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# Media freedoms and covert diplomacy: Turkey challenges Europe over Kurdish broadcasts

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1–13

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## Abstract

Focusing on Kurdish television broadcasts in Europe, this article sheds light on how minority broadcasting interrelates with national and intergovernmental political agendas and issues of national security. Drawing from a thorough analysis of policy and diplomatic documents, press articles, academic literature and two expert interviews and focusing on three Kurdish TV channels in Europe, Med-TV, Medya-TV and Roj-TV, it describes how the contrast between Turkish and European media freedoms and minority rights has driven Kurdish broadcasting to develop in Europe, rather than in Turkey. It reveals how, in an effort to obstruct these broadcasting activities, Turkey's diplomatic undertakings have been able to sway opinions in several countries and get them to endorse more restrictive media policies. This study advances the understanding of minority broadcasting and the European Union (EU) media policies, but also highlights conflicting understandings of freedom of expression and media pluralism between Turkey and Europe.

## Keywords

Democracy, diplomacy, European Union, Kurdish, Kurds, media freedom, media policy, minority rights, Roj-TV, Turkey

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## Introduction

Never before in the history of European television broadcasting has there been a case in which the European Union (EU) countries have aggressively fought to fine, censure and close down television channels broadcasting from within the EU. From 1995 until 2013, however, this was the fate of a string of Kurdish television stations operating under EU and member-state broadcasting regulations. The channels in question, Med-TV, and its successor channels, Medya-TV and Roj-TV, were seen as directly linked to the Kurdistan Workers' Party (Partiya Karkerên Kurdistan (PKK)), for the time being listed as a terrorist organization by the United Nations (UN), the North Atlantic Treaty Organization (NATO), the United States and the EU. The actions against the channels were not carried out by European initiative, but rather from extreme pressure on the part of Ankara and Washington, DC, under the guise of national security and a perceived terrorist threat. In particular, actions were focused on countries that hosted television studios or had authorized broadcasting licences: the United Kingdom, Denmark, France and Belgium. The Kurdish diasporas in Europe, thinking they were free from repressive Turkish laws limiting freedom of speech in Turkey, were now faced with what they saw as an extra-territorial attempt by Turkey to enforce those laws on European soil. The stifling of Kurdish voices, so familiar at home, was now playing out on the European stage.

The study of minority media and cultural diversity (Siapera, 2010) and ethnic media (Matsaganis et al., 2011) has flourished recently, but little attention has been paid to how cultural diversity in media practices may conflict with particular state interests and how such conflicts may have significant diplomatic dimensions. Conflicts between cultural diversity in media and state interests may touch on the core of issues of freedom of expression, as demonstrated by Goldberg's (2009) discussion of Europe's struggle with 'terrorist media'. In reaction to the perceived harm of terrorism, several media outlets were banned. As the most explicit example of such reactions, the bans of Kurdish broadcasting in Europe invite further consideration of the relationship between diversity, media freedoms and politics. This article examines how Turkey has been challenging the EU and the very notion of media freedoms. Answers appear as to how – and why – Turkey has been successful in bringing about the closure of Kurdish television channels in Europe. In doing so, this case study will solidly advance not only an understanding of minority broadcasting and EU media policies but also highlight challenges faced in the context of Turkey's EU accession negotiations and Turkey's limited understanding of European ideals of freedom of expression and media pluralism.

The Kurdish population in Turkey has long suffered a history of state assimilation and repression of rights. Since its foundation in 1923, the Republic of Turkey has aggressively pursued a policy of ethnic homogenization through bans on language and cultural expression, leaving little space for Kurdish identity to flourish. Further restrictions on non-Turkish languages and culture were put into place with the 1982 constitution, drawn up by military leaders after the 1980 coup. While some restrictions have been removed or modified, Turkish penal codes and broadcasting regulations still severely limit freedom of speech.

The most robust reaction against the oppression of Kurdish rights by the Turkish nationalist state was the formation of the PKK. Initially established as a Marxist–Leninist

movement in 1978, it aimed to create a Kurdish state based on revolutionary socialism. The PKK has fought an armed struggle with the Turkish state since 1984, resulting in tens of thousands of deaths, and it has since been the most persistent issue on the agenda of domestic politics in Turkey. The objectives of the PKK have developed from independence to autonomy with a focus on cultural and linguistic rights.<sup>1</sup> This is also true for pro-Kurdish political parties and civil society organizations.

Since the *Adalet ve Kalkınma Partisi*'s (AKP) rise to power in 2002, Turkey has moderated to some extent its official stance towards the Kurdish population. The most recent attempt to offer more rights to Kurds in Turkey came in September 2013, when Turkish Prime Minister Recep Tayyip Erdoğan announced major political reforms. The reform package offered few substantive changes though and, similar to the reaction to the 2009 Kurdish opening reforms, was dismissed by Kurdish politicians in Turkey.

## Minorities and media freedoms

Massive population movements resulted from the above-mentioned events in the 1980s and 1990s, with millions migrating to urban centres in Turkey and thousands of others seeking refuge abroad. It is now estimated that one-third of the Kurdish population currently lives outside of the trans-border territory of Kurdistan. The Kurdish diaspora, especially the communities that have settled in Europe, together with a number of civil society organizations, has played a critical role in 'transforming the nation-building efforts into a transnational issue' by 'raising awareness, sometimes in direct support of the party at war and sometimes solely in upholding the Kurdish identity', as Başer (2011: 26) states. The Kurdish diaspora is often considered as an example of the 'victim' diaspora (Cohen, 1997): it is a transnational community that has mainly grown as a result of political exile, and it is recognized for its transnational political activism. Throughout the 1990s, steps were taken in the diaspora to establish a Kurdish state-in-exile by creating organs such as the Kurdish Parliament in Exile and the Kurdish Congress. A greater step towards a limited form of Kurdish sovereignty was the establishment of Kurdish satellite broadcasting based in Europe. It is difficult to overestimate the importance of the Kurdish broadcasting initiatives to the construction of Kurdish awareness (although it is necessary to be vigilant against simply assuming that these broadcasts may automatically lead to pan-Kurdish identification, see Sheyholislami, 2011: 5).

Defining what is meant by the label 'minority' is important to this discussion. Kurds form the largest minority in Turkey, constituting almost one-quarter of Turkey's 78 million citizens. Technically though, Kurds are not considered a minority group by the Turkish state. Turkey recognizes minorities as only those who are non-Muslims. Kurds, being mostly Sunni Muslim, are therefore deprived of any recognition as a minority, contravening international standards defining minority groups. As Bonine (2002) states regarding the status of Kurds in Turkey and the state's reluctance to offer political and cultural rights, in the Turkish state's eyes, 'full rights have already been granted to all citizens of Turkey', and, therefore, there is no reason to provide minority status to the Kurds (p. 302).

The international definition of 'minority' developed by the UN in 1979 is widely agreed upon:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language. (Minority Rights Group International, 2007: 8)

This definition sets a standard followed by the Organization for Security and Cooperation in Europe (OSCE), the EU, the Council of Europe (CoE) and other international bodies. The definition of minority can neither be subjective nor be determined by individual states, as Turkey has done. Despite these international norms, Turkey has taken no steps to modify its constitution to allow for an official recognition of the Kurds as a minority. Hitherto, some countries, including Turkey, have also refused to sign or ratify the only multilateral treaty of the CoE to protect the rights of minorities, the Framework Convention on National Minorities (FCNM).

If Kurds are not considered a minority in Turkey, are they considered a minority in the various European states in which they now live? Again, the question of how ‘minority’ is defined is crucial. Most laws in Europe (including those concerning the protection of languages and broadcasting rights) tend to speak to indigenous minority groups, rather than groups made up of newcomers to the continent. Nevertheless, in the broadest sense, those who are of Kurdish descent and nationals of the country in which they reside, under international norms, should be considered a ‘minority’ and, therefore, afforded the protections of minority broadcasting regulations.

The research carried out for this article is based on a critical review of press comments about Kurdish TV stations in Europe, policy and diplomatic documents (official publications such as press releases and law texts, as well as WikiLeaks documents dealing with Kurdish TV broadcasts) and two interviews with key experts: the vice-chair of Turkey’s Radio and Television Supreme Council (Radyo ve Televizyon Üst Kurulu (RTÜK)) and the director of the Kurdish Institute in Brussels, a key player in the transnational network of the Kurdish movement. The interviews, conducted in 2013, dealt with Turkish and European media policy and the history of Kurdish broadcasting. The research also draws extensively from reports monitoring human rights and media freedom.

## Media–state relations in Turkey and Europe

In order to understand how Kurdish broadcasts have developed, it is necessary to take a closer look at the media–state relations in Turkey and Europe. Kurban and Sözeri (2011) have made the essential argument that, in Turkey, ‘[...] the media has never been immune to the influence of political power and internal ideological polarization’, although, recently, extreme politicization has decreased (p. 6). The regulation of the audio-visual sector in Turkey is a relatively recent phenomenon, dating from 1994, when the state monopoly on broadcasting was broken by the passing of the first major broadcasting law and the establishment of the RTÜK. The prevention of Kurdish broadcasting was an essential part of the media regulation at that time (Pekman, 2002: 348), building on a tradition of ‘Turkification’ strategies going back to and even predating the foundation of the Turkish Republic (Zeydanlıoğlu, 2012: 101).

In recent years, Turkey has seen some positive developments in terms of multilingual content and broadcasting in languages other than Turkish, especially Kurdish. While laws were amended in 2002 to allow broadcasting in languages other than Turkish, the first programmes in Kurdish did not air until 2004, albeit with restrictions. In 2009, the state-run Turkish Radio and Television Corporation (TRT) launched a channel in Kurdish, TRT-6 (Ayata, 2011: 530–531). The current broadcasting law (no. 6112 from 2011) now clearly states that '[t]he rule is to broadcast in Turkish. However, broadcasts can also be conducted in dialects and languages other than Turkish' (RTÜK, 2011: 10). These changes can be seen in part as a result of the relentless struggle of democratic Kurdish movements and partly as a pragmatic response of the AKP to appeal to Kurdish citizens and to gain more control over Kurdish-language media content. While these changes point at a slightly more relaxed stance vis-à-vis Kurdish culture in national politics, they are particularly implemented in response to a series of EU demands. In the context of Turkey's EU membership bid, a vast array of criteria have indeed been set for Turkey to accomplish, known as the 'Copenhagen Criteria'. These criteria concern all domains of governance, including audio-visual policies. Minority language broadcasting has been a key element of concern ever since the accession process has been accelerated, the EU requirements on freedom of expression and minority rights being the 'main policy imperatives in the field of the media' (Open Society Foundation, 2005: 1587).

The EU has developed a wide-ranging structural framework for the audio-visual landscape. Its efforts to streamline media policy have mainly revolved around the creation of a single European market for audio-visual media and the maintenance of media pluralism. These aims have been anchored in several frameworks, notably the Television Without Frontiers Directive (in 1989) and, more recently, the Audiovisual Media Services Directive (in 2007, codified in 2010). Two of the key goals of the latter are the 'preservation of cultural diversity' and the 'combating of racial and religious hatred'. International and European human rights standards guarantee freedom of expression, as is evident in the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR) and the Copenhagen Document. The ECHR provides that states may not discriminate in the exercise of freedom of expression on the basis of language.

These treaties and covenants offer media freedoms to minorities. The OSCE Guidelines recognize the right of minorities to 'receive, seek and impart information and ideas in a language and media of their choice without interference and regardless of frontiers', while the FCNM prohibits discrimination in minorities' access to the media and requires states to adopt measures to facilitate such access and to promote tolerance and pluralism. Furthermore, the OSCE's Oslo Recommendations (1998) grant minorities the right to establish and maintain broadcasting in their own language and require states to adopt non-discriminatory regulations based on objective criteria. The OSCE Guidelines outline numerous requirements. The most relevant to this research here is a state's requirement 'to facilitate the establishment and maintenance of private media in minority languages' (Minority Rights Group International, 2007: 17). In stark contrast, Turkish media regulations have been slow to facilitate the establishment and maintenance of private media in languages other than Turkish, particularly Kurdish. This is due to the fact that Kurdish-controlled media is seen as a security threat to the state. It is not

surprising then that Kurdish media came into being in a few Western European countries, instead of Turkey. The reason why these broadcasts developed in certain countries was mostly due to the presence of a strong pro-Kurdish movement and infrastructural opportunities in those countries.

Many international organizations have raised concerns over Turkey's use of vague and overly broad anti-terror laws to prosecute Kurds, including Reporters Without Borders, Committee to Protect Journalists, Human Rights Watch and the OSCE. All point to existing anti-terror laws as a basis of most prosecutions in freedom of expression cases, applied disproportionately to Kurds. The much-anticipated democracy reform package of September 2013 offered no changes to the anti-terror law. British member of the European Parliament's foreign affairs and human rights committees, Richard Howitt, said the Turkish government had missed a 'key opportunity' to change the anti-terror law (Jones, 2013). If state authorities associate a culture and its language with rebellious groups, as Turkey does with Kurds and Kurdish, then broadcasting regulations often target the language of the group. As such, Kurds have set up transnational satellite stations such as Med-TV, Medya-TV and Roj-TV in the diaspora, rather than fighting the repressive system in their homeland.

## **Kurdish transnational broadcasting in Europe**

The first Kurdish-language satellite channel opened in Europe under the name Med-TV. Britain's Independent Television Commission (ITC) granted Med-TV a 10-year broadcasting licence in 1994, and it launched regular broadcasts in May 1995. Broadcasts were in both Kurdish and Turkish, and the channel offered a diversity of programming and differing points of view. Despite its enthusiastic reception by Kurdish audiences, the channel's licence was revoked by ITC in March 1999, less than 4 years after the channel opened.

The Turkish state regarded these broadcasts as a serious threat to its sovereignty and security and employed various strategies to prevent the broadcasts from reaching Kurds in Turkey. Some direct interventions were undertaken, ranging from the destruction of satellite dishes to the intimidation of viewers and dish vendors (as described by Hassanpour, 2003: 83). As Hassanpour (2003) wrote, Turkey viewed 'each satellite dish as a Kurdish flag hoisted on the rooftops of every building in the south-east [of Turkey]' (p. 85). In a sense, Turkey was now seeing Kurdish flags cropping up all over Europe. Turkey did not possess the tools frequently used at home to combat the Kurdish-controlled media in Europe. It, therefore, had to turn to covert diplomacy and extortionary tactics against European nations, who, Turkey claimed, were giving air-time to terrorism.

In Europe, the debate surrounding the opening of Med-TV was quite different. Lord Hylton of the British House of Lords, for example, visited the Kurdish areas of southeast Turkey in the months after the opening of Med-TV. After his visit, he called the channel 'a new window on the world' for the Kurds there who had faced 'cultural starvation'.<sup>2</sup> This 'new window on the world' was exactly what Turkey did not want. Turkey firmly believed that Med-TV was a mouthpiece of the PKK and immediately began applying diplomatic pressure on European allies to have the new channel closed down and to

determine who was behind the financing of the channel ('Government concern over London-based pro-Kurd TV', 1995). Turkey also lodged a formal protest with the British government. In addition to pressuring European governments to shut the channel down, Turkey harassed Eutelsat and brought complaints against countries in Europe that leased airtime to Med-TV (Feuilherade, 1999). It also encouraged Turkish nationals living in Europe to write letters of complaint to the ITC.

In 1996, efforts to convince European states of the threat that Kurdish broadcasts posed to their national security paid off when broadcasting licences were withdrawn in France and Poland. To shut down Med-TV, Turkey had to rely heavily on European allies and NATO partners. Using to great effect a discourse of terrorism to frame its case, as well as backroom arm-twisting, Turkey brought its European counterparts to see the flourishing of Kurdish-dominated media in Europe as a threat to its sovereignty and territorial integrity.<sup>3</sup> This came to a head at the time when Abdullah Öcalan, the now imprisoned head of the PKK, was seeking safe haven in Europe after having been expelled from Syria in 1998. Med-TV offered Kurdish audiences full coverage of Öcalan in Europe and then, ultimately, of his capture in 1999. Öcalan made frequent appearances on Med-TV before his 1999 capture, which only served to increase the urgency of Turkey's mission of having the station shut down. After Öcalan's arrest, the Turkish Minister of Foreign Affairs summoned German and British diplomats to demand that Med-TV stop broadcasting from Europe. Just over a fortnight later, the ITC suspended Med-TV's licence for a period of 21 days, allegedly after an intervention by the then prime minister, Tony Blair. The ITC rejected Med-TV's appeals during the 21-day suspension and ordered the station closed after a period of 28 days, stating that Med-TV's broadcasts 'encouraged acts of violence in Turkey and elsewhere' (Feuilherade, 1999). This was a major diplomatic victory for Turkey. Interestingly, there were serious doubts about ITC chairman Robin Biggam's impartiality in the case, given his business interests in Turkey (Akpınar, 2007: 97).

Medya-TV began regular broadcasting on 31 July 1999, shortly after the closure of Med-TV, with a licence to operate from France. However, it faced the same fate as Med-TV and was shuttered in February 2004. The Conseil Supérieur de l'Audiovisuel (CSA), the French licensing authority, found that Medya-TV was merely a successor channel to Med-TV and revoked its broadcasting licence. Medya-TV appealed the decision, which was rejected by a French Appeals Court. The court ordered the satellite operator, ABSAT, to immediately cease transmission. The French court also ruled that the station posed a risk to public order.

Roj-TV began operations in March 2004, on the heels of the closure of Medya-TV. Much like its predecessors, it faced an immediate backlash from Turkey. Tensions quickly escalated between Ankara and Copenhagen over the Danish Radio and Television Board's (RTB) decision to grant a licence to Roj-TV. With a broadcasting licence from Denmark, the channel maintained its broadcasting centre in Denderleeuw, Belgium, the same centre used by previous channels.

The case against Roj-TV began in July 2005 with an investigation into alleged ties with the PKK. In November 2005, Danish Foreign Minister Per Stig Møller announced that he had seen no proof of the station's links to the PKK (Agence France-Presse (AFP), 2005). In 2006, three complaints were lodged against the station by Turkish authorities,

but the Danish RTB determined in May 2007 that Roj-TV had not violated any broadcasting rules nor had it incited violence or hatred.<sup>4</sup> The Danish RTB chairman concurred, saying that programming on Roj-TV was similar to objective news coverage from other stations in Denmark. But that changed in 2009 when Danish Prime Minister Anders Fogh Rasmussen was tapped to become the next secretary-general of NATO. Up to this point, the Danish RTB and many Danish politicians seemed firmly in Roj-TV's camp, pledging to protect the station from outside interference, as Denmark prides itself on its stance on freedom of speech and has held the number one spot on the Worldwide Press Freedom Index on several occasions.<sup>5</sup>

Turkey objected to Rasmussen's appointment, alleging that Denmark was promoting terrorism by supporting Roj-TV. Ankara pressed Copenhagen to revoke Roj-TV's licence if they wanted Ankara's NATO vote on Rasmussen's appointment. Through behind-the-scenes negotiations that included US President Barack Obama, Turkey eventually agreed to support Rasmussen's bid to become the next secretary-general. In return, it was implied that Roj-TV would be investigated for ties to the PKK.

After 1 year, in August 2010, and after much preparation, Danish courts indicted Roj-TV and its parent company for promoting the affairs of a terrorist organization (the PKK) and police confiscated equipment at Roj-TV's office. A Danish press release (Justits Ministeriet, 2010) mentioned repeated broadcasts of interviews with PKK sympathizers and leaders, saying that a number of programmes were 'propaganda activities supporting the PKK and that this propaganda activity is likely to promote the activities of the PKK'. The Danish Public Prosecutor in the case claimed that 'contact with PKK in and of itself is not forbidden by law. So this does not constitute a crime'. Some in the Danish parliament saw the indictment as a serious curtailment of freedom of expression. The Turkish Foreign Ministry welcomed the decision saying it expected 'that these media organizations ... will get the punishment they deserve' (Fraser, 2010).

On 10 January 2012, the Copenhagen Municipal Court announced its ruling, finding that Roj-TV and its parent company were financed by the PKK and acted as its mouthpiece. In violation of the nation's terrorism laws, they were fined the equivalent of approximately €700,000, but were allowed to keep their broadcasting licence. After 9 days, however, Eutelsat made the unilateral decision to suspend all broadcasts from Roj-TV 'in order to avoid incurring criminal liability as an accomplice to terrorist activities' (Reporters Without Borders, 2012). Reporters Without Borders was shocked, calling their action a violation of freedom of expression and that Eutelsat was 'helping to promote an "anti-terrorist" rhetoric'. On the opposite end of the spectrum, Turkey was infuriated that a Danish court had found the station guilty, but had not revoked its licence. On 3 July 2013, a final verdict was issued in the case against Roj-TV, which had appealed the court's January 2012 ruling. The court rejected the appeal and ordered Roj-TV's licence cancelled. They also levied additional fines against Roj-TV, its parent corporation and the newly formed Nûçe TV. Unable to pay the exorbitant amount in fines, the Roj-TV general manager announced that the station would file for bankruptcy. In September 2013, the Danish Supreme Court turned down a request for appeal by Roj-TV. In March 2014, that same court upheld the ban. The former director of Roj-TV has announced that the station plans to submit the case to the European Court of Human Rights.

## Caught between media freedoms and diplomacy

A thorough review of the information surrounding the closures of Med-TV, Medya-TV and Roj-TV reveals a common thread of security and terrorism running through the diplomatic conversations between Turkey and its European allies. Attempts by Turkey to force European counterparts to abide by its rules of engagement worked to some extent. What has also come to light is the importance of the US role in aiding Turkey in the pursuit of the closures. Without Washington's assistance, it is doubtful that Turkey would have been as successful in dealing with the EU member countries. The final revelation is the lack of understanding on Turkey's part of freedom of speech issues in a European context.

Denmark had long insisted that programming on Roj-TV must take place within the framework of freedom of expression. As revealed in diplomatic cables through WikiLeaks,<sup>6</sup> Denmark has often reiterated to Turkey the importance of abiding by legislation and regulation as well as the need to submit in court concrete evidence of incitement of terrorism within the meaning of Danish anti-terrorism statutes. Turkey viewed these demands as foot-dragging and attempts to ignore Turkey's case.

There were those in Turkey, however, who seemed to be in tune with European concepts of freedom of expression. This sentiment was expressed in a letter to Danish Prime Minister Rasmussen and signed by more than 50 mayors from Kurdish cities in the southeast of Turkey. While Turkey vehemently argued that Roj-TV was a mouthpiece of terrorism, the Kurdish mayors said the station was a 'constructive and positive contribution towards the progress of freedom of expression, that is, one of the essential foundations of European civilization'. The mayors pleaded their case by co-opting the language of pluralism and freedom of expression, but were indicted in Turkey and faced charges of 'knowingly and willingly assisting a terrorist organization'. Rasmussen was outraged and vowed that the EU would not accept such actions that were completely contradictory to European principles. The mayors were eventually convicted and fined in 2008 for 'praising criminal activity'. Rasmussen's office released a statement calling the final verdict 'incomprehensible'. A Danish Deputy Chief of Mission observing the trial said that the links the prosecutors made in the case between Roj-TV and the PKK were 'unconvincing'.

Much of what Turkey had been presenting all along in its case against Roj-TV was 'unconvincing' from a European perspective. Turkish claims that Roj-TV broadcasts were an incitement to violence, and hatred was met with scepticism by both Copenhagen and Washington. Danish courts repeatedly found evidence against Ankara's claims. Washington commented specifically about claims that Roj-TV fomented unrest in Diyarbakır in 2006, saying that while they support Turkey 'in its prior efforts to shut down Roj-TV' and that they agree the channel is linked to the PKK, they would not back Ankara's claims about the causal relationship between Roj-TV and the unrest in Diyarbakır.

As early as October 2005, an action request by the Turkish Ministry of Foreign Affairs asked that the US embassy in Copenhagen regularly consult with the Turkish embassy on matters regarding Roj-TV. The following month, the Turkish press reported that Washington would assist Turkey in pressuring Denmark to close Roj-TV. However, the

US State Department announced that it had ‘no information’ about those claims. In 2012, the US ambassador to Turkey, Francis Ricciardone, Jr, said, ‘[Turkey and the US] are acting jointly against the PKK. For example, we asked our European friends to shut down Roj-TV’. Denmark’s Justice Minister Morten Bødskov commented on the tightening of laws in Denmark to facilitate the closure of Roj-TV, saying it was ‘the result of a process driven by US pressure’ (Demirel, 2012).

At the inaugural Turkey–Denmark Counter-Terrorism Talks held in December 2007, Denmark told Turkey that the evidence it had provided was inadequate and it needed ‘better’ evidence to support Turkish claims. Turkey countered that it had been providing sufficient and abundant evidence and did not understand why Denmark had not acted. This clearly showed the difference in legal interpretations of terrorism in the two countries and the vast chasm that needed to be bridged if there was to be progress in the case against Roj-TV. Turkey could only see the case through its own legal frameworks and simply could not grasp the fact that Denmark was not impressed by the evidence it had presented. The fact was, however, that the Turkish evidence was not useable in European courts.

In a February 2007 cable (07ANKARA336) signed off by the then US ambassador to Turkey, Ross Wilson, the ambassador stated that Europe was beginning to open to the idea of the ‘Al Capone approach’ to deal with the PKK on European soil. This refers to efforts to move against the PKK as a criminal organization, rather than a terrorist organization, and to focus on its financial resources. He added that the United States ‘should move now to support deeper European-Turkish-US information sharing and cooperation to break down remaining PKK fronts and propaganda organs like Roj-TV and Fırat News’.<sup>7</sup> This idea was reaffirmed by Frank Urbancic, Principal Deputy Assistant Secretary and Deputy to the Coordinator, Office of Counterterrorism, during a visit to Ankara in February 2008. Urbancic said ‘the US is applying an “Al Capone approach” in dealing with PKK networks in Europe’ and that the ultimate goal was ‘to disrupt PKK activities and dry up its financial resources in Europe’ (US Department of State, 2008).

In 2008, Europe fully backed the idea of treating the PKK as an organized crime operation and began to see the PKK as a threat to European security. Denmark would now begin to examine regulatory violations and money laundering to bolster the case against Roj-TV. The new EU Counter-Terrorism Coordinator was ready to tighten loopholes in European legal systems that seemed to be exploited by the PKK. At the same time, Europe continued to urge Turkey to relax its broadcasting regulations to allow Kurdish-language broadcasting that would reduce Roj-TV’s appeal.

The problem of ‘unconvincing’ evidence continued through 2009. Danish ambassador to Turkey, Jesper Vahr, stated that Turkey still did not ‘get it’ and was focusing ‘primarily on Roj-TV messages’ and not providing concrete and actionable information to Denmark.<sup>8</sup> In 2013, despite continuing European concerns about media freedoms in Turkey, and concern that Turkey did not fully appreciate the nuances of these freedoms in a European context, Turkish policy makers interpreted their own recent changes as sufficiently meeting EU requirements. The vice-chair of RTÜK stated firmly during an interview for this article, ‘They [the European Commission] are not rejecting our radio and television law. [...] Everything is according to European Union laws and regulations’. He further added that ‘we [as media policy authorities] do not fear the other languages anymore’.

The case of Kurdish broadcasting in Europe signals implications beyond the scope of the Kurdish conflict. First, while the existing literature often focuses on indigenous minorities and language policies in the EU, this analysis shows that more attention needs to be paid to how such policies interrelate with national as well as intergovernmental political agendas and issues of multinational and national security. By studying minorities coming from outside the EU, such as the Kurds, the intricate relations between media policies and matters of security within sending and receiving countries are highlighted. Second, it is of note that some challenges of EU media policies remain. In particular, the Kurdish case shows that – despite the above-mentioned efforts to homogenize the EU’s audio-visual landscape – some crucial instruments (e.g. licensing decisions) necessary to realize media freedoms are the prerogative of singular states. As long as each EU member country interprets and implements the general principles in slightly different ways, diplomatic interventions in matters of media freedom seem more likely to occur, along with a high risk of manipulation of those principles. The director of the Kurdish Institute in Brussels also pointed to the detrimental effects of the current situation, making it ‘very non-transparent for the Kurdish people to know what their rights are in the EU’. Furthermore, significant challenges remain for the accession negotiations between Turkey and the EU. Although progress has been made in terms of the Copenhagen Criteria, the challenge is now to move beyond some of the more general formal criteria (such as allowing broadcasts in other languages than Turkish) towards more comprehensive changes in Turkey’s democratic system (such as working towards more palpable media freedoms). Finally, it can be said that the case of Kurdish broadcasters testifies to the difficult harmony that the EU seeks between the democratic rights of its citizens and its path towards becoming a growing political power.

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## Notes

1. On this shift within the movement, see, for instance, Zaman (2013).
2. UK Parliamentary Notes, 18 July 1997.
3. For examples, see *Hürriyet Daily News*, 18 March 1999, Turkey steps up efforts to persuade Europeans on Med TV. Available at: <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=turkey-steps-up-efforts-to-persuade-europeans-on-med-tv-1999-03-18> (accessed 22 August 2013).
4. Decision regarding complaint from the Radio and Television Supreme Council, Danish Radio and Television Board, 3 May 2007.
5. See Reporters Without Borders, Press Freedom Index 2004, 2005 and 2009. Available at: <https://en.rsf.org> (accessed 17 September 2013).
6. Information retrieved from WikiLeaks. A review of all US Diplomatic cables 2005–2009, reference: Roj-TV.
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