The Twitter Ban is a Serious Step Backward from a Democratic Social Order

Access from Turkey to Twitter, one of the most effectively and widely used new communication media, was prevented on 20 March 2014 as from 23:00 hours. The most recent decision issued by the Telecommunications Office (TO) concerning the prevention of access to Twitter is as follows: “An Enforcement Order is implemented by the Telecommunications Office in relation to this Internet site (twitter.com) on the basis of the decision of 20/03/2014 made by the Istanbul Chief Public Prosecutor’s Office (in charge of Article 10 of the Anti-Terrorism Law).”

The Istanbul Chief Public Prosecutor’s Office, which the TO referred to in justification of the ban it imposed, stated that they had no decision to such effect. The other court decisions referred to concerning the issue are also very far from being a reason for the complete banning of Twitter.1

As the Checks and Balances Network, we issued the statement titled “The Internet Law to Have a Direct Effect on the Lives of 55 Million People” on 18 February 2014 to inform the public and all parties concerned of the dangers of the changes planned to be made to Law no. 5651 in terms of the system of democratic checks and balances.2 As a matter of fact, how justified we were in our warnings has become clear in such a short time as one month.

The system of checks and balances means that the powers of Legislative, Executive, Judiciary, Press, and civil society balance and check each other’s power for a democratic social order in the framework of their respective duties and responsibilities. The system of checks and balances prevents one power from dominating the others, upholds separation of powers, protects the minority from the majority, and considers gender equality.

The social media is today an indispensable part of the media, one of the five powers in the system of democratic checks and balances. As such, it has a rapidly increasing importance to check and balance the other powers. In an environment where three consecutive elections will be held, the banning of Twitter, a social media channel which plays an important role in enabling voters to check candidates, constitutes a problem in terms of the principle of fair and free elections.

Freedom of Communication is a Universal Value

Stefan Füle, Member of the European Commission in Charge of Enlargement, who is a key figure in our country’s process of accession to the EU, has emphasized in a message issued by him that “freedom to choose communication media is a fundamental value of the EU”.3 Daniel Holtgen, spokesman for the Council of Europe, of which we are a member, has stated that “this ban is contrary to freedom of expression in the context of the European Convention on Human Rights” and that “its legal basis is being examined.”4

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3 http://www.haberturk.com/dunya/haber/931579-ab-ve-abdden-twitter-tepkisi
4 http://www.hurriyet.com.tr/dunya/26051870.asp
As the Checks and Balances Network, we think that the statement made by President Abdullah Gül\(^5\) from his own account on Twitter shortly after the prevention is highly significant. In that statement, he said: "A total ban on platforms of social media is not approvable. In addition, as I pointed out several times in the past, a complete prevention of access to platforms used throughout the world such as Twitter is technically impossible anyway at the point currently reached by communication technologies. If there are criminal issues such as violation of privacy, only the relevant pages may be banned and only by court decision. I hope that this practice will not last long."

A complete ban on access to Twitter is against the Constitution, the European Convention on Human Rights, to which we are a party, and even Law no. 5651, which includes the recent provisions on the Internet that are responsible for the current problematic situation. In addition, it is also a serious step backward from the system of checks and balances, which is a fundamental requirement of a democratic social order and which we as the Network advocate. For these reasons, we demand that the ban should be urgently reviewed and lifted.