

Testimony before the House Foreign Affairs Committee's Europe, Eurasia, and Emerging Threats Subcommittee

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“Turkey’s Democratic Decline”
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Chairman Rohrabacker, Ranking Member Meeks, and members of the subcommittee:

Thank you for the opportunity to submit a written testimony at this hearing on human rights, democracy, and freedom of expression in Turkey. In my role as Europe and Central Asia program coordinator of the Committee to Protect Journalists (CPJ), an independent, nonprofit organization dedicated to defending press freedom and the rights of journalists worldwide, I have been focusing on Turkey since 2012. Along with my team, I have monitored and documented the government’s crackdown on the media over the past four years, which has reached an unprecedented intensity.

In this testimony, I will focus on key methods the Turkish authorities have used to suppress opposition and independent media, and will highlight cases that illustrate the practice of these methods. I will offer recommendations to U.S. leaders on how they can support Turkish journalists and media outlets. Unless otherwise specified, all data cited in this testimony is based on CPJ research.

INTRODUCTION

For two consecutive years—2012 and 2013—Turkey was the leading jailer of journalists in the world, imprisoning more members of the press than repressive states such as Iran, China, and Eritrea. Over the next two years, due to both international advocacy and internal political processes, Turkey’s record improved and it released dozens of journalists. However, at the same time the government increased its repressive action against the press, through using vague, broadly worded anti-terror laws; bringing charges under an archaic law that carries jail terms for insulting the president; replacing the editorial management of opposition media outlets and firing their staff; routinely imposing bans on the reporting of sensitive stories; and prosecuting and imprisoning journalists on anti-state charges in retaliation for their work.

Because of the high volume of attacks on the press taking place in Turkey, CPJ in March started publishing the Turkey Crackdown Chronicle: a daily summary of press freedom violations in the country. The chronicle, written and researched by CPJ’s Turkey representative, [can be found here](#). I urge you to follow it for current information on press freedom conditions in Turkey.

KEY PRESS FREEDOM ISSUES

IMPRISONMENT OF JOURNALISTS

Despite the release of multiple journalists in 2014—from a high of 61 in October 2012 to a low of seven in December 2014, Turkey continues to jail journalists for their work, and has increased the number of those detained and prosecuted on terrorism, propaganda, and anti-state charges in recent months. Turkey has targeted journalists with pro-Kurdish media outlets, including the daily *Özgür Gündem* and the Dicle News Agency (DIHA), for their coverage of clashes between Turkish security forces and Kurdish separatists in the southeast provinces, which have renewed since the collapse of fragile peace talks in 2015.

For months, Turkey imposed curfews that prevented the movement of civilians, including journalists, in and out of neighborhoods and towns in the south. Cities and districts, including the provincial center of Şırnak and the Sur district of Diyarbakir, remain under curfew today.

In one incident in the southeastern town of Cizre—which had been under a government-imposed curfew from early December 2015 until late February 2016, Rohat Aktaş, a news editor for the Kurdish-language daily *Azadiya Welat*, died in unclear circumstances. Aktaş had been trapped in a basement, where he sought shelter with others after being wounded in January. Aktaş, who was covering clashes, had reported getting injured in late January, 2016, before losing contact with his newsroom in early February, 2016. His charred body was recovered from the basement, after Turkish security forces apparently stormed the building which, according to authorities, was a hideout for militant separatists. According to the newsroom, Aktaş was not a fighter and was there only to report on the standoff between government forces and separatists. Turkish pro-government media said that the people trapped in the city were terrorists and that separatists had prevented ambulances from helping the injured. Pro-opposition and pro-Kurdish media reported that government forces were shooting indiscriminately at civilians and denying medical treatment to the injured. Because of the severe restrictions imposed on journalists, there were no independent accounts available to confirm the events.

The restrictions Turkish authorities have imposed on covering the south, as well as the region's volatility and distance from the media hubs of Istanbul and Ankara, make it hard to confirm the exact number of journalists detained in relation to their reporting, which is further complicated by the authorities' well-documented policy of using prison as a revolving door for members of the press. According to CPJ's ongoing documentation of imprisoned cases, Turkey currently holds at least 20 journalists in prison for their work.

PROSECUTION OF JOURNALISTS ON ANTI-STATE CHARGES

Using Turkey's vaguely worded anti-terrorism statutes, authorities routinely equate covering sensitive issues, such as the activities of the country's intelligence agency, the Kurdish issue, or the banned Kurdish Workers' Party (PKK), with terrorism. In one of the most high-profile cases that illustrates this trend, an Istanbul court in May convicted prominent investigative journalist Can Dündar of revealing state secrets, and sentenced him to seven years in prison (later reduced to five years and 10 months). He was first imprisoned, along with his colleague Erdem Gül, in November 2015 after a report in the independent daily *Cumhuriyet*—which Dündar edits—that alleged Turkish Intelligence Agency sent weapons to Syrian opposition groups. President Recep Tayyip Erdoğan publicly berated Dündar as a

traitor before the journalist was jailed. International outcry, including statements by U.S. government officials, helped pressure authorities to release him from prison pending a trial. When the trial was held, it was closed to the public, President Erdoğan and the Turkish Intelligence Agency were admitted as formal complainants in the case, and Dündar and Gül were sentenced to jail. On the day of the verdict, an assailant shot at Dündar when he was talking to journalists during a break in proceedings. Dündar was unharmed, but a television journalist suffered injuries from a stray bullet.

The country's anti-state statutes are also used to prosecute media outlets. In an emblematic case, the pro-Kurdish daily *Özgür Gündem* and its staff are defendants in 149 individual trials for allegedly violating the vague Anti-Terrorism Law, as well as 27 trials for violating article 301 of the Turkish Penal Code, which makes it a crime to insult Turkey, the Turkish nation, or the Turkish state, according to the paper's lawyers.

Most recently, Erol Önderoğlu, Turkey representative for the press freedom group Reporters Without Borders, was jailed alongside another journalist, and a human rights activist on terrorism propaganda charges after they took part in a campaign of solidarity with *Özgür Gündem*, in which local journalists served as rotating editors at the newspaper. Önderoğlu and his fellow campaigners were freed pending trial after international groups made multiple calls for their release.

In June 2016, Ankara prosecutors opened criminal investigations under the Anti-Terror Law against eight television stations and two daily newspapers on suspicion of spreading propaganda for the PKK, which Turkey classifies as a terrorist group. According to local news reports, prosecutors from the Office of Crimes Against the Constitution are investigating broadcasters İMC TV, Hayat TV, MED NUÇE TV, STREK TV, K24, VAN TV, RONAHI TV, NEWROZ TV and the daily newspapers *Evrensel* and *Özgür Gündem* on the accusation. Three months earlier, Turkey's largest signal provider, Türksat Satellite Communication and Cable TV Operation, dropped İMC TV's signal permanently, acting on order of the Ankara Public Prosecutor's Office, on similar accusations. İMC TV found an alternative signal provider with smaller coverage, but continued to face government persecution.

INSULTING THE PRESIDENT

Since his inauguration in August 2014, President Erdoğan has used Article 299 of Turkey's penal code, "Insulting the President," more than any of his predecessors. The law, which dates back to 1926, carries a prison term of more than four years if the content deemed to be offensive is published in the press. In the first seven months of Erdoğan's presidency, 236 people were investigated under the law, with 105 indicted, according to a BBC report that cited statistics from Turkey's Justice Ministry. The defendants have included journalists as well as students, civil activists, scholars, artists, and even a former Miss Turkey. By March 2016, according to Justice Minister Bekir Bozdağ, 1,845 cases were pending. The cases against journalists have been levied in connection to articles, broadcasts, books, social media posts, and comments in Internet chat forums. In the case of at least one journalist, his defense in court resulted in insult charges. Barış İnce, editor-in-chief of the leftist daily *BirGün*, had written a defense in October 2014 (in a separate defamation case against him), using an acrostic—in which the first letter of each line spells out a phrase—that included the words "Thief Tayyip," a common chant of anti-government protesters. The defense was delivered in court and was printed in *BirGün*. On March 8, 2016, an Istanbul court convicted İnce of insulting the president and sentenced him to 21 months in prison. His appeal is still pending.

GOVERNMENT TAKEOVERS OF OPPOSITION OUTLETS

In October 2015, Istanbul police broke the gates of the Koza İpek Group building in Istanbul's Şişli district and used water cannons and tear gas against protesters who had gathered in support of the five news outlets including the television stations, Bugün TV and Kanaltürk TV, belonging to the company. Police stormed the premises and shut down live television broadcasts two days after a Turkish court ordered the management of the privately owned company to be replaced with government-friendly trustees. The broadcasts of Bugün TV and Kanaltürk TV, which were cut during the raid, and which had provided political debate and opposition views in the run-up to November 1, 2015, parliamentary elections, were replaced with documentaries on World War II and the lives of camels. Bugün TV, Kanaltürk TV, as well as Kanaltürk radio, and the daily newspapers *Bugün* and *Millet*, were all eventually shut down, according to press reports.

In a similar move, in March 2016, an Istanbul court ordered that the managerial and editorial boards of news outlets belonging to the Feza Media Group be taken over by government-appointed trustees. Riot police stormed the premises of Turkey's largest-circulation newspaper, *Zaman*, and its sister-publication, the English-language daily *Today's Zaman*. Journalists were fired and several were forced into exile for fear of politically motivated prosecution. Overnight, *Zaman*—previously a staunch government critic—printed an issue favorable to President Erdoğan and his policies. The new government-appointed managers took over servers belonging to *Zaman* and *Today's Zaman*, and blocked journalists' from accessing the newspapers' websites. The publications' digital archives were deleted, according to press reports and CPJ contacts at both newspapers.

The repressive actions against the Koza İpek Group and the Feza Media Group are part of a wider crackdown by Turkey on media associated with the Gülenist movement—followers of exiled preacher Fethullah Gülen, an ally-turned-critic of the ruling Justice and Development Party, whom the government accuses of maintaining a terrorist organization and a “parallel state structure” within Turkey. The allegations have not been substantiated.

In early June 2016, Ankara prosecutors opened a criminal investigation against the small television station Can Erzinçan TV on accusations of producing propaganda for the Gülenist movement under the country's Anti-Terror Law. The station was started shortly after the takeover of the Koza İpek Group by journalists formally employed by the group.

NEWS BLACKOUTS, BLOCKING WEBSITES

It is standard practice in Turkey to impose news bans on sensitive stories, including terrorist attacks, and natural and man-made disasters. Regulators frequently censor social media websites following attacks, though many Turkish internet users are able to circumvent the censorship.

Following deadly blasts at Istanbul's Atatürk airport on June 28, 2016, regulators issued a partial ban on coverage. Regulators temporarily blocked access to the social media websites Facebook, Twitter, and YouTube, according to [Turkish Minute](#), an English-language opposition news website. Internet freedom activists published a [statement](#) from the Information and Communications Technologies Authority

(BTK) shortly after the attacks, warning Turkish social media users that sharing security camera footage of the bombings—including those who "retweet" or "repost" such videos—could face legal action. In the statement, the BTK warned social media users against “serving the means of terrorism.”

Also in June, the state broadcast regulator RTÜK fined the left-leaning Hayatın Sesi TV channel for violating a partial ban on coverage of a March 19, 2016 bomb attack in Istanbul, and for interviews it aired on March 24 with residents of Cizre, the site of fighting between Kurdish separatists and security forces. RTÜK issued a warning to Hayatın Sesi TV over its coverage of the bomb attack, and fined it 14,350 Turkish liras (US\$4,886) for the interviews with residents. If regulators find the station has violated its rules a third time within the year, they can ban the station from broadcasting for 10 days. A fourth violation in a year could result in the station losing its license, the left-leaning daily *Evrensel* reported.

While news bans are enforceable at broadcast media, they do little to stem the information flow online. To censor reporting on the internet, the government resorts to blocking entire websites. In a recent case documented by CPJ, on July 1 2016 Turkey’s telecommunications regulator, the TİB, blocked access to four websites deemed sympathetic to the Gülenist movement. The website of the newspaper *Yeni Hayat* was blocked because of a story it ran after the June 28 Istanbul attacks, which alleged there could be as many as 150 suicide bombers in Turkey. The website of the daily *Yarına Bakış* and the news websites *Subohaber* and *Onyediymibes*, whose coverage is also sympathetic to the Gülenist movement, reported on social media that regulators had blocked them without explanation.

Turkish authorities aggressively attempt to censor social media, particularly Twitter. The platform has become a viable alternative source of information and commentary to traditional media, which are largely under government control. According to the latest transparency report by Twitter, in the months July-December 2015, the company received 2,211 removal of information requests from Turkey, more than from any other country in the world.

RECOMMENDATIONS

Despite Turkey’s seeming defiance to international criticism of its human rights and press freedom record, the government does take notice of U.S. leaders’ public statements and actions of support, and is in turn moved to act on them. According to multiple CPJ sources in Turkey, Washington currently has more leverage on Ankara than any other capital in the world. The U.S. must use this leverage to speak publicly and unequivocally in support of both individual cases and press freedom principles in Turkey, and it must use every opportunity to condition diplomatic, economic, and strategic benefits by the U.S. for Turkey on tangible, meaningful press freedom and freedom of expression improvements by Ankara. Specifically, U.S. leaders must demand that Turkey release all journalists imprisoned in retaliation for their work; reform its anti-terror laws to exclude all anti-press statutes; scrap Article 299 of the penal code that criminalizes insulting the president; cease the practice of prosecuting journalists on anti-state charges; stop censoring the media, including through blocking online speech and news bans; return all seized opposition media outlets to their rightful owners and managers; and lift all restrictions to independent reporting on, and from, Turkey’s volatile southeast regions.

Thank you for providing CPJ with the opportunity to address this important matter.