

# Turkey's top court rules Twitter ban violates rights (Update)

March 26 2014, by Fulya Ozerkan

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A picture representing a mugshot of the Twitter bird is seen on a smart phone with a Turkish flag on March 26, 2014 in Istanbul

Turkey's top court ruled Wednesday the government violated people's rights by banning Twitter, ordering authorities to unblock the site used to spread corruption allegations against Prime Minister Recep Tayyip Erdogan.

The Constitutional Court unanimously ruled that the ban was a breach of free speech safeguarded by the constitution, sending a statement both to the country's telecommunications authority and the communications ministry to "do what's necessary", Turkish television reported.

The government blocked Twitter on March 20 after the social media site was used to spread audio recordings that allegedly implicated Erdogan and his inner circle in a corruption scandal.

Shutting down the site ahead of crucial March 30 local elections sparked condemnation at home and abroad and earned Turkey a strong rebuke from rights groups and its Western allies.

But the ban has been widely circumvented by Twitter users, who have kept tweeting via text message or by adjusting their Internet settings.

The court case was brought by academics Yaman Akdeniz of Bilgi University in Istanbul and Kerem Altiparmak of Ankara University, as well as opposition Republican People's Party (CHP) lawmaker Sezgin Tanrikulu.

They took to Twitter to welcome the court's ruling.

Tanrikulu called the decision "a turning point of the public opposition".

"If (we) want, we can succeed," he tweeted.

Akdeniz, a professor of cyberlaw, used Twitter to attach a copy of the court verdict, which found the ban "violated Article 26 of the Constitution safeguarding freedom of expression".

The US ambassador to Turkey, Francis Ricciardone, also welcomed the decision via the embassy's Twitter account.

The ruling follows another by an Ankara administrative court last month that also found the Twitter ban restricted freedom of expression, after the Turkish Bar Association launched a legal challenge.

The government appealed that verdict, and the ban remained in place.

Experts say the latest verdict could set a precedent for future cases and, if respected, could deter the government from imposing further blanket bans on social media, frequently used by Turkey's youth amid claims of government pressure on the mainstream media.

### **Social media 'menace'**

Erdogan's government said Twitter, which hired a lawyer in Turkey to challenge the ban, had failed to abide by hundreds of court orders to remove content deemed illegal.

The government also shut down YouTube after the popular video-sharing network leaked a high-level security meeting last month where officials discussed war plans against neighbouring Syria.

Erdogan's Islamic-rooted Justice and Development Party (AKP) won Sunday's local polls, a sweeping victory that came despite the corruption claims and Internet clampdowns.

After 11 years in power, Turkey's strongman premier is seen by critics as increasingly authoritarian for introducing bans on the Internet and tightening his grip on the judiciary.

Erdogan labelled Twitter "menace" for helping to organise mass street protests against his government last year.

The ban has sparked concerns about basic freedoms and rights in a

country that has jailed more reporters than any other country, including serial offenders Iran, China and Eritrea.

Opposition leader warned after Erdogan's party won the local polls that more pressure were on the horizon.

"You'll all see pressure on the media, civil society, political parties... will increase," said Kemal Kilicdaroglu of the secular Republican People's Party.

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