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DECLINING JOURNALISTIC FREEDOM IN TURKEY

by

Aliya Uteuova

A Thesis Submitted in Partial Fulfillment  
of the Requirements for a Degree with Honors  
(Political Science and Journalism)

The Honors College

University of Maine

May 2018

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## ABSTRACT

Currently, Turkey is the country with the most jailed journalists. According to the Journalists Union of Turkey, 145 journalists and media workers are in prison as of February 2018. In the decades that press freedom was monitored in Turkey, the suppression of press and violations of the free expression rights under the regime of Recep Tayyip Erdogan is unprecedented. Turkey once had a potential of emerging as the first modern democracy in a Muslim majority nation. However, if Turkey's current state is not soon reversed, the country will be left with with a media landscape where the voices of pro-government press are heard and opposing publications are silenced. Taking Turkey's political history into account, I examined the current journalistic state of the country. To answer the question of why Turkish journalists get censored, I analyzed Turkish news agencies and studied scholarly articles to identify which topics raised by journalists get censored. I looked in more detail at the issues of self-censorship and imposed censorship and how that affects Turkish journalists today and in the future. In order to understand how censorship occurs, I took a closer look at institution that allows that — the judiciary system. I concluded that suppression of press in Turkey stems from the Republic founding in 1923 by Mustafa Kemal Ataturk. In order to move forward as a democracy, Article 301 of Turkey's Penal Code has to be abolished or completely revised.

## DEDICATION

This thesis is dedicated to journalists.

Your persistence, curiosity, and integrity inspire me to do what you do —  
report reality.

To my parents, you are my heroes. Thank you for teaching me how to love what's  
beautiful.

Your selfless love, fairness, and courage have shaped me into who I am today.

Lastly, to a place called Maine. You are the mighty mountains, breathing ocean, sturdy  
oak trees that withstand the strongest of winds and turn brightest of reds;  
you are everything a life should be.

## ACKNOWLEDGEMENTS

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## INTRODUCTION

In 1923, Mustafa Kemal Ataturk formally dissolved the Ottoman Empire and created the Republic of Turkey. The most monumental character in Turkey's history, Ataturk, known as the father of Turks, had a vision of modernizing Turkey. On his quest to do so, he made numerous cultural reforms toward Westernization. Among them was banning fez, a traditional red hat of Turkish men, replacing the Arabic alphabet with Latin, and implementing the Western calendar instead of an Islamic one. If in order to connect with Europe, Peter the Great cut down the beards of beastly Russians, Ataturk took of the hats of Turks. In his quest to replace the Ottoman identity with a new Turkish one, Ataturk made tremendous legal reforms, the most substantial being the implementation of the Constitution of the newly founded Republic of Turkey.

Article 70 of Section V of Ataturk's Constitution reads that "Freedom of conscience, of thought, of speech, of press are among the natural rights of Turks."<sup>1</sup> During his rule, Ataturk gave numerous speeches that exemplified his stance behind this section of the Constitution.

I would like to reemphasize the great duty of the press in public life, political life and the progress of the Republic. There is no need to mention how delicate a situation it is to make good use of wide and absolute freedom of the press. Beyond all kinds of legal reservations, a man of letters should have the solemn obligation to regard and respect science, requirements of the day and his own political considerations as well as the rights of the citizens and the esteemed interests of the country,

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<sup>1</sup> Edward Mead Earle, "The New Constitution of Turkey," *Political Science Quarterly* 40, no. 1 (1925): 73, doi:10.2307/2142408.

which are beyond all private considerations. And it is this obligation that may ensure public order. Even if there should be failures and faults on this path, the effective instruments to remedy these faults will not be as in olden days, certain institutions that take the press under control. Quite the contrary, the means of removing troubles, born out of the freedom of the press, shall be the *freedom of the press itself*.<sup>2</sup>

Even before this speech, Atatürk emphasized what now is known as the watchdog role of the press: “[j]ournalists should do necessary reporting when they witness and uncover actions against the law and interests of the public.”<sup>3</sup> Atatürk seemed to understand the gatekeeping role of journalism. According to Andrew Pettigrew, gatekeepers are those “who sit at the junction of a number of communication channels, are in position to regulate the flow of demands and potentially control decisional outcomes.”<sup>4</sup>

It was a daunting task, but Atatürk achieved what he envisioned — Turkey experienced the impact of the West without being a part of it. But in 2001, a young politician named Recep Tayyip Erdoğan was envisioning a different vision for Turkey. One that was a stark opposite of what Kemal Atatürk spearheaded, and Turkey’s promising road toward democracy hit a roadblock.

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<sup>2</sup> Altug Akin, *Atatürk And Contemporary Speech Lessons From The Late Ottoman And Early Republican Era*, Cambridge: Cambridge University Press, 2018.

<sup>3</sup> Mustafa Kemal Atatürk, *Atatürk'ün Söylev Ve Demeçleri (Atatürk's Speeches and Statements) repr.*, Ankara: Atatürk Araştırma Merkezi, 1997.

<sup>4</sup> Andrew M. Pettigrew, "Information Control as a Power Resource," *Sociology* 6, no. 2 (1972): 187-204, doi:10.1177/003803857200600202.

The 2018 Freedom Report by the Freedom House covered developments in 195 countries and 14 territories from January 1, 2017, through December 31, 2017. The rights and freedoms enjoyed by individuals were assessed, as well as the exercise of civil liberties, which constituted scoring of the rule of law and *freedom of expression* among other factors. Turkey fell from the previous years' scores of Partly Free (since 1999 to 2017) to Not Free.<sup>5</sup>

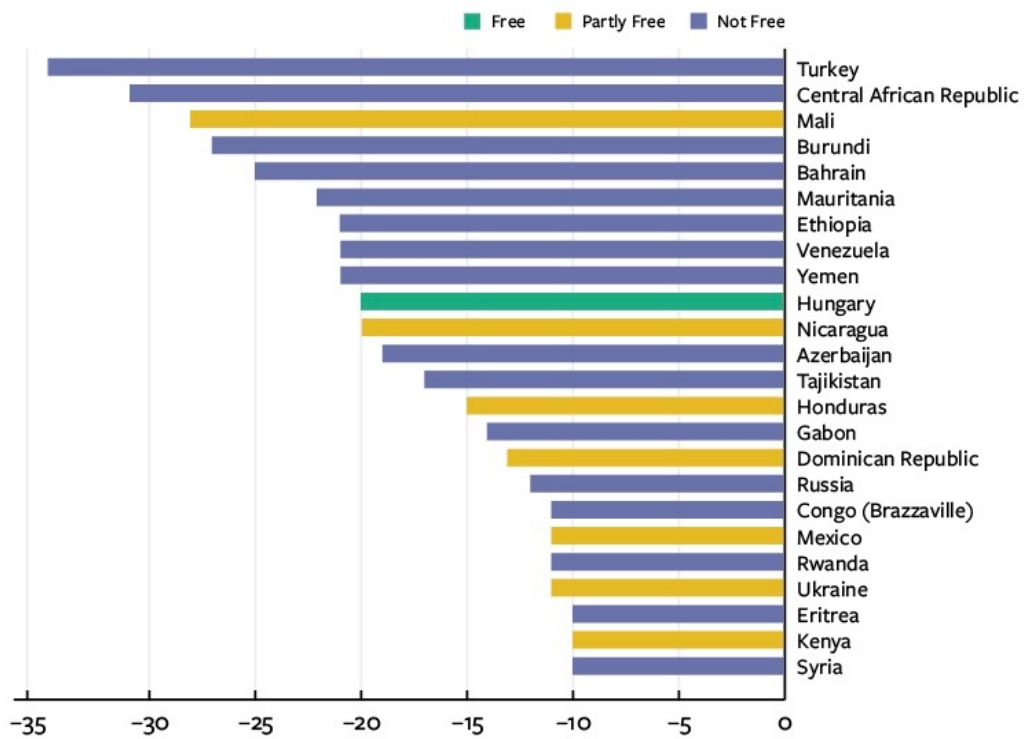


Figure 1.  
Freedom in the World 2018 Report<sup>6</sup>

<sup>5</sup> "Turkey," 2018, <https://freedomhouse.org/report/freedom-world/2018/turkey>.

<sup>6</sup> "Freedom In The World Report," 2018, <https://freedomhouse.org/report/freedom-world/freedom-world-2018>.

In 2008, Turkey’s practice for Civil Liberties, on a scale of 1 being the best and 7 being the worst received a score of 3. Ten years later, the Turkey got a score of 6 out of 7.

Year	1999	2001	2002	2003	2004	2005	2006	2007	2008	2009
Score	5	5	5	4	4	3	3	3	3	3

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Score	3	3	3	4	4	4	4	5	6

Table 1.  
Civil Liberties status by the Freedom in the World report in Turkey between 1998 and 2017. The yearly report assesses developments between Jan. 1 and Dec. 31 of the previous year on the following scale: 1=Most Free, 7=Least Free.<sup>7</sup>

The low score for Civil Liberties, according to the Freedom House report is due to a “deeply flawed constitutional referendum that centralized power in the presidency, the mass replacement of elected mayors with government appointees, arbitrary prosecutions of rights activists and other perceived enemies of the state, and continued purges of state employees, all of which have left citizens hesitant to express their views on sensitive topics.” In regard to free and independent media, the report concluded that despite the existence of independent newspapers and websites, these entities are under severe political pressure and judicial prosecution.

If you know a Turk or ever visited Turkey, you are aware that deep appreciation for Mustafa Kemal Atatürk’s legacy is ever so present in a Turkish society. His portraits are in classrooms, his quotes are on street banners, and his last name cannot be carried by

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<sup>7</sup> "Turkey," 2018, <https://freedomhouse.org/report/freedom-world/2018/turkey>.

anyone in Turkey out of respect to the father of Turks. If the freedom of the press was ingrained into the Constitution legislated by Ataturk, why is the freedom of press under threat in the modern-day Turkey?

## TURKEY'S PROFILE: POLITICS AND MEDIA

Turkey's political system is based on a separation of powers. Its current constitution was adopted on 7 November 1982 after the Turkish constitutional referendum. Executive power is exercised by the Council of Ministers, the judiciary is independent of the executive, and legislative power is vested in the Grand National Assembly of Turkey, otherwise known as the Parliament. This division of power makes Turkey a parliamentary democracy with a multi-party system.

### Disappearing Democracy

There are 16 political parties in Turkey. In the 2002 general elections, an absolute majority of 550 parliamentary seats have been held by members of the Right-wing Conservative Justice and Development Party (AKP). This quickly led to a single-party government. The leading opposition party in Turkey is the Republican People's party (CHP) led by Kemal Kilicdaroglu. Currently, 316 out of 550 parliamentary seats are filled with AKP politicians and 131 with CHP politicians, giving the AKP a great advantage in influencing the Parliament of Turkey. Recep Tayyip Erdogan, the founding member of the Islamist-rooted AKP Party came to power in 2003 as the Prime Minister of Turkey. His political career began in 1970s when he became active in Islamist circles as a member of Necmettin Erbakan's Welfare Party. Erbakan served as the Prime Minister of Turkey from 1996 until 1997, when he was pressured by the military to step down as prime minister and later banned from politics by the Constitutional Court of Turkey for violating the separation of religion and state as mandated by the constitution. The Welfare Party that Erdogan was the member of was also banned for promoting

Islamic fundamentalism, otherwise the return to Turkey's Islamic roots. It is known that Erbakan acted as Erdogan's mentor in his political endeavors, helping him land his first major political role as a mayor of Istanbul from 1994 to 1998. In 1999, Erdogan was put in jail for reciting a nationalist poem in a public event which read: "The mosques are our barracks, the domes our helmets, the minarets our bayonets and the faithful our soldiers."<sup>8</sup> After founding the Islamist-rooted AKP in 2001 with Abdullah Gul, Erdogan was appointed the Prime Minister of Turkey in 2003 when AKP won the absolute majority in the Parliament. He served in this position for 11 years, making numerous changes, such as lifting the ban on headscarves worn by women in public places, the ban instituted by Ataturk.

In August 2014, Erdogan became the country's first directly-elected president. In a 2017 constitutional referendum, Turkish citizens voted in favor of transforming the nation to a presidential system. The office of a Prime Minister will be abolished after the next general election in 2019.<sup>9</sup> Among other changes, the president will be able to retain his ties to his political party. He or she will be given authority to appoint ministers, prepare the budget, choose the *majority of senior judges* and enact certain laws by decree. The president alone will be able to announce a state of emergency and dismiss parliament. All of these combined give Erdogan a sole authority over the country.

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<sup>8</sup>"Erdogan: Turkey's Pugnacious President," BBC News, April 17, 2017, <http://www.bbc.com/news/world-europe-13746679>.

<sup>9</sup>"AKPM Referandum Raporunu Acikladi 'YSK Kararı Yasaya Aykırı,'" (AKPM explained the referendum report 'YSK decision is against the law'), Habereer, May 30, 2017, <https://www.habereer.com/dunya/akpm-referandum-raporunu-acikladi-ysk-karari-yasaya-aykiri-h32325.html>.

According to figures released CHP, the rallies, speeches, and political events of the “No” campaign attracted a total of 45 hours of live news coverage on the Turkish airwaves over a campaign lasting eight weeks. The “Yes” side led by President Erdogan had 485 hours of live news coverage.<sup>10</sup> The OSCE declared that the constitutional referendum was contested on an “uneven playing field and the two sides of the campaign did not have equal opportunities.”<sup>11</sup> It is important to remember that the referendum barely passed, with 51 percent of voters voting in favor and 49 percent voting against. This more than anything shows how truly divided Turkey is.

### Media Under Threat

In 2016, out of 259 journalists jailed worldwide, Turkey was responsible for 81 of them. Next came China with 38 and Egypt with 25 jailed journalists.

On July 15, 2016, the AKP government survived an attempted coup which saw clashes on the streets of Istanbul and Ankara that left 256 people dead. The authorities subsequently detained thousands of soldiers, judges, academics, and journalists on grounds of suspicion of involvement in the coup, allegedly organized by Fethullah Gulen. Gulen is a former ally of Erdogan but in 2013, their strong alliance mysteriously

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<sup>10</sup> "Turkey Anti-emergency Protests Draw Government Criticism," Al Jazeera, April 16, 2018, <https://www.aljazeera.com/news/2018/04/turkish-protests-state-emergency-draws-criticism-180416145350804.html>.

<sup>11</sup> Organization for Security and Co-operation in Europe, "Turkey, Constitutional Referendum, 16 April 2017: Final Report," Warsaw, 2017, <https://www.osce.org/odihr/elections/turkey/324816?download=true>.



deteriorated to the point of Erdogan placing Gulen on Turkey's most-wanted-terrorist list, demanding his extradition from the United States.<sup>12</sup> Gulen has condemned the coup attempt, denying any involvement in the violence.

Figure 2.



262 Journalists imprisoned worldwide in 2017. Turkey had the leading number with 81, followed by China 41 and Egypt 20.<sup>13</sup>

In a state of emergency issued on July 27, 2016, the government ordered the closure of 131 media outlets, including 45 newspapers, 16 TV channels, three news agencies, 23 radio stations, 15 magazines and 29 publishing houses with alleged ties to the Gulenist movement.<sup>14</sup> According to the Committee to Protect Journalists, a total of 73 journalists

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<sup>12</sup> Patrick Kingsley, "Foes On The Run As Erdogan Makes Power Personal." *New York Times*, April 6, 2017. <https://www.nytimes.com/2017/04/06/world/europe/turkey-erdogan-gulenist-movement.html>.

<sup>13</sup> Committee to Protect Journalists, "262 Journalists Imprisoned In 2017," New York, 2017, <https://cpj.org/europe/turkey/>.

<sup>14</sup> Yasemin Inceoglu, Ceren Sozeri and Tirse Erbaysal Filibeli, "Country Report: Turkey", *Media Pluralism Monitor 2016 Monitoring Risks for Media Pluralism in The EU And Beyond* repr., Centre for Media Pluralism and Media Freedom, 2017, [http://cadmus.eui.eu/bitstream/handle/1814/46816/Turkey\\_EN.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/46816/Turkey_EN.pdf?sequence=1).

were behind bars as of December 2017, making Turkey the world's worst jailer of journalists for the second year in a row.<sup>15</sup> Many more faced criminal charges.

Government attempts to block news sites and other online information sources continued throughout 2017, most notably with a nationwide block on Wikipedia and YouTube. The mainstream media, especially television, reflect government positions and often carry identical headlines. Human rights groups have criticized Turkey for detaining journalists and have accused the government of using the failed coup as a pretext to silence opposition journalists.<sup>16</sup>

By December 2016, 140 media outlets had been shut down indefinitely under the state of emergency. More than 2,500 media workers and journalists were left unemployed, with their press accreditations cancelled, which gave more leeway for prosecution, and some had their passports revoked, making it impossible for them to seek refuge abroad.

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<sup>15</sup>Human Rights Watch, "Silencing Turkey's Media: The Government's Deepening Assault On Critical Journalism", 2016, [https://www.hrw.org/sites/default/files/report\\_pdf/turkey1216\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/turkey1216_web.pdf).

<sup>16</sup>Ceylan Yeginsu, "Turkey Expands Purge, Shutting Down News Media Outlets", Nytimes.Com, Last modified 2018, <https://www.nytimes.com/2016/07/28/world/europe/turkey-media-newspapers-shut.html>.

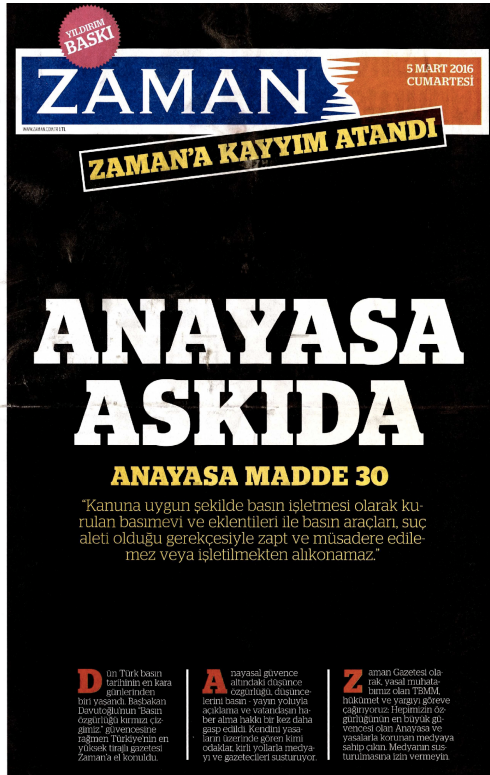


Figure 3 (left). Last front page of Zaman before the government takeover. It quotes Article 30 of the Constitution of Turkey: “A printing house, its annexes and press equipment duly established as a press enterprise under law shall not be seized, confiscated, or barred from operation on the grounds of being an instrument of crime.”<sup>17</sup>



Figure 4. First front page of Sunday's edition of Zaman after the overthrow. The headline next to the image of Erdogan reads "Historic excitement about the bridge." The article states that Erdogan is to lay the last part of a nearly completed third bridge across the Bosphorus.<sup>18</sup>

On March 4, 2016, Turkey’s high-circulation newspaper Zaman was seized by the state. The first Turkish daily to go digital, Zaman originally supported the AKP, but later started publishing pieces that criticized Erdogan’s rule. After the takeover, the Zaman website was closed for two days with a message stating that the site was being updated.

<sup>17</sup> *Constitution Suspended Zaman Front Page, image, 2016*, <https://www.yeniakit.com.tr/haber/zaman-gazetesi-kayyim-sonrasi-bu-mansetle-cikti-142658.html>.

<sup>18</sup> *Zaman March 6, 2016 Newspaper Headline, image, 2016*, <https://www.timeturk.com/6-mart-2016-gazete-mansetleri/fotogaleri-135088>.

All archived news and content became inaccessible. Zaman reporter Abdullah Bozturk claims that all the data had been wiped.<sup>19</sup> Two days later, the first government-controlled edition appeared, with no mention of the events during its seizure and with its front page carrying a series of pro-government articles and a picture of a smiling president Erdogan.

Another way, besides seizing, through which the government gains control of the media, is by purchasing it. Dogan News Agency is a Turkish news agency which was founded in 1999. It is owned by the Dogan Media Group. Dogan News was known for its critical coverage of the Turkish president Recep Tayyip Erdogan after the AKP came to power in 2002. While the newspapers' critical tone softened over time, journalists still were able to publish critical material without the evident fear of prosecution.<sup>20</sup> In March 2018, Dogan Media Group was sold to Demiroren Group, a pro-AKP conglomerate, whose owner, Erdogan Demiroren has close ties to the Erdogan government. After the sale, 21 of Turkey's 29 daily newspapers now belong to companies that support Erdogan. The left-wing Birgun newspaper estimates that 90 percent of Turkey's newspaper circulation is now pro-government.<sup>21</sup>

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<sup>19</sup>"Seized Turkey Paper Laments 'Dark Days'", BBC News, March 5, 2016, <http://www.bbc.com/news/world-europe-35735793>.

<sup>20</sup>Bilge Yesil, "Press Censorship in Turkey: Networks Of State Power, Commercial Pressures, And Self-Censorship.", *Communication, Culture & Critique* 7, no. 2 (2014): 154-173.

<sup>21</sup> "Pro-Erdogan Group Agrees To Buy Owner Of Hurriyet Newspaper, CNN Turk", Reuters, March 21, 2018 <https://www.reuters.com/article/us-dogan-holding-m-a-demiroren/pro-erdogan-group-agrees-to-buy-owner-of-hurriyet-newspaper-cnn-turk>.

Name	Weekly Circulation	Ownership	Editorial Line
Hurriyet	307,178	Demiroren Media Group	Supportive of AKP
Sabah	306,558	Turkuvaz Media Group	Supportive of AKP
Sozcu	267,701	Estetik Publishing	Critical of AKP
Haberturk	204,154	Ciner Media Group	Supportive of AKP
Milliyet	129,903	Demiroren Media Group	Supportive of AKP
Yeni Safak	111,422	Albayrak Holding	Supportive of AKP
Vatan	102,654	Demiroren Media Group	Supportive of AKP
Cumhuriyet	35,759	Cumhuriyet Foundation	Critical of AKP

Table 2.

List of top circulation newspapers in Turkey, their ownership, and editorial line.<sup>22</sup>

Above newspapers are the leading, widely circulated national newspapers in Turkey. Out of eight, six are owned by AKP-Supportive Demiroren Media Group. Turkovas Media Group that owns Sabah newspaper belongs to Calik Holding. Erdogan's son-in-law Berat Albayrak has been the CEO of Calik Holding until 2013.

A prominent columnist for *Milliyet*, journalist Can Dunder was laid off from the publication in 2013 for "writing too sharply" about the Gezi Park destruction protests that quickly culminated into anti-government protest.<sup>23</sup> "It was said to me, 'We do not wish to see stories that will displease the prime minister in this paper,'" Dunder said about his lay off in a 2014 interview with *Today's Zaman*, an english language version of *Zaman* that

<sup>22</sup> "Turkey Press, Media, TV, Radio, Newspapers - Television, Circulation, Stations, Papers, Number, Freedom, Online, Broadcasting," Press Reference, <http://www.pressreference.com/Sw-Ur/Turkey.html>.

<sup>23</sup> Amnesty International, "Gezi Park Protests: Brutal Denial Of The Right To Peaceful Assembly In Turkey", London, 2013, <https://www.amnestyusa.org/files/eur440222013en.pdf>.

was subsequently shut down in 2016 due to alleged ties to Gulenists, followers of Fethullah Gulen. Dunder joined *Cumhuriyet*, and in 2015 he became the editor-in-chief of the AKP-critical paper. In May 2016, a *Cumhuriyet* report revealed alleged arms shipments from the Turkish National Intelligence Organization (MIT) to an Islamist rebel group in Syria.



Figure 5.  
Front pages of six pro-government newspapers on November 9, 2013.<sup>24</sup>

Government prosecutors launched an investigation into *Cumhuriyet* on charges of "obtaining information on state security," "political and military espionage" and "propaganda for a terrorist organization," according to *Agency France-Press*. Dunder was

<sup>24</sup> Susan Corke et al., "Democracy in Crisis: Corruption, Media, And Power In Turkey." Freedom House, 2014, <https://freedomhouse.org/sites/default/files/Turkey%20Report%20-%20202-3-14.pdf>.

sentenced to five years and 10 months in prison for separate charges. He fled to Germany in July 2016 after being found guilty.

“Freedom of media is a kind of a dream or a utopia for us,” Dunder said in an interview to *Deutsche Welle*. “We are concerned about the lack of it. It’s not only journalists but journalism that is in jail in Turkey.” While awaiting his verdict outside of the courthouse in Istanbul on May 6, 2016, a gunman fired shots at Dunder. Dunder survived the attack. “He [Erdogan] is not a leader who likes criticism. He accepts every criticism as an insult to himself. He accuses the journalists and shows them as targets, calling them terrorists. If a president calls you a terrorist or a traitor, everybody wants to be a killer by attacking you,” Dunder said referring to a direct threat from Erdogan in a public speech on May 31, 2015. President Erdogan accused Dunder of engaging in “espionage” and said “he will pay a high price. I won't let him go.”<sup>25</sup>

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<sup>25</sup> "Erdogan Says Hurriyet Daily Will Pay A Heavy Price for Army-Gov't Tension Story", Turkish Minute, 2017, <https://www.turkishminute.com/2017/02/28/erdogan-says-hurriyet-daily-will-pay-heavy-price-army-govt-tension-story/>.



# SORUMLU BENİM

**P**atlama halinde bir şehri yok edecek kadar çok sayıda silah ve mühimmat TIRlara yüklenip komşu ülke Suriye'deki savaşın taraflarından birine gönderildi. Bu yapılar için ülkenin parlamentosu, idari yetkileri ve halkı bundan habersizdi. Gönderen AKP hükümeti, TIRlardaki silah ve mühimmatın varlığını sırada reddetti. Bu sevkiyatı ortaya çıkaran askerî yetkililer ve soruşturmayı yürüten savcılar görevden alındı, tutuklandı. Bu ülkenin halkı karşı karşıya olduğu riskleri bilmiyordu. Bu sevkiyatın hayati, siyasi, hukuki, diplomatik sonuçlarından habersiz değildi. Bir gazetesinin, bir gazetecinin görevi okurunu bilgilendirmek, halkı tehlikeden, tehditlerden haberdar etmektir. Cumhuriyet, bu sorumluluğun bilinciyle uzuruna reddedilen gerçeğin görüntü ve fotoğraflarını yayımladı. Biz aşağıda imzası olan çalışan ve yazarlar; Bu haberin tüm sorumluluğunu yayın yönetmenimiz Can Dündar ile birlikte üstleniyoruz. Cumhurbaşkanı Tayyip Erdoğan'ın "Haberin yayın bedelini ağır ödeyecek" cümlesinin yalnızca Can Dündar'ı değil hepimizi bağladığını biliyoruz. "Sorumlu benim" diyoruz.



**"İlk kez bir Cumhurbaşkanı gazeteciyi tehdit ediyor"**  
Bu tehdit, Erdoğan ve NİT'in bir kez daha devleti tehdit ettiği anlamına gelir. Bu tehdit, Türkiye Cumhuriyeti'nin bir kez daha tehdit altında olduğunu gösterir. Bu tehdit, Türkiye Cumhuriyeti'nin bir kez daha tehdit altında olduğunu gösterir. Bu tehdit, Türkiye Cumhuriyeti'nin bir kez daha tehdit altında olduğunu gösterir.

**MUSA KART**  
GAZETECİLİK MESLEK ÖRGÜTLERİNE  
**Bu tehdit hepimize HUKUK YOK SAYILDI ÖZGÜRLÜK HEDEFTİ**

Figure 6. June 1, 2015 front page of Cumhuriyet that reads "I am responsible."<sup>26</sup>

Can Dündar responded to Erdoğan's threats saying, "We are journalists, not government officials." A day later, *Cumhuriyet* paper came out with the front-page headline that read "I am responsible." A statement signed by the writers of *Cumhuriyet* read:

In the event of a bombardment, enough weapons and ammunition to destroy a city was loaded in trucks and sent to the neighboring country of Syria where there was an ongoing war. The parliament, the administrative authorities and the people of the country were unaware of this. This country did not know the risks that the people were facing. It was not

<sup>26</sup> "Cumhuriyet Defies Erdogan In Statement: We Are All Responsible." Agos, June 2, 2015, <http://www.agos.com.tr/en/article/11746/cumhuriyet-defies-erdogan-in-statement-we-are-all-responsible>.



aware of the vital, political, legal, diplomatic consequences of this shipment. The task of a journalist is to inform the reader, to inform the public of the threats in a dangerous way *Cumhuriyet* has published images and photographs of the reality which has long been rejected with the consciousness of this responsibility. We are the employees and authors who have the signature below; We take full responsibility for this news with Can Dunder, our editorial director. President Tayyip Erdogan's declaration of Can Dunder "Paying a heavy price for the news" includes all of us. We say:

"I am responsible."

"This was a secret mission," Dunder said in an interview with *Deutsche Welle*. "My only guilt was to publish this story, they asked for two life sentences for one true story. They didn't deny it, they said it was a state secret."

Following the failed coup, 17 *Cumhuriyet* employees were charged with supporting terrorist organizations. As of March 9, 2018 all but three have been released on bail. Murat Sabuncu, editor-in-chief who overtook the paper after Dunder left Turkey to seek asylum in Germany, Akin Atalay, the publisher, and Ahmet Sik, a prominent investigative reporter have all been in jail for over a year now on charges of ties to the Gulenist movement allegedly behind the failed coup. In 2011, Sik published a book about Fethullah Gulen titled "The Imam's Army." In his book, Sik supported the widespread theory that Turkey's security forces were corrupted by Gulenist influence. The terrorism charges against him are opposite of what Sik displayed in his book and his articles. It is absurd that despite the recorded evidence that show that, the government still arrested him.

In a country where the ruling president openly threatens and incites attacks on journalists and ignores valid evidence on record, can journalists rely on the protection of the judiciary?

## TURKEY'S PENAL CODE

Press freedom is guaranteed under the Turkish constitution. However, that very same Constitution is used to undermine the press freedom. Amendments to the Law on High Council of Judges and Prosecutors and the subsequent dismissal of staff and numerous reassignments of judges and prosecutors raised serious concerns over the independence and impartiality of the judiciary and the separation of powers.<sup>27</sup>

Section V of the Turkish Republic's Constitution guarantees freedom of speech. Over the years, Atatürk's Constitution has seen numerous changes, ratifications, and amendments. However, the freedom of expression and press are reaffirmed in the current Constitution of 1982. Yet this very same Constitution allows the governing body to decide when and what content can get censored. Article 28 reads:

Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This freedom includes the liberty of receiving or imparting information or ideas without interference by official authorities.

The exercise of these freedoms *may be restricted* for the purposes of national security, public order, public safety, safeguarding the basic characteristics of the Republic and the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as state secret, protecting the reputation or rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.

Regulatory provisions concerning the use of means to disseminate information and thoughts *shall not* be deemed as the restriction of freedom

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<sup>27</sup> European Commission, "Turkey Progress Report", 2014, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf).

of expression and dissemination of thoughts as long as the transmission of information and thoughts is not prevented.

Freedom of the press is protected under Articles 28 of the Constitution. Article 28 reads:

The press is free and shall not be censored. The establishment of a printing house shall not be subject to prior permission or the deposit of a financial guarantee. The State shall take the necessary measures to ensure freedom of the press and information.

However, as you read further, that same article penalizes work that “threatens the internal or external security of the State.”<sup>28</sup>

Anyone who writes any news or articles which threaten the internal or external security of the State or the indivisible integrity of the State with its territory and nation, which tend to incite offence, riot or insurrection, or which refer to classified state secrets or has them printed, and anyone who prints or transmits such news or articles to others for the purposes above, shall be held responsible under the law relevant to these offences. Distribution may be prevented as a precautionary measure by the decision of a *judge*.

Article 28 explains that any means of stopping, suppressing, or preempting publications, including the seizing of newspaper has to be decided by a judge.

No ban shall be placed on the reporting of events, except by the decision of judge issued within the limits specified by law, to ensure proper functioning of the judiciary.

Periodical and non-periodical publications may be seized by a decision of a judge. In cases of ongoing investigation or prosecution of crimes specified by law...The competent authority issuing the order to seize shall notify a competent judge of its decision within twenty-four hours at the latest.

Periodicals published in Turkey may be temporarily suspended by court ruling if found to contain material which contravenes the indivisible integrity of the State with its territory and nation, the fundamental principles of the Republic, national security and public morals. Any publication which clearly bears the characteristics of being a continuation of a suspended periodical is prohibited; and shall be seized by decision of a judge.

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<sup>28</sup> United Refugees, "Constitution of The Republic Of Turkey", Refworld, 1982, <http://www.refworld.org/docid/3ae6b5be0.html>.

The Constitution does not account for the fact that judges in Turkey are selected by the head of state and the majority party in the Parliament, which are Erdogan and AKP.

Turkey's Constitution also protects the printing facilities. Article 30 reads:

A printing house and its annexes, duly established as a press enterprise under law, and press equipment shall not be seized, confiscated, or barred from operation on the grounds of having been used in a crime.

In the case of *Zaman* newspaper seizure, the government obtained a court order. One can assume that the judge who issued that order was not impartial. Among 145,000 civil servants who were dismissed from their jobs over the alleged ties to the Gulen, 107 are judges and prosecutors.<sup>29</sup> This chilling effect is arguably the reason behind the judges backing up the government over the press.

Another common legal basis that the prosecutors use to back up their charges against journalists is Article 301 of Turkey's Penal Code. It reads:

(1) A person who publicly degrades Turkish Nation, State of the Turkish Republic, Turkish Grand National Assembly, the Government of the Republic of Turkey and the judicial bodies of the State shall be sentenced a penalty of imprisonment for a term of six months to two years.

(2) A person who publicly degrades the military or security organizations shall be sentenced according to the provision set out in paragraph one.

(3) The expression of an opinion for the purpose of criticism does not constitute an offense.

(4) The conduct of an investigation into such an offense shall be subject to the permission of the Minister of Justice.

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<sup>29</sup> "Turkey Sacks 107 Judges, Prosecutors Over Links To Failed Coup: Media", Reuters, May 5, 2017, <https://www.reuters.com/article/us-turkey-security-court/turkey-sacks-107-judges-prosecutors-over-links-to-failed-coup-media>.

Article 301 took effect on June 1, 2005, during the third year of Erdogan's Prime Minister term. In June of 2005, with the hope of getting admission into the European Union, Turkish government introduced its revised penal code. Yet instead of opening doors into the fresh air of democracy, the renovated penal code served as the regression of it.

While Article 301 did not stand out immediately when the Turkish legislature enacted the new penal code, its far-reaching effects quickly became obvious when notable Turkish journalists and writers began to face prosecution for speaking out against sensitive topics, such as the Armenian Genocide and the denial of civil rights to Turkish-Kurds. Nobel Prize winning author Orhan Pamuk was one of the first Turkish citizens to be prosecuted under the Article 301 of the Penal Code for the discussion of the Armenian Genocide. Perihan Magden, a columnist for the newspaper *Radikal*, was tried under the article for provocation. Numerous other cases on the grounds of Article 301 sent chilling effects on free speech to the entire nation. Article 301 sends a message that unified identity in a multi-ethnic nation deserves more protection than protecting the right to free expression.

After the July 2016 coup, Article 301 was widely used by the Ministry of Judiciary as a legal basis to prosecute journalists who undermine the government's agenda, insult Turkey, the Turkish nation, or Turkish government institutions. Article 28 combined with Article 301 of the Penal Code make criticizing the government punishable. The anti-

terror laws are among the means by which authorities can legally jail journalists on the grounds of suspicions of belonging to a terrorist organization; that is most commonly used if a journalist displayed sympathetic views toward the Kurds.<sup>30</sup>

### The Judiciary

The 2017 constitutional referendum increased Erdogan's control over the judiciary. Prior to the referendum, the president appointed four of the 22 members of the High Council of Judges and Prosecutors. They are then responsible for appointing new judges and prosecutors in lower courts. The referendum passed legislation that reduce the overall number of the High Council Judges and Prosecutors to 13, yet the number of appointees Erdogan chooses remained the same at four and the parliament would appoint the remaining seven. However, the new constitution would also place the legislative branch below the executive. One of the key changes in the referendum allow Erdogan to retain links with his party, meaning he can keep his party in check by not only being the fellow party member, but also being their ruling president. The parliament needs to reach a 3/5th majority in choosing the remaining seven judges. If the president's party at least has a 3/5th majority in parliament, which it does now, all 13 of High Council of Judges and Prosecutors will in theory be handpicked by Erdogan.<sup>31</sup> Undoubtedly, this mechanism urges one to question the independence of Turkey's judiciary, as it will be subject to

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<sup>30</sup> Bilge Yesil, "Press Censorship In Turkey: Networks Of State Power, Commercial Pressures, And Self-Censorship.", *Communication, Culture & Critique* 7, no. 2 (2014).

<sup>31</sup>"What Is At Stake In Turkey'S Referendum", *The Economist*, April 12, 2017, <https://www.economist.com/blogs/economist-explains/2017/04/economist-explains-15>.

report to the president, going against the fundamental principle of an independent judiciary.<sup>32</sup>

Unfortunately, the dream of being a member of European Union seems to be over as Turkey's accession talks have stopped after the 2017 referendum.<sup>33</sup> "It is a bridge that was destroyed, but destroyed on a personal level, that is, between the Turkish president and his counterparts in the European Council," Marc Pierini, former EU ambassador to Ankara said regarding the stalled accession talks. Joining the EU is not a leverage for Turkish government anymore. And the passing of the referendum demonstrated that clearly. It is unclear, however, just how much of Turkish democracy remains. State of justice is under threat because journalists are arrested without any clear accusations, detained for months and years without a proper process. Historically, referendums are a demonstration of democracy. But can a government that organized a referendum with the media under its control call itself a democracy?

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<sup>32</sup> GRECO Secretariat Council of Europe, "Corruption Prevention In Respect Of Members Of Parliament, Judges And Prosecutors", Compliance Report Turkey, Strasbourg, 2018, <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680792de8>.

<sup>33</sup> Marc Pierini, "EU-Turkey Relations Reaching A Crossroads", Carnegie Europe, April 11, 2017, <http://carnegieeurope.eu/2017/04/11/eu-turkey-relations-reaching-crossroads-pub-68675>.



## DEFINING CENSORSHIP

Columbia Encyclopedia defines censorship as an official prohibition or restriction of any type of expression believed to threaten the political, social, or moral order.<sup>34</sup> It may be imposed by those who hold power such as government authority and be applied to the press, speech, and art.

Journalists are the gatekeepers of a free society, they are instrumental for a democratic society.<sup>35</sup> They decide on what becomes news and what is seen by the public. They assign value to news and ensure readership by strategically choosing headlines, front-page stories, length of the articles, and photos. Journalists affect the society through their work. An uninformed society can either become unstable and difficult to govern or, on the contrary, become obedient and easily controlled by the regime that limits, censors, and manipulates news. Governments around the world have a vested interest in restricting information disseminated by news outlets to avoid criticism, accountability, transparency, and perhaps most importantly, to stay in power. An unrestrained free flow of information may also harm a group or a society. In fact, even the most liberal, democratic, and enlightened states consider it necessary to suppress at least some information and opinions.<sup>36</sup> Well-functioning democratic societies allow more freedom of expression and freer flow of information than societies governed by authoritarian regimes. Turkey is an example of the latter.

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<sup>34</sup> The Columbia Encyclopedia, "Censorship", 7th ed. Columbia University Press, 2017.

<sup>35</sup> Daniel Bar-Tal, Rafi Nets-Zehngut and Keren Sharvit, *Self-Censorship In Contexts Of Conflict*repr., Cham: Springer International Publishing, 2017.

<sup>36</sup>Daniel Bar-Tal, "Self-Censorship: The Conceptual Framework", 2017.

In the case of Turkey, I analyzed two types of censorship that happen in its media organizations: self-censorship and imposed censorship. Imposed censorship can stem from an outside party and passed to the editor to impose on the journalist. When imposed by someone else, censorship can be divided to *zero* and *plus* censorship.

*Zero* censorship occurs if the content has not seen the light of publishing due to suppression, or published content that faces retributions. *Plus* censorship is evident in content that has been spinned to present the facts in favor of government or from the government's point of view. Plus censorship happens in government-run, government-owned, or government-affiliated media publications. If the government has anything to do with the newspaper, critical content is not to be expected.

### Self Censorship

The act of self-censorship indicates that the individual intentionally and voluntarily decides to withhold this information despite there being no formal obstacle such as official censorship to prevent him/her from sharing it.<sup>37</sup> It hinders the proper functioning of a democratic society because it inhibits free access to information, freedom of expression, and the flow of information.<sup>38</sup> Self-censorship, in case of journalists in Turkey, occurs due to the chilling effects of prosecution and jailing of journalists and as a result of zero plus censorship. Journalists have seen what happened to other journalists and in order to avoid punishment, they choose not to run with the story at all. The

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<sup>37</sup> Daniel Bar-Tal, "Self-Censorship: The Conceptual Framework", 2017.

<sup>38</sup> Daniel Bar-Tal, "Self-Censorship: The Conceptual Framework", 2017.

journalist might believe believes that exposure of the critical content, despite its factual accuracy may harm the journalist or the editors. On the other hand, they know that critical content will not see the light of day or will get spinned (zero plus censorship) so they resort to self-censorship.

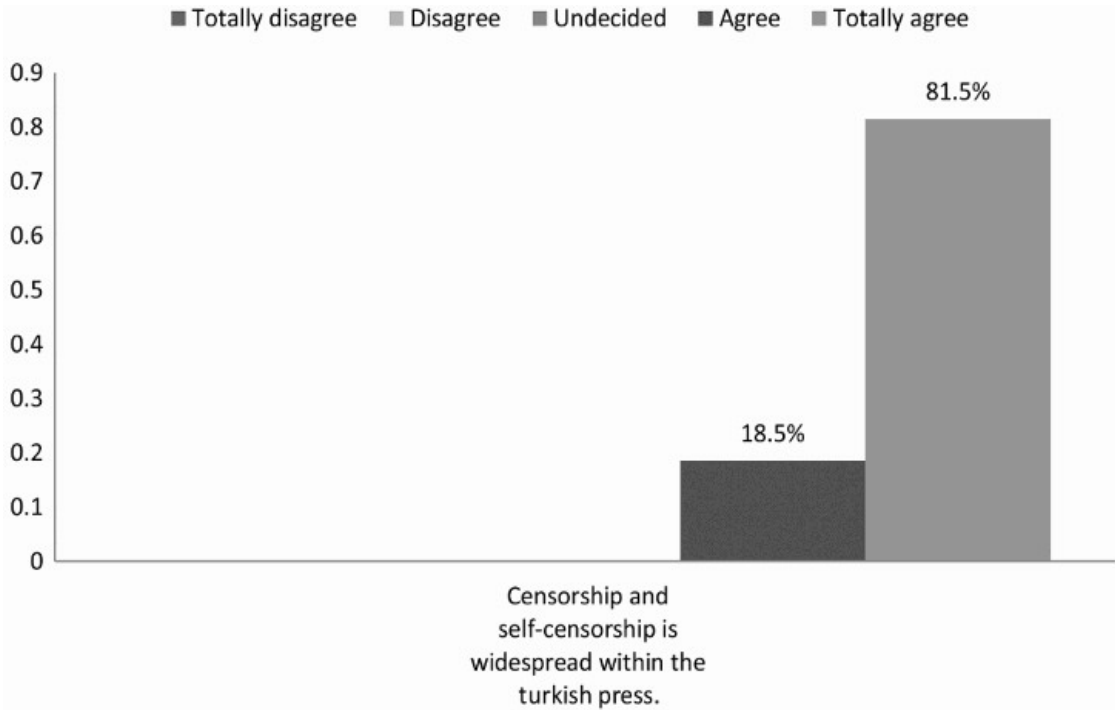


Figure 7.

2011 Poll on Censorship and Self-Censorship  
 Do You Believe That Censorship and Self-Censorship  
 Are Widespread Practices in Turkish News Media?

Esra Arsan, "Killing Me Softly With His Words: Censorship And Self-Censorship From The Perspective Of Turkish Journalists", *Turkish Studies* 14, no. 3 (2013): 447-462, doi:10.1080/14683849.2013.833017.

In 2011, five years prior to the coup, 67 journalists from *Hurriyet*, *Milliyet*, *Radikal*, *Yeni Safak*, *Zaman*, *Birgun*, *Haberturk*, *Evrensel*, *Star*, *Sabah*, *Gunluk*, *Hurriyet Daily News*, *Aksam*, *Vatan*, *Birgun*, *Cumhuriyet*, *Sozcu*, and *Taraf* newspapers, as well as television channels *Hayat TV*, *CNNTurk*, *NTV*, and *TV8* participated in a survey that was conducted to measure the amount of censorship Turkish journalists face. As seen in the above

figure, 100 percent of journalists either “agree” or “totally agree” that censorship and self-censorship were widespread in Turkey in 2011. If these are the results before the attempted coup and state of emergency that continues to be extended, it can be assumed that the situation did not improve, but deteriorated for journalists today.

## PROBLEMATIC TOPICS

Zero censorship in Turkey is applied to opposition newspapers through the judiciary. The charges brought up against journalists who published critical content are generally based on the Press Law, the Penal Code, and the Anti-Terror Law. According to the Committee to Protect Journalists, 73 journalists imprisoned in Turkey in 2017 were arrested based on anti-state charges. Press Law, Anti-Terror Law, and the Penal Code all justify press suppression if anti-state content is proven.<sup>39</sup> Under the current regime, the zero plus censorship is applied to anti-state content, the definition of which has widened to match following topics: Kurds, Gulen Movement, and criticism of the governing body.

### The Kurdish Issue

Kurds are the largest ethnic people in the country who do not have their country. They make up a fifth of Turkey's 79.5 million population.<sup>40</sup> They are generally populated in mountainous regions of Southeast Turkey, yet the Kurds do not get the representation or the sovereignty they desire. Until recently, Turkish government officially recognized them as "mountain Turks," denying them their own sense of identity.<sup>41</sup> A systemic oppression is evident to media workers with Kurdish descent, as press passes are often denied to Kurdish journalists. An overwhelming majority of jailed Kurdish journalists are charged with terror propaganda if sympathetic content toward about the militant

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<sup>39</sup> Bilge Yesil, *Media In New Turkey: The Origins Of An Authoritarian Neoliberal State*. repr., Urbana, IL: University of Illinois Press, 2016.

<sup>40</sup> "Turkey Country Profile", BBC News, <http://www.bbc.com/news/world-europe-17988453>.

<sup>41</sup> Ceng Sagnic, "Mountain Turks: State Ideology And The Kurds In Turkey", *Information, Society And Justice* 3, no. 2 (2010): 127-134, [http://www.kurdolojiakademi.net/FileUpload/as842883/File/state\\_ideology\\_and\\_the\\_kurds\\_in\\_turkey.pdf](http://www.kurdolojiakademi.net/FileUpload/as842883/File/state_ideology_and_the_kurds_in_turkey.pdf).

Kurdistan Workers' Party (PKK) is displayed. Turkey continues to accuse the PKK of disturbing Turkish sovereignty and trying to create a separate state, listing PKK as a terrorist organization. The government's way of protecting maintaining one national identity in the presence of so many different ideologies and ethnicities is to prohibit any insults against the Turkish culture with Article 301 of the Penal Code. However, an armed Turkish-Kurdish conflict has been going on since 1978 to this day, showing that Kurds continue to demand autonomy while Turkey continues to deny it.

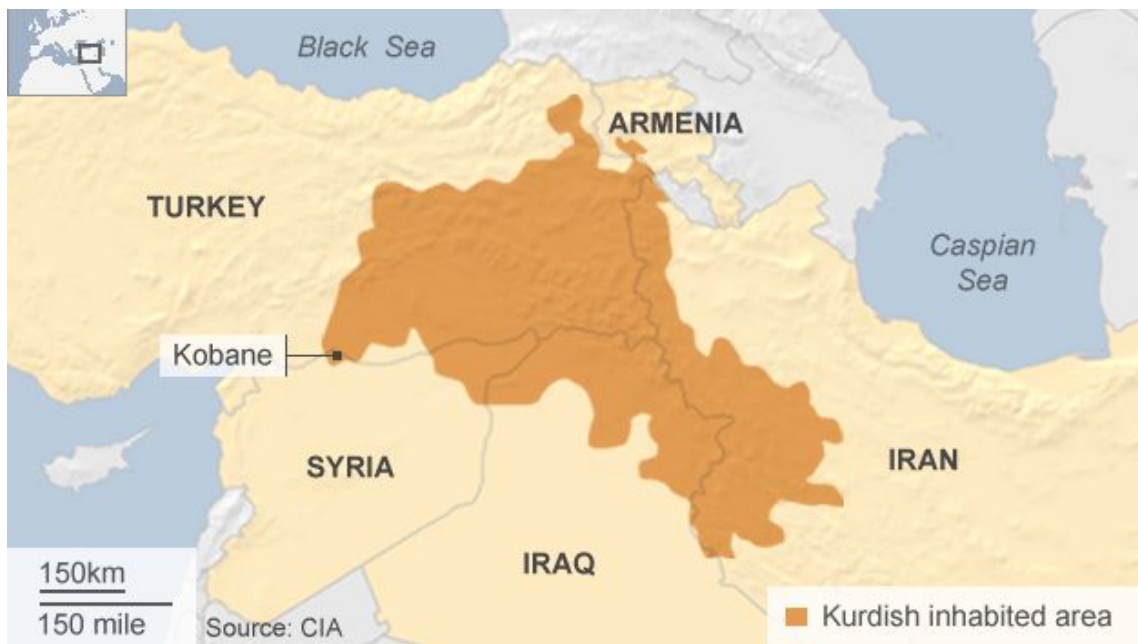


Figure 8.  
Map of areas in Turkey and neighboring countries inhabited by Kurds.<sup>42</sup>

<sup>42</sup> BBC, *Map Of Areas In Turkey And Neighboring Countries Inhabited By Kurds*, image, 2017, <http://www.bbc.com/news/world-middle-east-29702440>.

## Criticism of the Government

Censorship of content that criticizes Turkish government often correlates with the Kurdish issue. The AKP rule has the power to suppress damaging information and silence the journalists who bring it to light. Government has the money, resources, and authority to attack journalists because as mentioned earlier, it either employs them or arbitrarily influences them through their connections to media conglomerates. “Crimes against the state” are a justifiable offense to prosecute journalists, but with the Erdogan regime, it is unclear what constitutes a crime against the state, or for that matter, what does not constitute a crime against the state.

In March 2018, censorship in Turkey has extended to the website of the main opposition Republican People’s Party (CHP) to be censored by court.<sup>43</sup> An Istanbul court ordered the blocking of a story about Prime Minister Binali Yildirim’s business dealings on 22 websites, one of which was the CHP’s official website.<sup>44</sup> This is particularly notable since the CHP was the party of Ataturk himself.<sup>45</sup>

On Nov. 5, 2017, a group of more than 380 journalists around the world broke the Paradise Papers story to the world. Paradise Papers are a leak of over 13 million confidential electronic documents relating to offshore investments in Isle of Man. This

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<sup>43</sup> "Main Turkey Opposition Website Censored By Court", Ahval, March 12, 2018, <https://ahvalnews.com/censorship/main-turkey-opposition-website-censored-court>.

<sup>44</sup> "Cumhuriyet'in "Paradise Papers" Haberini Engelleme Kararından Kıvanç Tatlıtuğ Çıktı", (Kıvanç Tatlıtuğ has decided to block the news on "Paradise Papers" by Cumhuriyet) ODATV, Nov. 22, 2017, <https://odatv.com/cumhuriyetin-paradise-papers-haberini-engelleme-kararindan-kivanc-tatlitug-cikti-2211171200.html>.

<sup>45</sup> "Political Party, Turkeyrepublican People’S Party", Encyclopedia Britannica, <https://www.britannica.com/topic/Republican-Peoples-Party>.

33-mile long island that's a short ferry ride from Liverpool, United Kingdom has been a place for politicians and businessmen who wanted to avoid taxes. Among thousands of names, Cumhuriyet journalists who worked with their peers around the globe recognized the names of Turkish Prime Minister Binali Yildirim's two sons, Erkam and Bulent Yildirim. Baris Yarkadas, a CHP politician responded to the verdict of blocking the party's website saying:

Censorship has extended from newspaper pages to our party's website. This is an international disgrace. It has been shown once again that they (the government) are intolerant of the truth. The government cannot bear hearing the truth, and are trying to prevent us from telling the people how their actions have impoverished them. Censorship is a sign of weakness in a government that looks strong. Truth will win, not censorship.

The example of how the Paradise Papers were covered around the world show that zero censorship and imposed censorship is common in even leading democratic societies, such as the United Kingdom. Jack Peat, a business and economics journalist and a contributor for the *BBC News* suggested that much of the media has ignored the story of the Paradise Papers because those media organizations are owned by individuals implicated in the papers, such as *Daily Telegraph* owners David and Frederick Barclay, *Daily Mail* owner Jonathan Harmsworth, and *The Sun* and *The Times* owner Rupert Murdoch.<sup>46</sup> This sounds a lot like what Turkey and majority of other countries face, censorship pressures from its conglomerate owners. While the UK newspapers might have self-censored themselves by not extensively covering the Paradise Papers, the governing body of Turkey imposed the

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<sup>46</sup>Jack Peat, "This Is Why There's Been So Little Media Coverage Of The Paradise Papers", *The London Economic*, Nov 7, 2017, <https://www.thelondoneconomic.com/news/theres-little-media-coverage-paradise-papers/07/11/>.



ensorship of non-AKP controlled CHP's party website. Silencing of the rival party by its opposition is not practiced in the UK.

### Ties to Gulen Movement

Mass arrests of journalists, most of those detained have been accused of supporting terrorism through the Gulen Movement, and those who protest these arrests often end up in jails. Journalists who in the past wrote criticizing content about Gulen are now being jailed for being his supporter. One of them is Bulent Mumay. Formerly Mumay was the head of the online service at *Hurriyet*, but after the July 15, 2016 coup, he was dismissed from that post under the government pressure. Ten days after the coup, Mumay was arrested under accusations of having ties to Gulen movement.

“That was the silliest thing I’ve ever heard in my life because I was one of the journalists marching against Gulenists in 2010,” Mumay said in an interview with *Deutsche Welle*. “But we all know that the government wanted to punish opposition journalists by using that blame for everyone.”

Nobel Prize-winning author Orhan Pamuk said, “Freedom of thought no longer exists in Turkey. We are distancing ourselves at high speed from a state of law and heading towards a regime of terror.”<sup>47</sup> His statement came out after Turkish police arrested well-known journalist brothers Ahmet and Mehmet Altan. They were suspected of affiliations

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<sup>47</sup>"Post-Coup Turkey Sliding Into Terror Regime: Nobel Laureate Orhan Pamuk", Hizmet News, Sept. 12, 2016, <http://hizmetnews.com/19640/post-coup-turkey-sliding-terror-regime-nobel-laureate-orhan-pamuk/#.Wxao11MvxdB>.

to the Gulenist movement members behind the failed coup. In January, the highest court of Turkey — the Constitutional Court, ruled that Mehmet Altan and Sahin Alpay, another jailed journalist should be released pending the outcome of their trials. However, a lower court overruled the decision. This is concerning because for the first time in Turkish judiciary, a lower court overruled the decision of a higher court.

In the aftermath of the July 2016 coup, German Chancellor Angela Merkel said, “It is in no uncertain terms irreconcilable with the rule of law, for an executive branch, in this case the Turkish executive, to rush to prejudgment as has happened publicly with Deniz Yucel.” On Feb. 16, 2018, German-Turkish journalist Deniz Yucel who has been detained for a year without any formal charges was released from jail. That same day, in that same courthouse, Ahmet and Mehmet, along with four other jailed journalists accused of aiding the failed coup were sentenced to life in prison. It is unsettling, whether the observers should celebrate or mourn these judicial outcomes.

### The role of Islam

Although most of its people are Muslim, Turkey is a secular state, according to the current Turkish Constitution and every previous Constitution since establishment of the Republic in October 1923. In recent years, the AKP party attempted to increase Islam’s role in Turkish society by lifting a ban on wearing headscarves, implementing alcohol-free zones in public places, and building nearly 9,000 mosques have been over the last decade.<sup>48</sup>

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<sup>48</sup> "Turkey Builds Nearly 9,000 Mosques in 10 Years." Hürriyet Daily News. September 16, 2016. <http://www.hurriyetdailynews.com/turkey-builds-nearly-9000-mosques-in-10-years--103950>.

Ataturk's most prominent vision of Turkey was to separate mosque from the government.

I have no religion, and at times I wish all religions at the bottom of the sea. He is a weak ruler who needs religion to uphold his government; it is as if he would catch his people in a trap. My people are going to learn the principles of democracy, the dictates of truth and the teachings of science. Superstition must go.<sup>49</sup>

Erdogan, on the other hand, is unafraid to play the religious card with Turks who remained true to their old customs and Muslim faith. Many journalists, academics and young Turks believe that Erdogan is reversing what Ataturk built.

In 1993, Harvard professor Samuel P. Huntington called Turkey a "torn country" in his famous essay *The Clash of Civilizations*.

Some countries have a fair degree of cultural homogeneity but are divided over whether their society belongs to one civilization or another. These are torn countries. Their leaders typically wish to pursue a bandwagoning strategy and to make their countries members of the West, but the history, culture and traditions of their countries are non-Western. The most obvious and prototypical torn country is Turkey. The late twentieth-century leaders of Turkey have followed in the Ataturk's tradition and defined Turkey as a modern, secular, Western nation state. They allied Turkey with the West in nato and in the Gulf War; they applied for membership in the European Community. At the same time, however, elements in Turkish society have supported an Islamic revival and have argued that Turkey is basically a Middle Eastern Muslim society.<sup>50</sup>

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<sup>49</sup> Andrew Mango, *Ataturk* repr., Woodstock, N.Y.: Overlook Press, 2000.

<sup>50</sup> Samuel P. Huntington, "The Clash Of Civilizations?" *Foreign Affairs* 72, no. 3 (1993): 22, doi:10.2307/20045621.

During Ataturk's rule, the press did speak for the people of the new Turkish Republic as the Constitution held. At the same time, Ataturk used the press as the instrument to spread his ideologies and justify his radical policies. The press, he believed, should "build a steel fortress of opinion and ideology protecting the Republic. And it is the Republic's right to ask this role from the press."

In an interview on *Deutsche Welle*, Dilek Kurban political science lecturer at the Hertie school of Governance in Berlin said "it's not just Erdogan regime, the Turkish government, the Turkish regime, is authoritarian, has always been, and there is historic precedent to that. There's no rule of law in Turkey, there's no democracy."

## CONCLUDING REMARKS

The current system of government could be considered a watered-down form of democracy. Freedom of press in Turkey is more theory than reality. Before the July 15, 2016 coup attempt, the press was scarcely free. Now, it is mostly under state control. It is concerning that the Turkish government now controls what the Turkish public learns — or does not learn — about its own nation.

For journalists, the military, Kurds and Gulen are highly-sensitive topics, coverage of which can lead to arrest and prosecution. Some of the most repressive restrictions have been lifted on the path to EU entry, but it remains a crime to insult the Turkish nation and president, and a wave of prosecutions of journalists under Recep Tayyip Erdogan has prompted new concern for press freedom.

The Turkish constitution on its face grants the press the right to be free from censorship. However, that same constitution is the thing allowing the ongoing media censorship in Turkey. free speech is not just a buzzword, it means everything to those who don't have it. Reporters in Turkey are getting jailed and some are killed for doing their job — reporting reality. It is their duty to inform the public, to be the society's gatekeepers, and to hold the government accountable for their improper conduct. It is also their duty to criticize wrongdoings of government, engage in public discourse, and voice opposing views, because opposition is part of democracy. The quality of journalism in Turkey is deteriorating due to the pressure from the government and journalists in Turkey simply

cannot do their job if with every story idea, every published article comes the fear of going to jail. If the newspapers fall to the authorities, the people will be at loss, and as a result, the country will be at loss.

Therefore, a media reform in Turkey needs to happen. For the media reform to happen, the political system requires change. It is urgent to repeal or totally revise the Article 301 of Turkey's Penal Code. It flagrantly abandons the nation's legal obligation to protect speech, to guarantee freedom of expression, and to allow journalists to criticize the government and President Erdogan for their wrongdoings. Ongoing censorship and self-censorship can cause false reporting on the journalists' parts. The danger of flawed information is that it is stored in a news organization's memory bank and library archives, therefore perpetuating future errors to happen.<sup>51</sup> A free climate in which society members can read critical news is the outcome of a successful media reform. Ultimately, the free flow of information and its access to the people is one of the underlying foundations for the development of a well-functioning democratic society.

Recep Tayyip Erdogan, took his Presidential oath on August 28, 2014. In his inauguration speech he vowed to serve as a President for all people of Turkey, to build a 'new Turkey' by bringing forward a new constitution and to continue with ambitious development plans. The government's fear of criticism cannot justify infringing on the

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<sup>51</sup> Ben Bagdikian. *The New Media Monopoly*, Boston: Beacon Press, 2004.

exercise of fundamental rights.<sup>52</sup> There is a rising generation of young Turks who value freedom and don't want to be silenced. They are on the streets of Istanbul, Ankara, Izmir and dozens of other cities to protest the censorship of journalists. They are the users of internet, a beast that cannot be fully blocked. They are the global citizens who learn from their Western peers what living in a free society looks like. But perhaps most importantly, they are a new political demographic that will vote for what they stand. The presidential elections are coming up in 2019.

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<sup>52</sup> Jahnisa Tate, "Turkey's Article 301: A Legitimate Tool For Maintaining Order Or A Threat To Freedom Of Expression?" *Georgia Journal Of International And Comparative Law* 37, no. 181 (2008). <http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1076&context=gjicl>.

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