

The Freemuse Files



A compilation of articles, campaigns, advocacy and statistics on violations on artistic freedom of expression in Turkey

FREEMUSE

ARTSFREEDOM

A compilation of articles, campaigns, advocacy and statistics on violations on artistic freedom of expression in Turkey published by Freemuse from 2002-2016

Published December 2016 by Freemuse
Jemtelandsgade 1 – DK 2300 Copenhagen S, Denmark
© 2016 FREEMUSE
www.freemuse.org

Introductions and compilation by Ole Reitov
Graphic design by Mik Aidt

Freemuse would like to thank all artists and contributors

Freemuse is an independent international membership organisation advocating and defending artistic freedom. Freemuse has Special consultative Status with United Nations since 2012.

This compilation is dedicated to the brave Turkish artists and intellectuals, who continuously fight for their rights to freedom of expression

Freemuse is kindly supported by the Swedish International Development Cooperation Agency, Sida, The Culture Section of the Ministry of Foreign Affairs, Norway and Fritt Ord, Norway.

*Imagine! You are not a murderer,
You did not steal from anybody.
But you are in prison!
Why?
Because you are a singer!
Selda Bağcan*

Turkey – The Freemuse Files on Censorship of the Arts

As President Tayyip Erdogan continues to tighten his grip on power and thousands of academics, activists, journalists, judges and teachers have been arrested or lost their jobs, we are once again reminded of how brutal power politics has dominated the conflict stricken country for decades and seriously affected its citizens. 2016 witnessed the worst crackdown on free expression in Turkey. The failed coup in July has been used as an excuse to silence any oppositional voice. But already 2015 was a more than usually troubled year for Turkey; especially as the year wore on, with growing tensions on the Syrian border, and a crisis situation in the Kurdish south-east which is seeing a return of violence and the institution of curfews.

In our 2015 annual statistics report ‘Art under threat’, we noticed, “President Erdoğan seems to have a particularly thin skin when it comes to criticism. Since becoming president in August 2014, he has initiated well over 200 cases in which he claims he has been insulted. In the past year actors, singers, cartoonists and journalists have been investigated, tried and fined for mocking the president.”

The report also noted that “Turkey’s anti-terror law, long-criticised for its vagueness and for being applied primarily against Kurdish rights activists, has been used to imprison singer Nûdem Durak to a 10.5 year term for “promoting Kurdish propaganda.”

Censorship and repression is not a new phenomenon in Turkey. Military regimes have come and gone. Democratically elected governments have not always been very democratic and frequently abused most human rights standards.

For almost 20 years, Freemuse has documented violations on freedom of musical expressions and since 2012 also violations on other art forms in Turkey. ‘Turkey – The Freemuse Files’ is the first in a series of Freemuse compilations. The idea is to provide our readers, network partners and policy makers with an easy, quick overview of censorship in the past and present by country or by topic. This compilation presents a selection from the hundreds of Freemuse documents and publications on violations on artistic freedom in Turkey. You can find much more on our websites.

We would like to thank all the contributors, artists and network partners, who have generated so much material together with us.

Ole Reitov



Executive Director

Turkey – the articles

Freemuse has published background articles on censorship in Turkey since one of Turkey's leading freedom of expression defenders, composer and activist Şanar Yurdatapan came to the 2nd World Conference on Music & Censorship in Copenhagen 2002. Many of the contributions at the conference were later compiled and printed in 'Shoot the Singer', edited by Freemuse co-founder and Executive Director Marie Korpe.

The book published by Freemuse and Zed Books and initially printed in English was also translated and printed in Italian as well as Finnish and has become an international "standard work" on music censorship.

In this compilation we reprint from the book the chapter 'Turkey: Censorship past and present' written by Yurdatapan, who guides us through the history of censorship from the Ottoman Empire to the conflict driven Turkey of today. Yurdatapan, himself a victim of censorship was forced into exile for several years and currently face absurd charges for "promoting terrorist propaganda". If convicted this will be his fourth time facing imprisonment as a result of his peaceful activism.

It was Yurdatapan, who also was one of the driving forces behind the Freemuse decision to organise our 3rd World Conference on Music Censorship in 2006, hosted by Bilgi University.

As a preface to the conference, Freemuse initiated a collaboration with a group of young, innovative writers and designers from the BANT magazine, which led to a special edition of the magazine featuring articles on music censorship in Turkey. We republish some of these with their original layout. In one of the articles, we learn how so-called "Arabesque" music was banned. Another article describes how over the years Turkish Radio has played the role of defining which music was desirable as "Turkish" and which music styles or musical expressions were considered undesired. A third article specifically addresses the trials and tribulations of Kurdish music.

At the conference the iconic Turkish singer, Selda Bağcan, testified about her experiences of censorship since 1980. In this compilation we reprint her testimony.

But – how about today?

The chapter begins with two recent articles published in 2016 as part of the INSIGHT series on our web platform of all arts forms artsfreedom.org. The most recent, 'The coup still continues for the art scene', published in September 2016, describes how the state of emergency following the failed coup in Turkey on 15 July 2016 accelerated the already ongoing attacks against freedom of art.

Journalist and art historian Yiğit Günay wrote the article. He also contributed to INSIGHT in May 2016 with 'Music that sexually turns on people is a sin'. It tells the amazing story about The Turkish Directorate of Religious Affairs, which issued a fatwa – a religious ban – on music performed by an imam, who runs a rock band and opposes the Directorate's fatwa from a religious perspective.



Kemal Kocatürk

Turkey: The coup still continues for the art scene

The state of emergency following the failed coup in Turkey on 15 July 2016 resulted in increased pressure against artists. The already-ongoing attack against freedom of art has accelerated after the coup attempt. Artists are trying to keep their heads up under the pressure, while the government is planting the seeds for a total transformation of the cultural scene.

By Yiğit Günay **INSIGHT** Published on 14 September 2016

“For the first time in 35 years, I’m concerned if we’ll be able to do theatre in the near future.” It is hard to swallow to hear this from a veteran of Turkish art scene. Kemal Kocatürk, 52, is an actor, playwright, director and poet with numerous awards throughout his career. Kocatürk was one of the six artists who were suspended from the Istanbul City Theatre, following the coup attempt in Turkey on 15 July, claimed to be organised unsuccessfully by a religious sect headed by a Pennsylvania resident imam called Fethullah Gülen.

The Gülen movement had been an ally of Recep Tayyip Erdoğan’s Justice and Development Party (AKP) since they won the elections and became the government in 2002. Around 2012, the alliance started to decay, which ultimately resulted in the conspirative religious movement attempting to overthrow Erdoğan through their cadres inside the army. The attempt was defeated due to the facts that a small portion of the army actively participated in the coup, the plan and practice of the putschists (coup-attempters) were clumsy in many aspects and pro-Erdoğan thousands took to the streets to stand against the tanks and soldiers, thereby shattering the already minimal legitimacy of the coup.



Kemal Kocatürk

Kocatürk was reading a book in his house in Istanbul on the evening of Friday 15 July 2016. “After I received a phone call from a friend about the military mobility, we turned on the tv. We were watching it alive, but things were not adding up. What is the point of cutting the traffic on the Bosphorus Bridge? It felt like a badly-written, third-class comedy play.”

This sentiment of a coup ‘too-bad-to-be-real’ was shared among all the elder generations, who witnessed the coup on 12 September 1980. The coup resulted in death penalties for hundreds, torture and jail time for thousands, and a still effective, insultingly oppressive constitution. The coup remains as the paradigmatic break in the history of Turkey.

Kocatürk was 17 back then, a youngster interested in arts and especially theatre. He was arrested with the accusations of “possession of illegal publications and membership to an illegal organisation” and spent 52 days in prison. He definitely has a good understanding of what a military coup would mean for the art scene.

“If you gathered together with more than three people, with whatever purpose, they breathed down your neck. People were even avoiding going out on the street as much as possible.”

It practically meant a shutdown of all social cultural activities. However, Kocatürk evaluates that it was not a total political blackout, but the contrary: The military junta was deliberately enforcing right-wing politics, especially the Islamist rhetoric.

“In the mosques, politics was being practiced and propagated in every sense of the word, but a theatrical play? No sir,” says Kocatürk, and draws a parallel to the actuality of Turkey: “The actuality today is a direct reflection of the politics of those times. The fear of a socialist revolution resulted in a country, whose streets are now full of jihadists.”

Factually, Kocatürk has a point. Fethullah Gülen started his cemaat, his religious movement in 1970s. When the army took over the government in September 1980, the Gülen movement was content with it. The leading article of the October issue of the magazine of the movement, *Sızıntı* (which, ironically, means both leakage and infiltration in Turkish), was warmly saluting and praising the junta:

“Thus, here we are now, full with a thousand hopes, with a thousand joys, we consider this last resistance, which is the dawn of our long-awaited expectations, as the insignia of the existence and perpetuity of the last sentry; we salute once again the Mehmetçik [the popular name for rank-and-file soldiers], who have come to our rescue like Hızır [Khidr, a righteous servant of the God for Muslims].”

Gülen and his movement did not receive any serious intervention under the military regime.

An unexpected assault

Kemal Kocatürk and his family had booked a vacation for the 16th of July. Late Friday night of the coup attempt, the family, upon understanding that it would not succeed, decided to go to bed. The next morning, they drove out of town. Four days later, all public workers were called to immediately return to work and report to their superiors. The theatres were closed, but the bureaucracy, in a state of total shock and dismantlement, did not listen to any excuses. The family returned to Istanbul.

At this point, Kocatürk was not expecting any imminent aggression against himself. The coup attempt was defeated, it was revealed that it was an attempt by the Gülen movement, and Kocatürk, “a life-long defender of socialism” as he defines himself, had nothing to do whatsoever with the Gülen movement. “A few years ago, when we criticised the Gülenists, pro-Erdoğan people would aggressively counter us,” says Kocatürk.

But this was not a naïve sentiment: Kocatürk was already facing a lot of pressure. Many artists working for the Istanbul City Theatre were aware that those who did not support the government faced imminent threats of legal cases or loss of job. The pro-government media often published articles criticising repertoire, the supposed nudity in certain theatre plays, sometimes naming certain artists, other times calling for a “radical transformation” of the theatres. And for Kocatürk, the threats had already been realized. In May 2016, an institutional investigation was started against Kocatürk. At the beginning, the accusation was “making political comments like an ordinary citizen”. Public workers cannot become legal members of political parties. Then they changed the accusation to “insulting the President”. The same accusation was made against German comedian Jan Böhmermann, making Erdoğan’s already nationally wide and well-known cases against artists and intellectuals internationally infamous.

It was not only Kocatürk, who was targeted. Two other directors, Ragıp Yavuz and Arif Akkaya were also involved in the investigations. And the administration of the theatre was defending these political investigations in a twisted but revealing way. Kocatürk tells:

“During an administrative board meeting, our situation was brought to the table. One of the administrators said, ‘In fact, the government has sent us a list of 50-60 artists. We avoided that pressure by only starting investigations against three people.’ They presented the investigations against us as the survival of all the artists!”

On 29 July 2016, Kocatürk received a phone call from the administration of the theatre at 16:30, half an hour before the end of workday. “There is an urgent yellow envelope for you, you have to pick it up before 10:00 AM on Monday,” the caller said.

Upon Kocatürk’s question of what if he didn’t, the caller explained, “he would be served the envelope by law enforcement officers”. It was obviously a serious thing. A yellow envelope was indicative of a bureaucratic matter. When Kocatürk went to the theatre on Monday, he recognized he was not alone. They were six artists: Actors Arda Aydın, Mahberi Mertoğlu, İrem Arslan, Mahberi Mertoğlu and Sevinç Erbulak and directors Ragıp Yavuz and Kemal Kocatürk.

They went for the responsible person from whom they had to receive their envelopes, but the responsible person was not there. Then started a Kafkaesque runaround – they were being tossed from door to door, everybody rejecting to give them their envelopes. Telling me the details of their comical and desperate endeavors to receive their envelopes, Kocatürk starts laughing and asks me if I know the ‘Turkish hell’ joke. I don’t. He tells:

“A group of Turks die. The demons welcome them at the gates of hell. One of the deceased also holds a US passport, so the demon asks him if he wants to go to the Turkish hell or the American hell. ‘What is the difference’ asks the dual citizen. ‘In the Turkish hell, they make you eat a ladleful of shit every day. In the American hell, you eat a spoonful of shit every day,’ explains the demon. The dead chooses to go to the

American hell. Several weeks later, he decides to visit his friends and goes to the Turkish abyss. His friends look quite pleased. 'I cannot endure eating that spoonful of shit each and every day, how can you bear it?' he asks. One of his friends responds: 'Well, we haven't eaten any shit yet. One day there is no ladle, the other day there is ladle but no demons, another day there is ladle, there is demon, but no shit. They never come together.'

Finally, the director himself came to the theatre at 13:00 and delivered the envelopes. They were laid off from their jobs. Reason? "Law number 657, article 125" was the reason stated in the letters. It is the article that lists all possible disciplinary punishments for public workers. The artists asked the director what the reason was. "It might be that you did not protest enough against the coup," he answered. Kocatürk tells that they asked the art director, the municipality, the governorship of Istanbul, and nobody had an answer to give. It was unexpected for the artists. Not the fact that they were being targeted, but the fact that they were targeted as 'supporters of the coup attempt'. "I very much prefer the 'insulting the President' accusation'," says Kocatürk, "but being accused to be part of this Gülenist attempt is defamation."

The 'cleaner-artists' get 'cleaned'

Apparently, it was the beginning of a political purge against "blacklisted 50-60 artists" in the Istanbul City Theatre. On the 12th of August, 20 more artists were laid off: One musician, one dramaturgist, one choreographer and 17 actors. These 20 artists did not have the status of public workers. On paper, they were contractual staff for the subcontractor cleaning company. The government was not opening any new positions for theatre artists for years, despite the need for new ones and the openings from retired or deceased artists. Instead, they were hiring the new artists through a cleaning company.

The contracts of the artists were for three months and were being renewed every three months – a way to deny them the rights severance pay in case they were fired. When this policy first started, the veteran artists, including Kocatürk, were thinking to protest against it. "But the young artists told us, 'Please don't, don't risk our earning breads, this is the only way we can do art,' so we didn't make a huge fuss about it," says Kocatürk. The 20 artists made a collective statement, saying the reason for their being laid off was "low performance", but no authority explained to them who and with which criteria evaluated their performances.

These "cleaner-artists" are not second role actors. They are crucial for the plays of Istanbul City Theatre, many playing leading roles. Kemal Kocatürk has assessed the damage: "There are 35 plays in the repertoire. Without these 20 and the six of us, only five out of the 35 can be played. Thus, it is not possible for the theatre to open its curtains in the new season." The website still does not have the programme for the upcoming season for autumn.



Ragip Yavuz

This was the biggest blow for Kocatürk and other artists' resilience in the Istanbul City Theatre. They were already struggling to continue their artistic endeavours. The City Theatre is under the Istanbul Metropolitan

Municipality, which is controlled by Erdoğan's AKP. This fact increases the provocative, targeting news in the pro-government media against the artists there. Like, when the Islamist mouthpiece Akit newspaper published a piece titled 'Foulmouthed Ragıp earns his bread from Istanbul Municipality', mentioning Istanbul City Theatre director Ragıp Yavuz's critical tweets. Or when a columnist in the same newspaper implied actress Sevinç Erbulak's mother "was a whore" because she cheated on her husband in an article written after the actress attended a meeting of the Enlightenment Movement (Aydınlanma Hareketi), a mass campaign for defending secularism and opposing the Islamization policy of the government. There was also pressure inside the institution. Kocatürk tells that most times, when he suggested a project to the art director, the art director would reply to him, "I haven't even read it," ten days later and the project would be put aside to be omitted.

Kocatürk thinks that the idea of pro-AKP directors of the theatre is to get rid of all "unfavored" artists inside the institution, which would mean – as right now is the fate the theatre is facing – that the number of plays the artists inside the institution produce would significantly drop. "Then," Kocatürk continues, stating his opinion, "they will start to outsource plays to some small, independent but pro-government companies who produce plays which would be entertaining but void of any significant meaning or message."

This is already on the way. Many local municipalities in Istanbul which are controlled by AKP select this way to make use of their theatre halls. And, because, as a result of the urban transformation many independent halls are getting closed, independent theatre groups fight hard to acquire places to play. Most of the available places are small halls for a few dozen people at most.

This is why Kocatürk confesses his concern about being able to do theatre. He starts thinking loudly, asking himself "if he is going to bow down, if he will lose his hope". Then he turns to me again, and says, "I am considering street theatre". He tells about a recent experience. He was to perform his play 'Can' in the Thracian city of Edirne. The governorship prohibited the performance. So he decided to take it out on the streets. "The municipality is controlled by CHP [the social-democratic opposition party]. They also supported my decision and prepared a beautiful street stage. The result: The audience was 2500, when it would have been 250 in the hall if they had let me."

Increasing animosity towards artists

The Islamist AKP's relation with the art scene and culture in general has been problematic since it gained power in 2002. Cases of censorship have become a routine agenda on the daily editorial meetings of local newspapers. Erdoğan has developed this habit of having dinner with "artists" every couple of months, which has the not-so-tacit purpose of demonstrating which artists are openly supporting him. The first few days following the coup attempt on 15 July 2016, Erdoğan's statements were very aggressive. However, seeing this tactic of further strengthening the already existing polarisation in the country would not work well in a situation where the government could not trust anybody anymore inside the state apparatus, Erdoğan and the AKP government shifted to a "national reconciliation against the putschists" rhetoric.

Yet, this new period of reconciliation between the parliamentary political parties did not reflect quite so to the art scene. Zeytinli Rock Music Festival was first prohibited, then postponed. The Aspendos Opera and Ballet Festival got canceled for the entire year. The concerts of Joan Baez and Muse were canceled by the artists over security concerns, but the play about Turkish communist poet Nâzım Hikmet and Bertolt Brecht by the reknowned actor Genco Erkal was prohibited by authorities, due to the state of emergency declared by the government. After much reaction by the public, the prohibition was revoked. And going deeper into the localities, artists facing the same repression cannot make their voice loud enough to create a similar public protest, like in the case of Armenian guitarist Ari Hergel, who was fired by the Istanbul Metropolitan Municipality from his eight-year job as a guitar teacher with the absurd accusation of "being part of the coup attempt" which was organised by an Islamist faction.

Maybe not visible as much, but certainly equally dangerous is the reactionary sentiment growing amongst the pro-government masses against all cultural activities and artifacts and artists in general. The day after the coup

attempt, the crowd which gathered in İzmir's main square attacked the city's historical, symbolic Clock Tower, damaging the architecturally important monument and the clock mechanism. It was thanks to Feti Pamukoğlu, member of a family which has been responsible for the maintenance of the clock for three generations, that the mechanism was saved. He climbed up the tower, "stole" the dial plate and took it to his home to protect it from the attackers. The occasion was obviously a continuation of frequent cases of vandalism against sculptures in İzmir's metro stations in the last few months.

When famous pop singer Sıla Gençoğlu tweeted "I am absolutely against the coup but I don't prefer to participate in such a show" to announce that she would not go to the demonstration organised by the government in Istanbul, it triggered a social media lynching against her, including harsh insults and even threats of murder. All municipalities controlled by AKP canceled any already-booked concerts by the singer, and, obviously exhausted under the psychological pressure, the singer announced that she decided to "take a vacation" and cancel all her concerts for a period. The culmination of this general ill-sentiment against culture was uttered by an imam. Erol Olçak, the man behind AKP's publicity campaigns, was killed along with his son by the putschist soldiers during the night of the coup attempt while protesting near the Bosphorus Bridge. During their burial ceremony, in the presence of Erdoğan and other top government figures, the imam said, "Oh God, please protect us from the evil of the educated ones" during his prayer.



Sıla Gençoğlu

Numerous cultural institutions and organisations are issuing statements about raising concerns for the art and culture scene in Turkey. On 2 August 2016, PEN International called the international public to send appeals to Turkish authorities, expressing their concerns against "increasing crackdowns on freedom of expression and human rights in the country" under the state of emergency.

Turkish Publishers Association warned the government against making use of the possible authoritarian authorisations to ban books. The government has not used its newly acquired authority under the state of emergency to start a massive campaign of banning books or cultural activities, but it has used it for a much sinister aim. On 12 August, at midnight hours, an eagerly and hastily working Parliamentary Commission of Planning and Budget accepted a resolution, giving the Privatisation Board the authority to take over, privatise or shut down approximately 100 public cultural entities, including the Atatürk Cultural Center in Istanbul's Taksim Square, the Turkish History Institution, State Theatres, State Opera and Ballet and the Turkish Language Institution. The coup attempt did not change the direction of Erdoğan's government's policy suppressing the culture scene, but accelerated it.

On the 24 August, as a bunch of friends from university years, we are sitting in a patisserie in Nişantaşı, the fanciest neighbourhood of Istanbul. The waiters have a hard time emptying the ashtrays full of hastily,

frequently and angrily smoked cigarette butts. Hamit Demir, 49, an actor, raises his voice: “Guys, Friday evening we have a theatrical play, if any of you would like to come, it’s on me, please do.” A prolonged, awkward silence follows the question. At last, one of our friends responds: “Maybe, if Taylan gets released, we will all come together.”

Taylan Eren Yenilmez is the son of Hamit Demir, and a close friend of mine. A brilliant academic with a PhD from the Erasmus University in Rotterdam, he is a researcher in Istanbul University. Or, better said, he was. Taylan’s house was raided by the police on 20 August and he was arrested under the criminal investigation against the Gülen network behind the coup. It didn’t make any sense, as an atheist and leftist economist, he had nothing to do with either Gülen movement or AKP. But, under the state of emergency, even the lawyers could not get to see him for the first five days, and the concrete accusations were a secret. His friends had been waiting near the police station in Nişantaşı, along with his parents.

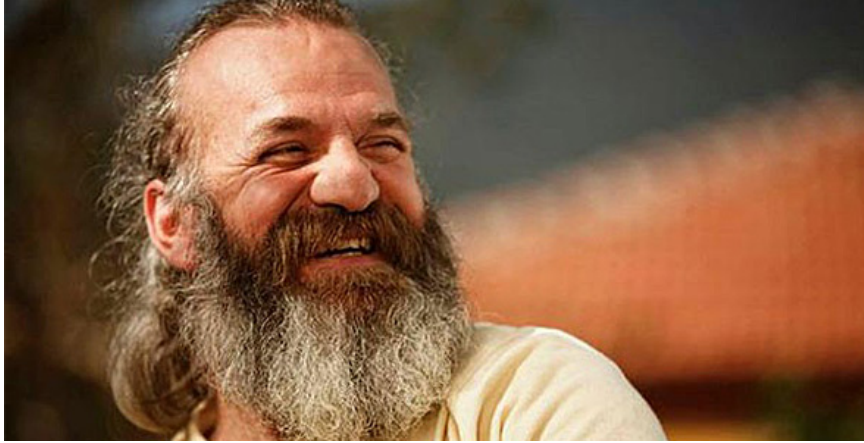
A kid raising his head thanks to art

Taylan’s father, Hamit Demir, is this person who dedicates his life whole-heartedly to art. His grandparents were assimilated Greeks, praying as Muslims but still speaking their ancient language. When Demir was six years old, Turkey invaded Cyprus, once again raising the nationalist hatred against Greeks inside the country. His grandparents cautioned the little boy not to tell anybody that they were speaking Greek. When the military coup happened on 12 September 1980, Demir’s introvert personality even got stronger. A few days after the coup, he was walking on the street to buy some bread. His elder brother, a leftist, was on the run. His father was a worker in Saudi Arabia. It was his duty as the only “man” in the family. He passed a primary school, apparently turned into a prison; screams of torture were spreading from the building. A soldier pointed his rifle towards him, telling him to get lost. While he was escaping, some older boys called the 13-year-old child on the street, asking if he was a leftist or rightist. He did not know what he was, which resulted in him getting beaten anyway. He started to think by himself, deciding he was for equality, justice and respect; “thus, I decided I was a leftist,” remembers Demir.

The uneasy, cautious daily life after the coup prevented the boy from constructing his personality and overcoming his introversion. “I always held my head down, as if there was a huge burden on my shoulders, afraid to look up to the world,” tells Demir. “A couple of years later, my bigger sister took me to a play of the State Theatre in Ankara. The play, of course, did not have any political message. But there was this scene, where the female character was giving birth to a baby, as a result of a rape. She was in agony, screaming forcefully. I drew a parallel between the actress’ screams and the screams of the tortured people. I was charmed, mesmerized. That’s how I decided to become an actor, and finally get my head up.”

This start of his career has always been lingering in his mind: Theatre and art meant a social responsibility, especially for children. When the earthquakes took place in Van in October and November 2011, resulting in hundreds dead and dozens of thousands of homeless people, he went to Van and played between the debris to the children. It was his sympathy for another kid that cost him his rare, well paid job for a tv-series.

Berkin Elvan was 14-year-old boy. During the Gezi Protests, he was shot in the head with a tear gas capsule by a policeman. After months of struggle for survival, Berkin died on 11 March 2014. The government was refusing to identify the suspected policemen and punish the responsible people. Hamit Demir took part in a video clip prepared by a group of artists, asking, “I am Berkin Elvan, where is my murderer?” to the camera. “I was playing a shaman in a tv-series for the state channel TRT. It was one of the main characters, and the production company had promised me that I would have a role in each episode for three seasons. The week after the clip, I wasn’t invited to the movie set. My character was in the middle of a plot from the previous episode. When I watched the new one, they had changed the script, making a character say ‘The shaman went to the mountains to pick up some herbs’. A few weeks later, they called me on the phone and told me that I was fired.”



Hamit Demir, an actor who had been victim of the repression against artists in the past, is now struggling to find justice for his arrested son

He disclosed the political nature of his getting fired. “I have never been a very famous actor, but the reaction on the social media to my messages were huge. So many people were expressing their support. Later I understood that, in fact, this kind of firing was not rare, but other artists were afraid to disclose it.” The fear of the other artists was not in vain. After his comments on social media, the producer called Demir and told him that “now he was blacklisted and should not expect any roles for any tv-shows for a few years”. It was a pure example of how the government was politically controlling the private companies in the culture industry. And it continued: The state sent inspectors to a cultural association and a theatrical company Demir was involved in, and imposed fines worth of dozens of thousands of dollars.

Still, he did not expect the post-coup attempt investigations to hit him. “Of course, I knew that the pressure over art would increase. We revised the texts of all our plays, replacing any political criticism explicitly citing a political figure by name with more obscure but still obvious formulations playing with the words.” Demir thinks that the repression of art from the state “was already there and will increase”, but the more dangerous notion in the post-coup attempt atmosphere is auto-censorship. “Let me tell you, all theatres are revising each and every play right now.”

But watering down the language of the plays was not enough for Demir, because the investigations hit him not through his cultural practice, but through his son. “It’s a blasphemy to cite our names along with the Gülenists. My son has fought against the ideas of AKP and the Gülen movement all through his life. I think, his inclusion might be the result of a search for vengeance over Taylan’s open letter which he wrote during the Gezi protests criticising Erdoğan and the government.”

I personally know Taylan’s character, and was sure he would stay strong in prison. When I asked Hamit Demir about his son’s situation, he said, “I have total confidence in him. But, to confess, when I read Aslı Erdoğan’s letter in the newspapers, I could not keep myself from doubting the health of my son.”

The price of supporting Kurdish rights

Aslı Erdoğan is an internationally well-known novelist. Same age as Hamit Demir, she graduated from the top university of Turkey, Boğaziçi University (like Taylan) as a computer engineer, worked at CERN as a particle physicist between 1991-1993, made her PHD in Rio de Janeiro and returned to Turkey in 1996 to start her career as a full-time writer.

The evening of 16 August 2016, police raided her house and detained the author. She was a columnist for the pro-Kurdish newspaper Özgür Gündem, and was also a member of the symbolic Advisory Board of the paper.

The accusation against her was “provoking the people” and “being member of an illegal organisation”, both, in Turkey, implications of being accused for supporting the national Kurdish movement’s struggle for ethnic, democratic and cultural rights.



Aslı Erdoğan spoke at the World Conference on Artistic Freedom of Expression held in Oslo 2012.

Aslı Erdoğan’s arrest triggered a chain of protests from many literary associations, including Turkey’s Trade Union of Writers and PEN International. Hundreds of intellectuals signed a petition for her release, and several demonstrations were held protesting her arrest. On 24 August 2016, Turkish newspaper Cumhuriyet published a letter from the author.

Erdoğan told about the inhumane conditions of her imprisonment: “I have health problems with my bowels for the last ten years. But they have not given me my drugs for five days. I am diabetic, thus I need a special food regime but can only eat yoghurt. The bed I have to sleep on was urinated upon. Though I have asthma, I was never let to the yard to get some fresh air. They treat me in a way that would result in permanent damages for my body. I could not have endured the circumstances if I did not resist unrelentingly.”

Resisting unrelentingly has a different connotation in the words of Hamit Demir. The actor, with his air of wisdom rooted in the millennia of cultural tradition of Mesopotamia sided with his long, white beard, mentions the example of the ancient lineage of dervishes – Sufi Musli ascetics known for deserting all ego and material self-interest to reach God.

“We have been here, at this point, forever, and still we are. They are the ones changing their positions and betraying each other. We shall not move an inch from our position, stand our positions like a dervish, as if we are standing in the center of the world and it would shatter into pieces if we move.”



POSTSCRIPT: Taylan Eren Yenilmez (in the middle with the blue shirt) was released and greeted by his friends and family on 1 September 2016, after the article was written. He will still stand trial, but is out of the prison. Aslı Erdoğan remains under arrest by the date of publication of the article.

Yiğit Günay is a journalist and art historian based in Istanbul. Former editor-in-chief of Turkish alternative newspaper soL and co-author of the book 'Arab Spring Legerdemain' published in Turkish in 2013, he does freelance journalism and is part of the [MOKU collective](#).

Photo on top of this article: Kemal Kocaturk, a renowned actor, playwright and director, has been laid off from his job in the Istanbul City Theatre after the coup attempt in Turkey.

*This article is part of a Freemuse **INSIGHT** series edited by Marie Korpe. It was published in September 2016 on www.artsfreedom.org/?p=12423*

“Music that sexually turns on people is a sin”



Artists are facing severe difficulties under Erdoğan’s rule. On 15 February 2016, The Turkish Directorate of Religious Affairs, issued a *fatwa* – a religious ban – on ‘sexual’ music. The latest victim of this arbitrary repression is an imam who runs a rockband and opposes the Directorate’s fatwa from a religious perspective.

By Yiğit Günay **INSIGHT** Published on 18 May 2016

The Turkish Directorate of Religious Affairs is a governmental institution responsible for managing the religious affairs in Turkey. It is infamous for its scandalous fatwas:

that removing body hair is a sin, that one should not marry a non-Muslim, that engaged couples should not be left alone or walk hand-in-hand, that a woman who has abortion has to pay a fee of “the equivalent of five camels,” that a father’s sexual desire for his own daughter is not a sin.

Though, the last one was way off even for the Directorate itself. After the incestuous recommendation in the name of Quran was reported on Turkish newspapers in January, a top official declared that they’ve shut down the ‘Platform for Answering Religious Questions’, a platform with many workers who were 24/7 consultants about any questions (and sometimes, quite weird ones, as the last question above, which one might not be surprised but rather appalled if *knew* that it was asked late at night over the phone), answering both on the line and via the website. The official rejected the fatwa, despite it was written online and claimed that “it was written and put on the site by some hackers with the intention of creating a negative perception about Islam”. Very credible, indeed.

On 15 February 2016, a new fatwa hit the news. The Directorate distributed a 2016 calendar, in which they included a Q&A for each day. On the page for the day 24 August, the question was “What is the place of music

in religion? Which types of music are halal (acceptable for Islam)?” The answer started with some general information: “According to Quran, there is no proof which shows that making or listening to music is a sin. In this sense, the types of music which do not contradict with the fundamental beliefs of our religion and with the general moral values are unobjectionable.” Then came “the but”:

“But, making or listening to music which includes expressions or depictions that arouse sexual desires or which show *haram* things as beautiful is a sin.”

GÜNÜN DUASI
“Allah'ım! Hatalarımı, bilerek, cahillikle ve dalgınlıkla yaptığım kusurlarımı bağışla. Bunların hepsi bende mevcuttur.” (Buhârî, Deavât, 60)

SORU - CEVAP

Kötü söz söylemek veya küfretmek abdest bozar mı?

Küfretmek veya kötü söz söylemek İslam ahlakıyla bağdaşmayan çirkin bir davranıştır. Bir mü'minin bu tür çirkin söz ve davranışlardan uzak durması gerekir. Ancak küfretmek, kötü söz söylemek, dedikodu yapmak ve benzeri şeyler abdesti bozamaz. Çünkü abdest ancak vücuttan çıkan kan, irin, idrar, dışkı ve benzeri şeylerden dolayı bozulur (Mevsili, İhtiyar, İstanbul, ts. I, 9-10). Bununla birlikte kötü söz söyleyenin ya da başkalarına küfredenin abdest alması tavsiye edilir.

Müziğin dindeki yeri nedir? Hangi müzik çeşidi helaldir?

Kur'an ve sünnette müzikle meşgul olmanın, müzik dinlemenin mutlak anlamda günah olduğunu gösteren deliller bulunmamaktadır. Bu itibarla, dinimizin temel inanç, amel ve ahlak ilkelerine aykırı olmayan, haramların işlenmesine sebep olmayan müzik türlerini dinlemekte dinen bir sakınca yoktur. Ancak cinsel arzuları tahrik eden ifade ve tasvirler içeren, haramları güzel gösteren müzikleri yapmak ve dinlemek ise günahdır.

SÖZÜN ÖZÜ

*Seven o kimsedir
ki, sevgilisinden ne
kadar düşmanlık
görse yine dostluğunu
artırır. Sevgilisinden
başına binlerce sitem
taşı gelse, onlardan
ancak aşk binasını
sağlamlaştırır.*

Molla Cami

The fatwas by the Directorate, whose members are all appointed by the government, are not legally binding or cannot be used as legal opinions or precedents, but they have practical effect. They form public opinion. They direct the central and local governments about what type of art and which artists to support. They encourage public prosecutors to start cases against 'Islamically unacceptable' art works and artists. They present legitimacy for the government's change of legislature. They are influential.

Art and culture are already living through a difficult period under Erdoğan's rule. Cases of censorship and repression are numerous. Renowned pianist and composer Fazıl Say has been a permanent target, including a **conviction for blasphemy**. The 'Monument to Humanity' by sculpture Mehmet Aksoy, devoted to the friendship between Turkish and Armenian people and built close to the border between the two countries was called a "monstrosity" by Erdoğan and demolished, and Aksoy risks over four years in prison on **charges of insulting the president**. 'The Soft Machine' by William S. Burroughs was censored for obscenity, and the publisher and the translator **were charged** by the prosecutor, facing up to nine years imprisonment. Erdoğan **threatened the theatres** with cutting the state support after his daughter, Sümeyye Erdoğan, said that an actor insulted her.

The fatwa about music is agonisingly ambiguous – and thus very dangerous. Who will decide which music arouses sexual desire? Is it the video clips, the lyrics, or the instrumental base of the song that is to be controlled, which all create effects on people's emotions, which is in fact the point of art? And what about that

“general moral values” thing? The ambiguity is practically an open invitation to any arbitrary repression against music.

The latest victim of this arbitrary repression is an unusual but much-telling musician: An *imam* who runs a rock band.

Ahmet Muhsin Tüzer was born to a family of piety: His grandfather was an *alim*, a Muslim scholar, and his father an *imam*. But the family’s intellectual life was not solely built upon religion – music was also a shared interest. The *ezan*, the traditional call to prayer from the *minaret* of a mosque five times a day is in itself musical – each five *ezans* of a day are sang in five specific *makam*. Other forms of religious music like eulogies, Islamic hymns and recitations were also a permanent part of the ambiance in this family house.

The beautiful voice of Tüzer’s father and his possession of numerous recordings helped strengthen the boy’s relation with music. “In fact, our family was the first to release an album of Islamic psalms in Turkey”, Tüzer says.

However, like many people, it was high school years in the 80s when Tüzer’s personal gusto was really shaped. He discovered rock music through his friends. “Unchain My Heart immediately caught me. This was my first contact with rock music in my teenage years,” Tüzer told me, “I distinctly remember listening to Bohemian Rhapsody – the ‘bismillah’ in the lyrics hooked me, and the song was splendid”. It was cheesy to get hooked to Freddie Mercury via the “bismillah”, but it worked for this devoted Muslim youngster. He continued to discover, going from Queen to Metallica and others. “It appealed to me. I liked rock music.”

In 1990, he started working as an imam. Two passions dominated his life: Islamic thought and philosophy; and rock’n roll. Later, another passion was added: His Romanian lover and consequent wife, whose Christian background was another reason for suspicion in the eyes of Tüzer’s professional conservative milieu. For years, the former, religion, was the professional part of his life, the latter, rock’n roll, the amateur part. However, this changed when he met Doğan Sakin, a seasoned musician. He was part of a very famous rock band of the 90s, *Kramp*, as the guitarist and the composer. They easily clicked, and decided to form a new band in 2013: *Firock*. The imam was now officially a rocker.



Firock

Birth of the Directorate of Religious Affairs

Modern Turkey was an unintended consequence in history. It was never meant to be as such. The Ottoman Empire was sided with the losing party of the First World War, and the victors – Britain and France – planned of a much smaller territory left to the ‘sick man of Europe’. When Mustafa Kemal Atatürk led a successful ‘war of liberation’, got loads of weaponry and ammunition from the newly born northern neighbour – Soviet Russia – and managed to lay claim on modern Turkey’s borders, he had to choose how to continue: Continue as the Ottoman Empire, or found a new young country. He chose the revolutionary way. The parliament declared the republic, and every step they took was to break with the Ottoman legacy. The dynasty was banished, the Caliphate – the equivalent of Papacy – was abolished, and the new state was declared staunchly secular.

The young Republic of Turkey, founded in 1923, was not the direct continuation of the Ottoman Empire in another sense also: The Ottoman Empire was much cosmopolitan, however ruled according to an Ottoman interpretation of Sharia, the Islamic law code. Because of the population exchange with Greece, the new republic was left with a population overwhelmingly Muslim, yet it was secular. The republic had to exert control over religion. Thus, one year after the declaration of the republic in 1923, the Directorate of Religious Affairs was founded.

It was a bureaucratic apparatus of the state, under the Prime Ministry; all its personnel from the chief to the imams were civil servants. The Directorate had the responsibility to regulate the religious affairs, without any involvement whatsoever in politics. They gave advices and formed opinions on certain religious questions, but they were only advisory and had not legal enforcement.

On the paper, it seemed a good idea. Practically, in time, it became a means for governments to utilise religion for their political goals. Atatürk himself, as the great pragmatist he was, did not hesitate to bend the rules when he deemed politically necessary – open the Parliament with an imam praying, forming alliances with certain tarikats, religious societies, over others etc. The subsequent governments followed the same pragmatism: The state was kept secular for most part, but to appeal to the religious masses in the elections, religion was frequently used as a rhetorical instrument.

With Recep Tayyip Erdoğan’s Islamist *Justice and Development Party* (AKP) coming into power in 2002, the role of the Directorate of Religious Affairs started to change drastically. The AKP increasingly started to impose the Islamic rule in both politics and everyday life, and the Directorate was an extremely useful tool. The fatwas, authoritative opinions on practically everything from family issues to economy and politics issued by the Directorate became more and more like party bulletins of the AKP. In time, it has become an irrationally humongous bureaucratic apparatus.

In 2015, the Directorate’s share from the annual budget was 5.74 billion Turkish liras, approximately 1.79 billion euros. With over 120 thousand personnel, its budget is bigger than the budget of seven ministries including the ministries of Culture and Tourism (yes, they belong to the same ministry in Turkey which tells much about the government’s take on culture), Economy, Development, Urban Planning and Environment, Foreign Affairs, Energy, and even Health. In fact, it is bigger than the budgets of the ministries of Development, Economy and Urban Planning and Environment combined!

This money is not used for constructing mosques or anything: In Turkey, individuals or foundations exclusively finance mosques. The government announces that 95 per cent of the budget goes to the personnel, most of them imams. But the Directorate has also become a huge propaganda machine for the Islamic government. The 24/7 consulting platform was not the only example. They organise events. They take primary school kids to umre, the travels to Kaaba in Saudi Arabia. The most recent example was a new protocol signed on 24 March 2016 between the Directorate and the Ministry of Education. Now, all the printed and visual materials produced by the Directorate will be included in the network of information of the national education system.

Invited to perform in Portugal

Arbitrary repression. That is what Ahmet Muhsin Tüzer faced exactly. When Tüzer and his friends formed the rock band Firock in 2013 and released some songs on YouTube, they rapidly became famous. A rocking imam was definitely interesting. Both local and international media interviewed him. Their songs were listened and appreciated. They shot video clips for a couple of them. They started giving concerts. Things were good.

Last year, Tüzer was acquainted with Catherine Christer Hennix. 68 years old, Hennix is a Swedish-American academician of mathematics and a music composer. Hennix had grown a deep interest in Islam, so Tüzer and she got along easily. They started to make music together. Through Hennix, the Serralves Museum of Contemporary Art invited Tüzer to Portugal for a concert. Tüzer received the invitation mail on 8 January 2016. As he is a civil servant, paid by the state, he wrote a petition to the Ministry of Culture and Tourism for a permission to attend the concert abroad and abstain from work. At the beginning of February, the Ministry replied affirmatively, appreciating the opportunity.

“Look, there are bureaucratic procedures for civil servants in these kind of situations”, Tüzer told me: “The Ministry of Culture sent a letter to the Governorate of Antalya, the city where I live and work. But the delivery system is complicated. As I am personnel under the Directorate of Religious Affairs, the letter is first delivered to the mufti of the city, my superior in bureaucratically hierarchy. Normally, he should simply forward the letter to the governorate. But instead, he sent it to the Directorate, as he evaluated the situation ‘sensitive’”.



The chairman of the directorate for religious affairs, Mehmet Görmez, together with Tayyip Erdoğan.
Photo from Görmez's personal website.

Tüzer was well aware that the higher echelons of the Directorate were overtly antipathetic to his worldview and his relation with music – especially, rock music. He started making phone calls. “I had the number of the mobile of Mehmet Görmez, the Director himself. I explained him the situation, how this was a good opportunity to reach to people.” On 18 February, he received a mail of permission from the Directorate. A week later, on 24 February, he received another one: This time, the mail was explaining that “the first mail was mistakenly sent” and he was not permitted to abstain from work and go to the concert in Portugal. The Directorate decided to practically ban his music.

“The Directorate, till this day, not once tried to sit down with, listen to and understand me. And I’ve witnessed how these people, the people who I had thought to be close to my lifestyle, were so far away from the reality”,

Tüzer told me. Interviewing him, it was not like speaking to political people, where the argumentation and vocabulary was much more common to the language of contemporary media. With Tüzer, it is drastically different. As a Muslim scholar, Tüzer is close to the *tasavvuf* school of Islam, or better known as **Sufism**. “This is not reality in which we are living right now. It is a realm of dreams, of imaginary. It is an illusion”, Tüzer says, summarising one of the core beliefs of *tasavvuf*.

The *tasavvuf* belief has some parallels with Plato’s philosophy. The perception of material world as the reflection of the Idea – or, the God – was a reason for some academics to consider the former as an offspring of the latter. This approach was criticised for being orientalist as the relation between the two schools of philosophy was handled too reductively, but, in the case of Plato and Tüzer, we can speak of another, much unusual common topic. Plato knew that music was seductive; it could easily arouse sexual desire. But his understanding was very complicated: The erotics of the eternally material sexual desire contained the energy to apprehend the immaterial, transcendent absolute. Millenials later, in 1987, Allan Bloom was much less complicated in his best-selling book, “The Closing of the American Mind”: “Rock music has one appeal only, a barbaric appeal, to sexual desire – not love, not *eros*, but sexual desire undeveloped and untutored.” And today we have Tüzer, a Muslim preacher close to the Platonic philosophy who plays rock music, and who also happens to be the target of a religious institution which preaches that “sexual music is a sin”.

How does Tüzer comprehend and evaluate his case, the Directorate’s intervention, and the relation between music and sexuality? He goes back explaining with the vocabulary of a sufist scholar: “There is a beautiful verse of the Quran, ‘On the earth and in the skies you observe the *noor* – the light – of God’. Everything is a reflection of the God. In the nature, everything, rain, thunder, all have their own notes, their music. How we perceive it depends on what data our processor, our brain, has accumulated. I reject the concept of opposites. Something you perceive as negative, I might get it as positive. When I listen to music, my mind opens, the door to inspiration opens. But these people”, he refers to the top officials in the Directorate of Religious Affairs, “they have not developed themselves, they have not grasped the reality, they look at music from such a low stage.”

He gives a provoking example, which also touches the hot topic of female veils: “My wife is beautiful. But when these people see my wife, their minds are capable of thinking very bad things.” This logic is what lies beneath the tendency of covering the hair, the skin, effectively the image of woman. Tüzer refuses to let the “undeveloped minds” of those “on the lower stages of grasping reality” rule his relation with music.

The rocking imam opposes the Directorate’s fatwa from a religious perspective. However, despite the AKP government’s endless attempts to undermine it, Turkey is legally still a secular state. Thus, when the Directorate refused our requests for interview to understand who was to decide which music was arousing sexual desires and how, it was no surprise. Religion should not have any say in it whatsoever.

Tüzer started to get prepared to sue the Directorate. “I know that the reason of their behaviour stems from their dislike of me and my music, and I am confident that, with God’s will, I will win the case against them.”

But he had other allies in his fight for this very humble cause of giving a concert. One ally was the Portuguese officials. They have attempted to reach out to the Directorate, sending official petitions, making phone calls, even sending e-mails to the personal address of the Director, Mehmet Görmez. None was fruitful. They failed to make contact with the Directorate, let alone speaking and not being able to convince. They haven’t changed their position, and did not even bother to explain it: Tüzer was not appropriate – for some reason.

However, another ally was the local officials from the District Governorship of Kaş, a small town of 50 thousand people. They took initiative and used their legal right to give absence permission to Tüzer for the time of the concert. It had its downsides, such as a financial one: Tüzer was not able to get a transportation allowance from the Ministry and had to pay for the plane tickets. At least, he managed to go to Porto. They performed, along with Christer Hennix, on 1-3 April 2016 at the Serralves Foundation Museum. We spoke on the phone while he was in Porto, practising before the concerts. His tone reflected a bittersweet joy. “I am here, very happy to be able to participate in the concert. The financial downside is not so much important, but the

fact that my art, which I believe has a very strong message these days as a Turkish imam and musician, was not embraced by Turkey breaks my heart.”

Finally, Tüzer succeeded in giving a concert in Portugal. But the Directorate has already won a political case: a clear message that ‘inappropriate music’ will not go unnoticed, and probably unpunished.

*Yiğit Günay is a journalist and art historian based in Istanbul. Former editor-in-chief of Turkish alternative newspaper soL and co-author of the book “Arab Spring Legerdemain” published in Turkish in 2013, he does freelance journalism and is part of the **MOKU collective**.*

*This article is part of Freemuse **INSIGHT** series edited by Marie Korpe. It was published in May 2016 on www.artsfreedom.org/?p=11429*

The following eight pages present a historical approach to the nature of censorship, a chapter entitled ‘Turkey: Censorship Past and Present’ from the book ‘Shoot the Singer! Music Censorship Today’ which was published by Freemuse/Zed Books in May 2004. The chapter was written by Sanar Yurdatapan and is reproduced with kind permission from the author and Zed Books.

Turkey: censorship past and present

SANAR YURDATAPAN

Historical background

The religious roots of music censorship Music censorship in our past finds its roots in Islam. It is believed that these words were uttered by the Prophet Mouhammad: 'A woman who lets her melodic voice be heard by a man must be excommunicated.'

This edict has been the reason for forbidding female voices from being heard through the centuries. Even today, choirs singing religious music in ceremonies consist of men only. It is also argued that 'musical instruments' are included in that sentence too. But this interpretation is not widely accepted in Turkey. Both in contemporary Ottoman music – based on the music of Byzantium- and military or folk music, many instruments are used.

The Ottoman Empire The Ottoman Empire (1300–1922) was a multinational, multi-cultural union. Every ethnic group could sing its own songs in its own language, in any part of the empire. From time to time songs were banned for political reasons, for example revolutionary Alawia songs, and much more in the time of the 'Red Sultan', Abdulhamid II (1876–1909), as his administration censored almost everything.

Only the ban on female voices was maintained, together with the social ban on female participation in any branch of the arts. Even during the first two decades of the twentieth century, the stage was open only to women of Christian minorities – Greeks, Armenians, etc. Some Turkish women could step on to the stage and act and sing, but only using a pseudonym and by pretending they were non-Muslims.

After the republic

One nation, one music The Ottoman Empire lost most of its territory in the First World War. Even most of Anatolia was occupied by the Allies, including the capital of the empire, Istanbul. But in 1919 a resistance movement led by General Mustafa Kemal (later Atatürk) started, and after an independence war of three years, Greek armies had to leave Turkey. In July 1923 the new Turkish state was recognized by the Lausanne Treaty. On 23 October 1923 the new Turkish state was declared a republic.

Atatürk's ideal was to build up one 'nation' from the ashes of the empire. The new policies aiming towards a modern society, such as changing the alphabet, the calendar and measures, the acceptance of a new civil law, equal rights for women, improving education – simply 'creating the new citizen' – were formulated in the following years. The basic philosophy was 'One nation, one language, one history, one culture'. (The oppression of Kurds and other minorities, which still continues, is based on this philosophy.)

The first radio stations were established in Istanbul and Ankara in 1925. At this time the first ban was introduced on contemporary Ottoman music and its extension, 'A la Turca' music, which is listened to in Istanbul and other big cities. Although Atatürk himself loved to listen to this 'modal' music, he thought that only Western harmonic music should be transmitted, so that the musical tastes of the people could be changed.

Naturally, another ban was introduced for 'Rebetiko', the music created by Anatolian Greeks. Over 1.5 million of them were 'exchanged' with Turks living in Greece after 1922. Since they were being expelled, their music should go with them. (It is another tragedy that this music was also rejected in Greece, on the grounds that it was 'not pure Hellenic'. It was banned many times, latterly in 1967 in the days of the Colonels' junta.)

Assimilation of 'others' Ankara Radio station – the principal station – has conducted musical research throughout Anatolia. On the one hand, this has saved many folkloric values from being lost. But on the other it has ruined much else, by trying to amalgamate everything in 'one form'. Turkish lyrics were written for many Kurdish, Armenian and Greek songs and all were performed by a 'One type' orchestra, consisting of *saz'es*¹ and choir, called *Yurttan Sesler Korosu*.

Even today, very few people know that 'Sari Gelin' is an Armenian folk song; similarly 'Yaylalar' (one of the favorite songs of Turkish fascists) is also a Kurdish folk song.

Although American, French, German, Italian and Spanish songs were always freely broadcast, we cannot say the same for Russian songs. Starting with the Cold War period, almost everything concerning Russia and the Soviet Union has been taboo. The story is told of a police officer who tried to arrest an intellectual because he saw the Larousse in his library, thinking that it was something from Russia. (In Turkish, 'Russia' is pronounced 'Roussia'.)

Throughout the period of the state monopoly on broadcasts (1925–2000) political censorship and self-censorship always existed, changing only its form or framework. Generally we can say that what came from the West was good and what came from East was bad. Russian and Greek were almost always

dangerous. Kurdish was totally denied –not just the music, but also the Kurdish language, which officially just did not exist.

The Music Auditing Commission at TRT (Turkish Radio Television) Rock 'n' roll music was very popular among the young generation towards the end of the 1950s. Musical groups, trying to imitate American or English models, started to appear in schools. After a short period of 'imitation', these young musicians tried to combine folkloric themes, rhythms and instruments with those coming from the West. This became Turkish pop music.

Young DJs at TRT loved this new music and started transmitting it unadulterated in their programmes. This was too much for the music authorities at TRT. For them, these new sallies into music were very dangerous, because these 'children' had no music education and there was the danger that they would 'harm listeners. Music auditing commissions were established. All new songs had to be vetted by them, and any song not on the list of 'permitted songs' could not be transmitted by any radio or TV programme.

Later, a single and central commission was set up in Ankara. This commission's decisions were so strict that TRT programme producers and DJs could hardly find enough material to fill their broadcasts. For this reason they collaborated when musicians started a boycott against the TRT in 1972.

The censorship was double edged. While some members of the commission controlled the lyrics, others monitored the music. You could not use phrases reminiscent of Greek themes. You could not use the *saz* and piano together. You could never use bouzouki, balalaika or *cümbüs*. They were totally forbidden.

Between 1975 and 1980, the Supreme Court heard four cases against the TRT's decisions and the artists won each time. Bans on the songs entitled 'Arkadas', 'Bir Gün Gelecek', 'Ninni' and 'Insaniz Biz' were rescinded. But what happened then? The songs were transmitted only once by one of the smallest TRT radio stations and an official letter was sent to the court, giving the transmission date and time. That was all! A verbal – and secret – order was given to department chiefs never to play the songs again.

Then came the days of the 1980 military junta. All the legislation – including the constitution – was changed. My ex-wife Melike Demirag (a famous singer and film actress) and I had to live in exile for twelve years, and our citizenship was cancelled. One day, we saw a photo in a Turkish journal: 'Terrorists captured,' ran the caption. Some young people were shown standing beside a table piled with books; our LPs were also lying on the table. Evidence of crime!

Today

Self-censorship and the media Some groups and singers, such as Grup Yorum, Kizilirmak, Koma Amed, Koma Denge Jiyane, Koma Asmin, Shivan, Ciwan Xeco, Ferhat Tunç, Suavi and Ahmet Kaya - who died in exile - are automatically *non grata* for private radio and TV stations, for they know that the state does not like them. It is almost the same with the press. Many journals and TV and radio stations belong to just a few bosses. The editors and programmers know what *not* to do, so direct censorship is not necessary at all.

Another factor is RTÜK (Supreme Institution for Radio-TV), which is authorized to ban radio or TV transmissions temporarily -for a few days, a few months, a year – or for ever. The sentences meted out by this institution have spelled the end for many small radio or TV stations in Turkey.

Auditing commissions of the Ministry of Culture on the phonogram industry These bodies oversee the open form of censorship of CDs and other audio and video media. The producers are obliged to acquire a general 'producers' licence' and then a 'permission document' for each production from the Ministry of Culture. The 'auditing committee' is established by the ministry and consists of a total of seven members. The ministry appoints the president. Three members are appointed by the State Security Council (military), the ministry of the interior (police), and ministry of National Education. Two members are sent by organizations representing cinema and musical copyright owners and a musician is appointed by the Minister of Culture. Simply put, five out of the seven members are appointed by the state. The producer may watch the meeting as an observer, but has no right to speak or vote.

In practice, the censorship works only against Kurdish and minority cultures and left-wing protest songs. A signed document is demanded from the producer, declaring that there is nothing in the production contradicting the 'Rules of Audition'; and also accepting complete legal responsibility for the lyrics, if they are in a language other than Turkish.

Reading this, you may think that there is no outright ban on any language. Yes, some music cassettes in Kurdish are produced and you may find them in the market. But you can never be sure that the governor of a particular province or even district will not ban the cassette in his region.

It is the same with concerts. Often groups travel over a thousand kilometres to the South-east of the country and hear that the concert has been forbidden by the governor at the last moment. The reason? In one word: security.

As an example of the auditing commission's activities, in June 2002 KALAN Music producer Hasan Saltık's licence was cancelled by the ministry, owing

to a report from the auditing commission about a cassette entitled *Gününü umuda ayarla*, released in 1993. But as a result of strong protests and media coverage, with reminders that Hasan Saltık was also the producer of Prime Minister Ecevit's poetry cassette, his licence was immediately reinstated.

Now KALAN Music and Hasan Saltık are in trouble again for another production. A cassette by the group Yorum entitled *FEDA* was banned and Saltık invited to pay a fine of 2,800,000,000 Turkish lira (\$US1,750); otherwise a case would be opened against him. He refused to pay, insisting that he did not accept that a crime had been committed.

Self-censorship in life as a result of oppression Newspapers report daily that the Gendarmerie have taken people into custody during a wedding fest somewhere in the South-east because they were singing songs in Kurdish.

This is still the case even though Parliament has amended the constitution and former laws and officials repeatedly declare that Kurdish is not forbidden. Even if there is no legal or official ban, the practice continues and people have to censor themselves.

Cases against songs A Kurdish group – Koma Aşiti – was sentenced to three years and nine months in prison by the Supreme Court of Appeal. Another case concerns Koma Asmin, a group from the Mesopotamian Cultural Centre, consisting of eleven young women. On 15 August 2002, they were tried at the Istanbul State Security Court for a song they sang at the final concert of the Diyarbakir Cultural Festival on 2 June. The song, entitled *Herne Pesh* (Forward), is approximately sixty years old, comes from southern Kurdistan, and has nothing to do with the PKK and Turkey.

Reports consist only of words and statistics. I want to close with the story of their concert and custody as related to me by one member of the group, Ms Serap Sönmez:

Herne Pesh (Forward)

The Diyarbakir Festival of Culture and Arts is the biggest in the region. This year the Mesopotamian Cultural Centre participated at the festival with the music group 'Koma Asmin' of eleven young women. I am one of them.

It was the last day of the festival. Over fifteen thousand people filled the area near the ancient city walls. They had been there since early morning, waiting under the sun. Police were trying to provoke them with insulting words, asking 'Come on, what will you do now?', toying with people's patience.

Everybody was excited. We would be the last and most eagerly awaited group on stage. All went well, and after fifteen songs we came to the last one,

Herne Pesh (Forward). This is a very old, traditional song. We think that it becomes women: 'You may join me, or you may stay if you like. But I am going forward.'

We started singing. Not just the eleven of us, but fifteen thousand throats and hearts joined in. This was the finale everybody was waiting to hear, such euphoria ...

There seemed to be trouble below the stage. People were refusing to leave, believing that the police would take us away after they had left.

Closing our ears to the insults of the police on both sides, we moved off. But we did not get far. Our minibus was stopped as soon as we left the square. Police ordered those who were not group members to get off. We were being taken to the police station surrounded by insults, no longer whispered but shouted.

After the police station they took us to the hospital. A health report had to be filed in accordance with CMUK (the Criminal Courts' Procedural Law). In the police bus they play Mehter (Ottoman military music) as loud as possible, as if in response to *Herne Pesh*.

At the Anti-Terror Centre they laid us down beside a wall. But then something unexpected happened. We heard a voice saying: 'Turn your faces here, children, please relax.'

Who was this? He introduced himself: the chief of the Anti-terror department had come to the rescue just in time. The chief said that the treatment we had received was absolutely a mistake. We would not be taken to the custody cells but would be their guests tonight, just to give our statements. He also introduced the police officers to whom we might express our needs and added that we could tell him the next morning if we had any complaints. There was only one policewoman there. He said: 'No! One female policeperson alone cannot take care of all of you.' Two more soon came.

We were kept there until the next morning, sitting on chairs but unable to speak amongst ourselves, answering their endless questions until eight o'clock in the morning. When the new day began, all the police officers came to their offices after a nice sleep and full of energy. The insults resumed from the point where they had left off the evening before.

I couldn't help asking myself: 'What is the reason for this much anger and hatred?'

It was nearly noon when the process of taking our fingerprints and photographs and asking us very same questions over and over was completed. We should now be taken to court so that we could be remanded in custody or set free by the judge.

But today was the moment everybody had been waiting for for months. The



The Kurdish group Koma Asmin were taken to a police station after a successful concert and interrogated by the anti-terror department.

Turkish national football team was playing its first game in the World Cup, against Brazil. The whole country, including police, prosecutor and judge, was glued to the TV screen. We can only hear the reactions of the policemen watching the game. And all of a sudden, GOOOOOOAL! Turkey 1, Brazil 0.

We were totally forgotten, and we made jokes among ourselves. Who knows? Maybe they will let us go, to honour the goal ... It was only the beginning of the game, but everybody would be so happy if Turkey won. We hoped they didn't lose, otherwise we might have to pay for it.

Then a female police officer asked us: 'Why don't you feel happy? Why don't you sing a song of happiness?'. Then came the department chief. After asking us whether everything was OK, he turned to the policewoman and asked her whether or not we were happy about the game. The answer was negative. We had to listen to the chief's long and complicated explanation of how people who have lost their national feeling are almost dead, finished! Then came the surprise: they could bring us a monitor if we wanted to watch the game.

Well, this was a different, strange type of oppression which one could face only once in four years: a Kurdish female music group oppressed by Turkish national football.

'Thanks a lot,' we said, 'but we do not care too much for football.'

But we could not convince them. The chief repeated his offer at least three times but did not succeed in gaining our sympathy for the sport. Then came half-time. And after that Brazil scored two goals and the subject was closed.

One of the policewomen gazed at us constantly with disgusted looks. She was dark and looked like us, and asked us questions all the time: how old were we, where were we from, whose voice was the most beautiful, etc. We were pretending to be asleep, just to avoid her endless interrogation. But she answered her own questions. 'Of course you won't answer. Because you're jealous of each other. You are women too, aren't you?'

Finally she asked the question she had been leading up to: 'Guess where I come from?'

We offered the names of some Kurdish cities, but none of us could guess how deeply she could hurt us. 'I am from Urfa, I am Kurdish too. But I am not like you. I can sing the national hymn.' And she kept on about separatism and betrayal. 'I am a police officer. Nobody hindered me. My father is a colonel. He was not hindered either. Everybody's equal in this country.'

Then she wanted to prove that she could sing in Kurdish as well and started a song, making a lot of mistakes and mixing up the words. She was trying to sing *Bingol Shewiti*, but no doubt she did not know the meaning of the words: '*wa qomando çi imane! ...*(How cruel is this commander!)'.

She was Kurdish, so were we, She was a woman, so were we. What we felt was a deep sorrow for her.

Then came the prosecutor and the judge, and we were released to be tried later.

But our song did not come to an end. People were waiting for our release at the door.

Yes, the song will continue ...

Serap Sönmez, musician, Koma Asmin, Mesopotamian Cultural Centre, Istanbul

Note

1 A stringed instrument made of wood with a long fingerboard. It is a common instrument among Turks and Kurds. The bouzouki is a corrupt version adapted to twelve tones, used by Anatolian Greeks.

Iconic folk singer reflects on art and politics



“My youth was spent from one prison term to another. Imagine! You are not a murderer, you did not steal from anybody. But you are in prison! Why? Because you are a singer. Regardless, I never regretted the music I made in that period. Not once. And if I were to return to those days I would do the exact same thing.”

Selda Bağcan

The iconic Turkish folk singer Selda Bağcan took part in the session about music censorship in Turkey, Crossing the Bridge, at the 3rd Freemuse World Conference in Istanbul, Turkey, in November 2006.

She reflected on Turkey’s perpetual problem of political censorship of the arts, taking a journey back into the early years of her career which has spanned for decades.

Selda Bağcan’s testimony at the 3rd Freemuse World Conference in November 2006

“First I want to say hello. I’ve been repressed and banned so many times in my life as an artist. I will list them in order:

1) My first two singles, released in July 1971 – ‘Kâtip Arzuhalım Yaz Yare Böyle’ (Clerk, Write Down My Petition to My Lover) / ‘Mapushane İçinde Mermerden Direk’ (Marble Column inside the Prison) and ‘Tatlı Dillim’ (My Smoothie) / ‘Mapushanelere Güneş Doğmuyor’ (Sun Doesn’t Rise in Prisons) – were broadcasted by TRT many times due to public demand. [TRT: Türkiye Radyo Televizyon, the Turkish Broadcasting Corporation. *Ed.*]

But then the songs’ themes on prison were identified with Deniz Gezmiş and his comrades who were in prison in those days. And that marked the beginning of an unofficial ban by TRT that went on for many years. The ban became official after 1980.

I was invited to the AKKO Festival in Israel in 1990. And then I was invited two more times to Israel for tv programmes. It hurt me that I was invited two times by another country while I was banned in my own country. I wanted to apply to the court to lift the ban.

In 1992, the news “*Selda is taking TRT to court*” hit the headline in the newspaper Milliyet and the TRT administrators called to tell me that the ban was going to be lifted. And the ban was lifted. But the bans which the Supervisory Board of TRT imposed on me and my musician friends for many years had decisive effect on the destiny of music in Turkey, and especially on my destiny.

2) When I sang my own composition ‘We Are Shot, My People, Don’t Forget Us’ (‘Vurulduk Ey Halkım Unutma Bizi’) in 1977, in İzmit, at a concert at which other pop musicians were also involved, some groups among the audience wanted to stop me with “*Communists to Moscow!*”-slogans. And I was tried with Article 312 because of this song. I was sentenced to three months of imprisonment. But it was postponed.

3) This was after 12 September 1980. I was at my home in February 1981 when I was ordered “to come back to the country”. The reason for this order was the news in *Hürriyet*, the biggest selling newspaper at the time. The news were not correct. It was stated that I had been seen at protest marches abroad that were held against the military administration. However, I had already entered the country on 27 April 1980, five months before the coup.

The next day after I received the order to “come back my country”, I left my home to go to the juridical advisor in Selimiye Barracks, to declare that I was in the country and I presented my passport. While I was answering the questions, my house was raided by a group of policemen. I was released in the evening, due to the date of entrance in my passport and some other investigations.

After I went home, my house was raided for a second time by a police squad who were carrying eight Thompson guns. I made them call Selimiye Barracks to confirm that I had been released. They left after the situation was understood. But I was tried for two and a half years because of this case. And I went to the court in Selimiye once a month.

I was acquitted at the end of 1982.

4) After the order to “come back to the country”, our door was knocked once again on 27 May 1981. A team of civil policemen took me to İstanbul Police Department No 1. They told me they found a recording that belonged to me. There was neither my name nor my photo on the cassette. Obviously it was a pirate copy. I told them I had to listen to it before I could accept any allegations. Yes, they were my songs. They took my statement and I spent the night in a cell.

The next day, while being questioned by the juridical advisor in Selimiye, I told them most of the music in the cassette belonged to me, but that I had compiled the lyrics from poems of well-known poets of Turkey, and the books were in the shop windows even then, and had not been banned. It was illogical that I was inside, while the books were outside. I was sent to prison anyway. I was taken to Metris Military Prison. I was in prison because of Koçero, in the book, whose face I had never seen.

[Koçero is the name of a bandit who lived in Anatolia in 20th century. He is seen as Robin Hood of Anatolia. The poet Hasan Hüseyin Korkmazgil wrote a poem about Koçero, and Koçero’s life story has been documented in feature films and books. Selda Bağcan has never seen Koçero or known him, nor had anything to do with his actions, but even so, she was convicted and sentenced to jail simply because she put music and melody to Korkmazgil’s poem about him. *Ed.*]

The trial went on for two and a half years. I went to Selimiye once a month. Then I was acquitted. I was unable to continue my work because I was on trial all the time. There was no job anyway, no concert permissions. To

summarize, I was 'hungry'. And my passport was confiscated in February 1981. [Selda says 1980 in her presentation, but that was a mistake. *Ed.*]. It took me seven years to get it back.

5) The joy of my dismissal faded too soon. I was called to Hasanpaşa Police Station in Kadıköy, in April 1984. It was one-way. The police told me that I was their "guest". Another cassette had been found and led to a new arrest. I was detained. This time the proof of my communism was a folk song called 'Galdı Galdı'. My arrest rested upon an expert's report by Professor Sulhi Dönmezer, who spent his last years as 'apostle of democracy', but actually had reported many of the 600,000 prisoners as communists back then.

At the first court hearing after probation, the judge asked me: "Why do they bring you here again and again?" and then released me. But the prosecutor objected and got an arrest warrant even before I was back in my ward. I was arrested again, and the trial went on for years. I was back in the halls of Selimiye and the case was dropped due to statute of limitations.

Consequently, ten years of my life was spent on trials between 1977 and 1987 because of the songs I sang.

6) In 1988, my album 'Drawing Freedom and Democracy' ('Özgürlük ve Demokrasiyi Çizmek') which was the first release of my own company, was banned without any explanation. However, the lyrics were again from published books of well-known poets. Moreover, I had seen 'Moment Comes', ('An Gelir') the famous poem by Attila İlhan, at the prison library, and composed the song there. Again began a process which took months to clear the album off the charges. In the end it was discharged. But the impound caused an economical crisis which went on for five years.

Today, I carry on with music selling the same albums and singing the same songs at my concerts."

Translation to English by Doruk Yurdesin

» Watch the video interview with Selda Bağcan on www.freemuse.org/archives/948



ARABESQUE

THE MUSIC OF BANS

To control society in any way possible leads the Ministry of Culture and Tourism to come up with the idea of “light-hearted arabesque” in 1989. The Esin Engin tune “Sevenler Kiskanır”/ “Those Who Love Feel Jealous” sung by Hakkı Bulut is the fruit of such an intention, but it doesn’t quite hit the spot.

WRITTEN BY DORUK YURDESİN

Arabesque, or “arabesk” with its Turkish spelling is by origin the name given in the West to an Islamic art that is used to decorate walls of mosques and that consists of the elaborate repetition of geometric forms. The word was first used to denote a genre (which is also called “music of the slums” or “minibus music” as a result of some deficient sociological analyses) according to some sources, by journalists referring to the 1968 Orhan Gencebay 600,000-selling single “Bir Teselli Ver”/ “Give Me Some Consolation”. Although Orhan Gencebay set off with the motto “an innovative music” built on a firm knowledge of Turkish music, the emergence of arabesque has been identified with a reaction to the bans imposed in accordance with the music ideology formed during the Republican Period.

The first hints of a populist tendency in Turkish music that still stuck to rigid rules of form but was regarded as a blend of Arabic, Farsi and Turkish music as a result of years of cultural exchange are seen in the late nineteenth century through the “romantic songs” *ecol *. During the first years of the Republic, ideologists like Ziya G kalp believe that the music to mirror the society that was being engineered with a new dynamism is not the gloomy “Turkish classical music” but Turkish folk music arranged in accordance with Western norms such as polyphony. Along the lines of this ideology, institutions that provide Turkish music education are abolished together with dervish lodges in 1926. Classical Turkish music is taught nowhere up until 1976.

Perhaps, the purpose here is to inject western dynamism to the public through polyphony; however, such calculations of social engineering do not work out. In the late twenties, while radios broadcast polyphonic versions of folk songs compiled by composers sent across Anatolia, the public show a preference for the music of the newly founded Egyptian cinema. One significant element of this Egyptian music is the use of western instruments such as the violin and the flute along with eastern instruments such as ney, kanun and ud. And the use of Arabic style strings in Turkish music starts in these years with names like Haydar Tatliyay. Another reason accounting for the popularity of Egyptian films and their star singers such as Om Kalsoum and Abdulvahab is the Turkish music ban on Turkish radios between 1934 and 1936. In Turkey, with 8082 registered radios, 2838 of which are in the countryside, the public starts to listen to Egyptian Radio broadcasting over a strong frequency.

The ban is lifted approximately twenty months later; however, this does not stall the popularity of Egyptian film music. When “Aşkın G z Yaşları”/ “Tears of Love” receives a lot of public interest, the Directorate General of Press and Information bans the singing of Egyptian film music in Arabic. Still, the Turkish version of Abdulvahab’s song sung by Hafız Burhan takes its place among the best selling records of the year. Another name that comes forward during these

years is Saadettin Kaynak, who writes Turkish lyrics and music for foreign films. Kaynak’s unique and popular style resting on a firm knowledge of Turkish music is seen as setting the precedent for names such as Orhan Gencebay and Ferdi Tayfur. The biggest intervention into music of Eastern origin occurs in 1948, when Egyptian films and music in Arabic are removed altogether from the social life of Turkey after more than 130 films.

According to Meral  zbek, the author of “Pop ler K lt r ve Orhan Gencebay Arabeski” (Popular Culture and the Arabesque of Orhan Gencebay), the term “Arabic music” became widespread in the world of music with the revelation that the Suat Sayın tune “Sevmek G nah mı?”/ “Is it a Sin to Love?” sung by Ahmet Sezgin in the 1960s rests on a melody borrowed from a song by Abdulvahab. This example set by an eleven-piece string orchestra is followed by Orhan Gencebay in 1966 with his twenty-three-piece string orchestra playing the song “Deryada Bir Salım Yok”/ “I Don’t Have a Raft in the Sea” written again for Sezgin. Although Gencebay’s song does not contain Arab melodies, the similarity in the abundance of the use of an orchestra results in his being tagged, as he put it, as “like an Arab”. On another note, south-eastern influences are felt during the same years via Nuri Sesig zel singing Abdullah Nail Bayşuğ’s compositions.

One issue called to attention by Stokes, who has also done work on arabesque music, is the error in defining arabesque as Arab music with Turkish lyrics. That is, the influences of both western and Indian music are felt equally in this new genre that emerged in the 1960s. With musicians that were already occupied professionally with different kinds of styles contributing to its sound, and in accordance with the attempted reform from the early years of the Republic onwards, it is created through a re-shaping of Turkish “classical” and folk music traditions using western techniques. Arabesque is also made by producers and composers who are well-educated or in close contact with formal music circles. Despite all these, from the early years on, arabesque never manages to get on the good side of TRT. That is until Orhan Gencebay appears on the New Year’s Eve Programme with his song “Yarabbim” in 1980. Nevertheless, the growth of the record and record industries through the 60s and 70s has already eliminated the dependency on state broadcasting.

One point mentioned both by  zbek and Stokes in their studies is that in contrast with the general view, arabesque is not the ghetto music of a city which has received dramatic immigration in recent years but has always been part and parcel of urban culture. In the field work he conducted in the 1980s, Stoke saw that arabesque is not necessarily consumed more in slum areas than other parts of the city; neither did the availability of music in cassette shops in different parts of the city vary. Still, the affiliation of arabesque with *dolmuş* cars that



Nalan Yırtmaç, "Orhan Baba"

facilitate passenger flow between city centres and the outskirts, even despite the ban on playing this music on public transportation, adds just another angle to this phenomena which is not that simple to analyse anyway. Although it is kept at bay by TRT, arabesque is so much inscribed in the life of the public that there is even a joke that in the street clashes of the 70s, being an Orhan supporter or a Ferdi supporter is as important as rightist or leftist ideologies.

The partial truce between arabesque and the higher levels of the state occurs in the 1980s. "Seni Sevmeyen Ölsün" used by the Anavatan Party as the party slogan in 1987-1988 is even sung by Ali Tanrıyar into a microphone held by İlker Yasin in a live broadcast on the night of a championship game for the football team of Turkey's "élite", Galatasaray. In a reception in 1989 and during a visit to Azerbaijan in 1990, Bülent Ersoy and İbrahim Tatlıses escort Semra Özal respectively. Nevertheless, to control society in any way possible leads the Ministry of Culture and Tourism to come up with the idea of "acısız arabesk" in 1989. The Esin Engin tune "Sevenler Kiskanır"/ "Those Who Love Feel Jealous" sung by Hakkı Bulut is the fruit of such an intention, but it doesn't quite hit the

spot. Beside the efforts to create a sound that will dynamise and represent a public going through the process of constructing its modernity and at the same time is meant to be that is supposed to take its place among the western countries it is taking after, the bans and constraints force feeding experienced during the early years of the Republic is also a part of the project aiming to break away from the Ottoman culture identified with inertia and regression for the last two hundred years. Music bearing Eastern influences, which is regarded as sentimental and conceived as an expression of the negative and essentially "eastern" aspect of the Turkish spirit is carefully avoided. Nevertheless, however good its intentions, the attempt to introduce dynamism and contemporaneity to a society via bans and force feeding cannot be deemed to be a successful one. When looking at the situation today, it is obvious that something has gone wrong somewhere but in a context where different forms of corruption from stealing to looting and plundering are witnessed from time to time, it is doubtful that the blame should be laid on arabesque and being oriental, as neither encourages these.



A BOYCOTT STORY AND TRT SUPERVISORY BOARD

There really is no limit to the bizarre stories concerning the rather curious institution known to the public as “The Turkish Radio and Television Supervisory Board”. Let’s focus on a couple of these that reveal the tragicomic aspect of the situation; but before that - a tough story of boycott. It was first told to us by Şanar Yurdatapan in an interview conducted for Müzik in 1996. Afterwards, we received a small confutation, but in the following years, we talked to most of the parties and learnt that the incident occurred exactly as we had been told.

WRITTEN BY MURAT MERİÇ ILLUSTRATED BY CEREN OYKUT

It goes like this: The year is 1973; as the Supervisory Board hang over artists like the sword of Demokles, an interesting counter-initiative organised by Şanar Yurdatapan emerges, and with it, the biggest ever boycott against TRT. But first, a little bit of background information: ŞAT Productions, founded by Şanar Yurdatapan and Attila Özdemiroğlu in 1971, is the first production company of Turkey. This company uses the advantage of being the first (and only) of its kind really well and works with nearly all the artists and bands of the seventies in Turkey, releasing the debut albums of a lot of artists from Nilüfer to Sezen Aksu. Şanar Yurdatapan, the head of the company, is a “busy man” even then. He establishes The Association of Popular Müzik and is actively involved in its running. He also comes up with the idea of a “boycott against TRT control”, and action starts immediately. Before New Year’s Eve, a critical decision is made. During these times, TRT is the public’s only source of entertainment, and a music programme with a long list of performers is being prepared. If this programme is boycotted, TRT will be in a difficult situation, and it will have to accept the demands of the association and consequently, those of the artists. The idea receives support from some producers at TRT as well, and the decision is made. The boycott is declared one day before recording.

On the day of recording, there are only two singers in the studio, unaware of the boycott: Ajda Pekkan and Selda (Bağcan). Saying that the situation is very “sensitive”, Ajda Pekkan withdraws on her own will. On the other hand, Selda says “The only time I am allowed to appear on TRT is New Year’s Eve, so shoot my bit”, which receives the reply: “And we are not shooting it”. However, just when the boycott seems to have achieved its goal, and it looks as though everything will be just fine, something unexpected happens. On 25 December 1973, Prime Minister İsmet İnönü dies and a national day of mourning is declared. Consequently, the New Year’s Eve programme is canceled. Still, having realised the seriousness of the situation, TRT is obliged to start talks with the representatives of the association. The control is not lifted, but parties still manage to negotiate on some issues. These include a song-writing competition supported by TRT. The 1st Toplu İğne (Dress Maker’s Pin) Song-Writing competition is the child of this negotiation. A second one is not organised.

After the interview with Yurdatapan was published in the magazine, Selda belied the part about herself through the daily newspaper Cumhuriyet. And let’s not forget: Selda, who has always opposed TRT throughout her music career and whose self has incurred a ban rather than her songs, was invited to TRT for the first time in 1988 - apart from a couple of times back in the 70s- when she appeared on the programme dressed in black by way of a protest.

Meanwhile, it should be noted that Antuan Şöriz, the owner of Diskotür Records, broke the boycott to promote a new name. This was a young singer-songwriter from Bursa, named İlhan İrem. Ironically, İlhan İrem himself became another victim of TRT’s random bans some time later, and was unable to appear on TRT for many years. Yet, at the time, all the songs on his album, “Pencere” / “Window” had been approved, and he had even recorded some “an audience with” style programmes. Then something unexpected happened: İlhan İrem put on an earring. It was after this earring that his then new album, “Köprü” (“Bridge”) was refused approval in its entirety. This was the first of many bans for İlhan İrem, as his old songs also faded into obscurity. During these same years, Seyyal Taner received a ban due to her appearance on a programme wearing a scarf adorned with Arabic scripts. These kinds of random bans dished out by TRT lasted for many years.

The Turkish Radio and Television Supervisory Board has always made some curious decisions. Some songs have been refused airplay because of “intensive intonation errors in music”, some because of “errors of stress and prosody”, and some for the “insufficient performance technique of the soloist.” There have been times when long-haired musicians have been forcibly prevented from entering the building. At other times, songs have been banned with the excuse that “you cannot play the bass guitar in a la turca or the bağlama in foreign music.” There have even been times when songs without a guitar line have not been playlisted due to the “fact” that “the sound of the guitar did not fit the rest of the song.”

Yet, one particular story involving Modern Folk Üçlüsü, who sang folk songs with a vocal trio, is among the most peculiar. After a shooting, one of the producers in the studio approaches Doğan Canku and says “My dear Doğan, I cannot fault your singing really well, but these two friends of yours simply can’t accompany you!”

Another board, which is the equivalent of TRT control, is also worthy of a mention: The Commission of Labelling! The Devil, one of the first post 80s serious rock bands, were among the first bands that experienced problems from this commission because of their song “Özal Devri Kızları” / “Girls of the Özal Period” of their self-titled album. The name of the song was changed to “Girls of the Atomic Period”, and this is how the album got approval. In addition, the word “crazy-turd” in the title song of the second album, “Uçtu Uçtu” / “It Flew Away” of Bulutsuzluk Özlemi was taken out of the album with the board decision that it “offended public decency.”



Needles to say, it was not only this commission that was “obsessed” with lyrics. During the nineties, the actions of the TRT Supervisory Board went full throttle. In 1990, Mazhar Fuat Özkan got into trouble with “Ali Desidero”, their hit song off the album “Geldiler” / “Freaking Out”, which had been released after a long period of inactivity. The board did not only conclude that some of the lyrics were “slang”, but it also opposed the name “MFÖ” because they considered it to be advertising. As a result, Mazhar Fuat Özkan went in the studio again and recorded another version: MFÖs became “music”, and lines like “let’s see what he’s about” became “we should test this one”. We can still hear this version of “Ali Desidero” on TRT’s radio stations from time to time. The TRT mechanism which banned the lyrics “I put my arm around that slim waist” in the song “Rüyalar Gerçek Olsa”/ “Wish The Dreams Come True” because they were “obscene”, which had “issues” with İlhan İrem because he wore an earring and described his lyrics “you are not visible, like some dirty moss in murky water” “meaningless” (of course, you cannot see anything in murky water; so how can we understand that the moss is dirty? - so, there you go!) still exists somehow, but the bans are no longer that random. Yet, we can still hear of new bans: Recently, Aylin Aslım’s song “Güldünya” and five songs from the Baba Zula

album “Duble Oryantal” / “Double Oriental” have been refused approval. It is even more bizarre that these decisions have caused responses such as “TRT has done a good job; these songs are like pornographic, anyway” on some Internet sites and forums... The reason for banning “Güldünya” is the song’s lyrics “the guy who mounted on me when I was at an early age.” Baba Zula’s situation is even more peculiar: their song “Galiba Hamileyim” / “I Think I’m Pregnant”, probably because of the name, “could” not even make it to the supervisory board due to its “obscene lyrics”.

While on the subject of obscenity, let’s finish off with one final example: as expected, the 1973 Barış Manço song “Lambaya Püf De”/ “Put Out the Lamp” ran into difficulty because its lyrics were deemed “obscene”. Manço sent an instrumental version of the song to the board and it was rejected again for the very same reason! The board members were asked what they found obscene this time and there came a reply that sums up the tragicomic situation we have been trying to illustrate throughout this article: “The guitarist plays the song in an erotic fashion!”



TURKISH MUSIC BAN ON THE RADIO: 1934-36

NIHAVENT TANGO

WRITTEN BY ULUS ATAYURT

The first public comment by Atatürk concerning Turkish music is recorded on the evening of 9 August 1928 following a recital in Sarayburnu Park Pavillion organised to celebrate the Alphabetic Revolution. The Egyptian singer Müniretü'l-Mehdiye, Eyüp Musiki Cemiyeti and an orchestra playing works in the western sense perform during the recital. After the performances, Atatürk shares his observations of all three styles of music briefly. In the two examples of oriental music, “Ms. Müniretü'l Mehdiye has been particularly successful in her art”. However, to Atatürk, this “naive music” does not suffice to nourish or satisfy the spirit of the Turk, which loves to discover; and, the public starts to jig upon hearing the music of the civilised world. Atatürk expresses the appropriateness of the dynamic and polyphonic western music to the Turk with the following lines:”Indeed, the Turk is cheerful in disposition. If this beautiful nature has gone unnoticed for a time, this is through no fault of the Turk.”

Indeed, such a dismissive attitude towards the Turkish music that came of age during the Ottoman era as exemplified by Atatürk is not new to the nationalistic ideology of the time. Actually, the presence of a more ordinary fasıl heyeti (traditional Turkish music choir) in Sarayburnu that day rather than Riyaset-i Cümhur Fasıl Heyeti consisting of the most precious musicians of the time such as Hafız Yaşar, Münir Nurettin, Tanburi Refik, Udi Şevki, which usually accompanies Atatürk in his gatherings, is, according to some researchers, a precaution taken by Atatürk because of the statements he is going to make that day.

In his 1924 work “Principles of Turkism”, Ziya Gökalp gives a clear description of what Turkish music “should be”. According to Gökalp, there seem to be three kinds of music around: An ailing and non-national oriental music, a folk music that appeals to our national sensibility and the western music that should be the music of our new civilisation. As to the Turkish-music-to-be, the national thinker brings forth the following suggestion: “Our folk music has provided us with many a melodies. If we compile and “harmonise” them in accordance with Western music, we shall possess a music that is both national and western. That is, the purpose is to discard the music that is assumed to belong to the Ottoman era, thus the Orient, and to transform the folk music melodies that are thought to belong to us into polyphonic western forms.

Nevertheless, what is depicted as folk music is not as homogenous as it is thought to be. Indeed, with such a variety of instruments, styles of playing, and languages and dialects with which “Turkish folk music” is sung, it is rather hard to talk about a national music. Therefore, sudden turns must be taken, such as in a way simplifying the “folk music” as in, say, Yurttan Sesler Choir, or Turkifying folk songs such as “Sarı Gelin” or “Yaylalar”, which are mostly sung in Armenian or Kurdish.

Commissions are founded with the purpose of compiling Anatolian sounds and

making them uniform, and the first commission, consisting of four people, starts its first journey that will last for two months in 1926. When this group, including the famous musicologist and master of Turkish music Rauf Bey, return from their tour, they are given the news: The teaching of Turkish music is banned in the Istanbul Conservatoire, then known as Darü'l- Elhan, and its teachers are assigned with performing and identifying scores only. On hearing this, Rauf Yekta cries blue murder, but there is not much that he can do. With the closing down of the conservatoire on the one hand, and of the dervish lodges on the other, a lot of musicians find themselves unemployed and try to continue their lives under very difficult conditions. Yet, how will the public receive the music that will emerge as a blend of Turkish folk music and western music? When we look at the Turkey of the period, one of the most important things that we see is that it has not yet encountered the phenomena of immigration that will emerge in the new republic dependent on agricultural economy. And this plays a significant role in the urban public’s lukewarm reaction to the synthesis of folk music and western music, which is attempted to be promoted as the new music.

One wonders why it did not occur to anybody to transform what is known as Turkish music into a polyphonic form. It goes without saying that in contrast with western music, which is content with major and minor scales, revamping Turkish music that hosts a vast collection of sounds with its variety of modes and lengthened or shortened commas, is no small task. However, musicians from the Turkish music tradition take on such a challenge. For example, a concerto for the kanun is written. Additionally, in the thirties, we come across popular Turkish music tunes written by Turkish music composers partially driven by financial concerns. As Orhan Tekelioğlu suggests in his research article on Nota Magazine, which defended the Turkish music of the time, the “Nihavent Tango” that blended the “nihavent” mode with tango rhythms or the “Oriental Fox-trot” that blended the newly invented “oriental” mode with the fox-trot are some examples of such attempts.

Still, the Republic’s elite are insistent on inventing a national music. As inspired by the Russian Five, the Turkish Five -the best remembered of whom are Cemal Reşit and Adnan Saygun- work with this purpose. A segment of the republic’s elite are even against “frivolous” forms of western music like the operetta. The increase of the literacy rate from 7% to 20 % in eight years thanks to the success of the Alphabetic Revolution gives hope in terms of the possibility of a musical revolution. The conclusive decision of the new republic’s elite, who, in Füsün Üstel’s words act with the motto “To come a long way in a short time”, is declared by Atatürk in parliament on 1 November 1934:

“Friends; I am aware of the way in which you wish the nation’s youth to progress in all fine arts. This is being done. However, the one which needs to be at the forefront here is Turkish music. The measure of a new nation’s changes is its ability to perceive and comprehend the changes in music.



Nalan Yirtmaç, "Folk-song ban"

The music attempted to make people listen to is far from being a source of pride. We must know this. It shall be necessary to gather sayings and songs that depict fine, national feelings and to process them in accordance with the rules of general recent/contemporary music. Only in this way can national Turkish music rise and take its place among universal music."

The order comes from the top. The following day, "Oriental/Eastern music" is banned on radios by a declaration from the Home Secretary, Şükrü Kaya. This ban will last until September 1936. "The Commission for Music", founded at the same time as this ban, is determined to extend the scope of the ban to record publishing and even to Turkish music performed in public areas. Also, to provide an example of the new music necessitates a show of a highly valuable work. With this purpose, and in honour of the Iranian Shah Rıza Pehlevi's visit to Turkey, the first Turkish opera of the era, "Özsoy" is composed by Adnan Saygun, a member of the Turkish Five. Unfortunately, "coming a long way in a short time" is not as easy it sounds, and "Özsoy" receives criticism even from the press that normally support the state. Consequently, it is realised that foreign musicians who have mastered Western music should be invited to Turkey.

On another note, Turkish music composers who have been unemployed for a while get hold of new business opportunities thanks to newly opening record

companies, especially in Istanbul. For instance, Münir Nurettin Selçuk and Saadettin Kaynak are among the shining stars of this era. As for the public, separated from the "alaturca" tones they are used to, they discover new methods to listen to the melodies they are used to. Strong arials are found, and music from Egyptian radios in particular becomes high in demand. This plays an important role in the realisation that the radio ban is not an effective solution. In the following years, Egyptian films reach wide public masses in the cinema, and music masters like Saadettin Kaynak, who have started composing "alaturca" style music with a new self-found synthesis for these films, start outlining the popular music with consent from the public.

Ultimately, it is necessary to ask whether the elitist "national music" that was attempted to be popularised from the top down has achieved anything beyond the teething period. What's more, the thirties' politics resting on high-handedness and bans, and its epitome the radio ban, ironically paved the way for the public synthesis that would develop in the fifties and sixties. We wonder, inevitably, if the republic's elite had not closed their ears to the innovative suggestions coming from "alaturca" musicians, could a popular and unique style of music which both included the vast richness of Turkish music and embraced the popular western form emerge. Could the Nihavent Tango be the first step to a newly flourishing style? Now, these are what sit on the empty shelves of our music archives as questions that can be answered no longer.



KURDISH MUSIC

THOSE THAT REMAIN OUTSIDE SCRIPT, BUT IN THE MIND

There really is no limit to the bizarre stories concerning the rather curious institution known to the public as “The Turkish Radio and Television Supervisory Board”. Let’s focus on a couple of these that reveal the tragicomic aspect of the situation; but before that - a tough story of boycott. It was first told to us by Şanar Yurdatapan in an interview conducted for Müzik in 1996. Afterwards, we received a small confutation, but in the following years, we talked to most of the parties and learnt that the incident occurred exactly as we had been told.

WRITTEN BY UMUT BULUT

I am staring at the TV screen, trembling slightly, my eyes wide open. Two fashion model-presenter-artist-singer-actress ladies who have had their fair bit of plastic surgery are swaying from side to side in their festive way -out of time- and lightly touching the balloons; well, I guess they are balloons. Another “multi-talented” lady, who has had even a bigger share of plastic surgery, that is, Ebru Yaşar, has just received some wild applause from the audience after her oratory along the lines of “I may have changed in terms of shape, but my essence is definitely the same, and I am surely one of you.” Now, she is accompanying in dance yet another multi-talented character who makes us think that he may have had plastic surgery as well. This one is Alişan. And the song that is playing... I reckon anybody who is not familiar with the song would not have much difficulty in guessing that it has been “Turkified”. And for those who know it, the song is Keçe Kurdan.

Keçe Kurdan, song and lyrics written by Şivan Perwer, was banned on 26 February 2005. Just after this, an album by Aynur was confiscated. The reason for the ban was the song’s propaganda for an illegal armed organisation by asking girls to join the guerilla movement in the mountains. The ban lasted for seven months. I remember listening to the song over and over while going to Şemdinli to protest about the incidents there. It was listened to over and over because a group of women were on the way to protest about the events, and Keçe Kurdan expressed their emotions so well that it was not enough to listen to it only once. I do not remember where I heard this song in the past. It became a symbol of that journey for me. The song, which I have heard at many weddings since, was turned up while entering the city and we women sang it with the top of our voices, dancing with excitement.

*“Keçe em dixwazîn bi me re werin şêwre
Dilo em dixwazîn bi me re werin cengê*

...
*Serê xwe rake keça kurdan
Dil û çigerim heliyan
Ka niştîman ka azadî
Ka dayika me sêwiyan”.*

*Come girls let us unite in ideas,
Come girls, come to war with us.*

....
*Revolt Kurdish girl,
My heart is heavy,
What of land? What of freedom?*

What of the mother of us orphans?

I keep on staring at the TV screen, with my jaws tightened. The moment I manage to sober up from the performance of Alişan and his ilk, the Turkish lyrics attract my attention. As far as I can remember, they go something like “Turks and Kurds should make peace, Kurdish girls should compete in beauty”. The song of Kurdish girls revolting with a burning heart has been transformed into a rhetoric of “come on, make love, not war” in a multi-cultural and multi-aesthetical environment. “Do not ponder.” On the one hand, “Keçe Kurdan” is banned; but on the other, the ban is lifted clumsily after a leaning on by the essentially turbulent discourses of the European Union. On top of this, the rampant music industry, with its revenue stamps, Turkifies the song with a liberal statist aesthetic.

According to Dilan’s bağlama instructor Hasan, what has gone missing, what is censored and what is attempted to be disciplined by hunger and weapons is the sense of destruction inscribed in the emotions of people. What is being censored and attempted to be deleted from memory is the very state of existence. Hasan starts singing “Rabe Cotyar”:

*Rabe cotyar dê hilo rabe
biçîne erdê çol û beyar
berê ji destê hewe cotyar
xelkê hemya nanê xwe xwar”*

*“Arise farmer, come on arise,
Plow the soil and the field,
From the hands of the farmer,
People have eaten their bread.*

İbrahim Tatlıses has made a dog’s dinner out of this song with “Beyaz Gül Kırmızı Gül”/ “White Rose Red Rose”. I mean, the fellow in the song is a labourer plowing his field; what is the relevance of the Friday namaz here? The songs İbrahim Tatlıses thieved from Şivan, who says his style has been influenced by master dengbejs such as Hesen Ciziri and Mihamed Arif Cizrawi, are endless: “Cane Cane” has become “Cane Cane”. “Esmerê Min” has become “Esmerim Biçim Biçim”/ “. “Peşmerge” has become “Zurnacı İbo Dayı”. “Lawo Deste Min Berde”, has become “Makaram Sarı Bağlar”. “Mumik” has become “Bir Mumdur”, “Evina Min” has become “Uzun Uzun Kamışlar”. Yet, have they really become anything? No, they haven’t.



The chat with Hasan intensifies. Singers flaunting red cars, spouting on about techno-folk, with their materialistic messages proclaiming “I’m free” sung over that repetitive closed hat while tangoing with their blonde bimbos somewhere around, say, Urfa flash before our eyes. Hasan Abi is, not only by these singers but by a number of researchers and singers from Muzaffer Sarısözen, the founder of Yurttan Sesler Korosu, to Celal Sarıgözel: what does “anonymous” mean? Do we not know the owners of these songs? In an environment where language is banned, they have cut songs off their cultural context, Turkified them and re-branded them as “Turkish Folk Music”. Refusing to bury hundreds of banned tapes he had collected for research purposes and at one time caught and put to prison for this, Hasan carries on talking: These songs are and will be sung. I am singing them to my babies, my mother sang them to me. The law bans, but in practice, it is not legitimate. They can tell me not to speak Kurdish for as long as they like, but they cannot be with me for twenty-four hours, can they? I can speak my mother tongue. They ban, but I sing. They say “Sing whatever you like, but take out the word Kurdish.” They censor, but I still sing the kılams I know to my babies.”

And Dilan remembers her father burying Şivan Perwer tapes in the ground. She is 18 now. She lives in one of the ghettos of Diyarbakır and is working to start a children’s choir in her neighbourhood. Songs like ‘Gule Baxçe’, ‘Cane Cane’ and ‘World Children’ are at least on the lips of the children on Dilan’s street. In the evening, sitting on the roof to get some relief from the August heat, I ask Dilan’s father Firat which songs he likes most. He starts from the tapes he has buried. Whilst burying, he carved them into his memory.

Dilan’s mother Makbule’s eyes sparkle when Şivan’s name is mentioned. She hums the song “Ez Keçikek Gundi Me”. At the beginning of the song, Şivan Perwer first tells the story. “Ez çûm gundekî Batmanê, keçeke Kurd ji min re got, lo bira... (I went to a village near Batman, a Kurdish girl said to me “o brother”...) A girl who cannot unite with her beloved and is unable to voice herself wants Şivan’s voice to give life to her story. In Şivan’s voice, Makbule

feels the city of Batman that she has never seen; she hears the voice of the girl from Batman. Şivan tells and tells. He tells a love story. From the Diyarbakır that she has never left, in Şivan’s kılams, Makbule hears women who lack a voice, women who live elsewhere. While Şakiro is singing his kılams, Makbule sheds tears for her relatives killed, she experiences the silent terror when her husband is late for home, she cries for her family who parted after their village was burnt down, she hums the longing she feels for her son who works as a labourer in İzmir. She finds herself; she remembers herself.

The dengbej tradition turns upside down the European-centred axiom *verba volant, scripta manent*. History finds its voice and breath in a geography where language is banned. Kılams consist of stories told in şevbihêrk evenings, that is, home gatherings, stories of everyday life passed from one generation to another, lamentations in the houses of mourning, cries of love. The source is often a woman, but the medium is mostly man. The dengbejs wavering between improvisation and memory forms a new voice resting on the old by adding their own voice and the collective memory of their era to every kılâm they gather. This is an act of introducing the voice and the word, and thus, an oral culture, into circulation. A friend of mine has read the memoirs of the renowned dengbej Karabete Xaco. The dengbej received an invite from Erivan Radio, but they said to him “But come if only you will recite without saying the word Kurdish, without referring to war.” And he refused, saying, “This is not possible.” He passes on what has been passed on to him and what he has seen, what he has felt. What can he cut and, and where from? How can he prune it all? And if anything, why at all?

Dilan is “sort of” familiar with the notion of dengbej. She has listened to the kılams of dengbejs who started to sing with an instrument in a new platform facilitated by the arrangement craze that started on Erivan Radio some time ago. The industry abiding by the prevailing mentality of “banning” is full of tapes of young dengbejs who are products of this trend. Yet, Dilan likes Şivan rather than young dengbejs who re-produce kılams during their process of latching on to modernity. She listens to most of the bands who came up with different formations during the political climate of the seventies. She has grown up with them. She wants to form a band like Koma Berxwedan with her friends. She says there will be bağlama, erbane, flute, guitar and vocals in it. What’s interesting though is that she listens to Kırac, too. “What do you like in that man?”, I say. And she says “How do I know? His music is nice.”

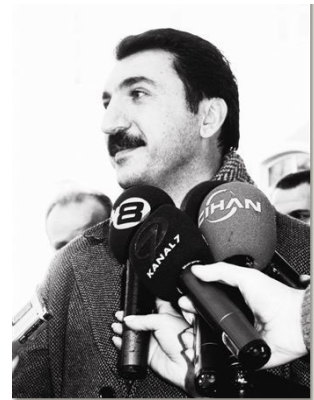
I remember Rojin. Recently, she came to Diyarbakır after a long time. That anticipation, spiced up with excitement because of being able to speak your mother tongue in the city that has been colouring your dreams for a long time. She took a taxi at the airport and said to herself “I wonder, which Kurdish song is going to play now?” What played on the radio was an arabesque song by a singer whose name she could not remember. “Is this Amed?” she wailed. This is not how she remembers it to be. We went out one evening. Songs in Turkish played one after another in a venue with live music must have put her in such a state that when the band started playing “Ez Garib’im”, Rojin came to. She both started to ponder and to smile. I just hope that she does not hear Alişan’s “Keçe Kurdan” incident. “Multi-cultural” and state supported market aesthetics that go along the lines of “Forget yourself; speak in a certain format in the space I have happened to open up for you, and for the time I have granted you. Pretend. And look, we just happen to have the Turkish version of your song, as well” may be too hard for Rojin to handle. She will not forget who she is, but she may lose herself for a moment. Then the multi-cultural mosaic crumbles to dust.

Campaigning for musical freedom

The original objective of Freemuse is to advocate and defend musicians' rights to freedom of musical creation, performance and publishing and citizens' access to musical expressions as protected in the Universal Declaration of Human Rights. Of all artists that Freemuse has campaigned for Ferhat Tunç stands out.

Ferhat Tunç has tirelessly spoken and sung for the rights of Kurdish and other minorities' rights to express themselves. His relationship with Freemuse started when he was imprisoned in August 2003. Since then he has faced more than a dozen charges, and Freemuse has several times organised campaigns and invited Tunç to conferences, festivals and hearings.

On 2 October 2007, Ferhat Tunç was charged of terrorism. Freemuse and a small delegation including Jens-Peter Bonde, President of EU Democrats, and Danish member of the European Parliament went to Izmir to observe the trial. Bonde later described the experience:



“The courtroom was completely packed and ten armed police officers occupied the front row. Initially Tunç was up for three years of prison, according to the prosecution authority. His only crime was to have expressed his compassion with dead soldiers on both sides of the Turkish-Kurdish conflict during a concert, which has cost the lives of 34,000 people. Tunç and his lawyers called the case “a disgrace” and that the prosecution “lacked proof”. After an hour, the prosecutor very surprisingly chose to withdraw the charges against Tunç, leading to his acquittal. I was and still am very delighted with the good result of the court case. A lot of attention helped. When we went to Izmir, we had not imagined that Ferhat Tunç could participate in the massively attended press conference directly after the trial. But he could.”

However, Turkey continues to persecute Tunç and it took more than 12 years before he was to witness The European Court of Human Rights convicting Turkey of violating his rights to freedom of speech. Currently, a colleague of Tunç, the Kurdish singer Nûdem Durak, is serving 10.5 years imprisonment for “promoting Kurdish propaganda.”

This chapter includes a unique list of prohibited CDs and cassette tapes from the Bingöl Province Police Headquarter. The police orders Tunç songs banned from airplay and forbids the possession and storage in shops. Unfortunately, the document from 2003 is not only history. The singer continues to be banned from airplay and prevented from performing. He is a Freemuse ambassador since 2007, and in 2010 he received the Freemuse Award.

Some of the articles reflect the Freemuse campaigns for Tunç and his own reflections on the relationship to Freemuse.

Legal breakthrough in favour of prosecuted singer Ferhat Tunç



The European Court of Human Rights has convicted Turkey of violating freedom of speech in the case of singer Ferhat Tunç. A Turkish court had sentenced Ferhat Tunç to three months in prison and ordered him to pay a fine for having made dissident comments during a concert.

The European Court of Human Rights (ECHR) has found that Turkey violated Article 6 (right to a fair trial) and Article 10 (freedom of expression) of the European Convention on Human Rights by handing down a three month prison sentence and fine to singer Ferhat Tunç for performing at a concert on 4 August 2003.

Freemuse has followed the case against Ferhat Tunç since the beginning. In 2004, Tunç witnessed about several of the cases raised against him at a [Freemuse seminar at Womex](#).

“Turkey continues to violate artists rights to freedom of expression, and with this decision from the European Court Freemuse appeals to Turkey to close down all other cases against Ferhat Tunç and his fellow artists,” said Freemuse Executive Director Ole Reitov.

On 27 January 2014, Freemuse and Turkish sister organisations organised a meeting in Istanbul following the review of Turkey’s human rights records at the [UN Human Rights Council](#).

Prior to this, Freemuse and its Turkish partners had submitted a UPR to the UN describing how Turkey systematically violate artists’ rights to freedom of expression.

ECHR judgement

The European Court of Human Rights ordered the Turkish Government to compensate Tunç with 3,250 euros for non-pecuniary damage and 1,000 euros to cover costs and expenses.

“This judgement, which sets a precedent, emphasises once again that for a person to be tried without having the right to defend themselves will be accepted as a violation of the right to a fair trial,” said lawyer Ercan Demir, commenting on the judgment.

The judgement:

Yoslun v. Turkey (no. 2336/05)

“The applicant, Ferhat Tunç Yoslun, is a Turkish national who was born in 1964 and lives in Istanbul. The case concerned a fine imposed on him, being accused of having made comments during his performance at an authorised concert.

On 4 August 2003 Mr Yoslun took part, as a singer, in a concert organised by the People’s Democratic Party (DEHAP) with authorisation from the prefecture. During this concert Mr Yoslun took the floor and gave a speech that was critical of the Turkish government, stating in particular that modern Turkey was neither free nor democratic. He also made comments in support of the Kurdish nationalist movements. Police reports were subsequently drawn up, as a result of which the prosecutor’s office brought charges against Mr Yoslun on 6 October 2003 for failing to obey orders, on the ground that the prefectural authorisation for the event was valid only for a concert and did not authorise speeches. Mr Yoslun was ordered to pay a fine. On 8 December 2003 he appealed against the decision and requested a hearing. On 30 March 2004 the criminal court dismissed his appeal and his request for a hearing.

Relying in particular on Article 6 (right to a fair trial), Mr Yoslun complained about the fact that no hearing had been held and alleged that this had had an impact on the rights of the defence. Relying on Article 10 (freedom of expression), he complained that he had been convicted for having addressed the public during his performance at an authorised concert.

Just satisfaction: EUR 3,250 (non-pecuniary damage) and EUR 1,000 (costs and expenses)”

This article was posted on 10 February 2015 on www.freemuse.org/archives/9540

» ECHR press release:

[Judgments of 10 February 2015](#)

» Bianet – 10 February 2015:

[Fine Ferhat Tunç’s Concert Speech Convicted by ECHR](#)

» Hurriyet Daily News – 10 February 2015:

[Euro court fines Turkey for fining singer due to speech in concert](#)

» DicleHaber – 10 February 2015:

[ECHR finds Turkey violated rights of Ferhat Tunç](#)

“The values that made me Ferhat Tunç”

Kurdish-Turkish musician Ferhat Tunç was appointed ‘Freemuse ambassador’ in September 2007. In this personal letter from him, he explains about his relationship with the organisation, and what the new appointment means to him.



ARTIST STATEMENT | By Ferhat Tunç

On the fourth anniversary of my acquaintance with Freemuse, I want to share some news that I feel proud of, and in this connection, I would also like to draw attention to censorship, repression, and negative approach on music.

Freemuse is an important international organisation that brings up the issues of censorship in art and music, thus freedom of musical expression, in many parts of the world – from Cuba to Indonesia, Middle East to West Africa, Belarus to China, Turkey to Zimbabwe – and discusses these issues at the conferences it holds in different countries. Many opponent artists and musicians who have fallen victim to censorship, bans and threats act in coordination with Freemuse.

My relation with Freemuse started in 2003. In August 2003 I was imprisoned and was released again soon afterwards. This drew attention both locally and internationally. Through this incident, the Freemuse members that got in touch with me had the chance to get first hand information on the situation in Turkey. This solidarity has been improving ever since.

In 2004 there was a world music fair, WOMEX, in Essen in Germany. During this fair, a series of conferences were held by Freemuse. Human rights activist Şanar Yurdatapan and I were invited to one of these conferences. There I talked about how censorship and bans continue in Turkey, despite EU entrance negotiations. I had the chance to give examples on how artists in Turkey were still arrested unfairly, groundlessly and arbitrarily, and how concerts were banned and many artists and musicians were banned from performing just because they sang in Kurdish.

After this conference I had meetings in İstanbul with Ole Reitov, one of the founders of Freemuse, who closely watched the incidents concerning me. After these meetings, in January 2006, I was invited by Freemuse and Pen Denmark to attend a three-day programme in Denmark. During this visit, I had meetings with non-governmental organisations, politicians and with many media organisations.

Most importantly, I had the chance to make a speech in the Danish Parliament. I talked about violation of rights and the problem of democratisation generally in Turkey. My speech aroused interest.

On a different note – I don’t know if this has happened anywhere else before – I had the chance to accomplish something which in Denmark was the first time ever: In the parliament, I sang folk songs with my bağlama. I have to say, I was really excited when they told me that this was something that had never happened before in the Danish parliament. I was being investigated, prosecuted, threatened in my own country but Denmark hosted me and appreciated my work. At the same time, this showed me Denmark’s sensitivity to the issues of censorship and bans.

One of the Freemuse World Conferences was held in our country in November 2006 with the participation of

guests invited from all over the world. The barriers of musical expression were discussed for two full days at Bilgi University. Many musicians uttered their experiences of repression in their own countries. Turkey was on the agenda as well, and Turkish and Kurdish musicians of Turkey concisely talked about the bans and repressions they experienced.

I witnessed how foreign guests couldn't hide their astonishment in the face of the reality of Turkey exhibited. They learned how Turkey claimed to be democratic, but at the same time acted cruelly to musicians who has different political opinions and sang in different languages, and how its media ignored these facts.

We in Turkey have unintentionally become inured to many things. The astonishment of our guests made me think we shouldn't be inured to these facts. We were hosting an important international conference, but media of Turkey applied double standards by giving little coverage. It held almost no importance for them that our people who are tried to be numbed by magazine news should face their own reality.

If we lay all these aside, during these meetings, I had the chance to form new relations and friendships with important musicians from all around the world.

I would like to share a memory with my readers here for the first time. On the last day of the events, Sezen Aksu, a musician of unquestionable artistic value, joined us – thanks to efforts by dear Uğur Yücel. We sang songs of many languages of the world until late that night. I assume that the magazine journalists who learned that Sezen Aksu and Ferhat Tunç came and sang together must have torn their hair out.

My relationship with Freemuse has continued afterwards, be it in Turkey or in Europe. The activities of Freemuse have great importance for me, and has had it since the beginning. The example of solidarity exhibited under this roof by the repressed and censored artists and musicians – who come across barriers and difficulties while presenting their intellectual and artistic works to people – is the primary reason of this importance.

Last August Freemuse proposed a number of important artists around the world to become Freemuse Ambassadors. I was chosen from Turkey, and I accepted this invitation that I take great pride in. In this way I am now required to take a more active role in international activities of Freemuse. As an artist from Turkey, to be rewarded with such an honorary degree is the result of the values that made me Ferhat Tunç and my strong ties with my people. I live for these values; and without a doubt, the attention and love showed to me is a value that cannot be compared with any degree.

This statement by Ferhat Tunç was posted on 25 September 2007 on www.freemuse.org/archives/1026

Ferhat Tunç's prison sentence turned into speaking ban

On 27 June 2012, Dersim Malatya Third High Criminal Court sentenced singer Ferhat Tunç to two years in prison for having promoted İbrahim Kaypakkaya in a speech he held on 1 May 2011. According to new legal rearrangements, the sentence has now been turned into a three year ban on speaking about the same subject.

The case was filed against Ferhat Tunç for having said: "I salute you in the revolutionary spirit of Deniz Gezmiş, Mahir Çayan, İbrahim Kaypakkaya, et al," while he was performing at a concert on 1 May 2011.

Ferhat Tunç's comment to the verdict is that this is putting ideas under ransom and that it means he won't be able to express himself for three years: "The court has decided to put me in an open prison instead of incarcerating me in a cell. I do not care paying any price. Whatever it is decided, I will carry on expressing myself, telling the facts and the truth, voicing peace and fraternity. Threats and pressure of this kind I will not heed," the singer was quoted as saying by the Turkish freedom of expression organisation Antenna-tr.org.

"If Ferhat Tunç commits an offense to the ban, the case will be reopened and he will be imprisoned," wrote Antenna-tr.org in its newsletter, 'Freedom of Expression Weekly Bulletin'.

Freemuse Executive Director Marie Korpe shared his view and had the following comment on the verdict:

"This is another absurd verdict coming out from Turkey. It is a 'rubber stamp' for authorities to interpret any statement from Tunç as a violation. Turkey has lost many cases in the European Court of Human Rights, and it is about time the country respects its obligations to the international conventions on free speech."

Freemuse is dedicated in its long term advocacy for the rights of Ferhat Tunç and other Turkish artists' rights to dissent.

This article was published on 20 December 2012 on www.freemuse.org/archives/5358

Ferhat Tunç sentenced to two years in prison

A court in the eastern province of Malatya sentenced Kurdish singer and composer Ferhat Tunç to two years in prison on terrorism related charges due to his invocation during a speech in 2011 where he mentioned names of three deceased Turkish leftists, reported BIA News Center on 27 June 2012.

During the May 1st celebrations on 1 May 2011 in the eastern province of Dersim, Ferhat Tunç said: “I greet you all in the revolutionary spirit of Deniz Gezmiş, Mahir Çayan and İbrahim Kaypakkaya.”

Lawyer Ercan Kanar, who represented Ferhat Tunç in court, said the court had convicted his client on the claim that he was making propaganda for the Maoist Communist Party (MKP) because of his reference to İbrahim Kaypakkaya during the speech.

Ercan Kanar called the verdict a “worrying development for democracy and freedoms.”

“This verdict goes to show that Turkey is almost revisiting the state of emergency in the 1990s and the period of martial law in the 1980s,” Ercan Kanar was quoted as saying in Ekin Karaca’s report from Malatya.

He also told that they would appeal the decision at Turkey’s Supreme Court of Appeals. And if the Supreme Court of Appeals ratifies the verdict, the defendant party will bring the case before the European Court of Human Rights. Ercan Kanar said they were certain the court would convict Turkey as has happened in previous cases.

Ferhat Tunç said his statements ought to have been regarded within the scope of the freedom of speech.

Source

» Bianet – 27 June 2012:
[‘Court Sentences Singer to Two Years in Prison for Speech’](#)

This article was published on 27 June 2012 on www.freemuse.org/archives/5289



Ferhat Tunç



Turkey

Freemuse appeals to Turkish Prime Minister: Dismiss the case against Ferhat Tunç

Artists, human rights activists and scholars join Freemuse in an appeal to the Turkish government for the dismissal of the latest court case against Freemuse Award winner, Ferhat Tunç.

Jens Peter Bonde, a former senior member of the European Parliament, Lebanon's oud maestro Marcel Khalife, and Pakistan's world renowned rock musician Salman Ahmad are amongst a group of concerned artists, scholars and human rights activists who have joined Freemuse in an appeal to the Turkish government for the dismissal of the latest court case against Freemuse Award winner, Ferhat Tunç.

He will be tried on 28 July 2010 in Diyarbakır, under article 7/2 of the Anti-Terrorism Law (TMY).

In a letter to the Turkish Prime Minister, Freemuse writes:

“We are deeply worried about the continuous harassment of our colleague by Turkish Authorities. We regret that criminalization of opinion remains a key obstacle to the protection of human rights and Turkey continues censoring and prosecuting its artists during a time when Turkey's Human Rights and Free Expression records are under international scrutiny. Ferhat Tunç has at numerous events expressed his belief in a peaceful solution. He has always defended freedom of expression in accordance to the international conventions on human rights. We respectfully request immediate dismissal of the case against Mr. Ferhat Tunç.”

Freemuse in collaboration with Jens Peter Bonde and an advisor from the EU commission office in Ankara attended a court case against Ferhat Tunç in Izmir in 2007. Although he was rightly acquitted Turkish authorities continue to persecute Ferhat Tunç.

The letter signed by Freemuse Executive Director Marie Korpe and Programme Manager Ole Reitov has been approved and supported by:

Mr. Jens Peter Bonde, Denmark, Former member of the European Parliament, Co-founder of EUDemocrats and Foundation for EU Democracy.

Mr. Marcel Khalife, Lebanon, UNESCO Artist For Peace, recipient of The Intellectual Merit and Achievement Medal – Fez, Morocco.

Mr. Salman Ahmad, USA/Pakistan, Musician, UN Goodwill Ambassador, Lecturer, City Univ. of New York.

Mr. Mark LeVine, USA, Professor of Modern Middle Eastern History, Culture and Islamic Studies, Dept. of History, University of California, Irvine. Artist, contributor to international media.

Ms. Deepika Thathaal, Norway/USA, Artist, Human Rights Activist.

Mr. Klaus Slavensky, Denmark, Board member, Danish Pen.

This article was published on 24 June 2010 on www.freemuse.org/archives/4864

Singer Ferhat Tunç acquitted

The Turkish-Kurdish singer Ferhat Tunç could leave Izmir High Criminal Court as a free man on 4 October 2007. The Freemuse delegation succeeded its mission

When the court stated that there was nothing criminal in what Ferhat Tunç had said, his large group of supporters attending the court case found it difficult to keep quiet and hide their joy. The courtroom with room for 100 persons was fully seated, 15 tv-channels and a large group of journalists observed and reported from the trial.



The media attention was massive when singer Ferhat Tunç left the court room. Member of EU Parliament Mr. Bonde also joined the press meeting. Photo by Ole Reitov

Talking to the Turkish and International media after the court hearing, Ferhat Tunç expressed his relief, not only for his personal case – but for Turkey as such.

“The case gives creates some optimism of a future democracy,” Ferhat Tunç said.

The Danish musician Niels Hausgaard had travelled to Izmir with Freemuse’s delegation to support Ferhat Tunç and stand up for the principles of freedom of expression.

“I can’t say for sure whether our presence made a difference in respect to the acquittal, but it certainly didn’t hurt to come here,” he told his Danish audience in an interview over the telephone with the national Danish radio channel DR P2.

“I believe it is important that we make the world aware of these kind of things when they happen,” he added.



(Left:) 4 October 2007 was a happy day for Ferhat Tunç. Not only were the charges against him dropped, MEP J. P. Bonde also handed over a Danish Music Prize to him.

(Right:) Danish singer and entertainer Niels Hausgaard flew to Izmir to show his solidarity with Ferhat Tunç. Photos by Ole Reitov.

Ferhat Tunç went to trial over his remarks during a concert in Alanya on 22 July 2006, where he mentioned the Kurdish issue and demanded a peaceful solution, saying: 'Each killed guerrilla is a son of this country too. I feel sorry for each killed soldier and also for each guerilla.' The prosecutor considered this making propaganda for the Kurdish PKK.

Still a censored artist

"It was a surprise to us that the court case took this direction and the prosecutor decided to withdraw the charges against Ferhat Tunç", said Freemuse's officer Ole Reitov.

The court hearing lasted an hour and a half, then the judges withdrew, and after two minutes they came back and said that "no element of crime has been established" by the prosecutor, and thus the whole case was dismissed.

Witnessed by Freemuse and a delegation from the EU Parliament and EU Commission office in Ankara the court case against Ferhat Tunç had created massive media attention in Turkey, and the court room was under severe security control. Freemuse had launched a campaign against the case, and since Danish singer Niels Hausgaard joined the Freemuse delegation the court case also drew media attention in Scandinavia.

Unfortunately the success of this campaign does not lead to an improved artistic situation for Ferhat Tunç. There is no sign that state controlled media in Turkey will play the music of Tunç. He is still a censored artist.

This article was published on 4 October 2007 on www.freemuse.org/archives/1038

Singer Ferhat Tunç informed about death threat with two months delay

“It is us who have killed Hırant Dink. Now it’s time to kill Osman Baydemir, Metin Tekçe and Ferhat Tunç. Secure them if you can,” read an e-mail which was delivered to the Turkish Police on 24 January 2007, right after the assassination of the Turkish journalist Hırant Dink.

By Ofis

The e-mail was signed: “TİT Tunceli District Command”. TİT is an abbreviation for “Turkish Revenge Team”. The group is notorious for acts of political provocations and assassinations.

The other two men mentioned in the e-mail is the chief magistrate of Diyarbakır, Osman Baydemir, and the chief magistrate of Hakkari, Metin Tekçe.

Ferhat Tunç has received similar threatening messages for a long time, but he has noted that the number of messages with treating or cursing statements has increased considerably after the assassination of journalist and editor Hırant Dink.

Dink was of Armenian origin and was one of those who had been prosecuted under Turkey’s strict laws against “insulting Turkishnes”. He was shot dead in the streets of Istanbul in January, killed by an ultranationalist teenager.

E-mail sent from Izmir

Turkish Police took immediate action on the e-mail message of 24 January, and their research showed that the e-mail was written in an Internet cafe in Foça district of İzmir. The police authorities denied to give detailed information on what other findings have been revealed as a result of the investigations made.

However, two police officials who work for Beyoğlu Police Department visited Ferhat Tunç in his office on 22 March 2007, and after informing him about the threat coming from TİT one of the officers remarked: “In these days you must be careful, and please inform us about any suspicious persons you may see around your office, your house, and so on.”

The police officials explained that they were making the warning upon a directive of the Office of the Public Prosecutor, and declared that as the Police Department they were also going to take precautions.

Two months delay

Ferhat Tunç expressed gratitude that the Police took immediate action after receiving the threat message, but he also remarked that he found it strange why it should take two months before he was informed about the e-mail and the life threatening situation.

Ferhat Tunç said that the Police has taken a general precaution by appointing patrols to the street of his office and house. He has not asked for any closer and different type of security.

This article was published in April 2007 on www.freemuse.org/archives/915

Testimony: The trials and arrests of Ferhat Tunç

Read the personal testimony of Turkish musician and human rights activist Ferhat Tunç, who has been banned and imprisoned several times by the authorities.

Tunç will be among the speakers when Freemuse is hosting two conference sessions at WOMEX 2004.



Ferhat Tunç

2003: While the acting ruling party AKP was reforming some laws in order to adapt the Turkish legislation to European standards I was arrested after a concert in Milas/Bodrum and had to spend eight days in prison. The arrest was justified by accusing me of having welcomed 40.000 concert visitors with the words “Good day PKK”. That was definitely not true and turned out as a conspiracy of the police. Although this complot became known in the Turkey, the people in charge haven’t been called to account for that. That’s why I instituted proceedings at the European Court of Justice for Human Rights.

In the summer 2003 I gave a speech for peace during my concert in Aydin. Because of this speech I was sentenced to three months imprisonment without probation. I have never been interrogated to this affair, so I filed an objection at the European Court of Justice a second time.

Furthermore a trial was instituted because of my column that is published in the news paper Özgür Gündem fortnightly. The recent trial concerns to an article about Leyla Zama. According to this article I am accused of having offended the courts that have jurisdiction over the safety of the state (DGM). Likelihood I will still be sentenced and be banned from publishing in the newspaper, in which the article was printed.

At the time when the bans on Kurdish culture and language were lifted, I made a video clip to a song I recorded in my Kurdish mother tongue. This clip was picked out as a central theme and discussed in the late news of different Turkish private television stations, but without ever being shown on the screen. The clip itself had Turkish captions, why I was exposed to attacks and threats of conservative and racist forces, especially of the chairman of the state radio – and TV supervisory board (RTÜK).

When the threats of the partisans of the far-right “Grey Wolves” (MHP) were increasing, I made an application for personal security at the public competent authority. Although the threats to kill me took place in public, the application was rejected.

1994: After a concert in Diyarbakir a task force of the Turkish army stormed the scenery, hit me with riot sticks, trampled on me and threatened to kill me. I could leave Diyarbakir without being arrested merely because of the personal efforts of Mehmet Mogultays, who was Secretary of State for Employment at that time.

Because of my support of the so-called “Saturday Mothers” who protest in front of the Galatsaray Gymnasium in Istanbul every Saturday, I was also hit and arrested several times.

1992: During a concert in Istanbul taking place in front of an audience of 10.000 people, the police stormed the stage and urged me to interrupt the concert. But finally the police was forced to leave the stage again because of loud protests in the audience. The day after a second concert should take place at the same location. The police refused the visitors admittance with riot sticks. Moreover hundreds of visitors were arrested besides me. We spent two days all together in one prison cell, were interrogated and released again.

A similar procedure repeated itself in different places several times:

1995 Ankara, Denizli, Burdur, Istanbul etc.

1994 Istanbul, Izmir, Edirne

1992 Istanbul, Diyarbakir, Izmir

1991 Istanbul, Kirikkale, Kayseri

1990 Istanbul (several times)

1989 Istanbul, Diyarbakir

1988 Edime, Kayseri, Ankara

1987 Ankara, Kayseri, Eskisehir, Istanbul

1986: Arrested for political reasons. One week of interrogations, degradations and torture in the notorious prison camp DAL. Consequently my concerts were not permitted systematically and my records were forbidden and confiscated as well in many regions of Turkey. The forbidden concerts involved further arrests of several days executed by the police, whose treatment was very humiliating.

I have published 18 records, but my work is still censored and I am regarded as a potential criminal in my home country. The public radio – and television stations do not broadcast my work, merely because of my political and oppositional stance. The Turkish private stations pursue a similar policy as well. Thus the above mentioned Kurdish video clip hasn't been shown by any of the Turkish television stations up to now.

Ferhat Tunç

Turkey, 19 October 2004

Biography of Ferhat Tunc

Ferhat Tunc was born in 1964 as the first of six children in an Alevi family. He grew up in a small hamlet called Tulic belonging to the village Babaocagi in the province Tunceli. Tunceli/Dersim is imbedded to the south of the ranges of Mercan and Cemaldaglari, which flanks to the north-western side of Kurdistan. His Kurd origin and affiliation to the Alevi religion is for him the inspiration and mission as well as composer, singer, author and political human being.

During primary school time his father already lived in Germany as guestworker. During grammar school time he often performed as a singer at events of left-wing organizations and besides played his first performance to a full house at “Arkadas-Sinema” of Tunceli. Since then he is called “The little Ozan of Dersim”.

The seventies were determined by political conflicts between the fascist “Grey Wolves”, the police and the army on the one side and on the other side students, the working class and left wing intellectuals. The state sided with the right wing. Against this background he emmigrated in 1979 to Germany, without finishing his grammar school education. There he visited the evening school to learn German.

In 1982 he recorded his debut album “Kizilirmak” in a small sound studio in Bremen. In the same year he got to know the American musician Darnel Summers with whom he set up together with three German and one Greek friend his first band. The impressions of this new period of life flew into his album “Bu Yürek Bu Sevda Var Iken” that was released in 1984.

After six months he abandoned the voice study and preferred to go on tour in Germany. He gave many concerts for an audience consisting of mainly Turkish – Kurdish people living in Germany. That’s why he couldn’t return to the Turkey, where he must expect persecution by the military government, especially since the political situation had still got worse after the military coup on 12th of September 1980.

In 1985 he returned to Turkey for the first time since he had left his home country. As soon as he arrived he was immediately arrested and brought into the prison camp DAL in Ankara.

Some of his lyrics are written in the language of the Zaza and Kurmanci, which are regarded as languages of the Kurds. His concerts became meetings of the resistance movement. Besides he supported strikes of the working class, the democratization of Turkey, the environmentalism and the free university of Istanbul, which practices critical teachings and research. He is also an active member of IHD, an association for human rights. His apparent oppositional attitude caused several arrests and trials in the following years. In 2003 he went on tour with his new album “Nerd sin Ey Kardeslik” throughout Turkey. The concerts were themed “songs for peace”.

Since 2003 he has been working together with the filmmaker Umur Hozatli on the film “Perperik”, which tells the story about a life as Kurd in the Turkey. This will be the first movie that is televised only in Kurdish.

» Source: www.freemuse.org/archives/397

REPUBLIC OF TURKEY
BINGÖL PROVINCE
Police Headquarter

09.01.2003

NR: B.05.1.EGM.4.12.00.12.2002/111
SUBJECT: Cassette tapes and CD's

Possession and storage in your shop and store, copying, sale, presentation or broadcasting to the public of cassette tapes and CDs mentioned on the attached list with title, singer, publisher, issuing authority of prohibition and collection of the prohibited material as well as date will have legal consequences.

I..Süna Karaboran
p. o. the Governer
Province Governer Assistant

ENCLOSED:

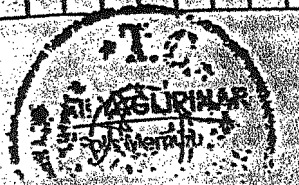
List of prohibited CDs and cassette tapes: 1 document, 2 pages

DISTRIBUTION:

Bingöl FM Radio
Göl FM Radio
FM 12 Radio
Mavi Plaza Cinema
Tape cassette and CD dealers
Internet cafes

20	GESARET (Teyp Kaseli)	GRUP YORUM	KALAN MÜZİK	BİNGÖL VALİLİĞİ	13.10.1999/679
21	HİÇ DURMADAN (Teyp Kaseli)	GRUP YORUM	KALAN MÜZİK	BİNGÖL VALİLİĞİ	13.10.1999/679
22	KAYIP (Teyp Kaseli)	Ferhat TUNÇ	SES PLAK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
23	GULVATAN (Teyp Kaseli)	Ferhat TUNÇ	GÜNER PLAK-KASET.	BİNGÖL VALİLİĞİ	13.10.1999/679
24	KAVGAMIN ÇICEĞİ (Teyp Kaseli)	Ferhat TUNÇ	PRESTİJ MÜZİK	BİNGÖL VALİLİĞİ	13.10.1999/679
25	İSTANBUL KONSERİ-1 (Teyp Kaseli)	Ferhat TUNÇ	SES PLAK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
26	İSTANBUL KONSERİ-2 (Teyp Kaseli)	Ferhat TUNÇ	GÜNER PLAK-KASET.	BİNGÖL VALİLİĞİ	13.10.1999/679
27	VURULDU (Teyp Kaseli)	Ferhat TUNÇ	GÜNEY KASET PLAK	BİNGÖL VALİLİĞİ	13.10.1999/679
28	KANI SUSTURUN (Teyp Kaseli)	Ferhat TUNÇ	SAY MÜZİK ÜRETİM	BİNGÖL VALİLİĞİ	13.10.1999/679
29	ADARE (Teyp Kaseli)	AGIRA JIYAN	KOM MÜZİK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
30	TUTUŞTURUN GECİLERİ (Teyp Kaseli)	GRUP MÜNÜR	SES PLAK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
31	GÜNEŞİN OL SUN (Teyp Kaseli)	GRUP KIZILIRMAK	SES PLAK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
32	SİR (Teyp Kaseli)	GRUP KIZILIRMAK	SERTAC MÜZİK ÜR.	BİNGÖL VALİLİĞİ	13.10.1999/679
33	OLÜME DE TULLI (Teyp Kaseli)	GRUP KIZILIRMAK	NEPA MÜZİK YAP.	BİNGÖL VALİLİĞİ	13.10.1999/679
34	ÇİĞLİK (Teyp Kaseli)	GRUP KIZILIRMAK	SES PLAK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
35	DOSTA DÜŞMANA KARSISI (Teyp Kaseli)	Ahmet KAYA	RAKS MÜZİK YAPIM	BİNGÖL VALİLİĞİ	13.10.1999/679
36	RESİTALLER-1 (Teyp Kaseli)	Ahmet KAYA	TAC PLAK-KASETÇ.	BİNGÖL VALİLİĞİ	13.10.1999/679
37	RESİTALLER-2 (Teyp Kaseli)	Ahmet KAYA	TAC PLAK-KASETÇ.	BİNGÖL VALİLİĞİ	13.10.1999/679
38	RESİTALLER-3 (Teyp Kaseli)	Ahmet KAYA	BARIS MÜZİK A.Ş.	BİNGÖL VALİLİĞİ	13.10.1999/679

MÜHÜR



The Universal Periodic Review

The UPR is a process under which all member states of the UN have their human rights records reviewed, for them to report on the action they have taken towards improvements, and to hear recommendations from other member states and civil society organisations. Freemuse is the only international civil society organisation submitting reports focussed on violations on artistic freedom.

In 2014, we initiated collaboration with two Turkish organisations Siyah Bant and the Initiative for Freedom of Expression in order to document how Turkey violates freedom of artistic expressions.

The final UPR report described how “Outright government bans constitute only a fraction of censoring mechanisms; more common are efforts to silence through threats, verbal and written, directed towards individuals and arts organizations. Targeting and intimidation have been among the most discouraging means of censorship in recent years. Discretionary powers enacted through the police or local governors has also added to the arbitrariness of censorship. Court cases especially under Penal Code Article 301 that penalize insults to the “Turkish nation” have so far not led to convictions of artists but have helped in designating some artistic expressions as de-legitimate, adding another dimension to how censorship is currently enacted in Turkey.”

When Turkey came up for review in the Human Rights Council in January 2015 Freemuse and our partners organised an event in Istanbul. The audience included a wide range of people – artists, human rights activists, academics and journalists – all interested in promoting freedom of expression, a right that has suffered numerous blows since Turkey last stood before the UPR in 2010. This was the first time that such a diverse group, yet with similar concerns, had come together to observe and discuss a UN debate. There was considerable coverage of the event on social media and the press. The twitter hashtag [#uprturkey](#) created to enable users to follow the debate was accessed over three million times, an indication of the importance of social media in Turkey where independent media is under pressure.

In Geneva, Deputy Prime Minister, Bülent Arinç delivered his country’s report, the core of which spoke judicial reforms that he saw as having delivered progress in the protection of rights. It was clear that our audience did not share Arinç’s optimistic view, and some of the assertions made were loudly challenged, and, occasionally were the cause of wry laughter. As one participant called out ironically as Arinç closed his speech: ‘Now that is a country I would like to live in!’ The meeting concluded that human rights organisations, artists, journalists groups, academics should work in coalition to shadow Turkey’s adherence to the recommendations to which it had agreed.

Norway noticing the Freemuse joint submission recommended that Turkey would: “*Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including the arts.*” Turkey accepted this, but since the session, things have even become worse. Freemuse will continue to monitor violations.

Turkey: Government reported to the UN Council on Human Rights



Artists, activists and journalists respond to Turkey's presentation to the UN Council on Human Rights Universal Periodic Review

On 27 January 2015, Bülent Arınç, Deputy Prime Minister of Turkey, delivered a report on the state of human rights in Turkey to the United Nations Council on Human Rights. Arınç, accompanied by a delegation of over 20 other Turkish officials including from the Turkish ministries of the interior, foreign affairs and justice, came from Ankara to the Palais des Nations in Geneva, under a process known as the [Universal Periodic Review](#) (UPR). Under the Review, every four years each of the 193 UN Member States is required to report on their adherence to the UN's human rights standards and to hear recommendations from other member states on areas that require improvement.

That day, [Freemuse](#), that advocates for freedom of expression for musicians world wide, and [Siyah Bant](#), that monitors censorship of the arts across Turkey, co-hosted an event alongside the Platform for Independent Journalism, [P24](#), and the Human Rights Joint Platform, [İHOP](#). Over 50 people gathered in central Istanbul to watch, comment and exchange views as the debate from Geneva was broadcast live via the UN's web-cast.



The audience included a wide range of people – artists, human rights activists, academics and journalists – all interested in promoting freedom of expression, a right that has suffered numerous blows since Turkey last stood before the UPR in 2010. This was the first time that such a diverse group, yet with similar concerns, had come together to observe and discuss a UN debate.

There was considerable coverage of the event on social media and the press. The twitter hashtag [#uprturkey](#) created to enable users to follow the debate was accessed over three million times, an indication of the importance of social media in Turkey where independent media is under pressure.



In Geneva, Bülent Arinç delivered his country's report, the core of which spoke judicial reforms that he saw as having delivered progress in the protection of rights. There was increased freedom for religious and ethnic minorities, and 'tolerance and mutual understanding' between religious groups. Right to fair trial had been 'enhanced'. Use of force by police during demonstrations was 'regulated' and there was 'zero tolerance' towards torture. A raft of laws and mechanisms had been put in place to protect women's rights. On free expression, of particular interest to our meeting, 'Turkey has resolutely continued its efforts towards expanding the scope of freedom of expression and the media.'

It was clear that Arinç's optimistic view was not shared by our audience, and some of the assertions that were made were loudly challenged, and, occasionally were the cause of wry laughter among the group in response to the suggestions that freedom of expression was protected, and had been enhanced by recent judicial reforms. As one participant called out ironically as Arinç closed his speech: 'Now *that* is a country I would like to live in!'

During the three hour hearing, 116 state representatives spoke, using their allotted time of only one minute to make a total of 278 recommendations. They included women's and minority rights, freedom of religious practice, fair trial, sexual orientation and conscientious objection. Of these, 31 countries, the majority from the EU, also made 37 recommendations on freedom of expression. Some were broadly framed calls for protection, others more specific, such as those calling for the repeal or amendment of specific laws including the controversial Article 301. The Norwegian delegation explicitly mentioned artists' right to freedom of expression. Egypt took the opportunity to castigate Turkey for detaining journalists, internet bans and police violence during protests, surprising in light of its own, similar, abuses. But this was a rare example of a state misusing the UPR platform for entirely political purposes.

Two days later, Arinç returned briefly to the podium at the UN to comment on the outcome. His government accepted 199 of the recommendation while another 52 were being 'examined' and his government's response on these would come later.

27 were rejected outright, notably on issues around Cyprus and conscientious objectors.

37 recommendations related to freedom of expression, of which 18 were accepted, mainly broadly framed calls for protection.

A further 18 are to be 'examined', tending to be those that had specific calls for changes to law.

(Only one, submitted by Cyprus, was rejected outright, simply because Turkey does not recognise the Republic of Cyprus, none of whose seven recommendations were accepted.)

Turkey's UPR report will be adopted formally at the UN Human Rights Council Meeting in June 2015.



After the broadcast, participants at our meeting stayed on to discuss what they had observed. It was clear to them that the progress that the Turkish government claims to have made was not so in practice. There were areas that some felt had been neglected, such as around youth right to employment, the misuse of the term 'terrorism', that ISIS insurgents use the Turkish border to enter Syria, and, from a former political prisoner, prison conditions. The absence of recommendations from outside the EU was noted, and it was suggested that the fact that Turkey is a major aid donor in Africa, for example, could be the reason for countries there not to speak up.

Contrary to the government's claim that civil society had been consulted during this process, the meeting was told that only five groups had been invited to take part in a consultation, and they were limited to one person each, which is far from representative. Turkey had not produced an interim progress report at two years, as recommended by the UN, and information on the UPR was very difficult to find on the government website.

The meeting concluded that human rights organisations, artists, journalists groups, academics should work in coalition to shadow Turkey's adherence to the recommendations to which it had agreed, making sure that the next UPR will have proper input from civil society and reflect more accurately the situation for free expression and other rights. An action network is being set up where these groups' monitoring reports can be shared, and plans for joint advocacy formed which will ensure they are properly part of the next UPR review and that the Turkey government's report is a true reflection of the challenges that need to be addressed, and which gives meaningful solutions.

www.freemuse.org/archives/9507

Turkey abuse laws to punish artists challenging authorities



Universal Periodic Review - Turkey 2014 - Submission by Freemuse, Siyahbant and Initiative for Freedom of Expression

Law suits, arrests, threats and banning orders, these are all dangers that artists in Turkey who touch on sensitive issues face today. This is pointed out by the UPR submission that Freemuse, Siyah Bant and the Initiative for Freedom of Expression has forwarded to the UN.

The Turkish Anti Terror Law (TMK) continues to be used against writers and artists to delegitimize their work. This particularly affects artists working in the Kurdish regions, or who are supportive of Kurdish rights. One such example is the band Grup Yorum whose members have over the years suffered repeated arrest and harassment. Officials have exacerbated the situation by publicly equating artists with terrorists.

Particularly problematic are Turkey's defamation laws, and a large number of cases have been taken out against works seen as being an insult to the prime minister. Paintings and cartoons have had to be withdrawn from exhibitions, cartoonists tried and political satirists penalised under Penal Code Article 125. The recent imprisonment on 12 June 2014 of cartoonist Mehmet Düzenli to serve three months for 'insulting' a controversial Muslim preacher is a case in point.

Freemuse, the Istanbul-based Siyah Bant and the Initiative for Freedom of Expression will be raising these and other concerns at the United Nations early next year when Turkey's human rights record will be scrutinised under the *Universal Periodic Review* (UPR).

The UPR is a process under which all of the 193 member states of the UN have their human rights records reviewed, for them to report on the action they have taken towards improvements, and to hear recommendations from other member states. It is a four-year process, and Turkey's last UPR was in May 2010. Next year's Review will be on how it has fared since then.

Artistic rights in perilous state

In the submission that will form part of the Review, our organisations describe freedom of expression and artistic rights as being in a perilous state in Turkey. Our focus is on the laws that are used to arrest and restrict individuals, and to ban their works, on the impunity granted to non-state actors who threaten artists, and of certification and funding as tools of censorship.



Artists who take part in public gatherings find themselves falling foul of the Law 2911 that restricts demonstrations, such as the Gezi musicians accused of keeping protestors 'dynamic' and 'motivated'.

Article 216/3 on 'insult to religion' has been applied against artists. A painting combining an image of a mosque and a play on words inspired by PM Erdoğan's statement that a controversial sculpture was a 'freak' led to the artist being brought to court is just one example.

Non-state actors also play their part. The state will frequently open investigations into events or art works on behalf of the "sensitive citizen". Yet, conversely, the state gives impunity to individuals who attack artists and creative works. Take for example actor Mehmet Ali Alabora, threatened with a hefty prison term for his contribution to the Gezi protests (thankfully charges were dropped) but no protection or condemnation against the wave of threats made against him in both print and social media.

Other modes of censorship include public officials removing artworks from galleries and forcing the closure of exhibitions. Film certification, aimed ostensibly at protecting children from harmful content has been used to delimit films that challenge political and societal norms.

Main recommendations

The joint submission recommends that the Turkish government stands by its commitments, both under international instruments and its own Constitution, to protect freedom of expression and artistic rights by:

- Stopping the abuse of laws in a way that leads to the punishment of artists whose works challenge authority but do not promote violence;
- Amending or revoking those laws to ensure that they cannot be used in a way that that curtails the rights to freedom of expression, notably the Anti Terror Law and Law on Meetings and Demonstrations;
- Decriminalising defamation and insult so that no person who criticises those in power is imprisoned;
- Ensuring that broadcast regulators, such as the film certification boards, are independent of government, and that decision making bodies that provide funding for public arts are similarly independent of political, religious and corporate influence.

This article was posted on www.freemuse.org/archives/7742

Universal Periodic Review – Turkey 2014



Content of the submission

Recommendations

Summary

Implementation of recommendations – 2010-2014

Censorship of the Arts – 2014

Anti-Terror Law – TMK (1991 Law no. 3713)

Law on Meetings and Demonstrations (1982 Law no. 2911)

Denigration of religion (Article 216/3)

Defamation (Article 125)

Praising crime or criminals (Article 215)

Discouraging people from military service (Article 318)

Other Censorship Modalities Applied by the State

Collaboration with Non-State Actors

Police harassment

Censoring art events or art works

Use of certification as a means of creative control

Withholding of funding as a tool of censorship

About the authors

Recommendations

- The definition of ‘terrorism’ in the application of anti-terror laws is ambiguous. The notions such as ‘terror’, ‘terrorist organization’, ‘membership of a terrorist organization’, and ‘making propaganda of terrorist organization’ should be clearly defined in law.
- Anti terror legislation should not be applied against artistic and creative works that clearly have no connection with nor propagate violence.
- Public officials should desist from statements allying artists with terrorism, and hence from turning artists into targets.
- Revoke Articles 6/2 and 7/2 of the Anti Terror Law that penalise propaganda for or distribution of material by ‘terrorist’ organisations and which have led to many convictions that breach free expression guarantees. This should be among a number of steps towards securing reforms that would remove the threats to freedom of expression and other rights currently present in the Law.
- Abolish or amend Law 2911 to ensure the full respect of peaceful meetings as guaranteed under the Turkish Constitution and international agreements.
- Revoke Penal Code Article 216/3 so as to remove the crime of ‘denigration of religion’.
- Remove criminal defamation from the statute books by abolishing Article 125. In the meantime restrict public officials and authorities from initiating defamation cases before criminal and civil courts
- Penal Code Article 215 should not be applied in a manner that leads to the prosecution of those practicing their rights to artistic freedom of expression.
- Revoke Article 318 penalising conscientious objection as being incompatible with Article 18 of the ICCPR protecting freedom of conscience.
- Protect artists and creative workers, as well as audiences engaged in artistic activities against threat and violence. No person issuing or carrying out such threat should be granted impunity to do so.
- Ensure that broadcast classification bodies are independent, have terms of reference, rules of procedure and activities made public, and that there are effective appeals mechanisms.
- Replace present pre-censorship mechanisms with a system of age-based classification that refrains from deleting or modifying content and accords due representation to artists in its administration.
- Refrain from nominating or appointing cultural administrators or directors of cultural institutions on the basis of their political, religious or corporate affiliation.

Summary

Freemuse, Siyah Bant and the Initiative for Freedom of Expression welcome the opportunity to contribute to the Second Cycle of the Universal Periodic Review (UPR) process of Turkey. Our organisations' focus is on Turkey's compliance to its commitments under international human rights instruments relating to freedom of expression, creativity and the arts, as well as guarantees under its own Constitution, and to recommendations accepted by Turkey during the first cycle of the UPR in May 2010.

We make specific reference to the United Nations Special Rapporteur on cultural rights, Ms Farida Shaheed, in her March 2013 report entitled '[The Right to Artistic Freedom and Creativity](#)', which concludes that "the effects of art censorship or unjustified restrictions of the right to freedom of artistic expression and creativity are devastating." The recommendations outlined in Ms Shaheed's report provide guidance on how authorities can enforce and enhance the protection of these rights.

Turkey ratified the International Covenant on Civil and Political Rights (ICCPR) in September 2003 and is thus obligated to ensure the rights enshrined within the Covenant. In this submission, we draw attention to specific articles under the ICCPR related to the right to freedom of arts and creativity: Article 19 (freedom of expression), Article 21 (peaceful assembly) and Article 27 (linguistic and cultural rights). (www.ohchr.org)

Furthermore, the Constitution of Turkey contains a number of articles that specifically protect these same rights, notably: Article 25 (freedom of thought and opinion), Article 26 (freedom of expression and dissemination of thought), Article 27 (freedom of science and the arts), Article 34 (right to assembly and peaceful demonstrations) and Article 64 (protection of arts and artists) (www.global.tbmm.gov.tr)

Implementation of recommendations – 2010-2014

In the first UPR of Turkey, in May 2010, of the 163 recommendations made, four specifically were broadly framed calls for improvements to protection of the right of freedom of expression. A further thirteen recommended amendment or abolition of laws that have adversely affected these rights directly or in their implementation (www.daccess-dds-ny.un.org). Turkey accepted all those recommendations that called for broad adherence to the right to freedom of expression, as well as those calling for legislation to be reviewed so as to exclude from their remit the possibility of breaches of this right. One such recommendation was that submitted by the Netherlands: 'Ensure that the application of legislation that may limit freedom of expression is in line with relevant international standards and that lawful restrictions on the exercise of the right of freedom of expression on grounds such as national security and public order are necessary and proportional'. (Ibid. Para 102.20)

However, all eight recommendations that expressly requested the abolition or revision of specific laws that directly or indirectly impact on the capacity of artists and creative workers to practice their profession did not enjoy the support of the country under review. These related to Articles 301 and 318 of the Penal Code, Law 5651 regulating the internet and laws on defamation and slander. (The Turkish government's views on the recommendations giving reasons for rejections of some can be found in [15/09/10 report](#) of the UPR Working Group)

Since the 2010 UPR, there have been a series of four legislative reform packages enacted between March 2011 and April 2013. Notable are the Third Judicial Reform Package, enacted in July 2012, and the Fourth Judicial Reform Package enacted in April 2013. Among the reforms were attempts to create more clarity around what can be construed as 'terrorist propaganda' under the Anti Terror Law (TMK), and adding the need for evidence of 'clear and imminent threat to public order' when considering prosecution against 'praise for a crime and criminals' under Penal Code Article 215 (Fikret Ilkiz: 'Turkey's Terror Prevention Act: Source of problems in freedom of expression' www.tr.boell.org), changes that arose out of the peace process. Also under these reforms, bans were lifted against hundreds of books. Trials for 'media offenses' were suspended for three to five

years. Recent months have also seen the releases of prisoners held in pre-trial detention for long periods, many for over five years, following Constitutional Court orders.

However, articles remain within the TMK and Penal Code that severely hamper the practice of freedom of expression, as illustrated in cases detailed below. The suspension of sentences under the Third Judicial Reform Package is for three to five years, and, should a defendant commit a further, similar offence in the meantime, these could be added to the postponed cases, a development described as a ‘Sword of Damocles’ deterrent. The trials against those recently freed from long term pre-trial detention continue, cases which are likely to be long-standing and convoluted. The revisions made in February 2014 to Law 5651 that regulates the internet, increases the powers of the authorities to block websites. The expansion of the surveillance powers of the Turkish intelligence agency just a few weeks later in April 2014 is a further cause for alarm. In addition, artistic expression, artists and creative workers played a high profile role during the Gezi protests of May/June 2013, and as such they found themselves among those who were arrested and brought to court, as well as subject to threats through the print and social media. These continuing problems and the recent, negative developments lead us to conclude that Turkey has not adhered to its acceptance of recommendations to protect and promote freedom of expression made in the First Cycle of the UPR in 2010.

Censorship of the Arts – 2014

(Parts of this submission are taken from Banu Karaca, 2014: “[Artists engaged in Kurdish rights struggle face limits of free expression](#)” – Index on Censorship, February 2014)

Today censorship is being enforced not only by the government through legal mechanisms, but also by various other channels and through actors that enforce censorship in arbitrary and often less visible ways. In its 2013 report, the arts censorship monitor, Siyah Bant has conceptualized censorship not just as the banning of artistic expression through legal means but included processes of de-legitimization, threats, pressure, targeting and hate speech directed at artists and arts institutions that foreclose or delimit the presentation and circulation of artworks. Among the actors that play a part in suppression of creative rights throughout Turkey are state institutions, political groups and parties, individuals who act as proxies of the state, neighbourhood organizations, as well as those more closely related to the art world in its narrower sense, such as arts and cultural organizations, curators, funding agencies and sponsors.

Outright government bans constitute only a fraction of censoring mechanisms; more common are efforts to silence through threats, verbal and written, directed towards individuals and arts organizations. Targeting and intimidation have been among the most discouraging means of censorship in recent years. Discretionary powers enacted through the police or local governors has also added to the arbitrariness of censorship. Court cases especially under Penal Code Article 301 that penalize insults to the “Turkish nation” have so far not led to convictions of artists but have helped in designating some artistic expressions as de-legitimate, adding another dimension to how censorship is currently enacted in Turkey. (Banu Karacam, 2011: *‘Images delegitimized and discouraged: Explicitly Political Art and the Arbitrariness of the Unspeakable. New Perspectives on Turkey’* 45: 155-184.)

Turkey’s anti-terror legislation as well as provisions concerning public order are frequently employed to legitimize censorship and limitations of the freedom in the arts. These interventions are – for the most part – arbitrary and employed for political and ideological reasons, and often for seemingly contradictory ends. Especially the notion of societal sensitivities has been increasingly used to delimit freedom of arts by non-state and state actors alike.

Laws applied in contravention of international instruments protecting freedom of expression and creativity as well as Constitutional guarantees

There are numerous laws that have been applied against artists and creative works in a manner which breach the rights to freedom of expression, association and other guarantees under the ICCPR and the Constitution of Turkey. It is our view that it is often not the laws themselves but their implementation that is especially problematic. It is the ambiguous character of these laws that allows for arbitrary, subjective decisions and actions.

Anti-Terror Law – TMK (1991 Law no. 3713)

Turkey's Anti Terror Law (TMK) has been subject to acute criticism for its overly broad definition of what comprises an offence under this law, and has brought to prosecution numerous artists and writers accused of activities for or membership of a terrorist organisation with little or no evidence of links to terrorism. In the Kurdish regions of Turkey, freedom of expression and assembly are specifically monitored and affected by Turkey's anti-terror legislation. In practice this has meant that any cultural (e.g. language) and artistic expression within the Kurdish rights movement can be construed as illegitimate 'separatist propaganda' and hence outside of the protection of freedom of expression and the arts.

Statements made by leading political figures serve to deepen the problems of equation of arts with terrorism. Notable is former Minister of the Interior, İdris Naim Şahin's declaration of art as "**the backyard of terrorism**" in December 2011, where, among other comments, he accused of artists promoting terrorism "...through painting; they [the artists] depict it on a canvas. Through poetry; they reflect it in words." He went on to accuse artists of trying "...to demoralize the military and the police who fight against terrorism by making them the subject of their art". Artists are seen as duplicitous. "If they say 'good', they mean 'bad', and vice versa. If they say 'peace', it means 'war'. If they say 'democracy', they mean 'oppression'". Şahin's chilling solution to this problem is for the government "to weed these [troublemakers] out with the precision of a surgeon". These, and other similar comments made by officials, serve to target artists, and provide a climate under which they feel threatened, and encourage self-censorship.

The Fourth Judicial Reform Package has done little to address the problems of ambiguity and lack of definition of terrorism. Worrying, especially for those working in the visual arts, is that the reforms added an additional regulation against the 'hang[ing] of pictures or symbols' of a terrorist organisation, even if these pictures are not displayed during public meetings or protests. This offence carries a prison term of up to **five years**.

Film director and writer Mizgin Müjde Arslan and photography director Özey Şahin were taken into custody in 13 February 2012. They were arrested under the Kurdistan Communities Union (KCK) case, one of the most high profile TMK cases in recent years. Investigations carried out over several months from late 2011 to early 2012, led to the arrests of 1,000s of pro-Kurdish activists, including writers, journalists and artists, hundreds of whom were imprisoned, and hundreds more put on trial. All were accused under the TMK for membership or activities for 'illegal' organisation, charges that are widely seen to have been misapplied and used to penalise Kurdish activists and their supporters. Arslan and Şahin were arrested during a trip to Northern Iraq to shoot a Turkish Culture Ministry financed movie. They were held for five days before being released.

The Anti Terror Law has been applied against members of the music band Grup Yorum who have been repeatedly taken into custody, arrested, and allegedly ill-treated by police on accusation of being members of a terrorist organization, committing an illegal act for terrorist organization and making terrorist propaganda. In May 2011, the İdil Culture Center in Istanbul, of which Grup Yorum and other arts organisations are members, was raided by police and their archive documents relating to organizational activities were **seized**.

On 27 June 2012, the Dersim Malatya Third High Criminal Court sentenced Kurdish singer Ferhat Tunç to two years in prison under Article 7 of the TMK for 'propaganda' for having paid tribute to a revolutionary fighter who died in prison in 1973, allegedly under torture. Tunç had made the statement while performing at a concert on 1 May 2011. The sentence has since been turned into a three year ban on speaking about the same subject. This is just one example of the numerous cases brought **against Tunç in recent years**.

It is clear that the definition of ‘terrorism’ in the application of anti-terror laws is ambiguous. The notions such as ‘terror’, ‘terrorist organization’, ‘membership of a terrorist organization’, and ‘making propaganda of terrorist organization’ needs to be clearly defined.

Law on Meetings and Demonstrations (1982 Law no. 2911)

The right to peaceably hold meetings and demonstrations is protected under [Article 34](#) of the Turkish constitution. However Law No. 2911 Law on Meetings and Demonstrations have been used to prohibit festivals and prosecute those who participate.

One of the most striking cases of censorship under this Law is that of 13 artists affiliated with the Bahar Kültür Merkezi (NavenDa Canda Baharé – Spring Cultural Centre) in Batman, south-eastern Turkey. Prosecuted by the 4th Diyarbakır High Criminal Court, the artists’ “offenses” range from participating in a cultural festival in Batman in 2006, local Newroz (New Year) celebrations, attendance at press conferences and playing percussion instruments at political rallies. As well as being charged under the TMK with ‘separatist propaganda’ or ‘being a member of a terrorist group,’ a number of artists were also convicted of several counts of transgression against Law No. 2911 opened against them over the past four years – some which are now before Fejl! Linkreferencen er ugyldig.. Also in 2012, the traditional Kuzu Kırpma Kültür Sanat ve Yayla Festivali (Sheep Shearing Culture and Arts Festival) held annually close to the Kurdish town of Sirnak was prohibited by the Ministry of Internal Affairs in 2012 under Article 17 of Law 2911 on the grounds that it promoted propaganda of a terrorist organization. These cases illustrate that utterances by Kurdish artists can still be construed as unconstitutional political expressions rather than be recognized as artistic expression.

During the Gezi protests in mid-2013, members of the music band, Praksis, based in Mersin were charged under Law No. 2911. The musical instruments they played during the protests were given as evidence on the grounds that the music band **“kept the protestors dynamic” and “motivated the protestors”**.

Denigration of religion (Article 216/3)

Penal Code Article 216/3 specifically states “Any person who openly denigrates the religious beliefs of a group shall be punished with imprisonment from six months to one year if the act is conducive to a breach of the public peace”. This clause has been used on occasion to penalise writers and artists who have criticised religion, and cases under this law are also frequently brought by members of the public, encouraged by its presence to target specific individuals. Although these trials rarely, if ever, result in imprisonment, they are long-winded and time consuming, causing psychological and other distress to the targeted individuals. The publicity that also surrounds these trials can expose the individuals to threats from the public.

One such example is that of caricaturist Bahadır Baruter who was charged under Article 216/3 upon a complaint from members of the public and Türkiye Diyanet ve Vakıf Görevlileri Sendikası (Presidency of Religious Affairs Foundation’s Officers’ Union) for a cartoon published in Penguen magazine in February 2011 which depicted the slogan, *“There is no Allah, religion is a lie”*. Although he and others have not been imprisoned, the presence of the legislation presents a deterrent to those who are critical of religion or **question religious beliefs**.

In 2011, painters Menekşe Samancı and Özlem Alp were tried under Article 216 for exhibiting Samancı’s painting depicting a mosque with the words ‘ebucu’ a reversal of the word ucube (freak) between the minarets. This was a reference to Prime Minister Erdoğan’s naming of a large-scale work by sculptor Mehmet Aksoy erected on the Turkey-Armenia border as such, leading it to be demolished. Özlem Alp’s painting of a woman in hijab with a brassiere on her face was the cause of the case against her. Both had exhibited their work at the Tepebaşı Municipality’s Exhibition Hall in Eskişehir in April 2011 staged to **support Aksoy**.

A highly publicized case is that of Fazil Say, a well known composer sentenced to a suspended **10 months prison term** in 2013 for ‘religious defamation’ in tweets issued the previous year, including one including verses from the Rubaiyat of Omar Khayyam.

Defamation (Article 125)

Defamation is sanctioned under both civil and criminal law in Turkey, with Penal Code Article 125 penalising cases of defamation against a ‘public officer’, and carries prison terms of **up to two years**. Public officials, notably the Prime Minister, have turned to civil and criminal courts with complaints including against artists. Not all end up with punishment but it creates a deterrent effect on artistic production and exhibition. It is universally accepted that public officials should expect to be subject to open scrutiny and should not seek to suppress criticism by resorting to criminal defamation laws.

In January 2011, the trial opened against 16 members of the Istanbul based Beyoğlu Actors Troupe who were accused of “insult against the Prime Minister” upon a complaint of Prime Minister Erdoğan. The prosecution related to a performance by the Troupe given at the Judas Tree Festival organized by the Istanbul Municipality of Çatalca in July 2010. One of the characters in the play *From our Country* performed a song entitled ‘The Tayyip Blues’, the lyrics of which were the source of the **criminal complaint**.

The trial against actor and political satirist, Haldun Açığsözlü was opened on charges of “insult to the Prime Minister” on 15 January 2010 for his satirical performance, ‘Laz Marks’ in the city of Rize, in the Laz region on the eastern **Black Sea coast**. On stage, Açığsözlü had told an anecdote about ‘Recep Tayyip from Rize’ – a hint to Prime Minister Erdoğan whose family originates from Rize. Thereupon, the trial was launched against the political show. Three other trials were launched against him for other works: two further cases of insult to the Prime Minister and one under Article 215 of the Penal Code (see below).

An investigation was launched into an artwork by Nova Kozmikova entitled ‘Will There Be An Intervention?’ that had been displayed at the 23rd Istanbul Art Fair in November 2013. It was initiated upon a complaint of a private citizen who saw it as insulting the Prime Minister. The censored piece was a portrait of Prime Minister Erdoğan where his face was defaced with oil tracks. The curator and the deputy director of the exhibition centre were taken for **questioning by police**.

Several cartoons displayed at an international competition held in the tourist town of Didim on the Aegean coast in late August 2013, were confiscated by police. The raid is said to have been carried out on request of a local pro-government AKP party leader, for reasons of “insult” to public figures. The theme of the competition was the June Gezi Park protests and many of the caricatures featured **Prime Minister Erdoğan**.

Praising crime or criminals (Article 215)

Penal Code Article 215 provides prison terms for the offence of ‘anyone who openly praises an offense or praises an offender for their offense shall be sentenced to imprisonment for up to two years’. A case that arose in the period of this review includes that against actor Haldun Açığsözlü on November 2010 for his political piece ‘Laz Marks’, see also para. 29 above. Açığsözlü faced up to two years in prison for ‘praising the offense and the offender’ for references in his play to Kurdish and revolutionary leftist leaders in the 1970s and 1980s who had suffered torture in Diyarbakır prisons in where Kurdish and leftist activists were imprisoned and tortured. He was also faced with a professional ban of **three months to three years**.

Changes under the Fourth Judicial Reform Package in April 2013 makes it now applicable only in cases where clear and present danger is posed to public order. However this clause remains ambiguously framed, and acts as a deterrent to artistic expression touching on political issues.

Discouraging people from military service (Article 318)

Conscientious objection is seen as part of the rights as enshrined under Article 18 of the ICCPR: “Everyone shall have the right to freedom of thought, conscience and religion...” However, Article 318 of the Penal Code provides prison terms of up to three years for conscientious objection, and is frequently invoked against those who support conscientious objectors. One such example is the prosecution of the director, art director and four other members of the İzmir Yenikapı Theatre who staged Gogol’s *The Overcoat* during an event on conscientious objection. In December 2012, they were sentenced to five months imprisonment suspended for five years for discouraging people from enlisting in the armed forces.

Article 318 was among the articles revised under the Fourth Judicial Reform Package, raising deep concern in that rather than ameliorating concerns, it has now been broadened to encompass commentary made by “Anyone who instigates, recommends, or spreads propaganda which results in discouraging people from performing military service shall be sentenced to imprisonment of six months to two years”.

Other Censorship Modalities Applied by the State

Collaboration with Non-State Actors

The state will frequently open investigations into events or art works on grounds of anti-terror or defamation on behalf of the “sensitive citizen”. Yet, conversely, the state follows the policy of ‘cezasızlık’ (impunity) for non-state actors who attack artists and creative work, showing great reluctance to investigate or prosecute those non-state actors who carry out such attacks.

Şükran Moral, a highly acclaimed visual artist known for her avant-garde feminist works, had to flee Turkey after receiving death threats following her live performance titled ‘Amemus’ (Love) at the Casa Dell’Arte in Istanbul in 2011. The performance included live sex between two women. An exhibition she had planned featuring photos of the performance had to be cancelled for **security reasons**.

Turkish actor and activist, Mehmet Ali Alabora was threatened with a maximum 20-year prison term for inciting an uprising for his involvement in a play, *Mi Minör* which depicts a fictional country, ruled by a dictator who is eventually overthrown by popular revolt, and where social media plays a significant role in the uprising. When a newspaper carried an article accusing Alabora, the playwright, Meltem Arıkan and others involved in the production of having produced the play as a rehearsal for the Gezi Park protests, there was an acute on-line and in print backlash against them. This was followed by charges laid against Alabora under Article 313/1 of the Penal Code for ‘provoking an armed uprising’, charges that were eventually dropped in September 2013, but not after having caused severe disruption and distress. (PEN International report: *The Gezi Park Protests – The Impact on Freedom of Expression in Turkey March 2014*, pgs 12 and 25) No action has been taken against those who had threatened Alabora and other directors, authors and actors involved in the play.

Police harassment

The Mesopotamia Cultural Centers (MKM) whose aim is to promote and disseminate Kurdish language, culture and arts, are systematically under threat by police forces. While the “peace process” that has brought hope and relief to the region with the end of armed violence, other practices, such as the constant surveillance

of Kurdish arts and cultural centers by Turkish security forces, are still in place. One such example is the Diyarbakir Municipal Theater, which, whenever it tours outside of Diyarbakir for guest performances, as recently as early 2014 in the cities of Dersim or Iğdır, remains subject to security checks and surveillance. This surveillance lessens only in those venues in municipalities led by the Kurdish Peace and Democracy Party (BDP). This means that they still have to provide a synopsis of the play for prior approval and provide identity information for all actors and support personnel in advance to the local authorities to so as to receive a performance permit.

Censoring art events or art works

The state controls the content of the projects it sponsors abroad, interferes with arts organizations on arbitrary grounds, and violates artists' rights by threatening the very institutions it collaborates with, despite there being no legal basis for these actions.

A case of such censorship occurred in the course of *Here Together Now*, an exhibition held in 2013 at Matadero Madrid, Spain. The event was curated by Manuela Villa, and realized with the support of the Turkish Embassy in Madrid, Turkish Airlines and ARCOMadrid. In the exhibition booklet, the explanatory notes to artist İz Öztat's work, *'A Selection from the Utopie Folder'* (Zişan, 1917-1919) was **censored upon the request** of the Turkish Embassy in Madrid, and the expression 'Armenian genocide' and the date '1915' were taken out.

In other cases, public authorities have intervened by removing works from the exhibitions on grounds of obscenity, defamation or anti-terror. An art exhibition in Turkey has been cancelled by organizers after municipal officials were accused of censorship. Three photographs were removed from the exhibit titled "Aykırı" (Contrary) by officials from the İzmir Metropolitan Municipality after newspaper reports suggested some photographs contradicted religious and social values. Following the removal of the images by authorities, the organizers, the İzmir Photography Art Association (IFOD), pulled the exhibition. Among the photos that caused controversy were two headscarfed women kissing each other, two men kissing each other, and a headscarfed woman **wearing a bikini**.

Berivan a documentary by Aydın Orak, a Kurdish film director and actor, was banned by the Ministry of Culture and Tourism in 2011 and is not allowed distribution in Turkey. In a statement, the Ministry said that the documentary contained "components that distort historical events to affect the public order adversely; commove grudge, hate and hostility in the society and spreads PKK propaganda to disrupt the unity and solidarity of the Turkish. **The documentary** is an account of a massacre in 1992, using images shot at the time of the event.

Sculptor Mehmet Aksoy's *İnsanlık Anıtı* (The Monument to Humanity) located on the Turkish-Armenian border promoting the peace between Armenia and Turkey was demolished after Prime Minister Erdoğan visited nearby Kars in 2011. The prime minister called the monument "freakish" and said it threatened to overshadow historical sites in the area such as the Seyyid Hasal El Harakani tomb and mosque. He demanded its demolition, which was carried out by the **Kars municipality**. Linked to the controversy surrounding the demolition, artist Bedri Baykam, and Tuba Kurtulmuş who runs Baykam's Istanbul based Pyramid Gallery, were seriously wounded by an individual attacker in an Istanbul street in broad daylight as they were leaving a meeting to protest the pulling down of the monument. The perpetrator was apprehended and later received a **25-year jail sentence**.

Use of certification as a means of creative control

Artistic freedom of expression in Turkey may be limited by regulations under criteria that are very ambiguous, leading to arbitrary practices by the state and non-state actors. Although there is not any implication in the Constitution which leads to prior censorship, bodies such as the film rating committee or the committee which selects film/theatre projects to be granted funding function as prior censorship committees, banning some films/theatre projects, over-rating and restricting the available state funding.

The rating or certification system has been increasingly employed to effectively limit the circulation of certain films by enforcing harsh age limits. There is, of course, an important and valid basis to age-limit provisions in Turkey as well as internationally in order to protect minors from potentially disturbing and harmful images. Yet debates have erupted about the ways in which these provisions have been used to legitimize broader infringements on freedom of expression that surpass the protection of minors, (Majorie Heins, *Not in Front of the Children: 'Indecency', Censorship, and the Innocence of Youth*. New York: Hill and Wang, 2001) especially since this rating is tied to the *eser işletme belgesi* (work operation certificate), a certificate necessary for commercial distribution. Until recently this certificate was not required when films were intended for festival use, i.e. non-commercial screenings. While legal scholar Ulaş Karan argues that this accords with official regulations (Siyah Bant report, Sanatta ifade özgürlüğü, Sansur ve Hukuk author Ulaş Karan, 2013), the Ministry has decided to reinterpret the distribution provisions and make them requirements for festival films as well.

Danish film maker, Lars von Trier's *Nymphomaniac* which was scheduled to open in Turkish cinemas in March 2014 has been banned by Turkey's national cinema board. The Higher Rating Committee ruled that the film 'cannot be commercially distributed or screened' and banned the screening of the movie, referring to regulations that read as follows: "The committees formed under the jurisdiction of the Ministry rate and evaluate films according to their accordance with public order, public moral values, protection of spiritual and physical well-being of the youth, human dignity and the principles outlined in the constitution as well as the respective trademark and copyright issues that might arise".

In early 2014, filmmaker Onur Ünlü's *İtirazım Var* (Let's Sin), in which an imam embarks on an adventure to solve a murder committed at his mosque, was rated 18+ by the Turkish film classification board. The decision had both moviegoers and the film's makers perplexed as "there is no apparent reason for an 18+ rating in the storyline," according to critics. The director's team **successfully appealed** and the rating was revised to 15+.

We concur with the UN Special Rapporteur on culture, Farida Shaheed's recommendations:

- 1) that "...prior censorship should be an exceptional measure, taken only to prevent the imminent threat of grave irreparable harm to human life or property. A system whereby content automatically requires official clearance before it can be released would be unacceptable, as its harm to freedom of artistic expression and creativity would by far outweigh the benefit of its goal", and
- 2) that states shall ensure that classification bodies are independent, have terms of reference, rules of procedure and activities made public, and that there are effective appeals mechanisms. She adds that the regulation of access by children should not "**result in prohibiting or disproportionately restricting access for adults**".

Withholding of funding as a tool of censorship

Recent news that the Ministry will retract funding from films rated suitable for age 18 and above have increased concerns in the film sector about how age restrictions might be further instrumentalized for **political purposes**. It is very likely that this new guideline will further the precarious economic standing of

independent filmmakers and engender self-censorship due to the fear of losing much sought after public funding. This regulation will also allow the Directorate of Cinema to intervene into decisions of final cuts, in order to meet age restrictions eligible for this funding, rather than making decisions based on the artistic integrity of a given work.

In the spring of 2013, a draft of a document with suggested changes to the TÜSAK (Turkish Arts Council) legislation was leaked, which further aggravated concerns that had already been raised in the previous year about the government signalling its intention to privatize the state theatre system. The draft as it stands at the moment aims to restructure the entire arts funding system in Turkey by granting support on a project basis and by shifting decision-making powers to state appointed officials rather candidates representing artists' associations from respective disciplines.

The authorities should note Special Rapporteur Farida Shaheed's recommendation that governments 'refrain from nominating or appointing cultural administrators or directors of cultural institutions on the basis of their political, religious or corporate affiliation' and not proceed with shifting decision making powers to state appointed officials, as currently proposed. By so doing, this will guarantee an independent and flourishing arts sector.

About the authors

FREEMUSE – The World Forum on Music and Censorship is an independent international membership organisation advocating and defending freedom of expression for musicians and composers worldwide. Freemuse has held Special Consultative Status with the United Nation's Economic and Social Council (ECOSOC) since 2012.

Skindergade 15,
DK-1159 Copenhagen K, Denmark
Tel: +45 33 32 10 27
Web: www.freemuse.org

SIYAH BANT – Founded in 2011, Siyah Bant is a research platform that documents censorship in the arts across Turkey by a group of arts managers, arts writers and academics working on freedom of expression.

Tütün Deposu
Lüleci Hendek Caddesi No.12
Tophane 34425 İstanbul, Turkey
Web: www.siyahbant.org

INITIATIVE FOR FREEDOM OF EXPRESSION – The Initiative for Freedom of Expression was established in Istanbul in 1995. The initiative publicizes weekly bulletins, a yearbook and hosts the international 'Gathering in Istanbul for Freedom of Expression' every second year.

Nacak Sok. 21/11
TR-34674 Istanbul, Turkey
Tel: +90 216 492 0504
Web: www.antenna-tr.org

Violating artistic freedom

In the Freemuse Annual Statistics on Censorship and Attacks on Artistic Freedom, Turkey is unfortunately always amongst the top five worst violating countries. 2015 was no exception.



The chapter on Turkey described how the country continued to prosecute, imprison and censor oppositional artistic voices; sometimes for purely political reasons, and sometimes combining such political motivations with “religious” or “cultural” references. President Erdoğan particularly seems to be thin-skinned, with him and his apparatus of lawyers and supporters being in the centre of several “insult” cases. The country also continues to repress artists addressing Kurdish issues. One particularly disturbing case is that of Nûdem Durak, a young Kurdish singer, who is serving a 10.5-year sentence for “promoting Kurdish propaganda” — one of the heaviest sentences passed against an artist in recent years. Further, many artists — like many other civilians — were arrested during demonstrations throughout the year.

Freemuse does not register such arrests unless it is obvious and verified that the artists arrested were specifically targeted in their role as artists, rather than being arrested for their political actions. However, it has been an oft-used tactic to use political reasons to imprison and stifle artists in Turkey.

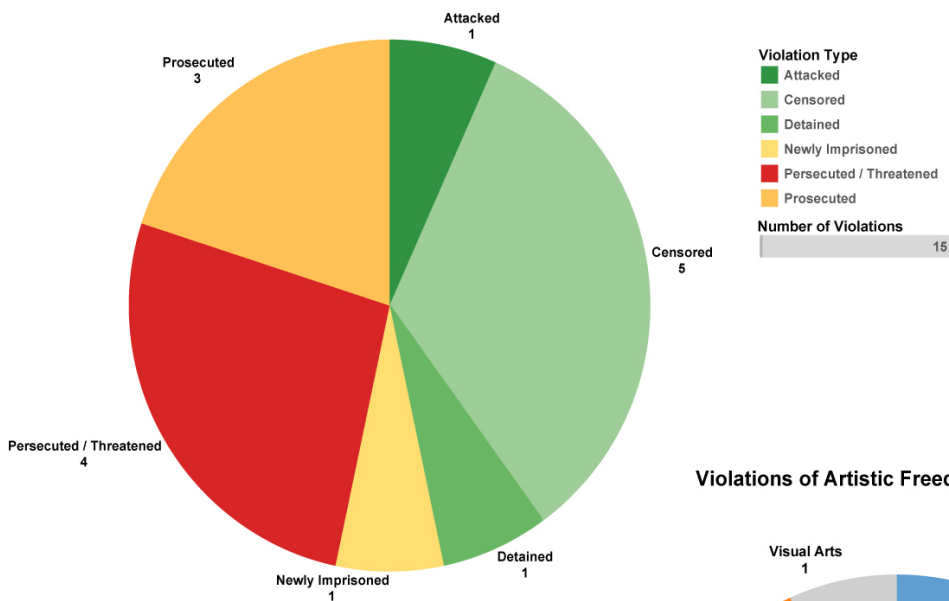
TURKEY

TERROR LEGISLATION AND THIN-SKINNED PRESIDENT

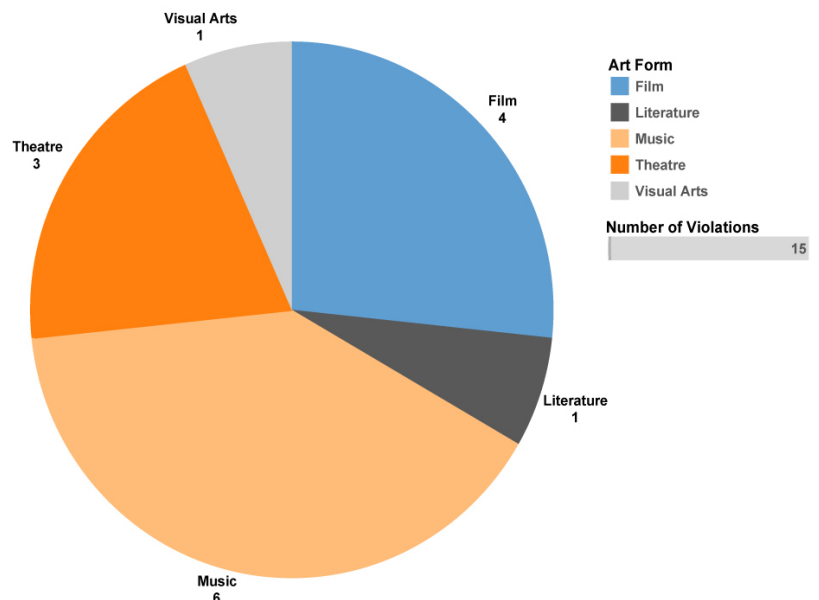
2015 was a more than usually troubled year for Turkey, especially as the year wore on, with growing tensions on the Syrian border, and a crisis situation in the Kurdish south east which is seeing a return of violence and the institution of curfews. Freemuse has registered 15 cases in 2015 in Turkey, which included four artists being threatened or persecuted, the prosecution of three artists, and the imprisonment of one other.

President Erdoğan seems to have a particularly thin skin when it comes to criticism. Since becoming president in August 2014, he has initiated well over 200 cases in which he claims he has been insulted. In the past year actors, singers, cartoonists and journalists have been investigated, tried and fined for mocking the president.

Artistic Freedom Violations in 2015 by Violation Type



Violations of Artistic Freedom in 2015 by Art Form



Turkey's anti-terror law, long-criticised for its vagueness and for being applied primarily against Kurdish rights activists, has been used to imprison singer Nûdem Durak to a 10.5 year term for "promoting Kurdish propaganda". The Gezi protests of 2013 still reverberate two years later with a group of actors on trial for a video commemorating the death of a child, while others lost their jobs and theatre companies that feature pro-Gezi works suffered finance cuts. Additionally, films covering Kurdish issues have been withdrawn from screenings and popular folk band Grup Yorum had to fight an attempt to stop it from staging concerts.

A small piece of good news was the dismissal of religious defamation charges initiated in previous years against two artists, yet arts and academic institutions remain jittery about staging pieces that could be seen as offensive.

Looking forward into 2016, as the situation in the Kurdish region is set to worsen and sharp scrutiny of Erdoğan's leadership is likely to carry on, artists will also continue to make work that challenges what they see going on around them. The legal system, alongside official and public attitudes on a range of sensitive topics, is likely to play a part in keeping artistic freedom of expression at risk.

KURDISH ARTISTS AT RISK — EUROPEAN COURT FINES TURKEY

Kurdish artists have long been the target of intimidations, prosecutions and attacks. Notable among them is singer Ferhat Tunç who has over the years been arrested and prosecuted several times on doubtful grounds for his statements and performances. Some of his cases have been brought to the European Court of Human Rights which, in February 2015, convicted Turkey of violating freedom of speech for having prosecuted Tunç in 2003 to three months in prison and ordered him to pay a fine for having made dissident comments during a concert. The Court found that Turkey violated Article 6 (right to a fair trial) and Article 10 (freedom of expression) of the European Convention on Human Rights and ordered Turkey to pay compensation to the singer. However other cases continue against Tunç at Turkish courts, several of which under the auspices of the Anti-Terror Law (TMK) that has an overly broad definition of what comprises an offence under the law.

In December 2014, one of the heaviest sentences passed against an artist in recent years was given to the young Kurdish singer, Nûdem Durak, who was arrested in April 2015 and charged with "promoting Kurdish propaganda", under TMK and sentenced to 10.5 years in prison.

GRUP YORUM

The popular folk-rock band Grup Yorum formed in the mid-1980s as a stridently political, left-wing, and pro-Kurdish group. The authorities have linked the group to the Revolutionary People's Liberation Party (DHKP-C), although the group itself has no formal affiliations and its fan base spans a broad spectrum of Turkish and Kurdish left-wing fans. Having released over 20 records it is among the top selling bands in Turkey. Over three decades its members have been arrested, its concerts banned and albums seized. 2015 was no exception. In April, a planned concert in Istanbul to mark the group's 30th anniversary was banned by the Istanbul Governor's office, citing that it could lead to public unrest. The group challenged the decision before the courts, and in June the concert was finally given permission to go ahead. The concert featured a 45-person symphony orchestra and over 100 guest artists, including American folk singer Joan Baez. The performance to a large audience was held without incident.

WITHDRAWAL OF FILMS FROM SCREENINGS

Although Freemuse statistics do not cover censorship of film documentaries, it should be noted that anxiety around works that deal with the Kurdish issue has led to films that document the troubled history of Turkey's Kurds to be withdrawn from screenings. In April 2015 the documentary 'Bakur' (North) that investigates daily life in PKK camps was pulled from the Istanbul Film Festival program by the festival organisers after they had received a notice from the Ministry of Culture that this documentary did not have a "certificate of registration". Outraged by the decision, 23 film companies withdrew their own works from the festival, stating that pulling the documentary was a clear case of censorship. This had repercussions that rippled to the Ankara Film Festival, whose organiser decided to withdraw its documentary program citing the problems in Istanbul. There were also protests against the Antalya Film Festival removing its documentary category after a controversy in 2014 when it had removed documentaries on the 2013 Gezi protests from its schedule.

A film covering a massacre of Kurdish people in the 1930s, 'The Lost Girls of Dersim: Two Strands of Hair', was also subject to a ban, this time from an Istanbul University Faculty of Communications screening in March 2015. The film, which has been widely screened since it was produced in 2012, was deemed by the faculty dean as having "improper" content.

INSULTS — DONKEYS, LIGHT BULBS AND "FREAK" SCULPTURES

President Erdoğan and his apparatus of lawyers and supporters are at the centre of several insult cases. In January 2015 a trial opened against folk musician Kutsal Evcimen who was charged with insulting Erdoğan for a talk he gave after performing a song about a donkey at the Arguvan Folk Festival in Malatya. In what is a typically long, drawn-out judicial process in Turkey, his second hearing was held almost a year later in November 2015 and was postponed to March 2016.

Sculptor Mehmet Aksoy turned the tables on Erdoğan in March 2015 when he filed an insult case against the President for calling Aksoy's 2011 sculpture he erected on the Turkish-Armenian border a "freak", and was subsequently demolished. Extraordinarily, in June 2015 Aksoy won the case and Erdoğan was ordered to pay him 10,000 Turkish Lira (\$3,800 USD) in damages. However, Erdoğan's legal team quickly sprang into action and opened new insult proceedings against the sculptor when, in an interview, Aksoy said he would not deign to spend "dirty" money on art in response to a question about whether he would spend the money on new sculptures.

2013 GEZI PROTESTS REVERBERATE

Artists involved in the 2013 Gezi protests still suffer repercussions two years later. Actor Levent Üzümcü was dismissed from performing in Istanbul city theatres, meaning he will be barred from performing in any theatre that has city funding; a move linked to comments and statements he made following the Gezi protests. Another actor, Hamit Demir, had his contract with a popular tv series unexpectedly terminated, which he believes is due to his involvement in a video marking the anniversary of the death of 15-year-old Berkin Elvan who had been in a coma for almost nine months after being hit by a teargas canister during the Gezi protests. Eleven artists who also took part in the 2013 protests were taken in for questioning in April 2015 on charges of instigating public unrest.

OBSCENITY AND RELIGIOUS DEFAMATION AND “TRADITIONAL VALUES”

Although a sensitive topic, in recent years few obscenity cases have come before the courts. Local authorities and arts institutions at times show an anxiety about putting up performances that may upset traditionalists. Even unofficial complaints of “obscenity” are taken seriously by theatres and companies for fear of repercussions. A planned production of Carl Orff’s opera ‘Carmina Burana’ by the Izmir State Opera and Ballet was delayed for several days after a column written by concert pianist Fazil Say pointed out that the piece contains scenes of sex and alcohol. Himself the subject of a long running religious defamation case for his tweets challenging religious attitudes, Say’s intention was not to stop the play, but to point out that there are many productions touching on these issues that are staged unimpeded in Turkey. The production eventually went ahead without cuts. Meanwhile, Say’s own case was dismissed on appeal in October 2015, as was artist Leman Sam who had similarly been charged for a 2014 tweet that was determined to be “denigrating religious values”. Additionally, a hate campaign stirred up by the Islamist press in the run up to the Boston Gay Men’s Chorus visit to Istanbul led to the arts venue cancelling the show. However, the attempt to censor the show backfired when Boğaziçi University offered its concert hall to the choral group and the performance went ahead before a sell-out crowd of more than 5,000.



FREEMUSE
ARTSFREEDOM

www.freemuse.org