



**REPORT ON
FREEDOM
TO PUBLISH**

October 2019 -
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INTRODUCTION

Turkish Publishers Association has been sharing the Freedom to Publish Report every year since 1995 with the publishing world.

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 phenomenon that has doubtless left its mark on the period covered in this report, October 2019-November 2020, is the Covid-19 pandemic which has so far claimed the lives of more than 1.5 million people around the world. Starting from the first days of February 2020, we unfortunately started to witness censorship, discrimination, human rights violations, and attacks on the freedom of expression, which used the pandemic that affected millions of people globally as an excuse. The Ministry of Interior announced that from March 11 when the detection of first coronavirus case was announced in Turkey till May 21, 1,105 social media users in Turkey 'shared provocative content related to the coronavirus' and that 510 of these people were detained for the purpose of interrogation. Since February, some journalists have been detained due to their coverage of the pandemic. Also, writers and publishers have turned to self-censorship, which is an indirect effect of these attacks.

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

The violation of rights due to 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 has continued during the period covered in this report.

The most common rights violation in prisons, as in previous years, has been in the access to books and periodicals.

There has also been an increase in the violation of rights in the area of the freedom of the press and the Internet. According to the most recent report of the Turkish Journalists Association (November 30, 2020), 69 journalists and media employees were still in prison. At the top of the list of problems frequently cited by media employees come “censorship towards journalistic activities or pressures to self-censorship” and “the restriction of access to press card”.

Censorship on the Internet and the court decisions barring access have also been on the increase.

Changes in the regulations have brought added supervision to social media platforms. Thousands of ordinary citizens exercising their freedom of expression on social media platforms and on the Internet have been investigated and put on trial. Transparency reports of social media platforms put Turkey again on top of list of countries where removal of content and demands of access to private data for investigation purposes are common.

As covered in last year’s report, as a result of the increasing displays of public sensitivity and demands coming from the public for censorship and prohibition, publishing houses removed some of their books from shelves.

The issue that topped the agenda of the publishing industry in Turkey this year has been the “obscene publication” decisions of the Board for the Protection of Minors from Obscene Publications. During this period, the Board has declared 13 publications as “obscene publications”, 9 of them being children’s books. As a result of this, the supervision of children’s books has become an issue that has occupied the agenda of social media and government institutions.

COURT DECISIONS BANNING BOOKS AND LAWSUITS

Ban on Mehmet Alınak’s Book *Mehmet Tunç ve Bêkes*

On December 5, 2019, Istanbul 2nd Criminal Court of Peace banned the “distribution and sale” of writer, lawyer and politician Mahmut Alınak’s book *Mehmet Tunç ve Bêkes* (Mehmet Tunç and Bekes) which was published by CHA Publishing in 2017. The book describes the events that unfolded during the 79-day curfew in Şırnak’s Cizre district that was declared on December 15, 2015, and a complaint about it was filed by the administration of Kars Category T Prison when Alınak’s book was mailed to a detainee in the prison. In his press statement on the issue, Mahmut Alınak said, “My book *Şiro’nun Ateşi* (Şiro’s Fire) was banned for 15 years before the ban was lifted with the ruling of ECHR. Again, my book *HEP, DEP ve Devlet* (HEP, DEP and the State) was banned 18 years ago and the ban is still in effect. Finally, there has been a criminal investigation about my book *Tarihin Çarmihında Güneş Ülkesi* (Country of the Sun on the Cross of Histroy) which

has not been concluded in years." Upon the court's ban on his book, three separate bills of indictment have been prepared against Mahmut Alınak, accusing him of "doing illegal propaganda" and "openly insulting the Republic of Turkey" and lawsuits have been initiated. What is more, Mahmut Alınak was arrested by Kars 2nd High Criminal Court's decision based on the fact that the proceeds of his book *Mehmet Tunç ve Bêkes* were donated to Tunç family. The author's house arrest was lifted on September 24, 2020.

Ban on "Distribution and Sale" of 52 books by Aram Publishing

3959 books belonging to Aram Publishing that were on the way to Izmir Book Fair had been seized in Kırşehir in 2016 on the grounds that "they contain propaganda of separatist terrorist organization." Because Diyarbakır was the place of publication, Diyarbakır 1st Criminal Court of Peace had ruled to "confiscate" the books with its decision (numbered 2016/1674) on June 10, 2016. However, Diyarbakır 1st Criminal Court of Peace's original decision from 2016 to confiscate all the copies of the books was not clear as to the legal basis (whether it was based on Anti-Terror Law, Press Law or the Code of Criminal Procedure) the confiscation. Therefore, the same court announced a new ruling on February 8, 2020 "to confiscate, recall, and ban the distribution and sale of all copies of the books in accordance with Article 7/2 of the Anti-Terror Law no. 3713 and Article 25/2 of the Press Law no. 5187."

The list of banned books:

Decision by Diyarbakır 1st Criminal Court of Peace (numbered 2020/476) on February 8, 2020:

Güneşin Çocukları Ezidiler, 21. Yüzyılın Sömürgeciliği Toplum Kırım, Hawar, Geliya Zilan Jederka Jin u Jane, Elveda İki Yüzlü Umut, Mermer Kanatlı Kuşlar, Vakayiname, Tarih Şimdi Kürdistan, Tarihine Özlü Bir Bakış, Hayatın Kıyısına Yolculuk, Rojhilata Navin, Ayıntap Üstünde Kızıl Bir Zaman, Sürgünde Kürtler Kürt Sorununun Anlamak Üzere, Hep Kavgaydı Yaşamım (3 volumes), Em Bun Baran, Kasırga Taburu (2 volumes), Yaşamın Kıyısında, Eylül Kasırgası, Dağlar Konuşsun, Bizim Çocuklar, Demokratik Kurtuluş ve Özgür Yaşamı İnşa, Demokratik Modernitede Gençlik, Gözyaşım Ağıydı Seni Beklemek, Gedeye Şirin, Lilavlar Akacak, Dörtlerin Gecesi, Dağın Yüreği Mavi Derya, Mavidir Avaşinin Suları, Diyarbakır Zindanları (2 volumes), Korkunun Rengi, Tül ve Kül Aksi Yalandır, Gurbetin Güncesi Yüreğimi Dağlara Nakşettim, Bizim Mazlum, Mordemin Güncesi, Abdullah Öcalan Demokratik Uyarlık Çözümü (5 volumes), Kültür ve Uyarlık, Özgür Eş Yaşam, Hedera Henaseyen Azad, Rojnivisa Hevaltiye, Bir Yarım Dağda, Gerilla Anıları (5 volumes)

Decision to Ban and Recall 3 Books Published by CHP (Republican People's Party)

Ankara Chief Public Prosecutor's Office initiated an investigation about the book *21 Soruda FETÖ'nün Siyasi Ayağı* (The Political Branch of FETÖ in 21 Questions) which was

published by Republican People's Party with the accusations of "provocation of the public to hatred and enmity" and "insult". On September 23, 2020, Ankara 5th Criminal Court of Peace decided to ban the "printing, distribution, and sale" of the book and "to recall and confiscate" all copies in print. Another investigation was initiated by Nevşehir Chief Public Prosecutor's Office regarding two more books, *Kıdem Tazminatında Fon Aldatmacası* (Deceptiveness of the Severance Pay Fund) and *Arpalık Aile Şirketi* (The Sinecure of Family Company) published by Republican People's Party. As part of this investigation, on November 6, 2020, Nevşehir Criminal Court of Peace decided to "ban the printing, distribution, and sale of the books as well as confiscating the already seized books and recalling all their printed copies in accordance with Article 216/1 of Turkish Penal Code, Article 28/6 of the Constitution, and Article 25/2 of the Press Law no. 5187." After the court decision was officially served at CHP Nevşehir Provincial Directorate, the police went to the CHP Nevşehir Provincial Directorate building and confiscated all the copies of these books.

Decisions from Former Years to Ban "Distribution and Sale" of 2 Books

As part of the investigation initiated by Diyarbakır Chief Public Prosecutor's Office on June 26, 2020 against Democratic Society Congress (DTK), J&J Publishing owner Azad Zal (Mehmet Güngörmüş) was arrested and J&J Publishing's office was searched by the police. During the search the police seized 168 books some of which had been recalled by court decisions. These books were entered into the document examination records as having "content affiliated with illegal organization." During the search, it was revealed by the police that Sıraç Bilgin's book *Yapraklar Açana Dek Satranç* (Chess till the Leaves Sprout) published by J&J Publishing had been banned by the decision of Şırnak Criminal Court of Peace on March 29, 2017 in accordance with "Article 123 of the Code of Criminal Procedure, Article 7/2 of the Anti-Terror Law and Article 25/2 of the Press Law" which also demanded the confiscation and recall of all printed copies," and that Yaşar Aslan's book *Rengbej* published by J&J Publishing had been banned by the decision of Mersin Criminal Court of Peace on June 26, 2017 "in accordance with Article 7/2 of the Anti-Terror Law no. 3713 and Article 25/2 of the Press Law no. 5187" that also demanded the confiscation and recall of all printed copies. However, as usual, neither the publishing house owner nor the authors were given official notification of these court decisions. Moreover, books that were seized by the police during the search are yet to be returned to the publisher.

"Precautionary Measure" Decision for Ergun Poyraz's Book Not Yet Published

While his new book titled *Ülkerler* (Ülkers) was still going through the editorial process, investigative writer Ergun Poyraz shared the cover page of the book on his social media account for promotion. A lawsuit was initiated against the writer on the grounds

that the text on the book cover “violated the personal rights” of Murat Ülker, Chairman of the Executive Board of Yıldız Holding. On January 10, 2020, Istanbul 12th Civil Court of First Instance decided to “take precautionary measures to prevent the printing, publishing, distribution and sale of the book throughout Turkey in printing presses, publishing houses, bookstores, or on the Internet.”

Criminal Complaint Against the Book *Feminist Alfabe*

A criminal complaint was filed by the head of Family Assembly of Turkey, Ahmet Çevik, against *Feminist Alfabe* (Feminist Alphabet) and *Feminist Alfabe Uygulama Rehberi* (Feminist Alphabet Practice Guide), two books on the subject of gender equality, written by Hatice Kapusuz and Özge Oğuz and published and distributed free of charge by Amnesty International Turkey. The criminal complaint officially filed at Istanbul Chief Public Prosecutor’s Office on October 3, 2020 claimed that the books “contained obscenity” and that the Amnesty International Turkey directors should be prosecuted for “founding and directing a criminal organization”, for “espionage”, for “the provocation of the public to hatred and enmity,” and for “contravening the Anti-Terror Law.”

THE BAN AND PREVENTION OF ACCESS TO BOOKS IN PRISONS

As the number of people detained in prisons as well as the number of prisons increase on a daily basis in Turkey, 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.

The *Annual Report 2019*, prepared by Didem Sağlam and Hilal Başak Demirbaş from Civil Society in the Penal System (CISST)¹, and published for the first time this year, documents the current conditions and problems of prisons, the intensifying rights violations and problems experienced by imprisoned people with regard to freedom of expression. In the section of the report titled *Restrictions on Books and Periodicals*, it is pointed out that with the newly enacted regulations and memorandums in 2019 many books, periodicals and newspapers were barred from admission into prisons even though they were not legally banned, many publications were found objectionable and seized during prison cell searches, in addition to other serious problems related to access to books and periodicals. The report includes the statement that, “Previously, books that were handed to the prison officials during family or lawyer visits were handed over to the incarcerated individuals; however, the situation has changed since 2017 and with the Educational Committee decisions simultaneously issued in many prisons around Turkey, the publications either brought during visits or sent in the mail started to be rejected.” The report also includes the information that many newspapers including

1 <http://cisst.org.tr/wp-content/uploads/2020/11/ceza-infaz-sisteminde-sivil-toplum-dernegi-cisst-yillik-rapor-2019.pdf>

Yeni Yaşam, Evrensel, Cumhuriyet are not allowed into prisons even though there is no legal ban on them. It is also reported that most political prisoners are allowed to have only 7-to-10 books with them.

The former Co-Mayor of Diyarbakır Metropolitan Municipality Gültan Kışanak, who has been a political prisoner in Kandıra 1st Category F Prison, wrote in her column on January 28, 2020 that the prison administration decided not to hand over any books or periodicals that were either brought by visitors sent in the mail. Despite all attempts to overturn this ban, the practice is still in effect.

HDP MP Ömer Faruk Gergerlioğlu also announced on his social media account that the book *İfade Özgürlüğü İlkeler ve Türkiye* (Freedom of Expression Principles and Turkey) the authors of which include Zühtü Arslan, the President of the Constitutional Court (AYM), was not allowed into the Diyarbakır Women's Penal Institution.

The data presented under Freedom of Expression in the *Annual Report 2019* by Civil Society in the Penal System (CİSST) clearly show that, as in previous years, most rights violations reported in prisons fall under the access to books and periodicals. Out of 1325 prisoners, 257 reported that their access to newspapers was restricted while 214 reported that their access to books was restricted.

In addition, the report states that with increasing population over the period 2016-2017-2018, Turkey's imprisoned population has gone above the world average.

LAWSUITS AGAINST WRITERS, TRANSLATORS AND PUBLISHERS

Lawsuit Carrying 3-Year Prison Sentence Against Translator Burcu Uğuz

On September 27, 2019, the decision of the Board for the Protection of Minors from Obscene Publications was printed in the Official Gazette, which declared Elisabeth Bami and Estelle Billon's books *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, as obscene publications and required them to be sold in non-transparent bags². On March 2, 2020, a lawsuit carrying a 3-year prison sentence was initiated against the translator of the books Burcu Uğuz for "publishing and mediating the publication of obscene language." In the bill of indictment, the translator was held responsible for the printing, publication, distribution and even illustration of the books³. The Professional Translators Association released a press statement in which they declared that they stand in solidarity with Burcu Uğuz and they will be closely following the lawsuit. Turkish Publishers Association, PEN Turkey, and Turkish

2 <http://turkyaybir.org.tr/yayinlama-ozgurlugu-raporu-kasim-2018-ekim-2019/#.YA3UFHYzblU>

3 <https://cevbir.org.tr/basin-aciklamalari/cevirmene-dava-acilmasi-hk-kamuoyu-aciklamamiz>

Writers Union also released a joint press statement in which it was emphasized that these kinds of lawsuits and decisions force publishing into the grip of censorship and self-censorship.

PRESS STATEMENT

March 20, 2020

As we can all remember, with the publication of the decision of the Board for the Protection of Minors from Obscene Publications in the Official Gazette on September 27, 2019, Elisabeth Brami and Estelle Billon's books *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, were declared as obscene publications and required to be sold in non-transparent bags. There was also a ban on the distribution and sale of the book *Kız Çocuk Hakları Bildirgesi* (Declaration of the rights of girls) and a lawsuit was initiated against the publisher and translator of the book for "publishing and mediating the publication of obscene language."

The obscenity decisions of the Board whose five members are appointed by the Ministry of Work, Social Policies and Family from among the ministry's department directors, the bans on the distribution and sale of books, the lawsuits initiated against writers, translators and publishers, have become common, everyday occurrences in Turkey, which jeopardizes the constitutional rights of freedom of expression and press freedom day by day. These kinds of lawsuits and decisions force publishing into the grip of censorship and self-censorship.

Freedom of expression is indispensable as one of the founding principles of democratic society, and one of the main conditions for the advancement of society and the self-improvement of the individual. The principle of democratic society calls for the protection and shielding of freedom of expression from harm. We would like to submit to the attention of the public that we follow these violations which contradict with press freedom with concern.

Respectfully,

Turkish Publishers Association
PEN Turkey
Turkish Writers Union

Lawsuit for “Obscenity” Against the Translator and Publisher

The book *Bebekler Nereden Gelir* (Where Do Babies Come From) was published in Turkish in 2016 by Mikado Publishing; the original book is owned by the German publishing group Ravensburger and its copyrights have been sold for publication in 10 different languages. Upon two different complaints submitted to the Presidential Communication Center (CİMER) about the book, a bill of indictment was drawn up by the prosecutor on November 5, 2018 and a lawsuit was initiated against Micado Publishing’s owner and the translator of the book with the accusation of “obscenity”. The lawsuit carries 6-to-12 years of prison sentence for the publisher and 2-to-5 years of prison sentence for the translator. While the lawsuit continues, the Board for the Protection of Minors from Obscene Publications declared the book as “obscene publication” on July 11, 2020.

Lawsuit Against the Publisher and Writer of the Book *İlahi Adalet Komünizm*

Upon a complaint submitted to the Presidential Communication Center (CİMER) about the writer Osman Akyol’s book *İlahi Adalet Komünizm* (Divine Justice and Communism), the Press Bureau of Ankara Chief Public Prosecutor’s Office initiated an investigation about the book in October 2019. The testimonies of publisher Alaaddin Topçu and writer Osman Akyol were taken as part of the investigation and a bill of indictment was prepared accusing them of “openly insulting a group based on differences in social class, religion, sect, gender, and geographical region” and “openly insulting the religious values that belong to a group of society.” The lawsuit that was opened at Ankara 2nd Criminal Court of Peace carries a prison sentence of 1 year and 5 months to 2 years and 9 months for the publisher and the writer.

Four Different Complaints Regarding Murat Ağirel’s Book *Sarmal*

Journalist and writer Murat Ağirel’s book *Sarmal* (Spiral) was published by Kırmızı Kedi Publishing in February 2020. Upon four different complaints from Binali Yıldırım, Bilal Erdoğan, Berat Albayrak and İsmail Kahraman, claiming that the book contains insult to their persons, the prosecutor initiated an investigation. Murat Ağirel was called to give his testimony on March 8, 2020 and was arrested for his coverage of the news story of an MIT (National Intelligence Organization) agent’s death in Libya. His testimony regarding his book was taken in prison and his trial for this lawsuit is still continuing.

Prison Sentence to Umut Publishing’s Owner and Yön Printing Press Official

Upon the request of Istanbul Chief Public Prosecutor’s Office, Istanbul 9th Criminal Court of Peace had decided on April 9, 2019 to ban “printing, distribution and sale, and

to recall all printed copies” of Umut Publishing’s book *İbrahim Kaypakkaya’nın Bütün Yazıları* (All Writings of İbrahim Kaypakkaya) published in 2018. Istanbul Chief Public Prosecutor’s Office initiated an investigation based on the decision of Istanbul 9th Criminal Court of Peace and upon the conclusion of this investigation, opened a lawsuit against Umut Publishing for publishing the book and against Yön Printing Press “for printing the book even though it is clear from the cover page that it contained criminal content”. The lawsuit which was opened at Istanbul 36th High Criminal Court on the basis of the crime of printing and publishing books containing propaganda of illegal organizations, defined by Article 6/2 of the Anti-Terror Law no. 3713, was concluded with 2 years and 1 month of prison sentence for Umut Publishing’s owner and 10 months of prison sentence for Yön Printing Press Official.

Police Search of Dedalus Publishing’s Office

The owner of Dedalus Publishing Faruk Akhan announced on his personal Twitter account on October 23, 2020 that the publishing house’s office was searched by the police around noon that day. The police had come with a “search warrant” based on information from an undisclosed informant to the new address of the publishing house when the publishing house was in the process of moving. During the search, the police found Doğu Ergil’s book *100 Soruda Fetullah Gülen* (Fethullah Gülen in 100 Questions) which was published by Timaş Publishing in 2010. The book belonged to Faruk Akhan and the police seized the book as it had been banned and recalled. Faruk Akhan was released after he gave his testimony at the police station. Since the file has not reached the Prosecutor’s Office yet, it is not clear what the investigation entails.

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.⁴ She was sentenced to 1 year 2 months and 17 days of imprisonment for “insulting the President” and to 5 and a half months of imprisonment for the lawsuit in Ankara in accordance with Article 301 of Turkish Penal Code, and was given two separate penalty fines of 15,000 TL and 7,500 TL for “insult” and “insulting public officials due to their positions.”

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

⁴ http://turkyaybir.org.tr/wp-content/files_mf/1545821365dusunceifaderapor_2018_weblink.pdf
http://turkyaybir.org.tr/wp-content/files_mf/1573199570dusunceifaderapor_2019_web.pdf

having violated its personal rights. The lawsuit in which IHH demands non-pecuniary damages to the amount of 40.000 TL still continues.

Confiscation of Ragıp Zarakol's Property

PEN International honorary member, Turkish Publishers Association member, former editor of Belge Publishing, journalist and writer Ragıp Zarakol has been on trial as part of "Istanbul KCK Main Trial" for attending and giving a speech at the opening of Peace and Democracy Party (BDP)'s Politics Academy in 2009. An arrest warrant was issued with the Interpol for Ragıp Zarakol on the grounds that his testimony was not taken and in October 2018 it was demanded that the Swedish government return him to Turkey. Swedish High Court rejected to return Ragıp Zarakol on December 18, 2019. The Directorate of the Committee for the Investigation of Financial Offences at The Ministry of Treasury and Finance requested the confiscation of Zarakol's property in Turkey. Thereafter, Istanbul 3rd High Criminal Court decided to confiscate part of Ragıp Zarakol's property on December 24, 2019.

Upon Zarakol's application to European Court of Human Rights for having been detained for 5 months within the "Istanbul KCK Main Trial" without evidence or reasonable suspicion, for the violation of his freedom of expression during his detention, and for the fact that court rulings did not cite any justification, the ECHR ruled that his freedom of expression was violated and sentenced Turkey to pay 6,500 Euros to Ragıp Zarakol for non-pecuniary damages.

Lawsuit Against Writer Gülşen İşeri for Her Books on Urban Transformation

Journalist and writer Gülşen İşeri was detained on January 23, 2020 in Beşiktaş Police Department where she had gone for renewing her passport. An undisclosed informant had sent an email to the Prime Ministry's Information Center in 2017, claiming that "her book *Ateşin ve Sürgünün Gölgesinde Kentsel Dönüşüm* (Urban Transformation in the Shadow of Fire and Exile) published in 2014 and her book *Metropol Sürgünleri* (Metropolitan Exiles) published in 2010 both contained propaganda of terrorist organization" and Ankara Chief Public Prosecutor's Office had initiated an investigation into her books and issued an arrest warrant for the writer. Gülşen İşeri was released after her testimony was taken at the Police Department. Ankara 2nd High Criminal Court prepared a bill of indictment accusing the writer of "doing propaganda of terrorist organization" in her above-mentioned books. The first hearing of the lawsuit was held on October 12, 2020 and the next hearing was scheduled for February 1, 2021.

CENSORSHIP CAMPAIGNS ON SOCIAL MEDIA

The Book *Türkiye'nin Kültür Atlası* was Pulled Off the Shelves by Its Publisher

Written by Kenan Mortan and İbrahim Atalay, and published by Türkiye İş Bankası Culture Publishing in February 2020, the book *Türkiye'nin Kültür Atlası* (Turkey's Atlas of Culture) included data that indicated that Batman had the highest rate of women's suicides in Turkey and that children in Batman were victims of sexual abuse. Upon publication, Batman Bar Association objected to this data, and it received negative reactions from social media users. Therefore, General Director of Türkiye İş Bankası Culture Publishing Ahmet Salcan announced that he wrote an "email of apology" to the Chair of Batman Bar Association Abdülhamit Çakan and the book was pulled off the shelves.

Social Media Campaigns About the Books of Selahattin Demirtaş

When CHP Chairman Kemal Kılıçdaroğlu's wife Selvi Kılıçdaroğlu, Istanbul Metropolitan Municipality Mayor Ekrem İmamoğlu's wife Dilek İmamoğlu, and HDP's imprisoned former Co-Chairman Selahattin Demirtaş's wife Başak Demirtaş met in order to watch the reading theater of Selahattin Demirtaş's book *Devran*, reactions emerged on social media. A social media campaign was started on January 13, 2020 on Twitter criticizing the sale of Selahattin Demirtaş's books *Seher* and *Devran* on the website of Istanbul Metropolitan Municipality's company Kültür Inc's bookstore Istanbul Kitapçısı. Among the participants to the campaign there were even some political party leaders and journalists, who blamed Istanbul Metropolitan Municipality Mayor Ekrem İmamoğlu for "selling the books of someone who is in prison with terrorism charges." When they brought up the fact that Demirtaş's books were on sale on many e-commerce websites as well as being present at the library of the Parliament, the books were removed from the PTT (Postal Organization) website PTTAvm.com. While the social media campaign was in full force, tweets emerged that claimed that the website of Istanbul Kitapçısı also sold Sakine Cansız's book *Hep Kavgaydı Yaşamım* (My Life Has Been a Fight) which was banned and recalled by a court decision in 2016. Upon this, Mayor Ekrem İmamoğlu made the announcement that "Mr. Demirtaş's book is being sold everywhere, including government institutions. It is sold in other bookstores too. It can be, and it should be sold. ... As for the other book [*Hep Kavgaydı Yaşamım*], we discovered that it has been on sale for 5 years, it is not new, but because of the legitimate reactions we received, we have removed it from sale on the website." Selahattin Demirtaş's books are still on sale on the website of Istanbul Kitapçısı.

Social Media Campaign About Ferhan Şensoy's Book *Elveda SSK*

Playwright and author Ferhan Şensoy's book *Elveda SSK* (Farewell SSK), which was first published in 2005, became the target of social media users in the summer of 2020 for containing "expressions of violence and sexual abuse of animals" that would set a bad example, and it was made a trending topic on August 28, 2020. Ferhan Şensoy who had received similar reactions before about his book, stated in one of his podcasts during the days of the pandemic quarantine, that "people should not confuse the words of a fictional character with the writer of the book." In the introduction to *Elveda SSK*, Ferhan Şensoy quotes underground literature writer Boris Vian. The book dropped from the agenda of social media users and there has been no legal investigations into the matter.

BOOKS CATEGORIZED AS "OBSCENE"

13 Books Have Been Declared as "Obscene Publications" in One Year⁵

The Board for the Protection of Minors from Obscene Publications was originally instituted in accordance with the law no. 1117 in 1927. Recently, based on the Statutory Decree no. 703, article 38, published on 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.

Between October 2019 and November 2020, the recently revised Board for the Protection of Minors from Obscene Publications has declared 13 publications as "obscene publications", 9 of them being children's books. The number of books censored by the Board during the period covered in this report is more than twice last year's number.

Buket Uzuner's book *Ayın En Çıplak Günü* (The Nudest Day of the Month), which was first published 34 years ago and has been reprinted by various publishing houses for a total of 19 times, and which was not written for children, was the subject of a scandalizing "obscene publication" decision by the Board for the Protection of Minors from Obscene Publications on March 20, 2020.

In addition to Uzuner's book, which was written for adult readers, in the past year, the Board has also decided that Selma Aydın's book *Yolsuz Dere* (Stream without a Road), Adem Özbay's book *Kin Kanatlılar* (Wings of Hatred), and Ersan Pekin's book *Bu Kadınlar Yedi Bitirdi Beni* (These Women Have Consumed Me) could have detrimental influence on children and therefore declared them as "obscene publications".

5 According to the law, books that have been categorized as "obscene" "...can only be sold to those 18 or above packaged in a non-transparent bag or envelop. On these bags or envelops, nothing can be seen other than the title of the book and the statement 'detrimental to children'."

Küçükçekmece Chief Public Prosecutor's Office submitted the bill of indictment against writer Adem Özbay on December 25, 2019. A lawsuit has been initiated against the writer that demands a prison sentence of 6 to 12 years.

Soon after the Board's "obscene publication" decision for Ersan Pekin's book *Bu Kadınlar Yedi Bitirdi Beni* (These Women Have Consumed Me), a lawsuit was initiated against the writer at Istanbul Anatolian 2nd Criminal Court of First Instance for "obscenity" (TCK 226/2) that demands up to 3 years of prison sentence. Because Ersan Pekin did not appear in the first hearing on September 22, 2020, a warrant was issued for his arrest. In the final hearing of the writer's trial, he was sentenced to 5 months in prison. In the conclusion of the trial, the announcement of the verdict was deferred.

The writer Selma Aydın, upon the declaration of her book *Yolsuz Dere* (Stream without a Road) as "obscene publication" made the following press statement: "The decision of the Board for the Protection of Minors from Obscene Publications is not only without legal foundation and wrong in terms of the principles of publishing, but also irrelevant with regard to my book *Yolsuz Dere*, and erroneous in literary perspective. ... My book is not a children's book; it is for adult readers."

The Board also declared the children's book *Bebekler Nereden Gelir* (Where Do Babies Come From) as "obscene publication". Published in Turkish in 2016 by Mikado Publishing, the original book is owned by the prestigious German publishing group Ravensburger and its copyrights have been sold for publication in 10 different languages. A bill of indictment was drawn up upon two different complaints submitted to the Presidential Communication Center (CİMER) and a lawsuit has been initiated against the book at Beykoz 2nd Criminal Court of First Instance. The lawsuit is continuing.

Last year on September 27, 2019, the Board for the Protection of Minors from Obscene Publications had declared Francesca Cavallo and Elena Favilli's book *Asi Kızlara Uykudan Önce Hikâyeler 100 Olağanüstü Kadının Masalı* (100 extraordinary stories for rebel girls) as obscene publication". The book was published by Hep Kitap in Turkey and the publisher objected to this decision. The Bureau of Investigation for Press Offences at Istanbul Chief Public Prosecutor's Office released the following statement on December 4, 2019: "...the story titled "Coy Mathis" that starts on page 44 of the book contains a story about a child named Coy Mathis who has sexual development disorder, which presents the medical intervention for the sexual development disorder which is a medical condition, as a success story, thereby assuming an encouraging attitude in sexual assessment; therefore, upon the complaint that the book *Asi Kızlara Uykudan Önce Hikâyeler 100 Olağanüstü Kadının Masalı* detrimental to minors below the age of 18, an investigation has been initiated about the book by our Chief Public Prosecutor's Office. However, Article 26 of the Press Law (no. 5187) states that a lawsuit has to be initiated

within 4 months of the publication of a periodical and within 6 months of other publications, therefore, it has been understood that the 6-month period has passed since the submission of the publication in question on July 6, 2017, and no public prosecution of the suspect shall be pursued”.

On November 22, 2020, *Asi Kızlara Uykudan Önce Hikâyeler 2*, the sequel to *Asi Kızlara Uykudan Önce Hikâyeler 100 Olağanüstü Kadının Masalı*, was also declared as “obscene publication” with the publication of the Board’s decision in the Official Gazette.

List of Books Declared “Obscene Publications” by Board for the Protection of Minors from Obscene Publications between July 2019 and November 2020

	Category	Book Title	Writer	Publisher	Date of Decision
1	Children and Young Adult	<i>Asi Kızlara Uykudan Önce Hikâyeler 2</i>	Francesca Cavallo Elena Favilli	Hep Kitap	November 22, 2020 / Official Gazette – obscene publication
2	Children and Young Adult	<i>Bazı Günler</i>	Heinz Janisch	Yapı Kredi Publishing	November 22, 2020 / Official Gazette – obscene publication
3	Children and Young Adult	<i>Evde ve Uzakta</i>	Christine Nöstlinger	Günüşiği Kitaplığı	November 22, 2020 / Official Gazette – obscene publication
4	Children and Young Adult	<i>Ben Bir Sihirbazım</i>	Tedvan Lieshout	Büyülü Fener Publishing	September 9, 2020 / Official Gazette – obscene publication
5	Children and Young Adult	<i>Keloğlan Ak Ülkede</i>	Duran Yılmaz	Yuva Publishing	September 3, 2020 / Official Gazette – obscene publication
6	Children and Young Adult	<i>Gül ve Düşün</i>	Musa Dinç	Arı Sanat Publishing	August 29, 2020 / Official Gazette – obscene publication
7	Adult Fiction	<i>Yolsuz Dere</i>	Selma Aydın	İkinci Adam Publishing	August 29, 2020 / Official Gazette – obscene publication
8	Children and Young Adult	<i>Bebekler Nereden Gelir</i>	Doris Rübél	Mikado Publishing	July 11, 2020 / Official Gazette – obscene publication
9	Adult Fiction	<i>Ayın En Çıplak Günü</i>	Buket Uzuner	Everest Publishing	March 20, 2020 / Official Gazette – obscene publication

10	Adult Fiction	<i>Bu Kadınlar Yedi Bitirdi</i>	Ersan Pekin	İkinci Adam Publishing	February 3, 2020 / Official Gazette – obscene publication
11	Children and Young Adult	<i>Burcu ve Berk / Cinsellik - Cinselliği Keşfediyoruz</i>	Defne Ongun Müminoğlu	Artemis Publishing	December 26, 2019 / Official Gazette – obscene publication
12	Children and Young Adult	<i>İçim Dışım Gökkuşacağı</i>	Mehmet Güler	Özyürek Publishing	December 26, 2019 / Official Gazette – obscene publication
13	Adult Fiction	<i>Kin Kanatlılar</i>	Adem Özbay	Az Kitap	December 26, 2019 / Official Gazette – obscene publication
14	Children and Young Adult	<i>Asi Kızlara Uykudan Önce Hikâyeler 1</i>	Francesca Cavallo Elena Favilli	Hep Kitap	September 27, 2019 / Official Gazette – obscene publication
15	Children and Young Adult	<i>Erkek Çocuk Hakları Bildirgesi</i>	Elisabeth Brami	Yapı Kredi Publishing	September 27, 2019 / Official Gazette – obscene publication
16	Children and Young Adult	<i>Kız Çocuk Hakları Bildirgesi</i>	Elisabeth Brami	Yapı Kredi Publishing	September 27, 2019 / Official Gazette – obscene publication
17	Adult Fiction	<i>Sünnetçi Kız</i>	Collective	Cinius Publishing	September 27, 2019 / Official Gazette – obscene publication
18	Children and Young Adult	<i>Hayalci Çocuk</i>	Halime Erdoğan	Puslu Publishing	July 10, 2019 / Official Gazette – obscene publication

Social Media Campaigns Demanding Official Supervision of Children's Books

The story in Musa Dinç's children's book *Gül ve Düşün* (Laught and Think) where a fox rapes a bear and Duran Yılmaz's children's book *Keloğlan Ak Ülkede* (Keloğlan is in the White Land) in which a young girl is sexually abused attracted reactions on social media which called for the ban and recall of these books as they could be detrimental to children's mental development. Upon these calls, the Board for the Protection of Minors from Obscene Publications declared these books as "obscene publications". Musa Dinç, the writer of the children's book *Gül ve Düşün* was arrested for "publishing obscene publications that make sexual reference to children, animals, dead human bodies." Musa Dinç is still in detention.

However, these negative examples found in children's books have been used as an

excuse on social media and in printed media to call for official supervision of children's books. Turkish Publishers Association has released a press statement to emphasize that books should not be subject to official supervision or other pressures for whatever reason.

The Ministry of Family to Start a Program for the “Fight Against Obscene Content”

The negative publicity that Musa Dinç's children's book *Gül ve Düşün* and Duran Yılmaz's children's book *Keloğlan Ak Ülkede* received on social media has led to calls for official supervision of children's books by the Ministry of Family, Work and Social Policies and the Ministry of National Education. The Minister of Family, Work and Social Policies Zehra Selçuk announced their plans for certain changes to the structure of the Board for the Protection for Minors from Obscene Publications on October 15, 2020: “At our ministry, we are starting a program for the “Fight Against Obscene Content”. The framework of the program will revamp the structure of the Board for the Protection for Minors from Obscene Publications that will be formalized with a website and a WhatsApp Report Line that would allow for individual applications. At the moment individual applications to the Board is not possible. In the revised structure, our citizens will be able to directly submit their complaints to the Board about content detrimental to children.” At the time of the writing of this report, no publicized steps were yet taken for the website or the WhatsApp Report Line.

UCIM's Project for the Supervision of Children's Books

Upon calls on social media for the supervision of children's books based on the negative examples that are detrimental to children's psychological development, UCIM Saadet Teacher – Association for the Fight against Child Abuse announced on their official Twitter account that they have started the “Project for the Inspection of Children's Books and Preparation of a Recommended Reading List” with the hashtag #UcimAvukatlarıÇocuklarıÇinOkuyor (#UcimLawyersAreReadingForChildren). In the explanation of the plan for the project, it was stated, “We, the lawyers of UCIM will read all the children's books in print one by one and will initiate legal proceedings in case of detection of unlawful content”. Soon after the launching of the project, UCIM also announced that their lawyers will contact children's books publishers through email and in case they want their books to be inspected by UCIM lawyers, they could add the following written statement in their books: “This book has been inspected by UCIM and it has determined that it does not contain any elements that could constitute negative examples to our children.”

CHP MP Sera Kadıgil's Parliamentary Questions Regarding Obscene Publication Decisions

CHP MP Sera Kadıgil submitted a parliamentary question directed to the Minister of Family, Work and Social Policies Zehra Selçuk on October 7, 2019, following the publication of the decision of the Board for the Protection for Minors from Obscene Publications on September 27, 2020 which declared 4 books as "obscene publications". Despite the fact that the official deadline for a written response had passed, there was no response from the Minister. Since the Board's "obscene publication" decisions kept coming, CHP MY Sera Kadıgil submitted two further parliamentary questions directed to Minister Zehra Selçuk on July 7 and July 10, 2020. The parliamentary questions directed the following to Minister Zehra Selçuk:

Which sentences specifically in the aforementioned books constitute "detrimental influence on the morals of those under 18" and for which specific reasons?

1) The Board for the Protection of Minors from Obscene Publications was established in 1927 with the Law no. 1117. In accordance with Article 38 of the Statutory Decree (KHK) 703 of July 2, 2018 the constitution of the Board was changed and it was moved under the Ministry of Labor, Social Work and Family. The Board is now made up of five department directors of the Ministry of Labor, Social Work and Family chosen by the Minister. What are the professional qualifications and areas of expertise of these 5 members?

2) How many publications until now have been determined by the Board to have "detrimental influence"?

3) What is your assessment of these Board decisions with regard to "freedoms of expression, publication of ideas through science and art"?

4) While gender equality and equal relations of men and women should be emphasized as important and supported components of children's education, how do you reconcile this with the decision of the Board that was published in the Official Gazette on September 27, 2019 which restricts access to the above-mentioned books? Are there any measures that your Ministry is going to take to prevent this practice in the future?

The Minister of Family, Work and Social Policies Zehra Zümürüt Selçuk responded to Sera Kadıgil's parliamentary questions on July 27, 2020 and stated that the Board's obscene publication decisions "are not meant to restrict the freedom to publish but are related to the method of sale of the publications." However, the Minister's response left the questions of based on which specific reasons these books were restricted, the professional qualifications of the 5 members of the Board for the Protection of Minors from Obscene Publications, how many publications until now have been determined by the Board to have "detrimental influence" unanswered.

Turkish Publishers Association’s Press Statements Regarding “Obscene Publication” Decisions

Supervision of books would bring harm rather than benefit!

Press Statement

September 11, 2020

The discussions that flare up from time to time to occupy the agenda of our country and that call for “expert supervision” of books are concerning for publishing in our country.

The production of quality books is primarily the responsibility of publishers while making them available to children is the natural responsibility of teachers and parents. Publishing in our country can be improved not with censorship and supervision but by supporting editorial activities and by making sure that writers and illustrators can freely express their opinions. Using rare negative examples as an excuse to demand the institution of “supervision” to books is against the principle of freedom to publish. These are reflections of the repressive mindset that we often voice our objections to.

First of all, it would be almost impossible to supervise the content of each and every book that is published. Also, according to Article 26 of the Press Law (no. 5187), a lawsuit can only be initiated against a published work within 6 months of its publication. For example, the book *Asi Kızlara Uykudan Önce Hikayeler* was published by Hep Kitap in 2017 was declared “obscene publication” on September 27, 2019. However, The Bureau of Investigation for Press Offences at Istanbul Chief Public Prosecutor’s Office took the 6-month time frame defined by Article 26 of the Press Law into consideration, which had already passed by then, so the Prosecutor’s Office gave the “decision of non-prosecution.” Nevertheless, the lynching campaign against the book organized on social media before the legal proceedings were concluded, has caused the blemishing of the reputation of our publishing.

Despite this, the Board continues to issue “obscene publication” decisions about books long after the 6-month time frame defined in the law. In the last two years, the Board for the Protection of Minors from Obscene Publications has declared 10 books as “obscene publications.” Most recently, the Board’s decision published in the Official Gazette on September 9, 2020 declared Tedvan Lieshout’s *Ben Bir Sihirbazım* (I am a Magician) (by Büyülü Fener Publishing) as “obscene publication” without any justification.

Subjecting books to supervision or other pressures for any reason would only result in the further darkening of minds. We call for an end to such a distorted way of handling this very important issue, and we hope that such repressive campaigns are not encouraged in the future.

Respectfully,

Turkish Publishers Association

Press Statement Regarding the Declaration of Mikado Publishing's Book *Bebekler Nereden Gelir* as "Obscene Publication"

Press Statement

July 11, 2020

Following the printing of the obscene publication decision in the Official Gazette on July 6, 2020 for the book *Bebekler Nereden Gelir?* without stating author or publisher information, there was confusion as news of the obscene publication decision for the book *Bebekler Nereden Gelir?* by TÜBİTAK Publications appeared in the media. Several hours after our association also released a press statement condemning the obscene publication decision for *Bebekler Nereden Gelir?* by TÜBİTAK Publications, the official Twitter account of the Child Services General Directorate in the Ministry of Family, Labor and Social Work announced that the book that was declared as "obscene publication" was "the book *Bebekler Nereden Gelir* written by Doris Rübél, published by Mikado Publishing as part of the "Neden? Niçin? Nasıl?" series" and that "it was found objectionable during the Ministry's inspections for the protection of minors from detrimental content".

The Board for the Protection of Minors from Obscene Publications has inspected the children's book *Bebekler Nereden Gelir*, and decided that "it could have detrimental influence on the mental development of minors"! This book is owned by one of the leading German publishing groups Ravensburger, it has sold 350 thousand copies in Germany, has won awards for the protection and informing of children, its copyrights have been sold for publication in 10 different languages, and was translated into Turkish in 2016 by Mikado Publishing and published within the "Neden? Niçin? Nasıl?" series. Even though the book was carefully prepared in consultation with experts in the field, a bill of indictment was prepared and consequently a lawsuit was initiated against it based on two different complaints submitted to the Presidential Communication Center (CİMER). In addition to these already wrong steps, when the court asked for the opinion of the Ministry of Family, Labor and Social Work, the Board which is made up of 5 members appointed from among the Ministry's department directors, evaluated it and in a grave error, decided in favor of its censorship.

The fact that the publisher decided to pull the book off the shelves after it was subjected to criticisms on social media and in the press not only points to the self-censorship pressures put on our publishers and but also creates an extremely negative atmosphere for our country and our cultural diversity.

Freedom of expression is indispensable as one of the founding principles of democratic society, and one of the main conditions for the advancement of society and the self-improvement of the individual. The principle of democratic society calls for the protection and shielding of freedom of expression from harm. The "obscene publication" decisions force publishing into the grip of censorship and self-censorship and turning our cultural world into a wasteland.

We would like to submit to the attention of the public that we follow these violations which contradict with press freedom with concern.

Respectfully,

Turkish Publishers Association

Literary Works Are Being Targeted by the Board for the Protection of Minors from Obscene Publications!

Press Statement

March 24, 2020

We had just made a press statement on the declaration of Elisabeth Bami and Estelle Billon-Spagnol's *Kız Çocuk Hakları Bildirgesi* (Declaration of the Rights of Girls) and the subsequent banning of the book and the lawsuit initiated against its translator, and warned against the grip of censorship and self-censorship that our publishing was in, when on March 20, 2020 another "obscene publication" decision was printed in the Official Gazette numbered 31074, and an investigation was initiated about the book.

Buket Uzuner is one of the masterful writers of our literature, who has produced many valuable works. Uzuner's literary work *Ayın En Çıplak Günü* (The Nudest Day of the Month), which was first published 34 years ago and has been reprinted by various publishing houses for a total of 19 times, was determined "to have detrimental influence on the morals of those under 18" by the Board for the Protection of Minors from Obscene Publications whose 5 members are appointed by the Ministry of Labor, Social Work and Family from among the Ministry's department directors. It was revealed that the decision was taken by the Board upon an official written request for evaluation from the Preparation Bureau of Gebze Chief Prosecutor's Office that had initiated an investigation into the book.

It is unacceptable that a work of art and literature which was written for adults and not for children, and which has been reprinted many times up to now, is the subject of a criminal investigation and declared as obscene publication. Even though it is clearly stated in the Turkish Penal Code that provisions of obscenity cannot be applied to works of literature, art and science, the declaration of this work of art as obscene publication and the initiation of an investigation about it is a clear violation of rights. The executive and judicial branches should not forget their responsibility to not interfere with the freedoms of expression, science, art and publishing which has great significance for a democratic society.

The fact that the decision restricting and prohibiting a constitutional right was taken by a Board whose members were appointed by a ministry is a violation of freedoms of expression, science, art and publishing. This is unacceptable in a system that takes the principle of democratic society as its foundation. We would like to remind the Constitutional Court ruling regarding the case of William Burroughs' book *Yumuşak Makine* (*The Soft Machine*) (Sel Publishing), which was declared obscene publication in 2011. After the obscenity lawsuit against the book, Sel Publishing took it to the Constitutional Court (application no. 30284) and the Constitutional Court ruled on October 26, 2017 that the constitution of the Board did not allow for the expertise required to evaluate works of literature, that the Board's decision regarding *Yumuşak Makine* is against the law and it violates freedom of expression.

Freedom of expression is indispensable as one of the founding principles of democratic society, and one of the main conditions for the advancement of society and the self-improvement of the individual. The principle of democratic society calls for the protection and shielding of freedom of expression from harm. We invite the officials to urgently take concrete steps to curb the “obscene publication” decisions that are reflective of a repressive mentality and that not only restrict freedom of expression and publishing in Turkey but also contradict with the international conventions that we are party to.

Respectfully,

Turkish Publishers Association

PEN Turkey

Turkish Writers Union

DESTRUCTION OF BOOKS

Two Books Were Destroyed by Burning in Erzincan

According to a recently found written report dated as March 30, 2018, two books that were confiscated during a police raid in a house on March 16, 2018, Kazım Gündoğan and Nezahat Gündoğan’s book *Dersim’in Kayıp Kızları* (Dersim’s Lost Daughters) published by İletişim Publishing and Salih Aksoy’s *İbrahim Kaypakkaya’nın Hayatı ve Fikirleri* (İbrahim Kaypakkaya’s Life and Ideas) published by Kalipso Publishing were “burned in the boiler of a military facility with the order of the Erzincan Refahiye Chief Prosecutor while the burning was video-taped.”

The Trustee Appointed to Siirt Municipality Demolished a Library

The Celadet Ali Bedirxani Library which was built by former Siirt Mayor Selim Sadak in 2013 was demolished soon after a trustee was appointed to Siirt Municipality on May 15, 2020. The official reason why the Celadet Ali Bedirxani Library was demolished on May 30, 2020, only 15 days after the trustee was appointed, was given as the planned construction of a tramline. Even though there was no decision taken by the Municipal Council regarding the tramline project and without doing any survey or opening bidding for contract, the trustee order the demolition of the library and there was no explanation for what happened to the 7200 books housed in the library. Earlier in 2016, the Kurdish name plate of Celadet Bedirxani Library had been taken down by the former trustee to Siirt Municipality and the Kurdish books in the library had been removed.

BOOKS COUNTED AS EVIDENCE OF CRIME

Leylan and Devran Is Counted as Evidence of Crime

10 people were taken into custody during house raids by the police in Ankara on February 14, 2020. During the house searches HDP's former Co-Chairman Selahattin Demirtaş's book *Leylan*, which he wrote in prison, and Mella Mahmude Beyazidi's book *Kürtlerin Örf ve Adetleri* (Customs and Traditions of Kurds) were confiscated. The investigation that was initiated against the detainees for "being a member of terrorist organization" and "conducting activities for terrorist organization" also made reference to the confiscated books which were claimed to do "discrimination on the basis of ethnicity which would incite hatred and enmity among people towards the state."

Selahattin Demirtaş's short story book *Devran* which was confiscated during a house raid in Bitlis on July 25, 2019 was put into the investigation file as evidence for the accusation of "membership to terrorist organization". The bill of indictment made reference to *Devran* which Demirtaş wrote in prison as follows: "It has been concluded that the reason the person kept this text at home ... was his sympathy for the terrorist organization and ... he had adopted the ideology of the terrorist organization."

University Student Was Given 9-Year Prison Sentence Based on Book as Evidence

Eskişehir Anadolu University, Art History student Furkan Sevim was reported to Prime Ministry's Information Center for his posts on his social media account in 2018. Sevim's house was raided by the police and he was taken under custody. During the search in his house, the police confiscated Nihat Behram's book *Ser Verip Sır Vermeyen Bir Yiğit* about Ibrahim Kaypakkaya's life, which was counted as criminal evidence for the accusation of "being a member of DHKP-C and doing chain illegal organization propaganda." During the final hearing of the lawsuit, Sevim was given a total of 9 years and 9 months of prison sentence: 7 years and 6 months for being a member of an armed illegal organization, and 2 years and 3 months for doing chain illegal organization propaganda.

Nihat Behram's book *Ser Verip Sır Vermeyen Bir Yiğit* was originally published by publisher Ünsal Öztürk in 1988 with the title *İşkencede Ölümün Güncesi* (Diary of Death Under Torture) and the police had raided the printing press during the printing and confiscated the 15 thousand copies of the book. After 17 years of trials, the publishing of the book was allowed. In another house raid in Mersin in 2018, the police again confiscated the book as "criminal evidence" and Mersin Criminal Court of Peace decided to ban the distribution and sale of the book. So the book was banned for the second time after 30 years.

Journalist Melike Aydın’s Trial Counted Book as Evidence of Crime

There was a police raid in Jinnews reporter journalist Melike Aydın’s home on November 11, 2019. During the search in the house, the police confiscated the book *Kürt Siyasetinin Mor Rengi* (The Color Purple of Kurdish Politics) which was written by the imprisoned former MP and Diyarbakır Metropolitan Municipality Co-Mayor Gültan Kışanak, published by Dipnot Publishing even though there was no court decision banning or recalling the book. Kışanak’s book was counted as evidence of crime during the lawsuit in which Melike Aydın was tried for being a member of illegal organization.

Books Were Confiscated During the Police Raid in Acun Karadağ’s House

After his expulsion from his work through a Statutory Decree (KHK), Acun Karadağ, who had worked as a teacher for 21 years, had started the protest of “We want our job back”. On August 13, 2020 his house was raided by the police and he was taken under custody. During the police raid, Hüseyin Akyol’s book *Türkiye’de Sol Örgütler* (Leftist Organizations in Turkey), Fatih Yaşlı’s *Kinimiz Dinimizdir Türkçü Faşizm Üzerine Bir İnceleme* (Our Hatred is Our Religion: A Study on Turkist Fascism) and Nicos Poulantzas’s *Faşizm ve Diktatörlük* (Fascism and Dictatorship) were confiscated.

Mustafa Balbay’s Book Was Not Allowed into the National Assembly

A lawyer who wanted to see some MPs in the Turkish National Assembly building was stopped by the guards who said that the book in his bag, *Bitmeyen Deniz Gezmiş* (Unending Deniz Gezmiş) written by Mustafa Balbay is “a political book and political books are not allowed into the Assembly building.” The book was withheld for safekeeping. CHP Istanbul MP Mahmut Tanal submitted a parliamentary question about the incidence, and Süreyya Said Bilgiç, Deputy Chairman of the Parliament responded by saying “any material that can potentially be used for assault can be withheld for safekeeping at the entry.”

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 this year too. The imprisonment, detention, arrest, trial and prevention of journalists were the main issues witnessed this year. According to the TGS *Freedom of Press Report*⁶ covering the period April 1, 2019 to April 1, 2020 prepared by Turkish Journalists Union (TGS), during this period 103 journalists were taken into detention 108 times. Despite the Judicial Reform, as of November 10, 2020, 72 journalists are still in prison. According to the report, at the top of the list of problems

6 <https://tgs.org.tr/wp-content/uploads/2020/05/TGS-BASIN-OZGURLUGU-RAPORU.pdf>

frequently cited by media employees come “censorship towards journalistic activities or pressures to self-censorship” and “the restriction of access to press card”. According to the *BIA Media Observation Report* for July-August-September (2020), 81 journalists were facing trials carrying 7 life terms and 760 years and 3 months of prison sentence for accusations on the basis of Turkish Penal Code (TCK), Anti-Terror Law (TMK), MIT Law, Banking Regulation and Audit Council (BDDK) Law, and Capital Markets Law (SPK), and 8 journalists were facing trials for a total of 1 million 410 thousand TL of compensation.

Lawsuit for “Contravening the MIT Law”

The most remarkable case against freedom of the press in 2020 was the one related to the news coverage of the burial of an MIT (National Intelligence Organization) agent who died in Libya. OdaTV Chief Editor Barış Pehlivan, News Director Barış Terkoğlu, reporter Hülya Kılınç together with journalists Murat Ağirel, Aydın Keser and Ferhat Çelik have been tried in accordance with Article 27 of National Intelligence Organization (MIT) Law, with the accusation of “disclosing information and documents related to intelligence activities”. At the conclusion of the trial, Barış Pehlivan and Hülya Kılınç were sentenced to 3 years and 9 months in prison for “disclosing information and documents related to intelligence activities,” while Aydın Keser, Ferhat Çelik and Murat Ağirel were sentenced to 4 years 8 months and 7 days in prison in accordance with Article 27/3 of National Intelligence Organization (MIT) Law for “publishing through the press information and documents related to MIT activities without permission.” During the trial, OdaTV news site was blocked and the news site is still not accessible.

ECHR: “Freedom of Expression was Violated in the Cumhuriyet Newspaper Trial”

In the *Cumhuriyet* Newspaper Trial that started with the detention of *Cumhuriyet* newspaper executives and writers on October 31, 2016 and which included the trial of 19 suspects, the following prison sentences were given: Akın Atalay 8 years 1 month and 15 days, Orhan Erinç 6 years 3 months, Hikmet Çetinkaya 6 years 3 months, Murat Sabuncu 7 years 6 months, Bülent Utku 4 years 6 months, Önder Çelik 3 years 9 months, Musa Kart 3 years 9 months, Hakan Karasinir 3 years 9 months, Mustafa Kemal Güngör 3 years 9 months, Güray Tekin Öz 3 years 9 months, Aydın Engin 7 years 6 months and Ahmet Şık 7 years 6 months.

4 years after former *Cumhuriyet* executives and writers took their complaints to the European Court of Human Rights (ECHR), the Court concluded its investigation and ruled that Turkey violated their human rights. In its detailed ruling, the Court stated, “detention of suspects both prior to and during the trial was not based on justifiable reasons.” The Court sentenced Turkey to pay each of the 8 applicants 16,000 Euros for damages.

REPORTS OF INTERNATIONAL RIGHTS ORGANIZATIONS

Human Rights Watch-HWR *2020 World Report*⁷ points out that there is a gradually deepening crisis of human rights in Turkey. According to the Report, thousands of people in Turkey have faced criminal investigations, trials and imprisonment decisions for their social media posts, and websites have been blocked to access and their content have been removed with court decisions. It is also stated that at the time of the preparation of the Report, an estimated number of 119 journalists and media employees were in prisons either awaiting trial or with prison sentences for “doing propaganda of illegal organization” and “being a member of terrorist organization” in addition to hundreds more who were on trial without detention.

Journalists Without Borders (RSF) has been publishing World Press Freedom Index since 2013⁸ and Turkey has been consistently among the bottom 30 countries, including in 2018 when it was ranked 154th. The report emphasizes that censorship on the Internet has been on the rise in Turkey. Even though the number of journalists in prisons has gone down in Turkey compared to the previous years, it is still the country with the highest number of journalists in prison. The report shows that censorship of online media platforms has increased as well.

In Freedom House’s 2020 Report⁹ which evaluates basic rights and freedoms around the world, 83 of 195 countries were listed as “free”, while 63 countries were listed as “partially free” and 49 countries were listed as “not free”. Turkey preserved its place in the “not free” category where it was first placed in 2018. According to the report, among all the countries, Turkey had the second steepest decline in freedoms in the last 10 years. According to the Report, 2019 was the 14th year in a row freedoms have deteriorated worldwide.

INTERNET FREEDOM

Court decisions censoring content and blocking access on the Internet have been increasing in 2020 in Turkey. In the period covered in this Report, social media posts were again taken as justification for criminal investigation and arrests. The Ministry of Interior announced that during the pandemic, 229 people have been detained for sharing “baseless and provocative coronavirus content”.

The new “social media law” were put in effect on October 1, 2020 that was enacted “to overcome the problem of answerability in cases of online content that includes criminal elements, insult, violation of the right to privacy, and strong language.” The

7 <https://www.hrw.org/tr/world-report/2020/country-chapters/336551>

8 <https://rsf.org/en/ranking/2020>

9 https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf

new law requires social networking platforms to open representative offices in Turkey. The first fines of 10 million TL each were given to social networking platforms like Facebook, Instagram, Twitter, Periscope, YouTube, and TikTok. According to the law, the social networking platforms that do not fulfil their responsibilities will be given gradually increasing fines and their bandwidth could be restricted up to 90%. Whether access to these platforms will be blocked in Turkey will be based on the gradually increasing fines they receive until April 2021.

Statistical data related to the blocked websites, news articles (URLs) and removed social media content in Turkey were published in the *EngelliWeb 2019: The Unseen Side of the Iceberg Report*¹⁰ in July 2020. According to the Report, in 2019 a total of 61,049 domain names from Turkey were blocked to access. Based on this information, the total number of domain names and websites that have been blocked in Turkey up to the end of 2019 was updated to become 408,494.

According to the statistical table in the report showing the distribution of institutions that took the decisions to block access, almost 90% of these decisions originated in three institutions: Telecommunications Communication Directorate (TIB) and TIB was closed, its successor Information Technologies and Communications Authority (BTK), and court decisions.

Hürriyet topped the list of newspapers whose news articles were blocked in 2019 with 336 different online articles. *Hürriyet* was followed by Haberler.com with 226, *Sabah* with 222, *Milliyet* with 198, and *T24* with 186 online articles.

EngelliWeb 2019 report also analyzes the transparency reports of social media platforms and makes the following comments: Between the years 2012-2019, Turkey sent Twitter 5,487 court decisions for content removal. Turkey is by far the leading country in the world with 74% of all court decisions sent to Twitter coming from Turkey. According to the latest Facebook transparency report for the second half of 2019, Facebook Turkey removed a total of 1,135 posts during 2019 while this number was 2,381 for 2018. The 47% decrease in content removal in Facebook is highlighted in the report. According to 2019 statistics, in the list of countries demanding content removal from Facebook, Pakistan ranked first and Turkey ranked 8th.

Access to Wikipedia Was Reopened After Almost 2 and a Half Years

On November 29, 2017, Information Technologies and Communications Authority (BTK) had blocked access to the world's biggest online encyclopedia Wikipedia from Turkey in all available languages. The ban cited Law no. 5651 on the grounds that the website

¹⁰ https://ifade.org.tr/reports/EngelliWeb_2019.pdf

“contains language that presents Turkey on the same level as terrorist organizations”. Wikimedia Foundation that is the owner of Wikipedia had submitted an appeal to Ankara 1st Criminal Court of Peace for the reversal of its decision. However, this appeal was without outcome and they had applied to the Constitutional Court (AYM) in 2017. The Constitutional Court’s decision was printed in the Official Gazette on January 15, 2020 which ruled that the decision to block access to Wikipedia was in violation of the freedom of expression which is protected by Article 26 of the Constitution. Following this ruling, Ankara 1st Criminal Court of Peace lifted the ban and the Information Technologies and Communications Authority (BTK) opened access to Wikipedia on January 15, 2020.

IPA PRIX VOLTAIRE 2020

International Publishers Association (IPA) that Turkish Publishers Association is a member of, has been awarding the annual IPA Prix Voltaire in honor of the freedom to publish which is an indispensable part of freedom of expression, to persons, institutions or groups who do not stop disseminating controversial and sensitive ideas despite threats and repression.

IPA Freedom to Publish Committee, in which Turkish Publishers Association is represented as well, chose the following finalists for the IPA Prix Voltaire 2020: Avesta Publishing (Turkey), Mr. Chong Ton Sin (Malaysia), Liberal Publishing House (Vietnam), and Maktaba-e-Daniyal (Pakistan).

The winner of the IPA Prix Voltaire 2020 was Liberal Publishing House from Vietnam, which was announced during the online award ceremony on June 3¹¹.

Among the previous years’ winners of Prix Voltaire are Egyptian publisher Khaled Lotfy (2019), Swedish publisher Gui Minhai who publishes in Hong Kong (2018), Turkish publisher Turhan Günay and Evrensel Publishing (2017), Saudi Arabian blog writer Raif Badawi (2016), and Belarussian publisher Ihar Lohvinau (2014).

Freedom to Publish: Challenges, Violations and Countries Of Concern has been prepared by the IPA can be read [here](#).

This report takes stock of reports from around the world to focus individual cases but also build a picture of the main violations against the freedom to publish, the main challenges publishers face and which countries are of particular concern.

11 <https://www.internationalpublishers.org/news/985-vietnam-s-liberal-publishing-house-awarded-2020-prix-voltaire>

CONCLUSION

The Covid-19 pandemic has left its mark on the period covered in this year's report. Even though human rights need to be remembered most during times of crisis and need to function as a protective shield, unfortunately the pandemic has had a devastating effect on human rights and freedom of expression.

As a result, judges in various criminal courts of peace have issued decisions banning distribution and sale of 56 books.

1 book was censored by the court even before it was published. It was discovered that courts had banned "distribution and sale" of 2 books in previous years but the publishing house was not given official notification of this decision. 1 book was removed from the shelves by the publisher due to public sensitivity and reactions displayed on social media. 1 printing press official was sentenced to 10 months in prison "for printing the book even though it is clear from the cover page that it contained criminal content". 1 publishing house owner was sentenced to 2 years and 1 month in prison "for publishing a book that contained propaganda of an illegal organization". A lawsuit was initiated against 1 publishing house owner for publishing a book that "openly insults religious values". 1 publishing house's office was searched based on information from an undisclosed person. Lawsuits were initiated against 2 translators "for publishing and facilitating the publishing of obscene language". 6 writers are still being tried in court for their books. 1 writer was sentenced to 5 months in prison for "obscenity".

The issue that has preoccupied the publishing industry in Turkey most this year has been the "obscene publication" decisions of the Board for the Protection of Minors from Obscene Publications. The Board has declared 13 publications as "obscene publications", including 4 books directed to adult readers. The number of books censored by the Board during the period covered in this report is more than twice last year's number.

As a result of these "obscene publication" decisions targeting not only literary works for adults but also children's books dealing with gender equality, censorship and self-censorship cases have been spreading among publishers and writers.

Social media campaigns have been organized demanding supervision of children's books. Based on calls from these social media campaigns, the Ministry of Family announced that they would start a program for the "Fight Against Obscene Content". The Ministry of Family further announced that a website and a WhatsApp Report Line would be created in order to expand the work of the Board for the Protection for Minors from Obscene Publications and that a new mechanism would be established that would make individual application to the Board possible.

As observed in the previous report's period, writers and publishers have been targeted by the social media campaigns. These campaigns have made calls for the recall and ban of books. These social media campaigns have started heated arguments to influence public opinion for the institution of "supervision by experts" for books.

This year's Report covering the period from October 2019 to November 2020 shows that the problems included in last year's report persist, no improvement has been seen in terms of the freedom to publish and, what is more, new problems have been added to the existing ones.

