



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 01/18, 5 January 2018)

### What happened last week?

\*\*\* Halkbank's former Deputy Chairman Hakan Atilla was found guilty by the jury in the U.S., in the case he was arrested in remand with Reza Zarrab testifying as witness. His sentence will be issued in April. Ankara announced that the case is an intervention to Turkey's internal affairs and a plot to complicate the internal politics in Turkey.

\*\*\* The debate that started with the latest emergency decrees reached the inside of AKP as well. President Erdoğan reacted to the criticism of former President Abdullah Gül on the arbitrariness in the decree. *"Weird campaigns are starting, even those who were among us have participated in this campaign. Of course we are sad,"* said Erdoğan.

\*\*\* President Erdoğan stated that a new emergency decree will be issued for those who were identified to have been victims of ByLock application and were previously arrested or dismissed from work. *"The next emergency decrees to be issued will handle regulations on security and the fight against terrorism. Other regulations will come on the Parliament agenda,"* said Erdoğan.

\*\*\* As reactions continue against the emergency decrees, the Interior Minister carried the matter to a whole new level by ordering the police to *"break legs."* **(Details below...)**

\*\*\* Arrested Co-Chair of People's Democratic Party (HDP) Selahattin Demirtaş announced that he won't be a candidate again in the upcoming congress. Serial verdicts of conviction were issued against HDP MPs on trial, on the first week of the new year. **(Details below...)**

\*\*\* Those identified by Ankara Chief Public Prosecutor's Office to have been victims of ByLock application, with it being installed on their phones outside of their will, started to be released. Emre İper was released as well. İper was on trial within the Cumhuriyet Newspaper Case.

\*\*\* Ministry of Internal Affairs dismissed Republican People's Party (CHP) member Beşiktaş Mayor Murat Haznedar from duty due to the investigations against him on corruption and FETÖ membership.

\*\*\* Presenting opinion at the application made by journalist Deniz Yücel to the Constitutional Court, the Ministry of Justice asserted that the journalist has made *"armed terrorist organization propaganda"* and that there is doubt concerning an *"incitement of people towards hatred and hostility"* with tangible evidence supporting these. Yücel is arrested for more than 10 months and there is still no indictment prepared against him.

\*\*\* The hunger strike started by academic Nuriye Gülmen and teacher Semih Özakça with the demand to get their jobs back left 300 days behind.

\*\*\* According to the numbers announced by the Free Journalists Initiative, 165 journalists entered the new year in prison. **(Details below...)**

\*\*\* Websites of 35 press organizations were banned to access more than once last year in Turkey. Censorship applications continued in the new year as well. Four more news websites were banned to access. *(Details below...)*



## Interior Minister orders police to 'break legs'

The "lack of criminal liability" in the newly issued emergency decrees, interpreted as *"the end of the state of law"* and initiating many debates, was triggered by another statement of the Interior Minister. Ordering the police to perform a criminal action by "ignoring the law," Minister

Süleyman Soylu said, *"if there is a drug dealer around a school, it is the duty of the police to break the legs of that dealer. They can blame me for that."* With these expressions at the Meeting for General Security and the Fight Against Drugs, Soylu invited the police for violence and torture. *"No matter what the crime is, whatever security officers do, I am liable,"* said Soylu.

These expressions of the Minister, who represents public authority, constitutes a crime in accordance with Article 24 of the Turkish Penal Code: *"An order with a criminal content may not be performed under any circumstances. Otherwise, both the performer and the orderer are responsible."*



## HDP leader Demirtaş sentenced to judicial fine due to 'insulting President'

25th Legal Department of Ankara Regional Court sentenced People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş to 15 thousand TL indemnity due to "insulting the President."

A lawsuit of indemnity was filed against Demirtaş following the complaint of President Recep Tayyip Erdoğan due to the speech he gave in Mersin on 27 February 2016. However, the local court decided that the speech was *"within the limits of freedom of expression."* Erdoğan's lawyers objected to the decision and carried the matter to the Court of Appeals. The court evaluated the expressions as *"shaking the opinions of the society, when considered the society is Muslim."* The court then concluded that the speech *"violated the social value of the President and attacked his personal rights."*



## **HDP MP İdris Baluken sentenced to imprisonment**

People's Democratic Party (HDP) MP İdris Baluken, who is arrested in remand for 14 months, was sentenced to 16 years and eight months of imprisonment. Diyarbakır 8th High Criminal Court issued for

Baluken to be sentenced to 7 years and six months of imprisonment due to "*armed terrorist organization membership*," 4 years and seven months of imprisonment due to "*making terrorist organization propaganda*" for four times, and 4 years and seven months of imprisonment due to "*violating the Law on Meetings and Demonstrations*" for four times. The court further issued that Baluken will remain arrested. Baluken was acquitted of the crime of "*disrupting the unity and the territorial integrity of state*."



## **HDP MP Leyla Birlik sentenced to imprisonment due to 'insulting President'**

Şırnak Criminal Court of First Instance sentenced People's Democratic Party (HDP) Şırnak MP Leyla Birlik to 1 year and nine months of imprisonment due to "*insulting the President*" during a

press statement made in 2015. The court did not defer the sentence, deciding that "*there is no reason for an abatement in the sentence when the past state of the defendant, her social situation and the possible effects of the sentence on the defendant's future are evaluated as a whole...*"



## **Aysel Tuğluk sentenced to imprisonment**

People's Democratic Party (HDP) Co-Chair Aysel Tuğluk was sentenced to 1 year and six months of imprisonment in the case she was on trial at Kandıra Criminal Court of First Instance due to "*violating the Law on Meetings and Demonstrations*."

*Demonstrations."*

Tuğluk was taken into custody in Ankara on 26 December 2016 and was arrested at Kocaeli Type-F Prison due to "*armed terrorist organization membership*." Before her

arrest in the case that concluded with conviction, she was on trial due to her participation in the protests organized in front of Kocaeli Type-F Prison.



### **Another case filed against arrested journalist Ahmet Şık**

Another lawsuit was filed against Cumhuriyet reporter Ahmet Şık, who is arrested for 370 days. The lawsuit concerns his Tweets, which are also included in the Cumhuriyet Case, within which he is arrested in

remand. In the indictment accepted by Istanbul 17th Criminal Court of First Instance, social media posts regarding the killing of former Diyarbakır Bar Association Chairman Tahir Elçi, the investigation against teacher Ayşe Çelik due to saying “don’t let children die” and other posts on the Academics for Peace were shown as crime elements. Şık faces an imprisonment sentence up to two years due to “*denigrating the Turkish Nation, the government of the Republic of Turkey and the institutions of state.*” The first hearing of the case will be held on January 30th.



### **Investigation against Bakunin quote due to ‘denigrating Turkishness’**

An investigation was opened against journalist Murat Güreş due to “denigrating Turkishness” after sharing a quote of Mikhail Alexandrovich Bakunin, a Russian revolutionary anarchist and founder

of collectivist anarchism in the 19th century.

Güreş shared the quote, “*the law is the whore of power,*” with which Bakunin attempted to express that the separation of powers weaken under every political power. With the quote, Güreş announced his support for the Justice March started by Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu. Testifying within the investigation started in accordance with Article 301 of the Turkish Penal Code following the complaint of Kocaeli Security Directorate, the journalist stated that the quote was not invented by himself but was expressed by Bakunin for the first time: “*If there’s someone who needs to be put on trial, that’s Bakunin,*” said Güreş.



## Sentences approved against Yeşilyurt and Armağan due to 'insulting Atatürk'

Sentences of Mustafa Armağan and Süleyman Yeşilyurt within the crime of "public insult against the memory of Atatürk" were approved by the

18th Penal Department of Istanbul Regional Court. Bakırköy 2nd Criminal Court of First Instance has sentenced Armağan to 1 year and three months of imprisonment without deferral due to his article in the May issue of Deep History Magazine, for which he is the Editor-In-Chief. Bakırköy 35th Criminal Court of First Instance has sentenced Yeşilyurt to 1 year and three months of imprisonment due to his expressions at the TV show 'Deep History' hosted by Armağan.



## Free Journalists Initiative: "187 journalists taken into custody in 2017"

Free Journalists Initiative announced the press freedom violations in 2017 with numbers. According to the data of the Initiative, 187 journalists were taken into custody last year; 58 journalists were arrested and 15

arrested journalists were released. There are currently 165 journalists in Turkish prisons. In the indictments prepared against those in prison, news coverage and visuals for news were shown as crime evidence.

New lawsuits were filed against 189 journalists throughout 2017; the proceeding of 373 journalists continued. 81 journalists were sentenced to a total of 183 years, 4 months and 18 days of imprisonment and a total of 333 thousand 120 TL judicial fine within these cases. 35 press-media institutions were shut down within the emergency decree issued; while websites of 37 press-media institutions were banned to access. Five journalists, who worked for foreign press organizations, were deported. Press cards of 100 journalists were rendered invalid.



Özgürlükçü  
**Demokrasi**



## Access ban on four news websites

Ankara 6th Criminal Judicature of Peace brought an access ban on the news websites Mezopotamya Ajans, Demokrat Haber, Özgürlükçü Demokrasi and 1HaberVar. This issue is the first access ban application of the new year, leading to the 45th

censorship of Özgürlükçü Demokrasi Newspaper and the third censorship of Demokrat Haber.

On the other hand, Istanbul 3rd Criminal Judicature of Peace issued an access ban on the news covering the announcement of Republican People's Party (CHP) Istanbul MP Barış Yarkadaş on pressure and censorship on the media every month with a report.

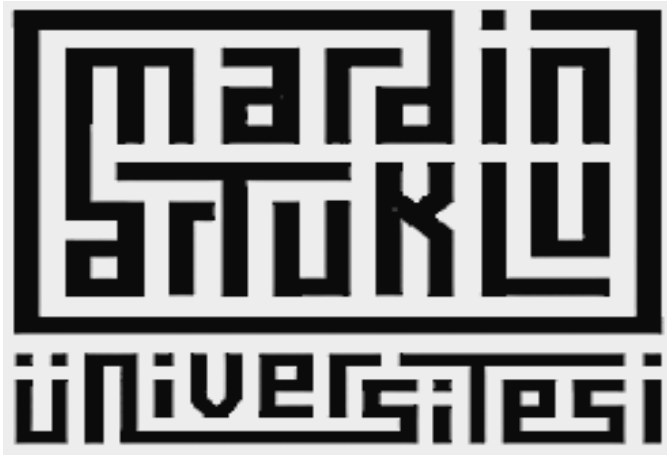


### **Investigation against news of Sözcü Newspaper on Religious Affairs**

An investigation was started against Sözcü Newspaper, covering the expressions on the website of the Directorate of Religious Affairs. The related expressions state, *"Girls enter*

*teenage period at the age 9 and boys at the age 12," "People who are in teenage years may be married."* Government Spokesman Bekir Bozdağ stated that he started the necessary process against the newspaper, asserting that the news were prepared to *"negatively affect the perception on the Religious Affairs and to tire the government."*

The Religious Affairs received heavy criticism following the news. The Directorate then announced that the expressions on the website were misinterpreted and that they are against child marriages. However, this statement did not slow down reactions; then the section on the website depicting these expressions was censored.



### **Rectorate defends discrimination with 'moral values'**

Emre Özyetiş, who works at Mardin Artuklu University's Faculty of Architecture as a research member since 2014, stated that Rector Prof. Ahmet Ağırakça summoned him to his office in the morning of December 26th and told him, *"Do you want to be a girl? Are you not aware that you are*

*in Mardin?"* Özyetiş indicated that he was exposed to insult and threats against his sexual identity.

After making a criminal complaint on the incident and the matter being reflected in the press, the workplace of Özyetiş was moved to Physical Education and Sports College. Indicating that this situation has occurred completely due to his sexual identity, Özyetiş said, *"What I'm experiencing now is a perfect example of the legitimate definition of mobbing."*

Journalist Zeynep Yüncüler reached Rector Ağırakça concerning the news published on "journno.com.tr." *"I don't want a teacher in my school, who is a man and who acts like a woman. This is a moral disgrace. If you make this news, I will sue you as well,"* said the Rector. On the other hand, the Rectorate launched a statement on the matter, asserting that the news *"aim to damage the reputation of the university"* and accusing the research member with *"presenting class content that does not match moral values."* The Rectorate announced that the investigation against Özyetiş continues.

## THIS WEEK ON THE MUSEUM OF CRIMES OF THOUGHT



### Stay tuned

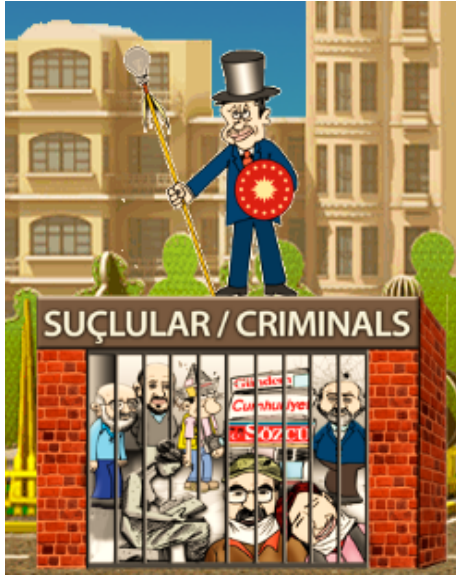
Follow the agenda in the most entertaining way with our regularly updated museum.



### State of emergency

Lawsuits against HDP MPs continue. HDP Co-Chair Selahattin Demirtaş and MP Leyla Birlik were sentenced on the charge of "insulting the President", HDP MP Baluken who has been in remand for the last 14 months was sentenced to 16 years 8 months in prison on the charges of "organization membership", "propaganda" and "violating the law on assembly and marches".

Minister of Interior Soylu instructed the police on what to do about the drug dealers around the schools: "When we see drug dealers around a school, it is the duty of the police to break their legs. They can put the blame on me."



## Freedom of Expression

Free Journalists Initiative published a report on the violations of press freedom, which states that this year in Turkey 187 journalists were taken into custody, 15 were released, 58 were arrested.

HDP Adana MP requested a Parliamentary Research on the pressure and censorship against the press and media. On the other hand, an access ban was brought against four news outlets (Mezopotamya Ajans, Demokrat Haber, Özgürlükçü Demokrasi and 1HaberVar) as well as CHP MP Barış Yarkadaş's monthly report on censorship.

Ayşe Çelik's sentence is postponed to April as she has recently given birth. Çelik was sentenced to a year and 3 months in prison after she asked for attention to violence in the East.



## TRIALS OF FREEDOM OF EXPRESSION

- Proceedings of academics, on trial due to “making terrorist organization propaganda” for signing the Peace Petition, continued on the first week of the new year. Asst. Prof. Dr. Kerem Eksen and retired Prof. Dr. Tücel Candemir from Istanbul Technical University, Meryem Didem Dayı and Dr. Mehmet Rıza Türkay from Marmara University stood trial at the 36th High Criminal Court on January 4th. The court denied all claims except the claim for defendant Candemir to be exempted from the trials due to his age and illnesses. The hearings will continue on 19, 24 and 26 April 2018.
- The lawsuit against journalist Ahmet Altan due to insulting the President was held at Istanbul 26th High Criminal Court of January 4th. The next hearing will be held on 28 February 2018.

### Trials Next Week

- Cases against Academics for Peace continue. The hearings against two academics from Kadir Has University will be held at Istanbul 35th High Criminal Court of 11 January 2018.
- Dicle News Agency (DIHA) reporter Şerife Oruç was taken into custody in Batman while tracking news information. Oruç is arrested at Mardin Type-E Closed prison for more than a year. The next hearing of Oruç will be held at Batman 2nd High Criminal Court on 11 January 2018. DIHA was previously shut down with an emergency decree.
- The hearing of the case against İzmir Gedik University's Sociology Department Head Prof. Dr. İftar Gözaydın Savaşır due to “armed terrorist organization membership” will be held on 12 January 2018 at Istanbul 27th High Criminal Court. The University was shut down after the coup attempt on 15 July 2016.