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Freedom of the Press 2016 - Turkey

Year:

2016

Press Freedom Status:

Not Free

PFS Score:

71

Legal Environment:

26

Political Environment:

30

Economic Environment:

15

Overview

Media freedom in Turkey deteriorated at an alarming rate in 2015. The government, controlled by President Recep Tayyip Erdoğan's Justice and Development Party (AKP), aggressively used the penal code, criminal defamation legislation, and the country's antiterrorism law to punish critical reporting, and journalists faced growing violence, harassment, and intimidation from both state and nonstate actors during the year. The country held two parliamentary elections—one in June, after which the winning parties failed to form a coalition government, and another in November, in which the AKP secured a majority of seats. The elections, as well as volatility stemming from the Syrian conflict and the Turkish government's renewed clashes with the Kurdistan Workers' Party (PKK) militant group, contributed to a sharply polarized climate and greater political pressures on the media. The authorities continued to use financial and administrative leverage over media owners to influence coverage and silence dissent.

Key Developments

- Authorities prosecuted a number of prominent journalists on terrorism-related charges, including the editor in chief and the Ankara bureau chief of the *Cumhuriyet* daily, who were arrested in connection with the paper's coverage of alleged weapons shipments to Syria by Turkish intelligence services.
- Changes to regulations for journalistic accreditation brought the process under increased government control, allowing further room for arbitrary and discriminatory decisions.

- There were several instances of acute violence toward the media: Crowds attacked the offices of the *Hürriyet* newspaper twice in September, and three journalists were killed during the year in connection with their work.
- The placement of outlets owned by Koza İpek Holding under government trusteeship resulted in dozens of dismissals and changes in the outlets' editorial lines, effectively making them more friendly toward the government.

Legal Environment: 26 / 30 (↓2)

Constitutional guarantees of press freedom and freedom of expression are only partially upheld in practice. They are undermined by provisions in the penal code, the criminal procedure code, and the harsh, broadly worded antiterrorism law that essentially leave punishment of normal journalistic activity to the discretion of prosecutors and judges. Constitutional protections are also subverted by hostile public rhetoric against critical journalists and outlets from Erdoğan and other government officials, which is often echoed in the progovernment press.

A 2004 press law replaced prison sentences with fines for violations of its provisions, but elements of the penal code and several other restrictive laws have led to the imprisonment of dozens of journalists and writers in recent years. According to the Committee to Protect Journalists (CPJ), there were 14 reporters behind bars in Turkey as of December 1, 2015. Figures compiled by the independent Turkish press agency Bianet were higher, showing 31 journalists in prison at the end of the year.

Article 301 of the penal code, which prescribes prison terms of six months to two years for “denigration of the Turkish nation,” can be used to punish journalists who discuss the division of Cyprus, criticize the security forces, or state that genocide was committed against the Armenians beginning in 1915. While a set of 2008 amendments to the article were largely cosmetic, the maximum prison sentence was reduced from three years to two, and a requirement that the Ministry of Justice would have to approve use of Article 301 significantly curbed its application in practice. Very few of those prosecuted under Article 301 receive convictions, but the trials are time-consuming and expensive, and the law exerts a chilling effect on speech. Article 216 of the penal code, which bans incitement of hatred or violence based on ethnicity, class, or religion and carries a prison term of up to three years, has also been used against journalists and other commentators.

Turkey's antiterrorism law, officially called the Law on the Fight against Terrorism, and related provisions in the penal code rely on broad language and vague definitions, allowing room for application against a wide range of activities. Article 314 of the penal code, pertaining to membership in an armed organization, is regularly used against members of the media, particularly Kurds and those associated with the political left. Other articles as well as the antiterrorism law penalize “making terrorist propaganda” and the publication of the statements of illegal groups. The Fourth Judicial Reform package, passed in 2013, slightly alleviated the antiterrorism law's limitations on publishing such statements, clarifying that publication would only be a crime if the statement constituted coercion, violence, or genuine threats. Nevertheless, both the law and related sections of the penal code remain highly restrictive, and have been widely criticized by media and human rights groups. The European Court of Human Rights has found in multiple rulings that specific provisions of the antiterrorism law amount to censorship and violations of free expression.

Media face addition restrictions in the 2014 Law Amending the Law on State Intelligence Services and the National Intelligence Organization, which granted the National Intelligence Organization (MİT) much greater powers, including the ability to access any personal data without a court order. It also gave MİT personnel immunity for legal violations committed in the course of their work, and criminalized reporting on or acquiring information about the body. Media workers can face up to nine years in prison for publishing information from leaked intelligence material. Amendments made in 2014 to Law No. 5651, commonly known as the Internet Law of Turkey, expanded the power of the Telecommunications Communication Presidency (TİB) to order the blocking of websites, allowing it to do so on vaguely defined grounds and without prior court approval, though a court must uphold the order within 48 hours for a block to remain in place.

In August 2015, the office of the Istanbul chief public prosecutor filed an indictment against 18 journalists from nine local outlets, accusing them of “making terrorist propaganda” and seeking a sentence of seven and a half years for each individual. The news outlets had published a photograph of a member of the Revolutionary People's Liberation Party-Front (DHKP-C), a banned left-wing terrorist group, holding a local prosecutor hostage during an attack in March. An initial hearing took place in November, but the status of the case was unclear at year's end. Separately, *Cumhuriyet* editor in chief Can Dündar and the paper's Ankara bureau chief, Erdem Gül, were arrested in November on charges of espionage, divulging state secrets, and assisting a terrorist group. The charges stemmed from the newspaper's publication of information about the MİT allegedly supplying weapons to Islamist militants in Syria, and followed a criminal complaint filed by Erdoğan in June. Dündar and Gül were accused of supporting a “parallel state” composed of the followers of the exiled cleric

Fethullah Gülen, and Erdoğan publicly issued verbal threats against the newspaper after it published the information in question.

Defamation is a criminal offense and often results in high fines and prison terms, which have a chilling effect on journalistic work. Insulting the president is a separate offense outlined in the penal code. Prominent officials, including Erdoğan, frequently initiate defamation and insult cases against journalists, cartoonists, artists, and academics. Among dozens of cases during 2015, prominent journalist Hasan Cemal was under investigation in September for allegedly insulting the president in articles he authored for the T24 news portal. In June, a court in Ankara convicted Bülent Keneş, editor in chief of the English-language paper *Today's Zaman*, of insulting Erdoğan in a post on his personal Twitter account in July 2014, when Erdoğan was prime minister. The court gave Keneş a sentence of 21 months in prison, suspended for five years. In November, an Istanbul court held the first hearing in the case of *Cumhuriyet* reporter Canan Coşkun, who was accused of insulting several members of the judiciary in an article about corrupt real-estate transactions. The case was ongoing at year's end; if convicted, Coşkun could face a cumulative punishment of 23 years and four months in prison.

Journalists do not generally receive fair treatment in the judicial system, and the courts' handling of media-related cases in 2015 showed a lack of impartiality and independence. In October, an Ankara court issued a temporary ban on coverage of investigations into a bomb attack in the city that resulted in dozens of casualties. Local and international media criticized the move, which prohibited coverage on print, broadcast, and online platforms, and many continued their reporting despite the ban.

Turkey adopted a freedom of information law in 2003. However, state secrets that may harm national security, economic interests, state investigations, or intelligence activity, or that "violate the private life of the individual," are exempt from requests. In practice, access to official information remains challenging.

The Supreme Council of Radio and Television (RTÜK), whose members are elected by the parliament, has the authority to sanction broadcasters if they are not in compliance with the law or the council's expansive broadcasting principles. The body is frequently subject to political pressure, and its board is currently dominated by members affiliated with the AKP. According to Bianet, between January 7 and November 18, 2015, RTÜK issued 69 warnings and 168 fines to television channels, and 4 warnings and 4 fines to radio stations. Print outlets can be closed if they violate laws restricting media freedom.

A discriminatory accreditation system enforced by the Directorate General of Press and Information (BYEGM), a body under the control of the prime minister's office, is used to screen out critical journalists, restricting access to the offices of the president and cabinet ministers. Amendments published in the official gazette in August 2015 changed the structure and procedures surrounding accreditation. The new regulations granted the deputy prime minister overseeing the BYEGM the power to issue permanent press cards, and altered the composition of the BYEGM's Press Card Commission, increasing its membership from 13 to 15 but decreasing the number of seats for media representatives from 8 to 5. Local journalists' organizations criticized the move, which was made without meaningful consultation with the media, for further reducing the impartiality of the accreditation process. The Turkish Journalists' Association (TGC) and Turkish Journalists' Union (TGS) withdrew from the Press Card Commission as a result. According to the TGS, only 1.5 percent of journalists belong to a union.

Political Environment: 30 / 40 (↓3)

In addition to punitive measures applied by law, systematic political pressure from the executive branch led to the firing of journalists and media workers for critical reporting on the Erdoğan government throughout 2015. According to Bianet, at least 348 journalists, columnists, and media workers were dismissed or forced to quit during the year. Leaked documents and wiretaps, particularly in 2013 and 2014, have revealed the extent of government efforts to create a loyal media, and shown Erdoğan and other prominent officials exerting editorial pressure through direct instructions, admonishments for undesirable content, and financial incentives.

In the polarized political climate before general elections in June and November 2015, the state broadcaster, Turkish Radio and Television Corporation (TRT), and the semiofficial news agency, Anadolu Agency (AA), provided increasingly partisan coverage and gave a disproportionate amount of airtime to the AKP and Erdoğan, as did several private television channels. In April, TRT refused to air a television advertisement for the opposition Republican People's Party (CHP) on the grounds that the material directly criticized the AKP.

Media outlets are sometimes denied access to events and information for political reasons. Critical outlets are regularly denied access to the AKP's party congress and meetings, and the government prevents certain journalists from attending press conferences or accompanying officials on foreign visits.

Censorship of content occurs both offline and online. Sensitive topics include Kurdish issues, the Armenian genocide, and subjects deemed offensive to or critical of Islam or the Turkish state. Enforcement of the relevant

laws is arbitrary and unpredictable, and many publications on such subjects are available. In January 2015, officials temporarily blocked the distribution of *Cumhuriyet* after it became known that the newspaper had printed a selection of material from the latest edition of the French satirical magazine *Charlie Hebdo*, known for its caricatures of the prophet Muhammad. Although security forces allowed distribution to proceed after inspecting the newspaper's content, a Diyarbakır court ordered the blocking of several websites featuring the *Charlie Hebdo* cover, which depicted the prophet.

In September, the weekly magazine *Nokta* published a satirical image of a smiling Erdoğan standing in front of the coffin of a soldier—a reference to the president's recent comments about the martyrdom of troops who are killed by the PKK. Acting on the orders of an Istanbul prosecutor, security forces raided the *Nokta* offices and confiscated copies of the edition in question. In October, after *Nokta* published the alleged minutes of an AKP meeting following the June elections, an Ankara court ordered that access to its website be blocked. Access to the site was temporarily blocked again in November, by order of an Istanbul court, after *Nokta* published an article describing a negative outlook for Turkey following the year's second elections. The court also ordered that the print issue carrying the article be removed from circulation, and the magazine's chief and news editors were arrested, facing accusations of inciting an armed insurrection against the state. They were released in December, pending trial.

Censorship of content published on online news and social-media platforms continued. In July, amid ongoing Turkish military operations against Islamist and Kurdish groups in Syria and Iraq, TİB imposed a ban on dozens of Kurdish and left-wing websites and social-media accounts. Access to social-media platforms, including YouTube, Twitter, and Facebook, was temporarily blocked on several occasions during the year, including after the Istanbul courthouse hostage crisis in March and a terrorist bombing in Suruç in July. According to the independent organization Engelli Web, the total number of websites blocked in Turkey—including for apolitical reasons like copyright infringement—surpassed 100,000 by year's end.

Fear of legal reprisals or loss of employment in a concentrated media market has led to widespread self-censorship. There is nevertheless critical reporting, and some journalists do attempt to cover sensitive political, religious, and social issues. The media environment is diverse but strikingly polarized, with most outlets representing distinct political and social viewpoints and reporting news from predetermined angles. The high rate of dismissals has led many prominent commentators to write for smaller online outlets that are less susceptible to political pressure. However, their audiences are also considerably smaller.

Both local and foreign journalists were subject to increased harassment, intimidation, and arrest while covering newsworthy events during 2015; retaliatory violence against the media also escalated. According to Bianet, 64 journalists and 4 outlets faced some form of attack in 2015, while 38 journalists and 21 media outlets were subjected to threats. In September, in an apparent case of arbitrary search and detention, security forces raided the Diyarbakır offices of several Kurdish entities, including the newspaper *Azadiya Welat* and the Dicle News Agency (DIHA), and temporarily detained at least 32 individuals, among them journalists. Local media reported that security forces did not present search warrants, mistreated the detainees, and temporarily confiscated their phones and identification documents.

Three journalists for the U.S. outlet Vice News were detained in August while reporting on clashes between the PKK and Turkish security forces in the southeast of the country; they were charged with "assisting a terrorist organization." Following an international outcry, two of them—British citizens Jake Hanrahan and Philip Pendlebury—were released and deported, while their colleague and fixer, Iraqi journalist Mohammed Rasool, remained in detention at year's end. Frederike Geerdink, a Dutch freelance reporter, was detained in September while reporting on a Kurdish activist group and deported. Geerdink had been indicted in February for "making terrorist propaganda" for the PKK and its alleged urban branch, the Union of Communities in Kurdistan (KCK), but was acquitted in April.

In September, the Istanbul office of the *Hürriyet* newspaper was attacked twice by violent protesters; both attacks followed hostile rhetoric against the daily by Erdoğan, and an AKP legislator accompanied the crowd during the first incident. Prime Minister Ahmet Davutoğlu spoke out against the attacks a week after they took place, and a police presence was provided for the safety of the newspaper and its staff. Also in September, Ahmet Hakan, a *Hürriyet* columnist and host for the private broadcaster CNN Türk, was brutally assaulted by four men. A police investigation was ongoing at year's end.

According to CPJ, three journalists—all Syrians—were killed in Turkey in connection with their work during 2015. Naji Jerf, editor in chief of the monthly *Hentah* and a documentary filmmaker who had extensively covered the Islamic State (IS) militant group, was shot dead in Gaziantep in December. Fares Hamadi and Ibrahim Abd al-Qader were murdered in Urfa in October; both worked for the news platform Eye on the Homeland, and al-Qader was also a member of Raqqa Is Being Slaughtered Silently, a group of activists and reporters focused on conditions in the IS-controlled city of Raqqa, Syria.

Economic Environment: 15 / 30 (↓1)

The most recent government statistics show approximately 3,000 newspapers operating in Turkey, including 180 with a national reach. However, only 18 percent of all newspapers are dailies. Independent domestic and foreign print media are able to carry diverse views, including criticism of the government and its policies, though Turkish print outlets contain a high proportion of columns and opinion articles as opposed to pure news. Broadcast media are also numerous, with hundreds of private television channels, including those available via cable and satellite, and more than 1,000 commercial radio stations. State television and radio outlets provide some content in minority languages. The introduction of Kurdish-language stations in recent years marked a major step forward for freedom of expression, although critics say that the broadcasts are too tightly restricted and their quality is poor. An Armenian-language radio outlet, Nor Radio, began broadcasting over the internet in 2009.

An estimated 51 percent of the population accessed the internet in 2014. Online outlets are increasingly popular as venues for critical journalism, particularly by reporters who have been dismissed or forced to resign from traditional outlets for political reasons. Major online news portals include T24, P24, Diken, and Bianet. Although a number of these platforms consistently provide independent reporting, they have limited financial resources. Internet service providers can face high fines for noncompliance with blocking orders. After the October 2015 bombing in Ankara, internet users reported exceptionally slow connectivity and problems accessing some social-media websites.

Media ownership remains concentrated in the hands of a few large, private holding companies that earn the majority of their revenue from nonmedia assets, particularly in construction, energy, mining, and financial services. The centralization of public procurement decisions within the prime minister's office under AKP rule has led to increasing use of economic leverage to influence the content of media outlets owned by these companies. The prime minister's office controls the Privatization High Council (OİB), the Housing Development Administration (TOKİ), and the Defense Industry Executive Committee, which together account for tens of billions of dollars in procurement contracts per year. In one of the most flagrant examples of the use of economic leverage to shape media ownership, wiretap recordings leaked in 2013 indicated that the government dictated which holding companies would purchase the Sabah-ATV media group in exchange for a multibillion-dollar contract to build Istanbul's third airport. The Savings Deposit and Insurance Fund (TMSF) has also been used to transfer media assets to friendly entities, as in 2013, when Ethem Sancak, a Turkish businessman with close ties to Erdoğan, bought three media outlets previously owned by the Çukurova Group from TMSF.

The government has also used various forms of financial pressure to punish criticism. In May 2015, the Energy Ministry ordered that Doğan Holding—a conglomerate that owns several print and broadcast outlets, including *Hürriyet*—be temporarily barred from receiving any government tenders, reinstating the remaining 237 days of a one-year ban that had been issued in 2009 but overturned in court. The move was made amid increasing tensions between *Hürriyet* and Erdoğan that included public denunciations of the newspaper and its staff by the president. An Ankara court invalidated the renewal of the penalty in June, and in July Doğan Holding reported that the ban had been lifted.

Several major media outlets were brought under de facto government control in 2015. In October, acting on the request of the city's chief public prosecutor, an Ankara court ordered that Koza İpek Holding and its companies—which include the dailies *Bugün* and *Millet*, Kanaltürk Radio, and the television channels Bugün TV and Kanaltürk—be placed under the control of government-appointed trustees as part of an investigation into the conglomerate's alleged ties to Gülen and associated financial misdeeds. Shortly after the ruling, police and the new trustees forcibly entered the Koza İpek headquarters in Ankara, interrupting the operations of the media outlets housed within. Dozens of journalists were subsequently dismissed, and the affected outlets began to produce content more favorable to the government. The takeover, which occurred shortly before the November elections, was denounced internationally as an arbitrary seizure of the conglomerate's management and a violation of media freedom.

Separately in October, the leading satellite television provider, Digiturk, removed seven channels—Bugün TV, Kanaltürk, and five channels owned by the Samanyolu Broadcasting Group or Feza Publications, both of which were also believed to be linked to Gülen—from its service, citing a notice from the chief public prosecutor of Ankara that the channels were under criminal investigation. Similar moves were made by other satellite, cable, and online television service providers, including the state-owned satellite distribution platform Türksat.