

ATTACKS on the PRESS in 2002

TURKEY

2002 رپورتاژ

ہیپبرغلاب

Overview

Algeria

Bahrain

Egypt

Iran

Iraq

Israel and the
Occupied
Territories

Jordan

Kuwait

Lebanon

Mauritania

Morocco

Qatar

Saudi Arabia

Sudan

Syria

Tunisia

Turkey

United Arab
Emirates

Yemen

In November, the Islamist-oriented Justice and Development Party won parliamentary elections in Turkey. The new prime minister, Abdullah Gul, and influential party head Recep Tayyip Erdogan affirmed that joining the European Union would be a top government priority. To that end, they promised greater democratic reform, including an easing of long-standing restrictions on freedom of expression that remain in place despite changes implemented by the outgoing government of Prime Minister Bulent Ecevit.

In early February, the National Assembly passed what officials called a "minidemocracy package," consisting of amendments to repressive laws that have been used to punish journalists, writers, and intellectuals. The amendments, adopted in accordance with changes made to the constitution in 2001, restrict the application of Penal Code Article 312, which outlaws "incitement to hatred on the basis of differences of social class, race, religion, sect, or region." Another amendment, to Penal Code Article 159, which penalizes "insult" to state institutions such as the military, reduces prison penalties from six years to three. Minor penalty changes were made to articles 7 and 8 of the Anti-Terror Law, which bans terrorist and separatist propaganda. In August, the National Assembly further amended Article 159, limiting its application to cases where "insult" is done with "intent," and modified the Press Law to replace prison sentences with fines. Nevertheless, the amended laws still contain restrictive provisions that can land journalists in jail. And other repressive laws and Penal Code articles remain on the books, unchanged.

Following Parliament's passage of the reform legislation, free expression advocates had hoped that Turkish courts, particularly the Court of Appeals, would use the new statutes to dismiss convictions of journalists and intellectuals. But by year's end, some courts, including the Court of Appeals, had acquitted journalists in criminal cases or had dismissed prosecutions, while others had handed down convictions or had launched new prosecutions. The Turkish Human Rights Foundation, a local nongovernmental organization, reported that authorities in the first half of 2002 launched more than 2,000 freedom of expression-related prosecutions.

While the number of journalists imprisoned in Turkey has steadily dropped in recent years—13 were in jail at year's end, mostly for being affiliated with outlawed groups' publications—legal harassment of the media continued. Those who criticized the army and judiciary, or who wrote critically about sensitive political issues, such as the struggle of the country's Kurdish minority for greater cultural rights or the role of Islam in politics and society, remained the most vulnerable. Journalists in the pro-Kurdish, leftist, and Islamist media were the primary targets, but members of the mainstream media also faced legal action.

In a case that attracted widespread international media coverage, Turkish publisher Abdullah Keskin was convicted in July of "separatist propaganda"—a crime under Article 8 of the Anti-Terror Law—for publishing a Turkish-language edition of former *Washington Post* reporter Jonathan Randal's book about the Kurds, *After Such Knowledge, What Forgiveness? My Encounters in Kurdistan*. A State Security Court sentenced Keskin to six months in prison, which was converted to a fine of about US\$500. State prosecutors had objected to passages in the book referring to "Kurdistan." The book, which was confiscated on January 15, 2002, remained banned after the trial.

Because the judiciary dictates prosecutions, the new government will likely have little effect on Islamist newspapers, which continue to be singled out for legal action. In October, a State Security Court convicted Mehmet Sevki Eygi and Selami Caliskan, columnist and managing editor, respectively, at the daily *Milli Gazete*, of "inciting hatred" in connection with a November 2000 column that criticized the Turkish courts for barring religious headscarves in government offices and universities. Both men were sentenced to 20 months in prison, and *Milli Gazete* was closed for three days. (Caliskan's prison sentence was converted into a US\$1,200 fine soon after the conviction. Sevki Eygi's sentence remained in force, but he was free at year's end pending appeal.)

The government continued to confiscate books and newspapers and to ban distribution of leftist and pro-Kurdish publications. In November, however, authorities lifted a 15-year-old state of emergency in the country's southeast region, home to much of the Kurdish population. By December, several previously prohibited papers had appeared on local newsstands.

The number of private radio and television stations has grown since the mid-1990s, when the government first authorized them, but stations must contend with an array of tough laws and regulations. The Supreme Radio and Television Board (RTUK), the main regulatory body for broadcast media, can sanction broadcast outlets and suspend television and radio stations for airing violent, sensational, or politically controversial programming. Dozens of closures were ordered during 2002, including that of CNN-Turk, which was shuttered for one day in April after broadcasting a speech in January by a labor union figure who had accused the

Nationalist Movement Party of interfering in union affairs. Smaller, pro-Kurdish outlets have historically received the stiffest penalties. In March, the RTUK banned the small, private Gun TV for one year because it had broadcast a Kurdish-language music video. Gun TV has appealed the ruling.

In August, as a part of one of its democratic reform packages, Parliament voted to allow the use of the previously banned Kurdish language (as well as other regional languages) in radio and television broadcasts. The RTUK formalized the measure in November, drafting regulations that permit the broadcasts to air only on state stations for no longer than 30 minutes a day on television and 45 minutes a day on radio.

But even as the government introduced liberalizing measures, it also created new, restrictive ones. In May, President Ahmet Necdet Sezer was forced to sign a highly restrictive radio and television broadcasting law that he had vetoed a year earlier but that the Ecevit government later resubmitted to Parliament. The new legislation outlaws, among other things, broadcasts that "violate the existence and independence of the Turkish Republic, the territorial and national integrity of the State, the reforms and principles of Atatürk," or that "instigate the community to violence, terror, or ethnic discrimination." Fines for violators range from 5 billion lira (US\$4,000) to 250 billion lira (US\$190,000), with a 50 percent increase for repeat offenders. Broadcasters convicted three times within a single year can have their licenses revoked. More troubling, the legislation subjects online content to Turkey's restrictive laws governing freedom of expression.

After signing the law, Sezer referred it to Turkey's Constitutional Court, which ruled in June to temporarily freeze certain articles, including one that enhances the concentration of media ownership. However, censorship and other punitive provisions remain in effect.

Turkish journalists argue that because only a handful of large companies dominate the country's mainstream media, opinions and coverage of sensitive political issues are limited. The Dogan Medya group remained the most powerful media force in the country at year's end. Dogan owns eight newspapers and two television stations and reportedly controls roughly 40 percent of advertising revenue and 80 percent of newspaper distribution in Turkey.

July 31

Abdullah Keskin, free-lance

LEGAL ACTION

Keskin, a Turkish publisher charged with "separatist propaganda" for publishing a

U.S. journalist's book about Turkey's Kurdish minority population, was convicted and sentenced to a six-month prison sentence, which the court converted to a fine of about US\$500.

An Istanbul State Security Court ruled that Keskin had violated Article 8 of Turkey's Anti-Terror Law when his publishing house, Avesta, printed a Turkish edition of *After Such Knowledge, What Forgiveness? My Encounters in Kurdistan*, a book about the Kurds written by retired *Washington Post* correspondent Jonathan Randal. Keskin, who was out of the country and did not attend the hearing, appealed the verdict, which remained pending at year's end.

State prosecutors based the charges against Keskin on several passages from the book that contained references to "Kurdistan," which literally means "land of the Kurds." Turkish courts often cite such references to justify prosecuting journalists and intellectuals for allegedly supporting the separatist ambitions of Turkey's Kurdish minority population.

Randal's book, originally published in 1997, was later translated into several languages. The Turkish edition, which Avesta published in 2001, was confiscated on January 15, 2002, and remains banned. Keskin was charged with violating the Anti-Terror Law in January 2002. His trial began on April 3.

December 25

Sinan Kara, *Datca Haber*

IMPRISONED

[For full details on this case, click here.](#)