

Turkey's Press Freedom Crisis

The Dark Days of Jailing Journalists and Criminalizing Dissent



A special report by the Committee to Protect Journalists



COVER: Journalists protest in Istanbul after a 2011 police crackdown resulted in the arrests of several reporters and writers.
REUTERS

RIGHT: Journalists protest the mass jailing of their colleagues.
AFP



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A Special Report by the Committee to Protect Journalists

Issued October 2012



Defending Journalists Worldwide



Founded in 1981, the Committee to Protect Journalists responds to attacks on the press worldwide. CPJ documents hundreds of cases every year and takes action on behalf of journalists and news organizations without regard to political ideology. To maintain its independence, CPJ accepts no government funding. CPJ is funded entirely by private contributions from individuals, foundations, and corporations.

*Turkey's Press Freedom Crisis
The Dark Days of Jailing Journalists and Criminalizing Dissent*

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This report examines the mass imprisonment of journalists in Turkey, the criminal prosecutions of numerous others, and the use of governmental pressure to engender self-censorship in the press. CPJ research shows that Turkish authorities have waged one of the biggest crackdowns on press freedom in recent history. In compiling this report, CPJ staff conducted three fact-finding missions to Turkey in 2011 and 2012, meeting with dozens of journalists, analysts, and lawyers.

The extent of journalist imprisonments has been a matter of dispute, with the Turkish government asserting that independent assessments have been exaggerated. CPJ's previous assessments, including one conducted in 2011, were much lower than many other independent estimates because the organization could not make appropriate determinations without reviewing in detail the legal evidence. CPJ's 2011 survey drew considerable debate and criticism, prompting the organization to undertake a thorough case-by-case review led by its team of Turkey-based researchers.

CPJ's new findings show 76 journalists in prison, at least 61 in direct relation to their work. The evidence against the other 15 journalists was less clear, and CPJ continues to investigate the basis of their detentions.

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CPJ wishes to thank the writers who contributed sidebars. The Chapter 2 sidebar, "The Dignity of Speaking Out," was written by the Turkish columnist and commentator **Nuray Mert**. The Turkey-based journalist **Nicole Pope** wrote "No Justice for Hrant Dink," the sidebar to Chapter 3. "Online Censors Sharpen Tactics," the sidebar to Chapter 5, was written by **Danny O'Brien**, CPJ's Internet advocacy coordinator. Additional author information accompanies each piece. "Letters From Prison," the sidebar to Chapter 4, is excerpted from material first published by *Bianet*, and is reprinted with permission.

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ABOVE: A rally for press freedom in Ankara.
REUTERS



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ABOVE: The newspaper supplement *Tutuklu Gazete* carries first-person accounts of jailed journalists.
REUTERS



SUMMARY

The Committee to Protect Journalists prepared this report to highlight the widespread criminal prosecution and jailing of journalists in Turkey, along with the government's use of various forms of pressure to engender self-censorship in the press. CPJ's analysis found highly repressive laws, particularly in the penal code and anti-terror law; a criminal procedure code that greatly favors the state; and a harsh anti-press tone set at the highest levels of government. Turkey's press freedom situation has reached a crisis point.

JAILING AND INTIMIDATING THE PRESS

The government of Prime Minister Recep Tayyip Erdoğan has waged one of the world's biggest crack-downs on press freedom in recent history. Authorities have imprisoned journalists on a mass scale on terrorism or anti-state charges, launched thousands of other criminal prosecutions on charges such as denigrating Turkishness or influencing court proceedings, and used pressure tactics to sow self-censorship. Erdoğan has publicly deprecated journalists, urged media outlets to discipline or fire critical staff members, and filed numerous high-profile defamation lawsuits. His government pursued a tax evasion case against the nation's largest media company that was widely seen as politically motivated and that led to the weakening of the company.

In written responses to CPJ and in public comments, Turkish authorities have said independent assessments of the country's press freedom problems are exaggerated. They dispute the numbers of imprisoned journalists, asserting that most of the detainees are being held for serious crimes that have nothing to do with journalism.

In all, CPJ identified 76 journalists imprisoned as of August 1, 2012. After conducting a detailed, case-by-case review, CPJ concluded that at least 61 of these journalists were being held in direct relation to their published work or newsgathering activities. The evidence was less clear in the cases of the 15 other journalists being held, but CPJ continues to investigate. Time and again, CPJ's analysis found, the authorities conflated the coverage of banned groups and the investigation of sensitive topics with outright terrorism or other anti-state activity. CPJ's review also found alarming use of detention prior to trial or verdict. More than three-quarters of the imprisoned journalists in CPJ's survey



had not been convicted of a crime but were being held as they awaited resolution of their cases.

In the 27 years CPJ has compiled records on journalists in prison, only Turkey itself has rivaled the extent of the current anti-press campaign. In 1996, Turkish authorities jailed as many as 78 journalists, CPJ research shows. Today, Turkey's imprisonments surpass the next most-repressive nations, including Iran, Eritrea, and China.

JOURNALISTS AS ENEMIES OF THE STATE

About 30 percent of journalists jailed in August 2012 were accused of taking part in anti-government plots or being members of outlawed political groups. Several have been linked to the alleged Ergenekon conspiracy, which prosecutors have described as a vast plot aimed at overthrowing the government through a military coup. According to the government's theory, journalists were using news coverage to create the kind of societal chaos conducive to a coup.

Two prominent investigative reporters, Ahmet Şık and Nedim Şener, were charged with aiding the Ergenekon plot and were jailed for more than a year before being released pending completion of their trials. The government alleged that Şık, with Şener's assistance, was writing a book to further the goals of the Ergenekon plot. Şık was indeed writing a book about a sensitive topic—the spreading influence of the Islamic Fethullah Gülen movement. Şener said he was not assisting Şık but that he had drawn the government's ire with his book outlining the authorities' failures in solving the 2007 murder of editor Hrant Dink. CPJ's review determined that the charges against Şık and Şener were based on the journalists' professional work.

In fact, broadly written articles in the penal code give

the authorities wide berth to use journalists' professional work to link them to banned political movements or alleged plots. These provisions include "committing a crime on behalf of an organization," "aiding and abetting an organization knowingly and willingly," and "making propaganda for an organization and its objectives."

Other penal code articles prohibit journalists from "breaching the confidentiality of an investigation" or "influencing a fair trial," effectively criminalizing independent, in-depth coverage of police and court activities. Although these articles rarely lead to imprisonment, they serve to intimidate journalists into self-censorship. They have also been used with disturbing frequency: Turkish press groups say up to 5,000 criminal cases were pending against journalists at the end of 2011.

PRO-KURDISH NEWS CALLED TERRORISM

About 70 percent of those jailed in August 2012 were Kurdish journalists charged with aiding terrorism by covering the views and activities of the banned Kurdistan Workers Party, or PKK, and the Union of Communities in Kurdistan, or KCK. Staff members for the Dicle News Agency and the Turkish-language newspaper *Özgür Gündem* in particular have been targeted, as have journalists with *Azadiya Welat*, Turkey's sole Kurdish-language daily. Three former *Azadiya Welat* editors-in-chief were imprisoned when CPJ conducted its August 1, 2012, survey.

Throughout the Kurdish prosecutions, CPJ found that the government conflated reporting favorable to the PKK or other outlawed Kurdish groups with actual assistance to such organizations. Basic newsgathering activities—receiving tips, assigning stories, conducting interviews, relaying information to colleagues—were depicted by prosecutors as engaging in a terrorist enterprise.

Authorities have made prolific use of the country's anti-terror law against Kurdish journalists. Independent analysts say the law's definition of terrorism is overly broad and vague, allowing zealous prosecutors and judges to imprison journalists sympathetic to the Kurdish cause as though they were members of a terror group. Such prosecutions contravene Article 10 of the European Convention on Human Rights, which protects freedom of expression.

In its effort to suppress Kurdish viewpoints, the government has gone so far as to regulate the use of words themselves. In 2012, the Council of State banned the use on television of the word "guerrilla" in relation to the PKK, saying it would "legitimize the terrorists and terrorism."

A MOMENT OF POLITICAL CHOICE

In letters to CPJ, senior government officials touted legislation adopted in July 2012 as a reform package that would improve press freedom. The measure reduced penalties for a few offenses such as "attempting to influence a fair trial," curbed censorship of periodicals accused of producing propaganda, and altered the system that adjudicates serious anti-state and terrorism cases. But the measure did not fundamentally change the anti-terror law or penal code to rid them of the broad, ambiguous language used to silence critical news and dissenting opinion.

Ominously, the same month the legislation was adopted, the ruling Justice and Development Party proposed a sweeping constitutional amendment that would restrict coverage of the judicial system, national security, and other public issues, along with vaguely defined topics such as "public morals" and "others' rights." The proposal, pending in parliament in October 2012, would enshrine in the nation's governing document the suppression of critical news and opinion.

The government's efforts to subvert the media's watchdog function and suppress dissident views make it difficult for Turkey to achieve long-term strategic goals. The country's economic future remains linked to European integration, but its press freedom crisis is a key concern among European policy-makers. European Union accession is unlikely unless the problems are corrected.

Turkey's close relationship with the United States—built in part on Ankara's image as a regional model for democracy—is also at risk. Turkey continues to promote itself as a regional leader in freedom. "We firmly believe that guaranteeing fundamental freedoms is vital for our democracy," Namık Tan, the country's ambassador to the United States, said in a June 2012 letter to CPJ. "This is even more important now as Turkey is setting a significant example for many other countries in our region." Yet such claims are contradicted by the persecution of journalists at levels that place Turkey alongside global outliers such as Iran.

Turkey's national security threats are real, but they do not justify the current environment in which dissent is equated with terrorism. Modifying individual laws and making incremental reforms will not address the crisis. Prime Minister Erdoğan and his government must exert the political will to abandon the systemic suppression of critical views and dismantle the country's vast system of media repression. ■



ASSAULT ON THE PRESS

Nuray Mert, one of Turkey’s most prominent political columnists and commentators, had a long history as a government critic, but in the view of Prime Minister Recep Tayyip Erdoğan, her comments last year opposing administration policies toward ethnic Kurds went too far. Erdoğan lashed out with a personal attack that implied Mert was traitorous, setting off a torrent of public vitriol—including threats to her safety—and prompting her politically sensitive bosses to cancel her television show and newspaper column.

“I feel intimidated in many ways,” Mert recounted in a compelling first-person account published in this report. “I receive hateful, sexist mail; my luggage is mysteriously rummaged when I travel; my private phone calls are tapped.” And yet, by her own account, Mert is far more fortunate than most journalists who have dared to challenge the positions of Erdoğan’s Justice and Development Party, or AKP, and its predecessors in power.

Turkish authorities have mounted one of the world’s most widespread crackdowns on press freedom in recent history. At least 76 journalists were imprisoned, nearly all on anti-state charges, when CPJ conducted an extensive survey in August 2012. More than three-quarters had not been convicted of a crime but had been held for many months or even years as they awaited trial or a court verdict. Scores of other journalists have faced criminal charges, many of them multiple counts, for critical coverage seen as “denigrating Turkishness” or influencing the outcome of a trial. Between 3,000 and 5,000 criminal cases were pending against journalists nationwide at the end of 2011, according to the estimates of Turkish press groups. Erdoğan has led this anti-press campaign, personally filing several defamation lawsuits against journalists, while he and his government have pressured news organizations to rein in critical staffers. These actions have sown widespread self-censorship as news outlets and their journalists, fearful of financial, professional, or legal reprisals, shy from sensitive topics such as the Kurdish issue and the crackdown on free expression itself.

“The prime minister’s tone is an important factor. He has told us what newspapers he wants us not to read. He has told media owners they should fire reporters and columnists they disagree with—and many owners have done so,” said Hakan Altınay, chairman of the Open Society Foundation-Turkey, which promotes human rights,



“THE PRIME MINISTER’S TONE IS AN IMPORTANT FACTOR. HE HAS TOLD US WHAT NEWSPAPERS HE WANTS US NOT TO READ. HE HAS TOLD MEDIA OWNERS THEY SHOULD FIRE REPORTERS AND COLUMNISTS HE DISAGREES WITH.”

— *Hakan Altınay, chairman, Open Society Foundation-Turkey*

democracy, and the rule of law. “It is also important that Prime Minister Erdoğan has never said he has learned something from a dissenting voice or thanked any critic for helping him identify a possible error.”

The AKP sent a resounding message in July 2012 that it was ready to ratchet up news media control, proposing a constitutional amendment that would restrict press coverage of vast areas of public life, from the judicial system to national security, along with vaguely defined subjects such as “public order, public morals, [and] others’ rights.”

Of the 76 journalists imprisoned on August 1, 2012, at least 61 were being jailed in direct reprisal for their journalism, according to CPJ’s analysis, which was based on a review of court documents and Justice Ministry records, along with interviews with defendants

“MY ARTICLES, CORRESPONDENCES, HEADLINE DISCUSSIONS, AND REQUESTS FOR NEWS AND VISUALS FROM REPORTERS WERE DEFINED AS ‘ORDERS’ AND ‘ORGANIZATIONAL ACTIVITY,’ ” ON BEHALF OF A BANNED GROUP.

— *Tayip Temel, editor-in-chief of Azadiya Welat*

and lawyers involved in the cases. The evidence against the other 15 journalists was less clear, and CPJ continues to investigate the basis for their detentions.

The imprisonments constitute one of the largest crackdowns CPJ has documented in the 27 years it has been compiling records on journalists in prison. Only Turkey itself has rivaled the extent of the current anti-press campaign. In 1996, at the height of a clamp-down on the Kurdish press, Turkish authorities jailed 78 journalists in direct relation to their work. Across the world, Turkey’s current prison tally far surpasses that of the next most repressive nations, including Iran, which was imprisoning 42 journalists when CPJ conducted its December 2011 prison census; Eritrea, which was holding 28; and China, which was jailing 27. CPJ’s analysis of imprisonments in Turkey also found that the crackdown has accelerated in the last two years: Two-thirds of imprisoned journalists were detained in 2011 or 2012.

Of those imprisoned in Turkey, just over 70 percent are Kurdish journalists who have been charged with aiding terrorist organizations by covering the viewpoints and activities of the banned Kurdistan Workers Party, or PKK, and the Union of Communities in Kurdistan, or KCK. Nearly all of the other jailed journalists faced allegations of participating in anti-government plots or being members of banned political movements. Several have been linked to the alleged Ergenekon conspiracy, a shadowy plot that prosecutors say was aimed at overthrowing the government through a military coup. Journalists, as the government’s theory goes, were using news coverage to sow the sort of societal chaos that would be conducive to a coup.

CPJ’s examination of case records found numerous abuses of due process. Journalists were routinely held for prolonged periods as they awaited trial or a verdict, effectively subjecting them to harsh punishment at the mere accusation of a crime. Fusun Erdoğan, general manager of the leftist Özgür Radyo, for example, was jailed for six years as her case languished in the court system without a verdict. In the cases of Kurdish journalists, judges and law enforcement officials often prohibit the defendants from giving statements in their native Kurdish, even though language accommodations are typically extended to other types of defendants. “They bring in a translator

for cases such as narcotics trafficking, but they do not for these cases,” defense lawyer Özcan Kılıç told CPJ.

The indictments, interviews, and news accounts portray a government intent on imprisoning journalists for publicizing views that the authorities find offensive. Reporting on the PKK, for example, is conflated with aiding the PKK. For these journalists, basic newsgathering activities—receiving tips, assigning stories, relaying information to colleagues—are depicted as engaging in a terrorist enterprise. Conducting interviews with the wrong people—from KCK representatives to the government’s own security officials—is used as evidence of a crime. Throughout the cases, the expression of certain ideas and the possession of certain books, newspapers, and magazines are criminalized. The indictments are peppered with Orwellian guilt-by-association references; one journalist is declared a suspect and then a second journalist is implicated for communicating with the first. In the Ergenekon case, the government has defined the plot in such broad and vague terms that journalists expressing critical views, including such prominent investigative reporters as Nedim Şener and Ahmet Şık, can be implicated.

CPJ sought comment from Prime Minister Erdoğan, which elicited a response from Namık Tan, Turkish ambassador to the United States. In a June letter to CPJ, Tan said his government has been undertaking reforms in consultation with the European Union, the Council of Europe, and the Organization for Security and Co-operation in Europe. Tan, whose full response is published in the appendix to this report, pointed to a 2008 change that required the justice minister to approve prosecutions under the law barring insult to Turkishness. He also cited a 2012 legislative package, which was approved by parliament in July. The measure reduces penalties for some offenses, curbs censorship of periodicals accused of producing propaganda, and alters the system that adjudicates serious anti-state and terrorism cases.

Tan said “a great majority” of imprisoned journalists were accused of crimes “that concern the security and integrity of our country and that are not related to their work.” While saying pretrial detainees deserved the presumption of innocence, Tan said it would be “inaccurate and unfair” to consider these imprisonments to be press freedom violations.

LEFT: Prime Minister Recep Tayyip Erdoğan has brooked little dissent. REUTERS



“ONE CRUCIAL PROBLEM TURKISH DEMOCRACY FACES IS THAT WHENEVER A POLITICAL PARTY GAINS POWER, IT BEGINS TO REPRESS THE PRESS AND ACCEPT NO CRITICISM.”

— Gülsün Bilgehan, deputy from Ankara

Justice Minister Sadullah Ergin struck a similar position in response to CPJ’s request for comment. “We, as the government, would not want any single person, whether a journalist or not, to be victimized because of their thoughts or expressions,” Ergin said in his letter, the full version of which is published in the appendix to this report. But Ergin justified the criminal prosecution of journalists, saying that Turkey must balance the protection of free expression against the need to bar “the praising of violence and terrorist propaganda.” Neither Ergin nor Tan addressed the AKP’s restrictive constitutional proposal, and administration officials did not respond to CPJ’s follow-up questions concerning the plan.

In a country with a history of military coups, the September 12, 1980, coup casts a long shadow over today’s events. The common narrative of the 1980 coup—that the military stoked political tension to set the stage for an overthrow—is echoed in the Erdoğan government’s broad allegations that Ergenekon conspirators were promoting social chaos. And the vast, overlapping, and repressive legal structure that was established after the coup and the ensuing Kurdish insurgency, much of which is still in place, has allowed successive administrations, including the Erdoğan government, to criminalize dissent, charge intellectual opponents with terrorism, and imprison waves of critical journalists.

“The government is still using the outdated laws of the September 12 era,” said prominent television journalist Mehmet Ali Birand, editor-in-chief of the Kanal D news department. “The laws are written in such an unclear way that they are open to interpretation. One judge can take them from the left, another one from the right. You never know. Because of this we are always afraid that one way or another we can get in trouble.”

Deniz Ergürel, secretary general of Turkey’s Media Association, a press freedom group, also points to the post-coup legal structures as a root cause of today’s repression. “We still have a constitution that was written after the military coup,” Ergürel told CPJ. “We need a more liberal, democratic, and diverse constitution. The current constitution was created during hard times and contains contradictory issues, including where freedom of expression is concerned. And we need better, more democratic anti-terror laws.”

Turkey’s penal code, anti-terror law, and code of criminal procedure—applied individually and in combination—allow for vast interpretation of what constitutes ter-



rorism or affiliation with terrorist groups. Journalists have been charged under the penal code’s Article 220.6 with “committing a crime on behalf of an organization,” Article 220.7 for “aiding and abetting an organization knowingly and willingly,” Article 220.8 for “making propaganda for an organization and its objectives,” Article 309.1 for “attempting to change the constitutional order by force,” and Article 314.2 for “being a member of an organization,” along with the anti-terror law’s Article 2.2 for “committing a crime on behalf of an organization,” and Article 7.2 for “making propaganda for a terrorist organization.” More than 95 percent of journalists imprisoned on August 1, 2012, stood accused of such grave offenses.

The anti-terror law has been used as a club against Kurdish journalists, both historically and with particular frequency in the past two years, CPJ’s analysis found. In one case, Tayip Temel, editor-in-chief of *Azadiya Welat*, the nation’s sole Kurdish-language daily, faced 22 years in prison on charges of being a member of the banned KCK. As evidence, the government cited Temel’s published work, along with his wiretapped telephone conversations with colleagues and news sources, including members of two Kurdish political parties. “My articles, correspondences, headline discussions, and requests for news and visuals from reporters were defined as ‘orders’ and ‘organizational activity,’” on behalf of a banned group, Temel wrote in a January 2012 letter from prison published by the independent news portal *Bianet*.

Cases such as Temel’s, in which terrorism or anti-state crimes are alleged, are being tried in “special authority courts,” which are endowed by the criminal procedure code with extraordinary powers that greatly disadvantage defendants. These special courts may hold suspects

“WHEN THE GOVERNMENT GETS TOUGH, WHEN THE PRIME MINISTER STARTS USING TOUGH SENTENCES IN HIS SPEECHES, THE JUDICIARY GETS TOUGH AS WELL.”

— Mehmet Ali Birand, editor-in-chief of *Kanal D*

in custody for months or even years without trial. They may hold detainees incommunicado, limit access to defense counsel, intercept and filter communication between detainees and their lawyers, and restrict suspects' access to their files. Together, these powers have denied due process, eradicated the presumption of innocence, and granted heavy preference to the state. In July 2012, facing heavy criticism for the many due-process abuses, parliament adopted a legislative package that called for an end to the use of the special courts, although the measure shifted much of the courts' authority to regional criminal courts. In addition, pending cases are unaffected by the change; the special courts will continue to rule on all cases that are before them now.

The July 2012 legislative package reduced penalties for offenses such as “breaching the confidentiality of an investigation” and “attempting to influence a fair trial,” charges that have been used against critical reporters who have sought to expose the details of Turkey's broad and multipronged anti-state prosecutions. In addition, the measure stripped courts and prosecutors of the authority to halt publication of periodicals accused of “making propaganda for a terrorist organization.”

In all, the reforms are notably modest, according to CPJ's analysis, conducted in consultation with Turkish lawyers. One change, for instance, would allow courts to suspend prosecution of journalists, but only on the condition the defendants not repeat the supposed crime over the next three years. Thus, journalists could avoid criminal prosecution if they censor themselves on the issues that got them into trouble in the first place.

Most important, the July reforms do not fundamentally alter Turkey's anti-terror law and penal code to rid them of broad, ambiguous language that is routinely used to silence critical news and dissenting opinion. The changes also come against a political backdrop in which every incremental reform can be offset by a repressive new step. Just days after the legislative package was adopted in July, the AKP introduced a constitutional amendment that would restrict press freedom “to protect national security, public order, public morals, others' rights, private and family life; to avert crimes; to ensure the independence and impartiality of the judiciary; to prevent warmongering and the propagation of every sort of discrimination, hostility or rancor and hatred.” The

sweeping measure, pending in October 2012, would also eliminate a constitutional safeguard that protects printing houses from seizures or bans on their operations. Analysts said they were skeptical the proposal would ultimately pass but its introduction reflects the ruling party's zeal for restricting the press.

“One crucial problem Turkish democracy faces is that whenever a political party gains power, it begins to repress the press and accept no criticism,” said Gülsün Bilgehan, a deputy from Ankara, a member of the Parliamentary Assembly of the Council of Europe, and a member of the opposition Republican People's Party. “The AKP government has sustained this negative habit and accelerated the pressure on the press in its third term.”

While repressive laws and legal structures are central to the problem, so too is the climate created at the top levels of the administration. “The judiciary takes its tone from the government,” Ali Birand said. “When the government gets tough, when the prime minister starts using tough sentences in his speeches, the judiciary gets tough as well.” And Erdoğan has been harsh and confrontational in his approach to the press, publicly scolding individual journalists, filing legal complaints, and pressuring news outlets to limit critical staff members. As in the case of Mert, media outlets have demoted or sacked prominent columnists and commentators who have angered the prime minister. One journalist, who spoke on condition of anonymity for fear of reprisal, recalled the organization's owner announcing a change of policy to the staff by saying: “Guys, it's finished. I don't want criticism anymore. I don't want to lose my money.” The owner gave journalists a simple choice: “If you want to stick with me—do it. If you don't—go.”

Erdoğan has built a substantial record of filing defamation lawsuits against critics from across the media spectrum. In March 2005, he sued the publisher of the satirical magazine *Penguen* for having “assaulted the premier's personal rights” by depicting him as various animals in cartoons that appeared on its cover, *Bianet* reported. A year later, the prime minister sued the left-wing daily *Günlik Evrensel* and its columnist Yücel Sarpdere for defamation in connection with an article that altered the lyrics of a favorite AKP song to criticize Erdoğan's response to corruption allegations against his finance

LEFT: In Istanbul, a crackdown on the press sparks a protest. REUTERS



“NEWSPAPERS THAT COME OUT EVERY DAY KNOW ALL THAT’S WRONG IN TURKEY BUT ARE TOO INTIMIDATED TO DO PROPER JOURNALISM.”

— *Asli Aydintaşbaş, Milliyet columnist*

minister. The article not only insulted the premier, Erdoğan’s lawyers claimed, it went “beyond the limits of press freedom.” The same year, Erdoğan filed a defamation claim against Erbil Tuşalp, a journalist with the leftist daily *Birgün*, in connection with a December 2005 article that said government policies were increasingly authoritarian. Last year, the prime minister sued Ahmet Altan, editor-in-chief of the independent daily *Taraf*, for libel in connection with a January 2011 editorial headlined, “Erdoğan and hollow bullying.” Erdoğan withdrew the complaint only to sue Altan again, in March 2012, over an editorial that described the prime minister as “arrogant, uninformed, and uninterested” in reform. Erdoğan’s lawyers complained that the editorial was intended to humiliate the prime minister, *Bianet* reported.

Defamation complaints and criminal prosecutions have resulted in toned-down, airbrushed coverage of news events. “Newspapers that come out every day know all that’s wrong in Turkey but are too intimidated to do proper journalism,” wrote *Milliyet* columnist Asli Aydintaşbaş, who said political influence has had a significant, chilling effect on the owners of news outlets. Much of Turkey’s media is owned by a few conglomerates with diverse holdings in construction, banking, tourism, and finance, a situation that leaves the news properties vulnerable to political pressure, the European Journalism Center found in a 2010 analysis.

In 2011, the Doğan Group, the nation’s largest media holding company, was forced to sell some of its media properties, including the daily *Milliyet*, in order to cope with a giant tax fine, originally assessed at \$2.5 billion though later reduced. The tax case was widely regarded as a politically motivated effort to tame the conglomerate, whose flagship newspaper *Hürriyet* was known for its criticism of government policies and influence on public opinion. Four years earlier, Turkish bank regulators seized the assets of the Ciner Group, then one of the nation’s largest media companies, and later sold off the newspaper *Sabah* and its other media properties in a government auction. A company run by Erdoğan’s son-in-law, Berat Albayrak, was the sole bidder, purchasing

the properties with the help of loans from two state banks, according to press reports.

“It all started with the government’s takeover of *Sabah* in 2007 and got worse with the colossal tax fine on Doğan media,” Aydintaşbaş told CPJ. “Following that, we have seen changes in the editorial management of newspapers, firing of critical columnists, and a gradual but consistent shift away from commentary and news that are unpleasant or critical of the government. Newspapers routinely exercise self-censorship and suppress critical information and news—even in the face of declining circulation.”

The case of *Odatv*, an ultranationalist website harshly critical of the government, provides a good example. In sum, the government alleges that staffers for the Internet portal—along with investigative journalists Şener and Şık—were aiding the alleged Ergenekon plot. Among other charges, the defendants are accused of “aiding an armed terrorist organization” and “inciting hatred and hostility,” crimes that carry sentences of 15 years or more in prison. But the indictment offers scant supporting evidence; it cites published articles, secretly recorded conversations between staffers about coverage, and emails between *Odatv* journalists and news sources. A dozen journalists were charged in the case in February and March 2011; at least four were still in detention as of August 1, 2012, as their cases proceeded through the court system.

“The criminal evidence against me amounts to news reports, from *Odatv* and other news outlets,” *Odatv* publisher Soner Yalçın, one of those still being held, said in a letter sent from prison and published by *Bianet*. “Interviews and contacts that we have made through the switchboard of our newsroom have somehow been turned into criminal evidence.”

Yet journalists in Turkey have been reluctant to cover the *Odatv* case in a critical way. “It might be assumed that such a case would create enormous media attention and wide-ranging support from colleagues. But no,” Ece Temelkuran, a critical columnist who lost her job at the national daily *Habertürk*, wrote in January for Index on Censorship, a London-based advocacy organization.

“INTERVIEWS AND CONTACTS THAT WE HAVE MADE THROUGH THE SWITCHBOARD OF OUR NEWSROOM HAVE SOMEHOW BEEN TURNED INTO CRIMINAL EVIDENCE.”

— *Soner Yalçın, Odatv publisher*

By Nuray Mert

“Since Prime Minister Erdoğan personally threatened the journalists who criticize this case, just a handful of reporters showed up in the court. Most probably, colleagues were afraid to end up like I did few days ago: unemployed. Or worse: ending up behind bars.”

And while journalists are being imprisoned by the dozen, people suspected of involvement in the January 2007 slaying of Turkish-Armenian editor Hrant Dink walk free. Only the gunman, a teenager at the time, and three low-level accomplices have been convicted and imprisoned in the case. Security and military officials with radical nationalist sympathies, accused by Dink’s supporters of complicity and cover-up in the murder, were never properly investigated. Before his slaying, Dink had been subjected to death threats, hate mail, and politicized criminal charges in retaliation for his iconoclastic work, including his writings about the mass killing of ethnic Armenians in Turkey during World War I. In June 2011, a court in the Black Sea city of Trabzon convicted six military officers of failing to act on information that Dink would be murdered; the six were given months-long prison terms, which they appealed. They have yet to be incarcerated.

A system quick to incarcerate journalists before trial apparently works differently when the journalist is the victim. The inequity is striking considering that Şener has been among the incarcerated journalists.

In February 2009, Şener published a book titled *The Dink Murder and Intelligence Lies*, which alleged official involvement in the editor’s killing, including a cover-up of police negligence, concealment of evidence, and official threats against Dink. After the book’s publication, Şener was prosecuted on a number of charges, including “revealing secrets” and “attempting to influence a trial.” He faced more than 30 years in prison if convicted—longer than the sentence handed to Dink’s killer. Şener was acquitted of those charges in June 2010, only to be imprisoned again, as a suspect in the *Odatv* case, less than a year later.

The unlikely link connecting Şener to *Odatv* and Ergenekon: electronic documents of questionable authenticity that make unsupported claims of journalistic activity that even if true—and Şener says they are not—would not constitute a crime in a free society. Şener, detained for more than 12 months before being freed pending trial, faced up to 15 years in prison as he awaited a verdict. ■

I am among those who have had the misfortune of becoming a dissident in Turkey. I do not claim that my misfortune is of the greatest kind—in Turkey, many have suffered for years on end, under various governments and policies with a shared trait of authoritarianism. In the 1990s, people were jailed, tortured, and murdered with impunity.

That is not the case now. Times have changed and, hopefully, there is no turning back to those dark days. But one can hardly call our current predicament a major improvement. Today, after the government of the Justice and Development Party (AKP) removed the hegemony of the military, we are being told that we are living in an “advanced democracy.” Under the latter term, the AKP generates authoritarian policies in milder forms and under different brands. I am one of the recent victims of such politics.

My TV program was abruptly taken off the air after Prime Minister Recep Tayyip Erdoğan targeted me in his election campaign speech in the city of Konya in May 2011. The next day, all the papers wrote that the prime minister had attacked me.

He played on words, using my last name, “Mert,” which is an adjective in Turkish meaning “brave, trustworthy, and honest.” He called me by another adjective, “Namert,” which in Turkish means the opposite of honest and implies treason. Since then, these adjectives have become a popular part of political discourse in Turkey. Since then, I receive hate mail and all sorts of accusations not only from AKP supporters but from all sorts of nationalists who view the prime minister’s accusations against me as a matter of national concern.

It all started when I gave a speech in May before the European Parliament on the Kurdish issue and the Dersim massacre, the killings of thousands of Alawite Kurds during the 1937-38 confrontation with the military over forced resettlement. I criticized the government policies toward the Kurds as not being much different from the old security-centered policies. I said that even construction in Kurdish territory is carried out by coercion. I cited news coverage that referred to “constructing dams on the borders to protect from terrorists.”



“THE PRIME MINISTER’S PERSONALIZED ATTACK AGAINST ME IN KONYA CONSTITUTED A DEFINING POINT IN MY STANDING AS A DISSIDENT IN TURKEY, BUT IT WAS NOT ANYTHING NEW.”

— Nuray Mert



I reminded the EU Parliament that, even if there can be no absolute parallels with the past, the state built roads and bridges before the Dersim massacre to be used for military operations. I said that even though things have changed, the state’s security-centered politics have not.

Later, some pro-AKP columnists called my statements “black propaganda against the government” and the prime minister did not hesitate to attack me in his speech before millions of Turks who attended the Konya event or watched it on TV.

Turkey is a very nationalistic country, and I have not felt safe since then. The prime minister’s personalized attack against me in Konya constituted a defining point in my standing as a dissident in Turkey, but it was not anything new. I had long been a critic of the government and had been regarded as an enemy, especially after stating in an interview in late 2009 that I was “concerned at the rise of authoritarian politics under the label of civil government.” Back then, I was accused of “preparing the grounds for a military coup,” among other things, despite the fact that I had been a keen supporter of the Muslims’ demands for rights and freedoms for more than 15 years. I suffered from all sorts of pressure because of my position and was accused of supporting Islamization at the time.

Now I am being accused of supporting “Kurdish terrorists” by the same people I did not hesitate giving my full support in the past. Most recently, I was told to “take a break” from my job at the newspaper *Milliyet* where I had been writing a

column three times a week. It was nothing unexpected—I know that media owners are concerned about their business, and Prime Minister Erdoğan openly urges them to “discipline” their writers.

Since the verbal attack by the prime minister, I have become a media outcast: TV hosts are scared to invite me as a guest on their programs. To be honest, this has given me a chance to relax after years of constant media presence. But even though I feel relieved at being excluded from the game of discussing politics—which is becoming more and more ridiculous these days—I am gravely concerned about the future of my country.

On a personal level, I feel intimidated in many ways: I receive hateful, sexist mail; my luggage is mysteriously rummaged when I travel; my private phone calls are tapped and the contents sometimes published on websites and newspapers as “evidence” of my alleged connection to the outlawed Kurdish organization KCK. Even though there is only a minor investigation opened against me, I fear I could be arrested at any moment, and I feel helpless before such violations of my privacy and political rights.

If there is a positive side to what has happened to me, it is that I have strengthened my resolve to overcome the pressures of the rising authoritarian policies. I am no masochist and no hero, but this experience has helped me rediscover my values and ideals. Coming from a rigid secularist family and social circle—and supporting Muslim rights—I was a dissident in the 1990s. Back then, the price I paid for my views was social exclusion. Now I had the chance to rediscover how much political and ethical values are dear to me when I had to sacrifice a very good career, among other things. The process has not only boosted my self-respect but has also convinced me that I am much happier, knowing I support a rightful cause. Believe me, this is not a matter of adventurism or political romanticism—neither would pass the test of authoritarian periods. It is a matter of dignity. ■

Nuray Mert is an associate professor at Istanbul University. She has resumed some work as a commentator, writing a weekly column for the English-language Hürriyet Daily News and appearing on the weekly political show, “Gündem Müzakere,” on IMC TV.

ABOVE: Erdoğan denigrates journalists who report critically about his policies. REUTERS

THE ANTI-STATE PROSECUTIONS

Journalist Ahmet Şık found himself behind bars for writing a book that was not even published. So explosive was the subject of *The Imam's Army* that Prime Minister Recep Tayyip Erdoğan likened it to a bomb. Şık was probing too far into one of the most influential and underreported forces in modern Turkish politics—the Gülen movement.

“I was arrested before I had the chance to put something new in the book,” Şık told CPJ of his March 2011 detention on initial charges of participating in the alleged Ergenekon anti-government conspiracy. Şık had been looking for evidence to support claims that the Islamic movement headed by the U.S.-based cleric Fethullah Gülen had infiltrated Turkey’s powerful police and judiciary and was exerting a growing influence over the Erdoğan administration. Erdoğan has been prime minister since 2003 at the head of the Justice and Development Party, known by its Turkish initials AKP, a neoliberal, socially conservative group with roots in Islam.

“There would have been more documents in the book, but I was being followed, my news sources were being followed, were being bugged. ... So because they didn’t want those documents in my book, I was arrested,” Şık said.

Şık was swept up in the 18th wave of arrests that followed the 2007 launch of an investigation into Ergenekon, an alleged underground network of ultranationalist, secular military officers, and civil servants plotting to overthrow the government. Şık’s arrest was especially curious because he is one of a small group of journalists and authors who have attempted to reveal the scope of the plot. He has also spent much of his career writing about the influence of the “deep state” in Turkish political life, the shadowy ultranationalist military and civilian administration establishment that for decades has defended what it believes is the secular legacy of the founder of Turkey’s modern republic, Mustafa Kemal Atatürk.

Along with Şık, police arrested another prominent investigative journalist and author, Nedim Şener. He, too, was at first accused by special prosecutor Zekeriya Öz and police chief Ali Fuat Yılmaz of membership in Ergenekon. Their detentions caused uproar, both domestically and abroad. Many dozens of journalists, particularly Kurds, had been jailed before but the prominence



“FOR THE FIRST TIME I HAVE BEEN ARRESTED FOR BOOKS THAT I NEITHER WROTE NOR HELPED TO WRITE.”

— *Nedim Şener, investigative journalist*

of Şık and Şener seemed to galvanize opposition to what many saw as the government’s growing hostility to the independent media. Amid a storm of negative publicity, prosecutor Öz was taken off the Ergenekon case and police chief Yılmaz was transferred soon after.

Yet despite the international spotlight, both Şık and Şener spent more than 12 months in detention as the courts held initial hearings in their cases—and, with the charges still pending in mid-2012, they faced the possibility of additional prison time. Their arrests came weeks after a government raid on the offices of *Odatv*, an online news outlet fiercely critical of the AKP and the Gülen community. The raid, which resulted in the arrests of several *Odatv* journalists on charges of participating in the Ergenekon plot, also forged an improbable link between the ultranationalist news outlet and the two investigative reporters.

Police claim they found the digital manuscript of *The Imam's Army* on a seized *Odatv* computer. Şık’s lawyer, Tora Pekin, said his client was accused of writing the book under the direction of *Odatv* staffers to further the aims of the Ergenekon conspiracy. The authorities also claim to have found electronic documents saying that Şener was assisting Şık with the book and had already

ABOVE: Investigative reporter Şener is detained by police in 2011. AP



helped a former regional police chief, Hanefi Avci, write a 2010 book alleging that the Gülen movement had infiltrated the police force.

When the indictment eventually came down in August 2011, the charges against both Şık and Şener had been reduced from membership in Ergenekon to “aiding and abetting” the organization, Pekin told CPJ. Şık and Şener are among 12 journalists charged in the *Odatv* case. The others are being tried on a variety of charges, including membership in Ergenekon and instigating violence. The case is before a “special authority court,” which hears terrorism and sedition cases. Defense lawyers claim Şık’s book and other electronic documents were planted on the news portal’s computers by hackers they suspect were working for the authorities. Experts hired by the defense concluded that *Odatv*’s computers were infected by Trojan files that left the machines vulnerable to outside manipulation. The experts also found that the documents themselves were altered on the day of the raid, further raising the possibility of a set-up.

Şık, a leftist, says it’s laughable for the prosecution to accuse him of working under the orders of an outlet such as *Odatv*, whose views are at the opposite end of the political spectrum from his own. “I have some problems with *Odatv* about their editorial stance and ethics, but why are they in prison? Because they wrote about the [Gülen] sect,” he said. Şık denies writing the book as part of the Ergenekon plot or having help from Şener.

The Ergenekon investigation has spread a long way from the original probe of a potential military coup to the behemoth it is today, one that encompasses journalists and government opponents, more than 400 defendants in all. The government’s theory is that the conspirators sought to use the news media to create an atmosphere of political and social chaos conducive to a military coup. (In fact, a number of journalists and analysts, including some interviewed for this report, said they believe the 2007 assassination of Turkish-Armenian editor Hrant Dink was part of this plan, one in which prominent figures, including non-Muslims such as Dink, would be targeted to create political and sectarian turmoil. The prosecution has not introduced evidence supporting this theory, however.)

At first, the inquiry into Ergenekon was welcomed by many ordinary Turks who saw a democratically elected government pushing back against the “deep state.” “This was the first time the military had been judged and even

jailed. Before that nobody could ever touch the military,” said Turkish political analyst Maya Arakon of the Center for Defense and Strategic Studies at Strasbourg University in France. But that initial public acceptance of the investigation has turned to skepticism with each new round of arrests, she told CPJ. “After the first or second wave of arrests, we said OK. But by the 13th and 14th wave we asked: Is it really this big or is it an excuse to get all political opponents too?”

Şık believes the answer to that question is obvious. “There are lots of people among the accused I believe are guilty, but they are not being tried for their actual crimes. This is political score-settling. I believe that if there were an honest investigation in Ergenekon it would lead to democratization, but that is not what is happening.”

Şener thinks he was accused of involvement in the conspiracy because of his investigations into the Dink murder. In 2010, he was tried and acquitted under anti-terrorism laws on charges of revealing secret documents in a book he wrote alleging involvement by the national intelligence service MIT, the police, and gendarmerie in Dink’s murder.

“The police officers responsible for the murder of Hrant Dink are the same officers that are running the Ergenekon investigation, and they are also from the Fethullah Gülen movement. They included me in the operation they were running because of things I wrote in my book,” Şener said. Commenting on the current accusations that he helped both Şık and police chief Avci with their research, Şener noted wryly, “For the first time I have been arrested for books that I neither wrote nor helped to write.”

Being arrested or harassed for reporting is nothing new in Turkey, especially for Kurdish or leftist journalists. But all independent journalists are now under attack on multiple fronts—from an AKP administration intolerant of media criticism; from ultranationalist prosecutors armed with an array of laws intended to stifle free expression; and from media owners reluctant to risk business interests outside their media holdings by openly challenging the government.

“The biggest problem is the Turkish Penal Code,” Şık said. “There are about 30 laws restricting freedom of speech in Turkey.” Indeed, in July 2012, Şık was indicted on additional penal code charges of “threatening judges and prosecutors and making them targets of a terrorist organization.” His crime? He had publicly criticized authorities, saying they deserved imprisonment for unjustly prosecuting him and other journalists.

“SINCE 2008 THERE HAVE BEEN 75 CASES AGAINST ME. I HAVE BEEN ACQUITTED IN ABOUT HALF.”

— Hanım Büşra Erdal, Zaman reporter

“THIS IS POLITICAL SCORE-SETTLING. I BELIEVE THAT IF THERE WERE AN HONEST INVESTIGATION IN ERGENEKON IT WOULD LEAD TO DEMOCRATIZATION, BUT THAT IS NOT WHAT IS HAPPENING.”

— Ahmet Şık, Turkish journalist

In today's Turkey, a person who believes they are speaking truth to power can also find themselves in violation of the sweeping anti-terrorism law, which was introduced in 1991 at the height of a Kurdish insurgency. During its first term, the AKP government pursued some legal reforms as it sought to join the European Union. But the EU accession process has effectively stalled, leaving the state's legal arsenal against the media largely intact. Besides continuing to harass large numbers of Kurdish journalists with draconian anti-terrorism laws, prosecutors across the political spectrum have opened thousands of cases against non-Kurdish journalists during the AKP's tenure in an attempt to stifle critical reporting on both the administration and the “deep state.”

Some of the most frequently used articles of the penal code go to the very heart of newsgathering, such as talking to security officials and obtaining documents. These include Article 285 (violation of confidentiality) and Article 288 (attempting to influence a trial). Some of these offenses carry prison terms, but the purpose is not so much to jail reporters as to intimidate them into self-censorship.

When cases are brought, reporters have to hire lawyers and show up in court, sometimes twice on the same day. “Since 2008 there have been 75 cases against me. I have been acquitted in about half,” said Hanım Büşra Erdal, a reporter with *Zaman*, a daily viewed as generally supportive of the government. The other cases against Erdal remain open, an uneasy situation for a reporter following the explosive Ergenekon case and another anti-government conspiracy known as Balyoz, or Sledgehammer. Nearly 200 serving and retired military personnel have been put on trial in connection with the Sledgehammer plot, which dates to 2003. Press reports in 2010 first revealed allegations that plotters planned a bombing campaign to prepare the ground for a military takeover. (The defendants, along with other senior officers, said the “plot” was nothing more than a seminar on war game scenarios. The chief of the armed forces, Işık Koşaner, resigned in July 2011 along with the heads of the army, navy, and air force in an unprecedented protest over the Sledgehammer prosecutions.)

Simply covering a sensitive case such as Sledgehammer is filled with legal risk. “Typical cases are filed under penal code articles that cover violation of the secrecy of an investigation and attempting to influence

a trial,” Erdal said. When she wrote an analysis examining the qualifications of the judges in the Sledgehammer case, for example, Erdal was indicted on charges of “insulting the judiciary,” “violation of secrecy,” and “attempting to influence a fair trial.”

Besides the cost of hiring lawyers and the disruption to work schedules from having to attend multiple court hearings, continuous prosecutions can have a chilling effect on reporters. Some said the possibility of prison or pretrial detention is never far from their minds, and that the authorities use this to their advantage.

Pekin, Şık's lawyer, said the legislative landscape is becoming more restrictive for free expression even as Turkey is growing in economic and diplomatic muscle and opening to the outside world. In addition to charges under the penal code and counterterrorism law, journalists like his client have increasingly faced a third category of charges: belonging to or assisting the organization that is the subject of their reporting.

“When you take these three categories together, it is possible to say that the government has an iron fist over journalism in Turkey,” Pekin said. “Turkey does not have real press freedom. I have been a newspaper lawyer for 12 years. If you ask me, there has been no progress compared to the situation 12 years ago. In fact, if you look at the third category you could say the situation is going backwards.”

Some analysts believe that the authorities, having sent a chilling message to the press in their anti-state prosecutions, are now turning back to suppression of Kurdish media. “The government is not talking so much about Ergenekon now because they have reached a certain level of satisfaction with this case,” the analyst Arakon said. “Nobody is left outside the circle of imprisonment. Now they have moved on to the KCK trials,” she said, referring to a wave of criminal prosecutions of Kurdish journalists, academics, and politicians accused of membership in the Union of Communities in Kurdistan, or KCK, which the government has designated a terrorist group.

“Turkey has shown that an unprinted book can be confiscated and a journalist can be arrested for two books that he had no part in writing. We have turned into such a strange, paranoid country,” said Şener. But referring to the plight of Kurdish journalists, he added: “The people in southeast Turkey are being arrested as terrorists just for writing. Their situation is much worse than ours.” ■



NO JUSTICE FOR HRANT DINK

By Nicole Pope

Nearly six years after Turkish-Armenian journalist Hrant Dink was shot in front of his Istanbul office by a 17-year-old ultranationalist, the real instigators, their links to state institutions, and the role played by the Turkish media in making the well-known journalist and human rights activist a target have yet to be fully investigated.

Captured shortly after he killed Dink on January 19, 2007, Ogün Samast was sentenced by a juvenile court in July 2011 to nearly 23 years of imprisonment. From the onset of the investigation, it was evident that the young man, who had traveled to Istanbul from the Black Sea city of Trabzon to commit the crime, had not acted alone. In the course of the inquiry, it emerged that police, gendarmerie, and intelligence officials in Trabzon, Istanbul, and Ankara were aware that an assassination attempt was planned, but did nothing to warn or protect Dink.

On January 17, 2012, the 14th Criminal Court in Istanbul ruled on the fate of other key suspects. It sentenced Yasin Hayal, seen as the mastermind, to life behind bars. Two defendants were sentenced to 12 years and six months of imprisonment as accessories to Dink's murder, while another was punished for illegal gun possession. But to the dismay of Dink's relatives and supporters, the court ruled that Erhan Tuncel, an ultranationalist police informant believed to be a major player, had no involvement in the assassination. All 19 suspects were cleared of being part of a criminal organization.

"Turkey has a tradition of political murders that goes back to Ottoman times. The judiciary still has the automatic reflex to protect the state and civil servants," said Fethiye Çetin, lawyer for the Dink family. "They can't reveal the truth about the Dink case because it was part of state policies."

Paradoxically, the presiding judge himself acknowledged that the verdict was flawed. "We acquitted the suspects of organized crime charges," Judge Rüstem Eryılmaz told *Vatan* newspaper. "This ruling does not mean that there was no organization involved. This means that there was not enough evidence to prove the actions of this organization."

In prescient articles published days before



his death, Dink expressed fears that he was in danger. "Why was I made a target?" he wrote in *Agos*, the weekly Armenian-Turkish newspaper he founded in 1996. Pressure against the ethnic Armenian writer had been building for years. A series of articles on Armenian identity published in 2004 led to his prosecution under the controversial Article 301 of the penal code for "insulting Turkishness." He received a six-month suspended sentence, which was upheld on appeal in 2006.

The campaign against Dink and other non-Muslims may have its roots in a policy document adopted in 2001 by the National Security Council, which listed "minorities" and "missionary activities" among the threats to national security. "After the document was prepared, articles started appearing in the media suggesting the country was overrun by missionaries and Christian churches were being built everywhere," Çetin said.

In 2006, Catholic priest Andrea Santoro was killed by a right-wing teenager, also from Trabzon, and a few months after Dink's assassination, three Protestant missionaries were slaughtered in the eastern city of Malatya. In this case, too, state involvement is suspected.

At a time when power balances are shifting and the influence of the military is waning, the judicial investigation into Dink's murder has been widely seen as a test: Can Turkey end a culture of impunity and shed a rigid state ideology that views some segments of society as internal foes? The case also highlights troubling issues regarding the Turkish media—though

“TURKEY HAS A TRADITION OF POLITICAL MURDERS THAT GOES BACK TO OTTOMAN TIMES. THE JUDICIARY STILL HAS THE AUTOMATIC REFLEX TO PROTECT THE STATE AND CIVIL SERVANTS.”

— *Fethiye Çetin, Dink family lawyer*

restrictions are imposed on press freedom, media outlets also play an active role in the smear campaigns directed at Dink and others deemed to be enemies of the state.

“The media were used as an instrument in the run-up to Hrant Dink’s murder,” said Rober Koptaş, Dink’s successor as editor of *Agos*. “There was a trial against him, but he was also attacked first by the right-wing press, then by mainstream media.”

The murder of a journalist known for his peace efforts shook Turkey to the core. Koptaş says the emotions it generated have contributed to improving perceptions of Turkey’s 50,000-strong ethnic Armenian community. The debate on the 1915 massacres has also broadened significantly, even if the Turkish authorities continue to deny strenuously that they amounted to genocide. “Hrant Dink’s murder has decreased pressure on *Agos*. Article 301 was amended after the murder, and any prosecution now has to get prior approval of the justice minister,” Koptaş said. “There has been no court case against us for the past four years.”

In the past few years, dozens of army officers and other figures suspected of plotting to overthrow the government have been arrested, among them officials who harassed Dink and tried to intimidate him. Journalists are among those facing terrorism charges, including Nedim Şener, who wrote a book alleging a police cover-up in the Dink case. Released pending trial in March 2012 after more than a year in prison, the reporter is accused of belonging to the very network he investigated.

Prosecutors looking into the past misdeeds of the “deep state” have limited their inquiries to elements perceived to pose a direct threat to the conservative government. Injustices committed against minorities have not received the same attention. As Çetin points out, “the Hrant Dink murder case has remained on the other side of the line.”

The Dink family has appealed the criminal

court’s verdict, underscoring the prosecution’s failure to pursue crucial lines of inquiry pointing to state involvement in the journalist’s murder. The case will be reviewed by the Supreme Court of Appeals, which can confirm the ruling or order a retrial. A decision is not expected until the end of the year. Interest in the final outcome remains strong, in Turkey and abroad, and the ruling party is under pressure to ensure that justice is properly served. Prime Minister Recep Tayyip Erdoğan pledged after the January 2012 criminal court ruling that “the Hrant Dink case will not be lost in the dark corridors of Ankara. No provocation, no plot will remain concealed.”

Çetin has publicly documented the inconsistencies and weaknesses of the judicial procedure. “Everything is out in the open,” she said. In spite of the legal team’s insistence, security camera footage and phone records that could have offered proof of other suspects’ presence at the murder scene were not produced in court. Prosecutors turned a blind eye to bureaucratic stonewalling.

Çetin remains hopeful that the upper court will reject the judgment and demand a wider judicial inquiry. A report prepared in February by the official watchdog, the State Audit Institution, stated that the role of public officials has not been sufficiently investigated. In 2010, the European Court of Human Rights came to a similar conclusion, based on the early results of the murder inquiry. The court also ruled that Turkey had violated Hrant Dink’s freedom of expression and failed to protect his life. ■

Nicole Pope is a Swiss journalist based in Istanbul. She was Turkey correspondent for the daily Le Monde for 15 years and currently works as a columnist and independent researcher. She is the author of Honor Killings in the Twenty-First Century and co-author of Turkey Unveiled: A History of Modern Turkey.

LEFT: Demonstrators seek justice in the Dink slaying.
AP



THE KURDISH CASES

The indictments of staffers of the Dicle News Agency are filled with the workaday details of a wire-service journalist: An editor fields tips about pro-Kurdish demonstrations; a reporter covers the story of a youth who set himself on fire as a political protest; another tries to track down a possible police crackdown against a Kurdish political party. But as conveyed in the government's charge sheet, each detail is fraught with impropriety: The tips should have been passed along to the authorities; covering the youth's protest was an act of propaganda; pursuing the crackdown story was intended to humiliate the government.

Twenty-two journalists for the pro-Kurdish news agency, also known as DİHA, were imprisoned in Turkey as of August 1, 2012, all but one on charges of aiding the banned Union of Communities in Kurdistan or its affiliate, the Kurdistan Workers Party (PKK). Among the accused was Sinan Aygül, the agency's Bitlis reporter, who faced up to 15 years in prison. Defense lawyer Murat Timur said the authorities portrayed Aygül's coverage of a press announcement as evidence of participation in a terrorist group's activities. "The documents in the dossier are the news stories that he wrote," Timur told CPJ. "What are on trial are acts of journalism."

Kurdish journalists constituted more than 70 percent of the 76 journalists imprisoned in Turkey when CPJ conducted an extensive survey in August 2012. The Kurdish issue provides a particularly tense context to the question of press freedom in Turkey. The Kurdish journalists' fate does not simply test the democratic character of the Turkish state, it challenges Turkey's sense of identity and is intimately linked to the Kurdish struggle for empowerment.

Turkish Kurds make up 12 million to 20 million of the country's total population of 75 million, with about half living in the southeast and half in western cities, particularly Istanbul, according to Human Rights Watch estimates. Due to a large diaspora, mainly in Western Europe, the Kurdish conflict has reverberated abroad. The Turkish government has repeatedly sought to shut down Roj TV, a pro-PKK satellite station based in Denmark and Belgium, CPJ research shows. In early 2012, suspected PKK sympathizers ransacked and firebombed offices in Paris, Cologne, and other European cities of *Zaman*, a leading Turkish newspaper close to the Fethullah Gülen movement



“EVEN TODAY, PEOPLE ARE PROSECUTED FOR NONVIOLENTLY EXPRESSING OPINIONS ON THE KURDISH ISSUE, DISCUSSING KURDISH HISTORY, AND CRITICIZING THE STATE POLICY ON MINORITY RIGHTS.”

— *Human Rights Watch*

and generally supportive of the ruling Justice and Development Party, or AKP.

Deep cultural, religious, ethnic, and political factors determine the discussion of the Kurdish issue. Since the collapse of the Ottoman Empire in the wake of World War I, the victory of Mustafa Kemal Atatürk in the war of independence, and the birth of a “new country” premised on Turkishness, Ankara’s military and political elites have focused on the perils of ethnic division, linguistic diversity, religious differences, and national disintegration. “Many Turks have been brought up to believe that allowing Kurds to speak and study in their mother tongue would be the first step to partition,” the International Crisis Group, a nonprofit crisis-resolution organization, said in a September 2011 report on the PKK insurgency.

The Kurdish minority has firmly resisted Ankara’s efforts toward assimilation, and it has paid the price. “Kurds have been treated as second-class citizens,”

“KURDS WHO PUBLICLY OR POLITICALLY ASSERTED THEIR KURDISH IDENTITY OR PROMOTED USING KURDISH IN THE PUBLIC DOMAIN RISKED CENSURE, HARASSMENT OR PROSECUTION.”

— U.S. State Department

the renowned Turkish journalist and author Ece Temelkuran said in a January 2012 interview with the Beirut daily *Al-Akhabar*. The PKK armed insurgency that started in 1984 draws part of its support from economic underdevelopment and poverty, but it also taps Kurds' deep sense of discrimination and humiliation at the hands of the Turkish state.

The PKK's violent tactics and frontal rebellion, coupled with the Turkish army's fierce reaction, compound the problem. Between 1984 and the early 2000s, the southeastern region was engulfed in a scorched earth policy carried out by Turkish security forces and their local paramilitary groups that included the destruction of thousands of villages, internal displacement of hundreds of thousands of rural Kurds, and systematic extrajudicial killings. The government estimates 44,000 soldiers, PKK fighters, and civilians were killed in the violent maelstrom of guerrilla and counterinsurgency operations.

After its electoral victory in 2002, the AKP government appeared much more open to the Kurdish question than previous administrations. Partly responding to the European Union's insistence on the respect of minority rights, partly basing its appeal on a shared Muslim faith, the ruling party tried to play down the Turkish ethnic nationalism that has long denied the existence of a Kurdish community. It introduced a series of reforms that eased restrictions on the use of the Kurdish language, in particular in the media. In January 2009, it started a state-run Kurdish-language TV channel, TRT6.

As late as July 2009, Prime Minister Recep Tayyip Erdoğan seemed eager to continue normalization efforts, initiating the so-called Democratic or Kurdish Opening with a view of encouraging Kurdish moderates while isolating hardliners. “This is the first time the Turkish government approaches the Kurdish problem so seriously,” *Milliyet* columnist Hasan Cemal wrote.

The détente was short-lived. For a complex set of reasons—among them strong resistance in Turkish ultra-nationalist military and judiciary circles, along with the PKK's own intransigence—the government returned to a conventional policy of winning the war against insurgents.

A December 2011 Turkish air force strike in Uludere that killed 34 civilians who were mistaken for PKK fighters, along with a string of deadly PKK attacks, epitomized the resumption of all-out armed confrontation.

In this violent context, a discussion of the Kurdish issue inevitably turns into a minefield. “Kurds who publicly or politically asserted their Kurdish identity or promoted using Kurdish in the public domain risked censure, harassment or prosecution,” the U.S. State Department said in its 2011 country report. That year, Turkish authorities resorted to the mass arrest of Kurdish politicians, journalists, academics, and community and trade union activists, labeling them members of the banned Union of Communities in Kurdistan, or KCK, an umbrella organization of Kurdish groups that includes the PKK.

In fact, the state has regularly denounced the expression of opinions deemed too close to the Kurdish cause as an apology for terrorism. Even the use of words became monitored: In May 2012, for instance, the Council of State, Turkey's highest administrative court, banned the use on television of the word “guerrilla” in relation to the PKK. Ruling in a 2009 case that involved a CNN Türk program, the council found that “the word ‘guerrilla’ is used to refer to insurgents who are fighting for a legitimate purpose. The use of this word for PKK members would legitimize the terrorists and terrorism.”

In late October 2011, the prosecutors went as far as ordering the imprisonment of the famous independent publisher Ragıp Zarakolu, a partisan of nonviolence, human rights, and freedom of expression. He was accused of having links to the outlawed KCK and was indicted in March 2012, accused of “aiding and abetting an illegal organization,” a charge that could carry a 15-year sentence. The indictment referred to Zarakolu's participation in the Istanbul Political Academy, an institute close to the legal pro-Kurdish Peace and Democracy Party, which holds 36 seats in Turkey's parliament. He was released in April pending trial.

All journalists who cover the Kurdish issue critically are vulnerable to suspicions and accusations of aiding terrorism. How serious are these charges? Many sympathetic observers are reluctant to judge the Kurdish

LEFT: Jailed journalists tell their stories in the special supplement *Tutuklu Gazete*. REUTERS



“MANY TURKS HAVE BEEN BROUGHT UP TO BELIEVE THAT ALLOWING KURDS TO SPEAK AND STUDY IN THEIR MOTHER TONGUE WOULD BE THE FIRST STEP TO PARTITION.”

— *International Crisis Group*

press’ relationship with the PKK, fearing that any implication that Kurdish journalists endorse the armed group’s positions would aggravate the situation.

A CPJ review of Kurdish media found diversity and gradations in coverage. The Firat News Agency and Roj TV, which are based outside Turkey, offer an overtly pro-PKK viewpoint. The leading domestic Kurdish outlets, including the Dicle News Agency and the daily *Özgür Gündem*, reflect a broader, pro-Kurdish approach. Their coverage is one-sided in portraying Kurds in a highly favorable light and the AKP and the Turkish military in a darkly negative one, but these outlets do not openly or directly advocate the use of armed violence. Their publication of opinion pieces by pro-Kurdish and PKK leaders draws particular ire from the authorities.

For many observers, the Kurdish press simply reflects a political reality—“the PKK’s position as the dominant political voice of Turkey’s Kurds,” as Aliza Marcus put it in her 2007 book, *Blood and Belief*. Although the nationalist parties close to the PKK draw only half of the Kurdish vote in national elections, the armed group sees itself as the only legitimate Kurdish organization. Thus, in the tense and often intolerant world of Kurdish nationalism, any criticism of the PKK’s ideas, policies, or tactics is seen as a betrayal of the cause. “Some Kurdish intellectuals and journalists have distanced themselves from the PKK while remaining attached to the Kurdish cause,” said Pierre Vanrie, who covers Turkey for the Paris-based weekly *Courrier international*. “However, they often must face hostility from the PKK and its supporters.”

Kurdish journalists are caught on the other side as well, as Turkish authorities constantly blur the line between the expression of radical political ideas and direct support for the PKK’s violent actions. “Voicing criticism is a right in a free society. Regardless of the harshness of the criticism, it is wrong to interpret it as terrorism,” Thomas Hammarberg, then the Council of Europe’s commissioner for human rights, said in an April 2012 interview with the Istanbul-based independent news portal *Bianet*.

The Turkish state’s attitude toward coverage of the Kurdish issue is not simply an expression of political authoritarianism. It also reflects Turkey’s difficulty in reconsidering, as Human Rights Watch put it in a 2010 report on terrorism laws, “a Turkish citizenship and identity that has been equated with membership in the Turkish and Sunni Muslim majority. Citizens (except

Armenians, Jews and Greeks recognized as minorities by the 1923 Treaty of Lausanne) have been expected to bury other ethnic or religious affiliations and associations. Even today, people are prosecuted for nonviolently expressing opinions on the Kurdish issue, discussing Kurdish history, and criticizing the state policy on minority rights and more generally discussing the recent history of minority groups.”

The cases against Kurdish journalists underscore the excesses of Turkey’s legal order, including a penal code that takes little heed of freedom of expression. Article 216, for instance, punishes “anyone who openly incites sections of the population to enmity or hatred toward another group on the basis of social class, race, religion, or sectarian difference, in a manner which may present a clear and imminent danger in terms of public safety.” The authorities have often over-reached in using this statute. “That article is being used to silence dissident voices,” wrote Frédérique Geerdink, an Istanbul-based Dutch freelance correspondent. “Kurdish politicians and journalists in particular are being convicted under this law, for example, when they demand more rights for Kurds or if they file reports about PKK fighters.”

Turkish authorities also make prolific use of very tough anti-terror legislation. “In the last three years, the biggest problem has been the misuse of anti-terrorism laws to bring criminal charges against many ordinary people who engage in legitimate and nonviolent pro-Kurdish or leftist political activity,” said Emma Sinclair-Webb, a senior researcher for Human Rights Watch. A 2011 study by The Associated Press found that one-third, or 12,897, of all terrorism-related convictions worldwide since the 9/11 attacks were handed down by Turkish courts.

Turkey’s anti-terror law, known as Terörle Mücadele Kanunu, or TMK, contains a definition of terrorism that most experts agree is too broad and too vague. “In most cases there is no evidence of any activity that should or could be described as terrorism,” Sinclair-Webb said. “Yet the widely drawn and vague nature of Turkey’s terrorism laws gives zealous prosecutors and judges the ability to imprison and try them as if they were members of the PKK.”

Turkish prosecutors have resorted to “special authority courts” in pursuing these cases. Enshrined in Articles 250 and 251 of the Code of Criminal Procedure, the special courts have covered terrorist groups and crimes against the constitutional order. Created in 2005 to replace the

“WORKING FOR THE KURDISH PRESS AND BEING A FEMALE JOURNALIST IS HARDER STILL, ALMOST A TORMENT.”

— *Hamdiye Çiftçi, Dicle News Agency reporter*

state security courts established by the military, the courts initially focused on alleged anti-government plots within the secular Kemalist establishment, including the army. But human rights defenders came to severely criticize the courts’ practices as many defendants were forced to spend years in custody with no verdict in sight. The courts also went beyond alleged military plotters to indict writers and journalists who critically covered the government’s actions. In July 2012, parliament bent to the growing dissatisfaction, adopting legislation to end use of the special courts and shift duties to regional criminal courts. Still, pending cases against journalists and other people accused of links to coup plots or the PKK are not affected by the measure.

While the fate of Kurdish journalists is set against the wider issues of political violence and of ethnic, cultural, and national identities, these factors do not excuse Turkey’s systemic infringements on freedom of expression. “By prosecuting and convicting media and journalists reporting on the Kurdish issue, Turkey at numerous occasions has breached Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,” said Dirk Voorhoof, a professor of media law at Belgium’s Ghent University. “Support or even reference to the Kurdish independence movement, the criticism of military action by the state in south-eastern Turkey, references to the role and actions of the PKK, or interviewing PKK members are considered by Turkey as support for terrorism, incitement to hatred, or separatist propaganda. However, the European Court of Human Rights considers these interferences acceptable under Article 10 only if there is incitement to violence and if there is a real risk that such incitement can lead to the use of violence, armed resistance, or an uprising.”

A democratic society cannot thrive without a critical press examining even the most sensitive of topics. “Every story is a mirror. Whenever an entity, whether it be a government, a bureaucracy, an army, a religious sect ... is afraid of its own image in the mirror, afraid of the truth about what it is and what it does, it wants us, the journalists, to forgo the story, to look away from the mirror,” Yasemin Çongar, deputy editor-in-chief of the crusading liberal daily *Taraf*, said on World Press Freedom Day 2012. In the context of the Kurdish issue, press freedom ultimately depends on how Turkey sees itself as a democracy and a nation. ■

LETTERS FROM PRISON

Here are excerpts from letters written by four journalists who have been imprisoned in Turkey. They were first published by the independent online news portal *Bianet* in January and February 2012.

As in dozens of other cases, prosecutors have charged these individuals with grave anti-state crimes. These first-person accounts provide a different kind of insight. In their own words, these journalists describe their backgrounds, explain their perspectives, and detail their treatment by the Turkish judicial system.

A BED OF NAILS:

**Hamdiye Çiftçi,
reporter for Dicle News Agency**

If you work as a journalist in my region, you lie in a bed of nails. Your loved ones bid you farewell each day as if you will not return. Because, actually, you never know what will happen. You may be targeted by unknown assailants, or something worse. Working for the Kurdish press and being a female journalist is harder still, almost a torment.

Having started at age 18, my journey from local to national journalism went very well until I started working for the Kurdish press. If you don’t work for the system covering orderly pieces of news, they try to bend you to their will with pressure and intimidation. And if this does not work, you will end up in prison.

... But I learned not to mind the threats, and I worked despite everything. Then came the moment when I recorded images of police breaking the arm of 14-year-old Cüneyt Ertuş during the banned Newroz gathering in Hakkâri in 2008.

Police ripped from the boy’s mouth the pinkish piece of cloth he had used to protect himself against pepper spray. Then they shot pepper spray down his throat, torturing him before our eyes. I wanted to shoot images of this moment, but police did not allow me.

I could not stand to watch. Before my eyes, next to the statue of Atatürk in the middle of the street,



“THE CRITICAL PRESS IS BEING FORCED INTO SILENCE. THE SITUATION OF OUR COUNTRY IS NOT A PRETTY SIGHT, AND JOURNALISTS MUST BE THE BEARERS OF LIGHT.”

— *Ozan Kılınc, Azadiya Welat editor-in-chief*

they called the kid bastard. The boy could do nothing but cry, the tears staining his pink cheeks. As he was held by police, he stared into my eyes with the message: “Save me.” His stare was so innocent and desperate, I felt as if my heart was on fire.

As the boy struggled, an undercover officer grabbed the youth’s coat. “Shoot this!” the officer said to me. “Take a photo. Let them see how they use children.” And then he twisted the arm of the young boy.

I wanted to record sounds along with the images, but I could not. I succeeded, though, in bearing witness to this torture in the middle of the street. The images I shot appeared on international television within days. The boy had come to the market to buy bread but was caught within the demonstrations, taken into custody, and tortured.

After the images appeared on the news, they raided my house. My tapes, personal belongings, computer and books were seized.

I was wanted. ■

(Originally published on February 22, 2012. Çiftçi spent nearly two years in prison before being released in April 2012 pending trial. She continued to face charges of aiding a banned organization, the Union of Communities in Kurdistan.)

I WOULD GRAB MY CAMERA AGAIN:

Ozan Kılınc,
editor-in-chief of *Azadiya Welat*

Arriving in Diyarbakır at a young age, I started distributing newspapers. In those years, journalists were victims of murders by unknown assailants, but I was not aware of that. Every day at the crack of dawn I had already finished distributing newspapers and was heading out to school, carrying my bag.

Only in high school, when I started visiting Güneş Cultural and Art Center (GKM) and reading the headlines of the newspapers I had been distributing, did I see that I was one of many trying to spread enlightenment during a time of war. Reading about the killed Kurdish journalists impressed me deeply in those days, and I started harboring the idea of becoming a journalist.

... I was detained on July 22, 2010. By then, I was publisher and chief editor of the Kurdish-language

newspaper *Azadiya Welat*. Once again, as in my childhood, my home was broken into. Once again, I noticed the boots and guns of the police officers who raided my house. Only they did not look as big or as strong as they did in my childhood.

After being detained, I was transferred to the prosecutor’s office. The prosecutors asked me how I received orders from the [terrorist] organization. I told them I did not receive any messages from any organization but received news from news agencies and published it.

I was, in fact, relieved when I heard the charges pressed against me, explained in detail by the judge. I understood that my crime was my journalism. The judge asked me about the news my newspaper published. He showed me copies of translated issues of my newspaper. The issues were translated by so-called experts, who were actually police officers.

The news was different from the translated texts, and I tried to explain that to the judge. I told him that I received reports from the news agency to which I subscribed, and that the translated texts were biased and mistranslated. Long before my defense lawyer had finished speaking in my support, the judge gave orders to arrest me.

When I asked to deliver my defense in my native Kurdish tongue before the Diyarbakır criminal courts, I was refused. Not that that would have changed anything. The entire thing worked like a theatrical play. The news we had gathered from news agencies and published was mistranslated from Kurdish into Turkish by police. The translations were totally incorrect and biased. The so-called court held the law in disregard. The prosecutors and the judges played their parts very well.

The critical press is being forced into silence. The situation of our country is not a pretty sight, and journalists must be the bearers of light. If I were out now, I would grab my camera and start chasing news again just to expose this scandalous order. ■

(Originally published on January 13, 2012. Kılınc was charged with spreading propaganda for the banned Kurdistan Workers Party.)

“WE ARE JOURNALISTS, AND WE WILL NOT COMPLAIN AT THESE HEARINGS. WE WILL TRANSFORM THE COURTROOM INTO A NEWSROOM.”

— *Soner Yalçın*, *Odatv* publisher

TRANSFORM THE COURT INTO A NEWSROOM: Soner Yalçın, publisher of *Odatv*

I would have liked to write using a PC or a typewriter, but they are not allowed in prison. I am sending you the statement I would have made at my initial court hearing had I been allowed.

I was born in 1966 and became a professional journalist in 1987. I have worked at *2000'e Doğru* magazine, *Aydınlık*, *Siyah Beyaz* newspaper, Show TV, and Star TV. I am the publisher of *Odatv*, and the father of an 11-year-old boy. I was detained on February 14, 2011, and kept at Silivri Prison No. 1.

I will protect my ideas, my work, my professionalism, and my humanity at all costs, despite this catastrophe—the smear campaigns, the threats, the privacy violations in this barbarian environment blinded by hatred. Spiritual captivity is the actual challenge; physical captivity is temporary.

I have been a journalist for 25 years. I covered thousands of news stories. I have written 11 books and shot several documentaries. The criminal evidence against me amounts to news reports, from *Odatv* and other news outlets. Interviews and contacts that we have made through the switchboard of our newsroom have somehow been turned into criminal evidence.

Freedom of the press is on trial. We are journalists, and we will not complain at these hearings. We will advance on this dark scheme with courage. That is the suitable thing for journalists. We will transform the courtroom into a newsroom. ■

(Originally published on January 18, 2012. Authorities accuse Yalçın of participating in the anti-government Ergenekon plot, inciting hatred, and disclosing state secrets, among other counts. His case was pending in mid-2012.)

STRENGTH IN THE WRITTEN WORD: Barış Açıkel, editor-in-chief of *İşçi Köylü*

I took my first step toward journalism when I started visiting the small shops in Çorum where the local newspapers could always be found. They used to slip the daily papers into the shutters of the local coppersmith's shop where I went to work during summer holidays. Being the only apprentice in the shop, I used to sweep the floors and make tea—and read the papers through the corner of my eye.

I always carried books (by Aziz Nesin, Yaşar Kemal, Halikarnas Balıkcısı) in my jacket pockets to read wherever possible. My father, who introduced me to the joyous habit of reading, and my elder brother had major roles in my career choice. How could someone not be a journalist once he or she has become intimate with sentences and words?

... Reading, researching, walking up and down, exercising, I serve my time at Kandıra. My hope has never vanished. I learned how to serve time from the masters who did it before me, from Ahmet Arif and Rifat Ilgaz.

My parents have never abandoned me; they've stood by me since the beginning of my imprisonment. I don't know how I will ever be able to repay their commitment. No amount of money can pay for their coming to the gates of prison, bringing me sweaters and trousers.

And I was very happy to receive the warm, supportive postcards from colleagues such as the president of the Turkish Journalists Union, Ercan İpekçi, along with Reporters Without Borders, Ece Temelkuran, and Musa Ağacık. It gives me hope and strength to hear the cries of my colleagues on the evening news and in newspaper pages, shouting: “Imprisoned journalists should be released.” Freedom and democracy, I know, are not possible without cost. ■

(Originally published on January 10, 2012. Açıkel was released soon after he wrote this account. He served seven years and nine months in prison on a variety of anti-state charges related to his work.)



TEST OF POLITICAL WILL

On March 25, 2012, the day before the Nuclear Security Summit got under way in Seoul, South Korea, U.S. President Barack Obama met with Turkish Prime Minister Recep Tayyip Erdoğan to discuss a world of troubles. On the agenda were efforts to compel Syrian President Bashar al-Assad to step aside, and attempts to contain Iran’s nuclear program. Immediately after the Seoul summit, Erdoğan traveled to Tehran for meetings with the Iranian leadership. And the next week, Istanbul hosted the “Friends of Syria,” attended by U.S. Secretary of State Hillary Rodham Clinton and diplomats from 70 other nations.

The Seoul meeting highlighted Turkey’s immense strategic value not only to the United States but to the international community as a whole. Beyond the role it has played in the Syrian and Iranian questions, Turkey has become a crucial player in issues such as energy policy in the Eastern Mediterranean and missile defense in Europe. With its thriving economy and growing regional influence, Turkey has also been trumpeted by Obama as a model for the countries of the Middle East seeking to reconcile an Islamic outlook with democratic values. Indeed, through June 2012, Obama met with Erdoğan seven times and spoke with him by phone on 15 occasions. In the course of these meetings, Obama and Erdoğan have developed a personal relationship that they have highlighted in public appearances. In prepared remarks after the Seoul meeting, Obama said he and Erdoğan had spent time discussing their daughters. “I’m always interested in his perspective on raising girls,” he noted. Yet despite this close relationship, there is no evidence Obama has ever raised human rights or press concerns in any of their meetings.

The Obama relationship is an example of how Erdoğan has leveraged Turkey’s strategic importance to blunt international criticism of his country’s human rights and press freedom record. Thin-skinned and strong-willed, Erdoğan tends to view any criticism as a personal attack and has lashed out at critics in the media, fueling an atmosphere of fear and self-censorship. More troubling is his apparent view that any public expression of support for political goals that coincide with those of illegal armed groups is *prima facie* evidence of participation in a criminal conspiracy. In numerous cases, CPJ found, the evidence against indicted journalists centered on their published reports and newsgathering activities. “Our magazine’s archive, the books in the library, our



“THE AK PARTY CAME IN AS THE ANTI-STATIST ALTERNATIVE. NOW THAT THEY HAVE BEEN IN POWER THEY HAVE ADOPTED THE PERSPECTIVE OF THE TRADITIONAL TURKISH STATE.”

— *Yigal Schleifer, political analyst*

news photos and news videos are the strongest evidence against us,” Kaan Ünsal, a correspondent for the leftist weekly *Yürüyüş*, wrote in a January 2012 letter published in several newspapers. Ünsal, who was jailed for 18 months on charges of aiding the outlawed Revolutionary People’s Liberation Party-Front, said authorities had conflated journalism that was sympathetic to a political cause with outright terrorism.

While Turkish officials have at times engaged with critics of the country’s press freedom and human rights record, Erdoğan set a negative tone in February 2011 when he called U.S. Ambassador Frank Ricciardone a “rookie” after the veteran diplomat raised the issue of imprisoned journalists. With political opposition in disarray, Turkish institutions weak, and international pressure blunted, there are few checks on Erdoğan’s authority, allowing his personal intolerance of criticism and his deep suspicion of news media to effectively become state policy.

Erdoğan came to power in 2003 with two primary objectives: to break the stranglehold of Turkey’s political establishment and to push forward Turkey’s integration

“TURKEY IS MAKING AN EFFORT TO STRIKE THE RIGHT BALANCE BETWEEN PREVENTING THE PRAISING OF VIOLENCE AND TERRORIST PROPAGANDA AND THE NEED TO EXPAND FREEDOM OF SPEECH.”

— *Sadullah Ergin, justice minister*

into the European Union. To a certain extent, he has achieved the former at the expense of the latter.

The traditional power centers in the secular, nationalist state founded by Mustafa Kemal Atatürk have been the military, the industrial elite, and the media conglomerates, which have faithfully defended the Kemalist order and sometimes conspired to preserve it. Erdoğan and his Justice and Development Party (AKP) have challenged this structure, forging ties to a new, more entrepreneurial business elite and opening the door for expressions of personal religious piety in public life. Erdoğan has used the prospect of European integration to push through reforms that benefit his political project, including those protecting certain religious expressions and liberalizing the economy. But his response to European calls for political and judicial reform has been uneven. After a period of initial reform, Erdoğan has retained the structures of the authoritarian state he inherited and has used them aggressively against his political enemies, real and perceived.

Erdoğan's assault on the media is guided by two frameworks, distinct but interrelated. The first is his perception that elite corporate media are deeply ingrained in the traditional power structures opposed to his reform project. The second is his belief that elements within the media have conspired against the government. These alleged media conspiracies span the political spectrum, from ultranationalists to Kurdish separatists.

The continuing crackdown on free expression and the slow pace of judicial reform are key concerns of European policy-makers and significant obstacles to Turkey's EU accession bid. The European Parliament has repeatedly passed resolutions lamenting the slow pace of media reform and criticizing the arrests of individual journalists. In July 2011, Thomas Hammarberg, then the Council of Europe's commissioner for human rights, issued a detailed report on freedom of expression in Turkey in which he raised deep concern about such issues as the dysfunction of the criminal justice system and the lack of constitutional safeguards. (The Turkish Constitution, ratified in the aftermath of the 1980 military coup, protects the integrity of the state rather than individual rights.)

While noting some positive legislative and constitutional reforms, Hammarberg cited a variety of troubling statutes used to prosecute journalists. For example, it is illegal to praise a crime or criminal, incite the population to enmity or hatred, insult the Turkish nation or the state, or discourage people from doing military service. Making propaganda for the *aims* of a criminal organization can result in a prison term. These provisions are especially onerous given Turkey's politicized and opaque criminal justice system, and the great latitude that has been given to prosecutors and judges in special authority courts. In numerous cases documented by CPJ, journalists have been held for months or years as they awaited trial or a court verdict. These issues are so acute that Hammarberg followed up with a second, highly critical report on the administration of justice in Turkey. Issued in January 2012, the report highlighted the excessive length of criminal proceedings and the broad definition of terrorism offenses, among other issues.

Erdoğan's response to European pressure for reform has been largely tactical: He has made concessions on paper while retaining an array of legal tools to suppress critical speech. For example, in 2008, Turkey agreed to modify Article 301 of the Turkish penal code, which makes it a criminal offense to “denigrate Turkishness.” Hundreds of people had been prosecuted under the notorious provision, often by nationalist prosecutors operating with broad discretion. The 2008 requirement that each Article 301 prosecution be approved by the justice minister has reduced but not eliminated abuses.

In July 2012, parliament adopted legislation that reduces penalties for a handful of transgressions, such as “breaching the confidentiality of an investigation” and “influencing a fair trial” through news coverage. The measure also ends the use of the notorious special authority courts for new cases in which serious anti-state or terrorism crimes are alleged. But the legislation allowed the special courts to continue to handle all of their pending cases, and, for new cases, shifted much of their authority to regional courts. In a letter to CPJ, the full text of which is published in the appendix of this report, Justice Minister Sadullah Ergin said the measures would promote “effectiveness of judicial

LEFT: Erdoğan and Obama are close, but press freedom is not on their agenda.
REUTERS



“THE CULTURE OF TOLERANCE IS UNDEVELOPED IN TURKEY. THERE ARE LEGAL CASES FOR SIMPLE CRITICISM.”

— *Yasemin Çongar, Taraf deputy editor-in-chief*

functioning in Turkey on one hand and more powerful guarantees in respect of fundamental rights and freedoms on the other.”

The reality is that Turkish judicial authorities have such an enormous arsenal of legal tools—including defamation statutes that punish criticism of the president, the memory of Atatürk, or any person, living or dead—that piecemeal reforms such as those passed in July 2012 offer little relief for critical journalists. The constitutional amendment proposed by the AKP that same month would not only erase any modest gains, it would also represent an enormous step backward—severely restricting coverage over broad areas of public life while enshrining repression in the nation’s governing document. Yet efforts to encourage real reform have suffered from a lack of domestic interest. Yigal Schleifer, an independent political analyst, blogger, and a former journalist in Turkey, said there is limited appetite for the issue among a citizenry that sees the government as an efficient manager of the economy, while perceiving the news media, at least historically, as a “blunt instrument of government policy.”

“I think what you’re seeing is reform fatigue,” Schleifer said. “The AK Party came in as the anti-statist alternative. Now that they have been in power they have adopted the perspective of the traditional Turkish state.” That means the leadership is deeply resistant to calls from European leaders to expand civil liberties or reduce the power of the central state, particularly in light of long-standing calls for Kurdish separatism. Indeed, as the prospect of EU integration has faded amid the European financial crisis, Erdoğan has responded with a go-it-alone approach. At one rally, as recounted by Dexter Filkins in *The New Yorker* in March, Erdoğan claimed Europe was “crumbling” with its currency in disarray, while “Turkey is on its feet, not thanks to them but to its own people.”

The sense that critics exaggerate Turkey’s flaws for political purposes was also raised in Justice Minister Ergin’s July 10 letter to CPJ in which he contended that authorities do not jail journalists for expressing ideas but for criminal activity. “Turkey is making an effort to strike the right balance between preventing the praising of violence and terrorist propaganda and the need to expand freedom of speech,” he wrote. But CPJ’s analysis found that the assault on press freedom in Turkey goes well beyond stamping out alleged terrorist propaganda.

Erdoğan regularly lashes out at his critics, seeks to discredit the journalists who challenge his policies, and applies pressure to media outlets that he deems critical. After the daily *Hürriyet* and other media outlets owned by the Doğan Group started publishing stories in 2008 about a German investigation into a charity alleged to have channeled money to AKP leaders, Erdoğan fumed, telling his supporters, “Don’t buy newspapers that print lies!” The following year, the government opened a tax evasion case and fined the company \$2.5 billion. Doğan leaders were eventually able to negotiate a reduction in the fine to \$600 million after they replaced the editor of *Hürriyet* and sold off media properties that included the daily *Milliyet*.

“No one tells me not to criticize the government, but it’s in the air,” said a columnist for a leading daily who asked not to be identified for fear of losing his job. “The prime minister has assumed the role of Turkey’s press critic-in-chief.”

Yasemin Çongar, deputy editor-in-chief of the daily *Taraf*, receives visitors in a cramped office with mismatched chairs and a battered sofa. The décor reinforces *Taraf*’s image as a scrappy upstart and a counterweight to the perceived compromises of the Turkish institutional media. The newspaper was started in 2007 by Başar Arslan, whose family owns the bustling bookstore above which *Taraf* is housed. The paper made a name for itself when it broke the story of the so-called Sledgehammer plot, an alleged 2003 military conspiracy to topple Erdoğan. The story, while winning plaudits, was also controversial—some critics pointed to inconsistencies in the evidence against the conspirators that suggested some sort of convoluted government frame-up intended to neutralize the military. Çongar takes the criticism in stride.

“There’s an extreme amount of money in Turkish journalism,” said Çongar, arguing that the money has fueled a culture of complacency among elite journalists who have “chauffeurs and personal assistants” but lack the stomach for a fight. Çongar, who is facing dozens of legal complaints because of her critical reporting, said, “I don’t agree with my colleagues who say it has never been worse. But that doesn’t mean there isn’t a very serious problem. But a journalist in Turkey needs to be brave.”

Çongar says that some of the journalists who have

“GUARANTEEING FUNDAMENTAL FREEDOMS IS VITAL FOR OUR DEMOCRACY. THIS IS EVEN MORE IMPORTANT NOW AS TURKEY IS SETTING A SIGNIFICANT EXAMPLE FOR MANY OTHER COUNTRIES IN OUR REGION.”

— *Namık Tan, ambassador to the United States*

complained about government pressure and self-censorship have deluded themselves into thinking that Turkey has crossed some sort of democratic threshold and become a country in which the right to dissent is respected in law. Her framework: Turkey is an authoritarian state that has begun to soften around the edges. For Çongar, the underlying issue is that “the culture of tolerance is undeveloped in Turkey. There are legal cases for simple criticism.”

The political pressure and criminal prosecutions serve a broader media strategy for Erdoğan, one in which leading journalists and media organizations are expected to help him achieve his policy objectives, particularly in the area of national security. The prime minister’s attitude was reflected in a recent meeting he hosted with Turkey’s top editors. According to media accounts confirmed by a participant at the meeting, Erdoğan called on editors not to interview or cite “PKK terrorists” in their publications and programs. Many editors readily agreed, with one asking the prime minister for advice on how to implement the policy.

The systematic effort to subvert the media’s watchdog function—and to obstruct dissident groups using media to express their political views—may provide short-term political benefit to Erdoğan and the AKP. But it could also make it more difficult for Turkey to achieve its longer-term strategic goals. As Erdoğan has acknowledged, Turkey’s economic future is linked to European integration. Though there are many reasons that the process has stalled—from Europe’s deep financial crisis to questions about the divided island of Cyprus—Turkey’s press freedom record remains a key concern among European policy-makers. EU integration is unlikely to move ahead until the issue is addressed.

And while Turkey’s repressive policies may have little impact on certain aspects of its strategic relationship with the United States—notably Turkey’s role as an interlocutor with Iran—the partnership is also built on Ankara’s image as a regional model for democracy and freedom. It’s a role Turkey has embraced. As Namık Tan, Turkish ambassador to the United States, wrote in a June 2012 letter to CPJ: “We firmly believe that guaranteeing fundamental freedoms is vital for our

democracy. This is even more important now as Turkey is setting a significant example for many other countries in our region, especially those undergoing major popular upheaval and transformation.”

This goal is deeply compromised by Turkey’s mass imprisonment of journalists, which places it squarely among the world’s outliers, countries such as Iran, Eritrea, and Burma, which have detained large numbers of journalists on vague charges and without due process. Within the Middle East, Turkey ranks among the worst on major press freedom indicators such as imprisonments, criminal prosecutions, and other forms of legal harassment.

Turkey’s broader strategic ambitions—including its exercise of soft power—are directly linked to the country’s ability to consolidate democratic institutions and build a more tolerant political culture. While Turkey’s national security threats are real, they do not justify creating an environment in which dissent is equated with terrorism and criminalized. Turkey cannot address its deep-seated press freedom crisis by modifying individual laws and making incremental reforms. It will require considerable political will to systematically dismantle the complex system of media repression.

Turkey’s leadership, working with civil society, must address the crisis. The first and crucial step is ensuring the release of the dozens of journalists imprisoned for their work, a situation that gives Turkey the disreputable distinction of being the world’s worst jailer of the press. Turkey’s international partners in the European Union and the United States can help by maintaining a principled, consistent position, and making clear that Turkey’s long-term value as a strategic partner depends on its ability to uphold global standards for freedom of expression.

After 10 years in power, the AKP has achieved many of the changes essential to its political project, including reining in the military, opening the economy, and challenging Turkey’s secular orthodoxy. Now, insulated from international pressure and enjoying domestic support, the party’s leaders seem to have lost their appetite for democratic reform. “They are the state. They are the bureaucracy,” the analyst Schleifer said. “They are becoming what they’ve fought against.” ■



“SIXTY-FIVE MILLION TURKS HAVE MOBILES, 35 MILLION ARE FACEBOOK USERS. IT’S JUST NOT POSSIBLE TO KEEP THINGS SECRET.”

— Deniz Ergürel, Media Association secretary-general

ONLINE CENSORS SHARPEN TACTICS

By Danny O’Brien

As Deniz Ergürel and his Media Association colleagues prepared for a meeting with President Abdullah Gül in June 2011, they searched for a damning example of how illogical Turkey’s Internet censorship had become. They didn’t have to look far. In an attempt to enforce a sitewide ban on Google’s YouTube, Turkey’s Internet service providers had engineered a blockade against all Google services—including the mapping application that would have provided them with directions to the presidential residence, Çankaya Köşkü.

Gül, an Internet enthusiast with 1.8 million Twitter followers, got the message, and the block on Google was soon lifted. But YouTube has been banned in its entirety in Turkey, on and off, since 2007 as a result of a small number of offending videos. YouTube videos seen as disparaging Turkey’s founder, Mustafa Kemal Atatürk, prompted a popular backlash and led to court actions blocking the entire site. An Internet law passed at the height of the crackdown codified Turkey’s ad hoc filtering and permitted whole websites to be blocked at the ISP level. Other international sites, including Metacafe, Myspace, and Livestream, have been targeted as well.

The international attention paid to Turkey’s Internet censorship has largely come from these, the government’s broadest strokes. But the most blatant examples of Turkish censorship have hidden a growing and more pernicious filtering of domestic news sources, including oppositionist and pro-Kurdish media. This filtering, local experts say, is unlawful even under the country’s expansive Internet censorship regulations and runs contrary to international press freedom standards. Most tech-savvy Turkish users have learned how to bypass the clumsy blocking of popular news and social sites, but they may not even be aware of the local journalism that has been effectively removed from their view.

Turkey’s website filtering is governed by Law 5651, which was enacted in May 2007 and defines what can be filtered online. A set of eight “catalog crimes” identifies what may be censored: child pornography, obscenity, suicide, gambling, drugs, prostitution, dangerous goods, and material perceived as disparaging Atatürk. Both the Telecommunications Directorate, the government’s Internet regulator, and private individuals can sue to shut or block sites when there is “sufficient suspicion” such offenses are being committed.

Within two years, more than 2,600 sites were being blocked by Turkish ISPs under Law 5651. The last official figures showed that 80 percent of these blocks came via direct order of the Telecommunications Directorate, which means there is no public or judicial oversight. The government has declined to publish new statistics since May 2009, although *The Washington Post* estimated that about 8,000 websites were being blocked at the end of 2011.

Not all of these blocks seem to follow the letter of the law. Since Law 5651 was introduced, local news sites covering Kurdish issues, such as *Özgür Gündem* and *Keditör*, have been blocked within Turkey. The people behind these journals have faced criminal charges, including “propaganda for an illegal organization” and “encouragement to armed action.” But Turkey’s Law 5651 contains no Internet-blocking provision for those offenses. The Turkish government can use many instruments to limit these organizations’ work on the basis of their support for banned political movements, but requiring ISPs to bar access to their websites is not one of them.

Yet that has not prevented the courts from blocking news media with a tenacity that matches their pursuit of the Atatürk videos. In October 2011, Ankara’s 11th Heavy Penal Court banned access to the website of the Firat News Agency, a site the government says is linked to the banned Kurdistan Workers Party, or PKK. This followed months of cat-and-mouse between authorities and Firat as the outlet repeatedly changed its Web address (from firatnews.com to firatnews.nu, firatnews.eu, and then firatnews.ws) in an

“WITH URL-BASED BLOCKING, WE WOULD NOT EVEN KNOW WHAT SORT OF CONTENT HAS BEEN SUBJECTED TO GOVERNMENT CENSORSHIP!”

— *Yaman Akdeniz, law professor, Istanbul Bilgi University*

attempt to dodge court orders that it be blocked. The last version was banned for “pornographic content,” a reason that may fit under the Internet law’s prohibitions, but is hardly applicable to Firat’s news coverage. Firat was given no reason for the other blocking efforts.

“These blocking orders have no legal basis under Law 5651,” said Yaman Akdeniz, a law professor at Istanbul Bilgi University. Authorities typically wield anti-terrorism laws to imprison and harass staff members of pro-Kurdish and other news sites. “However,” Akdeniz said, “the anti-terrorism laws do not provide for blocking measures, and the terrorist propaganda-related crimes are not included within the scope of Law No. 5651.”

The disappearance of these relatively small and controversial sites has not attracted wide attention, but that does not mean Turkish consumers are happy with the country’s Internet restrictions. “We’re a technologically sophisticated nation,” said Ergürel of the Media Association. His press freedom group has concentrated on economic arguments to persuade the Turkish government to loosen its grip on the Net. “Sixty-five million Turks have mobiles; 35 million of us are Facebook users; 16 percent of Turkish Net users are on Twitter. It’s just not possible to keep things secret, as was done before.”

In fact, blocking YouTube apparently taught a generation of Turks how to circumvent government censorship through proxies or other means. YouTube may have been banned for nearly three years, but it remained one of the 10 most-popular websites in Turkey. “I haven’t heard many people say that they have problems accessing anything,” said Zeynep Tüfekçi, a Turkish sociologist who has written extensively on the global culture of the Internet. The headline-grabbing censorship has also ended up harming Turkey’s image abroad. “It’s quite embarrassing for anyone doing business with the world,”

Tüfekçi said, “which is why the government is sometimes motivated to drop” its blocks.

The unwanted attention also offers impetus to the subtler form of control now being pursued by authorities. Despite widespread protests, the government adopted regulations in November 2011 requiring Internet service providers to make state-supported censorware available to all consumers. Such blocking software lacks even the limited protections specified in Law 5651; there is no public list of “catalog crimes,” for example. Instead, the government may add individual URLs to the filter without appearing before a judge. Consumer use of the censorware is voluntary for now; the administration backed away from its original plan to make the use mandatory. But even in its current form, the regulations show a government interested in censoring websites in a more targeted and less visible way.

Such URL-based blocking could also be extended to the national blocks imposed at the ISP level, a development that concerns observers like Akdeniz. Authorities using such an approach could, for example, ban individual Facebook pages, while leaving the rest of the site available. Turkey’s Internet censorship would cease to be an embarrassment or impediment to the majority of its users, while still effectively silencing unpopular or minority news coverage domestically. “With URL-based blocking, we would not even know what sort of content has been subjected to government censorship,” Akdeniz said. “The system would lack transparency and it would be near to impossible to challenge the decisions.”

Over the years, Turkey’s blatant and overreaching Internet censorship has drawn rebuke at home and abroad. But as authorities shift their emphasis, the danger lies not in the government’s broad brushes but in its fine strokes. ■

Danny O’Brien is Internet advocacy coordinator for the Committee to Protect Journalists.



RECOMMENDATIONS

CPJ offers the following recommendations to Turkish authorities and the international community.

TO PRIME MINISTER RECEP TAYYIP ERDOĞAN

- Stop filing defamation complaints against critical journalists, publicly deprecating critical journalists, and pressuring critical news outlets to tone down coverage.
- Publicly state your government's recognition of the important role of a free press in Turkish society. Allow critical commentators to return to their jobs without government interference.

TO THE TURKISH GOVERNMENT

- Release all imprisoned journalists who are being held on the basis of journalistic activities, even when those activities support ideas the government finds offensive. Halt the criminal prosecution of journalists in connection with their reporting and commentary. In dozens of cases documented by CPJ, the government has detained journalists on terrorism and anti-state allegations based only on evidence of their journalistic activities.
- Halt the use of the anti-terror law against journalists. In numerous cases documented by CPJ, authorities have conflated the expression of political views the government finds offensive with outright terrorism. Such a practice contravenes Article 10 of the European Convention on Human Rights.
- End the practice of jailing journalists for prolonged periods as they await trial or a court verdict. CPJ has documented dozens of cases in which journalists have been held for many months or even years without having been convicted of a crime.
- Fundamentally and comprehensively reform all laws used routinely against the press, including provisions in the penal code and anti-terror law that criminalize newsgathering and publication of critical or opposing views. In drafting amendments to those laws, work with Turkey's media and press freedom organizations.
- Comprehensively reform laws and regulations governing the Internet, including Law 5651, to bring them in line with international standards for freedom of expression. Thousands of websites have been blocked under Law 5651 with little public or judicial oversight.
- Enact broad constitutional reforms to protect press freedom and freedom of expression in accordance with international legal standards and Turkey's obligations under the European Convention on Human Rights. Reject all efforts to constitutionally limit press freedom, such as those outlined in a July 2012 proposal submitted by the Justice and Development Party. The July pro-

posal would severely restrict independent journalism on crucial matters such as national security, the judicial system, and human rights, and would contravene international standards for free expression.

TO THE EUROPEAN UNION

- Urge Turkish authorities to immediately free all journalists jailed for exercising their right to freedom of expression and freedom of the press.
- Call on Turkish leaders to abolish all legal provisions, particularly in the penal code and the anti-terror law, that are used to unduly restrict freedom of expression and freedom of the press, and to bring them into conformity with European and international human rights standards.
- Insist that Turkey's EU membership be dependent on respect for its obligations under the European Convention on Human Rights, along with its effective implementation of European Court of Human Rights rulings, especially those related to freedom of expression and freedom of the press.
- The European Parliament should closely monitor attacks against the press in Turkey and hold regular hearings on freedom of expression and freedom of the press.

TO THE COUNCIL OF EUROPE

- The Council of Europe, particularly the Committee of Ministers and the Parliamentary Assembly, should hold Turkey accountable under the European Convention on Human Rights and demand substantive changes in Turkey's legislation and policies so that they comply with European and international human rights standards.

TO THE UNITED STATES

- The president of the United States, the National Security Council, and the U.S. State Department must engage Turkish leaders on press freedom and freedom of expression in bilateral and multilateral meetings.
- U.S. leaders should insist on Turkey's compliance with international standards for freedom of the press and freedom of expression as a basis for continued strategic cooperation.
- The U.S. Congress, including the Senate Committee on Foreign Relations, the House Committee on Foreign Affairs, and the Tom Lantos Human Rights Commission, should hold public hearings on press freedom and freedom of expression in Turkey.

JOURNALISTS IN PRISON

CPJ research identified 76 journalists imprisoned in Turkey as of August 1, 2012. After examining the government's evidence, reviewing other public records, and speaking with defense lawyers involved in the cases, CPJ concluded that at least 61 detainees were being held in direct relation to their journalism.

After careful examination of the 15 other cases, CPJ was unable to determine whether the individuals were being held in direct reprisal for their journalism. In many of these cases, authorities have also cited the individuals' political activities as evidence. CPJ continues to investigate these cases and will reassess them as new information emerges.

CPJ's previous surveys of journalists imprisoned in Turkey, including one conducted in December 2011, identified far fewer individuals in detention. The 2011 survey, which identified eight individuals jailed in direct relation to their journalism, was also much lower than many other independent estimates, prompting criticism from some journalists and press freedom defenders.

CPJ said at the time that it could not make appropriate judgments without a close review of the evidence in each case. Because of the political nature of the press in Turkey, the line between journalism and activism can be difficult



to determine. The complexity and opaqueness of the Turkish legal system, especially in cases in which terrorism and sedition is alleged, also pose unique challenges.

Beginning in early 2012, the organization undertook a thorough case-by-case review, led by a team of Turkey-based researchers. That research has led to the following capsule reports on all journalists imprisoned as of August 1, 2012. The reports are grouped in two categories, "Imprisoned for Journalism" and "Imprisoned: Circumstances Under Investigation." ■

IMPRISONED FOR JOURNALISM

CPJ has determined that these journalists were jailed in direct connection to their work.

Hatice Duman, *Atılım*

Imprisoned: April 12, 2003

Duman, former owner and news editor of the socialist weekly *Atılım* (Leap), was serving a life term at Gebze M Type Prison in Kocaeli on charges of being a member of the banned Marxist Leninist Communist Party, or MLKP, producing propaganda, and "attempting to change the constitutional order by force."

The ruling was pending before the Supreme Court of Appeals in mid-2012.

As evidence, authorities cited Duman's attendance at MLKP demonstrations and the testimony of confidential witnesses.

Defense lawyer Keleş Öztürk told CPJ that his client was targeted because *Atılım* had opposed administration policies.

Mustafa Gök, *Ekmek ve Adalet*

Imprisoned: February 19, 2004

Gök, Ankara correspondent for the leftist magazine *Ekmek ve Adalet* (Bread and Justice), was serving a life prison term at Sincan F Type Prison in Istanbul on charges of "attempting to change the constitutional order by force." He faced an additional prison term of five to 10 years on a pending charge of being a member of the outlawed Devrimci Halk Kurtuluş Partisi-Cephesi, or DHKP-C.

Defense lawyer Evrim Deniz Karataş told CPJ that the evidence against Gök consisted of his news coverage and attendance at political demonstrations. He said Gök had been targeted for his reporting on politics and human rights, along with his beliefs as a socialist. Karataş said his client suffers from Wernicke-Korsakoff syndrome, which has led to a loss of sight and balance.

ABOVE: In Ankara, journalists protest the arrests of their colleagues.
AP



THE LAWYER SAID THE CASE AGAINST ERDOĞAN HAD BEEN FABRICATED. ...

Fusün Erdoğan, Özgür Radyo

Imprisoned: September 8, 2006

Erdoğan, former general manager for the leftist Özgür Radyo (The Free Radio), was being held at the Kocaeli T Type Prison on charges of helping lead the banned Marxist Leninist Communist Party, or MLKP. She faced a potential life prison term. Authorities alleged she used radio station assets to support the MLKP.

Zulfü Erdoğan, the journalist's lawyer and sister, told CPJ that the main evidence against her client was a 40-page document that supposedly included names and personal information for MLKP members. Zulfü Erdoğan questioned the authenticity of the document, saying it was not seized from her client's home or office and that no evidence connected her client to it. She also noted that court proceedings had yet to result in a verdict after six years, an extraordinarily long period that is the subject of a complaint before the European Court of Human Rights. The lawyer said the case against Erdoğan had been fabricated because the journalist and her news outlet had opposed the administration. She added that Erdoğan suffered from a thyroid disease and needed medical attention.

Sedat Şenoğlu, Atılım Bayram Namaz, Atılım

Imprisoned: September 8, 2006

Şenoğlu, former general coordinator of the weekly socialist newspaper *Atılım* (Leap), and Namaz, a columnist for the weekly, faced charges of possession of dangerous materials, possession of unregistered weapons, forgery of official documents, and attempting to eliminate the constitutional order. They were being held at Edirne F Type Prison.

Atılım is affiliated with the Socialist Party of the Oppressed, or ESP, which is a lawful organization. Gülizar Tuncer, a lawyer for the defendants, told CPJ that the state considers the paper and party to be fronts for the illegal Marxist Leninist Communist Party, or MLKP. In an indictment, authorities said the two were arrested with others at a house in Aydın's Nazilli district in western Turkey, where the fourth general congress of the MLKP was held. Şenoğlu and Namaz said they were picked up by police at another location and brought there.

Authorities alleged that two documents seized from the Nazilli house name Şenoğlu as an MLKP operative, and that *Atılım* has printed the MLKP's claims of responsibility for armed actions. The indictment alleged that Namaz possessed a fake ID and that IDs belonging to Namaz were found in an MLKP house in Kayseri Province. As evidence against Namaz, authorities also cited a 2005 article about an MLKP conference that was

published in a Kurdish-language journal. Tuncer said her client was not the author of the article.

Tuncer said her clients had been working under constant police surveillance for years, making it impossible for them to lead a secret life as members of an illegal organization. In a March 2012 letter from prison published on the independent news portal *Bianet*, Şenoğlu said the allegedly incriminating documents had been manufactured by police and that he was imprisoned because of his political ideas and journalistic work.

Şenoğlu was acquitted of similar charges in 1997, Tuncer said.

Faysal Tunç, Dicle News Agency and Özgür Gündem

Imprisoned: April 5, 2007

Tunç, a reporter for the pro-Kurdish Dicle News Agency and the daily *Özgür Gündem* (The Free Agenda), was serving a sentence of six years and three months on charges of producing propaganda and being a member of the banned Kurdistan Workers Party, or PKK. He was transferred in 2011 to the Rize Kalkandere L Type Prison, according to a report by the Organization for Security and Co-operation in Europe.

After disposition of the case, Tunç's lawyers were themselves imprisoned as part of an investigation into the Union of Communities in Kurdistan, or KCK, an umbrella group of pro-Kurdish organizations that includes the PKK.

In March 2012, Tunç sent a letter to the independent news portal *Bianet* in which he alleged that authorities set him up for a false arrest. In April 2007, he said, he offered a woman he believed to be a member of the Democratic Society Party, a legal entity that was the forerunner of today's Peace and Democracy Party, some assistance in finding lodging. Tunç said he did not know the woman and now believes she acted as an agent of the police. Within days, he said, he was detained on charges of aiding a member of a terrorist group.

Mustafa Balbay, Cumhuriyet

Imprisoned: March 5, 2009

Balbay, a columnist and former Ankara representative for the leftist-ultranationalist daily *Cumhuriyet*, was detained as part of the government's investigation into the alleged Ergenekon plot, a shadowy conspiracy that authorities claim was aimed at overthrowing the government through a military coup.

Balbay was initially detained on July 1, 2008, brought to Istanbul, and questioned about his news coverage and his relations with the military and other Ergenekon suspects. Police searched his house and the Ankara office of *Cumhuriyet*, confiscating computers and documents. Released four days later, Balbay was detained a second time in

... THE JOURNALIST'S NEWS OUTLET HAD OPPOSED THE ADMINISTRATION.

March 2009 and placed at Silivri F Type Prison in Istanbul pending trial. He was moved to solitary confinement in February 2011. His lawyers have filed complaints with the European Court of Human Rights alleging violations of due process. Despite being imprisoned, Balbay was elected a parliamentary deputy on the Republican People's Party ticket in Izmir province in the June 2011 election.

The charges against Balbay include being a member of an armed terrorist organization; attempting to overthrow the government; provoking an armed uprising; unlawfully obtaining, using, and destroying documents concerning government security; and disseminating classified information. The charges could bring life imprisonment, according to a report by the Organization for Security and Co-operation in Europe. The evidence against Balbay entails documents seized from his property and office, the news stories he produced, wire-tapped telephone conversations, and secretly recorded meetings with senior military and government officials. Balbay has denied the government's accusations. In columns written from prison and in court hearings, he has repeatedly said that the seized notes and recorded conversations related to his journalism.

In its indictment, the government said Balbay kept detailed records of his meetings with military and political figures. Authorities alleged Balbay erased the notes from his computer but technicians were able to retrieve them from the hard drive. The notes—some of which dated back to the period before the Justice and Development Party, or AKP, won power—show military officials discussing how they can alter Turkish politics. For example, in notes dated April 6, 2003, a general identified as Yaşar asked the columnist: "Tell me, Mr. Balbay, can a coup be staged today with this media structure? It can't. You cannot do something today without the media backing you. You are the only one entreating secularism. The other papers are publishing photographs of women with covered heads every day, almost trying to make it sympathetic."

In public comments, Balbay said he had been keeping the notes for journalistic purposes, including potential use in a book. He said the government's indictment quoted excerpts out of context and in a way that made him appear guilty. In the indictment, Balbay was quoted as saying that he erased the files after concluding their use would not be right.

Participants in the conversations included İlhan Selçuk, the now-deceased chief editor of *Cumhuriyet* and an Ergenekon suspect before his death in June 2010; generals Şener Eruygur, Aytaç Yalman, and Şenkal Atasagun; and former president Ahmet Necdet Sezer. The indictment identified Selçuk as a leader of Ergenekon and accused Balbay of acting as secretary

in organizing meetings and keeping notes under cover of journalism. Military officials considered *Cumhuriyet* a favorite because they shared the paper's positions on secularism and the Kurdish issue.

The government also said it found classified documents in Balbay's possession, including military reports on neighboring countries and assessments on political Islam in Turkey. Balbay said news sources had provided him with the documents and that he was using them for journalistic purposes.

Two taped conversations at the gendarmerie headquarters—dated December 23, 2003, and January 5, 2004—were also cited as evidence. The government alleged that, among other topics, Balbay and other participants discussed whether political conditions would allow a coup. Balbay said such discussions were theoretical and constituted no criminal intent.

The government also cited Balbay's news coverage, including a May 2003 story headlined, "The Young Officers Are Restless." The headline phrase had been used previously in Turkish politics and was seen as code for a potential military coup. The story claimed that Hilmi Özkök, then the military's chief of general staff, had warned Prime Minister Recep Tayyip Erdoğan about perceived anti-military pressure from the ruling Justice and Development Party. Özkök denounced the story as false at the time. Authorities claimed that Balbay's own notes show that Atilla Ateş, then commander of Turkish land forces, congratulated him for the piece by saying, "You did your duty."

The İKMS Law Firm, which represents Balbay, did not respond to CPJ's questions seeking further information about Balbay's defense.

Ahmet Birsin, Gün TV

Imprisoned: April 14, 2009

Birsin, general manager of Gün TV, a regional pro-Kurdish television news station in southeastern Turkey, faced trial for assisting an offshoot of the banned Kurdistan Workers Party, or PKK, attending PKK events, possessing PKK documents, and assisting the PKK in its press work, according to Justice Ministry documents. His lawyer, Fuat Coşacak, told CPJ that the charges were retaliatory and without basis.

Birsin described his arrest in a May 2009 letter published in the daily *Gündem*. He said police came to his office on the night of April 13, searched the building, and confiscated archival material, computer hard drives, laptops, cameras, and other broadcast equipment. Birsin, imprisoned at Diyarbakır D Type Prison, faces up to 15 years in prison if found guilty.



AUTHORITIES CITE PUBLISHED WORK AND RECORDED CONVERSATIONS ...

Deniz Yıldırım, *Aydınlık*

Imprisoned: November 8, 2009

Yıldırım was the chief editor of the ultranationalist-leftist *Aydınlık* (Enlightenment), then a monthly, when detained by the police at his house in Istanbul as part of the government's investigation into the alleged Ergenekon plot, a shadowy conspiracy that authorities believe was aimed at overthrowing the government through a military coup.

He was being held at Silivri F Type Prison in Istanbul on charges of being a member of a terrorist organization, violating privacy rights, and disclosing state secrets. According to the indictment, Yıldırım received a recording from Ergenekon conspirators and published its contents. The recording purported to include a 2004 phone conversation between Prime Minister Recep Tayyip Erdoğan and the Turkish Cypriot leader Mehmet Ali Talat in which the two discussed the sensitive issue of Cyprus' political status. It also purportedly included a conversation between Erdoğan and businessman Remzi Gür.

As evidence, authorities cited Yıldırım's published work and other recordings allegedly found during a police raid of *Aydınlık* offices. Yıldırım, who faced up to 57 years in prison, said he had no ties to Ergenekon. Mehmet Aytenkin, a lawyer for Yıldırım, told CPJ that his client was arrested because his news outlet was critical of the government.

Seyithan Akyüz, *Azadiya Welat*

Imprisoned: December 7, 2009

Akyüz, Adana correspondent for the Kurdish-language daily *Azadiya Welat*, was serving a term of nine years and three months at Kürkçüler F Type Prison in Adana on charges of aiding the banned Union of Communities in Kurdistan, or KCK, an umbrella group of pro-Kurdish organizations that includes the Kurdistan Workers Party. Authorities cited his possession of banned newspapers and his presence at a May Day demonstration in İzmir.

The trial in Adana made national news when the judge refused to allow Akyüz and other defendants to offer statements in their native Kurdish. A report by the Organization for Security and Co-operation in Europe also found that court officials withheld case documents from Akyüz's lawyer for more than a year.

Legal representation for Akyüz and other detained *Azadiya Welat* journalists recently changed. The new defense lawyer, Cemil Sözen, who is representing Akyüz on appeal, said he could not comment because he was not yet familiar with the case.

Kenan Karavil, *Radyo Dünya*

Imprisoned: December 7, 2009

Karavil, editor-in-chief of the pro-Kurdish radio station *Radyo Dünya* in the southern province of Adana, was

being held at Adana F Type Prison on charges of being a member of the banned Union of Communities in Kurdistan, or KCK, and the Kurdistan Workers Party, or PKK. He faced up to 25 years in prison upon conviction.

As evidence, authorities cited news programs that Karavil produced, his meetings with members of the pro-Kurdish Democratic Society Party, and his wire-tapped telephone conversations with colleagues, listeners, and news sources, defense lawyer Vedat Özkan told CPJ. In one phone conversation, the lawyer said, Karavil discussed naming a program "Those Who Imagine the Island." He said the indictment considered this illegal propaganda because it referred to the imprisonment of PKK leader Abdullah Öcalan, who was being held in a prison on İmralı Island.

In a letter to media outlets, Karavil said authorities had questioned him about the station's ownership and the content of its programming. Court officials refused to allow Karavil to give statements in his native Kurdish language, Özkan said.

Bedri Adanır, *Aram* and *Hawar*

Imprisoned: January 5, 2010

Adanır, owner of the pro-Kurdish publishing house *Aram* and editor-in-chief of the daily *Hawar*, faced trial on charges of spreading propaganda for the banned Kurdistan Workers Party, or PKK, in books and articles published by his company, Justice Ministry records show. Adanır, who was being held in Diyarbakir D Type Prison, was rebuffed in his requests to be released on bail while his case was pending. The charges could bring 50 years in prison upon conviction.

In 2009, a trial court sentenced Adanır to a 15-month prison term on similar propaganda charges, although the case remained under review by the Supreme Court in mid-2012, the semi-official Anatolian Agency reported. The 2009 case stemmed from a book published by Adanır and written by imprisoned PKK leader Abdullah Öcalan, titled *Kültür-Sanat Devrimi Üzerine* (On the Revolution of Culture and Art), according to the independent news portal *Bianet*.

Erdal Süsem, *Eylül Sanat Edebiyat Dergisi*

Imprisoned: February 10, 2010

Süsem, editor of the leftist culture magazine *Eylül Sanat Edebiyat Dergisi* (September Arts Literature Magazine), was being held at Edirne F Type Prison on charges of helping lead the outlawed Maoist Communist Party, or MKP. Authorities alleged that Süsem's magazine produced propaganda for the party.

In a letter published in February 2012 by the independent news portal *Bianet*, Süsem said the evidence against him consisted of journalistic material such as

... AS PROOF OF HIS INVOLVEMENT IN THE ALLEGED ERGENEKON PLOT.



books, postcards, and letters, along with accounts of his newsgathering activities such as phone interviews. Süsem made similar statements in a letter to the Justice Ministry that has been cited in news accounts.

Süsem had started the magazine during an earlier imprisonment at Tekirdağ F Type Prison. The magazine featured poems, literature, and opinion pieces from imprisoned socialist intellectuals. After producing the initial four editions by photocopy from prison, Süsem transformed the journal into a standard print publication after his 2007 release from prison, circulating another 16 issues.

Süsem's earlier imprisonment stemmed from March 2000 allegations that he stole a police officer's handgun that was later used in a murder. (He was not directly charged in the murder.) Süsem pleaded innocent to the gun theft charge during proceedings that were marked by a number of questions. No forensic evidence tied Süsem to the weapon, and witness descriptions of the suspect did not match the journalist. A criminal court convicted him on the theft charge and sentenced him to life imprisonment, a ruling that was overturned by the Supreme Court of Appeals in 2007. In 2011, the Supreme Court reversed itself, reinstating the theft conviction.

Ali Konar, *Azadiya Welat*

Imprisoned: May 27, 2010

Konar, the Elazığ correspondent for *Azadiya Welat*, Turkey's sole Kurdish-language daily, was serving a term of seven years and six months at Malatya E Type Prison on charges of being a member of the banned Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party is part.

In a January 2012 letter published by the independent news portal *Bianet*, Konar said his published news reporting and his interactions with colleagues were

cited as evidence of criminality. Authorities also cited his visits to his jailed brother as evidence that he was a prison liaison for the KCK, he said.

Ozan Kılınc, *Azadiya Welat*

Imprisoned: July 22, 2010

Kılınc, editor-in-chief of the Kurdish daily *Azadiya Welat*, Turkey's sole Kurdish-language daily, was serving a sentence of more than 32 years at Diyarbakır D Type Prison after being convicted under the country's anti-terror law on charges of spreading propaganda for the banned Kurdistan Workers Party, or PKK.

Twelve news stories published in *Azadiya Welat* were used as evidence against him, news accounts said. Two other chief editors of *Azadiya Welat*—Tayip Temel and Mehmet Emin Yıldırım—were imprisoned on similar charges when CPJ conducted its August 1, 2012, survey.

Hakan Soytemiz, *Red*

Imprisoned: September 21, 2010

Soytemiz, a columnist for the leftist political monthly *Red* (Rejection), was being held at Tekirdağ F Type Prison on charges of being a member of Devrimci Karargah, or Revolutionary Headquarters, which the government designates as a terrorist organization, and possessing a false identity card. He faced 15 years upon conviction.

As evidence, the indictment cited Soytemiz's 2004 interactions with a reputed Devrimci Karargah member named Ulaş Erdoğan. At the time, the indictment said, Soytemiz had enlisted Erdoğan's help in selling a publication named *Haziran* (June). The indictment also cited as evidence Soytemiz's shipment of packages, but it does not describe the content of the packages or their relationship to the case. The recipients were identified by name but their role in the case was not explained.

Prosecutors also alleged that Soytemiz was linked to another journal, *Demokratik Dönüşüm* (Democratic Transformation), which they considered to be a publication of Devrimci Karargah. Authorities said Soytemiz's name appeared on bills connected to the journal.

Authorities also cited as evidence Soytemiz's attendance at rallies of the Communist Party of Turkey, which is a legal entity, his use of a mobile phone registered in someone else's name, and unspecified phone conversations. Authorities also alleged that he possessed an identity card in his brother's name. A previous conviction on charges of aiding an armed terror organization, the Turkey Revolution Party, was also used as evidence against him. Soytemiz served nearly four years in that case.

ABOVE: *Odatv* publisher Soner Yalçın is detained in the Ergenekon investigation.
AP



COVERAGE OF A PRESS ANNOUNCEMENT IS EVIDENCE OF A CRIME. ...

Sinan Aygül, Dicle News Agency

Imprisoned: January 19, 2011

Aygül, Bitlis reporter for the pro-Kurdish Dicle News Agency, or DiHA, was being held at Muş E Type Prison on charges of being a member of the banned Kurdistan Workers Party, or PKK. Aygül, who faced up to 15 years in prison, has denied the allegations.

Authorities cited the editor's wiretapped telephone conversations as evidence that he had engaged in "organizing" on behalf of the PKK. Books, magazines, and digital material confiscated from his house, confidential witness testimony, and police surveillance photographs of political rallies were also cited as evidence. Defense lawyer Murat Timur told CPJ his client was targeted because he was a political reporter working for a Kurdish news outlet that opposes the administration. "The documents in the dossier are the news stories that he wrote," Timur said, noting for example that authorities portrayed his client's coverage of a press announcement as actual participation in a banned group's activities. "What are on trial are acts of journalism."

Soner Yalçın, Odatv and Hürriyet

Barış Pehlivan, Odatv

Barış Terkoğlu, Odatv

Imprisoned: February 14, 2011

Yalçın Küçük, Odatv and Aydınlık

Imprisoned: March 7, 2011

Several members of the ultranationalist-leftist news website *Odatv* were arrested in February and March 2011 on charges of having ties to the alleged Ergenekon plot, a shadowy conspiracy that authorities claim was aimed at overthrowing the government through a military coup. Authorities charged all of the staffers with propagandizing on behalf of Ergenekon, lodging additional charges against some.

Odatv features news and commentary that promotes an ultranationalist agenda from a Kemalist perspective and is harshly critical of its perceived opponents. The targets of its attacks include the ruling Justice and Development Party, the Fethullah Gülen religious community, the Kurdistan Workers Party (PKK), and liberals. Much of *Odatv*'s critical commentary involves highly personal attacks.

Yalçın, owner of the site and an opinion writer for the daily *Hürriyet* (Freedom), and Pehlivan, the site's chief editor, were also charged with attempting to influence court proceedings, inciting hatred, and violating privacy rights. Authorities charged Yalçın with disclosing classified military and intelligence documents as well. Held at Silivri F Type Prison in Istanbul pending trial, both Yalçın and Pehlivan denied the accusations and said the evidence

against them amounted to the website's published material and their professional phone conversations.

Terkoğlu, the news editor, was also charged with inciting hatred and was being held at Silivri F Type Prison pending trial. Terkoğlu said he was behind all of the news stories published by *Odatv*, whether written by him or not, but that none had criminal content. He said *Odatv*'s reporting on the Ergenekon case, for example, was based on public indictments and court sessions. "There are press laws in the country. The prosecutors could have filed cases if what we write is wrong. But that did not happen; our news was considered a so-called terror crime," Terkoğlu said in court.

Küçük, an opinion writer for the site and for the daily *Aydınlık*, was also accused of being a leader of the Ergenekon organization, inciting hatred, violating privacy rights, and disclosing classified military and intelligence documents. In court, Küçük said the charges were without basis.

As evidence, authorities have cited wiretapped phone conversations between staffers in which coverage was discussed. In one conversation, authorities allege, Yalçın directed a columnist to write a piece suggesting that the ruling Justice and Development Party, or AKP, was forcing the military's hand to stage a coup.

Authorities also cite as evidence a series of digital documents found on *Odatv* computers during a police raid on the news outlet. The authenticity of the documents has been challenged by the defense. A team from the Middle East Technical University in Ankara, which examined the evidence at the request of the defense, found that the computers contained Trojan files that left the machines vulnerable to outside manipulation. The team also found that the documents themselves were altered on the day of the police raid, further raising the possibility that the files could have been planted or manipulated.

Authorities said the documents included an Ergenekon media strategy memo, an ultranationalist text describing the AKP as dangerous; and directions on covering the PKK, AKP, army generals, and the Ergenekon investigation.

Authorities also cite two documents claiming that the well-known investigative reporter Nedim Şener had helped a former regional police chief, Hanefi Avci, write a 2010 book alleging that the Gülen movement had infiltrated the police force. Another document claimed Şener was also helping investigative reporter Ahmet Şık write a book about the Gülen movement. Authorities used those documents to link Şener and Şık to the Ergenekon plot. The two were jailed for more than 12 months before being freed pending trial; they continued to face anti-state charges related to the plot.

... ACTS OF JOURNALISM, A LAWYER SAYS, ARE ON TRIAL.

Ahmet Akyol, Dicle News Agency

Imprisoned: May 6, 2011

Akyol, an intern reporting for the pro-Kurdish Dicle News Agency, DİHA, in the southern city of Adana, was being held at Ceyhan E Type Prison on charges of being a member of the banned Union of Communities in Kurdistan, or KCK, an umbrella group of pro-Kurdish organizations that includes the Kurdistan Workers Party. He faced up to 25 years in prison if convicted of the charges, which also include producing propaganda for the group.

Defense lawyer Vedat Özkan said wiretapped telephone conversations were used as evidence against his client. Akyol's conversations with his editor at DİHA, another reporter, and a news source were cited in particular, he said. The indictment also cited his presence at political rallies. Akyol told authorities that the phone conversations and his attendance at rallies were related to his work as a reporting intern.

Akyol, a student at Çukurova University, was arrested during a police operation targeting university students.

Turhan Özlü, Ulusal Kanal

Imprisoned: August 21, 2011

Özlü, chief editor for the ultranationalist-leftist television station Ulusal Kanal (National Channel), was being held at Silivri F Type Prison in Istanbul on charges of participating in the Ergenekon conspiracy, a shadowy plot that prosecutors say was aimed at overthrowing the administration. Özlü faced up to 15 years in prison upon conviction.

According to the government's indictment, the channel aired an audio recording made by Ergenekon conspirators. The recording purported to include a 2004 phone conversation between Prime Minister Recep Tayyip Erdoğan and the Turkish Cypriot leader Mehmet Ali Talat in which the two discussed the sensitive issue of Cyprus' political status. It also purportedly included a conversation between Erdoğan and businessman Remzi Gür.

The indictment identified Ulusal Kanal as a media arm of Ergenekon.

Aydın Yıldız, Dicle News Agency

Imprisoned: October 1, 2011

Yıldız, a reporter for the pro-Kurdish Dicle News Agency, or DİHA, was detained by police in Mersin. He was being held at Gaziantep H Type Prison awaiting trial on charges of being a member of the banned Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part. Yıldız faced up to 20 years in prison upon conviction.

Authorities said they had photographs of Yıldız attending demonstrations of civil disobedience and the funerals of PKK members. Defense lawyer Berivan Özpolat told CPJ that her client was covering the events and that Yıldız had been targeted because he was a Kurdish journalist working for an outlet that opposes the administration.

Tayip Temel, Azadiya Welat

Imprisoned: October 3, 2011

Temel, a former editor-in-chief and columnist for the Kurdish-language daily *Azadiya Welat*, was being held at Diyarbakır D Type Prison on charges of being a member of the Union of Communities in Kurdistan, or KCK, of which the banned Kurdistan Workers Party (PKK) is part. He faced more than 22 years in prison upon conviction, according to a report by the Organization for Security and Co-operation in Europe.

In a January 2012 letter to the independent news portal *Bianet*, Temel said he was being targeted for his journalistic activities. As evidence, the government cited wiretapped telephone conversations he had with colleagues and with members of the Pro-Kurdish Democratic Society Party (DTP) and Peace and Democracy Party (BDP), Temel said. He said the government had wrongly described his work-related travels to Iraq as related to attendance at PKK meetings. "My articles, correspondences, headline discussions, and requests for news and visuals from reporters were defined as 'orders' and 'organizational activity' and I am accused of organization leadership," Temel wrote, describing the government's indictment.

Two other chief editors of *Azadiya Welat*—Ozan Kılınc and Mehmet Emin Yıldırım—were imprisoned on similar charges when CPJ conducted its August 1, 2012, survey.

Murat Aydın, Dicle News Agency

Imprisoned: October 20, 2011

Aydın, a reporter for the pro-Kurdish Dicle News Agency, or DİHA, was detained by police in Muş and was being held in mid-2012 in Bayburt M Type Prison on charges of being a member of the Kurdistan Workers Party, or PKK. A formal indictment had not been filed as of mid-2012. Defense lawyer Halil Kartal told CPJ that his client had been abused during his arrest and detention.

During questioning, prosecutors cited Aydın's phone conversations with his employer and other media outlets as evidence of criminality, Kartal said. In particular, prosecutors cited a conversation in which the reporter relayed an announcement from the pro-Kurdish Peace and Democracy Party to the pro-PKK satellite station Roj TV.



ASSIGNING A REPORTER TO A WORLD PEACE DAY ...

In an open letter published by the independent news portal *Bianet*, Aydın said authorities focused exclusively on journalism during their questioning. He also described a harrowing arrest in 2011: "During the raid at my house, I found myself lying face down being kicked and struck with the butts of guns by heavily armed, masked special operations officers. At that time, they put the barrels of the guns to my head, which they were stepping on with their feet. A police chief shouted at an officer who was recording this operation: 'Do not record this.'"

Hasan Özgüneş, *Azadiya Welat*

Imprisoned: October 28, 2011

Özgüneş, a veteran journalist and a columnist for the Kurdish-language daily *Azadiya Welat*, was being held at Kocaeli F Type Prison on charges of helping lead the banned Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part. He was also charged with producing propaganda and taking part in illegal demonstrations.

Özgüneş has written columns for *Azadiya Welat* on political, social, cultural, and economic issues since 2007 after writing for Kurdish magazines such as *Tiroj* and *Zend* since 1993. He is also a member of the pro-Kurdish Peace and Democracy Party, or BDP.

Authorities would not allow Özgüneş to give statements in his native Kurdish, news accounts said. During questioning, authorities sought information about Özgüneş' lectures at a BDP political academy, his conversations with the pro-PKK satellite station Roj TV, and his presence at a political demonstration, according to the indictment.

Mehmet Güneş, *Türkiye Gerçeği*

Imprisoned: December 6, 2011

Güneş, a publisher and columnist for the socialist political monthly *Türkiye Gerçeği* (Turkey Truth), was being held at Tekirdağ F Type Prison on charges of being a member of Devrimci Karargah, or Revolutionary Headquarters, which the government designates as a terrorist organization. Güneş faced 15 years in prison upon conviction, according to a report from the Organization for Security and Co-operation in Europe.

The indictment, which said police had conducted surveillance of Güneş and had tapped his phone, cited the journalist's interactions with defendants facing similar charges as evidence of a crime. Authorities also alleged that a publication named *Devrimci Dönüşüm* (Revolutionary Transformation), which was seen as close to the Devrimci Karargah, shared a mailing address with Güneş' office.

Authorities said they seized documents about Devrimci Karargah from Güneş' office. The documents included articles about Devrimci Karargah, along with information on lawsuits and police operations against

the organization, the indictment said. Among the documents were articles written by Orhan Yılmazkaya, the Devrimci Karargah leader killed in a police operation in central Istanbul in 2009.

Güneş was abused in Tekirdağ Prison, defense lawyer Ercan Kanar told reporters, citing an episode in which the defendant was stripped and beaten. Police also seized a computer and documents belonging to Güneş' wife, lawyer Gülizar Tuncer. She said the seized documents concerned unrelated cases she had been handling as a lawyer.

Abdullah Çetin, *Dicle News Agency*

Imprisoned: December 16, 2011

Çetin, a reporter for the pro-Kurdish Dicle News Agency, or DİHA, in the southeastern province of Siirt, was being held at Diyarbakır D Type Prison on charges of aiding the Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part. Upon conviction, he faced up to 15 years in prison, according to a report by the Organization for Security and Co-operation in Europe.

The ETHA news agency said Çetin was accused of organizing anti-government demonstrations. The government's indictment also cited Çetin's professional phone conversations as evidence, the *Bianet* independent news portal said. Çetin told authorities that he attended demonstrations for journalistic purposes, *Bianet* said.

Ziya Çiçekçi, *Özgür Gündem*
Turabi Kişin, *Özgür Gündem*
Yüksel Genç, *Özgür Gündem*
Nevin Erdemir, *Özgür Gündem*
Dilek Demiral, *Özgür Gündem*
Sibel Güler, *Özgür Gündem*
Nurettin Fırat, *Özgür Gündem*

Imprisoned: December 20, 2011

At least seven editors and writers associated with the pro-Kurdish daily *Özgür Gündem* (The Free Agenda) were among 27 journalists still being held in August 2012 after being arrested in a massive government sweep on December 20 and 21, 2011. Authorities said the roundup was related to their investigation into the banned Union of Communities in Kurdistan, or KCK, of which the banned Kurdistan Workers Party (PKK) is part. According to the indictment, all of the main pro-Kurdish media and news agencies in Turkey are directed by the KCK.

Çiçekçi, publisher and news editor, was being held at Kandıra F Type Prison in Kocaeli on charges of helping lead the KCK press committee, which allegedly orchestrated coverage that would further the organization's goals. The indictment accused Çiçekçi of setting his news agenda in conformance with organization orders and participating in press committee meetings in Iraq.

... DEMONSTRATION IS SEEN AS FOLLOWING THE PKK'S ORDERS.

As evidence, authorities cited books, magazines, a computer hard drive, CDs, DVDs, cassettes, bank account books, handwritten notes, letters, and a copy of *Özgür Gündem*. One of the electronic documents, the indictment said, included video of PKK and KCK events.

Kişin, *Özgür Gündem* editor, was being held at Kandıra F Type Prison on charges of being a leader of the KCK press committee and taking orders from the imprisoned PKK leader Abdullah Öcalan that were sent via email from defense lawyers. As evidence, authorities cited three pro-Kurdish newspaper stories, one written by Kişin and two in which he was the subject. The prosecution also cited wiretapped telephone conversations in which Kişin spoke to people who wanted him to run obituaries for PKK members—Kişin declined because of legal constraints—and contributors seeking to publish articles in his newspaper. Kişin said his newspaper is a dissident publication but did not take orders from the KCK.

Genç, a columnist, was being held in mid-year at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the press committee of the KCK. Authorities, citing statements from other suspects, alleged that Genç was a “high-level” member of the KCK press committee and had participated in committee meetings in northern Iraq. Authorities also cited as evidence Genç’s notes about ethnic conflicts in Spain, South Africa, and Bolivia, along with her phone conversations with other journalists. Genç’s request that a writer do a piece about a World Peace Day demonstration in Turkey, for example, was considered by authorities to be an order serving the PKK. Genç said she did not participate in the KCK press committee, and that her communications with other journalists were professional in nature.

Erdemir, a reporter and editor, was being held at Bakırköy Prison for Women and Children in Istanbul on charges that she helped lead the KCK’s press committee. Citing passport records and the statements of confidential witnesses, the government alleged that Erdemir participated in a KCK press committee meeting in Iraq in 2009. The indictment also cites as evidence her participation in a press conference in which *Özgür Gündem* editors protested police operations against Kurdish journalists, and an interview she conducted with a leader of the pro-Kurdish Peace and Democracy Party (BDP). Erdemir disputed the charges.

Demiral, a former editor, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the KCK press committee and producing propaganda for the organization. Citing passport records and the statement of a detained PKK member, authorities said Demiral participated in a 2005 KCK press

meeting in Iraq. Authorities also cited the seizure of digital copies of banned books, and a speech Demiral gave at a memorial ceremony that cast a deceased PKK member in a favorable light. Demiral denied any ties to the KCK and said she had traveled for journalistic purposes.

Güler, a former editor, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the KCK press committee. Citing passport records and documents seized from an accused KCK member, the government alleged that Güler participated in the organization’s press committee meetings in Iraq in 2003 and 2005, and had met with KCK leader Murat Karayılan. Güler told authorities she did not participate in any KCK meetings.

Firat, an editor and columnist for the paper, was being held at Kocaeli F Type Prison on charges of being a leader of the KCK press committee. Citing passport records, organization records, and the accounts of confidential witnesses, authorities alleged he participated in committee meetings in Iraq in 2003, 2005, and 2007. Authorities, who tapped Firat’s phone conversations, said the journalist printed an article by KCK leader Karayılan, applying a penname that he devised in conspiracy with another journalist. Firat said his travel was for journalistic purposes and that he did not participate in KCK activities.

In most cases, the journalists faced up to 15 years in prison upon conviction.

Zuhal Tekiner, Dicle News Agency
Semiha Alankuş, Dicle News Agency
Kenan Kırkaya, Dicle News Agency
Ramazan Pekgöz, Dicle News Agency
Fatma Koçak, Dicle News Agency
Ayşe Oyman, Dicle News Agency
Çağdaş Kaplan, Dicle News Agency
Ertuğ Bozkurt, Dicle News Agency
Nilgün Yıldız, Dicle News Agency
Sadık Topaloğlu, Dicle News Agency
İsmail Yıldız, Dicle News Agency
Ömer Çelik, Dicle News Agency
Mazlum Özdemir, Dicle News Agency

Imprisoned: December 20, 2011

Thirteen editors, writers, and managers with the pro-Kurdish Dicle News Agency, or DiHA, were among at least 27 journalists still being held in August 2012 after being arrested in a massive sweep on December 20 and 21, 2011. Authorities said the roundup was related to their investigation into the banned Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part. According to the indictment, all of the



THE INDICTMENT ALLEGED THAT HIS REPORTING HAD FURTHERED THE ...

main pro-Kurdish media and news agencies in Turkey are directed by the KCK.

Tekiner, chairwoman of the DİHA board, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being an “administrative” member of the KCK press committee, which allegedly orchestrated coverage that would further the organization’s goals. The indictment cited Tekiner’s contribution to DİHA’s account of a 2010 May Day rally as evidence that she was producing propaganda. Authorities, who tapped Tekiner’s phone, also cited a conversation she had with an accused PKK member who had sought news coverage of a press conference. Tekiner denied any links to the KCK.

Alankuş, a translator and editor, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the press committee of the KCK. Authorities alleged that Alankuş participated in a meeting of the KCK press committee in northern Iraq in September 2009, and used her position as a DİHA editor to broadcast directions from the PKK. Possession of banned magazines and books was also cited as evidence. Alankuş said she did not participate in the press committee meeting.

Kırkaya, DİHA’s Ankara representative, was being held at Kandira F Type Prison in Kocaeli on charges that he helped lead the KCK press committee. Authorities cited the statements of two confidential witnesses as evidence. The government also cited as evidence news reports by Kırkaya, including pieces about PKK militia allegedly killed by chemical weapons, articles addressing the Kurdish issue, and stories critical of the government. Calling Kırkaya a “so-called journalist” who worked under orders from convicted PKK leader Abdullah Öcalan, the indictment alleged that his reporting had furthered the aims of the KCK and had sought to manipulate public opinion. Kırkaya told authorities he had no connection to the KCK.

Pekgöz, an editor, was being held at Kocaeli F Type Prison on charges that he helped lead the KCK press committee. Citing passport records and the statements of confidential witnesses, the government alleged that he participated in two KCK committee meetings in Iraq and that he met with KCK leader Murat Karayılan. Pekköz said he met with Karayılan for journalistic purposes; he denied the government’s allegations. Authorities, who tapped Pekköz’s phone conversations, accused the editor of following KCK directives and relaying the organization’s orders to other journalists. The indictment said Pekköz directed a pro-KCK agenda when he served as news editor for *Günlük*, the daily now known as *Özgür Gündem*. The indictment cited as evidence a phone conversation between Pekköz and columnist Veysi Sarisözen concerning potential column topics, and Pekköz’s efforts to recruit a writer to discuss the potential unification of socialist and leftist parties. The indictment said convicted PKK leader

Öcalan supported the unification of the parties.

Koçak, a news editor, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the KCK press committee. Koçak’s phone conversations with news sources and reporters were cited as evidence. Tips to DİHA about pro-Kurdish demonstrations, for example, were cited as evidence. The indictment asserted that “a normal journalist” would not receive such tips, and it faulted Koçak for not relaying information about the events to authorities. The indictment also faulted Koçak for receiving information by phone about fatalities among guerrillas in eastern Turkey, and fielding a request from German ZDF TV for video of PKK-army clashes and the funerals of PKK fighters. Stories Koçak wrote about democratic autonomy were also considered evidence. Koçak disputed alleged ties to the KCK.

Oyman, a reporter, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the KCK press committee. Among the cited evidence were phone conversations with reporters in the field, banned books and magazines, and the news stories that she produced for DİHA. The indictment labeled her reporting as propaganda aimed at causing “disaffection for the state and sympathy for the organization.” Citing passport records and the accounts of two confidential witnesses, authorities also alleged that she participated in a KCK press committee meeting in Iraq in 2003 and had contact with İsmet Kayhan, a Fırat News Agency editor wanted by the government on charges of leading the KCK’s press committee in Europe. Oyman, who also worked as a reporter for *Özgür Gündem*, disputed the allegations.

Kaplan, a reporter for DİHA, was being held at Kocaeli F Type Prison on charges of being a member of the KCK press committee. The indictment cited as evidence Kaplan’s news coverage and phone conversations in which he relayed information to the pro-PKK satellite station Roj TV. The indictment said Kaplan’s stories distorted the facts, reflected the official perspective of the KCK, and presented “police operations against the KCK as operations against the Kurdish people.” For example, the indictment said a report about the funeral of a PKK member “tried to draw conclusions in favor of the organization.” Kaplan was also accused of having contact with Fırat’s Kayhan.

Bozkurt, an editor in DİHA’s Diyarbakır office, was being held at Kocaeli F Type Prison on charges of helping lead the KCK press committee. As evidence, the indictment cited phone conversations in which Bozkurt relayed information to Roj TV. Authorities described Bozkurt’s reports as “false,” provocative, and designed to further the KCK’s aims. The indictment also faulted Bozkurt for ensuring news coverage of pro-Kurdish demonstrations, and for providing German ZDF TV with video of a PKK fighter’s funeral and army movements in southeast Turkey. Citing passport records and the account of a confidential wit-

... AIMS OF THE KCK AND HAD SOUGHT TO MANIPULATE PUBLIC OPINION.

ness, authorities alleged that Bozkurt took part in a KCK press committee meeting in Iraq in 2007 and had contact with Fırat's Kayhan. Authorities said they seized banned books by convicted PKK leader Öcalan, along with photographs of PKK guerrillas and Turkish military intelligence. Bozkurt told prosecutors that his activities were journalistic and that he had no ties to the KCK.

Nilgün Yıldız, a reporter, was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the KCK's press committee. Citing passport records and the account of a confidential witness, authorities allege that Yıldız participated in KCK press committee meetings in Iraq. Authorities also cited her news coverage as evidence. The indictment pointed to a story that recounted a Kurdish youth setting himself on fire to protest Öcalan's imprisonment, which authorities called propaganda, and a piece that referred to a memorial service for a PKK member, which authorities said constituted a call for organization members to gather. Photographs of a PKK member's funeral, taken from her confiscated flash drive, were also cited as evidence. Yıldız denied any wrongdoing.

Topaloğlu, a reporter, was being held at Kocaeli F Type Prison on charges of being a member of the KCK press committee. As evidence, the indictment cited phone conversations in which Topaloğlu relayed information to Roj TV. The indictment also faulted Topaloğlu for fielding phone tips about press conferences and other news events, and for seeking information from the pro-Kurdish Peace and Democracy Party's Antep branch about a local police crackdown against the party. Authorities alleged his reporting was aimed at humiliating the government, furthering the KCK's aims, and provoking "innocent Kurdish people against their state."

İsmail Yıldız, a reporter, was being held at Kocaeli F Type Prison on charges of being a member of the KCK's press committee. As evidence, authorities cited his news coverage of demonstrations, his telephone conversations at DiHA offices, and information he relayed to Roj TV. The indictment also detailed an episode in which Yıldız was among the first at the scene of an explosion in a trash container; authorities allege his quick arrival meant that he had prior knowledge of the bomb. Banned books and magazines on the Kurdish issue, digital equipment, and CDs featuring interviews with PKK sympathizers were among the items seized from Yıldız.

Çelik, a reporter, was being held at Kocaeli F Type Prison on charges of being a member of the KCK press committee. Authorities faulted Çelik for biased coverage of a university dispute and other news events, labeling his reporting of an earthquake, for example, as

"black propaganda." They also cited as evidence phone conversations in which Çelik received tips about press conferences and other news events, and a conversation in which he relayed information to Roj TV. His coverage of the pro-Kurdish Peace and Democracy Party was in itself considered evidence of a crime. Çelik denied any wrongdoing, telling prosecutors he was not a member of the KCK press committee.

Özdemir, a reporter, was being held at Kocaeli F Type Prison on charges of helping lead the KCK press committee. Citing passport records, email traffic, and the accounts of confidential witnesses, authorities alleged that Özdemir attended KCK committee meetings in Iraq, had contact with the Fırat editor Kayhan, and produced journalism that cast the group in a favorable light. Authorities said they intercepted encrypted electronic messages showing that Özdemir handled financial transfers for the KCK. Authorities also cited Özdemir's news stories as evidence of culpability. Özdemir told authorities that his email messages involved news reporting and personal matters. Authorities confiscated books, CDs, a hard drive, cell phone, and a hunting rifle. Defense lawyer Özcan Kılıç told CPJ that the weapon was an antique handed down by his client's grandfather; Özdemir was not charged with a weapons violation.

In most cases, the journalists faced up to 15 years in prison upon conviction.

Çağdaş Ulus, *Vatan*
Zeynep Kuray, *Birgün*, Fırat News Agency
Hüseyin Deniz, *Evrinsel*
Nahide Ermiş, *Özgür Halk ve Demokratik Modernite*
Selahattin Aslan, *Özgür Halk ve Demokratik Modernite*
Oktay Candemir, *Prestij*

Imprisoned: December 20, 2011

Editors and writers representing a variety of pro-Kurdish news outlets were among the 27 journalists still being held in August 2012 after being arrested in a massive sweep on December 20 and 21, 2011. Authorities said the roundup was related to their investigation into the banned Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part. According to the indictment, all of the main pro-Kurdish media and news agencies in Turkey are directed by the KCK.

Ulus, a reporter for *Vatan*, a nationalist daily that opposes the PKK, was being held at Maltepe L Type Prison in Istanbul. He faced charges of being a member of the KCK press committee, which allegedly orchestrated cover-



AUTHORITIES WOULD NOT LET YILDIRIM GIVE A STATEMENT IN ...

age furthering the organization's goals. Authorities cited as evidence wiretapped phone conversations with two other journalists, one of them İsmet Kayhan, a Firat News Agency editor wanted by the government on charges of leading the KCK press committee in Europe.

Photographs of Kurdish parliamentarians in demonstrations, videos, and pictures of other demonstrations, and an article about Abdullah Öcalan, the convicted leader of the PKK, were cited as evidence against Ulus. Prosecutors also accused Ulus of participating in KCK press committee meetings in June 2005 in Iraq, and writing two articles for Firat under the penname Bahoz Deniz. Defense lawyers said that conversations with other journalists concerned news stories and that Turkish passport records show Ulus was not in Iraq during the time of the supposed KCK meetings. Ulus said he knew nothing about the press committee of the KCK.

Kuray, a reporter and photographer for the leftist daily *Birgün* and an occasional contributor to Firat, was being held in mid-year at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the press committee of the KCK. As evidence, authorities cited photos and stories by Kuray, along with wiretapped phone conversations with Kayhan. Prosecutors alleged her work served as propaganda for the PKK, particularly in coverage of the alleged use of chemical weapons against Kurdish rebels in southeast Turkey, and police operations against Kurdish politicians and lawyers for Öcalan. Police photographs of Kuray at Kurdish demonstrations were also presented as evidence.

Deniz, a reporter for the socialist daily *Evrensel*, was being held at Kocaeli F Type Prison on charges that he helped lead the KCK's press committee. Citing passport records, authorities alleged Deniz participated in KCK press committee meetings in Iraq in 2003, 2005, and 2009, and had met with KCK leader Murat Karayılan. The indictment said authorities had also seized news reports, documents, and banned books from Deniz that allegedly linked him to the group. The indictment described one of the documents as a "report of the publishing board" of the daily *Özgür Gündem*, an internal document that authorities said had cast Öcalan in a favorable light and had described efforts to further the aims of his organization. Deniz, who had once worked for the pro-Kurdish *Özgür Gündem*, denied participating in KCK meetings and said his travel was for journalistic purposes.

Ermış, a member of the editorial board of the now-defunct pro-Kurdish opinion magazine *Özgür Halk ve Demokratik Modernite* (*The Free People and Democratic Modernity*), was being held at Bakırköy Prison for Women and Children in Istanbul on charges of being a member of the KCK press committee. Citing passport records, the indictment said Ermış participated in a 2009 KCK press committee meeting. The government also said it had

seized notes from her property that cast Öcalan and other PKK members in a favorable light. The indictment considered those notes as being taken during organizational training. Ermış disputed the charges.

Aslan, editor for the now-defunct, pro-Kurdish opinion magazine *Özgür Halk ve Demokratik Modernite*, was being held at Kocaeli F Type Prison on charges of being a member of the KCK's press committee. As evidence, authorities cited seized text messages and tapped phone calls concerning published stories, distribution of the periodicals, and police efforts to block distribution. Authorities also said they found one of Aslan's fingerprints at his office, citing that as evidence that he worked for "the terrorist organization's media organ." Citing passport records, authorities alleged that he participated in KCK press committee meetings in Iraq. Aslan has disputed allegations of KCK ties.

Candemir, a reporter for the Van daily *Prestij* (Prestige) and a former staffer for Dicle News Agency, was being held at Kocaeli F Type Prison on charges of being a member of the KCK press committee. As evidence, authorities cited his communications with Firat editor Kayhan. Authorities also seized notes and published news accounts on the Kurdish issue, human rights, border smuggling, and the PKK.

In most cases, the journalists faced up to 15 years in prison.

Mehmet Emin Yıldırım, *Azadiya Welat*

Imprisoned: December 21, 2011

A court in Diyarbakır ordered that Yıldırım, editor-in-chief of the Kurdish-language daily *Azadiya Welat*, be held as part of an investigation into the Union of Communities in Kurdistan, or KCK, of which the banned Kurdistan Workers Party (PKK) is part. Authorities allege that the KCK directs all of the main pro-Kurdish media and news agencies in Turkey.

Yıldırım was being held in Kandıra F Type Prison in Kocaeli on charges of following the directives of the KCK press committee. As evidence, authorities cited conversations in which Yıldırım relayed information to the pro-PKK satellite station Roj TV. The indictment also faulted Yıldırım's news coverage for being critical of police operations against the KCK, for insulting the government, and for provoking Kurds to oppose the state. Authorities claimed notes and email traffic showed that he executed orders from the KCK. For example, a list of toiletries and other items—shaving blades, a tube of toothpaste, a toothbrush, a digital radio, and batteries—was cited as evidence that Yıldırım was providing supplies to the PKK.

Authorities would not allow Yıldırım to give a statement in his native Kurdish, which defense lawyer Özcan Kılıç said was a violation of a defendant's rights but one

... HIS NATIVE KURDISH, A DENIAL COMMON IN POLITICAL CASES.

common in political cases. “They bring in a translator for cases such as narcotics trafficking, but they do not for these cases,” he said.

Two other chief editors of *Azadiya Welat*—Tayip Temel and Ozan Kılınç—were imprisoned on similar charges when CPJ conducted its August 1, 2012, survey.

Aziz Tekin, *Azadiya Welat*

Imprisoned: January 28, 2012

Tekin, Mardin correspondent for the Kurdish-language daily *Azadiya Welat*, was being held at Mardin E Type Prison on charges of aiding and producing propaganda for the banned Kurdistan Workers Party, or PKK. He faced up to 20 years in prison upon conviction.

Authorities alleged that Tekin had visited a “condolence tent” that had been set up for the family of a deceased PKK member, and that he had attended demonstrations denouncing police actions against Kurds. Tekin’s defense lawyer could not be located. Menderes Özer, acting news editor for *Azadiya Welat*, told CPJ that the paper did not know who was representing Tekin.

Gülşen Aslan, *Dicle News Agency*

Imprisoned: February 21, 2012

Aslan, a reporter for the pro-Kurdish Dicle News Agency, or DiHA, in the southeastern city of Batman, was being held in Batman M Type Prison on charges of being a member of the Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part. She faced up to 15 years in prison upon conviction, according to a report by the Organization for Security and Co-operation in Europe.

Police first detained Aslan in a February 4, 2012, operation that swept up 44 people on suspicion of KCK involvement. Aslan was soon released, only to be detained again on February 21, the OSCE said. Aslan was re-arrested because she did not halt her critical journalism, colleague Güler Can said in a press conference dedicated to detained journalists, the daily *Özgür Gündem* reported. Aslan mainly wrote about prison conditions and alleged violations of human rights in prison, the *Bianet* independent news portal said. Defense lawyer Kezban Yılmaz did not respond to requests seeking further information on the case.

Özlem Ağuş, *Dicle News Agency*

Imprisoned: March 6, 2012

Ağuş, a reporter for the pro-Kurdish Dicle News Agency, or DiHA, who helped expose the sexual abuse of juvenile detainees at an Adana prison, was being held at Karataş Women’s Closed Prison. Ağuş faced allegations

that she was a member of the Union of Communities in Kurdistan, or KCK, of which the banned Kurdistan Workers Party (PKK) is part. She faced up to 22 years in prison upon conviction.

Defense lawyer Vedat Özkan told CPJ that authorities had questioned his client about her published news coverage and her newsgathering practices. Authorities focused particularly on her coverage detailing the abuse of minors being held at Pozantı M Type Juvenile and Youth Prison in Adana. On March 1, 2012, DiHA published an interview Ağuş conducted with a 16-year-old detainee who described being abused by adult prisoners. The government said it would investigate the abuse allegations.

Özkan said his client was targeted because she works for a news outlet that focuses on the Kurdish issue and reports critically about the administration. He said the government’s accusations of criminality were baseless.

Şükrü Sak, *Baran*

Imprisoned: April 20, 2012

Sak, an opinion writer and former chief editor for the Islamist weekly *Baran*, was summoned to serve a term of three years and nine months on charges of aiding the outlawed İslami Büyük Doğu Akıncılar Cephesi, or Islamic Great East Raiders Front.

A veteran editor and writer for Islamist publications, Sak was summoned to prison in April 2012 after the Supreme Court of Appeals upheld a conviction that dated back to 1999. Defense lawyer Güven Yılmaz told CPJ that authorities cited as evidence Sak’s handwritten notes and the content of *Akıncı Yol*, the magazine he was editing at the time.

Gülnaz Yıldız, *Mücadele Birliği*

Imprisoned: April 26, 2012

Yıldız, news editor for the communist magazine *Mücadele Birliği* (Struggle Unity), was serving a sentence of three years and nine months at Bakırköy L Type Prison in Istanbul after being convicted on charges of producing propaganda for the banned Communist Labor Party of Turkey-Leninist. Yıldız’s coverage of political rallies was used as evidence against her, defense lawyer Sevinç Sarıkaya told CPJ.

Sarıkaya said her client had been convicted six previous times on propaganda charges, including one instance in which authorities found that a column on prison hunger strikes constituted “encouragement to commit crimes.” The lawyer said she planned to appeal the current conviction to the European Court of Human Rights.



IMPRISONED: CIRCUMSTANCES UNDER INVESTIGATION

CPJ research could not determine whether the following individuals were being held in direct relation to their work. CPJ continues to investigate the basis for these detentions.

Bayram Parlak, *Gündem*

Imprisoned: July 6, 2007

Parlak, Mersin correspondent for the pro-Kurdish daily *Gündem*, was serving a sentence of six years and three months at Ermenek M Type Prison in Karaman after being convicted on charges of being a member of the outlawed Kurdistan Workers Party, or PKK, according to news reports.

Now known as *Özgür Gündem*, the paper has been targeted in numerous other prosecutions, according to CPJ research. The pro-PKK Fırat News Agency reported that authorities cited Parlak's news coverage as evidence against him. Current *Özgür Gündem* journalists said they did not know details about the case, although the paper listed Parlak as among its imprisoned staff members in a January 2012 article.

Sebahattin Sümeli, *Özgür Halk ve Demokratik Modernite*

Imprisoned: November 25, 2007

Sümeli, editor for the now-defunct pro-Kurdish opinion magazine *Özgür Halk ve Demokratik Modernite* (The Free People and Democratic Modernity), was serving a sentence of 14 years and nine months at Tekirdağ F Type Prison after being convicted on charges of possessing explosives, being a member of the banned Kurdistan Workers Party (PKK), producing PKK propaganda, attending banned demonstrations, and possessing a false identity card.

Defense lawyer Hacer Çekiç said her client attended PKK demonstrations for news purposes. Sümeli denied all of the government's other accusations and said he was targeted for being a Kurdish journalist, according to the lawyer.

Hikmet Çiçek, *Aydınlık*

Imprisoned: March 28, 2008

Çiçek, Ankara representative for the ultranationalist-leftist journal *Aydınlık* and press supervisor for the ultranationalist-leftist Workers Party, or İşçi Partisi, was being held at Silivri F Type Prison in Istanbul on charges of participating in the Ergenekon conspiracy, a shadowy plot that prosecutors say was aimed at overthrowing the government through a military coup. Çiçek faced up to 40 years in prison upon conviction.

As evidence, authorities cited documents seized

during raids of the Workers Party building. Authorities alleged that one document described "headquarter houses," or secret meeting places where party members, military officers, and Alevi sect members would discuss political aims. The government said it also seized building plans for the Supreme Court of Appeals, which it said could have been used in plotting an attack, and CDs containing classified military documents. In statements to authorities, Çiçek denied involvement in an anti-government plot or knowledge of any purportedly anti-government documents. Çiçek said he never saw the document describing "headquarter houses," and that the other records were gathered for news purposes. Authorities also questioned Çiçek about *Aydınlık* news coverage of the Ergenekon investigation. Defense lawyers declined to discuss details of the case.

Ömer Faruk Çalışkan, *Özgür Halk ve Demokratik Modernite*

Imprisoned: July 19, 2008

Çalışkan, a senior editor for the now-defunct pro-Kurdish opinion magazine *Özgür Halk ve Demokratik Modernite* (The Free People and Democratic Modernity), was serving a sentence of six years and three months at Kandıra F Type Prison in Kocaeli, according to accounts by the Dicle News Agency and the Organization for Security and Co-operation in Europe.

Details of his conviction, including the precise charges, were not reported. In mid-2012, he faced another pending charge of producing propaganda for the banned Kurdistan Workers Party, or PKK, according to the independent news portal *Bianet*. CPJ could not locate Çalışkan's defense lawyer for comment, and no indictment was available for review.

Tuncay Özkan, *Kanal Biz and Kanaltürk*

Imprisoned: September 23, 2008

Özkan, former owner of Kanal Biz and Kanaltürk television stations and a former leader of the New Party, or Yeni Parti, was being held at Silivri F Type Prison in Istanbul on charges of being involved in Ergenekon, an alleged underground network of ultranationalist, secular military officers and civil servants plotting to overthrow the government. He faced two life sentences without the possibility of parole, along with another sentence of up to



30 years. Özkan has been a journalist since 1981, working in both print and television as an investigative reporter, columnist, and manager. He is also the author of 17 books on politics, security issues, and his own imprisonment.

In comments sent to CPJ through his lawyer, Özkan said he was being persecuted for his journalistic and political activities. "I have been targeted because I was breaking news on the corruption of the prime minister and ministers, opposing the leading administration, and taking activist positions," Özkan told CPJ. He said he'd been held in isolation for more than a year.

In 2007, Özkan organized a multimedia campaign opposing the ruling Justice and Development Party, or AKP, and helped launch a series of anti-government demonstrations known as "Republic Rallies" in Istanbul, Ankara, İzmir, and other cities. The rallies, which drew hundreds of thousands, portrayed the AKP as a threat to secular governance and the legacy of Mustafa Kemal Atatürk. Some speakers made explicit or veiled calls for military intervention; such sentiments were seen on banners as well. Among the co-organizers of the rallies was a retired general named Şener Eruygur, then head of a Kemalist association, who was implicated in the Ergenekon plot. Özkan also founded the Yeni Party and was elected its first leader in June 2008.

Özkan told CPJ that the government's accusations were unsubstantiated. He said he asked the government to specify the evidence against him, but authorities were unresponsive. At the request of his defense lawyers, the European Court of Human Rights agreed in February 2012 to hear his complaint about an unduly long detention without verdict.

The government's indictment accused Özkan of meeting with alleged Ergenekon conspirators, including politicians and high-level military officials, with the goal of using his media properties to sow chaotic conditions conducive to a military coup. As

evidence, the government cited a CD seized from the retired general Eruygur, which portrays Özkan as part of the "ultranationalist media" and Özkan's wiretapped phone conversations, including ones related to the opposition "Republic Rallies." Özkan said the meetings and conversations were part of his journalistic activities. Authorities said they also seized grenades, guns, and ammunition from a warehouse that also housed some of Özkan's belongings. Özkan said the warehouse was rented by Kanaltürk colleagues while the station's offices were being moved. He said he had no involvement in the warehouse.

Özkan said he was forced to sell Kanaltürk because advertisers faced political pressure to drop their business with the station. His other station went out of business after his arrest.

Hamit Duman Dilbahar, *Azadiya Welat*

Imprisoned: February 13, 2010

Dilbahar, a columnist for the Kurdish-language daily *Azadiya Welat*, was serving a 16-year term at Erzurum H Type Prison on charges of being a member of the banned Union of Communities in Kurdistan, or KCK. Apart from being featured on the imprisoned journalist lists of independent news portal *Bianet* and others, little is known about Dilbahar.

Legal representation for Dilbahar and other detained *Azadiya Welat* journalists recently changed. The new defense lawyer, Cemil Sözen, who is representing Dilbahar on appeal, said he could not comment because he was not yet familiar with the case. *Azadiya Welat* News Editor Menderes Öner also declined comment, citing the legal complexities.

Miktat Algül, *Mezitli FM* and *Ulus*

Imprisoned: May 17, 2010

Algül, editor of the Mersin radio station *Mezitli FM* and a writer for the local newspaper *Ulus*, was being held at Adana Kürkçüler F Type Prison on charges of extortion, threatening, and establishing a criminal organization, according to a report from the Organization for Security and Co-operation in Europe. Algül faced more than 15 years in prison upon conviction.

In a special supplement titled "Arrested Newspaper," written by jailed journalists and distributed by several dailies in July 2011, Algül said he had been targeted because of his recent reporting on the Fethullah Gülen religious community. Algül said the government's indictment had misrepresented as extortion his efforts to collect advertising fees from local companies and his reporting on an automobile company.

ABOVE: In Istanbul, images of the imprisoned.
AFP





Sevcan Atak, Özgür Halk ve Demokratik Modernite

Imprisoned: June 18, 2010

Atak, an editor for the now-defunct pro-Kurdish opinion magazine *Özgür Halk ve Demokratik Modernite* (The Free People and Democratic Modernity), was serving a sentence of seven years and six months on charges of producing propaganda for the banned Kurdistan Workers Party, or PKK, according to a report by the Organization for Security and Co-operation in Europe. The case was pending before the Supreme Court of Appeals in mid-2012. The pro-Kurdish Dicle News Agency said Atak had been transferred to Şakran Prison in İzmir.

CPJ could not locate Atak's defense lawyer for comment on the case, and the indictment was not available for review.

Şahabettin Demir, Dicle News Agency

Imprisoned: September 5, 2010

Demir, a reporter for the pro-Kurdish Dicle News Agency, or DİHA, in the eastern city of Van, was serving a sentence of 11 years and one month at Bitlis E Type Prison on charges of attempted murder, assault with a weapon, and trespassing. The case was pending before the Supreme Court of Appeals in mid-2012.

Demir was convicted along with two of his brothers after a reported fight with two relatives, according to defense lawyer Aydoğan Yolyapan. A cousin of Demir and the cousin's wife suffered injuries in the altercation.

Several aspects of the case were in dispute at trial, according to Yolyapan and court records. Demir not only denied involvement in the altercation, he said he was not present at the scene. One brother also denied involvement; the second acknowledged being at the scene but denied any criminal culpability.

The cousin and his wife gave shifting and contradictory statements to authorities over time, court records show. In his initial statement to police, the cousin did not identify Şahabettin Demir as an assailant, although he later named the journalist in a statement given to the

prosecutor. At trial, the couple said the brothers had not attacked them.

The extent of the injuries was also in dispute at trial. Authorities introduced a medical report that described the cousin's injuries as life-threatening, although the defense disputed the accuracy of the account. (The cousin's wife, by all accounts, suffered minor injuries.)

Despite the inconsistencies, the court found all three brothers guilty. In its ruling, the court cited a wiretapped phone conversation between Demir's two brothers in which they referred to having been involved in a physical altercation.

Yolyapan said his client believes he was targeted in reprisal for his reporting, which included coverage of four police officers accused of raping a girl in Erciş. Police, he said, threatened Demir with retaliation after the story was published. Demir had been previously convicted of producing propaganda for the Kurdistan Workers Party, or PKK, and sentenced to four years. That case was also pending before the Supreme Court of Appeals.

Abdülcabbar Karabeğ, Azadiya Welat

Imprisoned: September 13, 2010

Karabeğ, Mersin correspondent for the Kurdish-language daily *Azadiya Welat*, was serving a seven-year sentence at Mersin E Type Prison on charges of aiding and spreading propaganda for the banned Kurdistan Workers Party, or PKK.

Authorities accused him of distributing leaflets that urged opposition to a referendum concerning constitutional changes, according to a report by the Organization for Security and Co-operation in Europe. Legal representation for Karabeğ and other detained *Azadiya Welat* journalists recently changed. The new defense lawyer, Cemil Sözen, who is representing Karabeğ on appeal, said he could not comment because he was not yet familiar with the case. *Azadiya Welat* News Editor Menderes Öner also declined comment, citing the legal complexities.

Ferhat Çiftçi, Azadiya Welat

Imprisoned: February 16, 2011

Çiftçi, Gaziantep correspondent for the Kurdish-language daily *Azadiya Welat*, was serving a term of 21 years and eight months at Gaziantep H Type Prison on charges of being a member of the banned Union of Communities in Kurdistan, or KCK, and producing propaganda for the organization.

Legal representation for Çiftçi and other detained *Azadiya Welat* journalists recently changed. The new defense lawyer, Cemil Sözen, who is representing Çiftçi on appeal, said he could not comment because he was not yet familiar with the case. *Azadiya Welat* News Editor Menderes Öner also declined comment, citing the legal complexities.



Ruken Ergün, *Azadiya Welat*

Imprisoned: May 23, 2011

Ergün, publisher and news editor for the Kurdish-language daily *Azadiya Welat*, was serving a sentence of six years and five months on charges of producing propaganda for the banned Kurdistan Workers Party, or PKK, according to a report by the Organization for Security and Co-operation in Europe. The OSCE report said she was convicted in April 2011 and imprisoned the following month.

Accounts differed as to where she was being confined. The OSCE report said she was being held at Karataş Women's Prison in Adana; the Dicle News Agency said she was confined at Gaziantep H Type Prison. Defense lawyer Cemil Sözen confirmed his client's sentence but did not respond to CPJ's requests for details on the case.

Fatih Özgür Aydın, *Muhendislik, Mimarlik ve Planlamada artı İvme*

Imprisoned: July 22, 2011

Aydın, news editor for the magazine *Muhendislik, Mimarlik ve Planlamada artı İvme* (Positive Acceleration in Engineering, Architecture and Planning), was being held at Tekirdağ F Type Prison pending trial. The journal, considered leftist, features articles critical of the government's actions and oversight concerning development. He faced up to 53 years in prison upon conviction on charges of collaborating with a banned organization, producing propaganda, and violating other anti-state laws.

Authorities alleged Aydın worked in support of the banned Devrimci Halk Kurtuluş Partisi-Cephesi, or DHKP-C. Three days before his arrest, Aydın took part in an anti-government protest in Istanbul. Aydın told his publication that he believes his participation may have contributed to his arrest.

Cengiz Kapmaz, *Özgür Gündem*

Imprisoned: November 22, 2011

Kapmaz, a columnist for the pro-Kurdish daily *Özgür Gündem* (The Free Agenda) and a spokesman for the law firm that represents convicted Kurdistan Workers Party leader Abdullah Öcalan, was detained in Istanbul as part of an investigation into the Union of Communities in Kurdistan, or KCK. Held at Kandıra F Type Prison in Kocaeli, Kapmaz faced at least 10 years in prison upon conviction on charges of helping lead the KCK, a group that authorities say has worked for Öcalan's "health, security, and freedom."

Kapmaz and several of Öcalan's lawyers were accused of relaying orders from the PKK leader to the organization. They say Kapmaz participated in meetings and phone conversations with the lawyers, and used a special email account and protocols to relay Öcalan's wishes. As evidence of criminality, the indictment also cited stories that Kapmaz wrote for the Fırat News Agency, which authorities say worked under the orders of the KCK, and his book about the PKK leader, titled *Öcalan's İmralı Days*. Stories quoting Kapmaz as spokesman for the law firm were also cited as evidence.

In a column sent to *Özgür Gündem*, Kapmaz said the government's allegations of criminality were baseless. He said authorities "want me to pay a price" for being a journalist who writes about the Kurdish issue and the Öcalan case.

In a twist, some media reports alleged that Kapmaz was actually an intelligence officer working undercover for the National Intelligence Agency. Those reports cited a document supposedly found on Kapmaz's computer. Defense lawyer Özcan Kılıç dismissed such claims.

Sultan Şaman, *Rengê Hêviya Jinê*

Imprisoned: February 4, 2012

Şaman, editor of the now-defunct Kurdish-language women's magazine *Rengê Hêviya Jinê* (The Color of Woman's Hope), was being held at Batman M Type Prison on charges of being a member of the Union of Communities in Kurdistan, or KCK, of which the Kurdistan Workers Party (PKK) is part, according to the pro-Kurdish Dicle News Agency.

CPJ could not locate Şaman's defense lawyer or former magazine staffers for details on the arrest. A Kurdish reporter who spoke on condition of anonymity said the magazine recently shut down and its journalists had gone into hiding for fear of legal reprisal. CPJ research shows that previous staffers had been convicted of similar charges in the past.

LEFT: Journalists participate in a rally in Ankara. AFP

ABOVE: Journalists protest the prosecution of Şener and Şik.

AFP



GOVERNMENT RESPONSES

CPJ sought comment for this report from Prime Minister Recep Tayyip Erdoğan and Justice Minister Sadullah Ergin. The requests, made in writing by CPJ Europe and Central Asia Program Coordinator Nina Ognianova, elicited responses from Justice Minister Ergin and Namık Tan, Turkish ambassador to the United States. The prime minister did not respond directly. Here are the full texts of the government's letters.

FROM JUSTICE MINISTER SADULLAH ERGIN

10 July 2012

Ms. Nina Ognianova
The Committee to Protect Journalists
Europe and Central Asia Program Coordinator

Dear Ms. Ognianova,

We are of the same opinion that the freedom of thought and expression is a fundamental source of legitimacy which provides the foundation of the present democratic systems. We also confirm the importance of the fact that press members, who play a key role in the establishment of a pluralist democratic society, carry on their professional activities freely and without concern.

The Turkish Government, which is determined to strengthen the liberal and democratic character of Turkey, holds a strong political will on the legal protection of fundamental rights and freedoms to the greatest extent. The acknowledgment of the prevalence of international conventions regarding the fundamental rights and freedoms over the national legislation, with the Constitutional amendment carried out in 2004, has been the most important reflection of this political will. Taking into consideration the difficulties and political resistance that may be faced in almost all countries, our reform efforts have continued in a sustainable way, except some periodic decelerations that could be considered reasonable.

Regretting that I will not be able to indicate all details in this short letter, I can only state that the Turkish Governments have been successful in materializing many reforms in the last decade to improve the democratic standards in Turkey. The reform packages which have consecutively been introduced have involved the measures to provide the effectiveness of the judicial functioning in Turkey on one hand and more powerful guarantees in respect of fundamental rights and freedoms on the other. By the 3rd Judicial Reform Package recently adopted by the Turkish Parliament, the suspension of cases and sentences regarding the

offences committed by means of press was introduced; and the offences, which had been of particular concern to the press members, such as the attempt affecting the fair trial which had been subject to criticism and the violation of the confidentiality of investigation, were reconsidered and their elements were clarified. Many provisions of the Anti-Terror Law, particularly the one on the lifting of the measure to cease broadcasting, were again revised by this law. Also, the courts with special powers whose working procedures had created controversy and which had been subject to some fair criticism were reformed within this reform package.

Despite the abovementioned facts, I attribute the fundamental freedom framework in Turkey being subject of the current dispute and criticism to the great social desire regarding the improvement of the democratic standards and I certainly find this meaningful. I however would like to establish that the ongoing disputes within the context of the freedom of press and expression are exaggerated and in particular, the issue of journalists in prisons is transformed into a useful political argument with unrealistic figures. The simultaneous expression of very different and inconsistent figures by the different fora indicates the speculative part of the issue.

While respecting the political opposition, which is the most important element of our democratic prosperity, I think that being indifferent to the truths for the sake of the political interests would not contribute at least to the on-going dispute. For this reason, I would especially like to extend my appreciation for your letter, which enables the Turkish Government to put forward its perspective of the issue, and your valuable questions.

Dear Ms. Ognianova,

First of all, I would like to emphasize that no classification is made in the judicial statistical records as to the professions of the persons investigated and prosecuted and therefore there is no official list available relating to the detained or convicted journalists. This is a natural consequence of the fact that investigations and the prosecutions that are conducted by the independent



and impartial judicial authorities are based not on the positions and titles of the suspects, but on the characteristics of their acts.

As the Minister of Justice of the Republic of Turkey, without denying the existence of few practical problems, the truth I want to point out unhesitatingly is that the pure journalism activities are out of the investigation authorities' area of interest. Detained or convicted journalists were subject to some measures or sanctions not because of their professional activities but due to their criminal acts.

For instance, on the application lodged with the European Court of Human Rights last year by a journalist who is still tried with the offence of membership of a terrorist organization, the Court confirmed this truth. In this application the details of which can be accessible from the judgment no. 15869/09, the complaints relating to "being deprived of freedom without a reasonable suspicion" and "not being tried within a reasonable time," which were alleged in parallel with the allegations that you mentioned in your letter, were clearly rejected for being manifestly ill-founded.

I would like to briefly share the following results we reached in the course of the analysis that we made on the basis of a list of 91 people, which was published on 5 May 2012 by "the Platform of Solidarity with Detained Journalists" functioning in Turkey:

Four (4) people in the list have no prison entry record. Twenty-four (24) of the remaining are convicted; sixty-three (63) are detainees and only six (6) out of the total number (91) possess a press card. I would like to particularly note that none of these journalists, who are included in the list and tried or convicted with the allegations of serious offence, are charged on the grounds of their pure journalism activities.

Of all the people imprisoned in our country, the great majority of those who are tried to be linked with journalist identity are the ones who are deprived of their liberty on the grounds of serious offences such as membership of an armed terrorist organization, kidnapping, possession of unregistered firearm and hazardous substance, bombing and murder. Among these people, there exist the ones convicted on the grounds of disgraceful offences such as theft, armed robbery and forgery.

I do not believe that across the world there would exist such a rule of law model that could tolerate these kinds of acts having no direct or indirect relevance with the freedom of press and expression. It is quite obvious that the rule of law is far from the idea of creating privileged classes in committing offences.

The criminal acts, notably the terrorist acts, are the most important threat to the peaceful coexistence conditions of the communities. We certainly could not assume that the communities that give in to this threat can protect the democratic platform in which fundamental rights and freedoms including the freedom of press and expression can survive.

The terrorism, mass influence of which is experienced at political geographies that are far from each other, has remained in the hot agenda of the last thirty years for Turkey, where terror has cost the lives of tens of thousands of innocent people. Apart from the terrorist organizations, Turkey, being across the transition passage between Asia and Europe, is in a decisive struggle with drug traffickers and transboundary criminal organizations which have the will to benefit from this advantage. Our greatest desire is to maintain this struggle on the basis of rule of law, respecting the fundamental rights.

At this point, I should object to the definition of "double-sided judicial system" that you mentioned by linking to the existence of the courts with special powers in Turkey. I would like to particularly underline that the Turkish judicial system has only one side and one tendency, and this is to ensure the public's peace and security on the basis of respect for fundamental rights and freedoms.

It is a worldwide recognized practice that the offences that are known to have a subtle and complex nature, such as terror and organized crimes, are subject to special investigation methods, and the proceedings are conducted by the specialized courts. In the Continental Law System, many countries, primarily France and Germany, introduced specialization in the legal proceedings and integrated many regulations to their law in order to effectively fight against such crimes. All the courts in Turkey function according to the same procedural rules and they are under the same judicial monitoring mechanism.



"AS PART OF THESE EFFORTS, WE ENACTED A NEW PENAL CODE, BRINGING ...

Dear Ms. Ognianova,

While expressing these, I am not denying that very few press members might have been deprived of their freedoms in the past due to their actions that could relatively be related to journalism activities. We, as the Government, would not want any single person, whether a journalist or not, to be victimized because of their thoughts or expressions.

The aspect that resulted in sensitivity for the journalists arises in the investigations and prosecutions regarding the offence of terrorist organization propaganda intertwined with journalism activities.

Turkey is making an effort to strike the right balance between preventing the praising of violence and terrorist propaganda, and the need to expand freedom of speech. I need to ask the following critical question in order to be able to express the difficulty of striking this balance: What is the extent of tolerance, in any country across the world, to the idea of journalism where a terrorist organization can explicitly or implicitly publish its instructions to its actions, spread its organizational doctrine to massive crowds and praise violence with a hateful tone? The sincere answer to this question will mark the borders of our freedoms, namely the point where the freedoms start and end.

Finally, I inform you that it would be my pleasure to make a detailed examination and analysis, and to share its results with you if you could send us a list regarding "over a hundred journalists in prison" that you referred to in your letter.

I would like to thank you for your interest and extend my best wishes.

Yours sincerely,

Sadullah Ergin
Minister of Justice

FROM AMBASSADOR NAMIK TAN

June 29, 2012

Sandra Mims Rowe
Chairman
Committee to Protect Journalists

Dear Madam Chair,

We have received the letters, signed by your Europe & Central Asia Program Coordinator Ms. Nina Ognianova, to Prime Minister Erdoğan and Justice Minister Ergin regarding the report on press freedom in Turkey that CPJ plans to publish. Thank you for giving us the opportunity to respond and to provide you with context. Freedom of expression and media, along with other human rights and fundamental freedoms, are safeguarded by Turkey's Constitution and other relevant legislation. With a view to further aligning the domestic legal framework with international standards and principles, including especially those set by the European Court of Human Rights and the EU's Copenhagen Political Criteria, Turkey has been undertaking comprehensive judicial reforms.

As part of these efforts, we enacted a new Penal Code in 2005, bringing a more democratic approach to freedom of expression and media issues. Article 301 of the Penal Code, which has been the subject of much criticism, was further amended by the Turkish Grand National Assembly in 2008 in order to overcome certain difficulties arising from its implementation. That change resulted in a substantial decrease (97.3 percent, to be exact) in the number of cases opened based on the concerned article.

Turkey has also been cooperating and collaborating with several international institutions and mechanisms, including the EU and the Council of Europe, regarding the issue of freedom of expression and media, and has been carefully considering the views expressed by these institutions on the concerned issues, including the recent cases of journalists who have been taken into custody. In this regard, we have also been in continuous dialogue with the OSCE Representative on Freedom of the Media, who visited our country at the end of 2011.

With regard to the above-mentioned cases, I would

... A MORE DEMOCRATIC APPROACH TO FREEDOM OF EXPRESSION."

— *Namık Tan*

like to emphasize that, contrary to what has been suggested, a great majority of the persons referred to as “journalists in prison” have been charged with serious crimes—such as being a member of, or supporting an illegal or armed terrorist organization—that concern the security and integrity of our country and that are not related to their work as journalists or members of media organizations.

According to the information provided by the chief prosecutors, these journalists were taken in custody based on concrete evidence. Further, our criminal system, just like those of other democracies, requires that all accused, including the concerned journalists, are presumed innocent until proven guilty.

In the light of the above, we consider it inaccurate and unfair for the decisions of detention given by independent Turkish courts based on such crimes to be construed as violations of press freedom.

Turkey, like so many democratic nations, has work to do when it comes to the challenge of ensuring enjoyment of human rights and fundamental freedoms to their full extent. Recognizing this challenge, Turkey is continuously working to advance its legislation, taking into consideration the standards set by the international institutions with which we are in close cooperation.

In this regard, in January 2012, the Ministry of Justice presented a new legal package aimed at reforming the judicial system as well as advancing freedom of expression and freedom of the press. The concerned package has been submitted to the General Assembly of the Turkish Grand National Assembly for consideration.

The pending reform package includes amendments to key legislation, including the Turkish Penal Code, the Criminal Procedural Code, the Anti-Terror Law, the Press Law, the Law on the Court of Cassation, the Law on Judges and Prosecutors and the Law on Misdemeanors. When adopted, this package will improve the judiciary’s effectiveness, tackle issues regarding length of proceedings and detention periods, and enable further protection of freedom of expression and freedom of the press. [Editor’s note: The legislation was approved in July.]

One of the most important amendments in the concerned legislative package calls for the postponement of judicial fines, investigations, prosecutions and verdicts ruling up to five years of imprisonment imposed on journalists due to acts committed through the press or through publications or the expression of thoughts. This new legal feature would effectively serve as an amnesty for press-related offenses

and would affect a significant number of cases concerning journalists in Turkey.

The new reform package will enlarge the scope of judicial control as an alternative to detention. On the other hand, it will also make it difficult for courts to issue detention orders without concrete evidence of strong suspicion that the defendant has committed a crime. Courts will have to explain specifically why an arrest measure is preferable to other precautionary measures.

Additionally, the package will improve defense rights of the accused in investigations undertaken by specially authorized prosecutors, will restrict the scope of “propaganda for terrorist organization” and will reduce sentences for those convicted of committing a crime on behalf of an organized criminal group or a terrorist organization without being a member of it. It will also repeal the provisions authorizing judges to suspend publications that praise terrorist organizations or include their propaganda, and it will abolish the prohibition on suspending the sentence and changing the sentence to alternative sanctions for terror offenses.

Furthermore, under the reform package, the scope of the crime of “violating the confidentiality of an investigation” will be narrowed and certain provisions of the Turkish Penal Code, which increase the penalty for crimes when committed via press, will be repealed.

It is worth noting that, should the draft legislation pass, its provisions will affect approximately two million criminal cases and, of those, approximately one thousand five hundred will be decriminalized.

As evidenced by the information provided above, the Turkish government is determined to expand the scope of the freedom of expression and freedom of the press in Turkey. We firmly believe that guaranteeing fundamental freedoms is vital for our democracy. This is even more important now as Turkey is setting a significant example for many other countries in our region, especially those undergoing major popular upheaval and transformation.

I would like to express our hope that your report will reflect the general state of press freedom in Turkey in an objective manner, including also the steps which the Turkish government has been taking to ensure that we continue to live up to the highest standards on these matters.

With kind regards,

Namık Tan
Turkish Ambassador to the United States

