TURKEY

	2011	2012
INTERNET FREEDOM STATUS	**Partly Free**	**Partly Free**
Obstacles to Access (0-25)	12	12
Limits on Content (0-35)	16	17
Violations of User Rights (0-40)	17	17
Total (0-100)	**45**	**46**

* 0=most free, 100=least free

POPULATION: 75 million
INTERNET PENETRATION 2011: 42 percent
WEB 2.0 APPLICATIONS BLOCKED: Yes
NOTABLE POLITICAL CENSORSHIP: Yes
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM STATUS: Partly Free

INTRODUCTION

Internet and mobile telephone use in Turkey has grown significantly in recent years, though access remains a challenge in some parts of the country, particularly in the southeast. Until 2001, the government had a hands-off approach to internet regulation but has since taken considerable legal steps to limit access to certain information, including some political content. According to Engelliweb,[1] there were over 15,000 blocked websites as of February 2012, and certain online services, particularly file-sharing sites such as Last.fm and Metacafe, have experienced repeated blocking. Over the last two years, citizens have filed five separate applications to the European Court of Human Rights to challenge the government's blocking of YouTube,[2] Last.fm, and Google sites from Turkey after applicant appeals before the local courts were rejected.

In February 2011, the Information Technologies and Communication Board (BTK)[3] decided to establish a countrywide mandatory filtering system with the aim of protecting citizens from so-called "harmful content," which includes but is not limited to sexually explicit content and terrorist propaganda. Subsequent to strong opposition from the public and street demonstrations in May 2011,[4] a legal challenge against the BTK policy was launched at the Council of State level, leading the Turkish authorities to modify the policy in August

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[1] Engelliweb.com is a website that documents information about blocked websites from Turkey.
[2] The YouTube block was lifted in November 2010 only after disputed videos were made unavailable from the country.
[3] Decision No. 2011/DK-10/91 of Bilgi Teknolojileri ve İletişim Kurumu, dated February 22, 2011.
[4] Yesim Comert, "Marchers protest new Turkish Web filtering rule," CNN, May 15, 2011,
http://edition.cnn.com/2011/WORLD/meast/05/15/turkey.internet.protest/index.html.

2011. The modified filtering system is now voluntary for subscribers and became operational in November 2011.

OBSTACLES TO ACCESS

Despite an increasing penetration rate in the last few years, obstacles to internet access remain. According to the International Telecommunication Union (ITU), internet penetration in Turkey stood at 42.1 percent in 2011, up from 18.2 percent in 2006.[5] The number of mobile telephone subscriptions in 2011 was over 65 million for a penetration rate of 88.7 percent in 2011,[6] and all mobile phone operators offer third-generation (3G) data connections.

Although many people access the internet from workplaces, universities, and internet cafes, poor infrastructure and the lack of electricity in certain areas, especially in the eastern and southeastern regions, have had a detrimental effect on citizens' ability to connect, particularly from home. High though decreasing prices, bandwidth caps, and a lack of technical literacy, particularly among older Turks, also inhibit wider internet use. Bandwidth capping has become standard practice and a part of the broadband services offered by major providers throughout 2011.

The population generally enjoys widespread access to internet technology, and diverse news sources are available to users. Popular social networks such as Facebook and MySpace, and applications like Skype are available in Turkish. However, the government routinely blocks advanced web content and applications including video- and music-sharing sites such as YouTube, MySpace, Last.fm, Metacafe, and Dailymotion; blog-hosting sites like WordPress and Blogspot; Google groups; the photo-sharing website Slide; and file-sharing websites such as Rapidshare. In 2011, several websites addressing Turkey-related issues were subjected to blocking orders. This particularly affected news websites such as Özgür Gündem, Azadiya Welat, Keditör, Firat News, and Günlük Gazete that report news on southeastern Turkey and Kurdish issues. Google-owned Blogspot was also inaccessible for approximately three months as a result of a blocking order in 2011.

In most instances, these large-scale shutdowns have been blunt efforts to halt the circulation of specific content that is deemed undesirable or illegal by the government. Nevertheless,

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[5] International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2006 & 2011, accessed July 13, 2012, http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#.

[6] International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2011, accessed July 13, 2012, http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#.

circumvention tools are widely used to access blocked websites, and the government has not restricted their use to date.

There are 150 internet service providers (ISPs) in Turkey, but the majority act as resellers for the dominant, partly state-owned Turk Telekom, which provides more than 95 percent of the broadband access in the country. Liberalization of local telephony is still pending, and the delay undermines competition in the fixed-line and broadband markets. ISPs are required by law to submit an application for an "activity certificate" from the Telecommunications Communication Presidency (TIB), a regulatory body, before they can offer services. Internet cafes are also subject to regulation and registration. Those operating without an activity certificate from a local authority representing the central administration may face fines of 3,000 to 15,000 lira (US$1,900 to $9,600). Mobile phone service providers are subject to licensing through the regulatory authority and a licensing fee.

The Computer Center of Middle East Technical University has been responsible for managing domain names since 1991. Unlike in many other countries, individuals in Turkey are not permitted to register and own ".com.tr" and ".org.tr" domain names unless they own a company or civil society organization with the same name as the requested domain. A new set of rules on Domain Names Registration through an official Government Regulation was published in the Official Gazette on November 7, 2010. The Information and Communication Technologies Authority oversees and establishes the policy and its bylaws.

The Information and Communication Technologies Authority and the TIB, which it oversees, act as the regulators for all of these technologies and are well staffed and self-financed.[7] However, the fact that board members are government appointees is a potential threat to the authority's independence, and its decision-making process is not transparent. Nonetheless, there have been no reported instances of activity certificates being denied. The TIB also oversees the application of the country's website blocking law and is often criticized by pressure groups for a lack of transparency.

LIMITS ON CONTENT

Government censorship of the internet is relatively common and has increased in recent years. In May 2007, the government enacted Law No. 5651 titled, "Regulation of Publications on the Internet and Suppression of Crimes Committed by Means of Such Publication," which delineates the responsibilities of content providers, hosting companies, mass-use providers, and ISPs.[8] The law's most important provision calls for the blocking of

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[7] Information and Communication Technologies Authority, http://www.tk.gov.tr/Eng/english.htm.
[8] Law No 5651 was published on the Turkish Official Gazette on 23.05.2007, No. 26030.

websites that contain certain types of content, including material that shows or promotes sexual exploitation and abuse of children, obscenity, prostitution, or gambling. Also targeted for blocking are websites deemed to insult Mustafa Kemal Ataturk, the founding father of modern Turkey. Domestically-hosted websites with proscribed content can be taken down, while websites based abroad can be blocked and filtered through ISPs. According to Engelliweb.com,[9] there were over 15,000 blocked websites as of February 2012.

The procedures surrounding decisions to block websites, whether by the courts or the TIB, are nontransparent, creating significant challenges for those seeking to appeal. Judges can issue blocking orders during preliminary investigations as well as during trials. The reasoning behind court decisions is not provided in blocking notices, and the relevant rulings are not easily accessible. As a result, it is often difficult for site owners to determine why their site has been blocked and which court issued the order. The TIB's mandate includes executing judicial blocking orders, but it can also issue such orders under its own authority for certain content. Moreover, it has in some cases successfully asked content and hosting providers to remove offending items from their servers, allowing it to avoid issuing a blocking order that would affect an entire website. According to TIB statistics as of May 2009, the courts are responsible for 21 percent of blocked websites, while 79 percent are blocked administratively by the TIB. The regulator has refused to publish blocking statistics since May 2009.[10] In December 2011, an administrative court in Ankara rejected an appeal to obtain the official blocking statistics under Turkey's freedom of information law. A subsequent appeal to the Council of State, the highest administrative court in Turkey, was lodged in January 2012 to obtain the statistics.

Although Law No. 5651 was designed to protect children from illegal and harmful internet content, its broad application to date has effectively restricted adults' access to some legal content. In various instances, the courts have blocked websites for political content using other laws. For example, the courts have indefinitely blocked access to the websites of several alternative news sources such as Atilim, Özgür Gündem, Keditör, Günlük Gazetesi, and Firat News Agency. Access to the website of Richard Dawkins, a British etiologist, evolutionary biologist and popular science writer, was blocked in September 2008 after a pro-creationist Islamist claimed that the website contents had insulted him, his work, and his religion, though in July 2011, an Istanbul Court lifted the blocking ban and rejected the defamation claims. As of mid-2012, the case is on appeal at the Court of Appeal, but the website is accessible from Turkey.[11]

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[9] Engelliweb.com is a website that documents information about blocked websites from Turkey.
[10] Reporters Without Borders, "Telecom Authority Accused of Concealing Blocked Website Figures," news release, May 19, 2010, http://en.rsf.org/turkey-telecom-authority-accused-of-19-05-2010,37511.html.
[11] "RD.net no longer banned in Turkey!" The Richard Dawkins Foundation, July 8, 2011,

On September 28, 2010, the Ankara 3rd Criminal Court of Peace ordered the blocking of BugunKilicdaroglu.com, a website that assesses the policies and strategies of the CHP (Republican People's Party, the main Turkish opposition party) leader, Mr. Kemal Kılıçdaroğlu. The injunction to block access to the website was requested by Mr. Kılıçdaroğlu's lawyers. The Ankara 11th Criminal Court of First Instance overturned the blocking decision in January 2011.[12]

Certain leftist and pro-Kurdish news websites are blocked consistently,[13] especially those dealing with southeastern Turkey, home to most of the country's Kurdish population. In 2011, two different Court injunctions were issued to block access to LiveStream for allegedly distributing content involving terrorist propaganda. In addition, a Turkish blogger currently residing in Sweden is being prosecuted for the crime of publishing "obscene" content on the 5Posta.org website. The author writes about sexual politics and freedom, as well about sexuality, the sex industry, pornography, and internet censorship among other topics. Access to the 5Posta.org website is blocked by two different decisions, and court cases are pending. Similarly, an appeal is ongoing at the Council of State level with regards to the blocked Playboy.com website in Turkey. The user-based appeal was lodged by two university professors and is currently ongoing as of mid-2012.

Blocking orders related to intellectual property infringement continued in 2011 with access being blocked to the Google-owned Blogspot for nearly three months beginning in January 2011.[14] In the case of Blogspot, five different appeals were lodged with three different criminal courts in Diyarbakir on behalf of a Turkish blogger in early March 2011. On March 14, the Diyarbakir Public Prosecutor's Office revoked the blocking decision.[15]

In April 2011, the TIB sent a letter to hosting companies based in Turkey with a list of 138 potentially provocative words that may not be used in domain names and websites.[16] This raised strong national and international criticism, to which the TIB responded that the list of

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http://richarddawkins.net/articles/642074-rd-net-no-longer-banned-in-turkey.

[12] Yaman Akdeniz, "Fighting Political Internet Censorship in Turkey: One Site Won back, 10,000 To Go," Index on Censorship, March 4, 2011, http://www.indexoncensorship.org/2011/03/fighting-political-internet-censorship-in-turkey-one-site-won-back-10000-to-go/.

[13] Yaman Akdeniz, *Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship*, January 2012, http://www.osce.org/fom/41091.

[14] "Blogspot banned in football row," BBC News, March 4, 2011, http://www.bbc.com/news/technology-12639279.

[15] Yaman Akdeniz, "Turkish Blogspot Blocking Order Has Been Revoked," CyberLaw Blog, March 14, 2011, http://cyberlaw.org.uk/2011/03/14/turkish-blogspot-blocking-order-has-been-revoked/.

[16] Several "controversial words" appeared on the list of "banned words" including: *Adrianne* (no one knows who she is), *Haydar* (no one knows who he is), *aayvan* (animal), *baldiz* (sister-in-law), b*uyutucu* (enlarger), c*iplak* (nude), c*itir* (crispy), e*tek* (skirt), free, girl, *ateşli* (passionate), *frikik* (freekick), gay, *gizli* (confidential), *gogus* (breast), *hikaye* (story), homemade, hot, *İtiraf* (confession), *liseli* (high school student), *nefes* (breath), partner, *sarisin* (blond), *sicak* (hot), *sisman* (overweight), *yasak* (forbidden), *yerli* (local), *yetiskin* (adult), etc.

words was intended to help hosting companies identify and remove allegedly illegal web content.[17]

According to Thomas Hammarberg, the Commissioner for Human Rights of the Council of Europe, it is essential that the Turkish authorities review Law No. 5651 to align the grounds for restriction with those accepted in the case law of the European Court of Human Rights.[18] Similarly, the European Commission stated in its "Turkey 2011 Progress Report" that frequent website bans are cause for serious concern and called for the revision of Law No. 5651, which limits freedom of expression and restricts citizens' right to access to information.[19]

Five separate applications have been made between April 2010 and January 2011 to the European Court of Human Rights regarding the blocking of YouTube,[20] Last.fm, and Google sites from Turkey after the applicants' appeals before the local courts were rejected. In February 2011, the Strasbourg Court published the statement of facts for the appeals applications involving Google and Last.fm and asked the government of Turkey to respond to a number of questions by June 2011.[21] The government responded in July 2011, and the written submissions by the parties, which are confidential, were completed in September 2011. A decision is expected by the end of 2012.

In a step towards increasing control over the internet in Turkey, the Information Technologies and Communication Board (BTK) announced in February 2011 a decision to implement a mandatory countrywide filtering system that claims to protect families, particularly children, from harmful online content such as pornography.[22] In response, the IPS Communication Foundation, which owns the alternative media website Bianet, initiated in April 2011 a legal challenge against the BTK decision at the Council of State, the highest administrative court in Turkey.[23] The pressure of legal action against the proposal eventually

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[17] Ekin Karaca, "138 Words Banned from the Internet," Bianet, April 29, 2011, http://www.bianet.org/english/freedom-of-expression/129626-138-words-banned-from-the-internet; See also, Erisa Dautaj Senerdem, "TIB's 'forbidden words list' inconsistent with law, say Turkish web providers," Hurriet Daily News, April 29, 2011, http://www.hurriyetdailynews.com/n.php?n=tibs-forbidden-words-list-inconsistent-with-law-2011-04-29.

[18] Thomas Hammarberg, "Freedom of Expression and Media Freedom in Turkey," Council of Europe, July 12, 2011, https://wcd.coe.int/ViewDoc.jsp?id=1814085.

[19] European Commission, "Turkey 2011 Progress Report," Commission Staff Working Paper, October 2011, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf.

[20] The YouTube block was lifted in November 2010 only after disputed videos were removed or made unavailable from the country.

[21] Application No. 3111/10 by Ahmet YILDIRIM against Turkey (Google Sites) introduced January 12, 2010 and Application No. 20877/10 by Yaman Akdeniz against Turkey (Last.fm) introduced April 6, 2010. Assessment of these two cases is currently ongoing as of early 2012.

[22] Decision No. 2011/DK-10/91 of Bilgi Teknolojileri ve İletişim Kurumu, dated February 22, 2011.

[23] On September 27, 2011, the Council of State rejected the "stay of execution" request by Bianet referring to the annulment of the February 22, 2011. The case between Bianet and BTK is currently on-going as of early 2012.

led the BTK to modify the policy in August 2011, annulling the original decision and making the adoption of the filtering system optional instead of compulsory.

Before the decision was annulled, the BTK's original "safe use of the internet" filtering system required ISPs to offer four separate user profiles—standard, children, family, and domestic internet—with different access authorizations and obligated all home subscribers to choose one of the four filtering profiles upon purchase. ISPs would then be given filtering lists for each profile from the BTK that included domain names, IP addresses, port numbers, and web proxy addresses. Further, the BTK would have had broad discretionary powers to include on the black list any website that it believed to be harmful. No criteria or rules were established for deciding what sort of content could be subject to filtering, and ISPs would have been compelled to provide the service free of charge to their customers.

The modified filtering system is not compulsory for users, and the new version includes only the family and child profiles. However, ISPs are still compelled to offer the filtering service to their customers, and the filtering criteria have been considered somewhat arbitrary yet discriminatory and eclectic.[24] For example, the "child fliter" blocks access to several websites advocating the theory of evolution as well as the website of Richard Dawkins,[25] while some anti-evolution websites remain accessible through the same filter.[26] The "child filter" also blocks access to Facebook and the online video-sharing website YouTube, in addition to *Yasam Radyo* (Radio Life) and the Armenian minorities' newspaper, *AGOS*.[27] The BTK claims "technical errors" before removing websites from its filter, and a lack of transparency behind the filtering process has been the subject of criticism.

The filtering database and profiles are controlled and maintained by the government. The Child and Family Profiles Criteria Working Committee was introduced in January 2012—almost three months after the new filtering system become operational—to address concerns about the establishment of filtering criteria. However, the formation of the committee itself raised concerns about its independence and impartiality. Seven of the 11 members of the committee are either from the BTK, Family and Social Policies Ministry, or Internet Board, and three experts are selected and appointed by the BTK. Moreover, the principles on which the committee will work remains unclear.

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[24] "New Internet Filtering System Condemned as Backdoor Censorship," Reporters Without Borders, December 2, 2011, http://en.rsf.org/turquie-new-internet-filtering-system-02-12-2011,41498.html.

[25] Dorian Jones, "Turkey Blocks Web Pages Touting Darwin's Evolution Theory," Voice of America, December 23, 2011, http://www.voanews.com/english/news/europe/Turkey-Blocks-Web-Pages-Touting-Darwins-Evolution-Theory-136162663.html.

[26] Sara Reardon, "Controversial Turkish Internet Censorship Program Targets Evolution Sites," Science Magazine, December 9, 2011, http://news.sciencemag.org/scienceinsider/2011/12/controversial-turkish-internet-c.html?ref=hp.

[27] "Agos'u Biz Değil Sistem Engelledi" [AGOS was filtered through the Ministry of Education filter. See Haber Merkezi], Bianet, January 23, 2012, http://www.bianet.org/bianet/ifade-ozgurlugu/135645-agosu-biz-degil-sistem-engelledi.

On November 4, 2011, a second legal challenge was launched by Alternatif Bilişim Derneği (the Alternative Information Technologies Association), which asked the Council of State to annul the modified August 2011 BTK filtering policy on the grounds that the policy lacks legal basis. The Association further argues that the BTK system discourages diversity by imposing a single type of family and moral values.

Despite the large number of sites blocked, circumvention techniques and technologies are widely available, enabling even inexperienced users to avoid filters and blocking mechanisms. Each time a new order is issued and a popular website is blocked, a large number of articles are published to instruct users on how to access the banned websites. As a demonstration of the extent of this phenomenon, during the two and a half year block of YouTube, the video-sharing website remained the eighth most-accessed site in Turkey.[28]

Turkish users increasingly rely on internet-based publications as a primary source of news, and despite the country's restrictive legal environment, the Turkish blogosphere is surprisingly vibrant and diverse. There is a wide range of blogs and websites through which citizens question and criticize Turkish politics and leaders, including issues that are generally viewed as politically sensitive. The majority of civil society groups maintain an online presence, and social-networking sites such as Facebook, FriendFeed, and especially the microblogging platform Twitter are used for a variety of functions, including political campaigns.

In May 2011, internet users organized a major protest against the introduction of the country-wide filtering system. The protest gathered approximately 50,000 people in Istanbul who demanded freedom from filters as well as the abolishment of Law No. 5651.[29] Arguably, the protest and its associated media coverage had a huge impact on the modification of the mandatory filtering system. Thus far, however, mobile phones and SMS technology do not seem to play a large role in social or political mobilization.

VIOLATIONS OF USER RIGHTS

The constitution includes broad protections for freedom of expression, stating that "everyone has the right to express and disseminate his thought and opinion by speech, in writing or in pictures or through other media, individually or collectively." Turkish law and court judgments are also subject to the European Convention on Human Rights and bound by the decisions of the European Court of Human Rights. While thousands of websites have

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[28] According to Alexa, a web information company, as of August 26, 2010, http://www.alexa.com/topsites/countries/TR.
[29] "Turks marched against government censorship of the Internet in Istanbul," CyberLaw Blog, July 19, 2010, http://cyberlaw.org.uk/2010/07/19/17-temmuz-2010-internette-sansuru-protesto-etmek-icin-2000-kisi-yuruduk.

been blocked under Law No. 5651, there have been no prosecutions of individuals for publication of the proscribed content. There are also no laws that specifically criminalize online expression or activities like posting or downloading information, sending email, or transmitting text messages.

However, many provisions of the criminal code and other laws, such as the Anti-Terrorism Law, are applicable to both online and offline activity. In October 2011, the Anti-Terrorism law was used to prosecute journalist Recep Okuyucu for allegedly advocating terrorist propaganda by downloading Kurdish music files and accessing the blocked Kurdish *Firat News Agency* website.[30] He was found not guilty by a Diyarbakir court.

Article 301 of the Criminal Code has been used against journalists who assert that genocide was committed against the Armenians in 1915, discuss the division of Cyprus, or write critically about the security forces. Book publishers, translators, and intellectuals have also faced prosecution for insulting Turkish identity. Thus far, there have been no prosecutions under Article 301 for online material, but the possibility of such charges significantly contributes to self-censorship.

Nevertheless, a number of citizens have been penalized for their online activities. In February 2012, a student named Mikail Boz was subjected to a disciplinary investigation for criticizing the dean of the communications studies department at Marmara University on the popular Turkish social media platform, Sour Times. He was punished with a one-semester suspension, which was reduced to one week after his case was widely covered by the media.[31] In March 2012, Erol Ceylan, a public servant, shared a song on Facebook that prompted the publication of a number of anti-government comments on his profile. Subsequent to an administrative disciplinary investigation, he lost his job.[32]

The constitution states that "secrecy of communication is fundamental," and users are allowed to post anonymously online. The constitution also specifies that only the judiciary can authorize interference with the freedom of communication and the right to privacy. For example, judicial permission is required for technical surveillance under the Penal Procedural Law. However, the anonymous purchase of mobile phones is not allowed, and would-be buyers need to provide official identification. Turkey has yet to adopt a data

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[30] "Court Acquits Journalist Who Interviewed Kurdish Separatist," Reporters Without Borders, December 29, 2011, http://en.rsf.org/turkey-journalists-under-pressure-as-26-10-2011,41282.html.

[31] Isil Cinmen, "Ekşi Sözlük'e Yazdı, Okuldan Uzaklaştırıldı," Bianet, February 1, 2012, http://bianet.org/bianet/genclik/135862-eksi-sozluke-yazdi-okuldan-uzaklastirildi#.Tyk6VzET46o.facebook [in Turkish]; See also, Isil Cinmen, "Üniversiteden Geri Adım, Mikail Haftaya Okulda," Bianet, February 3, 2012, http://bianet.org/bianet/genclik/135939-universiteden-geri-adim-mikail-haftaya-okulda [in Turkish].

[32] Erol Ceylan took legal action at an administrative court to annul the decision. See, "Facebook bir hayat daha kararttı!" CNN Turk, March 2, 2012, http://www.cnnturk.com/2012/guncel/02/03/facebook.bir.hayat.daha.karartti/647658.0/index.html [in Turkish].

protection law even though the September 2010 amendments to the Turkish Constitution included data protection provisions. In 2011, the use of encryption (hardware or software) became subjected to regulations introduced by the Information Technologies and Communication Board. Suppliers of encryption products are now required to provide private keys before they can offer their products or services within Turkey.

Despite the constitutional guarantees, most forms of telecommunication have been tapped and intercepted in practice.[33] Between 2008 and 2009, several surveillance scandals received widespread media attention, and it is suspected that all communications are subject to interception by various law enforcement and security agencies, including the Gendarmerie (military police). Some reports indicate that up to 50,000 phones—both mobile and land-line—are legally tapped daily in Turkey, and 150,000 to 200,000 interception requests are made each year. During 2009, it was alleged that phone conversations involving members of the parliament, journalists, Supreme Court and other judges, and prosecutors including the chief public prosecutor were tapped.[34]

Such actions have been challenged in court on at least one occasion. In 2008, responding to complaints lodged by the TIB, the Supreme Court of Appeals overruled a lower court's decision to grant both the Gendarmerie and the National Intelligence Agency (MIT) the authority to view countrywide data traffic retained by service providers.[35] Nonetheless, similar powers to access and monitor data traffic have been granted to the MIT and the National Police Department. Faced with criticism on the issue, the parliament in 2008 launched a major inquiry into illegal surveillance and interception of communications, though the inquiry concluded in January 2009 without finding any "legal deficiencies" in the interception regime.

ISPs are not required to monitor the information that goes through their networks, nor do they have a general obligation to seek out illegal activity. However, all access providers, including internet cafe operators, are required to retain all communications (traffic) data for one year. Administrative fines of 10,000 to 50,000 lira (US$6,400 to US$32,200) can be imposed on access providers if they fail to comply, but no ISP or other provider has been prosecuted to date.

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[33] For a history of interception of communications, see: Faruk Bildirici, *Gizli Kulaklar Ulkesi* [The Country of Hidden Ears] (Istanbul: Iletisim, 1999); Enis Coskun, *Kuresel Gozalti: Elektronik Gizli Dinleme ve Goruntuleme* [Global Custody: Electronic Interception of Communications and Surveillance] (Ankara: Umit Yayincilik, 2000).
[34] "Başsavcı Engin dinlenmiş ve takip edilmiş" [The Chief Public Prosecutor's Calls Are Tapped], *Radikal*, November 12, 2009.
[35] The court stated that "no institution can be granted such authority across the entire country, viewing all people living in the Republic of Turkey as suspects, regardless of what the purpose of such access might be." See, "Supreme Court of Appeals Overrules Gendarmerie Call Detail Access," Today's Zaman, June 6, 2008, http://www.todayszaman.com/tz-web/news-144038-supreme-court-of-appeals-overrules-gendarmerie-call-detail-access.html.

All mass-use providers are required to use one of the filtering programs approved by the TIB, which are published on the TIB's website. However, criteria for the approval of these programs are not publicly available, and it remains unclear whether the approved programs filter websites other than the ones formally blocked by the courts and the TIB. As a result, the system could lead to systematic censorship of websites without the necessary judicial or TIB orders.

There were no reports of extralegal intimidation or harassment of bloggers or others for their online activities in 2011 and early 2012, though some internet content was believed to have contributed to the 2007 murder of Hrant Dink, the editor-in-chief of the bilingual Turkish-Armenian newspaper *Agos*. He had received several death threats via email, and it was reported that his teenage killer was influenced by the writings on certain ultra-nationalist websites and online forums. Such sites are not covered by Law No. 5651 and have not been subject to blocking or regulation.

Unlike physical attacks, technical attacks are becoming increasingly common. During 2011 and in early 2012, the international internet hacktivist collective known as Anonymous launched a successful distributed denial-of-service (DDoS) attack against the Turkish government, taking down several official government websites, including the Telecommunications Communication Presidency (TIB) website (www.tib.gov.tr) and Turkish Social Security Institution (SGK, www.sgk.gov.tr). Furthermore, Anonymous hacked a consumer complaints website run by the BTK in February 2012, and data relating to a considerable number of users was circulated through numerous websites.[36]

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[36] "Anonymous Hacked BTK Database," Bianet, February 15, 2012, http://www.bianet.org/english/world/136178-anonymous-hacked-btk-database.