

**ADANA 5TH CRIMINAL  
JUDGESHIP OF PEACE**

**MISCELLANEOUS DECISION**

**MISCELLANEOUS NUMBER** : 2015/365 Misc.

**JUDGE** : [REDACTED]

**CLERK** : [REDACTED]

Adana Public Prosecutor's Office states with its writ of [REDACTED] with number [REDACTED] that:

"A Public proceeding has been initiated pursuant to Adana Public Prosecutor's Office's investigations with numbers [REDACTED] and [REDACTED] against several suspects based on

[REDACTED]

[REDACTED], for the purposes of [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] in Adana and Adana Public Prosecutor's Office is currently conducting an investigation with file number [REDACTED] for the crime to form an organization to commit crime or being a member of such organizations against these suspects and other suspects, who cannot be identified.

It is determined that the Twitter accounts indicated within the annexed writ of the Branch Office of the Fight Against Cybercrimes of Police Department or other social media networks announced that they will broadcast information and documents about this matter.

Access banning as per Article 9 of the Law No. 5651 and the provisions of the Law of Criminal Procedure by The Presidency of Telecommunications, Communications or Access Provider's Union on the Twitter and Facebook accounts and websites where the crime is committed, for the purpose of protecting national security, public order and public security and [REDACTED], committing crimes, [REDACTED]

[REDACTED], and violating personal rights of the [REDACTED] [REDACTED]

[REDACTED] by also considering that the sharing is being continued by the Twitter and

Facebook accounts indicated within the annexed writ of the Branch Office of the Fight Against Cybercrimes of Police Department or via other profiles on other social sharing networks and the broadcast is being continued by changing the annexed URL addresses, if this is not possible, access banning all of the broadcasts of the websites for the reasons such as the importance of the matter, not having the possibility of relief, [REDACTED] [REDACTED]", is requested.

By requesting access banning the websites indicated within the writ of the Branch Office of the Fight Against Cybercrimes of Police Department as per Article 9 of Law No. 5651,

The investigation file is reviewed.

**PER CURIAM:**

Article 9 of the Law No. 5651 is as following:

**“(1) Any real person or legal entity or authority or institution, who claims that his/her personal rights are violated due to a content broadcasted on the internet medium may apply to the Content Provider, or to the Hosting Provider, if the Content Provider may not be reached, and request removal of content by the notice method or may directly apply to a criminal court of peace judge, and request access ban to the content.**

**(2) The Content Provider and/or Hosting Provider shall reply requests of persons, who claim that their personal rights are violated due to the content broadcasted on the internet medium, within twenty four hours.**

**(3) The court may decide to ban access in accordance with the requests of persons whose personal rights are violated due to the content broadcasted on the internet medium, in the scope of this article.**

**(4) The court shall give its access ban decisions in the scope of this article essentially by access ban to the content method, only for the part, section, broadcast where the personal right violation occurs (URL, etc.). Access ban decisions regarding entire broadcasts on the internet site may not be given, unless it is compulsory. However, if the**

**court decides that the access ban decision to content by indicating URL address would not prevent the violation, it may decide to access ban entire broadcasts on the internet site, provided that the court indicates the decision’s grounds.**

**(5) The court decisions given in the scope of this article shall be directly sent to the Union.**

**(6) The court shall decide on a request submitted under this article within twenty four hours at the latest without holding any hearing. This decision may be objected in accordance with objection provisions of the Law No. 5271 on Criminal Procedure.**

**(7) In cases where the content subject to the access ban decision is removed from broadcast, the decision of the judge shall be null and void.**

**(8) The decision given for access ban to content, which is sent to the Access Provider by the Union, shall be implemented by the access provider immediately, within four hours at the latest.**

**(9) In case the broadcasts subject to the court’s access ban decision, which are in violation of personal rights in the scope of this article, or the same kind of broadcasts are also broadcasted at other internet sites, then the relevant decision shall also apply to these addresses upon the relevant person’s application to the Union.**

**(10) The responsible person who fails to comply with the decision of the criminal court of peace judge in a timely manner and by fulfilling conditions set forth hereby shall be fined with judicial fine from five hundred days up to three thousand days.”**

“A Public proceeding has been initiated pursuant to Adana Public Prosecutor’s Office’s investigations with numbers [REDACTED] and [REDACTED] against several suspects based on [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] in Adana and Adana Public Prosecutor’s

Office is currently conducting an investigation with file number [REDACTED] for the crime to form an organization to commit crime or being a member of such organizations against these suspects and other suspects, who cannot be identified,

It has been notified by Adana Police Department's writ of [REDACTED] with number [REDACTED] that [REDACTED] and it is determined that [REDACTED] [REDACTED] have been added by @BirGun\_Gazetesi Twitter account indicated within the same writ and the users of websites registered under other internet and link addresses, and since it is understood that [REDACTED] violate the personal rights of the [REDACTED] [REDACTED], it has been decided to accept the request for deciding on an access ban; moreover, it has been decided to grant a verdict accepting the request for banning the broadcasts regarding the investigation pursued under Adana Public Prosecutor's Office's investigation file with number [REDACTED], as below when the nature of the crime and the incident subject to the investigation is taken into consideration, since it is understood that it is necessary for public order, public security and [REDACTED] [REDACTED].

### **JUDGMENT:**

**For the aforementioned reasons;**

**WITH ACCEPTING THE REQUEST;**

as per Article 9 of the Law No. 5651;

The URL address <http://haber.sol.org.tr/turkiye/erisim-engellendi-yeniden-yayimliyoruz-suriyeye-muhimmat-tasiyan-mit-tirlarina-iliskin> of the news website called <http://haber.sol.org.tr/>

The URL address

<http://www.facebook.com/FKBC.Fasizme.Karsi.Birlesik.Cephe/posts/761680323916659>

at the Facebook account named

<http://www.facebook.com/FKBC.Fasizme.Karsi.Birlesik.Cephe>

The URL address [http://ilerihaber.org/foto-galeri/fotolar/mit-tirlarina -iliskin-sorusturmaya-belgeleri/55/](http://ilerihaber.org/foto-galeri/fotolar/mit-tirlarina-iliskin-sorusturmaya-belgeleri/55/) at the news website <http://ilerihaber.org>

The URL address <http://birgun.net/news/view/insani-yardim-tirlarinda-bomba-tasindi-iddiasi/11973> at the news website <http://birgun.net>

The URL address <http://muhalefet.org/haber-patlayici-dolu-pit-tirlarinin-belgeleri-yayinlandi-12-13533.aspx> of the news website <http://muhalefet.org/>

At the file download website <http://filedropper.com/mtfade>

At the file download website <http://filedropper.com/mt-rapor>

[https://twitter.com/ Adis Ababa](https://twitter.com/Adis_Ababa)

At the website <https://anoninsiders.net/mit-documents-2867/#ifadeler>

The URL address <http://grihat.com/suriyeve-muhimmat-tasivan-mit-tirlarina-iliskin-onemli-belgeler-8366h.htm> of the news website [www.grihat.com](http://www.grihat.com)

At the URL address [http://haber.rotahaber.com/icinde-insani-yardim-var-dedikleri-mit-tirlarinda-silah-oldugu-belgelendi\\_478185.html](http://haber.rotahaber.com/icinde-insani-yardim-var-dedikleri-mit-tirlarinda-silah-oldugu-belgelendi_478185.html) of the news website [www.haber.rotahaber.com](http://www.haber.rotahaber.com)

The URL addresses <http://www.wikileaks-forum.com/turkey/61/documents-cooperation-between-the-turkish-intelligence-agency-mit-and-al-qaeda/32886/msg67256#msg67256> which belongs to the website <http://www.wikileaks-forum.com> and the Twitter account @BirGun\_Gazetesi

Solely the URL addresses of the Twitter and Facebook accounts and websites indicated above are decided to be **ACCESS BANNED**

In the event that access ban of the Twitter and Facebook accounts and websites where the crime is committed is not possible by The Presidency of Telecommunications, Communications or Access Provider's Union, it is decided to access ban the foregoing Twitter profile as well as all the broadcast of all the other websites indicated above as ■■■■■

It is decided to **CONVEY** the decision to **Access Providers' Union** for application,

It is decided to return the order and the investigation file attached to Adana Public Prosecutor's Office.

It is possible to object to the decision before Adana 1st Criminal Judgeship of Peace within 7 days. 15/01/2015

Clerk ■■■■■

Judge ■■■■■