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Freedom of the Press 2010 - Turkey

Status: Partly Free

Legal Environment: 22

Political Environment: 18

Economic Environment: 11

Total Score: 51

The government, led by the Justice and Development Party (AKP), continued to crack down on unfavorable press coverage in 2009. A tax authority controlled by the Finance Ministry fined one of the country's major media companies, the Dogan Group, 826 million lira (US\$537 million) in February and 3.7 billion lira (US\$2.4 billion) in September for purported tax evasion. The Dogan Group has consistently reported on the ruling party's shortcomings and involvement in an Islamic charity scandal in 2008, and the tax case was widely viewed as politicized.

Constitutional guarantees of freedom of the press and expression are undermined by other provisions, and in practice they are only partially upheld. Despite some minor amendments in 2008, the restrictive 2005 penal code continued to overshadow positive reforms that had been implemented as part of the country's bid for European Union (EU) membership, including a 2004 Press Law that replaced prison sentences with fines for media violations. According to Bianet, a Turkish press freedom organization, the number of prosecuted journalists, publishers, and activists declined from 435 in 2008 to 323 in 2009, reversing a recent upward trend. The U.S. State Department noted a decrease in the number of individuals accused of violating Article 301 of the Turkish penal code, which provides for prison terms of six months to two years for "denigration of the Turkish nation." While the Turkish Justice Ministry received 424 complaints based on Article 301, it rejected 358 of them, and only four were allowed to proceed, compared with 70 cases that were given permission to proceed in 2008. In total, only 18 individuals were prosecuted in 2009 under Article 301, which has been used to punish journalists for stating that genocide was committed against the Armenians in 1915, discussing the division of Cyprus, or writing critically about the security forces. The 2008 amendments were deemed largely cosmetic, substituting "Turkish nation" for "Turkishness" and "State of the Turkish Republic" for "Turkish Republic," and reducing the maximum prison sentence from three years to two. Nationalist lawyers' groups such as the Great Lawyers' Union, accused by many human rights groups of leading the push for prosecutions, continued to file insult suits throughout the year. Very few of those who are prosecuted under Article 301 receive convictions, but the trials are time-consuming and expensive.

Article 216 of the penal code, which covers "inflaming hatred and hostility among peoples," continued to be used frequently against journalists who wrote about the Kurdish population, in addition to those who allegedly denigrated the armed forces. In 2009, a total of 21 people were prosecuted under Article 216, including journalists Ercan Oksuz and Oktay Candemir from Dicle News Agency (DIHA), who each received six-month

jail sentences for interviewing witnesses of the 1930 Zilan massacre. The incident involved the reported killing of Kurdish civilians by Turkish troops. Amendments to the Antiterrorism Law passed in 2006 allow journalists to be imprisoned for up to three years for the dissemination of statements and propaganda by terrorist organizations. The law raised concerns about arbitrary prosecutions, since members of the pro-Kurdish press are sometimes accused of collaborating with the Kurdistan Workers' Party (PKK), a designated terrorist organization. During 2009, some 47 individuals were tried under the Antiterrorism Law. In January, Vedat Kursun, editor of *Azadiya Welat*, was detained and charged with multiple counts of spreading PKK propaganda and aiding the rebel group; he remained in jail at year's end.

The Supreme Council 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 its expansive broadcasting principles. The council is frequently subject to political pressure. Print outlets can also be closed if they violate laws restricting media freedom, and a number of closures occurred during the year. Some editors and journalists practice self-censorship out of fear of violating legal restrictions. Turkish press freedom advocates contend that self-censorship has become more prevalent as a result of the onslaught of prosecutions under the new penal code.

Ongoing investigations surrounding an alleged plot to overthrow the government, referred to as "Ergenekon," have included the wiretapping of telephones at the daily newspaper *Cumhuriyet*. The surveillance was reportedly conducted without the approval of a court and included conversations between *Cumhuriyet* correspondent İlhan Tasci and the deputy president of the opposition Republican People's Party (CHP), Kemal Kilicdaroglu. In addition, Mustafa Balbay, the Ankara representative of *Cumhuriyet*, and Nadiye Gurbuz, the broadcasting coordinator of Izmir Democratic Radio, were arrested in March for alleged involvement in the Ergenekon plot. While Gurbuz was released in September, Balbay, charged with "attempting to change the constitutional order with armed force," remained in custody at year's end.

Threats against and harassment of the press remained much more common than acts of violence. Journalists are rarely killed, and their work is not regularly compromised by the fear of physical attacks, although instability in the southeastern part of the country does infringe on journalists' freedom to work. The 2007 assassination of Hrant Dink – the editor in chief of the Armenian weekly *Agos*, who was prosecuted under Article 301 for a second time in 2006 for confirming his recognition of Armenian genocide allegations – marked the culmination of a plot that was believed to have been developed by nationalist forces or the "deep state," an alleged network consisting of members of the state bureaucracy, the military, and the intelligence apparatus. The case was still open at year's end. In the only murder of a journalist in 2009, editor Cihan Hayirsevener of *Güney Marmara'da Yasam* was killed in mid-December after receiving several death threats for his newspaper's coverage of local corruption.

Turkey's broadcast media are well developed, with hundreds of private television channels, including cable and satellite, as well as more than 1,000 commercial radio stations. State television and radio provide limited broadcasting in minority languages, now including four local radio and television stations that broadcast in Kurdish. The introduction of Kurdish-language stations marks a major step forward for freedom of expression, although critics say that the broadcasts are too restricted and quality is poor. An Armenian-language radio outlet, Nor Radio, began broadcasting over the internet in January 2009. Several hundred private newspapers operate across the country in a very competitive print sector. Media ownership is highly concentrated, with four major conglomerates that subtly pressure their editors and journalists to refrain from coverage that could harm the parent company's business interests. This can include avoiding criticism of the government or potential advertisers. The quality of Turkish media is poor, with an emphasis on columns and opinion articles rather than pure news, but independent domestic and foreign print media are able to provide diverse views, including criticism of the government and its policies.

An estimated 35 percent of the population accessed the internet in 2009. The video-sharing website YouTube has been blocked since 2008 for airing videos that were

deemed insulting to the founder of the Turkish republic, Mustafa Kemal Ataturk. The social-networking site MySpace was unblocked in October 2009 after it resolved disputes with the Turkish music industry. The Organization for Security and Cooperation in Europe reported that approximately 3,700 websites were blocked between 2007 and 2009. The law allows prosecutors to block sites if their content "incites suicide, pedophilia, drug abuse, obscenity or prostitution," or attacks Ataturk.

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