

# Think, think...



## Freedom of Expression Weekly Bulletin

(Issue 28/19, 19 July 2019)

### What happened last week?

\*\*\* Following the delivery of the S-400 aircraft, U.S. Ministry of Defense and Pentagon announced that Turkey was removed from the F-35 programme. *"We invite the U.S. to return from this mistake, which will open irrecoverable wounds in our strategic relations,"* Turkish Ministry of Defense stated.

\*\*\* The EU indicated that Turkey's drilling activities in the Mediterranean is *"against the international law,"* deciding for sanctions in four branches. *"Sanctions will not affect our activities,"* Ankara announced.

\*\*\* An armed attack was organized against a restaurant in Erbil, the capital city of Iraqi Kurdistan Regional Administration. Turkish diplomat Osman Köse lost his life in the attack.

\*\*\* Nationalist Movement Party (MHP) leader accused everyone criticising the Presidential system of being a *"terrorist."* *"Those who want a return to the Parliamentary system have connections with FETÖ and PKK,"* the MHP leader said.

\*\*\* The only method left for MPs to receive information, is written Parliamentary questions after the Presidential system. However, the replying rate of the Parliamentary questions decreased to five percent.

\*\*\* The "omnibus bill", proposing regulations in the economy, passed the Parliament. "Reserve funds" of the Central Bank will now be able to be used by the government.

\*\*\* The 11th Development Plan for 2019-2023 passed the Parliament. Goals in the new development plan were largely lowered, compared to the previous plan announced in 2013.

\*\*\* International credit rating institution Fitch Ratings decreased the credit note of Turkey, making it "negative." The reasons were shown as the sacking of Central Bank Head, as well as the ambiguities in structural reforms.

\*\*\* A decision was made for nine defendants, whose files were separated from the main file of the Hrant Dink murder case with a possibility of time limitation. Contrary to the *"no illegal organization membership"* evaluation in the first prosecution, seven defendants were convicted of *"establishing an illegal organization."* Defendant Erhan Tuncel was sentenced to 99 years and six months of imprisonment, effective immediately.

\*\*\* In the second hearing of the "Gezi Park Case," the release claim for Osman Kavala was denied once again. The prosecutor of the "Büyükdada Case" was changed. Despite the "right violation" verdict of the Constitutional Court (AYM), the acquittal claim for Deniz Yücel was denied. Also, Selahattin Demirtaş will remain arrested with a claim of imprisonment for up to 142 years. The prosecutor claimed a sentence of imprisonment for up to 17 years

against Republican People's Party (CHP) Istanbul Provincial Chair Canan Kaftancıoğlu.  
(Details and more are below...)

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**Petition Campaign: We call the Constitutional Court to abate hundreds of cases against academics and supporters - Let freedom of expression win...**

A petition campaign was started for the “Academics for Peace” and their supporters with a call from the Initiative for Freedom of Expression and Ankara Initiative for Free Thought. The campaign indicated that applications on the academics are all at the Constitutional Court (AYM) and demanded all unlawfulness that attempts to isolate academics and their supporters in court halls with standardised indictments and convictions. [Please click here](#) for details and to join the campaign.



**Two more disobedient civilians stand trial after supporting academics**

The first hearings of two more out of 17 people were held. 17 people had made criminal complaints against themselves as an act of civil disobedience to support signatory academics of the Peace Petition. The next hearing of the case against Şanar Yurdatapan, the spokesperson of our initiative, was scheduled to November 6th at Istanbul 13th Assize Court, to start at 13:30. The

next hearing of author Necmiye Alpay was scheduled to November 29th at Istanbul 33rd Assize Court, to start at 13:30.



### **Acquittal claim from Court of Cassation in Cumhuriyet Case**

Chief Public Prosecutor's Office of the Court of Cassation reversed the imprisonment sentences against the executives of Cumhuriyet Daily and demanded their acquittal. The Chief Prosecutor's Office further claimed a reversal of the sentences against Cumhuriyet Daily journalists, writers and

workers. Six of those names are still in prison. The Chief Prosecutor's Office further claimed the approval of the sentences against two defendants, indicating that journalist Ahmet Şık, who was convicted with the allegation of "aiding an illegal organization," must be prosecuted due to "making illegal organization propaganda" and "public denigration of government institutions."



### **Three Özgür Gündem Substitute Editors-In-Chief acquitted**

Human Rights Foundation of Turkey (TIHV) Chair Prof. Dr. Şebnem Korur Fincancı, Reporters Without Borders (RSF) Turkey Representative Erol Önderoğlu and writer Ahmet Nesin were acquitted of charges for participating in the "Substitute Editing-In-Chief Campaign" for Özgür Gündem Daily. The three names were arrested in 2016

and were released ten days later, after objections.



### **Investigation against journalist Necla Demir**

Bakırköy Chief Public Prosecutor's Office Press Crimes Investigation Office started an investigation against former Gazete Karınca owner Necla Demir with the allegation of "public incitement towards resentment and hostility."





### **Imprisonment sentence against Zuhall Olcay approved due to “insulting Erdoğan”**

16th Criminal Chamber of the Court of Cassation approved the deferred 11-month 20-day imprisonment sentence issued against musician Zuhall Olcay due to “insulting” the President through interpreting the lyrics of a song she sang in a way that would relate them to

Erdoğan.



### **Lawsuit against 17 women participating in November 25 event organised in Antakya**

A lawsuit was filed against the women, who participated in the event organized by Antakya Women’s Solidarity in 2014 within November 25, International Day for the Elimination of Violence Against Women, due to violating the Law No. 2911. The first hearing of the case was

held at Hatay 3rd Criminal Court of First Instance and the next hearing will be held on December 12, 2019.



### **Imprisonment sentence against documentary “Bakur” due to illegal organisation propaganda**

Directors of documentary “Bakur/North”, Çayan Demirel and Ertuğrul Mavioglu were sentenced to 4 years and six months of imprisonment each due to “making terrorist organization propaganda.” Batman 2nd Assize Court further

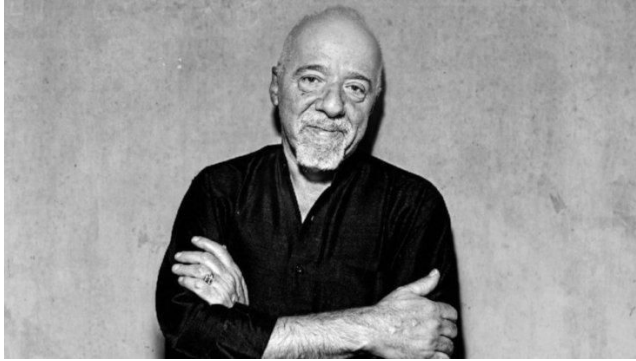
imposed a travel ban against Demirel and Mavioglu.



### **Acquittal for “illegal organisation propaganda with music” three years later**

The lawsuit filed against three people, who were charged with “making illegal organisation propaganda” through the music they made with drums and flutes at weddings, concluded with acquittal

after three years at Gaziantep 7th Assize Court. Fatih, Sami and Halit Karakuş were detained within the case in 2016 and were released after remaining eight days under arrest.



### **“Kurdistan” censorship against book by Paulo Coelho**

It was revealed that the novel, “11 Minutes” by Paulo Coelho, published in Turkey by Can Publishing, was censored. Translated into Turkish by Saadet Özen with 38 editions, the book uses “*Middle East*” instead of “*Kurdistan*.” The translation further censored the part that described how Kurdistan was divided

between Turkey and Iraq. Following the reactions on the matter, Can Öz spoke on behalf of Can Publishing and stated, “*We will fix it in the next edition*” with an announcement to pull the book off the shelves.



### **Iraqi Kurdish tourists attacked in Trabzon**

Iraqi tourists attempted to get their photographs taken with a scarf stating, “*Kurdistan*,” and were exposed to a lynching attempt by a surrounding group in Uzungöl, Trabzon. The gendarmerie intervened the incident and detained the nine tourists instead of the attackers. The Governorate stated, “*our citizens were*

*calmed down and the situation is now under control*,” the Prosecutor’s Office announced that those detained will be deported. Official authorities in Turkey, as an example of the “accustomed” (!) practice of impunity, announced victims as “criminals” and supported perpetrators.



### **Constitutional Court denies application on access bans**

The Constitutional Court (AYM) denied 15 different applications made by academics Yaman Akdeniz and Kerem Altıparmak within freedom of expression on access bans. The application involved 615 contents, including Twitter accounts

banned to access due to “national security and public order” as well as news websites. AYM claimed that those making the application are not the victims. Akdeniz indicated that with the AYM decree, all access bans brought by the Information and Telecommunication Authority (TIB) and Gölbaşı Criminal Court of Peace following the claim of the Prime Ministry are effectively approved; therefore they will carry the case to the European Court of Human

Rights (ECHR).



### **Turkey has the most convictions in violation of freedom of expression and thought**

Turkey has become the country with the most number of convictions at the European Court of Human Rights (ECHR) related to a violation of freedom of expression and thought with 40 convictions in 2018 only. Furthermore,

Turkey received convictions on the violation of the right to meeting and demonstration in 11 files. Turkey violated at least one article of the European Convention on Human Rights (ECHR) in a total of 140 files last year; becoming the second most convicted country after Russia. Turkey has the most number of convictions in the history of ECHR (1959-2018) with 3,128 decrees of violation.



### **TRIALS OF FREEDOM OF EXPRESSION**

**WHO:** Selahattin Demirtaş

**CASE:** Former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş is on trial with a claim of imprisonment for up to 142 years.

**COURT:** Ankara Sincan Prison Campus

**VERDICT:** Demirtaş will remain arrested; the next hearing was scheduled for September 2-3, 2019.

**WHO:** Büyükada Case

**CASE:** The eighth hearing of the lawsuit filed against 11 rights advocates, including Taner Kılıç from Amnesty International, Özlem Dalkıran from Citizen's Association and Günel Kurşun from Human Rights Agenda Association due to "terrorist organization membership" and "committing crimes on behalf of a terrorist organization without being members" was held.

**COURT:** İstanbul 35th Assize Court

**VERDICT:** The next hearing was scheduled for October 9, 2019.

**WHO:** Şanar Yurdatapan

**CASE:** The first hearing of Şanar Yurdatapan, one of the intellectuals making criminal complaints against themselves at the Prosecutor's Office to support the academics signing the Peace Petition after making a press statement in front of İstanbul Çağlayan Courthouse, was held.

**COURT:** İstanbul 13th Assize Court

**VERDICT:** The next hearing was scheduled for November 6, 2019 at 13:30.



**WHO:** Necmiye Alpay

**CASE:** The first hearing of Necmiye Alpay, one of the intellectuals making criminal complaints against themselves at the Prosecutor's Office to support the academics signing the Peace Petition after making a press statement in front of Istanbul Çağlayan Courthouse, was held.

**COURT:** İstanbul 33rd Assize Court

**VERDICT:** The next hearing was scheduled for November 29, 2019 at 13:30.

**WHO:** Deniz Yücel

**CASE:** The fifth hearing of the lawsuit filed against Die Welt reporter and German citizen journalist Deniz Yücel due to "making terrorist organisation propaganda" and "public incitement towards resentment and hostility" was held.

**COURT:** İstanbul 32nd Assize Court

**VERDICT:** The court decided to wait for the summoned defense statement of Yücel and scheduled the next hearing for October 17, 2019.

**WHO:** Hrant Dink Assassination

**CASE:** The hearing of nine defendants, whose files were separated from the main case file due to potential "time limitation," was held within the lawsuit on the assassination of Agos Editor-In-Chief Hrant Dink.

**COURT:** İstanbul 14th Assize Court

**VERDICT:** Erhan Tuncel was sentenced to 99 years and six months, Yasin Hayal to 7 years and six months, Ogün Samast to 2 years and six months, Zeynel Abidin Yavuz to 12 years and six months and Tuncay Uzundal to 15 years of imprisonment. An arrest claim was made against Erhan Tuncel as well. The court issued the acquittals of Salih Hacısalıhoğlu and Osman Hayal.

**WHO:** Şebnem Korur Fincancı, Erol Önderoğlu, Ahmet Nesin

**CASE:** The eleventh hearing of the lawsuit filed against Reporters Without Borders (RSF) Turkey Representative Erol Önderoğlu, Human Rights Foundation of Turkey (TIHV) Chair Prof. Dr. Şebnem Korur Fincancı and writer Ahmet Nesin due to "making terrorist organization propaganda" through participating in the "Substitute Editing-In-Chief" campaign to support Özgür Gündem Daily was held.

**COURT:** İstanbul 13th Assize Court

**VERDICT:** The court issued the acquittal of all defendants.

**WHO:** Eren Keskin, Hüseyin Aykol, Reyhan Çapan and Hasan Başak

**CASE:** Another lawsuit filed against previously shut-down Özgür Gündem Daily, with defendants including Eren Keskin, Hüseyin Aykol, Reyhan Çapan and Hasan Başak, was held this week.

**COURT:** İstanbul 14th Assize Court

**VERDICT:** The court scheduled the next hearing for November 21, 2019 at 13:30 for the defense statements to be prepared.

**WHO:** Gezi Park Case

**CASE:** The second hearing of the lawsuit filed against 16 defendants with a claim of heavy

life imprisonment due to “attempting to overthrow the government of the Republic of Turkey” was held. The 657-page indictment prepared on the Gezi Park protests charged 16 defendants, including businessman and human rights advocate Osman Kavala, who is arrested since November 2017; Yiğit Aksakoğlu, who remained under arrest for eight months and was released in the first hearing; as well as journalist Can Dündar and actor Mehmet Ali Alabora.

**COURT:** İstanbul 30th Assize Court

**VERDICT:** The court unanimously decided for Osman Kavala to remain arrested. The next hearing was scheduled for October 8-9, 2019.

**WHO:** Canan Kaftancıoğlu

**CASE:** The second hearing of the lawsuit filed against Republican People’s Party (CHP) İstanbul Provincial Chair Canan Kaftancıoğlu due to “insulting the President,” “public denigration of the government of the Republic of Turkey,” “public incitement towards resentment and hostility” and “making terrorist organisation propaganda” through her social media posts with a claim of imprisonment for up to 17 years was held.

**COURT:** İstanbul 37th Assize Court

**VERDICT:** The prosecutor claimed an effective imprisonment sentence against Kaftancıoğlu, as well as a deprivation of all her political rights. The court scheduled the next hearing for September 6, 2019.

**WHO:** Ertuğrul Mavioğlu and Çayan Demirel

**CASE:** The sixth hearing of the lawsuit filed against journalist Ertuğrul Mavioğlu and Çayan Demirel, director of “Bakur: A Guerrilla Documentary,” due to “making terrorist organisation propaganda” was held.

**COURT:** Batman 2nd Assize Court

**VERDICT:** The court decided for Demirel and Mavioğlu to be sentenced to 4 years and six months of imprisonment each, effective immediately with travel ban.

**WHO:** Uğur Yılmaz

**CASE:** The fifth hearing of the lawsuit filed against journalist Uğur Yılmaz with an imprisonment claim from 9.5 years up to 25 years with allegations of “illegal organisation membership” and “making illegal organisation propaganda” twice after having been arrested on July 17, 2017 due to his social media posts, witness statements against him and his participation in press statements and marches he was tracking to report as he was working at Bitlis Municipality Press Unit was held.

**COURT:** Bitlis 2nd Assize Court

**VERDICT:** Yılmaz wasn’t released and the court scheduled the next hearing for August 29, 2019 at 10:00 for the opinion on the basis to be prepared.

**WHO:** Kibriye Evren

**CASE:** The fifth hearing of journalist Kibriye Evren, who faces an imprisonment claim from 8.5 years up to 20 years due to “illegal organisation membership” and “making illegal organisation propaganda” based on secret witness statements, her social media posts and travel records after being detained and arrested during house arrests in Diyarbakır on October 9, 2018, was held.

**COURT:** Diyarbakır 5th Assize Court



**VERDICT:** The court decided for Evren to remain arrested and scheduled the next hearing for September 24, 2019.

**WHO:** Harun Çümen

**CASE:** The fourth hearing of the lawsuit filed against previously shut-down Zaman Daily's former Managing Editor Harun Çümen with an allegation of "terrorist organisation membership" was held.

**COURT:** İstanbul 32nd Assize Court

**VERDICT:** The court issued 7 years and six months of imprisonment against Çümen, as well as for him to remain arrested.

**WHO:** Journalist Adnan Bilen

**CASE:** The hearing of journalist Adnan Bilen, who was on trial with the allegation of "insulting the President" due to his social media posts, was held.

**COURT:** Van 4th Assize Court

**VERDICT:** The next hearing was scheduled for November 8, 2019.

**WHO:** Peace Academics

**CASE:** Hearings of academics, who are on trial due to "making terrorist organisation propaganda" through signing the Peace Petition, continued this week.

**COURT:** İstanbul 27th Assize Court

**VERDICT:** No verdict was issued in the hearings this week and next hearings were scheduled after the judicial recess.

**HEARINGS NEXT WEEK:** There will be no hearings of the lawsuits we are tracking due to the judicial recess between July 22 - September 1, 2019.