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Europe/Ex-USSR - Turkey

Cyber-censorship

Government defies constitutional court on website blocking

22 January 2015

The Turkish government is so hell-bent on stepping up Internet censorship that it is now trying to defy the country's constitutional court.

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Ruling party representatives submitted a bill to parliament on 20 January that is almost identical to one adopted in September – making it easier for the authorities to block websites without first referring to a court – which the [Constitutional Court](#) rejected a month later on the grounds of unconstitutionality.

"This attempt to pass an amendment that could easily be mistaken for the one declared unconstitutional a few months ago is shocking," said Johann Bühr, the head of the Reporters Without Borders Eastern Europe and Central Asia desk.

"We urge parliamentarians to show respect for the country's institutions as well as freedom of information by rejecting this bill, and we reiterate our call for the complete abolition of any provision for website blocking without a court order, as [recommended](#) by the UN special rapporteur on freedom of opinion and expression."

[Since February 2014](#), the High Council for Telecommunications (TIB) has already had the power to "preventively" order Internet Service Providers to block websites for "violating privacy" or for "discriminatory or insulting" content. The ISPs must comply within four hours.

No complaint needs to have been filed and the TIB does not have to seek a judge's permission first, but it must refer the decision to a judge within 24 hours of issuing the order and the judge is supposed to ratify it within 48 hours for it to remain in effect.

The bill that was passed in September and was overturned the following month further empowered the TIB to order "preventive blocking" in order to deal with a "threat to national security," to "protect public order" and to "prevent a crime from being committed."

The new bill contains almost all of the quashed one's provisions while adding the possibility of blocking sites to protect "public health."

The main difference is that the new bill allows all government ministers, including the prime minister, to order blocking in an "emergency." According to the September bill, only the head of the TIB and the minister of transport and communication were empowered to do this, as previously established.

This strengthening of the government's authority at the expense of the TIB's in the latest bill is consistent with the government's current drive to tighten its grip on the TIB as part of its battle with the supporters of the influential religious leader Fethullah Gülen, President Recep Tayyip Erdoğan's new No. 1 enemy.

A major police operation against the TIB [was launched](#) on the same day that the new bill was submitted. The TIB's management is said to be heavily infiltrated by Gülen Movement members and is accused of tapping the phones of senior politicians and officials, including Prime Minister Ahmet Davutoğlu and the president.

When YouTube and Twitter were blocked in March 2014, several court orders to restore access were

ignored. After the constitutional court finally issued an order for these websites to be unblocked on free speech grounds, the authorities eventually complied, but only belatedly.

Turkey is ranked 154th out of 180 countries in the 2014 [Reporters Without Borders press freedom index](#).

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