

Bildiri

Elusive Citizenship: Media, Minorities and Freedom of Communication in Turkey in the Last Decade

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Abstract

This paper is based on a presentation delivered at St Antony's College, University of Oxford on 21st of May 2012 as part of the Seminar Series "Authority, Censorship and Subversion in Turkey: Culture and Society in the AKP Years". It reviews the developments that took place in realm of freedom of communication and media in the last decade.¹ Through interviews with editors and journalists, this presentation demonstrates that the exercise of democratic citizenship through the media and freedom of communication in Turkey is inversely correlated to deepening of AKP's power in governance.

keywords: Justice and Development Party, AKP, Turkey, media freedom, journalism, citizenship, governance

¹ Part of the data presented here is taken from my Phd Thesis: Yanardağoğlu, Eylem (2008) "The Mediation of Cultural Identities: Changing Practices and Policies in Contemporary Turkey", Unpublished doctoral thesis, City University.

Résumé

Médias, les minorités et la liberté de communication en Turquie dans la dernière décennie

Cet article est dérivé d'une présentation faite au Collège St Antoine, Université d'Oxford le 21 Mai 2012 dans le cadre d'une série de séminaires intitulée "Autorité, censure et subversion en Turquie: culture et société dans les années avec l'AKP". Il passe en revue les développements qui ont eu lieu dans le domaine de la liberté de la communication et des médias dans la dernière décennie. Grâce à des interviews avec des éditeurs et des journalistes, cette présentation démontre que l'exercice de la citoyenneté démocratique à travers les médias et la liberté de communication en Turquie sont inversement corrélées avec l'approfondissement de la puissance de l'AKP en gouvernance.

mots-clés : *le Parti de la Justice et du Développement, AKP, la Turquie, la liberté des médias, le journalisme, la citoyenneté, la gouvernance*

Özet

Son On Yılda Türkiye'de Medya, Azınlıklar ve İletişim Özgürlüğü

Bu çalışma, Adalet Ve Kalkınma Partisi'nin (AKP) iktidardaki 10. yılını değerlendirmek için Oxford Üniversitesi St. Antony's Koleji'nde düzenlenen "AKP Yıllarında Türkiye'de Kültür ve Toplum: Otorite, Sansür ve Bozulma" isimli seminer programı dahilinde 21 Mayıs 2012'de sunulan bildiriye dayanmaktadır. Bildiri öncelikle Türkiye'de iletişim özgürlüğü alanında son 10 yılda meydana gelen değişim ve siyasalardaki gelişmeleri ele alır. Bu gelişmeler, gazeteciler ve televizyon editörleriyle yapılmış mülakatlar ve iletişim özgürlüğü alanında çalışan ulusal ve uluslararası sivil toplum kuruluşlarının değerlendirme raporları üzerinden incelenir. Bu veriler ışığında ortaya çıkan tabloda, AKP'nin iktidardaki gücünün derinleşmesiyle medya dolayısıyla deneyimlenen demokratik vatandaşlığın sınırlarının giderek daraldığı ve Türkiye'de iletişim özgürlüğündeki problemler alanların arttığı savunulmaktadır.

anahtar kelimeler: *Adalet ve Kalkınma Partisi, AKP, Türkiye, medya özgürlüğü, gazetecilik, vatandaşlık, yönetim*

Introduction

Turkey witnessed tremendous socio-political transformation in the last decade, mainly triggered by the reforms made in its bid to become a full member of the European Union (EU). At the European Union Summit in Helsinki in 1999, Turkey was still seen to display 'serious shortcomings in terms of human rights and protection of minorities' but the basic features of a democratic system was acknowledged (EC 2004: 165). Although various governments introduced 'democratisation packages' since 1991, the scale of reforms that were undertaken after Helsinki summit was unprecedented (Müftüler-Baç 1998). The reform period was divided between two governments, the Democratic Left Party, Motherland Party and Nationalist Movement Party, (DSP-ANAP-MHP) coalition, and the Justice and Development Party (AKP) government that won the general elections in November 2002.

The outcome was a strong single party (AKP) government. AKP gained 34.2% of the votes and when it came to power it was time to introduce the "medium term" reform measures for EU integration. These included allowing education and broadcasting in the "mother tongue" and abolishment of death penalty which represented the most difficult areas of reforms and new provisions. These reforms have to be completed before the end of 2002 because Turkey needed to show its progress in these areas before the crucial EU summit in December in Copenhagen.

Since the 1980s, political establishment has shown a certain degree of reluctance to make provisions for media and education in minority languages. According to some scholars this could be traced back to the collapse of multi-religious and multi-cultural Ottoman Empire, where the primary cause of its dissolution was attributed to its culturally diverse heritage. (Keyder 2005) This is why scholars argued that the Republican modernization project considered the elements of the Ottoman heritage, such as the Kurds and non-Muslims as the misfits of the modernisation project (Kirişçi and Winrow 1997). For instance, in early days of the Republic, so-called *Turkification policies, targeted non-Muslim minorities and leading to their gradual decline, emigration and further demographic homogenisation of Turkey.*²

Later, following the military coup in 1980, expressions of Kurdish identity were prohibited. The use of Kurdish language was banned in 1983 based by Law No.2932, which also declared Turkish as the mother-tongue of all Turkish citizens. In addition to publishing in the Kurdish language, naming places and children in any language other than Turkish was also banned (O'Neil 2007).

2 Other Turkification policies included: Citizen Speak Turkish! Campaign in 1928, relocation of Jews in 1934, naturalization policies in interwar years, Capital Levy in 1942 as a war time measure, the pogrom of 6/7 September 1955 and finally the deportation of Greeks who hold Greek passports in 1964 due to the tension over Cyprus problem (Aktar 2004; Bali 2003).

Although Turkey has not yet signed the two essential documents³ in the field of minority protection, the first initiative in terms of cultural rights came in the form of minority language media provisions. This process began with allowing Kurdish language broadcasting on public television and radio in 2004 and on commercial local channels in 2006. Previously unthinkable, Kurdish language broadcasts contributed to the visibility of cultural diversity in the Turkish media scene.⁴

But Turkey has actually enjoyed a multi-lingual media environment for many centuries. The first printing house was established in Istanbul in 1493 by Jewish immigrants, and mainly published religious texts as well as books in Spanish, Latin and Greek (Topuz 2003). The first printing press in Armenian was established in 1567, followed by the first Greek press in 1627 in Istanbul (Karakaşlı, 2001). Each community was organised under the *millet system which allowed communities to establish their own language and educational institutions*.⁵ The first Turkish newspaper and the official gazette of the Empire, *Takvim-i Vekayi*, emerged in 1831 and was published in languages spoken by the various communities, including Greek, Arabic, Armenian and Persian (Topuz 2003).

The Lausanne Treaty (1923) that constituted the Republic also framed non-Muslims officially as minorities. This helped the transfer of the multi-lingual media tradition to Republican Turkey as the Treaty granted non-Muslim communities the right to retain their community organisations and institutions. For instance, during the early Republican years, the Greek community in Istanbul had around thirty newspapers, but currently it has only two newspapers - *Apoyevmatini* and *Iho*. *Apoyevmatini* was established in 1925 and mainly operates through the sole efforts of its general director, but the paper still proves to be a pivotal point for the community. *Iho*, was established in 1977 when the Rum community was in constant decline and its general director is the only journalist who remained in *Iho* after the others emigrated.

The Jewish community newspaper Şalom was established in 1948 in the Judeo-Spanish language and has become bilingual in 1984 with more pages

3 European Charter for Regional or Minority Languages and Framework Convention for Protection of National Minorities. These two Council of Europe Documents provide the basis of minority protection and media diversity. The charter was adopted in 1992 and entered into force in 1998. The Convention was opened for signature in 1995 and has been signed and ratified by 35 member countries. <http://conventions.coe.int>

4 For a detailed analysis of the policy process also see (Timisi 2005).

5 The term 'millet' literally means nation, but it does not have the political connotation in the modern sense. It is a legal organization of religious communities such as Greeks, Armenians and the Jews but this distinction was based on religion rather than ethnicity. The system became the constitutive legislation of the Ottoman state in the 15th century only in 1850s after modernization reforms millet members were treated as Ottoman citizens (Karpas 1982:145-162).

in Turkish.⁶ The paper relies heavily on foreign newspapers and the Internet as news sources and dedicates more space to events that take place in the diaspora that would interest the community.⁷ Şalom has grown from four pages to twenty pages in the last decade and accommodates a staff of forty people. The newspaper is seen as both reflector and leader of public opinion in the community but it refrains from challenging the status quo and aims to combat prejudices against Jews.

The Armenian community has three newspapers catering for a population estimated at 60,000 people. These are *Jamanak*, *Marmara* and *Agos*. All are delivered to the neighbourhoods where Armenians reside in Istanbul and they are mailed to subscribers around the world. *Jamanak* was established in 1908. *Marmara* was established in 1940 as a daily newspaper and it has a circulation of 1500 copies a day. In 2000, with the launch of its Internet site, it became the first online Armenian newspaper. *Agos is the youngest of the community newspapers and was established in 1996 with the mission to be a 'bridge' between the community and the larger society. As a bilingual weekly, it displayed a more oppositional character compared to the other community newspapers. In its news selection, Agos privileges news items that are related to the democratization process in Turkey. For some community members Agos has become a point of reference for all issues related to the Armenian community and its former general director Hrant Dink, assumed the role of an opinion leader.*⁸

Like the Kurds, Non-Muslim minorities in Turkey have faced problems stemming from domestic and international conflicts, as well as from prejudices in the public sphere as a result of historical tensions. Although the general tendency within non-Muslim communities has been to remain 'silent', one could observe an 'openness' within these communities and a revitalisation of their media. This process has intensified since 1990s, as part of greater visibility of identity politics in the public realm. The public assertions of particularistic ethnic and religious identities, which were previously confined to the private realm also coincided with this period. Indeed, in the 1990s Kurdish nationalism and political Islam were considered as the two major threats to the modernisation process and these dynamics rendered contestation of cultural identities in Turkey more visible, comprehensive and 'radical' (Kasaba and Bozdoğan 1997).

For some critics identity politics that challenged Turkish modernisation also paved the way for political actors such as AKP to emerge strongly on the political scene (Keyman 2005). Ak Party which "portrayed itself as a conservative party that advocated a liberal market economy and EU membership", cultivated

6 A majority of the Jewish population in Turkey are of Sephardic origin who were forced to leave Spain in the 15th century.

7 Interview with author

8 Interview with community members.

confidence among the big businessmen, liberal intelligentsia and mainstream media as the only party than can deliver stability and reforms necessary for EU integration (Kaya and Çakmur 2010:531).

As part of its EU accession, Turkey had to comply with the Copenhagen political criteria and to deliver short term and medium term reforms. Short term objectives, (to be completed by the end of 2001), included issues like strengthening freedom of expression and bringing it in line with Article 10 of the European Convention of Human Rights (ECHR), fight against torture, legal arrangements towards the abolishment of the death penalty and removal of any legal provisions which prohibits the use of Turkish citizens' mother tongue in TV/ radio broadcasts (EC 2003). Between 2000 and 2006 a number of key reforms introduced within a total of 8 EU harmonization packages.

The First Term of the AKP Government 2002-2007 and Beginning of Kurdish Broadcasting

The first obstacle for allowing 'Kurdish broadcasting' was in Article 28 which read "Publications shall not be made in any language prohibited by law". This was deleted from the text of the Constitution.⁹ The constitutional amendments were accepted under Law No: 4709, Law on Amending Certain Articles of the Constitution of the Turkish Republic, by the parliament on the 3rd of October 2001 as a part of the 1st harmonization package. The restrictions under Article 26 and 28 of the 1982 constitution, which banned the use of certain languages, and were prepared under the military regime.

The amendment in the constitution however contradicted with other legislation such as article 4 of the 3984 RTÜK law which stipulated that 'Foreign languages which contribute to the universal culture and science artifacts can be used in education, or these languages can be used to disseminate news. Because Kurdish is not considered as a language which contributes to universal culture and science, according to RTÜK law, further legislative changes were needed (Ergin 2001).

The 3rd reform package lifted the ban on the use of mother tongue and death penalty. The law no 4771 was introduced on 8th of August 2002 and it included amendments on Radio and Television Institutions Act (Law no 3984) in order to allow Turkish citizens to make broadcasts in the languages used in daily life. The government began to put pressure on RTÜK (Radio Television High Council) to complete a directive before the EU summit in order to reveal Turkey's commitment to the membership. The first directive on Kurdish broadcasting came into effect on 18th of December 2002 and stipulated that the broadcasts in 'different languages and dialects used traditionally by Turkish citizens in daily

9 ABGS (2001) Secretariat General for European Union Affairs Report, Ankara, p. 5.

life' would only be aired on TRT, the national public television. Programs in these dialects and languages could include news, music and cultural broadcasts for adults, but the teaching of these languages would not be possible. The TV broadcasts could not exceed 30 minutes per day and 2 hours in total in any given week and radio broadcasts could not exceed 45 min per day a total of 4 hours per week. TV broadcasts also had to include subtitles and radio programs should be followed by an exact translation. In article 8 of the directive the sanctions were stipulated which mainly focused on concerns over national security and separatist propaganda.

The new directive also empowered RTÜK to determine which dialects and languages could be used in these broadcasts and stipulated the completion of an audience profile. The first directive was entangled in bureaucratic problems between TRT and RTÜK which were caught up in a legal battle over their authority stipulated by their own regulations. RTÜK's regulatory provisions could not be applied to TRT, which had an independent structure of regulation. As part of the 6th reform package in June 2003, a second directive was introduced which made it possible for both public and private channels to make broadcasts in traditionally used languages. The new directive came into effect on 25th of January 2004.

The second directive left issuing license for local stations outside of its provisions in a temporary article until an audience profile was completed. The directive repeated the obligation which existed in the 1st directive that that the broadcast in traditionally used languages cannot be against the rule of law, national security, general morals, the qualities of the Republic as set in the constitution, the indivisibility of the state with its country and nation, 3984 RTÜK act, and the directives based on this act (Hürriyet 2004).

RTÜK received no applications from national television or radio channels; so it began to put pressure on TRT to start broadcasting in Kurdish. The TRT law, which previously conflicted with RTÜK regulations, was not changed but the necessary authorization was given in an executive board meeting. The audience profiles were never completed but TRT undertook the responsibility to start broadcast in traditionally used languages, rather reluctantly. This situation according to TRT experts was an indication that there was a problem of "independence from government" in TRT structure because government tended to consider the institution as the "backyard".¹⁰

TRT began broadcasts on 7th of June 2004 with Bosnian Monday on Radio 1 between 06.10 and 06.45 and on TRT-3 from 10.30. Kurdish for the first time was aired on the 9th of June in the Kirmançî dialect and included the news, a documentary and a music section.

10 Anonymous TRT producer in an interview with author, TRT, Ankara, 2006.

The most controversial medium term reforms were completed before the crucial EU summit December 2004 where the EU Council would decide whether or not to proceed with accession negotiations. The EU Commissions' annual regular report in 2004 acknowledged that Turkey sufficiently fulfilled the political criteria and recommended the opening of accession negotiations. This was the moment Turkey had been waiting for since it started its harmonization process with the European Union in 1999. The next step in Kurdish broadcasting was to extend this right to local channels and allow local private channels to start transmissions.

Broadcasting in Kurdish on local private channels began in 2006. After signing a declaration, Gun TV and So TV of Diyarbakir and Medya FM of Şanlıurfa were finally given permission to begin broadcasts. The transmissions would be a half an hour program on Söz TV, called 'Our traditions and customs', a 5 minute news bulletin in Kırmançi dialect on Medya FM, Gün TV's cultural program called 'Cradle of Culture' for 45 minutes (Hürriyet, 2006). On the day, Medya FM's first transmission there was a 15-minute news bulletin, followed by 15 minutes of folk songs and religious hymns, and the last part of the transmission was dedicated to the publicity of Şanlıurfa. (Hürriyet 2006) Gün TV also began its transmissions of the weekly cultural program *Derguşa Çande on the 23rd* of March 2006 in Diyarbakir. The content of the program is designed as a talk show about the region's cultural and historical characteristics due to limitations stemming from the directive. In 2007, the experts in the EU Delegation in Ankara thought that the broadcasts were still limited but they were 'significant' because they believed '10 years ago it would not even be possible to imagine that Kurdish transmissions could begin in Turkey'.¹¹

The Second Term of AKP Government 2007-2011 And Pm Erdoğan's Anti-Media Attitude

In the 1990s, Turkey had one of the worst records on media freedom due to the assassination and imprisonment of journalists not only from marginal leftwing or oppositional Kurdish press, but also mainstream leftwing, social democrat and Kemalist journalists (Tılıç 2001). In this period the main "agent in limiting the freedom of expression was the state" especially through implementing Articles 141 and 142 of the Turkish Penal Code. Despite a number of amendments during Europeanization reforms, the Article 301 of the Penal code, which addresses the offences committed in 'insulting Turkishness' was widely used to prosecute journalists, writers such as Nobel Prize winner Orhan Pamuk, the former editor in chief of Armenian Agos newspaper - Hrant Dink,

¹¹ Anonymous EU delegation officer in an interview with author, Ankara, 11 January 2007. The definition of a minority is problematic within the EU context as there are no binding standards. In the EU structure minority provisions are catered in Council of Europe conventions or other international documents. The EU delegation experts claimed Kurds were aiming to attain for 'minority rights' but they at the same time oppose to being seen as 'minorities' in Turkey'.

and other well known intellectuals such as İsmet Berkan, Murat Belge and Haluk Şahin. Agos published a news story on the 6th of February 2004 (Lady Sabiha's Secret) which read that one of adopted children of Atatürk's, Sabiha Gökçen, could be an Armenian girl who is taken from an orphanage. This attracted a huge media controversy as it was reported on the pages of Hürriyet on the 21st of February 2004 (Christensen 2010).

On the 13th of February, Hrant Dink wrote an article on Agos and suggested that Armenians should be able to get rid of their "obsession" with the Turks in order for their identity to be emancipated. A private citizen opened a lawsuit against Hrant Dink invoking article of the 301 Penal code. Dink was charged with 6 months jail sentence, but it was suspended. Hrant Dink decided to appeal to the European Court of Human Rights. Agos and Hrant Dink had been a target and victim of the very xenophobia they were trying to eliminate. Hrant Dink was shot dead in Istanbul in January 2007 in broad daylight in front of his newspaper offices by a 17 year-old teenager, apparently because he insulted "Turkishness" in one of his essays in the newspaper (The Economist 2007). Hrant Dink trial ended in January 2012. The actual murderer was sentenced to 22 years and two others were given 12 years in prison, and 16 other defendants, were acquitted of the charge of being members of a criminal organisation. An independent report published soon after the verdict, by the President's auditing office, revealed the gaps and negligence in the investigation and the verdict.

Two months after the murder, Nokta weekly published two articles which revealed a secret campaign of the military first to categories journalists as "pro and anti-military". Secondly, it published documents that showed a planned a coup in 2004 which did not materialise. Nokta was shut down and its offices were raided. In May 2007, the Internet Law was enacted. A report by OSCE observed that from May 2007 until December 2009, approximately 3,700 websites had been blocked by authorities, including YouTube and many Google services. (Article 19, 2010)

In the midst of these events, the second tenure of the AKP government began after the early elections that were held in July 22nd in 2007. Despite a stern rejection by the army of Abdullah Gül's candidacy by a statement published on its website on the eve of 27th of April, Mr. Gül was elected president on the 28th of August 2007 after the AKP secured a majority in the parliament with 47% of the votes.

The second term of the AK Party government was eventful as the tensions between the secular establishment and AKP heightened after new legislation controversially allowed the headscarf to be worn in educational institutions which was previously banned. The principal prosecutor of the Supreme Court of Appeals appealed to the Constitutional Court to shut down AKP on the grounds that it has become a 'centre for anti-secular activities' (BBC Turkish,

14th March 2008). Although it was considered by some as “ a last-ditch attempt by the Turkey’s old guard to cling to power”, critics also began to acknowledge Erdogan’s insufficiency in enhancing freedom of speech and scrapping article 301 which used to prosecute Turkish writers and academics (The Economist 2008: 61)

The Constitutional court decided not to ban AK Party and its leaders but levied a heavy fine for anti-secular activity (The Economist 2008). Mr. Erdogan, who was seen as a champion of free speech when he first came to power, in its second term raised eyebrows when he “ embarked on a systematic campaign to silence his opponents” after the case to shut down his party (Bilefksy and Arsu 2012).

Perhaps to understand how the political power attempted to curb freedom of the press and to understand Mr. Erdoğan’s “systematic campaign” especially, waged against the media in the second term in power, we need to consider a couple of cases which still continue to shape the media industry and its relations with the state in Turkey. The first and most illuminating case is the case of Aydın Doğan’s tax fine. The relationship between Mr. Erdoğan and Doğan media group deteriorated in 2007, just before the presidency elections. The prime minister openly challenged the editorial policies of the media organisations that does not support AK Party government and called on the public “not to read” such newspapers. Prime Minister Recep Tayyip Erdoğan also began “polishing up” the media groups that supported the AK Party government.” (Ulagay 2011:15) The tax fine was levied in December 2009 with a 3.75 billion lira (2.5 billion dollars) “for allegedly evading the taxes in the transfer of assets from one its companies to another” (The Economist 2009: 72) The fine raised concerns about the freedom of the media because Aydın Doğan’s newspapers and television channels “ promoted claims that Mr. Erdoğan is bent on leading Turkey towards religious rule” and “their coverage was used as a evidence in court case seeking to ban” (AK) Party.

The concerns about Mr. Erdoğan becoming “more draconian” and people in Turkey “becoming less free” were raised by Turkish academics as early as 2009 (Çağaptay 2009), but as Robert Mahoney (2011), deputy director of, Committee to Protect Journalists, wrote on his, Erdogan’s “anti-media rhetoric was largely ignored in the West”. This was because Washington considered Turkey, a Muslim NATO ally, as a moderating influence in the Middle East and the accession talks were mainly welcomed by the Europeans.

The Committee to Protect Journalists blog recently published results of a study that was conducted with mainstream journalists in Turkey in 2010. In this report, it is acknowledged that the political influence of the military has diminished, society-army relations are more democratized during AKP period. But it is also argued that “in the past four years Erdoğan and his Justice and

Development Party (AKP) have resorted to nationalist tactics by using vague defamation laws and sweeping anti-terrorism statutes to rein in not only traditional targets such as leftist and Kurdish journalists but also government critics in the mainstream media" (Mahoney, 2010). The study that CPJ conducted with journalists, publishers, and academics across the political spectrum, reveal that "press freedom in Turkey is under increasing threat". For instance, Ferai Tinç president of the Freedom for Journalists Platform, which groups 14 journalist associations and unions in this study, says that "Things have changed over the past 10 years," ... "I can now write about the Kurds but can't write about Erdoğan.» Ruşen Çakır a journalist for NTV and columnist in the daily *Vatan* argues that "The AKP has transformed the situation and now the government controls the media... They are imposing their agenda on the media" (Mahoney, 2010). According to his critics, Mr. Erdoğan, recognised the necessity of "controlling the media in the process after the trial to shut down Ak Party, and he targeted not only certain media barons, but all those columnists who did not think and write according to his taste." Ulagay refers to Mr. Erdoğan's speech on the 26th of February 2010 to support this argument, where he called the owners of the newspapers to control the columnists in order not to create "tension" in the country. (Ulagay, 2011:16)

The last incident during Ak Party's second term in government was the increasing number of arrests, especially journalists, via allegations made through the so-called on-going Balyoz and Ergenekon trials that revealed attempts by military and certain civil society organizations to overthrow the AKP government. With the arrests of two investigative journalists, Nedim Şener and Ahmet Şık, news and advocacy organisations outside Turkey have become more aware of the restrictions on press freedom in Turkey. On 6th of March 2011, these journalists were arrested on grounds of "involvement with the so-called Ergenekon gang" which comprises of generals and certain journalists and intellectuals to "overthrow the AKP government". The Trial which began in 2007, marked the arrest of serving generals for the first time in Turkish political history, but after 4 years of investigation, the Economist noted, the trail has not yet produced any convictions. Both journalists were jailed for one year and they were released on the 12th of April 2012.

The Third Term of the AK Party Government 2011 and Present

In the previous sections, I have tried to illustrate the main problems that were limiting freedom of expression in Turkey. In this last section, I want to mention the latest situation in relation to freedom of press and the of minority media, in the 3rd term of the AK Party governments.

Ak Party managed to secure a third term in power in the 12th June 2011 elections and Mr. Erdoğan secured 50% of the votes. AKP's success was seen to "reflect[s] the rise of conservative Sunni Muslims from Anatolia, who have

supplanted the army-backed elite” whose influence is being felt in various sectors of public life such as media, judiciary and economy. (The Economist, 18th June 2012, Vol. 399, Issues 8738. pp. 57-58).

In a report published in May 2012, Turkish Union of Journalists (TGC, 2012) identified three major areas which limit the freedom of expression in Turkey. The first area makes up the legal challenges such as the limitations in Penal Code, Law on Combating Terrorism and the legislative measures that could be conflicting with European Convention on Human Rights and the European Court of Human Rights decisions. Second set of obstacles stem from the legislation that stipulates the working conditions of the media professionals such as the Press Law. The third set of obstacles relate to “structural problems”. These problems impede the “editorial independence” in the mainstream media because the media commercially is structured in such a way that “it cannot resist the interventions coming from the capital as well as politics”. The Turkish Journalists Association (TGC) also announced that the number of journalists in jail exceeds 100, and there are almost 10.000 lawsuits against journalists in Turkey. The Association highlighted the fact that Turkey hold the 117th place in terms of press freedom among 197 countries according to the latest report by Freedom House of press freedom.

In response to the report, a veteran journalist who wanted to remain anonymous, explained the legal obstacles that affect the press freedom in Turkey as follows:

“In Turkey there are 15 different legislative measures that impact on the freedom of the press. The first one is the constitution, the others examples are Press law, TCK- Turkish Penal Code (especially article 301), TMK (Combating Terrorism law, since Turgut Özal period); Law on Crimes committed via the press, RTÜK law, TRT law, Law on Intellectual and Artistic Works, Law on Protecting Minors from Harmful Publications, the Civil law (like the article 24/1, that give the people to prevent news or photos from being published that can harm their reputation), Law on Capital Markets, Trade Law, and Law on Banks. Apart from these laws, there are more laws such as the Law on Press Advertising which affects minority media, and the local media, as well as Law on Press cards... Not all of these laws were introduced during the AKP government and some of them goes as far back as Özal period, but the AKP did not do anything to make things better for these legislative measures... the prime minister does not like criticism...The debate programs are scrapped.. The journalists that the prime minister did not want are being fired from Doğan media group... I think we are now in a worse situation than the 1990s, because now there is an AKP media. If the prime minister does not want to see something, the newspapers stop covering it. I don't remember such pressure and fear bigger than this period.» (Interview, May 4, 2012).

I directed similar questions to journalists from minority media outlets, especially following Hrant Dink trials results in order to see their evaluation of

the recent situation in terms of press freedom in Turkey. It seems that in terms of technological advances the revitalisation of the minority media continues. All newspapers, including Şalom, Iho, Agos, had started new initiatives. For example, Agos added more pages and now is publishing 24 pages, with a younger and more professional team. It has upgraded its Internet site and wants to introduce new layout and new pages in autumn.

Şalom began to publish a monthly glossy general interest magazine, in an attempt to attract younger readership, upgraded its website which is receiving 15000 hits. The current co-coordinating editor, Virna Banastey, says that minority media have attracted public attention, especially last year when the Rum newspapers, Iho and Apoyevmatini risked closure due to lack of funding. She welcomes this interest as a positive thing, because the public showed interest and wanted to keep these publications alive. But she also adds that there has not been any positive development in terms of press freedom and Şalom shares the similar problems of that of the mainstream media in this respect.

The Greek newspapers Iho and Apoyevmatini evaded closing down when they received a one-off payment from the Basın İlan Kurumu (The official adverts office) in 2011 which saved them from closure and became a lifeline until this year. There were also donations from the general public, especially for Apoyevmatini, following a Facebook campaign that was launched to attract public awareness to save it. But as editor of Iho, Mr. Rombopulos explained, both newspapers still face the same risk because the new legislation regarding official adverts were not done in a way that can benefit them easily. Mr. Rombopulos, who reduced almost all his staff and who can now only employ one Greek recent postgraduate student, ventured into establishing an online radio, in an attempt to attract more people to the website and gain money from advertising. *Ihotispolis*, which is the first online minority radio, reaches 5000 unique listeners in 58 different countries since it began transmission in late April this year. He told me that he received many positive and supportive comments from people and he thinks this reflects a general change in the public opinion in Turkey which began since 1999. But he does not necessarily relate it to the reforms introduced by AKP governments, because he believes the initial changes began in the mainstream media much earlier. But he acknowledges the fact that AK Party has also shown a different approach to the minorities and their problems, and gave positive messages to the minority communities, especially in terms of vakif legislation.

Rober Koptaş the editor-in-chief of Agos, similarly wanted to keep a cool-headed approach and offered a nuanced outlook that does not fall into the trap of simplistic and polarized ways of discussing AKP and its policies. He for instance believed that in the past there have been worst times in Turkey in terms of freedom of expression. But he still acknowledged the fact that the freedom of expression is curtailed in general in Turkey, and there is a lot to be done to bring it to universal standards. His cool-headed approach still does not prevent him from

seeing the changes in Recep Tayyip Erdoğan's attitude towards the media since 2008. He said that he did not find Ak party or Prime Minister "democratic» and he highlighted the irony they feel in Agos: the positive changes that took place after Hrant Dink was murdered. He explains:

"We can now publish more easily than Hrant's period, and this is contrary to the situation in Turkey...Agos was confiscated in 2000, there were many trials against Hrant abi, but now we can write harsher news that we could during his health, we can use the term 'genocide' and in the past there would be court cases against us, now there is nothing. I believe things happened at the time as part of a plan to make [Hrant Dink] and Agos a target, and to make him a better target the trials were used. When Hrant Dink died, Agos does not have such a function anymore. But if in the future things change, and I become a different figure, I think similar things might happen again. At the moment, we are a newspaper which can publish things relatively easily, and which did not attract any prosecution. I don't believe that this is due to the changes in the Press Law. I think it is as political choice...this does not feel good...we are aware of the fact that everything hinges on cotton wool."

There is recently a talk of "new Turkey" under AKP governance. But as I come to the end of my talk, I would like to say that I hope that this new phenomenon "new Turkey" will not mean things will become worse than the situation in 1990s in terms of freedom of expression and the media, because I fear citizenship may become once again an elusive reality.

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