[TR] Bianet blocked temporarily as result of mistake by Gendarmerie General Command

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Léa Chochon
European Audiovisual Observatory

In response to a request from the Gendarmerie General Command on 16 July 2019, the 3rd Penal Court of Peace in Ankara issued a ruling that blocked access to 136 news sites and social media accounts in Turkey.

Order 2019/5538 was issued on the basis of Article 8/A of Act No. 5651 on the regulation of publications on the Internet, which allows judges to order the removal of, or block access to content in order to protect the right to life or the security of life and property, to protect national security and public order, to prevent a crime from being committed, or to protect public health.

The blocked sites included Bianet, an independent media company known for its articles covering the human rights situation and freedom of expression in Turkey. The blockage rendered more than 200 000 articles inaccessible, without Bianet having been officially informed either that it had been blocked or of the reasons behind this blockage. Bianet lawyer Meriç Eyüboğlu lodged an objection to the ruling, noting in particular that no justification had been given.

OSCE Representative on Freedom of the Media Harlem Désir also expressed his deep concern, calling on the Turkish authorities to review the ruling. He recalled that “unhindered access to online news sources is key to ensure citizens can have access to credible and trustworthy information with a variety of viewpoints”, and stressed that the ruling confirmed the need to reform both current Internet law and the procedures of the Courts of Peace in Turkey.

On 17 July 2019, the Gendarmerie General Command retracted in respect of the Bianet site, stating that the site had slipped onto the list of sites notified to the Court of Peace “by mistake”. The Court therefore re-established access to Bianet, but maintained the blockage of the other sites on the list.

Bianet and the OSCE welcomed the decision, but denounced the blockage of the other sites. Bianet lawyer Meriç Eyüboğlu said, “Withdrawal of this unfair and unfounded decision for Bianet does not of course eliminate the unlawfulness and the massive and unjust interference with freedom of expression, freedom of the press and the right to access information. This decision should be rescinded in its entirety” (that is, for all the sites on the list).

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For information, according to an IFOD study, by the end of 2018, Turkey's Courts of Peace had blocked a total of 245 825 domain names, including at least 150 000 URL addresses, under Act No. 5651.

Değişik Iş No 2019/5538 D.Iş, T.C. Anakara 3. Sulh Cez Hâkimligi

https://bianet.org/system/uploads/1/files/attachments/000/002/688/original/Ankara_3rd_Criminal_Judgeship_of_Peace_2019-5538_Misc..pdf?1565097945

Order No. 2019/5538 D.Is, 16 July 2019, 3rd Penal Court of Peace in Ankara

Court Decision to Block bianet Made 'by Mistake', 135 Addresses Still Banned, Istanbul, 07 August 2019, BIA News Desk, Bianet

http://bianet.org/english/freedom-of-expression/211459-court-decision-to-block-bianet-by-mistake-135-addresses-still-banned

An assesment report on blocked websites, news articles and social media content from Turkey, Yaman Akdeniz, Ozan Güven, iFOD (Freedom of Expression Association)

https://ifade.org.tr/reports/EngelliWeb_2018_Eng.pdf

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