



**REPORT ON  
FREEDOM TO  
PUBLISH  
IN TURKEY**

November 2018 -  
October 2019





**REPORT ON  
FREEDOM TO  
PUBLISH  
IN TURKEY**

November 2018 -  
October 2019

**REPORT ON FREEDOM TO PUBLISH IN TURKEY (November 2018 - December 2019)**

ISBN: 978-975-365-028-1

İSTANBUL, NOVEMBER 2019

**TÜRKİYE YAYINCILAR VE YAYIN DAĞITIMCILARI BİRLİĞİ DERNEĞİ**

İnönü Caddesi Opera Palas Apt. No: 55 D: 2

34437 Gümüşsuyu, Beyoğlu / İSTANBUL

T: 0 212 512 56 02

F: 0 212 511 77 94

E: [info@turkyaybir.org.tr](mailto:info@turkyaybir.org.tr)

**EDITOR**

Filiz Kocaboğa

**TRANSLATOR**

Turgay Bayındır

**DESIGN**

Mahir Duman

**PRINT AND BINDING**

Mavi Kare Reklamcılık ve Tan. Hiz. Ltd. Şti  
Naci Kasım Sk. Hüseyin Özer İş Merkezi No: 3/1  
Mecidiyeköy İstanbul / TURKEY

CONTENTS	5
INTRODUCTION	7
COURT DECISIONS BANNING BOOKS AND LAWSUITS	8
THE BAN AND PREVENTION OF ACCESS TO BOOKS IN PRISONS	11
LAWSUITS AGAINST WRITERS AND PUBLISHING HOUSES	12
CENSORSHIP CAMPAIGNS ON SOCIAL MEDIA	13
BOOKS CATEGORIZED AS “OBSCENE”	15
BOOKS COUNTED AS EVIDENCE OF CRIME	18
INSPECTIONS IN MINISTRY OF EDUCATION	19
FREEDOM OF THE PRESS	21
REPORTS OF INTERNATIONAL RIGHTS ORGANIZATIONS	24
INTERNET FREEDOM	24
CONCLUSION	26



## INTRODUCTION

Turkish Publishers Association has been sharing with the public the Freedom to Publish Report every year since 1995 during the Freedom of Thought and Expression Awards Ceremony.

In our reports we include investigations and lawsuits initiated against publishing houses, writers, translators and printing presses for the contents of their books, court decisions banning and recalling books, de facto censorship implemented on publications, obstructions during the stages of publication, distribution and publicity, prevention of access to publications in prisons, schools and universities as well as complete ban on reading and writing activities, pressures on the press and the Internet, changes in related legislation, international reports and ECHR (European Court of Human Rights) rulings.

The practice of not giving official notification of the court decisions to ban the distribution and sale of books to the copyright owning publishers and writers continued during 2019. This lack of official notification in turn has left the publishers and writers with further violation of their rights.

In addition to book recalls and bans on distribution of books, this year's report also includes lawsuits initiated against writers and publishing houses.

Rights violations in prisons in the form of limitation of access to books have been continuing as well.

There has also been an increase in the violation of rights in the category of the freedom of the press and the Internet. New regulations have been brought to publications on the Internet with the changes in the legislation.

It has also been observed that the Ministry of Education's inspection of textbook contents has been increasing in 2019.

Based on the Statutory Decree of July 9, 2018, the constitution of the Board for the Protection of Minors from Obscene Publications was revised and it was moved under the Ministry of Work, Social Policies and Family. Now, the Board is formed by 5 members (one of them being the chair) who are appointed by the Ministry of Work, Social Policies and Family from among the ministry's department directors. The decisions taken by this newly formed Board, especially regarding children's books, have been concerning so far this year.

Another important development of 2019 has been the increase in displays of public sensitivity and demands coming from the public for censorship and prohibition. As a result of pressures in the form of social media campaigns, some publishing houses removed some of their books from shelves. Consequently, legal proceedings have been initiated about some writers and publishers.

## COURT DECISIONS BANNING BOOKS AND LAWSUITS

### Ban on “Distribution and Sale” for 2 books by Aram and Avesta Publishing

Kars Criminal Court of Peace issued a ban, on August 26, 2019, on the “distribution and sale” of Rojbin Perişan’s novel *Toprağın Şarkısı* (Song of the Land) published by Aram Publishing and Andrew Collins’s *Meleklerin Küllerinden-Günahkâr Bir Irkın Yasaklanmış Mirası* (From the Ashes of Angels – The Forbidden Legacy of a Fallen Race) published by Avesta Publishing. Kars Chief Public Prosecutor’s Office demanded the ban based on reports prepared by Kars Provincial Directorate of Security’s Security Branch Directorate upon confiscation of these books that were sent to Kars Category T Prison. The reports claimed that the books contained “propaganda of terrorist organizations”. Kars Criminal Court of Peace complied with the demand of Kars Chief Public Prosecutor’s Office and ruled that the books be recalled and “their distribution and sale be banned” in accordance with Article 25/2-3 of the Press Law numbered 5187.

### 9 More Books of Aram Publishing Banned

The office of Aram Publishing (publishing books in Turkish and Kurdish languages since 1998) located in Diyarbakır was raided by the police on February 15, 2018. During the raid, a lot of books, which were declared to be banned, were seized by the police. In 2018, there were 85 books by Aram Publishing that were banned and recalled based on 14 different court decisions by 10 different courts located in Batman, Diyarbakır, Gaziantep, Mersin, and Siirt.<sup>1</sup>

Because of the common practice of not giving official notification of the court decisions banning and recalling books to publishing houses and copyright owners, the publishing house representatives can only become aware of such decisions indirectly through various legal proceedings such as investigations and lawsuits. Since 2018, it has been documented that 9 more books of Aram Publishing have been banned by the decisions of 7 different courts located in Van, Siirt, Mersin, Şırnak, İstanbul, and Şanlıurfa.

The list of the 9 newly-documented banned books by Aram Publishing:

Decision by Van 3rd High Criminal Court, dated 20.11.2009 and numbered 2009/2288

Abdullah Öcalan, *Uygurluk Maskeli Tanrılar ve Örtük Krallar Çağı*

Abdullah Öcalan, *Kapitalist Uygurluk Maskesiz Tanrılar ve Çıplak Krallar Çağı*

Decision by Siirt Criminal Court of Peace, dated 19.10.2009 and numbered 2009/849

Abdullah Öcalan, *Özgürlük Sosyolojisi*

Decision by Mersin 1st Criminal Court of Peace, dated 15.03.2016 and numbered 2016/1859

İrfan Babaoğlu, *Auschwitzden Diyarbakıra 5 Nolu Cezaevi*

Abdullah Öcalan, *Gerçeğin Dili ve Eylemi*

Decision by Şırnak Criminal Court of Peace, dated 11.04.2017 and numbered 2017/1817

1 [http://turkyaybir.org.tr/wp-content/files\\_mf/1545821365dusunceifaderapor\\_2018\\_weblink.pdf](http://turkyaybir.org.tr/wp-content/files_mf/1545821365dusunceifaderapor_2018_weblink.pdf)



Dündar Sansur, *Cudi Günlükleri*

Decision by İstanbul 6th Criminal Court of Peace, dated 19.06.2018 and numbered 2018/3347

Ferhat Aksu, *Demokratik Özerklik ve Demokratik Birey*

Decision by Şanlıurfa 4th Criminal Court of Peace, dated 04.01.2017 and numbered 2017/97

Osman Çelik, *Şaristani U Nijadperesti*

Decision by Mersin 4th Criminal Court of Peace, dated 23.03.2018 and numbered 2018/2020

İsmail Biçen, *Dağın Ardı*

### **Ban on the “Distribution and Sale” of the book *İbrahim Kaypakkaya Bütün Yazıları*, Lawsuit against Umut Publishing and Yön Printing Press**

Published in 2018 by Umut Publishing, the book *İbrahim Kaypakkaya Bütün Yazıları* was recalled and its printing, distribution and sale was banned by İstanbul 9th Criminal Court of Peace on April 9, 2019 as demanded by İstanbul Chief Public Prosecutor’s Office. Upon the completion of the initial investigation based on the decision of İstanbul 9th Criminal Court of Peace, İstanbul Chief Public Prosecutor’s Office initiated a lawsuit against Umut Publishing for publishing the book, and against Yön Printing Press for “having printed the book even though it is clear from the cover page that it contained criminal content” at İstanbul 36th High Criminal Court. The lawsuit was initiated on the grounds of printing and publishing books containing illegal propaganda as defined by Article 6/2 of the Law no. 3713 and the second hearing of the lawsuit was held on September 18, 2019. The third hearing is scheduled for November 26, 2019 for the defendants “to complete finalized defense”.

### **Recall of the Report on Trustee Appointments prepared by HDP**

The publication titled *Report on Trustee Appointments* which documented the practices of the trustees in municipalities appointed through Statutory Decrees (KHK) in the aftermath of the July 15 coup attempt, as well as the activities of the elected mayors from Democratic Regions Party (DBP) prior to the appointment of trustees, was barred from distribution and sale through a court decision. After it was published by the Peoples’ Democratic Party (HDP) on February 28, 2019, Siirt Chief Prosecutor’s Office initiated an investigation about it on March 14, 2019 on the grounds that the report contained “illegal propaganda” based on Article 7/2 of the Anti-terror Law (TMK). Siirt Criminal Court of Peace processed and approved the request of the Prosecutor’s Office on the same day and issued the decision numbered 2019/993 which ruled that the publication be “recalled and confiscated and its publication, distribution and sale be banned” in accordance with Article 25 of the Press Law no. 5187.

### **Court Decision Recalling the Book *Put Adam***

İstanbul 6th Criminal Court of Peace issued a decision numbered 2019/6185 regarding the book *Put Adam* (Idol Man) anonymously published in 2019 by Küresel Kitap Publishing, recording the memoirs of a Turkish military officer. The court decided to “confiscate and ban the distribution and sale” of the book in accordance with Article 25 of the Press Law no. 5187. İstanbul Anatolian Chief Prosecutor’s Office had demanded the recall of *Put Adam* as part of the investigation on

the book for “openly insulting the memory of Atatürk”. Istanbul 6th Criminal Court of Peace Sulh ruled that the book contained “insulting accusations targeting the person of Atatürk such as dishonorableness, treason, addiction to prostitutes, cowardice, etc”. Upon this court decision, a citizen has demanded that the ban on the distribution and sale of the book be lifted as it “violates my right to do literary research, to read and to access information”.

### **Serving of Notice to Recall Books and Magazines at Bookstores in Bodrum**

After it was publicized in the media that notifications of recall for books and magazines were served by the directorate of security to bookstores in Bodrum, it has been revealed that 5 different courts in Edirne, Mersin, Adana, and Tunceli have issued decisions to “recall, confiscate and ban the printing, distribution and sale” of 10 books and 9 issues of 7 different magazines. The bookstore representatives in Bodrum stated that the serving of notices recalling and banning books and magazines was a common practice by the directorate of security, that the police officer in charge of it generally came to the bookstore, asked them to sign the official record of the serving of notice, and if the bookstore had any of the banned books, confiscated them.

The following is the list of books and magazines that have been banned in accordance with Article 7/2 of the Anti-terror Law no. 3713 and Article 25/2 of the Press Law no. 5187:

#### Decision by Edirne 2nd Criminal Court of Peace, numbered 2019/5571

Issue 9 (December 2018-January 2019) of the magazine *Karın Ağrısı*

Issue 7 (December 2018-January 2019) of the magazine *Emperyalizme, Faşizme Karşı Devrimci Gençlik*

Issue 2 of the magazine *Devnim*

Special issue titled Istanbul Dev-Lis Coordinations of the magazine *Lise Notları*

Special issue titled Istanbul Dev-Lis Coordinations 2 of the magazine *Lise Notları*

April-1 issue of the magazine *Devrimci Lise Postası*

November-0 issue of the magazine *Devrimci Lise Postası*

The book titled *İbrahim Bilinmeyen Yönleri ve Hayata İlişkin Her Şeyi*

The book titled *Hikmet Kıvılcımlı Hayatı ve Eserleri*

The book titled *Bağımsızlık Demokrasi ve Sosyalizm Mücadelesinde Gençlik 1 1974/1980*

The book titled *Bağımsızlık Demokrasi ve Sosyalizm Mücadelesinde Gençlik 2 1980/1998*

Issue 11 (September-November 2014) of the magazine *Halkın Devrimci Yolu*

#### Decision by Mersin 2nd Criminal Court of Peace, numbered 2019/1246

The book titled *Toplum Mühendisliği ve Birey*

#### Decision by Adana 6th Criminal Court of Peace, numbered 2019/3799

The book titled *Büyük Ortadoğu Projesi*

#### Decision by Tunceli Ovacık Criminal Court of Peace, numbered 2019/50

The book titled *Dersim Mercan On Yedi Can On Yedi Yoldaş*

#### Decision by Malatya 1st Criminal Court of Peace, numbered 2019/2622

The book titled *Unutulmasınlar [Diye]*

The book titled *Devrimci Yol Savunması 12 Eylül Öncesi ve Sonrası*

The book titled *Geçmişten Geleceğe Bir Umut İlkesi Kızıldere*

The magazine titled *Yeniden Devrim Eşit ve Özgür Bir Dünya İçin*

## THE BAN AND PREVENTION OF ACCESS TO BOOKS IN PRISONS

Together with the daily increase in the number of people in prisons as well as the number of prisons, violations of the rights of incarcerated individuals in the form of banning and preventing access to books and periodicals have also been on the rise.

According to the answer given by the Ministry of Justice to the question asked by CHP Istanbul representative Onursal Adıgüzel through Presidential Communication Center (CİMER), there are 353 penal institutions in Turkey as of July 2019. The total capacity of these institutions was given as 218,950. Moreover, 27 new prisons have been completed in 2018 and 2019 with a total capacity of 16,566, and the construction of 114 new penal institutions is in progress with an added 23 prisons planned for future construction. The capacity of the prisons under construction is 73,448 while the capacity of those planned for future construction is 14,919. In the press statement regarding this issue, Mr. Adıgüzel stated that based on data from May 2019, Turkey holds the second place among OECD countries after the USA, in terms of incarceration rates. Mr. Adıgüzel said that "Turkey shares the top 3 places in incarceration rates together with the USA and Israel".

The book *Freedom of Expression in Prisons* prepared by Berivan E. Korkut and Hilal Başak Demirbaş from Civil Society in the Penal System (CİSST)<sup>2</sup> documents problems experienced by imprisoned people with regard to freedom of expression in 2017 and 2018. In the section of the book titled Restrictions on Books and Periodicals, it is stated that in the years 2017-2018 many books, periodicals and newspapers were barred from admission into prisons due to ongoing lawsuits against them, in addition to other serious problems related to access to books and periodicals. According to this report, 46 magazines were refused admission into prisons in 2017 while this number went up to 145 in 2018. In 2017 and 2018, the number of newspapers that were not allowed into prisons was 45. In 2017, there were 108 books that were refused entry into prisons while there were 99 books in 2018 even though there was no legal ban on these books. The report documents the magazines and newspapers that were not allowed into prisons as well. According to the report, the newspaper *Yeni Yaşam* was not allowed into many prisons even though it is being legally printed, while there were serious restrictions on daily newspapers like *BirGün*, *Evrensel* and *Cumhuriyet*. With the Educational Committee decisions simultaneously issued in many prisons around Turkey, it was forbidden to bring publications to prisons from outside. The report adds that the libraries found in prisons offer a small selection of books with little variety and imprisoned people cannot have access to books they want to read. Moreover, "the fact that they cannot borrow books from city or university libraries amplifies the effect of the restrictions".

### **Constitutional Court: Not allowing access to books in prisons is a violation of the freedom of expression**

The Constitutional Court ruled on March 27, 2019, decision number 2016/12936, in the case of *Recep Bekik and Others* that in the absence of concrete criteria, the arbitrary practices of not allowing access to books in prisons constitute violation of rights.

The applicants to the Constitutional Court maintained that "their constitutional rights have

<sup>2</sup> [http://www.tcps.org.tr/sites/default/files/kitaplar/hapishanelerde\\_ifade\\_ozgurlugu\\_internet.pdf](http://www.tcps.org.tr/sites/default/files/kitaplar/hapishanelerde_ifade_ozgurlugu_internet.pdf)

been violated because the periodicals that they had paid for or that they were subscribed to were, arbitrarily and without reason, not allowed into the prison". The Constitutional Court decided that the freedom of expression that is protected under Article 26 of the Constitution has been violated. The opinion of the Constitutional Court that accompanied the decision included the statement that "despite multiple similar decisions of violation of rights by the Constitutional Court so far, these arbitrary interferences and consequent applications for reparations continue. It is observed that there is a systemic problem resulting from application in the procedure of the admission of periodicals into penal institutions".

## **LAWSUITS AGAINST WRITERS AND PUBLISHING HOUSES**

### **Investigation with Terrorism Charges against Avesta Publishing Owner**

Avesta Publishing's warehouse was arsoned in 2016 and a total of 13 of its books have been recalled and banned so far. Istanbul Chief Public Prosecutor's Office initiated an investigation against Avesta Publishing owner Abdullah Keskin with charges of "doing propaganda of terrorist organization" based on his social media posts. Images of books shared on Avesta Publishing (@avestayayin) twitter account and the fact that the court decision from 2018 banning the distribution of the book titled *History of Kurdistan* was shared on social media were shown as evidence during the investigation.

### **Hamide Yiğit received penalty fine**

Multiple lawsuits had been initiated in previous years against Hamide Yiğit's *Tekmili Birden İŞİD: El Kaide'den İŞİD'e Amerika İçin Cihat* published by Tekin Publishing and the writer had gone under several investigations.<sup>3</sup> She was sentenced to 1 year 2 months and 17 days of imprisonments for "insulting the President" and 5 and a half months of imprisonment for the lawsuit in Ankara in accordance with Article 301 of Turkish Penal Code.

IHH (Humanitarian Relief Foundation) had initiated a lawsuit on March 8, 2017 at Istanbul 20th Civil Court of First Instance against Hamide Yiğit and Tekin Publishing for having violated its personal rights to demand non-pecuniary damages of the amount of 40.000,00 TL. The next hearing of the lawsuit is scheduled for October 17, 2019 awaiting the outcome of the ongoing lawsuit against Hamide Yiğit at Istanbul 2nd Civil Court of First Instance.

In the other lawsuit against Hamide Yiğit at Istanbul 2nd Civil Court of First Instance for "insult" and "insulting public officials due to their positions" with IHH, Bilal Erdoğan and Berat Albayrak as plaintiffs and Mustafa Erdoğan and Ziya Ülgen as intervening party, the final hearing was held on February 14, 2019 and Yiğit was given a penalty fine of 15,000 TL.

### **The writer of the book *Hırsız Var* received compensation penalty**

For his book *Bir Sıfırlama Öyküsü: Hırsız Vaaar* published by İleri Publishing in 2014, Ali Özsoy had received two sentences of 11 months and 20 days of imprisonment for insulting President Tayyip Erdoğan, 354 days of imprisonment for insulting prime minister Binali Yıldırım, and 140 days

<sup>3</sup> [http://turkyaybir.org.tr/wp-content/files\\_mf/1545821365dusunceifaderapor\\_2018\\_weblink.pdf](http://turkyaybir.org.tr/wp-content/files_mf/1545821365dusunceifaderapor_2018_weblink.pdf)

of imprisonment for insulting Bilal Erdoğan. In another lawsuit initiated against *Hırsız Vaaar* at Istanbul Anatolian 3rd Civil Court of First Instance, Recep Tayyip Erdoğan had demanded 100,000 TL and Bilal Erdoğan had demanded 50,000 TL as compensation. At the last hearing held on September 10, 2019, Ali Özsoy was ordered to pay 10,000,00 TL to the plaintiff Recep Tayyip Erdoğan and 5,000,00 TL to the other plaintiff Necmettin Bilal Erdoğan.

### **Gökçe Fırat Çulhaoğlu is still under arrest**

The lawsuit against the founder and writer of İleri Publishing Gökçe Fırat Çulhaoğlu, who was taken under custody on August 31, 2016, and arrested on September 1, 2016 for “membership to terrorist organization” was concluded. Even though the prosecutor involved in the case demanded the release of Gökçe Fırat Çulhaoğlu and acquitted of the charges of membership to terrorist organization, Istanbul 24th High Criminal Court sentenced Gökçe Fırat on March 8, 2018 for membership to terrorist organization to 6 years and 3 months of imprisonment.

The first panel of judges at Istanbul 25th High Criminal Court had acquitted 13 journalists including Gökçe Fırat Çulhaoğlu, the lead writer of the newspaper *Türk Solu* at the first hearing on March 31, 2017. Upon this decision the panel of judges were suspended and went under investigation. The decision of the panel was not executed and a new lawsuit was filed for attempting military coup. Çulhaoğlu and 12 other journalists were taken under custody on the same night while they were still in prison and they were arrested again on April 14, 2017. After the suspension of the panel of judges and the prosecutor for having acquitted the journalists, a new panel was formed and they reached a verdict of conviction on March 8, 2018. Çulhaoğlu’s appeal file has been awaiting at Penal Department no. 16 of Supreme Court of Appeals for a year and a half; as of September 1, 2019 Gökçe Fırat has been in prison for 3 years.

The other lawsuit initiated against Gökçe Fırat for insulting the President in his book *Kanlı Başkanlık Yolu* (Bloody Path to Presidency) was concluded on June 8, 2017 in which Istanbul Bakırköy 2nd Criminal Court of First Instance had given 11 months and 20 days of imprisonment sentence.

## **CENSORSHIP CAMPAIGNS ON SOCIAL MEDIA**

### **Lawsuit against the writer and publisher of the book *Zümrüt Apartmanı***

Written by Abdullah Şevki and published by Kurgu Cultural Center Publishing in 2013, *Zümrüt Apartmanı* is a book of stories. On May 24, 2019, Children and Women First Association filed a complaint at Antalya Chief Public Prosecutor’s Office about the book that contained pages “depicting the molestation of a child by an adult”. Upon the filing of the complaint, on May 28, 2019 thousands of posts were shared on social media platforms arguing that the book “legitimized and encouraged pedophilia”. Ministry of Culture and Tourism filed a criminal complaint and a criminal investigation was initiated by Ankara Chief Public Prosecutor’s Office about the writer of the book Abdullah Şevki Yurtvermez for “obscenity” in accordance with Article 226 of Turkish Penal Code. Abdullah Şevki was taken under custody. As part of the same investigation, the owner of Kurgu Cultural Center Publishing Alaattin Topçu also gave his testimony. Both Abdullah Şevki and

Alaattin Topçu were released after their testimonies were taken and consequently, a lawsuit was initiated at Ankara 14th Criminal Court of First Instance against them for “obscenity” in accordance with paragraphs 3 and 5 of Article 226 of Turkish Penal Code. Ministry of Culture and Tourism, Ministry of Family, Labor and Social Work, Union of Turkish Bar Associations, UCİM Saadet Teacher Association for Fighting Child Abuse, and many individuals were involved as “complainants” in the lawsuit.

Upon reactions by social media users against the book, it was taken off online book sale websites on the same day even though there was no court decision banning the distribution and sale of the book. In the following days, the building of Kurgu Cultural Center Publishing which served as a bookstore and a cafe in Ankara was attacked with stones and sticks.

Around the time when *Zümrüt Apartmanı* was the target of days of intense social media campaigns for depicting pedophilia, new lynching campaigns emerged on social media for other writers’ books, claiming that their contents included “criminal offence”. Prominent among the targeted books, there were calls on social media for the ban and recall of Elif Şafak’s *Mahrem*, Ayşe Kulin’s *Gece Sesleri* and Duygu Asena’s *Paramparça*. No known investigations were initiated so far based on these social media campaigns.

The social media campaigns that lasted for days around *Zümrüt Apartmanı* called for “regulation of publishing and books” and new questions contrary to the freedom to publish were posed such as whether or not the contents of the books were inspected when the publisher applied for tax registry, or which books the Copyrights General Directorate gave permission for publication. A parliamentary question was drafted addressing the Ministry of Culture and Tourism regarding regulatory powers that no person or institution in Turkey had.

### **Publication of the book *Hakikatin İzinde: Din, Bilim ve Ateizm* was canceled**

On April 25, 2019, it was shared on social media that Andreas Tzortzis’s book *The Divine Reality* was translated into Turkish to be published as *Hakikatin İzinde: Din, Bilim ve Ateizm* by Timaş Publishing. Soon after, the video of a talk by the writer delivered at an event at Boğaziçi University 5 years earlier started to be circulated on social media. Reaction was quickly building on social media against Tzortzis’s talk which was accused of “insulting Mustafa Kemal Atatürk”. Due to increasing reactions and the popularity of the hashtag #TimaşYayınlarnaBoykot on social media that criticized the publishing house, Timaş Publishing Group released a statement on April 29, 2019, saying that they have “decided to stop the printing of the book due to public sensitivity. Timaş Publishing Group is an institution that has been operating for 37 years within the limits of respecting national and moral values of our country, human rights and universal laws.” Istanbul Bar Association declared on April 30, 2019 that “criminal complaint has been filed against Hamza Andreas Tzortzis for ‘openly insulting Atatürk’s memory’ in his talk at Boğaziçi University.”

### **Censorship of the word “Kürdistan” in books**

It recently came to the attention of social media users that the sentence in Paulo Coelho’s book *On Bir Dakika* (Eleven Minutes) published first in 2004 by Can Publishing, with 38 reprints so far “... learned that Kurds came from Kurdistan” was translated into Turkish as “Kürtlerin Ortadoğu’da

yaşadığı yazıyordu” (Kurds were living in the Middle East). Upon accusations of the censorship of the word “Kürdistan” in the book, the owner of Can Publishing, Can Öz made the following statement on twitter: “I do not know the editor, the person responsible for the differences between Paulo Coelho’s 11 Minutes original and translation. It is a very old publication. However, the publisher does not have the right to arbitrarily change the text. The reader reactions are justified. We will correct it in the next printing.” He also stated that they would recall the existing copies. The translator of the book also made a statement, saying that he translated “what I saw on the page” and that they never had a discussion about it with Can Publishing, that the final translation of the novel was approved by Paulo Coelho’s own agency. While accusations of censorship in the novel *On Bir Dakika* were circulating on social media, other cases of censorship of the word “Kürdistan” surfaced on social media. Among these claims, there is the case of Evliya Çelebi’s 17th century work *Seyahatname*, published by Yapı Kredi Publishing. It was claimed that in 4 different places the word “Kürdistan” in the original text was censored as “Kürt diyarı” (Kurd lands). Yapı Kredi Publishing responded to these allegations with the statement that the word “Kürdistan” appears 126 times in the original transcription, that in the book under scrutiny *Günümüz Türkçesiyle Evliya Çelebi Seyahatnâmesi* the editors thought it appropriate to translate “Kürdistan” as “Kürt Diyarı” and that the word “Kürdistan” also appears once in the book.

## **BOOKS CATEGORIZED AS “OBSCENE”**

### **4 Children’s Books declared as “Obscene Publications”**

Based on the Statutory Decree of July 9, 2018, the constitution of the Board for the Protection of Minors from Obscene Publications was revised and it was moved under the Ministry of Work, Social Policies and Family. Now, the Board is formed by 5 members (one of them being the chair) who are appointed by the Ministry of Work, Social Policies and Family from among the ministry’s department directors. On September 27, 2019, the Board decided, without providing specific evidence, that Elisabeth Brami’s *Erkek Çocuk Hakları Bildirgesi* (Declaration of the rights of boys) and *Kız Çocuk Hakları Bildirgesi* (Declaration of the rights of girls) published by Yapı Kredi Publishing, Francesca Cavallo and Elena Favilli’s *Asi Kızlara Uykudan Önce Hikâyeler Olağanüstü 100 Hikaye* (100 extraordinary stories for rebel girls) published by Hep Kitap and *Sünnetçi Kız* (The Circumciser Girl) published by Cinius Publishing contained parts that “would have detrimental impact on the morals of those under 18.” According to the decision of the Board as it appeared in the official gazette on September 27, 2019, these four “obscene books” can only be sold to adults packaged in a non-transparent bag or envelop with only the title of the book and the statement “detrimental to children” present on the packaging.

\* Press Statement of Turkish Publishers Association regarding the categorization of the 4 children's books as "obscene"

**BOARD FOR THE PROTECTION OF MINORS FROM OBSCENE PUBLICATIONS IN ACTION:  
4 BOOKS ARE DECLARED OBSCENE WITHOUT SUFFICIENT REASON**

October 1, 2019

The Board for the Protection of Minors from Obscene Publications has declared "*Erkek Çocuk Hakları Bildirgesi*", "*Kız Çocuk Hakları Bildirgesi*", "*Asi Kızlara Uykudan Önce Hikâyeler*" and "*Sünnetçi Kız*" obscene!

On September 27, 2019, the Board for the protection of minor from obscene publications decided, without providing specific evidence, that Elisabeth Brami's *Erkek Çocuk Hakları Bildirgesi* (Declaration of the rights of boys) and *Kız Çocuk Hakları Bildirgesi* (Declaration of the rights of girls) published by Yapı Kredi Publishing, Francesca Cavallo and Elena Favilli's *Asi Kızlara Uykudan Önce Hikâyeler Olağanüstü 100 Hikaye* (100 extraordinary stories for rebel girls) published by Hep Kitap and *Sünnetçi Kız* (The Circumciser Girl) published by Cinius Publishing contained parts that "would have detrimental impact on the morals of those under 18."

Freedom to express and publish intellectual property is a right protected under our constitution. This right is essential for a democratic society. Because of its importance, administrative and judicial powers are obligated not to interfere with the freedom to express and publish without reason.

The Board's decision constitutes a violation of the right of freedom to express and publish. The practice of evaluation of publications by the board whose 5 members are appointed by the Ministry of Work, Social Policies and Family from among the ministry's department directors without prior assessment of the works by experts in their genre, leads to wrongful decisions that these works of thought, society and art are devoid of such qualities, and this lead to the violation of the constitutional right to express and publish.

Such declarations of obscenity by a board which does not even include a pedagogue or sexual health expert, based on loosely prepared reports, using generalized and abstract expressions, pose a serious threat to freedom of expression and publication thus threatening the principle of democratic society.

When interfering with the publication of a work of intellectual property for the reason of obscenity, which itself is a complicated and ambiguous concept, the following should be taken into consideration: the characteristics of the field of art or the work of art, whether it is a literary work or not, the context of the parts that are deemed to be obscene, the identity of the writer, the time of writing, the purpose of writing, the identity of its intended audience and their understanding of art, the potential impacts of the work, all the expressions within the work as a whole, and the assessment of the literary value of the work.

The fact that a decision which requires different areas of expertise based on different types of works, and which means the obstruction and limitation of a constitutionally protected right, is taken by a group of five department directors appointed by the Ministry is a violation of the freedom to express and publish in arts or sciences. In a system that is founded on the principle of democratic society, it is impossible to accept such practices.



The constitution of the Board, which puts limitations on basic rights and freedoms contrary to the principle of justice, should be urgently changed to reflect national and international standards; and the Board should follow its principle responsibility and obligation of not limiting basic rights and freedoms unless absolutely necessary.

**Note:**

The Board for the Protection of Minors from Obscene Publications was established in 1927 with the Law no. 1117. The members of the Board were previously chosen by the Prime Ministry from people who had served as public officials for at least 15 years. The Board included 11 members chosen from the Ministry of Justice, the Ministry of the Interior, the Ministry of National Education, Youth and Sport, the Ministry of Health, the Ministry of Culture and Tourism, the Council of Higher Education, the Directorate of Religious Affairs, the Directorate General of Press and Information, the Ministry of Family and Social Policies. With the Statutory Decree (KHK) 703 of July 9, 2018 the constitution of the Board was changed and the Board is now made up of five department directors of the Ministry of Labor, Social Work and Family chosen by the Minister. According to the law, books that have been categorized as obscene *“can only be sold to adults packaged in a non-transparent bag or envelop with only the title of the book and the statement ‘detrimental to children’ present on the packaging.”*

Sincerely,

**Turkish Publishers Association**

### **“Obscene” censorship of the children’s book *Hayalci Çocuk***

Halime Erdoğan’s book *Hayalci Çocuk* published by Puslu Publishing in 2018 was declared “obscene publication” according to the decision of the Board for the Protection of Minors from Obscene Publications published in the official gazette on July 10, 2019. The book was inspected by the Board upon tip from Istanbul Chief Public Prosecutor’s Office’s Bureau of Investigation of Press Offences and the Board decided that the book “would have detrimental effect on the morals of minors”. Due to the book’s depiction of “child molestation” there was public reaction on social media as well as coverage in the print media. Therefore, Puslu Publishing made an announcement before the Board declared the book “obscene publication” stating that they have found the book “inappropriate for the cognitive and psychological development of children” and therefore the book was quickly recalled. The writer of the book Halime Erdoğan, on the other hand, defended her book on her social media accounts.

### **The book *Osmanlı’da Oğlancılık* removed from “Obscene Publication” category**

Rıza Zelyut’s book *Osmanlı’da Oğlancılık* published by Kaynak Publishing in 2016 had been categorized as “obscene publication” with a Board decision in January 2018. On March 16, 2018 the Board’s decision was taken to the higher court at Ankara 11th Administrative Court. The report submitted to the court by three experts stated that the book is a “scientific work”. The Board filed an objection to the expert opinion but the court did not find the objection justified and nullified the decision of the Board on November 14, 2018. The Board filed a request for appeal of the

court decision at Ankara Regional Administrative Court's 12th Chamber of Administrative Trials. However, the Board's request for appeal was rejected by the court in March 2019 thus removing *Osmanlı'da Oğlancılık* from "obscene publication" category.

### **"Obscene Publication" decisions for the books *Berserk 3* and *Berserk 4***

The Board had concluded in 2017 that the books in *Berserk* series, *Berserk 3* and *Berserk 4* published by Gereklı Şeyler Publishing "would have detrimental effect on the morals of minors". The publisher had filed two separate requests for the reversal of the Board's decision. Ankara 11th Administrative Court evaluated the unfavorable expert opinion reports prepared by academics regarding *Berserk 4* and rejected the publisher's request on June 29, 2018 reiterating the earlier decision that the books would be detrimental to children's development. The publisher's request for appeal of Ankara 11th Administrative Court's decision was rejected on January 15, 2019, so the book remained in the "obscene publication" category. Similarly, the publisher's request for the reversal of the Board's decision regarding *Berserk 3* was rejected by Ankara 14th Administrative Court on February 28, 2019 based on unfavorable expert opinion reports. The publisher filed a request for appeal of Ankara 14th Administrative Court's decision on May 24, 2019 regarding *Berserk 3*.

## **BOOKS COUNTED AS EVIDENCE OF CRIME**

### **Books counted as evidence of crime during Gezi Trials**

The *Gezi* *accusal* prepared by Istanbul Chief Public Prosecutor's Office regarding the demonstrations against the demolition of Taksim Gezi Park was accepted by Istanbul 30th High Criminal Court and the trial of 16 people including lawyers, actors, journalists, writers, film producers, activists, and representatives of NGOs and professional chambers, started. The *accusal* named 746 plaintiffs including the President Recep Tayyip Erdoğan and the ministers of state of that year, and the defendants are being tried for "attempting to remove The Government of the Republic of Turkey or attempting to obstruct its functioning" (TCK 312) among many other accusations. The evidences collected in Gezi Park investigation file in 2013 by the then-Prosecutor Muammer Akkaş who escaped abroad after being indicted within FETÖ investigation were reevaluated and included in the *Gezi* *accusal*. One of the defendants in the *Gezi* trials, businessman Osman Kavala, president of the executive board of Anadolu Kültür, have been under arrest for almost two years.

The *accusal* also lists all the 198 of non-violent methods of demonstration included in Gene Sharp's book *Diktatörlükten Demokrasiye* (From Dictatorship to Democracy), arguing that similar methods were employed during *Gezi* protests. The *accusal* states that "many books and pamphlets have been written during and after the *Gezi* insurrection about many phenomena" and shows Emre Kongar and Aykut Küçükaya's book *Gezi Direnişi* and Bülent Selçuk's book *Diren Gezi: Türkiye'yi Değiştiren Direniş Hareketi* as evidence.

The *accusal* stated that the writer Foti Benlisoy "have long been supporting the wave of protests around the world that were orchestrated by them, and which they took as the beginning of a wave of events that they wanted to turn into social upheaval and chaos". It adds that he published his book "in April of 2012 when such events were not yet observed in our country" 21.

*Yüzyılın İlk Devrimci Dalgası - Fransa ve Yunanistan'dan Arap Devrimi, The Occupy Hareketleri ve Kürt İsyanına.* The accusal also points out that Benlisoy published *Gezi Direnişi: Türkiye'nin 'Enteresan' Başlangıcı* after the conclusion of Gezi protests.

Arrested on November 1, 2017 when Gezi accusal had not yet been prepared, the NGO professional Yiğit Aksakoğlu was released pending trial by the court on first hearing after the Gezi accusal was drawn up. The fact that Aksakoğlu was “planning to write a book” and was in search of financial resources was also included in the accusal as evidence of criminal activity. The accusal points out that “Yiğit Aksakoğlu was collecting material in order to write a book about CIVIL DISOBEDIENCE on which they have been working.”

## INSPECTIONS IN MINISTRY OF EDUCATION

### Ministry of Education's statement about the destruction of “301,878 copies of books”

MHP Konya representative Esin Kara submitted a parliamentary question in 4 parts on May 30, 2019 in which she asked the Minister of Education Ziya Selçuk “whether any work has been conducted by the Ministry of Education to purge school libraries of FETÖ-affiliated publications in the aftermath of the attempted military coup of July 15”. Minister of Education Ziya Selçuk issued a written reply on July 29, 2019 which stated, “within the framework of measures taken after the attempted military coup of July 15 organized by FETÖ/PDY, newspapers, magazines, publishing houses and distribution channels affiliated with, connected to or owned by FETÖ have been closed down. ... In all the school libraries and z-libraries established under the directorate of institutions connected to the Ministry of Education, a total of 301,878 copies of books have been destroyed.”

### Inspection of Libraries through *Kitap Sarrafı* Project

Turkish Board of Education announced on February 1, 2019 that a new project named *Kitap Sarrafı* (Booksmith) under the auspices of Emine Erdoğan, wife of President Recep Tayyip was initiated. The announcement stated that the goal of the project was “to increase access to existing books in children's and young adult literature, and to provide guidance to students and their parents in their book-reading and book-selection habits”. The main headings of the project were listed as sending books to schools, organizing writer-reader meetings in schools, and “the creation of a book-evaluation website/platform which would offer information to interested people on book selection”. In the announcement it was mentioned that the representatives who would participate in the publicity meeting that “would be consulted in the processes and the dimensions of the evaluation [of books]”. The publicity meeting for the project took place on February 8, 2019 with the participation of the Director of the Turkish Board of Education Alparslan Durmuş. During the meeting, Durmuş announced to the participants that “the books that will be included in the project will be evaluated by committees on the basis of criteria determined by teachers, children's literature writers, and publishing house editors.”<sup>4</sup> It was also announced that “libraries containing 2000 books will be established in 100 schools in March for piloting the project, and students will meet the writers of the books.” No further work has been done yet as part of the project.

<sup>4</sup> <https://www.mynet.com/kitap-sarrafı-projesi-110104875938>

## **The Ministry of Education's Letter Concerning Textbook Preparation**

In a letter sent by the Ministry of Education's Board of Education Directorate to "relevant places of delivery" on June 12, 2019, it was stated that "in order to prevent any delays that might occur in the printing and distribution [of textbooks], especially those that will be used in the 2019-2020 education year, both those who were involved in the preparation of the textbooks and in the process of purging the list of references of people affiliated with FETÖ/PYD and other terrorist organizations and their products; the contents of textbooks should be carefully and repeatedly inspected in order to prevent the inclusion of any elements evocative of any terrorist organizations; and if any corrections are detected, they should be urgently reported to the Ministry". This letter was also sent to the attention of publishing houses which provide textbooks for the Ministry of Education.

## **Content Inspection System at the Ministry of Education using Artificial Intelligence**

Alpaslan Durmuş, Director of the Turkish Board of Education had announced in March 2018 that the national software "intihal.net" was being used "to notify the users of the publications of people whose cooperation or affiliation with FETO or other terrorist organizations is proven as well as of the commonly used words or subliminal messages of terrorist organizations." In addition, the software allows the user to "enter the name of any person expelled through statutory decrees, or the names of those whose connection with terrorist organizations is proven to see if these names are found among the contributors of any book." Durmuş also stated that between August 29, 2016 and June 2017, 1522 books were inspected, 32,900 corrections were made, 422 of which were connected to FETO/PDY, and as a result of the inspection, 189 books and 73 contributors were removed from the system.

In a press statement in December 2018, Durmuş stated that the content inspection of textbooks was going on and 25 publishing houses' work permits were revoked since the attempted military coup of July 15. He added that the disciplinary pool of experts contained 37 thousand names who were appointed in the inspection of textbook content, and 1802 names were removed from this pool via statutory decrees, however, some of them have been detected to register in the pool again with secret names. Durmuş explained that those who registered in the panel using secret names were detected through artificial intelligence. According to the details Durmuş gave, with the help of intihal.net software and artificial intelligence inspections, out of 993 drafted textbook candidates, more than 100 of them were found to contain elements that were defined in the system as "objectionable". Also, the Ministry's inspection of 100 books revealed that 39 of them contained "objectionable" elements. Moreover, 12 of these textbooks, that displayed either FETÖ affiliation or proof of plagiarism received 1 to 5 years of ineligibility for reconsideration.

## **Cahit Zarifoğlu is taken off the reading list**

Due to "public sensitivity" Çanakkale Provincial Directorate of Education announced that they removed Cahit Zarifoğlu's from among the list of 5 books previously selected for the book reading activity in high schools in Çanakkale. Çanakkale Eğitim-SEN branch held a press meeting where they demanded that the book be "removed from any school related activity" because

of its “fundamentalist, reactionary, fanatical content that does not conform to any pedagogical principles”. Çanakkale CHP representative Özgür Ceylan stated that the book contained insulting language and that it is not a scientific work when he presented a 10-item parliamentary question addressed to Minister of Education Ziya Selçuk. Çanakkale Provincial Director of Education Ferhat Yılmaz issued a written reply which announced the removal of *Bir Değirmendir Bu Dünya* from the reading list, stating that “upon reassessment by the Ministry, some parts of the books were found to be inappropriate, and the committee reconvened on September 25, 2019 to recommend another book to replace this book.”

## **FREEDOM OF THE PRESS**

As in the previous years, freedom of the press was one of the hardest hit areas of the repression of freedom of thought and expression in Turkey with many journalists in imprisoned, detained, arrested, tried and restricted. Human Rights Watch-HWR 2019 World Report states that Turkey maintains its “world-leading position” in terms of the number of journalists arrested. According to BIA Media Observation Report, published on February 19, 2019, 2018 saw the incorporation of official structures related to media into the presidential system. According to the report in the last two years, 7 journalists received a total of five aggravated life imprisonment sentences and 45 years of prison time on charges of “military coup” and “targeting the security of the state”; 64 journalists received a total of 480 years and two months of prison sentence for “leadership, membership and support of illegal organizations”; 52 journalists received a total of 122 years 6 months and 3 days in accordance with Anti-terror Law. At the close of 2018, a total of 123 journalists were in prison. This number was 122 in 2017 and 131 in 2016. As of the time of preparation of this report in September 2019, 134 journalists and media employees were in prison according to the numbers of Contemporary Journalists Associations (ÇGD, September 13, 2019), and 127 journalists and media employees were in prison according to Turkish Journalists Union (TGS, September 13, 2019).

### **Assaults on Journalists and Press Statement Co-signed by Professional Associations**

In the last two weeks of May, 2019 there were physical and armed assaults of journalists in various parts of Turkey. On May 11, *Yeniçağ Gazetesi* writer Yavuz Selim Demirağ was attacked by a group near his home. After the assault on Demirağ, on May 15, *Akdeniz’de Yeni Yüzyıl* newspaper columnist İdris Özyol was assaulted in Antalya. On May 20, the editor-in-chief of the website *Güney Haberci* Ergin Çevik was attacked and injured by unknown individuals. The founder of *Egemen Gazetesi* in Adana, Hakan Denizli was a victim of an armed assault on May 24. Only a day after this, on May 25, journalist and writer Sabahattin Önkibar was assaulted near his home in Ankara. In total, 5 journalists were assaulted within 15 days by known/unknown individuals. Upon these attacks, professional associations condemned the occurrences and underlined the fact that they were “not coincidental” and the atmosphere of “immunity” has been emboldening the assailants.

\* Press Statement of Turkish Publishers Association regarding the assaults on journalists

### **We Condemn the Assaults on Journalists and Writers**

27.05.2019

Turkish Publishers Association is worried that the increasing attacks on journalists and writers threaten the freedom of expression in our country.

With the assault on journalist and writer Sabahattin Önkibar near his home in Ankara on May 25, the total number of assaults on journalists and writers in May has gone up.

The writer Sabahattin Önkibar had been previously attacked as well, but the attackers had not received any penalties.

Only recently journalists Yavuz Selim Demirağ, İdris Özyol, Ergin Çelik, and Hakan Denizli have been assaulted but the attackers have not been penalized.

Freedom of expression is a right indispensable for everyone without exception and should be protected. Any interference in the exercise of this right and the atmosphere of immunity leads to further violation of rights and emboldens the assailants.

We condemn the attacks; and we demand that the series of attacks on journalists, writers and freedom of expression should not be tolerated and the perpetrators should be punished deservedly. Turkish Publishers Association wishes a speedy recovery to all the journalists, and writers, as well as the publishing houses and newspapers for which they work.

Sincerely,

**Turkish Publishers Association**

### **Journalists in SETA Report**

SETA (Foundation for Political, Economic and Social Research) published a report on July 5, 2019, titled *Uluslararası Medya Kuruluşlarının Türkiye Uzantıları* (Extensions of International Media Institutions in Turkey) about newsportals *BBC Türkçe*, *Deutsche Welle Türkçe*, *Amerikanın Sesi*, *Sputnik Türkçe*, *Euro News*, *CRI Türk*, and *Independent Türkçe* and their employees. It is stated that the 196-page report was prepared to document how these media channels represent Turkey in the international arena and “to understand what kind of political climate is effective on the perception of Turkey abroad”. The report scrutinizes the 7 media channels one by one and the section titled “Employees” lists information about each one of the 145 journalists employed by these 7 media institutions. The detailed information about each journalist includes which schools they went to, which newspapers they have worked for, their political stance and analyses of tweets and retweets by the journalists during “critical events” and their interpretations. Because of these details, the report has been likened to a “memorandum”.

The report not only exposes the “personal records” of journalists, but it also details their political stances, whether they work in the areas of Freedom of the Press and Women’s Rights and if they have expressed public opinion on these issues. Expressing public opinion on basic rights such as Freedom of the Press or Women’s Rights is reflected into the report as supporting “a single political party, a political group or a certain interest group”.

### **Court of Appeals approves the sentences in *Cumhuriyet* trial**

After the former writers and administrators of *Cumhuriyet* were found guilty on charges by the local court, Istanbul Regional Court of Justice, 3rd Penal Chamber (appeals) rejected the defendants' request for appeal in February 2019, citing that the defendants' actions were rightfully presented by the court and that the local court's decision was fully justified. The court of appeals therefore approved the decision of Istanbul 27th High Criminal Court.

Those who received less than 5 years of imprisonment sentence -Musa Kart, Güray Öz, Önder Çelik, Hakan Kara, Mustafa Kemal Güngör, and Emre İper- did not have the right of objection at the High Court of Appeals, and therefore went back in prison.

Even though Turhan Güney was acquitted by Istanbul 27th High Criminal Court after staying in prison for 9 months during the trial, and his acquittal was approved by Istanbul Regional Administrative Court's 3rd Penal Chamber (appeals), his passport has not been returned to him even 9 months later despite his lawyers' applications. The General Directorate of Security responded to the lawyers' applications by stating that there are too many applications and his passport cannot be delivered in less than 6 months. Güney's de facto travel ban still continues.

As part of investigations initiated on August 18, 2016, the newspaper's office building and people's homes had been raided by the police on October 31, 2016. The 436-page bill of indictment was revealed on April 4, 2017 for 19 suspects. The bill of indictment included such claims as that the newspaper was justifying the terrorist actions of PKK terrorist organization and that FETO/PDY organization used *Cumhuriyet* newspaper to service information and documents. Therefore, the journalists should be tried for prison sentences from 7.5 to 49 years. During the final hearing on April 25, 2018, former Chairman of the Executive Board of *Cumhuriyet*, Akın Atalay was sentenced to 7 years, 3 months and 15 days in prison for "aiding illegal organizations", former President of Cumhuriyet Foundation Orhan Erinç was sentenced to 6 years and 3 months in prison, the former Editorial Director of the newspaper Murat Sabuncu was sentenced to 7 years and 6 months in prison, Kadri Gürsel to 2 years and 6 months, reader representative Güray Öz to 3 years and 9 months, Musa Kart to 3 years and 9 months, Aydın Engin to 7 years and 6 months, Hikmet Çetinkaya to 6 years and 3 months, Ahmet Şık to 7 years and 6 months, Mustafa Kemal Güngör, Hakan Kara and Önder Çelik to 3 years and 9 months, Ahmet Kemal Aydoğdu to 10 years, Emre İper to 3 years, 1 month and 15 days, Bülent Utku to 4 years and 6 months in prison. Turhan Güney, Bülent Yener and Günseli Özeltay were acquitted while the cases of Can Dündar and İlhan Tanır were separated.

## REPORTS OF INTERNATIONAL RIGHTS ORGANIZATIONS

Human Rights Watch-HWR 2019 World Report<sup>5</sup> states that independent voices and local associations have been silenced in Turkey and thousands of people have been arrested for their political opinions. According to the Report, 175 journalists and media employees have been arrested in Turkey on charges of “giving support to terrorism”; hundreds more are still being tried without arrest. 2019 World Report also attests that many media institutions have lost their independence and/or produce news in line with the government’s policies.

Journalists Without Borders (RSF) has been publishing World Press Freedom Index since 2013<sup>6</sup> and Turkey has been consistently among the bottom 30 countries, including in 2018 when it ranked 157th among 180 countries. The organization described violations of the freedom of the press in Turkey as “witch hunt” and stated that the censorship on the Internet and social media has reached unprecedented levels. Censorship on online video streaming services has emerged as a new issue in 2019.

In Freedom House’s 2019 Report which evaluates basic rights and freedoms around the world, 86 of 195 countries were listed as “Free”, while 59 countries were listed as “Partially Free” and 50 countries were listed as “Not Free”. Turkey had received a score of 32 in 2018 and was demoted from “Partially Free” category to “Not Free” category for the first time. In 2019, Turkey lost one more point and received a score of 31, cementing its place in the “Not Free” category. According to the Report, 2018 was the 13th year in a row when worldwide freedoms deteriorated.

## INTERNET FREEDOM

Given the increasing instances of censoring online content and restricting access to websites, Internet freedom is slowly taking the lead among the areas of violation of freedom of speech in Turkey. During the period that the present report covers, posts on social media have continued to constitute grounds for criminal investigation and detention. A new regulation that entitles the Radio and Television Supreme Council (RTÜK) to monitor online content by digital broadcasters was also put in action.

Noting that no official figures have so far been published on banned websites, news articles (URL addresses) or social media content, Prof. Yaman Akdeniz and Ozan Güven have become the first scholars to publish statistics on the bans and restrictions on the Internet in Turkey in a report titled *EngelliWeb 2018: An Assessment Report on Blocked Websites News Articles, and Social Media Content from Turkey*<sup>8</sup>. According to the report, by the end of 2018, a total of 245,825 websites were blocked in Turkey. The total number of domain names and websites banned in 2018 was 54,903 in addition to 198,922 bans that were enforced in previous years.

As for the institutions enforcing these bans and restrictions, the report shows that almost 90% of all decisions were signed by the Information and Communication Technologies Authority, which assumed the powers of the Telecommunications Communication Directorate after it was

<sup>5</sup> [https://www.hrw.org/sites/default/files/world\\_report\\_download/hrw\\_world\\_report\\_2019.pdf](https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf)

<sup>6</sup> <https://rsf.org/en/ranking/2019#>

<sup>7</sup> [https://freedomhouse.org/sites/default/files/Feb2019\\_FH\\_FITW\\_2019\\_Report\\_ForWeb-compressed.pdf](https://freedomhouse.org/sites/default/files/Feb2019_FH_FITW_2019_Report_ForWeb-compressed.pdf)  
<https://freedomhouse.org/report/freedom-world/2019/turkey>

<sup>8</sup> [https://privacy.cyber-rights.org.tr/wp-content/uploads/2019/06/EngelliWeb\\_2018.pdf](https://privacy.cyber-rights.org.tr/wp-content/uploads/2019/06/EngelliWeb_2018.pdf)



disbanded. Of 245,825 domain names blocked by the end of 2018, 229,671 were banned on grounds of administrative measures, 11,879 by court decision, and the rest by the decision of official institutions.

With a total of 204 news articles blocked during 2018, *Sözcü* was the most frequently blocked newspaper. 196 news articles by *Cumhuriyet*, 190 by *Hürriyet*, 177 by *Sabah*, 138 by *Oda TV*, 133 by *T24*, 97 by *sol Haber*, and 87 by *BirGün* were also blocked.

*EngelliWeb 2018 Report* also examines the transparency reports of social media platforms. Turkey sent Twitter 1105 demands for content removal by court decision and 12,987 demands through other institutions. With a total number of 22,908 demands for content removal, Turkey ranked first in the world in the number of demands for content removal sent to Twitter. In its analysis of the transparency reports between 2012 and 2018, the report notes that "Turkey offers a troubled outlook". With a total number of 75,265 demands for suspension of user accounts, Turkey made the highest number of requests in the world during this period. Upon these demands from Turkey, Twitter suspended 1,979 accounts, removing a total of 11,371 tweets.

While Turkey seems to have lost the leading position in the transparency reports of Facebook, it is still one of the countries with the highest number of demands for content removal from Facebook. The report specifies that Facebook removed a total of 20,621 content in Turkey between the second half of 2013 and the end of 2017 in addition to 2,381 content removed in 2018, reaching a total of 23,002 removed content overall. With these figures, Turkey ranks fourth among the countries demanding content removal from Facebook. Google's transparency reports indicate that Turkey made 8,183 demands for content removal until 2018. These numbers make Turkey the second in the ranking of countries according to the number of demands for content removal from Google, right after Russia.

### **Ban on Wikipedia was Taken to ECHR**

On November 29, 2017, Information and Communication Technologies Authority blocked access to Wikipedia from Turkey in all available languages. The ban cited Law no. 5651 on the grounds that the website "contains content that shows Turkey on the same platform as terror organizations". Starting from the Ankara 1st Criminal Court of Peace, Wikimedia Foundation exhausted all the domestic remedies on the ban and eventually took the decision to ECHR in May 2019 for violating freedom of expression protected by the European Convention on Human Rights. ECHR asked Turkey to submit a justification of the ban on the basis of the Convention before October 31, 2019.

Many international organizations including European Centre for Press, International Press Institute and PEN International protested the ban on Wikipedia in a joint declaration. The declaration criticized the ban on Wikipedia, which had been in effect for two years, as follows: "We invite the Turkish authorities to revoke the ban on Wikipedia and other similar websites. These bans are inconsistent with international standards for human rights. Moreover, it is also against human rights to put obstacles before free media and to criminalize journalism".

## **CONCLUSION**

Our current Report covering the period from November 2018 to October 2019 shows that the problems from previous years persist, no improvement has been seen in terms of the freedom to publish and, what is more, new issues have emerged.

There are serious obstacles to the freedom of thought and expression in Turkey and new ones are added each year. The fact that, following the change of the constitution of the Board for the Protection of Minors from Obscene Publications, the Board took a series of decisions limiting access to books is a good example to this.

The censorship and prohibition in order to limit the freedom of thought and expression have become so common that people not only take them for granted but many even support these practices. What is even more concerning is the atmosphere of peer pressure created through social media campaigns. Through these social media campaigns, some writers and publishers have been targeted with the demand that their books be banned and recalled. The fact that some politicians who identify as social democrats, and whom we assumed to be progressives, have demanded that the ministry should institute stricter regulation and censorship and ban the publication of some books shows the gravity of the situation.

These reactions and social media campaigns that can be called “execution without due process” pressure writers and publishers, who already face a lot of legal pressures and limitations, into self-censorship. We observe that censorship and self-censorship practices are spreading to bookstores and libraries. As a result, we think that these developments will negatively affect the productivity of our writers and translators, will stunt the diversity within our publishing world and product range, and in the end, will negatively affect the readers’ access to cultural diversity, therefore creating a uniform and controlled cultural atmosphere.



