



#TURKEY

STATE OF EMERGENCY **STATE OF ARBITRARY**

After already cracking down on freedom of information in recent years, President Erdoğan has taken advantage of the abortive coup d'état and the state of emergency in effect since 20 July to silence many more of his media critics, not only Gülen movement media and journalists but also, to a lesser extent, Kurdish, secularist and left-wing media.

RSF, 19 September 2016

Taksim Square,
Istanbul,
on the night of
15 July 2016.



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Foreword

Checks and balances swept away

THE TURKISH PEOPLE took to the streets to face tanks on the night of 15 July 2016, a few hours after a sector of the army, backed by armoured units and fighter planes, went on to the streets of Ankara and Istanbul as part of a bid to seize power. The putschists were soon thwarted. The people had been on alert, and the media too. But the media paid a high price for their loyalty to democracy, for continuing to cover developments during those dark hours on the night when the country's future hung in the balance. The climate of national unity the next morning fuelled hopes that President Erdoğan and his government would cease to treat critical media outlets as the enemy and would end the persecution of recent years. Instead they did the opposite: the proclamation

of a state of emergency on 20 July ushered in an unprecedented purge of the Turkish media.

Claiming to be combatting a threat to “national security and unity” and blaming the coup attempt on the movement founded by the US-based cleric Fethullah Gülen, the government has issued decrees that undermine the foundations of the rule of law, opening to the way to arbitrary conduct by officials and police and strengthening the powers of a judicial system that is now more politicized than ever. Taking their old failings to ever-new extremes, prosecutors and judges have treated any expression of sympathy for the Gülen movement as evidence of direct complicity in the abortive coup. As well •••

First page photos:
Soldiers
and police
during the
17 July coup
/ police and
demonstrators
during the
newspaper
Özgür
Gündem's
closure in
Istanbul in
August.
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Police blocking access to the newspaper Özgür Gündem in Istanbul in August.



••• as allegedly pro-Gülen media and journalists, the witchhunt has also targeted representatives of Kurdish, secularist and left-wing media outlets.

Persecution of critics had already been growing in recent years in Turkey in what was the clearest sign of President Erdoğan's authoritarian tendencies. Judicial harassment of journalists, systematic Internet censorship, curbs on pluralism and the increasingly concentrated ownership of leading media outlets in the hands of the government's friends had already become the norm. As a result, Turkey was ranked as low as 151st out of 180 countries in the 2016 version of the World Press Freedom Index compiled by Reporters Without Borders (RSF). The state of emergency removed the few remaining safety nets and brought arbitrary governmental decision-making to new unprecedented heights: journalists have been jailed without any reason being given, media outlets have been closed with the stroke of pen, and punitive measures have been taken without any form of trial. In the past two months, journalists of all political tendencies have been the victims of countless violations of free speech, the right to safety and the right to a fair trial, legal defence and effective legal recourse.

Erol ÖNDEROĞLU RSF's representative in Turkey
Johann BIHR head of RSF's Eastern Europe and Central Asia desk

Gülen – Erdoğan's former close ally, now biggest foe

Calling itself "Hizmet" (Service), the social and religious movement founded by Turkish cleric Fethullah Gülen preaches a moderate version of Islam and encourages education and free enterprise. Sharing values and a desire for revenge on the traditional Kemalist elite, the Gülen movement and Erdoğan's Justice and Development Party (AKP) joined forces to take over the state apparatus in the 2000s. The movement's generally well-educated ranks provided many of the technocrats and civil servants who replaced Kemalist officials when they retired or were purged.

All this had the AKP government's blessings until differences between the two allies emerged and deepened, and finally a fight to the death began in 2013. Thanks to their positions within the administration, officials close to the Gülen movement were able to deal the government damaging blows that included leaks of compromising phone recordings, a major corruption scandal and revelations about arms deliveries to Syria. The government blamed these developments on judges, prosecutors and police officers sympathetic to the movement.

A series of major purges within the administration ensued. Since 2015, the authorities have referred tersely to the movement as either "FETÖ," an acronym for "Fethullahçı Terör Örgütü" (Fethullah Terrorist Organization) or "PDY," an acronym for "Paralel Devlet Yapılanması" (Parallel State Structure). The government accuses Gülen of being behind the 15 July coup attempt and is seeking his extradition from the United States, where he has lived since 1999.

1 Denying due process

The state of emergency strips journalists of all legal recourse against such arbitrary measures as denial of access to a lawyer during police custody, prolonged pre-trial detention, the criminalization of dissent and mistreatment of detainees.

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IN TURKEY they call it OHAL, which is short for Olağanüstü Hâl (“state of emergency” in Turkish). The government headed by President Erdoğan and Prime Minister Binali Yıldırım declared a three-month state of emergency on 20 July. The state of emergency legislation dates back to 1983, when Gen. Kenan Evren’s military government introduced it to replace martial law. Its provisions allow the authorities to govern by decree, without reference to parliament and without any possibility of a citizen appeal to the constitutional court.

One of its provisions allows the authorities to ban “the printing and distribution of certain newspapers, magazines, brochures, books, leaflets and other printed material” if they pose a “threat to national security.” From 1983, when it was first introduced, until 2002, when it was finally lifted, the then state of emergency enabled the authorities to confiscate or ban the distribution of more than 20 publications in the southeastern regions with a mainly Kurdish population. Many journalists were arrested with complete impunity and foreign journalists were deported.

Aside from the provisions that specifically violate media freedom, journalists are also affected by the restrictions applying to the general public. The new state of emergency’s first decree, issued on 22 July, extends the limit on police custody from four to 30 days, during which the detainee may be denied access to a lawyer during the first five days. And the courts now have 30 days to consider a lawyer’s appeal against a client’s preventive detention.

Arbitrary imprisonment of journalists

Dozens of renowned journalists, including leading reporters and editors of pro-Gülen movement newspaper and magazines, have been placed in preventive detention under the two-month-old state of emergency. In all, according to the three main unions of journalists, 200 have been jailed since the 15 July coup attempt, of which 101 were still detained on September 14, according to P24 (see box on the right). As a result, Turkey now ranks as “the world’s biggest prison for media personnel,” a title it already held in 2012-2013.

The victims include Nazlı Ilıcak, 73, a well-known journalist arrested on 26 July. At the end of her period in police custody, she was imprisoned along with 16 other contributors to pro-Gülen

Previous page photos:

The arrests of Büşra Erdal, Şahin Alpay, Nazlı Ilıcak and Ali Bulaç.

101
journalists
still detained

14 September 2016

Source : P24

(<http://platform24.org>)

Abdullah Katircioğlu	İbrahim Bayram
Abdullah Kılıç	İbrahim Karayavaş
Abdullah Özyurt	İdris Yılmaz
Ahmet Memiş	İsa Sıy
Ahmet Melin Sekizkardeş	İskender Yunus Tiryaki
Ahmet Turan Alkan	Kenan Baş
Ahmet Yavaş	Lalezar
Alaattin Güner	Sarıbrahimoğlu (Lale Kemal)
Alaattin Kaya	Lokman Erdoğan
Ali Akkuş	Mecrum Tokal
Ali Bulaç	Mehmet Ali Ertaş
Ali Ünal	Mehmet Kuru
Arap Turan	Mehmet Özdemir
Atilla Taş	Mümtaz’er Türkönge
Ayşe Nazlı Ilıcak	Murat Aksoy
Ayşenur Parlıdak	Murat Avcıoğlu
Aytekin Gezici	Murat Öztürk
Aziz İstegün	Mustafa Erkan Acar
Bayram Kaya	Mustafa Ünal
Bertan Golali	Multu Çölgeçen
Cemal Azmi Kalyoncu	Nizamettin Yılmaz
Cemil Uğur	Nuri Durma
Cihat Ünal	Nuriye Üral (Akman)
Cuma Kaya	Nurullah Kaya
Cuma Ulus	Olgun Matur
Cumali Önal	Osman Yakut
Eda Şanlı	Özcan Keser
Emre Koçali	Özkan Mayda
Emre Soncan	Pusat Bulut
Engin Eren	Resul Cengiz
Engin Özelçi	Rifat Söylemez
Ercan Gün	Sabahattin Koyuncu
Erdal Şen	Şahin Alpay
Erkan Büyük	Selman Keleş
Faruk Akkan	Serdar Polat
Ferit Toprak	Şeref Yılmaz
Fevzi Yazıcı	Seyid Kılıç
Gökçe Frat Gülhaçoğlu	Taner Talaş
Gültekin Avcı	Tuncer Çetinkaya
Habip Güler	Ufuk Şanlı
Hakan Bülent Yardımcı	Vahit Yazgan
Hakan Taşdelen	Vedat Demir
Halil İbrahim Mert	Yakup Çetin
Halil Polat	Yakup Şimşek
Hanım Büşra Erdal	Yalçın Güler
Haşim Söylemez	Yasemin Sayın
Hayat Yılmaz	Yener Dönmez
Haydar Ergül	Yüksel Evsen
Hüseyin Aydın	Zafer Özsoy
Hüseyin Turan	Zeynep İzgi
İbrahim Balta	

media outlets including Erkan Acar, Büşra Erdal, Ufuk Şanlı, Habib Güler and Bayram Kaya. They were all charged with “membership of the FETÖ organization.” A former Erdoğan supporter and AKP parliamentary representative, Ilıcak was fired from the pro-government daily Sabah (“The Morning”) in December 2013 after writing that government ministers implicated in corruption should resign and face trial. She subsequently became a columnist for the opposition daily Özgür Düşünce (“Free Thought”).

Opinions that constitute a crime

The judicial system’s witchhunt is targeting many prominent government critics including well-known journalists like Ilıcak. The scale of the round-ups of journalists is astonishing – 42 arrest warrants were issued on 25 July and another 47 were issued two days later. RSF has seen the written records of interrogations, which confirm that many journalists are being targeted above all for working for media sympathetic to the Gülen movement. Their work as journalists is equated to membership of the movement, and this in turn is equated to complicity in the coup attempt. Foreign minister Mevlüt Çavuşoğlu has claimed that the judicial authorities distinguish between the coup’s promoters and “those who do real journalism.” But in practice it is clear that the authorities are treating certain opinions as a crime. This is completely incompatible with freedom of expression.

Turkey’s media have always been very polarized – either clearly for or clearly against the government of the day – and the authorities are used to criminalizing journalism by association. For decades, they have treated any expression of support for Kurdish rights as having been directly instigated by the outlawed Kurdistan Workers’ Party (PKK) and its rebel fighters.

Countless journalists have been jailed in recent years on charges of “membership of a terrorist organization” simply because of perceived similarities between their views and the positions espoused by the targeted group. This has happened both to Kurdish journalists who have been accused of being PKK members, and Kemalist journalists accused of being part of a shadowy ultranationalist group called “Ergenekon.” In both cases, the journalists often end up being released after long periods of preventive detention when the political circumstances change and it has become •••

••• clear that prosecutors had no evidence against them.

The state of emergency has revived the use of these procedures. Six former employees of the daily Zaman (“Time”) – Şahin Alpay, Ahmet Turan Alkan, Ali Bulaç, Mustafa Ünal, Nuriye Akman and Lale Kemal – were arrested on 27 July on charges of “praising a terrorist organization” and “legitimizing the attempted coup d’état.” The first four were taken to Silivri prison (80 km west of Istanbul) four days later. The other two were taken to Bakirköy prison for women in the centre of Istanbul. Most of them are elderly and ailing.

What are they charged with? In essence, they are accused of continuing to work for Zaman after its editor Ekrem Dumanlı, was placed under investigation in 2014 on suspicion of belonging to the Gülen movement because of his coverage of corruption allegations against several members of the government. In their statements, the six journalists did little more than recount their journalistic careers and political positions, and point out that these were incompatible with any support for the abortive coup. The judge cited the fact that Dumanlı is now a fugitive from justice as grounds for detaining them, in violation of the principle of individual criminal responsibility.

Arrests of prominent supporters of democracy have been taking place for weeks. Aslı Erdoğan, a well-known novelist who has been translated into a dozen languages, has been jailed since 16 August because she wrote columns for Özgür Gündem, a Kurdish daily closed by court order, and was part of its consultative council. Ahmet Altan, a writer and former editor of the weekly Taraf, was arrested along with his brother, university academic Mehmet Altan, on 10 September for participating in a programme on Can Erzinçan, a TV channel that was closed by decree at the end of July.

Trampling on defence rights

Under the provisions of the first decree after the state of emergency, many journalists have been denied access to a lawyer during their first few days in police custody. One of the first victims was Orhan Kemal Cengiz, a former columnist for the dailies Radikal and Özgür Düşünce who is also a human rights lawyer. He was arrested at Istanbul’s Atatürk airport on 21 July together with his wife, Sibel Hürtaş, a columnist for Al Monitor. She was freed later the same day but he was taken to the anti-terrorism unit at the Istanbul directorate for security, where he was refused access

Extracts from the statements of three detained journalists



AHMET TURAN ALKAN: “I wrote four or five columns a week. I cannot accept these accusations. I was always against military interventions and the archives will tell you that. I cannot describe the shock I felt on the night of 15 July and my sadness the next day.”



ŞAHİN ALPAY: “I worked for Cumhuriyet for ten years as a member of its staff and as a columnist. I was an adviser to Deniz Baykal of the republican party CHP. Then I worked for the daily Sabah and for Milliyet for seven years. In my columns, I always referred to my commitment to a democratic future and the values of the European Union and I reacted against any form of intervention by the army (...) In 2002, I agree to a proposal from the [Gülen] movement to write for Zaman. I accepted this proposal because, at that time, politicians appeared to be very sympathetic to Fethullah Gülen. The research I did then indicated that Fethullah Gülen respected other cultures and represented Islam’s modern aspect.”



MUSTAFA ÜNAL: “My position with regard to coups has never changed, from the coup d’état of 28 February 1997 to the coup d’état of 15 July (...) Immediately after this coup attempt, I sent Twitter messages saying ‘No to coups’ and I wrote articles saying those who had pointed guns at the people should be punished severely.”

to a lawyer for three days. He was then taken, with his hands bound behind his back, to the Çağlayan prosecutor’s office in Istanbul. When finally released, he was banned from leaving the country.

“They interrogated me about two Twitter messages,” he told RSF’s Turkey representative. “That was when I realized that they did not even have an investigation file against me and that all this was being done to discredit me. It was only as a journalist that I had worked for a newspaper linked to this religious community [Gülen]. I just expressed opinions, nothing else. As a lawyer, I also defended the newspaper Zaman after it was placed under judicial control.”

The crackdown since the coup attempt has also targeted many judges, prosecutors and even lawyers. Lawyers have been arrested or placed under investigation or their offices have been raided. This climate of intimidation discourages both pro-Gülen movement lawyers and human rights lawyers from defending journalists who have been taken into custody. As a result, journalists as well known as Şahin Alpay have had to be defended by the

••• P24 coalition’s lawyer, Veysel Ok, who is committed to media freedom, or a lawyer assigned by the Istanbul bar association. The daily newspaper Hürriyet used one of its media group’s lawyers to defend its detained employees, including Bülent Mumay, Arda Akin and Dinçer Gökçe.

Mistreatment and poor prison conditions

Turkey had carried out significant improvements to the conditions of detainees in the past decade, motivated in large part by a desire to advance accession negotiations with the European Union. This progress has unfortunately been swept away by the state of emergency and the thousands of arrests carried out in the wake of the coup attempt. As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated.

Cemil Uğur and Halil Ibrahim Polat, two reporters for the left-wing daily Evrensel (“Universal”), were held by police in the municipality of Yenişehir (part of the southern city of Mersin) for 16 days after covering a street protest about the prison conditions of Abdullah Öcalan, the PKK leader who has been held for the past 17 years and is now serving a life sentence. Their lawyers,

Tugay Bek and Ali Bozan, were not allowed to see them during the first five days. The Yenişehir police insulted and attacked the two journalists, threatening to throw them out of a window in the police station and give them the same fate as Metin Göktepe, a journalist who was notoriously killed in police custody in Istanbul in 1996. Uğur and Polat were finally released on the orders of a Mersin magistrate on 8 September.

Under the 22 July decree, visits to journalists in Silivri prison are limited to an hour a week and are monitored by surveillance cameras and two guards. “Conversation is mostly limited to chit-chat rather than effective lawyer-client discussion,” Veysel Ok told RSF. “You cannot exchange notes or documents, which are subject to prior inspection by prison officials.” Referring to one of his clients,

“They interrogated me about two Twitter messages. That was when I realized that they did not even have an investigation file against me and that all this was being done to discredit me.”

Orhan Kemal Cengiz, a former columnist for the newspapers Radikal and Özgür Düşünce

Şahin Alpay, he added: “At 73, Şahin is extremely demoralized and depressed because he thinks he will never get out, given the hostile climate now prevailing in Turkey and the fact that his name is linked with the ‘FETÖ’ organization. He had been teaching a university course on democracy for years.”

Zana Kaya and İnan Kızılkaya, two Özgür Gündem representatives held since 22 August on charges of PKK membership and spreading PKK propaganda, are subject to intensive solitary confinement in Section 9 of Silivri prison. According to the lawyer Özcan Kılıç, they were allowed a family visit of just 20 minutes (instead of an hour) during the week of 29 August. Furthermore, they were allowed very little contact with their lawyers and were denied access to newspapers and TV.

Hilmi Yavuz, an 80-year-old poet and former Zaman columnist who is in very poor health, was released only after his blood pressure plummeted during interrogation on 29 July. He is still under investigation and his interrogation is to resume at a later date. The interrogation of Ali Bulaç, who was in a coma for 14 hours, is to resume when he leaves hospital.

Silivri prison is in the middle of the countryside, 80 km from the centre of Istanbul. Visits to journalists held there are restricted to one hour a week, under close surveillance.



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Pluralism drastically curtailed

Taking advantage of the state of emergency, the government has ordered the closure of more than 100 newspapers, TV channels and radio stations on the grounds of their supposed links to the Gülen movement and has launched a purge in the state-owned media.

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ALTHOUGH politically very polarized, the Turkish media were lively and exhibited a remarkable level of pluralism a few years ago. But at around the start of the current decade, many media outlets were acquired by investors who support the government or are linked to it by lucrative state contracts. Thereafter, hundreds of critical reporters and outspoken columnists were fired and there was surge in self-censorship. Subjected to various forms of judicial, economic and political pressure, the few remaining critical media outlets nowadays reach just a small sector of the public. By enabling the authorities to eliminate leading opposition media outlets for good, the state of emergency has dealt a major blow to Turkey's already weakened media pluralism.

Summary closure of more than 100 media outlets

The second decree issued under the state of emergency, on the night of 27 July, ordered the closure and expropriation of 45 newspapers, 16 TV channels, 23 radio stations, three news agencies and 15 magazines (plus 29 publishing houses) on suspicion of "collaborating" with the Gülen movement.

The targeted media included both leading national outlets such as the newspaper Taraf and the magazine Nokta, and many local outlets. The decree was just the last nail in the coffin for the Zaman and Bugün daily newspapers and for Samanyolu TV, Kanaltürk TV and Bugün TV, all of which had already been placed under judicial control and closed following police raids in October 2015 and March 2016 because of their alleged "complicity with the FETÖ

Four of the newspapers closed by decree on 27 July 2016: Zaman, Bugün, Ekonomi and Taraf.

organization." Their final liquidation nonetheless meant that the authorities have eliminated an entire segment of the media landscape with the stroke of a pen and have dealt a blow to pluralism that will be felt long after the state of emergency is lifted. Before being placed under judicial control in March 2016, Zaman had a print-run of 900,000 copies, one of the biggest in Turkey.

Some local media owners have accused the authorities of targeting outlets with no connection to the Gülen movement. Fahrettin Dokak, the owner of the Izmir-based newspaper Ege'de Son Söz (The Aegean's Last Word), issued a statement voicing his inability to understand why it was closed. "Since 2009, the newspaper has always pursued an editorial line respectful of democracy, the law and universal press principles," he wrote. "It has never been a [...] FETÖ mouthpiece."

The state of emergency also provided the judicial authorities with a golden opportunity to close the pro-Kurdish daily Özgür Gündem. An Istanbul ...

"Since 2009, the newspaper has always pursued an editorial line respectful of democracy, the law and universal press principles. It has never been a FETÖ mouthpiece."

Fahrettin Dokak, owner of the Izmir-based newspaper Ege'de Son Söz, closed by decree on 27 July 2016



On 16 August outside the newspaper Özgür Gündem, closed by court order and occupied by the police, who arrested some of the journalists present on a “terrorist propaganda” charge.

© AFP / Yosin Akgul

... court ordered its indefinite closure on 16 August for supposedly acting as a PKK “mouthpiece” and, as such, publishing “a terrorist organization’s propaganda.” The police stormed its Istanbul headquarters, seizing computers and detaining several members of its staff. Persecuted throughout the 1990s, Özgür Gündem was previously banned from 1994 to 2011.

Purge of state media employees

The major ideological and political purge under way within the state administration since the first few days of the state of emergency has not spared the state-owned media although they have always

taken orders from the government. According to media labour unions, hundreds of employees of the state-owned news agency Anadolu and the state-owned broadcaster TRT have been laid off pending the outcome of an internal investigation to establish whether they were linked to the Gülen movement. With 13 TV channels and radio stations, TRT has around 7,000 employees. Its audience ratings are fairly low overall, but sizable in the provinces.

Mehmet Demir, a TRT employee for the past 17 years, was laid off as part of a judicial and administrative investigation on 21 July. A member of Haber-Sen, a union affiliated to the Progressive Confederation of Public Service Employees (KESK), he was finally reinstated after a campaign by colleagues and labour unions. Of the approximately 20 other Haber-Sen members targeted, at least six are still laid off.

The 102 newspapers, radio stations, TV channels and news agencies closed by decree on 27 July 2016.

Ag : news agency / N : newspaper / M : magazine / R : radio station / TV : television channel

Adana Haber (N)	Batman Doğuş (N)	Diyalog Avrasya (M)	Gül Yaprığı (M)	Kanal 124 (TV)	Muhabir (Ag)	Radyo Şemşik (R)	Turgutlu Havadis (N)
Adana Medya (N)	Batman Postası (N)	Dünya Radyo (R)	Haber Kütahya (N)	Kanaltürk (TV)	Nazar (N)	Samanyolu Haber (TV)	Türkeli (N)
Ajans 11 (N)	Berfin (R)	Dünya TV (TV)	Haber Radyo Ege (R)	Kanaltürk Radyo (R)	Nokta (M)	Samanyolu Haber Radyo (R)	Türkiye’de Yeni Yıldız (N)
Akademik Araştırmalar (M)	Bingöl Olay (N)	Durum (N)	Hakikat (N)	Kocaeli Manşet (N)	Özgür Düşünce (N)	Samanyolu TV (TV)	Umut (R)
Akdeniz Türk (N)	Bisiklet Çocuk (M)	Ege’de Son Söz (N)	Herkül (R)	Kurtuluş (N)	Radio station (TV)	SEM (Ag)	Urfa (Ag)
Aksaray Mavi (R)	Bizim Kocaeli (N)	Bugün (N)	Hira TV (TV)	Lider (N)	Radyo 59 (R)	Sızıntı (M)	Yağmur (M)
Aksiyon (M)	Bugün TV (TV)	Ekolife (M)	Hisar (N)	MC TV (TV)	Radyo Aile Rehberi (R)	Son Nokta (N)	Yağmur (R)
Aktüel (R)	Burç FM (R)	Ekoloji (M)	İrade (N)	Mehtap TV (TV)	Radyo Bamteli (R)	SRT TV (TV)	Yarına Bakış (N)
Antalya (N)	Can Erzincan TV (TV)	Ekonomi (N)	İrmak TV (TV)	Merkür Haber (N)	Radyo Cihan (R)	Şuhut’un Sesi (N)	Yeni Emek (N)
Asya Pasifik (M)	Cihan (Ag)	Esra (R)	İscehisar (N)	Merkür TV (TV)	Radyo Fıkıh (R)	Taraf (N)	Yeni Hayat (N)
Banaz Postası (N)	Demokrat Gebze (N)	Fountain (M)	İskenderun Olay (N)	Meydan (N)	Radyo Küre (R)	Today’s Zaman (N)	Yeni Ümit (M)
Barış TV (TV)	Gonca (M)	Gediz (N)	Jest (R)	Milaz Feza (N)	Radyo Mehtap (R)	Tuna Shopping TV (TV)	Yerel Bakış (N)
Batman (N)				Millet (N)	Radyo Nur (R)		

3

Punitive administrative measures

The government has penalized hundreds of journalists by withdrawing their press cards and passports. As a result of the state of emergency, the authorities do not have to justify these measures and the victims cannot appeal against them.

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Previous page
photo:

President
Recep Tayyip
Erdoğan
chairing
a cabinet
meeting in
Ankara.

AS WELL AS all the judicial proceedings, many journalists have been the targets of administrative sanctions that they have no way of contesting because the state of emergency has suspended any possibility of a legal appeal. Although these measures have grave consequences for the victims, both personally and professionally, they have been taken without giving them any chance to respond and often without their knowledge.

Passport withdrawal and travel restrictions

The 22 July decree provides for the confiscation or cancellation of the passports of media representatives who are suspected or accused under Anti-Terrorism Law 3713. The victims of this provision include Can Dündar of Erdem Gül of the newspaper Cumhuriyet, whose passports have been seized or cancelled by the Istanbul prosecutor's office. These two journalists are awaiting a Court of Cassation ruling on their appeals against the long jail terms they received on 6 May for

revealing details last year about Turkish government arms shipments to Islamist groups in Syria.

The journalist Hayko Bağdat was stripped of his passport on arrival at Istanbul airport after a trip abroad on 6 August. It was returned to him the next day after a protest campaign on social networks and after lawyers and opposition parliamentarians interceded. The passport of Can Dündar's wife, Dilek Dündar, was seized on 3 September. And an Istanbul assizes court asked the passport section of the national police to rescind the passports of Özgür Gündem journalists Eren Keskin, Hüseyin Aykol, Reyhan Çapan, Ayşe Berktaş and Reyhan Hacıoğlu and the lawyer Nuray Özdoğan for "pro-PKK propaganda."

Some journalists have a special passport that is reserved for members of their profession and is known as a "grey passport." But now, in order to "avoid any problem at a border," holders of these passports are required by the General Directorate for Information and Media (BYEGM), which

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Can Dündar and his wife Dilek. Their passports have been rescinded. Can Dündar is awaiting the outcome of his appeal against his conviction in May for an article revealing details of the Turkish government's arms shipments to Islamist rebels in Syria.



© AFP Photo / Ozan Kose

••• reports to the prime minister's office, to obtain a document from the national police certifying that they are "allowed to travel abroad."

Withdrawal of press cards

In theory, journalists can work without the official press card, known as a "yellow card," but it allows them to cover the activities of government ministers and the representatives of other state entities in the absence of any additional accreditation, which is not normally demanded. In practice, the press card is often essential because the police and security services request it from journalists at road checkpoints. So without one, it is hard to enter "security zones" where, for example, fighting with the PKK is taking place. Similarly it is preferable for journalists to have a press card when covering demonstrations, which are often dispersed violently by the police. Without one, they are liable to be arrested as demonstrators.

Press cards are issued by the BYEGM (see above), which had often been accused of bias in recent years and which has given free rein to its discriminatory inclinations under the state of emergency. In the past two months, the BYEGM has rescinded the press cards of 620 journalists. The victims include Nazlı Ilıcak and Ergun Babahan. Aside from the impact on their work, it means they are formally "banned" as journalists and branded as "coup collaborators" without any kind of trial. Just as the judicial system does, the BYEGM regards the pro-Gülen media as part of a single political entity that organized the 15 July coup attempt, and it therefore regards having worked for a pro-Gülen media outlet as a crime. Stripping journalists of their press cards in this way violates the presumption of innocence, the right to due process, and media freedom.

Arbitrary restrictions

The journalist Tuğba Tekerek was arrested outside police headquarters in the Istanbul district of Gayrettepe on 21 August while taking photos of the families of judges, police officers and civil servants who had been taken into police custody. The next day she was released without being charged. This is just one of many examples of the arbitrary behaviour by the authorities to which journalists are now exposed in the course of their work without any possibility of filing an appeal or obtaining reparation.



Many journalists of newspapers in Kurdish, as Azadiya Welat, are or have been detained.

Expulsion of foreign journalists

The Turkish authorities began deporting foreign journalists with growing frequency after the "Occupy Gezi" protests in the summer of 2013 and even more so after fighting between the army and the PKK resumed last year. The state of emergency has just reinforced this trend, fuelling police paranoia and reducing the possibility of recourse. Beatriz Yubero, a Spanish journalist and student, was arrested at dawn on 5 August and was held by the police in a gymnasium for 36 hours, during which time Spanish

The police arrested Spanish journalist Beatriz Yubero at dawn on 5 August 2016 and held her in a gymnasium for 36 hours. She was deported after being forced to sign a statement saying she was leaving Turkey "of her own free will."

embassy officials were not allowed to see her or provide her with legal assistance. Suspected of "collaborating with the FETÖ organization," which she categorically rejected, she was expelled on 6 August after being forced to sign a document saying she was leaving Turkey "of her own free will."

Emergency

Autocratic threat to freedom

THE TWO-MONTH-OLD state of emergency has dramatically accentuated the authoritarian tendencies of the Turkish authorities, who have used it to silence their critics. Arbitrary practices and disproportionate sanctions against the media, which are incompatible with the rule of law, have become institutionalized. Journalists are deprived of all possible recourse against the government and against prosecutors and judges, who are more powerful and less independent than ever. The climate of intimidation resulting from this witchhunt encourages self-censorship and deprives the public of a free and pluralist debate, although such a debate is more necessary than ever. The climate also affects those who should be defending journalists – lawyers, human rights defenders and civil society activists.

It was to rescue democracy that Turkish citizens took to the streets en masse and confronted the tanks at great personal risk on the night of 15 July. But democracy is not limited to electing a government. It is also about respect for fundamental freedoms. It is high time that the Turkish authorities fully restored the rule of law in recognition of the commitment to democratic principles displayed by their fellow citizens.

RSF calls on

The Turkish authorities to:

- Not extend the state of emergency beyond 20 October.
- Immediately amend the decrees issued under the state of emergency, rescinding provisions that are incompatible with the European Convention on Human Rights and the International Covenant on Civil and Political Rights.
- Rescind administrative sanctions taken against journalists (including the withdrawal of passports and press cards).
- Restore the right of citizens to appeal when administrative sanctions are taken against them, and provide compensation for verified violations.
- Not usurp an independent and impartial judicial system, which alone is empowered to punish media outlets and journalists after a fair trial that respects international standards.
- Put an independent authority representative of the journalistic profession in charge of issuing press cards, instead of the General Directorate for Information and Media, which is an offshoot of the prime minister's office.
- Stop deporting foreign journalists.

The judicial institutions to:

- Immediately and unconditionally release all journalists held without proof of individual involvement in committing a crime.
- Investigate the 15 July coup attempt on the basis of the need for specific proof of individual involvement, respecting the European Convention on Human Rights and the International Covenant on Civil and Political Rights.
- Limit the use of preventive detention by taking account of the danger that defendants pose and the gravity of the individual charges likely to be brought against them.

The police and prison authorities to:

- Take account of the health and family situation of suspects when detaining and interrogating them.
- Conduct credible investigations into verified cases of violence, threats or mistreatment and adopt sanctions that have a deterrent effect.
- Prohibit all use of violence, threats or mistreatment against suspects.

Reporters Without Borders promotes and defends the freedom to receive and impart information worldwide. Based in Paris, it has 11 international bureaux (in Berlin, Brussels, Geneva, London, Madrid, New York, Stockholm, Tunis, Turin, Vienna and Washington DC) and has more than 130 correspondents in all five continents.

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