



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** The first Council of Ministers meeting was held under the chairmanship of President Recep Tayyip Erdoğan; the State of Emergency was announced to be extended once again.

*** A new Statutory Decree was announced within the State of Emergency; a total of 262 people (60 academics) were dismissed from public service, one TV channel and one radio channel were shut down.

*** Nationalist Movement Party (MHP) leader Bahçeli announced that they will support Erdoğan in the upcoming Presidential elections in 2019; stating that Justice and Development Party (AKP) and MHP are currently in a successful collaboration. Erdoğan invited Bahçeli to the Presidency Social Complex. The meeting is supposed to handle the alliance of the two parties.

*** *"The upcoming elections in 2019 will be a race between those who are local and national, and whose ties are somewhere else,"* stated Erdoğan. He continued his heavy remarks on Abdullah Gül: *"No one who was involved within the roof of our party and is now today somewhere else, has the right to say anything about our party,"* stated the President.

*** Erdoğan went to France for official visits and answered a question on the National Intelligence Trucks at the common press meeting organized with President Macron. *"Learn not to talk in FETÖ tongue,"* said Erdoğan. Regarding the question on Osman Kavala, Erdoğan continued his blame that he was *"the organizer of the Gezi Park protests."*

*** The Constitutional Court decided for rights violation in the application of arrested journalists Şahin Alpay and Mehmet Altan. Despite the court decree, the two journalists were not released. **(Details below...)**

*** People's Democratic Party (HDP) Ağrı MP Leyla Zana has lost her seat at the Parliament due to "non attendance." Zana became the sixth HDP member who lost a seat at the legislative power.

*** German Federal Constitutional Court paused the legal proceeding on a Turkish citizen, who was about to be deported, due to *"possibility of torture and exposure to inhumane conditions of arrest."* In the court verdict, it was stated that there is *"serious danger of torture"* in Turkey.

*** Erdoğan was ranked first in the list of leaders attacking press freedom, prepared by the Committee to Protect Journalists, in the categories *"The Most Easily Offended Leader"* and *"The Leader Using the Anti-Terror Law Most Disproportionately."* **(Details below...)**

*** January 10, Working Journalists Day saw obstacles against democracy and freedom of expression in 2018. One of every three journalist is unemployed in Turkey, with 145

journalists in prison. Erdoğan still claims that Turkey is one of the most prominent countries in press freedom. **(Details below...)**

*** Minister of Communication Ahmet Arslan defended the access ban on Wikipedia since April 29 with principles of “moderation” and “proportionality.” Arslan further defended the unannouncement of numbers on access bans by saying that *“an unjustified perception on our country should not be formed on the international level.”*

*** Academics for Peace made an announcement on the second anniversary of the “Peace Petition”: *“We are behind what we said. It is not a crime to demand peace. A demand for peace can not be put on trial.”* 75 academics had their first hearings in the proceedings against the signatories of the petition, which started in December 2017.



Şahin Alpay and Mehmet Altan not released despite Constitutional Court decree

The Constitutional Court (AYM) decided, in the application of arrested journalists Şahin Alpay and Mehmet Altan, that the two journalists’ “right to personal freedom and safety” and “freedoms of expression and press” were violated. The court issued the release of the two journalists, who are arrested in remand due to FETÖ membership.

However, Istanbul 13th and 26th High Criminal Courts did not release Altan and Alpay despite the Constitutional Court decree. Both courts stated that the AYM decree was not published on the Official Gazette and that the reasoned decree did not reach the courts. The High Court then announced that the decree was announced on the official website. Verdicts issued by the Constitutional Court are binding for every institution and individual, since the court is the highest judicial authority according to the Constitution.

On the other hand, the government answered reactions on arrested journalists, coming from the opposition as well as abroad. *“There is judicial independence,”* stated the government; whereas this time themselves reacted to the AYM after their dislike of the “independent judiciary” decree. Deputy Prime Minister and Government Spokesman Bekir Bozdağ claimed that *“AYM has exceeded its boundaries of authority.”* Bozdağ admitted that the Constitutional Court is an important judicial safety in regards to personal rights and freedoms; whereas defended that the high court can not perform an evaluation of situation and evidence, hence cannot evaluate the constitution of crime or evidence.

A similar situation occurred previously in the verdict of release issued for journalists Can Dündar and Erdem Gül, who were arrested in remand in the “National Intelligence Trucks” case. President Erdoğan then announced that he “does not respect” the AYM decree.



Working Journalists' Day: 145 journalists in prison, one of every three journalists unemployed

January 10 is celebrated as the "Working Journalists Day" in Turkey since 1961. Until 1971, it was celebrated with the name "Working

Journalists Holiday." In the March 12 period, journalists lost some of their rights; hence since that year it is celebrated not as a holiday but as a day to express issues.

Turkey entered January 10 this year with obstacles against democracy and freedom of expression. More than 10 thousand journalists are unemployed in Turkey; which turns the "*January 10, Working Journalists' Day*" into the day of unemployed and arrested journalists. Courthouses became the second address for journalists; with broadcast bans, penalty fines, lawsuits, custodies, arrests, censorship and self-censorship ordinary incidents. Journalism is targeted as a terrorist activity and journalists as terrorists.

In a situation like this, President Erdoğan asserted that Turkey is one of the most prominent world countries in regards to press freedom, in his January 10 message. Erdoğan further stated that it is the necessity of democracy that media organizations can reach out, without restriction, to everyone all across Turkey about news from all around the world. *"I have fought for different voices and different cultures to be able to express themselves, and I continue to fight for it. Some people, who abuse our sensitivity on freedom of thought, are trying to disrupt the integrity of our state with the news,"* said Erdoğan.



CPJ launches leaders list against press freedom

Committee to Protect Journalists (CPJ) has launched a list of leaders attacking press freedom. In the list, President Erdoğan was ranked first within the categories "The Most Easily Offended Leader" and "The Leader Using the Anti-Terror Law

Most Disproportionately."

In the explanation, the lawsuits in Turkey were pointed out on "insulting the President" and "TCK 301." CPJ further emphasized that Turkey is currently the world's biggest journalist prison. The organization further stated that journalists in prison are being investigated or penalized within "anti-government crimes" or "terrorist organization propaganda" due to their professional activities.

Besides Erdoğan, the list includes U.S. President Donald Trump, Russian President Vladimir Putin, Chinese President Xi Jinping, Myanmar's de facto leader and chief

government consultant Aung San Syy Kyi, Egyptian President Abdulfettah Al Sisi and Polish President Andrzej Dudayer.



Journalist Ayşenur Arslan sentenced to imprisonment due to ‘insulting President’

Ankara 12th Criminal Court of First Instance sentenced Ayşenur Arslan to 1 year and two months of imprisonment due to the allegation

that she has insulted president Erdoğan. The sentence was abated to 1 months and 20 days and was deferred. Arslan is charged because of criticizing Nokta Magazine being withdrawn from shelves on the “Media Neighborhood” show on Halk TV broadcasted on 14 September 2015. A citizen from Konya then made a denouncement against her and an investigation was started.



Ahmet Altan sentenced to judicial fine due to ‘insulting President’

Journalist-writer Ahmet Altan was sentenced to 7 thousand TL judicial fine due to “insulting the President.” Altan was arrested shortly after the coup attempt and is on trial with a

life imprisonment claim. He was on trial at Istanbul 21st Criminal Court of First Instance due to his interview published on grihat.com.tr on 13 April 2016.



Lawsuit against Cumhuriyet reporter due to ‘violating privacy’

A lawsuit was filed against Cumhuriyet Newspaper reporter Alican Uludağ due to the news he covered regarding judges and prosecutors.

Uludağ wrote on the secret witness statement within FETÖ investigations, which explained four judges and prosecutors participating in ‘FETÖ’ meetings. The indictment against the journalist, charged with “violating the privacy of investigation,” was accepted by Ankara 37th Criminal Court of First Instance.



Same defense from Ministry: “They are not arrested due to journalism”

of Cumhuriyet Newspaper. The Ministry collected nine different applications in one file, whereas made a separate statement of opinion on Ahmet Şık. In both opinions, the defense that “the journalists are not arrested due to journalism,” as stated many times before.

Ministry of Justice presented their opinion on the individual applications at the Constitutional Court for the writers and executives

The Ministry claimed that there was a “call for the July 15th coup attempt” in the related publications and they “encouraged people for force and violence;” asserting that news published after the coup attempt were also for terrorist organization benefit. Claiming a “subliminal message” in the writing of Kadri Gürsel, the Ministry described the title of Aydın Engin’s article a crime as well. The Ministry asserted that the encouragement of this title to force and violence was understood better after July 15. Twitter posts, news and interviews were listed as reasons for the arrest of journalist Ahmet Şık. *“Such writings and posts may not be explained by freedom of expression or press,”* stated the Ministry.

The Ministry indicated that the applicants have surely been involved in activities on behalf of “FETÖ/PDY” and “PKK/KCK,” recording that this situation must not be considered an intervention to freedom of expression. It was further claimed that the arrests *“aimed at legitimate purposes like the protection of national security and public safety, as well as to provide public order and prevent crimes.”*



Lawsuit against journalist tracking news information due to ‘illegal organization propaganda’

A lawsuit was filed against devhaber.net website founder and writer Ali Vefa Yurdal, who was in front of the Forensic Medicine Institute in Antep for news

information, due to “making illegal organization propaganda.”

In the proceeding at Antep 8th High Criminal Court, Yurdal is charged with going in front of the Forensic Medicine Institute for the funerals of people allegedly members of illegal organizations as well as making ‘illegal organization propaganda’ by chanting Kurdish slogans. The only evidence in the case file is a photo of him with his camera on his neck. In the defense he made at the court, Yurdal said, *“Journalism is not a crime, and I will continue to track news information.”* He further expressed that it is impossible for him to make illegal organization propaganda by chanting Kurdish slogans since he *“does not*

know Kurdish.” The Prosecutor’s Office stated that the visual evidence does not confirm the charge against Yurdal on chanting slogans and claimed his acquittal. The court decided to investigate for more evidence with the Security Organization, postponing the hearing.



News on ‘Erdoğan’s censorship requests’ censored

Istanbul 9th Criminal Judicature of Peace decided for the news on President Recep Tayyip Erdoğan requesting Twitter to censor comics of Brazilian artist Carlos Latuff to be banned to access.

Judge İsmail Taş brought access bans on 15 different URLs, deciding for a violation of personal rights. Taş claimed that the news *“included expressions and descriptions that would create a false and negative perception on Erdoğan to denigrate his profession, honour and reputation.”*



Theater play not granted stage in Artvin due to “inappropriate content”

The one-man theater play of Barış Atay, entitled, “Only Dictator” was not permitted to be staged in Artvin. The Governorate in Artvin demanded the application for permission to be made at Artvin Special Provincial Administration, who is responsible of the cultural

center the play will be staged at. The application at the Special Provincial Administration concluded that the content of the play was “inappropriate,” therefore a stage will not be assigned.



Right to conscientious objection at Constitutional Court

Conscientious objector Buran Özgüner applied to the Constitutional Court (AYM) with the claim that the legal regulations on the obligatory military service application violates Articles 17, 19, 24, 38 and 40 of the Constitution as well as Articles 3, 5, 9

The application petition stated: *“The applicant is an activist who is an anti-militarist and a person against war. He is refusing to see the use of lethal force legitimate under no circumstances, due to his conscientious preferences. He is refusing to oblige to any service including arms, being a part of war or a preparation for war, and to be trained to kill and die. Hence, there is an inevitable contradiction between the compulsory military service and the conscientious preferences of the applicant.”*

International human rights organization Front Line Defenders launched their “Human Rights Advocates Under Risk 2017” report. In the 24-page report prepared by the Dublin-based organization,

The report specially handled the situation of 11 rights advocates, who were arrested and released after a training seminar organized in Büyükada and who have ongoing lawsuits against them; pointing out the extensive use of the Laws of State of Emergency and the restrictions on the freedoms of expression, media, meeting and organization. The report emphasized that rights advocacy in these areas are targeted due to these applications; that more than 300 NGOs were shut down and hundreds of rights advocates and lawyers were jailed in Turkey. Turkey is also indicated to be the country with the most number of journalists in prison. For the full report: <https://goo.gl/qTEbzE>

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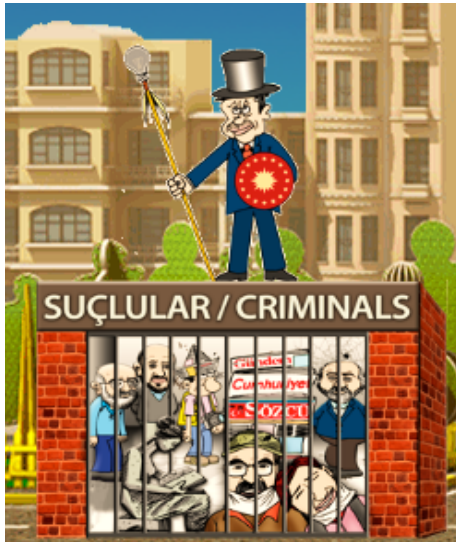
State of Emergency and Politics

Following the first Council of Ministers meeting of the new year, it was announced that the State of Emergency will be extended once again. Another emergency decree was enacted immediately after. 1823 public workers, dismissed with emergency decrees and then identified to have been ByLock victims, were reassigned their jobs.

Nationalist Movement Party (MHP) leader Bahçeli announced that they will support Erdoğan in the upcoming Presidency elections in 2019; a commission was established for alliance negotiations between the two parties.

People's Democratic Party (HDP) Ağrı MP Leyla Zana lost her seat at the Parliament due to "unattendance."

The hunger strike of academic Nuriye Gülmen and teacher Semih Özakça with the claim to get their jobs back has left the 310th day behind. The educators did not receive any reply regarding their applications at the State of Emergency Applications Monitoring Commission in September 2017.



Freedom of Expression

Constitutional Court decided for rights violation in the application of journalists Şahin Alpay and Mehmet Altan. The two journalists were not released, despite the court decree. The government reacted to the court verdict.

People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş stood trial for the first time since his arrest on 4 November 2016. Demirtaş could not participate in any hearing for 14 months.

145 journalists entered January 10, Working Journalists' Day in prison. One in every three journalist in Turkey is unemployed. According to Erdoğan, Turkey is still one of the most prominent countries in the world, in regards to press freedom.

Academics made a statement on the second anniversary of the Peace Petition: "Demanding peace is not a crime. The demand for peace cannot be put on trial."



TRIALS OF FREEDOM OF EXPRESSION

- Lawsuits continue against Academics for Peace. The first hearings of the cases against Peace Petition signatories Dr. Ceren Lord and Dr. Çiğdem Bozdağ Bucak from Kadir Has University were held. Claims of immediate acquittal and file combining were denied. The court scheduled the next hearing to 26 June 2018, 09:40.
- Dicle News Agency (DIHA) reporter Şerife Oruç was taken into custody in Batman while tracking news information. The latest hearing of Otuç, who is arrested for more than a year at Mardin Type-E Closed Prison, was held at Batman 2nd High Criminal Court on 1 January 2018. The court decided for Oruç to remain arrested, binding to the reasons of the Prosecutor's Office. The next hearing was scheduled to 7 March 2018.
- A lawsuit was filed against devhaber.net website founder and writer Ali Vefa Yurdal due to "illegal organization propaganda" after going in front of the Forensic Medicine Institute for news information during the funerals of those killed in clash regions in Antep last year. The hearing of Yurdal was held at Antep 2nd High Criminal Court on 11 January 2018. We could not learn the results of the hearing.
- The lawsuit against İzmir Gediz University Sociology Department Head Prof. Dr. İstar Gözaydın Savaşır due to "armed terrorist organization membership" was held at Istanbul 27th High Criminal Court on 12 January 2018. The next hearing was scheduled to 17 January 2018, at 16:00. The university was shut down after July 15th.

Trials Next Week

- The next hearing of the case against 24 people, including Camera Street Collective founder, director, photographer, documentary maker and video activist Kazım Kızıl, will be held on January 15th at İzmir 33rd Criminal Court of First Instance. The defendants were protesting the referendum results on April 16th in İzmir.
- The verdict of reversal issued by the 2nd Penal Department of Istanbul Regional Court against the 25-year imprisonment sentence against Republican People's Party (CHP) MP Enis Berberoğlu was returned by the local court due to "violating the procedure and law." The next hearing will be held on January 16th.
- The case against Evrensel Newspaper writer Yusuf Karataş, who was held arrested for two months within the Democratic Society Congress (DTK) investigation and was released on September 22nd, will continue at Diyarbakır 9th High Criminal Court on January 17th.
- Cases continue against Academics for Peace. The hearings of four academics from Istanbul Technical University, two from Yıldız Technical University, three from Marmara University and one from Özyeğin University will be held on January 18th at Istanbul 35th High Criminal Court.
- A lawsuit was filed against Ertuğrul Mavioğlu and Çayan Demirel, two directors of the documentary "Bakur," screened in Batman during the Resolution Process, as well as the administrative authority of Batman Municipality Yılmaz Güney Movie Theater Dicle Anter for screening the movie due to "illegal organization

propaganda.” The next hearing will be held on January 18th at Batman 2nd High Criminal Court.

- The next hearing of the lawsuit filed against İzmir Gediz University Sociology Department Head Prof. Dr. İřtar Gözaydın Savaşır due to “armed terrorist organization membership” will be held at İstanbul 27th High Criminal Court on January 17th at 16:00. The university was shut down after the coup attempt on July 15th.