

**Siyah Bant Research Reports 2013****Report I: Developments in Cultural Policy and Their Effects on Artistic Freedom of Expression in the Arts, Ankara**

Established in 2011 Siyah Bant is a research platform that documents censorship in the arts across Turkey. The initial goal of this initiative was to identify and examine different modalities of censorship. To this end Siyah Bant has conceptualized censorship not just as the banning of artistic expression through legal means but included process of delegitimization, threats, pressure, targeting and hate speech directed at artists and arts institutions that foreclose or delimit the presentation and circulation of artworks. Among the actors that Siyah Bant has identified through site visits throughout Turkey are state institutions, political groups and parties, individuals who act as proxies of the state, neighborhood organizations, as well as actors more closely related to the art world in its narrower sense, such as arts and cultural organizations, curators, funding agencies and sponsors.

As censorship in the arts has been rarely reported in depth, we wanted to contribute to broader public knowledge of the different mechanisms with which freedom of the arts is undermined. We have also aimed to show that censorship in the arts violates both the guaranteed freedom of expression and the arts in the Turkish constitution as well as the international human rights agreements signed by Turkey where freedom of expressions is defined as an indispensable pillar of democracy. At the same time we found that stipulations with regard to ‘national security,’ Turkey’s anti-terror legislation as well as provisions concerning the public order are frequently employed to legitimize censorship and limitations of the freedom in the arts. These interventions are – for the most part – arbitrary and employed for political and ideological reasons, and often for seemingly contradictory ends. Especially the notion of societal sensitivities (*toplumsal hassasiyetler*) has been increasingly used to delimit freedom of arts by non-state and state actors alike. This line of reasoning has been mirrored by the Ministry of Culture and Tourism as vague conceptions of societal sensitivities along with that of “public morals” (*genel ahlak*) have been elevated above the state’s mandate and legally stipulated duty of supporting and protecting the arts as well as the artist.<sup>1</sup>

Apart from trying to raise awareness on censorship in the arts and artists’ rights, Siyah Bant has aimed to provide a platform to discuss different strategies in the fight against censorship. While legal activism has emerged as a possible field of mobilizing and organizing,<sup>2</sup> Siyah Bant has also pursued interviews with cultural policy officials as a way of holding the state accountable with regard to its mandate. This has also included following developments in official cultural policy over the past few years, especially as members of the

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<sup>1</sup> See Banu Karaca, “When Duty Calls...: Questions of Sensitivity and Responsibility in Light of the Tophane Events,” *Red Thread e-journal* (November 2011), <http://www.red-thread.org/en/article.asp?a=49>; Siyahbant (Istanbul, 2012) and Siyahbant, *Sanatta İfade Özgürlüğü, Sansür ve Hukuk* (Istanbul, 2013)

<sup>2</sup> Siyahbant, *Sanatta İfade Özgürlüğü, Sansür ve Hukuk* (Istanbul, 2013).

ruling Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) have taken an increasingly adversarial stance towards the arts. Prime Minister Erdoğan's scathing speech about theater workers in Kahramanmaraş in May 2012<sup>3</sup> as elitists who mock 'the people,' and former Minister of the Interior, İdris Naim Şahin's declaration of art as "the backyard of terrorism" in December 2011<sup>4</sup> are but two examples that have left their mark on the art world. Far from signifying mere political discourse, these interventions have paved the way for the current changes in theater funding and have drawn attention to the fact that artists who are engaged in the Kurdish rights struggle have long been charged under anti-terror legislation.

As part of our ongoing research on cultural policy practices that play a vital part in the formation of freedom of the arts and its limitations we conducted a research visit to the Ministry of Culture and Tourism in late October 2013. During this visit we had an opportunity to meet with representatives from the Department of Fine Arts, the Directorate for Cinema, the Directorate of Opera and Ballet as well as with the Directorate of Strategy Development. A meeting with the Minister of Culture and Tourism was requested but could not be scheduled, all questions that we addressed to his office with regard to new policy developments were delegated to the Directorate of Strategic Development. Overall Ministry representatives seemed hesitant to speak with us, yet agreed to our request when we stated that little to none information about the official policies of the Ministry is publicly available at the moment.

The new Minister of Culture and Tourism, Ömer Çelik, took his post on 24 January 2013. His first few months in office were marked by a striking silence on three issues in particular: the redevelopment of Taksim Square, the draft of the Turkish Arts Council law (*Türkiye Sanat Kurumu*, TÜSAK) that was leaked in the spring of 2013, and the discourses around funding projects that promote family values and public decency, especially in the discipline of cinema. This silence has contributed to the rumor mill running high in the art world, so much so that in November 2013 Ersin Antep asked in the daily *Radikal* "Will we have a Minister of Culture? (Bizim bir kültür bakanımız olacak mı?)." Antep suggested that many of the programs initiated under Çelik's predecessor, Ertuğul Günay, had been terminated, including most of the restitution efforts for cultural artifacts that the former Minister of Culture and Tourism had pursued. Çelik has been rumored to mainly work out of the Prime Minister's Office rather than tending to institution he is heading. The fact that no comprehensive overview over the programs carried out by the current administration has been made public has resulted in rumors running all the more rampant. Günay, had become increasingly vocal with regard to the redevelopment of Taksim (also known as the Taksim Pedestrianization Project, *Taksim Yayalaştırma Projesi*) – stating that the city was not in need of another shopping mall. Günay also argued that the plans for a mosque to be added on Taksim Square were ill conceived as was the reconstruction of the Ottoman Army Barracks (*Topçu Kışlası*) that was part of the original redevelopment plan. Being at the heart of Beyoğlu, Taksim Square encompasses the Monument to the Republic and the Atatürk Cultural Center (*Atatürk Kültür Merkezi*, AKM), which are both under the purview of the Ministry of Culture and Tourism.

Çelik maintained his silence for much of the debate, broken ever so briefly in his response to a parliamentary inquiry by Sezgin Tanrıkulu in June 2013 when he confirmed

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<sup>3</sup> Siyahbant, "Başbakan Recep Tayyip Erdoğan'ın Kahramanmaraş Mitingi konuşması" (Istanbul, 2012), 52-53.

<sup>4</sup> Siyahbant, "Sevgili İçisleri Bakanımız, ne diyorsak tersinden anlayınız!" (Istanbul, 2012), 50-51.

that during the construction in and around Taksim 16 Armenian tombstones had been found along with remnants of an 18<sup>th</sup> century wall and parts of a drainage system dating to the same time period. Çelik also noted that archeological artifacts had been found in the larger area surrounding Siraserviler, Kazancı Yokuşu and on the Tarlabası side. During the Gezi protests of May-June 2013 Çelik neither took position on the plans for the redevelopment of Taksim, nor did he announce any further plans for the Atatürk Cultural Center although Prime Minister Erdoğan suggested a complete demolition of the AKM. Since mid-June of 2013 the AKM has been used by the riot police – permanently stationed upfront and using the building as a logistical center. The renovation which has left the Istanbul State Theater, Ballet and Opera without a permanent home was supposed to be concluded by 29 October 2013, but it seems that no work has been done for at least the past seven months. During our visit at the Ministry we were unable to attain any official statement about the future of the AKM. In July the First Administrative Court had already cancelled the *Topçu Kışlası* Project and the master plan for the redevelopment of Beyoğlu has been voided in December 2013 with the courts decision explicitly stating that the non-participatory manner with which the project was designed makes it untenable. From a cultural policy perspective the court's decision is notable in a second respect: it explicitly diagnoses a tension between touristic commodification of urban areas and the needs and rights of the inhabitants of these areas. What these two court decisions mean for the fate of the AKM as well as the already conducted construction in and around Taksim Square remains unclear as of the writing of this report.

When in the spring of 2013 a draft of the TÜSAK (Turkish Arts Council) legislation was leaked, it further aggravated concerns that had already been raised in the previous year with the government signaling its intension to privatize the state theater system. The draft as it stands at the moment aims to restructure the entire arts funding system in Turkey by granting support on a project basis and by shifting decision-making powers to state appointed officials rather candidates representing artists' associations from respective disciplines.

Rengim Gökmen, Director of the Department of State Opera and Ballet, like other officials we meet, was unable to relay any news about the fate of the AKM, despite the organic connection that his department has with its Istanbul counterpart. Gökmen underlined that despite recent additions to concert halls in Istanbul, such as in the Zorlu Center (a shopping mall, residence and entertainment complex), Istanbul is in dire need of a large, central opera, ballet and theater stage. Gökmen stressed that the programming of the Directorate had stayed independent since its inception and that no signs to a contrary development exist at the moment.

Gökmen noted that he had not received any official communication about the TÜSAK draft that has generated heated discussions in the art world over the past few months. However, he also pointed out that funding on a project-basis would be inappropriate for institutions that have performance seasons as well as year-round rehearsal schedules such as theater, opera and ballet. While Gökmen, like many of his colleagues from the field of theater, supports a reform of the state theater-system, he emphatically argued that any such reform needs to take into account the artistic production practices of each discipline in order to be equitable and artistically viable. Gökmen remarked that he sees great danger in delegating opera and ballet to the private sector, as a mere reliance on market rationales is

detrimental to artistic autonomy and hence adversarial to the inner workings of art. Instead he suggested regular performance evaluations that would enable a “career system” within the state’s performing arts institutions, i.e. opening a path for professional advancement based on performance rather than the application of civil servants’ promotion criteria.

Gökmen expressed that within the current peace process art plays an exponent role with its capacity to create encounters and empathy. This topic came up repeatedly during our interviews with other officials as well, for instance by Directorate for the Fine Arts. Yet, these assertions tend to be rather general, although it is notable that cultural diversity and especially past cultural production by minorities is mentioned far more frequently and directly than during our visit in 2012. Asked for concrete examples, interfaith encounters and musical events are often referenced as well as a range of CDs that the Ministry of Culture and Tourism has produced focusing on the oeuvre of minority composers and lyricists. But as will be outlined in more detail in the second part of this report, these advances by the Ministry for Culture and Tourism are in stark contrast to the daily experiences of Kurdish artists and their working conditions, for instance.

Like Gökmen, Nihat Değirmenci, deputy director of the Department for Fine Arts responded that he “followed the TÜSAK debate from the press, as everyone else” and hence did not see himself able to give an assessment on the possible course of the draft and the impact it might have on the make-up of Turkey’s arts sector.

One of the most pressing issues over the past few decades has been the – to a large extent – ongoing exclusion of contemporary art from the funding and other activities from state support. While the Ministry still holds yearly competitions in painting and photography, there are no programs for visual arts in the boarder sense, no funding categories for individual artists or structural support for contemporary art institutions. Grievances over this omission have been voiced repeatedly over the past two decades, especially as contemporary art from Turkey has gained increasing international recognition. This lack is even more pronounced in the city of Ankara itself, where there is a remarkable shortage of non-commercial contemporary art spaces. Opened in 2010 the Cer Modern was to amend this lack, however, hopes tied to this space never really materialized (as was previously the case with the Çankaya Belediyesi Çağdaş Sanatlar Merkezi established in 1998<sup>5</sup>) as the space is managed as an event hall rented out for large-scale functions like weddings, for example, rather than a contemporary arts center. Independent arts initiatives, such as CAVA (Cinema Audio and Visual Arts) that have conducted workshops on the premises have voiced their discontent about the direction of Cer Modern or terminated their relationship to the space altogether. The Ministry, however, does not seem to share these concerns. Quite to the contrary, Cer Modern seems to be regarded as a successful model. At the same time there is an awareness that contemporary art should be included within the purview of the Ministry, but our inquiries over the past two years have been met with the reasoning that there are no legal precepts to do so at the moment. It could be argued, however, that rather than a missing legal framework it is missing practice that produces this asymmetry with regard to contemporary art.

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<sup>5</sup> Beral Madra, “Ankara çağdaş sanata çok uzak,” *Radikal Online*, 23 May 2009, [http://www.radikal.com.tr/yazarlar/beral\\_madra/ankara\\_cagdas\\_sanata\\_cok\\_uzak-937200](http://www.radikal.com.tr/yazarlar/beral_madra/ankara_cagdas_sanata_cok_uzak-937200); Ferhat Özgür, “Ankara’da tarihi bir fırsat,” *Radikal Online*, 30 May 2009, [http://www.radikal.com.tr/kultur/ankarada\\_bir\\_tarihi\\_firsat-938237](http://www.radikal.com.tr/kultur/ankarada_bir_tarihi_firsat-938237).

Within the field of cinema two issues have especially come to the fore over the past two years. Firstly, the rating system that has been increasingly employed to effectively limit the circulation of certain films by enforcing harsh age limits. There is, of course, an important and valid basis to age-limit provisions in Turkey as well as internationally in order to protect minors from potentially disturbing and harmful images. Yet debates have erupted about the ways in which these provision have been used to legitimize broader infringements on the freedom of expression that surpass the protection of minors,<sup>6</sup> especially since this rating is tied to the *eser işletme belgesi*, a certificate necessary for commercial distribution. Until recently this certificate was not required when films were intended for festival use, i.e. noncommercial screenings. While legal scholar Ulaş Karan argues that this procedure is indeed in accord with official regulations, the Ministry has decided to reinterpret the distribution provisions and make them requirements for festival films as well. Cases such as the film “Berivan” or “Dersim 38” that were deemed ineligible for distribution certificates have raised concerns that political preferences rather than the protection of minors are at stake. As during our last visit our inquiries with regard to the *eser işletme belgesi* have been consistently deflected by insisting on framing the issue in terms of technicalities and of the protection of minors rather than political sensitivities and preferences or pluralism. In addition, the Directorate of Cinema has consistently argued that its rating procedures present a harmonization measure with European Union standards and hence a necessity arising from European co-production agreements signed by the Turkish government in the early 2000s.

Secondly, in January 2012 Cem Erkul, director of the Cinema Department, announced that funding priorities would shift to “family films,”<sup>7</sup> leaving question marks as to what kind of movies would qualify as such and how the respective selection criteria employed by the award committees would be formulated. During our last visit these questions were once again deflected by noting that the composition of selection committees had not changed and that along with a representative from the Directorate those of the filmmakers’ associations were still present in the selection process. Yet, it was also made clear to us that “as a social welfare state” the cultural needs of society overall, rather than ‘niche interests,’ needed to be taken into consideration. It was emphasized that the Ministry does not aim to ‘just’ fund arthouse movies but sees it as part of its duty to fund potential blockbusters as well. This understanding notably diverges from the rationale of art funding in democratic settings, where state support is intended to help exactly the kind cultural production that would otherwise not be viable. Surely much of the discussions around cutting arts funding throughout the EU has been conducted with the same rationale, i.e. that under tightening economic conditions, market viability is increasingly conceptualized as fulfilling both cultural needs and evidencing worthiness of government support. It is likewise notable that the much-mentioned increase in international interest in cinema from Turkey has centered largely on small, independent films that have garnered awards at international festivals, rather than being box office hits. Yet the Directorate seems vindicated in its general practice by pointing to the rapid increase in national film production (e.g. while there were only nine local films in the 2002 screening cycle, this number went up to 62 in 2013). The Directorate

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<sup>6</sup> Majorie Heins, *Not in Front of the Children: “Indecency,” Censorship, and the Innocence of Youth* (New York: Hill and Wang, 2001).

<sup>7</sup> See “‘Malkoçoğlu desteğine’ sinemacı kazan kaldırdı”, *Radikal Online*, 22 January 2012, [http://www.radikal.com.tr/kultur/malkocoglu\\_destegine\\_sinemaci\\_kazan\\_kaldirdi-1076372](http://www.radikal.com.tr/kultur/malkocoglu_destegine_sinemaci_kazan_kaldirdi-1076372).

has also indicated that it wants to extent incentives for foreign film productions in Turkey, not least by co-financing such productions.

Recent news that the Ministry will retract funding from films rated suitable for age 18 and above have increased concerns in the film sector about how age restrictions might be further instrumentalized for political purposes.<sup>8</sup> It is very likely that this new guideline will further the precarious economic standing of independent filmmakers and engender self-censorship due to the fear of loosing much sought after public funding. This regulation will also allow the Directorate to intervene into decisions of final cuts, in order to meet age restrictions eligible for this funding, rather than making decisions based on the artistic integrity of a given work.

The Cinema Directorate stresses that they are concerned with the art of the moving image overall. However, they do not advocate on behalf of filmmakers who regularly face onslaughts on the integrity of their work through unauthorized edits of their film when sold to TV stations, be it to make room for commercials or to make movies eligible for certain time slots. At times this practice serves to circumvent age restrictions, at others to adhere to real or imagined notions of public decency, especially when it comes to content that diverges from hetero-normative presets. The Directorate relegates such responsibilities to the TV channels themselves as well as to RTÜK (*Radyo ve Televizyon Üst Kurulu*, the Radio and Television Supreme Council that monitors and regulates radio and television broadcasts), with the exception of age restrictions that need to be heeded by the channels.

The Office for Strategic Development (Strateji Geliştirme Başkanlığı) has recently completed the National Cultural Policy Review and has been responsible for developing new policy objectives and visions. We had a chance to meet with Mahmut Evkuran, the Director for Strategic Development. While Evkuran admitted that cultural policy objectives have not been communicated clearly by the Ministry to the general public as well as the arts community, he seemed at a loss why the TÜSAK draft has induced this amount of panic and rumors, especially since discussions about these kinds of reforms stretch back to the early 1990s. He repeatedly stated that all artists' association will be informed and consulted and that the draft is still at an early stage. It remains unclear, however, when further amendments to the draft will be made and how such consultations, if at all, will be conducted. As in the area of cinema Evkuran stressed that examples from the EU were being evaluated in the assemblage of the TÜSAK proposal.

Asked about the striking lack of support for contemporary art which garnering increased international attention over the past 20 years has by default served as a vehicle for cultural diplomacy, Evkuran conceded that this part of the arts sector indeed was "incredibly dynamic" and that "one has to think about how to embrace this dynamism" both institutionally and legally. Rehabilitation and restoration of cultural heritage were identified as the primary goals of the Ministry. He himself seemed to define cultural diplomacy in terms of restitution of cultural artifacts to Turkey however, and was more concerned with integrating the 'traditional arts' within the purview of official cultural policy. While Evkuran is correct in that traditional arts have been largely left out of art history curricula in Turkey and tended to mainly by civil society and nonprofit organizations, this does not necessarily mean that this inclusion has to be conducted in lieu of funding contemporary artistic production.

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<sup>8</sup> "Tiyatrodan sonra sinemaya da ahlak kriteri geldi," *Radikal Online*, 25 December 2013, [http://www.radikal.com.tr/kultur/tyatrodan\\_sonra\\_sinemaya\\_da\\_ahlak\\_kriteri\\_geldi-1167945](http://www.radikal.com.tr/kultur/tyatrodan_sonra_sinemaya_da_ahlak_kriteri_geldi-1167945).

When asked about the state of freedom of expression and censorship in Turkey, Evkuran emphasized many of the aspects that were part of the recent “democracy package” announced by the government in October 2013, such as restitution of the estate surrounding Mor Gabriel and the freedom to wear a headscarf in public service and public institutions. He noted that other minority properties would also be returned, although he conceded that decisions would be made on a case-by-case basis. Evkuran gave much emphasis to the appropriation of certain works of Kurdish literature such as *Mem û Zîn*, an edition of which was printed by the Ministry in 2012, and the oeuvre of film director Yılmaz Güney. The Ministry has prepared a disk set of all his films, many of which were banned in Turkey during his lifetime. Evkuran also highlighted the Presidential Honor posthumously accorded to Ahmet Kaya; although as he himself noted this initiative was taken by President Abdullah Gül rather than the Ministry itself. Much emphasis was given to the entire protocol of the Ministry of Culture and Tourism as well as other government officials attending the Kurdish language performance of Hamlet in Ankara in November 2012. Yet Evkuran failed to point out that this production was actually performed by the Diyarbakir Municipal Theater, which has staged plays in Kurdish throughout the past decade and often under threats and continual harassment by Turkish security forces. While his examples surely present steps towards acknowledging minority cultural production and heritage, a vast asymmetry between these showcases and daily practices remains (see Part II of this report). This also became clear when Evkuran pointed to the ‘legalization of the Kurdish language’ and the freedom to take on Kurdish names both on an individual basis and in the case of place names. Given the fact that education in Kurdish is still not available within the public school system, this assessment seems overly positive. This became even clearer when we asked Evkuran about the governors who banned Kurdish language events or film screenings with political content. According to Evkuran these instances mark reflexes of the “old order” of Turkey and that these kinds of asymmetries are to be expected. He also added that at times security concerns voiced by authorities might be valid.

It has become somewhat commonplace to argue amongst cultural policy officials in Turkey that the Ministry of Culture and Tourism does not actually follow changing political trends but has been on more or less the same path since its inception. Yet, the above shows that changing political discourses have actual implications for cultural policy formations. However, this is not to argue that all in the Ministry present homogeneous takes on different issues. Asked about the increasing discourses about “conservative art” (*muhafazakar sanat*), for example, some noted that the combination of “conservative” and “art” presents a misnomer as art per definition is progressive and thus responsible for pushing existing boundaries and exploring new grounds. Many admitted that these kinds of questions may very well be an issue of politics, but less for artistic practice and production; although it was also noted that these and other topics should be open to discussion. The same holds true for the much-used notion of ‘societal sensitivities.’ Some acknowledged that such possible sensitivities needed taken into account, but emphasized that they did not feel restricted in the programming of their departments and stressed the pioneering character of art as opening up new, hitherto unexplored spaces.

When asked about the critique of the elitism of the artistic establishment and especially the state theater system that has been launched by the governing AKP over the past few

years, it was often noted that politicians were free to express admiration or discontent with the state of the arts or certain artworks. A common argument was that these kinds of reactions should be read as a sign that art is noticed and noticeable, and hence a positive sign in itself.

Apart from the structural issues that arise from subsuming culture and tourism, and hence two policy areas that have quite different goal orientations, as many in the Ministry too admit, under the same administrative unit, the Ministry still fails to exhibit an active advocacy for artists as is required by Articles 27 and 64 of the Constitution. Together these articles not only guarantee freedom of expression in the arts but also hold the state responsible in supporting the arts and artists. There also remains a disconnect between the ideals of cultural policy in liberal democracies and practices in the Turkish context emerged in officials' disconcertedness about artists who are in the state theater system, but vocal about criticizing the government, as for instance, during the recent Gezi protests. While this is surely a contentious issue everywhere, receiving government fund should not foreclose the possibility of critiquing government policies.

## **Report II: Freedom of Expression in the Arts and Censorship in Kurdish Region Diyarbakir, Batman**

As we have shown in previous publications, artists engaged in the Kurdish rights struggle are differentially affected by limitations to freedom of expression in general and in the arts in particular. This is even more the case in the (predominantly) Kurdish regions of Turkey where freedom of expression and assembly are monitored and affected by Turkey's anti-terror legislation. In practice this has meant that all cultural (e.g. language) and artistic expression within the Kurdish rights struggle can be construed as illegitimate 'separatist propaganda' and hence outside of the protection of freedom of expression and the arts.

This year we wanted to conduct follow-up interviews in order to examine if and what kind of changes artists have experienced with the beginning of the "peace process" and the armistice between the Turkish Armed Forces and the PKK (Partiya Karkerên Kurdistan, Kurdistan Workers Party). Officially announced in early spring 2013 by the government, this process has been all but transparent or linear, yet has raised hopes to bring an end to 30 years of armed conflict. Interviews were conducted with the Department of Culture and Tourism of the Diyarbakir Municipality, the Diyarbakir Municipal Theater, the Dicle Fırat Culture and Arts Center (Dicle Fırat Kültür Sanat Merkezi), independent filmmaker Zeynel Doğan who is also a lecturer at the Aram Tigran City Conservatory, the Kurdish publishing house Lis Yayınevi, members of the Bahar Cultural Center (Bahar Kültür Merkezi) and their lawyers as well as BART – the Batman Culture and Arts Association (Batman Kültür ve Sanat Derneği).

It may come to no surprise that while the reforms announced within the framework of the "democracy package," especially the legalization of the Kurdish letters Q, W, X and teaching Kurdish in private schools, were highlighted by officials of the Ministry of Culture and Tourism in Ankara as achievements in the area of freedom of expression, the perception in the region is considerably different. As interviewees frequently noted these changes have merely legalized what Kurdish artists, activists and politicians have practiced – often under threats of incarceration and harassment, or worse – over the past decades. While all stated that the "peace process" has engendered hopes in the region and that the end of armed violence has brought considerable relief, it seems that other practices, such as the constant surveillance of arts and cultural centers by Turkish security forces is still in place. Given that Ankara emphasizes arts and culture as important vehicles of societal peace that ought to be

promoted, the question remains why artistic production in the Kurdish region remains under generalized suspicion of being or aiding terrorist activities.

As the director of the Department of Culture and Tourism of the Diyarbakir Municipality, Muharrem Cebe, notes the Ministry of Culture and Tourism still shows little engagement with the city of Diyarbakir. Their activities center mostly on bringing one or two popular artists to town every year. In the area of restoration the Ministry continues to focus on historical sites that fit easily into nationalized (i.e. Turkified) narratives, such as the Ulu Mosque and the İçkale, rather than those that evidence Kurdish presence and history in the region. Since the Peace and Democracy Party (Barış ve Demokrasi Partisi, BDP) has come into office in Diyarbakir, the municipality has explicitly pursued multicultural arts and languages policies, printing all its official communications in Kurdish, Armenian, Assyrian, Arabic and Turkish. The municipality has supported the renovation of the Armenian Surp Giragos Church and is in close collaboration with Surp Giragos Foundation. The Diyarbakir Municipality is currently overseeing the restoration of the Cemil Pasha Mansion (Qonaxa Cemil Paşa), which will host the future city museum. This museum is intended to decidedly represent not only the city's Kurdish past but aims to acknowledge other minority communities and their histories as well. The municipality has also granted the local Alevi Cemevi official status as a place of worship and hence logistical support entailing electricity, water and the like. Cebe emphasized that provisions for Kurdish as an elective or as offered in private schools without comprehensive structural support for Kurdish language education does not offer any real-life changes, not least by noting: "What good are these kinds of reforms as long as the Governor's Office is not answering my letters." Beyond the issue of language, Cebe's statement points to the continued tension between centrally appointed governors and locally elected Kurdish representatives. For instance, in Turkey governors have some leeway to suppress arts and culture events at their own discretion, if they believe that the event may disturb the public order, be it in regard to morals, health, customs, or traditions, apart from the already mentioned perceived threats to national security and territorial integrity (similar discretionary powers also rest with the police that can intervene in art events without necessarily having to draw on the legal apparatus.) It is in the field of tension between the two levels of governance that restrictions on the freedom of expression in arts are frequently constituted in the Kurdish region.

One of the few municipal theaters in the Kurdish region, the Diyarbakir Municipal Theater (Diyarbakır Büyükşehir Belediyesi Şehir Tiyatrosu) has started to build up a Kurdish language repertoire from 2003 onwards and now is entirely performing in different Kurdish languages. Artistic director Rüknettin Gün recounts that before 2003 Turkish Security forces would function almost as unofficial "dramaturges" in that they wanted to see all scripts in advance and even attend rehearsals. Since the 2004 municipal elections, but even more so after those in 2009 that went to the BDP, the municipal theater has been free of such supervision and surveillance, at least officially. Unfortunately this is not the case for independent arts organizations. However, whenever the Diyarbakir Municipal Theater tours outside of Diyarbakir for guest performances in Dersim or Iğdır a mere four to five months ago, they remain subject to security checks and surveillance, unless the stage they are using is connected to a BDP municipality. This means that they still have to provide a synopsis of the play and relay ID information of all actors and support personnel in advance to the local

authorities to receive a performance permit. Gün noted that by recording of the plays security forces “always make their presence felt.” While Diyarbakir Municipal Theater has not encountered any last minute cancellations during this year’s guest performances, our research showed that refusing previously promised spaces and venues remains a frequent tool in suppressing Kurdish artistic production throughout Turkey.<sup>9</sup>

Gün also clarified that their performance of Hamlet in Kurdish was a co-production with the Amsterdam-based Theater RAST and did not receive any support from the Ministry of Culture and Tourism. The play was performed in Ankara on the invitation of Ankara Arm of TAKSAV (Toplumsal Araştırmalar, Kültür ve Sanat İçin Vakıf, the Foundation for Social Research, Culture and Art) and that then Minister Ertuğrul Günay attended the performance along with other officials out of his own initiative.

The disjuncture between state institutions and local arts organizations was long mirrored by the Diyarbakir State Theater as well. Gün noted that the state theater did not pursue an organic connection with the city. However, its new director Uğur Çınar, who has previously worked in the Municipal Theater, is promising in terms of changing this policy. The Director General of the State Theater, Mustafa Kurt, has announcement that the state theater is thinking about establishing bilingual theater repertoires and that they are considering Diyarbakir for a pilot program. Although the legal reform packages of 2002 and 2004 had already lifted restrictions in language use there has been to date not state theater production in Kurdish. Even the often-cited performance of “Mem û Zîn” by the state theater in Van was actually staged in Turkish. While Gün too stated that hopes were tied to the current political process, he also noted that the latest reforms but legalize what has long been practiced in Diyarbakir and the region overall. This was also confirmed by Lal Laleş of Lis Publishing.

Filmmaker Zeynel Doğan highlighted how beyond direct state interventions, 30 years of armed conflict have produced a psychological toll on the Kurdish population that has also impacted artistic production. Resources to produce films reflecting daily experiences of Kurds remain limited. For instance, it is nearly impossible to visually portray or reenact scenes of military interventions, the destruction of entire villages, or even the customary ID controls in their actual scope as this would involve showing military and police vehicles. This is not an issue for mainstream Turkish productions, both in terms of budget but also with regard to permits and the cooperation of, for instance, the Turkish Armed Forces to provide tanks and similar machinery. The same is true for trying to reenact mass protests. Even filmic representation of these experiences on a small scale tend to draw attention by local security forces and end up in potential interventions.<sup>10</sup>

During the shooting of his 2012 film “Babamin Sesi (My Father’s Voice)” in Elbistan, rumors began to circulate that they were shooting a guerilla film. These rumors led to the Elbistan municipality withdrawing all support it had previously promised, and this although

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<sup>9</sup> See *Siyahbant* (Istanbul, 2012) and *Siyahbant, Sanatta İfade Özgürlüğü, Sansür ve Hukuk* (Istanbul, 2013).

<sup>10</sup> This was the instance the case for directors Kazım Öz and Mizgin Müjde Arslan who along with members of their crew were taken into custody while working on their feature films (see “Batman’da Kürt Sinemacılara Gözaltı”, [http://www.siyahbant.org/?page\\_id=2199](http://www.siyahbant.org/?page_id=2199) and “Kayıp Mezar’ı Önce Savcı Gördü”, <http://www.siyahbant.org/?p=1158>).

the project was funded by the Ministry of Culture and Tourism. Doğan recounts that they were under constant surveillance by plain cloth officers. While they did not explicitly intervene in the shoot, their presence produced constant tension and discomfort on the set.

Members of the Dicle Fırat Culture and Arts Center likewise note that while physical violence has retreated into the background over the past decade, regular surveillance of their center and recording of their performance (i.e. procedures that are nothing short of harassment) continues to be part of their everyday lives. The kind of psychological stress inflicted by these experiences stays, as do some of their still unresolved court cases, mostly for performing songs like “Herne Pêş”<sup>11</sup> and taking part in rallies and Kurdish arts festivals, which have consistently been interpreted as illegal political expressions by the Turkish authorities. They see the recent steps of the government while in part positive as running the danger of merely instrumentalizing Kurdish artistic and cultural production.

Outside of Diyarbakir and other BDP municipalities however, we are confronted with an even more daunting picture. One of the most striking cases of censorship in the region has been that of 13 artists affiliated with Bahar Kültür Merkezi (NavenDa Canda Baharê) in Batman. Prosecuted by the 4. Diyarbakir High Criminal Court the artists’ “offenses” range from participating in the 2006 Batman Kültür Sanat Festivali, local Newroz celebrations, attendance of press conferences and supporting slogans by playing percussions at political rallies and demonstrations. Apart from being charged with ‘separatist propaganda’ or, alternatively, ‘being a member of a terrorist group,’ a number of artists were also convicted of several counts of transgression against law 2911, i.e. the regulations pertaining to freedom of assembly (*Toplantı ve Gösteri Yürüyüşü Kanunu*) opened against them in the past four years – a part of which is now in front of the appeals court.<sup>12</sup> The cases illustrate that all utterances by Kurdish artists can still be construed as unconstitutional political expressions rather than recognize the expressions as art and hence protected by Articles 27 and 64 of the Turkish Constitution.

Lawyer Mesut Beştaş explained that in accordance with the 3<sup>rd</sup> and 4<sup>th</sup> legal reform package a part of these verdicts has been deferred under the condition that the accused artists do not repeat the ‘offences’ with which they have been charged in the coming five years. This means that the 13 artists are de-facto on probation (*denetimli serbestlik*). According to Beştaş the legal parameters of such a probationary decision are rather vague and their enforcement is left to the discretion of the individual judge rather than being based on clearly defined regulations. The decision of the court hence presents a measure of trying to discourage artists active in the Kurdish rights struggle from taking part in events that could be deemed political by the courts, and foreclose any kinds of expression produced on their part.

Beştaş explained that in these cases freedom of the arts was not accepted as a valid argument of the defense, as the courts interpret artistic expression not in its own right but rather as a vehicle “to become one with the masses that are taking part in an illegal demonstration,” or alternatively as a vehicle that motivates protestors in activities deemed unlawful by the courts. The generalized suspicion that artists engaged in the Kurdish rights struggle are faced with also becomes apparent in the raids conducted on the Bahar Cultural

<sup>11</sup> A revolutionary Kurdish march based on the poem by Cigerxwîn.

<sup>12</sup> For a compilation of available online news items on the case see <http://www.ssiyahbant.org/?p=63>.

Center as parts of the recent KCK operations. If and what kind of changes will emerge from the “peace process” and the recent “democracy package” remains to be seen. Beştaş noted that the court of appeals rarely reviews cases unless there are substantial legal changes. According to his observations in over 90% of the cases the appeals court confirms the original verdict. It is also disconcerting that while the government has presented the steps taken in 2013 as path-breaking, practices of surveillance and prosecution not only remain in place. Abdullah Tarhan, who is a member of the board of directors of the Bahar Cultural Center and a theater artist by training, for instance, has incurred two new court cases this year: One because he took part in the 2013 Newroz celebrations in Van as a presenter and the other because he recited a poem by Cigerxwîn during an event in Batman. As the Bahar Cultural Center is incorporated as a private business the police is not authorized to conduct surveillance on the premises, yet all of their public performances continue to be recorded.

Despite the government’s proclaimed reform efforts, which were supposed to be illustrated by Erdoğan’s visit to Diyarbakir in November 2013 and to which Şivan Perwer and İbrahim Tatlıses were invited to perform not only in Turkish but also in Kurdish, the question remains what will happen to the convictions and pending cases of the many Kurdish artists who have been indicted over the past decade. This unevenness remains as the recent reforms thus far formalize, if only partially, what has been a hard-fought for practice in the Kurdish regions. Yet, some also expressed hope that Kurdish language proficiency was becoming a more sought after and financially rewarded skill, especially as state and private media (such as the Gülen supported Dünya TV) are producing more and more Kurdish programming and TV serials. Some project that these developments will raise interest in learning Kurdish and extend its institutionalization. This institutionalization is needed, so the respondents, not least to ensure the viability of Kurdish heritage. Yet they are also very aware that relying on commercial value alone presents is a doubled-edged sword and emphasize that what is needed are constitutional provisions for education in mother-tongue and the protection of Kurdish cultural production in the framework of freedom of expression.

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