
Media Freedom in Turkey

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Introduction

Turkey's media system, which had been characterised by clientelism, conglomeration, and politicisation since the 1980s, further deteriorated during the Justice and Development Party (AKP) regime. This deterioration was the result of [reshuffling of media ownership structures](#), record journalist imprisonment, exploitation of broadcast, Internet, and press laws to silence oppositional voices as well as stricter regulations on the Internet and social media. Despite this problematic background, the bloody coup attempt that took place in July 2016 was an unprecedented turning point for Turkey's media, as well as for its political, economic, and socio-cultural landscapes. The country's media environment was involved in the massive purge carried out during the two-year State of emergency. The decrees passed in this period - without parliamentary discussion or the possibility of appeal to the Constitutional Court - [resulted](#) in the shutdown of over 115 media outlets, including 54 newspapers, 6 news agencies, 24 radio stations, 17 television networks, and 20 magazines, while over 2,500 journalists were left unemployed. According to [figures](#) by the International Press Institute (IPI), around 160 journalists are in jail at the time of writing, including 129 as a result of the aborted coup, while over 90% of national media is now controlled by pro-government companies.

This special dossier aims to look into the dire condition of media in Turkey, with special focus on the period that followed the attempted coup, but also into the many initiatives that have been started both in Turkey and Europe in reaction to this situation.

Background Information

Turkey enjoyed a period of relative press freedom [between 2002 and 2011](#). Also due to leverage of the EU, the press law was liberalised in 2004 by then newly elected Recep Tayyip Erdoğan's government. The picture started deteriorating in 2008-2010, with journalists charged with coup attempts and terrorist propaganda during major political investigations such as those of Ergenekon and the KCK (the Union of Kurdistan Communities, a body

affiliated with the PKK). The Ergenekon investigation - an alleged coup plot by a clandestine organisation - charged over a dozen journalists with conspiring with the military to overthrow Erdoğan's Justice and Development Party (AKP) government, while the KCK operation targeted Kurdish journalists and accused them of helping to promulgate terrorist propaganda. According to the Committee to Protect Journalists (CPJ), Turkey was the world leader in jailed journalists back in 2012 and 2013, outpacing Iran and China.

This picture developed in parallel with the mainstream media's fear of retaliation by the government. This fear became particularly evident when the Gezi Park protests broke out in 2013 as a reaction to the government's illiberal tendencies. The major news outlets acted as if nothing was happening, even after the brutal crackdown by the police. Social media, namely Twitter, were the main sources of information. Later that year, leaks that led to anti-corruption operations within the AKP were also spread on Twitter. The government considered the operations "[an 'attempted coup' by Gülen and his men in the judiciary and police, a 'parallel state' reinforced by the media arm of the movement](#)". It was the break-point between Erdoğan and his former close ally Imam Fethullah Gülen, allegedly behind the attempted coup which took place on July 15, 2016, and considered the leader of a terrorist organisation by the Turkish government.

Freedom House ranked Turkey as "[not free](#)" in 2018, albeit specifying that press freedom in Turkey has been in free fall since 2014. Indeed, in 2014 the so-called '[censorship law](#)' (amendments to Law 5561/2007) was approved allowing harsher control on the contents shared online. In the same year, [an agreement with Twitter](#) was signed to fasten content removal. As early as in 2015, the Turkish Publishers Associations [reported](#) that "criticism" against the powerful was perceived as "defamation". Today, "anyone thought to be in the opposition, including but not limited to academics, members of parliament, artists, journalists and writers, can be investigated, arrested and prosecuted for disseminating terrorist propaganda or for being a member of a terrorist organisation", reads the report "[Turkey: Freedom of Expression in Jeopardy](#)", written by jurists Yaman Akdeniz and Kerem Altıparmak for English PEN.

Criminalisation of journalists: all done in accordance with the letter of the law

According to [Bianet's 2018 4th Quarterly Report](#), "in the period October-November-December 2018, 233 journalists and media representatives faced 10 aggravated life imprisonment, one life imprisonment, 2,552 years and 10 months in prison and 3,928,000 Turkish Lira in pecuniary and non-pecuniary damages". Throughout 2017, 85 journalists in total were detained; while 31 of them were working at media outlets affiliated with the Gülen community, 20 were working at the Kurdish media and five of them were from international media.

Jurists Akdeniz and Altıparmak [highlight](#) the fact that criminal investigations have become the most crucial element of the government's silencing strategy. "Criminal prosecutions are, for the most part, initiated by lawyers representing politicians or by supporters of the AKP against private individuals. Another prevalent scenario is one in which pro-government newspapers publicly invite prosecutors to launch criminal investigations against the opposition. Dissidents in these cases are almost always found guilty", reads their report.

The Anti-Terror Law (TMK) and the Turkish Penal Code (TCK) are the primary sources of the charges against media workers. The most common charges against journalists over their journalistic activities or political cases are: "leading a terrorist organisation", "being a member of a terrorist organisation", "committing crimes in the name of a terrorist organisation as a non-member"; "aiding a terrorist organisation"; "propagandising for a terrorist organization" or "reporting the statements of a terrorist organisation as news".

Other common charges based on the Turkish Penal Code are "denigrating state institutions"; "praising the crime and the criminal"; "inciting the public to enmity and hatred"; "denigrating religious values"; "violating the confidentiality of the communication"; and "attempting to overthrow the constitutional order". "Defamation and insult" are also considered criminal offenses in Turkey. As underlined in ["Turkey: Freedom of Expression in Jeopardy"](#), almost all demands made by members of the government are followed up by investigations and these are rapidly turned into indictments and prosecutions.

Although the ECtHR and the Turkish Constitutional Court have noted that criticism of politicians should enjoy a higher degree of protection, "Turkey stands out for the extraordinary use of criminal law to punish criticism of the President by journalists and average citizens alike", reads a 2017 comparative study on [Defamation and Insult Laws in the](#)

[OSCE Region](#). “Insulting Erdoğan”, according to the Article no. 299 of the Turkish Penal Code (TCK), is a common reason of imprisonment or judicial fine since Erdoğan was elected president in August 2014. Jurists Akdeniz and Altıparmak pointed out that, of the total of 6,860 cases filed between 2010 and 2016, 6,272 were filed in the period 2014-2016 after the election of Erdoğan as President. In the same period, out of a total of 1,315 cases resulted in convictions, 1,162 were issued during the presidency of the current Turkish president.

Focus 1: The Cumhuriyet Trial

One of the best known cases against journalists in Turkey is the [Cumhuriyet trial](#). The case – currently in the appeal stage – brought to the conviction of 14 journalists, staff, and administrators for propaganda and support for Gülenist and Kurdish terrorism, with sentences ranging from 2 to 7 years in prison. The indictment on the newspaper [was based](#) on the core allegation of changing the editorial line for terrorist purposes, that is both PKK and FETÖ (the movement led by Fethullah Gülen). According to the prosecution, this had been the purpose of appointing Can Dündar as chief editor of the newspaper, after the composition of the executive board of the Cumhuriyet foundation had been [forcefully modified](#) – allegedly – through the removal of unwelcome members. The prosecution also based its charges on alleged personal relationships with (other) members of Gülen's network and the use of the Bylock smartphone application, which according to the authorities was used for some time by the network for coordination. However, the use of Bylock application as evidence of membership to a terrorist organisation in Turkish trials has been put into question by [legal experts](#) that found the claim to be “utterly unconvincing and unsupported by any evidence”.

*In February 2019 the court of appeals upheld convictions for 8 people. Six of them are to return to prison to complete their sentences. Another group of six, all jailed for more than five years, has appealed to a higher court.

Focus 2: Kurdish Media Cases

At least 36 journalists from pro-Kurdish media were arrested while over 40 media outlets were shut down following the coup attempt. These include 16 TV stations, 10 radios and 10 newspapers, 3 magazines, and three news agencies. The latter included the largest Kurdish news agency, DİHA, which as of January 2019 [has 14 of its reporters](#) behind bars. One of them is journalist [Nedim Türfent](#), who has been accused of “being a member of a terrorist organisation” (hinting to the PKK) and spreading “terror propaganda”. The allegations against him were based on some of his reports and secret witness testimony. Although 20 witnesses out of the 21 who appeared in court declared that their police testimonies were collected under torture and duress, Türfent was sentenced to over 8 years in prison.

Dozens of journalists and public figures who participated in a solidarity campaign with the now closed pro-

Kurdish Özgür Gündem newspaper were prosecuted for terrorist propaganda, with most receiving suspended sentences and fines.

According to Nurcan Baysal, a Kurdish journalist and human rights activist, in the south-eastern provinces with a Kurdish majority "journalists' activities are shaped by the wars and clashes that take place in the region. After the peace process was interrupted in 2015, journalism has increasingly been associated with terrorism". In the first weeks of 2018, as Turkey began a military operation against Kurdish militants in the northern Syrian enclave of Afrin, the police detained over 600 people for opposing the intervention on social media or taking part in protests. Baysal herself was detained for a while for the same reason. The last emergency decree, published in the Official Gazette on July 8, 2018, shut down three more pro-Kurdish outlets, namely Welat, Özgürlükçü Demokrasi, and Halkın Nabızı.

Focus 3: The cases of Gülen-linked media, Nazlı Ilıcak, and the Altan brothers

Following the coup attempt, operations began against media organisations known to be affiliated with the Gülen community. Seventy journalists and media employees were taken into custody. Trustees were first appointed to Gülenist-affiliated media outlets and companies that later were closed: Koza-Ipek Media Group, which owned Bugün and Millet dailies as well as Kanaltürk TV and Bugün TV; Feza Media Group which owned Zaman, Today's Zaman, and Meydan dailies, Cihan News Agency; Aksiyon magazine, and others.

The long-running case against 11 former columnists and editors of the Zaman newspaper (considered the most prominent media outlet linked to the Gülen movement) came to an end on July 6, 2018. The trial court convicted journalists Ali Bulaç, Şahin Alpay, Ahmet Turan Alkan, İbrahim Karayeğen, Mümtaz'er Türköne, and Mustafa Ünal of "membership in a terrorist organisation", handing down prison sentences between 8 years and 9 months and 10.5 years. Five of the defendants were acquitted.

In March 2018, another group of 25 journalists was sentenced to prison terms up to seven and a half years over links to the Gülen movement. Many of those convicted worked for the Zaman newspaper. Others detained journalists that worked for the magazine Aksiyon and the Rotahaber website, also considered close to the Gülen movement.

In February 2018, novelist and journalist Ahmet Altan, his brother, professor of economics and longtime newspaper columnist Mehmet Altan, veteran journalist Nazlı Ilıcak, and their three co-defendants (Fevzi Yazıcı and Yakup Şimşek, respectively Zaman's chief page designer and marketing director; former Police Academy lecturer Şükrü Tuğrul Özşengül) were sentenced to aggravated life imprisonment – the heaviest penalty in the Turkish penal code – for "attempting to overthrow the constitutional order". Prosecutors sought triple aggravated life sentences for the Altans and Ilıcak, presenting articles, phone taps, witness statements, and pronouncements by the journalists themselves on TV programmes as evidence of their crimes. The Constitutional Court, to which the Altan brothers had applied, had ruled that there were serious irregularities in the charges levelled against Mehmet Altan, and that his rights had been violated. However, for the first time in the history of Turkey, a lower court decided to disregard the decision of the highest court in Turkish jurisdiction. In March 2018, the European Court of Human Rights ruled that

Mehmet Altan's pre-trial detention violated his rights to liberty, security, and freedom of expression. With the exception of Mehmet Altan, eventually released in June 2018, all defendants remain in prison for well over two years now.

Monitoring court cases

Given the high numbers of arrests, pre-trial detention, and court cases involving media workers, monitoring trials and keeping track of legal processes has become a fundamental task, especially because this kind of information, although present in the Turkish Judiciary Informatics System (UYAP), is not publicly accessible. To meet such a need, some organisations have created databases that try to cover trials related to freedom of expression. "Article 141 of the Constitution says that all court cases are open to the public. One can observe all hearings of any court case and access all information but cannot access the files. Ridiculous!", reads the introductory note of the Current Trial Library (Çetele), an up-to-date database that collects information on freedom of expression cases provided by individuals involved in the trials and their lawyers.

Focus 4: Access to information

In 2011, an anti-government demonstration in Northeastern Turkey ended in the death of a teacher and massive use of tear gas by the security forces. A citizen wanted to exercise his right to know how much tear gas was used, but the authorities refused to give a clear answer. Even when the case was brought to court, the police refused to answer, stating it was a "state secret". This example is provided by Dr. Gülseren Adaklı in a long-read article on the right of access to public information (also known as "right to know") in Turkey, with a view to show the gap between the legal framework and reality.

In principle, the 1982 Turkish Constitution already referred to the "right to receive information" as a component of the right of free expression safeguarded by Article 26. In the 2001 amended Constitution, a specific right of access to public information was introduced (Article 74) and then regulated by Law No. 4982 of 2004 in the framework of the negotiations for accession to the European Union. In 2017, about 1.5 million applications for access to information were received online through the Prime minister's communication centre (BIMER). Again in compliance with the guidelines for EU accession, the civic mediator or Ombudsman was introduced by Law No. 6328 of 2010 to study and analyse the adherence to the principles of justice and of equity of all actions and operations of the administration and to issue related recommendations.

In practice, Law No. 4982 was amended in 2005 to allow broad exemptions on grounds of protecting state

secrets, commercial secrets, and personal data and does not require proactive disclosure of information. Journalists cannot attend Parliamentary debates, nor photography or broadcasting is permitted in courtrooms. Whistleblowing and its use in journalism are criminalised. Even if there are not direct restrictions, “journalists rarely ask to receive information” because they fear being accused of ‘betrayal of the nation’.

Another example of this kind of monitoring is provided by the [Expression Interrupted Project](#), managed by Punto 24-[Platform for Independent Journalism](#), which is mainly focused on monitoring cases against journalists and academics. Journalists [report](#) that the monitoring of trials by international observers can also affect the behaviour of judges, compelling them to explain their decisions.

[The Independent Communication Network Bianet](#) and the [European Federation of Journalists](#) also provide updated information about the number of imprisoned journalists in Turkey. Bianet publishes periodic reports on the situation of media freedom and safety of journalists in the country [since 2001](#), in Turkish and English. An extensive effort of monitoring 71 court cases related to freedom of expression was carried out by [The Media and Law Studies Association \(MLSA\)](#) and [International Press Institute \(IPI\)](#), which show that in 70% of the sessions observed defendants were journalists and media workers. The monitoring resulted in a [report](#) that also aims at showing “the ECtHR and other relevant bodies that Turkey’s judicial system is far from being effective, speedy, or efficient”.

Over the past two years, the ECtHR has been criticised regarding its decisions in cases filed by applicants from Turkey on the grounds that it has been too favourable about the effectiveness of domestic remedies in Turkey. [Bianet’s 2018 4th Quarterly Report](#) highlights that, in the last months of 2018, no verdicts of the ECtHR regarding Turkey in terms of freedom of expression were announced to the public. “After the amendments made to the Internal Regulations in May 2017, the ECtHR, which took action for the first time on the applications regarding the arrested journalists in Turkey with the verdicts on [Şahin Alpay](#) and [Mehmet Altan](#) it gave on March 20, 2018, has retreated into silence again. Many journalists who were arrested just after the coup attempt on July 15, 2016, such as Ahmet Altan and Nazlı Ilıcak, are awaiting verdict regarding their applications over ‘unjust arrest’”, reads the report.

International Solidarity

Transnational solidarity is crucial. Since May 2017, the European Federation of Journalists (EFJ) has promoted the campaign [“Send a postcard to jailed journalists in Turkey”](#) as part of its monitoring project. Activists and supporters can send real postcards to one of the 158 journalists and media workers currently jailed in Turkey. This initiative has the twofold objective to make detainees visible to the world and increase international pressure on the Turkish authorities. In March 2018, the Association of European Journalists (AEJ) in Bulgaria [issued symbolic accreditation badges](#) for the EU-Turkey Leader’s Meeting in Varna, Bulgaria, for 95 Turkish journalists who would not attend the event because they were behind bars.

Some international organisations started temporary relocation programmes for Turkish journalists after the attempted coup in 2016. While the [“Robert L. Long Nieman Fellowship”](#), established in 2017, offers two semesters of study at Harvard University to “outstanding” journalists, the [“Journalists-in-Residence”](#) programme by ECPMF has devoted specific slots to journalists under threat since autumn 2018.

In June 2018, the International Press Institute (IPI) launched the campaign [“I subscribe”](#), which aims to protect the remaining independent media outlets in Turkey by subscribing to them. Readers who join the campaign are invited to tweet #isubscribed. In late 2017, IPI had also led a call for [micro-grants](#) to produce written or video analysis of the impact that pressure on press freedom in the country has on other aspects of society.

Along with other 114,000 websites (as of November 2016 - the last figure available on Engelliweb, a website that tracked total blocking figures before being shut down), Wikipedia has been blocked since May 2017 due to two articles related to Turkey’s role in the Syrian civil war. In March 2018, Wikimedia Foundation, the non-profit that supports Wikipedia, started the online campaign [“We Miss Turkey”](#) to raise awareness and turn the spotlight on “one of the most wide-spread blocks of Wikipedia in its history”, the press release reads. Several attempts by the Wikimedia Foundation to mediate with Turkish authorities have failed so far.

Journalism despite all

The “[siege](#)” of the Turkish media landscape is also profoundly linked to Turkey’s media ownership structure. Seven groups that own other major businesses (Doğuş, Demirören, Ciner, Albayrak, Kalyon, İhlas, and Ethem Sancak companies, all known to be close to the Turkish government) publish almost all of the top 40 media outlets compiled by the [Media Ownership Monitor \(MOM\)](#) project, carried out by [Reporters Without Borders](#) and [Bianet](#). This picture further deteriorated since March 2018, following the [selling of the Doğan Group](#). Currently, 9 out of ten popular TV channels belong to owners affiliated with the government, with the sole exception of Turkish Fox TV. This figure is far from being irrelevant, considering that 48% of Turkish people define TV as their main source of information, according to Servet Yanatma, author of the [Turkey supplement of the 2018 Reuters Institute Digital News Report](#). On the other hand, online news, including social media, emerge as the [primary source of information for 39% of people in Turkey](#), especially for the 18–44 age group.

This is why several journalists who were fired from their posts found refuge in online outlets and try to keep up their professional activities, pursuing the idea of producing quality journalism, against the blatant pro-government partisanship of the dominant media landscape. Some began to write for existing independent news sites such as [T24](#) and [Diken](#) or [P24 \(Platform for Independent Journalism\)](#) as a non profit initiative and with the objective “to support and promote editorial independence in the Turkish press, to create a public appetite for media independence, to define and promote best journalistic practice, and more specifically to encourage the transition to web-based journalism”, as explained by [Bilge Yeşil](#). Others, like [Duvar](#), started their own outlet after the attempted coup. Citizen journalism initiatives also gained traction - with many of them launched after the Gezi Park protests - such as [Dokuz8Haber](#). The Turkish version of foreign news services like the [BBC Türkçe](#) and [Deutsche Welle](#) have also offered an opportunity for journalists to get back to their professional activities.

In Germany, where there is a consistent presence of Turkish immigrants and several journalists headed after the attempted coup, more than one Turkish-German bilingual news portals were launched in the last couple of years. The best known example is perhaps the [Özgürüz](#) site, directed by former *Cumhuriyet* editor in chief Can DüNDAR. Turkish-German journalist Deniz Yücel, released last February from the Turkish prison of Silivri after being

held in custody for over a year, together with other colleagues started [newspaper TAZ](#), which is entirely supported by readers' subscriptions.

Social platforms and digitalisation are also playing an important role in breaking censorship in Turkey by becoming venues where news programmes, expert debates, and similar programmes on social and political issues are broadcast and disseminated through social media and podcasts. Among these we can mention [Medyascope](#) and [Artı TV](#).

However, it seems that there could be new obstacles to such freedom, as [a bill approved in March 2018](#) forces any outlets broadcasting via the Internet to be licensed by the Radio and Television Supreme Council (RTÜK). It also gives the media authority powers to halt live-streaming and fine companies over content. This is why now solidarity actions are more important than ever.

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