

12. Media in Turkey

A reporter's tale

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One evening in November 2015, a note from the police was waiting at our apartment building's entrance in Istanbul. It was there for the neighbourhood to see: an order for me to visit the local police station soonest, or be forcibly taken in. At the time, I was a staff reporter for *The Wall Street Journal* (WSJ) in Turkey, having just covered the state operations against Kurdish militants in Turkey's Kurdish southeast.

It turned out that a prosecutor in the South-Eastern Kurdish city of Silopi had launched an investigation into my story and an accompanying video published in The WSJ earlier that year. The prosecutor argued that it was “terrorism propaganda”, constituting a crime. It was a news feature, datelined Silopi, about the renewed armed conflict between the state and the Kurdish militants of the Kurdistan Workers' Party, or the PKK. The peace process between the parties, launched two years earlier, had collapsed, leading to unprecedented urban clashes in Kurdish cities.

Clearly, the tide had turned for the press covering the topic. During the early days of the peace talks in spring 2013, the government had practically enabled a press visit for a large group of journalists in Turkey to meet the top commanders of the PKK based in northern Iraq.

My case: almost over

Continuing to cover the conflict and other news since the police interrogation, my life went on as usual for nine months. However, times were dramatically changing. The government's determination

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to silence the media grew more and more apparent after the coup attempt against Turkish President Recep Tayyip Erdogan in July 2016. The government launched a relentless purge against the bureaucracy, academia, and the press.

In October 2017, as purges continued, I was convicted and sentenced to two years and one month in prison. By that time, I had already left the country and the WSJ had made it clear that I could not continue covering Turkey for the newspaper, but that I was welcome to work abroad. After different stints in the WSJ's European offices, I finally quit my job in July 2018. Having covered Turkey for more than 15 years, watching the country's slide into chaos from exile felt meaningless.

As of writing this, the regional court of appeals has decided to drop my case, citing technicalities in trial procedures. The prosecutor appealed almost immediately, demanding the court review its decision. In short, the case is not yet fully over. Needless to say, this trial led to huge losses in my life in many ways, professionally and personally.

Given the high number of journalists in prison, of course, I have been "very lucky" all along. I was lucky not to have been detained when I testified in Istanbul court in January 2017, lucky to have a second citizenship in Finland, that allowed me to leave after foreseeing the verdict from the political mood, and lucky to have a strong international publication behind me. I believe the support of Finland and the WSJ were key factors leading to the dropping of my case, as well the government's desire to polish their image in the West ahead of predicted economic crises. However, I can never be quite sure.

Glimpses of hope to suit policy

For several years in a row, Turkey has been cited for having the largest number of imprisoned journalists in the world by Reporters Without Borders (RSF). In 2018, the RSF placed Turkey at the 157th among in its annual press freedom ranking among 180 countries. Even countries such as Ethiopia, Rwanda and Congo ranked higher.

According to the International Press Institute (IPI), more than 150 journalists were in prison in Turkey in mid-February 2019. President Erdogan also continues to target journalists in televised speeches, most recently telling Fox TV anchor Fatih Portakal, that he should "know his place", or the nation will "hit you in the back of the neck".

Thus far, any small glimpses of hope along the way – such as when the appeals court dropped my case – have eventually turned out to be political moves. Before the key elections in June 2018, when Erdoğan prepared to complete the shift from the parliamentary system into a super-presidential leadership, some leading opposition journalists were released from the prison. Among them were Ahmet Şık, Turkey’s top investigative journalist then working for *Cumhuriyet* daily, whose case was closely followed internationally, and Murat Sabuncu, the editor-in-chief of *Cumhuriyet*. Eight months later, a Turkish appeals court confirmed their prison sentences, in effect resulting in six of a total of 14 persecuted staff members of *Cumhuriyet* having to go back to prison.

Since those key elections, however, *Cumhuriyet* no longer seems to pose a threat. The century-old newspaper, which until recently was one of the last critical, independent publications, has since changed its senior staff, prompting the resignation of more than two dozen liberal and left-wing writers.

Some journalists are likely to remain imprisoned for a long time. The government has no sympathy for employees of the former media outlets owned by the media network of the US-based imam Fethullah Gulen, the main suspect behind the coup attempt against Erdoğan in 2016.

Never quite the fourth estate

Even before the current witch-hunt against critics, the media in Turkey was never truly the “fourth estate”. The Turkish press was active and at times even aggressive, but it never exercised as much influence over politics as the media in developed democracies.

The governments have been supervised first and foremost by the military. Military commanders saw themselves as the guardians of secularism, conducting three coups between 1960 and 1980, and several more subtle interventions. In this, the military was helped by a like-minded mainstream press, who would be free to criticize politicians and report on daily politics.

Until the civilian government under President Erdoğan gradually pushed the military out of politics – for the first time using the judiciary on a massive scale against alleged coup-plotters – the army had set the “red lines” for the press. Even in the best of times, there were taboos

and restrictions on what could be publicly scrutinised: the role of the military, the state-Kurdish conflict, and official presentations of Turkish history were off the table.

Kurdish journalists felt the restrictions the most, landing in prisons in large numbers long before recent purges. For members of Turkish mainstream media, stretching the red lines would typically mean risking their jobs rather than imprisonment. In the decades marked by military dominance and high political instability, dozens of Turkish journalists fell victim to assassinations, unsolved until today. At least 56 journalists have been killed during the history of modern Turkey.

While initially expanding freedom of expression with a new press law in 2004, in anticipation of EU membership talks, the AKP's (Adalet ve Kalkınma Partisi, The Justice and Development Party, an Islamist Political Party) tolerance to criticism decreased over time. Also, media patrons seeking to benefit from the steadily growing economy, forced journalists to walk on a tightrope not to hamper their business interests and alliances beyond the media sector. After the nationwide anti-government demonstrations in 2013, known as the Gezi Park protests, dozens of Turkish journalists were fired for their coverage of the demonstrations. The protests marked a clear turn in press freedom in Turkey. The pro-government media and even the mainstream press tried to muffle the demands and the scale of the protests.

Arrests related to the protests have resumed five years after the protests, prompting suspicions that the government may be using the Gezi Park protests as a tool to suppress any remaining dissent ahead of local elections scheduled in March 2019.

Changing laws, continuing pressure

As is widely known, the current environment is marked by a markedly higher level of government suppression, unsuccessfully veiled by legality. Thousands of known or imagined government opponents stand trial on terrorism charges. However, the use of laws to suppress a free media is not an entirely new phenomenon. Today, Turkey's vague anti-terrorism law, especially Article 7/2, which criminalises "terrorism propaganda", provides the most used tool to silence the media. Another problem is Article 299 of the Turkish Penal Code, which sets a punishment for insulting the President up to four years in prison, hampering

political discourse. The latter has been used to punish citizens from all walks of life, not journalists specifically.

In the past, there were other traps. Among these was Article 312 of the Turkish Penal Code, which imposed prison sentences for inciting religious or racial hatred, commonly used against those writing about Kurdish issues. Even Erdogan himself, then mayor of Istanbul, was sentenced to 10 months' imprisonment based on Article 312 in 1999, for reciting a religious poem.

After the European Union membership talks began with Turkey, and some problematic laws including Article 312 were amended, the authorities started resorting to Article 301 of Turkish Penal Code. The article criminalised “insulting Turkishness” in the mid-2000’s. Back then, the world closely followed the trial of Turkey’s Nobel-winning author Orhan Pamuk, who was charged under Article 301 for an interview he gave to a Swiss newspaper. The charges against him, and many other public figures, were dropped in 2006. The point of charging under Article 301 was not to send the accused to prison. The point, as explained to me in 2006 by lawyer Kemal Kerincsiz, the main orchestrator of a large number of 301 cases, was to defame well-known figures in the eyes of the public.

This had tragic consequences, when the editor-in-chief of an Armenian newspaper, Hrant Dink – also “marked” by his highly public 301 case – was murdered in broad daylight in front of his newspaper’s office in Istanbul in January 2007. Many officials, it has turned out, knew that Dink was in danger, but failed or even refused to protect him.

Judiciary disrupted

In parallel to the growing powers of President Erdogan under the new presidential system, the Turkish judiciary has again become a vehicle for suppressing free speech. The damage done to the judiciary, by curbing its independence and subjecting it to the whims of the daily politics and will of the government, seems irreversible in the short term. Often, the legal process itself acts as the punishment. This is clearly demonstrated by the large number of pretrial detentions and farcical legal procedures which stretch on for years. Only a few of the imprisoned journalists have been given a verdict, according to the Journalists’ Union of Turkey.

Alarming, the judicial hierarchy has also been disrupted. In several well-known cases, journalists released by the decision of a court – even by the country’s highest court – have been ordered re-detained immediately by another court. In a well-known case, the Constitutional Court ordered writer Sahin Alpay to be released, but as several ministers publicly criticised the top court’s decision, a lower court rejected it.

On top of that, the government ruled in late July 2018, that some 10,000 complaints filed by citizens at the Constitutional Court would be reviewed by a compensation committee within the Justice Ministry. It is worth noting that since the political system was changed after the June elections, the Justice Ministry, as all other ministries, are now directly regulated by the Presidential Palace. Furthermore, the committee’s decisions could be appealed at local appellate courts, sending the cases back to the legal limbo inside Turkey. The purpose seems to block the route to the top court as well as to the European Court of Human Rights (ECHR) in Strasbourg.

More alarming is that Turkey has signaled it may not implement decisions by the ECHR. This became apparent when a Turkish court decided to ignore the ECHR decision ruling that popular Kurdish politician, Selahattin Demirtas, should be released from prison. The court said the ECHR decision had not been finalised. Demirtas has been in pre-trial detention for more than two years, facing terrorism-related charges, which could get him sentenced for more than 140 years, should he be convicted.

New Turkey, new-style reporting

Given the high risks, what does news reporting in Erdogan’s “New Turkey” look like? Here are some recent examples.

After the sharp downfall of the Turkish currency in August 2018, amidst the crisis caused by US sanctions following the long imprisonment of an American pastor in Turkey, Erdogan called the crisis “an economic war”. The mainstream media, which by then had barely covered the impending crisis, simply picked up Erdogan’s slogans in their headlines: “economic war”, “we will not bow before anyone”, “the currency siege”, repeating his theories about why the Turkish lira was falling. Serious discussions about the looming banking crisis and chronic issues in Turkish economic policies were reserved to a very

few remaining opposition newspapers, foreign media, and online news outlets, many of which are blocked to Turkish IP addresses. A few days into the “economic war”, Turkey’s interior ministry announced an investigation against hundreds of social media users for provoking the crash of the Turkish lira with critical posts.

When a passenger train derailed in northwestern Turkey, killing 24 people and injuring more than a hundred in July 2018, critics said the accident had been waiting to happen. The officials had already been warned of the poor condition of the railway tracks and the lack of fortification under the rails in Edirne, a district regularly affected by flooding. But even after the tragedy, criticism could barely be heard. An immediate coverage ban was issued by the government. When the ban was lifted, only that of what little remained of the critical press in Turkey – estimated at some 20 per cent after the purges – dared discuss the possible neglect. The discussion fizzled out before the month’s end, and the railway tracks were repaired within days. The train moved on. In any democracy, an accident of such magnitude would have sparked a serious national debate.

In comparison, let us recall another similar accident, at the time of a more vibrant media and political landscape. In 2004, under the same Justice and Development Party, or AKP government, a train derailed in northwestern Sakarya province, killing 41 passengers. Investigators found that the high-speed train had been launched hastily by the AKP government, without first modernising the old infrastructure. A heated public debate followed. The findings of an investigation into the accident were widely discussed in the media, amidst calls for the Transportation Minister Binali Yildirim to resign (yet Mr. Yildirim, today the Parliament Speaker and until recently, the Prime Minister, rejected the calls). Although no one resigned, the accident was not forgotten, and the train accident subsequently kept emerging in public discussions for several years.

Foreign media amidst turmoil

While the risks of reporting in the country have risen, Turkish-language services by foreign media, such as the London-based BBC Türkçe and Bonn-based Deutsche Welle, have seemingly taken over the role of the mainstream media. These online outlets produce a steady stream

of news from Turkey in Turkish, often jointly produced with local reporters on the ground, in Turkish. The opposition media run from Europe by Turkish journalists-in-exile also publish online. Among the most well-read critical online outlets are Özgürüz, *Diken*, *T24*, *Duvar*, *Bianet*, *Medyascope TV*, *Ahval News*, and *ArtıTV*. Most operate on scarce resources, some are banned in Turkey, and all reach only a fraction of society as most Turks still rely on television news rather than online journalism. In addition, the government has introduced new legislation seeking to complicate online publishing, but its impact remains to be seen.

Those speaking foreign languages can opt for original reporting by foreign media, for its use of more neutral language and independent reporting. However, naturally, the foreign media covers only news of international impact or interest. The foreign media has not been immune to the growing self-censorship. I see my verdict in October 2017 as a message to the foreign press corps in Turkey, an attempt to create a warning example to my colleagues. While I became the first European journalist convicted and sentenced to prison in Turkey (as said, I am a dual citizen of Turkey and Finland) some have had it much worse.

At the time of writing, *Die Welt* correspondent Deniz Yucel, a dual German-Turkish citizen, was facing surreal charges of “terrorism propaganda” and “incitement to hatred”, after a year in prison without an indictment. Yucel was released in March 2018 and moved to Germany from Turkey, but his trial will likely last for a long time. Mathias Depardon, a French photojournalist, was detained for a month in Turkey before he was deported to France, after years of living and working in Turkey.

For the past three years, the government has also resorted to a simpler way of pushing out foreign reporters: denying press accreditations.

At the time of updating this article in March 2019, the accreditation of several long-standing members of the foreign press, including the Bureau Chief of the ZDF (Zweites Deutsches Fernsehen), the German public service broadcaster, had been rejected. At least dozens of other foreign press members in Turkey were still waiting for their press accreditations, and not a single Turkish journalist working for the international media, had received their press cards for 2019. After

discreetly keeping quiet about this unusual delay for two months, the foreign press broke its silence after those still waiting for their cards, were barred from a press conference in Istanbul announcing a European Union grant for Turkish rail projects.

It is not known how many journalists have been denied a press card by BYEGM (The Directorate General of Press and Information), in the past couple of years. I personally know several European reporters who were denied press cards unexpectedly, after working in Turkey for years, losing their work and residence permits as a result. They had no option but to leave. My former American WSJ colleague Dion Nissenbaum, was abruptly detained from his home over a Twitter post in December 2016 and de facto deported to the US after three days. There have also been cases of foreign reporters being prevented from entering the country at Turkish airports, some of which have become public, while some have not. In the light of these developments, some foreign press refrains from publishing Turkish nationals' bylines and have almost eliminated travel to risky areas. While this has led to reduced on-the-ground foreign coverage from inside Turkey and decreased investigative on-the-ground reporting, it has not finished all critical coverage.

In December 2018, a novel attempt to create an association for foreign media in Turkey, called the Foreign Media Association, was underway. The founders promised its members a non-political platform, a network of colleagues instead of a press freedom watchdog, and its role in the media landscape remains to be seen.

Who sets an example?

This article is merely a brief overview of the situation, a record of my ongoing case from my perspective, and an attempt to describe the media landscape in Turkey. Little did I know that the note on my door three years ago was just a hint of the days ahead for us, of the incredible danger now facing every aspect of life in Turkey, not only journalism. No matter how my own case finally ends, I have few hopes for better times ahead as the government pushes on with authoritarian policies and – most importantly – as long as a significant portion of Turkish public supports this course.

The foundation for press freedom in Turkey was poor to begin with, hence none of us should have been surprised by today's turmoil – nor

should we have hailed the freedoms granted by the fragile EU process on “the good days” of the AKP government.

In Turkey, using laws against journalists is not a new phenomenon. However, never since the military junta rule in the 1980’s, has the judiciary been as subjugated to the will of the political leadership as it is today. The judiciary has become a vehicle for the government to control the press, while President Erdogan often makes calls for the judiciary, in televised speeches, to “do what is necessary”. Under massive political pressure, the institution has slid into chaos. Legal processes have become unpredictable, not following established routes, as lower courts reject and ignore decisions by the upper courts.

The only way out of this quagmire would be to urgently return to democracy and pluralism, exercise the separation of powers, and abandon the politics of hate speech and polarisation. As of writing this, there are no signs of political will to do any of this, and the reactions to Turkish politics from Europe remains rather weak. Yet it seems that Western pressure is still effective, given the series of releases from prison over the past year.

Press freedom organizations, however, have drawn attention to the growing insensitivity to press freedom all over the world, manifested in the growing number of attacks and hate speech against journalists. US President Donald Trump has been very open about his contempt of reporters, accusing long-established mainstream media organizations of producing “fake news”.

The New York-based Committee to Protect Journalists (CPJ) reported that in 2018, the number of murdered journalists doubled to 34 cases worldwide. The most infamous was the gruesome case of Jamal Khashoggi, a Saudi critic and a Washington Post contributor, who was apparently murdered by his own regime at the Saudi consulate in Istanbul. The murder put Turkey in a difficult spot, not only diplomatically but also because of its own harsh treatment of journalists and critics.

Unfortunately, because governments in some highly developed democracies follow a similar course of promoting social divisions and resorting to populism, Turkey is currently left with few good models. Hence, while Turkey today sticks out as one of the most dangerous examples of disregard to free speech, the problem currently is also universal in nature.