



**REPORT ON  
FREEDOM TO  
PUBLISH  
IN TURKEY**

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### **TÜRKİYE YAYINCILAR VE YAYIN DAĞITIMCILARI BİRLİĞİ DERNEĞİ**

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INTRODUCTION	7
CLOSED PUBLISHING HOUSES	8
BANS ON BOOKS	9
BOOKS AS CRIMINAL EVIDENCE	13
JAILED WRITERS, TRIALS AND EXPULSIONS	14
ATTACKS ON PUBLISHING HOUSES AND BOOKSTORES	17
RESTRICTION OF BOOKS IN NATIONAL EDUCATION	18
DRAMATIC PORTRAIT IN THE FREEDOM OF THE PRESS	19
BOOKS BANNED IN PRISONS	21
INCREASING PRESSURE ON SOCIAL MEDIA	24



## INTRODUCTION

The main event that marked the publishing activities as much as the history of Turkey last year was undoubtedly the attempted coup on 15 July 2016. The State of Emergency was declared on 20 July 2016, to speed up the operations and investigation and to restore security in the country following the momentous event in which 246 people lost their lives in conflicts and incidents during the coup attempt.

However, with the extension of the State of Emergency several times over the past few months, independence of the judiciary has been entirely suspended. The legislative power was taken away from the authority of the Grand National Assembly and given to the executive branch through Statutory Decrees. The scope of the operation was extended quickly to include all opposing civilian movements not related to terrorist organizations and eventually to ordinary citizens who voiced any form of criticism against the government and the presidency. Unfortunately, the current political and social polarization have become very sharp, and fear, anxiety, and pessimism deepened in society.

We observed that the number and severity of all questionable practices increased in this period regarding the freedom to publish noted in our report of 2015-2016. After the State of Emergency, 30 publishing houses were closed with statutory decrees leaving thousands of publishing professionals unemployed, the seized institutions' debts were not taken over, and no compensation for labor was received. There were attacks against publishing houses and bookstores that became targets or were shut down.

Our member Turhan Günay, a literary laborer, and representative for Cumhuriyet Books and Gökçe Firat Çulhaoğlu, editor-in-chief of İleri Publishing have been in jail for months on account of their work. Representatives of TPA member publishing houses Ahmet Nesin, owner of Düşün Publishing and Ragıp Zarakolu owner of Belge Publishing are both charged with terrorism for their civic actions and expressing their opinions.

The writers and publishing houses occasionally faced lawsuits arbitrarily for their unpublished publications, and several authors received imprisonment. Court decisions on book confiscation and prohibition increased rapidly at the local level. Law enforcement took action before serving the court rulings to the publishing houses. The publishing houses were deprived of their right to appeal and take preventive measures, which further victimized them. The case files included books and news columns as criminal evidence, and names of internationally known critical thinkers added to indictments as members of criminal organizations.

Thousands of academics were expelled from their jobs and deprived of social their rights. The production and sale of academic and non-fictional publications have been severely affected by the intimidating blow that impacted the academy. Investigations were launched on hundreds of thousands of public officials, and the number of detainees in the country has exceeded 200,000. With heavy censorship and reprisals, journalists under detention, locked down press organizations and pressure on the remaining members, it became a miracle to exist as an independent press acting in freedom. Subsequently, Turkey was placed on the lowest rank in the world in press freedom. The representative example of closing Wikipedia in Turkey because of certain unwanted content has shown that country's ranking in freedom is not very bright in internet freedom as well and is getting smeared further.

## **CLOSED PUBLISHING HOUSES**

### **29 publishing houses shut down**

In accordance with the Statutory Decrees of 27 July 2016, 29 publishing houses associated with the FETO organization, along with 16 TV channels, 2 radio stations, 45 newspapers and 15 magazines were shut down. These publishing houses are: Altınburç Yayınları, Burak Basın Yayın Dağıtım, Define Yayınları, Dolunay Eğitim Yayın Dağıtım, Giresun Basın Yayın Dağıtım, Gonca Yayınları, Gülyurdu Yayınları, GYV Yayınları, Işık Akademi, Işık Özel Eğitim Yayınları, Işık Yayınları, İklim Basın Yayın Pazarlama, Kaydırak Yayınları, Kaynak Yayınları, Kervan Basın Yayıncılık, Kuşak Yayınları, Muştu Yayınları, Nil Yayınları, Rehber Yayınları, Sürat Basın Yayın Reklamcılık Eğitim Araçları, Sütun Yayınları, Şahdamar Yayınları, Ufuk Basın Yayın Haber Ajans Pazarlama, Ufuk Yayınları, Waşanxaneya Nil, Yay Basın Dağıtım, Yeni Akademi Yayınları, Yitik Hazine Yayınları, Zambak Basın Yayın Eğitim Turizm.

The majority of these publishing houses were companies that had been transferred to government guardianship in the period before the coup attempt, and there had been ongoing investigations on their former administrative staff. Thou-



sands of unemployed publishing workers were unable to continue working as their workplaces were locked down. Consulting professionals for the publishing sector were also severely impacted by their inability to collect their receivables, and their business opportunities have diminished due to shrinking industry.

During this period, officials initiated erroneous legal actions against various publishing houses that have similar names. Bank accounts of Kaynak Publishing were blocked instead of the Kaynak Publishing Group, and Gonca Publications was raided instead of Gonca Publishing in October 2016. Various book distributors were searched for carrying prohibited books in their stocks. These flawed investigations were later reversed based on objections by lawyers.

### **Evrensel, the 30th closed publishing house**

Based on Statutory Decrees dated 29 October 2016; the order also closed two news agencies along with the magazines Evrensel Kültür, Tîroj and Özgürlük Dünyası. The closure of the Evrensel Kültür, a well-established monthly cultural and literary magazine closely followed by the publishing community, caused dismay. As the result of blocking the bank accounts of the Doğa Basın Yayın which is affiliated with these publications and seizure of their company shares, the activity of Evrensel Publishing, book publishing branch of Doğa Publishing, also virtually stopped. After an attempt to get information from the authorities for several months about whether they were officially closed down or not, the publishing house representatives have obtained official documents stating that they are closed in January 2017. A joint press release informed the public of the closure on 23 January 2017.

### **BANS ON BOOKS**

Court decisions to seize books have gained momentum, and not serving the decisions to the publishing houses became standard practice. Instead, publishers received information about seizures informally through bookshops or distributors. The publishers have no way to initiate legal processes about issues they are not officially informed of and cannot challenge the decision nor can they receive their books back.

### **Ekin Publishing books seized**

Police and military arrived at the Ekin Publishing stand in a shopping center in Kızıltepe, Mardin on 27 June 2016. They confiscated 160 books in 88 different titles in total without a legal order to collect them.

## **Pulling Aram's 72 books off the shelf**

Aram Publishing continues its publishing activity by struggling against a large number of book confiscation and prohibition decisions. Of its cargo of books headed to İzmir Book Fair in April, 3959 were confiscated by the military in Kırşehir, a total of 53 books had standing confiscation orders within the scope of the investigation that had started earlier.

The inquiry initiated by the Kırşehir Criminal Court of Peace about the books were handed over to the jurisdiction of the Diyarbakır Criminal Court of Peace. The publisher's lawyer claimed an expert did not prepare an assessment report on the books and therefore confiscation is not constitutional. The court rejected this application, and the publisher filed a petition with the Constitutional Court.

Among the books included in the "prohibition of sales and distribution" decision of the Gaziantep 3rd Criminal Court of Peace in 2015 there are books by Hasan Cemal, Tuğçe Tatarı, and Muslim Yücel as well as 19 books published by Aram Yayınevi. There is no clear answer from the court regarding whether or not it had lifted the decision to ban these 19 books. The confiscations are still in progress.

Security forces confiscated more than 2000 books published by Aram from a bookstore in Van. Aram house did not receive prior notice. Their lawyer commented that many other books are on file as evidence and that they have heard others also have prohibition decisions that have not yet been served. Since the publisher did not receive official notice, it cannot appeal.

## **The disposal of hundreds of "FETO books," investigations on citizens**

Books written by Fethullah Gülen showed up in garbage containers in many cities such as Çanakkale Lapseki, Bartın Kozcağız, Bursa Nilüfer, Osmaniye Kadirli, Diyarbakır Yenişehir, Karabük, Kütahya, Malatya Özlüce, Isparta, Balıkesir Edremit and Isparta Yalvaç. Police was notified of the discarded books and initiated formal investigations. The same titles, when found in the offices of university staff, homes of the university students, were confiscated as "evidence for the criminal organization" and investigations were initiated against the citizens who owned these books. Some resulted in detainment and arrests. In Denizli, there were reports of books by Gülen burned in a boiler room.

## **Thousands of "FETO books" were banned in one day**

At the request of the Bakırköy Chief Public Prosecutor, the Bakırköy Criminal Court

On Duty took a decision to seize 672 books and electronic materials by the closed publishing houses named above, on the grounds of “propaganda for the terrorist organization.” The General Directorate of Support Services of the Ministry of National Education requested that all books and magazines by these publishing houses should be banned from schools and the copies in school libraries should be sent for scrapping.

The General Directorate of Libraries and Publications also sent a circular to 1130 public libraries in the country, asking that all books published by these publishing houses retrieved from the shelves and sent to storage facilities. The decision was taken to remove these books from the library automation system as well as from the search records.

Out of 2 million books in public libraries, 135,000 were by publishing houses claimed to be associated with FETÖ and were listed in the “dangerous” category because they “propagated the criminal organization and misrepresented religion.” These were pulled off the shelves. After the list had been prepared, there was news that these books would be destroyed. Following the public reaction, they were not. The books by prohibited publishing houses were also removed from all internet bookstores.

### **Arrest of illiterate farmer**

The police raided the house of Halime and Ramazan Akdağ, farmers from İzmir, and arrested the couple claiming “suspicion of escape” existed on the grounds of the books and magazines found in their home. Ramazan Akdağ is illiterate but this fact has not changed the situation. The investigation of the family who lived in a village and provided for their living through farming began when tweets by their 17-year-old daughter was reported to the authorities by an informant. The police, as the justification for the raid, presented a confiscation order on the books that the family purchased long ago. The couple was released after 15 days following objections to the decision. The investigation is still in open, and the daughter is among the suspects in the inquiry.

### **Leman’s “coup d’état special issue” confiscated**

The weekly humor magazine Leman became the target of a lynching campaign in social media, after they shared the cover of the “coup d’état special issue” about the July 15 coup attempt. The magazine had not been published yet. The office location of the magazine was posted on social media. Following threatening mes-

sages like “You did not learn from Charlie Hebdo,” a crowd gathered in front of the magazine early next morning that was later dispersed by the police. Subsequently, Istanbul 4th Criminal Court Of Peace decided to pull the issue off the shelves.

### **Motion to investigate prohibited books**

Mithat Sancar, HDP Representative in the National Assembly from Mardin, gave a motion to establish a Parliamentary Research Commission in June 2016 to investigate the relation between prohibition decisions and freedom of the press and freedom of expression in Turkey. No progress has been made on the inquiry proposal yet.

### **Confiscation of the ISIS Book**

Hamide Yiğit’s book, *Tekmili Birden IŞİD-El Kaidé’den IŞİD’e Amerika İçin Cihat*, published by Tekin Yayınevi, was denounced by the Humanitarian Relief Foundation because the book “defamed the Humanitarian Relief Foundation of honor, dignity, and reputation.” The officials filed lawsuits to request the confiscation of the book as well as assessing penalties and compensation against the writer and publisher. The research, referencing nearly 350 sources, examines the relationship between the ISIS and jihad projects and the United States. On 8 March 2017 Istanbul 20th Civil Court of First Instance heard the testimonies for damages. A petition was filed in the criminal case, and a prepayment amounting to 20 thousand TL was demanded from the publishing house and the writer for settlement. The publisher rejected the request.

### **Calling off Önkibar’s book on Devlet Bahçeli before it was published**

Aydınlık writer Sabahattin Önkibar’s book *Devlet Bahçeli ve Derin Ülkücüler* issuing MHP leader Devlet Bahçeli that was in preparation for publication by Kırmızı Kedi Publishing was confiscated as “preventive action” before it was published. On 20 January 2017, one day before the announcement of the book, Devlet Bahçeli applied to the 6th Ankara Court of First Instance and appealed on the possibility of “heavy attack on the personality that could lead to victimization.” Subsequently, the distribution of the book was stopped. The court approved the request, and on 19 January 2017 took a confiscation decision, leaving open the venue for objection. The application was accepted based on information provided in a promotion bulletin for a book not yet certain to come out on the market. Not since banning the book by Ahmet Şık before publishing, had there been a ban on a book yet to be published. The court first banned the book, which it did not know about, and

then took it for review. After 15 days, an “Additional Decision” dated 3 February 2017 stated the reason for confiscation explained that the book portrayed Bahçeli as being “incompetent” which, under the Press Law could be construed as a matter of “an attack on an individual’s rights.” The court rejected the publisher’s objection; the “precaution” decision will stand until the hearing is finalized. The book will not be published and distributed. The trial against the defendant for a compensation claim will be held on 12 September 2017. Bahçeli also filed a criminal complaint to start criminal proceedings and this is still in review.

### **Belge Publishing raid and confiscation of 2200 books**

During the raid on Belge Publishing on Saturday 6 May 2017, the police confiscated 2200 books from the shelves of the publishing house. The publishing house worker Mehmet Ali Varış was asked by the police to open the publishing house office. During the search that was conducted based on the decision by Istanbul 4th Criminal Court on a general search and confiscation warrant, books were confiscated because “the books containing DHKPC terrorist propaganda are published and distributed.” The reason for the confiscation of 29 copies of two books was of a previous order by another court. Further 2171 books were confiscated for “not having revenue stamps,” unrelated to the current court order. A significant portion of the books have been in the archives of the publishing house operating since 1977 and formed its memory. Most were published before the revenue stamp regulation of 2001.

### **State of Emergency prohibits book announcement**

Zülfü Livaneli’s bestseller *Huzursuzluk*, the first edition of which sold out in 3 days was denied advertising by hanging banners in metro stations on the grounds of the State of Emergency. Livaneli announced the situation in an interview with Ayşe Arman on January 21.

### **BOOKS AS CRIMINAL EVIDENCE**

Presenting books as criminal evidence in various case files continued last year as well. They went in record as tragi-comical examples.

### **Camus and Spinoza as members of a criminal organization**

The names of Albert Camus and Baruch Spinoza were jotted down by Nevin Erdemir in her notebook along with excerpts from *Spinoza’nın Günlüğü* by Everest

Publishing. The indictment prepared for Erdemir, the Co-Chairperson of the now shut down Association of Free Journalists stated it as “books by the organization members Spinoza and Albert Camus.”

### **Althusser and Negri as criminal evidence**

During a house search within a case against the Gezi events in Ankara, Louis Althusser's *İdeoloji ve Devletin İdeolojik Aygıtları*, Servet Tanilli's *Türkiye'de Aydınlanma Hareketi Dünü, Bugünü, Sorunları ile Dünyayı Değiştiren 10 Yıl Fransız Devrimi üstüne (1789-1799)* and *Mavi Gözlü Dev Nâzım Hikmet* were considered criminal evidence. The investigation and indictment on Arif Koşar, Coordinator and Chairman of the Board of Hayatın Sesi Television, now shut down by a statutory decree for sending tweets included the cover of the doctorate thesis titled “Antonio Negri's concept of multitude within the scope of class discussions” as criminal evidence. This thesis is an accredited document by Marmara University Social Sciences Institute.

### **JAILED WRITERS, TRIALS AND EXPULSIONS**

Parallel to the increased pressure on the press, the number of writers arrested has increased rapidly in the past year. According to the List of Writers and Publishers in Jail prepared by the Turkish Publishers Association, 34 writers have been arrested based on their writings in Turkey as of 20 April 2017.

#### **List of Writers and Publishers in Jail (as of 20 April 2017)**

Abdullah Kaya	Erdal Şen	Mümtazer Türköne
Ahmet Altan	Erol Zavar	Özgür Amed (Ethem Çağır)
Ahmet Şık	Gökçe Fırat Çulhaoğlu	Serhat Şeftali
Ahmet Turan Alkan	Gültekin Avcı	Şahabettin Demir
Ali Bulaç	Güray Tekin Öz	Şahin Alpay
Atilla Taş	Hidayet Karaca	Tuncer Çetinkaya
Ayşe Nazlı Ilıcak	Kadri Gürsel	Turhan Günay
Aytekin Gezici	Mehmet Altan	Ufuk Şanlı
Bayram Kaya	Mehmet Baransu	Ünal Tanık
Bünyamin Köseli	Murat Sabuncu	Vedat Demir
Emre Soncan	Musa Kart	
Ercan Gün	Mutlu Çölgeçen	

## **Owner of İleri Publishing is in jail**

On 31 August 2016, Gökçe Fırat went to the Istanbul Courthouse in Çağlayan upon an arrest warrant and the news of him escaping abroad. Fırat was taken into custody without questioning, and was arrested on 2 September based on the Turkish Criminal Code Article 220-7, “knowingly and willingly helping a criminal organization without being a member.” He has been detained for five months, along with singer Atilla Taş and journalist Murat Aksoy, both also detained based on the same indictment. On 16 January 2017, the severity of accusations was further raised. On 31 March 13 defendants, including Fırat were released but were detained again one day later. The judges and prosecutors who ruled the release were removed from office on April 3.

## **Prison sentence for *Big Boss***

Multiple claims were filed by officials and by Hasan Yeşildağ against the book *Big Boss* by Mustafa Hoş published by Destek Publishing. The book’s subject is President Tayyip Erdoğan, and Yeşildağ is referenced in the book. The President also filed a criminal case against the book. The decision for prosecution for “Insulting the President” (Turkish Criminal Code, 299) was taken in June 2016. A prison term for one year and two months, as well as a criminal fine for 10,500 TL were delivered. In February 2017 the Supreme Court ruled that the author should be acquitted; the Attorney General contested the ruling. The same ruling is expected in the compensation case of 100,000 TL as well. The case filed by Hasan Yeşildağ resulted in acquittal in May 2016.

## **Compensation declined in *Hayırsever Terörist* trial**

Destek Publishing published Nedim Şener’s book *Hayırsever Terörist: Yasin El Kadı*. El Kadı filed a case against the book for compensation, and it was rejected on 23 June 2016.

## **Imprisonment filed against *Kanlı Başkanlık Yolu***

On 7 October 2016, Bakırköy Criminal Court of First Instance filed a case against Gökçe Fırat’s book *Kanlı Başkanlık Yolu* which was published in February 2016, for “Insulting the President.” In a recent hearing heard on 3 May 2017, 1 to 4 years imprisonment was demanded, and the case is still open.

## **Prison sentence for two books by Arzu Demir**

ANF and ETHA editor, journalist-writer Arzu Demir was charged with “propaganda

on behalf of the organization," "praising crime and criminality" and "encouraging illegal activities" in her books *Dağın Kadın Hali* and *Devrimin Rojava Hali* published by Ceylan Publishing. The prosecutors filed a case with Istanbul 13th High Criminal Court. On 27 January 2017, she was sentenced to 6 years imprisonment, three for each book, for the act of "propaganda for the organization." There is a confiscation order for *Devrimin Rojava Hali* which is still in effect. Her lawyer stated that the court had taken the lower limit of 2 years and issued a special punishment. Furthermore, the case was filed with the 7th edition, long after the 6-month pre-condition for a trial according to Press Law had passed.

### **Academics expelled by statutory decrees**

After the State of Emergency, 100,000 civil servants were expelled by five Statutory Decrees. Out of them 4800 were academics. Universities were deprived of thousands of academics and some departments, now completely emptied of lecturers, were closed down. Closure of these departments severely affected the publishers of academic content and non-fictional books. Consequently, many academics who suffered from weakened ties with their students, further suffered because they were also publishing authors. To appeal and right to defend themselves are also taken away from the expelled academics because the accusations directed against them were based on a Statutory Decree which did not require to be specific. The investigations/proceedings are not carried out through routine legal venues. In addition to losing their jobs, academics have lost various rights such as being prevented from holding any employment that offers pension benefits, banned from public service, prohibited from leaving the country to look for jobs, all which added up to losing their livelihood, their health insurance, and their unemployment payments. Names of these academics were published in the Official Gazette. They are subjected to conditions which can be described as "condemned to civilian death."

### **Writers expelled from teaching**

Some of the expelled public officials were also author/teachers. Murat Özyaşar, whose last book, *Sarı Kahkaha* published by Doğan Kitap, and his previous book *Ayna Çarpması* won the Haldun Taner Short Story Award as well as the Yunus Nadi Short Story Award, was expelled from his teaching job. On 1 October 2016, Özyaşar was taken into custody by anti-terror police and taken to Diyarbakır for interrogation. Doğan Kitap published an announcement on behalf of the writer, many authors and in the literary world sent support messages to Özyaşar. Police released him after five days in detention.



Among the 11,285 teachers laid off from their jobs in the Ministry of National Education on 8 September 2016, included were the authors Kemal Varol, İlhami Sider, Şener Özmen and the poet and translator Lal Laleş. These author/teachers were expelled by the Statutory Decree no. 29779 dated 23 July, issued under the State of Emergency.

### **Dismissal of legal action against Cemal, Tatari and Yücel terror investigation**

The confiscation of 25 books and periodicals was decided by the court, among them books by Hasan Cemal, Tuğçe Tatar, and Muslim Yücel, based on the claim that they participated in “propaganda for the terrorist organization,” “inciting people to hatred and hostility,” “praising terrorist activities.” The investigation ended in June 2016 without the need to pursue further.

### **The trial of Nişanyan for “insulting religion”**

Seven Nişanyan wrote on his website an article titled “Hate crimes should be fought against”. The case filed against Nişanyan for insulting words about prophet Muhammed resulted in imprisonment sentence and the file went to the Supreme Court. Supreme Court of Appeals dismissed the offense because more than one case was filed, and decided to merge all cases against Nişanyan under “insulting religion.” No progress was recorded in the case which resumed on 25 October 2016. After four judges were replaced, the trial was scheduled for 27 April 2017 but was postponed once more to examine the case file further.

## **ATTACKS ON PUBLISHING HOUSES AND BOOKSTORES**

### **Avesta Warehouse Fire**

The storage facility of Avesta Publishing in the Sur district of Diyarbakır, İskenderpaşa Mahallesi, was set fire at 22:00 on the night of 10 June 2016 by unidentified persons. The fire in one of the rooms of a three room depot was extinguished by citizens returning from the evening prayer. Early recognition of the fire by chance prevented it from spreading from the storage room to other rooms. A large number of books were damaged during the fire, as well as severe property damage. During the extinguishing work, the publishing houses’ loss doubled when the books were sprayed with water. Abdullah Keskin, the manager for the publisher said that they had not received threats and that 30 books were taken out and burned during an earlier curfew period and that two incidents could be related. On 14 June 2016, Nursel Aydoğan HDP Representative in the National Assembly from Diyarbakır

submitted a parliamentary inquiry on the subject. There is still no progress in the investigation.

### **Attacks on NT Bookstore branches**

The NT bookstore chain and publishing companies that were transferred to Kaynak Publishing Group, associated with the FETO organization, became the target of civilian attacks in the days following the coup attempt. Some citizens who thought the company is in possession of the Gülen community attacked NT stores in Malatya, Elazığ and Gaziantep. The shop windows were broken and the shutters were pried open. An official report of the events was filed.

### **Solidarity for Gül Bookstore**

Gül Bookstore was attacked, burned and plundered on 8 September 2015 and its employees were injured. It reopened on 18 September 2016 with solidarity but continues to exist under severe conditions due to the economic siege. Since the teachers keep away from the bookstore and bookstores' educational books dealerships are canceled, regular payments and other obligations cannot be met. There is a lawsuit for the burning of the bookstore, however, after 15 July 2016 coup attempt, the expulsion of judges and prosecutors from duty caused the panel of judges to change at every hearing. Only one of the prosecutors that had started the case remain in Kırşehir jurisdiction. In January 2017, a new panel of judges was formed at the High Criminal Court. The new chief judge attending the hearing was later dismissed during another operation. Yet another panel will try the case, and no defendants remain under custody.

### **Attack on Kırmızı Kedi Publishing**

On 10 February 2017, at 14.50 am, two masked men attacked the office of Kırmızı Kedi Publishing in Kabataş. Attackers smashed the window of the publishing house and entered the office. Threats against the author Sabahattin Önkibar was delivered for his book *Devlet Bahçeli ve Ülkücüler Hakkında Her Şey*. The book had received a collection order from a court before it was published.

## **RESTRICTION OF BOOKS IN NATIONAL EDUCATION**

### **Supplementary textbooks are usual suspects**

Following the coup attempt, the instruction given to schools to eliminate the books of banned publishing houses in national education caused all supplemen-

tary textbooks to be treated as usual suspects. Practices that prevented publishers of educational books for many years and that the supplementary textbooks should not be introduced into the schools somewhat intensified during the State of Emergency. Ministry of National Education sent letters to the offices of 81 provincial governors, asking that the supplementary textbooks should not be imposed on the parents and that these books should not be encouraged in schools. Otherwise, an administrative investigation would be started. School administrations began to refrain from introducing supplementary textbooks in schools. Foreign language teaching materials were also included in “Books that are not required for students.” The issue was overcome to a degree with attempts by the publishers’ associations at Ministry level. Nevertheless, the use of additional resources is still limited. The increasing unease felt by teachers and school administrators are diminishing the quality of education.

### **MoNE destroys hundreds of books and auto-censorship**

At the beginning of the school year, the Ministry of National Education disposed of the 6th and 8th-grade Turkish textbooks that were bought from and printed by private publishers for distribution to the students. The reason was that they contained “FETÖ propaganda.” The “objectionable information” in these books were edited, reprinted and repurchased in same numbers. When these censored texts are analyzed, it was seen that American writer James Michener’s book was edited to remove the word “Pennsylvania”. Ali Çolak’s text on the love of the mother was modified because the writer worked at Zaman newspaper. Can Dündar’s article titled “We Should Get Used to Loneliness” was also edited because of its author. The disposal and repurchases were at the additional cost of approximately 5 million liras.

While texts distributed to students containing “messages supporting terrorism” were picked out by the commissions established within MoNE, the publishers themselves were asked to identify the “mistakes” in these books which are approved but not purchased by the Ministry. No criteria were set for cropping. This practice opens the way for auto-censorship to increase in educational publishing.

### **DRAMATIC PORTRAIT IN THE FREEDOM OF THE PRESS**

According to the list maintained by the Journalists’ Union of Turkey, as of 8 May 2017, the number of journalists and newspaper employees in prison in Turkey is 162. This terrifying rise in number, 39 before the coup attempt, is a clear sign that freedom of the press is about to disappear. While some of the arrested journal-

ists are held under FETÖ investigation, seizure of private assets of 54 journalists and writers, including Şahin Alpay, Nuriye Ural (Akman), Mümtaz'er Türköne, Lale Sarıbrahimoğlu and Hilmi Yavuz attest to the magnitude of the issue. It is clear that the arrests in the media area are not limited to the institutions and persons connected with the coup attempt. Instead, it has transformed into a witch hunt under the guise of "fight against terrorism" and includes any form of dissenting publication.

The pressure on freedom of the press is also appearing in a variety of forms such as investigations and lawsuits against institutions and journalists, unprecedented penalties on dissident new agencies, continuous auditor oversight, tax penalties, increased financial pressures such as cutting off advertising revenues, censorship and self-censorship.

### **Case against Cumhuriyet**

Prosecutors launched an investigation against the Cumhuriyet newspaper on 18 August 2016. Searches were carried out at the newspaper building and houses on 31 October 2016. On 4 November 2017, ten journalists were arrested, followed by two more which put the number of arrests to 12. Turhan Günay, Editor in Chief of Cumhuriyet Kitap and manager of Cumhuriyet Kitapları, was among the arrested.

After more than five months imprisonment, indictments for 19 defendants were filed on 4 April 2017. The 436-page indictment sent to Istanbul 27th High Criminal Court charged that the investigators were concerned that journalists were, "sympathetic to the PKK/KCK and the FETÖ/PDY terrorist organizations", "the board took decisions at meetings that were not in compliance with the foundation's bylaws, for electing members", "printed materials that legitimized a coup before the coup attempt". The indictment included hundreds of pages of tweets, phone calls received from phones containing the Bylock application (considered a proof of FETÖ membership) as well as allegations by other writers in various newspaper commentaries as evidence.

Prosecutors argued that the Cumhuriyet newspaper was used to legitimize the PKK terrorist organization's actions and to provide information and documents for the FETÖ/PDY organization. The defendants are tried for imprisonment from 7,5 up to 49 years charged with "helping a criminal organization while not being a member" and "misuse of trust." For Turhan Günay, a prison sentence of 8,5 years up to 22 years was demanded for "abusing his duties." İlhan Tanır, who lives in the USA and Can Dündar who resides in Germany, have also been charged in the case. Four

others are released by the court but are on trial. The first hearing will be held on 24 July 2017, many months after the indictment.

There was public outrage when Prosecutor Murat İnam, who initiated the investigation, became a defendant in FETÖ trials. His name is conspicuously absent from the indictment.

### **Özgür Gündem Case**

90 of the 47 investigations filed under Article 99 and 301 initiated under the Anti-Terror Law have materialized into legal cases. On May 3, Press Freedom Day, 100 journalists launched a solidarity campaign. They symbolically assumed the position of “chief editor on duty” for a day. Out of them, 20 were charged. Erol Önderoğlu, Representative of Journalists Without Borders, Şebnem Korur Fincancı, President of the Human Rights Foundation of Turkey, and Ahmet Nesin, a journalist/writer and a Turkish Publishers Association member were among those arrested on June 20 and released after four days in custody.

The newspaper was shut down on 16 August 2016 based on charges by the Istanbul 8th Criminal Court of Peace, and charged with “propaganda for the organization” by Statutory Decrees. No additional time has been granted for the decision as it was claimed to be “temporary.” Afterwards, the newspaper building was raided, and 22 employees were taken into custody. On August 19, well-known author Aslı Erdoğan was arrested on the grounds of being a member of the “Advisory Board.” Later Executive Editor/Editor-in-Chief and linguist and writer Necmiye Alpay was arrested on August 31 for being a member of the “Advisory Board” as well. Nine journalists were charged, and 4 of them arrested for “being members of the armed terrorist organization,” “disturbing the unity of the state and the integrity of the country” and “propaganda for a terrorist organization.” Aslı Erdoğan and Necmiye Alpay, for whom Peace Watch in front of the prison was set up were released on 29 December 29 after six months.

The indictment demanded a life imprisonment without parole or pardon. The justification for release was that Erdogan and Alpay were members of the Advisory Board known to be symbolic and that they did not partake in editorial and managerial activities. Erdogan’s certain newspaper articles were also quoted.

### **BOOK BANS IN PRISONS**

According to the statistics of the European Council, the number of detained persons in Turkey has increased by 191 percent in the last ten years. The total number

of prisoners exceed 200,000. Most of the citizens arrested for terrorism are journalists, academics and intellectuals. Increased prohibition and restrictions on reading and writing in prisons make the living conditions of prisoners even more severe.

No official declaration or information are provided to non-governmental organizations or detainees regarding prohibitions and restrictions. The decisions are taken through internal correspondence called “circular on the implementation,” which makes it difficult to follow and challenge violations.

### **Limits on number of publications and deadlines**

In prisons, limits on the number of books that a detainee can have at a given time have started in recent years in certain prisons has now become the routine. Limiting the number of books to 15 is common practice in almost all prisons and “surplus” books are kept in storage. Finished books are handed back to prison administrations and exchanged for a book from the storage. In practice, however, the book exchange period is extended to 2 months on the grounds of “congestion” and books are selectively delivered. Furthermore, the number of books allowed can be reduced arbitrarily with no justification. The 15 book limit was made public in a letter by the detainees in Bakırköy Women’s Prison in July 2016.

The periodicals, newspapers, and magazines added into prison libraries are very limited in variety. Based on a March 2016 circular on “collection of possessions,” magazines are not allowed to be kept in the cell for more than 15 days and archiving is prohibited. This practice had started before the State of Emergency and had become more strict during the State of Emergency. There were also applications such denying any publication to prisoners kept in solidarity in Silivri 9th Prison.

### **Book donations rejected**

Publishers or volunteers are prevented from sending books to prisoners as “donations.” Prisoners are required to purchase the books themselves. Prison administrations reserve the right to reject the books sent based on “no payment made.”

Another practice that is rumored to be widespread during the period of the State of Emergency the obligation in the future to have the corrections officers purchase the books. The books will be considered same as the other necessities and will be kept in the cell. They will be bought from the contracted bookstores by giving money, and the book lists to the corrections officers. It is believed that the books requested by political prisoners will not be made available based on a pre-text such as “the book not found” or “the book identified as unsuitable.” The latest

example is the reports that majority of the books and letters sent to the Cumhuriyet reporters as donations were confiscated. The prison administration accepted four books out of a list of 100, requested by Ahmet Şık.

### **Kurdish book prohibited**

The books *Bize İki Çay Söyle* by Elif Key, *Germinal* by Emile Zola, *Sino Bu Efendi* by Bube Eser, *Cim u Gulperi*, by Cegerxwin and *Mistek Ji Hesren Zine* by Hamit Babat were sent by courier service on March 2016 to Muhammet Karvar who is serving time in Sincan Juvenile Prison. The Board of Education of the Western Corrections Courts in Ankara decided that two of the books can be handed to the prisoner and four others cannot because “all pages were written in Kurdish and the publication cannot be inspected because its content was not understood.” The Ankara Western Corrections Court considered the appeal and ruled that since the content cannot be determined because the work is in Kurdish, the “Law on the Execution of Criminal and Security Measures” do not apply. The law states that “No publication containing news, articles, photographs and interpretations that threaten the safety of the institution” and therefore the decision is within the scope of the law. The decision states that the books must be translated first to be audited and translation should be paid for by the prisoner; otherwise, the books will not be delivered. Even if no decision existed to confiscate or seize the books, if the publications are found to be objectionable based on its language, it will become impossible for non-Turkish sources to enter prisons.

### **No books except textbooks**

Administrative and Oversight Board in Antalya L Type Prison, refused to deliver the books sent to Özden Saldıran, a lawyer detained under a terror investigation. A decision stated that the justification based on a rule that says only “textbooks” can be sent to prisoners who are charged with terrorism.

The enforcement judge denied the appeal by Saldıran’s lawyer. The justification stated that the decision the Ministry of Justice, Directorate General Of Prisons And Detention Centers General Directorate dated 16 November 2016 and Antalya L Type Closed Prison Administration Directorate of Administration and Observation Board dated 12 December 2016

### **A workaround to the ban: a handwritten book**

Dilara Çelik was prevented from sending books to her five friends in Antalya L Type Prison. Her friends were arrested in May 2017 after 15 days of detention. She found

a creative way to show her support by hand writing all 200 pages of Birhan Keskin's poetry book *Kim Bağışlayacak Beni?* and mailing them in letters to her friends who are kept in isolation and are prohibited access to television, radio, books and magazines.

## **INCREASED PRESSURE ON SOCIAL MEDIA**

### **1656 people arrested for social media sharing**

Sharing views in social media has become an act that carries the risk of getting arrested. The term "social media terrorists" is derived against those who use their freedom of expression. According to the Ministry of Interior legal action was taken against 3710 people in the second half of 2016; all within the scope of "the fight against terrorism" and 1656 were arrests. Social media related detentions and arrests continued in the first half of 2017. Two striking examples are singer Atilla Taş and fashion designer Barbaros Şansal. Both remain in prison for months for critical tweets.

### **Twitter: Turkey holds the top spot in censorship**

According to Twitter's 2016 transparency report, Turkey held first place in content blocking requests, the number of court decisions sent and requests to close Twitter accounts. Out of 8417, Turkey asked to be shut down; Twitter closed 290. Turkey was also third in a list of countries that requested user information from Twitter. 493 applications were received from Turkey asking information on 1076 user accounts. Twitter did not respond positively to any information request.

According to Facebook transparency report for the first half of 2016, various state institutions and ministries from Turkey demanded the removal of content considered illegal on matters such as attacking individual rights, insulting Atatürk and sales advertising of banned products. A total of 993 requests out of 984 in the second half of 2016 were from the courts. Information was sought on 1200 users; 1188 were through judicial venues. Facebook delivered 80 percent of this information to the institutions that asked for them. Turkey has restricted 861 content received from the Telecommunications Authority, courts, Ministry of Health, Ministry of Customs and Trade and Union of Access Providers. In the second half of 2016, 459 information requests on 522 users were received, 453 through the courts. Facebook responded positively to 49 percent of these requests. Furthermore, 1111 content were restricted based on requests these institutions.



## **Wikipedia shut down**

On 28 April 2017, access to Wikipedia, the world’s largest internet encyclopedia was blocked by an administrative decision. The decision stated that “Wikipedia portrays Turkey on the same ground as terrorist organization DEAS (ISIL).” The court ruling also said that the access ban would be lifted if the content is excluded.

Appeals by Yaman Akdeniz and Kerem Altıparmak revealed that the site was blocked based on content provided under two titles: “Foreign involvement in the Syrian Civil War” and “State-sponsored terrorism.” Wikipedia was asked, “to open representative offices in Turkey, operate in compliance with the international law, take action upon court orders and do not take part in the blackout and slander operations against Turkey.” Following the ban, the Wikimedia Foundation hired a lawyer in Turkey and appealed to the Constitutional Court.





