

**JOURNALISM  
UNDER  
SIEGE**

Ahmet Şık



## Acknowledgements

With special thanks to Stewart Chisholm, Open Society Foundations; Jonathan Price, Jude Bunting and Melanie Gingell at Doughty Street Chambers; Alev Yaman.

The report was edited by Jo Glanville.

If you would like to find out more about the programme or to donate funds to support English PEN, ARTICLE 19 and Free Word in running the residency for international writers and journalists, please contact Jo Glanville, director, English PEN: [jo@englishpen.org](mailto:jo@englishpen.org)

# CONTENTS

EXECUTIVE SUMMARY.....	5
INTRODUCTION.....	7
HISTORY OF THE TURKISH MEDIA .....	9
THE MEDIA AND THE AKP .....	11
REWARD AND PUNISHMENT.....	13
THE GÜLEN MOVEMENT AND THE AKP.....	17
SOCIAL MEDIA – THE FIGHT AGAINST CENSORSHIP.....	19
TURKEY’S MEDIA TODAY.....	21
JOURNALISTS IN JAIL.....	25
LEGISLATION AND FREEDOM OF EXPRESSION.....	27
CONCLUSION AND RECOMMENDATIONS.....	29
AHMET ŞIK – BIOGRAPHY.....	31



# EXECUTIVE SUMMARY

During Recep Tayyip Erdoğan's period in office as prime minister, and now president, the Turkish press has experienced an immense and systematic assault. Key requirements of newsgathering such as establishing relationships with news sources or interviewing those considered to be the 'wrong' people can be classed as 'terrorist activities', 'participating in illegal activities' or may lead to allegations of planning a military or civilian coup.

Media owners are coerced into firing journalists while censorship and self-censorship are becoming the norm; those who choose not to toe the line may be subjected to crippling tax fines.

Most who fall foul of the government and its supporters have not engaged in any actions that could be classed as a criminal offence. It is clear that the goal is to intimidate society by silencing and gagging the opposition.

Turkey's independent media is now facing an unprecedented crisis.

The main factors in the erosion of media freedom in Turkey include:

- Transformation of media ownership, leading to the dominance of pro-government media
- Use of tax fines to punish media groups critical of the government
- Awarding of favourable government advertising contracts to pro-government media
- Predominance of government party members in the broadcasting regulator
- Denial of official accreditation to opposition journalists
- Firing of journalists who are critical of the government
- Intimidation, harassment and assault of media outlets and journalists in opposition to the government
- Legislation curtailing and criminalising investigative journalism, including anti-terror legislation and regulation of the internet
- Arrest, prosecution and imprisonment of journalists
- Detention and assault of journalists covering the conflict with the PKK
- Takeover of media groups in opposition to the government

Recommendations in the report include:

- Immediate release of all journalists arrested in connection to their professional work
- Implementation of the rulings of the European Court of Human Rights
- Adoption and implementation of human rights recommendations aimed at the promotion and protection of the freedom of expression and freedom of the press

## AHMET ŞIK

- Review and reform all legislation that unduly limits freedom of expression and freedom of the press for its compliance with international human rights standards
- Revision of the Anti-Terror Law to ensure it is in line with international human rights standards and the ECHR
- Revision of the Turkish Penal Code to bring it in line with international laws and human rights standards

### About the author

Ahmet Şık is an award-winning investigative journalist and author. He is currently writer in residence at the Free Word Centre, on a new programme administrated by English PEN, ARTICLE 19 and Free Word, in partnership with the Committee to Protect Journalists. The programme is funded by the Free Word Strategic Commissioning Fund and the Committee to Protect Journalists. The residency requires visiting writers and journalists to write a report on freedom of expression in their country. *Journalism under Siege* is Şık's report on the crisis facing press freedom in Turkey.

# INTRODUCTION

President Recep Tayyip Erdoğan once said that books may be more dangerous than bombs<sup>1</sup>. During his period in office, as prime minister and now president, the Turkish press has faced an immense and systematic assault. National and international journalists' groups have stated that freedom of the press is in crisis. Their publications demonstrate that the right to report and receive news in Turkey is under siege and that the free media is currently experiencing the darkest days in its history. Any journalist who directs criticism at President Recep Tayyip Erdoğan or his ruling Justice and Development Party (AKP) is taking a high risk. It has become almost commonplace for journalists who publish reports critical of the government to be accused of being 'terrorists' and jailed. Media owners are coerced into firing journalists while censorship and self-censorship are becoming the norm;<sup>2</sup> those who choose not to toe the line may be subjected to crippling tax fines.<sup>3</sup>

It is not just Turkish journalists who are the target of the AKP government's oppressive and authoritarian treatment. In Turkey today, anyone who is part of the opposition or who does not possess the same mindset as the government is systematically and unlawfully being silenced, including labourers seeking their rights, students and academics demanding a better quality of education, villagers and environmentalists trying to protect their land and natural resources, politicians who are trying to resolve the Kurdish issue, one of the most vital, fundamental problems facing the country, and women fighting for emancipation. Lawyers who try to stand their ground against this lawlessness may also find themselves imprisoned and labelled 'terrorists'.<sup>4</sup> Some in the media are working in collaboration with the government, using all the means at their disposal to try to legitimise these events.

Most who fall foul of the government and its supporters have not engaged in any actions that could be classed as a criminal offence. It is clear that the goal is to intimidate society by silencing and gagging the opposition. For the last few years, the AKP has tried to legitimise a regime of unlawfulness, showing no restraint in imprisoning those who dare to speak the truth while justifying their actions under the banner of 'democratisation', 'civilisation' and 'bringing coup makers to account'. In the past, criminal lawsuits were used as a means of eliminating the opposition by dividing the public into those who are 'with us or against us'. This was a method most frequently used during military coups. However, today, during a period of civilian government, this tactic has become institutionalised, while the legal system and law enforcement have ceased to be independent.

---

1. <http://t24.com.tr/haber/erdogan-bazi-kitaplar-vardir-ki-bombadan-daha-tesirlidir,150308>

2. <http://www.tgc.org.tr/rapor.asp?rid=45>

3. <http://www.hurriyet.com.tr/hurriyet-e-7-3-milyon-tl-lik-ceza-ihbari-12455954>

4. The director and members of the Progressive Lawyers Association were charged on suspicion of being members of a terrorist organisation. The subsequent inquiry led to the arrest of nine lawyers on 18 January 2013 after which they were imprisoned for more than a year. Similar repression continues. As a result of comments during a television broadcast, Tahir Elçi, the Chairman of the Diyarbakır Bar was detained in Diyarbakır, transferred to Istanbul and brought before a judge with a view to being arrested. Elçi was banned from leaving the country and was subsequently murdered on 29 November 2015 by persons unknown.

The obstacles facing freedom of the press and freedom of expression are not new: 112 journalists were murdered in Turkey between 1909 and 2010.<sup>5</sup> The biggest shift is that it's now more common for a journalist to be imprisoned on terrorism charges than murdered. Despite a fall in numbers due to recent releases, there are still more than 30 media employees in prison.<sup>6</sup> It has become a cliché for arrests to be followed with the claim that the accused are terrorists, not journalists. Mere coverage in the independent media of the PKK<sup>7</sup> can result in a charge of 'membership of a terrorist organisation' or 'assisting a terrorist organisation'. Key requirements of newsgathering such as establishing relationships with news sources or interviewing those considered to be the 'wrong' people can be classed as 'terrorist activities', 'participating in illegal activities' or may lead to allegations of planning a military or civilian coup. Even journalists' reading material and the contents of their bookcases can be labelled as 'criminal evidence'. Prosecutors broadly interpret authoritarian and oppressive laws, while the neutrality and independence of Turkish judges are in doubt.

---

5. <http://www.gazeteciler.com/gundem/103-yilda-112-gazeteci-ve-yazar-olduruldu-50058h.html>

Journalist Nuh Köklü was stabbed on 17 February 2015 in the Kadıköy district of Istanbul during an event that was not related to politics. Kadri Bağdu, distributor of the Kurdish language newspaper *Azadiya Welat* in Adana, was murdered on 14 October 2014 in an attack thought to have been carried out by Islamist groups. Three Syrian journalists who escaped the civil war in Syria and took refuge in Turkey were killed last October and December. İbrahim Abdulkadir, editor in chief of *El Vatan*, which was published in Arabic in Şanlıurfa on the Syrian border and circulated amongst dissident Syrians, and Firaz Hamadi, a journalist for the same newspaper, were both found dead in their homes on 30 October 2015. Another Syrian journalist, Naji El Jerf, who lived in Gaziantep on the Syrian border, had filmed a documentary covering massacres carried out by Isis. He was shot on 27 December 2015 in broad daylight. It was announced that Isis claimed responsibility for the three murders.

6. International journalists' groups put the number of arrested journalists in Turkey at 14; local groups say it is more than 30. Some of the reports within Turkey have discrepancies. The international figures are lower because of their criteria for evaluation, but it is useful to point out that Turkish groups are agreed on the number being more than 30.

7. Kurdish Workers' Party, a left-wing militant organisation fighting for Kurdish self-determination in south-east Turkey. NATO and the EU list it as a terrorist organisation. A ceasefire ended in July 2015 following the bombing of PKK targets.



# HISTORY OF THE TURKISH MEDIA

Journalism in Turkey began with the launch of *Takvim-i Vekayi*, the first newspaper to be published during the reign of Ottoman Sultan Mahmut II on the condition that it 'did not interfere with state order and supported the ruling power'.<sup>8</sup> While there have been many changes of regime and administration in Turkey since then, the relationship between the media and the establishment in Turkey remains unchanged.

The Turkish media has always had a tendency to be partisan and vulnerable to political influence. Following the military coup of 12 September 1980, the sector grew rapidly in a climate of economic liberalisation. Large holding companies sought ownership of media groups as it provided them with the opportunity to protect and grow their investments while using the media as a shield. A few of these holding companies, who came to dominate the media, broadened the area of their investments and were favoured in state tenders and government privatisation schemes. Their editorial policies were inevitably determined by their economic interests, while the offer of state contracts and incentives brought them under political control. This monopolisation of the media, alongside the financial activities and political relationships of the holding companies' owners, transformed the industry into a mouthpiece for the establishment, as well as a political and economic pawn. These unregulated and complex economic relations also resulted in the creation of an uncontrolled labour market for many media employees. Trade unions, which served as a guarantee of editorial independence for journalists, were impotent. Only three per cent of journalists are unionised in Turkey.<sup>9</sup> In a sector with no job security, media bosses and directors succeeded in controlling journalists with the threat of unemployment: according to the Turkish Journalists' Association the rate of unemployment amongst journalists is three times the national average.<sup>10</sup> Journalists who failed to follow the party line could find themselves out of work for years, and this, too, has served to restrict press freedom. In response to state pressure, these economically exploitative policies ensured that journalism, already weak and defenceless, became an entirely oppressed industry.

---

8. The weekly *Takvim-i Vekayi* was founded in 1831 and was the first official Ottoman Turkish Gazette to be published within the Ottoman State. In addition to Ottoman Turkish, the gazette was also published in Arabic, Armenian, Persian, French and Greek. Apart from official advertisements and unofficial announcements, it also printed news stories regarding internal and external developments. However, it later began to publish official news only. The newspaper closed on 4 November 1922, which marked the official abolishment of the Ottoman State.

9. <http://tgs.org.tr/tgsden-baska-care-yok/>

10. <http://www.tgc.org.tr/duyuru.asp?did=1161>



# THE MEDIA AND THE AKP

In its rise to power, the AKP's brand of political Islam challenged the founding principles of the secular Turkish state. The AKP's single party majority ended decades of coalition government and the impact on the media was profound. Over the past 13 years, an increasing number of media groups have emerged with close ties to the party. As the government has consolidated its political power, it has increased its efforts to suppress the independent media with the intention of taking control.

The Turkish media's mutually dependent relationship with the political establishment has left it vulnerable to the AKP's influence. A system of political and economic cronyism has resulted in the creation of a pro-government media.<sup>11</sup> Media institutions that were seized as a result of allegations of impropriety have been sold to pro-AKP business groups at well under their market value. The state-run Savings Deposit Insurance Fund (TMSF) has played a pivotal role in the transformation of the structure of media ownership. One of the duties of the TMSF is to collect debts owed to banks and other financial institutions, with the power to seize and sell the assets of institutions unable to cover their debts. The government seized the assets of many banks that collapsed during the economic crisis of 2001 just before the AKP came to power. Some of these banks had taken ownership of several media groups from the 1990s onwards. Each of these media institutions was subsequently sold to so-called crony business groups, giving the TMSF an important role to play in shaping the media sector.<sup>12</sup>

---

11. Approximately four million newspapers are sold in Turkey on a daily basis. Fifty percent of these newspapers belong directly to media groups that were either created or transformed by the government in power. Forty per cent of the remaining half belongs to media groups that surrendered to the government as a result of economic and political pressures. The opposition media, or those perceived by the government to be in opposition, are inadequate and ineffective in organising themselves. Additionally, the crude tone and style that the opposition media has employed has served only to strengthen the pro-government system and media groups. There are 47 national daily newspapers whose circulation is reported (<http://medyatava.com/tiraj/2015-12-21>). Three of these publications are (*Pas Fotomaç*, *Fanatik* and *Korkusuz*) sports newspapers. *Azadiya Welat* is a Kurdish opposition publication while *Yeni Asır* is a regional newspaper controlled by the government that reports on Izmir and its surrounding area. There are three English language newspapers. The *Daily Sabah* newspaper is directly controlled by the AKP, while *Today's Zaman* is linked to the Gülen movement. The *Hürriyet Daily News* can be included in the comparatively independent category due to government pressure. *Hürses* and *Dünya* are daily business newspapers. Of the remaining 38 daily newspapers, one is a tabloid while 20, *Sabah*, *Türkiye*, *Takvim*, *Yeni Şafak*, *Akşam*, *Güneş*, *Milliyet*, *Vatan*, *Star*, *Yeni Yüzyıl*, *Yeni Akit*, *Milat*, *Vahdet*, *Bugün*, *Diriliş Postası*, *Millet*, *Yeni Söz*, *Yeni Asya*, *Milli Gazete*, *Habertürk*, are directly controlled by the AKP government. *Hürriyet* and *Posta* belong to the Doğan Group and up until recently were included in the comparatively independent category. However, now they can be grouped with publications that have surrendered to the AKP. Of the 14 opposition newspapers it is known that *Zaman*, *Taraf*, *Özgür Düşünce* and *Meydan* have close ties with the Gülen movement. *Sözcü*, *Aydınlık*, *Yeni Çağ*, *Ortaoğlu* and *Yeni Mesaj* are nationalist newspapers. The remaining opposition publications are *Cumhuriyet*, *Birgün*, *Evrensel*, *Özgür Gündem* and *Yurt* newspapers.

12. 219 companies belonging to Çukurova Holding were seized a few months after its owner Cem Uzan entered politics as party leader of the Young Party. The Star Media Group was also one of the companies to be seized by the TMSF on charges of financial fraud and bankruptcy a short time after the 2003 elections that were won by the AKP. The media group comprised two national television channels, a digital pay-as-you-go channel, two newspaper, radio stations and internet portals. Most of these were sold to businessman Ethem Sancak, known for having close ties to AKP. After changing hands several times within pro-AKP capitalist groups, Ethem Sancak once again assumed ownership of the group. Sancak withdrew from the media sector in 2010 (<http://t24.com.tr/haber/ethem-sancar-stari-sattim-cunku-gorevim-bitti,223667>). In his statement he explained why he had chosen to enter the media sector: 'I acquired some of the media. My aim was to provide the AKP government with media support at a time when they had very little media support. Now Erdoğan has strong support from the media. Therefore being in the media sector was just a call of duty for me.' *Sabah-ATV*, another media group, was seized by TMSF on account of bankruptcy in 2007. Its television channels and radio stations, newspaper and magazines and internet portals were sold to Çalık Holding for USD\$1.1bn in 2008 after which it was renamed Turkuaz Group. The sale was fraught with debate as the Çalık Group could only raise USD\$450m for the acquisition while the remainder of the figure was borrowed from state banks Vakıfbank and Halkbank. Ahmet Çalık, the chairman of the holding company, was also known for his close ties to the government. Close ties to the government were reinforced, as the general manager of Turkuaz Group was Berat Albayrak, the son-in-law of Erdoğan. The chairman of the media group was Berat Albayrak's brother.

It is not unusual for mainstream Turkish media groups to employ pro-government journalists and columnists, regardless of publication policy and political tendency. This is because they can be useful agents in maintaining the financial relationships between the owners of the holding companies and politicians. However, in a climate of increasing polarisation and political tension, these relationships are no longer a guarantee: the AKP government now requires total surrender. It rewards loyalty by awarding state contracts to its supporters, while even minor criticisms of the government in the media may result in tax fines, one of the most significant tools of punishment. In 2009, the Doğan Group was hit with tax fines totalling more than USD\$3bn following coverage that was critical of the government.<sup>13</sup> The Doğan Group's subsequent negotiations resulted in the fine being reduced to USD\$590m in 2011. The group was forced into selling its most influential newspapers, *Vatan* and *Milliyet*, as well as the very popular Star TV, to crony business groups. This marked the end of the Doğan Group's media domination: it had previously owned 50 per cent of all publications and visual media. Although the Doğan Group's media outlets had been outspoken when the political climate was more favourable, this criticism began to decrease significantly up until the elections of 1 November 2015 and has since disappeared entirely.<sup>14</sup>

---

13. Illegal recordings of Erdoğan's telephone calls, which were leaked on the internet in 2013 amid allegations of corruption, indicated that Erdoğan was monitoring the court case against the Doğan Group closely. (<http://www.radikal.com.tr/turkiye/basbakan-erdoganin-dogruladigi-iki-tape-1179654/>). According to the recordings, Erdoğan ordered Sadullah Ergin, the Minister of Justice, to ensure that a lower court decision ruling in favour of the Doğan Group was overturned.

14. In a further example *Taraf* newspaper, widely believed to be close to the Gülen community and subject to inspections since 2012, was fined \$2.2m in 2014. The charge was that *Taraf* had not declared or paid tax on revenue from bulk paper sales. The newspaper's management said it did not pay tax on these sales and that no media group did. It published a document showing the pro-government *Sabah* also did not pay this tax. (<http://arsiv.taraf.com.tr/haber-sabahin-farki-ne-mehmet-bey-158095/>) In conclusion tax officials stated this was a routine practice and did not press ahead with the fine. The newspaper is still under pressure regarding tax fines. (<http://www.taraf.com.tr/tarafa-operasyon-incelemeye-hala-doymadilar/>)

# REWARD AND PUNISHMENT

Official advertisements and public notices have long been a key instrument in the government's subsidy of the Turkish media, distributed in a system of reward and punishment. The most recent data regarding subsidies provided to pro-AKP media outlets dates from 2014. During a parliamentary Q&A session, the then Deputy Prime Minister Bülent Arınç stated that the value of advertising contracts awarded to pro-government publishing groups in the first four months of 2014 was more than USD\$6.3bn. *Sabah* newspaper, which boasted a circulation of 322, 879 in 2013, received USD\$567m – the largest share of government advertising revenue. *Yeni Akit* newspaper, which had a circulation of just 51,560 in that year, generated USD\$425m in official government advertising revenue, a figure close to that of *Sabah* newspaper, despite the official circulation of *Sabah* newspaper being six times greater than *Yeni Akit*.<sup>15</sup>

The AdEx report published by the Nielsen Company in 2015 indicated that public institutions displayed a bias towards pro-government media outlets for advertising purposes. Studies of 18 national newspapers containing data relating to the first half of 2014 showed that the pro-government *Sabah*, *Star* and *Milliyet* newspapers generated the most advertising revenue from public institutions. *Cumhuriyet*, *Zaman*, *Bugün* and *Sözcü* newspapers, which are critical of the government, generated the least revenue. Up until recently, *Hürriyet*, Turkey's best-selling mainstream newspaper, received the highest revenue from this source. Despite having a greater circulation and reach than *Sabah*, *Star* and *Milliyet*, it was ranked fourth. *Posta* and *Zaman*, which were among the publications receiving the least advertising and public notices, had the largest circulations in 2014. Although *Zaman's* circulation is three times the size, *Sabah* generated 22 times the advertising revenue from public institutions. *Star*, which has an eighth of the circulation of *Zaman*, received 17 times more advertisements.<sup>16</sup> Additionally, the autonomous Press Advertisement Agency (BİK), which is responsible for the distribution of official advertisements, stopped awarding advertisements to several institutions without any legal justification. In July 2014, just before the presidential elections, BİK cut short the advertising awarded to *Taraf* by eight days, to *Sözcü* by seven days, and to *Zaman* and *Sol* by one day each.<sup>17</sup>

The Radio and Television Supreme Council (RTÜK), which regulates and monitors radio and television broadcasts in Turkey, is another instrument through which the government exerts pressure on the opposition media. Members of RTÜK are selected from political parties based on the ratio of representation in the Turkish National Assembly (TBMM). This structure ensures that governments in power have the majority of members in RTÜK, whose transparency and independence has always been a source of controversy. Professional journalist associations have frequently criticised its use as a means to oppress the media and curtail freedom of expression. By cutting transmissions and levying fines, RTÜK has exerted economic pressure on opposition media outlets. The five television channels to receive the most fines in 2014 had expressed opposition opinions. The television channels to receive the lowest amount of RTÜK fines were Kanal 24, ATV, Kanal 7, NTV, TRT1 and TRT Haber, who are pro-government broadcasters. In 2014, the year of two elections, RTÜK issued television channels with

15. <http://t24.com.tr/haber/4-ayda-13-milyonluk-resmi-ilani-hangi-gazeteler-aldi,260643>

16. [http://www.zaman.com.tr/ekonomi\\_kamu-kurumlarindan-yandasa-reklam-kiyagi\\_2232085.html](http://www.zaman.com.tr/ekonomi_kamu-kurumlarindan-yandasa-reklam-kiyagi_2232085.html)

17. <http://www.birgun.net/haber-detay/39-gazeteye-ceza-83104.html>  
[http://www.istanbulinstitute.org/content/userfiles/files/Basin\\_ozgurlugu\\_BASKI.pdf](http://www.istanbulinstitute.org/content/userfiles/files/Basin_ozgurlugu_BASKI.pdf)

78 warnings and 254 fines while radio stations were issued with 12 warnings and 7 fines. In 2013, television stations were issued with 324 warnings and 1,208 fines, while radio stations were issued with 124 warnings and 92 fines.<sup>18</sup>

Official accreditation, once criticised by the AKP as a tool used by the military, has been resurrected as a form of censorship.<sup>19</sup> Opposition journalists are not invited to attend official trips by the president, prime minister and ministers, while reporters from the state TV channel TRT and news agency Anatolian Agency, as well as pro-government media representatives, are included. As a means of censorship, the selective use of accreditation has spread from the prime minister and president's office to the foreign ministry and other public institutions, making it challenging for a significant portion of the press to access information. This practice has not only restricted the public's right to receive news, it has led to uniform reporting in Turkey.<sup>20</sup> Phone records leaked during the corruption investigations in December 2013 revealed allegations that Erdoğan, then prime minister, gave direct orders to media owners and directors, intervened in content, complained about individual journalists to their employers leading to some having their employment terminated, and had certain columnists appointed.<sup>21</sup>

In its scope and intensity, the pressure exerted on the media while the AKP has been in power is now comparable to periods of authoritarian and military rule in Turkey. The rapid change to the structure of media ownership has had a damaging impact on the quality of journalism: the media has become a vehicle for content-to-order, while reporting has become entirely politicised, instead of being based on the fundamental principles of journalism.<sup>22</sup> Where once the media was under the control of the military, it is now under the thumb of a democratically elected government. The economic dependence of the Turkish media on political power has remained intact, while journalists, with few exceptions, have neglected the fundamental function of their job for the benefit of society, becoming a mouthpiece for the government and abandoning their responsibility of objectivity.

While total domination over the media has been achieved through pressurising media patrons, the economic sanctions imposed on opposition media outlets have completed their decline and deepened a prevailing culture of censorship and self-censorship. Well-known public figures have lost their jobs as

---

18. <http://bianet.org/bianet/medya/162748-medyanin-3-yili-grafik-ozet>

19. <http://www.cnnturk.com/haber/turkiye/basin-meslek-kuruluslari-ak-partinin-akreditasyonunu-kinadi>

20. <http://bianet.org/bianet/diger/162801-14-yazarin-kabatas-basligi-diliniz-kaba-vicdaniniz-tas>  
<http://www.radikal.com.tr/turkiye/13-kose-yazarindan-ayni-baslik-diliniz-kaba-vicdaniniz-tas-1306617/>  
<http://odatv.com/yandaslar-yine-talimatla-ortak-mansetle-cikti-1905141200.html>  
<http://odatv.com/yandas-medyanin-mansetinde-davutoglundun-namazi-var-2602151200.html>  
<http://www.akdenizgazete.com/haber/boyle-medyayi-dunya-gormedi/2181/>  
<http://www.haberdar.com/gundem/iktidar-medyasi-yine-tek-ses-h5112.html?mnst=662>  
<http://www.evrensel.net/haber/254028/akp-medyasi-tek-ses-pyd-isidden-tehlikeli>

21. <http://t24.com.tr/haber/erdogandan-fatih-saraca-alo-fatih-bak-bugun-gene-gazetenin-on-terafidir,271552>  
<http://t24.com.tr/haber/yalcin-akdogan-alo-fatih-hattinda-ibnelerin-basinin-haberini-yapin,271191>  
<http://t24.com.tr/haber/erdogandan-show-tvye-saba-tumer-ve-yasar-nuri-ozturk-mudahalesi,251799>  
<http://t24.com.tr/haber/erdogan-alo-fatih-hattinda-idris-bal-kafayi-yemis-defterini-durecegiz,271118>  
<http://t24.com.tr/haber/erdogandan-fatih-saraca-frikik-elestirisi-sen-ona-az-diyorsan-yandik,271058>  
<http://t24.com.tr/haber/fatih-saractan-basbakana-kendimle-ilgili-geregini-yapacagim,253481>  
<http://t24.com.tr/haber/basbakan-telefon-etti-haberturkten-uc-kisi-atildi,250642>

22. Media-government relationships which are valid for the printed press also apply to TV broadcasting, mostly owned by the same holding companies. Media patrons who have turned their writers into spokespeople for the government have done much the same for TV channels. Newspapers columnists who appear on TV have a significant impact on public opinion.

newspaper columnists or TV presenters, including Ece Temelkuran, Rusen Çakir and Nuray Mert. Even pro-government newspapers that voice mild opposition have been silenced, while there has been an equal lack of toleration for liberal journalists who once gave their support to the AKP government and were complicit in the culture of oppression, but who have since dared to voice a critical opinion. It is worth reminding journalists who have lost their jobs that they may still be more fortunate than those in prison during this period.

Journalists also need to take responsibility for the current crisis. The lack of unionisation in the media, the competition between columnists and journalists, which has led to a fall in standards, and the sacking of journalists have all weakened the media. This is compounded by the indifference of society in the face of the challenges facing both democracy and freedom of expression. Journalists' own collusion in the spread of censorship and their willingness to self-censor has further contributed to the deterioration of the media. One of the greatest problems remains those journalists who, though free, have effectively been gagged.





# THE GÜLEN MOVEMENT AND THE AKP

The most significant interference in the freedom of the press and freedom of expression is politically motivated. The clash between the Gülen movement<sup>23</sup> and the AKP over the past four years is a notable example. The Gülen movement was initially an unofficial partner of the AKP in the government and took on an important role in the elimination of common political enemies. The Gülen movement has considerable influence within the police, judiciary, military and, to a lesser degree, the national intelligence service. In 2007, it was implicated in a series of investigations and court cases known collectively as 'Ergenekon'. Hundreds of individuals, including writers, journalists, military officers and lawyers, were accused of conspiring to try and overthrow the government.<sup>24</sup> All those accused or sentenced were subsequently released. The judicial process was shown to be flawed and some evidence fabricated. During this period, the pro-Gülen movement media and the pro-AKP media attempted to legitimise the investigations. There are now several inquiries into the Gülen movement's role in the scandal.

When the Gülen movement subsequently fell out of favour with the AKP in 2012, it became the victim of its own media tactics. Journalists alleged to have ties to the Gülen movement were imprisoned, while media outlets owned by business groups close to the Gülen movement were seized with total disregard for the law. The Gülen movement and its supporters in the media, who had previously been overzealous in trying to prove that imprisoned journalists were 'terrorists', became the greatest defenders of press freedom in Turkey. Last year, a warrant was issued for the arrest of Ekrem Dumanlı, former editor-in-chief of *Zaman*, one of Turkey's best-selling newspapers, on charges of belonging to a terrorist organisation and seeking to overthrow the government. The Ipek Media Group, which is also close to the Gülen community, was seized last year and its management replaced. On 29 February 2016, the new management shut down two newspapers, two TV channels and one radio station belonging to Ipek on grounds of being unprofitable. On 4 March 2016, the newspapers *Zaman*, *Meydan* and English language *Today's Zaman*, along with Cihan News Agency, *Aksiyon* news magazine, Irmak TV, Radio Cihan, *Zaman Kitap* and the distribution company Cihan Media Distribution were seized and interim management appointed. Some senior correspondents and editors were fired, and the publications began to issue pro-government content. Feza Publishing, widely alleged to be associated with the Gülen movement, owned all of these publications and companies.

---

23. The Gülen movement is an Islamist organisation founded by Fethullah Gülen and may be more accurately described as a sect. It defines itself as a civil society organisation, engaged in charitable activities. The government alleges that it is involved in illegal activities within the state apparatus. There are ongoing investigations in relation to these allegations.

24. The author was amongst those detained and spent a year in prison in 2011 in pre-trial detention.



# SOCIAL MEDIA – THE FIGHT AGAINST CENSORSHIP

Turkey has a young population who are active internet users. Social media platforms have become extremely important in shattering the restraint and censorship on the media, while the internet has become an outlet for journalists who are unemployed. However, as advertisers steer clear of websites that publish news critical of the government, the medium is not yet a viable alternative for the independent media. Furthermore, internet news portals do not have the resources for their own newsgathering and do little more than recycle the news with rewritten headlines. The main difference from the mainstream media is that commentators who have been otherwise gagged are able to publish their opinions online.

Social media channels such as Twitter, Facebook and YouTube have become key tools for those criticising the government, including citizen journalists. In 2013, many newsworthy reports and images of police violence against peaceful protestors during the Gezi Protests<sup>25</sup> were censored by the mainstream media. Despite not being pro-government, many media outlets were afraid to publish images and news articles covering the protests, which then circulated on social networks. It was not long before the then Prime Minister Erdoğan directed his wrath at Twitter. During a television broadcast on 3 June 2013 Erdoğan said:

*'There is now a menace called Twitter, the best examples of lies can be found there. This thing called social media is the worst menace to society.'*<sup>26</sup>

According to Twitter's most recent transparency report, Turkey has made more requests to remove or block content than any other country in the world in the second half of 2015. Almost half of all requests from 50 countries to remove content originated from Turkey.<sup>27</sup>

Social media was the only source of uncensored information in 2013 during the 17-25 December inquiry into a corruption scandal that implicated top members of the AKP. During the inquiry into the allegations, the government interfered in the legal process: arresting police who had been involved in the investigation and replacing the judges who were leading the inquiry. The media was banned from covering the allegations. As a result, Twitter and YouTube become a vital source of information. Over the following months, social media users spread illegally obtained audio recordings of telephone calls relating to the scandal. The government responded swiftly by drafting a law increasing the censorship of internet broadcasting.<sup>28</sup> During a television broadcast on 6 March 2014 Erdoğan responded to criticism by saying:

*'We will not leave this nation at the mercy of YouTube and Facebook... Whatever steps need to be taken will be taken along the clearest lines.'*

---

25. The Gezi Park protests were a series of demonstrations in Turkey that began in May 2013, sparked by protests against the development of Gezi Park in Istanbul. The police's use of force against protesters and the government's response led to a domestic and international outcry.

26. <http://www.hurriyet.com.tr/gundem-twitter-23420185>

27. <https://transparency.twitter.com/removal-requests/2015/jul-dec>

28. Law No: 6518 was passed on 19 February 2014 amending the Internet Law (Law No: 5651) and greatly expanding the grounds for blocking access to websites. These amendments have been curtailed by some minor amendments suggested by then President Gül, which were passed as part of Law 6527 on 1 March 2014 2) A series of Constitutional Court cases in October 2014 and January 2015.

Erdogan made it clear that that this would include shutting down the sites.<sup>29</sup>

Erdoğan targeted all social media platforms. At a rally two weeks later on the 21 March 2014 he clearly outlined his plans for Twitter, which he had previously denounced as a 'scourge':

*'We'll eradicate Twitter. I don't care what the international community says. Everyone will witness the power of the Turkish Republic.'*<sup>30</sup>

A few hours after the speech, Twitter was shut down throughout Turkey.<sup>31</sup> A week later, an illegally obtained copy of a top secret meeting at the foreign ministry was made public on YouTube, which resulted in its closure too. The Constitutional Court overturned the ban on Twitter within two weeks, while the ban on YouTube was overturned two months later.

There was an international outcry directed at the AKP government following the ban on social media and the government began to seek alternative solutions. According to allegations published in the Turkish media, the AKP subsequently began to employ social media trolls.<sup>32</sup> Reports have claimed that there are more than 10,000 paid trolls, co-ordinated by top-ranking AKP officials.<sup>33</sup> There has been no firm evidence to support these allegations, as the courts have not carried out any investigations. However, unprecedented levels of pro-government activity on Twitter follow any event that implicates the AKP government in a negative way. Targets include journalists as well as anti-government Twitter users with large numbers of followers. Those targeted are subjected to a barrage of swearing, insults and slander in a campaign to discredit their reputation and are likely to be featured in news stories in the pro-government media.<sup>34</sup>

---

29. <http://t24.com.tr/haber/erdogan-mustafa-koc-gorusmek-icin-araya-barzaniyi-soktu,252775>

30. <http://www.diken.com.tr/twitter-mwitter-hepsinin-kokunu-kaziyacagiz/>

31. <http://www.hurriyet.com.tr/turkiyedeki-twitter-yasagi-dis-basinda-26052415>

32. Wikipedia defines internet trolls as follows ([https://en.wikipedia.org/wiki/Internet\\_troll](https://en.wikipedia.org/wiki/Internet_troll)): A troll is a person who sows discord on the internet by starting arguments or upsetting people by posting inflammatory, extraneous, or off-topic messages in an online community (such as a chat room, newsgroup, forum or blog) with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal on-topic discussion, often for their own amusement.

33. <http://arsiv.taraf.com.tr/haber-trollere-maas-havuzu-162506/>  
<http://www.noktadergisi.org/troller-yonetimi-ele-gecirdi.html>  
<http://arsiv.taraf.com.tr/haber-bir-aktroll-daha-desifre-oldu-162443/>

34. <https://jjiyan.us/2015/10/25/oy-ve-hilesi-kimin-hilesi/>  
<https://jjiyan.us/2015/12/07/aktroller-kiro-degil-asil-meseleyi-trollemeyin/>  
<https://jjiyan.us/2015/12/03/putinle-savasan-ak-trollere-devlet-destegi-hondurasa-gidiyoruz/>

# TURKEY'S MEDIA TODAY

Although Turkey is a signatory to the European Convention on Human Rights, its track record on media standards regularly breaches its obligations. The prosecution of journalists, the censorship of publications,<sup>35</sup> the limiting of internet access to web-based news<sup>36</sup> and the threat of severe fines against publishers who refuse to issue corrections deprive both readers and viewers of the level of access to information expected in a democracy. More than 200 journalists have been jailed in the past five years. Last year, there were 300 prosecutions of journalists. President Erdoğan and his supporters have targeted press outlets, writers and journalists, posing a threat to their safety. Turkey's lack of progress towards compliance with progress goals in the context of its accession to the EU is one of the most significant obstacles now blocking the necessary and fundamental reform of the media.

When the AKP first came to power in 2002, it introduced more than 30 laws that complied with EU standards. However, over the past 11 years the legislation has instead been regressive. The Gezi protests that swept Turkey in June 2013<sup>37</sup> and the 17-25 December corruption investigations<sup>38</sup> were a milestone in consolidating the government's hard-line response to any opposition. The right to gather and protest, which is part of the right to freedom of expression, was greatly curtailed in the wake of the Gezi protests through amendments to the internal security regulations.<sup>39</sup> Prosecutions of protestors are ongoing. Following the 17-25 December corruption scandal, the government introduced new legislation to prevent similar investigations from being brought in the future. Though the appearance of these reforms was to regulate searches, wire-tapping and arrests, it had a consequence for press freedom. This included the 5651 Regulation of Publishing on the Internet and Intervention in Crimes Committed via these Publications. Despite this having already been criticised in the EU's Progress Report for its impact on freedom of expression, the reforms made it even more restrictive.

In addition, amendments to the penal code established a system of Sulh Ceza Hakimlikler ('peacetime penal judges'), which granted power to a number of appointed judges to ban access to internet publications and to make decisions on issuing corrections and apologies in the media. The authority of higher court judges to monitor these decisions for their compatibility with the law was also revoked. Instead, the new system called for the judges to be monitored by a judge appointed by the administration. The National Intelligence Law was also amended which introduced further obstacles for the press in

---

35. In the last five years more than 150 events impacting the Turkish public have been censored through bans on publication. Any event that might be challenging for the AKP government (bomb attacks in Ankara and Suruc in which 130 people were killed, the Soma mining disaster in which 301 miners died, the 17/25 December corruption probe, the role of Turkish intelligence in supplying arms to Syria) was subject to a ban on news ordered by courts because it might disrupt public order. Bans on publication are issued based on criteria such as public health, national security, public order and public security, national unity, crime prevention. <http://haber.sol.org.tr/turkiye/son-5-yilda-150den-fazla-sorusturmaya-yayin-yasagi-getirildi-132953>

36. Following international outcry, a decision in April 2014 by the constitutional court lifted some of the obstacles to accessing sites like Twitter and YouTube, but pressure on written, oral and visual communication as well as social media, continues.

37. [https://tr.wikipedia.org/wiki/Gezi\\_Parki\\_protestolari](https://tr.wikipedia.org/wiki/Gezi_Parki_protestolari)

38. [https://tr.wikipedia.org/wiki/17\\_Aralik\\_yolsuzluk\\_ve\\_rusvet\\_sorusturmasi](https://tr.wikipedia.org/wiki/17_Aralik_yolsuzluk_ve_rusvet_sorusturmasi)

39. Law No: 6529 was passed on 13 March 2014, amending Turkey's Law on Meetings and Demonstrations (Law No: 2911) and imposing new restrictions on freedom of assembly and the right to protest. A further series of amendments as part of Law No: 6638 (popularly known as 'the Domestic Security Package') further limited these freedoms in March/April 2015.

accessing information: publication, possession and distribution of classified intelligence information became a crime of treason, with a custodial sentence of up to nine years, even if the information was in the public interest.

The EU Progress Reports reflect the current challenges for freedom of expression in Turkey. 'The press has faced greater pressure and intimidation and this has increased self-censorship' according to the 2015 Progress Report, which states that the situation is more worrying than in the past.<sup>40</sup> International press freedom reports echo these concerns.<sup>41</sup>

Recent political developments have further increased the pressure on the media in Turkey since the elections in June 2015. The AKP government's air strikes on the PKK ended the ceasefire in July. Commentators have viewed this escalation as a political move to win the nationalist vote.<sup>42</sup> After air strikes on Qandil Mountain, where the PKK's decision-making cadres and militants are based, the PKK also took up arms. In this climate, the siege on Turkey's media has become even fiercer. The AKP government began targeting any media group it deemed to be in opposition, while the police raided media outlets that reported on the Kurdish<sup>43</sup> issue and related websites were also widely censored.<sup>44</sup> Media groups or platforms seeking to discuss the Kurdish conflict were subjected to social media pressure, judicial investigation and court cases. Any call from the media for peace was labelled as treachery and politicians from the Halkların Demokratik Partisi (HDP) Kurdish party became targets for censorship.<sup>45</sup> Since the elections last June, and the success of the HDP in winning 13 per cent of the vote, it has become rare for their politicians to be given airtime.

Unwilling to tolerate any opposition, the government also targeted a group of academics who signed a petition in January calling for an end to fighting with the PKK. The statement, titled 'We won't be complicit in this crime', was signed by 1,128 academics from 89 universities in Turkey and by more than 355 academics and researchers abroad.<sup>46</sup> Both President Erdoğan and AKP government members accused the academics of being traitors, and a mafia leader threatened to kill them.<sup>47</sup> Some of the academics were detained by police and became the focus of legal and administrative investigations. Academics Esra Mungan, Muzaffer Kaya and Kivanc Ersoy were arrested on 15 March on suspicion of 'making terrorist propaganda' and imprisoned the following day, pending a criminal investigation.

The increased violence in the conflict with the PKK has also made Turkey a riskier place for journalists seeking to do their job. Three journalists reporting for VICE News in south-east Turkey were detained last August and held on terrorism charges. The British reporters Jake Hanrahan and Philip Pendlebury were

---

40. [http://www.ab.gov.tr/files/ilerlemeRaporlariTR/2015\\_ilerleme\\_raporu\\_tr.pdf](http://www.ab.gov.tr/files/ilerlemeRaporlariTR/2015_ilerleme_raporu_tr.pdf)

41. <https://freedomhouse.org/report/freedom-world-2015/discarding-democracy-return-iron-fist>  
<https://cpj.org/reports/2015/12/china-egypt-imprison-record-numbers-of-journalists-jail.php>  
<http://index.rsf.org/#!/presentation>  
<http://tr.pressforfreedom.org/2014-2015-raporureport/>

42. <http://www.evrensel.net/haber/256730/basbakanlik-isis-ve-hpgye-hava-operasyonu-yapildigini-acikladi>

43. <http://bianet.org/bianet/siyaset/167895-diyarbakir-da-diha-ya-polis-baskini-32-gazeteci-gozaltinda>

44. <http://bianet.org/bianet/ifade-ozgurlugu/168358-habere-karsi-hapis-saldiri-tehdit-vs-nereye-kadar>

45. <http://bianet.org/bianet/ifade-ozgurlugu/168358-habere-karsi-hapis-saldiri-tehdit-vs-nereye-kadar>

46. <http://bianet.org/bianet/toplum/170969-akademisyenler-bu-suca-ortak-olmayacagiz-diyor>

47. <http://bianet.org/bianet/siyaset/171047-sedat-peker-den-akademisyenlere-tehdit-oluk-oluk-kanlarinizi-akitacagiz>

released the following month, while their Iraqi-Kurdish colleague Mohammed Rasool was detained for 131 days. Many journalists, chiefly from the Kurdish media, who were defiant against censorship policies, have been detained by police and prevented from working. In south-east Turkey, in particular, journalists have been assaulted and threatened with death.<sup>48</sup> Two journalists working for Kurdish news agencies were injured as a result of security forces opening fire: on 29 December 2015 Merdan Berk, a reporter for Dicle News Agency (DIHA) was injured in both feet by gas capsules fired by police;<sup>49</sup> İMC TV cameraman Refik Tekin was shot in the leg on 20 January 2016 while covering a story in Şırnak's Cize province where a curfew was in place.<sup>50</sup> In Şanlıurfa on 22 January 2016, Şahin Ceyran, who works for the Kurdish *Azadiya Welat* newspaper was abducted, forced to drink an unidentified fluid, beaten and dumped in an abandoned building by people identifying themselves as police.<sup>51</sup> In February, Rohat Aktas, chief editor of the Kurdish newspaper *Azadiya Welat*, was killed during a curfew in clashes between the PKK and government forces in Cizre in south-east Turkey. The Turkish government claimed he was a terrorist, his newspaper that he was a journalist. His body was badly burned and identifiable only by DNA testing.

Further incidents have included: the seizure of books on charges of 'terrorist propaganda';<sup>52</sup> police raids of media outlets on the pretext of investigations into 'terrorist activity' and the arrest of journalists. Publications and journalists voicing the slightest critical attitude have been portrayed as anti-government and attacked. Members of the AKP youth movement attacked *Hurriyet*, one of Turkey's leading mainstream newspapers, on 6 and 8 September 2015, with stones and sticks.<sup>53</sup> The AKP's then Istanbul MP Abdurrahim Boynukalın was present at the attack on the newspaper and addressed the crowd. He was not charged in the subsequent investigation, but instead made a deputy minister.<sup>54</sup> Popular *Hurriyet* columnist and TV personality Ahmet Hakan was assaulted by three AKP members on 1 October 2015 in front of his home and beaten; his nose and ribs were broken.<sup>55</sup> A few days before the November elections, 16 television and radio channels were removed from satellite<sup>56</sup> and digital broadcasting platforms.<sup>57</sup> *Bugün* and *Millet* newspapers, Bugün TV and Kanaltürk TV channels were also seized.<sup>58</sup> Individuals close to the AKP were appointed to management positions and many journalists were fired.<sup>59</sup>

---

48. <http://bianet.org/bianet/medya/170874-hdp-li-tugba-hezer-ozturk-basbakan-a-gazetecilere-yonelik-saldirilari-sordu>

49. <http://bianet.org/bianet/insan-haklari/170686-diha-muhabiri-merdan-berk-iki-bacagindan-yaralandi>

50. <http://bianet.org/bianet/ifade-ozgurlugu/171310-ımc-tv-kameramani-refik-tekin-cizre-de-vuruldu>

51. <http://bianet.org/bianet/insan-haklari/171420-azadiya-welat-calisani-urfa-da-kacirildi-darp-edildi-sokaga-birakildi>

52. <http://bianet.org/english/freedom-of-expression/170220-tatari-cemal-books-pulled-off-shelves-punitive-fine-for-ahmet-sik>  
<http://t24.com.tr/haber/2015te-12-eylul-zihniyeti-iste-toplatma-karari-verilen-kitaplar,320765>

53. <http://www.hurriyet.com.tr/100-gunde-iddianame-40030651>

54. <http://www.hurriyet.com.tr/abdurrahim-boynukalina-odul-gibi-atama-40028583>

55. <http://www.hurriyet.com.tr/hurriyet-yazari-ahmet-hakan-evinin-onunde-saldiriya-ugradi-30202662>

56. [http://www.bbc.com/turkce/haberler/2015/11/151113\\_samanyolu\\_turksat](http://www.bbc.com/turkce/haberler/2015/11/151113_samanyolu_turksat)

57. <http://haber.sol.org.tr/medya/cemaate-yakinligi-ile-bilinen-7-kanal-digiturkten-cikarildi-132043>

58. [http://www.bbc.com/turkce/haberler/2015/10/151027\\_koza\\_ipek\\_tebliğat](http://www.bbc.com/turkce/haberler/2015/10/151027_koza_ipek_tebliğat)

59. [http://www.zaman.com.tr/gundem\\_kayyim-heyetine-herkesi-isten-atma-yetkisi-verildi\\_2328207.html](http://www.zaman.com.tr/gundem_kayyim-heyetine-herkesi-isten-atma-yetkisi-verildi_2328207.html)





# JOURNALISTS IN JAIL

The AKP government has conducted a systematic silencing and intimidation campaign directed at the media in order to protect itself from political criticism and to censor allegations of criminal activity. This began ahead of the November elections, which resulted in a consolidation of its power when the AKP won an outright majority, and has increased since then. A round up from 2015 is sufficient to convey the desperate situation of the press: more than 30 journalists are in jail<sup>60</sup>, more than 100 were detained, close to a thousand bans on publication were issued and access to more than 42,000 websites were banned in the past year.<sup>61</sup> President Erdoğan's intimidation strategy has been to treat any criticism as a personal affront and to bring charges against those responsible: many journalists, including well-known names, are facing potential jail terms on charges of insulting the president or prime minister for no more than voicing criticism. Since 2014, there have been 1,845 cases on charges of insulting the president. These include caricaturists, a 13-year-old boy, lawyers and party leaders.<sup>62</sup>

Journalists currently in prison are as follows:

1. **Ali Konar**, *Azadiya Welat* newspaper. Convicted. (7 years 6 months jail)
2. **Beritan Canözer**, Jin News Agency (JINHA). Charge sheet not yet prepared.
3. **Cebrail Parıltı**, Anatolian News Agency. Charge sheet not yet prepared.
4. **Cengiz Doğan**, *Azadiya Welat* newspaper. Convicted. (Three years seven months sentence).
5. **Deniz Babir**, *Azadiya Welat* newspaper. Charge sheet not yet prepared.
6. **Ensar Tunca**, *Azadiya Welat* newspaper.
7. **Erdal Süsem**, *Eylül* magazine. Convicted. (Life imprisonment).
8. **Erol Zavar**, *Odak* magazine. Convicted. (Life imprisonment).
9. **Ethem Çağır** (Özgür Amed), *Özgür Gündem* newspaper. Convicted (three years, 1.5 months sentence).
10. **Ferhat Çiftçi**, *Azadiya Welat* newspaper. Convicted (22 years, eight months sentence).
11. **Feyyaz İmrak**, Dicle News Agency (DİHA). Charge sheet not yet prepared.
12. **Gurbet Çakar**, *Hevi Jin* magazine. Convicted. (Seven years six months sentence).

---

60. International journalists' groups put the number of arrested journalists in Turkey at 14; local groups say it is more than 30. Some of the reports within Turkey have discrepancies. The international figures are lower because of their criteria for evaluation, but it is useful to point out that Turkish groups are agreed on the number being more than 30.

61. The Turkish monitor engelliweb.com statistics show the total number of website censored in Turkey since 2007 was 107,500. In 2013 it was 18,000 in 2014, 25,000, in 2015, 42,000. The Telecommunications Communication Authority (TİB) shut down 95 percent of these without a court ruling. TİB was thus authorised in 2007 with the passage of the 5651 law on Internet publications and combating crimes committed via these publications. <https://engelliweb.com/istatistikler/>

62. [http://www.zaman.com.tr/gundem\\_siyaset-karisti-hukuk-sifirlandi\\_2335837.html](http://www.zaman.com.tr/gundem_siyaset-karisti-hukuk-sifirlandi_2335837.html)

13. Gültekin Avcı, *Bugün* newspaper. Chargesheet not yet prepared.
14. Hamit Dilbahar Duman, *Azadiya Welat* newspaper. Convicted. (16 year sentence).
15. Hatice Duman, *Atılım* newspaper. Convicted. (Life imprisonment.)
16. Hidayet Karaca, Samanyolu Publication Group. Charge sheet not yet prepared.
17. Kamuran Sunbat, Dicle News Agency (DİHA). Convicted. (11 years, 11 months sentence).
18. Kenan Karavil, Radyo Dünya. Convicted. (19 years, nine months sentence) .
19. Mazlum Dolan, Dicle News Agency (DİHA). Charge sheet not yet prepared.
20. Mehmet Baransu, *Taraf* newspaper. Charge sheet not yet prepared.
21. Mesut Aslan, Ötekilerin Postası. Chargesheet not yet prepared.
22. Mikail Barut, Özgür Halk dergisi. Convicted. (Seven years, six months sentence).
23. Mikdat Algül, Radyo Mezitli FM. Convicted. (65 year sentence).
24. Muhammed Yusuf Keskin, *Yurtsever* Youth Magazine.
25. Mustafa Gök, *Ekmek ve Adalet* magazine. Convicted. (Life imprisonment).
26. Nazım Daştan, Dicle News Agency (DİHA). Charge sheet not yet prepared.
27. Nedim Oruç, Dicle News Agency. Investigation ongoing.
28. Nuri Akman, Dicle News Agency (DİHA). Charge sheet not yet prepared.
29. Nuri Yeşil, *Azadiya Welat* newspaper. Convicted. (One year, seven months sentence).
30. Ömer Gül, Dicle News Agency (DİHA)
31. Rojda Oğuz, Jin News Agency (JINHA)
32. Sami Tunca, *Mücadele Birliği* magazine. Trial ongoing.
33. Serkan Aydemir, *Bitlis Aktüel*
34. Sevcan Atak, *Özgür Halk Dergisi* (Free People Magazine)
35. Seyithan Akyüz, *Azadiya Welat* newspaper. Convicted. (22 years, six months sentence).
36. Şahabettin Demir, Dicle News Agency (DİHA). Convicted. (Four year sentence).
37. Tahsin Sağaltıcı, *Yürüyüş* magazine. Investigation ongoing.
38. Yılmaz Kahraman, *Özgür Halk* magazine. Convicted. (Two year sentence).
39. Zeki Karakuş, www.nisebin.com. Investigation ongoing.

# LEGISLATION AND FREEDOM OF EXPRESSION

The Turkish Penal Code (TCK) was presented as a 'revolution' to the Turkish public and the EU when it took effect in 2005. More than a third of this legislation, containing 345 articles, has since been amended: 124 articles were either amended or annulled by the courts, and two by the Supreme Court. Articles related to freedom of speech and publishing make up a significant portion of these changes. It is clear from current judicial practices that the Turkish Penal Code needs reform. There is a tendency in Turkey to criminalise freedom of expression, falling short of the standards of the EU, the European Council, and the European Court of Human Rights. ECHR rulings and European Council Parliamentary Assembly principle decisions frequently state that to punish journalists and writers with custodial sentences is a threat to freedom of speech. Despite this, Turkey's laws have not improved. On the contrary if a 'crime' is committed in the media, it is seen as grounds for increasing a jail term.

The 29 articles of the Turkish penal code, the Anti-Terror Law and Law 5651 on regulating the internet are major obstacles for freedom of the press and freedom of expression. The articles in the penal code directly or indirectly affecting freedom of expression are as follows:

- Defamation, encouraging or assisting suicide (Article: 84)
- Insulting a public official (Article: 125)
- Violating the confidentiality of communication (Article: 132)
- Privacy (Article: 134)
- Recording personal data (Article: 135)
- Praising a crime or criminal (Article: 215)
- Inciting the public to hatred and enmity (Article: 216)
- Inciting the public to breaking the law (Article: 217)
- Crimes against public peace committed via the media (Article: 218)
- Forming an organisation to propagate acts considered criminal and creating propaganda for this organisation (Article: 220)
- Violating laws regarding the use of hats and Turkish letters (Article: 222)
- Indecency (Article: 226)
- Misuse of power (Article: 257)
- Calumny (Article: 267)
- False testimony (Article: 273)
- Aiding a criminal (Article: 283)
- Violating the confidentiality of an investigation (Article: 285)
- Voice and visual recording of investigation and prosecutions (Article: 286)
- Attempting to influence fair trial (Article: 288)
- Insulting the president (Article: 299)

- Denigrating the Turkish people, state, state institutions (Article: 301)
- Violating the unity of the state and country (Article 302)
- Seeking personal gain through activities against national interest (Article: 305)
- Being member of an armed group member (in so far as the publications are deemed to be part of the group's activities) (Article: 314)
- Encouraging the public not to fulfil compulsory military service (Article: 318)
- Obtaining information about state security (Article: 327)
- Announcing information relevant to state security and political interests (Article: 329)
- Obtaining classified information (Article: 334)
- Publishing classified information (Article: 336)

Laws restricting freedom of the press and of expression in Turkey are not limited to the above. The anti-terror legislation and laws regulating internet publishing have also become effective censorship tools in the hands of judges who evaluate alleged crimes from a pro-government position. These laws can be summarised as follows:

### Anti-terror law (TMK)

The TMK has been a blight on freedom of the press and freedom of expression since it was passed. It has undergone several changes in the name of progress, but is still thriving. In particular, its vague description of 'terrorism' leaves it open to misuse. Article 6/2 which deals with 'publishing or broadcasting terror groups' announcements or statements' and 7/2 which deals with 'propaganda on behalf of a terrorist organisation' continue to contravene ECHR norms. At this point, the only acceptable way forward appears to be to repeal this 'special circumstance' law altogether, instead of trying to change it, and to introduce general penal laws instead.

### Regulation online

Law 5651, relating to the regulation of internet content, has undergone seven major reforms since it was passed in 2007. It continues to be the law most criticised in EU Progress Reports regarding freedom of expression. Although the ECHR ruled in 2012, in the *Ahmet Yıldırım* decision, that law 5651 did not have 'the quality of a law', it did not lead to reform.<sup>63</sup> Access is banned to more than 100,000 sites.

Following the 17-25 December corruption scandal, Articles 9 and 9A were amended with the intention of censoring news reporting relating to investigations or criticism regarding members of the government. The law needs to be repealed and then reformed, in accordance with ECHR norms.

---

63. Ahmet Yıldırım/Türkiye (Application No: 3111/10). The decision dated 18 December 2012 relates to the applicant's objection to a decision to ban access to a Google site where his academic work was published. The ECHR ruled that banning access violated Article 10 of the Convention and that Article 8 of Law 5651 on which the decision to ban was made did not have the features of a law, as enshrined in the Convention, as well as the case law of the ECHR.

# CONCLUSION AND RECOMMENDATIONS

Freedom of expression protects not only views that are favourably received, but also those that are controversial, shocking or offensive. As the European Court of Human Rights has often emphasised, it is precisely these views that require protection. While the government may legitimately restrict incitement to violence and terrorism – it is under a positive obligation to protect its citizens' right to life – its actions are circumscribed by the requirement to protect every person's right to freedom of expression. This requires that the government's actions must be clearly stated in law and be 'necessary in a democratic society'.

The European Court of Human Rights, in its interpretation of the European Convention on Human Rights and ECHR rulings, defines freedom of expression as the right to receive and impart information and ideas even if they are displeasing to a public or political authority. As a country trying to gain accession to the European Union, the AKP government claims that Turkey is advanced in terms of freedom of expression. However, the obstacles created by the AKP government are in fact contributing to the regression of Turkey's democracy. It is not possible to speak of true democracy without speaking of freedom of speech and freedom of the press as they foster a climate of open-mindedness, pluralism and tolerance; it is also a key condition for the modernisation of societies and the development of healthy individuals. Press freedom allows for public monitoring of political authorities and their use or misuse of power and is for this reason an indispensable component of democratic societies.

Ensuring the promotion and protection of the fundamental rights, in particular those outlined by the ECHR, as well as Article 10 on freedom of expression, would in large part resolve this issue. These reforms would create significant progress in terms both of Turkey's freedom of expression and compliance with Council of Europe and EU norms. It is not possible for Turkey to be taken seriously by the EU as a potential member in the light of its total disregard for freedom of expression and freedom of the press. In order to secure freedom of expression and freedom of the press, the following actions are necessary:

- Immediate release of all journalists arrested in connection to their professional work related to gathering and disseminating information to the public.
- Turkey must implement the rulings of the European Court of Human Rights to which it is bound.
- Turkey should adopt and implement human rights recommendations aimed at the promotion and protection of the freedom of expression and freedom of the press as well as recommendations made by the UN, the Council of Europe, the European Council and the European Union.
- Review and reform all legislation that unduly limits freedom of expression and freedom of the press for its compliance with international human rights standards. Any limitation of freedom of expression should be only within the permissible parameters provided under the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). Revision of those laws should be carried out in a manner that ensures adequate broad consultation, including with relevant civil society organisations and journalists' groups. In particular:

- Revision of the Anti-Terror Law to ensure it is in line with international human rights standards and the ECHR.
- Revision of the Turkish Penal Code to bring it in line with international laws and human rights standards. Those articles restrictive of freedom of expression and freedom of the press should be removed or reviewed in order to comply with international human rights standards, in particular the ICCPR, as well as the ECHR.
- Legal, political and administrative measures should be taken to end internet censorship based on the unlawful banning of access to content along with other restrictions due to arbitrary interpretation by members of the judiciary.
- Public officials should cease the censorship of content or targeting individuals for expressing dissenting views.
- Relationships between the media and the government should be made transparent, including state tenders. Governments should abandon efforts to mould the structure of the media by using state resources as well as trying to affect their publication policies. Restrictions on media ownership should be introduced in order to foster pluralism in the media and address cross-ownership of media and business assets. .
- Taxation laws and sanctions should be applied to each media outlet in an objective and impartial manner.
- Regulatory bodies such as the Radio and Television Higher Board (RTÜK), Information Technologies and Communication Board (BTK) and the Telecommunication Communication Board (TİB) should be autonomous and independent. These bodies, currently with sweeping powers to further restrict freedom of the media and freedom of expression, should be restructured in an independent and transparent way. Turkey's state-run TRT television and radio establishment, which has been used by successive governments to promote official ideology and interests since it lost its independent status in 1991, should be given a genuinely autonomous structure with guaranteed editorial freedom that is removed from political administrations' interference.

# AHMET ŐIK – BIOGRAPHY

Ahmet Őik is an investigative journalist. He has worked as a reporter and photojournalist for many newspapers and magazines. He has received a number of national and international press awards for his reporting on human rights violations and the unlawful practices of the state in Turkey, including the Canadian Journalists for Free Expression Award 2013 and the UNESCO/Guillermo Cano World Press Freedom Prize 2014. Őik is the author of five books.

Ahmet Őik is currently writer in residence at the Free Word Centre, on a new programme administrated by English PEN, ARTICLE 19 and Free Word, in partnership with the Committee to Protect Journalists. The programme is funded by the Free Word Strategic Commissioning Fund, and the Committee to Protect Journalists. The residency requires visiting writers and journalists to write a report on freedom of expression in their country. Journalism under Siege is Őik's report on the crisis facing press freedom in Turkey.



Committee to Protect Journalists

ENGLISH  
PEN

“Free  
Word”