



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 05/18, 2 February 2018)

What happened last week?

*** President Recep Tayyip Erdoğan announced intellectuals reacting against the Afrin operation and making peace calls “traitors.”

*** People’s Democratic Party (HDP) Urfa MP Osman Baydemir became the fourth HDP MP with an investigation against him due to his statements regarding the Afrin operation.

*** An investigation was started against Turkish Medical Union (TTB) executives publishing a statement with the title, “*War is a Public Disease.*” 11 doctors were taken into custody.

*** At least 36 were arrested in operations against social media posts on the “Afrin Operation.’ Number of custodies, which already exceeded 300, increase every day.

*** An operation was organized against Furkan Foundation, known with their Islamic identity against the ideology of the political power. 25 were taken into custody.

*** Government Spokesman Bekir Bozdağ stated that 110,778 people were dismissed from public service within the State of Emergency and 3,604 of those were reassigned their jobs. Announcing an application of 105,151 people to the State of Emergency Commission, Bozdağ stated, “*The Commission decided on 1,562 people; 41 of those were ‘accepted’ and the others were ‘denied.’*”

*** A verdict of release was issued for Amnesty International Turkey Chairman Taner Kılıç, who was arrested pending trial in the “Büyükdada Case.” However, Kılıç was arrested once again following an objection of the Prosecutor’s Office, before he could even leave prison.

*** Announcing the 2017 report, Council of Europe Human Rights Commissioner Muiznieks evaluated Turkey as a place where “*the human rights crisis continues.*” Muiznieks expressed that pressure on critical voices and rights advocates increased and journalists are on trial due to their journalism activities. <https://goo.gl/BaKrCX>

*** In the “Supremacy of Law Report” of the World Justice Project, Turkey was ranked 101st among 113 countries. Countries in the report were evaluated within eight categories. The worst category for the placement of Turkey was “restrictions on government authorities.” Turkey could find a place only on the 111th rank among 113, following a rank of 107th in the “basic rights” category. On the other hand, Turkey regressed the most in the “security and order” category, when compared to the evaluation of the last year. <https://goo.gl/PBoZmy>



Erdoğan announces intellectuals against military operation 'traitors'

President Recep Tayyip Erdoğan announced more than 170 names "traitors," including former ministers, MPs, writers, intellectuals, directors,

actors, screenwriters, journalists and NGO representatives. *"They say, they do not want war. They did not feel any shame in signing under such a thing. What lack of conscience! Does being a professor, an artist, a doctor give you an extra value? They say they don't want war, but rather want peace. Peace can not be provided with blood. If you are as peaceloving as you claim, why did you remain silent while separatist terrorist organizations killed our martyr police? Know that their blood will be venged for. You are so-called artists,"* said Erdoğan.



Turkish Medical Union raided after headline "War is Public Disease," doctors taken into custody

An investigation was opened against Turkish Medical Union (TTB) executives, who were targeted by President Erdoğan as "terrorist

praisers" due to making a call for 'peace' against the operation in Afrin and against whom a criminal complaint was made by the Ministry of Internal Affairs.

In the investigation started by Ankara Chief Public Prosecutor's Office, doctors made a statement with the headline, *"War is a Public Disease."* The defendants were charged with denigrating the Turkish nation and the Republic of Turkey; 11 TTB central executives were taken into custody with house raids, including TTB Chairman Prof. Dr. Raşit Tükel. There is an order of confidentiality on the investigation file.

On the other hand, Istanbul University dismissed TTB Chairman Prof. Dr. Raşit Tükel, who is currently in custody, and TTB executive Prof. Dr. Taner Gören from their duties for three months. When the bulletin was being prepared, the doctors were being transferred to the courthouse to testify at the Prosecutor's Office.



Arrests against posts on Afrin Operation

Every day, new people are added to those taken into custody and arrested due to their social media posts on the Afrin operation. According to the information we compiled from the press, at least 36 people were arrested within 13 days

due to their social media posts. The Ministry of Internal Affairs announced that 311 people were taken into custody between the dates 22 and 29 December 2017 due to their social media posts, charged with “illegal organization propaganda.”



Investigation against HDP MP Osman Baydemir

Ankara Chief Public Prosecutor's Office started an investigation against People's Democratic Party (HDP) Şanlıurfa MP Osman Baydemir due to his press statement on the Afrin operation, which was also

broadcasted on Twitter.

“An investigation was started against Baydemir due to his statements describing the Turkish Armed Forces as an occupant force, calling NATO to interfere in Turkey's politics and calling people to go on the streets; with the charges ‘inciting people towards hatred and hostility’ (Article 216 of Turkish Penal Code), ‘denigrating the Turkish Nation, the Government of the Republic of Turkey, the government institutions of state’ (Article 301 of Turkish Penal Code) and ‘inciting people towards fighting against the government’ (Article 304 of Turkish Penal Code),” stated the Chief Prosecutor's Office.



Amnesty International Turkey Chairman Taner Kılıç arrested once again

The third hearing of 11 rights advocates, on trial due to a meeting on the security of rights defenders organized in Büyükdada, was held at Istanbul 35th High Criminal Court. The court issued the arrest of the only arrested defendant of the case,

Amnesty International Turkey Chairman Atty. Taner Kılıç. However, Kılıç was arrested again before even 24 hours after his release.

The file of Kılıç was added to the indictment against 10 rights advocates, who were taken into custody and arrested during the raid against their meeting, in October 2017

as a “suspect.” His file was combined with the ‘Büyükada Case’ on 25 October 2017. The Prosecutor objected against the release verdict issued for Kılıç; hence he was taken into custody before he could even leave prison. Kılıç stood trial once again and it was decided for him to remain arrested pending trial.



Operation against Furkan Foundation

An operation was organized against Furkan Education and Service Foundation, known with its Islamic identity in opposition to the ideology of the political power, within the investigation conducted by Adana Chief Public Prosecutor’s Office.

The headquarters of the foundation and the houses of its executives were raided within the operation due to “conduct of activities to disrupt public order and establishing a criminal organization.” 25 were taken into custody during the raids, including the foundation’s Founder Chairman Alparslan Kuytul. Kuytul had an oppositional attitude against the political power and described the Justice and Development Party (AKP) as “*Development with Tyranny Party*.” He was recently posting on the social media, criticizing the Afrin Operation.

Adana Governorate banned press statements, protests and demonstrations across the province to prevent protests against the operation. The Governorate further announced that the foundation was temporarily banned from activity and was shut down with the approval of the Ministr of Internal Affairs.

On the other hand, an indictment was prepared against Alparslan Kuytul within the investigations previously conducted against him due to “public incitement towards hatred and hostility” and “insulting the President.” The indictments were accepted by Adana 2nd and 22nd Criminal Courts of First Instance, with claims of imprisonment against Kuytul for 7 years in total.



Professor İřtar Gözaydın acquitted

Prof. İřtar Gözaydın, who was on trial at Istanbul 27th High Criminal Court due to “membership to an armed terrorist organization” after being taken into custody and arrested within the coup attempt investigation, was acquitted.

Gözaydın was arrested on 20 December 2016 within the file. She stayed in prison for 94 days and was later released. The academic faced an imprisonment sentence up to 10 years due to her lecturing at Gediz University, which was shut down with an emergency decree, as well as making TV shows on Can Erzinan and Samanyolu channels, which were also shut down with emergency decrees.



Press freedom in January

The oppression against journalists increasingly continue within the State of Emergency period. The pressure became yet more visible with the operation 'Olive Branch', of Turkey against Afrin.

According to the data compiled by Karınca Newspaper, 20 journalists were taken into custody in the first

month of 2018 and 7 of them were arrested. Two of those arrested are Halkın Nabızı Newspaper's Editor-In-Chief and Artı Gerçek writer Ishak Karataş, as well as Özgürlükçü Demokrasi Newspaper worker Barış Ceyhan. Karataş and Ceyhan were both arrested this week, charged with "illegal organization propaganda" due to their social media posts on the Afrin operation. Lawsuits were filed against at least four more journalists in January; eight journalists were sentenced to a total of 10 years, 8 months and 20 days of imprisonment. Websites of JinNews and Özgürlükçü Demokrasi Newspaper were brought access bans. JinNews was censored six times within the past ten days. Two arrested journalists were released.



Two indictments against Ahmet Şık based on one denouncement

The hearing of the case against journalist Ahmet Şık, who is currently arrested pending trial within the Cumhuriyet Case, was held at Istanbul 17th Criminal Court of First Instance due to his social media

posts.

The lawsuit was filed following the denouncement made by Anadolu Agency reporter Kerem Kocalar at Prime Ministry Communication Center (BIMER). It was recently revealed that Istanbul Public Prosecutor Asım Ekren prepared a second indictment following the filing of the case due to tweets of Şık concerning the denouncement, and this second indictment was combined with the case file. The second indictment prepared by the same Prosecutor based on the same denouncement on the same tweets, an increase in Şık's penalty was claimed within the Article 43 of the Turkish Penal Code, regulating "successive offences." The next hearing was scheduled for 22 May 2018.



Prosecutor's Office 'orders' Council of Higher Education: "Do what's necessary concerning academics"

The proceedings against the signatories of the Peace Petition by the 'Academics for Peace' continued this week; with 13 academics

standing trial. Thus, the first hearings of 102 scientists were held within the petition. Claims of acquittal and merging of individual files were denied once again; hearings were postponed.

On the other hand, Istanbul Chief Public Prosecutor's Office sent the indictment against academics to the Council of Higher Education (YÖK) with the inscription, "*for the evaluation of administrative investigations to be conducted by the Council.*" In the letter prepared by Prosecutor Ismet Bozkurt from Istanbul Terror and Organized Crimes Bureau, PKK was asserted to have announced self-governance, the organization executives made a call for 'intellectuals and democratic circles to protect the self-governance' and that the academics prepared the Peace Petition following this call. Bozkurt accused the scientists of "*making propaganda by encouraging to take part in methods of the terrorist organization, which include violence or threat; and making such methods seem legitimate.*"



'Only Dictator' play banned in Kocaeli as well

One-man theater play of Barış Atay, titled, 'Only Dictator' was banned in Kocaeli as well, after the ban of staging in many provinces, especially in Istanbul and Ankara. Izmit District Governor Ersin Emiroğlu indicated that all events were bound to

permission of the local administration within the province during the 'Olive Branch Operation' period based on the Law of State of Emergency. Emiroğlu prevented the staging of the play due to "its potential to cause social indignation."

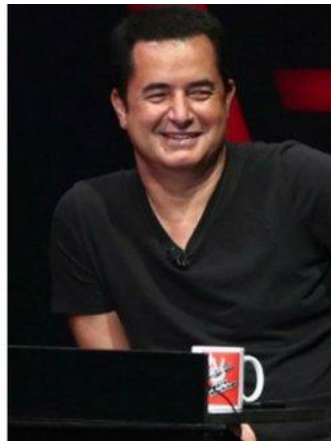
On the other hand, the screenplay of 'Only Dictator' was read in many provinces and on theater stages outside of Turkey, following the call made by Kadıköy Theaters Platform. Altkat Arts Director Nevzat Süs commented on the incidents, saying, "*This is a symbolic activity against censorship, oppression and bans.*"



Theater play censored in Batman

The theater play, "India Bank" created by Adana State Theater (DT) was censored in Batman. Batman Provincial Culture and Tourism Directorate officials asserted that two scenes in the play were "explicit" and demanded the scenes to be removed

for the performance in Batman. However, the artists of the play indicated that "the officials do not have such an authority and this authority lies solely on the General Director of State Theaters," objecting against the removal of the scenes. The play was then cancelled from staging. State Theaters Actors Association announced that the Provincial Directorate for Culture prevented the audience from attending the staging by announcing the "cancellation" of the play.



Freedom of Expression verdict from Court of Appeals: *"Measure is public interest"*

4th Legal Department of the Court of Appeals reversed the 5000 TL indemnity sentence due to writer Perihan Mağden insulting Acun Ilıcalı in the interview she gave to journalist Hakan Gence. Istanbul

16th Civil Court of First Instance previously sentenced (December 2014) Mağden and Gence to pay 5000 TL indemnity each due to the interview published on Hürriyet Daily with the headline, "Acun, brand of insolence."

The verdict of reversal stated that *"the interview is within the boundaries of criticism and the complainant has the responsibility to tolerate criticism as a socially well-known personality."* The verdict further indicated that press freedom is guaranteed by the Constitution and in case it conflicts with personal values, one of them must be held above the other and the basic measure of this is public interest; hence the case must be completely revoked.



Constitutional Court: *"Sharing opinions on social media is freedom of expression"*

The Constitutional Court (AYM) decided that sharing opinions on the social media is within freedom of expression.

The court reversed the local court verdict, which sentenced one citizen due to criticizing Manisa Animal Rights Association executives due to allegations of corruption regarding the collected donations via one comment under a post on Facebook, stating that it was “an intervention against freedom of expression.” The applicant, who was sentenced to a judicial fine by Manisa 3rd Criminal Court of Peace, will be paid 4000 TL indemnity due to violation of freedom of expression.



Criminal Court: “Demonstration is a legal right”

10 people who protested the International Monetary Fund (IMF) in 2009 and faced lawsuits in 2011 were acquitted in a precedent verdict after eight years. Istanbul 35th

Criminal Court of First Instance indicated that demonstration is a legal right.

The indictment claimed that Harbiye Congress Valley, where the demonstrations were held, was banned for demonstrations and the individuals who participated to the press statements did not disperse despite all warnings, later resisting the police during the intervention of security forces “within their authority.” However, the court decided for the acquittal of the protesters due to the lack of evidence that the protesters committed the claimed crime and that the offence being committed by the defendants is indefinite. The reasoned decision stated, *“the use of the right to meeting and demonstration is a method of expression of thought as long as it is made with peaceful purposes, lacks arms and attacks, does not constitute another crime within and remains within the limitations to be protected by the law.”*

THIS WEEK ON THE MUSEUM OF CRİMES OF THOUGHT



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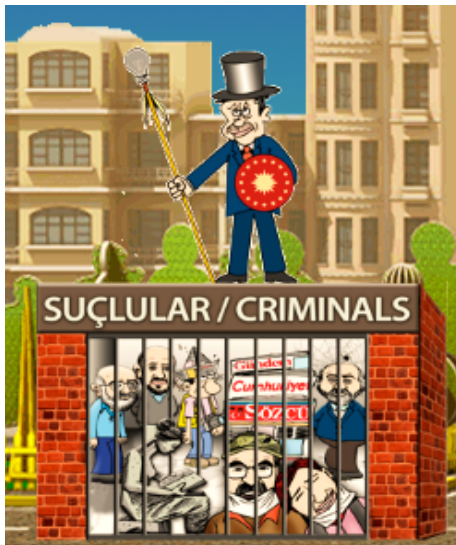
State of Emergency

The land assault to Afrin named "Olive Branch Operation" brought operations, detentions and threats against those who say "No to War!". At least 300 were detained during the operations carried out in 31 cities. Journalist İshak Karakuş was arrested, 11 Turkish Medical Association (TTB) Central Council members have been detained due to TTB's statement entitled "War is a matter of public health" concerning military operation to Afrin launched by the Turkish Armed Forces.

A newspaper in Cyprus, Afrika, was attacked because of their headline about the Afrin operations, 'Peace

Operation to Cyprus, Olive Branch Operation to Syria... Another Occupation from Turkey'.

All of the protests and activities suchlike meetings, press briefings, hunger strike, sit-in protests, concerts etc. was banned in Ankara by the governorship during the Afrin operations.



Freedom of Expression

İştar Gözaydın have been arrested due to 'membership to an armed terrorist organization', Gözaydın was acquitted on her third hearing on January 31, 2018.

Taner Kılıç, Chair of Amnesty Turkey, was ruled to be released on the Büyükada case on January 31, 2018 but Kılıç was rearrested due to the objection of the prosecutor.



TRIALS OF FREEDOM OF EXPRESSION

- Istanbul 14th High Criminal Court previously issued the release of five Istanbul Gendarmerie officers in the Hrant Dink Case. The next hearing was held on 29-30 January and 1-2 February. We could not reach the results of the hearing yet.
- A lawsuit was filed against journalist Ahmet Şık, who is arrested pending reial in Cumhuriyet Case, due to "denigrating government institutions" with the content he shared on Twitter. The case was held on January 30th at Istanbul 17th Criminal Court of First Instance. Şık could not attend the hearing due to health issues, the next hearing was scheduled to May 22nd.

- Cases continue against Academics for Peace. On January 30th, 5 academics from Marmara University, 3 from Yıldız Technical University, 4 from Istanbul Technical University, 1 from Özyeğin University were held at Istanbul 32nd High Criminal Court. The case of the academics, who previously stood trial on January 31st was held at the 33rd High Criminal Court. The next hearings were scheduled to 21-23 February, 5-6 April, 19-22 June and 17 July 2018.
- Taraf Newspaper Case continued on January 31st at 10:00 at Istanbul 13th High Criminal court with Ahmet Altan, Yasemin Çongar, Yıldırım Oğur, Mehmet Baransu and Tuncay Opçin as defendants. Baransu's claim for recusation was denied. The court scheduled the next hearings to 2-3-4 May 2018.
- The proceeding of the Büyükkada Case was held on January 31st at 10:30 at the 35th High Criminal Court. The court issued the release of the only defendant Taner Kılıç with a travel ban, scheduling the next hearing for 21 June 2018. However, at 21:30 on the same day, a prosecutor was found out to have objected against the release of Kılıç from İzmir Şakran Prison. The objection of the Prosecutor was sent to the higher court, Istanbul 36th High Criminal Court. The court accepted the Prosecutor's objection, hence Kılıç remained arrested.
- The case filed against Izmir 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 January 31st at 15:30. The court decided for Gözaydın's acquittal.

Trials Next Week

- A lawsuit was filed against Ertuğrul Mavioglu and Çayan Demirel at Batman 2nd High Criminal Court due to directing the documentary 'Bakur/North' with the charge of "illegal organization propaganda." Batman High Criminal Court summoned the directors to testify due to their residence being in Istanbul. Ertuğrul Mavioglu will testify at the 37th High Criminal Court on 5 February 2018. Çayan Demirel went to Çağlayan Courthouse to testify on 28 December 2017. Demirel's lawyers asked the scheduling to be made for February 8th, due to the court board of the 23rd High Criminal Court being on vacation.
- The next hearing of the Media Structuring of FETÖ Case will be held on February 6th, Tuesday at the 25th High Criminal Court with 29 defendants, including Murat Aksoy and Atilla Taş.
- Lawsuits continue against Academics for Peace. Hearings of academics from Istanbul Technical University, Yıldız Technical University and Marmara University will be held on February 6th at 34th High Criminal court. The hearings will start at 09:30. Academics from Istanbul University and Galatasaray University will stand trial on February 8th, Thursday at the 33rd High Criminal Court at 10:30.
- The next hearing of the case against those who performed a civil disobedience protest to support the Academics for Peace will be held at Aydın Söke 2nd High Criminal court on February 8th, Thursday.