanswered, according to local news reports. CPJ research shows that threats against journalists must be taken seriously: in four out of 10 murders of journalists worldwide, the victim reported having received threats.

Late at night on Sept. 30, four men followed Hakan from the CNN Türk newsroom to his house and beat him, breaking his nose and ribs, the journalist told press freedom groups during the meeting in Istanbul.

Authorities detained several alleged assailants, but an Istanbul court set them free over the objections of prosecutors, according to news reports.

Authorities failed to publicly condemn either attack. Instead, their response has been interpreted by local reporters as official tolerance of violence against the press.

Conversations during our joint emergency mission showed that sustained impunity in these and other cases spreads a chill even over the most-seasoned reporters.

One editor told us that he has bodyguards, including those offered by police. However, a fellow mission participant told me in Istanbul: “That’s a good choice to keep track of the journalists’ actions and whereabouts”.

Another editor said he had bulletproof windows installed in his office—apparently a common practice in Turkey. And the Istanbul office building that houses *Hürriyet* is now guarded by two anti-riot police vehicles and police agents bearing automatic rifles.

But many journalists and editors are not fortunate enough to hire or install protection, and they now find

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themselves forced to choose between toning down their reports or completely avoiding sensitive topics, journalists told us in Istanbul.

During one meeting with mission participants, Can Dünder, the prominent editor of the newspaper *Cumhuriyet*, who is facing two life terms in prison on charges of insulting the president, pointed to his office’s window.

Turning to the participants, he remarked: “From the windows of our newsroom you can see a courthouse and a cemetery; they are across the street from each other and remind us of where our journalism can lead.”

Insult/Defamation Law

HUNDREDS OF CASES BY OFFICIALS PROMPT CALLS FOR DECRIMINALISATION

DAVID DIAZ-JOGEIX
Director of Programmes



ARTICLE 19

Turkey's criminal laws on defamation are inherently harsh and have a chilling effect on freedom of expression. Even where civil defamation laws are used, they should not afford greater protection to public officials (see *Tuşalp vs. Turkey*, 2012).

In Turkey, the Penal Code currently criminalises defamation and prescribes the punishment of fines or prison terms. Art. 125 of the Penal Code provides that defaming a public official for the commission of their duty carries a higher minimum sentence or fine than for defamation of ordinary citizens and Art. 297 outlines a specific crime of insulting the president.

Many criminal defamation cases are initiated by high-level officials in Turkey, including the president, following statements they see as insulting or defamatory. There is no official report of the number of defamation charges brought by officials, but it is estimated to be in the hundreds. Rather than providing heightened protection for officials, the law should outline that public officials must accept a higher degree of criticism. The application

of either civil or criminal defamation charges to criticisms against public figures stifles political debate and inhibits legitimate discourse on matters of public concern.

The examples of journalists or news agencies charged with defamation in recent months are too numerous to outline here. However, a prominent recent example is the blocking of the website of *Nokta* magazine on Oct. 20, 2015 due to an article which allegedly defamed the president. Hasan Cemal, a veteran journalist at the T24 news agency and a former *Cumhuriyet* editor-in-chief, also faces several criminal defamation charges for articles he has written criticising the president.

Turkey should decriminalise defamation by repealing Art. 125 of the Penal Code. It should similarly repeal Art. 299 of the Penal Code, which protects the president from criticism. Moreover, Turkey needs to reform the Code of Obligations on civil defamation to ensure the availability of adequate defences for expression that is true or is in the public interest, and to guard against the abuse of lawsuits to silence criticism of public officials.

We, the media in Turkey, have always appreciated any message of solidarity from our colleagues all over the world. This gives us strength in our struggle for freedom and democracy. This mission has sent a strong message to the media in Turkey, saying “you are not alone”.

Turkey: Graveyard of Journalism

FERAI TINÇ

Executive Board Member; Former *Hürriyet* Foreign Editor and Columnist



INTERNATIONAL PRESS INSTITUTE (IPI)

Several years ago, when more than a hundred journalists were in prison, Turkey was labelled by international press freedom organisations as being “a prison for journalists”. There are fewer journalists in Turkish prisons now, but the overall situation is even worse for the freedom of the press.

Journalists are attacked, beaten and deprived of accreditations to cover government meetings. Media owners are severely threatened and newspapers are seized. Imprisonment has become a common verdict for any criticism against President Recep Tayyip Erdogan.

Meanwhile, hundreds of journalists are jobless and have no hope of finding one as long as they do not adopt a pro-government position. Thus Turkey, once a prison for journalists, is now becoming a graveyard for journalism.

Let's be frank. Turkish media was always controlled by the governments – there were always journalists in prisons and censorship was not something totally

unknown to the Turkish media environment. That's why when 15 foreign editors visited Washington D.C. 65 years ago and met with U.S. President Truman, the first step in forming IPI, prominent Turkish journalist Ahmet Emin Yalman was among them, representing the Turkish press and promoting the need to disseminate and strengthen press freedom values in this country.

We, the media in Turkey, have always appreciated any message of solidarity from our colleagues all over the world. This gives us strength in our struggle for freedom and democracy.

This mission has sent a strong message to the media in Turkey, saying “you are not alone”. We know that this will not immediately change the situation in the field. But it will have an impact on public opinion and raise awareness in society.

We understand that, in order to have a free media, we must persuade the public as to why this is so important. Because, ultimately, free and responsible journalism is the pillar of democratic societies.

Mission participants meet with the editors-in-chief of *Zaman* and *Today's Zaman* in Istanbul on Oct. 21, 2015.

Anti-Terror Legislation

BROAD PROVISIONS LEAD TO ABUSE, PROSECUTION OF LEGITIMATE EXPRESSION

DAVID DIAZ-JOGEIX
Director of Programmes



ARTICLE 19

In the Turkish Anti-Terrorism Law and counter-terrorism provisions in the Turkish Penal Code, terms like “terrorism”, “organised crime” and “propaganda” are so broadly defined that they allow for the prosecution of journalists based merely on the coverage of terrorist activities.

Individuals are therefore vulnerable to prosecution for advocating non-violent political ideas of legitimate public concern.

Offences within the Penal Code are so broad that they allow prosecution of legitimate expression without proving involvement in violent acts or their incitement.

Thus, individuals involved in non-violent speech and association are prosecuted for “membership of an armed

organisation” (Penal Code: 314), “committing crimes on behalf of a criminal organisation without being a member of that organization” (Penal Code: 220/6), “making terrorist propaganda” (Penal Code: 220/8 and Anti-Terrorism Law: 7/2) or “publishing statements of a terrorist organisation” (Anti-Terrorism Law: 6/2).

In some cases, the abuse of anti-terror legislation is even more severe, and individuals are charged with terrorism-related crimes for expression on issues of public interest, which are often apparently unrelated to terrorism. The number of cases of prosecutions against journalists under terrorism charges has alarmingly increased since the June 2015 election. Some prominent cases include:

- On May 29, 2015, just a few days prior to the June election, an investigation was opened against the

editor-in-chief of *Cumhuriyet* daily newspaper, Can Dündar, regarding a front-page news story with photographs and links to a video, which allegedly showed Turkish intelligence service trucks transporting weapons to Syria. The charges against him included propagandising for a terrorist organisation, and he is potentially facing two life sentences.

- On Aug. 27, 2015, Vice News journalists Jake Hanrahan, Philip Pendlebury and Mohammed Rasool were arrested while filming violence between the police and youth members of the PKK in Diyarbakır. While the two British journalists were released following an international outcry, their Iraqi news-fixer, Mohammed Rasool, remains in prison and faces allegations of helping terrorist groups.
- On Sept. 14, 2015, *Nokta* magazine was raided and Editor-in-Chief Perihan Mağden was accused of “making terrorist propaganda” due a satirical photo-shopped image which the magazine shared on social media and which was due to be the front cover of the magazine the following day. The image showed President Erdoğan taking a “selfie” in front of a coffin of a soldier, a visual reference to Erdoğan’s previous comments that families of soldiers who are killed should be happy because their sons are martyrs.
- On 28 September 2015, anti-terror police raided the Diyarbakır offices of Kurdish-language daily *Azadiya Welat* and Kurdish press agency DİHA without an official warrant, detaining 32 employees of the outlets overnight.

Turkey needs to stop abusing anti-terror legislation and the penal code to prosecute journalists, bloggers, activists and other civil society actors, and to release from prison

In the Turkish Anti-Terrorism Law and counter-terrorism provisions in the Turkish Penal Code, terms like “terrorism”, “organised crime” and “propaganda” are so broadly defined that they allow for the prosecution of journalists based merely on the coverage of terrorist activities.

those who are currently detained and drop pending charges against them.

The country further needs to comprehensively reform counter-terrorism legislation, including Arts. 6/2 and 7/2 of the Anti-Terror Law and Arts. 220/6, 220/8 and 314 of the Turkish Penal Code, to narrow the definitions of “terrorism”, “organised crime” and “propaganda”.

Lawmakers similarly need to ensure that the genuine purpose and demonstrable effect of any restriction on freedom of expression is necessary and proportionate to protect a legitimate national security interest.

Media Ownership and Control

JOURNALISTS, OWNERS FIND THEMSELVES INCREASINGLY DOMINATED

CEREN SÖZERI

Galatasaray University Associate Professor



ETHICAL JOURNALISM NETWORK (EJN)

Turkey's government has used media ownership to reconfigure the media landscape and to restrict the freedom of the press. Media outlets seized by Turkey's Savings Deposit Insurance Fund (TMSF) after the 2001 financial crisis were sold to investors who have a close relationship with the government.

Moreover, the Sabah-ATV media group was resold in 2013 to a construction company that had won some prominent public contracts from the government, including a contract to build a third airport in Istanbul.

Recordings of wiretapped conversations leaked during the sale process showed that some pro-government investors, led by a government minister, created a "pool" to buy the group, after which the pro-government media was denominated the "pool media" by counterparts.

Journalists with whom mission participants spoke noted direct telephone calls from government officials or those within their circles, and even from President Recep Tayyip Erdoğan directly, to newsrooms in order to interfere in editorial policies and eliminate criticism.

Media outlets that do not comply pay for it through accreditation cancellations, tax penalties, and becoming the target of the government or the pro-government media.

Many journalists in Turkey have lost their jobs and accreditation to attend official press meetings due to this state censorship.

In 2009, one of Turkey's biggest media groups, the Doğan Group, was exposed to approximately 4.8 billion lira in tax fines due to sales of some of Doğan's assets. Even though

the fine was reduced to approximately 900 million lira through restructuring the tax debt, the government has continued to use economic tools to subdue the media.

Turkey's state broadcaster, the Turkish Radio and Television Corporation (TRT), and state news agency Anadolu Agency cover only the ruling party's campaign and they are operated as the government's propaganda tools. Opposition parties have found no opportunity to express themselves and disseminate their respective campaign promises ahead of the election.

According to HDP Deputy Ersin Öngel, a member of Turkey's Radio and Television Supreme Council (RTÜK), during a 25-day period that ended on Oct. 27, President Erdoğan's speeches were given 29 hours of live broadcast coverage by the state broadcaster.

Meanwhile, the AKP received 30 hours of coverage, with the CHP garnering five hours and the MHP just one hour and 10 minutes. The HDP trailed with only 18 minutes of coverage.

Censorship has also abolished media pluralism. Recently, Digitürk – a cable, satellite and digital media platform, which is the biggest private digital media platform despite being currently managed by the TMSF – dropped the signals of television channels that are close to the Gülen movement, a network of followers of the teachings of Islamic preacher Fethullah Gülen.

A number of media groups in Turkey are currently owned by Gülen-affiliated investors. Following a rift between the AKP and the Gülen movement earlier this decade, the government began targeting pro-Gülen media outlets as being part of a "terrorist organisation".

Similarly, online TV streaming service Tivibu – provided by TTNNet, the Internet service provider of Türk Telekom, Turkey's largest fixed-line operator – dropped the signals

of pro-Gülen channels in response to their critical coverage of the government ahead of the election.

In just the last few days, the government seized a pro-Gülen holding company, the Koza İpek Group, over its links to the movement and appointed a group of pro-government trustees to oversee its affairs, including at least one who used to work for pro-government media.

When economic means have not brought media into line, government officials and supporters have turned to other journalists. Critical coverage of the government has been met with an aggravated response by pro-government media, where government supporters have used headlines and columns to threaten their counterparts and the owners of other media outlets.

A well-known pro-government columnist, Cem Küçük, threatened *Hürriyet* columnist Ahmet Hakan days before he was attacked, telling Hakan "we could crush you like a fly". Recently, the same columnist targeted a woman journalist and television anchor, telling her: "I will finish your career in the media."

These kinds of verbal attack are encouraged by AKP members and are not condemned by government officials or the president. During the attacks on *Hürriyet*'s office on Sept. 6 and 8, an AKP deputy, Abdürrahim Boynukalın, was in front of the building, motivating the crowd.

His reward was to be elected chair of the AKP High Council's Youth Branch Headquarters during a subsequent party congress. In a leaked video of an AKP meeting in Mersin on Oct. 19, Boynukalın could also be heard praising the attacks on *Hürriyet*.

Amid this climate, many journalists told participants in the Joint International Emergency Press Freedom Mission to Turkey that they felt unprotected against such attacks.

Mission participants meet with CHP MPs Mustafa Balbay and Levent Gök at Turkey's parliament building in Ankara on Oct. 20, 2015.

Content Bans/Website Blocking

SYSTEMATIC, DISPROPORTIONATE MEASURES AFFECT OLD MEDIA AS WELL AS NEW

EROL ÖNDEROĞLU
RSF Turkey Representative



REPORTERS WITHOUT BORDERS (RSF)

Turkey has systematically adopted disproportionate measures targeting any dissemination of content related to matters of public interest. It is a matter of concern not only for online reporting, but for other conventional media outlets.

Although the European Court of Human Rights (ECHR) in 2012 condemned Turkey for banning a Google Sites website in the case of *Ahmet Yildirim v. Turkey*, the country still uses a radical manner of intervening against online news and information sources.

In May, government representatives and public institutions targeted *Cumhuriyet* and its website after the daily revealed the alleged involvement of Turkey's intelligence agency, MİT, in smuggling arms to groups in Syria.

A judge in Istanbul also imposed a ban on an article on the matter that appeared on *Cumhuriyet's* website.

On July 25, after Turkish security forces started widespread air operations against PKK positions in the northern Iraqi city of Kandil, Turkey's Telecommunications Directorate (TİB) imposed blanket bans on 96 Kurdish and left-wing websites, and 23 Twitter accounts.

Within 24 hours, a judge in Ankara upheld the decisions banning the sites. The websites blocked included Rudaw, BasNews, DİHA, ANHA, daily *Özgür Gündem*, local newspaper *Yüksekova Haber*, Sendika.Org and RojNews.

On Oct. 14, the Ankara Sixth Criminal Court of Peace banned broadcasting of any type of criticism, comment, reportage or interview about the Ankara bombing.

Many media outlets such as *Cumhuriyet*, *Evrensel*, *BirGün*, *Özgür Gündem*, BIANET.org, T24.com.tr and others publicly challenged the ban and declared they would not respect it.

Earlier this month, television stations such as Bugün TV, Kanaltürk, Shaber and Samanyolu TV became targets of the government's crackdown due to their suspected affiliation with the Gülen movement.

Many digital platforms, such as Digitürk, removed these stations from their platforms on the order of the Ankara Chief Public Prosecutor's Office, who alleged that they "support a terrorist organization".

As noted in the most recent BIANET Media Monitoring Report, some 101 websites, 40 Twitter accounts and 178 URL-based news stories were censored between the months of July and September in 2015.

One broadcast ban was issued. Three TV channels, three humour magazines, two books and one movie were also censored.

Turkey should end its practice of seeking to ban the dissemination of content related to matters of public interest – e.g., the ban on dissemination of information related to the recent bombings in Ankara.

It should also end the practice of seeking to prohibit satellite or online platforms from carrying the signals of certain broadcasters.

Further, the country should refrain from taking steps to censor online content, such as the blocking of websites or URLs, or the blocking of social media accounts, absent a legitimate, compelling reason for doing so, subject to independent judicial oversight.

Turkey should end its practice of seeking to ban the dissemination of content related to matters of public interest... [as well as] the practice of seeking to prohibit satellite or online platforms from carrying the signals of certain broadcasters... [and] steps to censor online content.

Moreover, members of the judiciary should not allow themselves to follow state or government positions, but should follow decisions by Turkey's Constitutional Court.

In particular, this includes two decisions issued in 2014, based on ECHR jurisprudence, which ordered authorities to unblock Twitter and YouTube, and which underlined the importance of the rights of users to be informed.

Meanwhile, the Constitutional Court needs to render decisions in a number of important cases. Many media outlets that have fallen victim to the same censorship practices continue to wait – in some cases, for months – for the Court to rule.



L-R, *Zaman* editor Abdülhamit Bilici, *Today's Zaman* editor Bülent Kenes, Kadri Gürsel and Barbara Trionfi at *Zaman's* headquarters in Istanbul on Oct. 21, 2015.

Imprisonment/Deportations

DESPITE DROP IN NUMBERS, TURKEY REMAINS A LEADING JAILER OF JOURNALISTS

STEVEN M. ELLIS

Director of Advocacy and Communications



INTERNATIONAL PRESS INSTITUTE (IPI)

The office of Organisation for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media Dunja Mijatović released a study in July 2015 showing that Turkey was holding some 21 journalists in prison, most for alleged violations of anti-terror and related criminal law.

The report noted that the journalists often faced multiple charges and trials, and were housed in maximum security prisons, sometimes in solitary confinement.

The number, which has fluctuated slightly since July, currently remains at a similar level. Although the majority of those held are Kurdish, detainees also include representatives from media outlets aligned with Muslim cleric Fethullah Gülen and journalists with alleged links to outlawed left-wing groups, in addition to representatives from mainstream media.

The number marks a sharp decline from the nearly 100 journalists that Turkey was holding in prison in 2012. However, it still qualifies the country as the top jailer of journalists in Europe and one of the leaders in the world.

Moreover, as IPI observed in its March 2015 report, “Democracy at Risk, IPI Special Report on Turkey”, it is important to note that most journalists released in recent years face a potential return to prison if their convictions are upheld on appeal.

Government officials widely continue to claim that those behind bars were detained independent of their status as journalist, a position the country’s president, prime minister and justice minister all maintained in meetings with a joint IPI-CPJ delegation in Ankara in 2014. Nevertheless, most international groups believe that a large number of journalists are held as a result of their

reporting and they have criticised authorities in Turkey for failing to share information about individual cases.

Determining the number of journalists imprisoned in Turkey in relation to their work is extremely difficult. Mijatović, in releasing her office's report, "welcomed the constructive exchange of information with the Ministry of Justice about the status of journalists in prison".

Nevertheless, the report stated that details on many cases "could not be stated with full precision", noting that "in some instances it was not possible to obtain complete information on certain journalists". The report explained: "In cases classified as secret, access to trial documents was not permitted. In some cases articles were classified and therefore unavailable once the journalist was charged."

In meetings with journalists, politicians and diplomats in Istanbul and Ankara, participants in Joint International Emergency Press Freedom Mission to Turkey repeatedly referred to the plight of these imprisoned journalists and called for their release. The participants also highlighted the case of Iraqi journalist Mohammed Rasool as a particularly egregious example.

Detained on Aug. 27 while acting as a fixer for VICE News journalists Jake Hanrahan and Philip Pendlebury, who were covering clashes between police and PKK youth members in Diyarbakır, Rasool remains behind bars and faces unclear terrorism charges, despite the release of his two British colleagues.

The treatment of Hanrahan and Pendlebury also highlights a troubling development in which Turkey has deported foreign journalists who report on sensitive topics or engage in unwelcome criticism. Shortly after the Britons were deported, Turkey deported Dutch journalist Frederike Geerdink, who had been detained on an accusation of aiding Kurdish militants.

Government officials widely continue to claim that those behind bars were detained independent of their status as a journalist, a position the country's president, prime minister and justice minister all maintained in meetings with a joint IPI-CPJ delegation in Ankara in 2014.

The move was reportedly justified under a rule that allows the expulsion of foreigners suspected of wrongdoing.

Mission participants sharply criticised the arbitrary detention and deportation of foreign journalists. They noted that the actions not only deprived international audiences of news from Turkey, but made it more difficult for domestic audiences to learn about developments in Turkey's south-east – including the "Kurdish issue" and the ongoing Syrian conflict.

That was especially true, the participants said, given the sensitive nature of those issues and the effect that government pressure had already exerted on the ability of journalists from within Turkey to cover those stories.



L-R, Barbara Trionfi, Ceren Sözeri, Melody Patry, Mustafa Kuleli, Patrick Kamenka and a *Zaman* staffer at *Zaman*'s headquarters in Istanbul on Oct. 21, 2015.

Pressure from the President

TELEPHONE CALLS, THREATS AIM TO BRING MEDIA INTO LINE

DAVID DIAZ-JOGEIX
Director of Programmes



ARTICLE 19

The high number of cases of criminal defamation suggests that the president and other officials are using the law to apply pressure on journalists and media outlets that are critical of government policies.

In addition to criminal defamation cases initiated by the president, there is evidence that he has directly applied pressure to media owners and editors by personally telephoning them and telling them to change content.

For example, in a leaked recording of a telephone conversation between then-Prime Minister Erdoğan and the controller of HaberTürk television in February 2014, Erdoğan ordered HaberTürk to remove the ticker at the bottom of the screen that was citing an opposition leader's criticism of Erdoğan. HaberTürk complied with the demand and Erdoğan later justified his intervention, thus confirming the authenticity of the recording.

The editor-in-chief of *Cumhuriyet*, Can Dündar, also reported that the president directly called him and

warned him not to publish a story of clear public interest related to the alleged Turkish intelligence service transfer of weapons to Syria, and threatened legal action. When Dündar ignored the warning, a prosecutor opened an investigation on terrorism charges against him.

Furthermore, there has been an increase in hostile rhetoric and threats directed at individual journalists or outlets by the president.

After *Cumhuriyet* published the front-cover story relating to the transfer of weapons to Syria, the president publicly threatened Dündar that he would “pay a high price”.

The president should accept the greater degree of criticism that comes with holding public office. Rather than threatening and using criminal defamation laws to harass journalists, the president should create an enabling environment for free expression and call on his supporters to refrain from initiating cases or making threats on his behalf.

The high number of cases of criminal defamation suggests that the president and other officials are using the law to apply pressure on journalists and media outlets that are critical of government policies. In addition to the criminal defamation cases initiated by the president, there is evidence that he has directly applied pressure to media owners and editors by personally telephoning them and telling them to change content.



IPI Vice Chair Markus Spillmann (l) and MHP spokesperson Metin Ozkan during a meeting at Ozkan's office in Ankara on Oct. 20, 2015.

Mission participants and staff of embassy of the French Republic following a meeting at the embassy in Ankara on Oct. 20, 2015.

International Partners

JOURNALISTS FEAR WEST WILLING TO SACRIFICE HUMAN RIGHTS FOR COOPERATION

STEVEN M. ELLIS

Director of Advocacy and Communications



INTERNATIONAL PRESS INSTITUTE (IPI)

During meetings with journalists in Turkey, participants on the international mission repeatedly were told that the positions of Turkey's international partners, especially the United States and the European Union, were of critical importance, particularly in pushing Turkey's government to respect and uphold fundamental human rights.

Many individuals noted that Turkey's government remains sensitive to international criticism and they urged participants to push the international community to press Turkey's government to meet its commitments to uphold international human rights standards.

They also noted that the annual "progress report" by the European Commission on Turkey's bid to join the EU – a report that in recent years has called significant attention to the downward spiral of media freedom in Turkey –

has been helpful not only in encouraging Turkey to improve its human rights record, but in providing a fair assessment of that record for international observers.

With that in mind, many journalists in Turkey expressed disappointment at the state visit of German Chancellor Angela Merkel to Turkey – during which her meeting with President Erdoğan received widespread media coverage – so close before the election.

They said that Merkel's presence lent the Justice and Development Party (AKP) an undue air of legitimacy and said that they feared it would be perceived by some voters as a tacit endorsement of current authorities ahead of upcoming parliamentary elections.

Journalists expressed similar disappointment at the announcement that the European Commission's annual

progress report on Turkey's bid to join the EU would be postponed until after the election.

Many said that they feared the move demonstrated a willingness by European leaders to downplay or even abandon human rights concerns in order to secure Turkey's assistance in addressing the continent's ongoing refugee crisis.

Mission participants shared these concerns in a meeting with Ambassador Hansjörg Haber, the head of the EU delegation to Ankara.

The participants stressed that any concessions that the EU grants Turkey in connection with the refugee crisis must be part of a longer-term strategy specifically designed to encourage Turkey to uphold its international commitments.

That is, participants said, the EU should not agree to concessions on an ad hoc basis that considers only short-term goals.

The participants made similar arguments to representatives of the U.S. embassy in Ankara, where they met briefly with U.S. Ambassador John Bass.

In meetings with mission participants, journalists in Turkey expressed fears that the U.S. government appeared willing to overlook press freedom and free expression violations in Turkey in exchange for Turkey's assistance in the fight against the Islamic State group.

Mission shared those concerns with the U.S. embassy representatives, saying that they welcomed examples in which the State Department spoke out against press freedom violations in Turkey, from statements by embassy staff to media briefings in Washington.

Many [journalists in Turkey] said that they feared the move demonstrated a willingness by European leaders to downplay or even abandon human rights concerns in order to secure Turkey's assistance in addressing the continent's ongoing refugee crisis.

They also expressed support for the State Department's annual report on human rights in Turkey, pledging to continue sharing information on press freedom and free expression violations with the report's drafters.

However, the participants cautioned that the United States needed to publicly send a louder and more-sustained message.

This included, they said, not only pressing Turkey's government to meet its commitments, but to take concrete and sustained action to demonstrate to the people of Turkey – including those within the media – that the United States would not sacrifice efforts to uphold human rights and democracy in Turkey in the name of security concerns.



L-R, editors Dogan Akın (T24), Eren Keskin (*Özgür Gündem*), Can Dünder (*Cumhuriyet*), Hasan Cemal (P24), Perihan Magden (*Nokta*) and Abdülhamit Bilici (*Zaman*) speak at a panel discussion in Istanbul on Oct. 19, 2015.

Journalists' Solidarity

DIVIDE ET IMPERA: MEDIA POLARISATION AS A POLITICAL GOAL

BARBARA TRIONFI
Executive Director



INTERNATIONAL PRESS INSTITUTE (IPI)

In numerous meetings with editors, journalists, representatives of journalists associations and political parties, the polarisation that dominates the media industry and the journalist community in Turkey was presented as a strong handicap in the fight for press freedom and respect of journalistic rights in the country.

Media polarisation in Turkey, often also considered by external observers to be a cause for the lack of independence of media coverage, is a consequence of many contingent and historical factors, and primarily a reflection of a strong polarisation within the society.

This, in turn, finds its root in the coexistence of strongly opposed and incompatible ideologies, both in political terms of right and left, as well as in terms of the role of religion in society.

Over the past six decades, a traditionally strong military has been ready to intervene to stop fights between Islamists and secular political forces, as well as between political parties broadly viewed as representing extreme right (fascist) and extreme left (communist) ideologies.

With elections coming up on Nov. 1, many representatives of the Turkish media with whom the international mission spoke compared the current level of tension within society to the period right before the 1980 coup.

Building on historical circumstances that helped lead to the current polarisation of Turkey's media, the AKP – both with then-Prime Minister Erdoğan at its helm and since Erdoğan's election to the presidency – has gradually strengthened efforts to control the news media throughout its 13 years of rule. In recent years, the party

has encouraged businesspersons close to the party to heavily invest in private news media in order to ensure favourable media coverage. Today, a broad group of so-called “pool media” is considered heavily biased in favour of the AKP government as a result of financial support they receive from AKP-friendly business enterprises.

Representatives of independent media in the country told the international mission that the level of distrust between themselves and journalists who work for “pool media” is such that they would not feel comfortable in speaking their mind about the situation in Turkey in the presence of “pool media” representatives for fear of retaliation from representatives of their own profession.

This situation not only makes any dialogue between these two groups of journalists impossible, but precludes any effort to generate a joint response from the journalistic community to violations of press freedom rights.

Beyond the division within media between supporters and critics of the AKP government, there is also a degree of polarisation among independent, opposition media. At an event organised by Article 19 and the Guardian Foundation during the international mission, editors of the newspapers *Cumhuriyet* and *Zaman* – the former a centre-left, secular publication, the latter operated by followers of the Gülen movement – said the event was the first time they had agreed to sit on the same panel.

However, during the course of the mission, various editors said that the extreme amount of repression and pressure under which independent media has suffered has also led to a degree of cooperation and reciprocal expressions of support among independent media targeted in attacks by government representatives. One journalist remarked that having brought *Cumhuriyet* and *Zaman* together on the same side of an issue was “Erdoğan’s greatest success”.

Representatives of independent media in the country told the international mission that the level of distrust between themselves and journalists who work for “pool media” is such that they would not feel comfortable in speaking their mind about the situation in Turkey... for fear of retaliation from representatives of their own profession.

Perhaps one of the most widely-cited examples of this newly-born reciprocal support was the coverage and condemnation that other independent newspapers gave to the September attacks by stone-throwing mobs on *Hürriyet* newspaper’s offices and the assault on its columnist Ahmet Hakan.

While these expressions of support are an important step, it is vital that journalists in Turkey work to stand in greater solidarity and speak out for colleague across the political and ideological spectrum.

This is true, if for no other reason than to ensure that someone will speak out for them when they are targeted.

REPORT CARD ON PRIOR RECOMMENDATIONS

STEVEN M. ELLIS

IPI Director of Advocacy
and Communications

ÇAGLA DAG ZIMMERMANN

IPI Contributor

REBECCA HETZER

IPI Contributor

In March 2015, IPI released “Democracy at Risk, IPI Special Report on Turkey, 2015”, highlighting and contextualising major press freedom developments in Turkey since 2003, when Recep Tayyip Erdoğan took power as prime minister, heading the Justice and Development Party (AKP).

Drawing on information collected during numerous IPI visits to the country over the preceding four years – including meetings with President Recep Tayyip Erdoğan, Prime Minister Ahmet Davutoğlu and other top leaders in October 2014 during a press freedom mission conducted jointly with the Committee to Protect Journalists (CPJ) – the report identified broad threats to press freedom, as well as the responses of Erdoğan and Davutoğlu when questioned directly about those threats.

The report concluded that the failure of authorities in Turkey to safeguard – and, in some cases, their active steps to undermine – the right to share and receive information had led to serious deficiencies in the country’s democracy, placing its future at serious risk. The report also set forth a list of recommendations “to remedy the harm to media freedom and free expression that Turkey has suffered in recent years”.

The following is a brief evaluation by IPI of the degree to which authorities in Turkey have heeded those recommendations.

Recommendation: Ensure that state authorities – including the Finance Ministry, the TMSF and others – operate free of government or political interference, and end the use of such authorities to pressure critical media, including harassment through raids or other methods, and the imposition of excessive, debilitating fines.

Assessment: Not heeded. Media outlets continue to face pressure from state agencies acting in manners that appear to be overtly politicised, as most vividly illustrated by an investigation of the Koza İpek Group by Turkey’s Financial Crime Investigation Board (MASAK). In recent days, that investigation has led to a state takeover of the Group and placement of its media outlets under the authority of pro-government trustees, including at least one who used to work for pro-government media.

Recommendation: End the practice of seizing media outlets and transferring their ownership to government supporters; where media are legitimately seized by state agencies, ensure that any later sale takes place in a fair and transparent manner designed to ensure true plurality.

Assessment: Not heeded. The Koza İpek case has shown continued government willingness to use state power to seize media outlets. It remains to be seen whether the Group’s assets will be permanently transferred to government supporters or remain under their control. However, optimism that the ultimate disposal of the assets will be done fairly and transparently, or will advance plurality, does not appear warranted, given past practices.

Recommendation: Erect safeguards to provide that ownership of a media outlet is in no way linked to or allowed to influence – positively or negatively – the award of government contracts.

Assessment: Not heeded. IPI is unaware of any steps taken by Turkey’s government to separate media ownership

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from the award or denial of state tenders. Further, the continued existence of the “pool media” – by which political actors have effectively captured and silenced critical voices – appears to demonstrate this phenomenon’s continuing threat to media independence.

Recommendation: End the practice of applying pressure to interfere in the editorial policy of newsrooms and in media owners’ right to employ and give a platform to critical voices.

Assessment: Not heeded. Pressure on media owners and editors appears to continue to emanate from the highest levels of power. This can be seen, for example, in the president’s telephone call to *Cumhuriyet* Editor-in-Chief Can Dündar pressuring him to not to report on the search of weapons-laden intelligence agency trucks bound for Syria, and in the firing of *Milliyet* columnist Kadri Gursel following a sustained pressure campaign orchestrated by government supporters.

Recommendation: Similarly, ensure that no pressure is brought to bear on advertisers in relation to their decision to advertise – or to not advertise – with certain media outlets.

Assessment: Not heeded. IPI is unaware of any steps taken to insulate advertisers from pressure that might result from their decision to advertise – or not advertise – with media outlets favoured or disfavoured by political actors.

Recommendation: Abandon heated anti-media rhetoric, especially calls for boycotts of certain media outlets and inflammatory public statements labelling media outlets or their journalists as “traitors”, “foreign agents”, parties to a “conspiracy” or “plot” against Turkey, etc.

Assessment: Not heeded. Even before June’s parliamentary elections, the president condemned *The New York Times* for “meddling” in Turkey’s affairs and embarked on a vilification campaign targeting *Hürriyet* over what he disingenuously claimed to be a “death threat” against him. In the inter-election period, the president and AKP officials have continued to target media that report unwelcome viewpoints or criticism, notably accusing those that grant campaign coverage to representatives of the pro-Kurdish HDP of supporting the PKK and “terrorism”.

Recommendation: Give all news media outlets equal opportunity to obtain press accreditation to cover official government events or accompany government officials on visits abroad.

Assessment: Not heeded. Journalists and media outlets continue to cite arbitrary denials of accreditation, with the practice conspicuously having been extended to target Gülen-affiliated journalists. In August the Journalists Association of Turkey (TGC) and the Journalists Union of Turkey (TGS) withdrew from the government’s Press Card Commission after a controversial new regulation cancelled the accreditation of two press unions and reduced the TGS’s number of representatives on the Commission from three to one. Under the regulation, official press cards in Turkey may now be obtained only with the assent of the deputy prime minister overseeing the Prime Ministry’s Directorate General of Press and Information (BYEGM).

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Recommendation: Ensure that officials at all levels of government engage with representatives from the full spectrum of news media outlets on matters of public interest in order to facilitate the Turkish people's right to be informed about government actions and policy.

Assessment: Not heeded. IPI is unaware of any initiative to encourage government officials to more broadly engage with media across the ideological or political spectrum, beyond the circles of pro-government supporters. This failure is particularly harmful given its impact on voters' ability to share and receive information about elected representatives in advance of the upcoming election.

Recommendation: Publicly affirm support for the fundamental human rights of free expression and media freedom, and for the vital role they play in any healthy democracy, by calling for an end to threats, intimidation or harassment targeting critical voices.

Assessment: Not heeded. The mob violence targeting *Hürriyet* in September and the brutal beating of Ahmet Hakan provided golden opportunities for government figures to speak out against violence and in favour of free expression and press freedom. But those opportunities were not taken. Instead, as Prime Minister Davutoğlu offered tepid condemnation of the attacks, President Erdoğan appeared to blame the victims, calling on all media outlets to do better in terms of their coverage.

Recommendation: Call on all supporters to refrain from intimidation or harassment of journalists or others who exercise the right to free expression; and end all support, financial or otherwise, for Internet sites, columnists or other voices who engage in such conduct.

Assessment: Not heeded. A coordinated army of online trolls funded by the AKP continues to stream abuse against journalists, without comment against that practice by government officials. Meanwhile, pro-government figures rain down invective on journalists that question government policies, such as the threats against journalists by pro-government columnist Cem Küçük and the boasts by AKP deputy Abdürrahim Boynukalın that members of his party's youth group, in attacking *Hürriyet* as a mob, had shown the outlet that its "immunity" to criticise the government had been "lifted".

Recommendation: Cooperate with international groups to identify journalists imprisoned in Turkey by providing information on their cases, including all evidence of any alleged crimes.

Assessment: Not heeded. OSCE media freedom representative Dunja Mijatović indicated that Turkey's justice ministry cooperated with her office as it prepared a July 2015 report on imprisoned journalists. But that report noted that, in some cases, particularly those deemed "secret" or which involved "classified" information, full details of evidence said to support charges against the accused were not shared.

Recommendation: Undertake a full review of all criminal cases targeting journalists to determine whether said evidence supports the accusations and share the results publicly.

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Assessment: Not heeded. IPI is unaware of any effort by authorities in Turkey to review cases in which journalists face or have been convicted of criminal charges in order to ensure the legitimacy of those cases and address allegations of miscarriages of justice.

Recommendation: Free any journalists imprisoned on unsubstantiated allegations or as a result of the practice of journalism.

Assessment: Not heeded. At least 20 journalists remain incarcerated in Turkey and serious doubts remain as to government assertions that their detention is unrelated to their journalistic activity. That is particularly true in the case of imprisoned VICE news fixer Mohammed Rasool.

Recommendation: Reform restrictive anti-press legislation, including overly broad criminal and anti-terrorism laws that have been used to target the media.

Assessment: Not heeded. Despite some improvements to the anti-terror law in recent years under the Fourth and Fifth Judicial Packages, terms such as “terrorism”, “organised crime” and “propaganda” remain overly broad. Moreover, the legislation itself has proven to be easily abused, with prosecutors regularly opening investigations targeting media for reports on matters of public interest, such as the deadly standoff in which members of the outlawed Revolutionary People’s Liberation Party-Front (DHKP-C) took a prosecutor hostage and the seizure of an MIT-owned truck carrying weapons to Syria. Authorities have also used the law to silence government criticism, as seen in a case targeting *Hürriyet* for quoting Erdoğan’s claim that Turkey would not be experiencing its present unrest had voters given the AKP an absolute majority in June elections, and in the September seizure of *Nokta* magazine over its cover depicting a photo-shopped image of a grinning Erdoğan taking a “selfie” in front of the coffin of a slain member of Turkey’s security forces.

Recommendation: Adopt legislation, in line with international standards, decriminalising defamation and insult, and ensure that civil remedies are proportionate to actual harm caused.

Assessment: Not heeded. Turkey’s government has taken no action to change the status of defamation/insult as a criminal offence.

Recommendation: Stop pursuing lawsuits against individuals who engage in criticism regarding matters of public interest and journalists who report on that criticism, and signal clearly that public servants must accept a higher degree of scrutiny for their official actions.

Assessment: Not heeded. As noted, defamation/insult remains a criminal offence. Furthermore, penalties, including potential imprisonment, are heightened if the offending speech or publication was directed at the president. Between July and September 2015, media monitoring website BIANET.org reported, 61 people – including 37 journalists – faced criminal proceedings initiated by President Erdoğan or by his supporters over alleged insults against the president.

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Notable targets included *Taraf* reporter Mehmet Baransu, *BirGün* Editor-in-Chief Barış İnce, prominent journalist Hasan Cemal and *Today's Zaman* Editor-in-Chief Bülent Keneş, among numerous other columnists and reporters, as well as private citizens.

Recommendation: Ensure that state media regulators, including the RTÜK and TİB, operate free of government or political interference, and ensure the same for the state-funded broadcasters and news agencies.

Assessment: Not heeded. IPI has not observed any steps by the government to ensure that media regulators are not subject to political pressure, nor has it seen any evidence to indicate that past political pressure brought to bear on the regulators has diminished. Moreover, the overwhelming amount of time that the state media outlets devoted to coverage of President Erdoğan and the AKP in comparison with the amount given to other parties in the last month suggests that the problem of political pressure remains both widespread and ongoing.

Recommendation: End publication bans and other prior restraints that prevent reporting on information in the public interest.

Assessment: Not heeded. Authorities continue to seek bans on websites and publications, and on dissemination of certain content. While bans are regularly issued to prevent coverage of investigations into deadly terrorist bombings, such as those in Ankara and Suruç, they are also imposed to prevent coverage of other public interest matters, including corruption allegations and Turkish involvement in the ongoing conflict in Syria, among others. Nevertheless, one positive development has been the willingness of media outlets to stand together in challenging such bans.

Recommendation: Affirm support for individuals' right to freely express themselves and share information online without obstruction, and ensure that any obstacles to sharing information online remain subject to judicial oversight.

Assessment: Not heeded. Turkey's officials have not issued clear calls supporting free expression online. Instead, they have engaged in numerous actions seeking to block access to critical speech or unwelcome reports online, as shown by the repeated use of courts and administrative bodies to ban certain online content, platforms or voices, and by the use of Turkey's insult law to target critics on social media. Moreover, despite welcome Constitutional Court rulings, serious concerns remain about the independence of some elements of Turkey's judiciary, particularly when reviewing government requests seeking bans or blocks on content.

Recommendation: Encourage the judiciary to take all steps to ensure that its decisions with respect to free expression are in line with decisions by the European Court of Human Rights and other relevant international standards.

Assessment: Unclear. While IPI has welcomed decisions by Turkey's Constitutional Court embracing ECHR standards with respect to free expression, IPI is unaware of any steps taken by Turkey's government to ensure those decisions are widely and properly implemented, such as increased training for members of the judiciary on international standards and Turkey's related commitments.

REPORT CARD ON PRIOR RECOMMENDATIONS

Recommendation: End impunity for threats or attacks against journalists, including those made online, by conducting full and transparent investigations into those crimes and by bringing all perpetrators, including those who orchestrated them, to justice.

Assessment: Not heeded. Although investigations into the attacks on *Hürriyet* and its columnist, Ahmet Hakan, were initiated, the attackers in those cases still have not been brought to justice; nor have the masterminds who ordered the murder of Hrant Dink.

Recommendation: Fully investigate all claims alleging that police or other security service officers used excessive force against working journalists, share the results of those investigations with the public and punish any officers found to have used excessive force.

Assessment: Not heeded. IPI is unaware of any cases in which officers of the security services have been held to account for the widespread reports of violence targeting journalists as they attempted to cover the 2013 Gezi Park protests or other public demonstrations.



L-R, David Diaz-Jogeix, Barbara Trionfi, Kadri Gürsel, Mustafa Kuleli, Muzaffar Suleymanov, IPI Turkey member Gülsin Harman and Melody Patry at a press conference in Istanbul on Oct. 21, 2015. Photo courtesy of the CIHAN News Agency.

Conclusion

Motivated by concerns over escalating pressure on journalists ahead of parliamentary elections, IPI and seven other international groups, with the invaluable support of local partners, conducted a Joint International Emergency Press Freedom Mission to Turkey for three primary reasons.

We sought to demonstrate solidarity with our colleagues and show them that they are not alone; to call the world's attention to what is happening in Turkey and the pressure that journalists striving to do their duty as watchdogs of democracy face; and to demand an end to that pressure.

We travelled to Turkey to not just to stand up for the rights of journalists, but, more fundamentally, to give voice to the fears of so many both inside and outside of Turkey that this pressure is likely to interfere with voters' right to receive information they need to make an informed decision at the ballot box – the fundamental aim of democracy.

Recent months have seen a litany of abuses against media. Attacks on journalists and media outlets. Misuse of criminal insult laws and anti-terrorism laws to chill criticism of politicians and government actions. Publication bans. Decisions by satellite and online television providers to drop critical channels.

Economic pressure and firings of journalists to prevent discussion of certain topics. The use of direct state pressure, such as tax or financial authorities, to silence criticism of government officials and their policies.

Sadly, following the mission, we have witnessed further alarming escalation, as the government – just days ahead of the election – mobilised riot police armed with tear gas to seize certain media outlets that had criticised the state and installed at their head individuals trusted to ensure that disfavoured editorial positions would be abandoned.

The timing alone of such a move could not be more anathema to democracy. In order for an election, or democracy, to be legitimate, those voting must be allowed to receive the information they need to make an informed decision about their future. Not only does silencing critics on the eve of an election send a chilling message, it suggests a fundamental distrust of voters' ability to filter information and make their own decisions.

It is important to note that the organisations that took part in this mission are not partisans: we make no endorsement of candidates or political parties. Our one and only goal is to protect the right of the people to share and receive information, and the vital role of journalists in making sure that happens.

These elections will likely determine the course of Turkey's future for at least the next decade – and that will have a significant impact on the rest of the world.

A stable, peaceful and prosperous Turkey that upholds democratic values is in the interest of all of us. We therefore hope that any new government formed following the elections will take to heart the concerns raised in this report and work to safeguard the fundamental human rights of free expression and press freedom.

About IPI



International Press Institute

PROTECTING PRESS FREEDOM FOR 65 YEARS

IPI is a global network of editors, media executives and leading journalists dedicated to furthering and safeguarding press freedom, promoting the free flow of news and information, and improving the practices of journalism. Formed in 1950 at Columbia University by 34 leading editors from 15 countries on the belief that a free press would contribute to the creation of a better world, IPI today includes members in more than 120 countries.

Spiegelgasse 2/29
1010 Vienna Austria
freemedia.at
+43 1 512 90 11
Twitter: @globalfreemedia



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