



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 04/18, 26 January 2018)

What happened last week?

*** Turkey started a transfrontier operation against the Afrin Canton under the Democratic Union Party (PYD). *"This operation will continue until the last organization member is neutralized,"* said President Erdoğan; announcing the start of the Manbij operation after Afrin.

*** Operations started against social media posts and anti-war protests together with Afrin Operation. Erdoğan threatened the people who want to go on the streets, by saying *"they will pay the price of it."* Investigations were opened against three MPs. 23 people were taken into custody within a week. More people are added to 150 already taken into custody. Protests in some provinces were bound to permission by regional administration. **(Details below...)**

*** Prime Minister Binali Yıldırım came together with representatives of press institutions, providing them with a list of "suggestions" on how the Afrin Operation must be seen in the media. Yıldırım further warned the press members to "look out for national interests." Reporters Without Borders (RSF) evaluated the situation as an attempt to make *"the Turkish media at the service of the government and war targets."*

*** More than 170 intellectuals called for the end of the Afrin operation. The government and Nationalist Movement Party (MHP) targeted the intellectuals. Erdoğan said those who called for peace are "terrorist-lovers." **(Details below...)**

*** The verdict of violation issued by the Constitutional Court regarding Mehmet Altan and Şahin Alpay was published on the Official Gazette. Claims of release were denied despite the "officialized" court decree. **(Details below...)**

*** Three journalists were arrested this week due to "illegal organization membership/propaganda." According to the data by the Turkish Journalists Union, there are 151 press workers in prison. **(Details below...)**

*** State of Emergency Commission denied the claim of Nuriye Gülmen and Semih Özakça, who are on a hunger strike for 324 days, to go back to work. Gülmen announced the end of their hunger strike. The commission decided on 3,110 applications so far, regarding those dismissed from profession. Return to profession was issued in only 40 applications. The total number of applications made at the commission is 104,657.

*** International Bar Associations Human Rights Institute (IBAHRI) announced that 1488 lawyers in Turkey were exposed to mistreatment during the State of Emergency, 572 lawyers were arrested and 79 of them were sentenced to imprisonment.

*** According to the 2017 data of the European Court of Human Rights (ECtHR), Turkey has been *"the government violating freedom of expression the most"* this year as well. **(Details below...)**



At least 150 taken into custody due to anti-war protests, 23 arrested

Following the operation in Afrin by the Turkish Armed Forces (TSK), President Erdoğan made a statement, threatening those protesting the operation: *“Those who will go on the streets to protest will pay the price of it heavily. We will crush whoever goes against us*

during this national fight. No compromises, not a single bit of flexibility in this.” Following the statement, protests and social media posts face restrictions and investigations.

Ankara Chief Public Prosecutor’s Office started an investigation against People’s Democratic Party (HDP) Deputy Co-Chair Nadir Yıldırım, Party Spokesman Ayhan Bilgen and Tunceli MP Alican Önlü due to the tweets they posted on the Afrin Operation. Yıldırım and Bilgen are charged with “inciting people towards hatred, hostility and crimes.” Önlü is charged with “denigrating the Turkish Nation, the government of the Republic of Turkey, the Grand National Assembly of Turkey, the government of the Republic of Turkey and the institutions of state.”

Protests in many provinces were prevented by the police. 11 of the 13 people taken into custody during the protest in Kadıköy, Istanbul were arrested due to “participating in meeting and demonstration without permission.” 12 citizens were arrested due to “inciting people towards hatred and hostility; making terrorist organization propaganda” through their social media posts on the Afrin operation. At least 150 people were taken into custody in the operations in 31 provinces. This number continues to increase.



Letter for Afrin from more than 170 intellectuals

More than 170 names, including former ministers, MPs, authors, intellectuals, directors, actors, screenwriters, journalists, NGO and women’s organization representatives, sent the letter they signed for the end of the operation

started by the Turkish Armed Forces against Afrin. The letter was sent to all MPs at the Parliament.

Intellectuals, including Zülfü Livaneli, Rakel Dink, Fatma Bostan Ünsal, Gençay Gürsoy, Levent Tüzel, Ece Temelkuran, Şanar Yurdatapan, Deniz Türkali, Ertuğrul Günay, Esra

Arsan and Necmiye Alpay, wrote: *"We want peace and calm in our country and our region, not war. We believe the best way to protect our borders and to not have issues of survival is to strengthen connections of friendship and good neighborhood. We know that it is possible to provide our security with mutual negotiation and collaboration, instead of billions-worth armament with the cost of the lives of young citizens, with a war that would leave tens of thousands of families without home and shelter."*

Government Spokesman and Deputy Prime Minister Bekir Bozdağ targeted the intellectuals by saying, *"These are all familiar faces. They are the voluntary praisers, supporters of terrorist organizations... I complain against them to our nation, once again. Let no such intellectuals be."* Nationalist Movement Party (MHP) Group Deputy Chairman Erkan Akçay targeted the intellectuals as well. *"Some so-called intellectuals, whose value is self-proclaimed, signed under another letter of treason. They are the heads of a boil in every period; crypto-racist PKK-lovers disguised as artists, politicians, intellectuals and lawyers."* Many messages were shared on the social media against the letter and the signatories, with threat and insults.



Erdoğan; "Those who say no to war are terrorist-lovers"

President Tayyip Erdoğan targeted the statement launched by the Turkish Medical Union (TTB) Central Council on the military operation started by the Turkish Armed Forces (TSK) against Afrin, titled, *"War Is a National Health Problem."*

"A group, so-called the Turkish Medical Union, attempt to conduct an anti-war campaign. We have never heard these terrorist-lovers saying yes to peace... These gentlemen have never been local and national until today, never were concerned with the issues of this country," said Erdoğan.



Afrika Newspaper attacked after targeting of Erdoğan

Afrika Newspaper, published and distributed in the Turkish Republic of Northern Cyprus (KKTC), was attacked after the targeting of President Erdoğan following the headline published on the newspaper

regarding the Afrin operation. The newspaper's Editor-In-Chief Şener Lenet stated that they are experiencing the mood of Madımak in Northern Cyprus, that there was no reaction against them before Erdoğan's expressions and that the fuse was lit by Erdoğan's words.

The newspaper was published with the headline, “Peace Operation in Cyprus, Olive Branch Operation in Syria... Another Invasive Operation from Turkey.” President Erdoğan then targeted the newspaper, saying, “A newspaper in Northern Cyprus published an insolent headline... My brothers in Northern Cyprus must reply to this.”



Ankara Governorate bans all protests during Afrin Operation

All public/private meetings, press statements, hunger strikes, sit-in protests, concerts, celebrations and activities alike were bound to permission by the local administration in Ankara during the Afrin Operation. The Governorate

announced that the protests to be organized were banned across the province and that no protests can be made without permission until the operation ends. Protests in Kocaeli and Mardin were bound to permission by the local authority as well.



Execution call from radio host: “Shoot whoever objects, journalist or MP”

Radio program host Ali Şentürk spoke on the live broadcast of Kral FM, commenting on the Afrin Operation. “Whoever objects to our speaks against the operation, they must be shot - no matter if they are journalists or Parliament members.

Whoever wants to stir up trouble in Turkey must be heavily punished,” said Şentürk. Kral FM launched a statement on the matter, saying, “It is impossible for us to approve of these irrational expressions of this program host, who is on live broadcast.” However, the statement launched on ‘kralmuzik.com.tr’ was later removed.



Court does not recognize Constitutional Court decree despite officialisation

Constitutional Court (AYM) launched the decree of violation on Mehmet Altan and Şahin Alpay on 19 January 2018, Friday on the Official Gazette.

Thus, the decree now binds everyone. Constitutional Court's decree of violation was "officialised" but claims of release were denied once again.

Following the reasoned decision, Altan's lawyers applied to the local court once again for release. However, the court stated that "the constitutional Court exceeded its authority." Not recognizing the Constitutional Court decree, Istanbul 26th High Criminal Court asserted that it is not within the scope of individual application evaluation for the Constitutional Court to make evidence and expediency evaluation by replacing the local court. The court claimed that the arrest was "proportionate" and "reasonable" despite the decree of violation. The objection made was denied by the higher court, Istanbul 27th High Criminal Court as well. In the reasoned decision, it was asserted that there is no legal regulation that makes the binding effect of the Constitutional Court decree obligatory.

Thus, a breaking point was experienced in the history of the Turkish law: For the first time, a Constitutional Court decree, which is the highest judicial institution, was not applied despite all binding legal norms. Hence, Turkey has become a country in which court decrees are not applied, leaving no legal guarantee for any Turkish citizen.



Atay.

Ankara Governorate bans theater play "Only Dictator"

Ankara Governorate banned the one-man show of Barış Atay, named "Only Dictator." The Governorate further announced an indefinite ban on all events "with social sensitivities" like theaters, panels, movie screenings and exhibitions to be organized by "various institutions" besides Barış

Lawyer Efkân Balaç indicated that the Governorate, who banned Atay to travel to Ankara, has discovered a new ban and put it into action. "According to this order, Atay is even banned from drinking a tea or coffee in Ankara," said Balaç. Asst. Prof. Dr. Kerem Altıparmak pointed out vague expressions in the Governorate decision, sharing the statement on the social media. Altıparmak reacted to the Governorate opinion on the theater play to "provoke a certain part of society with different qualities of social class, race, religion, sect or region towards hatred and hostility against another part," saying, "Which part against which one? The ones who like theater against those who don't? Those who like dictatorship against those who don't?"



Three journalists arrested

Mesopotamia Agency reporter Seda Taşkın, Democratic Modernity Magazine Editor Haydar Ergül and journalist İdris Yılmaz were arrested

by the Criminal Judicatures of Peace they stood trial in Ankara, Diyarbakır and Van. Taşkın and Ergül are charged with “illegal organization membership” and Yılmaz is charged with “making illegal organization propaganda.”

Taşkın was taken into custody on 20 December 017 while collecting news information in Muş due to “a serious denouncement against him” and was later released with judicial control by the court he was taken to. The Prosecutor’s Office objected to the release of Taşkın, claiming his arrest. Ergül was charged due to his writings in the magazine he is an editor at. Democratic Modernity Magazine was asserted to have published content “in accordance with the purpose and aims of a terrorist organization.” Yılmaz, on the other hand, was previously targeted by the trustee assigned at Erciş Municipality and was beaten due to the news he reported.



‘Espionage’ case against Nazlı Ilıcak

A lawsuit was filed against journalist Nazlı Ilıcak with a claim of life imprisonment due to “announcing confidential information on the security of state with the purpose of espionage.”

The indictment, prepared by Ankara Chief Public Prosecutor’s Office and sent to Ankara 15th High Criminal Court, accuses Ilıcak due to her column, entitled, “*Military Intelligence and Tahşiye members*” published on 2 January 2015 on Bugün Newspaper, which was shut down after the coup attempt.

Accepting the indictment, Ankara 15th High Criminal Court sent the file to Istanbul High Criminal Court due to rejection of venue. The court decree indicated that the headquarters of the newspaper, which was shut down, was in Istanbul and that the Article 12/3 of the Law of Criminal Procedure states “the crime belongs to the local court of the publication center in case the crime is committed through a publication.”



Access ban on Jinnews and Özgürlükçü Demokrasi

Information and Communication Technologies Authority (BTK) brought an access ban on the website of Jinnews for the second time within 48 hours. The website was banned to access on January 24th due to the news published regarding Turkish National Intelligence executives,

being censored once again on January 25th due to news published on Afrin. The website of Özgürlükçü Demokrasi was also banned to access due to the news published on the attacks of Turkey against Afrin. Thus, the website of the newspaper was banned to access for the 45th time.



ECtHR announces 2017 in numbers: Turkey the country violating freedom of expression most

According to the 2017 statistics of the European Court of Human Rights (ECtHR), there are a total of 56,250 case applications in ECtHR agenda from a total of 47 Council of Europe member countries by 1 January 2018.

Turkey has been the third country with the most number of applications against it with 7,518 applications. According to the announced data, Romania, Russia, Turkey and Ukraine constitute more than 50 percent of the total workload of the court. Applications from Turkey make up 13.3 percent of the total number of applications.

Turkey completed the year 2016 ranked second after Ukraine with 12,600 case applications against it. This number increased to 93,200 in mid-2017, whereas a big part of those complaints were denied due to the State of Emergency Monitoring Commission being accepted as a "domestic remedy."

Furthermore, 116 of the 1068 cases finalized in 2017 belong to Turkey. 99 of these decisions issued a violation of at least one article of the European Convention on Human Rights (ECHR). Most of the violation decrees were issued on "the right to safety and security," "the right to fair trial" and "freedom of expression." Just like in previous years, Turkey has also been *"the country violating freedom of expression the most."* 44 verdicts of violation were issued within this scope and 16 of them belong to cases against Turkey.



Initiative for Freedom of Expression celebrates 23rd birthday...

'The Initiative for Freedom of Expression', born from the civil disobedience protest in front of the State Security Court (DGM) doors during the trial of Yaşar Kemal, celebrates its 23rd birthday.

Those who came to the hearing room to support Yaşar Kemal, who was on trial due to "making separatist propaganda" with his article, "Expedition of Lies" published on German Der Spiegel magazine on 23 January 1995, started a civil disobedience protest by saying, *"Due to my respect for freedom of expression, I sign under all opinions attempted to be legally suppressed, no matter if I approve of their content or not."*

Together with this protest, 185 intellectuals have themselves put on trial at the State Security Court, trialing the judicial system itself. This civil disobedience protest, started

under the spokespersonship of Şanar Yurdatapan, then spread to a variety of other protests as “The Initiative for Freedom of Expression,” partaking in the “crimes”(?!) of about 300 people, who had to stand trial due to expressing their opinions, no matter the content. One of those 300 people was Recep Tayyip Erdoğan.

As the Initiative celebrates its 23rd birthday, the fight for freedom of expression continues... The Initiative launched the annual report, as on every anniversary, in which legal and social developments on freedom of expression are recorded.

For the ‘Freedom for Thought 2017’ book: <https://goo.gl/Xau3pM>

THIS WEEK ON THE MUSEUM OF CRIMES OF THOUGHT



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State of emergency

According to ECHR's annual report, Turkey has become the third country with the most cases in ECHR with 7 thousand 518 applications submitted last year. On the other hand, International Bar Associations Human Rights Institute (IBAHRI) stated that during the state of emergency in Turkey 1488 lawyers were subjected to maltreatment, 572 lawyers were arrested and 79 were imprisoned.

The land assault to Afrin named "Olive Branch Operation" brought operations, detentions and threats against those who say "No to War!". At least 150 were detained during the operations carried out in 31 cities yet the number is constantly increasing.

Freedom of Expression

Governorship of Ankara banned Barış Atay's one-man play "Only a Dictator". Governorship has also banned activities which "bear social sensibilities"

such as plays, panels, screenings and exhibitions indefinitely. On the other hand, assembly and march bans continue to be announced in different cities following the land assault in Afrin.

Constitutional Court's verdicts on imprisoned writers Şahin Alpay and Mehmet Altan and Turhan Günay were published on Official Gazette on January 19 the lawyers were waiting for the release. Although Alpay and Altan was not released.



TRIALS OF FREEDOM OF EXPRESSION

- In the first hearing of the case filed against Sözcü Newspaper's owners and workers due to "making armed terrorist organization propaganda" and "willfully aiding and abetting an armed terrorist organization without being a part of the hierarchical structure within the organization," the only arrested defendant Gökmen Ulu had been released. The second hearing was held on January 23rd at Istanbul 37th High Criminal Court. The next hearing was scheduled to 30 May 2018.
- In the case regarding the publication of visuals of the stopping of trucks belonging to the Turkish National Intelligence, a claim of imprisonment from 7.5 years up to 15 years was made against defendants Can Dünder and Erdem Gül due to "willfully aiding and abetting a terrorist organization without being a part of the hierarchical structure within the organization." The case was heard on January 24th at the 14th High Criminal Court. The next hearing was scheduled to 16 February 2018.
- A lawsuit was filed against Özgürlükçü Demokrasi Newspaper workers Serkan and Özkan Erdoğan, who were arrested on July 28-29, due to "illegal organization membership" and "making illegal organization propaganda." The first hearing of the two journalists was held on January 25th at Mersin 8th High Criminal Court. Özkan Erdoğan and Serkan Erdoğan were released in the first hearing. The court accepted the claims of Özkan and Serkan Erdoğan, deciding for their release with judicial control. The next hearing was scheduled to 22 May 2018.

Trials Next Week

- In the case of the murder of Hrant Dink, Istanbul 14th High Criminal Court has issued the release of five Istanbul Gendarmerie officer defendants. The next hearing will be held on 29-30 January 2018 and 1-2 February 2018 at 10:30.
- A lawsuit was filed against journalist Ahmet Şık, who is arrested within the Cumhuriyet Case, with the allegation of "denigrating state institutions" due to the content he shared on Twitter. The case will be held on 30 January 2018 at Istanbul 17th Criminal Court of First Instance.
- Cases continue against Academics for Peace. The hearings of five academics from Marmara University, 3 from Yıldız Technical University, 4 from Istanbul Technical University, 1 from Özyeğin University will be held at Istanbul 32nd High Criminal Court on 30 January 2018. The hearings of other academics, who will stand trial on 31 January 2018, will be held at the 33rd High Criminal Court. The hearings will start at 09:00.

- The case against Ahmet Altan, Yasemin Çongar, Yıldırım Oğur, Mehmet Baransu and Tuncay Opçin due to “establishing an illegal organization to commit crimes,” “illegally obtaining and stealing confidential documents concerning the security of state,” “announcing confidential information regarding the political interests and the security of state,” “establishing or managing an armed terrorist organization” will be held on 31 January 2018 at 10:00 at Istanbul 13th High Criminal Court.
- The case against Izmir Gediz University Sociology Department Head Prof. Dr. İřtar Gözaydın Savaşır due to “armed terrorist organization membership” will be held on 31 January 2018 at Istanbul 27th High Criminal Court at 15:30. TGediz University was shut down after July 15th.
- Büyükada Case continues. Human rights advocates on trial include Amnesty International’s Turkey Director İdil Eser, Amnesty’s Turkey Chairman Taner Kılıç, German citizen Peter Staudtner, Swedish citizen Ali Gharavi, Nalan Erkem from Helsinki Citizens’ Association, İlknur Üstün from Women’s Coalition, Özlem Dalkıran from Helsinki Citizens’ Association, Günel Kurşun and Veli Acu from Human Rights Agenda Association. The case will continue on 31 January 2018 at the 35th High Criminal Court at 10:30.