



TÜRKİYE
YAYINCILAR
BİRLİĞİ

TURKISH PUBLISHERS ASSOCIATION

**FREEDOM OF THOUGHT
AND
EXPRESSION AWARDS
2015**

FOREWORD

The Turkish Publishers Association is in favor of the abolition of all restrictions to the freedoms of our authors to write and create, of the freedoms of publisher to publish, of the freedoms of our people to read and be informed. The general expectation and demand of the public too is to see the necessary democratic legislative reforms passed and restrictions to freedom of expression removed from the press and publication sphere.

Every year, the Turkish Publishers Association presents a Freedom of Thought and Expression Award in order to express its support to authors and publishers in their rightful fight for these freedoms, to attract the attention of public opinion on this fight and to insist on the demand to have the necessary changes made to the laws that are obstructing freedom of thought and expression.

This year's Freedom of Thought and Expression awards go to caricaturist Bahadır Baruter who has been sued several times for his caricatures, to Haluk Hepkon, the owner of Kırmızı Kedi Publishing, in the name of all publishers who's published books are confiscated and all publishers who are prosecuted; to Erdal Akalın, who has practiced her trade for 38 years non stop in his Dost Bookstore in Ankara, in the name of all our booksellers who continue with their book selling activities against all odds, under dire economic and political circumstances. Moreover, this year we present Honorary Freedom of Thought and Expression Awards to Engelli Web, Cumhuriyet Newspaper, Doğan Özgüden and İnci Tuğsavul Özgüden.

The Turkish Publishers Association Freedom of Thought and Expression Award was granted for the first time in 1995 to publisher Ayşe Zarakolu and author Haluk Gerger. In 1996 the prize was awarded to Yaşar Kemal and his publisher Erdal Öz, and in 1998 to Mahir Günşiray, in the name of the 185 artists, authors and intellectuals who had signed themselves as publishers of the book *Düşünceye Özgürlük*. The other recipients of this award were: in 1999, publisher Muzaffer İlhan Erdost, journalist-author Ragıp Duran and bookseller Mahmut Önal, who had kept his bookstore for 50 years in Merzifon; in 2000, publisher Süleyman Ege, journalist-author Nadire Mater and bookseller Salih Zeki Uluarslan, whose bookshop had stood open for some 50 years in Çanakkale; in 2001, publisher Ahmet Önal, author Mehmet Uzun and bookseller Lütfü Alpant, who had kept his shop open for 60 years in Zonguldak; in 2002, publisher Ömer Laçiner, poet-

author Enis Batur and Selçuk Togo, a bookseller who worked 60 years in Tarsus; in 2003, publisher Özcan Sapan, author Fikret Başkaya and bookseller Ahmet Yorulmaz, pursuing his trade in Ayvalık; in 2004, publisher Ömer Faruk, author Meltem Arıkan and bookseller Ahmet Tevfik Küflü, active in Ankara; in 2005, publisher Levent Erseven, author Herkül Millas and İsmail Dönmez, active in his bookstore in Balıkesir for 25 years; in 2006, publisher Sırrı Öztürk, authors Prof. İbrahim Kaboğlu, Prof. Baskın Oran and bookseller Şakir Tunalı, who had been running his shop in Tekirdağ for 33 years; in 2007, Ragıp Zarakolu, author Elif Şafak and Esen Aliş, who had run his bookshop for 32 years in Bartın; in 2008, publisher Songül Özkan, author Perihan Mağden and Vural Okur, who had sold books in Bursa for 27 years; in 2009, publisher İrfan Sancı, author Nedim Gürsel and bookseller Naci İpek, whose bookshop had been open for 54 years in Şanlıurfa; in 2010, publisher Recep Sahip Tatar, author Nedim Şener and bookseller Sadullah Gökgıyas, at work in Kayseri for 43 years; in 2011, publisher Bedri Adanır, author Ahmet Şık and bookseller Birgül Kitapçı, active in İzmir for 55 years; in 2012, publisher Semih Sökmen, journalist-author İsmali Saymaz and bookseller Onnik Şenorkyan, who had practiced his trade for 62 years in Istanbul; in 2013, publisher Gökhan Bulut, author Ahmet Altan and bookseller Nuran Sivri, who is doing her job in Bebek, Istanbul for 41 years, to the lawyer Fikret İlkiz, and in 2014, to authors Prof. Yaman Akdeniz and Ass. Prof. Kerem Altıparmak, translator Tonguç Ok, booksellers Ahmet Atilla Gözendor, an active bookseller for 39 years in Istanbul and Mülkiye Demir Kılınç, a young bookseller who was sentenced to jail for selling certain books to a customer.

Hoping Turkey will reach a stage where this type of awards will not have to be delivered in 2016...

BAHADIR BARUTER

Cartoonist

Baruter was born in Ankara in 1963. After graduating from İstanbul High School, he studied painting at Mimar Sinan University Faculty of Fine Arts. He started drawing caricatures when he was 27. Baruter worked for Pişmiş Kelle, Limon, Avni and Leman, all of which are socially critical comic books/humor magazines. In 1996 he founded L-Manyak under Leman magazine with Selçuk Erdem and worked as its editor for the next 5 years. In 1997 he founded the critical humor publishing house Komik Şeyler Publishing. In 2001 he left Leman with a group of fellow cartoonists started Lombok. In 2002 he co-founded the satirical magazine Penguen together with Metin Üstündağ, Erdil Yaşaroğlu and Selçuk Erdem. The same team also published the literary magazine Hayvan in 2002 through the publishing house which they established together.

Baruter published Kemik magazine in 2003. He is still working as a cartoonist for Penguen.

Baruter exhibited his paintings for the first time in 2012 at a solo exhibition titled *Your Family is a Lie, My Dear*. His second solo exhibition was in 2014 and titled *Home Sweet Home*. He continues working as a cartoonist and as well as drawing and sculpting.

His job as a satirical cartoonist took Baruter before judges a number times. He was charged 12 times for his caricatures in Leman, Lemanyak, Lombok, Kemik and Penguen, mostly under the Articles 426 and 427 of the Turkish Penal Code that includes provisions on “public morality”. One of his books containing a collection of his caricatures was confiscated from the bookstores. This law has since been amended.

Recently Baruter was charged with “insulting to President” for his drawing that appeared on the cover of *Penguen* on 21 August 2014. The cartoon depicting the newly elected Erdoğan arriving at presidential palace was considered an “insult” to the President because fingers of the greeter are buttoning his jacket formed into a, what was perceived to be an insulting gesture. The court sentenced him to 11 months in prison and later commuted to a fine of 7.000 TL for good behavior.

HALUK HEPKON

Publisher

Born in İstanbul in 1969, Hepkon graduated from İstanbul University, School of Media and Communications. He is the author of *A History of Conspiracy Theories* (2007) and *Young Turks and Conspiracy Theories* (2012). He translated Sun Bin's

Art of War into Turkish. His articles appeared in newspapers and periodicals and his essays are included in compiled works.

In 2008 he started Kırmızı Kedi Publications. In early years Kırmızı Kedi primarily published literary works, thrillers and research. Since 2012 Kırmızı Kedi is publishing critical and investigative books on recent controversial cases in Turkey such as Ergenekon, Sledgehammer and OdaTV. These books revealed to the public that these cases are in fact schemes established with specific ulterior purposes. The books also allowed journalists, writers, intellectuals and military officers imprisoned in these lawsuits to have their voices heard. *Samizdat* and *Soldier's letter: Inspected!* played important roles in downfall of these cases.

A total of 14 lawsuits were brought against the authors and Kırmızı Kedi: one each for *Pharaohs with Taqiyahs and Grand Political Secrets* by Sabahattin Önkibar, *The Lost Record / Erdoğan's Stolen Dossier* by Soner Yalçın, *Together We Have Heisted In These Streets*, by Yılmaz Özdil and *The Liberal Conspiracy, Submission to Political Islam* by Merdan Yanardağ and three for *The Lair: Baykal Tape, Dink Murder and Other Conspiracies* by Sabri Uzun.

ERDAL AKALIN

Bookseller

Born in Ankara in 1949 Akalın spent his childhood and early teens in shanty towns of Ankara. He dropped out of school in 10th grade in the wake of a youthful rebellion. Leaving school early allowed him to face the realities of life at an early age while leaving him without basic knowledge and notions shaping his environment

His relationship with books started at elementary school when he won a speed reading contest. At 14 he had a traffic accident and was in cast for six months. His father was a non commissioned air force officer. While in the hospital, director of the Air force library started sending him works of classical literature. He read all major classical works and in the following years his interests have extended to include the arts, music and other fields of humanities. Eventually the combination of literary and cultural accumulation prepared him for a life as a bookseller.

Akalın realized that bookselling will provide him a living and at the same time allow him continue his life close to the political and cultural positions he holds. In 1977 he opened Dost bookstore in a small 35 square meter space in the Sıhhiye district of Ankara.

The bookstore's name is picked by readers who chose out of 10 names Akalın and his friends selected and opened for vote in another bookstore Doğu, owned by a friend. Dost, intensely embracing word meaning "companion".

In the chaotic years during the late seventies leading up to the military coup, books along with guns were being considered criminal evidence. Akalın and his bookstore got their share in the turmoil; a store fire, a bombing and three arrests. With the military coup on 12 September 1980, all publishing activities in Turkey were abruptly ceased. People started turning up at the bookstores with sacks and boxes of books and leaving them in hope that booksellers may be able keep them safe or “rescue” them from confiscation and eventual burning.

In September 1982 the second branch of Dost was opened in Kızılay, Ankara. Now in its 38th year, the bookstore now has 108 employees and six branches including one in Eskisehir, a book distribution agency and a publishing house. Akalın sees continuing as an independent bookseller as his responsibility to his Ankara that has lost its collective memory and is gradually transforming into a soulless, lifeless car dominated city with no parks, city squares or living spaces

CUMHURİYET NEWSPAPER

The daily newspaper Cumhuriyet was established on 7 May 1924 by journalist Yunus Nadi (Abalıoğlu) along with partners Nebizâde Hamdi and Zekeriya Sertel in a building formerly housed the headquarters of the political party Committee of Union and Progress, a political movement that had a profound effect on modern Turkey. The newspaper had at that time a circulation around 7.000 in a city with 1 million population. Mustafa Kemal Atatürk gave the newspaper its name and administrative offices were in Cağaloğlu, İstanbul. Yunus Nadi was the lead writer between 1924 and 1945. His son Nadir Nadi took over the post in 1945, and continued until his death in 1991. In the first 10 years, Cumhuriyet’s circulation had reached 25.000. In 1939 the newspaper was selling 62.000 copies every day. The newspaper was shut down for the first time on 29 October 1934 for 10 days. Then in 1940 it was closed down once more for 90 days for not conforming to the government’s policies on publication of newspapers.

In 1993 Berin Nadi, wife of Nadir Nadi, set up a foundation, Cumhuriyet Vakfı and donated all the intellectual rights and royalties she owned to the foundation. Following her lead, Yunus Nadi’s other heirs donated their intellectual rights and royalties as well to Cumhuriyet Vakfı. Since then the writers and employees of the newspaper have become the sole owners of Cumhuriyet. Since 1992 Özgen Acar, Orhan Erinç, İbrahim Yıldız and Utku Çakırözer held the position of editor-in-chief respectively. In February 2015 Can Dündar was appointed to the post by the foundation board.

From 1978 until today, 7 columnists of the newspaper were assassinated and one columnist is paralyzed for life following an assault. Server Tanilli, a columnist

and professor of constitutional law at Istanbul University was paralyzed as a result of an armed assault on 7 April 1978 in front of his house. Cavit Orhan Tütengil, another professor and columnist was killed by four gunmen on 7 December 1979 at a bus stop in Levent. Ümit Kaftancıoğlu was injured during the incidents at Tütengil's funeral and later gunned down on 11 April 1980 in Mecidiyeköy. Muammer Aksoy was assassinated on his way home in Ankara on 31 January 1990. Bahriye Üçok was killed by a parcel bomb made to look like a package containing books. The package exploded as she tried to open it at the footstep to her home 6 October 1990. Uğur Mumcu was assassinated by a bomb placed on the hood of his car outside his home on 24 January 1993. Onat Kutlar was seriously injured during an explosion on 30 December 1994 at a cafeteria in Taksim and died 12 days later. Ahmet Taner Kışlalı, another professor and columnist was killed by a bomb attack outside his home in Ankara on 21 October 1999. The perpetrators of six of the murders remain unknown.

During the Ergenekon¹ investigations and legal proceedings, the newspaper was subjected to clampdown as its offices were searched; its manager and columnists were interrogated and arrested. İlhan Selçuk was detained on 21 March 2008 and was released after two days of interrogation. On the morning of 1 July 2008 the Anti-Terror police searched the newspaper's Ankara office and detained Mustafa Balbay, the paper's correspondent in Ankara. He was later arrested on 6 March 2009 and was imprisoned nearly 5 years. Columnist Erol Manisalı was detained on 13 April 2009 and later arrested. After three months in prison he was released due to illness.

After the Charlie Hebdo massacre in Paris on 7th January, the newspaper's editorial board and columnists decided to publish a selection of cartoons from the magazine including the depiction of Prophet Muhammed on the cover. This was a symbolic act in defense of freedom of expression and a display of solidarity with the magazine. This led the newspaper to faced once again with threats and pressure. The police raided the print shop after midnight without a judge's order and searched delivery trucks. Subsequently the building was blockaded.

1 **Ergenekon** is the name given to an alleged clandestine, secularist ultra-nationalist organization in Turkey with possible ties to members of the country's military and security forces. The would-be group, named after Ergenekon, a mythical place located in the inaccessible valleys of the Altay Mountains, is accused of terrorism in Turkey.

Ergenekon is by some believed to be part of the "deep state". The existence of the "deep state" was affirmed in Turkish opinion after the Susurluk scandal in 1996. Alleged members have been indicted on charges of plotting to foment unrest, among other things by assassinating intellectuals, politicians, judges, military staff, and religious leaders, with the ultimate goal of toppling the incumbent government. (Source: Wikipedia)

Distribution of the newspaper was prevented by a police raid to the printing house. Subsequently the building was blockaded. The newspaper received threats. Columnists Ceyda Karan and Hikmet Çetinkaya were put to trial for publishing the Prophet cover of Charlie Hebdo on their columns.

Currently the newspaper's writers, columnists and journalists are facing 16 criminal investigations, they are charged in 41 criminal cases and 33 monetary compensation lawsuits mostly by politicians are pending. Furthermore, individual applications by Cumhuriyet with the Constitutional Court about the constitutionality of broadcast bans or denial of access that are violations of freedom of speech and freedom of the press are currently in review. The newspaper also has applications pending review at the High Court for mental anguish and defamation fines.

ENGELİ WEB

Established in 2008 with the mission of revealing the scale of internet censorship in Turkey, Engelli Web, literally meaning disabled web, has been tracking the internet censorship in Turkey in the last ten years. The site publishes detailed information on IP address and URL/object-based denials of access and compiles this information into statistics. The statistics paint a clear picture of where internet censorship in Turkey has arrived in the last decade. Another policy of the initiative is to create public awareness on internet censorship, that is not only increasing but becoming systematic with each passing year.

The practice of blocking access to sites have gained momentum in the 2000s following the enactment of Law No. 5651 in 2007 titled "Regulation of Publishing on the Internet Environment and Combatting Offences, Committed Through such Publishing" became effective. Although earlier the Directorate of Telecommunications (TİB) regularly reported blocking incidents, they have stopped reporting statistics and informing the public completely since 2009. A case brought before the State Council which is responsible for proper functioning the government apparatus is claiming that TİB is not responding to requests for information directed to them in violation of the Freedom of Access to Public Information Law. The case is pending discussion

Furthermore, parliamentary questions directed by deputies repeatedly every legislative year are also left unanswered.

Thus, Engelli Web is the only source of information and statistics about approximately 80.000 access blockings as of May 2015.

<http://engelliweb.com>

DOĞAN ÖZGÜDEN

Journalist, publisher

Born in 1936 at Irmak Station in Ankara's Kalecik district into a railroad worker family, Özgüden studied at schools in several small towns in Anatolia, Turkey's heartland. While still a student at İzmir School of Economics and Commerce, he started working as a journalist at Ege Güneşi newspaper in 1952. Since then Özgüden worked at several daily newspaper like Öncü, Milliyet, Sabah Postası and Gece Postası, before becoming editor-in-chief of the daily newspaper *Akşam* in 1964. Özgüden transformed the newspaper into the most prominent left wing newspaper in the country.

Özgüden's involvement in leftist movement started a very young age. In 1962 he became a member of the Workers Party of Turkey (TIP) and was elected to the party's central committee in 1964. He served on the boards of the Journalists Union of Turkey, Journalists Association, Ethical Council of the Press and Press Advertising Institution of Turkey and is a member of the latter as well as Belgian Journalists Association and Brussels Centre of Intercultural Actions (CBAI). Özgüden was awarded the "Journalist of the Year" Award in 1962 by the Journalists Union of Ankara and again in 1963 by the Journalists Association of İstanbul.

In 1967 he started publishing the weekly socialist review *ANT* with his wife İnci Özgüden. Later he started ANT Publishing House and published novels by Yaşar Kemal, memoirs of Che Guevara, research articles on the Turkish society, fundamental works on history of the Kurdish society and the Middle East, books by world leaders like Nehru and Castro. Through their publishing house, Özgüden's brought about an alternative and aesthetically sophisticated perspective to the cover and layout design to books, previously unknown in the Turkish publishing industry.

In Turkey he published: *Faşizm* (On Fascism) (1965), *Kapitalizm* (On Capitalism) (1966). He also published books in Europe in English, French and Dutch: *File on Turkey* (1972), *Torture in Turkey* (1973), *Turkey, Fascism and Resistance* (1973), *International Movement of Trade Unions* (1979), *Turkish Migrants* (1983), *Black Book on the Militarist "Democracy" in Turkey* (1986 and 2010), *Islamic Fundamentalism in Turkey* (1987), *Extreme Right in Turkey* (1988), *Stateless Journalist I* (2010), *Stateless Journalist II – Years in Exile* (2011).

İNCI TUĞSAVUL ÖZGÜDEN

Journalist, publisher

Born in 1940 in Ankara, Tuğsavul Özgüden started in journalism at *Hür Vatan* daily newspaper and *Kim* magazine in 1961, while she was studying at Ankara University Law School. During 1962 - 63 she worked at *Hareket* and from 1963 to 1966 at *Akşam*, both daily newspapers. Tuğsavul Özgüden received the Journalist of the Year Award in 1962 from Journalists' Union of Ankara and again in 1963 by the Journalists' Association of Istanbul.

Tuğsavul Özgüden, a pioneer of her time in graphics design, she personally crafted the cover and designed layout design of every issue of the weekly review *Ant*, as well as cover page and page layout of every book published by Ant Publishing House.

Former member of the Journalists' Association of Ankara and the Journalists' Union of Ankara, Tuğsavul Özgüden is currently a member of the International Press Association (API) in Brussels. She is the author of *Müzik Rehberi* (Introduction to Classical Music) published in 1965 and *Türk Kadını* (Turkish Women) published in 1991 in Brussels.

Doğan and İnci Özgüden have been working and carrying on their political struggle for over 40 years. They started and managed the weekly socialist review *ANT* (1967) and *ANT* Publishing House (1971) until both were shut down by the military junta following the coup in 1971. Özgüdens were accused more than 50 times on the grounds content they wrote in articles or published in their publications. Facing a threat of more than 300 years in prison, they were forced leave Turkey after the military coup in 1971.

They were expatriated of their Turkish nationality in 1982, along with more than 200 other dissidents of the regime, for criticisms against the military juntas of 12 March 1971 and 12 September 1980. Although this decision was annulled after 10 years, the Ministry of Foreign Affairs has declined to give them a written guarantee that they would not be indicted or imprisoned for the past accusations. Özgüdens filed a petition with the European Court of Human Rights.

Özgüdens continue to live as «stateless journalists» in Brussels. Since 1974 they run the Info-Türk Agency that broadcasts news about Turkey in various languages. They also manage *Güneş Atölyeleri* (Sun Workshops) a multicultural organization for the education of immigrants.

REPORT on FREEDOM OF PUBLISHING in TURKEY (June 2014 – June 2015)

INTRODUCTION

The country is going through a time in history whereby the concept of “criticism” has lost its substance. Any opinion opposing the views and positions of the politically powerful and not praising them are perceived as an “insult” or “defamation”. Any political dissent is subjected to intimidation. Triggered by this attitude, negative effects on political and social polarization has reached all segments of the society as well as the social life including publishing.

A myriad of legal actions initiated by state and government officials against news reports and articles appearing in books and periodicals have begun to result in substantial fines as well as prison terms for writers and publishers. Such pressure is placing them under duress. The hostility against alternative voices has also encouraged intolerance and demand for uniformity in society. Many “sensitive citizens” have followed the footsteps of their “statesmen” and begun perceiving publications that discuss history in a way contrary to the official accounts, discussing impermissible religious subjects or simply publishing in minority languages as ways of insulting them, their identities or beliefs. This resulted in increased demand for prevention and punishment by way of legal proceedings.

There were substantial increase in censorship attempts and subsequent investigations and legal proceedings during periods when significant issues led the country’s political agenda. Media blackouts have become routine. Reporting and commenting on almost all important breaking news were immediately banned and it has become nearly impossible to be informed through the mainstream media.

Humor, despite threatening circumstances against it, continued its stance on a sensitive scale. Cartoonists have suffered their share of the prevailing sensitivities for “insult”. There were lawsuits based on profound denotations extracted from cartoons.

The practice of prohibiting and restricting books and periodicals delivered to political prisoners has also continued on a wide scale. Prison administrations have arbitrarily claimed certain books to be “unsuitable” and refused entry into prisons. Suitable publications were distributed to prisoners in limited numbers. “Objectionable” books and their authors were censored locally in certain cities and towns, displaying their posters were disallowed or were taken down, book signing days were cancelled. Even setting up a book stand at a university was considered “objectionable”.

Prohibition and censorship on the grounds of “national values” has also continued. Based on a new regulation, the Ministry of National Education started publishing supplementary schoolbooks and censure books published by independent educational publishers. Subject matter in these books was selected based on religious references. Students were banned from reading and having certain books in their possession; even some fictional characters were banned.

In 2014, Turkey maintained its standing in the world’s top 3 most prohibitive countries in social media censorship. Changes to the Internet laws have simplified the banning or removal process on social media accounts and sharing. As a result the number of banning cases has reached record numbers following political events of a critical nature.

Rather than changing the respective articles of the law, prohibitive clauses were injected in the form of regulations and passed as part of omnibus bills. Changes to the Law on Intellectual and Artistic Works were amended to allow nationalization of certain works. Subsequently obtaining preliminary permission to publish became a requirement. The European Court of Human Rights has continued assessing substantial penalties to Turkey for violating “freedom of expression”

LAWSUITS, INVESTIGATION AND BOOK WITHDRAWALS

“Insult” lawsuits initiated by the government officials

Gezi Phenomenon

Author and editor of the book *Gezi Phenomenon*, published by Idea Politika Publishers, Erol Özkoray was charged with “insulting” the then prime minister Tayyip Erdoğan. On 23 September 2014, the 2nd Criminal Court of First Instance sentenced the author to 11 months and 20 days in prison. The court postponed the announcement of the verdict² for 5 years. An appeal by Özkoray’s lawyer Sennur Baybuğa who argued that the “defendant’s rights for defense were violated” was rejected based on the prosecutor’s stance. In his defense Özkoray argued that the article of the law, “Re-committing a crime by publishing someone else’s text containing criminal elements”, has been withdrawn and is no longer in the new criminal code. Yet he was charged anyway with publishing the graffiti written on the walls during Gezi resistance which itself was an anonymous event. He was treated as if he is the author of the graffiti. A basic principle of justice “if there are no laws against it, there is no crime” has been violated and the court “invented a crime” to substantiate its decision.

² Postponing or delaying the announcement of a verdict is similar to probation.

Ten Percent: From a Just System to a Pool System

A series of investigations were initiated on Ahmet Dönmez's book *Ten Percent: From Just System to Pool System* and subsequent tweets on the book by a complaint from Binali Yıldırım, the former Minister of Transport, Maritime Affairs and Communications. A lawsuit was filed against the author, a correspondent at the prime ministry for Zaman daily newspaper, demanding from him 20.000 Turkish Liras for suffering mental anguish. Initial hearing will be held on 1 July 2015 at the 23rd Civil Court of First Instance. Further preliminary investigations for criminal prosecution are in progress claiming the author "instigated the public to hate and hostility" and "committed "insult and defamation through media" which are punishable by prison based on Turkish Penal Code 213, 216, 215, 218. On 15 February 2015, Yıldırım demanded that the book be pulled off the shelves of bookstores. Furthermore, he filed a separate complaint against Zaman's news article on his initial lawsuit and the ensuing comments in the social media. He had tweets removed from readers claiming they would purchase the book as a reaction to Yıldırım's actions. These tweets had not mentioned Yıldırım by name but were removed for "libel" nevertheless. Yıldırım also demanded punitive action against a news article in Zaman daily titled "So, you're the one who wrote that article" on the basis of "influencing the justice system through media Dönmez gave his statement to the prosecutor in March. Yıldırım's name was mentioned in the December 25 summary indictment in relation with the Sabah-ATV pool, in the context of a ship allegedly purchased by his son Erkan Yıldırım and in a Siemens executive's statement to Munich Chief prosecutor claiming to have "bribed the communications minister in Turkey". The book is about the 20-year history of the pool system which surfaced from the December 17-25 indictments³.

Catch that Thief!

Investigation proceedings were initiated against journalist-writer Ali Özsoy and his book *Catch that Thief* for "insult", "insulting the President" and "violation of privacy" of President Recep Tayyip Erdoğan, his son Bilal Erdoğan and Binali Yıldırım. Lawsuits were initiated based on petitions by Recep Tayyip and Bilal Erdoğan. Özsoy claimed that Bilal Erdoğan, a "gang member" acted as an intermediary for illegal transactions on his father's orders. Bilal Erdoğan's complaint was asking for a ban on the book, collection from bookstores and prevention of

³ Launch dates of judiciary proceedings for bribery and corruption involving businessmen and politicians. Government later intervened in these proceedings and released all suspects, among them ministers.

all distribution and sales. Özsoy was charged up to two years and eight months prison sentence for insulting Bilal Erdoğan. The hearing is scheduled on 28 May 2015 in Istanbul at the 2nd Criminal Court of First Instance. Tayyip Erdoğan brought two separate “insult to the President” lawsuits against Ali Özsoy for an article published in a periodical as well as his book. In both cases prosecutors are asking for a prison sentence up to 4 years. The hearings will be held on July 7 and October 13 at the same court. A lawsuit for mental anguish was filed by Binali Yıldırım for 20.000 TL and the investigations are underway for a criminal case. It is reported that on the basis of a “search and seizure” court order issued by a local court in Urfa, The police searched the publisher’s booth at Çukurova and Bursa Book Fairs and have attempted to confiscate the books.

The Lost Records: Erdoğan’s Stolen Dossier

Criminal proceedings were started against journalist Soner Yalçın for “insulting through media” towards Bilal Erdoğan, in his book *The Lost Record: Erdoğan’s Stolen Dossier*. He and publisher İlknur Özdemir at Kırmızı Kedi Publishers were sued individually for causing mental anguish. The lawsuit, which originally demanded up to two years and four months prison term for Yalçın resulted in 1740 TL fine. The penalty was postponed for five years. In his defense, Yalçın claimed that there are 106.130 persons named Bilal in Turkey and he was not writing about Bilal Erdoğan in his book. He also stated that “if Necmettin Bilal Erdoğan took certain passages from the book upon himself, it is his and not the authors problem”. Preliminary investigation of 50.000 TL mental anguish lawsuit against Yalçın and Özdemir is still pending at İstanbul’s 9th Civil Court of First Instance and a hearing date is not yet set.

Together We Have Walked These Parallel Paths

In May 2015 Binali Yıldırım claimed Ahmet Şık “insulted” him in Şık’s book *Together We Have Walked These Parallel Paths* and sued him for 20.000 TL for mental anguish. In his petition to the 22nd Civil Court of First Instance, Yıldırım claimed that Şık directed baseless accusations about him and attempted to overshadow and prevent his political successes and further claimed that he was “insulted”, “slandered”, and his “individual rights were violated”. The investigation based on his complaints is in progress.

Together We Have Heisted On These Paths

Binali Yıldırım has initiated criminal and mental anguish lawsuits for 20.000 TL against Yılmaz Özdil, Kırmızı Kedi Publishers and Haluk Hepkon. He claimed

he was “insulted” by Özdil in his book *Together We Have Heisted On These Paths*. The complaint was filed in March 2015 with the 29th Civil Court of First Instance and a trial date is not yet set. The publisher has made its statement on its defense and the investigation is underway.

Religion and Politics

During his term as the Minister of Foreign Affairs, Ahmet Davutoğlu sued Ali Bulaç’s book *Religion and Politics* published by İnkılap Publishers. Davutoğlu’s complaint was based on the speech he gave at a meeting in the National Assembly, following the bribery and corruption investigation of 17 December. In addition to a 10.000 TL claim for mental anguish, Davutoğlu also demanded that publishing is stopped and his statements shrouded with black stripes over them. In the book Davutoğlu was quoted as saying, “We have a tradition of the State. Such was the case in the Ottoman Empire; offsprings were sacrificed for the State. Today, like in the past, we will not accept an organization that will harm the State. We will not allow the State to be seized”. In his testimony Bulaç stated that on 11 January 2014 the Prime Minister’s statements were published in media outlets like Sabah, Takvim, Star, Haber 7, Hürriyet, Taraf as well as various online news sources. The 11th Civil Court of First Instance ruled for acquittal at the first hearing held in on 4 November 2014. The book is an in depth study of topics like the relationship between religion and state, the nature of its politics, how it functions and suppression mechanisms employed on society, by the prevailing political culture.

Philanthropist the Terrorist

Yasin El Kadı filed a complaint against journalist Nedim Şener’s book, *Philanthropist the Terrorist* for “insult, defamation and violation of privacy”. An investigation was launched about the claims in the book and in October 2014 the case was dismissed based on lack of grounds. The court stated that “Freedom of expression is one of the most important and fundamental rights in democratic societies. This freedom allows the individual to establish opinions freely, embrace them in their most inner self while giving them the freedom to express, declare and publish them. In the past international organizations have placed restrictions on the plaintiff (Yasin El Kadı) for allegedly supporting terrorism. He was a wanted person in the past and is alleged to have ties with politicians. He was also mentioned in December 17 investigation. Based on these facts, it is within a journalist’s duty to prepare news reports, write comments and publish books on the plaintiff. This verdict demonstrates that not to report on Yasin El Kadı is an offence, rather than reporting on him”.

Big Boss

Hasan Yeşildağ filed a complaint about *Big Boss* written by journalist Mustafa Hoş for statements contained about himself. A mental anguish lawsuit for 20.000 TL was brought against Hoş and Destek Publishers. Hoş announced the “insult and defamation through media” lawsuit from his Twitter account. He said any mention of Yeşildağ in his book was compiled from archives and court decisions, and even accusations claimed court decisions to be criminal elements. The indictment also stated that “the book a best sellers and therefore all printing should be ceased and existing copies collected to prevent further insult and defamation to the claimant”. Mustafa Hoş was called to make a statement as a suspect on 16 March 2015. Trial date has not been set yet.

The Lair: Baykal Tape, Dink Murder and Other Conspiracies

Ali Çelik, Necmettin Erkan and Cemil Ceylan filed separate complaints against Sabri Uzun’s book *The Lair: Baykal Tape, Dink Murder and Other Conspiracies*. Uzun is the former Director of the Police Intelligence Unit. The plaintiffs claim “insult” and “defamation and insult through media” and are demanding compensation for mental anguish for 100.000, 5.000 and 100.000 TL. The book is about “conspiracies involving police affiliated with Hizmet movement”⁴.

Pharaohs with Taqiyahs

Sabahattin Önkibar’s book *Pharaohs with Taqiyahs and Grand Political Secrets* was sued by Binali Yıldırım for “insult”. Next hearing is scheduled on 29 September 2015 at Bakırköy 6th Civil Court of First Instance.

Simon’s in the Golden Horn

Former Chief of Police Hanefi Avcı’s book *Simons in the Golden Horn: Yesterday the State, Today the Congregation* was sued by Osman Şanal, State Prosecutor and Ali Fuat Yilmazer, former İstanbul Deputy Police Chief. Following the High Court of Appeals’ reversal of the verdict in two “defamation” and “insult” cases, a retrial was held at Ankara 2nd Civil Court of First Instance. The court decided to “postpone the judicial proceedings” based on provisional article 1 of the law no. 6352.

⁴ Also called The Gülen movement, Hizmet is a transnational religious and social movement led by Turkish Islamic scholar and preacher Fethullah Gülen (source: Wikipedia).

Lawsuits, investigations, book withdrawals

Ban on Abdullah Öcalan's book lifted

The Constitutional Court lifted the ban on Abdullah Öcalan's book draft Manifesto of Kurdistan Revolution, Kurdish Problem and the Democratic Nation Solution (Defending the Kurds Trapped in Cultural Genocide). The decision was taken by a majority vote. The Court ruled that the decision to ban, confiscate before publishing as well as collecting and burning are violations of freedom of thought and freedom of expression. The book was confiscated at the printers, distribution was stopped and the collected copies were burned. On 7 January 2013, Abdullah Öcalan's lawyers petitioned the Constitutional Court to overrule. With this decision, the Court ruled "collecting, confiscating and destroying books" are against freedom of expression. The High Court's decision is legally binding.

Öcalan's lawyer Cengiz Çiçek petitioned Diyarbakır 1st Criminal Court of Peace to lift the confiscation and collection rulings. The court lifted the ruling in December 2014, which was previously issued by the 3rd Judiciary in Diyarbakır based on Article 10 of the Anti-Terrorism Law. The decision Made references to the Constitutional Court ruling stating that it was the result of an individual application to the Constitutional Court based on articles 25, 26, 90 and 141 of the Constitution.

Nedim Şener charged with "showing target"

Journalist Nedim Şener was tried for "making police officers as targets for terrorist organizations" in his book *Hrant Dink Murder and Intelligence Lies*. Şener was acquitted on grounds that the "documents quoted in the book have been declassified before it was published and therefore no element of crime had existed. The High Court of Appeals overruled this decision and the case was tried once more in January 2015. Despite arguments by Şener's lawyer that the case should be dismissed without postponing the prosecution, trial of the case was postponed based on Law No. 6352 in 3rd Judicial Package. In the next 3 years, should Şener express his thoughts and opinions "by way of the press or other forms of media", in a way punishable by fines or prison sentence, the judicial process will recommence.

Judicial proceedings without reading

Prosecutors started a judicial process based on a complaint about the book *Kill Me, You/Maraş 78* by author Aziz Tunç. The complaint was filed by an arms smuggler, on the basis that the book will "separate the society". The book

contained comments by journalist Nedim Şener on the back cover who published his comments in Posta, a daily newspaper. The complainant Ramazan Tural, who was in Malatya Prison at the time for arms smuggling, acknowledged that he did not read the book. He only read Nedim Şener's article and based his complaint about the author on Şener's article. Prosecutors in Malatya transferred the petition about "the book that was never read" to State Prosecutors in İstanbul who started an inquiry. This inquiry was also dismissed. Next Tural sued Şener and Doğan Holding, owner of Posta daily for "causing separation between the people and bringing a specific community under suspicion". The lawsuit demanded 200.000 TL for mental anguish. Tural stated in his second petition once more that he did not read the book.

Judicial inquiry into Do not Join the Military Because...

The book would be a compilation where a number of people complete the sentence "Do not join the military because..." on www.askeregitmeyin.com web site. State Prosecutors in Ankara started a judicial inquiry regarding 381 persons including contributors Akın Birdal, Aydın Engin, Cafer Solgun, Ömer Faruk Gergerlioğlu, Sadık Yalsızuçanlar, Tan Oral, Ohannes Kılıçdağı, İsmail Beşikçi, Roni Margulies and others. A complaint was filed by the Turkish General Staff based on Article 318 of Turkish Criminal Code, "alienating the public from military service". The founder of the site Mehmet Ali Başaran, was called in for a statement to Bakırköy State Prosecutors in April 2015. The book contains antiwar statements by 381 people and calls for peace. The idea to collect the statements in a book came following a civic movement to repeal Article 318. In March 2015, a group of 30 people gathered in an act of civil disobedience and read 194 sentences from the web site starting with "do not join the military because..."

Books as an evidence of crime

Journalist Mehmet Baransu was arrested in the alleged Sledge Hammer Conspiracy criminal inquiry initiated by the State Prosecutors in İstanbul. During his interrogation at the police department, Baransu was asked 28 questions related with what he wrote in his book titled *The Headquarters* about the Sledge Hammer documents. He was arrested in 2 March 2015 on charges of "fraudulently acquiring or stealing secret documents of the state, related to state security, for the purpose of using them other than destroying" as stated in Turkish Penal Code, articles 326 and 327.

On 2 March 2014 Ayhan Aladağ, a resident of Erzurum was stopped during a routine traffic check and arrested for having a book titled *Rule of Islam* in his

possession. He was sent to jail for being a member of the organization “Hizb-ut Tahrir”. His relatives issued a press statement and started a campaign for his release.

CENSORSHIP, BANS, AND INQUIRIES ON PUBLISHED WORKS

İstanbul Metropolitan Municipality bans certain books from appearing on its billboards

In recent years, there are reports of İstanbul Metropolitan Municipality refusing to display advertisement for certain books on their billboards. In May 2014, Nedim Şener’s book titled *Yasin El Kadı: Terrorist the Philanthropist!* describing the events around 17 December 2013 corruption investigation, published by Destek Publishers, was sent to İstanbul Municipality with an application for advertising space on the city’s billboards. Orhan Gökdemir, Coordinator for Destek Publishers stated that the request was turned down because “the book’s content is political”. Previously *Harem* by author Zülfü Livaneli was turned down for having “erotic content”.

A similar case of censorship came from Nemesis Books. The publisher Özgür Güvenç said that the application for advertising space on İstanbul Municipality billboards for İsmet Orhan’s book *I killed Atatürk* was also denied. A representative of the advertising agency that manages the billboards on behalf of the municipality verbally replied that the cover and the title of the book are “unbefitting” and may “cause reactions” and therefore should not be advertised. Güvenç claimed that the application was rejected because of the book’s title and this quote on its cover: “This biographical fiction describes Atatürk in way never heard before. It is authored by a journalist, a true follower of Atatürk’s revolutions. The title of the book is beyond striking; it is based on deep self-reflection”. İstanbul Metropolitan Municipality stated that its advertising billboards are managed by an outside agency. The agency, Medya Atak claimed the rejection was due to “strong demand for space and existing reservations”.

Murat Menteş censored at book fair

Following reactions from a group of social media users, a planned interview and book-signing event by writer Murat Menteş at 1st Üsküdar Book Fair was cancelled on 21 February 2015. The user group, called “aktrolls”⁵ by its critics, shared a video of a speech given by the author in March 2014 at another book fair

⁵ A group of fictional social media accounts allegedly organized by the ruling AKP followers to flood social media with biased messages on current issues. They are known for harrasment and intimidation.

in Kocaeli. April Publications sent out a tweet announcing that the author Tuna Kiremitçi, called in to replace Menteş was also withdrawing.

Permission not granted for Yaşar Kemal corpus

Students at Uludağ University Medical School have decided to put together a corpus in memory of author Yaşar Kemal after his death. This attempt by Students Commission of Bursa Medical Board was blocked by the dean's office. In response to this decision students organized a book donation event in front of the Medical School building during which a media statement was also issued. In the statement students said they initially received a positive response when they discussed the idea with the dean's secretary. Later, when they visited again to discuss allocation of space, they were told the permission was revoked. The school's reason for rejecting is that they would be "unable to control the books" going into the corpus.

Banned only in Nusaybin

A book about the guerilla life, *Wounded Clover (Nefala Birîndar)* discusses PKK's withdrawal from Turkey and Kurdish peace processes. It is narrated by journalist Faruk Balıkçı and authored by director-writer Ruhi Karadağ. Book launch events and discussion panels on the peace process were scheduled in several cities. The book is officially certified for distribution and there are no judicial inquiries about it. Nevertheless, posters announcing the meeting were taken down claiming they are "propaganda materials for the organization (PKK)", a euphemism for PKK. The decision was taken to the Criminal Court of Peace and posters in Nusaybin were banned and taken down. Karadağ stated that the ruling political power is suppressing all discussion in the peace process except their arguments.

Sarkis' work Breath censored on "genocide" grounds

The distribution of a catalog prepared to accompany contemporary artist Sarkis's work at the 56th International Venice Biennale was obstructed by Turkish Ministry of Culture and Tourism. Prepared in English and Turkish the catalog was to be handed out to visitors during the event opening on 7 May 2015. References to the "Armenian Genocide" by Rakel Dink, wife of late Hrant Dink upset the Ministries of Foreign Affairs and Culture and Tourism, both of which sponsored the Turkish Pavilion at the event. The catalogs were not distributed. In an act of defiance Sarkis and the curator Ayas displayed a stack of banned catalogs in an upright coffin.

LAWSUITS AGAINST CARTOONS

“Insult” charges against Musa Kart dismissed

Criminal charges were brought against the Cumhuriyet Daily cartoonist Musa Kart for his portrayals of the 17 December 2013 corruption investigation. Kart was charged with “Insulting the president”, “defamation” and “compromising the confidentiality of the investigation”. Prosecutors are asking for a 9 year 10 month prison sentence. Charges were dropped at the first hearing on 23 October 2014. The judge ruled that the alleged criminal elements had not materialized.

Cartoonist jailed for “insult”

In 2014 Adnan Oktar, Islamic creationist and a pseudo sect leader sued cartoonist Mehmet Düzenli for “insulting” him in his drawings. The 2nd Civil Criminal Court of Peace sentenced Düzenli to 3 months and 3 days in prison. Following confirmation of the sentence, the cartoonist turned himself in and was sent to Alanya Prison to serve his term. Düzenli stated that he “did not ask for a postponement of his sentence because he wanted to be able to draw freely in prison”, and added “if Mr. Oktar can freely claim to be the Mehdi and Seyd, I too have the freedom to say that he is lying”. In August Oktar initiated two more lawsuits based on Düzenli’s previous cartoons, an “insult” and a 5.000 TL mental anguish case are currently in trial.

Cartoonist receives prison sentence for “fingers”

The drawing on the 21 August 2014 dated cover of weekly humor magazine Penguin showed a greeter buttoning his jacket while welcoming the newly elected President Tayyip Erdoğan. The drawing shows the greeter’s thumb and index fingers forming a circle. This formation was construed as a gesture of insult to the president and a criminal proceeding was started at the 2nd Criminal Court of First Instance in İstanbul. During the second hearing on March 25, Cartoonists Bahadır Baruter and Özer Aydoğan each received 11 months and 20 days prison sentence. The court also decided to file an additional complaint with the prosecutor against Bahadır Baruter. In his defense Baruter claimed that, “the greeter is a staff of the presidential office, therefore there is no humor in greeting and gesturing the president at the same time. We could say that extracting such an interpretation could very well be associated with the prosecutors subconscious mind”.

“Insult” lawsuits against Lemar

Yücel Barakazi, Mayor of Bingöl sued Lemar, another weekly humor magazine for “insulting” him on its cover. Barakazi claims an “extremely ugly drawing

of a human seemingly evolved from a Darwinian ape” is intentionally made to resemble him. He is asking 5000 TL in damages for mental anguish. The case is currently on trial at 1st Civil Court of First Instance in Bingöl.

The bus carrying Fenerbahçe Football Club players and staff was fired at en route to Trabzon Airport following a game in nearby Rize. Leman ran a cartoon on its cover on 8 April 2015 that Trabzonspor management found offensive. The management filed a complaint claiming the magazine “insulted”, “defamed” and “instigated the public to hate and hostility”. A judicial inquiry has started and Leman manager Mehmet Tuncay Akgün gave his statement before a State Prosecutor in İstanbul on May 10.

BOOK BANS IN PRISONS

Authoring in prison

Author Sami Özbil’s right to use a computer was repealed on June 2014 on the grounds that he “joined a hunger strike in support of his fellow prisoners in 2012”. He is currently serving a life sentence at Kandıra F-Type High Security Prison. An investigation was started after Özbil and some of the other prisoners informed the Ministry of Justice of their decision to go on a hunger strike. He received a disciplinary penalty which denied him “access to a computer”. Özbil, author of four works of fiction and two poetry books, is handwriting his latest a book, novel set during the years following the military rule of 12 September 1980. Prison administration is also arbitrarily confiscating the articles Özbil writes for publishing in political periodicals.

Obstacles against reading

In July 2014, it was reported that the prison administration at Nevşehir E-Type Prison limited the number of books political prisoners can possess to a “maximum six books” at any given time, due to a “risk of fire”. HDP Representative Faysal Sanyıldız directed a parliamentary question to Bekir Bozdağ, Minister of Justice. Restrictions in Tekirdağ F-Type prisons 1 and 2 allowing 10 books was recently lifted in response to criticism.

Prison administrations are not the only state institutions banning books. Recently Constitutional Court approved a decision in support of book restrictions in prisons. Özcan Kart, a prisoner in Ankara F-Type High Security Prison No 2 recently applied to Ankara Court of Judicial Enforcement claiming he is not allowed to keep more than 10 books in his cell, He claimed this is against prison regulations and he is being deprived of his freedom of expression. His

subsequent appeal with the 2nd Criminal Court of Ankara was turned down. Kart then applied to the Constitutional Court in 2013. Responding two years after the application, the High Court upheld the previous verdicts and ruled that “his freedom of expression is not violated”. The ruling was subsequently published in the Official Gazette in November 2014.

On 10 November 2014 Ministry of Justice, Department of Prisons and Detentions issued a written order to ban all free periodicals sent to prisons. The justification stated that “Certain media publications are obstructing the reintroduction of persons convicted of politically organized crime, back to society”. Circulars were sent to prisoners in many prisons and publications in their possession were collected.

Certain books are banned in certain places at certain times

Implementation of book bans in prisons, now legitimized by the Constitutional Court decision, are practiced differently between prisons depending on the personal views of the prison administrators. A book considered “objectionable” by one prison administration can be judged “suitable” by another. An interview about a book may be deemed unsuitable to allow in prison, yet the book itself may be suitable to deliver to the prisoner. Violations of rights in such conflicting ways indicate the arbitrary rationale behind these bans.

When Tuğçe Tatari was writing her book *Grandmother, I wasn't Really in Diyarbakır*, later published by Doğan Books, she asked for permission to interview writer Murat Türk, a political prisoner serving life sentence in Bolu F Type prison facility. Tatari's book is about her observations during KCK trials. The book would also contain photographs and interviews with PKK guerillas in PKK's headquarters in Qandil Mountains as well in prisons. She was granted permission after several attempts but was not allowed to use paper and pen during the interview. After the interview, Tatari sent her nearly 40 questions to Türk by fax and by letter. However, the prison administrators confiscated the letter and corrupted the fax copy and made it illegible to read then delivered it to Türk. Türk and Tatari both started legal proceedings. After *Grandmother, I wasn't Really in Diyarbakır* was published, administrators in Diyarbakır D Type prison officials banned it. The books sent to prisoners were not allowed in the prison on the grounds that it contained “propaganda for the organization (PKK)” and “praised the crime and the criminal”. The book *the Wounded Clover (Nefel a Birîndar)*, co-authored by Faruk Balıkcı and Ruhi Karadağ was also banned by the same prison administration in Diyarbakır.

BOOK BANS IN SCHOOLS

Fiction, cartoons, stories are “objectionable” according to the Ministry of Education

Bejan Matur’s book *Looking Beyond the Mountain*, was distributed as gifts to students participating in a contest approved by the district government in Dilovası, Kocaeli and then almost immediately collected back from them. Responding to a parliamentary question, “was the Ministry’s permission obtained before distributing the book”, directed by MHP representative Ahmet Duran Bulut, Minister of Education Nabi Avcı stated that 63 books were collected upon realizing that it had not yet passed the review board and the remaining 12 were taken back from the students the following Monday. A book review board was set up the same day to evaluate the book and decided that the book was not suitable to distribute to the students.

In November 24, 2014, Şişli District National Education Directorate stopped distribution of Turhan Selçuk’s collection of cartoons in an album titled *Abdülcanbaz* without any justification. The albums were being distributed to teachers as a Teachers Day gift by Şişli Municipality. Eğitim Bir Sen, the largest teachers’ union in the country with conservative views on education said they will “refuse to accept this book because it insults our national and moral values”. Following this message, the Directorate sent out a formal memorandum stating “no written and visual materials should be distributed to students and teachers without written permission from the Directorate”.

Reproduction is fine but learning about it is not

The chapter “Reproduction, growth and development in organisms” and all the topics under it were removed from a 6th grade Science and Technology textbook. The chapter explained the reproductive process in humans in a concise and scientific way that can easily be understood by children. Describing the reproductive process in plants and animals the chapter now contains only a picture of a mother holding her baby.

New regulation by the Ministry of Education is cause for concern

Pursuant to the “By-Law on Educational and Cultural Publications of Ministry of National Education” published on 3 October 2014 in the Official Gazette, the Ministry of National Education will be entitled to publish children’s and young adult books. Prior to this regulation, MEB published only textbooks distributed to students. The new by-law revives the controls by the Turkish Board of Education

over supplementary books for elementary and secondary schools. The controls had been lifted in 2003. The Ministry will be entitled to “select and assess all printed and non-printed scientific, artistic and cultural works (except for the textbooks), CDs, DVDs, e-books and other material on magnetic media” and will establish boards to fulfill these tasks. There will be an advisory board consisting of 40 members and a publication committee with 5 members that will have the final decision. If deemed necessary, the Ministry will have the power to remove any member from the board. Members of the advisory board were not made public but it was discovered that they are officials of the Ministry. Professional organizations in the publishing sector were not invited to contribute to the board. The by-law refers to “conformity with the Constitution and the National Education Law No. 1739” and “providing for enhancement and dissemination of the national culture”. An emphasis is also made on “national culture”. There is concern that the new by-law and its control mechanisms will result in “heavy censorship”. Furthermore, the Ministry will become a dominant competitor for the education and children’s books publishing sector.

Research on Syrians made illegal

Council of Higher Education (YÖK⁶), sent a memorandum to all universities prohibiting research on Syrian refugees. The memorandum justified the decision by referring to a directive by the Ministry of Interior. It was brought to the Ministry’s attention that researchers are collecting and archiving information on Syrian nationals. In the directive, the Ministry is requiring previous approval for all research and information collecting activities on Syrian nationals who applied for protection and currently under the temporary protection of the State. With this directive, any type of research by foreign missions, universities and academic institutions, public institutions and offices, international bodies and non-governmental organizations is practically at the Ministry’s discretion.

PRESS UNDER PRESSURE

The Bianet Media Monitoring Report for 2014, reports that 59 journalists and 23 book distributors were imprisoned in 2013. This is a decline from 22 and 10 respectively in 2014. 14 of 22 imprisoned journalists and all of the distributors are affiliated with Kurdish media. Although the number of media workers in prisons has declined, incidents of censorship, self-censorship and unemployment due to

⁶ Yüksek Öğrenim Kurumu: An institution of the Turkish State that supervises universities. It is formed after 12 September 1980 military coup to oversee the education in Turkey,

editorial censorship has increased. This negative trend is primarily due to the broadcast ban on coverage of almost every politically sensitive issue, blocking access to internet news, lawsuits and subsequent heavy fines against media and columnists, investigation and detention of columnists, refusal to accredit dissident media to attend government press conferences and state organized events. Furthermore, the President's comments directly targeting specific journalists as well as threats to certain media outlets have all contributed to the negative atmosphere.

One journalist was sentenced to prison term and received fines based on the Anti-Terror Law. Ten journalists were sentenced to prison and received fines for "provocating hostility", "insulting religious values" and "defamation" based on the Turkish Penal Code. In 2014 a total of 339 journalists, writers and media workers were either fired or forced to resign. According to the Press Freedom Index by "Reporters Without Borders" (RSF), Turkey's standing is now 149 out of 180 countries which is 5 points lower than the previous year. Basic freedoms in Turkey are now classified "semi-free".

Broadcast ban on almost every issue

Court decisions placing bans on critical events have made it very difficult to get current coverage of breaking news from mainstream media. Recent significant events blocked by court decisions are: assassination of two police officers in Bingöl province, corruption and bribery investigation of December 17, the ISIL raid in Turkish Consulate Mosul, tapping investigation, Soma mining disaster, Reyhanlı car bomb attacks, illegal tapping of high level governmental officials on Syrian issues, raid on National Intelligence Organization (MIT) weapons trucks in Adana, game-fixing investigation, Uludere/Roboski massacre, raid on Aktütün military outpost, killing of 3 soldiers in Hakkari Yüksekova on 25 October 2014, illegal aid by Turkey to conflicts in Iraq and Syria, military espionage case.

Lawsuits trying journalism continue

Last hearing of "Odatv Case" with 13 journalists and writers on trial was held on 12 December 2013 at the Specially Authorized Courts. Following the abolition of special courts, the case was transferred from İstanbul 16th High Criminal Court to İstanbul 18th High Criminal Court and at this court after more than 13 months hearings finally resumed on 30 January 2015. Following the prosecutor's motion to wait for information from GSM operators and from sources abroad the case was rescheduled for 12 June 2015.

Following the 5 November 2014 hearing of “KCK Press case”⁷ where 46 Kurdish journalists and media workers were tried, lawyers for the defendants argued that since the Specially Authorized Courts have been abolished, the case is no longer constitutional and that the Constitutional Court should review the case to rule on this claim. This argument was accepted by the court and a decision was made to wait for the High Court decision on 11 September 2015. The lawyers are also arguing that following the transfer of pending cases in Specially Authorized Courts, all criminal investigations and lawsuits brought by the Specially Authorized Prosecutors to be tried in these courts should be ceased and cancelled including the KCK case.

Emre Uslu, a columnist for Taraf daily, is facing imprisonment in two separate cases for 2 of his articles. Uslu is charged with “defamation via press” of the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH) president Bülent Yıldırım. Uslu is facing 15 months to 7 years imprisonment. The first hearing was held on 15 December 2014 before Anadolu 2nd Criminal Court of First Instance. The second case charges Uslu with “insulting and defaming via press” the President Recep Tayyip Erdoğan and MIT Undersecretary Hakan Fidan and he is facing up to 10 years 8 months imprisonment. The trial began in February 2015 before Anadolu 2nd Criminal Court of First Instance. Although his lawyer stated that Uslu works at a university in the United States, the Court issued arrest warrants for Uslu in both cases.

Journalist Frederike Geerdink, a Dutch national living in Diyarbakır for the last 8 years was detained on 6 January 2015 on claims that she was spreading “propaganda for PKK” via Twitter. Geerdink’s apartment was raided and searched. Pursuant to Article 7, paragraph 2 of the Anti-Terror Law, she faced up to five years in prison. Referring to the amendment to Anti-Terror Law in 2013 the prosecutor asked for acquittal at the first hearing in Diyarbakır 6th Criminal Court. The amended law now requires proof of “justifying and praising violence”. Geerdink was acquitted on 13 April 2015 at the second hearing.

Local newspaper headlines cooking recipes as a form of protest

Launched on 1 September 2013, Batman’s daily newspaper Yön was repeatedly pressured and intimidated for pointing out public service disruptions in Batman.

7 Koma Civakên Kurdistan (Group of Communities in Kurdistan) an umbrella organization of the Kurdish political movement. Between April 2009 and October 2010 some 1,800 people were detained on charges of being members of KCK.

Out of frustration the newspaper published a recipe on its 22 December 2014 headline. For three weeks the newspaper continued running headlines for local dishes like rolled pastries, dumplings, chickpea stew, stuffed intestines, kebab and desserts. Some of the local names for the dishes contained ulterior humor. The editor Ferit Tunç said the newspaper came under pressure after criticizing practices by several public offices such as the Batman Museum Directorate for purchasing overpriced meat for its staff's consumption. The newspaper also criticized the employment of Batman University Rector's son a botany major, at the Computer Services Division of the same school. Tunç stated even the university senate held a session to defame the newspaper. The newspaper was charged with 40 lawsuits in its mere 13 months of existence.

Suppression following the Charlie Hebdo massacre

After the attack and massacre on French humor magazine Charlie Hebdo on 7 January 2015, the magazine received worldwide support. In Turkey however, any media discussing the issue has met with attacks and bans. After rumors that daily newspaper Cumhuriyet would publish a selection from the final issue of Charlie Hebdo, the police raided the print shop after midnight without a judge's order and searched delivery trucks. Subsequently the building was blockaded to prevent potential assault.

Diyarbakır 2nd Criminal Court of Justice considered a pre-emptive application to block a cartoon on 15 January 2015 depicting prophet Mohammed. The court ruled in favor of blocking the pages of Internet sites where the cartoon was to appear. The ruling stated that the yet unpublished cartoon would "humiliate religious values by way of media", "contains insult" and is "threat to disrupt public order by way of causing outrage".

In 8 April 2015, İstanbul State Prosecutor's office initiated judicial investigation against Ceyda Karan and Hikmet Çetinkaya for printing the controversial cover of Charlie Hebdo in their columns in Cumhuriyet daily. Both journalists were charged with "openly humiliating religious values adapted by a certain group in the society". The prosecutor asked for 4,5 year prison term for each columnist. Both had published the drawing of a person in white garb holding a "Je Suis Charlie" (I am Charlie) banner. The person depicted in the cartoon was alleged to be the prophet Mohammed. Later 1280 more people added their names as complainants in the 38 page charges sheet. The indictment stated that "it is impossible not to foresee the consequences of publishing this cartoon in our country which is a Moslem country. Publishing of the cartoon carries no public interest and it is impossible to consider it within the context of freedom of expression".

PRESSURE ON INTERNET PUBLISHING

Turkey: one of top there in social media censorship

Following the agreement between Turkish officials and Tweeter in 2014, there was an increase in removed content and blocked accounts from Turkey. In his statement in December 2014, Transport, Marine Affairs and Communications Minister Lutfi Elvan disclosed that 338 requests for blocking was sent to Twitter based on complaints made to Directorate of Telecommunications (TIB) and Information and Communications Technologies Authority (BTK). Twitter has blocked 255 of the requests and did not act on 83 of them. Elvan stated that 84 accounts are suspended on a request by Turkey.

According to Twitter's Transparency Report, the country with the most removal requests worldwide was Turkey. Between July and December 2014 Turkey accounted for 1820 of the total 1982 content removal requests. The number of Twitter accounts blocked access from Turkey was 62. In the first half of the year Turkey ranked first with request for 193 tweet message deletions from 304 accounts. Additionally 17 accounts were suspended. The increase in the second half was therefore substantial.

Facebook continued accommodating censorship requests from Turkey in 2014. According to Facebook Transparency Report, Turkey was second in the world for removing content in 2014. 5517 Facebook pages were blocked or access to them restricted. In the first six months of 2014, the number of removed content was 1893, this number was 3624 between July and December. In the second half of the year the number of blocked content increased by 91.4 percent. Turkey's Government directed 318 official requests for information on 527 accounts/users.

65 thousand blocking incidents in nine years

Internet bans have reached a peak in the months following the Gezi Park Resistance and news of corruption involving AKP deputies. According to data provided by "Engelli Web" ("Disabled Web") on 8 May 2015 access to only 4 sites had been blocked in 2006. This number reached 19.689 in 2013. The number of Internet sites banned in the last nine years is 78.500. In 2015 this number is expected to reach hundreds of thousands. The number of blocked content in 2015 was 7.231 at the web site's record dated 8 May 2015. Statistically, TIB blocked approximately 93.5 percent of the content while courts accounted for 3.3 percent. Remaining 1.5 percent was blocked simply on Prosecutor's orders.

Blocking incidents increased after 17 December 2013, Charlie Hebdo and Prosecutor Kiraz⁸ incidents

After the operations involving government officials that started on 17 December 2014, the number of applications to block access to web sites and social media content substantially increased in the next few months of 2015.

State Prosecutors in Gölbaşı started investigating the popular Twitter and Facebook account “Fuat Avni” for “violating the confidentiality of an investigation”. The investigation involved illegal tapping and recording of encrypted and regular telephones used by government officials including the President Recep Tayyip Erdogan, Chief Judge of Constitutional Court Haşim Kılıç, Prime Minister Ahmed Davutoğlu, Chief of General Staff General Necdet Özel, Deputy Prime Ministers Bülent Arınç and Ali Babacan, Minister of Internal Affairs Efkân Ala, Minister of Energy and Natural Resources Taner Yıldız and MIT Undersecretary Hakan Fidan. Access to these accounts was blocked.

Acting on a complaint by Judge Bekir Altun of 1st Criminal Court of Peace in İstanbul, Twitter was asked to remove tweets posted by users including several journalists. Altun claimed his “individual rights were violated”. Journalists’ tweets were blocked.

Following the massacre at French satirical magazine Charlie Hebdo on 7 January 2015, access to web pages featuring the cover of the magazine was blocked. In the following days restrictions associated with Charlie Hebdo continued. Gölbaşı Criminal Court of Peace in Ankara ruled a decision on 27 February 2015 to block access to selected pages of 49 sites without warning. These sites had published pages from Charlie Hebdo published in 2010, 2011 and 2015 and contained depictions of Prophet Muhammed. Previously Law No. 5651 contained a “warn-and-block” system that allowed for sending a remove warning to content providers by a judge first and if the provider refused to comply, content would be blocked. An amendment passed in an omnibus bill made blocking and censoring easier. Now, a “removal order” to the “Association of Access Providers” without previous warning is all that is required. Blocked Internet sites include pages of T24 News site that featured the Turkish version of the First Charlie Hebdo issue after the attack. Various Wikipedia and Facebook pages as well as Twitter accounts were also blocked.

Prosecutor Mehmet Selim Kiraz was taken hostage by leftist DHKP-C on 31 March 2015. A broadcast ban was put in effect during the hostage crisis and ensuing rescue operations. The ban remained in effect even after the prosecutor was

⁸ Prosecutor Mehmet Selim Kiraz was killed after a hostage crisis on 31 March 2015 by DHKP-C militants.

killed and the incident had ended. Certain journalists were refused accreditation and kept from reporting the funeral. Subsequently 1st Criminal Court in İstanbul ordered blocking 166 web sites including local newspaper sites like Cumhuriyet, Radikal, Birgün, Sözcü, SOL and Taraf as well the Independent and Daily Mirror.

Jail term for Twitter user for “insulting religion”

E.P., a teacher using “Allah CC”⁹ on Twitter was charged with “blatantly denigrating religious values adapted by a certain group in the society”. He was tried at Muş Criminal Court of Peace and in May 2014 received a 15 month prison sentence. Judge showed no leniency and did not postpone the verdict or ruled probation. Furthermore the judge also removed the accused of his civil service post.

News portal editor acquitted

“Ötekilerin Postası” a portal run by volunteer journalists informing the public on activism and civil rights related news in Turkey, was put on trial for some of the news and announcements ran on their pages. The editor of the portal was charged with “instigated the public to hate and hostility” and was tried before 3rd Criminal Court of First Instance in İstanbul. The judge acquitted the editor at the first hearing on 4 February 2015.

Investment in censorship software

It was reported that the Turkish government is negotiating with Swedish firm “Net Clean” for a 40 million Euro software system for “preventing child sexual abuse”. The software works when entering keywords into the system then filtering content with those keywords and blocking them. The system allows for detecting “harmful” words individually and censoring them. These keywords can be kept secret. The high cost of the software is cause for concern that an extensive censorship mechanism is about to be set up. The Swedish developer of the software is negotiating with the government through an intermediary and was unable to provide information based on “non-disclosure agreement” between the companies.

Teachers “exiled” for comments on social media

A disciplinary proceeding was started against M.S.Ş., a vocational high school teacher in Bağcılar İstanbul for posting the comment “I sleep blissfully and proudly” on Facebook during the Gezi Park Resistance. The teacher’s defense was

⁹ C.C is abbreviation of the Arabic phrase meaning glory of “[Allah’s] is so almighty.

found inadequate and in November 2014 was transferred to another school in Esenler, İstanbul. In another case Zehra Gürler, a teacher in Mersin was subjected to disciplinary proceedings for her postings in on Facebook supporting the Gezi Park Resistance. She too was transferred out to another district in Mersin.

Author Şenlikoğlu detained for Tweeting

Author Emine Şenlikoğlu was tried for “insulting” Adnan Oktar on Twitter. She is facing imprisonment up to 2 years. A warrant was issued for Şenlikoğlu who was not present at the hearings. She was taken into custody at Atatürk Airport and was brought before the judge. During her interrogation at Anadolu 56th Criminal Court of First Instance Şenlikoğlu stated that Oktar misrepresented Islam and her tweets protested the visual interpretations of Islam by him and his followers. She was released following interrogation and trial was postponed.

LEGISLATION CHANGES

Attempts to change the Copyright Law and threat to independent publishing

An amendment was made to Law No. 5864 on Intellectual and Artistic Works article 47. The change was passed as part of an Omni bill. The amended article now states “intellectual rights of certain works of art can be nationalized after their owners are deceased and before the copyright protection date has expired. Right to claim reasonable compensation for legal owners will remain. To allow a claim by the state a work must be “created inside or outside Turkey, by a Turkish citizen”. The amendment can potentially include a large number of books and musical pieces that fit the criteria. However, it is widely accepted by the public that the amendment targets copyrights of the canon of *Risale-i Nur* for transfer to the Cabinet”. Due to the amendment, the state is given the power to monopolize any work by a deceased artist by paying “reasonable compensation” on the basis of “public interest”, despite legal beneficiaries’ objections. The State becomes the sole authority to printing it as well as to granting permission to the institutions approved by the government to print it.

The owner of the proposal, The Ministry of Tourism and Culture justified the request asserting that “this is a way to keep interest alive in works unpublished by publishers on legal grounds. However, public opinion is that *Risale-i Nur*, canonic works by Said Nursî is in fact the target here. In 2014, the ministry rejected printing permit applications for these works claiming “permissions were not obtained from 5 legal successors”. As a result *Risale-i Nur*, a widely demanded

collection of religious writings, was not printed. Later the Council of Ministers appointed Directorate of Religious Affairs as the sole authority to inspect the printing and suitability for printing of these works. The new procedure allowed the Directorate to print the works themselves. Publishers also willing to print would submit their text for approval and after the inspection procedure, sign a contract with the directorate before they were allowed a printing permit. Therefore, in practice, *Risale-i Nur* can now only be published with government inspection and consent. Many publishers followed the new procedure and acquired printing rights. Some however did not agree to changes to the text by the Directorate and have withdrawn their texts.

A petition was filed with the 3rd Court of Intellectual Property Rights in Ankara following the transfer of authorization to the Directorate of Religious Affairs. The applicant is a lawyer who claimed that the amendment to Article 47 of the Law is unconstitutional and demanded in his petition that the court establish that financial and intellectual rights of works published under *Risale-i Nur* Collection, copyrighted by Said Nursî does not belong to one person and that the Ministry of Culture and Tourism, Office of the Copyrights should be warned". The local court ruled for sending the application to the Constitutional Court and wait five months for High Court's ruling, and set the next hearing on 15 September 2015. *Hürriyet* Daily reported that the Constitutional Court cancelled the amendment that transferred the control of *Risale-i Nur* Collection.

A regulation for fast and easy Internet censorship

The omnibus bill 6552 included changes to Internet Law No. 5651. Changes granted to the Telecommunications Director and the Prime Minister give them power to shut down web sites. This amendment transferred the power of legal authority to executives, or even the executive agencies without due legal process. The amended law requires access providers to oblige with the shutdown order within 4 hours of receiving it. Site managers are deprived of their right to defend their content and question the legitimacy of the shutdown order. If access and hosting service providers do not obey the order they can face fines up to 500.000 TL and their licenses can be revoked. Consequently these regulations make self-censorship inevitable.

DECISIONS OF THE ECtHR

European Court of Human Rights sentenced Turkey to pay 135.612 Euro in compensation for violating freedom of expression and for failing to provide a fair trial. Among the claimants are 9 journalists and one media organization. In the

same period ECtHR accepted over 100 applications in context of Article 10 of the Convention and has ruled a “violation of rights” in more than 40 of its decisions.

Some ECtHR decisions on freedom of expression:

Mesut Yurtsever decision (20 January 2015): In their application, 13 prisoners serving time in Tekirdağ F Type Prison stated that they were denied access to Kurdish newspaper Azadiya Welat in prison. The Court decided that this restriction was a violation of “freedom of expression” and sentenced Turkey to a 10.400 Euro fine.

Bayar and Gürbüz Decision (3 February 2015): Ali Gürbüz and Hasan Bayar, owner and editor respectively of the daily Özgür Gündem, were fined in 2007 for publishing a declaration in their pages. The ECtHR ruled that freedom of expression (Article 10 of the Convention) and right to a fair trial (Article 6 of the Convention) were violated and sentenced Turkey to pay the applicants 3.300 Euro each.

Erdoğan Gökçe Decision (14 October 2014): The case concerns a criminal conviction for distributing a written statement of his political views before municipal elections. Gökçe was sentenced to a prison term that was commuted to imprisonment that then was turned into a 606 TL fine. ECtHR ruled that the decision is a “violation of freedom of expression”.

Belek and Özkurt Decision (17 June 2014): Ahmet Sami Belek and İsmail Muzaffer Özkurt, Owner and editor-in-chief respectively of the daily Evrensel, had placed six applications with the court in 2008 and 2009, for convictions they received for publishing articles on PKK. ECtHR ruled that the applicants’ “freedom of expression” was violated and sentenced Turkey to pay approximately 27.000 Euro.

Aslan and Sezen Decision (17 June 2014): Two applications in 2004 and 2005 by Memet Aslan and Zozan Sezen, owner and editor-in-chief respectively monthly magazine Dema Nu complained that the magazine was seized twice for articles published about the PKK. ECtHR ruled that the “freedom of expression” was violated and sentenced Turkey to pay 6.000 Euro fine.

Mustafa Erdoğan Decision (27 May 2014): In 2001 constitutional law professor Mustafa Erdoğan wrote an article in a quarterly magazine Liberal Düşünce (Liberal Thought), criticizing the Constitutional Court for abolishing political parties. In the aftermath Erdoğan and an officer of the magazine Haluk Kürşad Kopuzlu were sentenced to pay compensation to three members of the Constitutional Court. ECtHR tried the case and decided the claimants had been unfairly charged and awarded Erdoğan 7.500 Euro, in addition to the amount he had unfairly paid.