

TURKEY: DEMOCRACY IN PERIL

A HUMAN RIGHTS REPORT

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About the Author

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INTRODUCTION: THE PROMISE BETRAYED

In a springtime of hope, the first decade of the 21st century, Turks and outside observers shared a dream that Turkey might become that bright star in an otherwise muddled constellation of the Middle East—a real democracy in a predominantly Muslim country, committed to civil liberty, human rights, pluralism, and civil society.

That hope has disappeared as but a short-lived meteor in the dark, troubled sky. It is no more; and there is little optimism for its return in the foreseeable future.

Turkey's democracy is in regression. President Recep Tayyip Erdoğan, almost single-handedly, has reversed the course of Turkey's forward trajectory. Through authoritarian rule, Erdoğan essentially has seized power, overriding the nation's constitution. As the suppression of journalists, civil society leaders, and his political opponents crescendos, Erdoğan is proving in spades Lord Acton's maxim that "power corrupts, and absolute power corrupts absolutely." Such is the risk of the poison of power.

There is a twist of historical irony. Turkey's downward spiral is even more tragic because of the sudden reversal of the strong democratic reforms that Erdoğan's Justice and Development Party had helped engineer in its earlier years in power ("AKP" is the party's Turkish abbreviation).

Erdoğan also has cracked down hard on the Gülen *Hizmet* movement, a steadfast proponent of civil society, trying to eliminate one of the greatest challenges to his rule. As prime minister, he closed down more than one thousand of its schools and educational programs that serve students for whom this is their only chance to make headway in the world into which they were born. Erdoğan's

hostility toward the movement includes efforts to prevent, Kimse Yok Mu, one of the most respected faith-based charity foundations in the world, from doing its much needed humanitarian work for deprived and suffering people.

Given my own religious background and nearly fifty years working with poor and low-income people, I found the attacks on faith-based projects especially disturbing because of their consequence on the lives of particularly vulnerable people.

Despite the international condemnations whirling about his government, even from its staunch ally the United States, as well as internal opposition, Erdoğan continues to aggrandize power in proportion to his efforts to crush any segment of civil society that will not bend it to his myopic will. No matter the risk of peril to his country, Erdoğan has undermined the nation's balance of powers and subjugated the judicial system, media, regulatory bodies, and civil society in general. He is unilaterally transmuted the constitutional role of the Turkish president as head of state into the head of government, which the constitution actually assigns to the prime minister. His authoritarianism inches toward totalitarianism daily.

These are harsh words, words I never had contemplated writing until spending a long week in Turkey in January 2015. While interviewing a diverse variety of people, I found a stunning turnaround in reality from earlier trips to Turkey. This last time was quite different from the three sets of week-long interviews I had conducted in 2009 and 2010, while writing *Wrestling with Free Speech, Religious Freedom, and Democracy in Turkey: The Political Trials and Times of Fethullah Gülen*, and an eight-day interfaith trip in 2008 that whetted my interest, as a

human rights attorney, in that country.

Having authored or overseen the production of more than a dozen human rights reports for the Texas Civil Rights Project, I decided to prepare this one on the state of civil society in Turkey. Human rights have been my passion during my four-decades-long career as an attorney and the focus of my twenty-seven years as an adjunct professor at the University of Texas School of Law in Austin.

This report is condensed and abbreviated; it unfortunately could have taken the form of a much larger volume or two. However, the endnote references and bibliography offer readers the opportunity to further study this matter, should they wish. I have also set up a Facebook page, Human Rights in Turkey - A Crisis in Civil Liberty, to post ongoing English-language articles about the situation in Turkey. There are a few hundred posted already.

I offer this report for whatever help it may be in highlighting Turkey's crisis of democracy. I also offer it to those people struggling in that crisis so that they know another individual has heard their plaintive voices and has brought them forward to an additional audience.

Why is this important to Americans, apart from the obvious reason that reversal of democracy in any part of the world affects us all, directly or indirectly? Since 2006, the world has seen no net expansion of democracy; and the average level of freedom on the planet has decreased. Even worse, in the last fifteen years, twenty-five democracies have collapsed, through military coups or the "subtle and incremental degradations of democratic rights and procedure."¹

We do not want to see the collapse of

1. Thomas L. Friedman, "Democracy is in Recession," *New York Times*, February 18, 2015, <http://www.nytimes.com/2015/02/18/opinion/thomas-friedman-democracy-is-in-recession.html?smid=fb-share&r=2>.

democracy in Turkey, a country of 78 million people, a member of NATO and a reliable geo-strategic ally, at least until recently,² and recipient of substantial American financial largesse. But democracy seems to be falling apart there. History teaches that a correlation exists between the strength of a democracy and regional security.³ The world needs Turkey to continue to be an island of security and stability.

With that said, we also should be concerned as Americans, who have a history of subsidizing private faith-based humanitarian charities and schools, at home and abroad, with supporting any government that would shut down such programs and educational projects and adversely impact hundreds of millions of people around the world, simply because of its own political selfishness. These schools are not proselytizing institutions, but dedicated to learning. They are similar to the schools religious orders like the Jesuits or Dominicans established and dedicated to academic excellence, regardless of the students' religious beliefs. The humanitarian aid likewise is without religious strings; it is for the needy, irrespective of their confessional faith, if any.

Until Erdoğan's about-face, Turkey was on its way to being a model in the Middle East—that it was indeed possible to have a democratic, secular Muslim country that

2. Editorial Board, "Turkey's social media power grab," *Washington Post*, April 10, 2015, http://www.washingtonpost.com/opinions/turkeys-social-media-power-grab/2015/04/10/bc636fd2-dfaa-11e4-a1b8-2ed88bc190d2_story.html; Editorial Board, "Turkey's Drift from NATO," *New York Times*, March 14, 2015, http://www.nytimes.com/2015/03/14/opinion/turkey-s-drift-from-nato.html?_r=0.

3. Murat Yetkin, "The quality of Turkish democracy matters to us, says US official," *Hürriyet Daily News*, April 18, 2015, <http://www.hurriyetdailynews.com/the-quality-of-turkish-democracy-matters-to-us-says-us-official.aspx?pageID=238&nID=81213&NewsCatID=409>.

respected civil liberties and worked toward building civil society.

That model is now gone, and will not return until we as a country join others in the international community in pushing back and supporting those in Turkey who still work for civil society, those who oppose Erdoğan's unabashed co-opting of democracy.

During Turkey's recent better times, Noam Chomsky, the American linguist, philosopher, and political commentator, wrote:

I know of no other country where leading writers, artists, journalists, academics and other intellectuals have compiled such an impressive record of bravery and integrity in condemning crimes of state, and going beyond to engage in civil disobedience to try to bring oppression and violence to an end, facing and sometimes enduring severe repression, and then returning to the task. It is an honorable record, unique to my knowledge, a record of which the country should be proud. And one that should be a model for others....⁴

Unfortunately, Turkey's authoritarian history seems now to be repeating itself; but so is the bravery and integrity of the country's leading writers, artists, journalists, academics, and community leaders.⁵ Their work may be Turkey's only hope. To them, I dedicate this report.

Summary of the Report

Democracy and civil society in Turkey are at risk and severely imperiled for the following reasons:

1. Government crackdown on the press

4. Noam Chomsky, "Remembering Howard Zinn," *Resist Newsletter*, March/April 2010.

5. See, e.g., "Prominent Turkish journalist receives Harvard journalism award," *Hürriyet Daily News*, March 13, 2015, <http://www.hurriyetdailynews.com/prominent-turkish-journalist-receives-harvard-journalism-award.aspx?pageID=238&nID=79669&NewsCatID=341> (speech by Hasan Cemal, outlining problematic freedom of speech and press in Turkey).

and manipulation of the press through economic means, resulting in self-censorship;

2. Suppression of freedom of assembly;
3. Severe limitations on free expression through social media;
4. Concerted efforts to dismantle the faith-based humanitarian and educational institutions of the Hizmet (Gülen) movement;
5. Collapse of the checks and balances of the three branches of government and the "fourth estate," the media, into a single organic autocracy;
6. Undermining of an independent judicial system;
7. Increased violence against women and failure of authorities to respond appropriately, and corresponding apathy toward women's rights;
8. Enhanced use of the state's security apparatus to undercut civil liberty;
9. Unfair trials, designed to punish people for exercising civil liberties and intimidate others from doing the same;
10. Excessive use of force and other ill-treatment by government authorities;
11. Immunity of police and security forces from prosecution for abuses; and,
12. Conditioning public employment on one's religious or political beliefs.

An April 2014 report by the Bipartisan Policy Center in Washington, D.C., summarized the situation succinctly (and it has worsened since the report)⁶:

The idea that governments must be accountable to the people whom they serve and, therefore, cannot be above the law is a central principle of liberal democracy. To that end, a justice system separate from the other branches of government and

6. Bipartisan Policy Center, "Legislating Autocracy? Recent Legal Developments In Turkey," April 2014, <http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Turkey%20Legislating%20Autocracy.pdf>.

outside the sway of political pressure has been a crucial structural element of stable and well-functioning democracies. By controlling HSYK [the Supreme Council of Judges and Prosecutors], the prime minister will be able to effectively replace the rule of law with rule by his own fiat.

This authoritarian turn is not a bolt out of the blue. Since his reelection in 2011, Erdoğan has been gathering personal power while eliminating critics and rivals. He has accomplished this, predominantly, by abusing the powers of his office.

By threatening to, or actually, investigating, sanctioning, firing, or imprisoning his enemies, Erdoğan has managed to rein in Turkey's military, business leaders, and journalists. He also had grand designs to refashion his country's political institutions. He envisioned creating a presidential system, imbuing the position with unprecedented powers, and assuming the post himself. Last summer's Gezi Park protests thwarted those ambitions.

Now, motivated by the goal of impeding the progress of corruption investigations into his inner circle, Erdoğan is succeeding in restructuring the Turkish state. These legal changes, if allowed to stand, will have far-reaching implications for the future of democracy in Turkey, and be much harder to undo, than Erdoğan's previous power grabs. As long as Turkey remains a democracy, and the people can choose a new government, sidelined politicians can be rehabilitated, unjustly jailed opponents can be released, and silenced journalists can regain their voices. But the ability of the voters to make free and informed choices is growing increasingly limited as the government expands its ability to define unacceptable speech and punish it. Moreover, even if power were to change hands, the next government would also benefit from the enhanced authority Erdoğan has given himself; it would be loath to shed it. After having made positive changes that strengthened the rule of law in Turkey just half a decade ago, Erdoğan is now undoing Turkey's democratic gains in the name of holding on to power.

The Report's Framework

Since the purpose of this report is to offer an overall comprehensive view for Americans of what is happening in Turkey, it encompasses

not only my interviews but also reports of the European Union, the European Court of Human Rights, and non-governmental organizations, as well as press accounts and the writings of other authors and commentators, all of which arrived at, and supported, the conclusions of my own interviews and studies. I have tried to weave all this together in a single document for the benefit of the reader. The report also provides background information to give context for Turkey's current skid into autocratic rule.⁷

7. The International Press Institute's March 2015 report presents a comprehensive overview of the current situation in Turkey. Steven M. Ellis, "Democracy at Risk," International Press Institute, March 27, 2015, http://www.freemedia.at/fileadmin/resources/application/IPI_Special_Report_-_Turkey_2015_Final.pdf. Two books also offer detailed overviews of events: Abdullah Bozkurt, *Turkey Interrupted: Derailing Democracy* (New York: Blue Dome Press, 2015); *2015 Turkey Country Report* (Washington, D.C.; Rethink Institute, 2015).

1. TURKEY'S HISTORICAL CONTEXT

A short historical survey of modern Turkey is helpful to understanding the political and social projects that have brought the nation to where it is today.

Kemal Atatürk founded the Republic of Turkey in 1923 and served as president until his death in 1938. He was a brilliant military commander and nationalist rebel leader, and headed up the armed struggle to liberate Turkey from the Allies' occupation after they defeated the Ottoman regime in World War I.

Before establishment of the Republic, however, Atatürk waged war against Armenia in 1920 to secure the country's eastern border. He also repelled Greece's attempt to take over an area of Anatolia, as part of a deal the Allies had made with Greece for its support in World War I. This was the Greco-Turkish War (1919–1922).

Months before the Republic came into existence, a compulsory “population exchange” was negotiated, at Atatürk's insistence, between Greece and what remained of the Ottoman government in Istanbul. This mutual expulsion, based on religious identity, involved about 1.5 million Greek Orthodox citizens of Turkey and 500,000 Muslims of Greece, most of who were forcibly made refugees and *de jure* denaturalized from their homelands.

Once in power as leader of the new republic, Atatürk inaugurated an ambitious array of political, economic, and cultural measures to transform Turkey from what he saw as a weak, outdated Islamist polity into a nationalist and secular 20th-century nation-state able to relate more easily with a competitive, global world. An admirer of the Enlightenment, he sought to create a modern, secularist democracy. His “six pillars” or “six

arrows” of reform fall under the rubric of “Kemalism”—republicanism, populism, nationalism, secularism,⁸ statism, and revolutionism.

Atatürk's 15-year presidency is an astonishing chronicle of modernization. With unrelenting energy and a sometimes heavy (even bloody) hand, he led and cajoled the country into a new political and legal system. He made both government and education secularist, gave equal rights to women, replaced Arabic with the Latin alphabet for writing Turkish,⁹ Westernized personal attire, and advanced the arts, sciences, agriculture, and industry. He also abolished the Caliphate, which decentralized the religious Islamic unity the Ottomans had built up over the years.

After Atatürk's death, Turkey lumbered along and finally set democratic elections for 1950. Parliamentary government (with 550 members in the unicameral national assembly) and a multiparty system gradually took root, despite periods of instability and intervals of military rule.

8. “Secular,” in the Turkish context, is different from the traditional American view of separation of “church and state,” which accepts religious freedom. In Turkey, “secularism” expresses a model of the state opposing various forms of religious expression, most notably in public employment and education. The controversial headscarf ban, which was just relaxed in late 2013, is an example of this.

9. In 1924, Atatürk invited American education innovator John Dewey to Turkey to recommend reforms. Only about 10 percent of the population was literate at the time. Dewey noted that learning how to read and write in Turkish with Arabic script took roughly three years with rather strenuous methods at the elementary level. So, in 1928, Atatürk introduced the Turkish alphabet, a variant of the Latin alphabet, to replace Arabic script and as a solution to the literacy problem.

Even though Atatürk cautioned the armed forces not to meddle in politics, Turkey has had the historical misfortune of a series of military coups d'état since its first democratic elections in 1950. There have been three “hard” coups (1960, 1971, and 1980), in which the military seized control of the government, and a “soft” or “post-modern” coup in 1997.

The coups severely thwarted the country's path toward democracy and enfeebled the institutions of government and civil society.

The 1960 overthrow was especially ruthless and bloody. The junta executed the country's first democratically elected prime minister, Adnan Menderes, two of his ministers, and thousands of others—and prominently published a photograph of Menderes on the gallows. Many suffered torture and imprisonment. Menderes was very popular and had served two terms in office, but the strongly secularist military fretted over his populism. Even though apparently a non-observant Muslim, the armed forces painted him as attempting to transform the country into a theocratic regime.¹⁰

The 1971 overthrow, known as the “coup by memorandum,” which the armed forces delivered in lieu of sending out tanks, came amid worsening domestic strife and violence. The military forced the government to resign, and installed its own prime minister to form a new administration. Many people, especially intellectuals across the political spectrum, underwent investigation, prosecution in special martial law courts, torture, and imprisonment for their political views.¹¹

10. On September 17, 1990, the 29th anniversary of his execution, Menderes was posthumously pardoned; and his grave was moved to a mausoleum in Istanbul. He is one of three political leaders (along with Atatürk and Turgut Özal) to have mausoleums built in their honor.

11. Torture became prevalent in Turkey after the 1980 coup. See “Torture in Turkey,” Wikipedia, http://en.wikipedia.org/wiki/Torture_in_Turkey. References to Wikipedia in this report are for purposes of a general overview.

Countless others perished at the military's hands or languished in jail.

The 1980 military regime came about during a period of intense conflict among student groups that fought each other for political reasons. Thousands of youth died. The armed services stabilized the situation, and assumed political power, but never explained why they had to take over the government rather than simply quell the violence. The coup was brutal, bloody, and broad. Thousands were put to death and tortured. A “lost generation,” as it is known.

An appointed constituent assembly drafted a new constitution, which voters overwhelmingly approved in November 1982 as the only way to move again toward democracy, however slowly. Martial law gradually lifted, but de facto military oversight continued.

Turkey began its transition toward liberal democratization in 1983 under Turgut Özal, who served as prime minister for six years and then as president until he died under suspicious circumstances in 1993, apparently of poisoning. Özal transformed Turkey's moribund economy into a powerhouse by beginning privatization of many state enterprises and moving the country to an export-led drive toward free enterprise.

Then, on February 28, 1997, an unarmed coup overthrew the elected coalition government, headed by the Islamist-leaning Welfare Party under Necmettin Erbakan. It received the “post-modern coup” moniker because, different from earlier coups, the military merely flexed its muscle, and directed the outcome. The armed forces attempted to eliminate all religiously-motivated movements deemed a threat to the secularist regime. Journalists were a particular target, and the military launched economic boycotts against businesses outside their control. The operation was sophisticated and effective.

Besides meddling in politics, the armed services over time developed their own

economic prowess, evolving into a “mercantile military,” a military-industrial complex showcase. In particular, the Armed Forces Foundation became emblematic, receiving sizeable subsidies and tax exemptions from the government and increasing its economic strength. Perhaps one of the best examples is its partnership with Renault, through which the French and Turkish military complexes support each other.

Two contemporary protracted, complex trials, “Ergenekon” and “Sledgehammer (Balyoz),” have been ongoing in Turkey, dealing with interactive corruption among the military, banks, and corporate enterprises (including some media outlets), allied as the “deep state.” The cases, which began in 2008 and 2010 respectively, have revealed continuing scenarios of wide-ranging political machinations and even a prospective coup.

Although AKP originally supported the prosecutions, Erdoğan reversed course in recent years to curry favor with the military he once discredited. He has undermined the prosecutions, given the opportunity by Turkey’s Constitutional Court, which reversed the Sledgehammer convictions for due process reasons, and ordered new trials.¹²

Hundreds of convicted military personnel were released from jail, and the trial court then dismissed the prosecutions. Erdoğan played both sides, as expedient. It was, as the *New York Times* put it, “a dirty process leading to a dirty end,” suppression of civil liberties.¹³ Some suggest that Erdoğan may be

part of a “new deep state.”

Erdoğan makes no bones about wanting to transform Turkey’s political system into a “presidential” one, which, by his definition, appears to mean an “elected” autocrat, a not uncommon political structure in the Middle East. He already is headed in that direction by transforming the country’s largely ceremonial presidency into the true center of power. He presides over the prime minister’s cabinet meetings and is unabashedly the premier AKP drum major, even though the constitution commands apolitical neutrality.

12. See Ceylan Yeginsu, “Turkish Officers Convicted in 2012 Coup Case Are Released,” *New York Times*, June 19, 2014,

http://www.nytimes.com/2014/06/20/world/europe/turkish-court-orders-release-of-officers-convicted-of-plotting-coup.html?_r=0.

13. Editorial Board, “Expediency in Turkey,” *New York Times*, April 3, 2015,

http://www.nytimes.com/2015/04/03/opinion/expediency-in-turkey.html?_r=0.

2. THE HIZMET MOVEMENT AND FETHULLAH GÜLEN

When I began work on this report, it frankly did not occur to me that the faith-based Hizmet movement itself would be such a primary object of Erdoğan's wrath. Indeed, although I had been writing and speaking about the movement for years, I had intended to focus the report on the alarming encroachment of civil liberty, rather than on Hizmet. But the more that I read and spoke with people, the more I realized the impossibility of such an effort. Both are intertwined.

Erdoğan's agenda certainly is much more capacious than just suppressing Hizmet; he is steadfastly moving toward consolidating political power of an autocratic kind. He sees the movement as a major foil to his agenda. His paranoia is such that he probably ascribes greater power to the movement than it has in reality. But he also tries to attach any opponent of his to Hizmet and the "parallel state," regardless of the truth of the association. It makes the foe seem larger than life and thus provides justification for sweeping powers and concerted action.

What cannot be discounted, though, is that Hizmet does have an expansive audience, even if many of the onlookers are not in the movement itself. For that reason, Erdoğan's end game is not just to suppress Hizmet, but to thoroughly discredit it in the public eye and discredit anyone else who opposes him as part of Hizmet, even if utterly false.

He also uses Hizmet (or "the parallel state" or "parallel structure" as he tags it) for demagoguery, that is, to charge anyone who criticizes or challenges him, including those without any relationship whatsoever to Hizmet, as being part of the parallel state and

hell bent on overthrowing Turkey's government and current political regime.

Laying out some of Hizmet's history and background is important to understanding Erdoğan's animosity toward it and how the movement came to be a major challenger to Erdoğan's political agenda.

The movement began gradually in the 1960s under the guidance of Fethullah Gülen and took on public legitimacy with Turgut Özal's official recognition and blessing when he was in office. "*Hizmet*" generally means "service," as in community service.

Much has been published about Hizmet and Gülen. The salient aspects of the movement are important to consider insofar as they bear on its underlying philosophy and impact on politics and civil society, and help explain why Hizmet has gained political traction in Turkey and why Erdoğan came to view it as his nemesis.

Gülen, born in 1941 in eastern Turkey, is the movement's spiritual "soul." A self-educated, widely read, prolific writer, he is respected as an intellectual and spiritual leader. Gülen comes out of the Turkish Sufi tradition of Islam. He has attracted a sizeable following in Turkey. Although he has lived in the United States since March 1999, when he came for medical attention and eventually took up residence in a rural retreat in Pennsylvania, his relocation did not diminish his influence. TIME Magazine named him as one of the world's 100 most influential people in 2013.

The thought of Kurdish scholar Said Nursî on accommodating Islam to modern life and harmonizing science and religion greatly influenced Gülen, although he rejected Nursî's intense nationalism. Nursî's understanding of

Islam, upon which Gülen built, combined Islamic values with advocacy of human rights, democracy, the rule of law, secularism and respect of religious rights for all, regard for cultural diversity, science, and ecumenical dialog. Nursî himself suffered decades of arrest, imprisonment, and harassment for his modern views.

Science and technology are important to Gülen. He views the underdeveloped condition of many Islamic countries as a result of their neglecting contemporary scientific knowledge. Gülen sees no conflict between reason and revelation. For him, the Qur'an does not contain all that is necessary for scientific understanding, but each informs the other.

Gülen's personal charisma goes hand-in-hand with good organization by his followers and an appealing message that one can be at home in the modern world and still embrace traditional values like faith in God and community responsibility. He often notes that 95 percent of religion is about one's personal life and that community advancement comes through progress in one's spiritual life. Social leadership—civil society—is more important than political leadership. Gülen is a maverick with a heart, rooted in compassion and spirituality.

Gülen, a former imam, has attempted to present a moderate Islam to Jews and Christians, and, in turn, present them to Muslims. He was the first Islamic leader to have formal discussions with the Alevi, Christians, and Jews in Turkey, and weathered fierce criticism from hardline co-religionists for doing so.

Gülen is credited with more than seventy books, tapes and videos of an estimated 4,000 talks and sermons (most privately recorded), and a science and spirituality magazine translated into various languages.¹⁴

14. See Fethullah Gülen website,

Gülen's social thinking supports democratization, civil liberty, and separation between secular and religious spheres. Because his social justice values, however, did not play well with the deep-rooted, pro-authoritarian establishment that resisted the country's expanding pluralism and mobilization of the middle class, Gülen underwent political prosecution twice.

The second, and most significant, trial, in absentia, lasted from 2000-2008, amid a blistering media campaign against him. He was acquitted, and won on appeal, thanks in part to changes in Turkey's legal system, which the European Union helped bring about, as discussed later. The trial and appellate judges summarily rejected the myriad charges alleging he was undermining the Republic.¹⁵

An advocate of non-violence, Gülen was the first Islamic leader to publicly condemn the 9/11 terrorist attacks in 2001 in the United States, taking out advertisements in the *New York Times* and *Washington Post* immediately afterwards and giving interviews to major newspapers. He recently received the Gandhi-King-Ikeda Peace Award from Morehouse College in Atlanta.

Those who consider themselves inspired by Gülen or his followers refer to themselves as part of Hizmet. They believe in educating youth, fostering interfaith and intercultural dialog, earning money to assist the less well-off in society, contributing to global peace, and promoting humanitarian projects. Gülen and Hizmet's dialog endeavors have been underway since the 1990's.

Gülen also fosters intra-faith dialog, an example being between Alevi and Sunni Muslims in Turkey. Many Sunnis do not

<http://fgulen.com/en/fethullah-gulens-works>.

15. James C. Harrington, *Wrestling with Free Speech, Religious Freedom, and Democracy in Turkey: The Political Trials and Times of Fethullah Gülen* (Lanham, Maryland: University Press, 2011).

recognize Alevi as true Muslims, and have persecuted and discriminated against them. The result of the dialog is that Alevi *cemevis* (worship houses) and mosques were built side-by-side in Istanbul, Ankara, and Tokat. The one in Ankara also has a jointly-operated public soup kitchen and other facilities.¹⁶

The movement draws support from all walks of life: intellectuals, political leaders and government officials from every shade of the political spectrum, academicians, working people, business entrepreneurs, writers, professionals, and even members of the military.

Hizmet followers tend to be from Turkey's aspiring middle class in the Anatolia region. Gülen reassures his compatriots they can merge the goals of Atatürk's republic with traditional, but flexible, Islamic faith and adds that financial success is a worthy endeavor since it allows individuals to support good causes. Gülen appeals to well-off people to assist the poor, for the benefit of all. Society improves as people lead good lives and help others, rather than just themselves. The movement springs from, and helps expand, the rising middle class, which has led to democratization and economic opportunity.

For all their emphasis on individual integrity, Hizmet participants are forbearing of others and nonjudgmental. Although personally religious, they do not see themselves as a formal religious community, but firm subscribers to a democratic secular society that promotes traditional civil liberties, including freedom of religion. Gülen himself famously commented that society needed more schools, not more mosques.

Hizmet followers seek greater equity in society. Education is one of their main tools;

16. "Groundbreaking ceremony for joint mosque-cemevi project held in Ankara," *Today's Zaman*, September 8, 2013, http://www.todayszaman.com/national_groundbreaking-ceremony-for-joint-mosque-cemevi-project-held-in-ankara_325814.html

and they are at home with technology, financial markets, multinational business, and modern communications, which they adeptly use to "spread the word."

Over the years, people in Hizmet have established some 1500 educational institutions, such as elementary and secondary schools and universities around the world, though many are in Turkey. They are high-performing schools, recognized for academic achievement. For them, education and literacy are "levelers" in society, a way to bridge the rich-poor gap. These endeavors, underway since the 1960s, hold themselves out as alternatives to the more dogmatic, sometimes radical, and educationally-limited religious *madrasah* schools.

Hizmet schools have been particularly important for less fortunate youth in southern Turkey and the Kurdish region because of the shortage of educational facilities there and the opportunity they provide. Many schools have dormitories for poorer students from outlying areas so that they can attend.

In southeast Turkey, the schools offer an alternative to the Kurdistan Workers' Party (PKK) and its violent activities. They also furnish an opportunity for young women where traditional culture reinforces early marriage and child-bearing duties. They help students who speak Arabic or Kurdish develop facility with Turkish, which they need for university and employment.

These schools, which emphasize science, mathematics, and related disciplines are non-religious and supported by entrepreneurs in Turkey and the Turkish diaspora in other countries. They are expected to become self-sufficient eventually, supported by those whom they educate as they themselves graduate and enter business. The schools contribute to the movement's credibility and popularity.

In addition, the movement has long underwritten college preparatory schools,

and set up about one thousand such centers (*dershanes*), regarded as a means to help children of middle and lower income do well on the country's highly competitive entrance exam for an affordable price. The universities can accommodate only about half of those who take the test. The *dershanes* had a successful record in preparing students for the exam; they were also places that sometimes inspired young people to become part of Hizmet.

The movement also sponsors Houses of Light at university campuses, study centers for students where they can be with others of similar cultural and religious sympathies—some of whom became new Hizmet participants.

Since 2003, the movement has sponsored the International Turkish Language Olympiads, a competitive event for high school students worldwide, culminating with the final event in Istanbul. Romania hosted the event in 2014, renamed as the International Language and Cultural Festival, representing 150 countries, after Erdoğan prohibited the Olympiads in Turkey. The annual event now draws about 2,000 student participants and more than 100,000 spectators.

Hizmet doctors and business people are also known to set up hospitals and bring medical services to underserved countries, such as Nigeria and in central Africa and northern Iraq. Sometimes, these ventures occur in partnership with the Kimse Yok Mu (“Isn't There Anyone?”) Solidarity and Aid Association. It currently is sponsoring clean water well projects in eighteen countries across the globe.

Established in 2002, Kimse Yok Mu is one of the world's most respected humanitarian aid programs and ranks within the top one hundred of the world's non-government organizations (NGOs).¹⁷ It has consultative

status with the United Nations (ECOSOC) and a \$71 million annual budget.

Kimse Yok Mu has helped victims of natural calamities around the world and established potable water projects in Africa, among other worthy endeavors. It has provided humanitarian aid in 113 countries and assisted millions of people. (In fact, when I was in Turkey, visiting Hagia Sophia on a Sunday afternoon, I ran into three Fairfax, Virginia officials, who had brought thousands of blankets to Kimse Yok Mu for distribution to Syrian refugees in eastern Turkey.)

Gülen-inspired media institutions, such as *Zaman*, the country's largest-circulation newspaper, Samanyolu TV (STV), which broadcasts four of Turkey's largest television channels, and weekly magazines, try to set the example of being family-friendly and free of excessive violence, depictions of drug use, and obscenity. *Zaman* is widely respected for its breadth of coverage and promotion of civil society and democracy¹⁸ and is a major player in Hizmet.

The self-sustaining movement relies on volunteers, charitable donations, and financial underwriting. It is a characteristic Islamic practice to tithe, based on income, to charitable organizations. Individuals in Hizmet tend to give from 7 to 15 percent or more, depending on ability, to Hizmet charities and projects.

Because of the movement's loose-knit “non-structure,” precise statistics of its work and financial outlay do not exist; but estimates are consistently substantial. A 2009 study by University of Houston sociology Professor Helen Rose Ebaugh indicates that, at the time, some 20,000 Hizmet-supporting businesses and other enterprises yielded as much as \$1 billion annually, with some wealthy individuals contributing millions of dollars

17. The English version of its website is at: <http://global.kimseyokmu.org.tr/?lang=en>.

18. The English version of the *Today's Zaman* website is at: <http://www.todayszaman.com/home>.

each.¹⁹ *Le Monde* has called Hizmet the largest Islamic civic movement in the world. Hizmet, it is thought, may have as many as eight million supporters or admirers in all areas of the planet.

Hizmet supporters organize around the view that humans have the potential to do better than reflected by the current state of world affairs. In sync with Sufi thought, Gülen posits greed, whether individual or collective, as the real foe of peace and harmony, not the differences in religion, ethnicity, or ideology. Greedy individuals and groups achieve their objectives by manipulating people's fear, individually and socially. Ignorance and misinformation fuel paranoia, personal and collective.

For Hizmet, person-to-person communication is crucial to social tolerance. Dialog is not compromise, conversion, or integration. Rather, it is the coming together of people, committed to their respective religious paths (or who have no faith, but are living a life of good works), to better know and communicate with one another and, in due course, work together. This dynamic helps strip away false prejudices, dissipates fear and antagonism, and lays a foundation for trust, peaceful coexistence, and cooperative undertakings.

To advance these goals, Hizmet promotes conferences, symposia, seminars, luncheons and dinners, and grassroots activities. Besides dialog for dialog's sake, these meetings can help shape policy and civil society. Hizmet people also organize and help underwrite hundreds of intercultural dialog trips to Turkey for community leaders, political

officials, and religious people around the world.

In the United States alone, the movement sponsors some three hundred dialog centers. Rev. Thomas Michel, a Jesuit theologian, believes the Hizmet interfaith dialog effort is the greatest such effort on the globe, both in operation and in the number of people involved.

The most prominent dialog effort inside Turkey is the Abant Platform, founded in 1994 and coordinated by the Journalists and Writers Foundation, which Gülen helped organize. The Platform is a major discussion forum for scholars, writers, and leaders of all backgrounds, who focus on recurring issues in Turkey, such as religion, government, ethnicity, Islam, religion in general, secularism, democracy, and their interrelationship.

Numerous books, conferences, and academic studies have vetted the movement. Most reviews tend to be favorable; some are not; and some, neutral.

Opponents articulate three general themes, with varying logical coherence and sometimes substituting innuendo for fact. First, Hizmet seeks to take over Turkey through its economic prowess and by infiltrating the military and government in order to convert the country into a religious regime. Second, because the movement is atypical in not having formal organizational structures, it lacks transparency, and is therefore suspect. Third, Gülen really represents some other power. This point shifts, according to the audience. Sometimes, he is accused of being a CIA or Mossad operative or a subversive of some foreign county.²⁰

The lack of transparency theme garners most traction. The lack of typical hierarchical

19. Comments on April 23, 2010 at discussion of her book at the University of Texas, *The Gülen Movement: A Sociological Analysis of a Civil Movement Rooted in Moderate Islam* (New York: Springer, 2010), 52-59, *inter alia*. Ebaugh's book and that of Muhammed Çetin, *The Gülen Movement: Civic Service without Borders* (New York: Blue Dome Press, 2009), are the two most comprehensive analyses of Hizmet.

20. Dogan Koç, *Strategic Defamation of Fethullah Gülen: English vs. Turkish* (Lanham, Maryland: University Press, 2012).

organization is a Sufi characteristic. However, given that Turkish prosecutors attempted to shut down Gülen-associated entities and seize their assets as part of the political trials mentioned earlier, the wisest self-defense has been not to formalize an organizational structure. This kind of prosecution has happened historically in Turkey to organizations disfavored by the government in power, and is occurring again with Erdoğan and Hizmet.

As to the “infiltration” fear, what actually is occurring sociologically is that economic and social integration is increasing and growing numbers of people, as they become educated, seek secure and better-paying employment in the police, military, and government.

Given all that Gülen has spoken, written, and done over many years promoting democracy and civil society, his foes have found little to rely on.

Political Implications of the Hizmet Movement

Even though Hizmet views itself as a proponent of civil society, its work certainly has political ramifications. It is a faith-based movement, although scrupulous in presenting itself as having no religious agenda at all; it is strictly a civil society initiative.

Religious-based movements seldom show themselves as proponents of democracy, tolerance, inclusion, and dialog. Many religious groups historically have oppressed, even killed, others in the name of their “truth.” This is not to say that religion is always the motivating factor in the strife and conflict perpetrated in its name. Quite often, it is a convenient tool that political and economic forces manipulated to accomplish their goals.

Hizmet is different; it is a leading moderate Islamic reform movement in Turkey. Although business entrepreneurs, middle-class people, and students shape the Hizmet

nucleus, it attracts a broad representation of adherents within Turkey and has a grassroots following. Gülen promotes a cosmopolitan, multi-national, and multi-cultural Turkish identity that appeals to his compatriots; and his non-nationalist views and steadfast stand against terrorism resonate with moderate Turks, who reject Islamic extremism.

The movement also draws non-Muslim followers to itself. There is no accurate account of how many people are active in Hizmet to some degree or other, but there clearly are considerable numbers of supporters worldwide.

There is little question that Hizmet has significantly impacted Turkey’s politics and helped build civil society in a country once dominated by military and autocratic regimes. It has played a part in bringing greater democracy to Turkey and assumed an interactive role in Turkey’s efforts to join the European Union. That long, but still incomplete, accession process culminated in the constitutional referendum in 2010 that overwhelmingly adopted civil liberty protections, improved the judicial system, expanded economic and social rights, and created legal accountability for previous coup d’état leaders— all of which Erdoğan is undermining, as discussed later in this report.

Hizmet has become a force in Turkish civil society; but it is a project that has grown at odds with Erdoğan over the last five years, which explains his antipathy to the movement.

Hizmet’s Relationship to the Government

Gülen does not involve himself directly in partisan Turkish politics, although he does interject his message on different issues in the name of civil society, which, of course, often has political ramifications. He promotes addressing issues through the democratic system, but without becoming part of a

specific partisan parliamentary party.

Gülen opposes political Islam, and has helped limit its rise in Turkey, arguing that religion is about private piety, not political ideology. He was a vocal critic of the Islamist Welfare Party, which, in the late 1990s, briefly led a coalition government with the conservative True Path Party, until the “soft coup.”

Gülen sees political Islam as basically anti-West and thus set against dialog with the West, which precludes reconciliation with the West. He also sees politics as dangerous to one’s spirituality. Although there can certainly be good political leaders who are spiritual, it is a dangerous career path. For Gülen, service and social harmony are what is important, not building an Islamic state.

After an initial period of tension, AKP leaders, who took power in 2002, and Gülen came closer in their approach to common issues, although they have different social bases: AKP’s is the rural and urban poor; and Gülen’s, the provincial middle class. Encouraged by Gülen, AKP, with its conservative cultural background, had softened a tendency toward Qur’anic literalism and embraced the need of expanding human rights. Erdoğan has now reversed that agenda.

The movement generally supported earlier AKP reforms beginning in 2002, though not uncritically. And it sometimes spearheaded AKP reforms adopted under Erdoğan as prime minister, especially as to joining the European Union and constitutional reform. However, as Erdoğan has presented a more marked authoritarian streak, the movement has become more critical,²¹ particularly through the *Zaman* newspaper.

21. See “Fethullah Gulen: Turkey’s Eroding Democracy,” *New York Times*, February 3, 2015, http://www.nytimes.com/2015/02/04/opinion/fethullah-gulen-turkeys-eroding-democracy.html?_r=0.

3. OVERVIEW OF FIRST TEN YEARS OF AKP LEADERSHIP: 2002-2012

In 2002, Erdoğan helped lead the newly-formed, Islamist-based Justice and Development Party (AKP) to electoral victory, and became prime minister in 2003. AKP, promising to be pro-Western and pro-democracy and improve an economy in the doldrums, came to power with the support of a broad coalition of right-wing Islamists, reformist Islamists, conservatives, nationalists, liberals, intellectuals, secularists, and pro-business groups.

Turkey's steps to join the European Union, which had been in progress with varying degrees of intensity since the mid-1980s, gained steam. Although the principal motivation originally was economic, accession efforts provided a fortuitous opportunity for political and constitutional reform.

The EU insisted on a series of changes that dramatically affected Turkish politics: abolishing state security courts that exercised jurisdiction over political dissidents; ending capital punishment; establishing civilian control over the military; enacting standard civil liberty protections for the press, religious freedom, due process, and political speech; and halting political prosecutions (such as had happened to Gülen).²² An independent judiciary began to grow; and the country, although virtually all Muslim, maintained its secularity.

Liberty extended into the furthest corners of the country. Restrictions on expressions of Kurdish language and identity softened, birthing many Kurdish publications and radio and television broadcasts. Once a forbidden topic, the question of the Armenian genocide could be discussed openly, albeit cautiously. Even LGBTQ groups gained surprising freedom, although they were still harassed. Istanbul has had an annual pride parade since 2003.

An astonishing democratization was underway. On September 12, 2010, thirty years to the date of the 1980 bloody armed coup, the electorate, by a 58 to 42 percent margin (with 74 percent of eligible voters casting ballots), adopted a series of constitutional amendments that, among other things, expanded economic and social rights, enhanced civil liberty and individual freedoms (such as privacy, due process, equality and affirmative action, and religious freedom), enacted judicial reforms, guaranteed union collective bargaining, and opened the door to prosecuting former coup leaders.

The EU accession process began to slow, partly because of Erdoğan and partly because Turkey would see little economic gain and feared having to help financially shore up faltering EU states, particularly its historical foe Greece. Nor was Turkey happy with EU insistence on adjusting its occupation of northern Cyprus. To be sure, ample blame lies with Germany and France and the historical Islamophobia of many people inside their countries. Hizmet's concern, on the other hand, is that the further Turkey drifts from Europe, the further the country will stray

²² Turkey also had subscribed to the 1950 European Convention on Human Rights and subjected itself to the jurisdiction of the European Court of Human Rights, which likewise had a gradual, liberalizing effect on the country.

from democracy.

Ultimately, a core problem for the EU is that pluralist democracy has yet to develop fully in Turkey. Although there is majority rule, there are no strong opposition parties, generally because of their own ineptness and ties to the old pre-AKP establishment. Turkey, although technically a democracy, is essentially a one-party state at this point. This lack of political pluralism deeply troubles the EU and is cited as a major reason for the slowdown in Turkey's accession process in recent years, although, as noted, less noble reasons are also at play.

Throughout the democratization process in the first decade of the century, Turkey's economy hummed along; and AKP enjoyed immense support. But the "big tent" coalition, which had propelled AKP and Erdoğan to power, began to dwindle or be driven away. Facing a weak parliamentary opposition, Erdoğan steadily bullied himself into a powerful autocrat, to the country's detriment. The bright days faded into darkness.

4. OVERVIEW OF THE LAST THREE YEARS: 2012-2015

Despite the civil society gains during AKP's first ten years in power, Erdoğan had another agenda behind the scenes: to consolidate power and share wealth with family and an ever-narrower circle of AKP friends. Crony capitalism took hold, and stole a fragile democracy from its cradle.

The nascent institutions of democracy were too weak to check Erdoğan. The judiciary, which historically had always been anemic and compliant, was just emerging with new authority, but was still too fragile to curb Erdoğan's grab for the reins of the state. In fact, one of Turkey's most distinguished judges, now retired, whom I interviewed, said "the country, in its history, never had as bad a situation with the government as it has now."

Corruption always has been a persistent affliction for Turkey; it feeds crime and poverty. In fact, the European Union early on identified this as an issue Turkey had to address as part of the accession process. The EU compelled about 130 changes in bidding and transparency, most of which the government is now systematically undoing or ignoring.

Gezi Park

The AKP crash began at the end of May 2013, when police brutally smashed a peaceful "camp in" protest at Gezi Park by a small group of 50 environmentalists, objecting to turning the park, the last green space of Istanbul's famed Taksim Square, into an old Ottoman barracks replica with shops.²³

Istanbul erupted in protest. The protest took the government by surprise, especially as demonstrations spread across the country, adding on other grievances, with a broad cross-section of the Turkish population of all political persuasions, ages, and social classes. Solidarity demonstrations and strikes morphed into a protest over a wide range of concerns, such as freedoms of the press, expression, assembly, and religion, the government's control over social life, and AKP's encroachment on Turkey's unique secularism. Many participants came from the marginalized Alevi community, who comprise roughly 15 percent of the population, but are ostracized and suffer systemic discrimination because of their religious beliefs.

It was the first nationwide protest under, and against, AKP rule. Not only did it catch the government off guard with its spontaneity; but it confounded the government since it was a "leaderless" movement, as are many such spur-of-the-moment political demonstrations these days. The government did not understand Gezi; it was clueless. That, in turn, defined its reaction.

Erdoğan, prime minister at the time, referred to the protesters as "looters," in a speech in Morocco where he was visiting, a moniker the demonstrators sardonically, and quickly, adopted. While Erdoğan was out of the country, President Abdullah Gül attempted a conciliatory approach to the demonstrators, even meeting with a group of them.

However, when he returned, Erdoğan led the government in fiercely suppressing the protests, to broad international

23. For a general overview of the protest demonstrations, see "Gezi Park protests," Wikipedia,

http://en.wikipedia.org/wiki/Gezi_Park_protests.

condemnation. There was grossly excessive use of police force, tear gas, and water cannons, which caused as many as 8,300 injuries, some critical (like loss of sight). Officers made some 3,500 arrests.²⁴ Eleven people (seven of whom were Alevi), including a young boy, were killed by the police,²⁵ who by the time of Gezi, had become Erdoğan's wrathful right arm,²⁶ his praetorian guard, as it were.

Erdoğan again showed his irascible, authoritarian side in justifying the brutal crackdown in the face of blistering international censure for the extreme force and absence of dialog during the protests, which he summarily and brusquely rejected.²⁷ And he drew criticism from Hizmet.

Gezi was the first significant challenge to Erdoğan's authority. Not only did he violently quash the demonstrations; but he used Gezi to polarize and solidify his base, calling the demonstrators "looters" and "bums." He also gratuitously blamed the United States and other "foreign powers" for fomenting the

protests. He even conjured up a tale (the Kabataş dock incident), disproved by video footage, that a large number of protestors "assaulted our head-scarved sister."²⁸ Simply not true.

By the time the protests had faded into history in mid-August, as many as 3.5 million people are estimated to have demonstrated against the government in ninety cities across Turkey; and the country's democracy was beginning to unravel.²⁹

The December 2013 Corruption Scandal

Then came the corruption scandal of December 17 and the damning tape recordings, in one of which Erdoğan himself is heard plotting with his son to hide millions of ill-gotten dollars through payoffs and skimming.³⁰ Four government ministers were also implicated.

On December 17, 2013, Istanbul police detained 47 people, including four government ministers, high-level officials, two ministers' sons, a real estate businessman, the general manager of Halkbank, and an Iranian businessman.

24. See Euro-Mediterranean Human Rights Network, "Mission Report on the Protest Movement in Turkey and its Repression May-June 2013," December 12, 2013, <http://en.ihd.org.tr/images/pdf/2014/gezi-report.pdf> (40-page report); "Casualties of the Gezi Park protests," Wikipedia, http://en.wikipedia.org/wiki/Casualties_of_the_Gezi_Park_protests.

25. Fourteen-year-old Berkin Elvan, on the way to buy bread, was hit by a teargas canister fired by an Istanbul police officer and died on March 11, 2014, following a 269-day coma. One police officer died in the course of demonstrations between May and September.

26. See Amnesty International, "Gezi Park Protests: Brutal Denial of the Right to Peaceful Assembly in Turkey," October 2, 2013, <https://www.amnesty.org/en/documents/EUR44/022/2013/en/> (72-page report).

27. When visiting the Soma mine disaster aftermath, Erdoğan was videotaped yelling at and threatening a protestor; and one of his aides was kicking another protestor. "Turkish PM filmed threatening man with a slap," Al Jazeera Media Network, May 17, 2014, <http://www.aljazeera.com/news/europe/2014/05/turkish-pm-filmed-threatening-man-with-slap-201451704244321520.html>.

28. "Released footage shows no physical attack on headscarf-wearing woman during Gezi protests," *Hürriyet Daily News*, February 14, 2014, <http://www.hurriyetdailynews.com/released-footage-shows-no-physical-attack-on-headscarf-wearing-woman-during-gezi-protests.aspx?pageID=238&nID=62479&NewsCatID=341>.

29. Amnesty International, "Turkey: Adding injustice to injury: One year on from the Gezi Park protests in Turkey," June 10, 2014, <https://www.amnesty.org/en/documents/EUR44/022/2013/en/> (51-page report).

30. The actual amount of money involved remains uncertain, ranging anywhere from \$30 million to \$300 million, maybe even more. See Burak Bekdil, "Turkey's Staggering 'Shoebogate,'" Gatestone Institute, January 15, 2015, <http://www.gatestoneinstitute.org/5021/turkey-shoebogate>.

They confiscated some \$17.5 million and arrested fourteen people for bribery, corruption, fraud, money laundering, and smuggling. Ultimately, 91 people were detained in the investigation; and 26 of them, arrested. The level of corruption was so broad and immense that it clearly had been going on and growing for years.

On December 19, an alleged video sex tape apparently showing the prime minister's brother Mustafa Erdoğan engaging in adultery began circulating online.³¹

On December 24, another video began to circulate, showing Ali Erdoğan, nephew and bodyguard of Erdoğan, instructing a police commissioner to abuse the detainees who had protested against his uncle and hurling insults at the commissioner when he refuses.

Erdoğan reshuffled his cabinet on December 25, replacing ten ministers. Erdoğan Bayraktar, minister of Environment and Urban Planning, resigned both as minister and as a member of parliament. He said he had been forced to do so and that Erdoğan should resign as well, claiming Erdoğan had approved everything he did. Erdoğan hanged his friends out to dry.

Several newspapers reported that a new investigation was expected on December 26, possibly involving two of Erdoğan's sons, as well as certain Al-Qaeda affiliates from Saudi Arabia. The Istanbul Security Directorate police officers, newly appointed by the government just a few days prior, refused to carry out their orders; and the prosecutor behind this second investigation was dismissed on the same day.

Since the beginning of the investigation, the government had purged the police force,

sacking dozens of police chiefs, most notably the Chief of Police in Istanbul. The interior and justice ministries also changed their regulations, ordering security forces to inform their superiors of their actions at all times and thus prevent any further "December surprises." The Union of Turkish Bar Associations took this issue to the Council of State, which overturned the changed regulations on December 27, much to Erdoğan's chagrin. His response, though, was to ignore the ruling.

A second wave of corruption arrests was planned, and a list leaked to the press. At midnight on January 7, a government decree removed 350 officers from their positions, including the chiefs of the units dealing with financial crimes, smuggling, and organized crime.

Erdoğan thereafter began to describe the corruption investigation as an attempted "judicial coup" by those jealous of his success, namely the Gülen movement, backed by foreigners, without any semblance of proof. There is none.

Opposition sources accused the government of covering up the corruption and trying to marginalize the judicial system. Erdoğan countered that he believed he was the ultimate target of the corruption probe and that anyone attempting to entwine him in the scandal would be "left empty handed." Erdoğan, as he has become wont to do, blamed the investigation on an international conspiracy and vowed revenge on the Hizmet movement. He also threatened to expel Francis Ricciardone, the U.S. ambassador to Turkey.

Instead of accepting accountability, Erdoğan moved pell-mell to suppress the truth and due process. Using the AKP parliamentary majority, a slew of laws were forthcoming that restricted the press, redefined political opposition as "terrorism," and stacked the

31. Adam Taylor, "The Latest Round in Turkey's Political Crisis Is A 'Sex Tape' Allegedly Involving Erdogan's Brother," *Business Insider*, December 19, 2013, <http://www.businessinsider.com/mustafa-erdogans-alleged-sex-tape-circulates-online-2013-12>.

judiciary.³² They increased political control of the bureaucracy and security services and watered down search and seizure law so as to render it a pliable tool in the hands of authorities, a tool which expanded their power rather than delimiting it.³³

Erdoğan used his muscle, and judges hearing the cases were reassigned. Prosecutors and police investigating the corruption were transferred or fired, and suspected Hizmet civil servants (or falsely labeled as such) were summarily terminated. Besides those terminated from employment, an estimated 2,000 public prosecutors and judges and 40,000-50,000 police officers were shuffled to different posts all around the country.³⁴ Some officers involved in conducting the graft investigations were prosecuted as criminals.³⁵ And, if public servants somehow still did not get the message, the justice minister publicly threatened to transfer them, “if they didn’t do their job well.”

About a thousand non-conformist journalists and writers have lost their jobs, including an earlier acquaintance of mine who had to resign his university post while I was in Turkey. All toll, Erdoğan disrupted the lives of

50,000 people or more in his own political self-interest.

Since Gezi Park and the December 17 scandal, Erdoğan has taken to ever more forcefully denigrating his opponents as “traitors,” members of a secret “parallel state,” “coup plotters,” and a host of unsavory, derogatory names, many of which would fall under the term “hate speech,” as discussed later in this report.

The European Parliament leadership has been dismissive of the “parallel state” theories. Alexander Graf Lambsdorff, vice president responsible for democracy and human rights, does not see such theories as “credible” and “did not go well in Brussels,” where the parliament sits:

We have people here in Brussels who read Turkish, speak Turkish, understand Turkey rather well and travel to the country quite regularly. None of them really thinks there is this big parallel state structure....I think the theory is not really plausible.

....

I am not part of the Hizmet movement. It would be very surprising if I were, given that I am not even a Muslim. But the Hizmet movement has legal outlets. It has legal media outlets, it has legal organizations, schools. These are legal entities, and they must be treated legally regardless of the affiliation with whatever movement. As far as the media is concerned, the same line applies. You cannot treat a specific media outlet and its boss as an outcast or as a criminal just because that media outlet writes things you don't like. I think that is absolutely unacceptable and sheds a very negative light on the prospects of Turkey's [European Union] membership.³⁶

Despite his party winning the spring 2014 local elections, chiefly because of no credible opposition, Erdoğan revved up his personal

32. Fevzi Bilgin, “The Turkish Constitutional Court’s Struggle for Democracy and The Rule of Law,” Rethink Institute, October 2014,

<http://www.rethinkinstitute.org/turkish-constitutional-courts-struggle-democracy-rule-law/>.

33. Mustafa Gurbuz, *The Long Winter: Turkish Politics after the Corruption Scandal*, Rethink Institute, May 2014, <http://www.rethinkinstitute.org/wp-content/uploads/2014/05/The-Long-Winter-Mustafa-Gurbuz.pdf>.

34. Fevzi Kızılkoyun, “About 5000 Turkish policemen reshuffled following forced retirement,” *Hürriyet Daily News*, April 29, 2015, <http://www.hurriyetdailynews.com/about-5000-turkish-policemen-reshuffled-following-forced-retirement.aspx?pageID=238&nID=81700&NewsCatID=509>.

35. “27 detained police officers referred to court for arrest,” *Today’s Zaman*, April 17, 2015, http://www.todayszaman.com/anasayfa_27-detained-police-officers-referred-to-court-for-arrest_378245.html#.

36. Namik Kemal Parlak, “EP vice president says ‘parallel state’ a conspiracy theory for many,” *Today’s Zaman*, March 4, 2015, http://www.todayszaman.com/diplomacy_ep-vice-president-says-parallel-state-a-conspiracy-theory-for-many_374295.html.

war against Hizmet, which resolutely opposed his moves to consolidate power and cut down democratic structures. He is even seeking to extradite Fethullah Gülen from the United States for a “terrorism” trial in Turkey, which the United States has rebuffed.³⁷ The elections were a catalyst for more authoritarianism, rather than for democratic rule. He does not believe that pluralism and competition strengthen democracy.

In the most self-interested sense of personal and political survival, Erdoğan had no choice. Given the evidence that came to light, which undoubtedly was only the tip of the iceberg, he probably could not have survived in the court of law and certainly not in the court of public opinion. He put his own survival above the welfare of the country.

Erdoğan has single-handedly reversed Turkey’s progress. Professors lose jobs in academia if they criticize him, however mildly. Journalists are arrested and jailed on spurious charges. Tax auditors and government regulators descend upon newspapers, businesses, and television companies that raise policy objections or are related to Hizmet. Government contracts and advertising are denied to “unfriendly” companies. Even high school students are hauled into criminal court for criticizing

Erdoğan.³⁸ And a journalist was rearrested for protesting his arrest the first time around for complaining about Erdoğan.

Not only did Erdoğan begin wholesale suppression of civil liberty and social media, tell women they were not really equal to men, and accuse people who promoted small families as “treasonous”; but he played the Islamist card and started shifting Turkey away from its secularism that kept religion and state separate.

Understanding Erdoğan’s philosophy is crucial to making sense of his actions. The key is his use of Islamist language and religious symbols, which is always polarizing, “us” v. “them.” Generally, such language is anachronistic, but not for Erdoğan: “If you are not with us, you are against us, a traitor.” The danger is that his kind of language and thinking, which comes out a tradition of Anatolian Islam, can breed fascist tendencies.

Erdoğan expresses this conservative Islamist thinking more and more, from his views on the role of women and birth control, to the point of finding it necessary to assert that Muslims arrived in America three centuries before Columbus, something he wants taught in Turkey’s schools.³⁹

His mix of religion and politics harkens back to the caliphate of Ottoman times, which he at times tries to replicate, such as introducing a

37. Emre Peker, “Turkey Issues Arrest Warrant for Erdogan Rival Gulen,” *Wall Street Journal*, December 20, 2014, <http://www.wsj.com/articles/turkey-issues-arrest-warrant-for-erdogan-rival-gulen-1419018482?KEYWORDS=erdogan>; Ceylan Yeginsu, “Turkey Issues Arrest Warrant for a Rival of Its President,” *New York Times*, December 19, 2014, <http://www.nytimes.com/2014/12/20/world/europe/turkey-issues-arrest-warrant-for-a-rival-of-its-president.html>; Constanze Letsch, “Turkey issues arrest warrant for Erdoğan rival Fethullah Gülen,” *The Guardian*, December 16, 2014, <http://www.theguardian.com/world/2014/dec/19/turkey-fethullah-gulen-arrest-warrant-erdogan-us>. Erdoğan told Turkish TV that, when speaking on the phone with President Obama, he had asked for Gülen’s extradition and that Obama reacted “positively.” The White House took the unusual step of publicly stating that Erdoğan misrepresented the conversation.

38. “In Turkey, criticizing the president can land you in jail,” *Washington Post*, March 6, 2015, http://www.washingtonpost.com/world/europe/in-turkey-criticizing-the-president-can-land-you-in-jail/2015/03/06/79fa9116-c3ee-11e4-a188-8e4971d37a8d_story.html.

39. Ironically, in his condemnation of the Pope and warning him not to repeat his comments on the issue of the Armenian genocide, Erdogan said that, when political or religious leaders played the role of historians, what resulted was “delirium, not fact.” One might wonder if Erdogan considered what that meant in terms of his deciding Muslims had arrived in Cuba three centuries before Columbus. “Turkey’s Erdogan condemns Pope over Armenia ‘genocide,’” *BBC News*, April 14, 2015, <http://www.bbc.com/news/world-europe-32309044>.

palace honor guard of sixteen men dressed in warrior costumes from different periods of Turkey's earlier history. He also built himself a new extravagant presidential residence of some 1,200 rooms (thirty times the size of the White House and larger than Versailles), with a 4,000-person mosque, at the cost of at least \$650 million.⁴⁰

The palace has a \$6.5 million kitchen and monthly fixed costs (utilities, upkeep, etc.) of \$8 million. It soon will have a horse stable as part of a plan to establish a mounted troop for official ceremonies. It will hold 50 horses—at a cost of \$11,000-\$18,000 per horse.⁴¹ Erdoğan defended the immense cost of his lavish residence as “no thrift in dignity.” He has tripled the presidential staff to 2,700 persons. All of this is in a country where 20 percent of the people live in poverty, the rate of infant mortality is rising, and violence against women is surging.

Two telling points. Erdoğan was originally building this as his prime minister residence, but changed it around when he became president. He also flouted a court order to halt construction and raze what had been erected for lack of proper permits. He built the super-size palace on 3.2 million square feet inside the Atatürk Forest Farm, an environmental site protected from building construction.⁴²

Erdoğan describes the palace as the Presidential *Kulliye*. A *kulliye* is a complex that surrounds a mosque and is managed by the mosque. Some of the Ottomans' greatest imperial mosques were *kulliyes*. Many view the palace as a symbol of Turkey's

deterioration of democracy and secularism.⁴³

The Turkish Republic established the official Religious Affairs Directorate, a state agency to keep control over Islam in the country. Erdoğan is now molding the directorate for his own purposes of control and monopoly.⁴⁴

This begs the question of Erdoğan's use of religion for his purpose, whether religion is but a façade and political tool rather than an expression of piety. Certainly, corruption and suppression of civil society do not reflect Islam's tenets. This is not to say, however, that someone like Erdoğan is the inevitable result of political Islam. That is not the case.

Erdoğan's nostalgic, if not egotistic, vision of rebuilding the grandeur of the Ottoman Empire around him is one of extending influence throughout the Islamic world, rather than physical conquest. Erdoğan has been singularly unable to realize his neo-Ottoman revivalist dream, mostly through his own inept foreign policy missteps, which has created insularity for Turkey.

What Erdoğan cannot achieve outside Turkey, he is determined to make happen inside the country, consolidating power, to the detriment of democracy.

Erdoğan was welcomed during an official ribbon-cutting ceremony on April 10, 2015, with the "New Turkey Anthem," performed by an Ottoman military band, which praised him as "Our Leader." In fact, the song ties him to historic figures like Attila the Hun, the Ottoman Empire's founder Osman Gazi, Mehmed the Conqueror, Suleiman the Magnificent, and Atatürk.

There certainly is a narcissism and egotism

40. There are estimates that the true cost of the palatial compound will exceed \$1 billion. The windows alone cost \$270 million.

41. Two other horse farms are being constructed in other locations so that ultimately 130 horses will be available for Erdoğan's entourages.

42. "Presidential Palace, Ankara," Wikipedia, http://en.wikipedia.org/wiki/Presidential_Palace,_Ankara.

43. "Erdoğan to change palace name, adding religious connotation," *Hürriyet Daily News*, January 16, 2015, <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=77072&NewsCatID=338>.

44. Şahin Alpay, "Religion cannot be engineered," *Today's Zaman*, March 1, 2015, http://www.todayszaman.com/columnist/sahin-alpay/religion-cannot-be-engineered_373981.html.

about all this, always dangerous traits in a political leader. It is as if Erdoğan sees himself as an Islamic version of Atatürk.⁴⁵ Bespeaking a kind of self-absorbed leadership style, Erdoğan took to sending a giant hologram of himself to a political event in *İzmir*,⁴⁶ at a cost of \$37,000 for the ten minutes he spoke.

Erdoğan's Islamization efforts include introducing Ottoman Turkish (an older, Arabic version of the language) into the school system, limiting education about democracy and critical-thinking, and increasing from 63,000 to 1 million students in state-run religious schools.⁴⁷ While that may further his nationalistic agenda, it ill serves students' creative skill-training, foreign language facility, and a global perspective.⁴⁸

This, in part, is what has brought about Erdoğan's epic clash with the movement. Hizmet has a vision of civil society quite different from his. And the fact that Hizmet followers see Fethullah Gülen as a de facto spiritual leader undermines Erdoğan's claim on nationalized religious leadership and

delegitimizes his political Islam position. It is his most serious challenge, and he has had success in weakening the movement.

Turkey's current precipitous descent into authoritarianism, more entrenched every day, unfortunately has deep roots in that country's history and culture. Erdoğan exacerbates this by his nationalist Turkey-centric vision, adroit political skills, and charismatic appeal to his base of working class and low-income people. His demagoguery plays off longstanding cleavages in Turkish society.

Erdoğan is impervious to internal criticism and international censure, brushing them off with his own brusque brand of acerbic rhetoric, regardless of its truthfulness. He easily launches vitriolic reactions to condemnations of Turkey's authoritarian slide in the international press and in the U.S. Congress. For instance, he claimed that the 85 Congress members, who signed a letter to Secretary of State John Kerry in February 2014 complaining of press suppression in Turkey, were paid to do so. (Seventy-four U.S. Senators have since sent a similar letter). He is not above delivering similar caustic comments about the European Union or President Barack Obama.⁴⁹

The U.S. State Department shows exasperation with Erdoğan. Departing from its traditional preference for "quiet diplomacy" when addressing Turkish human rights abuses, it has become openly critical. State Department spokesperson Jen Psaki, in December 2014, responding to Turkish authorities arresting another group of journalists, stated, "Freedom of the media includes the freedom to criticize the government. Voicing opposition does not equal conspiracy or treason."⁵⁰

45. Marc Champion, "Erdogan's Reinvention of Turkey Isn't Funny," *Bloomberg News*, January 21, 2015, <http://www.bloombergvie.com/articles/2015-01-20/erdogan-s-reinvention-of-turkey-isn-t-funny>.

46. Matt Ford, "Giant Hologram of Turkish Prime Minister Delivers Speech," *The Atlantic*, January 27, 2014, <http://www.theatlantic.com/international/archive/2014/01/giant-hologram-of-turkish-prime-minister-delivers-speech/283374/>.

47. Ceylan Yeginsu, "Turkey Promotes Religious Schools, Often Defying Parents," *New York Times*, December 16, 2014, <http://www.nytimes.com/2014/12/17/world/europe/turkeys-religious-schools-rise-as-erdogan-exerts-sway.html>.

48. Ishaan Tharoor, "Why Turkey's president wants to revive the language of the Ottoman Empire," *Washington Post*, December 12, 2014, <http://www.washingtonpost.com/blogs/worldviews/wp/2014/12/12/why-turkeys-president-wants-to-revive-the-language-of-the-ottoman-empire/>; Mustafa Akyol, "How Turkey Sabotaged Its Future," *New York Times*, December 22, 2014, <http://www.nytimes.com/2014/12/23/opinion/akyol-how-turkey-sabotaged-its-future.html?smid=fb-share>.

49. Simon Tisdall, "Can Turkey under Erdoğan any longer be deemed a reliable western ally?," *The Guardian*, December 15, 2014, http://www.theguardian.com/world/2014/dec/15/turkey-erdogan-western-ally?CMP=share_btn_fb.

50. Jen Psaki, "Daily Press Briefing," U.S. Department of

Erdoğan, always the most charismatic, eccentric, and powerful figure within AKP, gradually came to dominate it completely⁵¹ and marginalized other AKP founding leaders like Abdullah Gül⁵² and Cemil Çiçek. Although there is evidence of anxiety within party ranks over Erdoğan's ascendance, his power is absolute. AKP has become Erdoğan, and vice versa.

One of the most dangerous aspects of his ascent is that there are no likely prospects to succeed Erdoğan when the time comes for an orderly transition because of his vertical way of governing, rather than horizontal. He and AKP appear to have no coherent vision according to which to move the country forward. Mediocrity defines their governance.

There are some clouds on Erdoğan's horizon, though. One may be the cooling Turkish economy, with growth predictions down and inflation edging upwards (unemployment hovers around 11 percent), and foreign investment receding. A fifth of Turkey's people live in poverty. The country's foreign liabilities have jumped by \$41 billion while its foreign assets remained around \$4 billion.⁵³

The country is also experiencing a "brain drain," as younger, educated people leave

because of the political climate and lack of economic opportunity. Negotiations to end the Kurdish conflict have stalled and are rather unpopular with a sizeable proportion of the people. Violence, both between Kurds and Turkish security forces and among the Kurds themselves, continues to claim more lives as time goes on.

Turkey had been in the process of drafting a new constitution, which Hizmet originally strongly backed, to address many of the issues raised in this report and incorporate the progressive changes the country had already adopted. But Erdoğan, as prime minister, and AKP essentially stymied and hijacked the endeavor, particularly over Erdoğan's eventually unsuccessful attempt at the time to create a strong presidency. Erdoğan still hopes to restructure the presidency through an AKP super majority in the next national election. A super majority could set in action a constitutional amendment to accomplish that alteration.

As president, Erdoğan is doing all he can to radically transform the presidency from a limited non-partisan head-of-state role into a head-of-government position, even though the constitution assigns the latter role to the prime minister.

How do Erdoğan and AKP retain electoral power? Although they appear to be experiencing voter support attrition, perhaps in the 15 percent range, they have a solid hold on 20 to 30 percent of voters, most of whom come from the poorer and working class segments of society, especially in the Anatolia area or those who have relocated to the larger cities from that area. Moreover, about 13 million people (about 17 to 20 percent of the population), including elderly, disabled, and unemployed individuals, and pensioners, depend on direct government aid, and understandably are quite leery of "rocking the boat." Indeed, in March 2015, two months before the June election, AKP promised to raise retirees' pensions.

State, December 16, 2014, <http://www.state.gov/r/pa/prs/dpb/2014/12/235137.htm#TURKEY> (text and video).

51. Terrence McCoy, "Turkey just elected one of the world's most eccentric leaders president," *Washington Post*, August 11, 2014,

<http://www.washingtonpost.com/news/morning-mix/wp/2014/08/11/turkey-just-elected-one-of-the-worlds-strangest-leaders-its-president/>.

52. Mustafa Akyol, "Why Gül is not in the AKP anymore," *Hürriyet Daily News*, March 14, 2015,

<http://www.hurriyetdailynews.com/why-gul-is-not-in-the-akp-anymore.aspx?pageID=449&nID=79656&NewsCatID=411>.

53. Mustafa Sönmez, "Turkey's External Gaps Growing Rapidly," *Hürriyet Daily News*, February 22, 2015,

<http://www.hurriyetdailynews.com/turkeys-external-gaps-growing-rapidly.aspx?pageID=238&nID=78700&NewsCatID=344>.

A generation gap is also at play. Older people tend to be more forgiving of corruption because it has been so endemic throughout their lives. They are more likely to see Erdoğan as one of them. Some even think it is “our turn” to benefit from corruption.

Another reason is the weak political opposition. The largest opposition party, the Republican People’s Party (“CHP”) has had insipid leadership for years and is still too tarnished because its secularist Kemalist philosophy and with having worked hand-in-hand with previous military governments.

There is also an unsettling question of election integrity and fraud. In the 2014 elections, there were electrical blackouts in about fifty cities during the electronic counting of ballots. In Ankara, an official, with a straight face, attributed the blackout there to cats short-circuiting the power grid; the rest, he said were caused by storms and snow.⁵⁴ There is also the issue of how results are recorded, whether the numbers which the parties received are in fact reversed in AKP’s favor.



Hürriyet Daily News

54. See “All cats caught,’ Turkish official reassures public over Election Day blackouts,” *Hürriyet Daily News*, April 14, 2015, <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=81019&NewsCatID=338>.

5. CONFLICT WITH THE HIZMET MOVEMENT: NO HOLDS BARRED

Secret documents from 2004 emerged in the aftermath of the Ergenekon trial, showing Erdoğan, as prime minister, and President Gül, agreeing with the military to undo the Gülen movement. That was a rather startling revelation, but Erdoğan bided his time until the right moment.

Since 2013, Erdoğan has waged unrelenting war on Hizmet, once an important component of the informal AKP coalition.⁵⁵ With the coalition's breakup, AKP lost Hizmet's intellectual firepower; it was, as the saying goes, "getting off the horse, and onto the donkey."

Leading movement members criticized Erdoğan for antagonizing Israel and Turkey's Western allies, his brand of negotiations with the Kurdish population, and his iron-fisted suppression of the Gezi protests. These tensions boiled over with the corruption probe.⁵⁶

Erdoğan has since besieged Hizmet-related schools and organizations, including the internationally acclaimed charity foundation Kimse Yok Mu ("Isn't There Anyone?") Solidarity and Aid Association.⁵⁷ Additionally,

leading Hizmet figures are targeted for investigation under a twisted interpretation of the country's anti-terror statutes, a campaign likely to stretch on for months or even years.

As prime minister, Erdoğan led the charge to shut down 1,000 Hizmet-related college preparatory schools (*dershanes*, study centers) in Turkey.⁵⁸ This affects tens of thousands of poor and low-income potential college students, trying to prepare for the country's highly-competitive college entrance exams. Only about half of those taking the test are successful; and one's ranking on the test determines admission to the country's better universities; the better the exam results, the better the university. Three thousand non-Hizmet preparatory schools likewise were closed as part of the aftermath. Some 750 of the 4,000 *dershanes* were able to convert to regular full-time schools, but most cannot because they operate out of office buildings or commercial plazas.

Closing the Hizmet schools alone meant 15,000 people lost employment. This action reflects a cruel hardheartedness of the regime, that it would dis-employ so many people and harm the educational future of the country's youth for its own agenda of undermining Hizmet.

55. See Rethink Institute, *The Persecution of the Hizmet (Gülen) Movement in Turkey: A Chronicle*, December 2014, <http://www.rethinkinstitute.org/persecution-hizmet-gulen-movement-turkey-chronicle/> (detailed listing of government actions against Hizmet, December 18, 2013 through November 25, 2014).

56. Joe Parkinson and Ayla Albayrak, "From His Refuge in the Poconos, Reclusive Imam Fethullah Gulen Roils Turkey," *Wall Street Journal*, January 20, 2014, <http://www.wsj.com/articles/SB10001424052702304027204579332670740491570>.

57. The English version of its website is at:

<http://www.kimseyokmu.org.tr/index.php?>

58. Mustafa Akyol, "Behind the war over prep schools," *Hürriyet Daily News*, November 16, 2013, <http://www.hurriyetdailynews.com/behind-the-war-over-prep-schools.aspx?pageID=449&nID=57991&NewsCatID=411>.

Erdoğan also has engaged in an incessant, but generally unsuccessful, campaign to shut down Hizmet schools abroad, especially when visiting foreign countries—a rather bizarre request from a visiting president, that another country shut down schools from his country. He has instructed Turkey’s ambassadors to do the same. They have not had much luck because of the schools’ reputation for excellence and providing educational opportunities that would not otherwise exist.

Erdoğan claims new government schools would take the place of existing Hizmet institutions; but critics point out that the state of government schools within Turkey is poor, according to the Organisation for Economic Co-operation and Development (OECD).⁵⁹ Nor does the government have the resources to build and staff such facilities internationally.⁶⁰

Similarly incomprehensible and mean-spirited is Erdoğan’s decision in 2014 to prevent the International Turkish Language Olympiads, a competitive event for about 2,000 high school students worldwide from 150 countries, from holding its annual culminating event in Turkey, after an 11-year history of doing so. “We will not give them even a drink of water,” he said.⁶¹

This was an amazing turnaround for Erdoğan who spoke at the Summer 2013 Olympiad and hailed it, and, during his talk, invited Fethullah Gülen back to Turkey, almost as a hero.

59. Juliana Zapata, “Education Policy Outlook: Turkey,” Organisation for Economic Co-operation and Development, October 2013, http://www.oecd.org/edu/EDUCATION%20POLICY%20OUTLOOK%20TURKEY_EN.pdf.

60. “Erdoğan draws ire from all segments of society over bid to close Turkish schools,” *Today’s Zaman*, January 23, 2015, http://www.todayszaman.com/national_erdogan-draws-ire-from-all-segments-of-society-over-bid-to-close-turkish-schools_370711.html.

61. Son Vesayet, “Erdogan’s Hate Speech against The Gülen Movement,” <http://vimeo.com/111633728>.

Likewise, the government has made it considerably more difficult for Kimse Yok Mu to operate and almost impossible to respond rapidly to natural calamities around the world when they happen. It tightened national and local license requirements so that it takes months to get a license, making immediate response unworkable. This restriction is particularly unconscionable because it limits humanitarian aid for millions of people in a natural catastrophe. The government has even initiated a “terrorism” investigation of the foundation.⁶² It is reflective of the government’s brutal callousness that it would put its political agenda above the well-being of so many innocent and suffering people in Turkey and around the world.⁶³

The government has gone after Hizmet-associated media. Ekrem Dumanli, the editor-in-chief of the *Zaman* newspaper, was arrested and held for four days. Hidayet Karaca, the chairman of Samanyolu broadcasting (STV), was imprisoned for some short “terrorism” comment by a soap opera actor four years ago—spurious charges to be sure, but designed to weaken Samanyolu’s influence and scare off advertisers.⁶⁴ As a result, both companies’ advertising revenue

62. “Terrorist investigation against Kimse Yok Mu draws strong reactions,” *Today’s Zaman*, April 17, 2015, http://www.todayszaman.com/national_terrorist-investigation-against-kimse-yok-mu-draws-strong-reactions_378311.html.

63. Kimse Yok Mu, “Impact Statement,” http://embracerelief.org/wp-content/uploads/2014/10/KYM_IMPACT_STATEMENT_1.pdf (response to government action and outlining its humanitarian assistance over the years).

64. Sebnem Arsu, “In Push Against Muslim Cleric, Turkey Detains Police Officers and Journalists,” *New York Times*, December 14, 2014, http://www.nytimes.com/2014/12/15/world/europe/turkish-police-officers-and-media-workers-are-detained-in-roundup.html?partner=rss&emc=rss&smid=tw-nytimes&_r=1; “Turkey arrests: Raids target Gülen-linked critics of Erdogan,” December 14, 2014, BBC News, <http://www.bbc.com/news/world-europe-30468199>.

dropped significantly, mostly from Turkish businesses. Multi-national companies and banks have not cut their advertising. For the TV stations, it also meant a cut in programming. Even though the court ordered Karaca's pre-trial release on bail after four months in prison, Erdoğan engineered things to keep that from happening, to great public outcry.⁶⁵

One of Erdoğan's hardest financial blows against Hizmet came on February 3, 2015, when Turkey's banking watchdog (BDDK in its Turkish acronym) took control of Bank Asya, Turkey's biggest Islamic lender and a major financier of Hizmet activity. A group of 300 business people founded the bank in 1996, and it enjoys a good international reputation. BDDK transferred 63 percent of Bank Asya's shares to a government-controlled fund and appointed a new board of directors. It said the bank "violated banking laws regarding transparency of partnership structure and organizational scheme." People reacted by depositing even more of their personal funds in the bank.

To be sure, financial support for Hizmet overall has diminished, making its activities more problematic, although it is not clear to what extent, due to its overall lack of organizational structure, as described earlier. It is certainly evident that major financiers, who depend on government contracts and licenses or are subject to government regulators, are much more circumspect in their contributions. Likewise, some movement people report there has been attrition (maybe as much as 15 percent) in those who participate in or support Hizmet.

The paranoia is such that the Interior

Ministry recently changed the emblem of the National Police Department on its vehicles because it contained the word "*hizmet*." ("service" in English) in its motto "Security for people, service for justice."

Since 2013, municipalities have unlawfully removed billboards and other signs of institutions allied with Hizmet, as well as their advertisements along roads in İstanbul and Ankara where Erdoğan may travel.

In May 2014, then-Prime Minister Erdoğan publicly asked AKP supporters not to send their children to schools seen as close to the Hizmet movement. "We will not even give them water," he vowed—just like he did for the students' Turkish Language Olympiad. Erdoğan also ordered officials at municipalities governed by AKP to use any means to seize land and buildings belonging to Hizmet institutions or dispossess them of any public-owned buildings that movement people or organizations were renting.

65. "Bar associations criticize noncompliance of public prosecutors with court order for release of Karaca, policemen," *Today's Zaman*, April 17, 2015, http://www.todayszaman.com/national_bar-associations-criticize-noncompliance-of-public-prosecutors-with-court-order-for-release-of-karaca-policemen_379122.html.

6. THE JUDICIARY: LAST BASTION OF SEPARATION OF POWERS

Some observations on Turkey's judicial system are important since it had been the bulwark against Erdoğan and AKP's authoritarian agenda. Unfortunately, they are tampering with the judiciary as well, trying to make it more pliant with their will. Given that Erdoğan and AKP control the legislative and executive branches of government, the judicial system is the only remaining check in the balance of powers that make a democracy function.

The current constitution, that of 1982, was put forward by the military regime, following the 1980 coup d'état, and ratified by the voters, who had little choice but to support it as the only way to eventually disengage military control.

The Constitutional Court, the country's highest court, was a powerful mechanism that kept civilian power at bay. The court maintained strict control on demands by conservative religious segments of the society and the Kurdish minority. It had banned Islamic and Kurdish parties one after another so as to sustain the hardline nationalist and secularist character of the Kemalist regime. In 2008, the court, in fact, came within a single vote of disbanding AKP and banning its leadership from politics, an unprecedented move against a ruling party.

Only with the 2010 amendments that restructured the court was it able to take fledgling steps as an independent body in a democracy, no longer an enforcer of the secularist government and Kemalist guardian.⁶⁶

Prior to that, the regime kept a tight rein on the Constitutional Court and the judiciary through means of the Supreme Council of Judges and Prosecutors (HSYK), an autonomous, self-perpetuating institution, created by the 1982 constitution. Because HSYK was self-continuing, it assured ongoing Kemalist control of that branch of government.

HSYK was a seven-member bureaucratic center of power that appointed judges and prosecutors at every level, investigated their actions, and took disciplinary measures, even going so far as to remove them from office, without the right of appeal.

Since there are no juries in the legal system, judges are the deciders of all legal cases, which made HSYK the fundamental mechanism regulating the judicial system. The courts thus often served more as ideological functionaries, than as adjudicators of constitutional standards and legal principles.

The Kemalist establishment adeptly utilized the judicial system to help preserve the state's secularism and republicanism. As an added safeguard, the 1982 constitution created other mechanisms over HSYK's functioning. The executive branch controlled the Council's budget; the Minister of Justice made appointments within HSYK; meetings were held only if overseen by the Undersecretary of Justice; and no public record of Council proceedings was kept.

66. "Factbox: Turkey's constitutional amendments,"

Reuters, September 12, 2010,
<http://www.reuters.com/article/2010/09/12/us-turkey-referendum-articles-idUSTRE68B28B20100912>.

TIMELINE - JUDICIARY DEVELOPMENTS	
1982	Creation of HSYK (Turkey's Supreme Board of Judges and Prosecutors) in 1982 Constitution
2008	Strategy for Judicial Reform Action Plan, presented by Turkey for European Union accession purposes
2010	Constitutional referendum, amendments approved
2011-2013	4 judiciary reform packages, approved by parliament
2014	Amendments to HSYK legislation, approved by parliament
TIMELINE - FREEDOM OF EXPRESSION	
1948	Universal Declaration of Human Rights
1954	European Convention for the Protection of Human Rights, adopted by Turkey
1982	Parliamentary restrictions on the freedom of expression after the new Constitution.
2000	International Covenant on Civil and Political Rights signed by Turkey (ratified in 2003)
2001/2004	Constitutional amendments to eliminate some restrictions on freedom of expression
2006	Amendments to the anti-terror law, applied to limit freedom of expression

HSYK was so closely bound to the Ministry of Justice that the European Commission for Democracy through Law (or the “Venice Commission”), an advisory body to the Council of Europe, expressed concern that the relationship posed “a risk to independence.”⁶⁷

Structure of the Judiciary in Turkey

Since the Turkish Republic's inception, people had viewed the judiciary with skepticism; and calls for fundamental judicial reforms had been persistent for years.⁶⁸ That skepticism continues to this day with 71 percent of the

people saying they lack trust in the judicial system, according to an April 2015 poll.⁶⁹

Statistics from the European Court of Human Rights (ECtHR) reveal that Turkish judicial practices frequently violated citizens' rights. ECtHR ruled against Turkey the most number of times among all the other 46 member countries of the Council of Europe, a total of 2,573 cases just between 1995 and 2010. Of these cases, 699 involved the denial of free trial; 516, liberty and security; and 440, extremely lengthy trials.

Attempts to remedy this system somewhat alleviated the symptoms, but the causes of judicial dysfunction remained firmly entrenched.⁷⁰ Real reform began after Turkey was accepted as a candidate for European Union (EU) membership in 1999.

67. European Commission for Democracy through Law, March 30, 2011, <http://www.thefreelibrary.com/VENICE+COMMISSION-TURKISH+LAWS+-Commission+welcomes+amendments+to...-a0252764768>.

68. See Nam Karakaya and Hande Özhabeş, “Judicial Reform Packages: Evaluating Their Effect on Rights and Freedoms,” Turkish Economic and Social Studies Foundation (TESEV), November 2013, <http://www.tesev.org.tr/assets/publications/file/06122013161517.pdf> (a 44-page Democratization Program report, analyzing the four judicial reform packages since 2011).

69. “Survey: 71 pct of people don't trust Turkish judicial system,” *Today's Zaman*, April 28, 2015, http://www.todayszaman.com/national_survey-71-pct-of-people-dont-trust-turkish-judicial-system_379208.html.

70. European Court of Human Rights, “Annual Report 2010,” June 2011, http://www.echr.coe.int/Documents/Annual_report_2010_ENG.pdf, 157.

The EU urged the Turkish Ministry of Justice to present a plan that would create a more independent, neutral, and effective judicial system. Steps were slow at first, but accelerated after AKP came to power in 2002. In 2008, the justice ministry produced a “Strategy for Judicial Reform and Action Plan” that led to the 2010 constitutional reforms.

The 2010 Constitutional Amendments and Reorganization of the Judiciary

One of AKP’s most notable achievements was advancing judicial independence and the rule of law through the constitutional amendments, which voters overwhelmingly adopted in 2010. When AKP came to power, it promised to keep the military’s power at bay and continue to direct Turkey on the path of democratization, and make the judicial branch more independent.

At first, AKP appeared to be fulfilling its promises by upholding the rule of law and beginning to reorganize the judiciary and make it more independent from political influence and to fulfill EU accession requirements. This meant correcting the lack of democratic input into HSYK and ridding it of its traditional Kemalist power center function.

The 2010 reforms significantly reduced the powers of the Minister and the Undersecretary of Justice over the board. HSYK also received its own building and its own budget. The 2011 Venice Commission Progress Report commended these steps toward judicial autonomy, which is essential to the functioning of checks and balances, especially when the same party controls both parliament and the presidency.

The progress was short-lived, however. When the December 2013 corruption probe unfolded, Erdoğan moved to protect those implicated by reinstating government control over HSYK to make the judiciary a more

pliant tool in his hands. Parliament obliged him, and backpedaled the reforms.

Following the December 2013 graft scandal, Erdoğan and AKP fast-tracked repressive measures to prevent the scandal from taking on legs of its own. The AKP leadership quickly recovered from the initial shock, regrouped, and embarked on an all-out assault on the judicial system that had brought the charges.

Erdoğan, who, as prime minister, had campaigned zealously for the 2010 constitutional referendum, asserted it had been a mistake to change HSYK’s composition, which now dared to limit the government. He promised to change it back at the earliest opportunity, and proceeded to do so.

AKP began to reverse the democratic reforms it once had advocated so as to aggrandize the power it needed to rule without a check on its designs. Parliament passed a contentious law that restructured HSYK. As soon as the law took effect, all disciplinary staff over the courts and prosecutors were removed from their posts. That opened the way to hire new staff to punish those who originally had brought forward the corruption investigations.

The following chart shows the changes in 2010 and the retrenchment in 2014.⁷¹

71. Bipartisan Policy Center, “Legislating Autocracy? Recent Legal Developments In Turkey,” April 2014, <http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Turkey%20Legislating%20Autocracy.pdf>.

Evolution of Turkey's Supreme Board of Judges and Prosecutors (HSYK)

1982 CONSTITUTION	2010 CONSTITUTIONAL AMENDMENT	2014 CHANGES
<i>INDEPENDENCE</i>		
Housed in a building which belonged to the Ministry of Justice	Housed in a separate building	Unchanged
Dependent on Ministry of Justice for budget	Separate budget	Unchanged
Inspection and investigation carried out only upon permission or approval from the Minister of Justice	Minister of Justice can only attend Plenary meetings, not Chamber meetings, and cannot attend meetings concerning disciplinary matters of judges and prosecutors	Justice Minister sets Council meeting agenda, makes decisions on disciplinary action, sets curriculum for the Justice Academy, and has the authority to remove the Directors of the Academy
<i>MEMBERSHIP</i>		
<p>Seven regular and five substitute members:</p> <ul style="list-style-type: none"> • Minister of Justice • Undersecretary of Justice • Three members nominated by the Court of Cassation, selected by President • Two members nominated by the Council of State, selected by President 	<p>22 regular and 12 substitute members:</p> <ul style="list-style-type: none"> • Minister of Justice • Undersecretary of Justice • Seven members elected from the First Instance of Judges and Prosecutors • Three members elected from the First Administrative Judges and Prosecutors • Three members elected from the Plenary Session of the Court of Cassation • Two members elected from the Plenary Session of the Council of State • One member elected from the Plenary Session of the Turkish Justice Academy • Four members selected by the President from notable lawyers and lecturers of law faculties 	Unchanged

<i>STRUCTURE</i>		
HSYK had single body consisting of seven regular members	<p>HSYK consists of multiple bodies:</p> <ul style="list-style-type: none"> • General Assembly: all 22 members, assigns jurisdictions to courts, selects judges for highest courts, and reviews decisions of lower chambers • First Chamber: seven members, responsible for appointment and transfer of judges • Second Chamber: seven members, responsible for promotions and disciplinary proceedings. • Third Chamber: seven members, responsible for admitting applicants into the legal profession 	Unchanged
Inspections Board that investigates judicial conduct subordinate to Minister of Justice	Inspections Board that investigates judicial conduct subordinate to Third Chamber.	Inspections Board subordinate to Minister of Justice.
HSYK officers (President, members of the Inspections Board) selected by Minister of Justice	HSYK officers (President, heads of Chambers, etc.) selected by General Assembly voting	HSYK officers (President, heads of Chambers, members of Inspections Board) selected by Minister of Justice
HSYK could not convene without Undersecretary of Justice present	Undersecretary of Justice can only attend General Assembly and First Chamber meetings; cannot be elected as Head of any Chamber; meetings can be held without him	Undersecretary of Justice is President of the General Assembly. Justice Minister has authority over career development, such as taking courses or traveling abroad for training
<i>TRANSPARENCY</i>		
Decisions related to disciplinary proceedings were not published	Decisions related to disciplinary proceedings are published online.	Unchanged
Decisions could not be challenged	Decisions on dismissals are open to judicial review	Unchanged
No mechanism for internal objections	Internal objections to decisions by any of the Chambers can be raised in the General Assembly	Unchanged

Battle for the Constitutional Court

The 2010 constitutional amendments made it a priority to transform the nation’s courts into a more modern and pluralist institution, tethered to the principle of the rule of law. The amendments led to reorganization of the

Constitutional Court, as well as restricting military courts strictly to military crimes.⁷²

Human rights cases also became a priority by allowing individuals to appeal directly to the Constitutional Court for relief without having to go immediately to the European Court of Human Rights, as was the situation before, which had a huge backlogged docket.

The Constitutional Court eventually emerged as the last institution to provide a check, albeit limited, on AKP's unfettered drive to consolidate power under Erdoğan as prime minister. By then, AKP had begun to flatten all other checks and balances in the political system.

Throughout Erdoğan's power grab, the Constitutional Court, in unprecedented actions, responded by overturning one controversial piece of legislation after another, singlehandedly battling the authoritarianism unleashed by the AKP government.

And, when the court partially annulled the new HSYK law that gave the justice minister sweeping powers over HSYK, Erdoğan and his lieutenants began to openly attack the court with a vengeance.

The scandalous December 2013 recordings of shocking phone conversations involving government officials and ministers incriminated in the corruption probe, including Erdoğan himself, were leaked to social media day after day. Fearing a backlash in the June 2014 local elections, the government moved to ban Twitter and YouTube altogether to prevent any such reoccurrence.

However, in April 2014, the Constitutional Court not only removed the ban on Twitter, but created its own Twitter account (@AYMBASKANLIGI), which now has more than 100,000 followers. The court went on to lift the ban on YouTube in May 2014, arguing

72. Ibid.

that shutting it down violated freedom of expression.

In October 2014, the court overturned several pieces of legislation hastily introduced in an omnibus bill, such as an amendment that gave the state-controlled Telecommunications Directorate the power to block access to websites within four hours without a court order. It also voided a controversial law that prevented high-level civil servants, removed from their posts unjustly, from returning to their posts for two years. AKP wanted to prevent the reinstatement of senior police officers, who the government had removed from their posts as part of a tactic to obstruct the corruption probe.

The court's activism owed much to its president, Hasim Kilic, who cast himself as the nation's leading democrat. President Turgut Özal appointed him to the court in 1990. Kilic served his last seven years on the court as its president. Kilic was an outspoken advocate of a more democratic constitution, occasionally chiding the court's judgments as too parochial or conservative.

With the rollback of democratic reforms and ramping of unconstitutional legislation, Kilic became a forceful critic of the government, publicly chastising AKP leaders for overstepping the constitution. Kilic implied that AKP attempts to stifle judicial autonomy was an endeavor to bring the judiciary under a new form of tutelage, as it had been under military rule.

During his July 2014 visit to the Council of Europe in Strasbourg, Kilic slammed Erdoğan and his lieutenants, without naming them, for using "public power and resources as a tool for their hatred and animosity."⁷³ In October,

73. See "Turkish courts being turned into 'revenge' instruments says outgoing top judge," *The Guardian*, February 11, 2015, <http://www.theguardian.com/world/2015/feb/11/turkish-courts-being-turned-into-revenge-instruments-says-outgoing-top-judge>; Hasim Kilic, Speech, Council of Europe, July 7, 2014, <http://www.coe.int/t/dgi/hr->

during his meeting with international press freedom watchdogs, he complained about increasingly widespread discourse of hate. Kilic also said, "Fundamental human rights must be fought for. Journalists, too, should resist. They should not surrender."⁷⁴

Kilic retired in February 2015, a few months before the mandatory end of his term, after a series of public confrontations with top government officials. (Interestingly, Kilic has his own Twitter account.)

Zühtü Arslan, favored by AKP, succeeded Kilic as president of the Constitutional Court.

Arslan himself, though, has begun speaking out on the importance of maintaining an independent judiciary in the balance-of-powers scheme and making the point that politicizing the judiciary will make the end of the rule of law.⁷⁵ Arslan made those comments in a speech, commemorating the 53rd anniversary of the Constitutional Court. Erdoğan and Prime Minister Ahmet Davutoğlu were in the audience, just having brazenly thwarted a court order to release 76 pre-trial detainees on bail (see next section).

Constitutional Crisis in the Making

April 25, 2015 will be a pivotal date in the struggle over the independence of the courts. It was on that day that three judges ordered the release of 76 pre-trial detainees from prison, including Samanyolu's General Manager Hidayet Karaca and 75 police

officers.

The judges found no cause that they should still be in prison after four months and should be released on bail since there was no evidence they would flee the country. To the contrary, Karaca, in fact, had turned himself in when he learned of his arrest warrant.

The judges' bail release order was hardly startling, but rather common, in fact. However, for the first time in known history of the judicial system, the prosecutor refused to obey the judicial order, citing fears of losing his job or even personal safety from Erdoğan or his minions, if he complied. The Chief Prosecutor then was able to find a lower "peace court" that overruled the release order of the higher court.⁷⁶

Two days later, HSYK suspended the three judges, absurdly claiming that Gülen had ordered them to release the men. Erdoğan entered the fray, and dictated the result, as was clear from his public blasting of the judges, using the same bizarre Gülen-scenario that HSYK later used. The prime minister likewise grabbed onto the bandwagon and read from the script.⁷⁷ Erdoğan ordered everyone to jump, and their only question was "how high?"⁷⁸

natimplement/Source/echr/Conference_07072014_Spe
ech_Hasim_Kilic_eng.pdf

74. Emre Kizilkaya, "Turkey's top judge complains about 'climate of fear,'" *Hürriyet Daily News*, October 4, 2014, <http://www.hurriyetdailynews.com/turkeys-top-judge-complains-about-climate-of-fear.aspx?pageID=238&nID=72529&NewsCatID=339>.

75. "Top court head: Politicization of judicial system will mark end of rule of law," *Today's Zaman*, April 27, 2015, http://www.todayszaman.com/national_top-court-head-politicization-of-judicial-system-will-mark-end-of-rule-of-law_379065.html.

76. "Judicial body removes judges upon pressure from gov't," *Today's Zaman*, April 27, 2015, http://www.todayszaman.com/national_judicial-body-removes-judges-upon-pressure-from-govt_379132.html.

77. "Turkish PM Davutoğlu accuses court of taking orders from US-based cleric Gülen," *Hürriyet Daily News*, April 27, 2015, <http://www.hurriyetdailynews.com/turkish-pm-davutoglu-accuses-court-of-taking-orders-from-us-based-cleric-gulen.aspx?PageID=238&NID=81572&NewsCatID=338>.

78. Aydin Albayrak, "Removal of judges by HSYK reveals judiciary under government control," *Today's Zaman*, April 27, 2015, http://www.todayszaman.com/national_removal-of-judges-by-hsyk-reveals-judiciary-under-government-control_379237.html; "Three judges suspended for decisions to release 79 suspects," *Hürriyet Daily News*, April 27, 2015,

Then, two of the judges, who ordered the release of the 76 suspects, were themselves arrested and charged with alleged links to the “parallel state” of Gülen.⁷⁹ The day before, two prosecutors and a judge, who were in charge of the corruption probes against Erdoğan’s former ministers and inner circle that erupted with the December 17, 2013 wave of detentions, themselves were indicted.⁸⁰ These unbelievable scenarios trample under foot any semblance of respect for an independent judiciary and the rule of law.

<http://www.hurriyetdailynews.com/three-judges-suspended-for-decisions-to-release-79-suspects.aspx?pageID=238&nID=81622&NewsCatID=338>.

79. “Turkish judges who ruled release of ‘Gülen-linked’ police officers arrested,” *Hürriyet Daily News*, April 30, 2015, <http://www.hurriyetdailynews.com/turkish-judges-who-ruled-release-of-gulen-linked-police-officers-arrested.aspx?pageID=238&nID=81800&NewsCatID=509>.

80. “Court accepts indictments against prosecutors, judge in corruption probes,” *Today’s Zaman*, April 29, 2015, http://www.todayszaman.com/anasayfa_court-accepts-indictments-against-prosecutors-judge-in-corruption-probes_379279.html.

7. CIVIL SOCIETY ISSUES

The worsening outlook in the rule of law and fundamental rights and freedoms in Turkey precipitated criticism among 193 United Nations member states at the Human Rights Council in Geneva in January 2015. Complaints leveled against the Turkish delegation related to rights to freedom of speech and expression, political interference in the judiciary, and discrimination against people and groups, based on gender, race, ideology and other affiliations.⁸¹

As mentioned earlier, there are many extensive summaries already available, outlining the vast number of events about the betrayal of civil society. The following sections set out some of the more salient incidents from my point of view. The segments do not present a complete list or summary by any stretch of the imagination; but they do outline representative events of a very fluid situation, as opposed to discrete or isolated incidents, evidencing the decline of democracy in Turkey.

Undermining Faith-Based Humanitarian Aid and Educational Projects

Americans, with our history of generously subsidizing private faith-based charities and schools at home and abroad, should be concerned with supporting any government that would shut down such humanitarian programs and educational projects. Erdoğan is trying to shutter those supported by the Hizmet movement, which would adversely

impact millions of deprived and suffering people around the world, simply because of his own political myopia.

Hizmet schools are not proselytizing institutions. They are similar to the schools that religious orders or other faith congregations established around the world and dedicated to first-rate academic performance, regardless of the students' religious beliefs. American Ivy League universities had similar faith-based origins, not for proselytizing, but for academic excellence. The idea is that a good education and moral example by the leadership would help the students get in the right place in their lives.

Kimse Yok Mu, the humanitarian foundation, likewise is without religious strings; it serves the needy, irrespective of their confessional faith. Virtually all of America's major religious groups do the same: provide aid without any religious litmus test or conversion requirement. Hundreds of faith-based organizations contribute billions of dollars to worldwide humanitarian efforts each year.⁸²

Suppressing Hizmet schools and education programs and Kimse Yok Mu unconscionably undermines civil society at its best.

81. "UN rights body takes Turkey to task over press freedom, other violations," *Today's Zaman*, January 27, 2015, http://www.todayszaman.com/national_un-rights-body-takes-turkey-to-task-over-press-freedom-other-violations_370988.html#.

82. Elizabeth Ferris, "Faith-based and secular humanitarian organizations," *Int'l Review of the Red Cross*, June 2005, http://graduateinstitute.ch/files/live/sites/iheid/files/sites/political_science/shared/political_science/3205/Ferris_Faith-based%20and%20secular%20humanitarian%20organizations.pdf.

Suppressing Freedom of Expression Generally

Freedom of expression is a necessary legal norm for a democracy. Since the founding of the Turkish Republic, journalists, scholars, novelists, artists, and singers have been criticized, ostracized, penalized, silenced, and even killed, if deemed a threat to the state.

As was true of Turkey's past, current political figures use law to limit citizens' freedom of expression, rather than advance it, taking away the legitimacy of a country to call itself fully democratic. At least 59 journalists were fired or forced from work in retaliation for their coverage of the Gezi Park protests. Covering the December 2013 graft scandal caused another round of firings. Altogether about 1,000 journalists have lost their jobs.

When Turkey sought to accelerate the European Union accession process in the early years of the century, the EU propelled some progress in Turkey. But, after a brief opening of freedom of expression from 2002 to 2010, the AKP government regressed to the practices of prior governments and even intensified the suppression.⁸³ History is repeating itself.

The government had agreed in 2010 to follow eight recommendations for national legislation, complying with international freedom of expression obligations. However, it failed to act on the recommendations.

In June 2014, ARTICLE 19, the Committee to Protect Journalists, English PEN, Freedom House, P24, and PEN International, filed a joint submission for United Nations Universal Periodic Review of Turkey in January/February 2015, voicing concern about Turkey's circumvention of

international freedom of expression obligations.⁸⁴

Five main issues that hinder the freedom of expression involve the National Intelligence Agency (MİT) law, misuse of the anti-terror law and organized crime provisions under the penal code, systematic attacks on freedom of expression and the press, government interference in the media; and increasing limitations on social media.

Never in Turkish history has a single person or party—or even a military regime—attained the level of today's media subservience. Severe restrictions and censorship over the last few years have resulted in the government essentially controlling or running most of the media.

The press generally self-censors and does not publish or broadcast anything seriously critical of the government. AKP has achieved this, in part, by intimidating media enterprises that have other financial interests and hence depend on the government for permits, licenses, and contracts.

The loyal media have become propaganda megaphones and part of the defamation campaign against government critics. The independent media that do take the government to task are routinely harassed, blacklisted, threatened with fines, or blocked from access.

The near-total media control hinders the Turkish people from learning about the corruption allegations against the government or hearing from voices of dissent. Only the government's version of the news reaches their eyes and ears. Newspeak at its essence, as George Orwell once expressed it.

83. Turkish Task Force, *Diminishing Press Freedom in Turkey*, Rethink Institute, November 2014, <http://www.rethinkinstitute.org/wp-content/uploads/2014/11/Diminishing-Press-Freedom-in-Turkey-Turkey-Task-Force.pdf>.

84. PEN International, "ARTICLE 19, the Committee to Protect Journalists, English PEN, Freedom House, P24 and PEN International Joint Submission to the UN Universal Periodic Review of Turkey," June 14, 2014, <http://www.pen-international.org/wp-content/uploads/2014/07/PEN-International-joint-submission-to-the-UPR-Turkey.pdf>.

A Disappearing Free Press: Suppressed, Cowered, and Manipulated

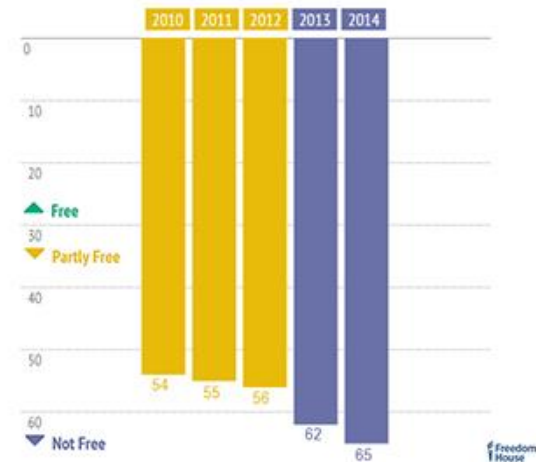
In its 2015 annual report on freedom of the press worldwide, Freedom House listed Turkey as “not free” in terms of its press freedom, for the second year in a row, but increasing its overall negative-trending score from 62 to 65 compared to 2014: “Conditions for media freedom in Turkey continued to deteriorate in 2014 after several years of decline.”⁸⁵ The report was detailed and comprehensive.⁸⁶

Turkey has showed a negative trend since 2009; its overall score climbed from 50 to 65 in just six years. Turkey scored 24 points out of 40 in the legal environment section, 27 out of 40 in the political environment, and 14 out of 30 in the economic environment, making the country’s overall score 65.

Many are the ways in which Turkey’s press is under pressure and tapped down,⁸⁷ losing its function as a fourth branch in the checks and balances of a democracy.

On December 14, 2014, right before the one-year anniversary of the graft scandal, the government unleashed a mass arrest of journalists, screenwriters, and television producers. Erdoğan justified the operation as needed to rid the country of a “parallel state” and a “network of treachery,” without pointing to any specific evidence.⁸⁸ Rather,

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the arrests were designed to eliminate criticism of the regime on an acutely sensitive issue. They reflected another step of descent into authoritarianism.⁸⁹

The December 14 raids included the *Zaman* headquarters, followed by a subsequent swoop on Samanyolu Television (STV), both of which are associated with Hizmet and Fethullah Gülen, who has sharply criticized the Erdoğan government for its rampant corruption and cooperation with militant Kurdish groups.⁹⁰

International condemnation rained down on the December 14 operation.⁹¹ The European

85. Freedom House, “Freedom of the Press: Turkey,” April 2015, <https://freedomhouse.org/report/freedom-press/2015/turkey#.VUNhliFVhBc>.

86. For another comprehensive analysis, see Ali Aslan Kiliç, “Democracy hits rock bottom in a Turkey without press freedom,” *Today’s Zaman*, May 1, 2015, http://www.todayszaman.com/national_democracy-hits-rock-bottom-in-a-turkey-without-press-freedom_379573.html.

87. Freedom House, “Six Ways Turkey’s Press Is Under Pressure,” February 3, 2014, <http://www.buzzfeed.com/freedomhouse/six-ways-turkeyas-press-is-under-pressure-cav8>.

88. “Turkey arrests: Raids target Gülen-linked critics of Erdoğan,” *BBC News*, December 14, 2014, <http://www.bbc.com/news/world-europe-30468199>.

89. Arzum Karasu, “Erdoğan is remaking Turkey in his own image,” *Haaretz*, April 6, 2015, <http://www.haaretz.com/opinion/.premium-1.650621>.

90. See Ekrem Dumanli, “Turkey’s witch hunt against the media,” *Washington Post*, January 1, 2015, http://www.washingtonpost.com/opinions/ekrem-dumanli-turkeys-witch-hunt-against-the-media/2015/01/01/7544429a-8fad-11e4-ba53-a477d66580ed_story.html.

91. “Turkey’s media crackdown: World reactions in pictures,” *Deutsche Zebra*, December 18, 2014,

Parliament adopted a resolution, “Freedom of expression in Turkey: Recent arrests of journalists, media executives and systematic pressure against media,” which harshly criticized the arrests, the government’s failure to provide defense rights and access to the evidence, and the overall systematic pressure to restrict voices of criticism. The resolution called on Turkey to revise its anti-terrorism law and criminal code provisions.⁹²

The renowned Turkish journalist Yavuz Baydar, co-winner of the 2014 European Press Prize, issued a report “The Newsroom as an Open Air Prison: The Corruption and Self-Censorship in Turkish Journalism.”⁹³ Baydar, co-founder of P24, the Platform for Independent Media,⁹⁴ outlined the tightening government grip on independent media outlets and how the government has created a partisan media over the years, and offered recommendations on eliminating restrictions on press freedom.⁹⁵

Baydar issued a succinct, comprehensive

follow-up report in April 2015, noting that, while “... the number of journalists in prison in Turkey is falling, thousands of other journalists with print and audiovisual outlets are now being forced to operate in what many describe as prisons without walls.”⁹⁶ Baydar is one of the 1,000 journalists who have lost employment, he because of an op-ed column he published in the *New York Times*.

Baydar refers to the phenomenon being declared “unwanted” by the government. Media outlets are punished if they do not curtail the writings of journalists or terminate those who have offended Erdoğan or the government. They also are denied press credentials that keep them from reporting government-related events. The end result is that journalists are either marginalized from their work or simply dismissed from employment.

All this has led to an epidemic of self-censorship. The net result, Baydar concludes is that these tools allow the government to control and shape the public message in a more sophisticated way than throwing journalists in jail. And it does not make heroes of the jailed journalists.

A February 2015 report by the Ankara Journalists Association for the EU-funded Press for Freedom Project examined the intensifying environment of intolerance in Turkish society and touched on various topics, ranging from freedom of expression to violence against women.⁹⁷ The 140-page report is a compendium of examples of wholesale violations of freedom of expression

http://www.todayszaman.com/anasayfa_turkeys-media-crackdown-world-reactions-in-quotes_367325.html; Editorial, “The news media crackdown in Turkey threatens democracy,”

Washington Post, December 21, 2014,

http://www.washingtonpost.com/opinions/the-news-media-crackdown-in-turkey-threatens-democracy/2014/12/21/55a0e4ee-84a3-11e4-a702-fa31ff4ae98e_story.html.

92. Güven Özalp, “European Parliament urges Turkey to respect freedom of press,” *Hürriyet Daily News*, January 15, 2015,

<http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=76964&NewsCatID=339>.

93. “Report highlights gov’t crackdown on independent journalism in Turkey,” *Today’s Zaman*, March 14, 2015, http://www.todayszaman.com/interviews_report-highlights-govt-crackdown-on-independent-journalism-in-turkey_375122.html.

94. Platform for Independent Journalism, <http://platform24.org/en/>.

95. See also Yavuz Baydar, “Erdogan has all but destroyed Turkish journalism,” *The Guardian*, March 20, 2015,

<http://www.theguardian.com/commentisfree/2015/mar/20/recep-tayyip-erdogan-destroyed-turkish-journalism>.

96. Yavuz Baydar, “Finding new ways to censor journalists in Turkey,” Committee to Protect Journalists, April 27, 2015, <https://cpj.org/2015/04/attacks-on-the-press-finding-new-ways-to-censor-journalists-in-turkey.php>.

97. “Journalists association report warns of rising intolerance in Turkey,” *Hürriyet Daily News*, March 13, 2015, <http://www.hurriyetdailynews.com/journalists-association-report-warns-of-rising-intolerance-in-turkey.aspx?pageID=238&nID=79658&NewsCatID=341>

and freedom of the press and the advance of a climate of fear, state censorship, self-censorship, and rampant lay-offs in the media sector. It noted that 21 journalists are still in prison despite promises of their release.⁹⁸

Erdoğan repeatedly claims that the journalists are not in jail because of anything they wrote, but because of involvement in terrorist activities. The European Court of Human Rights has pointed out that the journalists' works have incited no violence to suffice as evidence for any crimes of terrorism.

The Washington-based Freedom House ranked Turkey overall as a "partly free" country in 2015.⁹⁹ The pro-democracy watchdog group evaluates countries according to the 1948 Universal Declaration on Human Rights (generally, free elections, multiparty democracy, rule of law, and equality of opportunity). Turkey has been stuck at "partly free" on the scale since 2005.

Turkey ranks 154th of 180 countries (14 percentile) in the press freedom index compiled by Reporters Without Borders.¹⁰⁰

Erdoğan's standard response to such critiques is that his election to office is proof of his legitimacy: "In a democracy, everything has to do with the ballot box." Even assuming an open and fair election, there are basic rights and freedoms that are not up for majority vote.

The Human Rights Watch *World Report 2015* criticized Erdoğan and AKP's rollback of the rule of law and human rights as a "clampdown" to exert executive control over

the judicial system, to muzzle social media, and prosecute journalists.¹⁰¹ The report attributes the beginnings of the decline of democracy to the response to the December 2013 corruption allegations. It also faulted the expansion of police powers to search, arrest, and use lethal force and the government's intolerance of demonstrations, dissent, and criticism.¹⁰²

The statements of censure unfortunately are not new, but typical of the last few years.

For example, in 2011, for the third consecutive year, in the European Court of Human Rights, Turkey had the highest number of violations of the European Convention on Human Rights.¹⁰³ The appendix provides more detailed findings of the court, but to give an overview provided by the *Turkish Review*¹⁰⁴:

98. "Hurrah: Partly free again," *Hürriyet Daily News*, January 30, 2015, <http://www.hurriyetdailynews.com/Default.aspx?PageID=238&NID=77628&NewsCatID=425>.

99. Freedom House, "Freedom in the World: Turkey," <https://freedomhouse.org/report/freedom-world/2015/turkey#.VUNixiFVhBc>

100. Reporters Without Borders, "World Press Freedom Index 2014," <http://rsf.org/index2014/en-index2014.php>.

101. Human Rights Watch, *Human Rights Watch World Report 2015* (Turkey chapter), January 29, 2015, <http://www.hrw.org/world-report/2015/country-chapters/turkey>.

102. "Rights group: Turkey's authoritarian tendencies undermine rights," *Today's Zaman*, January 29, 2015, http://www.todayszaman.com/national_rights-group-turkeys-authoritarian-drift-undermines-rights_371120.html.

103. See "Human Rights Violations in Turkey," <http://ecohr.blogspot.com/2013/05/human-rights-violations-in-turkey.html>.

104. Lisa Reppell, "Turkey's track record with the European Court of Human Rights," *Turkish Review*, January 1, 2015, http://www.turkishreview.org/reports/turkey-s-track-record-with-the-european-court-of-human-rights_549090.

Figure 1:
Percentage of total judgments by state (1959-2013)



Figure 2:
Violations by category, Turkey (1959-2013)



A critical media does still exist, with limited reach, defending separation of powers and the rule of law: “Despite all of the practical and legal obstacles, journalism in Turkey seems to be more alive than ever.”¹⁰⁵ It

105. Nate Schenkkan, Osman Coşkunoglu, and Asli Tunc, “The Struggle for Turkey’s Internet,” Freedom House, August 27, 2014,

remains the main hope for Turkey, if the tide of the country’s growing authoritarianism is going to ebb.

Abuse of Criminal Justice System to Suppress the Media

Making oppressive use of the criminal justice system is one of Erdogan’s most salient characteristics of quashing free expression.

Turkey is the world’s worst jailer of journalists. Dozens of reporters remain imprisoned, many in pretrial detentions, under broadly defined and absurdly applied anti-terrorism laws. The majority are Kurdish.

From 2010 to 2011, the number of journalists arrested sharply increased. Thirty were in prison at the beginning of 2010; and, by the beginning of 2011, 104 journalists had been arrested as “members of an armed organization.” The number dropped to 68 at the beginning of 2012 for the same charge or even more dubious charges. Those 68 had combined sentences of 215 years.

In 2013, of the 67 journalists imprisoned, more than half were from Kurdish media businesses and six were the owners or editors-in-chief, according to the Platform for Solidarity with Imprisoned Journalists.¹⁰⁶ The Ministry of Justice provided information that, although all 67 were released, 15 were convicted of crimes, 43 still faced trial; and 53 of the journalists arrested in 2013 were charged with being a member of an armed terrorist group.

Musa Kart’s political caricature, criticizing Erdoğan and the corruption, resulted in his being charged for insulting a politician, exposing private details of an investigation,

<https://freedomhouse.org/sites/default/files/The%20Struggle%20for%20Turkey%27s%20Internet.pdf>,16.

106. See “Press Freedom and Media Developments in Turkey,” Turkey Press Freedom, <http://www.turkeypressfreedom.org/>.

and libel. Erdoğan, using his standard catchall accusation, denounced Kart of being part of Hizmet and intent on dismantling the government. Although Kart was acquitted, Erdoğan's lawyer appealed. The trial judge ruled that a politician has to accept public criticism.



Musa Kart's cartoon, "Political Discourse" portraying Erdoğan spraying tear gas, could have landed him ten years in jail under the charges filed against him.

Alev Yaman, a researcher on Turkey for PEN International, a London-based media rights organization, writes that "The extension of judicial harassment to caricaturists is indicative of the increasing disregard for the right to freedom of expression in the country....Turkey has a long and rich tradition of political satire. "This case not only represents an attack on free speech but also a betrayal of Turkey's artistic and democratic heritage."¹⁰⁷

When political cartoonists played off the

107. Freedom House, "Six Ways Turkey's Press Is Under Pressure," <http://www.buzzfeed.com/freedomhouse/six-ways-turkeyas-press-is-under-pressure-cav8>.

courts dismissing the charges against the high-level suspects in the graft scandal, they found themselves accused of a crime; and others faced government pressure to silence their criticism.

To combat the constant threat to their creative freedom of expression, cartoon magazines have had to become smaller, privatized, and independent without need for government financial backing (such as official notices) or permission to invest. Nor do they attempt to rely on advertising because the government will dog and oppress businesses that advertise in such publications.



Patrick Chappatte

Police questioned Bayram Ali Hanedar, a mathematics teacher, who displayed this cartoon from the International New York Times, on charges of desecrating the Turkish flag. He could face three years in jail. (Credit, Patrick Chappatte).

In January 2015, Turkish authorities detained Frederike Geerdink, a Dutch freelance journalist, on charges of "terrorism propaganda," which carries one to five years in prison. Geerdink focuses on Kurdish issues. She is the author of *De jongens zijn dood* ("The Boys Are Dead"), a book to be published in Turkish about the 2011 military killing of 35 Kurdish civilians.

Dutch Foreign Minister Bert Koenders happened to be in Turkey the same day to meet with the Turkish foreign minister. He pressured officials to release Geerdink, threatening to leave unless she was released. Arresting a foreign journalist is particularly alarming and indicative of worsening press freedom.¹⁰⁸

The Vienna-based International Press Institute and its affiliate, the South East Europe Media Organisation (SEEMO), urged Turkish authorities to dismiss the case against Geerdink without clear and compelling evidence.¹⁰⁹

And, even as security police were grilling Geerdink, Erdoğan, reflecting his own blinkered detachment from reality, rather absurdly—and fiercely—asserted that nowhere else in world is the media as free as in Turkey.¹¹⁰ He suffers no freedom for any critical, opposing, or even abstaining view. On the other hand, there is no leash for pro-government vitriol or insult, regardless of its truth.¹¹¹

108. “5 years sought for Dutch journalist over ‘terrorism propaganda,’” *Today’s Zaman*, February 2, 2015, http://www.todayszaman.com/national_5-years-sought-for-dutch-journalist-over-terrorism-propaganda_371555.html.

109. International Press Institute, “Dutch journalist faces prison in Turkey over online comments,” February 3, 2015, <http://www.freemedia.at/newssview/article/dutch-journalist-faces-prison-in-turkey-over-online-comments.html>.

110. “Turkey and the media: Trying times,” *The Economist*, January 7, 2015, <http://www.economist.com/news/europe/21638196-president-insists-there-no-freer-press-turkeys-really-trying-times>.

111. Sevgi Kuru Acikgoz, “The freedom of expression in an authoritarian state,” *Today’s Zaman*, January 23, 2015, http://www.todayszaman.com/blog/sevgi-kuru-acikgoz/the-freedom-of-expression-in-an-authoritarian-state_370645.html.

Government Interference and Censorship

Apart from all its other anti-press strategies, the government frequently “asks” newspapers to take down unfavorable or critical articles of columnists or take down the columns altogether.

Another form of censorship is use of an accreditation system. Only media with official press cards are allowed at government-related press conferences and briefings or even to enter government buildings, such as to cover parliament, or, one case, to cover a funeral.¹¹²

About half of Turkey’s journalists are banned because they cannot get press cards since they are viewed as critical of the government. The military had created the tactic after the 1997 post-modern coup, and it drew intense criticism from the European Union. Not only did AKP resurrect the scheme, but many journalists believe it is worse than before and more widely applied.

The government also has retaliated against *Zaman* by banning it from government buildings and halting its free distribution on Turkish Airlines, the country’s flagship air carrier (other newspapers are still handed out to passengers), even though it is well-respected and has the highest circulation in the country. The government brooks no criticism.

There is an audio tape of Erdoğan calling a TV station and demanding that it change the subtitles he did not like on a program.¹¹³ The TV station complied immediately.

112. “Erdoğan backs Davutoğlu’s media ban in prosecutor’s funeral,” April 3, 2015, *Today’s Zaman*, http://www.todayszaman.com/national_erdogan-backs-davutoglus-media-ban-in-prosecutors-funeral_377060.html#.

113. This has become the butt of a political joke. Erdoğan begins the call with “Alo [hello], Fatih.”

Wiretapping

The National Security Organization (MİT) has wiretapped journalists covering national security stories, using false names on the warrants in order to avoid judicial scrutiny. In fact, some of the people I interviewed were concerned enough about this issue that they would take precaution. One influential person buried his cell phone in the bedroom during our conversation in the front room.

Economic Control and Manipulation of the Media

The threat to press freedom in Turkey is more insidious than simply jailing journalists, writers, and media figures. The chief mechanism of control of most media in Turkey is not law but the relationships between media owners and the government.¹¹⁴

There is a covert takeover of the press by large pro-Erdoğan enterprises (and perhaps to some extent by Erdoğan himself) that have purchased, control, or have the compelled “loyalty” of a large swath (about two-thirds) of the media. They do not tolerate even a modicum of criticism against officials. The state broadcasting corporation and news agency have turned into government mouthpieces.

Including state television, Erdoğan effectively controls close to thirty of the country’s television stations and eight or so newspapers (about 60 percent of the media altogether), all of which serve a “newspeak” function. Media campaigns spring up against anyone who takes a position with which Erdoğan does not find favor. An estimated 85

114. Susan Corke, Andrew Finkel, David J. Kramer, Carla Anne Robbins, and Nate Schenkkan, “Democracy in Crisis: Corruption, Media, and Power in Turkey,” Freedom House, February 3, 2014, <https://freedomhouse.org/sites/default/files/Turkey%20Report%20-%202014.pdf>, 7.

percent of Turks get their news from television. The partisan, polarizing government programming and news do not bode well for the country’s democracy.¹¹⁵

The government exercises control over the media by how it awards advertising and other contracts. Media owners typically engage in other kinds of business and depend on government contracts. Holding companies sympathetic to the regime receive billions of dollars in government contracts, often through state bodies housed in the prime minister’s office.

Media owners that retain independence must suffer through endless threats of government tax authorities that set up shop in a company for weeks and months and pour over its books, not to mention other government regulators and inspectors, who suddenly appear on the scene. There is a long-time tacit understanding that virtually no business pays all the taxes it owes because of the very high tax structure. So, that always makes a fertile field for probing, no matter the business.

There are some side issues, too, such as the government controlling satellite accreditation and constantly rearranging the listing of television channels so as to confuse viewers and keep them from watching less than full-throttle government news and programming.

Freedom House published a special report in 2014 that addressed media ownership and self-censorship, among other matters relating to suppression and control of the media.¹¹⁶

115. Barçın Yinanç, “Turkish media’s partisan coverage alarming for democracy,” *Hürriyet Daily News*, April 20, 2015, <http://www.hurriyetdailynews.com/turkish-medias-partisan-coverage-alarming-for-democracy.aspx?pageID=238&nID=81271&NewsCatID=338>.

116. Corke, “Democracy in Crisis: Corruption, Media, and Power in Turkey,” Freedom House, <https://freedomhouse.org/sites/default/files/Turkey%20Report%20-%202014.pdf>, 7.

Attacking Critics in the Media And Government Hate Speech

In many respects, government censorship and the resulting chilling effect under Erdoğan is worse than under previous military regimes. But censorship is not the only issue; there is also manipulation of the pro-government press to discredit any opposition and solidify Erdoğan's base—strategic propaganda. The CHP opposition party, for instance, was allowed about 10 percent of coverage media for the 2014 presidential election, compared to AKP.

Similarly, the government used the media and Twitter to go after less pliant judges for their adverse rulings, and even surveiled some judges and their relatives, until it succeeded in bending the judiciary to its will.

Erdoğan frequently calls out journalists publicly by name for their adverse commentary, even to the point of causing them to lose their jobs. He branded two prominent novelists, Orhan Pamuk and Elif Shafak, as part of a Western conspiracy to dismantle his government.¹¹⁷

And when Ivan Watson, a longtime CNN Istanbul reporter was harassed and detained by police while on the air, covering the anniversary of Gezi protests at Taksim Square, Erdoğan, then prime minister, tagged him as a “flunky” and an “agent” in parliament.¹¹⁸ Watson left Turkey for safety reasons.

The pro-government media faithfully replay Erdoğan's and PKP's use of disparaging and denigrating terms (or what many Turks now label as “hate speech”) against their critics.

They use abusive language toward people who confront or oppose them or their policies, even in the mildest ways.¹¹⁹

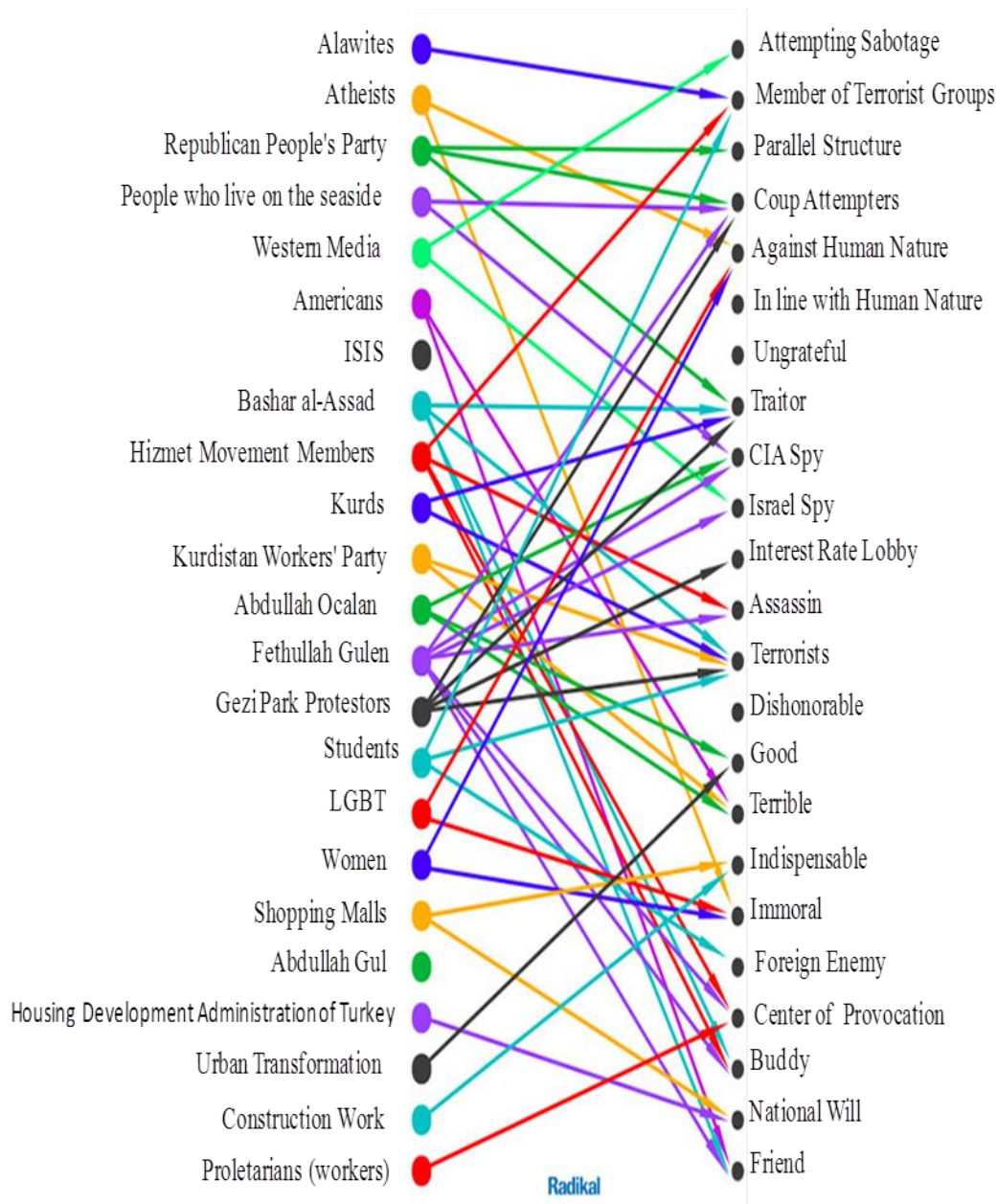
A chart by the *Radikal* newspaper is particularly instructive¹²⁰.

117. “Turkey's Descent Into Paranoia,” *New York Times*, December 19, 2014, <http://www.nytimes.com/2014/12/20/opinion/turkey-s-descent-into-paranoia.html>.

118. “CNN Reporter Attacked on Air Is an 'Agent,' Turkey's Erdogan Says,” *Newsweek*, June 3, 2014, <http://www.newsweek.com/cnn-reporter-attacked-air-agent-turkeys-erdogan-says-253342>.

119. “Abusiveness, arrogance, incivility dominate Erdoğan's rhetoric,” *Today's Zaman*, March 14, 2015, 2015, http://www.todayszaman.com/national_abusiveness-arrogance-incivility-dominate-erdogans-rhetoric_375115.html.

120. “Tüm Zamanların en iyi AKP'yi anlama kilavuzu,” *Radikal*, June 2, 2015, http://www.radikal.com.tr/yazarlar/ezgi_basaran/tum_zamanlarin_en_iyi_AKPyi_anlama_kilavuzu-1287044.



Erdoğan’s erratic and bellicose hate speech is not confined to Turkey’s borders. At an Istanbul rally, he declared that Israel “will drown in the blood they shed” and has compared Israel’s national goals to those of Hitler. And, referring to an Alevi political leader in a speech, he said, “at least he’s not an Armenian.” He also called the Gezi protests an “Alevi uprising” and that Alevis were “experts at bribery.” Such comments are

unworthy of civil discourse, let alone by the head of a country; but they help explain why large numbers of Alevis demonstrated during the Gezi protests. It is not difficult to translate this in terms of the U.S. Civil Rights Movement when African Americans, suffering marginalization and discrimination, were objects of polarizing hate speech.

Prime Minister Davutoğlu likewise uses coded language, for example stating that the

government will not “succumb” to the Jewish, Armenian, or Turkish-Greek minority lobbies.¹²¹ And their hyperbolic attacks on the Pope for his position on the Armenian genocide question, condemning him and claiming he was part of the international conspiracy against AKP, reflect their pandering to the religious sensibilities of the conservative populace.¹²²

Erdoğan’s divisive hate speech is similarly vitriolic against Hizmet. A video of clips from his public speeches and campaign rallies shows him using terms like “parasites,” “perverts,” “assassins,” “traitors,” “grave robbers,” “worse than Shia,” “frauds,” “blood-sucking vampires,” “terrorist organization,” “pawns of Turkey’s foes,” “bloody lobby,” “mobsters,” “pawns of international crime networks,” “crime mob,” “a gang of treachery,” and “sucking like leaches.”¹²³

In the same video clips, Erdoğan attacks Gülen “because he doesn’t have kids,” as a “false prophet, false saint, false scholar, with a void mind,” a “racist,” and for not criticizing Israel, “the master who holds his leash.” And he links Hizmet with Mossad, the Israeli intelligence service, and the PKK, the outlawed Kurdistan Peoples’ Party.¹²⁴ Ironically, he pledges, “We are going to do this witch hunt,” apparently oblivious to what

this dreadful term has meant in human history.¹²⁵

Any turn of events that does not fit Erdoğan’s agenda is ascribed to the “parallel state.” He even blamed the “parallel state” when the various chambers of architects, engineers, and urban planners obtained a court order to block construction of the presidential palace in the environmentally-sensitive Atatürk Forest Farm (an order that Erdoğan arrogantly defied).

“Parallel state” has become so toxic that AKP leaders use it against each other in their internal political party skirmishes. A Turkish brand of McCarthyism has been set loose.

Repressing Freedom of Assembly

How the government handled the 2013 Gezi Park demonstrations raised grave questions about its respect for civil liberty. The peaceful protests initially contested an urban development plan for the park’s green space, and quickly intensified over outrage at the brutal eviction of a small group of protesters doing a sit-in at the park.

But the new security law makes the situation even worse. It will have a severe impact on people’s ability to demonstrate and protest and give the authorities more power to crush dissent.

The domestic security package gives police broader authority to use weapons. The law also expands the scope of the definition of “other weapons” carried and used by protesters during demonstrations that justify officers firing their guns. For example, fireworks will be considered a weapon so that an officer will be able to shoot at protesters who carry or use fireworks.

Under the new security law, anyone carrying banners or emblems or chanting slogans of

121. “Turkey’s PM says AKP will not succumb to ‘Jewish lobby,’” *Hürriyet Daily News*, February 8, 2015, <http://www.hurriyetdailynews.com/Default.aspx?PageID=238&NID=78079&NewsCatID=338>.

122. “Turkey’s Erdogan condemns Pope over Armenia ‘genocide,’” BBC News, April 14, 2015, <http://www.bbc.com/news/world-europe-32309044>.

123. Son Vesayet, “Erdogan’s Hate Speech against the Gülen Movement,” <http://vimeo.com/111633728>; Turkish Task Force, *Hate Speech and Beyond: Targeting the Gülen Movement in Turkey*, Rethink Institute, June 2014, <http://www.rethinkinstitute.org/wp-content/uploads/2014/06/Hate-Speech-and-Beyond.pdf>.

124. Ibid. “Gülenists, PKK attacking Turkey’s resources, President Erdoğan says,” *Hürriyet Daily News*, March 27, 2015, <http://www.hurriyetdailynews.com/gulenists-pkk-attacking-turkeys-resources-president-erdogan-says.aspx?pageID=238&nID=80288&NewsCatID=338>.

125. Vesayet, “Erdogan’s Hate Speech against Gülen Movement,” <http://vimeo.com/111633728>.

outlawed organizations during protests, or otherwise deemed to be spreading “propaganda for a terrorist organization,” will be charged with prison sentences ranging from six months to three years. If they partially cover their faces during a demonstration, they will face up to five years in prison.

Police can detain people for up to 48 hours to uphold public order and pursue some investigations without authorization from prosecutors and judges, raising fears of the arbitrary use of power without judicial oversight.

These and other parts of the security law are clearly designed to curtail protests.¹²⁶

This year, the national government shut down the annual May Day rally in Taksim Square for the second year in a row. Thousands of people used to assemble and rally there peacefully until 2014 when Erdoğan put an end to it. This year Erdoğan permitted only “symbolic” demonstrations. Riot police used tear gas and water cannons to halt groups that attempted to rally in the streets to reach the symbolic square.

Addressing the Taksim Square lockdown, Erdoğan mused about why people needed to rally in Taksim, that it was for everyone, not just protestors. This is reflective of his thinking: he gets to decide what people should think, where they should assemble, and what the mayor of Istanbul should do about it.

Punishing Individuals’ Freedom of Speech

Erdoğan and the government brook little

126. Oguz Alyanak, “No more popular protests? Reflections on Turkey’s Domestic Security Bill,” *Open Democracy*, March 14, 2015, <https://www.opendemocracy.net/oguz-alyanak/no-more-popular-protests-reflections-on-turkey%E2%80%99s-domestic-security-bill>.

criticism, even in the most innocuous situations, as these few exemplars show.

They have tried to prevent all mention of the December 2013 graft probes, even going so far as ordering body guards at an Erdoğan speech in Konya to detain an audience member for recounting the incident at his grandchild’s school. The local prosecutor opted to not press charges.

A 16-year-old Konya high school student was arrested at a student rally, accused of calling Erdoğan a “thieving owner of the illegal palace.” Erdoğan defended the arrest, saying the president needs “to be shown respect.” If convicted, the boy will face one to four years in prison, even though the penalty sees contrary to the criminal code for minors.¹²⁷ His friend, also a high school student, is being prosecuted for insulting Erdoğan by saying “your palace is illegal” into a megaphone at the same rally and likewise faces the same prison term.

In February 2015, the European Court of Human Rights entered a judgment against Turkey for 4,250 euros (\$4,630) in favor of Ferhat Tunç Yosun, a Turkish national singer. A Turkish court had fined him, without a trial, for an impromptu political speech during a concert. Yosun’s comments were critical of the government, stating that Turkey was neither free, nor democratic. He also spoke in support of the Kurdish nationalist movements. The court fined Turkey for trampling on the singer’s freed speech rights and denial of a fair trial.¹²⁸

127. Associated Press, “Turkey: Boy Accused of Insulting President Is Arrested,” *New York Times*, December 25, 2014,

<http://www.nytimes.com/2014/12/26/world/europe/turkey-boy-accused-of-insulting-president-is-arrested.html?smid=fb-share>.

128. “Euro court fines Turkey for fining singer due to speech in concert,” *Hürriyet Daily News*, February 10, 2015,

<http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=78164&NewsCatID=339>.

Erdoğan himself had been known to personally call an employer or university to complain about a critic and demand action against that person. Even saying something as innocuous as, “on the day of judgment, God will not look at the tyrant” can send someone to the unemployment line; it has already done so.

Quelling Social Media

AKP efforts to boost control over the Internet intensified after the Gezi Park protests in June 2013 and the massive December 2013 corruption investigations of government figures. Turkey temporarily blocked Twitter and YouTube in March and April 2014.

Social media played a key part in the Gezi protests, not only for organizing purposes but also to get information out because much of the mainline, government-loyal media downplayed or ignored the protests, particularly in the early stages.¹²⁹ People also use social media like YouTube and Twitter to voice their grievances; but Erdoğan, as prime minister, began to periodically shut down these sites as a “menace to society.”¹³⁰ The government is still set on the same trajectory.

The graft probe a half year later likewise led to an extremely tense period with the government and social media users. Given the bleak state of press freedom in the shadow of a large consortium of pro-government TV stations and newspapers (which sometimes all publish the same headlines), critics retreated to social media outlets, such as

129. Nate Schenkkan, Osman Coşkunoglu, and Asli Tunc, “The Struggle for Turkey’s Internet,” Freedom House, August 27, 2014,

<https://freedomhouse.org/sites/default/files/The%20Struggle%20for%20Turkey%27s%20Internet.pdf>, 15.

130. Sebnem Arsu, “Turkey’s President Traces a New Internal Threat: The Way He’s Drawn,” *New York Times*, January 3, 2015,

<http://www.nytimes.com/2015/01/04/world/europe/turkish-leader-traces-a-new-internal-threat-the-way-hes-drawn.html?smid=fb-share>.

Twitter, Facebook, and YouTube.

Crackdown on Social Media Platforms: Shutting Them Down and Interrupting Service

Twitter is a major news source in Turkey, as it is around the world, and an important site for whistleblowers; censoring it is a major breach of free expression.¹³¹

Restraints on social media, which Erdoğan has declared to be a “pest,” are on the rise.

As with traditional media generally, the government has a three-pronged approach to Twitter: shut it down or censor it, prosecute its users, and manipulate it.

Twitter to the greatest extent possible, and even puts pressure on Twitter to contact its users, requiring them to remove tweets.¹³² One example is Twitter having to remove a reference to a Turkish judge who allowed wiretapping by police.

In March 2014, Turkey banned Twitter hours after Prime Minister Erdoğan threatened to block access to it, claiming that a court ordered the ban. However, *Hürriyet Daily News* reported that an Istanbul court told the Union of Turkish Bar Associations that the block was an executive decision, not a judicial one. YouTube was barred shortly thereafter for “administrative measures,” and Erdoğan threatened to shut down Facebook.

The government’s embroilment in Internet freedom issues has drawn broad censure for filtering political opposition sites and blocking those that are contrary to “Turkish

131. See “Gov’t turns Twitter into means of pressuring dissidents,” *Today’s Zaman*, January 24, 2015, http://www.todayszaman.com/national_govt-turns-twitter-into-means-of-pressuring-dissidents_370704.html.

132. Jenna Krajeski, “Turkey Vs. Twitter,” *New Yorker*, March 21, 2014, <http://www.newyorker.com/news/news-desk/turkey-vs-twitter>.

values" (such as blocking Darwinian evolution sites for a while).

Internet freedom and civil society groups are contesting the censorship regimen in the Council of State, Turkey's highest administrative court, and also challenging a plan to require Internet users to choose one of the government's four content-filtering packages for mandatory use as unconstitutional and violating the right of free expression.

AKP put forth a bill to increase the government's control over the Internet, allowing it to shut down websites that are a threat to "national security" without a court order, as well as to keep public order and ensure the security of life and property.¹³³

Another law would allow the MİT and the police to access and archive people's personal data, even though that would seem on its face to violate the privacy provision of Turkey's constitution¹³⁴ and the European Convention on Human Rights. MİT is already suspected of following, wiretapping, and surveilling critics of the government.

According to Twitter's latest Transparency Report, in the last six months of 2014, Turkey requested the removal of content from 2,642 accounts (an increase of 156 percent). Some 62 accounts and 1,820 tweets were blocked. Out of the 85 withheld accounts in the world, 62 (75 percent) are from Turkey, which is also the country that withholds the highest

number of tweets. Twitter filed legal objections with Turkish courts in response to more than 70 percent of the court orders it received, when it believed the order interfered with freedom of expression law or had other deficiencies. Its "objections to Turkish courts prevailed only five percent of the time."¹³⁵

Google's 2013 Transparency Report stated that Turkey had 1,673 requests for content blockage, just in the first six months of 2013.¹³⁶

Turkey is ignoring the recommendations and guidelines put forward by the Commissioner for Human Rights for the Council of Europe, "The rule of law on the Internet and in the wider digital world."¹³⁷ The Council's position is that people should have the same rights, such as privacy and freedom of expression, online as they do offline, and that actions by government and private-sector entities that affect the exercise of those rights should only be subject to clear regulation.

In 2015, Turkey's parliament voted on amendments to the Internet Law that would repress freedom of expression and information. They include: allowing the government to block individual URLs in the absence of judicial review for national

133. "New bill gives Turkish PM power to shut down websites," *Hürriyet Daily News*, January 24, 2015, <http://www.hurriyetdailynews.com/Default.aspx?PageID=238&NID=77378&NewsCatID=339>.

134. Article 20 states that: "Everyone has the right to demand respect for his/her private and family life. Privacy of private or family life shall not be violated." This right, as amended in 2010, consists of "being informed of, having access to and requesting the correction and deletion of his/her personal data, and being informed whether this data is used in a way that is consistent with the purposes for which it is collected. Personal data can be processed only in accordance with law, or with the concerned individual's consent."

135. Twitter, Inc., "Transparency Report," <https://transparency.twitter.com/removal-requests/2014/jul-dec>. See Melis Alphan, "Banning a thought only makes it flourish," *Hürriyet Daily News*, March 28, 2015, <http://www.hurriyetdailynews.com/banning-a-thought-only-makes-it-flourish-.aspx?pageID=449&nID=80283&NewsCatID=507>.

136. Committee to Protect Journalists, "International journalists killed at high rate in 2014; Middle East deadliest region," December 23, 2014, <http://cpj.org/reports/2014/12/international-journalists-killed-at-high-rate-in-2014-middle-east-deadliest-region-for-press.php>.

137. Commissioner for Human Rights, "The rule of law on the Internet and in the wider digital world," Council of Europe, December 2014, <https://wcd.coe.int/ViewDoc.jsp?id=2268589>.

security reasons,¹³⁸ to mandate Internet data retention for up to two years, as well as to merge the Internet Service Providers into one provider. URL blocking would require “deep packet inspection,” an especially invasive type of surveillance. The consolidation into one provider would further increase the already extensive control over media by the government. The deteriorating state of Internet freedom is not new. Turkish authorities briefly shut down Twitter, Facebook and YouTube on April 6, 2015, and vowed to block access to Google until the websites removed a photo of a terrorist holding a gun to a prosecutor taken hostage at an Istanbul courthouse. The government banned publication of the photo and charged four newspapers for “spreading terrorist propaganda” after they published it.¹³⁹ The prosecutor and the terrorists were killed when a shootout with the police erupted. The appropriateness of the photo is obviously open to debate, but not to news censorship that the state gratuitously dubs as “terrorist propaganda.”

Punishing Individual Users of Social Media

Any number of students, journalists, teachers, and even a former Miss Turkey beauty queen are facing legal proceedings for “insulting”

138. “New bill gives Turkish PM power to shut down websites,” *Hürriyet Daily News*, January 24, 2015, <http://www.hurriyetdailynews.com/new-bill-gives-turkish-pm-power-to-shut-down-websites.aspx?pageID=238&nID=77378&NewsCatID=339>. See Jenna Krajeski, “The Last Chance To Stop Turkey’s Harsh New Internet Law,” *New Yorker*, February 14, 2014, <http://www.newyorker.com/news/news-desk/the-last-chance-to-stop-turkeys-harsh-new-internet-law>.
139. Tim Arango, “Turkey Blocks YouTube and, Briefly, Twitter Over Hostage Photo,” *New York Times*, April 7, 2015, <http://www.nytimes.com/2015/04/07/world/europe/turkey-blocks-twitter-youtube-and-sites-that-published-hostage-photo.html>.

Erdoğan on social media, something inconceivable in the United States and other democratic countries.¹⁴⁰

Here are a few egregious examples, in addition to those already cited.

Journalist Sedef Kabas tweeted about the need to remember the name of the judge who issued the decision not to pursue the December 17, 2013 corruption investigation. The government deemed this worthy of up to five years’ imprisonment for “targeting people involved in the fight against terrorism and making threats.” She was released after testifying, but her phone, iPad, and laptop were confiscated.¹⁴¹

In 2013, Fazıl Say, a world-renowned pianist, was convicted for “insulting religion” in comments he made on Twitter, receiving a suspended jail sentence. In one message, Say re-tweeted a verse by 11th-century Persian poet Omar Khayyám, attacking pious hypocrisy.¹⁴²

A university medical faculty dean had to resign his position for tweeting a joke about one of the sixteen Ottoman palace guards when Erdoğan first paraded them at the new

140. “School teachers facing probe for ‘insulting president’ during protest,” *Today’s Zaman*, March 14, 2014, http://www.todayszaman.com/national_school-teachers-facing-probe-for-insulting-president-during-protest_375243.html; “3 detained in Turkey for ‘insulting’ President Erdoğan on Twitter,” *Hürriyet Daily News*, March 13, 2015, <http://www.hurriyetdailynews.com/3-detained-in-turkey-for-insulting-president-erdogan-on-twitter.aspx?pageID=238&nID=79665&NewsCatID=341>.
141. Adam Taylor, “This single tweet got a Turkish journalist detained,” *Washington Post*, Dec. 30, 2014, <http://www.washingtonpost.com/blogs/worldviews/wp/2014/12/30/this-single-tweet-got-a-turkish-journalist-detained/>; “Turkish anchorwoman faces five years in jail for tweet,” *Hürriyet Daily News*, Jan. 17, 2015, <http://www.hurriyetdailynews.com/Default.aspx?PageID=238&NID=77077&NewsCatID=338>.
142. “Turkish composer and pianist convicted of blasphemy on Twitter,” *The Guardian*, April 16, 2013, <http://www.theguardian.com/world/2013/apr/15/turkish-composer-fazil-say-convicted-blasphemy>.

palace. He said the soldier looked like he was dressed in a bathrobe¹⁴³—something that would be standard political satire in most countries.

In February 2015, Dr. Ahmet Koyuncu, a psychiatrist specializing in social anxiety disorders and author of six books, was charged with “insulting” Erdoğan in an article he posted on Facebook. He wrote that Erdoğan had “average Anatolian religiosity,” and now faces up to two years in prison.

Koyuncu denied any intent to insult, but that his article was a scientific sociological and psychological analysis to explain Erdoğan’s and his aide’s insensitive and violent responses of kicking and punching protestors in Soma following Turkey’s biggest mining tragedy there in which 301 workers died (another sensitive issue for Erdoğan). Koyuncu also claimed the prosecutor selectively excerpted words from the article, taking them out of context, in order to punish him.¹⁴⁴

In April 2015, a journalist from a local daily in southeastern Turkey received a 2-year suspended prison sentence for “liking” a remark criticizing Erdoğan on Facebook, which the court deemed as an “insult.”¹⁴⁵

Not only does Turkey try to block Twitter by suppressing it or punishing its users, the government and its pseudonymous stand-ins

also use Twitter to scare, harass, and even threaten critics through Twitter messages.

Women’s Rights in Regression

Erdoğan has lit other fires, too. Right after the Gezi protests, he told women to have three to five children because “birth-control mechanisms for years...nearly castrated our citizens....Their objective was to reduce the population of this nation and for this nation to lag behind in the competition of nations. We are disrupting this game. We have to.”¹⁴⁶ He called birth control treason because it undermines Turkish lineage and prevents Turkish growth.¹⁴⁷

This nationalist paternalism ignited intense disparagement about meddling in citizen’s private lives. Undeterred and tone deaf, Erdoğan since has moved to end mixed-gender college student houses, saying such was the duty of his “conservative” government.

Erdoğan also has made remarks about women being unequal according to the Qur’an,¹⁴⁸ and cannot perform the same jobs because it goes against their “nature.” Some critics see this sexism as a distraction from the regime’s corruption and problems, but

143. “Turkish professor resigns over joke about Erdoğan’s 16 warriors,” *Hürriyet Daily News*, January 20, 2015, <http://www.hurriyetdailynews.com/turkish-professor-resigns-over-joke-about-erdogans-16-warriors.aspx?PageID=238&NID=77166&NewsCatID=341>.

144. “Psychiatrist to face court for ‘insulting’ Erdoğan in Facebook post,” *Today’s Zaman*, February 7, 2015, http://www.todayszaman.com/national_psychiatrist-to-face-court-for-insulting-erdogan-in-facebook-post_372052.html.

145. “Journalist receives jail sentence for ‘liking Erdoğan insult,’” *Hürriyet Daily News*, April 4, 2015, <http://www.hurriyetdailynews.com/journalist-receives-jail-sentence-for-liking-erdogan-insult.aspx?PageID=238&NID=80587&NewsCatID=339>.

146. Kadri Gursel, “Turkey Pulse: Erdogan’s ‘Three Children’ Campaign Alienates Women,” *Al Monitor: The Pulse of the Middle East*, <http://www.al-monitor.com/pulse/originals/2013/06/erdogan-three-children-campaign-women.html>.

147. Ceylan Yeginsu, “Turkey’s President Accuses Advocates of Birth Control of Being Traitors,” *New York Times*, December 22, 2014, <http://www.nytimes.com/2014/12/23/world/europe/erdogan-turkey-president-says-contraception-supporters-traitors.html?smid=fb-share>.

148. “Turkey president Erdogan: Women are not equal to men,” *BBC News*, November 24, 2014, <http://www.bbc.com/news/world-europe-30183711>; Elahe Izadi, “Turkey’s president says women are not equal to men,” *Washington Post*, November 24, 2014, <http://www.washingtonpost.com/blogs/worldviews/wp/2014/11/24/turkeys-president-says-women-are-not-equal-to-men/>.

more likely Erdoğan is expressing what he believes.

Hidayet Tuksal, a women's rights activist, replied that Erdoğan "...might be inspired by his religious identity, but no verse in the Quran clearly defines woman's and man's nature." Writer Riada Asimovic Akyol also responded. Her argument was that a major problem in the Muslim world in regards to gender issues is that, when religious texts were produced, people lived in male-controlled societies and their frame of mind was that one's biological makeup completely determined who that person was.¹⁴⁹

Erdoğan's thinking promotes sexism, and his actions exacerbate the societal problem of women as scapegoats. Dunja Mijatovic, the media freedom representative for the Organisation for Security and Co-operation in Europe, noted that women are singled out in the government's campaign against its critics: "Female journalists and bloggers are being fiercely attacked on Twitter, Facebook, and in online articles and blogs. This is an additional way of silencing critical voices, an issue that my office will focus on and analyze in the near future."¹⁵⁰

What makes Erdoğan's comments so reprehensible is that he does not appear

bothered by the fact that Turkey ranked 120 out of 136 on the World Economic Forum's 2013 gender gap index, which includes economic, political and educational indicia.¹⁵¹ That is a poor measure for a country that claims to be a democracy.

Erdoğan's lack of leadership on women's issues is also negative in dealing with the extremely high rate of violence against women, which has been increasing at an alarming rate (by more than 1400 percent in the first decade of the century). This is due, in part, to male dominance in the public sphere where women are becoming more and more visible.¹⁵²

In his National Women's Day speech in 2011, Erdoğan actually stated that "violence against women was an exaggeration," invalidating the reality. His comments that "women are not equal" certainly have to the potential of legitimizing violence against women or, at least, not delegitimizing it.¹⁵³

Almost half of Turkish women report experiencing violence from an intimate partner, according to a May 2014 report from the Organization for Economic Cooperation and Development. This is significantly greater than the worldwide average of at least 35 percent of women having experienced such violence, according to a 2013 United Nations report.

In 2014, men, mostly husbands or partners, killed almost 300 Turkish women, according to Bianet, a Turkish nongovernmental organization and news website focusing on

149. Riada Asimovic Akyol, "On Erdogan and Muslim Mothers," *Aljazeera*, November 28, 2014, <http://www.aljazeera.com/indepth/opinion/2014/11/erdogan-muslim-mothers-20141128194830365312.html#.VLxwfx5UHcU.facebook>. See Elif Shafakjan, January 26, 2015, "Turkey's Politics of Fatigue," *New York Times*, January 26, 2015, <http://www.nytimes.com/2015/01/27/opinion/turkey-s-politics-of-fatigue.html?smid=fb-share&r=0>.
150. "Turkey and the media: Trying times," *The Economist*, January 7, 2015, <http://www.economist.com/news/europe/21638196-president-insists-there-no-freer-press-turkeys-really-trying-times>; Rick Gladstone, "U.S. Criticizes Efforts to Intimidate Times Reporter in Turkey," *New York Times*, September 20, 2014, <http://www.nytimes.com/2014/09/21/world/europe/us-criticizes-efforts-to-intimidate-times-reporter-in-turkey.html>.

151. World Economic Forum, "The Global Gender Gap Report 2013," <http://www.weforum.org/reports/global-gender-gap-report-2013>.

152. Barçın Yinanç, "Turkey's official policies fail to stop murders of women," *Hürriyet Daily News*, February 23, 2015, <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=78689&NewsCatID=341>.

153. Arzu Kaya Uranli, "I Ask, 'Where Are You, Mr. President?'" *Huffington Post*, February 17, 2015, http://www.huffingtonpost.com/arzu-kaya-uranli/i-ask-where-are-you-mr-pr_b_6694278.html.

human rights issues. That is up from about 200 a year since 2010, when it started keeping track.¹⁵⁴ The Human Rights Association, another Turkish NGO, reported in 2014 that 335 women died and 789 suffered injuries from domestic violence and abuse.¹⁵⁵

In its September 2014 report, Human Rights Watch said that "perpetrators of violence against women, most commonly male partners, ex-partners, and family members, often enjoy impunity" in Turkey and that authorities have failed to implement a 2012 law to protect women from violence.¹⁵⁶

A particularly heinous rape and murder of Özgecan Aslan, a 20-year-old university student, in February 2015 galvanized the nation's attention. Erdoğan called violence against women the country's "bleeding wound," but in subsequent months his actions have seemed to divide any efforts to address and reduce the violence.¹⁵⁷ He also mocked and denigrated a large Istanbul demonstration of men, wearing skirts, in solidarity with women and against the level of violence. He has not initiated any affirmative systemic action to address the violence itself.

154. Ayla Albayrak, "Student's Killing Turns Spotlight in Turkey on Violence Against Women," *Wall Street Journal*, February 17, 2015, <http://www.wsj.com/articles/students-killing-turns-spotlight-in-turkey-on-violence-against-women-1424208858>.

155. "İHD 2014 report: 335 women killed in domestic violence in Turkey," *Today's Zaman*, March 5, 2015, http://www.todayszaman.com/national_ihd-2014-report-335-women-killed-in-domestic-violence-in-turkey_374434.html.

156. "Turkey's Human Rights Rollback: Recommendations for Reform," Human Rights Watch, September 2014, http://www.hrw.org/sites/default/files/reports/turkey0914_ForUpload.pdf.

157. "Erdoğan divides Turkish women with approach to tackling violence," *Today's Zaman*, April 20, 2015, http://www.todayszaman.com/anasayfa_erdogan-divides-turkish-women-with-approach-to-tackling-violence_378463.html#.

Due Process and the Courts

The judicial system was the only branch of government that Erdoğan and AKP did not control at the outset, but they set about bringing it under their thumb through legislation and pushing for control of the Supreme Council of Judges and Prosecutors (HSYK).¹⁵⁸

Many judges and prosecutors, who may otherwise be impartial, are intimidated and bullied into supporting AKP under threat of HSYK replacing them. Being replaced means that HSYK reassigns a judge or prosecutor, who acts against AKP, to a courthouse somewhere else in the country, perhaps even a small rural community hundreds of miles away that may not offer the same educational opportunities for the official's children. Being replaced also undercuts career advancement.

It is a realistic fear. In 2014, HSYK replaced about 3,500 (23 percent) of 15,000 judges and prosecutors.¹⁵⁹ For example, two of the three judges involved in ordering relevant documents from state agencies during the government takeover of Bank Asya were replaced.¹⁶⁰ Independence and impartiality are at risk with a Damocles sword hanging above one's head.

Cranking up the intimidation of judges, in April 2015, HSYK, at the instigation of the Justice Ministry Undersecretary, who is also the HYSK president, initiated an investigation of judiciary members, searching for those

158. See Ergun Özbudun, "Pending Challenges in Turkey's Judiciary," Istanbul Policy Center (Sabanci University), January 2015, [http://ipc.sabanciuniv.edu/en/project/global-turkey-in-europe-series/\(Policy Brief 20\)](http://ipc.sabanciuniv.edu/en/project/global-turkey-in-europe-series/(Policy%20Brief%20)).

159. "Supreme Board of Judges reassigns judge five times in last year," *Today's Zaman*, April 17, 2015, http://www.todayszaman.com/national_supreme-board-of-judges-reassigns-judge-five-times-in-last-year_378332.html.

160. Günel Kurşun, "Clear intervention in judiciary," *Today's Zaman*, February 8, 2015, http://www.todayszaman.com/columnist/gunal-kursun/clear-intervention-in-judiciary_372094.html.

supposedly affiliated with the “pro-Gülen ‘terror organization.’”¹⁶¹ In other words, if you do not follow the AKP line, we will brand you with the “Gülen” name and get rid of you.

Revised Search and Seizure Law

Parliament adopted a new “reasonable suspicion” law shortly before the December 14, 2014, police operations took place to prevent any special “commemorations” of the first-year anniversary of December 17. The “reasonable suspicion” act lowers the threshold of cause or evidence needed to justify searches and reverses a February 2014 reform that had allowed courts to grant officers the power to search people and property only on “strong suspicion, based on concrete evidence.” Police also received authority under the new law to seize the property of anyone accused of “committing a crime against the government.”

Turkey’s new, controversial internal security law is fairly draconian, especially when coupled with the lax “reasonable suspicion” search standard. It has received extensive criticism, domestic and foreign, for granting extensive powers to officers and provincial governors.

Provincial and district governors, who are politicians, can now instruct police to investigate criminal activity, whereas previously only professional, non-political public prosecutors had such authority. Likewise, police will be able to obtain verbal search warrants and search cars without a warrant when stopping them for other reasons (such as to check the driver’s identity). Turkey’s bar associations vigorously opposed the law as leading to a

161. “Top judicial body probes judiciary members affiliated with pro-Gülen ‘terror organization,’” *Hürriyet Daily News*, April 14, 2015, <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=81041&NewsCatID=509>.

police state.¹⁶²

The law also closed down the police academy and colleges that prepared administrative personnel for the police force. It transfers current students to other schools, based on exam grades, and brings instructors under the Ministry of Education. This provision structurally undermines any repeat of the investigations that led to the December 2013 corruptions probes.

Abuse and Manipulation of the Courts

According to Turkish media reports, as of March 2015, the number of criminal complaints that Erdoğan’s lawyers had filed on charges of insulting or humiliating him had reached 236 since he was elected president on August 10, 2014. That averages out to a criminal complaint a day.

Among those targeted are journalists, cartoonists, cultural icons and even high school students. Of the 236 individuals, eight are currently under arrest and trials are under way involving 105 of them. Prosecutors rejected the remaining complaints without bringing them to trial. One of the most recent “insulting” criminal charges was filed against a famous theater and television actress for merely sharing a comedic caricature of Erdoğan.¹⁶³

The very idea that a political leader can sue citizens for an insult is incongruous with a democracy. Not only does this practice “chill” free expression, which American

162. Ceylan Yeginsu, “Turkish Parliament Expands Police Powers and Cracks Down on Demonstrations,” *New York Times*, March 27, 2015, <http://www.nytimes.com/2015/03/28/world/europe/turkish-parliament-expands-police-powers-and-cracks-down-on-demonstrations.html>.

163. “Actress faces 2 years in jail for ‘insulting’ Erdoğan,” *Today’s Zaman*, March 27, 2015, http://www.todayszaman.com/national_actress-faces-2-years-in-jail-for-insulting-erdogan_376426.html.

jurisprudence would prohibit, it freezes it. Who knows what Erdoğan will find “insulting” or “humiliating” from one day to the next?¹⁶⁴ It apparently is not much.

Besides Erdoğan has the bully pulpit, which he ably uses, to counter insults. And even when someone walks free of the charge, that person still has had to incur the expenses of an attorney, quite apart from lost time and public embarrassment.

The “insult” prosecutions are not limited to Erdoğan but include his son. *Millet Daily* columnist Ergun Babahan faces an indictment and could serve up to two years and eight months in prison, if convicted for insulting Bilal Erdoğan. The younger Erdoğan filed the complaint over the column, “Let’s protest together: We will bring thieves to account,” published on December 17, 2014—the first anniversary of the eruption of the corruption and bribery investigation.¹⁶⁵

Peace Courts as a Government Tool

The government established a new part of the judiciary, namely 110 penal judges of peace across Turkey, whose purpose is to issue warrants under the new security law. These courts are designed procedurally to facilitate issuance of warrants, rather than to review them. Erdoğan and the government have not hid their agenda with the new courts, and that is to prosecute the “parallel state.”

Since their establishment, these courts have issued rulings that led to sweeping police operations and the detention and arrest of dissident journalists, opinion leaders, and outspoken critics of the government. And they have had no compunction in overruling higher courts to interfere with the rights of

Hizmet-associated defendants or those falsely and maliciously tagged with the Hizmet or “parallel state” sobriquet.¹⁶⁶

Lengthy Detentions, Excessive Force, and Torture

The persistent issues of lengthy detentions, excessive force, and torture are interrelated. The longer a person is detained before being taken before a court, the more likely the person may be the victim of ill-treatment, excessive force, or even some degree of torture.

Article 17 of the constitution prohibits torture. Article 243 of the penal code limited the offense of torture or cruel, inhuman treatment to acts aimed at securing a confession to a crime or, in cases of victims or witnesses, influencing the decision to make certain statements or complaints. Eight years’ imprisonment is the maximum sentence. Article 245 made the sentence three months to five years for those who use bad treatment or made a detainee suffer without an order from superiors, a rather strange concept. According to the Justice Ministry, Article 245 is employed four times more often than Article 243.¹⁶⁷

The June 2005 penal code made “torment” an offense (but left it undefined) in addition to retaining the offenses of torture and ill-treatment. The offense of torment has a comparatively small sentence and allows the accused the right to a suspended sentence.

The Human Rights Association in Turkey reported that 650,000 people have been arrested for political reasons since 1980; and,

164. Mark Lowen, “The problem with insulting Turkey’s President Erdogan,” BBC News, April 16, 2015, <http://www.bbc.com/news/world-europe-32302697>.
165. Ibid.

166. “Judges who ordered release of journalist and investigators stand by their decisions,” *Today’s Zaman*, April 27, 2015,

http://www.todayszaman.com/national_judges-who-ordered-release-of-journalist-and-investigators-stand-by-their-decisions_379105.html.

167. See generally “Torture in Turkey,” Wikipedia, http://en.wikipedia.org/wiki/Torture_in_Turkey.

over the years, one million people have been victims of torture, according to the Human Rights Foundation of Turkey in 2008.

In the 1980s particularly, Amnesty International published many reports related to allegations of widespread, systematic torture. Delegations went to Turkey to investigate torture claims from NGOs like the International Commission of Jurists, the International Federation of Human Rights, and Amnesty, as well as the Council of Europe. The European Committee for the Prevention of Torture became the main investigative body with the aid of the UN Special Rapporteur on Torture.

Torture was prevalent until very recent times to deal with the violent nationalism that erupted with the emergence of the Turkish nation-state, buttressed by the military. In fact, torture was part of quashing internal opposition to the phenomenon of “Turkification,” an ideology that sought to create a nation comprised solely of “Turks.”

The country’s ethnic diversity posed a problem to the government’s nationalist vision, particularly in regard to the linguistically distinct non-Turkish people, the Kurds. The government saw it as a priority for its homogenous nationalism to label “Kurdishness” a national security threat and bring Kurdish provinces under emergency rule. The Kurds resisted, and the PKK led an armed struggle against Ankara. More than 40,000 people died. Torture was common and omnipresent. Turkey achieved modernization and nation building by riding on the back of torture to force assimilation. This has implications for the country’s politics today.

The AKP government did make an effort in 2008 to prevent torture with new legislation and surprise inspections of police stations. This was after a government human rights report found that torture and ill-treatment came third in number of citizen complaints for 2007.

But the danger still persists that the lengthier

the detention the greater the probability of ill-treatment, excessive force, or even some variant of torture. This is one reason why the issue of extreme detention draws so much attention from the European Union and other entities.

In fact, in April 2015, the European Court of Human Rights issued a \$9,600 judgment against Turkey on this precise point, that excessive detention of a suspect led to ill-treatment in prison and a confession under duress without his lawyer present.¹⁶⁸

Lengthy detention is likewise clearly a due process issue in and of itself as deprivation of liberty without proper and prompt legal process and adjudication.

Economic Retaliation

In October 2013, in the aftershock of the Gezi protests, companies that the government perceived to have supported the demonstrators faced intrusive inspections, tax audits, and denial or cancelation of major contracts; one such company was Koç Holding—Turkey’s largest conglomerate.¹⁶⁹

Erdoğan denounced Koç Holding after one of its Istanbul hotels gave shelter to protesters fleeing police tear gas¹⁷⁰: “We know which hotel owners helped terrorists. Those crimes will not remain unpunished.”

At the end of 2013, the government shut

168. “Turkey fined for ill-treatment of suspect and lack of investigation into death,” *Hürriyet Daily News*, April 28, 2015, <http://www.hurriyetdailynews.com/turkey-fined-for-ill-treatment-of-suspect-and-lack-of-investigation-into-death.aspx?pageID=238&nID=81686&NewsCatID=510>.

169. Alexander Christie-Miller, “Is Erdogan punishing a Turkish business empire for helping protesters?” *Christian Science Monitor*, October 8, 2013, <http://www.csmonitor.com/World/Middle-East/2013/1008/Is-Erdogan-punishing-a-Turkish-business-empire-for-helping-protesters>.

170. “Freedom in the World 2014: Turkey,” Freedom House, <https://freedomhouse.org/report/freedom-world/2014/turkey-0#.VMZUyYf4h6k> (Section G).

down one of the five major gold mines of Koza Altın A.Ş.¹⁷¹ Koza Altın is owner of the *Bugün Daily* and Kanal Türk TV station, which had been critical of the government's authoritarian actions.

On the flip side of this coin, the government has extended its largesse to loyal private media owners in the form of contracts to their many other businesses¹⁷²; and columnists, who serve as AKP defenders, have seen enhanced paychecks.

Another form of economic pressure is the government's intent to abolish the public sector's civil service system. That would introduce cronyism into the system at the expense of competence. It would also provide the mechanism to discriminate against hiring people because of their politics, religious beliefs, or ethnic origin—another setback for liberal democracy.

Specific Erdoğan Actions against Hizmet Movement

Besides economic retaliation against thousands of individuals from all walks of life thought to be Hizmet members, supporters, or sympathizers, or who simply spoke out in opposition to government actions against the movement, chronicled above, Erdoğan and AKP have taken the following actions against Hizmet-associated institutions:

- Made it considerably more difficult for the Kimse Yok Mu Solidarity and Aid Association to operate and almost

impossible to respond in time to natural calamities around the world, and harassed the foundation with a “terrorism” investigation and extreme inspections by regulatory authorities

- Shut down a thousand college preparatory schools, affecting tens of thousands of potential college students (about 25,000 students each year) and loss of employment for 15,000 people (another 3,000 non-Hizmet schools took the same hit, simply because of Erdoğan's personal war against Fethullah Gülen)
- Prevented the International Turkish Language Olympiads, a competitive event for high school students worldwide, from any longer holding its annual final event in Turkey
- Arrested the editor-in-chief of the *Zaman* newspaper and incarcerated him four days, which adversely affected the newspaper's business
- Imprisoned Hidayet Karaca, the chairperson of Samanyolu (STV), causing the company's advertising revenue to drop significantly and forcing it to cut programming
- Set the stage for Turkey's banking agency (BDDK) to take over 63 percent of Bank Asya, the country's biggest Islamic lender and an important financier of Hizmet activity in Turkey

These are nationwide actions, but there are countless local government actions, too, such as canceling rental contracts for governmental public-use buildings (and the flaunting court orders to reinstate the leases), resulting in summary evictions, derogatory and disparaging comments in the media about local Hizmet-associated schools and businesses, and even building random city streets through school campuses.

171. “Koza Altın latest victim of government silencing political dissent,” *Today's Zaman*, December 31, 2013, http://www.todayszaman.com/business_koza-altin-latest-victim-of-government-silencing-political-dissent_335399.html.

172. Yavuz Baydar, “In Turkey, Media Bosses Are Undermining Democracy,” *New York Times*, July 19, 2013, <http://www.nytimes.com/2013/07/21/opinion/sunday/in-turkey-media-bosses-are-undermining-democracy.html?pagewanted=all>.

CONCLUSION

The question on the table is the extent to which Hizmet and other civil society advocates can push the government back on track to honor and fulfill the dreams of those who sacrificed to bring Turkey to where it had come just five years ago. How much democracy grows in Turkey from here on out is very problematic. The only star on the horizon, faint though it be, is made up of all those people pushing back against the authoritarianism of the government. The rest of us should do what we can for the sake of the good people of Turkey and for the well-being of the world community.

Now I'm not one to lose hope. I keep on hoping. I still have faith in the future. But I've had to analyze many things over the last few years and, I would say, over the last few months. I've gone through a lot of soul searching and agonizing moments, and I've come to see that we have many more difficult days ahead. And some of the old optimism was a little superficial, and now it must be tempered with a solid realism. And I think the realistic fact is that we still have a long, long way to go.

Martin Luther King, Jr.
NBC News interview with Sander Vanocur, 1967

APPENDIX: REPORTS ON TURKEY

U.S. Department of State, Country Reports on Human Rights Practices for 2013: Turkey

The Country Reports on Human Rights Practices are Congressionally mandated and prepared by the U.S. Department of State with the goal of achieving “free and equal dignity in human rights” worldwide. Turkey is a country of concern in the 51-page 2013 report.¹⁷³ These reports chronicle human rights conditions in almost 200 countries and territories and draw attention to governments that fall short of their obligation to uphold human rights.

Overall, the report faults a lack of justice on the part of government officials and security forces and lists the most serious human rights violations as:

¹⁷³. U.S. Department of State, Bureau of Democracy, “Country Reports on Human Rights Practices for 2013: Turkey,” <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<p>Government interference with freedom of expression and assembly</p>	<ul style="list-style-type: none"> • New laws restricting freedom of expression, the press, and the Internet • Incarceration of journalists • Self-censorship out of fear of government retribution • Excessive police force used to disperse protests • Detained innocent civilians during protests, prosecuted using vague antiterrorism law • Mass casualties during Gezi Park protests
<p>Law enforcement and administration of justice</p>	<ul style="list-style-type: none"> • Broad new laws restricted access to justice • Judicial system politicized and overburdened • Arbitrary arrests • Extended trials • Close connection between prosecutors and judges gave appearance of bias • Inconsistent and uncertain application of criminal laws • Undue executive branch influence on justice system
<p>Inadequate protection of vulnerable populations</p>	<ul style="list-style-type: none"> • Women, children, and lesbian, gay, bisexual, and transgendered individuals vulnerable and unprotected from societal abuse, discrimination, and violence • Increased violence against women • Child marriage
<p>Other</p>	<ul style="list-style-type: none"> • Allegations of torture • Excessive force by law enforcement • Prison overcrowding • Restriction and abuses of religious freedom • Corruption • Government restrictions on human rights organizations

**US Department of State,
International Religious Freedom
Report for 2013¹⁷⁴**

A second 19-page report, this one on religious freedom in Turkey, also prepared by the U.S. State Department's Bureau of Democracy, Human Rights and Labor, notes that, despite Turkey's constitution and other laws and

policies generally protecting religious freedom, religious believers and practitioners have experienced restrictions justified by other constitutional provisions, laws, and policies.

Abuse of religious freedom as well as discrimination also occurred. Members of a multitude of religious minority groups like Christians, Bahais, and non-Sunni Muslims, including the Alevi population, have been threatened and regarded with great suspicion.

174. U.S. Department of State, "International Religious Freedom Report for 2013," <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

Anti-Semitism has also become more prominent, especially in the ranks of the government and media, causing Jewish leaders to call attention to this growing problem.

Religious groups have also been systematically restricted from registering with the government, owning property, and training their members and clergy. Despite Prime Minister Erdoğan promising to return disputed land to the Mor Gabriel Syriac Orthodox Monastery, no such promise was fulfilled by the end of the year. Further, despite it being legally possible to obtain a religious worker visa and/or residence permit, in reality, foreigners are not able to obtain them.

The Secretary of State, the Ambassador, and other U.S. officials have made concerted efforts to convey the importance of religious freedom to Turkish government officials.

European Commission: Turkey 2014 Progress Report

This 81-page report describes the progress or non-progress of various aspects of Turkish government, economy, and society in the country's bid to become a member of the European Union, which are divided into 31 chapters.¹⁷⁵ This very brief synopsis summarizes the two chapters relating most to civil society.

In its Communication 'Enlargement Strategy and Main Challenges 2014-15,' the Commission put forward the following conclusions and recommendations on Turkey:

Turkey is a candidate country and a strategic partner for the European Union....

The response of the government following allegations of corruption in December 2013 has given rise to serious concerns regarding the independence of the judiciary and separation of powers. The widespread reassignments and dismissals of police officers, judges and prosecutors, despite the government's claim that these were not linked to the anti-corruption case, have impacted on the effective functioning of the relevant institutions, and raise questions as to the way procedures were used to formalise these. It is crucial that the investigations into corruption allegations are properly conducted in full transparency and the operational capabilities of the judiciary and the police are assured. Attempts to ban social media, later overturned by the Constitutional Court, and pressures on the press leading to a widespread self-censorship, reflect a restrictive approach to freedom of expression. The approach taken in the area of freedom of assembly remains restrictive. Turkish legislation and its implementation concerning the right to assembly and intervention by law enforcement officers will need to be brought in line with European standards.

In this context, priorities for Turkey will be to promote dialogue across the political spectrum and society more broadly, to reinvigorate its rule of law reform efforts and to pay particular attention to the respect of fundamental rights in law and in practice. Opening negotiations on chapters 23 and 24 would provide Turkey with a comprehensive roadmap for reforms in this essential area. Turkey is invited to engage more systematically with the Commission and other relevant bodies, such as the Council of Europe, including the Venice Commission....This report describes various aspects of Turkish government, economy, and society in its bid for becoming a member of the European Union.¹⁷⁶

Twenty of the 81 pages, a full quarter of report, are dedicated to civil liberties and civil society, which the report describes as "a mixed picture in the area of fundamental rights."

175. European Commission, "Turkey Progress Report," October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf.

176. Ibid., 1-2.

Chapter 23 (“Judiciary and fundamental rights”) runs the gamut, listing serious particularities: issues of independence, impartiality, and efficiency of the judiciary; frequent police use of excessive force during demonstrations and arrests; access to justice; freedom of expression, thought, conscience, and religion; women’s rights and gender equality (including violence against women); social vulnerability of certain groups (such as persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons; labor and trade union rights; minorities (the Roma in particular); cultural rights (the Kurdish population); children’s rights; and, protection of personal data.¹⁷⁷

Chapter 26 (“Education and Culture”) noted that education spending and reforms have had a positive impact, but have not fixed problems of gender inequality in the education system.¹⁷⁸

European Court of Human Rights

Turkey ratified the European Convention on Human Rights (ECHR) in 1954, bringing itself under the jurisdiction of the European Court of Human Rights (ECtHR). It is one of the 47 member states of the Council of Europe signatory to the convention, and has one of the worst records in the court.

Indeed, in 2011, for the third consecutive year, the court had found Turkey had the highest number of ECHR violations.¹⁷⁹ In May 2013, ECtHR made yet another finding of

Turkey being the worst human rights violator among the signatory states by far.

The 17-page report, issued in January 2015, continues the same trend. It reflects that the court delivered 101 judgments (out of 114 applications it accepted), 94 of which found at least one ECHR violation by Turkey, although many cases had multiple violations.¹⁸⁰

The court noted a great number of applications currently pending against Turkey concerning the right to freedom of assembly and/or excessive use of force by law enforcement officials during demonstrations. Considering the systemic aspect of the problem, the court requested Turkish authorities to adopt general measures, in accordance with their obligations under Article 46 of the Convention, to prevent further similar violations in the future.¹⁸¹

In the 2014 statistics, the most significant violations concerning Turkey involved the right to liberty and security (ECHR Article 5, 45 violations), the right to a fair trial (Article 6, 42 violations), torture (Article 3, 28 violations), the right to freedom of expression (Article 10, 24 violations), and the right to life (Article 2, 18 violations).¹⁸²

In terms of aggregate “judgments with at least one violation” since 1959, Turkey is first with 2,733 (almost 20% of the total), followed by Italy (1,760) and Russia (1,503). The court found no violations by Turkey in only 64 cases in 55 years. The right to a fair trial, liberty and security, protection of property, the prohibition of torture, inhuman or

177. *Ibid.*, 44-63.

178. *Ibid.*, 68-69.

179. See European Court of Human Rights, *See “Human Rights Violations in Turkey,”* December 16, 20120, <http://ecohr.blogspot.com/2013/05/human-rights-violations-in-turkey.html>. These numbers are decreasing by virtue of the 2010 constitutional amendment that gave Turkey’s Constitutional Court power to adjudicate citizens’ human rights complaints. Prior to the amendment, which became operative in late 2012, the only mechanism was direct appeal to ECtHR.

180. European Court of Human Rights, “Turkey,” January 2015, http://www.echr.coe.int/Documents/CP_Turkey_ENG.pdf.

181. *Ibid.*, 6

182. For a diagram chart, see European Court of Human Rights, “Violations by Article and by State - 2014,” January 29, 2015,, http://www.echr.coe.int/Documents/Stats_violation_2014_ENG.pdf.

degrading treatment and the length of judicial proceedings are the most frequently violated ECHR articles.¹⁸³

Amnesty International

Amnesty International's annual report, *The State of the World's Human Rights*, for 2014-2015 outlined declining human rights conditions in Turkey, where "authorities have become more authoritarian in dealing with critics," undermining the independence of the judiciary, introducing new restrictions on Internet freedoms, and "[handing]unprecedented powers to the country's intelligence agency."¹⁸⁴

The 40-page report outlined eleven specific areas of concern over the decline of civil society and human rights: (1) severe limitations of freedom of expression; (2) suppression of freedom of assembly; (3) torture and other ill-treatment by authorities; (4) excessive use of force by the government; (5) immunity of police and security forces from prosecution for abuses; (6) unfair trials and lack of an independent judiciary; (7) virtually non-existing housing rights; (8) increased violence against women; (9) excessive limitations on refugees and asylum seekers; (10) non-implementation of conscientious objection to military service; and (11) violence and discrimination aimed at the LGBTI community:

¹⁸³. For a diagram chart, see European Court of Human Rights, "Violations by Article and by State - 1959-2014," http://www.echr.coe.int/Documents/Stats_violation_1959_2014_ENG.pdf.

¹⁸⁴. Amnesty International, "Amnesty International Report 2014/15: The State of the World's Human Rights," February 25, 2015, http://www.amnestyusa.org/pdfs/AIR15_English.PDF, 373-77; Howard Eissenstat, "Amnesty on Turkey's Worsening Human Rights Record: 11 Key Issues," Amnesty International, February 24, 2015, <http://humanrightsturkey.org/2015/02/24/amnesty-on-turkeys-worsening-human-rights-record-11-key-issues/>.

The 2014-2015 report followed up on a dismal report by Amnesty International the year prior, faulting Turkey on the same issues that the current report shows had become exacerbated.¹⁸⁵

Bipartisan Policy Center

In April 2014, a task force of the Bipartisan Policy Center, headed by two former ambassadors to Turkey, Morton Abramowitz and Eric Edelman, published a scathing 24-page indictment, "Legislating Autocracy? Recent Legal Developments in Turkey," focusing on Erdoğan-backed laws restructuring of the judiciary, regulating the Internet, and expanding the security state.¹⁸⁶

According to the task force, taken together, these laws create

[A] self-referential and self-validating system of societal control and pose a significant threat to Turkish democracy.

The laws on Internet regulation and the expansion of MIT powers maintain the patina of legitimacy by including a layer of judicial review. These new government authorities cannot be abused, supporters suggest, because the courts are able to exercise oversight—either by withholding consent for blocking online content or by trying intelligence officials who cross the line. This presupposes, however, that the judges and courts are able to arrive at independent conclusions about the legality of government actions, free from political interference and influence. With the appointment, promotion, sanctioning, and dismissal of judges now effectively controlled by one member of the Cabinet, the prime minister's office has gained the tools, if not to directly dictate the administration of justice, then at least to

¹⁸⁵. Amnesty International, "Annual Report: Turkey 2013," May 29, 2013, <http://www.amnestyusa.org/research/reports/annual-report-turkey-2013>.

¹⁸⁶. Bipartisan Policy Center, "Legislating Autocracy? Recent Legal Developments In Turkey," April 2014, <http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Turkey%20Legislating%20Autocracy.pdf>.

coerce judicial compliance. This eliminates one of the most important checks and balances on government power.¹⁸⁷

Freedom House, Freedom in the World 2015: Turkey

According to its 2015 report, Freedom House, based in Washington, D.C., sees the trend in Turkey as moving toward less freedom, as shown through more blatant political meddling in anti-corruption prosecutions and manipulation of legal procedures. There also have been increased tensions between the majority and minority religious groups.

Freedom House uses a scale of 1 (best) to 7 (worst) to rate a country's freedom. It evaluates the country's operative political rights and its system of civil liberties and then averages the two rankings for the final score. Between the years of 2005 and 2012, Turkey saw its best Freedom House scores, each year rating a 3.0 (following after years of 4.5, bad). From 2013 forward, Turkey has had a 3.5 score, giving it a "partly free" overall rating.¹⁸⁸

In terms of political rights indicators, Freedom House looks at a country's electoral process, its political pluralism and participation, and the functioning of its government. For civil liberties indicators, it examines the country's: freedom of expression and belief; associational and organizational rights; the rule of law; and personal autonomy and individual rights. Turkey does poorly in all seven categories.

In a special 24-page report in February 2014, *Democracy in Crisis: Corruption, Media, and Power in Turkey*, Freedom House concluded that Turkey's government is improperly using its leverage over media to limit public debate

about government actions and punish journalists and media owners who dispute government claims, deepening the country's political and social polarization.¹⁸⁹

"The government must recognize that its efforts to control a free debate are further alienating Turkey's citizens and could potentially threaten the country's stability," the report said. "It could also put at risk Turkey's integration with Europe and its strong alliance with the United States."

The report catalogues the Turkish government's actions to suppress freedom of speech, which have intensified since the emergence of a major corruption scandal in December 2013, pointing out that dozens of journalists have been fired as a result of government pressure and officials' threats against journalists have become common.

The report provides short and long-term recommendations to the Turkish government, the European Union, and the United States for how to support Turkey's democracy.

Freedom House's 2015 annual report on freedom of the press worldwide listed Turkey as "not free" in terms of its press freedom, for the second year in a row, but increased its overall negative-trending score of 62 in 2014 to 65 in 2015, noting that: "Conditions for media freedom in Turkey continued to deteriorate in 2014 after several years of decline."¹⁹⁰

The country has showed a negative trend since 2009; its overall score climbed from 50 to 65 in just six years. Turkey scored 24 points out of 40 in the legal environment

¹⁸⁷. Ibid., 8.

¹⁸⁸. Freedom House, "Freedom in the World 2015: Turkey," <https://freedomhouse.org/report/freedom-world/2015/turkey#.VPdGGVPF84Q>.

¹⁸⁹. Susan Corke, Andrew Finkel, David J. Kramer, Carla Anne Robbins, and Nate Schenkkan, "Democracy in Crisis: Corruption, Media, and Power in Turkey," Freedom House, February 3, 2014, <https://freedomhouse.org/sites/default/files/Turkey%20Report%20-%202015-3-14.pdf>.

¹⁹⁰. Freedom House, "Freedom of the Press: Turkey," April 2015, <https://freedomhouse.org/report/freedom-press/2015/turkey#.VUNhIiFVhBc>.

section, 27 out of 40 in the political environment, and 14 out of 30 in the economic environment, making the country's overall score 65.

Human Rights Watch

Human Rights Watch's 680-page *World Report 2015*, its 25th annual review of human rights practices around the world, summarizes key human rights issues in more than 90 countries and territories.

The 38-page section of the report, "Turkey's Human Rights Rollback: Recommendations for Reform,"¹⁹¹ outlines the rollback of human rights and rule of law in Turkey, linked to mass anti-government protests in 2013 and corruption allegations that go to the very heart of the ruling AKP government.

Human Rights Watch focused on four areas: strengthening the human rights context of the peace process with the Kurdistan Workers' Party (PKK); reforming the criminal justice system; abolishing impunity for past and present abuses by state officials and for family violence against women; and ending restrictions on speech, media, Internet, and the rights to assembly and association.¹⁹²

The government's repressive reflexes began with the crackdown on the Gezi protests in Istanbul and other cities in May-June 2013, involving excessive police use of force, including misuse of teargas. Thousands face legal proceedings for participation in demonstrations, including 35 people connected with the Beşiktaş football team fan group Çarşı, who face possible sentences of

life in prison on alleged coup-plot charges. By contrast, few police officers have been held responsible for deaths and injuries of protesters.

The government responded to the December 2013 corruption scandal by adopting laws that curb judicial independence and weaken the rule of law. The government also reassigned judges, prosecutors, and police officers. It arrested police officers involved in the investigations, closed down two investigations, and intensified efforts to silence social media and traditional media reporting on the issues.

Three sets of changes in 2014 to Turkey's already restrictive Internet law, the most recent in September 2014, have increased Internet censorship. A revised law on the National Intelligence Agency (MİT), adopted in April 2014, increases government surveillance powers and unfettered access to data, protects intelligence personnel from investigation, and increases penalties for whistleblowers and journalists who publish leaked intelligence.

Human Rights Watch recommended that the government repeal the statute of limitations for killings implicating state actors and laws granting immunity to members of the intelligence services and other public officials and civil servants. It should also end the misuse of charges relating to anti-terrorism, crimes against the state, and organized crime against people engaged in nonviolent political activity and protest. And the government should provide effective protection to women who experience domestic violence and prosecute their abusers. It should also repeal abusive Internet laws and stop prosecuting people for nonviolent speech and journalists for publishing leaked intelligence.

International Press Institute

The Vienna-based International Press Institute's 37-page critique of the civil society

¹⁹¹. Emma Sinclair-Webb, "Turkey's Human Rights Rollback: Recommendations for Reform," Human Rights Watch, September 29, 2014, <http://www.hrw.org/news/2014/09/29/turkey-authoritarian-drift-threatens-rights>.

¹⁹². Human Rights Watch, "Turkey: Authoritarian Drift Threatens Rights," September 29, 2014, <http://www.hrw.org/news/2014/09/29/turkey-authoritarian-drift-threatens-rights>.

crisis in Turkey, “Democracy at Risk,” published in March 2015, presents one of the more comprehensive overviews published to date. The report draws on information collected during numerous IPI visits to the country over the last four years, including meetings with President Erdoğan, Prime Minister Davutoğlu, and other leaders in Fall 2014 during a press freedom mission conducted jointly with the Committee to Protect Journalists (CPJ).¹⁹³

IPI Director of Advocacy and Communications Steven Ellis, the report’s author, wrote:

Turkey has seen increased pressure on media in recent years, part of a drift toward authoritarianism that has led to a pervasive climate of self-censorship and one of the most troubling press freedom pictures in Europe...overall erosion in respect for human rights, including free expression and media freedom. Unfortunately, absent a fundamental change in attitude and behaviour by those in power, the corresponding weakening of democracy, a cycle which appears to both sustain and increase itself daily, is one for which there is no immediate end in sight.¹⁹⁴

The report covers developments from 2007 to 2015, the IPI Press Freedom Mission in 2012 and the joint IPI-CPJ Press Freedom Mission in 2014 to 2015. It analyzes various multiple threats to press freedom: economic pressure; toxic political climate; manipulation of the legal system (anti-terror and criminal laws; criminal insult and defamation laws; regulation of broadcasting; and bans on certain content); pressure on speech online; and impunity for attacks.

The report’s findings include: 22 journalists are serving prison sentences or being detained in Turkey; Erdoğan lodged 70 criminal insult complaints; and 126

journalists claimed mistreatment by police in the Gezi Park protests.¹⁹⁵

It concludes with the observation that “...although Turkey remains nominally a democracy, authorities’ failure to safeguard—and, in some cases, their active steps to undermine—the fundamental human right to share and receive information has led to serious deficiencies in Turkey’s democracy, placing its future at serious risk.”¹⁹⁶

Prior to its most recent report, the International Press Institute, in January 2015, had released an alert that Turkey’s current state of its press freedom is continually worsening with increased economic pressure on media outlets, along with allegations of coup plots fashioned by opposition and critics, as well as the authorities’ violent suppression of peaceful protestors and subsequent silencing of media coverage in the 2013 Gezi Park protests. Turkey’s increased pressure on the media has created one of the most worrying press freedom situations in Europe.

Turkey imprisons more journalists than any country in the world. The majority of the cases seem to be politically motivated, with prison sentences ranging from five years to life.

Violence against journalists had been decreasing until 2012, when it started climbing again, taking a sharp turn for the worse in 2013 following the protests. The continuing conflict between Erdoğan and the Hizmet movement also accentuated concern over press freedom because he targeted the group after the December 2013 graft investigations came to light.¹⁹⁷

¹⁹³. Steven M. Ellis, “Democracy at Risk,” International Press Institute, March 27, 2015, http://www.freemedia.at/fileadmin/resources/application/IPI_Special_Report_-_Turkey_2015_Final.pdf.

¹⁹⁴. Ibid., 3.

¹⁹⁵. Ibid., 33.

¹⁹⁶. Ibid., 34.

¹⁹⁷. International Press Institute, “IPI Europe Watch List: Turkey,” January 9, 2015, <http://www.freemedia.at/in-focus/europe-watch-list/turkey.html>.

Organization for Security and Co-Operation in Europe: Report on Freedom of the Media on Turkey and Internet Censorship¹⁹⁸

This 36-page report notes that the Internet law used as a tool to block websites in Turkey has been in operation since 2007. It came about because of unflattering YouTube videos about the founder of the Turkish Republic, Mustafa Kemal Atatürk, as well as increasing prevalence of child pornography, and videos relating to suicide and illegal substances.

Since its enactment, more than 3,700 websites have been blocked, including political sites, such as those about the Kurds and southeastern Turkey, as well as gay Turkish websites and foreign websites, such as YouTube, Myspace, and Google.

Other sites have been blocked for allegedly infringing on intellectual property, like Myspace.com, Last.fm, and Justin.tv. The mass blocking has not only restricted the freedom to express and receive information, but also the right to fair trial.

There has been lack of judicial and administrative transparency for blocking orders by courts and the Telecommunications Communication Presidency (TIB), which has posted no statistics of blocking since May 2009.

The Society for Internet Technology (INETD) took the case of YouTube to the European Court of Human Rights to challenge the blocking order by the Ankara 1st Criminal Court of Peace. The Organization for Security and Co-operation in Europe argues there may be a breach of European Convention on Human Rights (ECHR) Article 10 since the

state is silencing politically-motivated speech on the Internet through blocking and filtering tools, that the criteria for these tools are secret, and that lack of transparency prevents the public from challenging these decisions.

More than 197 court-ordered blocking decisions issued were outside the scope of the Internet law. These actions could be a violation of ECHR Article 10 as the website blocking is being used as a political tool, blocking websites of dissent and opposition.

Pen International

In March 2014, London-based PEN International, the world association of writers, published a 31-page report, "The Gezi Park Protests: the Impact on Freedom of Expression in Turkey,"¹⁹⁹ finding that the protests epitomized the tension between the conservative government and a wide variety of disenfranchised groups in Turkey in the battle over public space, the struggle of minority groups to express their identities, and the resistance to the growing authoritarianism of the Justice and Development Party (AKP).

The PEN report assesses the violations of the right to freedom of expression and freedom of assembly during the Gezi Park protests. PEN has a long history of supporting writers at risk and campaigning for the protection of freedom of speech in Turkey.

The research identifies a number of areas of great concern: a culture of official intimidation against dissident writers, journalists and artists; self-censorship and lack of independence within the mainstream media, and the narrowing scope for freedom of expression online; and attacks on journalists reporting on protests in the field

198. Organization for Security and Co-Operation in Europe, "Report of the OSCE Representative of the Media on Turkey and Internet Censorship," http://ec.europa.eu/enlargement/pdf/speak_up/osce_freedom_of_the_media_on_turkey_and_internet_censorship.pdf.

199. Alev Yaman, "The Gezi Park Protests: the Impact on Freedom of Expression in Turkey," Pen International, March 14, 2012, <http://www.pen-international.org/wp-content/uploads/2014/03/PEN-Gezi-Report.pdf>.

and violations of the right to freedom of assembly.

In November 2012, a PEN International delegation of writers visited Turkey to raise long-standing concerns about the state of freedom of expression there. During the visit, the writers met with then-President Abdullah Gül and raised such topics as the large numbers of writers in prison and on trial, the use of anti-terror legislation to stifle dissent, writers who had served years of untried detention, and suppression of the Internet.

In November 2014, the Norwegian PEN Centre released a 39-page update on how the situation had developed since 2012, “Free expression under a shadow: A report on Turkey.”²⁰⁰ It gives a timeline of the tumultuous events of the Gezi protests, the corruption and wiretapping in late 2013 and early 2014; and the tightening of controls on digital media that followed.

The main part of the 2014 report gives space to the views of writers, NGO activists, journalists, publishers, and students from across the political and religious spectrums on their perspective of the state of free expression in their country. They expressed their opinions on questions including what, if anything, had been done to improve the state of affairs since November 2012?

The report concludes with a review of PEN’s concerns in the 2012 report, using the timeline of events and interviewees’ comments to make a comparison with the situation in the 2014 update.

Findings include that, despite the fact that the number of writers and journalists in prison dropped from over 80 in 2012 to less than 20 in 2014, the total number on trial remains unchanged as many of those freed are still on trial, and new trials have opened, notably on

charges of defamation (“insult”). Anti-terror legislation remains problematic for free expression; and there are a multitude of other laws that penalize free speech, as Internet restrictions harden. Interviewees also raised anxieties around self-censorship and hate speech. The restraints on freedom of expression remained as critical a concern in 2014, as it did two years earlier.

Reporters without Borders: World Press Freedom Index 2014

Reporters Without Borders, a Paris-based organization with consultant status at the United Nations and UNESCO, periodically ranks the press freedoms of the world.²⁰¹ Its World Press Freedom Index 2014 ranks Turkey 154th of the 180 countries it surveyed about their press freedom. Turkey is behind countries like Iraq, Mexico, and Russia.

Rankings are based on the access to freedom of information as well as the extent of freedom that journalists, news organizations, and citizens enjoy.

²⁰⁰. Norwegian, PEN, “Free expression under a shadow: A report on Turkey,” December 4, 2014, https://www.ifex.org/turkey/2014/12/04/comprehensive_report/.

²⁰¹. Reporters Without Borders, “World Press Freedom Index 2014,” <http://rsf.org/index2014/en-index2014.php>.

	Turkey	Russia	United States	Finland
2012	148	142	47	1
2013	154	148	32	1
2014	154	148	46	1

In the “Information Sacrificed to National Security and Surveillance” section, the World Press Freedom Index discussed that dozens of journalists were arrested on the pretext of “war of terror,” which governments use as a justification to classify them as national threats.²⁰² This is becoming more of a worldwide phenomenon, even in countries like Turkey that call themselves democracies. Turkey has one of the highest numbers in the world of imprisoned journalists.²⁰³

The country’s repressive methods were highlighted in the violent reaction of security forces to the Gezi Park protests that ended with 153 journalists injured, and 39 detained. The protests exposed the dangers of a government-controlled media. The violence at the protests was not shown on television. Self-censorship followed the event, caused in large part by Prime Minister Erdoğan’s worrying antagonistic populist rhetoric.

Turkey’s political aspirations to be the regional model for democracy have been negatively impacted in light of repressive judicial practices, particularly anti-terrorism legislation, which has led to an unprecedented number of imprisoned journalists since the end of the military regime, about 60 of whom were reported as being detained by the end of 2013.²⁰⁴

Turkish Economic and Social Studies Foundation (TESEV) : Corruption Assessment Report Turkey

TESEV’s 64-page report, produced jointly with the Southeast European Leadership for Development and Integrity (SELDI), included the results of a self-assessed exam instrument indicating the widespread belief that a majority of public officials are involved in corrupt practices.²⁰⁵

TESEV’s National Anti-Corruption Strategy Plan has three main components to raise awareness about the issue and make government more accountable and trustworthy. Recommendations include addressing ways to prevent corruption, disclosure of public officials’ assets, and lifting their immunity from arrest, among others.²⁰⁶

The Prime Ministry Inspection Board is charged with inspecting and supervising institutions regarding corruption. It oversees implementation of the Strategic Plan for Enhancing Transparency and Developing Efficient Public Governance. It has had limited success in the fight against corruption. Parliament does not have an anti-corruption committee. Some recommendations include making the prime ministry inspection board independent, legislation to monitor and

202. Ibid., 5.
203. Ibid., 8.
204. Ibid., 22.

205. Turkish Economic and Social Studies Foundation, “Corruption Assessment Report Turkey,” February 26, 2015, <http://www.tesev.org.tr/assets/publications/file/06032015115834.pdf>, 8.
206. Ibid., 12, 30.

regulate lobbying actions, and making audit reports accessible to the public.²⁰⁷

Judges are not independent, and their tenure is not secure. The Supreme Council of Judges and Prosecutors (HSYK) is not independent from the executive. Judges are not solely selected or promoted on objective bases. Between 2010 and 2012, twenty judges were removed from office, without any reasons provided. Some recommendations include for the judiciary to be independent, developing a written code of ethics, and establishing a track record of corruption cases.²⁰⁸

The percentage of control of corruption went from 45.5% to 51.7%, as assessed by World Bank's Worldwide Governance. Turkey scored 64.9 in economic freedom. Perception of Turkey public administration corruption placed the country 53rd.²⁰⁹ The Turkish parliament should raise its standards to the international standards, and create an independent anti-corruption body.²¹⁰

207. Ibid., 31, 39.

208. Ibid., 40-42.

209. Ibid., 43.

210. Ibid., 51.