

# YESTERDAY TODAY TOMORROW

## FREEDOM OF EXPRESSION

## IN TURKEY

## REPORT

## (1995-2015)



Year 1995.

Voluntary criminals (!) queue  
at prosecutor's office.

Demirtaş Ceyhan, Zihni Anadol, Erdal Öz,  
Adalet Ağaoğlu, Atıl Behramoğlu,  
Orhan Pamuk, Arif Damar, Burçak Evren....





# YESTERDAY TODAY TOMORROW

1995 - 2015

The last 20 years of  
Freedom of Expression in Turkey

- Report -



## A huge 'Thank' to...

All who worked to have this report completed and published...

...to our editorial team, Elvan Ög, Sila Kayhan, Fezile Osum, Lara Vural; to our technical supporter Emrah Eşki, for design and illustrations, to cartoonists and Selçuk Demirel who drew our logos and standard cover illustration, uncanged since 1995,

...to all criminals (!) –almost 80.000 people- who put their names under the troubled statements, regardless of contents, no matter if they disagree; just to defend freedom of expression for all;

...to all journalists, journal editors, column writers, TV programmers, TV editors, who worked with pleasure to have our voice heard by the public; to all judges, prosecutors, lawyers, bailiffs, policemen and peddlers, charged or working at court houses, who recognized what we were trying to do, respected and supported,

...and national and International organizations, our all-time supporters, a.i., HRW, International PEN and its national members, Article 19, Index on Censorship, Freedom House, RSF, CPJ, and our umbrella organizatin IFEX; but especially to three very special people: dear Eugene Schoulgin, dear Jonathan Sugden and dear Prof. Noam Chomsky ...

...the word 'Thank you' may cling insufficient and probably unfair. We all try to give a hand to an everlasting problem of humankind and trying to push it one step forward. I guess the word 'Congratulations' would serve better...



*Many thanks to embassies of Norway and Switzerland for their support*



## ...and a huge Homage á...



...Socrates, to Galileo, Mansur Al-Hallaj, to Giardino Bruno, Voltaire, Mahatma Ghandi, to Martin Luther King, Nelson Mandela ...

...and our dear crime-partners whom we lot during these 20 years but keep their memories in our hearts...

...Hrant Dink, Aziz Nesin, Erdal Öz, Bülent Tanör, Demirtaş Ceyhun, Cenk Koray, Metin Özek, Uğur Cankoçak, Zihni Anadol, Arif Damar, Atif Yılmaz, Şaban Dayanan, İlhan Selçuk, İsmail Gülgeç, Hüseyin Baş, M. Tali Öngören, M. Ali Birand, Ömer Kavur, Hüseyin Sağınç, Abdülmelik Fırat, Noyan Özkan, Süleyman Üstün, Toktamış Ateş, Yusuf Kurçenli, Mina Urgan, Onur Yurdatan, Sacit Kayasu ...

...and our international supporters:

Arthur Miller, Harold Pinter, Susan Sontag, Alexander Tkachenko, Kalevi Haikara and of course, the great author, whom we have had him tried in Turkey, 71 years after his death, dear Franz Kafka...

...representing all brave people who suffered during the struggle for freedom of expression throughout history ...



## PROLOGUE

Time goes by so quickly... Wasn't it only yesterday?

The day dear Yaşar Kemal was summoned by the State Security Court prosecutor because of an article published in Der Spiegel, we filled the backyard of the State Security Court building.

The civil disobedience started that day, there, continued for years. The methods changed from time to time, but its soul lives - so does its existence. While the Initiative celebrates its 20th anniversary, we have set about preparing this book, taking the evaluation of this process as our duty.

During these 20 years, State Presidents, governments, Prime Ministers, ministers have changed. And what has changed in the attitude of politics towards freedom of thought?

During these 20 years, how many times the Constitution has changed, the laws changed from head to foot. And what has changed in the applications of these laws?

We know that the basis of conservative applications in Turkey lies in a social fact, which is a legacy of hundreds of years, the "Culture of Obedience." But does this fact never change? First the Cinema, Radio and Television entered our lives, then the Internet and Social Media. Did these things never change our social perception on freedom of expression?

In order to be able to correctly evaluate what we have experienced during these 20 years, what we are experiencing now and what we will experience in the future, we have set forth, thinking that a multi-dimensional evaluation and discussion is needed on the matter. How happy would we be, if this book would be a step towards serving that purpose?

**The Initiative for Freedom of Expression, January 2015**

**January 23, 1995, at the backyard of the State Security Court**



**January 23, 2015, same place**



**No 21st year...**

**Blowing out the last 20 years...**



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Our main website:

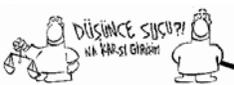
[www.dusun-think.net](http://www.dusun-think.net) ([www.antenna-tr.org](http://www.antenna-tr.org))

Museum:

[www.dusuncesuclarimuzesi.net](http://www.dusuncesuclarimuzesi.net) ([www.museum-tr.net](http://www.museum-tr.net))

ÇTL: Thought crimes database

[www.cil.org](http://www.cil.org)



# FROM YESTERDAY TO TODAY A CIVIL DISOBEDIENCE STORY

The petition started as a reaction to the summoning of Yaşar Kemal because of an article he wrote, published on "Der Spiegel" magazine, to the State Security Court, turned into a civil disobedience protest. 1080 intellectuals re-published the 10 articles which caused their authors to suffer in courts and prisons, in a book titled "Freedom for Thought," committing a "NEW CRIME"(!) due to the Article 162 of the Turkish Penal Code.



*Queue of intellectuals in front of the State Security Court Prosecutor's door, 1995.*

Even the "identification and first interrogation" period of the case –with 185 accused- they opened by denouncing themselves to the prosecutor, lasted for 2,5 years. In the end, with a simple legal make-up by the Mesut Yılmaz government, the case was suspended for 3 years.

Then the resistance changed tactics: *Instead of opening "one big, sensational case with many defendants," opening many small cases (with 1-5 defendants) as small groups and reaching quick conclusions!*

Publishing small booklets initially every week, then -when the legal tracking load increased- every month; the groups became the accomplices of the crimes (!) of "Thought Criminals."



One point, however, was quite confusing:

Among the hundreds of people, whose writings were re-published and crimes (!) abetted, or who accepts to be the publishers of these booklets; people having all sorts of thoughts and identities were together. There were both people charged because of their thoughts on the Kurds, as well as supporters of Atatürk who did not take kindly to this matter. There were religious people, as well as atheists. There were songs, as well as cartoons. What kind of a mixture was this?

The answer to this question lies in the petition text, which was not changed since the first petition the initiative started from. More correctly, in the words of one of the pioneers of the French revolution 250 years ago, Voltaire:



“I do not agree with what you have to say, but I’ll defend to the death your right to say it.”



Entrance of PEN International board to Istanbul University was prevented in 1997

## INTERNATIONAL SOLIDARITY

PEN International supported the first hearing to be held in the State Security Court with a nice surprise, with a message meant to say “if this is a crime, we are criminals as well,” having the signatures of 99 writers all around the world under it. Among them, there were world-famous writers like Arthur Miller, Harold Pinter, Susan Sontag and Paul Auster. These people denounced themselves as the publishers of a booklet titled “**BABY-Freedom for Thought**” (*The summary of the first book*). Yet the prosecutor opened a case against the person who brought the booklet to him, instead of the writers, then demanded for his acquittal (!!!??). However, when some of those supporters came to Istanbul in 2007, he preferred to escape. This development caused the beginning of an international meeting series organized since that date. (*The Gatherings in Istanbul for Freedom of Expression*)

When the year 2000 came, 1278 people published 43 booklets; verdicts of non-prosecution were given on 9 booklets, and cases were opened against 6 of them, two of them concluded with conviction, and one of them was approved by the Court of Appeal and was charged. While the other booklets were being investigated, with the Law No. 4454 enacted on 28 September 1999, all penalties, cases and investigations were suspended for 3 years. Here we come to the starting point again.



## THIS SONG WILL NOT END LIKE THIS...



The law of suspension carried the provision of "not repeating the same crime for 3 years." This is described by "sweeping dust under the carpet instead of making necessary changes in the law" by the initiators, therefore they once again published the same writings altogether, not even 7 months after the enactment.

### Publishers:

İHD (Human Rights Association) Chairman Hüsniye Öndül,  
MAZLUMDER (Association for Human Rights and Solidarity with the Oppressed) Chairman Yılmaz Ensaroğlu,  
TİHV (Human Rights Foundation) Chairman Yavuz Önen,  
DİSK (Confederation of Revolutionary Trade Unions of Turkey) Chairman Vahdettin Karabay,  
HAK-İŞ (Worker Unions Confederation - Islamic) Chairman Salim Uslu,  
KESK (Confederation of Public Workers' Unions) Chairman Siyami Erdem,  
TYS (Turkish Writers' Union) Chairman Cengiz Bektaş,  
TYB (Turkish Authors' Union- Islamic) Chairman Atilla Maraş,  
Açık Radyo (Open Radio) Chief Editor Ömer Madra,  
Bilgi University Professor of Mathematics Ali Nesin,  
Journalist Etyen Mahcupyan,  
Actress Lale Mansur,  
Actress Zühal Olcay,  
Publisher Erdal Öz,  
Composer Şanar Yurdatapan

The book titled "Freedom for Thought - 2000" was banned, and a decision of acquittal was given in the case at the State Security Court among four different cases opened in four different courts against 15 defendants. The Court of Appeal reversed the judgment, but nothing came out in the end.

The funniest among all was the decision of acquittal by the Military Court. Because the court previously convicted Şanar Yurdatapan (as the publisher of the booklets Freedom for Thought 16 and Freedom for Thought 38) twice because of the same two writings re-published in this book. One of these was included within the scope of the law of suspension, and the other was charged and the penalty was executed. This time, when he published the same writing with 14 other famous people, the court was supposed to sentence the others to 2 months each, while sentencing Yurdatapan to two times of the sentence; according to the related law. Furthermore, during the hearing, all defendants refused to make statements, even to make defenses, while repeating that in such a court, the "right to a fair trial" is being violated, pointing out the decision of European Human Rights Court in 'Incal vs. Turkey' case. Result: acquittal!

Oh, almost forgotten! In the meantime, the case of 'Freedom for Thought 38' (abetting the crime of conscientious objector Osman Murat Ülke) was not included within the scope of the "Law of Suspension." The General Staff Military Court sentenced the publishers, composer Şanar Yurdatapan and journalist Nevzat Onaran to 2 months of imprisonment each. The Military Court of Appeals approved the decision. They served their sentences around the end of 2000...



## FREEDOM OF THOUGHT: FOR ALL



Once the gears are prepared to grind the thought and the thinking, they don't listen to a "Stop!" command. Just like the story of the novice. The novice learns the magic word, which makes the water, the soap, the mop and the broom to automatically clean the castle of the wizard; he sets the mechanism going when the master leaves home. However, he doesn't know how to apply the brakes. Of course, neither the water stops, nor the brooms. The castle floods with water, and the brooms and mops break everywhere around the castle. These State Security Courts are just like this. Someone initiated them, but the magic word to stop them was forgotten!

The snake he did not touch while he was in power bit the politically banned Chairman of the Welfare Party Prof. Necmettin Erbakan, who carried the Islamist opinion to politics, and he incurred the wrath of the Article 312 of the Turkish Criminal Code. The funniest of all, not with the charge of "supporting Sharia" but "separatism on behalf of Kurds"

There were two more party leaders being under the same threat as Erbakan: Central right Renaissance Party (YDP) Chairman Hasan Celal Güzel and the representative of the Kurdish opposition, the People's Democracy Party (HADEP) Chairman Murat Bozlak. A book titled "Freedom for Thought: For Everyone" consisting of the words by these three party leaders and by two thought criminals Akın Birdal and Eşber Yağmurdereli, on behalf of the intellectuals in prisons, was published by 77663 people following a two-month petition. While Muslims collected signatures for Erbakan and the Kurds collected signatures for Bozlak, both sides were surprised: Alright, I would take responsibility for my own leader, but why would I abet the crime of the other?

- Wasn't Murat Bozlak a separatist traitor?
- Didn't Erbakan send our deputies to jail?

On the back cover of the book, Voltaire's words again:

“ I do not agree with what you have to say, but I'll defend to the death your right to say it.” ”





## NOAM CHOMSKY AT THE STATE SECURITY COURT...

The famous linguist Prof. Noam Chomsky also took the bait of the State Security Court (or *the other way around*) in 2001. A case was opened against the book "Hegemony or Survival: America's Quest for Global Dominance" published by ARAM Publishing. The prosecutor -*I don't know whether he has ever heard of the name Chomsky*- opened the case only against the publisher Fatih Taş (due to the Article 16 of the Press Law the AUTHOR and the PUBLISHER were both considered primarily responsible). When Chomsky found out about this situation, as well as the civil disobedience going on for 7 years, he accepted to come to Turkey. On the first day of his arrival, he gave a petition to the State Security Court, indicating that he accepts the responsibility of his writings, and that he wants to be put on trial. The next day, we watched one of the fastest hearings in our lives. While Chomsky was not taken to the defendant cage, Fatih Taş was also immediately acquitted (*in the meantime, in the next hearing room, journalist Neşe Düzcel was on trial and she was not being acquitted at all.*)

## "FREEDOM FOR THOUGHT 2002" AND AFTERWARDS...

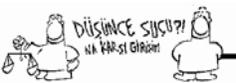
A tradition was formed by itself. Every year, a book that summarizes the year is published.

However, the prosecutors play the three monkeys, not opening cases despite the legal obligation. Objections we make against verdicts of non-prosecution at courts and at the Supreme Board of Judges and Prosecutors do not yield any results. Just like the appeals we made at the Court of Appeals against the decisions of acquittal given for us. The jurisdiction plays the three monkeys in cooperation.



## Awards

The Human Rights Association and MAZLUMDER, the "2002 Global Human Rights Defender" Award by the Human Rights Watch and the "2002 Best Circumvention of Censorship" Award by the Censorship Index deemed the Initiative for Freedom of Expression worthy of the "Freedom of Expression" awards.





## GATHERINGS IN ISTANBUL FOR FREEDOM OF EXPRESSION

The Initiative for Freedom of Expression and the act of civil disobedience caused other initiatives in different and unique areas, during its own development. The most important of them is the Istanbul Gatherings for Freedom of Expression.

The first of the gatherings was held on 10-12 March 1997. With the effort of PEN International, signatures of famous writers from all around the world were collected, and these writers abetted the crime (!) as the publishers of a booklet titled "MINI-Freedom for Thought." When the prosecutor refused to open a case against these people with the reason that he can't bring these people on trial, a board of 21 PEN International executives came to Istanbul. The prosecutor avoided meeting them, so the denouncements were sent by post; but meanwhile, the guest writers met their colleagues in Istanbul. To the meeting the Bar Association organized, to the forum organized by university students and faculty members... We can't say they "attended," because they encountered the police at the university gate. However, they watched the hearing of Mahir Günşiray, who was on trial "on behalf of Franz Kafka," they visited Işık Yurtçu and Dr. İsmail Beşikçi, who were serving their sentences in İzmit and Bursa prisons. These gatherings turned into an international biennial forum. The 10th Istanbul Gathering will be held in May 2016.

## THE MORAL OF THE STORY?

When the Initiative for Freedom of Expression was formed and the first civil disobedience was started in 1995, our target was the Article 8 of the Anti-Terror Law. This Article was worn down in a few years, so the cases started to be opened from the Article 312 of the Turkish Criminal Code (*Separatism*). When that was worn down as well, with the directive of the Minister of Justice of the time, H. Sami Türk, the Article 169 started to be used (*aiding and abetting terrorists*). When writing and speaking did not agree with the notion of aiding and abetting, a new interpretation came out: "*Aiding and abetting terrorism by means of propaganda*."

Our aim when we set forth was to force the government to make a choice between democratization of the anti democratic laws or facing the scandal of jailing many famous people. However, this mentality is valid in a country in which the existing laws are actually applied. What if the government applies the laws prepared by them on the ones they like, and the ones they don't want these laws to be applied are left aside? Furthermore, what if they get used to this and they "create duties" for themselves without needing any orders? What if everything is "arbitrary"?

Unfortunately, the situation is exactly this and even though governments change, the structure does not. The king changes but the one who replaces him is as naked as the former. The Republic of Turkey, let alone being a democratic state of law, is still not even a state of statute. Everything is arbitrary and all of us are sentenced to live in a country in which "*it is not clear what is a crime and what is not.*"

And maybe more tragic; there was someone -among those 300 whom we participated their so called crimes- who we participated his crime 5 times -because of republishing- and tried in courts. Then he was released, became the Prime Minister, then the State President. Now he is opening cases against people criticizing him.

Nevertheless, I am not pessimistic. This situation is not a destiny and our society carries the potential to break this pattern.



**Şanar Yurdatapan**  
03.01.2015



# LAST 20 YEARS

## Year by year, month-by-month, day by day

20 years ago, in 1995, the World population: 5,7 billions.  
Turkey: 62,1 millions.

Now, at the beginning of 2015, the World population: 7,3 billions,  
Turkey: 75,8 millions.

Approximately every 1 of 100 in the World is a citizen of Republic of Turkey.

Turkey applied for EU membership on 1959. Agreement was signed on 1963. The military regime of 1980 interrupted the progress. The application was renewed on 1987. Turkey joined the Customs Union on 1995. The Preparatory Phase completed on 1996 and negotiations for full membership started in 2005, but still waiting at the door.

AKP (Justice and Development Party) took steps at the beginning, especially expanding freedoms, toward EU membership, but took most of them back, in course of time.

Now, just in contrary, voices raise from top of Turkish State, such as *'We do not need you any more. Stop teaching us what to do, mind your own business!'*

Let us now take a look at the progress, year by year.  
We will try to find answers to those questions:

**During the last 20 years, what has changed in politics, law and social perceptions; where did we come and where do we go?**

# 1995



January 1 – PKK's village and police station raids started on the first day of the year, continued whole year. On March 20, Turkish Armed Forces launched an invasion into Iraq with 35.000 soldiers. General staff announced that 2245 PKK militants were killed.

January 16 – One-Million -Turkish Lira banknotes entered circulation.

February 6 – Customs Union Treaty has been signed between Turkey and the European Union. The Treaty will come into effect on 1 January 1996.

February 18 – Republican People's Party and Social Democratic Populist Party merged under the roof of Republican People's Party. Hikmet Çetin was elected as chairman.

April 11 – As a part of Southeastern Anatolia Project water has given to Şanlıurfa - Harran aqueducts for the first time.

July 11 – The Army of Republika Srpska under the command of Ratko Mladić killed more than 8.000 Bosniaks in Bosnia –Herzegovina Srebrenica region. NATO conducted an air campaign against Serbians on August 30.

July 25 – İstanbul Gold Exchange was opened.

October 1 – 90 people were killed and 212 injured in the earthquake disaster which had a moment magnitude of 6 occurred in Dinar District of Afyonkarahisar.

December 8 – KESK, Confederation of Public Workers' Unions was established.

December 13 – The European Parliament approved Turkey's accession to the Customs Union with the European Union.

December 14 – Dayton Agreement for Peace signed in Paris between Bosnians and Croatians put an end to the 3.5-year-long Bosnian War.

December 25 – **GENERAL ELECTIONS** Erbakan's Welfare Party 158, Tansu Çiller's True Path Party 135, Mesut Yılmaz's Motherland Party 132, Ecevit's Democratic Left Party 76, Baykal's Republican People's Party won 49 seats.



# 1996



January 15 – In Güçlükonak (Basa) province of Şırnak a minibus was raked and burned by rockets. 11 people were killed. Even the government asserted that this was made by PKK, the delegation “Come Together for Peace” proved that massacre has been made by soldiers. No trial has opened regarding the incident but the ones who made an allegation charged with 10 months of prison sentence upon the claim of General Staff. But Judicial Council dismissed the charge and avoided a bigger scene.

January 29 – Greeks hoisted a Greek flag on the rocks of Kardak in the Aegean. This incident was nearly starting a war between Turkey and Greece.

March 6 – 2 months government crisis finalized by forming ANAYOL coalition between Motherland Party and True Path Party under the presidency of Mesut Yılmaz.

March 20 – “Mad Cow Disease” has reached epidemic proportions and provisions has been made all over the world.

April 3 – 450 people were killed in massacre by Tutsis against Hutus in Burundi.

April 26 – A regional security agreement has been signed by the People’s Republic of China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan known as “The Shanghai Five”.

June 3 – Habitat II, the Second United Nations Conference on Human Settlements was held in İstanbul.

June 28 – Necmettin Erbakan and Tansu Çiller formed Refahiyol Coalition after Anayol Government formed by Motherland Party and True Path Party coalition.

July 19 - Karadzic accused as war criminal by International Criminal Tribunal resigned all of his duties.

August 21 - Former President of Republic of South Africa F. W. de Klerk apologized for suffering caused during the conflict that ended apartheid system before the Truth and Reconciliation Commission.

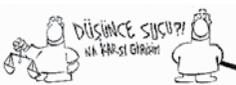
September 10 - Comprehensive Nuclear-Test-Ban Treaty has been approved by United Nations.

September 15 - Power struggle between the Patriotic Union of Kurdistan and the Kurdistan Democratic Party in Northern Iraq became an international crisis. Iran army, in alliance with Talabani conducted a military incursion into northern Iraq with 2 thousand troops. Barzani also established an alliance with Saddam Hüseyin and maintained control over most part of the northern Iraq.

September 27 - Taliban forces who captured the half of the southern cities in February 1995 and most of Afghanistan except northern region in early 1996, captured the Afgan capital Kabul and established a new government.

November 1 - First DVD players introduced into the market.

November 5 - Bill Clinton won the United States presidential election and elected for the second time.



# 1997



January 9 – According to the Prime Ministry Crisis Management Centre's new regulations in critical conditions the National Security Council will assume some of the executive power.

January 15 – Give aways under the name of 'promotion' are banned in media.

February 1 – Civil disobedience action One Minute Darkness For Permanent Light began and spread quickly. People were protesting the dark murders of government by turning off the lights for 1 minute every night at 20:00. In a short while the action turned out to a protest form that people were making loud noises with pots and pans, pouring out into the streets and dancing the halay.

February 2 – "Al-Quds night" arranged by Welfare Party's Sincan municipality in Ankara caused reactions. Tanks moved to the streets of Sincan on 4 February. This intervention was described by Deputy Chief of the General Staff Army Commander Çevik Bir as "a balance adjustment to democracy". Sincan Mayor Bekir Yıldız was dismissed by the Ministry of Interior and arrested.

Former Prime Minister Tansu Çiller was acquitted of corruption allegations about TEDAŞ (Turkish Electricity Distribution Corporation) and TOFAŞ (Turkish Automotive Company) by the votes of RP (Welfare Party) and DYP (True Path Party)

February 23 – Scientists in Scotland, Roslin Institute announced the birth of the world's first successfully cloned mammal, Dolly the sheep. Vatican banned these studies for the view that it would cause cloning humans.

February 28 – At the 9 hourlong National Security Council (MGK) views are submitted on the increase of the actions against secularism and taking precautions were suggested to the Refahiyol Government. Prime Minister Necmettin Erbakan signed

these decisions 5 days later. (In 2014, it is asserted that he never signed the decisions but it is announced as he did)

June 10, 11 – General Staff gave two briefings to members of the judiciary and media, and announced that military forces will use weapons against the government if necessary. Minister of Justice Şevket Kazan did not allow the judges and public prosecutors to attend to the briefing. But higher judicial bodies attended the briefing nearly full team. Former General Vecdi Gönül who is one of the attenders of the briefing has become Defence Minister of three of Justice and Development Party governments that established later.

May 14- Turkish Armed Forces started the largest cross-border operation into northern Iraq. With Massoud Barzani's call, head of Kurdish Democratic Party, 50 thousand troops and village guards entered northern Iraq. In the "Operation Hammer" it is announced that 113 personnel and 2811 PKK fighters were killed.

May 20 – Council of State, found the demand of Bergama villagers of ending the gold search justified.

June 18 – Prime Minister Necmettin Erbakan resigned to assign the duty to Tansu Çiller according to the coalition protocol. However, president Süleyman Demirel appointed Mesut Yılmaz of Motherland Party as the new prime minister.

June 30 – ANASOL-D Government led by Mesut Yılmaz of Motherland Party consisting of Motherland Party, Democratic Left Party and Democrat Turkey Party and also with the support of independents and Republican People's Party established.

July 15 – European Union did not recognize Turkey among the candidate countries.

August 16 – The compulsory eight-year basic education act passed in Turkish Grand National Assembly.

November 28 – In the trial of killing of 35 intellectuals on July 2, 1993 in Madımak Hotel 33 of 99 defendants are sentenced to death.



# 1998



January 1 – European Central Bank was established.

January 16 – The Constitutional Court of Turkey banned the Welfare Party. General President Necmettin Erbakan and some party executives are banned from politics for 5 years.

April 13 – Şemdin Sakık, former leader of PKK and his brother Arif Sakık were captured and brought to Turkey. The news that Şemdin Sakık denounced many notables as “their supporters” flew about. (But Sakık later explained that he did not say anything like that when he appeared in court.)

May 12 – President of the Human Rights Association of Turkey (IHD) Akın Birdal barely survived an assassination attempt in Ankara after he is announced as a PKK supporter by media based on the confessions of Sakık.

June 27 – The earthquake occurred in Adana and Ceyhan killed 145 people and left 1.500 people wounded and many thousands homeless.

July 9 – In the explosion occurred in the historical Spice Bazaar 7 people were killed. First the cause of explosion was declared as a gas tube explosion but later it is announced that it was a terrorist action of PKK. Sociologist Pınar Selek asserted as the perpetrator acquitted for 4 times in court, Supreme Court reversed the judgment every time. There is not any bombs in the event but Turkey’s Dreyfus case is still going on.

November 25 – ANASOL-D Government led by Mesut Yılmaz was collapsed by a interpellation.

# 1999



January 1 – European currency unit Euro came into existence.

January 17 – Minority government Democratic Left Party led by Bülent Ecevit obtained a vote of confidence.

February 5 - Mustafa Duyar, confessor of Özdemir Sabancı murder was murdered numinously. 8 years later leader of Karagümrük gang Nuri Ergin told that they committed this murder for Gen. Veli Küçük’s will but no legal actions were taken.

February 16 – Öcalan the leader of PKK, captured in Nairobi and brought to Turkey.

March 24 – NATO started bombing campaign against Yugoslavia after the armed fights in Kosovo. Kosovo separated from Serbia.

March 19 – Ankara Chief Public Prosecutor’s Office of Court of State Security started a prosecution against Fethullah Gülen with the allegation of being in service for destroying the secular order and changing to a theocratic state order.

March 25 – When Yugoslavia declared war to NATO, as a NATO member Turkey officially entered the war to this country.

April 18 – GENERAL AND LOCAL ELECTIONS was held on same day; Democratic Left Party 136, Nationalist Movement Party 129, Virtue Party 111, Motherland Party 86 and True Path Party won 85 seats. Republican People’s Party could not enter the parliament for the first time. Deniz Baykal resigned from his Republican People’s Party General Presidency duty.

May 2 – İstanbul deputy Merve Kavakçı came to the swear-in ceremony at Grand National Assembly of Turkey with her headscarf and this caused a crisis. Ecevit shouted at her from the stand “Cut this woman down to size”. Kavakçı was obliged to leave the assembly. She lost her seat in the parliament and denaturalised from Turkish citizenship.



May 22 – Altan Öymen was elected as General President of Republican People's Party in 9th Extraordinary Meeting.

May 28 - Democratic Left Party- Nationalist Movement Party- Motherland Party coalition led by Ecevit was established.

May 31 – Abdullah Öcalan, leader of PKK was sentenced to death.

August 13 – Labour Platform consisting of 15 syndicates, performed a strike action for one day – by breaking the general strike ban- to protest Social Security Law Draft and Arbitration Law, stopped the daily life significantly.

August 14 – Constitutional Amendment: Articles 47, rules regarding privatization of enterprises, article 125, arbitration regarding public services and article 155, settlement of administrative cases amended and this cleared the way of International Arbitration.

August 17 – The epicentre was Kocaeli, Gölcük and with a moment magnitude of 7.5, more than 18.000 people were killed and 49.000 people injured in Marmara earthquake.

September 26 – An operation made to the wards of leftist organization members in Ankara Ulucanlar Prison. 10 people died, 24 people were wounded including 5 soldiers.

October 21 – Prof. Dr. Ahmet Taner Kışlalı was killed in a bomb attack to his car in front of his home in Ankara.

October 12 – Düzce earthquake; in the earthquake the epicentre was Düzce with a moment magnitude of 7.2 845 people died, 4.948 injured.

December 10 – Turkey was officially recognised as a candidate for full membership at the Helsinki summit of the European Council on condition that Cyprus and Aegean.

December 23 – IMF approved 4 billion Dollars monetary assistance to Turkey for three years within the context of 18th stand-by.

## 2000



January 12 – Leaders of the parties forming the coalition, decided that it will be abided to the interlocutory injunction of European Court of Human Rights about Abdullah Öcalan who sentenced to death.

January 17 – The leader of Hezbollah Hüseyin Velioğlu was killed in an operation in Beykoz, İstanbul.

April 5 - At Grand National Assembly of Turkey General Assembly, Constitutional Amendment for Article 101 that would enable Süleyman Demirel to be reelected as the President of the Republic rejected by 303 votes.

May 5 – President of the Constitutional Court of Turkey Ahmet Necdet Sezer elected as the tenth President of Turkey at the end of the third tour.

May 17 – Galatasaray won the 2000 UEFA Cup Final.

September 28 – Second Intifada started as a result of armed fights after Ariel Sharon's visit to the Temple Mount with 100 Israeli security officers.

October 5 – Leader of the Federal Republic of Yugoslavia Milosevic resigned his duty after common protests.

September 16 – İstanbul Subway, Taksim – 1. Levent line came into use.

October 22 – The last general census that a curfew imposed was made.

November 16 – Ahmet Kaya died in exile who was obliged to live in Paris because of he got attacked for he said that he wanted to produce an Kurdish album.



December 19-22 – Turkish security forces stormed 20 prisons in an action – with its ironic name- “Operation Return to Life” for changing the conditions in prisons and transferring political prisoners to the F-type prisons where isolation was carried out. 28 prisoners were killed in the attacks that toxic gas and chemical substances were used.

## 2001



January 8 – İstanbul Sabiha Gökçen International Airport was opened.

January 15 – Wikipedia was established.

January 20 – George W. Bush became the 43rd President of the United States of America.

January 24 – Diyarbakır Police Commissioner Gaffar Okkan, his 4 guards and his driver, were caught in crossfire and killed.

February 19 – The political tension which broke out for President Ahmet Necdet Sezer threw a copy of the Constitution at Prime Minister Bülent Ecevit during a National Security Council caused a huge crisis in markets. In a few hours nearly 5 billion dollars withdrew from the National Bank.

March 3 – World Bank Vice President Kemal Derviş was invited for negotiation by Prime Minister Bülent Ecevit, appointed as Minister of State. As a result of the economic plan prepared by Derviş, agreements with IMF and the World Bank the wheels of economy started to turn gradually. But the social wounds that crisis caused could not be measured.

April 1 – In the Netherlands, same-sex marriage legalized and same-sex marriage gained legal status for the first time in the world.

June 22 – The Constitutional Court banned Virtue Party for violating the secularist articles. Members of Virtue Party Nazlı Ilıcak and Bekir Sobacı lost their seats in the parliament.

August 14 – Some of the politicians who came from Welfare/Virtue Party established Justice and Development Party.

August 25 – Businessman Üzeyir Garih was stabbed to death in Eyüp Cemetery. Yener Yermmez, the murder suspect was arrested.

September 11 - Two airliners hijacked by suicide pilots were crashed into Twin Towers of World Trade Center in Newyork and collapsed. A third plane aimed at Pentagon but did not succeed. It is stated that the attack was organized by Osama Bin Laden, the leader of al-Qaeda. The shock caused by the attack, used for an excuse for restricting fundamental rights and freedoms by bringing “Security” concern forward first in USA and then in other western countries.

October 7 – United States of America and English forces mounted an attack against Taliban and al-Qaeda in Afganistan after September 11 attacks.

November 5 – 20-million-Turkish Lira banknotes entered circulation.

November 9 – The Taliban power fell in Afganistan as a result of airstrikes of USA and English forces. (But it was not destroyed, continued its existence).



## 2002



January 1 – In the Netherlands the decision legalizing euthanasia entered into force. The Netherlands has been the first country that gave the right to end their lives for terminally ill patients.

The new currency of European Union, Euro began to circulate.

January 1 – An important amendment in Turkish civil code.. The husband lost his position “being the head of household”, equal right to speak was granted for both woman and man in marriage community.

May 31 – June 29 – Turkey achieved the third place in FIFA World Cup.

July 8 – 7 ministers and 63 deputies including Vice Prime Minister and Minister of State Hüsamettin Özkan and Foreign Affairs Minister İsmail Cem resigned from Democratic Left Party.

August 11 – Süreyya Ayhan won the gold medal in 18th European Championships in Germany in Women’s 1500 metres competition. ( But she was disqualified because of doping)

November 3 – **GENERAL ELECTIONS:** Justice and Development Party won the elections with 34,29 % of the vote and 363 seats. But Abdullah Gül became Prime Minister because of Party leader Erdoğan’s political ban. No other parties could pass the %10 threshold to gain representation instead of Republican People’s Party which won 178 seats with 19,38 % votes and more than 46% of votes came to nothing. DEHAP ( Democratic People’s Party-Representative of Kurdish People) which won the most votes in 13 provinces could not enter the parliament.

December 2 – Supreme Committee of Elections, annulled the parliamentary election in Province of Siirt on November 3, 2002. (Erdoğan later elected as deputy from Siirt and entered the parliament by benefiting from this gap.)

## 2003



January 2 – Various amendments have been made within harmonization to Constitution and Copenhagen criteria framework. It has been made harder to close political parties. Punishments given for torture and maltreatment will not be converted into a fine. Community foundations will be able to own property. Journalists will not be forced to tell their news source.

February 13 – European Court of Human Rights Grand Chamber, rejected the application of executives of the Welfare Party which closed by Constitutional Court in 1998 for appellate.

March 1 – Prime Ministry Memorandum was not accepted in the closed session at the parliament regarding sending Turkish Armed Forces to foreign countries, allowing foreign armed forces units to stay in Turkey for 6 months, Turkey did not join the coalition which was preparing to attack Iraq. USA navy was obliged to reach the Persian Gulf through the Suez canal.

March 9 – In Siirt parliamentary re-election has been made. Justice and Development Party General President Erdoğan entered the Grand National Assembly of Turkey in the election where Justice and Development Party won the whole 3 of the seats. Gül government resigned, Erdoğan established the new government.

March 13 – Constitutional Court closed HADEP (People’s Democracy Party).

March 16 – American peace activist and solidarity volunteer Rachel Corrie, was killed by Israel Defence Forces armored bulldozer.

March 20 – USA forces started bombing Baghdad. On April 9 Ba’ath regime fell.



May 5 – The act known as Rahşan Amnesty came into force. Prison sentences less than 3 months were converted into fine.

May 24 – Sertab Erener won the Eurovisin Song Contest 2003 with her song Everyway That I Can and Nuri Bilge Ceylan's film Distant won the best film award at Cannes Film Festival.

June 22 – Military service shortened to 15, Reseve officer duty to 13, short term duty to 6 months.

July 4 – In Iraq, Sulaymaniyah USA soldiers raided Turkish Special Forces Office and 11 Turkish soldiers, 3 officers and 8 serjeants were taken into custody, they put hoods over Turkish soldiers' heads and this became an honor issue.

August 5 – The act aiming to reintegrate the members of terrorist organizations to society was approved.

October 7 – Memorandum regarding to send soldiers to Iraq is accepted in the Grand National Assembly of Turkey General Assembly closed session.

November 15 – In the attacks with trucks carrying bombs to Neve Shalom in İstanbul Beyoğlu, Karaköy and Beth Israel synagogues 25 people were killed 262 people injured.

November 20 – Attacks were carried out to HSBC Bank in İstanbul Levent and to British Consulate in Beyoğlu. 33 people were killed including Consul General Roger Short and actor Kerem Yilmazer, 450 people injured.

December 13 – Overthrown president of Iraq Saddam Hussein captured. Later he went to trial, got hanged.

Genetic map was completed. Mystery of DNA units was solved.

## 2004



February 4 – Facebook was established by Mark Zuckerberg.

February 14 – Last film of Fatih Akin who was born and raised in Germany, "Gegen die Wand" (Head On) was the best film in Berlin Film Festival and won the "Golden Bear" award.

February 19 – 370 health facilities under Social Insurance Institution including 145 hospitals, 212 dispensary, 11 dental health centre and 2 specific branch centre transferred to Ministry of Health.

March 28 - **LOCAL ELECTIONS:** Justice and Development Party won 41.76% of votes, Republican People's Party 18.27%, Nationalist Movement Party 10.1%, True Path Party 9.95%, Social Democratic People's Party 5.1%, others and independents 14.82 %.

May 1 – Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joined the EU.

May 21 – With constitutional amendment State Security Courts were abolished but replaced by establishing Special High Penal Courts. Only the signs changed, judges, prosecutors, summoners went about their business.

June 7 – On TRT (Turkish Radio and Television Association) Radio -1 and TRT-3 Bosnian, Arabic, Kurdish, Circassian, Zazaish broadcasts started.

June 28 – NATO Summit held in İstanbul with attendance of 26 heads of states or governments.

July 22 – 37 people died in the accident at İstanbul –Ankara High-Speed Train Route, 4 wagons of a train ran out off its track which was criticised for it was started before all necessary precautions are taken.

December 17 – The European Union, decided to start negotiation on full membership with Turkey on October 3, 2005.



# 2005



January 1 – 6 zeros omitted from Turkish Lira. New Turkish Lira (YTL) got into circulation.

February 15 – YouTube the video sharing site was established.

March 17 – The act known as “student amnesty” accorded new rights to the students who discharged from the universities was approved.

May 6 – Tony Blair became the first Labour Party leader that won the general elections three times in a row in United Kingdom.

June 1 – New Turkish Criminal Law came into effect.

July 7 – Bomb explosions caused more than 50 deaths in London subway.

July 13 – It is provided to record mobile phones by the amendment on Wireless Law.

October 3 – Negotiations on full membership started between Turkey and the EU.

November 7 – Orhan Pamuk won the Le Prix Medicis Etrange Prize which is given to the best foreign novel in France.

November 9 – Umut Bookstore in Hakkari Şemdinli Province was bombed, 2 people died. People caught the bombers in the act and turned over to the police. Military identification card found on these persons and sketches and guns in their car. It was identified that the car was belonged to Hakkari Gendarmerie Command.

Chief of the army Yaşar Büyükanıt (later Chief of Staff) made a statement after the incident and said “I know them, they are good boys” for the perpetrators and they were released. After a legal amendment in 2009 judicial remedy was open for the soldiers

in regular courts for being tried and they went to trial again, got prison sentence for 39 years each.

November 17 – Official opening ceremony of Blue Stream Project held in Samsun. Attending the inauguration were Putin, Berlusconi and Prime Minister Erdoğan.

December 13 – GSM operator Telsim was put up for sale by TMSF (Saving Deposit Insurance Fund), Vodafone one of the biggest operators in the world bought for 4 billion 550 million dollars.

# 2006



January 1 – Russia cut off the natural gas of Ukraine because of price dispute.

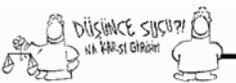
January 12 – Mehmet Ali Ağca, the murderer of Abdi İpekçi and convict of Pope assassination attempt released from prison. But Supreme Court reversed this judgment. Ağca will be in prison for at least four years.

January 27 – Hamas came to power by winning 76 seats in Palestine elections.

February 1 – The crisis started with the cartoons of Prophet Muhammed pressed in a newspaper in Denmark continued with worldwide protests and huge reactions.

5 Şubat - Trabzon'daki Santa Maria Kilisesi'nin Katolik rahibi Andrea Santoro silahlı bir saldırı sonucu öldürüldü. Olaydan 3 gün sonra Trabzon'da yakalanan 16 yaşındaki tetikçi Oğuzhan Akdin'e 18 yıl 10 gün hapis cezası verildi. Ancak azmettiriciler karanlıkta kaldı.

17 Mayıs - Danıştay İkinci Dairesi'nde düzenlenen silahlı February 5 – Andrea Santoro, Catholic priest of Santa Maria Church in Trabzon murdered by an armed attack. 3 days after the incident the gunman 16 year old Oğuzhan Akdin was captured in Trabzon got prison sentence for 18 years and 10 days. But instigators were left in the dark.



May 17 – In the armed attack organized to Court of Appeals for the Second Circuit, a member of the circuit Mustafa Yücel Özbilgin was killed. Four people injured including the Circuit Head Mustafa Birden.

June 26 – The Association of Judges and Prosecutors (YARSAV), the first trade body of judges and prosecutors in Turkey was established by 501 founder member in Ankara.

September 3 – Retired Imam Bayram Ali Öztürk stabbed to death by Mustafa Erdal during the conversation after the dawn prayer in İstanbul İsmailağa Mosque.

October 12 – Orhan Pamuk won the Nobel Prize in Literature.

November 5 – Bülent Ecevit passed away.

November 5 – Former president of Iraq Saddam Hussein sentenced to death and was executed on December 30.

## 2007



January 1 – Bulgaria and Romania joined the European Union. Slovenia joined Euro zone.

January 19 – Executive editor of Agos, Hrant Dink was shot dead in front of the building of the newspaper by Ogün Samast. The incident brought up deep state and nationalism facts to the agenda. In Dink's funeral tens of thousand of people shouted slogans "We are all Hrant, we are all Armenian" as a reaction to the assassination.

April 18-28 – In the attacks to the various regions of Iraq 269 people died, 415 injured. Resistance continues.

April 4 – With the New Internet law crimes that may be committed in this environment are identified, caused blocking of access.

April 7 – Blacksea Coast Road came into use.

April 18 – 3 people working in Zirve Publishing House that publishes books on Christianity in Malatya were killed by torture and slitting their throats.

April 27 - First tour of Presidential elections was made. Abdullah Gül could not procure the quorum of two-thirds. That night a statement released on website of General Staff which called e-memorandum by public opinion. In the statement it was said secular system has been made a matter of debate in the elections and General Staff was a side of the matter. But the government did not retreat after this threat.

March 6 – Access to Youtube internet site blocked with court decision.

May 1 – Supreme Court annulled the first round of Presidential elections by the appeal of Republican People's Party finding it unconstitutional. The base of the objection was the comment if two-thirds of the votes, in other words two-thirds of 367 votes was needed to elect the president in the 1st round, then it was also needed that two-thirds of the parliament were present at the parliament.

May 13 - Republican People's Party called for an early election and suggested the president shall not be elected by the present parliament. According to the police 600 thousand, according to the organization committee 2.5 million people attended to the last one of the Republic protests that were organized in Ankara on April 14, in İstanbul on April 29 and in İzmir on May 13 by Association of Kemalist Thought and some of the non governmental organizations. But this scene did not reflect to the elections.

July 22 – **GENERAL ELECTIONS:** Justice and Development Party came to power again with 47% of votes. Justice and Development Party won 341 seats, Republican People's Party 112 and Nationalist Movement Party 71. Democratic Society Party ( representative of Kurdish people) joined the elections with independent candidates founded a group with 22 deputies in the parliament for the first time.

August 1 – Peace in Ireland. England called back the soldiers.



August 28 – Abdullah Gül elected President by receiving 339 votes.

October 21 – PKK attacked Dağlıca Commando Battalion with heavy weapons 4 kilometres farther from the Iraq frontier. General Staff announced the result of attack 12 dead and 10 people lost. Taraf Newspaper asserted that command echelon was informed about the place and time of the raid 12 days before. General Staff did not controvert.

October 21 – **CONSTITUTIONAL REFERENDUM:** A package consisting of holding general elections every four years in Turkey, electing the president by popular vote and some legal amendments presented to referendum. Result: 69% yes, 31% no votes.

December 8 – Also Turkey joined the simultaneous meetings for global warming and climate changes organized in 78 countries worldwide. In the meeting organized in İstanbul, Kyoto Protocol was asked to be signed.

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December 27 – Pakistan Prime Minister Benazir Butto was assassinated and died.

## 2008



February 17 – Kosovo declared independence, became the 49th independent country of Europe.

March 14 – Supreme Court of Appeals Prosecutor Abdurrahman Yalçınkaya, opened a case in Constitutional Court for closing Justice and Development Party. But the Court rejected this demand on July 30.

April 3 – Lokmacı Border Gate on Green Line which divided Nicosia and Cyprus into two for 45 years was opened.

May 1 – As a result of the government's desire to block the celebration of May 1 Labour Day in Taksim and the resistance of syndicates incidents occurred. Police blocked the roads, blockaded the DISK (The Confederation of Progressive Trade Unions of Turkey) building, deterred laborers from walking to Taksim.

May 7 – Dimitri Melvedevi, changed places with Vladimir Putin and became the new Prime Minister of Russia. Putin and Medvedev pulled together and preserved Presidency and Prime Ministry duties by passing to each other.

May 19 – Smoking Prohibition in common closed areas came into effect in Turkey.

June 5 – Constitutional Court, rescinded the constitutional amendment which would set free the head-scarf in universities with 9 votes to 2.

August 16 – An armistice was signed between Russian Federation and Georgia because of the South Ossetia War. The conflicts ended.

October 10 – Black Friday: The financial crisis started with the bankrupt of the mortgage credits in USA later affected Europe and Turkey. The government's assertion of "It will touch us slightly" came true, Turkey became one of the countries with least loss.

October 20 – The case with the accusation of establishment of a clandestine organization named Ergenekon in armed forces for preparing coup started. High ranking commanders at the time were tried with this accusation.

November 4 – In the United States presidential elections Democratic Party nominee Barack Obama became the first black president of the USA.



# 2009



January 1 – Y (New) was removed from YTL (New Turkish Lira). Name of the Turkish Lira is now TL.  
Broadcasting only in Kurdish language, channel TRT 6 opened.

January 3 – Israel invaded Gaza from land. After 22 days long attacks Israel declared unilateral ceasefire.

January 7 – Russia, cut off the natural gas to Europe completely.

January 10 – Council of Ministers decision on Nazım Hikmet's readmission to Turkish citizenship came into effect.

January 29 – Prime Minister Recep Tayyip Erdoğan walked off the session "Gaza: Peace Model in Middle East" at the World Economic Forum held in Davos, Switzerland for the reason he had not been given enough time. After the incident known as "one minute" Erdoğan declared he will never attend Davos meetings again. This incident seriously effected the relations between Turkey and Israel and consequently relations between USA.

February 5 – By the legislation approved by The Grand National Assembly of Turkey, Turkey became a party to Kyoto Protocol.

February 11 - Johanna Sigurardottir became Iceland's and the world's the first openly lesbian head of government.

February 24 – General President of Democratic Society Party Ahmet Türk and Selahattin Demirtaş talked in Kurdish from the rostrum in the group meeting of the party. An investigation was opened by Public Prosecutor of Ankara. Investigation resulted with nunsuit on April 15.

March 22 – World Water Forum held in İstanbul.

March 25 – The helicopter carrying Great Union Party leader Muhsin Yazıcıoğlu and 5 other people crashed in Kahramanmaraş

countryside. None of them could survive in the crash. Wreckage of the helicopter was found on May 27. Serious suspicions still continues about the incident was a sabotage.

March 29 – **LOCAL ELECTIONS:** Justice and Development Party won 38.6 % of votes and 1442 mayoralties, Republican People's Party 24.7% of votes and 503 mayoralties, Nationalist Movement Party 16.50% of votes and 483 mayoralties, Democratic Society Party 5.16% of votes and 96 mayoralties .

April 6 – The second Forum of the Alliance of Civilizations was held in İstanbul. Secretary-General of United Nations Ban Ki-moon also attended the forum.

April 14: In the police operations to 90 addresses in 13 cities 55 people including also mayors detained for the accusation of being members of KCK the city organization of PKK. Later detains expanded step by step including people elected deputy in the elections turned into a trial with 98 detainees of 175 defendants. Defendant that stayed in prison for years later released in groups.

April 19 – In the parliamentary elections held in Turkish Republic of Northern Cyprus won 44% of votes and 26 seats and came to power. Republican Turkish Party won 29% of votes and 15 seats.

April 22 – May 1 declared legal holiday with the name "Labor and Solidarity Day". May 1 was celebrated in Taksim Square for the first time after 31 years since 1978. No incidents occurred.

June 4 – Law on demining of minefields along the Syrian border and transformation to agriculture lands ratified by The Grand National Assembly of Turkey.

June 11 – Law no. 5901 "Turkish Citizenship Law" came into effect. Turkish citizenship will automatically be acquired by birth on the basis of descent or place of birth.

July 13 – Nabucco Pipeline Project that will deliver the natural gas of the Caspian Sea and the Caucasus to Europe over Turkey was signed in Ankara.



July 30 – 3G technology came into use in mobile phones.

October 20 – 34 PKK members came to Silopi Border Gate and surrendered. PKK members were interrogated by prosecution and released.

November 19 – Taraf newspaper asserted that a coup was being planned within Naval Forces Command. Poyrazköy case started about the plan named "Operation Cage action plan".

December 11 – Constitutional Court closed Democratic Society Party by unanimity of votes. Peace and Democracy Party was ready to succeed, name plates were changed in a day.

## 2010



January 1 – İstanbul became the European Culture Capital for one year in 2010.

March 29 – Bombing attack at Moscow Metro caused 40 people death, 102 injured.

May 10 – Deniz Baykal resigned from his Republican Peoples' Party general presidency duty after his private life videos published on internet.

May 22 – Kemal Kılıçdaroğlu was elected to Republican Peoples' Party general presidency.

May 31 – A rocket attack was organized to the Naval Forces Unit in İskenderun. 6 soldiers were died, 7 of 3 critically injured.

May 31 – Israel soldiers raided Mavi Marmara ship delivering humanitarian and medical aid to Gaza by the organization of Foundation for Human Rights and freedoms and Humanitarian Relief (IHH) killed 9 people.

August 5 – Trial for the 186 people detained for the accusation of establishing KCK the city organization of PKK started. In the first hearing 35 people released who were being held for 7 months. The court board rejected the demand of defendants for asserting in Kurdish.

June 14 – Rahşan Ecevit, leader of Democratic Left People's Party declared the founder's board chose to close the party.

July 28 – Our National team athlete Elvan Abeylegesse won the golden medal at the European Athletics Championships.

August 15 – After a period of 88 years a religious ceremony performed in Sumela Monastery in Trabzon, Maçka.

August 31 – Iraq War officially ended.

September 12 – **CONSTITUTIONAL REFERENDUM:** A constitutional referendum on a number of changes to the constitution was held. In the referendum the results were 58% yes, 42% no to which some democratic environment gave support for the reason it contained amendments that would end military domination by saying " Not Enough but Yes".

September 12 – USA took first, Turkey took second in FIBA World Basketball Championship.

September 14 – European Court of Human Rights found Turkey guilty in the case on Hrant Dink assassination his family sued and decided it was to pay 133 thousand euros to Dink family.

October 4 – The Higher Education Council, forbade sending off students wearing a head scarf out of the class in İstanbul University.

October 26 - European Court of Human Rights found Turkey guilty in 19 cases Greek Cypriots sued. Turkey was to pay 15 million euros to demandants as material and moral indemnities, and 160 thousand euros for legal expenses.



# 2011



February 11 – President of Egypt Hosni Mubarak announced that he had resigned as president and transferred authority to the armed forces.

February 27 – The founder of Political İslamic movement, former president of Felicity Party Prof. Necmettin Erbakan passed away.

March 6 – Journalists Nedim Şener and Ahmet Şık were arrested for the accusation of being a member of Ergenekon terror organization. Two journalists were released on March 13, 2012 after staying more than a year in prison.

March 15 – Civil war began in Syria.

March 19 – First attack launched by French jet planes with the aim of overturning the Gaddafi regime in Libya.

March 23 – The draft book of “The Imam’s Army” written by Ahmet Şık who detained within Ergenekon investigation was banned. When the attorney generalship announced that it will be counted as an offense to keep the copies of the draft book, the draft book published on internet and thousands of people reported themselves saying “ I have it, I am guilty too”. Prosecutor could not do anything.

April 27 – The Prime Minister Erdoğan introduced Channel İstanbul project: On the west side of İstanbul, a second channel parallel to the Bosphorus will be canalised and the Blacksea and the Sea of Marmara will be connected to eachother and a new İstanbul will be formed.

May 2 – Osama bin Laden the leader of al-Qaeda was killed in a raid.

June 12 – **GENERAL ELECTIONS** Justice and Development Party won 49,93% of votes and remained in power. Justice and

Development Party won 326 seats, The Republican People’s Party 135, The Nationalist Movement Party 53, Peace and Democracy Party – entered the elections with independents- 36.

June 22 – A bombing attack was organized to the executive government quarter of Norway in Oslo. 7 people were killed, 15 injured. Same day a psychopat named Breivik raided a summer camp on an island near Oslo slaughtered 85 young people. 6 people were missing.

August 22 - Muammar Gaddafi was deposed and was caught and killed by lynching on October 20. But Libya did not calm down.

September 16- İstanbul Metropolitan Municipal Council approved pedestrianization of Taksim Square.

October 19 – In Hakkari Çukurca 200 PKK militans attacked the police and gendarme buildings and security points with heavy weapons. 24 soldiers died and 24 PKK militans were killed, 18 soldiers injured.

October 23 – November 9 – Two eartquakes occurred in Van in a sequence. Earthquake measuring 7.2 on the richter scale was one of the biggest earthquakes occurred in Anatolia. 644 people died in total, 1.966 injured, 252 people survived from the wreckage alive.

December 15 – The USA disengaged, the Iraq War was officially over.

December 28 – In Şırnak ROBOSKİ (Uludere) province F 16 jets fired at a smuggling group of civilians near the Iraq border. In he group there were 38 men and children and 50 mules carrying diesel oil and cigarettes. 19 out of 34 people who died were children under 18 of age. First it was announced that the incident occurred on an information supplied by the United States intelligence services but later the information was denied. Human rights committees describe Roboski as a massacre.



# 2012



January 6 – İlker Başbuğ 26th Commander chief of staff was detained as a defendant of Ergenekon case.

January 10 – A case was opened on September 12 Coup. Junta leader (later the President) Kenan Evren and the Commander of the Turkish Air Forces Tahsin Şahinkaya who remained alive among the military officers of the period remained as defendants in the accusation.

January 21 – The first face transplantation surgery performed in Antalya Akdeniz University Medical Faculty Hospital.

February 7 – Undersecretary of the National Intelligence Organisation Hakan Fidan was called to testify as a suspect within KCK operation. The government made an amendment in a hurry that 'Investigations on members of the National Intelligence Organisation can only be conducted by the permission of the prime minister'. After that the case was taken from Attorney General Sankaya.

February 20 – The State Supervisory Council investigation on assassination of Hrant Dink was completed. In the report that announced the unaviodability of the assassination described as "gross negligence of public service"

March 8 – İstanbul deputy of Republican People's Party Şafak Pavey was honored by the United States Department of State with the "2012 International Women Courage Award". Secretary of Foreign Affairs Hillary Clinton gave the award to Şafak Pavey.

March 8 – Ukrainian FEMEN group known by their naked protests, made a protest in İstanbul Sultanahmet on March 8 International Women's Day. Women were taken into custody at that moment.

March 13 – The case on burning of Madımak Hotel on July 2,

1993 in Sivas was dropped, owing to the statute of limitations. Last five people were being tried in the case of the incident that 1000 thousand people came from outside of Sivas provoked but thousands of people joined.

March 15 – The number of people reached 14.700 who escaped from the civil war in Syria and came to Turkey. Syrian are sheltering at the tent cities in Hatay and Gaziantep. Later this number approached to 2 million.

March 30 – The law increasing compulsory education to 12 years gradually known as 4+4+4 by public opinion approved by The Grand National Assembly of Turkey.

April 1 – Friends of Syria Group conference held in İstanbul, more than 80 countries and observers attended.

April 8 – Prime Minister Erdoğan became the first Prime Minister who visited People's Republic of China after 27 years. He also visited Xinjiang Uyghur Autonomous Region.

April 19 - The law on selling public domian degraded forest lands known as 2b lands by public opinion approved by The Grand National Assembly of Turkey.

June 22 – A Turkish Air Force F 4 reconnaissance jet downed by Syria 1 mile away from Syria border.

June 25 – Turkish Prime Minister Recep Tayyip Erdoğan declared that the rules of engagement on Syria border were changed and every element approaching the border will be treated as a military target. Military unites were moved to Syrian border and missiles were placed at Gaziantep Airport.

August 13 - Republican People's Party deputy Hüseyin Aygün was abducted by PKK in Tunceli but realeased after two days.

August 27 - Republican People's Party deputies Hurşit Güneş and



Süleyman Çelebi were kept out from the 'Apaydın' camp which soldiers and officers escaped from Syria were in – actually claimed that it was being used as a training camp – in Antakya Yeşilpınar. Three days later the doors were opened but the camp was moved to another place.

September 6 – 25 soldiers died , 4 soldiers injured in the explosion occurred at armoury where hand grenades were stored at the Arsenal Command of the Turkish Army Corps of Engineers in Afyonkarahisar.

September 21 – The verdict of Sledgehammer in which 250 of 365 defendants were jailed pending trial was announced. Air Force Commander retired General İbrahim Fırtına, retired Navy Commander Özden Örnek and retired 1st Army Commander General Çetin Doğan were sentenced to 20 years prison. 34 suspects were acquitted.

October 3 - An artillery shell fired from Syria killed five - 3 children and 2 women- in the border town of Akçakale in Şanlıurfa Province, Turkey. The Turkish armed forces artillery units conducted saturation shelling of Syrian military posts. As a result of shellings of Turkish armed forces 14 Syrian soldiers were killed, 25 Syrian soldiers injured.

October 4 - The Grand National Assembly of Turkey held an extraordinary meeting for Syria agenda. Authorization for operations to Syria was given to the government.

October 7 – Hugo Chavez won the Venezuelan presidential election with 54% of votes. Chavez who was elected for the fourth times, declared that he will continue to lead in the way of socialism.

October 31 – Taksim Pedestrianization Project construction started.

December 28 – Prime Minister Erdoğan stated that the government was in negotiations with Öcalan in İmralı for a permanent peace. 'Solution Process' or 'Peace Process' started with that.

## 2013



January 3 – Peace and Democracy Party committee went to İmralı and visited Öcalan.

January 9 – One of the founders of PKK Sakine Cansız and her two friends were murdered mysteriously in Paris.

January 24 – Despite of the explicit provision of Lausanne Agreement "*the right of defence in mother language in courts*" which always transgressed passed into law.

March 13 - Jorge Mario Bergoglio was elected pope to succeed Benedict XVI following his resignation, he selected the papal name of "Francis".

March 21 – Abdullah Öcalan called 'ceasfire' to PKK in his message for Newroz Celebration.

May 11- In the suicide attack in Hatay Reyhanlı province 52 people were died, 25 critical 146 people injured.

May 28 – Tents of environmentalists who were camping out in Gezi Park in order to prevent its demolition within the scope of Taksim pedestrianization project were vandalized with an operation towards morning. This incident was the beginnig of "GEZİ PARK" protests that will last for days. Where 8 people lost their lives directly and 6 people indirectly in the protests spread in Turkey rapidly in 79 provinces of 81 and almost 2,5 million people attended as a result of intervations with sticks, water cannons, pepper sprays, pressure water, first rubber bullets and than with real bullets. Nearly 4.000 protesters, more than 600 police injured, 4.900 people were taken into custody as suspicious. Erdoğan perceived the reactions as an international conspiracy against Justice and Development Party.

June 11 – Sibel Siber became the first woman Prime Minister of the Turkish Republic of Northern Cyprus.

July 1 – Croatia joined the European Union as its 28th member.

July 3 – President Mohamed Morsi fell by a military coup while



mass protest were going on in Egypt. Coup leader General Sisi announced Muslim Brotherhood as illegal. The most clear reaction came from Erdoğan. Ties with Egypt were froze.

August 5 – Verdicts of Ergenekon Cases: Former Chief of Staff İlker Başbuğ was sentenced to life imprisonment, deputy Haberal 12,5 years, journalist Balbay 34 years and 8 months. 21 of the defendants were acquitted.

August 10 – 2 Turkish Airlines pilots were abducted in Beirut. The abduction was claimed by "Zouar Imam Reza". Pilots were released after 71 days and brought to Turkey.

September 30 – Prime Minister Erdoğan announced the democratisation package. The head-scarf ban and the 'our national oath' recited every morning in primary schools were removed.

October 29 – "Marmaray" the subway line connecting Asia and Europe from under İstanbul Bosphorus came into service.

December 5 – Nelson Mandela passed away in the age of 95. In 1992 Mandela awarded the Atatürk International Peace Prize but refused the award citing discrimination policy against Kurdish people.

November 16 – Kurdish singer Sivan Perwer returned to his home city after being in exile for 37 years. Şivan came to Diyarbakır with the head of Kurdistan regional Government Massoud Barzani, sang songs hand in hand with İbrahim Tatlıses in the ceremony arranged in honour of him.

December 17 – Operations and detentions were started by Public Prosecutor of İstanbul with the accusation of corruption on people including children of ministers and renowned businessman. Barış Güler, Minister of the Interior Muammer Güler's son, Kaan Çağlayan, Minister of Economy Zafer Çağlayan's son, Süleyman Alsan, the general manager of Halkbank, the real estate businessman Ali Ağaoğlu and businessman Reza Zarrab detained. But the police chiefs that participated the operation were dismissed on the same day. After that the head of departments in police replaced.

December 25 - Minister of the Interior Muammer Güler, Minister of Economy Zafer Çağlayan and Minister of Environment and Urban Planning Erdoğan Bayraktar whose names were mentioned in corruption operation resigned from their duties. Erdoğan announced the incident as an attempted coup against Justice and Development Party.

*These incidents were also the breaking point of dissociation starting from Mavi Marmara ship incident, deepened by Kurdish Initiative, later became evident with the decision of closing Private Teaching Institutions between Justice and Development Party and Fethullah Gülen Community (Hizmet – service- Movement) who supported it from the start. Erdoğan started a war against the Hizmet Movement's construction which he named "Parallel State" within security and jurisdiction. A great number of polices, prosecutors and judges were either dismissed or neutralized. The structure of the High Council of Judges and Prosecutors was changed. This conflict continuously goes on sometimes openly sometimes in silence but continuously.*

<b>ERDOĞAN</b>	<b>:ARE YOU AT HOME, SON?</b>
<b>SON</b>	<b>:YES, DEAR FATHER.</b>
<b>ERDOĞAN</b>	<b>:IN THE MORNING... THEY MADE AN OPERATION. ALI AĞAOĞLU, RIZA ZERRAB, ERDOĞAN'S SON, ZAFER'S SON, MUAMMER'S SON ETC. AT THE MOMENT, THEIR HOMES ARE BEING SEARCHED.</b>
<b>SON</b>	<b>:WILL YOU PLEASE REPEAT, DEAR FATHER?</b>
<b>ERDOĞAN</b>	<b>:I SAY THAT, MUAMMER'S SON, ZAFER'S SON, ERDOĞAN'S SON, ALI AĞAOĞLU, RIZA ZERRAB ETC. 18 PEOPLE... AT THE MOMENT THEIR HOMES ARE BEING SEARCHED AS A GREAT OPERATION OF CORRUPTION...</b>
<b>SON</b>	<b>:YES?</b>
<b>ERDOĞAN</b>	<b>:OK. NOW I SAY THAT, WHATEVER YOU HAVE AT HOME, TAKE THEM AWAY, OK?</b>
<b>SON</b>	<b>:WHAT CAN HAVE, FATHER? I HAVE YOUR MONEY IN THE SAFE.</b>

Everybody heard those recordings.

Erdoğan wants to pass by, saying they were 'montage' but he cannot.

TÜBİTAK (The Scientific and Technological Research Council of Turkey) report which, defines those tapes as 'Syllable by syllable edited' shows only the miserable situation of this institution. Tapes are not edited, not 'montage'.

It is a crime to listen private conversations. Who ever committed this crime should pay for it. But what about the crimes of corruption? What will be done for them? Cover up?



# 2014



February 21 – Again a bag law was made. In the law; the sentence of Article 91 of the Code of Criminal Procedure “signs that give the opinion that committed” amended by “concrete evidences that shows doubt that committed”. “Reasonable doubt” notion in Articles 100, 116, and 128 also amended by “concrete evidences”.

February 14 – Turksat 4A satellite was launched.

March 11 – 15 year old Berkin Elvan lost his life after 269 days who was hit on the head in Gezi protests and went into a coma. In the protests after Berkin Elvan’s funeral 22 year old Burak Can lost his life.

March 30 – **LOCAL ELECTIONS:** Justice and Development Party won 43% of the votes, The Republican People’s Party 31%, The Nationalist Movement Party 14% in Metropolitan municipality elections. In Municipality elections Justice and Development Party won 43% of the votes, The Republican People’s Party 26%, The Nationalist Movement Party 18%, Peace and Democracy Party 4,2% (represents Kurdish people)

May 13 – An underground mine fire caused 301 miners death in Soma, Manisa, national mourning declared.

June 11 – ISIS conquered Mosul, raided Turkish consulate and kidnapped 49 people including Consul General Öztürk Yılmaz. Hostages were rescued after 101 days by diplomatic efforts and exchange.

August 10 – **PRESIDENTIAL ELECTION:** The president was elected by popular vote in Turkey for the first time. Erdoğan was elected President in the first tour by 52% of votes and defeated Ekmeleddin İhsanoğlu the joint candidate of The Republican

People’s Party and The Nationalist Movement Party. The third candidate of Peace and Democracy Party Selahattin Demirtaş got nearly the 10% of votes.

September 18 – Scotland said ‘No’ in the referendum for independence and continued to remain in the United Kingdom.

September 23 – USA started air attacks to ISIS targets in Iraq and Syria.

October 6 – 7 – Protests for ISIS attacks to Kobani started by the call of Peace and Democracy Party in east and southeast, İstanbul, İzmir and some cities and districts turned to bloody fights. 37 people died, buildings and cars were destroyed in the incidents.

November 12 – Philae the module of spaceship named Rosetta successfully landed on a comet named 67P for the first time.

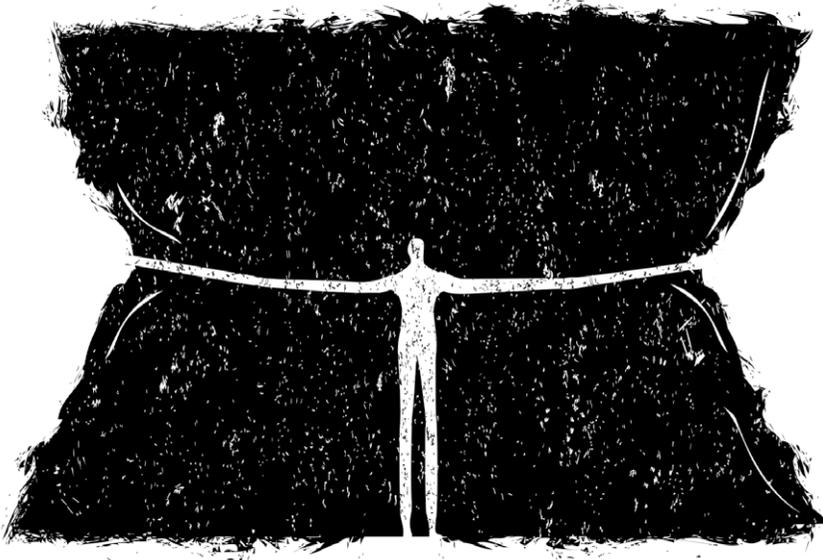
November 25 – The police officer was founded innocent who shot and killed the unarmed black teenager Michael Brown in Ferguson USA and protesters set the buildings on fire.

December 14 – In simultaneous operations in İstanbul and in many cities alleged to target “Parallel State” structure 31 people detained including the editor-in-chief of Zaman daily Ekrem Dumanlı, the chairman of Samanyolu television group Hidayet Karaca and former officials of Anti – Terror Branch. Dumanlı was released, karaca and three constables were arrested.

December 16 – Taliban militans took 500 people as hostage in Peshawar, Pakistan. Militans killed 141 people.

December 26 – In Cizre an armed conflict started between PKK and HÜDAPAR (Free Cause Party) members. 2 people died. 3 people injured.





## NOTHING WILL EVER BE...

Such things happen from time to time, that even if we don't recognize while experiencing them, they touch a sore spot of our social structure, even scratching the spot. In this time period, we have experienced three big changes like this.

The first was the breaking of the military tutelage. The structure in the center of which the military were sitting, around them the Higher Education Institution and the universities, Higher Judicial Bodies, the classical structures to control the civil structure, Chambers, Unions and the later-developed perception mechanisms the Radio and Television Supreme Council, the Telecommunications Communication Presidency; the structure which kept the society under control; first cracked, then rapidly collapsed.

Could a new democratic structure come in the place of it? Why not? But it didn't. The institutions counted above obeyed the new power as if "The King is dead, long live the New King!" and now they call the shots.

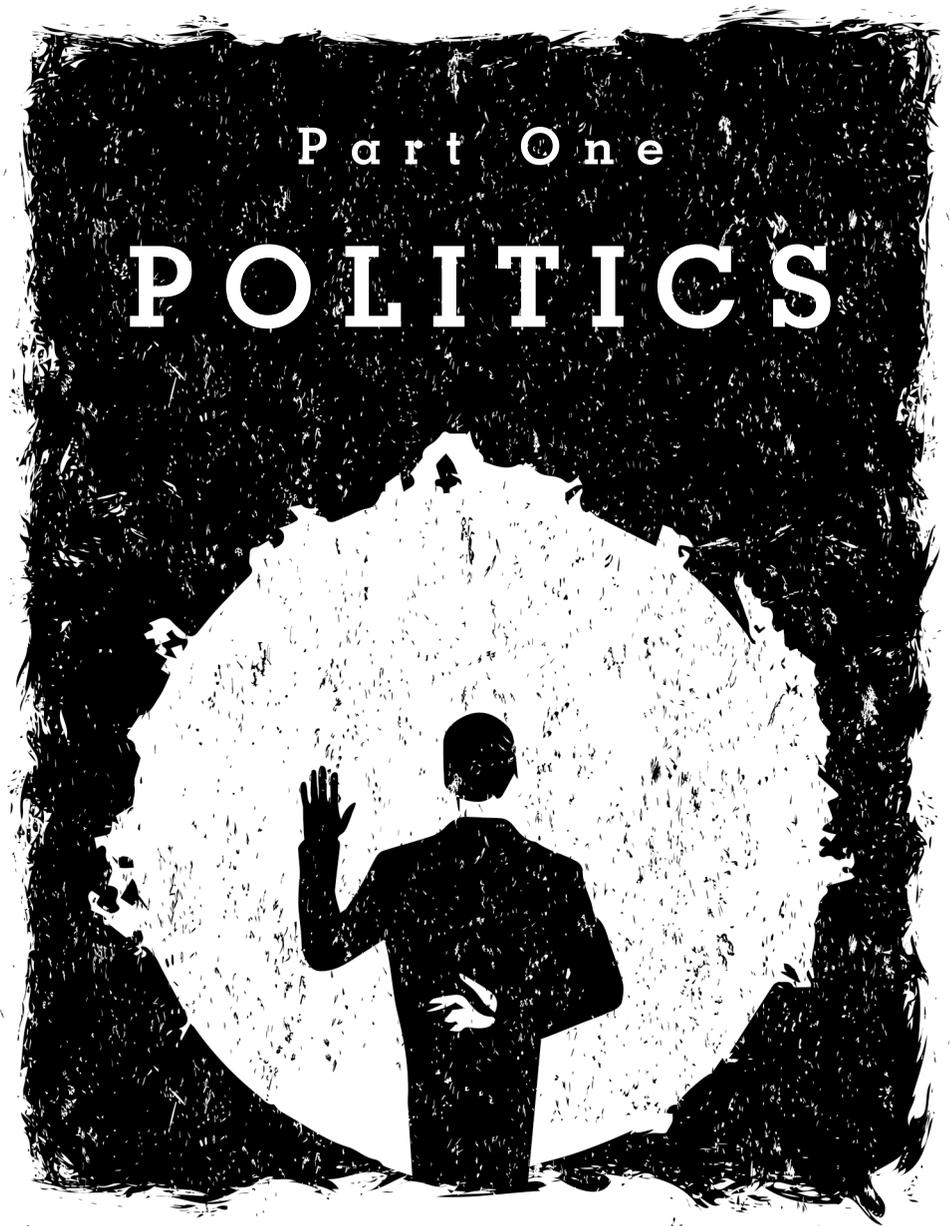
The second transformation was gained with the price dear Hrant Dink paid with his life, with his blood. One of the two disgraces the government has taken over from the period of Union and Progress, the Armenian Taboo collapsed. Thousands of people came together, chanting "We are all Armenian," knowing that they will stand against the settled fears and prejudices in the society. The discussion opened with Sabiha Gökçen, also illuminated Dersim.

And the last event, which changed everything: the Gezi Park resistance.

The political power that counts it a success to put a strain on all parts of the society's nerves, is still not aware of how it brought these parts together by its own hands, against itself. The power deceives itself with the theories of foreign powers and illegal 'Parallel State' (*Fethullah Gülen Community within the bureaucracy*). Or, it can't deceive itself but there is something worse, it's like turkeys voting for Christmas. However, the king is already naked!

Now that the society cracked once, now nothing will ever be...

## ... THE SAME AGAIN



**Between 1995 and 2015, the government has  
changed many times.**

**What changed in the politics,  
how did things change?**

1995 - 2015

## GENERAL POLITICAL ENVIRONMENT & DEVELOPMENTS ON FREEDOM OF EXPRESSION

In the chaotic environment of the 1990s, the number of unidentified murders as well as the military pressure made a peak, consequently, the activities of PKK decreased when the middle of the decade was reached, while the matters of freedom were heavily damaged.

With the effect of the 12 September junta setting out to use the Turkish-Islamic synthesis and Islam as social glues, combined with the effect of the impoverishment in the society, Islam rose during the second half of the 1990s. Refah Party won the elections with 21.3 per cent in 1995, eventually becoming the senior partner in the coalition government of 1996.

When the tortures applied in prisons again by the 12 September junta were combined with Turkish and Islamist conditionings, the PKK gained power in the East. This created a Sevres (disintegration) Syndrome.

With the effect of the rising of Islam and the Sevres Syndrome, the Turkish Armed Forces took action. Çiller and Erbakan were overthrown with a manoeuvre, and Mesut Yılmaz took their place. Religious foundations started to be inspected, and the Islamists tried to be suppressed by the religious secondary schools being shut down. Of course, in this environment, headscarves were banned, the universities were strictly against wearing headscarves, and all sorts of oppression started against the Islamists.

In an environment where trade stopped completely in the East and was restricted throughout the country because of an internal war-like situation, where matters on freedom were undermined, the grand bourgeoisie foresaw that this could not continue like this. Following the "East Report" written by Professor. Doğu Ergil in August 1995 on behalf of the representative of the middle bourgeoisie, TOBB, which stated the ones who live in the area would like to be "considered a Turkish citizen Kurd"; Professor. Bülent Tanör prepared the "Democratization Perspectives in Turkey" report in January 1997 on behalf of the representative of the grand bourgeoisie, the Turkish Industrialists' and Businessmen's Association. This report demanded that the General Staff be responsible to the Ministry of Defence, that the Article 8 of the Anti-Terror Law which violated freedom of expression be repealed, that education in the mother tongue be provided and bans on Kurdish language to be removed. The Report also demanded that the religious lessons be no longer compulsory.

The middle and the grand bourgeoisie demanded these because Communism and Kurdism were no more a danger. Furthermore, the international pressure was effective in terms of matters on freedom. For example, the TOBB Chairman said, "The lack of democratic Constitutional amendments is the biggest obstacle to trade. We cannot benefit from EU assistance. Foreign investments are not coming. Financial institutions do not open credits."

In an environment where the 2001 crisis made things even heavier, the Ecevit government had Kemal Derviş accomplish significant structural reforms on economics and treasury. This was followed by EU Harmonization Packages. These were really important, both in terms of restricting the government, and also liberating the individual.

Coming to power individually at the end of 2002, AKP continued the structural reforms while strengthening the EU Harmonization Packages that lasted until 2005. The military tutelage started to regress.



However, in an environment of Turkish nationalism as a reaction against the AKP government, 12 publishers simultaneously published "Mein Kampf" by Hitler, televisions started broadcasting "Metal Storm" series on war and conspiracies between Turkey and the US, and the nationalist book "Those Crazy Turks" reached an extraordinary sales figure. An atmosphere broke out, where the campaigns of "don't buy anything from the Kurds, don't marry with them" continue, where the judiciary-closed associations having the name "Alevi" in their titles, where missionaries were tracked and murdered.

In this environment, the "Minorities and Cultural Rights Report" prepared by Professor. Baskin Oran on behalf of the Prime Ministry's Human Rights Advisory Committee was published in October 2004. The report was torn apart during a press conference, as well as being exposed to offenses such as "a product of pseudo intellectual attempt", "intellectual stirring up", "they have announced this on the horse market", "they have cut Turkey's joints", remarks mostly made by Government Spokesman Cemil Çiçek.

The General Staff declared Kurds as "So-Called Citizens" in the Newroz celebrations in 2005. In an environment where the Turkish Criminal Code Article 301 was terrorising writers like Orhan Pamuk, Hrant Dink was the first to be convicted, and he was murdered in January 2007.

Meanwhile, the world has overcome the shock of 9/11 and entered into an era of democratization. However, the Turkish Armed Forces have seen the victories of AKP as a warning sign, they even took the risk of creating "The 367 scandal" to prevent the election of an Islamist President in 2007. Then the coup attempts were revealed by Taraf newspaper. The General Staff published a coup-like "e-memorandum" on 27 April 2007.

However, in contradistinction to the previous military interventions, this memorandum created no fear or support in the public opinion. It was ridiculed. Furthermore, AKP increased its vote from

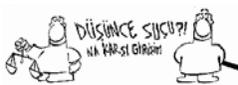
34 per cent to 47 per cent in the July 2007 elections, because the spectre of communism had now ended, PKK had slowed down,. Even the 2008 world economical crisis was overcome thanks to Kemal Derviş reforms, inflation was prevented with a careful application of the IMF programmes, the high-speed growth started to ameliorate the economical situation of the masses, and the economy was improved with the great help of international liquidity wealth, the economy headed towards getting better.

The effects of these positive developments were seen in foreign policy as well. The "zero problem with the neighbors" and the "soft power" principles of Davutoğlu developed and softened foreign relations, especially with the Arab countries.

In this state, military tutelage was further diminished by cases opened against coup attempts.

However, this time, "tutelage of the judiciary" became the new problem. The courts were ignoring Article 90/5 of the Constitution as well as Article 39/4 and 5 of the Lausanne Treaty. To curb the freedom of expression the Judiciary was now substituting the stipulations of the Anti-Terror Law to replace the anti democratic laws repealed by the Legislative Hate speech by a local journalist who said that 5 DTP (Kurdish party) members should be killed for each Turkish martyr was not even prosecuted . The judges were using the upper limits while penalizing those defending the Kurds, and the lower limit for sex crimes, often deferring the penalties of the latter. Those sending deaths threats to curtail the freedom of expression were always acquitted on grounds of freedom of speech.

In this environment, starting from the end of the year 2010, the AKP government began deviating from the positive attitude it displayed in internal and foreign politics for the past few years. Conflicts started with all neighboring countries, especially with Syria. Weapons and ammunition were sent to the Islamists in



those countries on board of MIT, the National Intelligence Organization, trucks. So much so that Turkey had to struggle with ISIS, the so-called Islamic State. When police officers and soldiers caught those trucks on the way they were , imprisoned and prosecuted for espionage, and their trials were held behind closed doors.

Beyond this, AKP walked from authoritarianism to totalitarianism in a fearless manner. Compulsory religious lessons are now given as early as in elementary schools, cases were opened one after another against humour magazines; and when the AKP won the 2011 elections, Erdoğan started to ride at full speed.

While no reforms were made during the Peace Process started with the PKK; the government simply asked the PKK to disarm. The result was an explosion of the young Kurds which caused the deaths of 40 people on 6-7 October 2014.

When the supporters of Fethullah Gülen (with whom the AKP had been very closely collaborating for the last 13 years) published tape recording about very serious corruption allegations involving cabinet ministers, their sons, and Erdoğan himself, they were harassed and prosecuted for preparing a coup to topple the Government and for monitoring a "Parallel State". Journalists criticizing Erdoğan were fired on telephone calls to the editorial chiefs and media bosses by Erdoğan himself.

An environment of inhibition and fear dominated the country. At the end of the period, all authority is unlawfully concentrated in the hands of Erdoğan, who jumped from Prime Ministry to Presidency, and who now plans to set up a presidential regime by changing the Constitution of the elections of 2015.

15.12.2014

**Prof. Dr. Baskın Oran**

*Ankara University, Political Sciences Faculty*

## OVER HILL AND DALE ...

(Chronology of the positive developments on  
Kurdish question)

*Announcing that the Turks and the Kurds had a common country during the Independence War (1919-1922), Ankara gradually turned into a unitary nation-state after the proclamation of the Republic. One nation, one race, one history, one language... This policy saw no harm in using violence against the Kurds, who wanted to maintain their traditional lives. As a result of the resistances, which were suppressed spilling so much blood on the way, the culture, language and even the existence of the Kurds have become denied. Armed resistances of the PKK started in 1984 and it could not be destroyed despite the methods of violence used. Aziz Nesin was put on trial at the State Security Court in 1995 because of using the word "Kurdish." The struggle is estimated to have a number of about 40,000 loss of lives. This is the bitter loss of the assimilation politics. Let us now look at the achievements of this struggle, attained step by step with the price of such ordeal.*

- The European Union harmonization packages paved the way for publications in different languages and dialects in 2002. This development was followed by thirty-minute broadcasts in three channels of the Turkish Radio and Television Association in 2004. In 2008, TRT 6 was opened, starting to broadcast fulltime in Kurdish. The name of TRT 6 was changed to TRT Kurdî on 10 January 2015.

- The opening of private language courses was enabled in 2013 for languages other than Turkish and different dialects to be taught.

- Again in 2003, a road was opened for citizens to be able to give their children names in other languages than Turkish.

- In 2009, the prisoners were enabled to use their right to make calls in prisons in different languages and dialects. Then in the meetings on the visiting days of prisoners, the compulsion on the use of Turkish was removed.



- The "Institute of Living Languages in Turkey" was founded in 2009 at Mardin Artuklu University, which includes the Department of Kurdish Language and Culture, the Department of Arabic Language and Culture, the Department of Assyrian Language and Culture, the Kurdish Language and Culture Master Programme and the Assyrian Language and Culture Master Programme. A Department of Kurdish Language and Literature was meanwhile opened in the Faculty of Literature. This development is followed by other universities.

- During the election campaigns, the ban on making propaganda in other languages than the Turkish language was removed in 2010.

- In 2012, it was enabled for other languages and dialects, especially the Kurdish language, to be introduced as elective courses on demand in elementary schools.

- "Local religious functionaries," known as a "Mele" in the Eastern and the Southeastern Region of Turkey were appointed to those areas in 2012 by the Presidency of Religious Affairs.

- In 2012, Kurdish translators were publicly appointed and Kurdish call centers were established within some governorate services.

- A legal regulation was made in 2013 to provide defendants the right to defend themselves in whichever language they choose.

- The "National Oath" was removed from elementary schools in 2013.

- As the expression of separatist ideas became easier, the Party of Rights and Freedoms (HAK-PAR) indicated their demand to federate in their party statute. In 2014, the "Kurdistan Democratic Party" was approved by the Ministry of Internal Affairs.

**Summarizer: Lawyer Gülçin Avşar**



**1995 - 2015**  
**What changed in the politics?**  
**From where to where did we come?**  
**Where do we go?**

## HANDYSIDE MONKEY AGAINST DEMOCRATS...

**Prof. Dr. Mehmet Altan**

The sections of freedom of expression in the EU Turkey Progress Report 2014, which shoots a full-length portrait of Turkey in terms of its freedom of expression, is quite bleak.

*The pressure restrictive interpretations of the Article 14 of the Constitution applies on parliament members, cases against dissenting journalists, common self-censorship in the media and discharges, applications making it impossible to use the right to meet and demonstrate, the religious section on identity cards, objection of the government against the right to conscientious objection, the delay of the recognition of Djemevis, the Turkish law on organization being so far from the European standards; financial, legal and administrative obstacles Non-Governmental Organizations face, Turkey being among the countries in which the most number of journalists are in prison, legislative amendments restricting freedom of expression including the Internet, access bans on Twitter and Youtube... and the list goes on.*

I don't know whether it would be of any use now, but let me write the content of the Handyside Decision, given about 40 years ago, in order for where we stand on the matter to become clearer:

*"These evaluations might have disturbing values for a part of the society. However, it should not be forgot that freedom of expression involves the right to not agree with the majority, to question the established order, even to criticise. Furthermore, unsettling ideas which upset the majority of the society and direct the society into debate are protected by freedom of expression"...*

The compass of the one who declares himself as a "liberal, democrat," must be the Handyside case; since this is the legal definition of freedom of thought.

Nevertheless, even though everyone is on the side of "freedom" while speaking, the understanding of "freedom" is usually restricted to the individuals or the institutions own stance and discourse. There is not a single bit of tolerance shown towards a different approach from an individual, a writer, or a philosopher. If the individuals realise their freedom to "think," this is immediately qualified as "backstabbing, treason, assassination."

In order not to be "accused" of something, the only choice left is to think like the "accuser" and to stand within the borders of common thinking.

Turkey pretending to accept the world standards, sermonizing on "advanced democracy" and then repeating patrimonial bans, in fact, reminds me of the situation of the monkey mother and her baby on an electrically conducting platform...

When a bit of electricity is given to the platform, the mother monkey first takes her baby in her arms. If the amount of electricity given is increased, then the mother puts the baby down, and steps on it to protect herself.

The limits of the "democracy" lie in Turkey are passed whenever the freedoms are actually attempted to be used. The mother monkey immediately steps onto the baby...

That's why the situation can be identified with the "monkey democracy." The ideals and the country we long for will not come into reality as long as the ones in power don't let go of this "monkey democracy," and as long as the society doesn't demand a democracy and a freedom of expression in "Handyside" levels.



## HOW WAS THE LAST 20 YEARS?

**Prof. Dr. Ali Bayramođlu**

What did we bear witness to? We fought for what?

### **First the positive scale of the balance:**

Settling the Copenhagen Criteria and all legal amendments in this direction... Breaking the military tutelage clamp inside governmental order, changing the National Security Council regulation and the laws... Removing military components in State Security Courts and in autonomous administrative councils... Changing the Internal Service Law, coup attempts being investigated in the civil jurisdiction made possible, widening the area of basic rights and freedoms and constitutional packs in this direction, cases opened against coup plans like Ayıřığı, Sarıkız and Balyoz, removing the headscarf ban and the obstacles in front of the Kurdish language, the Peace Process...

### **The negative scale:**

The disgrace of 367... Headlines stating hands raised to chaos... The search for a coup basis after filling Republic meeting areas with soldiers having furlough... The 27 April memorandum... The closure case... Defiances made on the warship... Memoranda, Roboski, the violence in Gezi...

### **What do we have ahead of us?**

Unacceptable provisions in the Anti-Terror Law, the extremisms of the KCK (Group of Communities in Kurdistan) cases, Erdoğan's patriarchal language, the attitude of politicians reaching to matters from adultery to private matters at home, even to longings for death sentences; tendencies towards individualism and authoritarianism, the suffocation of press freedom, the silencing of pluralistic democracy demands, police violence, unlawfulness in cleansing cases, arbitrary arrests...

On one hand demilitarization, legitimacy and democratization... On the other hand authoritarianism, moments of legal usurp...

That's how the last 20 years passed...

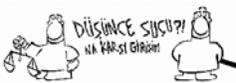
## GOING BACKWARDS?

**Nadire Mater** (Journalist, writer, founder of Bianet)

In all these areas of power, women, LGBTI individuals, children, workers, disabled people, students, patients, and anyone who is not Turkish, Muslim or Sunni experience problems, specifically in Turkey, regarding the use of "freedom of expression" in all aspects of life, starting from personal relationships. I believe this "problematic use/silencing" needs to be debated.

I am at a loss of words, especially as a woman, when I think about the difficulties still experienced by women to make themselves heard, even after all this fight given to change the public perception and practice for the aforementioned 20 years. Since this unfortunately is no different in libertarian and egalitarian circles we fought together with, it is easy for one to sink into despair. Fortunately, without sinking into despair, women continue to try to make themselves heard at home, at work, on the streets, and everywhere else.

The Initiative for Freedom of Expression is one of the pioneering initiatives regarding this fight. For 20 years, whenever we glanced back from our shoulders, it has always been there. This initiative, which goes on without giving in for 20 years, is one of the most persistent ones I have ever seen, if not the most persistent one. Fighting is not possible without persistence. In every fight, someone needs to pull from an end, plan, schedule, interpret while doing all these; but more important than all, someone needs to "tire" the opponent - not to give in, but to "tire the other out." I present my most sincere thanks to this initiative, which finds a duty for itself from every situation regarding freedom of expression.



## PROGRESS ON THE BEAM, DIRECTED FORWARD, NOT ENOUGH BUT YES!

Abdurrahman Dilipak (Journalist/Writer)

Many things changed since **1995**, but there are many more to change... There are also things that didn't change at all. While **Turkey** changed since then, the world also changed with **the dissolution of the Soviet Union, the foundation of the European Union, the Internet becoming more widespread, the GENOME project...** We are now living in a world in which **information, money, effort, humans, properties and service are in freedom of movement. War, terror, poverty,** and the monopolar world still continue to take as much lives as the **cold war.** We could not yet succeed completely to be **a participatory, pluralist, transparent state of law which respects human rights.**

When the matter is the benefits of the **"free world,"** we saw in **Egypt, in Syria,** how that world could trample on its own principles. They couldn't even say **"coup" for a coup.** There is now a west which makes a scientist having a **Nobel Peace Prize** the counselor of the ones staging a coup. While the western public opinion give **democracy** lessons to the world, they can't deal with **islamophobia** inside their borders. Theological compliances try to trigger the fuse of a **conflict of civilizations** which will bring an **end to history.**

There were many changes of government **in the last 20 years.** A door was opened by **Özal** before **1990,** but the generals of **12 September** attempted to re-shape **Islam** and the right-wing while overpowering the left-wing. They thought they would invent an "Islam certified by the **Turkish Standards Institution.**" In the **90s,** a **"Parallel religion,"** under the title of **"Moderate Islam"** defined by **"Americano-Islam,"** an organization of a **"democratic Islamist"** movement which is compatible with the West was attempted to be formed. Within the scope of the project, an **"Islam compatible with Democracy,"** the only one of its kind, was going to be organized. It didn't happen. On the other hand, there is now a **Human Rights Commission** in the **Parliament.** There are **Human Rights, Consumer Councils** in provinces and districts. **Ombudsmen** were assigned. There is a **Human Rights Department** in the **Prime Ministry.**

There were important progresses made on the **participation in public administration and civil inspection,** as well as on the accreditation of **press and the NGOs** in the phase of **execution, legislation and jurisdiction...** We are in a much more advanced state in terms of **information.** All in all, we are still living in a country governed by the coup Constitution. The long-settled mentality perceives the understanding of a **participatory, pluralist, transparent state of law which respects human rights** as **"putting new wine in old bottles."** Just like the **official ideology,** even though the military tutelage was made to regress, it still preserves its existence. **Unidentified murders** are still not able to be investigated. Even though developments are **on the beam and directed forward,** the process is still not on the track.

It is impossible to explain what happens in the **21st century** with notions and institutions established under the shadow of **Capitalism, Communism and Fascism** in the years of war at the end of the **19th century.** We are living in a time in which information, money, effort and humans, properties are in freedom of movement. There is now **FOREX...** There is now the **social media.** We talk about a **global village...** We move towards the future in a conflict of **asymmetric** values. We talk about **cyber-cities,** cyber-wars, cyber-securities, cyber-intelligences... Different cultures, traditions and thought movements are intertwined. Nothing will ever be the same again, and this process has no way back. A **multi-disciplinary** world is being established. Classical governments, as well as classical definitions of sovereignty are bound to fall... **While talking about a "society of information,"** **information gurus, information aristocracy, information workers and information barons** might also take the stage... A world in which the ones who produce and rule **technology and information** will be in the front line of the **society of information,** now becomes real... New efforts are needed in the areas of **science, arts, philosophy** now... For the construction of a new world in favor of **justice, peace and freedom;** we need new actors, associations which brings peace and freedoms into priority... This conflict is not only a governmental conflict... And we have to make these efforts not only with our own religious fellows, the people having the same race with ours; but with all virtuous people in the world, with people who have the will to live altogether peacefully despite our differences. A new world is possible!

With greetings and blessings.



## 20 YEARS AGO

**Dr. Haluk Gerger**

20 years ago, Turkey was completely captured in the Dirty War. Ruthlessly trampling on the basic human rights and the mother of all rights, the right to life, has become a part of the "government routine." In the mangle of militarism and chauvinism, the regime itself was in a state of delirium, decaying amidst systemic instability. A deep crisis swathed the government, as well as the society. In this frame of nightmare, the struggle for human rights and the struggle for peace intertwined, forming an organic whole.

The previous regime could not overcome its multidimensional crises. Taking refuge under even more violence in all aspects of social life did not help, and in the end it collapsed ignominiously.

The AKP administration, taking over the power, governed the crisis and the disintegration process in the transition period, which gave hope to some, while setting out to construct a new regime on top of the wreckage of the old one.

The New Turkey is now constructing its own regime through legal regulations, fait accompli and a merciless power struggle; with the power of the State and the support of once-dissatisfied sectors of the society. This new regime, defined as "the Presidential System", with its complete amalgamation of state powers and institutions that are being melted into the mold under a one-man rule of command and control structure, prepares a strong basis for the monist ideology of the past thus making the system even more rigid and suffocating.

Such a regime, anywhere but especially in a country like Turkey, would inevitably produce a "Great Leader" despotism, destined to be dragged to adventures in the whirlpool of unrestrained

infatuations, caprices and whims. An analysis of Hitler's ascendancy to power and its aftermath would give us meaningful hints on understanding our present situation and future predicament.

We, the victims of the "past", naturally, do not mourn the demise of the Ancient Regime. However, we have many reasons to be fearful of the "New." We are being set "out of the frying pan into the fire." Choppers hanging on top of our heads are real, and when enough voter support is secured in the upcoming elections for a Constitutional basis for the new regime, many heads will surely fall.

Restructuring of all dimensions of social and private life - from the type of bread flour to the alcoholic drink to be consumed; from the number of children in a family to the our attire, from education to mores of strolling on the streets; from "lifestyle schooling" in kindergartens to the inscriptions on gravestones - under the grip of our responsible "Imam Father", and of institutions, Brown shirts, morality enforcers, the political police under his command, will surely consummate the "Monism" engrained in the very essence of the Turkish Republic. Thereby the soul of "Old Turkey" will be revived. Thus the "Old" and "New" will be combined, integrated, synthesized...



## POLITICS AND FREEDOM OF EXPRESSION: WHERE ARE WE?

**Prof. Dr. Erol Katircioğlu**

We can say that there is a general disintegration, a general softening regarding restrictions on freedom of expression in the last twenty years. Of course we are talking about Turkey and in a period with increasing claims on the government becoming more authoritarian, stating there is a certain softening on freedom of expression is an opinion which needs to be expressed. However, this softening does not mean that tools for using freedom of expression softened, or the opportunities of people to announce their opinions to the public increased, no. Today's Turkey, on one hand, experiences progresses which expands the limits of freedom of expression with the trigger of globalism; on the other hand, it produces new obstacles on the way against the use of this freedom. I think this is the summary of the situation we are in now.

Behind the expansion of freedom of expression, there is the changing structure of Turkey's society, which has "multi-communities," also meaning "multi-identities." Entering on the stage of history after the fall of the Ottoman Empire, Turkey, as though it was founded as a nation-state, never actually had one nation. The reason why it appeared to be one nation sourced from the "secular, western, modernist" community being the only power determining the political sphere with military support. In this political frame, other identities, especially the Islamist community felt that they were "marginalized" since the beginning, therefore did not have a sense of belonging to the Republic.

Globalism caused a change in this community of people always "lived side by side" but never became a "we." Politics put into action in the 1980s provided an international expansion for the country, while increasing the internal influence of the outside.

The "Kurdish question" which could not be debated before, as well as other community conflicts having similar traits, started to be widely debated. When we came to the 90s, both our "democracy" and our "economy" which could not carry more libertarian demands formed under the influence of globalism, started to break. The "secular, western, modernist" parts in power were not able to continue ruling, therefore the period concluded with the military taking the stage - the 28 February post-modern coup. The "secular, western, modernist" community, having the power, announced another community which they thought was not from their side (the Islamist community) to be almost illegal, discriminating this section of the society and making it an enemy. This attitude actually brought the end of that period.

Let's not make it any longer. Following this fall, the Islamist community coming into power to this day originally followed a libertarian line against the foot dragging of the "secular, western, modernist" government structure which existed before. However, starting from the day they tookover the power, they have headed towards a policy in accordance with their own dreams and expectations. In other words, one "community" governing the country since the beginning was gone, and another "community" replaced it.

The identity policy of the islamist community did not bring an obvious restriction to freedom of expression, whereas the fact that they are backed by an important part of the society, as well as the dominance and oppression they applied on tools of freedom of expression created new restrictions by this day, if not to freedom of expression itself, to the use of freedom of expression.

As a final remark, I would like to state that today's Turkey experiences developments triggered by globalism, which expands the limits of freedom of expression on one hand; on the other hand, it creates new obstacles against using this freedom. This is the overall situation we arrived in twenty year.



## TODAY FROM 1945

**Doğan Özgüden – İnci Tuğsavul** (INFO-TÜRK, Brussels)

If the question was asked as “what has changed since 1945, and how?” it would have been much easier for us to give an answer. When the Second World War ended, the 14th government was on duty under the Prime Ministry of Şükrü Saraçoğlu, and it was announced at the time that there will be a transition to a multi-party democracy, evidently under external pressure. We, one of us 5, the other 9 years old at the time, grew up listening to the lullabies of the transition to a democracy.

Until today, 48 governments came into power in 70 years, whereas, Turkey’s ranking in worldwide scale in terms of democracy and respect to freedom has never changed. Our beloved country is still at the lowest rankings.

Anyhow, our matter is the last twenty years... The darkest period of these twenty years was beyond doubt the years carrying the signature of the first female Prime Minister of Turkey, Tansu Çiller: *Anni horribiles*... Arrests targeting the Kurdish people and everyone in solidarity with them, deportations, court cases, convictions, extra-judicial executions...

We look at the year 1995 in our archives, the beginning of the twenty years: Cases against Yaşar Kemal and Aziz Nesin... Conviction of Ayşe Nur Zarakolu because of publishing her the book “The Armenian Taboo”... The conviction of İsmail Beşikçi being approved by the Supreme Court... Özgür Ülke (Free Country) Newspaper being forced to stop publishing because of the neverending pressure... And a case opened against intellectuals who supported Yaşar Kemal and started *The Initiative for Freedom of Expression*.

Let’s not forget: The period is the period of Prime Minister Tansu Çiller. However, the Deputy Prime Ministers are renowned social

democratic leaders respectively, Erdal İnönü, Murat Karayalçın, Hikmet Çetin and Deniz Baykal.

It is in this period that the Çiller-Karayalçın duo signed the Customs Union Agreement on 6 March 1995, which is an important milestone in the European Union adventure of Turkey. Naturally, by giving a thousand promises on human rights and freedom. However, with the exception of a few formal changes, those promises were never kept. After a three-year parenthesis with Mesut Yılmaz and Necmeddin Erbakan, there was another social democratic leader directly at the head of the State terror mechanism: Prime Minister Bülent Ecevit, in coalition with the Nationalist Movement Party (MHP)

After the eight-year complicity of the center-right and the center-left supported by the military, there comes the 12-year power of AKP, hypocritically defining itself as “conservative democrat”....

It is now an obvious fact to all except a few yes-men, what an obscurantism the Tayyip despotism drags our country into; not only deluding the “alliance of civilizations” daydreamers in Europe with a thousand promises as a “libertarian” to guarantee the perpetuity of his authority against the military threat with the support of the European Union, but also backing up some of the left-wing and liberal peoples of Turkey on his side...

And the last days of these twenty years... A new witch’s cauldron under the title of the “Parallel State Operation”... The Islamist Morality Police infiltrating even into the bedrooms... Convictions by the European Court of Human Rights, one after another; never-ending protests by RSF, HRW, PEN, Freedom House, EFJ-IFJ, IPI...

Where does the transition go after these twenty years?

No doubt, to an Islamist Totalitarianism!



## WHAT IS THE LEVEL OF OUR FREEDOM OF EXPRESSION?

**Prof. Dr. Bekir Berat Özipek** (İstanbul Commerce University)

Three jump-periods can be mentioned in terms of freedom in the history of Turkey.

Regarding the clearance of the multi-dimensional bans of the Kemalist single-party period, the years 1950 with the Democratic Party government, 1983 with the Motherland Party government and 2002 with the Justice and Development Party (AKP) government are important.

The 1980 coup pruned civil and political rights to a significant degree, therefore the 1990s witnessed heavy human rights violations. After 2002, however, the arrow turned to point a positive side. With the EU membership process, reforms, which are incomparable to the previous periods in terms of freedom of expression, were made.

The first positive steps were taken with the EU harmonization packages. The limits of criticizing the government, organizing and making peaceful meeting as well as the limits of press freedom were expanded. The closing of publishing houses and the confiscation of publishing tools were removed. The Article 301 of the Turkish Criminal Code, a source of violations, was revised; and taking judicial-based violations into account, investigations from this article was made subject to permission from the Ministry of Justice.

Broadcasts, advertisements and political propaganda in languages other than the Turkish language were legalized. Bans on the use of mother language in terms of legal defense and in prison meetings were removed. Elective Kurdish courses were introduced, Kurdish language courses were opened, a Kurdish public television and private broadcasts were made possible. Kurdish language departments, as well as a Roman institute in the universities were established; it was made possible to make research and give courses on the matter (I also give a class named "Kurdish communities and World Politics" at my university).

A road was opened to return the original historical names of the places to which the government previously gave Turkish names, May 1 was recognized as a national holiday, re-opening of the closed foundations was made possible; and "Our National Oath," which reflected the totalitarian ideology of the Kemalist period, was removed. The headscarf ban and the ban on wearing pants for female parliament members were removed, as well as the dress code which predicted a skirt obligation for female parliament members. The limits of academic freedom actually expanded.

Freedom of expression, organization, thought and faith of the minorities qualitatively became much more positive; and a number of bans, applications including violations coming with the establishment of the Republic were removed. The Greek Orthodoxes held a religious ceremony in the Sumela Monastery for the first time after 90 years, so did the Armenians in the Armenian Cathedral of the Holy Cross. Following Prime Minister Davutoğlu's meeting with non-muslim community representatives, it was announced that a new church was decided to be constructed for the first time in the history of the Republic. The alternative history can also be debated much more comfortably today.

The political actor in the process of all these things is still in power and is again being criticized on freedom of expression. For instance, the ban on Twitter and the Internet regulations were heavily criticized; so were the reprimands of former Prime Minister Erdoğan against media bosses on whom he had influence. On the other hand, we are living in a period in which the press is diversified the most in the history of Turkey; in the mornings, I can still see newspapers having headlines implying, "Erdoğan spoke nonsense again."

I also criticize the government in many ways. However, I'm sure of two things: They have expanded the limits of freedom in the last 12 years, and their alternatives are criticizing them from a point behind them.

Turkey is of course in a better state in terms of freedom of expression when compared to the past. Of course, we are not completely satisfied with the situation but the current problems do not prevent us from being hopeful for the future.



## FREEDOM OF EXPRESSION IN TURKEY: WHERE FROM AND WHERE TO IN 20 YEARS?

**Prof. Dr. Atilla Yayla** (Istanbul Commerce University Faculty Member)  
Association for Liberal Thinking Executive Board Chairman

The 1982 Constitution, laws and legislations, especially the Law on Protection of Atatürk; the obliviousness of prosecutors and judges about freedom of expression as well as their tendency to interpret freedom of expression in a narrow manner; and the intolerance of various parts of the society regarding matters on which they have a certain sensitivity.

It would be wrong to assume the violations of freedom of expression in Turkey has only one source, like the Constitution or the practices of the government. A narrow perspective might cause a wrong diagnosis on the matter, as well as useless solutions to be proposed. It is important to pay attention to the most important thing for more freedom of expression in the long term, which is the social perception. In a society, each part of which thinks that they are uncriticizable, both the legislation and the legal/administrative practice regarding freedom of expression will also shape towards the anti-libertarian direction.

In the last twenty years, it can be observed that Turkey is moving towards progress in terms of freedom of expression. There is a great contribution of the Initiative for Freedom of Expression to this. It doesn't show that the ideal point is reached, beyond doubt, whereas it points at the general trend, which is positive. Two main lines need to be pointed out here. The first is the changes made in the legal legislation. Various articles were revised and restrictions on freedom of expression were either removed or modified to take the edge off. For instance, "criticizing Turkishness" was removed from being a crime. However, changes in the legislation did not reflect on the social mentality and the legal practice at an equal rate. Yet, changing the mentality of the society and

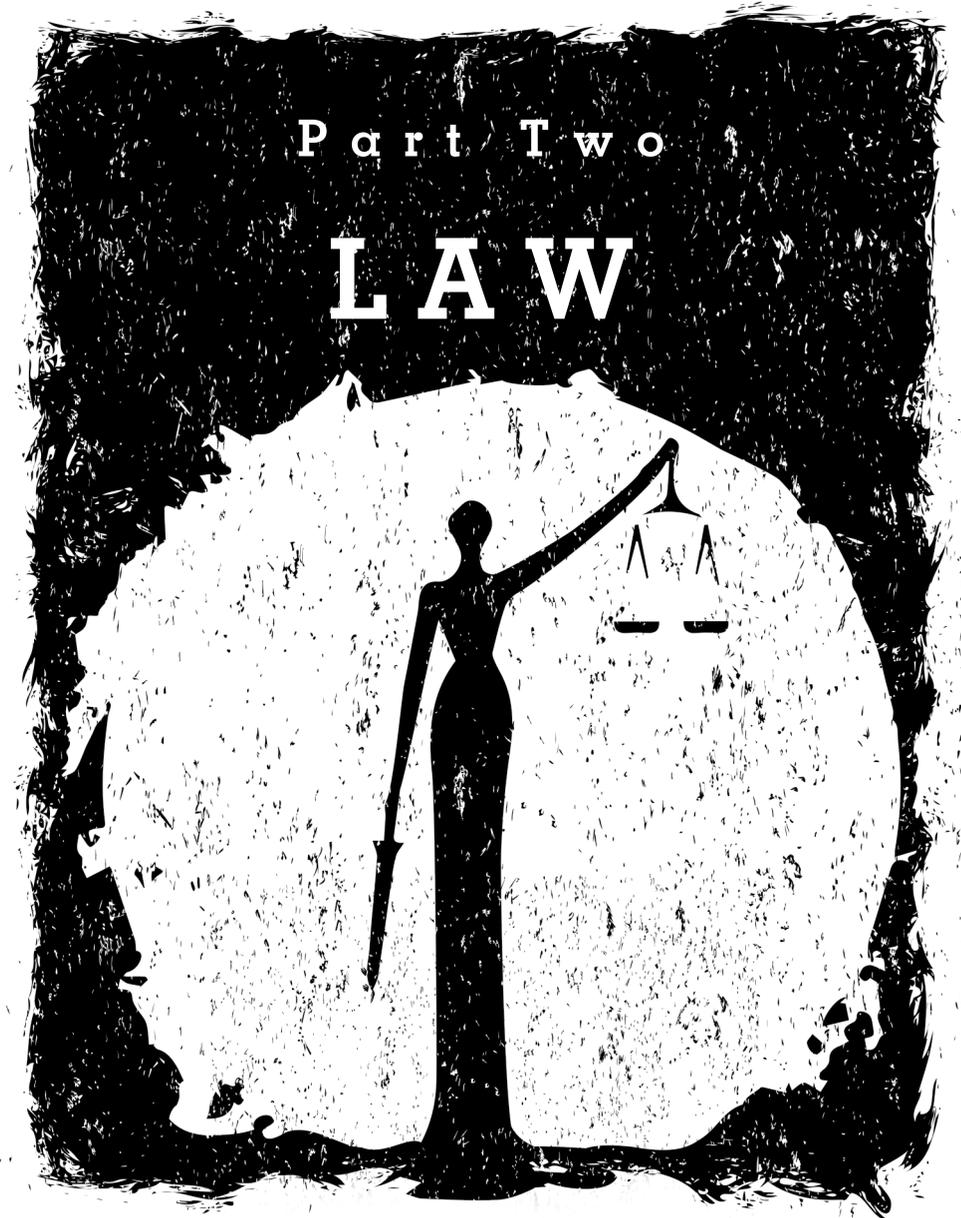
the administrative organization is more difficult and it takes a long time. If it wasn't so, the Article 90 of the Constitution which treats the international conventions above all internal legislation would be permanently applied and many problems on freedom of expression would have been easily resolved this way. One evidence of this is the thing that happened to Hrant Dink. Dink was the first one lynched by the media. Then the jurisdiction, oblivious of freedom of expression, evaluated his words, which must have been considered within the scope of freedom of expression, as an insult against Turkishness. Subsequently, an internal structuring in the government sparked a murder mechanism.

One of the most important developments on the progress regarding freedom of expression in the last twenty years in Turkey is the diversification in the media. The system created by the coup of 1960, which made the media an extension of the government, changed to some extent. Pluralism in the media increased. There are newspapers representing almost all opinions in today's Turkey. The possibility of centrally manipulating the whole media disappeared. Media organs came to a point where they can mutually balance and check themselves.

An area in which there was no progress is the Law No. 5816 on the Protection of Atatürk. This law is the source of many convictions of Turkey at the European Court of Human Rights, regarding the violation of freedom of expression. Unfortunately, the removal of this law can not even be mentioned and governments (can) never attempt to make a step towards removing it. But without removing this law, the ideal level of freedom of expression in Turkey can never be reached.

Consequently, there were improvements regarding freedom of expression in Turkey in the last 20 years. However, these are not enough and there is still a long way to go.





**Between 1995 and 2015, the laws were  
changed many times,  
the Constitution was changed many times.**

**What has changed in implementation and how?**

# 1995 - 2014

## CHRONOLOGY OF LEGAL CHANGES

23.07.1995- A Constitutional amendment was made. Restrictions on the rights to form associations and unionization were removed, whereas new restrictions regarding the closing of political parties were brought.

27.10.1995- Article 8 of the Anti-Terror Law which penalized the "propaganda against the indivisibility of state was changed and it was enabled for imprisonment sentences to be turned into judicial fines.

19.03.1996- The Democracy and Change party was closed with the reason that its party program was unconstitutional.

14.02.1997- The Labour Party was closed with a Constitutional Court decision. The party was then refounded with the name Party of Labour. With the case carried to the European Court of Human Rights by the party executives in 2005, the party regained its former name.

28.02.1997- The National Security Council conveyed their demands, including the application of law regarding secularism which caused many changes in the political history of Turkey, the closing of religious sects and the inspection of Qur'an courses, to the government.

16.01.1998- The Welfare Party was closed with a Constitutional Court decision. In the reasoned decision, the anti-secular activities of the party officials, their accusations against the founder of the founder of the state and the party's policy regarding headscarves were considered as evidence.

21.04.1998- Recep Tayyip Erdoğan, who was conducting the Metropolitan Municipality of Istanbul at the time, was sentenced to one year of imprisonment with the charge of "*publicly provoking the society for hatred and hostility while making religious and racial discrimination,*" because of a poem he quoted in a speech he made. Then his sentence was abated to 10 months of imprisonment. His sentence of imprisonment for 10 months was executed for 4 months in accordance with the Law on Criminal Execution.

29.2.1999- The Democratic Mass Party was closed with the reason that it was making "*separatism.*"

12.8.1999- An amendment was made in the Political Parties Law and the procedure of closing a party was made more difficult by binding it to an existence of evidence.

22.06.2001- The Virtue Party was closed with a Constitutional Court decision because of acting against the principles of a secular Republic. The deputyships of Nazlı Ilıcak and Bekir Sobacı were ended and they were banned of politics for 5 years. A decision of political standoff was given against former deputies Merve Kavakçı, Ramazan Yenidede and Mehmet Sıla.

13.03.2003- The People's Democracy Party (HADEP), the representative of Kurds in the politics, was closed with a Constitutional Court decision. A decision of political standoff for five years was given against 46 party executives including the party leader Murat Bozlak. The signboards were changed and the party was named as Democratic People's Party (DEHAP).

07.05.2004- An amendment was made in ten articles of the Constitution (Thus the 1982 Constitution was changed for the 9th time). The death penalty was completely removed as well as the State Security Courts. In case the provisions of international conventions conflict with the law, the priority of international conventions was more clearly indicated (the priority was already present in the Article 90).



09.06.2004- Press Law No. 5187 was enacted. According to the law, crimes committed through publications would be under the responsibility of the author, there would be no obligations on the declaration of the news source, and penalties restricting freedom would not be sentenced except crimes requiring heavy sentences.

17.07.2004- With the Law on the Compensation of Damages that Occurred due to Terror and the Fight Against Terror, the government undertook the damages experienced by terror victim citizens.

30.03.2005 – The Misdemeanor Law was enacted and administrative fines were included in a general legal regulation for the first time. The notion of misdemeanor was regulated under the former Turkish Criminal Code and required the penalty of “light imprisonment, light fine and dismissal from profession or business ban.” With the law, misdemeanor was expressed as “an act which requires administrative sanction.”

29.06.2005 – The Turkish Criminal Code was entirely renewed. Some amendments made in the Law:

- *Regarding the offense of libel regulated in the Article 125 of the Turkish Criminal Code, the crime elements were redefined. An amendment on the increase of punishment in specific cases, such as the crime being committed against public officials or through affront, was made.*
- *To the acts considered as crimes in the 4th clause of the Article 221 of the Turkish Criminal Code, the act of committing a crime on behalf of an organization while not being a member of the organization or aiding an organization knowingly and willfully, was added besides being a member of an illegal organization.*
- *Penalties concerning slander committed through press in the 5th clause of the provision on an effective repentance regulated in the Article 269 of the Turkish Criminal Code were increased.*
- *The scope of “praising crime or criminals” regulated in the Article 215 of the Turkish Criminal Code was widened.*
- *Amendments were made on the crime of “building organization to commit crime” regulated in the Article 220 of the*

*Turkish Criminal Code.*

- *The penalties regarding specific cases like the crime of misdemeanor being committed against public officials or public insult regulated in the Article 125 of the Turkish Criminal Code were increased.*
- *The crime of “alienating the public from military service” in the former Article 155 was moved to the new Article 318 and the provision on increasing the penalty fifty percent in case the crime is committed through press was brought.*
- *The former Article 159 was moved to the new Article 301 and to the following articles. While affront against governmental organs was punished as before, the notion of “Turkishness”?! was changed as “the Turkish Nation.” Then - after the scandals following the application of this Article on Orhan Pamuk, Hrant Dink and renowned journalists - an addition was made which indicated that criticisms can not be considered within this scope. Investigations to be opened from this article were made subject to permission by the Minister of Justice. Since the Ministry was not being generous in giving this permission, the government still claims that freedom of expression actually exists in Turkey.*

03.07.2005 - The Law on Probation and Help Centre and Protection Boards was enacted, and probation was accepted as a punishment execution method.

07.07.2005 – The Law on Disabled People was enacted. In the Article 4 of the Law, “discrimination” was defined as a “crime.”

09.11.2005 – After the closing of the Democratic People’s Party (DEHAP) too, which was the representative of the Kurds in the political platform, the Democratic Society Party (DTP) was founded. Ahmet Türk and Aysel Tuğluk have been the first examples of the “co-chairmanship” system in our political history.

29.06.2006 - Amendments were made on the Anti-Terror Law:



- Penalties were increased in case the crimes defined in the Article 3 and the Article 50 of the Criminal Code were committed within this scope.
- The most-used Articles 6 and 7 and the notion of "serving for the purposes of an organization, even though not being a member of the organization" were removed; heavy penalties were applied.
- When the same act was investigated within the scope of this law, the penalty would increase and many rights of the defendant would be restricted.
- When the "Confidentiality Orders" were added to this afterwards, the defendants and their lawyers were left unable to reach the case files. There were people arrested for years without knowing what they were charged with.

06.12.2006 – Another omnibus bill was enacted, named "Law on Making Amendments on Different Laws."

*In the Article 102 of the Law on Criminal Procedure, the period of detention of matters excluded from the duty sphere of the High Criminal Courts was predicted to be postponed for at most one year, and in compulsory cases six months - with a condition of justification.*

04.05.2007 – A new Internet Law was enacted. In the law, provisions on definitions, obligations and access bans took place. The Telecommunications Communication Presidency (TIB), responsible of inspecting the Internet, was founded.

02.07.2007- 6 months after the murder of Hrant Dink, the Dink case started. The triggerman of the murder, Ogün Samast, was initially sent to the Juvenile Court because he was under 18. Samast was sentenced to 22 years of imprisonment after 4 years of proceeding. Investigations to be conducted on some high rank security members, on duty in the Istanbul and Trabzon Security Directorates at the time, were not permitted. (Only years after, when the government parted company with Fethullah Gülen, the permission was given, and the proceedings started.) In 2013, the Court of Appeals decided that the defendants were not members of "armed terrorist organizations," but "organizations established

with the aim of committing a crime." The case started its retrial period in the local court. (19.01.2015: The 8th Anniversary of Hrant's death. Still no conclusion.)

25.07.2008- The first Ergenekon case started its proceeding and then was combined with the second Ergenekon case in 2012. There were 321 trials for the case which lasted for six years and two months, and in which high ranked commanders of the army were charged with staging a coup. The defendants were charged with "establishing and conducting armed terrorist organization" and "attempting a military coup." Consequently, 16 people including Major General Hıfzı Çubuklu, retired Lieutenant General İsmail Hakkı Pekin, "Sledgehammer Case" defendant Vice Admiral Mehmet Otuzbiroğlu, retired Colonel Sedat Özüer, Osman Yıldırım, Mehmet Perinçek and Ziya Göktaş were released. The former Chief of Defence Staff İlker Başbuğ was sentenced to life imprisonment, CHP (Republican People's Party) deputy Mehmet Haberal was sentenced to 12 years and 6 months of imprisonment and Mustafa Balbay was sentenced to 34 years and 8 months of imprisonment.

01.01.2009- TRT 6 channel started broadcasting completely in Kurdish.

14.04.2009- In the operation against people allegedly being the executive staff of the KCK/TM (Group of Communities in Kurdistan/Turkey Council), allegedly an urban assembly of PKK, 52 people including the general vice presidents of the Democratic Society Party (DTP) and mayors were arrested. In the case opened, the trials were delayed and postponed because the defendants insisted on making defenses in Kurdish, and the court insisted on rejecting this request. Meanwhile the chain of arrests lengthened. Notable people as Prof. Büşra Ersanlı, publisher Ragıp Zarakolu, Dr. Ayşe Bertay were also arrested with the charge of abetting the KCK. The defendants were released slowly in time - especially during a period called as the Resolution Process by the government -.

11.12.2009 - The Democratic Society Party (DTP), representing Kurdish people in the political sphere, was closed with a Constitutional Court decision. The deputyships of Ahmet Türk and



Aysel Tuğluk were dropped. The Peace and Democracy Party (BDP), previously opened considering this possibility and was kept ready, filled the void.

19.07.2010- Istanbul 10th High Criminal Court accepted the indictment of the "Sledgehammet" coup plot. According to the plot, there would be bombs located inside mosques, sabotages would be made and even one military jet-aircraft would be brought down in order to overthrow the government. 196 military personnel took place in the indictment as defendants and a warrant of arrest was given against 102 of them. Then the number of defendants increased, and the court sentenced 325 of the 365 defendants including retired generals Çetin Doğan, Özden Örnek and İbrahim Fırtına, on 21 September 2012 first to heavy life sentences, then abatements were on the sentences with the reason of "incomplete attempt." However, -when some positive results emerged as a result of some applications made to the Constitutional Court - releases started, especially with the generals.

24.08.2010- Amendments were made on the Anti-Terror Law. Children were no longer going be allowed to be on trial in the specially authorized courts. *(As a result of the reactions emerged against the heavy penalties given to children throwing stones to the police during demonstrations)* The law on increasing terror penalties by half were not going to be applied against children. Some applications like "the postponement of verdict", "the deferment of the announcement of the verdict," and "turning the sentence into a penalty fine" were also going to be valid for children.

12.09.2010- **CONSTITUTIONAL REFERENDUM:** A 26-Article constitutional amendment package was proposed for referendum. There were 57.88% for and 42.12% against votes. Despite the criticisms on the binding of amendments on a variety of subjects to a single YES or NO statement which does not agree with the international principles of law, the Constitutional amendments passed. In the basis of the amendments, precautions towards breaking the military tutelage took place.

12.01.2011 – The Code of Civil Procedure was entirely renewed. The language of the Code was simplified and it paved the way for more rapid judicial processes.

16.09.2011- The Istanbul Metropolitan Municipal Council accepted the Taksim Pedestrianization Project unanimously. Within this project, the construction of the Topçu Barracks on Gezi Park, which was going to initiate the Gezi Park demonstrations in the future, took place as well.

13.03.2012- The case regarding the deaths of 38 people with the Madımak Hotel in Sivas being set on fire on 2 July 1993 was abated following the expiration of time limit. Therefore the 5 defendants, now fugitives, of the case were not punished.

31.05.2012- Another omnibus bill. To the Article 1 of the Law, "Aeronautics" was added to the professions in which strike and lockout are banned.

04.07.2012 – Omnibus bills became a constant of our legislative processes. With the new amendment, the period of limitations of criminal cases inflicted by crimes of election in accordance with the Article 180 of the Electoral Law was decreased from two years to six months.

05.07.2012 - Another omnibus bill was passed with the reason of activating judicial services. According to the temporary Article 1 of the Law, crimes committed through the press until 31 December 2012 were postponed for three years.

24.05.2013 - Another omnibus bill. In the Article 2 of the Law, the advertisement, promotion and the sale of alcoholic drinks between the hours 22.00 and 06.00 were banned.

31.05.2013- In the case opened by Taksim Gezi Park Protection and Beautification Association at Istanbul 6th Criminal Chamber, the decision which is claimed to be enabling "the construction of a shopping mall at the location of the Topçu Barracks" is requested to be reversed, and for the execution to be stopped. The court stopped the execution by a majority vote. 6 days later, Istanbul 1st Administrative Court canceled the construction plans enabling



structuring on the Gezi Park. A month later, the objection of the ministry was first rejected, then was approved. Therefore the legal obstacle against the construction was removed!?

08.10.2013 - The regulation in the Democratization Package passed into law. The headscarf ban in public and reciting the "National Oath" in schools was ended.

17.12.2013- An investigation was started against people including businessmen, bureaucrats, bank managers, public officials in different ranks and 4 ministers, who are also members of the 61st Turkish Government Cabinet, and 3 children of ministers, allegedly committing charges of "bribery, misuse of duty, collusive tendering and smuggling." The suspects were taken under custody. The government described this development as the new attack of the Parallel State of Fethullah Gülen as well, discharging the prosecutors and judges conducting the investigation from duty. New prosecutors on duty closed the investigation, and a verdict of non-prosecution was given on 53 people including former ministers and famous businessmen. The incident was carried to the Parliament as well, but the proposals of opening investigations on the matter was rejected by the votes of AKP members. (20.01.2015)

21.02.2014 – Another omnibus bill brought changes on the Anti-Terror Law and the Code of Criminal Procedure.

*-The expression of "indications giving rise to suspect" was changed to "concrete evidence approving suspect."  
Likewise the notion of "reasonable suspect" was changed to "concrete evidence" in the Articles 100, 116 and 128.  
However, it was withdrawn in December, making "reasonable doubt" sufficient.*

10.12.2014- With a temporary Article added to the Military Law No. 1111, an application of paid military service was enabled. Obligants who fulfilled the age of 28 will be considered as served their military service by paying 18000 Turkish liras.

## 1995 - 2015

# A GENERAL OVERVIEW

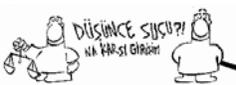
Carrying out an evaluation on the 20 years of freedom of expression in Turkey means a simultaneous observation to be made on the whole spectrum of human rights: it gives an idea on the regime of freedoms in general; on one hand regarding freedom of thought as a basis of freedom of expression, on the other hand, regarding freedom of expression of thought as a valid measure for the entirety of rights and freedoms.

When the matter is approached in constitutional terms, as we would see in the human rights regime, the progress made on freedom of expression has to be mentioned: 1995, 2001, 2004 and 2010 Constitutional amendments brought some reformations on rules, institutions and rights of petition.

In 2001, for instance, the "ban on languages besides Turkish" was removed; and the article on the misuse of freedom and rights was removed to be an article to have a potential of "thought crimes." Assurances of "the essence of rights" and "proportionality" were predicted. State Security Courts were removed in 2004, and in 2010, individual applications to the Constitutional Court were made possible.

On the other hand, Turkey started facing the European Court of Human Rights in 1990s. The European Court of Human Rights condemned Turkey on 8 July 1999 with a number of sentences for violating the Article 10 of the European Convention on Human Rights, using the reason of "the principle of proportionality" not being abided by. The aforementioned decisions were sourced merely from the State Security Court.

2001 Constitutional amendment and the adjustment law put into action in accordance with the Copenhagen criteria provided reformations on freedom of expression, both directly and indirectly.



However, an oppositional wave against freedom of expression and thought emerged, starting from the year 2005. This wave primarily expressed itself on the political and the legal platform, reflecting on the applications more and more each day. The most distinct indicator for this is the establishment of the Specially Authorized Courts, instead of the removed State Security Court. The ruling party, with the confidence of having the majority of votes, having transformed a "coup discourse" to a "coup syndrome" and having headed towards legislative amendments restricting rights and freedom, as well as freedom of expression...

Jurisdiction, on the other hand, continued its precedents inclined to create "thought crimes" independent from the State Security Court and the Specially Authorized Courts. The Appeal Court decision on Hrant Dink is a typical indicator for this.

The approval of indictments against freedom of expression, in general, was enough to make the owners of thoughts and opinions which do not fit the general tendency in the society, "targets" for the ones supporting violence; independent from the results of cases.

Meanwhile, it is worth mentioning the continuity of the legislation, which constitutes a suitable basis for "thought crimes": primarily Press Law, Anti-Terror Law and the Law on Political Parties must be mentioned. Even though the Turkish Criminal Code is renewed, it is furnished with a number of articles forming a basis for thought crimes.

The chosen ones, namely military officers, academic members, journalists, lawyers etc. taken under custody within the scope of the KCK ("Group of Communities in Kurdistan") Case, Ergenekon Case and Balyoz ("Sledgehammer") Case constitute the links of the "political mass cases" chain in which the expressions and actions intertwine (or being intertwined).

In this process, a book being considered as an element of crime before it's even published (A. Şık, 000 Kitap, 2011) is, leaving freedom of expression aside, an explicit violation of the "freedom of thought and opinion," on which the Constitution predicts no restrictions (md.25).

Instead of putting the assurances of freedom of expression against thought crimes; on the contrary, in order to legitimize the aforementioned applications on the legal platform, amendments having the shapes of "omnibus bills" were accelerated after the elections in 2011.

Only restrictive rules were not satisfied with, and an institutional limb was prepared for it: The Criminal Court of Peace, formed instead of the Specially Authorized Courts. Thus, with the excuse of "elimination of the parallel jurisdiction," an application of appointing "pro-government judges" was adopted all across Turkey. Censorship on the works of the Parliamentary Investigation Commission was brought in this way. The judge, who does not arrest the 16 year-old kid charged with having insulted the President, was appointed to somewhere else, and another judge was found to arrest the kid.

A new platform to expand the restrictive circles of freedom of expression, when compared to the 1990s, was the emergence of "social media." Expression through the social media has been perceived as a platform, which could be restricted and banned by administrative units even before the interference of judicial processes.

Although the possibility of making individual applications to the Constitutional Court partly prevented systematical restrictions towards freedom of expression, even the mere fact that the politicians dare to attempt abolishing the Supreme Court should be an indicator for where Turkey stands in the 2010s, in terms of freedom of expression.

Turkey ending 2014 with censorship waves and with AKP, having the majority of votes for 13 years, taking over the judicial guidance after removing the autonomy of legislation against execution, can be considered as a consequence of AKP gradually minimizing the constitutional 'Checks and Balances' mechanisms.

**Prof. Dr. İbrahim Özden Kaboğlu**

*Marmara University Faculty of Law - Constitutional Law*



# OPINIONS COMMENTS



1995 - 2015  
What changed in the law?  
From where to where did we come?  
Where do we go?

## FREEDOM OF EXPRESSION AND THE INTERNET

**Prof. Dr. Yaman Akdeniz** (*Istanbul Bilgi University*)

Since the Law No. 5671 entered into force in 2007, access to approximately 64000 websites were banned in Turkey with court decisions and the administrative measures taken by the Telecommunications Communication Presidency by 2015. Access bans already on platforms like Scribd, Last.fm, Metacafe and Soundcloud in Turkey continue with indeterminate access bans on alternative news portals reporting news on the Kurdish Question. Three different applications were made to the European Court of Human Rights regarding the ban on YouTube in Turkey, which lasted for about 2,5 years.

Provisions in the Law No. 5651 regarding access bans were found contrary to the European Convention on Human Rights in a decision given in December 2012. In the case of Ahmet Yıldırım/Turkey, the Court decided that it is an intervention on freedom of expression, which is protected by the Article 10 of the European Convention on Human Rights, to ban access to Google Sites. The court underlined the restriction of access to an information source must be effective in matters of legal control assurance presented to counter possible misuse, and these restrictions should be brought in a legal frame which is specially strict on restricting bans. The court also indicated clearly that there is a need to present a frame, which has special and precise laws on the application of restrictions on freedom of expression.

Despite this significant decision, immediately after the 17-25 December 2013 operations and following the amendments made on the Law No. 5651, access to Twitter and YouTube social media platforms were banned in Turkey before the local elections in 2014. After individual applications made to the Constitutional Court, it was decided that the bans are heavily intervening the freedom of expression of the applicants, and that their right of freedom of expression, protected by the Article 26 of the Constitution, was

violated since the ban decisions had no legal basis. These decisions lead to the removal of the bans on these two important platforms. Despite these two significant decisions, the application of access bans continues on thousands of websites, especially with the administrative measures taken by the Telecommunications Communication Presidency. Similarly after the amendments made in 2014, access to a number of social media accounts or shared content was banned in accordance with the Articles 9 and 9A of the Law No. 5651.

However, the debate of freedom of expression on the Internet is not only about access bans. Many social media users stood on trial at Criminal Courts for the comments they made on social media platforms and sentenced to penalty fines, imprisonment or postponed penalties. For instance, well-known pianist Fazıl Say was sentenced to 10 months of imprisonment in September 2013 because of publicly degrading religious values on Twitter. Sevan Nişanyan, likewise, was sentenced to 13,5 months of imprisonment because of insulting the values and the Prophet of Islam on his own blog. Other than criminal cases, expressions on the Internet also caused administrative sanctions to be applied. Especially after the Gezi Park events, it was observed that many criminal investigations were opened regarding social media posts based on complaints of libel against "public official because of his duty" in accordance with the Article 125 of the Turkish Criminal Code.

Eventually, the last link on the oppression on the Internet is the filter application put into practice in 2011. Even though incorporating everyone to this filter mechanism as planned originally was prevented with reactions against the regulation and with the case opened, the present optional filter system was put into practice with a rule-making in 2011. The action for nullity taken against the application still continues at the State Council.

As is seen, the Internet regime in Turkey is already a knot of conflicts having at least three strings, being contrary to both the Constitution and international human rights, while often including arbitrary applications exceeding legal bases.



## A BAD SONG OR A BAD PAINTING?

**Yrd. Doç. Dr. Kerem Altıparmak**

*(Ankara University, Faculty of Law)*

Foreign observers frequently ask us the question: Is there no positive development on the area of human rights in the last 20 years? Writers today are no longer kept in prison for many years, like they have been in the past, tortures under custody decreased so much as it is almost non-existent today - then why wouldn't all those criticisms cease?

I guess the answer to this question should be given on the absurdity of the comparison between the bad things in the two different categories. Why would we forced to compare a bad song and a bad painting?

True, for a writer on trial in the State Security Courts to be sentenced to many years of imprisonment in accordance with a provision of the Anti-Terror Law is quite dreadful. However, can this dreadfulness prevent the visibility of the new media, which looks small but turns into a very sophisticated web of censorship when combined? Can an order of censorship, whose method was renewed, be affirmed, just because the former malignities decreased quantitatively?

Let's look at the situation in the media. Big media groups are either purchased partly by pro-government businessmen, or under heavy oppressions of tax or penalty. It is so that the corruption tapes which could be expected to be broadcasted for hours worldwide are not dared to be broadcasted a single second by one mainstream media organ. All "problematic" journalists working in these media organs were left unemployed for this or that reason. The smaller and the more independent broadcasting

corporations are, the more they are under a heavy mangle. In order not to receive big penalties with their small budgets, they have to reply positively to the loads of letters arriving each month with demands of access bans and refutations. Writers, journalists and managing editors have to rethink every sentence they write. The judicature of the Criminal Court of Peace, sentencing these verdicts, work like a private notary of the politicians complaining about the broadcasts and their relatives. They carry out all demands immediately without making any debates on freedom of expression. It is needless to specially mention the penalty/compensation threats wandering about students, public officers and ordinary citizens using the social media.

When the accounting of these 20 years are made in this respect; we may talk about a transition from one badness to another, instead of a better or a worse change. That is why our main question, as it seems to me, should be the question of what we should do against the "new bad". The Initiative for Freedom of Expression challenged the oppressions of the period 20 years ago in a very rationalist way. The test we are being subjected to today is, if not more challenging, as emergent and compelling as it was at the time. Because the attacks in question now are not "big, yet few attacks," rather "small, yet numerous attacks." It is also impossible to say that the effect of it is less. Turkey, even though the content changes, is being wanted to be drowned in monologism, just as experienced 20 years ago. Therefore it is as important as it was 20 years ago to resist this new attack method with new defense strategies.



## TOWARDS A HAPPY END...

**Akın Atalay** (*Lawyer*)

The great writer Yaşar Kemal stood on trial at the State Security Court because of a book published by Can Publishing in which an article of Yaşar Kemal on the Kurdish matter took place. The owner of the publishing house, publisher Erdal Öz also stood on trial with Kemal. (In that trial, I have been the defender of the now deceased Erdal Öz, whom I remember with love and respect.) The charge was based on the Article 8 of the Anti-Terror Law. This article was brought into force simultaneously with the repealing of the famous articles of the past, 141 and 142, as if to fill the void created by the nonexistence of them, which were applied tyrannously for 55 years on all thoughts and opinions on the left side of the political range of Turkey, as well as on all people who adopted and expressed these thoughts and opinions.

Just like in the example of the name of the State Security Court being changed to Specially Authorized Courts afterwards, we were seeing a new example of our ancient government tradition, always having problems with freedom of expression, preferring to make it look with a make-up as if they solve a problem, instead of actually solving it; a method always applied whenever a way out of the suffocation caused by the internal and external public pressure, was searched for.

It has only been 4 years since the Articles 141 and 142 were repealed, and all the world was being exposed to the propaganda of Turkey making a revolution on freedom of thought and expression. While this was going on, most famous and intelligent author of the country being penalized because of his opinions on the country's primary political and social conflict, was the last straw once again. While the case was going on, more than 1000 artists, journalists, writers, lawyers, academics, architects and other intellectuals came together, lead by Şanar Yurdatapan, protecting the freedom of expression independent from the content of the expression based on the quote by Voltaire. Saying "if it is a crime to express these thoughts, we commit that crime as well, let them open cases against us as well," they re-published the article.

Since then, the struggle for freedom of thought and expression continue at a snail's pace. Depending on where you look from, it can either be said that we haven't advanced a single bit on the way, or that is a long-term struggle, therefore we have come a long way... One thing is certain, however, that the ancient government tradition still continues; and the opinions disliked by the ones in power at the time continue to be seen as threats, and to be punished...

The criminal law is the primary law defining the standards of democracy in a political regime of a government. If the principle philosophy of the criminal law adopts protecting the state, instead of protecting the individual and his/her freedom, then disliked opinions will always get penalized. At the most, the norm of punishment or the number of the article can be changed. In our criminal law, the part of "crimes against the state" was regulated properly and systematically in 1936. The regulation made by the fascist Italy of Mussolini, "crimes against the state", was translated and transferred to our criminal law directly. While the 78-year old Turkish Criminal Code was changed completely in 2004, the only part left unchanged was this "crimes against the state" part, left from that fascist period of Italy. One might think, really, has it not changed at all? Yes, there was a change, this part which was previously located at the beginning of the part of the criminal law regulating the crimes was transferred to the new law without changing even the punctuation of it, however, by a real display of a libertarian attitude, it was this time put at the end of the law.

The text of the law and the mentalities of judicial actors are always involved in an interaction. It is without a doubt that we have for a long time been living in a very efficient and a suitable political climate regarding a restricting, retributive attitude towards freedom of thought and expression, from the legal texts to the judges having the authority to interpret and apply these laws. While a period of human rights becoming universal rights instead of being internal affairs of a country is being experienced on our planet, with the consciousness that we sail towards the inevitable happy ending, it is obvious that some of us who want to shorten that period of time will continue paying prices for a while...



## FROM ARTICLE 159 TO 301, " THOUGHT" IS STILL A CRIME

**Arif Ali Cangı** (*Lawyer*)

If you ask the most important regulation setting barriers in front of freedom of expression in our Criminal Code; I would reply with the Article 159 yesterday, and with the Article 301 today.

In the **former Turkish Criminal Code (Article 159)**, the ones "publicly denigrating Turkishness, the Republic or the Grand National Assembly of Turkey, the Government of the Republic of Turkey, the judicial institutions, the military or security structures" were being punished; in the **new Turkish Criminal Code (Article 301)**, the ones "publicly denigrating the Turkish Nation, the State of the Turkish Republic, the Grand National Assembly of Turkey, the Government of the Republic of Turkey, the judicial institutions of the State, the military or security structures" are being punished. The number of the article was promoted from 159 to 301, the expression from "Turkishness" to "Turkish Nation," the statement "Expressions of thought intended to criticize shall not constitute a crime," was added, "investigations were subjected to permission of the Minister of Justice;" whereas the expression of common thought is still being investigated as a crime, being put on trial; so expressing an opinion is still a crime.

We may call this situation the Turkishness of the Criminal Code, which could not get rid of its "Turkishness," or we can say it is a sensitivity to protect the Turkish Nation. However, when the sensitivity of the ones who apply and interpret these Articles are added on top of it, "thought" can become a great "crime." Then come investigations, trials, Orhan Pamuk, Hrant Dink, Ragıp Zarakolu, countless cases... Victims of thought crimes whose only problem was to contribute to the world of thought with their writings and sayings. Victimhood could have been better if there was only being put on trial or being sentenced to imprisonment;

there is also the chance of being a victim of a hate murder like dear Mr. Hrant Dink.

In short, despite all calamities experienced, thinking is still not free. Without questioning our culture which recommends being silent with the proverb "speech is silver, yet silence is gold," it is impossible to provide freedom of expression. Freedom is a dream unless all the prohibitive acts are completely repealed. Even though there is the Article 26 of the Constitution, Article 10 of the European Convention on Human Rights, Article 19 of the UN International Covenant on Civil and Political Rights; thinking is still trying to be imprisoned with prohibitive provisions.

Besides the law, the prohibitive attitude in the administrative and judicial applications remain as a big problem. Then we must do what we have to do; there is no way visible other than continuing civil disobedience, just like twenty years ago.



## WE WILL TAKE IT

**Aydın Engin** (*Journalist*)

When an article was asked from me for this book, I was placed in the "Journalists and political scientists" section, and headings were suggested on those fields.

I will rather write for the section of "Lawyers."

All right, I know I'm not a lawyer, but a journalist. However, I am a quite senior press defendant. I have witnessed the "junior" phase of many prosecutors and judges; and I have a share in most of them to become "seniors."

I have got to know both the martial courts during the state of siege and the civil courts in the years without the state of siege quite well. Likewise the civil and military prisons.

So I have the right to be placed in the section assigned for lawyers in the book.

Besides, the question of "what has changed in the 20-year period between 1995 and 2005 in the area of law" is quite an appetizing question for a journalist.

There you go...

\* \* \*

Actual lawyers will handle the matter technically, or in terms of legal principles.

I will take a shortcut and give a simple answer to the question:

The courts 20 years ago (even the martial courts) used to spend a distinct effort on showing that they were attentive of the "principle of judicial independence." More importantly, political powers avoided interfering with judicial independence; while ministers of justice and generals during the state of siege would almost never fall into the error of "giving written orders" to the prosecutors.

Lawyers like the saying "Procedure comes before and ahead of principle," (which I don't like). The equivalent expression in arts must be a nonsense like "Shape comes before and ahead of essence." I have witnessed the violation of justice so many times because of the procedure standing before and ahead of the essence. The more I witnessed, I more I became furious about it.

To my surprise, I didn't know that I was going to crave for that "golden time."

The difference on the legal area between 1995 and 2015 is quite simple: There is no "pretending" any more. The basic constituent of the contemporary government, the principle of "separation of powers" is seen, perceived and tried to be shown as the "fly in the soup." The rest of the story from now on is "The Jury" of Mike Hammer, or the expression by Louis the 14th, "l'État c'est moi."

If violence will not be chosen as a means of fight, and it shouldn't be, then 2015 and afterwards stand on the shoulders of the brave and creative citizens of civil disobedience with their methods which make guns out of humour.

We will take it on our shoulders.



## HOLD ON...

**Eren Keskin** (*Lawyer*)

The state of the Turkish Republic was founded, using the ideology of the Committee of Union and Progress.

The Unionist system transformed into the Republic of Turkey, without accounting for the 1915 Armenian Genocide.

The Turkish-Islam Synthesist mentality constituted the official ideology of the Republic of Turkey.

Despite the variety of ethnical, religious and faith identities living in our geography, only the Turkish and the Sunni Muslim identity was used as a base.

The structure of the government was so totalitarian, that the society as a whole were dominated by the settled official ideology. The government set redlines. The Kurdish question, the Armenian genocide, the military occupation in Cyprus and the anti-democratic secularism constituted the base of these redlines.

Thus, all who questioned the Turkish and Sunni identity or objected to the redlines were announced "thought criminals." I am one of those people who try to express their thoughts, and exposed to oppression and attacks because of this.

I don't even know the number of cases opened against me because I criticized the attitude of the militarism which interfered with all areas of life, also because I used the notion "Kurdistan." I served 6 months in prison because of the things I wrote and said; I was dismissed from my profession, I was attacked with a gun, I received a number of threats and I still continue being threatened.

However, there is one thing I learned during this struggle; "... whenever you think of something, you should express it immediately."

When I used the notion "Kurdistan," even some of my friends told me that "it's not the time yet," "the society is not ready for it," objecting it. However, I know that if we don't struggle, the society will never be ready.

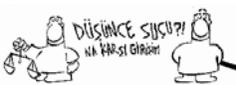
This is because the Turkish and Sunni identity of government of the Turkish Republic never changes, even though the powers change.

One thing must never be forgot, that we are still alive - despite all the oppressions we experienced, we continue living. However, most of our friends, elders, brothers were murdered just because of expressing their thoughts.

All of us owe to Musa Anter, Vedat Aydın, Ferhat Tepe, Uğur Mumcu, Hrant Dink and thousands of others whose names I can't even count.

I think the struggle for freedom of expression is partly something we owe to our dead.

That's why I say, struggle along.



## VINGT ANS APRES?

**Ömer Madra** (*Lawyer, director of the Open Radio*)

We would probably not be exaggerating it if we talk about two basic social needs in Turkey, just like there exist everywhere around the world: One is peace, and the other is justice. These are absolute musts. They are indispensable. Because a) The situation of war/fighting makes it impossible to maintain a natural condition for living, even in the medium term. If this situation, which is against the nature of living things, continues, then life itself eventually ends. v) The same thing can be applied to justice: Social life can be maintained only if it is based on justice. If justice can not be provided, the society enters a state of war/fighting, and eventually it collapses.

The European Convention on Human Rights, encompassing Turkey as well, is a regional protection umbrella for basic rights. In the Convention, even before the Articles section, in the Introduction section, it is stated that the basis for peace and justice in the world lies in respecting to human rights and it was indicated that there is no other way than fighting for this.

If the basis of peace and justice is human rights, then the basis of democratic life respecting to human rights is composed of: a) the right to live, b) freedom of expression. As Ahmet Necdet Sezer, one of the former chief judges of the Constitutional Court said, "the expression of a thought by itself can not be penalized in democratic countries. A democracy is beside the point in cases when the expression of thought, without turning to tangible actions, are penalized."

So, freedom of expression *has no limits*. The European Court of Human Rights, which constitutes the legal protection mechanism

of the European system of basic rights, says "no matter how striking, shocking, provoking the expressed ideas, they are worth being protected," and adds: "As long as it doesn't openly praise violence." One of the most prominent philosophers and activists, Chomsky also says, "no matter what other people think about the things expressed, even though they consider them as having an immoral content full of hatred, the right to freely express can not be interfered with."

Despite the relative relief experienced after the removal of some Turkish Criminal Law articles, which disregarded freedom of expression completely, at the beginning of the 1990s, there were lots of cases of human rights violations especially against the right to live. If it wasn't for the serious, unselfish, altruist fight given by the civil society as well as the intellectual part of the society, it would probably be inevitable to experience a social collapse.

Then there was the AKP coming into power. In the first 10 years of their ruling, it was observed that the military tutelage was downgraded, an effort was spread on the way towards being a European Union member and a bid was made for legal reforms. The progress made on freedom of expression can also not be put aside.

Nevertheless, it is observable that a "period of rapid regression" was entered especially in the last 2 years. With a variety of omnibus bills and bans passing the Parliament, dark shadows wander above basic human rights and freedoms, especially above freedom of expression and press freedom. This situation might endanger social peace and justice. If they are under threat, we have tried to express what might happen (See Paragraph #1).



## FREEDOM OF EXPRESSION AND DEMOCRACY

**Hüsnü Öndül** (*Lawyeri former President of Human Rights Association*)

The standards of freedom of expression and democracy in Turkey were much more limited in 1990s, when compared to today. The extension of these limits were provided by two basic forces and processes. The democratic public opinion, and the European Union membership process, which started in December 1999. The struggle for freedom of expression was a struggle of human rights, and the defenders of human rights in Turkey, including the Initiative for Freedom of Expression, defended these rights by paying prices for it. In the EU membership process, 9 harmonization packages and 70 new laws were introduced, as well as hundreds of legislation made in about 70 laws. In terms of freedom of expression, in the beginning of 1990s, Articles 141-142, 163 of the Turkish Criminal Code No. 765 were repealed.

Instead, the Articles 6, 7 and 8 of the Anti-Terror Law were introduced. With these amendments, Article 155 of the Turkish Criminal Code which regulates the crime of alienating the public from military service, Articles 312 and 159 of the Turkish Criminal Code which regulate the crime of inciting the public for hatred and hostility started to be applied. These articles earned such bad reputations, that the changing governments had to change them again and again. However, the essence of those articles with bad reputations were protected. Even though one article was repealed, other ones were applied for the same crime.

The Supreme Court of Appeals Prosecutor of the time, Vural Savaş, confessed that they were applying the Article 312 of the Turkish Criminal Code, instead of the repealed Article 163. They could break one of the basic principles of the criminal law, the principle of legitimacy of crimes and penalties, that obviously.

In those years, there were language and culture bans in 13 different laws related to freedom of expression. Most of them were

repealed in time. Those bans were practically surfacing as bans against the Kurdish language.

The areas related to freedom of expression regulated with 18 different laws can be identified as such:

- 1) *Press, media, radio, television, internet areas,*
- 2) *Unions, associations, political parties, freedom of assembly,*
- 3) *Education,*
- 4) *Movies, theaters, shows and related visual arts,*
- 5) *Books, magazines, brochures, posters,*
- 6) *Legislation regulating emergency case administration procedure such as legislation on provincial administration, state of emergency and martial law.*

Meanwhile we must immediately indicate that in terms of freedom of information, there are regulations described with notions such as "secrets" and "state secrets" in 32 laws, as well as with words such as "confidentiality" and "forbidden" in 60 laws, in the Turkey statute.

Matters concerning media possession and the capital structure of the media as a conflict which threaten freedom of expression and press freedom are other topics to lay special emphasis on.

Besides the conflict of laws in terms of freedom of expression, there are conflicts concerning the judicial practice as well. Public prosecutors in Turkey open heavy cases without any filtration regarding the jurisprudence of the European Convention on Human Rights and the precedents of the European Court of Human Rights cases.

Jurisdiction, on the other hand, does not approach to the matter of freedom of expression in the same direction with the European Court of Human Rights precedents.

Consequently, the matter of freedom of expression in Turkey is not a topic to be restricted only with the Anti-Terror Law and the amendments made on a few articles with bad reputations in the Turkish Criminal Code. An integrated approach is needed on the matter.



## FREEDOM OF EXPRESSION OF THOUGHT AND THE CHARGE OF "TERROR"! IN TURKEY

**Öztürk Türkođan** (*Avukat, İHD Genel Başkanı*)

Political powers in Turkey have always been afraid of free expression of thought, even the thought itself; and always punished it unmercifully. While doing this, they always disregarded the international law and made their own antidemocratic regulations. Even though there were a few changes in time, all thoughts regarded against the official ideology were punished within the scope of the Criminal Code as well as the Anti-Terror Law.

I would like to specify how inconvenient it is to use the terms "freedom of expression" and the notions of "crime and terror" together - we must get out of this situation.

There is no definition of "terror" in the international law. There exists only the descriptions of crimes considered as "terror crimes" indicated in 10 different international conventions and protocols.

Apart from all these, in the conclusive section of the report presented to the Security Council by the UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, it was indicated the fact that "terrorism" does not have a universal, extensive and a precise definition constitutes problems during the active protection of human rights. Furthermore with the Resolution 1566 adopted unanimously by the UN Security Council, it was indicated that the prevention of terrorism by describing it in three stages was needed; and if not been able to be prevented, it should be punished accordingly. In the Resolution, it was clearly stated that "terror crimes" must be restricted to those in which the three conditions are cumulatively present. Those conditions were: a) acts to be against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages b) regardless

of their political, philosophical, racial, ethnical, religious or such reasons, acts to have the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act and c) acts within the scope of conventions and protocols regarding terrorism, the sorts taking place in the descriptions of terrorism in these texts. In a similar way, while it was considered a crime to supporting terrorist acts, it was indicated that definitions of crimes must be restricted to acts carrying the aforementioned qualities. It was also indicated that the government must make regulations which are accessible, open, indiscriminative, only to be used for the fight against terrorism and must not go backwards.

However, there is no definition of "terror" in the Turkish Constitution. In the Article 13 of the Constitution, it was stated that the essence of fundamental rights and freedoms may not be infringed upon. The Anti-Terror Law No. 3713 made an extensive definition of "terror", devoid of Constitutional basis as well as being against international conventions. In other articles starting from this definition, regulations infringing upon the essence of the fundamental rights and freedoms of the citizens were made. Since the date the Anti-Terror Law was enacted, the ones applying to the European Court of Human Rights because of having been punished within the scope of freedom of expression are being found rightful and Turkey is being condemned many times. This question needs to be asked then, in the 20th year of the Initiative for Freedom of Expression, why is "thought" being punished in Turkey? I would like to mention that the only purpose of political powers punishing thought is to continue an authoritarian system, therefore these things have no relation to democracy and human rights. That is exactly why, the price thousands of people pay while being punished because of having expressed their opinions have a great value in terms of the fight for democracy and human rights. I would like to thank those people by heart.



## ONLY THE SHAPE OF THE CHAINS HAVE CHANGED

**Ergin Cinmen** (*Lawyer*)

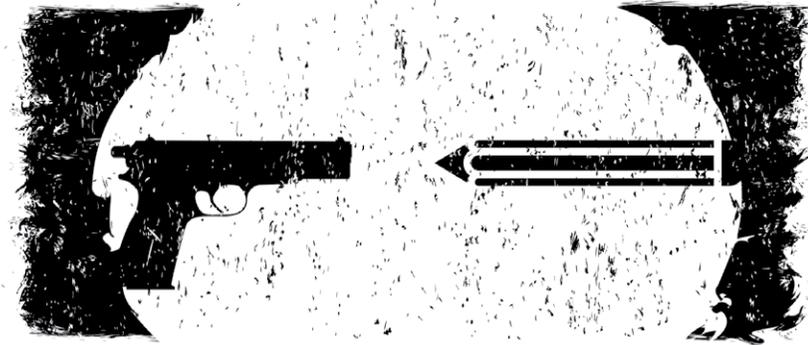
Of course, we are not as if we are living in the 1990s, or even in the 2000s. However, we are in a worse state now. In the mentioned years, freedom of expression was being violated with many provisions in the Penal and Press Codes. Not only members of the peripheral media, many writers working for the central media were either in prison, or being pushed to prison because there was self-censorship. In my opinion, what we experience today is something worse than the years back then. Media members are not prosecuted because of the Turkish Criminal Code No. 142 or 312, but the amount of self-censorship is much more effective when compared to the past. In line with the method called with the codename "Alo Fatih," one phone call made by the politicians to the media bosses having full economical relations to the government is enough to do things as wished.

An account of the fired media workers can not be kept. If the effect of self-censorship on top of all this is calculated, it is obvious that the things which are not said and written are more than the ones which are said and written.

Another difference between today and yesterday is within the frame of "reputation." When a media member is fired as a result of the "Alo Fatih" method, the reason is shown as "underperformance." Another definition for this is an action of "discrediting." Back in the time, there was the matter of being a "thought criminal," instead of this.

Ultimately, the opinions are still under chain. Only the shape of it is changed.





# IMPUNITY

## **Who gets protected?**

- State officials whose superiors do not permit them to be prosecuted,
- Police, soldiers and public officials suspected of committing violations who are not brought to court despite the fact that their whereabouts is well known,
- Members of paramilitary groups who are openly or covertly supported by the state,
- Perpetrators of crimes ranging from beating and robbery to rape and murder, when those acts in some way coincide with state policies directed against particular individuals or groups of people,
- People who are involved in corruption, who help to cover up corruption, or who prepare false and misleading reports.

## **How are they protected?**

- Prosecutions may be delayed, and then the proceeding may be prolonged until they run out of time,
- Police, prosecutors and judges may, because of their mindset, ignore attacks on certain individuals or certain groups of people. They may fail to carry out their duty of investigation, or neglect to collect evidence, so that complaints against human rights violations are eventually buried by a decision not to prosecute,
- In the limited number of cases that do come to court, a host of mitigating circumstances may be put forward to minimise the sentence,
- And efforts by judges to create a favourable profile for the accused, using of all possible excuses in favour of human rights violators .

## **On what pretext are these perpetrators being protected?**

They may be protected for "reasons of state," since judges, prosecutors or police may feel that suggesting that the violations were justified by :

- The war against terror,
- The imperative to maintain public order and security;
- Supposed conspiracies against the nation by foreign enemies,
- Political polarization, provoked by party leaders, mainly by Erdoğan.

They may also be protected for cultural reasons, including:

- a patriarchal culture of male domination,
- homophobia,
- a culture of obedience to authority and the state,
- discrimination against a particular ethnic or religious group so that victims from that group are not perceived as full citizens deserving the same degree of investigation and justice as the rest of society.

Offenders are often shielded from the law for all these reasons, escaping prosecution or punishment altogether, or receiving a significantly reduced sentence.

## **The role of the media**

The media plays an important role in legitimising impunity by avoiding news items which are displeasing to the authorities, and by broadcasting only state-sanctioned statements (for example, parroting official statements by ministries, police or the military without question or further research).

## **Examples?**

- Hrant Dink murder, with no concrete result for 8 years.
- Baran Tursun case. A young man shot by policemen while driving his car, with the excuse of disobeying the 'STOP' order, which he was not able to hear.
- Murders by police and paramilitants during Gezi Park protests, Ali İhsan Korkmaz and Berkin Elvan cases.
- Murdering of 12 years old Uğur Kaymaz, which caused lawyer Eren Keskin being sentenced to imprisonment due to famous article 301 of Penal Code (*Insulting security forces*) because she blamed the security forces.
- ...and Parliament,'s reject to send the four former ministers -who were accused of corruption- to Supreme Court, despite very concrete evidence; after a strong pressure, directly from Erdoğan.



Part Three

# SOCIAL PERCEPTION



Between 1995 and 2015, many things  
changed in our social life.

What about the perception regarding freedom of  
expression?

# 1995 - 2015

## EVEN BEYOND THE LAST 20 YEARS

20 years of time can be considered quite long for political and legal changes; however, it is not a long time for social changes at all. That is why, in order to simply chronologies the social changes, one needs to go way back in the past, marking some milestones.

The first shock to the static society of centuries came with the Republic. Groups aiming to create the new human of the new society, therefore new ideals, a new common history, a new alphabet to break all bonds with the past, a new life and a new way of dressing, a new language???

The transition to the multi-party system after World War II brought a transition to a new social structure with itself. With machines entering the farm fields, the no more needed labor force of millions of people found a habitat for itself in the suburbs of big cities. Villagers without lands were now "workers." Both the life and the culture were different in the shantytowns.

Another migration shocked old values and perceptions deeply: Germany. Starting in the 1960s, this migration scattered almost 5 million people to different parts of Europe, especially to Germany, as if that wasn't enough, even until Australia. Let alone the social change the people experienced through migration, even their holiday visits to their homelands during the summer with a car, fat and happy, were festive events. People started meeting lifestyles they previously considered quite far from themselves.

First computers came to Turkey on 60s. On 70s, public and private sectors and universities were using them. During 80s, computer usage was wider, but personal computers appeared on 90s.

On 31 January 1968, the first black and white TV broadcast started by the Turkish Radio and Television Association. The 70s are called the period of "teleguests" (*Televisions were expensive; therefore there wasn't one in every household. The ones who visited the families to watch TV were called "teleguests."*)

After the 12 September 1980 military coup, a wide pressure and censorship was applied on the press. The Turkish Radio and Television Association was used as an intense governmental propaganda tool, taking advantage of the monopoly of the Radio and Television. In this period, the use of radio was becoming more widespread.

Since the New Year's Eve on 31 December 1981, there were color televisions; and in 1984, a complete color transmission was adopted.

The direct broadcast satellite television started its test broadcast in March 1990. Even though there wasn't a legal regulation on the matter, STAR TV, of which Turgut Özal's son Ahmet Özal was also a shareholder, started its broadcast - from a center abroad -. In 1992 and 1993, private TV channels were established and started broadcasting one after the other.

While the television was spreading towards the furthest corners of the country, millions of people, who would have perhaps been born and died in the same place, started watching what was happening in different parts of Turkey, also of the world, simultaneously. In this case, is it possible for social perceptions and values to remain as they were?

On 16 May 1994, the Radio and Television High Council was founded.



# THE LAST 20 YEARS

## INTERNET,

## SOCIAL MEDIA

In 1995, printed newspapers started publishing their news on the Internet, opening websites for the first time. Newspapers like "The Washington Times" and "The New York Times" in the United States became the pioneers of Internet news, and then the International Herald Tribune and Daily Mirror in Europe followed them, in the same year.

Aktüel magazine in Turkey became the first printed publication establishing an Internet website on 19 July 1995; then it was followed by Lemar magazine in the October of the same year.

Zaman newspaper was the first newspaper to publish news on the Internet on 2 December 1995. Milliyet started its online publication in 1996, Hürriyet and Sabah newspapers on 1 January 1997.

Web 2.0 was released in 2004, which made interactions and a variety of applications possible on the Internet.

The Turkish Telecommunications Authority (TIB) was founded on 23 July 2005 and banned access to 64 thousand websites until today.

According to the last amendments regarding the Internet in the Article 129 of the Omnibus Bill No. 5651:

1. The Internet traffic information, which previously could only be accessed in case a court demand was made within the scope of an investigation, will be able to be provided by the Turkish Telecommunications Authority (TIB) and the information will be able to be given to the related authorities following adjudication.
2. An obligation to provide an updated version of their e-information accessible to web users was brought on access, location and content providers.
3. An obligation to ban unwanted content within four hours of the demand was brought on the Internet Service Providers Union.

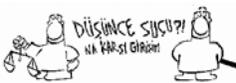
Having 31 million 247 thousand Facebook users (according to the data on socialbakers.com), Turkey is ranked 6th in the world, while ranking 1st among European countries.

There are 155 million Twitter users worldwide and 10 million in Turkey.

During the intense hours of the Gezi Park protests on 31 May 2013, the hashtag #direngeziparki was the top-ranked trending topic worldwide on Twitter.

A research made on 31 May 2013 revealed that 2 million tweets were posted within 24 hours regarding the protest. The number of tweets posted between 4 pm local time on Friday and 4 pm local time on Saturday are:

#direngeziparki: 950 thousand tweets,  
#occupygezi: 170 thousand tweets,  
#geziparki: 50 thousand tweets.



# OPINIONS COMMENTS



1995 - 2015

What changed in our social perception?

From where to where did it come?

Where does it go?

## OPPOSER = ENEMY, DIFFERENT THINKING = TRAITOR

**Dr. Fikret Başkaya** (*Free University -Ankara*)

It was the year 1960. I was a freshman student at the Political Studies Faculty. The Democratic Party was in power. Adnan Menderes was the Prime Minister. There was an incomprehensibly oppressive regime present at the time. First pages of the newspapers would some days be published completely blank and we would keep the newspapers in our bosoms... The situation with censorship and oppression has become a complete disaster... Eventually they enacted the law of the "Investigation Committee." A great meeting against oppression and violence was organized by Istanbul University students on 28 April and one of our friends was killed. Then we organized a protest the next day, on 29 April, with our neighbour, the Faculty of Law. We were exposed to the common violence of the gendarmerie and the police around 4 in the evening. Everyone was trying to escape in all sorts of directions and I desperately took shelter in the basement of the faculty, where the cafeteria was. When I regained my consciousness the next day, I was under white sheets in the Medical Faculty hospital...

The "Workers Party of Turkey" was founded in 1962. The moment I heard it was founded, I registered myself as a member. There were going to be general elections in 1965. A court case was opened against me because of making "communist propaganda" in the villages of Ankara, in accordance with the famous Article 141 of the Turkish Criminal Code.

When I completed my doctorate degree in France and returned to Turkey, I was conscripted immediately. I was exiled to Erzurum (Oltu) as a "prejudicial infantryman" at the end of term from the Officer Candidate School. Would you like to know the reason? The reason was that I possessed "bad thoughts"...

After one of my articles titled "why we shouldn't pay our foreign debts" being published on Milliyet newspaper... News were published on the *Türkiye* Newspaper with the headline "communist collusion at university." A case was opened against me with the reason that I made communist propaganda in my classes...

In April 1991, my first book "*Bankruptcy of the paradigm*" was published and 15 days later, an investigation was opened against me, following with a court case. I was sentenced to 20 months of imprisonment and a penalty fine of a thousand something Turkish liras.

11 young people in the Diyarbakır prison were brutally massacred in 1996, their heads being crushed with iron sticks by the man of the government. I wrote an article the next day. A case was opened against me because of "*publicly denigrating the Government of the Republic of Turkey*"... A court in Istanbul sentenced me to 9 months of imprisonment...

I wrote an article titled "*The historical case?*" in 1999, and I was sentenced to 15 months of imprisonment and a penalty fine of more than a thousand Turkish liras because of it. Sometimes there would also be cases opened against me because of other articles I have written in the past...

Thus, a case was opened against me in 2002 because of an article I wrote in 1993 on the Sivas (Madımak) massacre, and the proceeding continued until 2005...

In an answer I gave to a question during the interview a newspaper published in Gaziantep made with me (1997), I've said the "so-called *Non-Governmental Organizations* (NGOs) are quite often at the service of *apolitization* and *depolitization*." Since the word *apolitization* contained the abbreviation of Abdullah Öcalan's name "Apo," a case was opened against me because of making PKK propaganda, in accordance with the Anti-Terror Law...

Here was a section from my "thought crime" registry...



## LIKE SISYPHOS

**Oya Baydar** (*Sociolog, author*)

The last twenty years of Turkey has been a paradoxical period in terms of freedom of thought and freedom of expression, as it has been in all areas, where liberation and prevention, positive and negative, hope and disappointment intertwined.

Elimination of the **applications** of positive amendments made in the **laws, which** restricted freedom of thought and expression, democratic initiatives, forward steps taken through various methods, entered our daily routine. Not only in the last twenty years, but starting from far before that, we have been tired of seeing the boulder of freedom being carried to the summit of the mountain, as in the story of Sisyphus, and to see it rolling back down. However, we have not abandoned ourselves to despair, because we have been seeing every day the strong change in the society, the progress in cracking the shells, and the strengthening demand for pluralism and freedom.

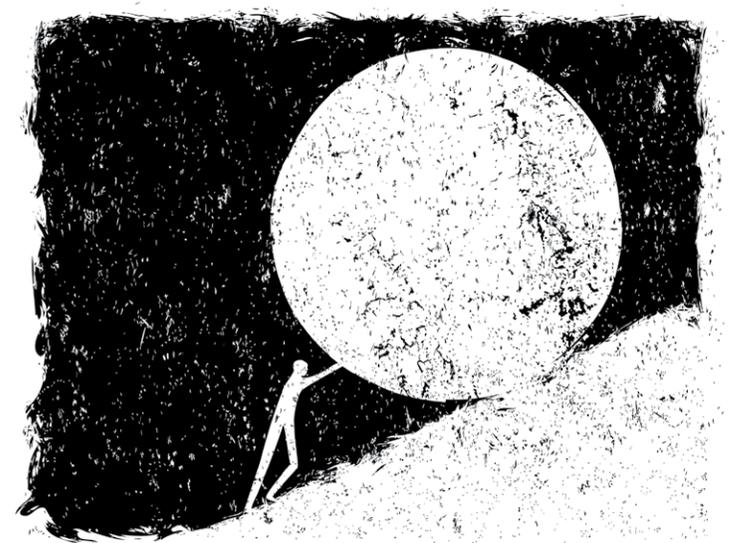
We are a society where the culture of obedience and homage is deeply rooted. This culture and mentality gets stronger in closed societies, leaning on religious, tribal and governmental systems. The laws and applications of the Turkish nation-state that has taken the ancient legacies of these structures over to have more security and monism lose their domination against the propulsive force of integration with the world and the development of societies in the 2000s. While demands of rights, identity and freedom, rising up from various parts of the society, hit the obstacles of applications of freedom of thought and expression, they pour out on the streets.

While the perception of society changes in parallel to the transformation, the revolution of informatics-communication affects Turkey deeply and extensively. Now, everywhere, every

thought is as close as a button to click, or a screen to touch. Even though mostly misused, mostly fueling hate speech and conflict, the social media knows no boundaries in terms of expression. While this lack of boundaries confront the restriction attempts of the government, the promises of democracy are tested each time, mostly failing.

It is impossible to ignore the regeneration of perception created both by the technological revolution and the changes in the society; whereas the perception manipulation and the perception management applied by the government benefits from the same opportunities. On the other hand, attacks against freedom of thought and expression cause every part of the society being victims of those attacks to make a self-questioning. The necessity of defending freedom not only for one's self, but for others, who think differently as well, is understood slowly in time.

In this period of transition and upheaval, we continue to carry the boulder up towards the summit, without forgetting that freedom of thought and expression is a part of the struggle for democracy.



## VOLITION OF MAJORITY AND RIGHTS OF MINORITY

**Prof. Dr. Murat Belge** (*Istanbul Bilgi University*)

In the process started with the victory of AKP in the elections in 2002, Turkey entered a "new" phase, which is extremely significant within the frame of its history. From that day to today, many striking events were experienced. The transformation Erdoğan experienced is quite surprising, as well as other similar cases.

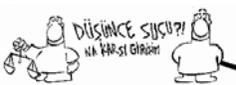
However, behind or at the core of all, a transition from a structure which was constructed for an elitist minority administration, which could be called a "Turkish-type Jacobean" structure (including the ideology, the political institutions, laws and every other thing beyond doubt) to a "pluralist" system. This could have meant a system allowing a more extensive participation, therefore a more democratic structure - and as a matter of fact, it should have meant that - but it didn't. Instead, it took the shape of a "plebiscitary dictatorship."

We are now in a process in which a political leader who addresses to the conservative ideologies, prejudices, and to patterns adopted "true" without thinking (and without performing as well) of masses; seeing the right of breaking the most basic principles of democracy, like the principle of separation of powers, in himself (with a justification of "being chosen by the National will.")

In a society, which experienced the period between 1960 and 2000 with military coups, there are no laws or a political culture needed for the civil society to protect the state from such pressure mechanisms. Perhaps, more importantly, there is no such experience. The ones who can display a certain amount of resistance are the ones connected to the Kemalist past, which means that, it is impossible to say that their opposition is a "democratic" opposition.

If there is such a change in a society's political-administrative system, it is expected that a change in the structure which can be defined as a "government block" to have happened as well. The avoidance of a coup by the military is primarily affected by the international conjuncture. However, there is also such a change. The Anatolian bourgeoisie which existed in that block very faintly for so many years now start to make its presence felt stronger, especially in these years following the period of Özal. However, is this political-ideological attitude represented by Erdoğan, and materialized within Erdoğan, the only inevitable or true politics of this part of the society?

The political struggle in Turkey, from now on, seems to be facing the conflict of defining the borders of the areas where the will of the majority and the rights of minorities confront one another.



## THE CRIME OF THE THOUGHT

**Ali Bulaç** (*Sociolog, Theolog and writer*)

Muslims of the modern times have a moral and a political responsibility to act exceptionally sensitive and determined when it comes to creating and protecting freedom of expression and thought.

Umberto Eco said the mainstay of the Western system is "freedom of thought," which is true. As the result of foreign or internal oppressions, countries like Turkey make regulations, which remove freedom of thought from being a crime. This leads to a level of relief in the society. However, when freedom of thought is not supported by basic laws, the temporary relief immediately brings the restrictions back with changing political conditions; and one day you see prosecutors opening cases under the title of "thought crime," relying on the most unexpected articles, and courts penalizing these "crimes."

After a long struggle in Turkey, the Articles 141 and 142 which banned communist propaganda as well as the Article 163 which banned religious-based thoughts and publications were removed from the Turkish Criminal Code. Then in the post-modern coup period of 28 February 1997, the bans returned.

Here we need to define what the notion of "thought crime" means. As is known, even the defenders of heavy penalties say that thought is essentially not a crime. However, the ones who are in favor of penalties and bans seem to ignore the requisite relation between the thinking of an individual and the expression of it, the attempt of influencing others with this thought. A thought which is not expressed or communicated to others has no value at all.

A person has a dream, and feels the need to tell that dream to his acquaintances, even the need to interpret it. There is a close relation between dreaming and thinking within the context of human consciousness. If you tell someone, "you can dream every night, but you can't tell anyone about your dreams; or you can only tell them about the dream within the limits I set, or as much as I allow you to tell them," then you wouldn't be respecting to the right to have dreams. One of the most important and meaningful activity of the human brain, thinking, likewise has the same need of being expressed, being put forth to mutual interaction and dialogue. As no one is able to prevent the other from having dreams, so is one not able to prevent the other from thinking and reasoning. That is why it is under no one's authority to "liberate" a human activity which already occurs inevitably. What must be liberated and be under the protection of the law, is the expression of the thoughts produced by the thinking brain. In that case, what needs to be understood from "freedom of thought" is not the process of thinking of a person, but the freedom of expressing that thought.

Unfortunately, parties coming into power, after long years of struggle for whichever political ideology or program, start doing the same thing that has been done to them before, to their own opponents.

Thoughts not carrying the qualities of provocation to commit crimes, to warmongering, to internal conflicts, to commit hate crimes, murders or which are not intended to openly attack religious values should be able to be expressed freely.



## AN OVERVIEW EVALUATION

**Prof. Dr. Fatma Gök** (*Pedagogue, Boğaziçi University*)

Evaluating the last twenty years in the field of educational politics without a doubt requires a long research. We can only determine a few things in general here. I would like to start with one of them: We no longer use the notion of equality of possibilities and opportunities in terms of education. The notion of "right" is settled.

The notion of right is outside of notions encompassing opportunities, luck and privilege; it includes a social responsibility which will meet a social demand. However, the chart of access to the right to education in the last twenty years is not positive at all. Therefore the notions of discrimination and inequality in terms of basic educational areas will be mentioned shortly.

First of all, gender-based social discrimination did not decrease in the last twenty years; on the contrary, it increased. The educational statistics clearly show us the current situation. Nevertheless, the statistics can not give us the full reality. The increasing social conservatism works against women. The process of socialization in the school being sexist, as well as educational programs making gender discrimination support and strengthen the already existing patriarchal gender roles and stereotypes. These conditions increased, especially with the application of the 4+4+4 system, in the last twenty years.

Income inequality, social classes, ethnic roots, age and being disabled are important factors affecting education, preventing to have a good and qualified education. People living in the rural areas in general are exposed to discrimination both in terms of the schooling rate, and the access to qualified education.

The quality of education in Turkey's public schools decreased significantly with the economical reconstruction politics applied after the 24 January 1980 military coup. The service of education, which was considered within the responsibilities of the government until the 1980s, worked against the poor and people living in the rural areas with the changing conditions in accessing the right to education, different social classes, social genders and ethnic roots in the period after 1980, when neo-liberal economy politics were being applied. Within the same process, the religious focus in education was gradually increased. The number of religious high schools rapidly increased, religious courses were made compulsory in elementary and secondary education; even so that this compulsion was constitutionally assured. After the 4+4+4 decision given in 2012, interventions on the educational system were made (and continue being made) towards making it an ideological tool for the government to gradually raise individuals for the social system preferred by the government. Applications not agreeing with a democratic and liberal education increase, the dimensions of religiousness expand. The increasingly preferred private schools also increase discrimination in education.

Another bitter reality we face in terms of the right to education in Turkey is the ethnic-based discrimination. The rate of enrollment to schools, especially in the eastern part of Turkey and in Kurdistan, is much behind the average in the country. The primary violation to the right to education in the area is the fact that those people are not provided a right to education in their mother language, which is a most basic human right. Kurdish language, being proposed as an elective course, did not change the situation.



## NOT EASY TO STOP THE GOVERNMENT, EVEN LESS EASY TO STOP THINKING!

**Prof. Dr. Ferhat Kentel** (*Şehir University-İstanbul*)

The story of freedom of expression in Turkey includes change and continuity in the relationship of governments and societies. Governments of each period, in which some “progress” was made in terms of freedom of expression, put new tactics accompanied by traditional reflexes into action, in order to keep having a firm hand on the tiller.

It is beyond doubt that the government in Turkey is an instrument which encompasses the traditional authoritarian mentality and on which different parts of the society may have influence proportional to their powers while paying prices for it. This structure meanwhile gains experience to regenerate itself from these struggles.

The Kurdish movement succeeded, paying heavy prices, to insert a disregarded, banned identity in the public sphere of Turkey under such a governmental sociology. Thus the idea of “everyone being Turkish,” which was one of the most basic founding taboos of the government, suffered an erosion. Even though freedom of expression overcame this taboo, the urge of the government to protect itself against new “risks” continue with the technologies of power, like the media under control or the “deep state” operations.

On the other hand, the Islamist movement provided a serious transformation by entering inside the government itself, while a variety of precautions taken by the authoritarian “secular” regime to regenerate itself was broken into pieces. The movement, which carried the AKP to power expanded the limits of freedom of expression. While headscarf was an unacceptable “symbol”

in the public sphere, it reached Çankaya. The Islamist thought was liberated especially in the universities, also in other levels of education, as well as in the media.

This, however, doesn’t mean the freedom of the “unbroken” ones. For instance, the institution “Hizb-ut Tahrir” continues to stand on trial - in the traditional way - and to get penalized with the charge of “being a terrorist organization.” Even though the AKP is now inside the government, the capitalist government also entered the AKP. With this property of it, the government further increased the radius of its sphere of influence on the society.

Connected to this entanglement, the government, for example on the matter of the “Armenian genocide” which started to be debated following a heavy price paid by the life of Hrant Dink, presents “indirect apologies” from the mouth of the AKP, while continuing on the traditional line as “national politics.”

Consequently, we can say that a civil society which gained much more experience and power in Turkey, expanded freedom of thought and expression in more different methods (street demonstrations, common tactical steps, visual performances). In other words, despite the police violence or the legal violence of the traditional authoritarian Kemalist government against “traitors trying to divide the nation” or “foreign conspiracies,” we can say that the society is in a process of getting through its “obedient” characteristic with all of its Muslim, secular, Alevi, conservative components.

During a period, in which communication channels like the social media gains strength, the dual fantasies of the modern nation-state and its Kemalist version break, plural identities are experienced and social movements support one another; it seems impossible for the traditional oppression methods of the government to be able to prevent these strong social dynamics.



## THE BEST OF TIMES - THE WORST OF TIMES

**Doç. Dr. Semra Somersan** *Assoc. Prof of Social Anthropology*

Freedom of expression in Turkey? I think there are only two ways to describe it: It is the best of times and the worst of times- perhaps not so much today, as between 2002 through 2011. Today, with all freedoms and basic democratic rights, the Turkey Ship is being swallowed by quicksand as I outline below.

Currently the most critical taboo on freedom of expression, is (almost) no longer the Armenian massacre of 1915, or the Kurdish question, the PKK, the civil war, but rather the bribery given and taken by Government ministers, money counters and cash- amounting to millions of dollars- found in the homes of sons of the Minister of the Interior and Minister of Industry and Trade, and the Minister of Environment and Urban Planning who, it seems with directives from the Prime Minister, literally donated Public land to the private sector for construction of apartments, shopping malls and opening up of coal mines etc. The Minister of Europe is under accusation of having taken bribery. Writing about these, however, can put people in prison.

The most untouchable historical taboo in Turkey, the Armenian massacre of 1915, on the other, has since 2002, when Erdoğan's AK party took over, lost its first place on the list of "forbiddens". Both Armenians and other citizens of Turkey, journalists, students, and academicians have researched and written about this tragic history and the fates of the descendants killed in the massacre in articles and in newspaper columns.

The first conference of its kind was held on 24 Sept. 2005, at the İstanbul Bilgi University. All the presentations were later published in an encyclopedic sized volume titled Ottoman Armenians at the Time of Decline of the Ottoman Empire (2011).

The irony: Two years after the conference Hrant Dink, the founder and director of the Armenian-Turkish weekly newspaper *Agos*, one of the most important journalists in Turkey was killed by what is now commonly thought to be a plot of the Turkish Gladio. Eight years

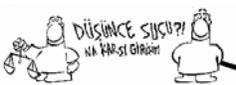
after the murder, however, the organizers have yet to be found and go to court, while the gunman is serving a prison sentence of fourteen and-a-half years.

As for the civil war in southeastern Turkey related to the banning of Kurdish human rights, Kurdish language, the first signs of a democratic approach also appeared after AK party came to power in 2002. Even more importantly the path to a peace process with the Kurdish guerrilla PKK began to be thought through. Kurdish parliamentarians from the HDP (a party made up of leftist Kurds and Turks) started visiting the PKK leader imprisoned on the İmralı Island off of Çanakkale to lay out the foundations of the peace process.

The PKK, has kept its word and stopped its occasional guerrilla activities, at least within the Turkey's national boundaries. As of end of Jan 2015 when I am about to finish Writing up this piece however, the peace process is stalled; seemingly waiting for the upcoming referendum on the presidential system that the current president of the Turkish Republic, Tayyip Erdoğan wants to establish.

Currently the single most important enemy of the AK Government seems to be the Fethullah Gülen Community, which the government believes was listening to mobile phone conversations of the members of the Government, particularly the aforementioned ministers. Hence there is a great deal of censure on TV, newspapers and other media owned by this group and non AK party media. Also hundreds of individuals working particularly in the Justice and Police system and several ministries have either been demoted to other lesser positions and far away from the capital city Ankara or simply laid over.

Quite a large number of intellectuals are of the opinion that "peace" has become a "plaything" of the Government, or maybe an election ploy to get the votes of the Kurdish people, living in the Kurdish regions at large. Also many wonder how it will be possible to have peace and democracy for the Kurds in the Kurdish regions while the rest of the country is being stifled by restrictions of all sorts of democratic freedoms in the rest of the country, especially, of course, freedom of speech.



## “FREEDOM OF EXPRESSION?”

**Doç. Dr. Sibel Özbudun** (*Social Anthropologist*)

In the 20-year period between 1995-2015, there were surely changes in the public opinion on “freedom of expression”... Moreover, they were important changes. For instance, Ahmet Kaya had to leave Turkey following the mass lynch attempt he faced after expressing his plans on composing in Kurdish during an award ceremony of the Tabloid Journalism Association in 1999. Today, a public channel in Turkey broadcasts in Kurdish.

As another example, Temel Demirer stood on trial for violating the Law No.301 because of saying, “the government made massacre” during a speech he gave after the murdering of Hrant Dink (2007)... Today, symposiums can be organized in Turkey on the Armenian genocide, movies can be screened....

Further examples may be given... However, it would be a one-way and a deficient explanation to connect these changes only to the development of the mass media, in my opinion. Ultimately, liberals in Europe thought newspapers would cause fanaticism to extinct and institutionalize freedom of thought without recourse at the beginning of the 19th century - until the “enlightened monarchs” closed selected newspapers one by one.

*Moreover, we have seen and experienced how the mass media, which was assumed to change the public opinion freedom of expression and thought positively, can be used as a “lynch media” as well...*

The relationship between two factors are effective in the change of public opinion regarding freedom of expression and thought, in my opinion: we may call it the “dialectic” of the relationship

between the fight given by opponents and the reactions given to these fights by the ones in power... The political power usually chooses one of the three methods to react to discourses by the opponents: oppression, possession or manipulation...

During the aforementioned 20 years, the change Turkey experienced seems to be largely connected to the “manipulation of the opponent discourse, or/yet taking it into possession” by the AKP government.

Yes, a person singing Kurdish songs or talking about the Armenian genocide today is less likely to be facing a lynch attempt. Most probably, this person will not even be put on trial - at least for now...

Because the Kurdish people have paid great prices for this. Because Hrant wrote, spoke, even though he knew his chance of being murdered was very high...

And while AKP challenged the Kemalist political “tutelage”, they have sensed the importance of synchronizing with these fights and demands. What the word “Turkishness” could not embrace, AKP thought/and still thinks “Islam” can melt within.

The question now is, can we say the same things for a person who criticizes “religious values or figures”? For example, how free are we, while talking about Allah, Mohammad, the Koran, the caliphs, or Islam?

How liberal is the “public opinion” on this?

What do you think?



## WORKS OF THE INITIATIVE FOR FREEDOM OF EXPRESSION

**Daily publications:** *(Online publications, continuously updated)*

**The THINK Website:** Our main website, composed of four sections, is updated every day. Here you can find everything on freedom of expression. The website is both in Turkish and in English. [www.dusun-think.net](http://www.dusun-think.net) (or [www.antenna-tr.org](http://www.antenna-tr.org))

**ÇTL (The Database):** This is a database where the records of thought crime cases are made. In this database, you can make searches with defendant names, law articles, case opening dates and with more sensitive criteria. The database is trying to be kept updated with the collaborative work of institutions such as Bianet, Center for Truth, Justice, Memory, Turkish Publishers Association, Transparency International Turkey and Human Rights Association.

**Müze:** 'Verba Volant, scripta manent' (Words fly away, but writings remain). May God forbid one from taking place in this museum. Needless to say more, see for yourself: [www.museum-tr.net](http://www.museum-tr.net)



### The Weekly Bulletin

The Bulletin is published online every Friday in Turkish, and the following Monday in English. While you can receive the bulletin as a free subscriber, you can also reach them anytime on the THINK website.

### Annual Reports

Annual reports we publish every year on 23 January since 2000 are prepared as books and are freely distributed to the related Non-Governmental Organizations, as well as to the media institutions. These book-reports, which are like freedom of expression almanacs of the previous year also include crimes (!) subjected to investigations, cases and penalties during that year.



### Biennial Gatherings

The Gathering in Istanbul for Freedom of Expression, organized since 1997, is now an international meeting held biennially, to which almost all concerning organizations around the world participate. The 9th Istanbul Gathering was held in 2014, and the 10th Gathering will take place on May 29-31, 2016.



## EPILOGUE

20 years passed since the beginning of the Initiative for Freedom of Expression, which started at the State Security Court backyard on January 23, 1995. While this book was being prepared, Yaşar Kemal, around whom we tried to come together 20 years ago, was struggling for his life. We hope, during the time you are reading these lines, that he regains his health and he is with us again.

\*\*\*\*\*

It would be a lie to say that we haven't lost our hope for any progress, from time to time. It may sound like a joke, but it is true. 20 years ago, we were struggling against article 8 of the Anti-Terror Law, articles 312, 155, 159, 169. Now we are struggling against Anti Terror Law articles 6 and 7, Penal Code articles 218, 288, 301, 318... etc. With Hodja's words, 'The saddle has changed, but it is the same old donkey'

\*\*\*\*\*

No, this is not a 'vicious circle', which we are turning around with eye-blinds. Yes, we pass similar points from time to time, but each time on another level, and always forwards. If you don't agree, please remember French king Louis the 15th, who said 'The State? It is I'. Today's 15th Louises have to explain that they do everything depending on the power they gained by the votes of people. We believe that the days when will give up begging our basic needs from politicians –almost as a mercy- whom we have authorised to represent us for a certain period and ask the bill anytime, not once in every four years.

\*\*\*\*\*

During these years, international solidarity never left us alone. Amnesty International, Human Rights Watch, PEN International, Article 19, INDEX on Censorship, IPA, CPJ, RSF, Freedom House... and the support of many other international and national institutions gave us strength; and they still do, as well as the umbrella organization of all, IFEX.

However, we owe to mention two "very special" people. Eugene Schoulgin and Jonathan Sugden have always been with us during these years, being our best "Kankas" (Buddies)

Is it a little thing to have friends all over the world?  
Greetings to all friends...



From time to time, it would be a lie to say that we haven't lost our hope for any progress. Sometimes, it may sound like a joke, but it is true. 20 years ago, we were struggling against article 8 of the Anti-Terror Law, articles 312, 155, 159, 169. Now we are struggling against Anti Terror Law articles 6 and 7, Penal Code articles 218, 288, 301, 318... etc. With Hodja's words, 'The saddle has changed, but it is the same old donkey'

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