



**MEDIA FREEDOM
IS PART OF THE
SOLUTION TO
THE KURDISH ISSUE**

TURKEY OCTOBER 2015

←
A Turkish man reads
a newspaper to check
the results of the
Turkish legislative
elections. (Diyarbakir,
2015)

THIS REPORT IS THE RESULT OF TWO VISITS BY REPORTERS WITHOUT BORDERS (RSF) TO DIYARBAKIR AND ISTANBUL, THE FIRST FROM 21 TO 27 APRIL 2013 AND THE SECOND FROM 6 TO 12 APRIL 2015. RSF'S REPRESENTATIVES MET JOURNALISTS OF ALL KINDS, REPRESENTATIVES OF THE LEADING JOURNALISTS' AND MEDIA ORGANIZATIONS, LOCAL OFFICIALS AND NGO ACTIVISTS.

INTRODUCTION

Turkey is a powder keg. After a two-year truce, fighting between government forces and Kurdish rebels led by the outlawed Kurdistan Workers' Party (PKK) resumed in July against a backdrop of political crisis, social polarization and regional chaos. At a time when the media have a key role to play in covering developments and providing a forum for democratic debate, the authorities reinforced media censorship – blocking websites, encouraging self-censorship, stepping up prosecutions on terrorism charges, and arresting and deporting overly curious foreign reporters.

The peace process initiated in late 2012 between the government and PKK raised many hopes, including hopes about freedom of expression. RSF saw this during its two visits to Istanbul and Diyarbakir, southeastern Anatolia's biggest city, in 2013 and 2015. For two years, media outlets were finally able to discuss the Kurdish issue with more freedom, prosecutions of those tackling this issue became less frequent, and dozens of imprisoned Kurdish journalists were granted conditional releases.

It was nonetheless clear that this progress was limited, fragile and fully reversible. Far from being symptomatic of an overall increase in freedom of expression, the incipient debate about the Kurdish issue was an exception to the rule of steadily increasing repression, a specific tolerance ordered from on high so that the peace process would not be jeopardized. Recep Tayyip Erdogan's government simultaneously embarked on an ever-broader witchhunt against its opponents, tightening its grip on the main media groups and the Internet. Freed journalists continued to be prosecuted. Instead of a complete overhaul, no more than marginal changes were made to Turkey's oppressive laws. Less independent than ever, the judicial system temporarily changed targets but abandoned none of its old habits. There is nothing surprising about the current crackdown.

Aside from the PKK, the Kurdish issue is above all about respect for human rights. As the journalist Hamza Aktan puts it: "The solution to the Kurdish issue is the democratization of Turkish society." This includes freedom of information. Putting words to problems, allowing all voices to express themselves and creating space for democratic debate are essential conditions for peace. At the same time, only an end to the conflict will finally free the state of its paranoia and obsession with security and allow it to develop a culture of transparency and respect for the media.

Conversely, the runaway censorship now under way will just accentuate frustration and fuel tension. The authorities must reverse this accelerating trend as a matter of urgency and must realize that freedom of information is, now more than ever, part of the solution.



→ Children go out onto the streets to see the damage after a week-long curfew was lifted, following clashes between Turkish forces and Kurdish rebels in Cizre. (September 2015)

© AFP PHOTO / ILYAS AKENGIN

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1 JOURNALISM AND THE KURDISH ISSUE – A DIFFICULT LEGACY

TURKEY'S KURDISH PROBLEM

The Turkish Republic was founded in 1923 as a unitary and centralized nation state that recognized only the Turkish language and took no account of national minorities. The Kurds, who nowadays constitute about 15% of the Turkish population and mainly inhabit eastern and southeastern Anatolia, have long been denied political representation and deprived of any linguistic and cultural rights. This led to several insurrections during the 20th century.

In 1984, six years after it was founded, the PKK launched an armed struggle for independence. The 1990s were marked by bloody clashes between the Turkish armed forces and the PKK, and a state of emergency was declared in the southeast. The civilian population paid

a high price, thousands of villages were levelled and millions were displaced. Extrajudicial executions, enforced disappearances and torture were systematic.

Shortly after its leader, Abdullah Öcalan, was arrested in 1999, the PKK declared a unilateral truce and began talks with the authorities. But one round of negotiations after another failed during the following years and each successive truce ended with the resumption of fighting. After 2012 saw the deadliest fighting since the 1990s, Öcalan and then Prime Minister Recep Tayyip Erdogan announced a new peace process at the end of 2012, but this in turn collapsed in July 2015. The death toll from this 30-year-old conflict is put at around 40,000.

1. A HISTORY OF TABOOS AND OPPRESSION

Censorship and judicial harassment

The fate of national minorities has long been one of the main taboos in the Turkish Republic. Intellectuals who have taken a particular interest in the subject, such as Ismail Besikçi and Ragip Zarakolu, were regarded as public enemies and were harassed by the authorities in the 1970s and 80s. But it was the intensification of the fighting between the Turkish armed forces and PKK that ushered in one of the darkest eras in Turkish journalism.

The state of emergency (OHAL) in effect in southeastern Anatolia from 1987 to 2002 imposed extremely strict censorship that was enforced by the State Security Courts (DGM) – special courts that mainly targeted Kurdish and left-wing media. Around 20 newspapers¹ were banned outright in the affected regions, broadcasting bans were imposed on certain well-known figures, and prefects and police officers took it upon themselves to decide which Kurdish songs could not be broadcast.²

The Anti-Terrorism Law (TMY) adopted in April 1991 put the media in a straitjacket that survived the state of emergency, introducing extremely harsh penalties for the poorly defined crimes of “separatist propaganda” and “terrorist propaganda.” Media outlets that supported the Kurdish political movement collapsed under the impact of court convictions while, one by one, their reporters were arrested. In December 1993, the police stormed the Istanbul headquarters of the pro-Kurdish daily *Özgür Gündem*, arresting around 100 of its employees, while another 50 were picked up across the country. Dozens of journalists and other employees of pro-Kurdish newspapers were jailed, including *Özgür Gündem* editor Isik Yurtçu, who was awarded the RSF Press Freedom Prize in 1996 while in prison.

Although the courts usually dealt much more severely with the Kurdish media, the crackdown also affected leading mainstream media figures who dared to question the government's policies towards the Kurdish movement or voiced support for the Kurds. *Milliyet* journalist Ahmet Altan was given a 20-month suspended jail sentence and a heavy fine in October 1995 for an opinion piece entitled “Atakürt³” in which he urged Turks to imagine the roles of themselves and the Kurds reversed. The well-known journalist and novelist Yasar Kemal was sentenced to 20 months in prison in 1996 for an article deploring the Kurds' fate. Orhan Pamuk and other intellectuals launched a major civil disobedience campaign to prevent Kemal going to prison and condemn the censorship. In the end, Kemal was not jailed but more trials and convictions followed. Ragip Duran, a well-known journalist working for many Turkish and foreign media outlets, including *AFP* and *Libération*, was jailed in 1998 for an interview with Abdullah Öcalan published four years before in *Özgür Gündem*.

Dangerous work

In addition to judicial harassment, around 20 journalists and media workers were the victims of extrajudicial executions from 1992 to 1995⁴. Most of them worked for *Özgür Gündem*, which was forced to close by hundreds of prosecutions and was temporarily renamed *Özgür Ülke*. On 3 December 1994, three simultaneous explosions destroyed its headquarters and printing press in Istanbul and its Ankara bureau. A transport employee was killed and 23 people were wounded. The businessmen who funded the newspaper were murdered one after another in the following months. The headquarters of Belge, a publishing house that ignored the taboos on the Kurdish and Armenian issues, was bombed in 1995. Diyarbakir prison became notorious during these years for its atrocities and systematic use of torture.

1. Such as *Özgür Gündem*, *Demokrasi* and *Evrensel*.

2. Diyarbakir-based local TV station *Kanal 21* was closed for a year in September 1999 for broadcasting the song “Mehmedim” by the well-known singer İvan Perwer. It took the station two years to win its appeal against the closure order.

3. He imagined a “Kurdish Republic” founded by “Atakürt” in which Turks did not have the right to speak their language and were referred to as “Sea Kurds” in allusion to the way Kurds were often referred to as “Mountain Turks” in the 1980s.

4. Association of Turkish Journalists (TGC)



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↑
On December 3, 1994, the Özgür Ülke office is victim of a bomb attack.



→
The Turkish writer and journalist Yasar Kemal (1923-2015)

© AFP PHOTO

Most of the murders of journalists were blamed on the security forces and their auxiliaries, but the PKK was also suspected of killing some journalists, including *Yeni Ülke* reporter Mecit Akgün, who was found hanged near Nusaybin in June 1992. A note signed "PKK" that was left beside the body said: "He was punished for betraying." A Human Rights Watch report in 1999 said the PKK may have been responsible for the murders of five journalists from 1992 to 1995¹.

1. 1999 Human Rights Watch report "Violations of Free Expression in Turkey."

On the ground, the safety of journalists was anything but guaranteed. Although waving a white flag, Sabah reporter Izzet Kezer was killed, probably by a tank, while covering clashes in Cizre in March 1992. The PKK kidnapped Kutlu Esendemir and Levent Öztürk, two journalists working for the state TV channel *TGRT*, in January 1994 and held them for three months. In March 1995, *AFP* reporter Kadri Gürsel and Reuters photographer Fatih Saribas were kidnapped and held for nearly a month by the PKK.

Closely controlled by the army and regarded with suspicion by all belligerents, foreign journalists were also exposed to danger. Aliza Marcus, a US reporter who did investigative coverage of abuses committed by all parties, was arrested twice, in 1993 and in 1995. The target of an intense smear campaign in the main Turkish media, she was eventually acquitted on a charge of "separatist propaganda" but had to leave Turkey.

Tension waxes and wanes

Use of the Kurdish language in the media was finally permitted in January 2004. The last language restrictions, drastically limiting broadcasting hours and requiring simultaneous translation into Turkish, were lifted in November 2009². But for the most part, reporting on the Kurdish issue remains off limits. Periods of tension have alternated with more relaxed periods in line with political developments. The treatment meted out by the judicial system has tended to be milder when negotiations were under way with the PKK and harsher when fighting resumed.

2. RSF press release of 20 November 2009: "Media allowed to use Kurdish language but still forbidden to discuss Kurdish issues freely."

After the AKP government abandoned its 2008-09 conciliatory policy towards the Kurds, dozens of pro-Kurdish journalists were again detained as part of a judicial investigation into the KCK, a political offshoot of the PKK. No fewer than 44 were arrested in different parts of the country in December 2011 alone and were placed in pre-trial detention on charges of being members of a KCK "press service." *Özgür Gündem* journalist Bayram Balci told RSF in 2013: "As far as we're concerned, the KCK trials are like the harassment orchestrated by Tansu Ciller [the prime minister in the early 1990s]. The only difference is that imprisonment has replaced physical elimination."

2. NAGGING IMPUNITY

"Thousands of people still cannot put flowers on a loved-one's grave," said Balci, who defends the idea of a truth commission to shed light on the disappearances and extrajudicial executions of the 1990s. Referring to an *Özgür Gündem* reporter who was kidnapped near Sanliurfa in March 1994 and whose body was never found, he added: "I worked with Nazim Babaoglu. Where do I put flowers on his grave?" All the journalists and civil society activists that RSF met said the years of the most ruthless repression continue to weigh heavily on Turkish society because the relatives of the victims must also mourn the lack of justice and truth. Like the other atrocities during the 1990s, almost all of the score of murders of journalists are still unpunished.

RSF visited Hafiz Akdemir's grave in Lice, a village near Diyarbakir, in April 2013. This young journalist was gunned down on a Diyarbakir street in June 1992, but no credible investigation has ever been conducted into his murder. The same goes for Çetin Abayay, a young reporter for the pro-Kurdish newspaper *Özgür Halk*, who was killed in Batman in July 1992. And for Mehmet Ihsan Karakus, who was gunned down in Silvan in March 1993. This generalized impunity is nowadays ensured by a 20-year statute of limitations for unsolved murders.

The machinery deployed to combat the PKK in the southeast in the early 1990s is nonetheless well known. With the help of a gendarmerie special unit called the JITEM, death squads were formed with recruits from criminal and ultra-nationalist circles and from militias such as the Islamist militia Hizbullah. Similarly, the government's role in the December 1994 *Özgür Gündem* bombings has been exposed. The weekly *Tempo* published a memo signed by Prime Minister Tansu Ciller demanding "effective measures" against the newspaper. But investigations tracing responsibility within the "deep state" are politically too explosive. A parliamentary commission established the broad outlines and documented certain atrocities in the "Susurluk Report" in 1998, but the report was quickly buried. And, after raising hopes by launching an investigation into the Ergenekon network, the judicial system got bogged down in a vast witchhunt against the Erdogan government's opponents.

The exception is the murder of Musa Anter, a leading Kurdish intellectual and *Özgür Gündem* columnist who was gunned down in Diyarbakir in September 1992. After 20 years of inactivity, the authorities rescued the murder investigation from the statute of limitations at the last minute with the apparent desire of making a token gesture in this prominent case. It nonetheless showed that the judicial system was incapable of conducting effective investigations. The state had already acknowledged its role in the murder and expressed its regret in the 1998 Susurluk Report. The alleged perpetrator, "village guard" Hamit Yildirim, is detained pending the outcome of his ongoing trial. But the person who is assumed to have organized the murder, former JITEM officer Mahmut Yildirim¹, is nowhere to be found. Merging this case with other investigations into abuses in the southeast was a step in the right direction, but its transfer to Ankara has made it harder for civil parties to attend hearings, thereby limiting their transparency.

1. Known by the pseudonym of "Yesil".

2. 2012 Human Rights Watch report "Time for Justice."

3. Human Rights Watch press release of 25 April 2013 "Turkey: Justice central to Kurdish peace process."

One of the demands of relatives is for the mass crimes of the 1990s to be recognized as crimes against humanity, which would prevent application of the statute of limitations, a demand shared by Human Rights Watch². "Justice has to be addressed to achieve peace," said Emma Sinclair-Webb, HRW's Turkey representative. In a 2013 release about impunity³, HRW said: "In repeated judgments against Turkey, the European Court found violations of the right to life and a pattern of failure to conduct effective investigations" into the crimes of the 1990s.

There is another possibility as regards journalists. This is recognition of the category of crimes against freedom of expression, as advocated by four special rapporteurs on freedom of expression and media freedom (UN, OSCE, OAS and ACHPR). In a joint statement in June 2012, they said: "The category of crimes against freedom

of expression should be recognized in the criminal law, either explicitly or as an aggravated circumstance leading to heavier penalties." They added that "crimes against freedom of expression, and the crime of obstructing justice in relation to those crimes, should be subject to either unlimited or extended statutes of limitations¹."

"How can we achieve a viable system of justice as long as the crimes of the 1990s are still unpunished?" This question by Tahir Elçi, the president of the Diyarbakir bar, remains unanswered. Civil society meanwhile continues to ensure they are not forgotten. Following the example set by Argentina's "Plaza de Mayo Mothers," the mothers of persons who disappeared in the 1990s continue to demonstrate every Saturday in Istanbul's Galatasaray Square. In March 2015, on the 21st anniversary of Nazim Babaoglu's disappearance, they held a demonstration to demand to know the truth about his fate.

1. Joint statement on 25 June 2012 on crimes against freedom of expression.



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→ The famous Kurdish intellectual and *Özgür Gündem* journalist Musa Anter is murdered in Diyarbakir, in September 1992.

3. A JOURNALISTIC TRADITION DATING BACK TO THE 1990S

The repression of the 1990s and the self-censorship practiced by the national mainstream media spawned a press focused on the Kurdish issue. *Özgür Gündem* is its standard-bearer, but it also includes the news agency *DIHA*, the Kurdish-language newspaper *Azadiya Welat* and the Diyarbakir-based local media group *Özgür Gün*, among others. Proud of their “free press tradition” (özgür basın geleneği), these media outlets were forged during the state of emergency in response to the ubiquitous army’s monopoly of information. Their aim was above all to report the abuses being committed by the security forces and to reflect the everyday life and perceptions of the southeast’s population.

This press derives its legitimacy from its roots in the local community and its close relationship with the Kurdish movement’s activist base. It has long been seen as the voice of those without a voice, reporting what the other media don’t cover. It is a kind of journalism that emerges directly from a population that has been shut out and in direct response to this marginalization, in order to assert its existence and realities. Nowadays they might be described as “citizen media” or “community media.” Because it is criminalized, this type of journalism is still activist in nature and risky. The authorities still regard these media as PKK mouthpieces.

“The Kurdish media were created as tools for pursuing a struggle,” said a journalist who does not regard himself as part of this tradition. “This is journalism with a mission,” another said. These media outlets think in political, social and moral terms rather than just professional ones. Its journalists usually get into journalism in order to write about problems they regard as important and they feel they have a duty to focus on the Kurdish issue. “The situation here impels us to do a completely different kind of journalism,” Hayrettin Celik, the co-founder of the Diyarbakir-based Association of Free Journalists (ÖGC), said in 2013. “There are lots of subjects we don’t get round to covering because we have to prioritize the political problems, the events that cost human lives (...) This may seem like activist journalism but it just reflects what people experience, the reality on the ground.”

This is not just journalism by Kurds and for Kurds. Thanks to its local roots and the special attention it pays to human rights violations, it played a key role in circumventing censorship and in informing Turkish and international public opinion about the mass crimes during the dark years. Faruk Bildirici, the former ombudsman of the Turkish national daily *Hürriyet*, went so far as to say: “We didn’t do journalism in the 1990s, the Kurdish media did it.” If the Kurdish issue is ever resolved, the Kurdish press will have to reinvent itself. Meanwhile, it continues to cover regional developments in a unique way, paying particular attention to the fate of the Kurds in Syria and the fighting between Islamic State and the Syrian Kurdish YPG militia¹.

Instead of this committed kind of journalism, other media professionals in the southeast say they prefer journalism that is less involved, that keeps its distance, that above all respects professional principles. This category of journalist includes local independent journalists and correspondents of national mainstream media (although these media are often characterized by their own forms of economic and political dependence).

1. Zehra Dogan, a journalist with the *JINHA* news agency, received one of the Metin Göktepe Journalism Awards in March 2015 for a series of reports with Yazidi women who had escaped their Islamic State rapists.

Both legitimate, these two rival forms of journalism do not constitute the entire media landscape in the southeast (which also includes an Islamist press and other kinds of journalism) but they are its distinguishing feature and contribute to its polarization. The one is accused of subservience to the PKK, the other of self-censorship. Nonetheless, the level of relations between these two kinds of media – mainstream and supporters of the Kurdish movement – is surprisingly developed. “On both the personal and institutional level, we have relations with everyone,” Bayram Balci said. “*Özgür Gündem* has even served as a school for many in the Istanbul media world. Hundreds of our former employees now work in the mainstream media.”

Even if the resumption of fighting is now threatening these relations, the government’s persecution of leading Kemalist media in recent years has also helped to change their view of the pro-Kurdish media. Speaking in April 2015, Bayram Balci said: “Unlike in the 1990s, the mainstream media did not ignore the [arrests of pro-Kurdish journalists] in December 2011. They also reacted when *Özgür Gündem* was closed for a month. In the past, they hadn’t even regarded us as a newspaper.” When the number of imprisoned journalists reached 100, the main journalists’ associations overlooked the ideological and political divisions and demanded the release of all of them.

As the 1990s recede, new media outlets are being created and are addressing the Kurdish issue with an approach that is less community-based. *IMC*, a TV station created in 2011, defines itself not as a Kurdish media outlet but as one that is “particularly sensitive to the Kurdish question.” At the same time, it insists on its complete independence. “We are not politicized, our strength lies in the fact that we are open,” said *IMC* news director Hamza Aktan, adding that it reports not only what the PKK says but also what the Kurdish parties opposed to the PKK say, and that, every Tuesday, it covers the parliamentary questions of all the Turkish parties.

DIYARBAKIR'S TWO JOURNALISTS' ASSOCIATIONS

Founded in 1977, Güneydogu Gazeteciler Cemiyeti (GGC) – the Southeast Journalists' Association – describes itself as independent of any political movement. It claims to have 240 members throughout southeast Anatolia's 11 regions, many of whom are correspondents for national mainstream media. Created in 2013, Özgür Gazeteciler Cemiyeti (ÖGC) – the Free Journalists' Association – claims to have 230 members who are either based in Turkish Kurdistan or Rojava (Syrian Kurdistan). The ÖGC also describes itself as independent but makes no secret of its affinity for the Kurdish movement and has a similar governing structure, which includes having a man and a woman as dual presidents. Like its current co-president, Ertus Bozkurt, many of its members have had recent spells in prison. Despite everything, the two associations say they are in regular contact and are united by professional solidarity. "Our relations don't deteriorate easily," GGC vice-president Mücahit Ceylan said. "We usually form a joint front when we want to defend imprisoned journalists or denounce censorship," Ertus Bozkurt added.

←
A man reads a newspaper in front of the pictures of Selahattin Demirtas, co-chair of the pro-Kurdish People's Democratic Party (HDP), Turkish famous singer Ahmet Kaya, and director Yilmaz Guney. (Diyarbakir, 2015)

© AFP PHOTO / BULENT KILIC

2 CENSORSHIP RESUMES ALONG WITH FIGHTING

Yet again, the let-up did not last. Media coverage of the Kurdish issue became quite common from 2013 until the summer of 2015 thanks to the peace process between the Turkish authorities and the PKK. But the tolerance was fragile and reversible due to the justice system's lack of independence, the limited nature of the reforms undertaken and the government's authoritarian tendencies. There is nothing astonishing about the much more draconian censorship now being applied to all the media on the grounds of combatting terrorism. Only profound and lasting reforms favouring freedom of expression and a return to the rule of law would be able to stop these oscillations and lift the taboo on coverage of the Kurdish issue once and for all.



→
Cameras are left on the ground in protest during a march to protest against the detention of journalists and to demand reforms to Turkey's media laws. The banner reads: "I didn't speak out, then it was my turn!" (Ankara, 2011)

© AFP PHOTO/ADEM ALTAN



THE 2013-2015 PEACE PROCESS

Prime Minister Recep Tayyip Erdogan announced on television on 28 December 2012 that Turkey's National Intelligence Organization (MIT) had begun talks with the PKK with the aim of ending the 30-year-old conflict in the east. On 21 March 2013 (the Kurdish New Year), Abdullah Öcalan announced an unlimited PKK truce and a move "from armed resistance to an era of democratic political struggle."

The start of the peace process was greeted with hope even if complications soon arose. The PKK began withdrawing its forces from Turkey in the spring of 2013. In the autumn, parliament approved a "democratization package" with concessions on the use of the Kurdish language, including its use in public education. Thousands of Kurdish political prisoners were released conditionally the following year. The tough talk and nationalist discourse that accompanied three elections in 2014-15 helped to freeze the process.

© AFP PHOTO

The PKK's withdrawal from Turkey was never finalized. It looked as though the peace process might be revived by the Dolmabahçe Accords of February 2015, which established a joint, 10-point road map, but they were immediately denounced by Erdogan.

Erdogan's authoritarian tendencies, seen in the crackdown on the "Occupy Gezi" movement and the witchhunt against the Gülen movement, helped to sour his relations with the Kurdish movement. The repercussions of the war in Syria also had a big impact. The PKK acquired unprecedented international legitimacy by fighting Islamic State but its victories fuelled fears in Turkey. As the same time, many Kurds were frustrated by Ankara's refusal to take sides. Exacerbated by the siege of Kobane, the tension led to rioting in October 2014 in which about 40 people were killed.

All these upsets, the alternation between contradictory discourses and the lack of a shared road map rendered the peace process illegible and eroded the trust of the

activist bases¹. Erdogan unleashed a series of bellicose speeches as the campaign for the 2015 parliamentary elections became a duel between his AKP party and the pro-Kurdish HDP. When the HDP's entry into parliament deprived the AKP of the absolute majority it had enjoyed for the past 12 years, Erdogan quickly made it clear he was not going to forgive. With an interim government in place, the security situation became more and more explosive. The spark that caused the detonation was the death of 33 pro-Kurdish activists on 20 July in Suruç, a Turkish town on the Syrian border, in a suicide bombing claimed by Islamic State.

Accusing the government of being Islamic State's accomplice, the PKK announced the end of the ceasefire it had been observing for the past two years and attacked Turkish soldiers and policemen. The government responded with air strikes that partially targeted Islamic State but targeted the PKK much more massively. As hundreds of pro-Kurdish activists were arrested throughout the country, Erdogan demanded the lifting of

parliamentary immunity for certain HDP legislators and an investigation into HDP co-president Selahattin Demirtaş, who accused the government of plotting to reverse the election results and urged the two sides to return to the negotiating table.

1. 2014 International Crisis Group report "Turkey and the PKK: Saving the Peace Process."

→ Kurdish people celebrate « Nowruz », the Persian New Year festival, in Diyarbakir. (21 March 2013)

1. 2013-2015: EXPEDIENT TOLERATION

Censorship relaxed temporarily

More than 100 Turkish journalists attended an historic PKK news conference at the foot of Mount Qandil in northern Iraq on 25 April 2013 at which PKK representatives announced that they were about to withdraw their forces from Turkey as part of the peace negotiations. The next day, photos of the PKK leaders issuing their statement in front of a big portrait of Abdullah Öcalan were on the front page of all the Turkish dailies. Even the nationalist newspaper *Sözcü* had the photo on its front page along with the headline, "Only *Sözcü* wasn't there."

All this would have been unthinkable just a few weeks earlier. Not only would just a very small number of media outlets have sent reporters to Mount Qandil, but also all those that did so would have been prosecuted under the Anti-Terrorism Law. Any journalist quoting PKK representatives, even if it was just to criticize them, faced the possibility of imprisonment on a charge of "propaganda on behalf of a terrorist organization." Illustrating an article with a photo of PKK members or referring to the PKK without describing it as a "terrorist separatist" organization was also liable to result in prosecution.

1.
Supreme court
decision

Until a supreme court ruling in May 2012¹, referring to the PKK's leader as "Mr. Öcalan" was regarded as a sign of respect equivalent to "apology for a criminal," a crime punishable by three years in prison. Photographers and cameramen covering pro-Kurdish demonstrations, gatherings and funerals had to go to great lengths to ensure they did not show flags, portraits or even clothes in the Kurdish national colours, as this could be deemed to constitute propaganda. Even being present at this kind of event could constitute grounds for a charge of "membership of a terrorist organization."

Although the euphoria of April 2013 quickly evaporated, the relative tolerance displayed by the courts towards media coverage of the Kurdish issue lasted for two years. Özcan Kiliç, a lawyer who represents *Özgür Gündem* and other pro-Kurdish media, said in April 2015 that he currently had only a few cases. "For us, the pace has slowed down a great deal," he said, contrasting this with the surge in prosecutions on a charge of insulting Erdogan and the removal of a great deal of online content.

Freed of the vocabulary imposed by censorship, each media outlet covered the Kurdish issue in accordance with its own political views. The leading mainstream media tended to support the peace process while the nationalist media of left and right were resolutely opposed. The media that support the Gülen movement were initially enthusiastic but gradually became more sceptical after breaking with the government, often reintroducing the adjective "terrorist" to refer to the PKK and often using the negotiations to attack Erdogan².

Many journalists in the southeast were suspicious and bitter when some national mainstream suddenly switched from security-oriented to "sympathetic" coverage of the Kurdish issue, regarding it as just one more sign of their lack of independence. The way some of the mainstream media competed with each other in hyping the story was criticized as a "government PR plan" and even as a form of self-censorship. Instead, journalists in the southeast insisted on the role of the local media in ensuring that the peace process stayed on track by keeping its feet on the ground.

2.
Rusen Çakır, "Cemaat,
çözüm sürecine 'sahici
olarak' nasıl bakıyor?"
Vatan, 15 April 2014

Government rhetoric about the Kurdish movement was very uneven during the two years of negotiations with the PKK. The various elections, the Gezi Park protest movement and the siege of Kobane all elicited a very hostile discourse from one party or another and fuelled predictions that the talks would be broken off. Referring to the media in an October 2013 report¹, the think tank International Crisis Group wrote: "A confusing mix of incomplete, biased and sometimes brave reporting on the PKK peace process and Kurdish reforms is (...) another symptom of Turkey's lack of clear, consistent, committed political strategy on these issues."

The pressure never fully stopped

Even if far fewer than before, abusive proceedings continued to be brought against media outlets at the height of the peace process because of their coverage of the Kurdish issue. *Özgür Gündem* editor Reyhan Capan is currently the target of nine different prosecutions in connection with articles published in February and March 2014. Accused of reproducing PKK statements or communiqués and publishing PKK propaganda, he is facing up to 45 years in prison under the Anti-Terrorism Law. Arafat Dayan, the editor of the weekly *Demokratik Ulus*, is facing up to 90 years in prison on 18 different charges of publishing PKK propaganda. In December 2014, *Özgür Gündem* publisher Eren Keskin was convicted of "denigrating the Turkish nation and state" under article 301 of the criminal code for reporting that a member of the armed forces had committed several acts of rape.

Taboos even applied to coverage of the peace process and the pressure was far from being just judicial in nature. After the daily *Milliyet* reported in March 2013 that parliamentarians had visited Abdullah Öcalan in prison, Erdogan publicly criticized the newspaper and then made a humiliating phone call to its owner. Under pressure, the newspaper fired its managing editor, Derya Sazak, and suspended its well-known columnist, Hasan Cemal, who ended up resigning.

→
More than 100 Turkish
journalists attended
an historic PKK news
conference at the foot of
Mount Qandil in northern
Iraq on 25 April 2013.



© AFP PHOTO STR

1.
Rapport d'International
Crisis Group, « Crying
'Wolf' : Why Turkish
Fears Need Not Block
Kurdish Reform », 2013

2. COSMETIC REFORMS, COMPLIANT JUSTICE SYSTEM

For the past two decades, RSF has been closely monitoring how the taboo on media coverage of the Kurdish issue has been kept in place by draconian legislation and by a judicial culture that puts security before all else¹. To make dialogue possible, the authorities had no choice but to finally embark on legislative reforms². When the media flocked to Mount Qandil in April 2013, tens of thousands of peaceful activists and civil society representatives were still in pre-trial detention on the basis of little evidence in the KCK proceedings. They included dozens of journalists and other media workers. As Ümit Firat, a columnist and expert on the Kurdish issue, said at the time: “Improvement of the justice system in Turkey is the cornerstone of the peace process.”

The government got parliament to pass a series of legislative reforms billed as “judicial reform packages.” The first two packages were submitted at the end of the 2000s with a view to facilitating Turkey’s admission to the European Union, while the third and fourth packages were presented as way of bringing Turkey into line with the standards of the Council of Europe and ending the frequent rulings against Turkey by the European Court of Human Rights (ECHR)³. Judges used them to obtain the desired political results, including a partial liberalization of discussion of the Kurdish issue. But the scale of the reforms was never enough to achieve a lasting extension in the scope of free speech, especially as parliament simultaneously adopted a number of measures restricting freedoms, including online freedom of expression.

“Third judicial reform package”

Parliament passed the “third package” (Law No. 6352)⁴ in July 2012. The main provisions affecting media freedom were these⁵:

- Three-year freeze on cases involving “media and opinion offences” committed before 31 December 2011. If they carried a maximum sentence of five years, prosecutions and sentences for these offences were suspended for three years and were thereafter closed for good as long as the person concerned had not committed a similar offence during this period. Thousands of cases were indeed frozen, but the suspension left the journalists with a permanent threat hanging over them, one that encouraged self-censorship. In some cases, it prevented them from appealing against unjustified convictions.
- Repeal of article 6.5 of the Anti-Terrorism Law, under which a publication could be closed for 15 to 30 days for “propaganda in favour of a terrorist organization.” Widely used against pro-Kurdish print media, this kind of sanction was frequently condemned by the ECHR, which regarded it as disproportionate. Its repeal was therefore a real advance but has largely been offset in recent years by frequent “publication bans⁶” and administrative blocking of websites that constitute even more drastic forms of censorship.
- Moderating articles 285 and 288 of the criminal code, which limited media coverage of trials. These articles, which penalized “violating the confidentiality of an investigation” and “trying to influence the course of a trial,⁷” were widely used to discourage coverage of major political trials. The amended version says, “covering investigations and trials within the limits of informing the public is no longer a crime.” It also restricts the applicability of article 288 and punishes violators with a fine instead of a four-year jail term.

- Restricting use of preventive detention and ending other abusive practices in terrorism and organized crime investigations. In order to put an end to the systematic use of preventive detention, concrete evidence is supposed to be produced in court to justify its use. Also, judges investigating terrorism and organized crime cases are no longer allowed to restrict defence lawyers’ access to the case file or refuse to let them see documents – practices that made it much harder for lawyers to defend their clients. In practice¹, the impact of this reform was limited until 2014 by resistance from entire sectors of the judicial system.

“Fourth judicial reform package”

Adopted by parliament in April 2013, the “fourth judicial reform package” began to address the heart of the problem – the Anti-Terrorism Law². The reform’s declared aim was to ensure that this law does not penalize media content unless it incites, defends or justifies violence:

- The criteria of inciting, defending or justifying violence is introduced into articles 6.2 and 7 of the Anti-Terrorism Law, which respectively penalize “reproducing the leaflets or statements” of a terrorist organization and terrorist “propaganda.” This criteria is also introduced into article 220.8 of the criminal code, which penalizes “criminal organization propaganda.”
- The application of article 215 of the criminal code, penalizing “praising a crime or criminal,” is conditioned on the existence of a “clear and imminent threat to public order.” It was under this article that expressions such as “Mr. Öcalan” or “the PKK leader” were criminalized on the grounds that they were too respectful.
- During a trial, defendants have the right to be defended in the language of their choice (article 202 of the code of criminal procedure), but the state does not assume any interpretation costs. The court may also deny this right if it thinks it will “prolong the trial pointlessly.” This is nonetheless an improvement on the previous situation of Kurdish journalists when testifying as defendants in the KCK trial.
- Other amendments, such as those to articles 220.6 (“crimes committed on behalf of a criminal organization”) and 318.1 (“inciting evasion of military service”) did not significantly reduce the oppressive impact of these articles.

RSF and other human rights organizations have long been calling for a distinction to be made between expressing an opinion and defending violence, but the “fourth judicial reform package” did not take this distinction to its logical conclusion. The very definition of “terrorism” remains extremely broad and vague, with the result that judges apply it to many peaceful activities.

Dozens of journalists continue to be accused of “membership of a terrorist organization” under article 314 of the Anti-Terrorism Law on the basis of evidence directly related to their work as journalists. Article 314’s wording and applicability are so broad that covering events organized by the Kurdish movement or expressing opinions or analyses that resemble those of the PKK suffice for charges to be brought. No element of violence is needed. According to a former justice minister³, there were 20,000 convictions on the basis of this article from 2009 to 2012. This figure gives an idea of its draconian scale. It is also reflected in the prosecution of 44 journalists and media workers for allegedly operating a “KCK press service.”

1. 2011 Reporters Without Borders report “A book is not a bomb!”

2. Contribution by RSF to the UN Human Rights Council’s Universal Periodic Review of Turkey in 2015.

3. Naim Karakaya and Hande Özhabes, 2013 TESEV report, “Judicial Reform Packages: Evaluating Their Effect on Rights and Freedoms.”

4. The text of the law is available here.

5. RSF press release of 9 February 2012 “Judicial reform bill – just placatory gesture or start of real change?”

6. See, for example, the RSF press release of 19 June 2014 “Turkish media forbidden to mention 80 Turkish hostages in Iraq.”

7. The text of the law is available here.

1. RSF press release of 11 March 2013 “Ambitious reforms needed to end judicial harassment of journalists.”

2. RSF press release of 13 February 2013 “Anti-terrorism legislation – announced reforms must not stop halfway.”

3. Sadullah Ergin, quoted in the 2014 Human Rights Watch report “Turkey’s Human Rights Rollback.”

Reform of the code of criminal procedure

A reform of the Code of Criminal Procedure (Law No. 6526) was adopted in March 2014:

- Reduction of the maximum length of preventive detention from ten to five years.
- Abolition of the High Criminal Courts with Special Powers and the Regional Criminal Courts for Serious Crimes, which were a hangover from the special judicial provisions introduced under the state of emergency. These courts tried major political cases such as KCK and Ergenekon using special procedures.

This eminently political reform came a few months after unprecedented corruption allegations undermined the government's authority in December 2013. Enraged to discover it was being investigated by the judicial system, the government embarked on a major purge of the judicial and police apparatus with the aim of bringing it under control. It was against this backdrop that it abolished the special courts, which were seen as hostile, transferring part of their powers to ordinary criminal courts.

The immediate effect of these reforms was to transfer the investigation of major political cases to ordinary courts, which applied the recent "judicial reform packages"

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and released many suspects provisionally. A total of 37 journalists were granted conditional releases in 2014, including all those still held for allegedly operating a "KCK press service." They nonetheless continue to be charged and the trial continues. If found guilty, they will go back to prison.

Justice in the state's service

RSF has long been pointing out that Turkey's judicial culture is at least as oppressive as its laws¹. "The judicial system operates as if its function is to protect the state," the president of the Diyarbakir bar, Tahir Elçi, said in 2013. Shaped by decades of military guardianship of the country's destiny, entire sectors of the judicial system are still imbued with a security mentality and react in a paranoid manner towards suspects, who are presumed guilty. Their approach is the same as that of the Anti-Terrorism Law and is based more on defence of an abstract state rather than penalizing specific crimes. As long as this judicial culture is not eradicated, all legislative imprecision will continue to be a formidable weapon in the hands of judges capable of outrageous interpretations of the law, and in the hands of government officials with varying political goals. This was eloquently illustrated by the terrorist propaganda charge against 18 reporters and editors for publishing the photo that the DHKP-C, a small far-left group, released during its bloody hostage-taking at the Istanbul law courts in March 2015.

1. "A book is not a bomb," op. cit.

Unfortunately, the only result of the purge of the judicial apparatus orchestrated in recent years was the replacement of the old system's functionaries by those of the AKP government. And more of this was seen in the witchhunt launched in December 2013 against the Gülen movement's supporters. The authorities fired hundreds of judges, prosecutors and police officers and tightened their grip on the High Council of the Magistrature (HYSK). Those who were not fired adopted the behaviour that was expected of them, in order not to call attention to themselves, with the result that judicial independence is more than ever an empty word. "We [lawyers] feel that we have no influence over the judicial system, that it is influenced solely by factors external to the court," Tahir Elçi said. "We feel utterly powerless and ineffective."

So, the relaxation of the taboo on media coverage of the Kurdish issue in 2013-15 was the work of a judicial system taking orders from the government. The government imposed tolerance on this specific issue in order not to hamper the peace process. Hence the extreme fragility of this "progress." In April 2015, Özcan Kiliç said: "The current let-up is purely political and completely reversible. If the political context changes the prosecutions will resume." In his view, the conditional release of journalists in the KCK and Ergenekon cases had nothing to do with the law and was due rather to "a political will to end these cases."

Erdogan's increasingly autocratic behaviour and the crackdown on criticism in recent years have shown the lack of an overall and lasting desire to extend the limits of public debate. The temporary tolerance towards the Kurdish issue was the exception in a context dominated

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The Turkish Parliament.

by growing censorship. This has included growing cyber-censorship (as seen in the repeated blocking of Twitter and YouTube¹), targeted police violence against journalists covering demonstrations (as in Gezi Park in 2013²), the concentration of mainstream media ownership in fewer hands, escalating self-censorship encouraged by the firing of critical journalists³, a wave of prosecutions on a charge of insulting Erdogan, harassment of media that support the Gülen movement⁴ and, more recently, harassment of *Cumhuriyet*⁵ and *Hürriyet*.

Although the “judicial reform packages” raised the hope of more freedom of expression, other reforms moved in the opposition direction. They included an inordinate extension of the powers of the police and the National Intelligence Organization (MIT)⁶ and extended possibilities for online censorship. For a time, the censorship simply changed target, easing up on the pro-Kurdish media and concentrating on new adversaries.

1. RSF press release of 27 March 2014 “YouTube blocked as cyber-censorship mounts in run-up to election.”

2. RSF press release of 17 June 2013 “Mounting police violence against journalists covering “Occupy Gezi”

3. See WeFightCensorship August 2013 “Wave of dismissals after Gezi Park protests.”

4. RSF press release of 19 December 2014 “Gülen case: newspaper editor freed, media executive jailed.”

5. RSF press release of 1 June 2015 “RSF backs newspaper under attack from President Erdogan.”

6. RSF press release of 17 February 2015 “Reform package would leave police even freer to harass journalists.”

3. RESUMPTION OF FIGHTING EXACERBATES CENSORSHIP

Censorship on the Kurdish issue quickly reasserted itself as soon as the peace process was abandoned¹. In late July 2015, shortly after Turkey began its air strikes against the PKK bases in Iraq, the High Council for Telecommunications (TIB) ordered the blocking of around 100 news websites, of which at least 65 were Kurdish. They included the sites of leading pro-Kurdish news outlets such as *Özgür Gündem*, *DIHA*, *ANHA* and *RojNews* and the sites of local newspapers such as *Yüksekova Haber* and *Cizre Haber*. DIHA tried to resist by setting up a score of mirror sites during the next two months but they were all blocked, one after the other. Thirty-one media workers were briefly arrested during heavy-handed raids on the headquarters of *DIHA* and *Azadiya Welat* in Diyarbakir on 28 September.

The repercussions of the conflict were by no means limited to the Kurdish media. All of Turkey’s media have been hit by the resumption of a state of war and the government’s desire to get the nation to close ranks behind its leadership.

Self-censorship resumes

Prime Minister Ahmet Davutoglu and Deputy Prime Minister Yalçın Akdoğan invited the heads of the leading Turkish media outlets to a briefing about “anti-terrorist operations” on 25 July. The directives issued seem to have been respected because many of the national mainstream media went back to their old ways. The leading TV station began ignoring the HDP party’s representatives again despite the pacifist nature of their statements. This U-turn was all the more spectacular because the media had been paying the party’s leader, Selahattin Demirtas, a great deal of attention in the preceding months. Like the political debate about the Kurdish issue, reporting on the situation of civilians in areas affected by the fighting was largely abandoned in favour of almost exclusive coverage of the security situation, with a focus on the funerals of soldiers and police officers killed by the PKK. Many media outlets now wait for the military high command’s version before reporting attacks on the Turkish armed forces. For a long time, they said nothing about the PKK’s deadliest attack in years – on 6 September in Daglica (a village near the Iraqi border) – until the army confirmed it and issued an official toll.

The fate of the civilians who were trapped when the army laid siege to Cizre (a town in Sirnak province) from 4 to 12 September received minimal coverage in the leading national media. There were few reports about the civilian victims, the humanitarian impact of the shortages, or the damage to infrastructure. When HDP parliamentarians set off on a march to Cizre to draw attention to this situation, their initiative was portrayed as an illegal operation designed to support the PKK.

The recently revived censorship could nonetheless conflict with regional and Turkish social trends that put the Kurds at the centre of the chessboard. The peace process has left its mark on society and is fuelling the rejection of taboos. The HDP’s enhanced visibility on the national stage and the “Diyarbakir voyage” undertaken by several leading intellectuals in recent years have also contributed to this new trend. After allowing the Kurdish question to divide and polarize the media, it will not be easy to sweep it under the carpet again.

1. RSF press release of 28 July 2015 “Media are collateral victims of surge in tension.”



© AFP PHOTO / HURRIYET DAILY

War on PKK use as grounds for new offensive against critical media

Critical media have been subjected to verbal attacks by the Turkish government for years. They were accused of treason, terrorism or destabilization during the Gezi Park protests in 2013, and again during the election campaign in the spring of 2015. But such attacks are especially serious at a time of war with the PKK. Leading media are now being accused of colluding with those who are shedding the blood of Turkish soldiers and policemen and, as such, are being branded as enemies of the nation.

Özgür Gündem and the left-wing daily *Evrensel*, for example, were described as “criminal machines” by Deputy Prime Minister Bülent Arınç because of their reporting in the wake of the Suruç bombing. It was also the case with the Dogan Media Group, which includes such leading media outlets as the daily *Hürriyet*, the TV news channel *CNN Türk* and the news agency *DHA*. Repeatedly criticized by President Erdogan, the group has been the subject of a “terrorist propaganda” investigation since 15 September¹. Prosecutors accuse several Dogan outlets of blurring the face of a PKK fighter killed by government forces but not blurring the faces of soldiers killed in an attack by the PKK. They are also investigating a number of other allegations that had already been thrown out by a court.

This persecution is all the more disturbing because its poisonous effects have already been demonstrated. Enraged demonstrators have twice attacked *Hürriyet*'s headquarters, on 6 and 8 September. It was only after the second attack that the government officially condemned such behaviour and even then the message lacked clarity. Far from being questioned or arrested, a parliamentary representative of the ruling AKP party who was one of the instigators of the first attack was promoted within the party hierarchy a week later.

Criticizing the government's handling of the Kurdish issue is again dangerous even for the most established journalists. Well-known columnist Hasan Cemal is facing up to four and a half years in prison on a charge of insulting the president in a piece in August headlined “Responsibility for the bloodshed lies above all with the sultan in his palace.” He pointed out that this is the first time he has been prosecuted since the 1971 military coup². Another columnist, Kadri Gürsel, was fired at the end of July from *Milliyet*, the newspaper where he had worked for the past 17 years, because of a Tweet blaming Erdogan after the Suruç bombing. *Milliyet* fired fellow columnist Mehves Evin and five other journalists at the end of August³. Evin's last column, about the recent fighting between the PKK and the security forces, was never published.

It is disturbing to see pro-government media helping to criminalize critical journalism. The investigation into the Dogan Media Group was prompted by an article in the pro-government newspaper *Günes*. The pro-government daily *Yeni Safak* described Mehves Evin as a “PKK sympathizer.” Cem Küçük, a columnist for the pro-government daily *Star*, has distinguished himself by his many recent verbal attacks on critical journalists. On 9 September, the day after the second attack by demonstrators on *Hürriyet*'s headquarters, he branded *Hürriyet* journalist Ahmet Hakan as “the PKK's leading propagandist” and added: “If we wanted, we would crush you like a fly. You are lucky to be still alive and that we've taken pity on you until now.” Ahmet Hakan was the victim of physical attack outside his Istanbul home on 30 September.

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Enraged demonstrators attack *Hürriyet*'s headquarters in Istanbul, on 8 September 2015.

1. RSF press release of 15 September 2015 “Dangerous surge in censorship liable to exacerbate crisis”.

2. “Journalist probed for allegedly ‘insulting’ Turkish president,” *Hürriyet Daily News*, 17 September 2015.

3. “Milliyet fires 7 journalists who are critical of government,” *Today's Zaman*, 28 August 2015.

3 SHIFTING TERRAIN FOR JOURNALISTS IN DIYARBAKIR

1. VULNERABLE AND POLARIZED MEDIA

The media landscape in southeastern Anatolia is dynamic and diversified. But information is a highly flammable material. As is the case nationally, many of the local media outlets are linked to political parties or other interest groups. As a result, journalists are rarely perceived as such. Instead they are seen as “agents” whose masters others constantly seek to unmask, and even as enemies who may if necessary be targeted. The polarization of the media that is characteristic of Turkey as a whole was already much more marked in this region before the fighting resumed. “This is the heritage of the state of emergency,” GGC president Veysi Ipek said in April 2015. “We work in a very conflicted terrain.”

Political tension and “pressure from the street”

There is great deal of self-censorship. “It’s a reciprocal control – journalists write about their colleagues and vice-versa,” Ipek said. Even in peacetime, the media clashed vigorously with each other, driven in part by the emergence of new political actors including radical Islamists. And the verbal attacks are all the more worrying because the main local political forces have their clandestine armed wings. “All the parties in this society want your support so it is very hard to preserve your independence,” said Mesut Figanççek, the editor of the local newspaper *YeniGün*, blaming “the society’s lack of democratic culture.”

Local society’s extreme polarization and the recent history of violence encourage a culture of secrecy and connivance. “In theory, journalists shouldn’t be too intimate with their sources of information but no exchange of information is possible here without a great deal of intimacy,” a journalist said. “As a result, the source often tries to impose his conditions on journalists and make them say exactly what he wants.” Most of the journalists RSF met criticized a “covert accreditation system” that is based on political affinity and restricts access to information. Media that are not sympathetic obviously find it hard to cover street demonstrations. But according to several journalists, even coverage of the Kurdish New Year is subject to partisan restrictions by one side or the other.

“As the correspondent of an international media outlet, I still manage to cover news conferences given by the HDP or the bar association, but this is completely impossible for our colleagues with *Rûdaw*¹, for example,” a journalist said. *Rûdaw*’s journalists, like *Al-Jazeera*’s, have also been turned away from the Syrian refugee camps in Suruç. At the same time, many pro-Kurdish journalists complain about their ostracism by the central government’s representatives. “We are never invited to

1. A media group that supports the KDP, a ruling political party in Iraqi Kurdistan that is a rival of the PKK.



© EROL ÖNDEROĞLU / RSF

↑ A range of Diyarbakir newspapers. (April 2015)

news conferences organized by the state authorities, the police and so on,” one said. Certain conservative municipal authorities act in the same way.

Self-censorship, whether identified as such or by such labels as “balance” or “self-control,” is ubiquitous. “When you are a journalist in such a politicized society, you know that what you write attracts attention, and you cannot hide what you are doing,” a journalist said. “You are forced to take account of the sensitivities of the local population,” another said. A third said: “There is no need for concrete threats, phone calls or anything else. The pressure from the street is enough. Everyone knows what they must do. No journalist is knowingly prepared to risk social death.”

One local newspaper editor thought maintaining a balance was the solution. “Our newspaper is a pluralist one. It gets along with people of all kinds and publishes everyone’s press releases,” he said, arguing that a journalist’s ability to maintain his independence largely depends on his personality and reputation. When trying to deny the existence of self-censorship, one of his colleagues involuntarily acknowledged it.

“You cannot censor yourself because people see everything with their own eyes (...) If you make the least mistake, people come looking for you.” Asked in April 2015 what development would help most to improve media freedom, GGC vice-president Mûcahit Ceylan replied: “The withdrawal of politics from the media. Journalism would be free then.”

Vulnerability of the local press

Aside from these challenges shared by local and national press, local newspapers have another difficulty – their economic vulnerability, especially vis-à-vis the local authorities. Without ads, few of Diyarbakir’s ten or so dailies would survive and state advertising constitutes the lion’s share of the advertising market. “A while back, a parliamentarian who was suing us said he was surprised that we dared to criticize him because we depended on state advertising,” a local newspaper editor said. “Even my partners began to voice concern about my critical articles. Some major companies refuse to place their advertising with us.” Most of the journalists questioned by RSF agreed that dependence on advertising was a major factor in self-censorship.

1. Ahmet Akku of the *DHA* news agency and Arif Altunkaynak of the *Anatolia* news agency.

2. *DIHA* news agency reporter Ibrahim Polat and two journalists with the daily *Azadiya Welat*, Bisar Durgut and Mustafa Tasdemir.

3. *Azadiya Welat* journalists Bisar Durgut and Nihat Kutlu and two journalists with the women’s news agency *JINHA*, Beritan Canözer and Sarya Gözüoğlu. Canözer was hospitalized with eight stab wounds.

4. Reporter Hüseyin Bağış was stabbed three times in the leg. Cameraman Aziz Aslan was hit and his camera was damaged.

Another problem often cited is the arbitrary behaviour of certain politicians and government officials, who regard their districts as their private fiefdom and readily resort to legal proceedings in order to silence critical journalists. Nevzat Bingöl has bitter memories of his attempt to create a local weekly in Karlıova, a town in Bingöl province. Although he published detailed evidence of irregularities in the awarding of contracts by the sub-prefecture and invited the sub-prefect to avail himself of his right of response, the sub-prefect had him convicted of both civil and criminal libel and forced him to close the newspaper in order to pay all the fines. The legal proceedings initiated against the sub-prefect were meanwhile eventually dismissed.

Violence from all sides

Regardless of any peace process, the region’s journalists are exposed to frequent police abuses, acts of violence and other displays of deep social tension. Anti-riot police attacked two journalists¹ at a hospital in Nusaybin, in Mardin province, on 12 August 2015 when they tried to cover the arrival a police officer who had been shot by the PKK. As the journalists approached, the police fired in the air and said they were “all militants.” Then the police hit them and broke one of their cameras. Three news agency journalists were injured in Diyarbakir on 9 June 2015 by members of the Islamist Hûda-Par party who were carrying out a punitive raid on PKK-controlled districts after an Islamist leader was shot dead. *IHA* reporter Burak Emek and *DHA* reporter Serdar Sunar were attacked with a machete while Canan Altintas, another *DHA* reporter, sustained a serious head injury when hit by a stone. All three were hospitalized.

Three journalists² were attacked by police and briefly detained while covering police violence in Urfa, near Suruç, on 27 February 2015. Four pro-Kurdish journalists³ were injured in a knife attack by militants while covering a demonstration in Diyarbakir on 2 October 2014 in solidarity with Kobane. An *Anatolia* news agency crew was attacked by demonstrators while filming the closure of a police training school on 17 September 2014. A group suspected of links with the PKK set fire to the local newspaper *Varto Haber*’s printing press in Varto, in Mus province, on 22 August 2014.⁴

In a sign that the situation was already worsening, a journalist was kidnapped by the PKK in August 2014, the first abduction of this kind in many years. The victim was Ali Adiyaman, a reporter for the regional news agency *ILKHA*, who was abducted by four gunmen after an identify check in Dagcilar, a locality near the town of Silvan, in Diyarbakir province, on 27 August. His brother said they told him he was writing “too many articles” about them. He was freed four days later near Hazro.

The proximity of the war in Syria was helping to exacerbate the tension in Turkey long before the resumption of fighting. The fighting that was ravaging Syrian Kurdistan, on the other side of the border, had a big impact on the population in southeastern Anatolia. All of the parties to the Syrian conflict found an echo in Turkey, starting obviously with the PKK but also including the supporters of Islamic State, supporters of the Assad regime and supporters of other factions. Turkish nationalists, on the other hand, accused all of these political forces of wanting to drag Turkey down into chaos.

DIFFICULTY COVERING THE OCTOBER 2014 RIOTING

Islamic State's siege of Kobane, Syria's third largest Kurdish city, triggered Turkey's most violent wave of riots of the past 30 years during the second week of October 2014. Clashes between pro-Kurdish, Islamist and Turkish nationalist activists caused at least 36 deaths nationwide and led to a state of emergency being proclaimed in six southeastern provinces. The violence also hit journalists who defied the difficult conditions in a bid to cover this development. Both the ÖGC and the GGC said several of their members were injured and described the week as the biggest spike in tension in a long time.

A *Gele Kürdistan* TV cameraman was injured while filming clashes between PKK and Hüda-Par members and inadvertently showed his face on the TV screen. As a result of being identified in this way, he was threatened during the following days by Hüda-Par members, who accused him of discrediting them and of organizing the clashes. A pro-Kurdish newspaper distributor, Kadri Bağdu, was gunned down during his daily round in Seyhan, in Adana province, on 14 October¹.

Police violence on the border

Journalists were attacked during clashes in Ankara and Istanbul² but the worst police violence took place in regions along the Syrian border, especially Suruç, where the security forces summarily dispersed the many journalists who had come to monitor the situation in Kobane, located just the other side of the border. A *BBC* minibus caught fire near the Mürsitpınar, on 5 October when gendarmes fired three teargas grenades at it. Its occupants – Paul Adams and Piers Scholfield – were only just able to take cover. "I was just ten metres away from the *BBC* vehicle," Veysi Ipek said. "As I was photographing the scene, our car was also hit by several projectiles and a teargas grenade injured me in the arm." Ertus Bozkurt said: "I was also targeted in Suruç. My colleague, Turabi Kisin, was injured in the leg by a teargas grenade, two other journalists were attacked and four live broadcast vehicles were damaged."

After visiting the Syrian border, representatives of Freedom for Journalists (GÖP), a Turkish coalition, gave a news conference on 8 October 2014 to report the many accounts of police violence they gathered while in the border region³. *Özgür Gündem* reporter Esra Ciftçi told the delegation

she was badly beaten by police while covering three injured people being taken to hospital. A *TV10* reporter said police fired a teargas grenade at his vehicle's windshield. He also reported that a riot police vehicle deliberately rammed his crew's satellite dish. A news agency reporter noted that some members of the public attacked journalists working for pro-government media, but he complained above all of the discriminatory way the security forces treated the media. "They let people through who were not even journalists but blamed all the problems on us," he said.

Access restrictions and arrests

Journalists without an official press ID issued by the prime minister's office were denied access to certain areas along the Syrian border that were declared "military zones" during the October 2014 clashes. This included the hill directly across the border from Kobane, which the media used as a vantage point for following the fighting in and around the city. Many journalists, including reporters from pro-Kurdish media such as the news agency *DIHA*, were refused access because they lack the essential press pass. The same restrictions were imposed in the regions where a curfew was imposed.

Only journalists with a press card were able to move about freely there although, like the public, they were exposed to violence and hampered by the many army barriers.

At that time, combatants and smugglers seemed to have relatively little difficulty in crossing the border but this was not the case for journalists. Twenty media workers who had been operating in the region around Kobane were arrested when they entered Turkey on 6 October 2014 in a bid to escape the fighting. They were held along with around 200 refugees in appalling conditions in a gymnasium in Suruç for nearly two weeks before being released.

Similarly, it was hard for Turkish journalists to cross the border in order to visit Kobane, even after Islamic State lifted its siege. Veysi Ipek said in April 2015: "After being turned back at the checkpoint, some colleagues were forced to cross the border elsewhere, at the risk of stumbling into a minefield or an Islamic State patrol. The day after the last IS forces pulled out of Kobane, the governor of Sanliurfa made it possible for journalists to cross, but then the border was closed again. I received many calls from Kobane residents asking me to go and cover their situation, but the Sanliurfa prefecture didn't want us to go. It is hard to cover the real situation on the ground."

Ipek added that the YPG contributed to the difficulties by handing journalists caught on the Syrian side over to the Turkish army. These journalists were then liable to be fined 3,000 Turkish pounds (about 1,000 euros). Foreign reporters caught crossing into Syria illegally were usually detained and then deported. This is what happened to a French journalist and three Italian journalists who were arrested in Mürsitpınar on 18 June. They were deported two days later.

1. RSF press release of 14 October 2014 "Kurdish paper distributor gunned down in southeastern Turkey."

2. RSF press release of 10 October 2014 "Freedom of information needed for public debate, and to restore calm."

3. BIA Haber Merkezi, "GÖP'ten 'Kobanê' Raporu: Medya Taciz ve Tehdit Altında," 8 October 2014.

→ Smoke rises from the Syrian town of Kobane, located on the Turkish border. (October 2014)

3. A WAR WITH NO WITNESSES?

No-go areas

More than 70 “security zones” with curfews and control of movements have been established since the ceasefire ended. At least 11 provinces in eastern and southeastern Anatolia are affected: Sınak, Siirt, Agri, Elazig, Tunceli, Kars, Batman, Hakkari, Van, Mardin and Diyarbakir. These measures have made it much harder for journalists to move about freely, especially those without press cards.

Arrest and deportation used to intimidate foreign reporters

The message is clear: foreign journalists wanting to cover the clashes currently under way in southeastern Turkey are not welcome. The measures taken against them in recent weeks have been without precedent since the 1990s¹.

1.
RSF press release of 1
September 2015 “Turkey
jails foreign journalists for
first time in 15 years.”

Three *VICE News* journalists – British reporters Jake Hanrahan and Philip Pendlebury and Iraqi fixer Mohammed Ismael Rasool – were arrested on 27 August for filming without accreditation and were placed in pre-trial detention three days later on a charge of “crimes committed in a terrorist organization’s name.” Hanrahan and Pendlebury were finally released and deported on 3 September but Rasool is still being held in Adana high security prison.

2.
RSF press release of 7
September 2015 “Dutch
reporter detained in
continuing harassment of
foreign journalists.”

What Dutch journalist Frederike Geerdink has undergone also speaks for itself. Resident in Turkey since 2006 and the only foreign reporter based in Diyarbakir, she was subjected to growing pressure in 2015. Briefly arrested in January on a charge of PKK propaganda, she was acquitted in April, but the prosecutor’s office appealed, and restarted the proceedings. On 6 September, she was arrested while covering the activities of a group of Kurdish pacifists in Yüksekova, a town near the Iranian border in Hakkaria province², and was deported four days later. After so many years in Turkey, her return to the Netherlands feels like exile.

→
The British *VICE News* reporter Jake Hanrahan (left) calls for the release of his Iraqi colleague who remains in prison in Turkey.



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CONCLUSION

Turkey has entered a dangerous phase in which the government’s authoritarian tendencies and the outbreaks of violence are fueling each other. And it is hard to see the situation being defused by the repetition of parliamentary elections on 1 November. In the face of all the dangers now threatening Turkey, free and independent media are more essential than ever so that the country can be aware of the fate of the population caught in the middle of the fighting, so that it can discuss the roots of the conflict and the possible solutions, and so that polarization and hatred can begin to subside. With all due respect to President Erdogan, subjugating the media will not help Turkey.

RECOMMENDATIONS

REPORTERS WITHOUT BORDERS ASKS:

The Turkish authorities to:

- Stop censoring media that criticize or cover the Kurdish issue and the ongoing conflict. In particular, give orders to end the blocking of news websites immediately.
- Lift the pointless restrictions on the activities of journalists in areas where security operations are taking place, thereby allowing local and foreign journalists to work in the field.
- Repeal the Anti-Terrorism Law (Law No. 3713) or tighten up its wording and drastically reduce its scope in order to bring it into line with democratic standards.
- Enhance the status of journalistic principles in Turkey's legislation, in accordance with European Court of Human Rights rulings. In particular, give increased weight to the right to information about subjects of public interest in order to offset the demands of state security, the confidentiality of judicial investigations and so on. And provide the confidentiality of journalists' sources with much more protection.
- Repeal or completely overhaul the articles in the criminal code and Internet law that violate freedom of expression.
- Abolish all statutes of limitation for the murders of journalists during the 1990s, as well as for other war crimes and crimes against humanity committed during this period.
- Establish a culture of transparency within the administration at both the national and provincial level in order to create a climate of dialogue and openness towards all media.
- Change the way that the High Council for Broadcasting (RTÜK) functions, in order to depoliticize it and make it independent.
- Set an example in public statements by no longer referring to critical journalists and media as terrorists.

The judicial institutions at the national and local level to:

- Change judicial attitudes so that the justice system focuses on defending citizens instead the state.
- Systematically apply European Court of Human Rights rulings on freedom of expression and the right to information about subjects of public interest.
- Conduct full and impartial investigations into the murders and enforced disappearances of journalists in the 1990s.
- End the KCK trials and review prosecutions and convictions of news providers on terrorism charges so that prosecutions continue (or convictions are upheld) only in cases of actual or specifically-planned violence by the defendants.

Turkish journalists to:

- Scrupulously respect the existing rules of professional conduct.
- In particular, refrain from using hate speech and resist self-censorship and political polarization.

Civil society and political parties to:

- Help promote social peace and dialogue and refrain from fuelling tension, which has repercussions for the safety of journalists and media workers.

→
A Turkish cameraman
films footage in Silopi,
just 6 miles from the
border with Iraq.

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