



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 13/18, 30 March 2018)

What happened last week?

*** No resolution or consensus was reached in the EU-Turkey leaders summit organized in Varna, Bulgaria to negotiate reviving the relations after the long pause for more than a year. No consensus was reached on the democracy and human rights conflict in Turkey, tensions with Greece and the Greek Cypriot State, and Syria. President Erdoğan said, *"a step must be taken as soon as possible for visa exemption."* Both parties announced that the dialogue will continue.

*** President Erdoğan said, *"We turned the metal exhaustion into a resistance with the Afrin Operation."* Republican People's Party (CHP) reacted against Afrin Operation being used as a tool for domestic politics just for votes. The President became his party's chairman once again following the referendum last year, and one of his first statements was: *"There is metal exhaustion in the Party. We will renew organizations."*

*** Erdoğan signaled the next target as Tell Rifaat following the Olive Branch Operation. *"We will take Tall Rifaat under control in a short time and will reach the operation to its purpose,"* said Erdoğan.

*** Manbij was the main topic of the National Security Council (MGK) meeting. It was indicated that Turkey "will not refrain from using initiatives" in Manbij, Sinjar and Qandil.

*** President Erdoğan targeted Boğaziçi University students against war. *"We will not give those communist, traitor and terrorist youngsters the right to study at a university,"* said Erdoğan. Then dormitories and residents of students were raided. **(Details below...)**

*** In the report of English PEN, entitled, *"Freedom of expression in jeopardy,"* Turkey was indicated to be using a "silencing policy" against intellectuals with oppositional views. **(Details below...)**

*** Özgürlükçü Demokrasi Newspaper, which was established following the shutdown of Özgür Gündem, was raided. A trustee was assigned to the newspaper. **(Details below...)**

*** Human Rights Watch (HRW) accused Turkey with pressurizing social media users who peacefully criticize government politics. *"The recent social media operations are the deepest the Turkish government ever sank into,"* stated HRW. **(Details below...)**

*** Ministry of Interior Affairs announced an investigation started against 259 people between the dates 19 and 26 March due to their social media posts.

*** Kaos GL and Pink Life launched the *"Sexual Orientation and Sexual Identity-Based Human Rights Monitoring Report"* encompassing the years from 2013 to 2017. The report includes hate crimes, violations of the right to life, hate speech incidents, judicial processes and court verdicts in Turkey within the last five years. For the full report: <https://goo.gl/ypPbtX>



PEN report: “Turkey: Freedom of expression in jeopardy”

Prof. Dr. Yaman Akdeniz and Asst. Prof. Dr. Kerem Altıparmak prepared a report for English PEN, entitled, “Turkey: Freedom of Expression in Jeopardy - Violations of the Rights of

Authors, Publishers and Academics Under the State of Emergency.”

The report emphasized a “silencing policy” applied against oppositional intellectuals during the State of Emergency period. *“Turkey is going through a period in which anyone thought to be in the opposition, including but not limited to academics, members of parliament, artists, journalists and writers, can be investigated, arrested and prosecuted for disseminating terrorist propaganda or for being a member of a terrorist organisation,”* stated the report.

140 press-media organizations, 30 publishing houses were indicated to be shut down and 520 journalists put into trial during the State of Emergency. Three of the 80 writers, who were on trial, face “terrorism” charges due to the books they wrote; others due to their social media posts and the articles they wrote. 19 writers are still arrested; 26 were sentenced and 8 were acquitted.

According to the data presented in the report, a total of 94,396 lawsuits were filed, 26,921 verdicts of conviction were issued and 4,622 verdicts were deferred between 2010 and 2017 due to “terrorist organization propaganda.” More than 115 thousand lawsuits were filed, 37,356 convictions were issued and 624 verdicts were deferred in the same period, again due to “illegal organization membership.”

A significant increase was observed in criminal investigations related to the offense of insulting the President in accordance with Article 299 of the Turkish Penal Code. 6,272 of the 6,860 lawsuits filed between 2010 and 2016 were filed following Recep Tayyip Erdoğan’s election as President of Republic. 1315 verdicts of conviction were issued; with 1162 of them issued during Erdoğan’s Presidency. All of 38,254 criminal investigations opened within the year 2016 are all related to President Erdoğan.

For the full report; https://www.englishpen.org/wp-content/uploads/2018/03/Turkey_Freedom_of_Expression_in_Jeopardy_ENG.pdf



Erdoğan: “We will not give communist terrorist youngsters right to education”

President Erdoğan targeted Boğaziçi University students protesting the

Turkish delight distribution for the Afrin Operation with the words, “Massacre does not have a delight.” *“We will not give those communist, traitor and terrorist youngsters the right to study at a university,”* said Erdoğan.

As Erdoğan promised to do what’s necessary, dormitories and student residences were raided; students who protested the raids inside the university campus were taken into custody as well. Some students were released; whereas the police pressure at the university continued for an entire week. 11 of the students are still kept at Istanbul Security Directorate; their custody periods were extended for another week.

Human Rights Association (IHD) made a statement, saying, *“All oppositional views are described as ‘treason’ and ‘terrorism’; offenses which have no place in the law are created; principle of legitimacy in offense and penalty is being neglected... Custody operations against students make one think that tensions at universities are intentionally being elevated.”*

A group of students distributed Turkish delight at the university campus on March 19th, Monday after 46 soldiers lost their lives in Afrin. Anti-war students protested this action by opening a banner, on which it wrote, *“Massacre does not have a delight.”* The two groups had a quarrel and the group distributing the delights claimed that the other group attacked their booth. Justice and Development Party (AKP) Youth Organization organized a march escorted by the police on March 20th and they announced the students protesting against war to be “terrorists.” Especially following Erdoğan’s statements on the matter, the university is practically under police blockade.



Trustee assigned to Özgürlükçü Demokrasi Newspaper

Özgürlükçü Demokrasi headquarters in Beyoğlu, Istanbul and the publishing house of the newspaper were raided by the police in the middle of the night. 24 people were taken into custody, including the

owner of the newspaper and the owner of the publishing house. The residence of the newspaper’s Editor-In-Chief Yılmaz Yıldız was raided as well.

Writer Hüseyin Aykol stated that they found out that the newspaper was handed to The Savings Deposit Insurance Fund (TMSF) and a trustee was assigned. It was further revealed that two separate investigations are being conducted against the newspaper due to “press charges” and “terrorism charges,” with confidentiality orders against the investigation files. The ones in custody are indicated to be charged with “illegal organization membership” and “illegal organization propaganda.” The newspaper building is kept under police blockade without an official notice on a trustee assignment. Özgürlükçü Demokrasi started its work on 23 August 2016 after the shutdown of Özgür Gündem on 16 August 2016. The newspaper faced various oppression since the beginning, with its website banned to access for 79 times.



Özgür Gündem Cases

Lawsuits filed against former Co-Editors-In-Chief of Özgür Gündem Newspaper Eren Keskin and Hüseyin Aykol, Managing Editor Reyhan Çapan, writer Ayşe Batumlu and reporter Ersin Çaksu were concluded. Özgür Gündem Newspaper was shut down with an

emergency decree.

Istanbul 2nd High Criminal Court sentenced Keskin and Çapan to two years and three months of imprisonment due to “denigrating Turkishness, the Republic, as well as the institutions and bodies of state.” The two names were on trial due to the news and articles published on 21 November 2015 with the headline, “*Keeping silent is massacre, resisting is victory*,” on 22 November 2015 with the headline, “*Call from Nisebin and Geve: Serhildana Everywhere Against Genocide Attacks*” and on 25 November 2015 with the headline, “*Êdi bes e.*”

Keskin and Çapan were sentenced to five years and three months of imprisonment due to ‘insulting the President’ at Istanbul 2nd Criminal Court of First Instance. On trial at the same case, Çaksu was sentenced to 11 months and 20 days, Aykol was sentenced to 1 year, 3 months and 12 days of imprisonment. Sentences against Çaksu and Aykol were deferred.

The lawsuit filed against one of the articles written by lawyer Ayşe Batumlu, also one of the writers of Özgür Gündem newspaper. Sentencing Batumlu to five months of imprisonment, Istanbul 2nd Criminal Court of First Instance deferred the verdict.

Keskin reacted against the court decree on the social media by writing, “I was sentenced to a total of 7.5 years of imprisonment due to Editing-In-Chief at Özgür Gündem. I revolt against the decision.” There are 143 lawsuits against Keskin and she was sentenced to a total of 355,920 TL judicial fine so far, with 105,920 TL approved. There is also a total of 250 thousand TL judicial fine and five years of imprisonment sentence awaiting approval at the Court of Appeals.



HRW: “Social media operations used as penalty method”

Human Rights Watch (HRW) made a statement to draw attentions to the detainments and proceedings against many who criticized the Afrin Operation on the social media.

Ministry of Interior Affairs previously announced on February 26th that 845 people were taken into custody due to their social media posts and protests since January 20th, the start date of the Afrin Operation. The

Ministry further announced that new investigations continue to be opened since the end of February. Furthermore, investigations were started against seven People's Democratic Party (HDP) MPs.

HRW interpreted the matter as, *"This wave of oppression violates people's right to express their opinions in peaceful ways."* The organization's Europe and Middle Asia Director Hugh Williamson indicated that detaining those who tweet to call for peace and starting proceedings against them is the deepest the Turkish government has ever sank into. *"Turkey must respect people's rights to peacefully criticize all government policies, including military operations,"* said Williamson.

HRW further examined the files of one journalist, one politician, one documentary-maker, one LGBT activist and one human rights organization member who faced investigations due to their tweets concerning Afrin; concluding that social media operations are being used as a method of penalty.



Social media investigations against 259 within one week

Ministry of Interior Affairs announced that 783 social media accounts were examined between the dates 19 and 26 March 2018 and investigations were started against 259 due to related posts made by these accounts. According to the ministry announcement, the social media users face charges of "illegal organization propaganda," "insulting government authorities," "inciting people towards resentment, hatred and hostility" as well as "intent of attacking the indivisible integrity of state." It was further announced that 1351 people were taken into custody due to terror-related charges during domestic security operations conducted within the same period.

Six of the 11 people taken into custody in Kocaeli within the related operations and then transferred to courthouses with 'janissary anthem' were arrested due to "illegal organization membership" and "illegal organization propaganda." One social media user in Muğla, who is also a university student, was arrested due to "illegal organization propaganda" and "insulting government authorities."



Imprisonment sentence against HDP MP Baydemir approved

9th Penal Department of Gaziantep Regional Court approved the imprisonment sentence against People's Democratic Party (HDP) Şanlıurfa MP Osman Baydemir due to insulting the police. Diyarbakır 4th Criminal Court of First Instance had

previously sentenced Baydemir to 1 year, five months and 15 days of imprisonment due to “insulting a public officer due to his duty” after he reacted to the police officers who prevented him from visiting the Governorate building after the Peace and Democracy Party (BDP) rally to be organized in 2012 was cancelled and banned (Baydemir was also the Diyarbakır Mayor at the time). Following the objection made against the verdict, the Appeal Court reversed the verdict and Baydemir was put into retrial, whereas the same sentence was issued; making the decree definitive.



Former minister Abdüllatif Şener charged with ‘insulting President’

An indictment was prepared against former minister Abdüllatif Şener, who is also among the first establishers of the Justice and Development Party (AKP), with the

allegation that he has insulted President Erdoğan with his Twitter posts. The indictment was prepared by Ankara Chief Public Prosecutor’s Office Press Charges Investigation Bureau within the investigation started following Erdoğan’s complaint; which states that Şener “heavily denigrated, attacked and defamed President Erdoğan’s honour, dignity and reputation by intending to attack his personal rights” with the posts he made on various dates on Twitter and claims an imprisonment sentence against him for up to four years and six months.



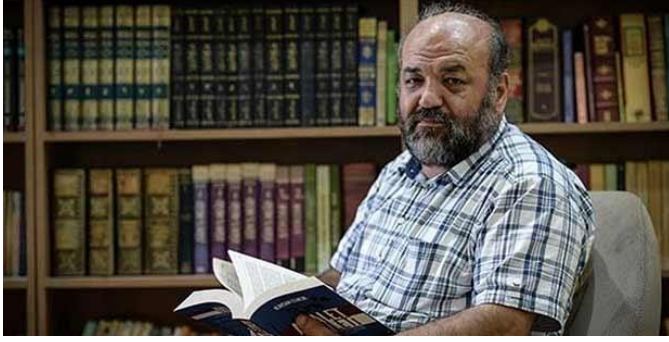
Imprisonment claim against artist Ferhat Tunç

An imprisonment claim was made against artist Ferhat Tunç, who was on trial due to his social media posts, for up to nine years and four months.

In the hearing at Istanbul 36th High Criminal Court, the Prosecutor’s Office claimed Tunç to be sentenced due to “successive terrorist

organization propaganda” with the social media posts he made on Twitter and Instagram during the years 2015 and 2016. The next hearing was scheduled to 3 May 2018, starting at 11:00.

There are two more lawsuits against Tunç due to his social media posts. The first hearing of the case filed due to “inciting people towards resentment and hostility” will be held on April 18th at Büyükçekmece 4th Criminal Court of First Instance. The other case against him due to “insulting the President” will start on July 11th at Büyükçekmece 14th Criminal Court of First Instance.



Imprisonment claim against author İhsan Eliaçık due to ‘illegal organization propaganda’

The Prosecutor’s Office claimed an imprisonment sentence against theologist-author İhsan Eliaçık for up to seven years and six months due to his articles published on a website. During the trial at Istanbul 26th High Criminal Court, the Prosecutor’s Office charged Eliaçık with “making terrorist organization propaganda.” The hearing was postponed.



Investigation against arrested lawyers completed

The investigation against 20 People’s Legal Bureau member lawyers, who were arrested due to ‘illegal organization membership’, was concluded. The indictment prepared asserted the People’s Legal Bureau to be “*a sub-structuring of DHKP/C.*” Three lawyers face imprisonment sentences up to 22 years and six months each due to “illegal organization management” and 17 lawyers face imprisonment sentences up to 15 years due to “illegal organization membership.”



“Obscenity” ban against 85-year-old theater play

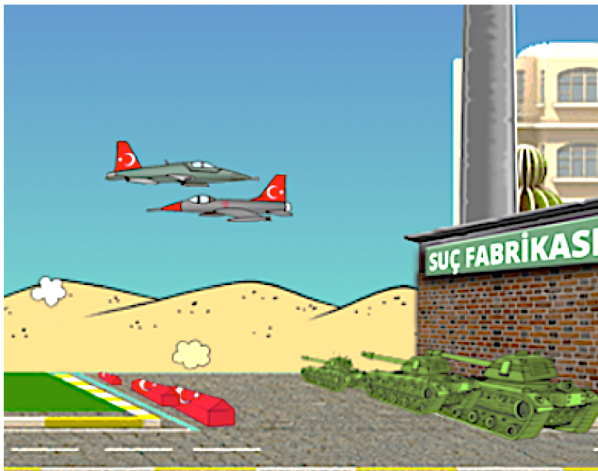
The theater play, “*Luxurious Life*,” planned to be staged by 19 May Anatolian High School Theater Club students in Samsun after eight months of preparation, was banned by the Ministry of National Education. The musical play was written in 1933 and is being staged ever since; whereas Samsun İlkadım District Directorate of National Education banned the play due to “obscenity and explicit content.” The students were told that they can perform the play with the condition that they remove the related words in the original screenplay.

This Week On The Museum Of Crimes Of Thought



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Afrin

Veyis Ateş's interviews with Afrin residents were broadcast at Afrin Special program on Habertürk TV. Speaking to Habertürk TV channel at Afrin Special broadcast dated March 27, Afrin residents have talked about the destruction and atrocity done by the Free Syrian Army, the translator has translated as "YPG (People's Protection Units) looted".



Freedom of Expression

Prisons are overloaded. Cases and sentences against journalists, artists, academics follow each other. You see some of them waiting at the queue, the arrested in the cage -no one knows for how long-, and at the bottom, the long-term prisoners.



TRIALS OF FREEDOM OF EXPRESSION

- The latest hearing of the case against artist Ferhat Tunç due to ‘terrorist organization propaganda’ was held on March 27th at Istanbul 36th High Criminal Court. An imprisonment sentence was claimed against the artist due to ‘making illegal organization propaganda’ through his social media posts. The next hearing was scheduled to 3 May 2018, starting at 11:00.
- Latest hearings of the cases against the Academics for Peace were held on March 27th and 29th at Istanbul 14th, 24th and 37th High Criminal Courts. The hearings were postponed to June 12th and 19th.

Trials Next Week

- The next hearing of the case against Hasan Cemal, charged due to his article series called “Withdrawal Diaries”, will be held on April 3rd at Istanbul 24th High Criminal Court.
- The next hearing of the case against three disobedient civilians, who took part in the crime of Erol Önderoğlu, will be held on April 3rd at the 13th High Criminal Court, starting at 11:10. Önderoğlu was on trial due to his Substitute Editing-In-Chief for Özgür Gündem Newspaper.
- Cases against the Academics for Peace will continue throughout next week at Çağlayan Courthouse. The academics will stand trial at Istanbul 14th, 24th, 32nd, 36th and 37th High Criminal Courts. The hearings will start at 09:00.
- The next hearing of the case against 31 defendants, 22 of them arrested including former Zaman writers Şahin Alpay, Ali Bulaç, Ahmet Turan Alkan and Mümtazer Türköne within the investigations started against the Gülen Community following the coup attempt on July 15th, will be held on April 5th at Istanbul 13th High Criminal Court’s hearing room across Silivri Penitentiary Institute Campus.