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Home Office

Country Information and Guidance

Turkey: Journalists

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Guidance

Updated: 3 March 2016

1. Basis of claim

1.1.1 Fear of persecution or serious harm by the state due to the person's actual or perceived political opinion in their role as a journalist.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For information on assessing credibility, see sections 4 and 5 of the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision-makers must also check whether there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision-makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Exclusion

2.2.1 The PKK have been responsible for numerous serious human rights abuses. The organisation has been proscribed in the UK since March 2001 under the Terrorism Act 2000 and is also on the EU list of terrorist organisations.

2.2.2 If it is accepted that the person belongs to, or professes to belong to, or as part of their journalistic work invites support for, the PKK, then the decision-maker must consider whether one of the Exclusion clauses is applicable.

2.2.3 See also country information and guidance on Turkey: Membership or association with the PKK .

2.2.4 For further information on the exclusion clauses, discretionary leave and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention, the Asylum Instruction on Discretionary Leave and the Asylum Instruction on Restricted Leave.

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2.3 Assessment of risk

2.3.1 There are thousands of newspapers produced in Turkey and hundreds of television channels and radio stations, representing a diverse range of views. Approximately 51 per cent of the population accessed the internet in 2014 (see Background).

2.3.2 There are many journalists who are not reported to have experienced difficulties with the authorities. The evidence does not indicate that

journalists are, in general, subject to a real risk of persecution or serious harm in Turkey.

2.3.3 However, conditions for media freedom in Turkey have deteriorated and Turkey is ranked 149th out of 180 countries in the 2015 Reporters Without Borders press freedom index. Constitutional guarantees of press freedom and freedom of expression are only partially upheld; they are undermined by provisions in the penal code and the criminal procedure code and also by the broadly-worded anti-terrorism law. The authorities have been accused of disproportionate use of the anti-terror law against some members of the press. New laws have also been enacted that expanded the state's power to block websites and the surveillance capability of the National Intelligence Organization. Defamation and 'insulting the Turkish Nation' remain criminal offenses and are frequently used against journalists who express legitimate opinions (see Background and Legal situation).

2.3.4 Governmental harassment of journalists is reported to be common. President Erdogan and other senior politicians have publicly denounced journalists by name, resulting in harassment and, in some cases, death threats for the journalists concerned via social media. President Erdogan initiated 57 defamation lawsuits in two years in power and won 21 of them. There were reports of economic pressure and legal charges against media outlets critical of the government and financial rewards for pro-government outlets. The authorities are reported to have raided some newspaper offices, issued fines, closed offices and censored or banned news reporting. 22,645 websites were blocked without prior court approval in 2014 (see Actions taken by President Erdogan and other senior politicians and Harassment and disruption).

2.3.5 In 2014, an estimated 60 journalists were prosecuted for reporting on corruption allegations, with over 100 lawsuits taking place. Turkish courts and regulators issued several reporting bans on issues of public interest and hundreds of journalists, columnists, and media workers were laid off or forced to quit in 2014, often due to government pressure on state-run outlets or private media owners. There were reports of journalists being detained and indicted on numerous grounds. It has been reported that 17 journalists were in prison in December 2015, with about 150 awaiting trial, the majority of whom were Kurds charged with associating with an illegal organization under either the penal code or the anti-terrorism law. Foreign journalists were deported in 2014 and 2015 (see Prosecution and the judiciary and Imprisonment of journalists).

2.3.6 Harassment and intimidation of journalists and disruption of their work is more common than violence against journalists. However, more than 140 journalists were physically attacked in 2014; for example, some were attacked by police when attending demonstrations or working on reports. There were also reports of targeted attacks against journalists and one report of a person being killed when delivering a pro-Kurdish newspaper (see Harassment and disruption).

2.3.7 Many journalists who investigate or report on legitimate issues of public concern, are critical of the government, or are accused of publishing defamatory or anti-government material, or material supporting terrorist

organisations (or material perceived as such), have reportedly suffered harassment by the authorities and, in some cases, prosecution under criminal or anti-terrorism law. Dozens of journalists have been accused of 'membership of a terrorist organisation' under the broad provisions of article 314 of the Anti-Terrorism Law on the basis of evidence directly related to their work as journalists, such as covering demonstration on internet censorship, the Gezi anniversary and events organized by the Kurdish movement. Covering events organized by the Kurdish movement or expressing opinions or analyses that resemble those of the PKK suffice for charges to be brought (see Terrorism and anti-terrorism).

2.3.8 However, prosecution for a criminal or terrorism offence does not in itself give rise to a need for international protection (see Terrorism and anti-terrorism and Harassment and disruption).

2.3.9 Simply being a journalist does not of itself give rise to a well-founded fear of persecution or serious harm in Turkey. The onus will be on the person to demonstrate that they have faced, or will face, ill-treatment on return by the authorities on account of their journalistic work, including any relevant documentary or other media evidence. Decision-makers must assess claims made on the facts of the case, taking into account:

- the person's actual or perceived activities, particularly whether they have criticised the Turkish government or advanced separatist causes;
- the nature of the publication / broadcast, and how widely it was circulated;
- any past adverse interest by the authorities.

2.3.10 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Protection

2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.4.2 See also country information and guidance on Turkey: Background, including actors of protection and internal relocation.

2.4.3 For further guidance on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Internal relocation

2.5.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.

2.5.2 See also country information and guidance on Turkey: Background, including actors of protection and internal relocation.

2.5.3 For further guidance on internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Certification

2.6.1 Where a claim based simply on being a journalist falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.6.2 For further information on certification, see the Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy Summary

3.1.1 Simply being a journalist does not of itself give rise to a well-founded fear of persecution or serious harm in Turkey.

3.1.2 Journalists who, when investigating or reporting on legitimate issues of public concern, are critical of the government, particularly in relation to its human rights record, or are deemed supportive of the Kurdish cause, or are accused of publishing defamatory or anti-government material, or material supporting terrorist organisations (or material perceived as such), can suffer harassment by the authorities and, in some cases, prosecution under criminal or anti-terrorism law. Prosecution for a criminal or terrorist offence does not of itself give rise to a need for international protection. The onus will be on the person to demonstrate that they will face ill-treatment by the authorities on return on account of their actual or perceived political opinion.

3.1.3 Where the person has been involved in publishing material in support of terrorist organisations, the Exclusion clauses in the Refugee Convention may be applicable.

3.1.4 Where a claim based simply on being a journalist falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Country Information

Updated: 3 March 2016

4. Background

4.1.1 The US Department of State's Country Report on Human Rights Practices for 2014 stated:

'The print media was privately owned and active. Hundreds of private newspapers spanning the political spectrum published in numerous languages, including Kurdish, Armenian, Arabic, English, and Farsi. Conglomerates or holding companies, many of which had interests before the government on a range of business matters - including billions of dollars in government construction, energy, or communications contracts - owned an increasing share of media outlets. Only a fraction of these companies' profits came from media revenue, and other commercial interests may have impeded media independence and encouraged a climate of self-censorship. The concentration of media ownership influenced the content of reporting and limited the scope of public debate.

'The High Board of Radio and Television (RTUK) registered and licensed a large number of privately owned television and radio stations that operated on local, regional, and national levels. In addition privately owned television channels operated on cable networks, and the RTUK granted licenses for 245 television channels, 139 cable television channels, and 1,022 radio stations. The wide availability of satellite dishes and cable television allowed the public access to foreign broadcasts, including several Kurdish-language private channels.

'The RTUK allowed radio and television stations to broadcast in Uighur, Laz, and Kurdish (both the Kurmanci and Zaza dialects) during the year.'[1]

4.1.2 Freedom House provided the following information in the report 'Freedom of the Press 2015,' published in April 2015:

'According to government data, there are approximately 3,100 newspapers operating in Turkey, including some 180 national papers; however, only about 15 percent of these are published daily, and many have small circulations. 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.

'…State television and radio outlets provide some content in minority languages, with several local radio and television stations broadcasting in Kurdish. The introduction of Kurdish-language stations in recent years

[1] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2a. Press Freedoms, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

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. There are reportedly 30,000 internet cafés in Turkey, and they require a license from the local government in order to operate. Social media are used at very high rates. In light of restrictions on traditional media, social media have emerged as an alternate forum for public debate on a number of contentious political and social issues.'[2]

4.1.3 Turkey is ranked 149th out of 180 countries in the 2015 Reporters Without Borders press freedom index.[3] In its report 'Freedom of the Press 2015,' Freedom House found Turkey's 'press status' to be 'not free' and gave the following indicators:

- The press freedom score was rated 65, where 0 was best and 100 was worst;
- The legal environment for the press was rated 24, where 0 was best and 30 was worst;
- The political environment for the press was rated 27, where 0 was best and 40 was worst;
- The economic environment for the press was rated 14, where 0 was best and 30 was worst.[4]

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5. Legal situation

5.1 Current situation

5.1.1 In their World Report 2016, Human Rights Watch stated: 'Government-led restrictions on media freedom and freedom of expression in Turkey in 2015 went hand-in-hand with efforts to discredit the political opposition and prevent scrutiny of government policies in the run-up to the two general elections…

'Journalists continued to be fired from mainstream press outlets in 2015 for critical reporting, commentary, and tweets. Social media postings critical of the president and politicians by ordinary people also led to criminal defamation charges and convictions. A new trend in 2015 saw courts in several cases order pretrial detention of people for several months for allegedly insulting Erdoğan via social media or during demonstrations.

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[2] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Economic environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[3] Reporters Without Borders. World Report – Turkey. 'Press Freedom Barometer 2015.' http://en.rsf.org/report-turkey,141.html Date accessed: 25 August 2015
[4] Freedom House. 'Freedom of the Press 2015 (Turkey),' dated 28 April 2015. https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

‘Three foreign journalists were deported in 2015 for their news reporting activities in the southeast, and a fourth, Mohammed Rasool, was in pretrial detention facing investigation on terrorism charges at time of writing.

‘In the first six months of 2015, Turkish authorities were responsible for almost three quarters of requests to Twitter worldwide for removal of tweets and blocking of accounts. In March, parliament passed new legislation allowing ministers to request the Communications Directorate (TİB) to block online content or remove it within four hours to “protect life and property, national security, the public order, [or] to prevent crime and to protect general health.” A court must approve the decision within 48 hours.’[5]

5.1.2 In its October 2015 interim report the OSCE observation mission stated:

‘“Unduly vague provisions in the Anti-Terrorism Law, Criminal Code, Press Law and other legislation are applied and criminalize or ban reporting on issues of public concern. Furthermore, the Criminal Code contains broad defamation provisions, including with regard to the Turkish Nation and State, and provides special protection for public figures, including the president. In addition, legislation allows for undue interference in freedom of expression on the Internet by permitting for the blocking of websites and collection of data of Internet users without sufficient court supervision.’[6]

5.1.3 Freedom House stated the following in a report, ‘Freedom of the Press 2015,’ published in April 2015:

‘Conditions for media freedom in Turkey continued to deteriorate in 2014 after several years of decline. The government enacted new laws that expanded both the state’s power to block websites and the surveillance capability of the National Intelligence Organization (MİT). Journalists faced unprecedented legal obstacles as the courts restricted reporting on corruption and national security issues. The authorities also continued to aggressively use the penal code, criminal defamation laws, and the antiterrorism law to crack down on journalists and media outlets.’[7]

5.1.4 Freedom House provided the following information in the report ‘Freedom of the Press 2015’: ‘Constitutional guarantees of press freedom and freedom of expression are only partially upheld in practice. They are generally undermined by provisions in the penal code, the criminal procedure code, and the harsh, broadly worded antiterrorism law that effectively leave punishment of normal journalistic activity to the discretion of prosecutors and judges…

‘A measure adopted in April, the Law Amending the Law on State Intelligence Services and the National Intelligence Organization [MIT],

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[5] Human Rights Watch. ‘World Report 2016;’ Turkey, published January 2016. https://www.hrw.org/world-report/2016/country-chapters/turkey Date accessed: 29 January 2016.
[6] Office for Democratic Institutions and Human Rights Limited Election Observation Mission Republic of Turkey Early Parliamentary Elections, INTERIM REPORT 28 September – 21 October 2015 http://www.osce.org/odihr/elections/turkey/194216?download=true Date accessed: 12 January 2016
[7] Freedom House. ‘Freedom of the Press 2015,’ dated 28 April 2015. (Turkey) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

granted the 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 MİT. Media workers faced up to nine years in prison for publishing information from leaked intelligence material.

'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… Defamation remains a criminal offense and frequently results in fines and prison terms…'[8]

5.1.5 Human Rights Watch published the following in their 'World Report 2015,' published in January 2015:

'The government responded to the use of social media to disseminate leaked phone calls implicating ministers and family members in corruption by tightening the already restrictive Internet law and blocking Twitter and YouTube in Turkey for several weeks, prompting a joint statement in March [2014] from three United Nations special rapporteurs. Both sites were reopened in April and May [2014] respectively after the Constitutional Court ruled against the blocking orders.'[9]

5.1.6 Freedom House stated the following in the report, 'Freedom of the Press 2015':

'Law No. 5651 allows the authorities to block sites that insult Turkish Republic founder Mustafa Kemal Atatürk or contain content that "incites suicide, pedophilia, drug abuse, obscenity, or prostitution," among other criteria. Websites are also blocked for intellectual property infringement, particularly file-sharing and streaming sites; for reporting news on southeastern Turkey and Kurdish issues; and for defaming individuals. Over 60,000 websites are blocked in Turkey, and the TİB reportedly blocked 22,645 websites without prior court approval during 2014… In addition to wholesale blocking, state authorities are proactive in requesting the deletion or removal of specific online content.'[10]

5.1.7 Reporters Without Borders noted the following in February 2014: 'The European Court of Human Rights has often condemned Turkey's cyber-censorship. In a December 2012 ruling, the Court said restricting access to a source of information was only compatible with the European Convention on Human Rights "if a strict legal framework was in place regulating the scope

[8] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[9] Human Rights Watch. 'World Report 2015,' dated 29 January 2015. (Turkey; Freedom of expression, association and assembly). http://www.hrw.org/sites/default/files/wr2015_web.pdf Date accessed: 28 August 2015.
[10] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

of the ban and affording the guarantee of judicial review to prevent possible abuses.'"[11]

5.1.8 Freedom House further stated:

'…amendments to the penal and criminal procedure codes passed by the parliament in December 2014 lowered the threshold of evidence required for searches of people or premises to "reasonable suspicion," from "strong suspicion based on concrete evidence." Even before the amendments had been approved, police reportedly used these grounds to raid the home of a journalist in October. Aytekin Gezici, a press adviser for the city of Adana, was detained, his computer examined, and his house searched after he criticized the government on Twitter…'[12]

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5.2 Terrorism and anti-terrorism

5.2.1 Freedom House stated the following in its 'Freedom of the Press 2015' report:

'Article 314 of the penal code, with its broad definition of terrorism and membership in an armed organization, continued to be invoked against journalists, especially Kurds and those associated with the political left. According to statistics compiled for the Organization for Security and Co-operation in Europe (OSCE) and published in June 2014, the majority of the 22 journalists in prison in Turkey at the time had been charged or found guilty under Article 314. Many of those incarcerated or detained under Article 314 face a minimum sentence of seven and a half years in prison.

'Turkey also has a separate antiterrorism law, officially called the Law on the Fight against Terrorism, which was adopted in 1991 and has been used to charge and jail journalists for activities that, according to Human Rights Watch, amount to "nonviolent political association" and speech. The antiterrorism law has been widely criticized, and the European Court of Human Rights has found in multiple rulings that specific provisions of the law amount to censorship and violations of free expression.'[13]

5.2.2 In its October 2015 report, 'Turkey: Media Freedom is part of the Solution to the Kurdish State,' Reporters Without Borders stated:

'RSF [Reporters Without Borders] and other human rights organizations have long been calling for a distinction to be made between expressing an opinion and defending violence, but the "fourth judicial reform package" did not take this distinction to its logical conclusion. The very definition of "terrorism" remains extremely broad and vague, with the result that judges

[11] Reporters Without Borders (RSF). 'President urged not to sign draconian internet censorship into law,' dated 6 February 2014. http://en.rsf.org/turkey-president-urged-not-to-sign-06-02-2014,45834.html Date accessed: 26 August 2015.
[12] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[13] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

apply it to many peaceful activities. Dozens of journalists continue to be accused of "membership of a terrorist organization" under article 314 of the Anti-Terrorism Law on the basis of evidence directly related to their work as journalists. Article 314's wording and applicability are so broad that covering events organized by the Kurdish movement or expressing opinions or analyses that resemble those of the PKK suffice for charges to be brought. No element of violence is needed. According to a former justice minister, there were 20,000 convictions on the basis of this article from 2009 to 2012. This figure gives an idea of its draconian scale. It is also reflected in the prosecution of 44 journalists and media workers for allegedly operating a "KCK press service."'[14]

5.2.3 The US Department of State's Country Reports on Human Rights Practices for 2014 stated:

'Although the Fourth Judicial Reform Package [April 2013] provides that with few exceptions, persons convicted of "promoting terrorism propaganda" would no longer automatically receive additional punishment for being members of a terrorist organization, human rights advocates noted that the reform had not resulted in substantial numbers of prison releases. The Fifth Judicial Reform Package [February 2014] took additional steps to reduce pre trial detention time and abolish the special courts used to try individuals charged under the anti terror law. Human rights groups, however, asserted the reforms fell short of bringing the country's laws in line with international human rights standards on freedom of expression.'[15]

5.2.4 The US Department of State's Country further stated:

'Despite improvements made by the Fourth and Fifth Judicial Packages, the penal code and anti-terror law still contain multiple articles that restrict freedom of speech and the press. International and domestic human rights organizations expressed particular concern over what they regarded as an overly broad definition of terrorism under the anti-terror law and its disproportionate use by authorities against members of the press, academics, students, and members of the political opposition.'[16]

5.2.5 In its October 2015 interim report the OSCE observation mission stated: 'The increased application of the provisions of the Anti-Terrorism Law and Criminal Code, before and during the election period, led to a large number

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[14] Reporters Without Borders. 'Turkey: Media Freedom is part of the Solution to the Kurdish State,' dated 15 October 2015. http://en.rsf.org/turquie-freedom-of-information-essential-15-10-2015,48445.html Date accessed: 15 January 2016

[15] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2a. Press Freedoms, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

[16] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2a. Freedom of Speech and Press, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

of journalists, social media users and media outlets being investigated for defamation and supporting terrorism.'[17]

5.2.6 The Human Rights Watch World Report 2015, published in January 2015, stated:

'… in March [2014] the government took the welcome steps of abolishing the Special Heavy Penal courts whose remit was terrorism offenses, and cutting the maximum period for pretrial detention to 5 years (from 10), resulting in the release on bail of many defendants. Among those bailed were hundreds of defendants tried for alleged links to the outlawed Union of Kurdistan Communities (KCK), including human rights defender Muharrem Erbey, bailed in April after spending over four years in pretrial detention on terrorism charges. The abusive application of terrorism charges remains a serious problem.'[18]

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5.3 Denigration of the Turkish nation

5.3.1 In the report, 'Freedom of the Press 2015,' Freedom House stated:

'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 state that genocide was committed against the Armenians beginning in 1915, discuss the division of Cyprus, or criticize the security forces. 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, is also used against journalists and other commentators.'[19]

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5.4 Prosecution and the judiciary

5.4.1 The US Department of State's Country Report for 2014 stated: 'Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. Authorities investigated or continued court

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[17] Office for Democratic Institutions and Human Rights Limited Election Observation Mission. Republic of Turkey Early Parliamentary Elections, INTERIM REPORT 28 September – 21 October 2015 http://www.osce.org/odihr/elections/turkey/194216?download=true Date accessed: 12 January 2016.

[18] Human Rights Watch. 'World Report 2015,' dated 29 January 2015. (Turkey; Freedom of expression, association and assembly). http://www.hrw.org/sites/default/files/wr2015_web.pdf Date accessed: 28 August 2015.

[19] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

cases against myriad publications and publishers during the year.'[20] Freedom House reported that 'According to a report by Bianet, 10 journalists were convicted of defamation, blasphemy, or inciting hatred in 2014.'[21]

5.4.2 In 'Freedom of the Press 2015,' Freedom House reported:

'Throughout 2014, the courts' actions on media-related cases—especially those linked to the corruption scandal surrounding Erdoğan and his associates—cast further doubt on the independence and impartiality of the judiciary. In December [2014], the Turkish Journalists' Association and the Turkish Journalists' Union estimated that 60 journalists were prosecuted over the past year for reporting on corruption allegations, and that the number of lawsuits topped 100, in addition to a large number of orders to newspapers to publish corrections or denials.

'Moreover, Turkish courts and regulators issued several reporting bans on issues of public interest. In February [2014], a ban on allegations of MİT involvement in weapons shipments to Syria was imposed. In March [2014], a gag order was issued concerning the leaked audio recordings of a national security meeting at the Foreign Ministry. In May [2014], following a mining disaster near the town of Soma, the Supreme Council of Radio and Television (RTÜK), Turkey's broadcast regulator, warned broadcasters to refrain from showing material that may be "disrespectful to feelings of the families of victims." Progovernment media followed the instruction to the extent that the country's worst mining disaster—which caused 301 deaths and raised serious questions about the industry's safety record—was absent from most mainstream outlets. In June [2014], an Ankara court imposed a ban on reporting about the kidnapping of 49 Turkish citizens from the Turkish consulate in Mosul, Iraq. Another court in the capital issued an unprecedented reporting ban on a parliamentary inquiry into corruption allegations concerning four former ministers in November [2014].'[22]

5.4.3 In December 2015 Inter Press Service stated that 'the government intensified its control over the criminal justice system and reassigned judges, prosecutors, and police in order to exercise a greater control over the country´s already politicized freedom of the press.'[23]

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[20] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey,Section 2.a. Censorship or content restrictions, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.
[21] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[22] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[23] Inter Press Service. News Agency: 'Human Rights in Turkey: Is Turkish Press Freedom in Danger?,' dated 21 December 2015 http://www.ipsnews.net/2015/12/human-rights-in-turkey-is-turkish-press-freedom-in-danger/?utm_source=rss&utm_medium=rss&utm_campaign=human-rights-in-turkey-is-turkish-press-freedom-in-danger Date accessed: 12 January 2016

6. Treatment of journalists

6.1 Harassment and disruption

6.1.1 Following a visit to Turkey from 19 to 21 October 2015, ARTICLE 19, the International Press Institute (IPI), the Committee to Protect Journalists (CPJ), Reporters Without Borders (RSF), the International Federation of Journalists (IFJ), the European Federation of Journalists (EFJ), Index on Censorship, and the Ethical Journalism Network (EJN) issued a joint statement raising concerns: 'that pressure on journalists operating in Turkey has severely escalated in the period since parliamentary elections held June 7 [2015]… that this pressure has significantly impacted journalists' ability to report on matters of public interest freely and independently ...'[24]

6.1.2 In December 2015 Inter Press Service reported that November [2015]:

'marked another phase of an ongoing shift in the Turkish Government´s approach to human rights issues – Two important events highlighted the ongoing attack freedom of press is suffering in Turkey. First two prominent Turkish journalists were arrested after publishing a story claiming that members of the state intelligence agency had provided weapons to Syrian rebels; second, lawyer and leading human rights defender Tahir Elçi, President of the Diyarbakir Bar Association in south eastern Turkey, was killed in crossfire while making a press statement on Saturday 28th of November. The Government´s reaction has fueled concerns about a sweeping media crackdown, which escalated just before the country´s national elections in November 1st [2015]. Since the Justice Development Party (AKP) was re-elected, under the leadership of Recep Tayyip Erdoğan, conditions for media freedom have gradually deteriorated even further.'[25]

6.1.3 Freedom House reported the following in 'Freedom of the Press 2015:'

'Harassment and intimidation of journalists and disruption of their work in the field were more common than retaliatory violence in 2014, as in previous years. According to Bianet, more than 140 journalists were subjected to some form of attack in 2014. Many reporters faced obstructions, tear-gas injuries, and direct physical assaults by police in Istanbul while covering a demonstration against internet censorship in February, attempts by labor activists to mark May Day, and demonstrations surrounding the first anniversary of the Gezi Park protests later in May. CNN International's Istanbul correspondent Ivan Watson was briefly detained and roughed up while reporting live about the Gezi anniversary. In October, Turkish security forces fired tear gas at journalists working near the border adjacent to the besieged Syrian Kurdish town of Kobane.

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[24] Article 19. 'Turkey: Emergency Press Freedom Mission,' dated 21 October 2015 https://www.article19.org/resources.php/resource/38153/en/turkey:-emergency-press-freedom-mission Date accessed: 12 January 2016.

[25] Inter Press Service. News Agency: 'Human Rights in Turkey: Is Turkish Press Freedom in Danger?,' dated 21 December 2015 http://www.ipsnews.net/2015/12/human-rights-in-turkey-is-turkish-press-freedom-in-danger/?utm_source=rss&utm_medium=rss&utm_campaign=human-rights-in-turkey-is-turkish-press-freedom-in-danger Date accessed: 12 January 2016

'In an apparent case of arbitrary detention and deportation, Rauf Mirkadirov, an Ankara-based correspondent for the Azerbaijani newspapers Ayna and Zerkalo, was seized by Turkish authorities and put on a plane to Baku without access to a lawyer. Upon arriving in Azerbaijan, he was remanded to three months in pretrial custody, pending an investigation on espionage charges. Mirkadirov had written articles critical of both governments.

'According to CPJ [Committee to Protect Journalists], there was one media-related killing in 2014. In October, Kadir Bağdu was shot and killed while delivering the pro-Kurdish daily Azadiya Welat in the southern city of Adana. In other apparent cases of targeted violence, Mustafa Kuleli, the general secretary of the Turkish Journalists' Union, and journalist Hasan Cömert were attacked in February by unidentified perpetrators and had to seek medical treatment. Another journalist, Mithat Fabian Sözmen, was reportedly hospitalized after a similar assault in March.'[26]

6.1.4 In the World Report 2016, Human Rights Watch stated, 'On September 30, a leading Hurriyet journalist, Ahmet Hakan, was attacked and beaten by four men who followed his car. Seven men were subsequently detained, one placed in pretrial detention, and the other six released pending completion of a criminal investigation.'[27]

6.1.5 The report by Freedom House, 'Freedom of the Press 2015,' which was published in April 2015, stated:

'Government harassment of journalists is … common, leading to self-censorship and dismissals… An October 2014 report suggested that hundreds of journalists, many of whom had been working on corruption investigations, had quit under pressure or been fired from their posts. For example, in January, a dozen state television officials were dismissed as part of a purge of those who had been investigating a corruption case involving businessmen with close ties to high-ranking officials. Other journalists have been sued for insulting government officials…

'In August [2014], the Turkish Journalists' Association issued a report condemning government manipulation of and attacks on the media, including economic pressure and legal charges against critical outlets, and financial rewards for those deemed more friendly to the government. In December, the editor of Turkey's largest daily, Zaman—which is sympathetic to Gülen and critical of the government—and more than 20 other media workers were arrested for allegedly establishing a terrorist group to attack another Islamic-oriented organization….'[28]

6.1.6 The US Department of State Country Report on Human Rights Practices for 2014 in Turkey, published in June 2015, stated:

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[26] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Political environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[27] Human Rights Watch. 'World Report 2016;' Turkey, published January 2016. https://www.hrw.org/world-report/2016/country-chapters/turkey Date accessed: 29 January 2016.
[28] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; D. Freedom of Expression and Belief) ttps://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

'Authorities indicted journalists on numerous grounds, including for refusing to provide information about their sources and investigations; taking part in antigovernment plots; being members of outlawed political groups; attempting to influence the judiciary; insulting the Turkish nation, the Turkish Republic, its founder Mustafa Kemal Ataturk, or organs and institutions of the state; and discouraging individuals from doing their military service.'[29]

6.1.7 In their World Report 2016, Human Rights Watch noted, 'Prosecutions of journalists, judges, prosecutors, and police for membership of an alleged "Fethullah Gülen Terrorist Organization" were ongoing at time of writing, although there is no evidence to date that the Gülen movement has engaged in violence or other activities that could reasonably be described as terrorism.'[30]

6.1.8 The Committee to Protect Journalists (CPJ) reported in August 2015 that eighteen editors from nine Turkish news outlets had been accused of terrorism in connection with publishing a photograph. The CPJ stated:

'Istanbul's Chief Prosecutor's Office filed an indictment with the 1st Court of Serious Crimes, accusing the journalists of "disseminating terrorist propaganda" …the court has not yet decided whether to accept the indictment. The journalists, who denied the allegations, are not in state custody. If convicted, they face up to 7.5 years in jail…

'The allegations stem from a photograph published by the news outlets that showed a masked militant from the outlawed leftist group Revolutionary People's Salvation Party/Front, or DHKP/C, holding a gun to the head of local prosecutor Mehmet Selim Kiraz… The prosecutor was taken hostage by the militants at an Istanbul courthouse in March and died following a shootout …The news outlets named in the indictment published the photo without blurring Selim Kiraz's face. Authorities said publishing the photo without "blurring or darkening it in any way" was considered "propaganda of a terrorist organization via the press" …

'One of the editors, Dündar of the daily Cumhuriyet, was cited by the German broadcaster Deutsche Welle as saying that he was not endorsing DHKP/C but had chosen to publish the image only "to demonstrate the ugly face of terrorism." Other journalists also denied supporting militants and said that the image was widely carried by local broadcasters and shared on social networks, reports said.'[31]

6.1.9 In their World Report 2016, which covered events of 2015, Human Rights Watch stated:

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[29] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2a. Freedom of Speech and Press, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

[30] Human Rights Watch. 'World Report 2016;' Turkey, published January 2016 https://www.hrw.org/world-report/2016/country-chapters/turkey Date accessed: 29 January 2016.

[31] Committee to Protect Journalists. 'Eighteen Turkish journalists face jail terms on terrorism allegations,' dated 6 August 2015. Available at: http://www.refworld.org/docid/55d6e3504.html Date accessed: 27 August 2015.

'In October [2015], police raided the İpek Media group, including TV stations and newspapers, two days after the government had appointed trustees to run the parent company, Koza İpek Holding. Firing the staff and appointing new editors, both TV stations and newspapers are now pro-government organs. The government alleges the Koza İpek group is supportive of US-based cleric Fethullah Gülen—the head of a religious movement whose followers in Turkey are subject to an unprecedented crackdown—and has effectively seized the company's assets.'[32]

6.1.10 The US Department of State reported the following in its Country Report on Human Rights Practices for 2014: 'Authorities at times … ordered raids on newspaper offices, temporarily closed newspapers, issued fines, or confiscated newspapers for violating speech codes. Government officials and political leaders made statements throughout the year that appeared intended to influence media content, including but not limited to news coverage.

'Five media organizations (T24, sendika.org, haber.sol.org.tr, gercekgundem.com, and Cumhuriyet.com.tr) reported that authorities threatened to close their websites if they did not remove content the government found objectionable. On September 30 [2014], police raided the office of a small online news website, karsigazete.com, in Istanbul. The editor in chief of karsigazete.com told media that police demanded removal of a website article providing information related to the December 17 corruption allegations, which they refused to do. The editor interpreted the raid as police intimidation. Within the day the organization's website was blocked.

'A report released in July [2014] by the Journalists Association in Ankara stated the RTUK issued fines to intimidate media organs opposed to the government. The association alleged this was outside of the council's main duty of supervising and monitoring televised broadcasts and amounted to harassment.'[33]

6.1.11 In September 2015 Human Rights Watch stated:

'The past two weeks has seen the arrest followed by deportation of three foreign journalists; crowds including a parliament member from President Recep Tayyip Erdoğan's Justice and Development Party (AKP) attack the building housing Hürriyet, the leading newspaper critical of the government; a police raid on a large holding company that includes another opposition media group, and the remaining critical journalists at influential daily newspaper Milliyet fired...

[32] Human Rights Watch. 'World Report 2016;' Turkey. https://www.hrw.org/world-report/2016/country-chapters/turkey Date accessed: 29 January 2016.
[33] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2a. Violence and harassment, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

'President Erdoğan considers scrutiny or criticism from media outlets and social media unacceptable. The prosecution and imprisonment of journalists and others for critical statements in Turkey is familiar. But in a dangerous new trend, Erdoğan and his followers inspire crowds to take direct action. In one instance, Erdoğan turned on Hürriyet newspaper and its owner, Aydın Doğan, alleging that the paper misrepresented a statement in which he suggested that if his party had won an outright majority in the 7 June general election there would have been no descent into violence. Hours later, a crowd that included an AKP parliament member violently attacked the newspaper's headquarters in Istanbul, breaking windows and trying to get into the building. The Istanbul chief prosecutor's initial response was to initiate an investigation into Hürriyet for "insulting President Erdogan." Two days later there was another similar attack on the newspaper's offices, drawing expressions of concern from the EU Council President, Donald Tusk, during a visit to Turkey.'[34]

6.1.12 In October 2015 Reporters Without Borders reported on the situation for journalists in Diyarbakir in southeastern Turkey:

'Regardless of any peace process, the region's journalists are exposed to frequent police abuses, acts of violence and other displays of deep social tension. Anti-riot police attacked two journalists at a hospital in Nusaybin, in Mardin province, on 12 August 2015 when they tried to cover the arrival a police officer who had been shot by the PKK. As the journalists approached, the police fired in the air and said they were "all militants." Then the police hit them and broke one of their cameras. ...Three journalists were attacked by police and briefly detained while covering police violence in Urfa, near Suruç, on 27 February 2015.' [35]

6.1.13 Freedom House reported the following in 'Freedom of the Press 2015:'

'The RTÜK [Supreme Board of Radio and Television], 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 ruling Justice and Development Party (AKP). According to Bianet, RTÜK in 2014 issued 78 warnings and 254 fines to television channels, and 12 warnings and 7 fines to radio stations. Print outlets can be closed if they violate laws restricting media freedom.'[36]

6.1.14 See sections on Terrorism and anti-terrorism, Denigration of the Turkish nation, Prosecution and the judiciary, Actions taken by President Erdogan

[34] Human Rights Watch. 'Turkey: media crackdown amid escalating violence,' dated 11 September 2015. https://www.hrw.org/news/2015/09/11/turkey-media-crackdown-amid-escalating-violence Date accessed: 12 January 2016

[35] Reporters Without Borders. 'Turkey: Media Freedom is part of the Solution to the Kurdish State,' dated 15 October 2015. http://en.rsf.org/turquie-freedom-of-information-essential-15-10-2015,48445.html Date accessed: 15 January 2016

[36] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

and other senior politicians and Imprisonment of journalists for further information about these issues.

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6.2 Censorship

6.2.1 Freedom House reported the following in their publication, 'Freedom of the Press 2015:' 'Censorship of content occurs both offline and online. Sensitive topics include Kurdish issues, the Armenian genocide, and subjects deemed offensive to Islam or the Turkish state. Enforcement of the relevant laws is arbitrary and unpredictable, and many publications on such subjects are available.'[37]

6.2.2 The US Department of State's Country Reports on Human Rights Practices for 2014 stated:

'Government and political leaders occasionally resorted to direct censorship of news media. For example, the government imposed an outright ban on news coverage of 46 Turkish citizens taken hostage by ISIL in Mosul. After two police sergeants were killed in an attack that targeted a provincial police chief in the eastern province of Bingol on October 9 [2014], authorities banned coverage of the investigation and subsequent actions. On November 25 [2014], an Ankara court banned reporting on a parliamentary inquiry into corruption allegations involving four former ministers who were still serving as parliamentarians…

'Observers … reported that with the consolidation of media outlets under a few conglomerates that had other business interests, media entities increasingly practiced self-censorship to remain eligible for government contracts. Human rights organizations such as Freedom House noted companies with media outlets critical of the government were targeted in tax investigations and forced to pay fines.

'Journalists reported media outlets fired some individuals for being too controversial or adversarial with the government over fears of jeopardizing other business interests… Bianet reported that 384 journalists were laid off or forced to resign in the year ending June [2014]. The opposition Republican Peoples' Party (CHP) released a report in October [2014] claiming 1,863 journalists had been fired or dismissed from their jobs since the ruling AKP came to power in 2002. The government also reportedly withheld accreditation for controversial journalists or select media outlets.'[38]

6.2.3 Freedom House reported the following in the 'Freedom in the World 2015' publication:

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[37] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Political environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[38] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2.a. Censorship or content restrictions, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

'The state broadcaster, Turkish Radio and Television Broadcasting Company (TRT), and the semiofficial news agency, Anadolu Ajansı, experienced tighter government control during 2014, and several private television outlets exercised self-censorship in response to direct political pressure. Biased coverage by progovernment media was evident during the March local elections and the August presidential election.'[39]

6.2.4 In September 2015 Reporters without Borders stated: '... Censorship is becoming increasingly widespread as the security situation continues to deteriorate amid a major political crisis. Media that support all leading opposition tendencies have been censored in the past two weeks, including Kemalist and left-wing outlets, and those that support the Gülen Movement or the Kurds…

'The newspaper Nokta found itself at the centre of a storm yesterday after publishing a photomontage showing President Erdogan taking a selfie in front of the coffin of a Turkish soldier, in a reference to the escalation in fighting between government forces and PKK rebels. Far from being amused, the authorities launched a series of raids, withdrew the offending issue from most newsstands and suspended Nokta's Twitter account. Managing editor Murat Çapan was briefly detained and charged with terrorist propaganda and insulting the president.' [40]

6.2.5 See Harassment and disruption, Denigration of the Turkish nation and Actions taken by President Erdogan and other senior politicians for further information on these topics.

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6.3 Actions taken by President Erdogan and other senior politicians

6.3.1 Freedom House stated the following in the 'Freedom of the Press 2015' report:

'The constitutional protections are … subverted by hostile public rhetoric against critical journalists and outlets from Erdoğan and other government officials, which is often echoed in the progovernment press. Since the Gezi Park protests of 2013, Erdoğan has accused the foreign media and various outside interest groups of organizing and manipulating unrest in the country. He has also blamed foreign-based conspiracies for corruption allegations against his family and ministers. In August 2014, during a speech at a campaign rally just prior to the presidential election, Erdoğan denounced Economist correspondent Amberin Zaman as a "shameless militant" and told her to "know [her] place." In the following months, Zaman was deluged with threats of violence on social media. In September, New York Times reporter Ceylan Yeğinsu suffered a similar verbal attack over a photograph caption

[39] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[40] Reporters Without Borders. 'Dangerous surge in censorship liable to exacerbate crisis,' dated 15 September 2015. http://en.rsf.org/turkey-dangerous-surge-in-censorship-15-09-2015,48351.html Date accessed: 12 January 2016

that accompanied her piece on Islamic State recruiting in Turkey. Progovernment media depicted her as a traitor. The U.S. State Department criticized Turkey for such attempts to intimidate and threaten her.'[41]

6.3.2 Freedom House further noted that verbal attacks on journalists by senior politicians, including President Erdoğan, were 'often followed by harassment and even death threats against the targeted journalists on social media.'[42] Reporters Without Borders noted that a well-known TV presenter, Sedef Kabas, was detained for questioning in Istanbul on 30 December [2014] after sending a tweet criticizing Judge Hadi Salioglu for closing a corruption investigation in October. Her mobile phone and other equipment were seized during a search of her home. She was released on a judge's order despite a prosecutor's attempt to keep her under judicial control, and received threats from members of the ruling AKP party.[43]

6.3.3 The Freedom House report, 'Freedom of the Press 2015,' noted:

'Leaked documents and wiretaps, particularly in 2013 and 2014, have revealed the extent of government efforts to create a loyal media. Many of Erdoğan's leaked conversations with journalists, media executives, and owners, in which he is heard giving instructions or admonishments for undesirable content, were not denied by either side. Leaks have also revealed managers of corporations being pressured by cabinet-level officials to pool capital for the purpose of buying major media outlets in exchange for the chance to win lucrative government contracts.'[44]

6.3.4 The US Department of State reported the following in the Country Reports on Human Rights Practices for 2014: 'President Erdogan frequently attacked journalists by name in response to critical reporting... Human rights and press freedom activists asserted authorities filed numerous civil and criminal complaints against journalists, authors, and publishers for ideological reasons under various laws that restrict media freedom.'[45]

6.3.5 The same report stated:

'On January 20 [2014], then prime minister Erdogan won a libel suit against author Ihsan Eliacik, who had accused him of being "a dictator, a corrupt leader, provocateur, liar, and arrogant" on his Twitter account in June 2013. Erdogan was awarded 2,000 lira ($890) in damages. According to a Wall Street Journal article, after just two years in power, Erdogan had initiated 57

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[41] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[42] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[43] Reporters Without Borders. 'Nearly 70 journalists prosecuted for covering corruption investigation,' dated 7 January 2015. Available at: http://www.refworld.org/docid/54b3e82f4.html Date accessed: 27 August 2015.
[44] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[45] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2.a. Libel laws/national security, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015

defamation lawsuits and won 21 of them, receiving awards the equivalent of $440,000 in compensation. The government has not released an update to the number of libel lawsuits in process or of specific libel lawsuits filed by the president or other national leaders. In April [2014], the Radikal news publication reported that then prime minister Erdogan appeared as a plaintiff in 503 complaint files in the Ankara Public Prosecution Office. Most of the files were for social media messages deemed "insulting or threatening" to the then prime minister. The newspaper reported that the prosecutor's office was trying to identify the offenders from their internet protocol addresses; if they were residing in the country, the prosecutor would immediately open a criminal case against them.'[46]

6.3.6 Reporters Without Borders reported the following in May 2015:

'The daily Hürriyet has meanwhile been the target of several suits this month. The first concerned its report on Egyptian President Mohamed Morsi's death sentence, which it headlined: "Entire world in shock after president elected by 52% is sentenced to death." Claiming that it posed a grave threat to President Erdogan, his lawyer, Rahmi Kurt, filed a complaint accusing the newspaper of "inciting hatred," "inciting armed insurrection against the government," "condoning a crime and a criminal" and "propaganda in favour of a terrorist organization." Condemning the complaint as a "new blow to media freedom and freedom of expression," the Association of Turkish Journalists (TGC) criticized Erdogan's lawyer for requesting the imprisonment of the newspaper's managing editor, Sedat Ergin, and other senior members of its staff.

'Hürriyet and one of its columnists, Mehmet Yilmaz, were today ordered to pay 20,000 Turkish lira (7,000 euros) in damages to President Erdogan for a column criticizing government corruption. The head of the newspaper's board, Vuslat Dogan Sabanci, has also been fined 10,000 lira.'[47]

6.3.7 See Harassment and disruption, Censorship, Imprisonment of journalists and Imprisonment of journalists for further information on these issues.

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6.4 Imprisonment of journalists

6.4.1 The US Department of State's Country Report, covering 2014, stated:

'The HRA [Human Rights Association] asserted there were hundreds of political prisoners from across the political spectrum, including journalists, political party officials, and academics. The government stated that those persons were charged with being members of, or assisting, terrorist

[46] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2.a. Libel laws/national security, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

[47] Reporters Without Borders (RSF). 'Ban sought. Turkish authorities try to gag independent media in run-up to elections,' dated 22 May 2015. http://en.rsf.org/turkey-ban-sought-turkish-authorities-try-22-05-2015,47922.html Date accessed: 26 August 2015.

organizations…According to the Ministry of Justice, as of August 18, there were 930 persons in detention and 4,889 in prison on terrorism charges.'[48]

6.4.2 On 22 December 2015, The Committee to Protect Journalists (CPJ) reported that 17 journalists were imprisoned in Turkey, and stated that Turkey was 'Europe and Central Asia's leading jailer of journalists.'[49] The CPJ had reported the following a week earlier, on 15 December 2015:

'Conditions for the media have also taken a turn for the worse in Turkey… The country released dozens of journalists in 2014 after being the world's worst jailer for two consecutive years, but in 2015—amid two general elections, further entanglement in the Syrian civil war, and the end of a fragile ceasefire with fighters of the banned Kurdistan Workers' Party (PKK)—fresh arrests make it the fifth worst jailer globally.'[50]

6.4.3 Freedom House reported the following in 'Freedom of the Press 2015:' 'Figures compiled by the independent Turkish press agency Bianet [showed] 22 journalists and 10 publishers in prison at the end of 2014; the majority were Kurds charged with associating with an illegal organization under either the penal code or the antiterrorism law.'[51]

6.4.4 In the report, 'Freedom in the World 2015,' Freedom House stated, 'Thanks in part to a new law limiting pretrial detention, however, the number of jailed journalists has declined, from 40 at the end of 2013 to 19 by October 2014, with approximately 150 awaiting trial…'[52]

6.4.5 The US Department of State reported the following in the Country Report on Human Rights Practices for 2014:

'Some individuals identified as journalists remained in prison, most charged under the antiterror law for connections to an illegal organization or for participation in antigovernment plots…The CPJ [Committee to Protect Journalists] noted many of the journalists who had been released from prison still faced charges and could potentially be incarcerated again, encouraging them to continue practicing self-censorship… In September [2014] the Ministry of Justice reported that 20 convicts and one detainee claimed they were members of the press. On December 14 [2014], authorities detained more than 20 members of the media in raids that

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[48] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 1.e. Political prisoners and detainees, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

[49] Committee to Protect Journalists. 'Turkey press crackdown continues with arrests of three pro-Kurdish journalists,' dated 22 December 2015. https://cpj.org/2015/12/turkey-press-crackdown-continues-with-arrests-of-t.php Date accessed: 29 January 2016.

[50] Committee to Protect Journalists. 'China, Egypt imprison record numbers of journalists,' dated 15 December 2015. https://cpj.org/reports/2015/12/china-egypt-imprison-record-numbers-of-journalists-jail.php Date accessed: 29 January 2016.

[51] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

[52] Freedom House. 'Freedom in the World 2015,' dated 10 March 2015. (Section D. Freedom of Expression and Belief.) https://www.freedomhouse.org/report/freedom-world/2015/turkey Date accessed: 28 August 2015.

appeared to target media outlets openly critical of the government. Those detained included Zaman chief editor Ekrem Dumanli and Samanyolu Media Group head Hidayet Karaca. The majority were released pending trial.

'On May 8 [2014], Bianet further reported that the Istanbul 20th High Criminal Court released journalists Fusun Erdogan, Bayram Namaz, Ibrahim Cicek, and four other defendants jailed in 2006 and sentenced in November 2013 to life imprisonment; the four were charged with attempting to "overthrow the constitutional order" by violence and of membership in an outlawed Marxist party.'[53]

6.4.6 Freedom House reported the following in the report, 'Freedom of the Press 2015:'

'Media outlets were raided and journalists detained in 2014 as part of an ongoing crackdown on supporters of exiled cleric Fethullah Gülen. On December 14, security forces conducted raids across the country against outlets suspected of affiliation with the Gülen movement, such as the newspaper Zaman. Several media workers and journalists were arrested, including Ekrem Dumanlı, Zaman's editor in chief, under suspicion of "establishing and managing an armed terror organization" with the intent of seizing state power. Dumanlı and the majority of the other detainees were later released pending trial, but Hidayet Karaca, general manager of the Samanyolu Broadcasting Group, was still in jail at the end of the year.'[54]

6.4.7 In its report "Freedom on the Net 2015", covering June 2014–May 2015, Reporters Without Borders provided details of journalists facing prosecution and detention for their online activities:

'Journalist and anchorwoman Sedef Kabaş was detained and police raided her home after one of her tweets in December 2014 alluded to a cover-up of a governmental corruption scandal. She faced up to five years in jail for tweeting, "Do not forget the name of the prosecutor who dismissed the Dec. 17 case." Kabaş was released pending trial and eventually acquitted in October 2015 of "targeting individuals involved in the fight against terrorism."; Journalist and writer Aytekin Gezici was detained in October 2014 in Adana after a police raid on his home. His recent tweets had criticized Erdoğan, Arinç, and former justice minister Bekir Bozdağ on Twitter. In September 2015, he received a prison sentence of five years and nine months, as well as a judicial fine equivalent to one year and nine months in prison, for "insulting" the three public figures; Kamil Maman, a reporter for Bugün newspaper, faces 25 separate investigations for critical tweets published in the past six months about the government, particularly Davutoğlu and Erdoğan. Maman could receive a combined total of 130 years in prison.; Ten journalists were being prosecuted in mid-2015 for tweets that

[53] US Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, Section 2a. Violence and harassment, dated 25 June 2015. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236586 Date accessed: 27 August 2015.

[54] Freedom House. 'Freedom of the Press 2015,' dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.

the government considered “propaganda in support of terrorist organizations” in connection with the attack on Prosecutor Kiraz by two militants. The journalists faced up to five years in prison if found guilty; Yaşar Elma, a journalist from a local daily newspaper, received a suspended prison sentence in April 2015 for “liking” a Facebook post that was critical of Erdoğan and deemed “insulting” by the court; Mehmet Baransu, a journalist linked with the Islamist movement of Fethullah Gülen, which has become an opponent of the AKP government, was subjected to a criminal case in late 2014 for “insulting and blackmailing” Erdoğan on Twitter. He faces up to seven years in prison if found guilty.’[55]

6.4.8 Freedom House also stated the following in ‘Freedom of the Press 2015:’

‘In November 2013, three journalists were sentenced to life in prison on charges that they were senior members of the Marxist-Leninist Communist Party (MLKP), which is banned under the antiterrorism law. One of the journalists was Füsun Erdoğan, founder of Özgür Radio. The three had been arrested in 2006 and held in pre-trial detention, but they were released in May 2014 under the reduced legal limit set by the Fifth Judicial Reform; an appeal was still pending in the case, meaning the sentences had not yet taken effect.’[56]

6.4.9 In their November 2015 article for the Washington Post Professor Noam Chomsky and Reporters Without Borders stated:

‘Two days after the elections, two journalists were jailed on charges of “inciting an armed revolt against the state” in a story. Since then, some 30 other journalists have been placed under investigation for “terrorist propaganda” or “insulting the president” — the two most common charges… On Nov. 17, 18 editors and publishers will go on trial for “terrorist propaganda” because of a photograph. They face up to 7½ years in prison. One of these journalists, Cumhuriyet editor Can Dündar, already stood accused of “spying” by Erdogan, who has vowed that Dündar “won’t get away with it.” His paper published evidence that Syria-bound trucks leased by Turkey’s National Intelligence Organization had, as suspected, been carrying arms.’[57]

6.4.10 In December 2015, Reporters Without Borders issued a statement relating to the detention of Cumhuriyet editors and journalists Can Dündar and Erdem Gül, held since 26 November [2015], stating, ‘[T]here is no evidence to support the charges … spying, divulging state secrets and “supporting a terrorist organization”…Dündar and Gül are facing possible life sentences for

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[55] Reporters Without Borders. ‘Freedom on the Net 2015; Turkey,’ dated 28 October 2015. https://freedomhouse.org/report/freedom-net/2015/turkey Date accessed: 25 January 2016.
[56] Freedom House. ‘Freedom of the Press 2015,’ dated 28 April 2015. (Turkey; Legal environment.) https://www.freedomhouse.org/report/freedom-press/2015/turkey Date accessed: 28 August 2015.
[57] The Washington Post. ‘Turkey continues to muzzle democracy's watchdogs,’ dated 13 November 2015 https://www.washingtonpost.com/opinions/turkey-muzzles-democracys-watchdogs/2015/11/12/09c55400-895d-11e5-be8b-1ae2e4f50f76_story.html Date accessed: 12 January 2016.

publishing evidence supporting claims that the Turkish intelligence services delivered arms to rebels in Syria.'[58]

6.4.11 See Terrorism and anti-terrorism, Censorship and Harassment and disruption for further information about these subjects.

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[58] Reporters Without Borders. 'Turkey - Free Can Dündar and Erdem Gül, held for the past month!,' dated 25 December 2015. http://en.rsf.org/turkey-free-can-dundar-and-erdem-gul-held-25-12-2015,48691.html Date accessed: 12 January 2016.

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Country Policy and Information Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms Team.

Clearance

Below is information on when this version of the guidance was cleared:

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- this version approved by: **Sally Weston, Deputy Director, IBPD**
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