First I’d like to thank the Turkish Policy Center and Ataturk Society of America for organizing this event with such an impressive group of discussants. I'm humbled to be here with Baris Terkoglu, who is a living example of the price one can pay for trying to freedom of expression. And Gareth Jenkins’ report on Ergenekon was one that I read when I was working at the State Department in the Bureau of Democracy, Human Rights and Labor, trying to bring this case into the broader policy discussions about Turkey. Turkey is at an historic juncture and it is at exactly the right time to discuss Press Freedom & Rule of Law in Turkey: Current State and Future Prospects.

We’re here today because Turkey is a key country, an increasingly important country for the multiple regions that it bridges. Part of that importance comes from the impressive economic growth that Turkey has engineered in the last decade – economic growth that has helped many Turkish citizens rise out of poverty and has strengthened Turkey’s ties to its neighbors to the East and the West. Turkey is also an important geostrategic actor, as a member of NATO, as a neighbor to Iraq, Syria, and Iran, and as an indispensable player in the South Caucasus. Especially in the last several years with the extraordinary events in the Arab world, I think everyone in this room recognizes Turkey’s strategic importance and appreciates the efforts the Turkish government has made to become a responsible player in resolving regional issues of international significance, including the war in Syria. Turkey’s history is rich with lessons and experiences that apply to the region more broadly. I have in mind here the long experience of creating a secular nationalist idea of citizenship, of forming an identity built around a strong state backed by a strong military. For more than a decade, the emergence of the AK Party as the
dominant party in Turkey’s democratic system has resulted in a period of introspection and change. These changes are producing certain openings that I think are positive (and some that are not) – especially the possibility of respecting the rights of ethnic minorities and the rights of religious believers. With the current negotiations over constitutional reform, coinciding with the negotiations with the PKK, there is potential for a major political realignment that could create real opportunities to address some of Turkey’s longest-standing issues. It truly could be historic that Abdullah Ocalan, has called for a truce after years of war and that this has been welcomed by Prime Minister Tayyip Erdogan. But this is a process that is ongoing and the results are still unknown. And right now many of those opportunities remain just that – opportunities.

Around the Middle East, other countries are looking at Turkey. They are facing many of the same issues, unfortunately deferred because of their own decades of dictatorship: the relationship between the military and the state, the place of ethnic and religious minorities vis-à-vis the majority, the role of religion in defining national values, and the role of a free press in a society where there are real and deep differences of opinion in society. The decisions that Turkey makes in these areas will have repercussions across the region. Turkey is a leader in the region and a global actor, and for that very reason it should be held to a high standard worthy of its status.

Some people have taken to referring to this role as the “Turkish model.” While present-day Turkey does play a crucial role in the region, I think this idea of a Turkish model skips over a lot of painful, bloody times in Turkey’s history that led to this point. And so, when we acknowledge that Turkey plays an important ideological role in shaping the region’s trajectory, I think the question we should be asking is how can Turkey help other countries in the region arrive at positive outcomes without the same painful experiences? How can Turkey help other countries do it better? What model does Turkey itself still aspire to? I would say the first step in Turkey’s leadership in this area has to be addressing its own issues – starting with freedom of expression.

We’re here today to talk about Press Freedom and Its Prospects in Turkey, and I think that is a very appropriate perspective from which to discuss Turkey’s democracy. In Freedom House’s recently released Freedom in the World report, Turkey's civil liberties rating declined this past year from 3 to 4 due to the pretrial detention of thousands of individuals—including Kurdish activists, journalists, union leaders, students, and military officers—in campaigns that many believe to be politically motivated. Most now know the figures gathered by the Committee to Protect Journalists regarding the high number of journalists imprisoned in Turkey – highest in the world. The issue of imprisoned journalists, however, in Turkey is a symptomatic issue - one that is representative of deeper issues.
The clearest and most important issue is the government’s interpretation of what constitutes terrorism, or support for terrorism. According to the recent Carnegie report by Ambassador Marc Pierini, as of August 2012, 68% of the journalists imprisoned in Turkey were held because of their relationship to the Kurdish issue. These detentions have been justified on the basis of combatting the PKK, especially through the KCK case. Of the 78 journalists that the OSCE had identified in August 2012, 71 were charged under the Anti-Terror law. Reporting on, or printing material produced by, the PKK, should not in itself be considered a crime.

This same point needs to be made in regard to the Ergenekon case, which also accounts for a large percentage of the journalists in jail. In several of the cases filed against journalists under the rubric of Ergenekon, the journalists charged had been leading the reporting on the alleged conspiracy, creating the absurd situation of journalists who have been among the most crucial in explaining Ergenekon to the public being charged with participation in it. My panelists will be able to tell this tale from a more personal and compelling vantage point, but it is also the case that Freedom House has been watching most closely as a litmus test for Turkey's democratic potential.

Second, the issue of freedom of expression in Turkey is inextricably tied to the issue of judicial independence and the quality of the judicial process. Thus, the topic today provides this obvious link as well. There are major and well-documented shortcomings in Turkish judicial proceedings and procedural code relating to the transparency of proceedings, the access of defense to the case file, the use of classified evidence without access for the defense, and the inexcusable abuse of so-called “provisional detention” to keep some individuals in jail for years before they are even tried. These shortcomings have been clearly evident in the cases of numerous journalists, as well as in the Ergenekon proceedings. The upcoming fourth judicial reform package has a lot of work to do to resolve these issues, and it is worth noting that previous judicial reforms, including just last year, have not taken adequate steps to fix the problems. And while we are talking about this issue in terms of journalism and freedom of expression, we have to note this is something that affects Turkey’s entire judicial system.

Finally, a cardinal problem is the attitude taken by the government and its leading figures towards journalists. For example, a quote - "There is no difference between the bullets fired and the articles written in Ankara," Interior Minister Naim Idris Sahin said in a speech last September. Critics say this mentality lies at the heart of Turkey's anti-terror laws and is why so many journalists are ending up behind bars. Critical journalism, or critical statements by journalists, are considered insults and are met with specific and pointed rhetorical attacks on the journalists in the statements of the country’s highest officials, or in some cases by
lawsuits. In many cases, these have led to successful journalists being fired. And all other journalists know these cautionary tales. We also hear repeatedly about backchannel pressure on publishers and editors from the highest levels of the government to have controversial journalists taken off of sensitive subjects, or to have them fired. These incidents are attested by far too many journalists for them to simply be rumors. The conditions for this kind of backchannel pressure are reinforced by a media environment in which media ownership lacks diversity, and large holding companies with other economic interests control the media, making them highly vulnerable to political pressure.

There is a higher standard of scrutiny attached to being a politician, and acceptance of that scrutiny needs to become a part of the political culture in Turkey. I think this is an appropriate moment to note that while the Turkish government is making some progress towards respect for minority rights through the Kurdish opening initiatives, this has to be coupled with a genuine commitment to the idea that minority speech sometimes means unpopular speech. Turkey’s elected leadership has a special responsibility to advance the idea of accepting unpopular and critical speech as a value not only for Turkey, but as I said before, for the region as a whole.

That is why this area – the rhetorical and legal attacks on journalists initiated by high-ranking members of the government – is the most worrisome. It seems to indicate a lack of acceptance of what a critical, independent, free press does – it sticks its nose into controversial issues, it scrutinizes the actions of elected politicians, it raises uncomfortable questions.

And here I’ll emphasize what Freedom House says all over the world: a free press is first and foremost a mechanism for peacefully voicing grievances, a way to expose problems to public scrutiny so that they can be resolved. In countries where the press is not free, it is harder to learn what the problems are and therefore it is harder to address them – they don’t just go away, they fester and become bigger problems. A free press is something Turkey needs not because the West wants it to have one, but because it is something that benefits Turkey.

As we are talking about this in DC and as I have looked at Turkey through the lens of a policymaker, I want to just offer some preliminary thoughts on how Western countries in Europe and in the United States should be responding to the current situation in Turkey as a member of the Western community. The recent controversy with Ambassador Ricciardone, when he reiterated criticisms that had been and are made very frequently about the judicial system in Turkey and was promptly chastised by the government, is important. I think it shows a certain thin skin in Turkey about any kind of international criticism on democracy and rights issues. And this is worrying. A higher level of exposure and a higher level of criticism is part of being an important country in an important
region. If Turkey is going to be a model for other countries, it’s going to have to accept that will mean having its shortcomings more closely examined. And I hope Turkey can recognize when this criticism is coming from partners who are committed to the country’s constructive development.

As regards Western policy, I think the fact that Ambassador Ricciardone’s statement was seen as so unusual is indicative of how low Western attention to these issues has been. Frankly the lack of attention to issues of democracy and rights in Turkey is a major problem in the West. Unlike in other countries and other situations like this, there has been practically no diplomatic monitoring of the Ergenekon trial, which is simply unacceptable. I witnessed this first hand in seeing what a ruckus it caused when I attended the trial for a day. A trial like this, with its level of importance for Turkey and for the region, is something that the U.S. government and Western embassies should be following extremely closely, because it has major implications that we need to understand.

Especially now with the focus on the war in Syria, the West risks once again letting the Turkey relationship be defined entirely by security goals, instead of taking a bigger-picture view that recognizes long-term ways to support the region’s and Turkey’s development. This, by the way, isn’t just something I argue just regarding Turkey. I cover the Europe and Eurasia region and this is a struggle to varying degrees even in countries of the EU, such as Hungary. The West needs to make promotion of democratic values something it takes seriously in regards to Russia, Belarus, Azerbaijan, Ukraine, in Central Asia. We can’t let the entire Western agenda be security and energy. If we do, we abandon what made Western policy distinctive and distinctively successful in the post-war period: a commitment to freedom and human rights not only for the citizens of our countries, but for the whole world.

What would this policy look like in Turkey? Part of it does need to be rhetorical, and Ambassador Ricciardone’s statements were a good step in that direction. But rhetoric can’t consist of isolated statements – there needs to be a strategic resolve to engage on these issues and to commit to assisting Turkey in resolving them. The first important way for the West to do this is for European and American governments to step up in terms of their support to civil society in Turkey. There is still a lot of room for development of civil society actors that can represent society’s views on issues to the government. Especially as Turkey is potentially moving towards a more decentralized vision of government, there is a lot of potential to help civil society develop in the regions beyond Ankara and Istanbul, so that it can play a constructive role in the process of bridging between citizens and the government.

For example, Freedom House had a multi-year Legislative Fellows project (LFP) in Turkey in partnership with NDI, the goal of which was to “enhance
appreciation of the role of civil society and its engagement in the legislative process.” Before the program, NGOs said they had generally assumed that decision makers would not be willing to meet with them, and that they would not seriously consider the ideas that they presented at the LFP. When they attended the program together, NGO representatives and government officials started to build relations instead of operating on assumptions; they initiated a dialogue and found ways to cooperate.

This brings me to the second way for the West to support democratic development in Turkey: to make it very clear that Turkey’s EU accession process is not dead. Even in its drawn-out form, the EU accession process has created major economic and political returns for Turkey, returns that the EU has also shared in. But the reforms that have produced those returns were based on a reasonable expectation that Turkey will eventually enjoy full membership in the EU. That expectation should not be treated casually or dismissed. There have been some promising signs in this direction recently from France, and Sweden. Membership in the EU will be as good for Turkey, as it is good for Europe. That doesn’t mean it should be done with a lower standard of accession. But it also shouldn’t be held hostage to criteria and issues that have nothing to do with Turkey, and everything to do with Europe’s own insecurities about its identity and its history. Europe’s future is multicultural, and it includes Turkey. This is an area where the United States government can also be working hard to support accession and emphasizing its positive views on that process. A strong, democratic, multicultural European Union with open and transparent accession criteria is still the best thing the West can do to support democracy in Turkey. And that is the criteria and the model by which Turkey has wanted to be assessed.

Finally, in closing, I want to stress that this is a moment of opportunity. There is a lot the West can do to support freedom of expression and democracy in Turkey. But the biggest responsibility still lies with the people of Turkey. As I mentioned before, we may be watching in real time a historic re-ordering of the political balance in Turkey. The combination of serious negotiations with the PKK plus the constitutional reform process is creating a chance to address some of Turkey’s longest-standing problems, especially decentralization and the Kurdish issue, in a way that could permanently alter the political equation. Positive changes in these areas have a chance to support positive change on issues of freedom of expression because they offer an opportunity to address the underlying issues of disenfranchisement for the Kurdish population and other minorities through a system that is more responsive to their desires.

But real change will require a real desire on the part of Turkey’s leaders to fulfill the country’s democratic promise. Transformational moments can go different ways; they can take positive and negative forms. There is a real danger of
emerging from this process that a more authoritarian presidential system emerges that does not deliver on the promise of reform. And that would be a very negative outcome not just for Turkey, but for all of the regions where Turkey is an important and influential actor – Europe, the Caucasus, and the Middle East. Only by seizing this moment to become a more democratic, more inclusive state can Turkey realize its potential and become a true model in the region and beyond.