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Attacks on the Press 2010 - Turkey

Top Developments

- Authorities use anti-terror, defamation, security laws to prosecute journalists.
- EU criticizes press record, citing prosecutions, insufficient legal guarantees.

Key Statistic

- **0:** Convictions obtained in the 2007 slaying of editor Hrant Dink.

Authorities paraded journalists into court on anti-terror, criminal defamation, and state security charges as they tried to suppress critical news and commentary on issues involving national identity, the Kurdish minority, and an alleged anti-government conspiracy. The European Court of Human Rights found that Turkish authorities bore culpability in the 2007 slaying of editor Hrant Dink, even as the government struggled to bring anyone to justice in the murder.

In September, voters approved a package of constitutional changes the government said would strengthen democracy and bring Turkey in line with European norms, but the reforms failed to address severe limits on press freedom. Article 26 of the Turkish Constitution, while addressing the right of free expression, places a litany of restrictions on its use, including national security, public safety, territorial integrity, crime prevention, individual dignity, and professional secrets. The European Union broadly criticized Turkey's press freedom record in its annual assessment of the country's now-lagging accession bid. The report, issued in November, found that Turkish law insufficiently guarantees free expression and that authorities exert undue political pressure on news media. It faulted authorities for prosecuting journalists for expressing nonviolent opinions and raised particular concerns about the high number of criminal cases brought against journalists reporting on the anti-government plot known as the Ergenekon affair.

Anti-terror legislation, which provides for harsh prison penalties and fines, was used against numerous critical journalists, many of them writing about Kurdish issues and the outlawed Kurdistan Workers' Party, or PKK. The government's treatment of the country's 14 million ethnic Kurds, most living in the east and southeast, has long been a focus of international criticism and domestic sensitivity. Forcibly assimilated into Turkish society in the 1930s, ethnic Kurds have sought greater political, linguistic, and cultural rights through both peaceful and armed means. Reporting in neutral or favorable terms about the PKK – considered a terrorist organization by Turkey, the United Nations, the European Union, and the United States – has itself been interpreted by Turkish authorities as a terrorist activity.

Authorities used anti-terror laws, for example, to prosecute Irfan Aktan, a veteran journalist for the biweekly *Express*, after a 2009 piece noted that PKK members were skeptical of government changes geared toward greater cultural rights for Kurds. In June, an Istanbul court sentenced the journalist to 15 months in prison and fined his editor, Merve Erol, 16,660 Turkish liras (US\$10,393). Aktan was free in late year pending appeal. Vedat Kursun, editorial manager of *Azadiya Welat*, faced a much harsher fate: He was sentenced in May to 166 years and six months' imprisonment on charges of spreading propaganda for the PKK. The charge stems from *Azadiya Welat* articles that were supportive of imprisoned PKK leader Abdullah Öcalan, describing him as a "martyr" and "leader of the Kurdish people." Defense lawyer Meral Danis Bestas said Kursun had expressed a point of view as a journalist that did not constitute a crime, the Turkish press freedom group Bia reported.

Kursun was one of at least four journalists behind bars in Turkey when CPJ conducted its annual census of imprisoned journalists on December 1. All were charged under anti-terror laws with spreading propaganda for the PKK. "The Kurdish issue continues to be taboo," Bia analyst Erol Önderoglu told CPJ. "Whether they are mainstream or opposition Kurdish media, they are being convicted and given prison sentences because of their publications."

Covering alleged human rights violations against the Kurdish population constituted another redline, as reflected in the case of Jake Hess, a 25-year-old American journalist and contributor to the Inter Press Service. On August 11, Hess was detained in the southeastern province of Diyarbakir after he was named in an indictment against a minority-rights group. Defense lawyer Serkan Akbas told CPJ that Hess wrote articles in July and August detailing alleged Turkish army violations against Kurds, including arson attacks and violence against women. Hess was deported after nine days in custody and banned from re-entering the country.

Authorities have also routinely prosecuted journalists on insult charges contained in the penal code. Haci Bogatekin, owner and editor of the biweekly *Gerger Firat*, was convicted in March on charges of insulting state prosecutors and sentenced to five years in prison. Bogatekin told CPJ that authorities targeted him after he published a January 2008 piece suggesting that Turkey faced a greater threat from a religious movement led by conservative author and cleric Fethullah Gülen than it did from the outlawed PKK. Bogatekin was free in late year pending appeal.

Journalists and editors from across the political spectrum were targeted for their coverage of the Ergenekon conspiracy. Büsra Erdal and Melih Duvakli, reporters for the pro-government *Zaman*, and Helin Sahin, a reporter for the pro-government *Star*, each faced multiple charges of violating state secrets in their coverage of the case, in which prominent military and political figures were accused of conspiring against the government.

The European Court ruled in September that Turkey failed to protect the life and free expression rights of the Turkish-Armenian editor Hrant Dink, who was shot outside his office in 2007 after receiving numerous death threats. Dink had angered ultranationalists by tackling identity issues of Turkish-Armenians, the Armenian origins of one of Atatürk's adopted daughters, and the role of Ottoman Turkey in the World War I killings of Armenians. Dink told authorities that he had received death threats, but the European Court found that "none of the three authorities informed of the planned assassination and its imminent realization had taken action to prevent it." The court also ruled that "no effective investigation had been carried out into the failures which occurred in protecting the life" of the editor. As 2010 drew to a close, nearly four years after Dink's assassination, the government had yet to obtain a conviction in the case.

Accused gunman Ogun Samast and two alleged accomplices remained in custody in late year, while several police, intelligence, and military officials faced charges of negligence in the case. In October, Samast's lawyer persuaded a court to have his client tried as a juvenile offender, a change opposed by Dink's lawyers. Samast was 17 when he allegedly carried out the killing.

Journalists and human rights defenders welcomed the European Court's ruling, noting that the Dink murder casts a dark cloud over the government's commitment to press freedom and the rule of law. The Turkish Foreign Ministry said in a statement that it would not contest the European Court's ruling and that authorities would take measures "to prevent reoccurrence of such violations," The Associated Press reported. They have much work to do to prevent ongoing threats: Özgüt Topsakal, a reporter for the daily *Evrensel*, reported receiving an e-mailed photo of Dink's body in August after writing an article criticizing Turkish leaders.

Throughout the year, Turkish authorities pursued a tax investigation against a leading news corporation, the Dogan Media Group. The probe, launched after Dogan outlets ran pieces that were unfavorable to the ruling Justice and Development Party, was seen by many as politically motivated. Dogan Media Group owns newspapers such as *Hürriyet*, *Milliyet*, and *Radikal*, along with more than 30 television stations. The government has claimed unpaid taxes equivalent to US\$3.8 billion.

Speaking at a business forum in October, President Abdullah Gül acknowledged the high number of court cases brought against journalists, although he stopped short of urging specific reforms. "I am sure that all of these cases will be sorted out once they are tried at court," the press freedom group Bia quoted him as saying. Turkey continued to raise its regional profile in the meantime. In April, the government offered to mediate between Iran and the international community in the dispute over Tehran's nuclear program. In July, Syrian President Bashar al-Assad affirmed Turkey's role as the key mediator between Syria and Israel, telling Turkish reporters that "other countries can play only a supportive role." And in November, Prime Minister Recep Tayyip Erdogan visited Beirut to mediate an impasse between Lebanese political factions.

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