



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 17/18, 27 April 2018)

What happened last week?

*** “State of Emergency” and “coup” were debated in the special session at the Parliament due to April 23, National Sovereignty and Children’s Day. Main opposition leader Kemal Kılıçdaroğlu stated that Parliamentary authorities are transferred to the President with the State of Emergency coup. President Erdoğan defined the debate as a “disgrace” and left the Parliament. Erdoğan also threatened Republican People’s Party (CHP) MP Özgür Özel due to the speech he gave on the floor.

*** Erdoğan spoke on the post-election period after June 24. *“It will be a period with more democracy, more peace, richness, wider freedoms and stronger state of law,”* said Erdoğan.

*** 15 MPs from the Republican People’s Party (CHP) joined the Good Party. Thus, possible obstacles against the Good Party to form a group in the Parliament and to join the elections were removed. *“There is currently a very weird scenario,”* said Erdoğan. The opposition is in search of a common candidate for the elections with no results yet.

*** Council of Europe’s Parliamentary Assembly called Ankara to postpone the June 24 elections and “end the State of Emergency application” due to the current elections’ *“inconsistency with European criteria.”*

*** Erdoğan bragged with the current State of Emergency to the business world, comparing it with the past State of Emergencies. *“At that time, factories were constantly on strike, we intervene at once,”* said Erdoğan.

*** On the 56th anniversary of the establishment of the Constitutional Court, Chief Judge Zühtü Arslan criticized the lack of application of the verdict of right violation issued for Mehmet Altan and Şahin Alpay. Arslan repeated the warning that Constitutional Court decisions are binding.

*** Central Bank increased the interests. The statement pointed out an “inflation risk” and the “increase in import prices”, indicating the decision was based on “a proportionate monetary tightening.” Despite the decision, the Turkish Lira continues to lose value in exchange with US Dollars.

*** The Cumhuriyet case was concluded with the newspapers executives, writers and workers as defendants. 15 defendants were sentenced to a total of 81 years and 45 days of imprisonment. **(Details below...)**

*** Teacher Ayşe was imprisoned after saying, *“Children are dying, don’t be silent.”* **(Details below...)**

*** One more Peace Academic was sentenced to one year and three months of imprisonment. **(Details below...)**

*** Turkish Journalists Association announced the number of arrested journalists and media workers as 149 by April 19. Turkey regressed two steps in the ‘World Press

Freedom Index' by the Reporters Without Borders (RSF) and ranked 157th among 180 countries. **(Details below...)**

*** Amnesty International launched a report on violations against rights advocates, entitled, "Battling the Storm: Defending Human Rights in the Climate of Fear in Turkey." **(Details below...)**

*** In the annual human rights report of the US Foreign Ministry, Turkey was criticized on human rights and the State of Emergency was indicated to have restricted basic freedoms. <https://goo.gl/gdmfjy>



Teacher Ayşe imprisoned with her baby after saying "Do not let children die"

Teacher Ayşe Çelik was imprisoned with her six-month-old baby after saying, "Do not let children die" on a TV show on Channel D in 2015 to point to the curfews and operations in Kurdish provinces.

The Constitutional Court is not taking any steps despite all calls; as Çelik and her baby are imprisoned at Diyarbakır Type-E Prison. Lawyers of Çelik applied at Diyarbakır Penitentiary Judicature for the conviction to be applied with conditional release. The petition campaign continues to call the Constitutional Court to take action. The campaign was started hours before Çelik was imprisoned and reached 15 thousand signatures in the first three days; the new target is 100 thousand signatures. To participate; <https://goo.gl/AvZDw4>



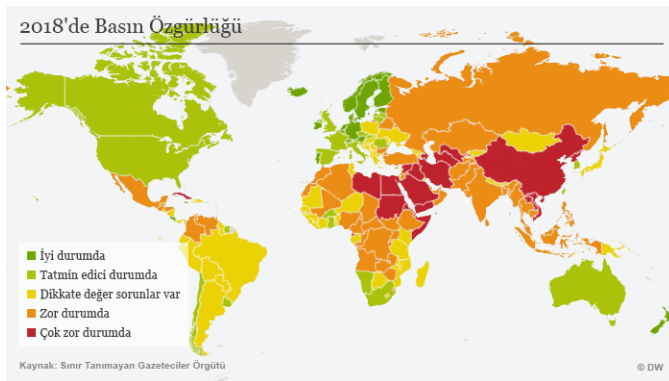
Decision in 'Cumhuriyet Case': 81-year, 45-day imprisonment

The decision was announced in the Cumhuriyet Case with a total of 20 defendants, two of them arrested, including the newspaper's executives, writers and workers. Istanbul 27th Assize Court sentenced 15 defendants to a total of 81 years

and 45 days of imprisonment due to 'aiding a terrorist organization'; three defendants were acquitted. The files of Can Dündar and İlhan Tanır were separated from the case.

Cumhuriyet Foundation Chief Executive Officer Akın Atalay, who was arrested within the case, was sentenced to 7 years, 3 months and 15 days; journalist Orhan Erınç to 6 years and three months, the newspaper's Editor-In-Chief Murat Sabuncu to 7 years and six months, the newspaper's editorial consultant Kadri Gürsel to 2 years and six months, readers representative Güray Öz to 3 years and nine months, caricaturist Musa Kart to 3

years and nine months, journalist Aydın Engin to 7 years and six months, journalist Hikmet Çetinkaya to 6 years and three months, journalist Ahmet Şık to 7 years and six months, lawyer Mustafa Kemal Güngör, writer Hakan Kara, the foundation's executive Önder Çelik to 3 years and nine months each, the newspaper's accountant Emre İper to 3 years, 1 month and 15 days, lawyer Bülent Utku to 4 years and six months, Ahmet Kemal Aydoğdu was sentenced to 10 years of imprisonment. Turhan Günay, Bülent Yener and Günseli Özaltay were acquitted. Akın Altay was released with the decision, while Twitter user Ahmet Kemal Aydoğdu remains arrested. The court further decided for judicial control for all convicted defendants.



Turkey ranked 157th in press freedom index by RSF

In the annual World Press Freedom Index launched by Reporters Without Borders (RSF), Turkey regressed two steps and was ranked 157th among 180 countries.

Describing Turkey as *“the world’s largest prison for journalists”*, RSF indicated many journalists started to stand trial consequently after remaining arrested in prison for more than a year after the coup attempt. The organization further stated that press freedom in Turkey regressed to a level that was not seen for more than 30 years. The report further stated, *“the supremacy of law is only a fading memory now,”* referring to the state of law in Turkey. According to the latest data announced by the Turkish Journalists Association, 149 journalists and media workers are imprisoned in Turkey. For the full World Press Freedom Index: <https://rsf.org/en/ranking>



Amnesty International launches rights advocacy report: “Heavy prices paid”

Amnesty International launched a report on violations against rights advocates, entitled, *“Battling the Storm: Defending Human Rights in the*

Climate of Fear in Turkey.”

The report was prepared with the subcategories: “arbitrary detainments and arrests,” “shutdown of NGOs” and “targeting of rights advocates.” It expressed that those who continue to raise their voices for human rights in the conditions of the ongoing State of Emergency are paying a heavy price for their actions.

According to the report, arbitrary anti-terror laws are used to criminalize opposing opinions. Besides being exposed to threats, slander and exhaustion, human rights advocates are publicly accused of being ‘terrorists’, ‘coup defenders’, ‘traitors’, ‘foreign spies’, ‘enemy supporters’, ‘spies’ and ‘enemies of the government’ or of being against

national or moral values. Such statements by the authorities encourage violence against human rights, causing rights advocates to face a serious risk of attack. For the full report: <https://goo.gl/zPqyCr>



One more “Peace Petition” signatory academic convicted

One more academic was convicted of ‘making terrorist organization propaganda’ due to signing the petition, “We will not partake in this crime” launched by the Academics

for Peace Initiative. Istanbul 36th High Criminal Court sentenced Assoc. Prof. Merve Didem Dayı Tirek from Marmara University Fine Arts Faculty to one year and three months of imprisonment. The announcement of the verdict was deferred.

200 academics have stood trial so far within the lawsuits filed against them; 13 cases were concluded with definitive verdicts. In all concluded cases, the academics were sentenced to one year and three months of imprisonment each. All verdicts were deferred, except the sentence against Galatasaray University faculty member Prof. Dr. Zübeyde Füsün Üstel.



Lawsuit filed against journalist Fuat Yaşar due to social media posts

A lawsuit was filed against 1HaberVar Platform reporter Fuat Yaşar due to ‘making illegal organization propaganda’ with his social media posts. The indictment, accepted by Diyarbakır 9th Assize Court, involves Yaşar’s social media posts on the funeral of Taybet İnan

being left waiting on the street for days after his killing during the curfew, as well as a photograph of him posing in front of a riot control vehicle.



Imprisonment sentence against journalist Ismail Küçükaya

Journalist Ismail Küçükaya and lawyer Fidel Okan were sentenced to 16 months and 20 days of imprisonment each in the lawsuit against them filed with the charge of ‘denigrating the institutions of the

government of the Republic of Turkey' and 'publicly insulting a public officer'. The two names were on trial at Bakırköy 18th Criminal Court of First Instance with their allegation that the spouse of Family and Social Politics Minister Fatma Betül Sayan Kaya was a user of "ByLock" application. The court has deferred the sentences against the two names.



208 social media investigations in one week

Ministry of the Interior announced investigations were started against 208 people between the dates April 16-23 due to their social media posts. According to the ministry announcement, the social media users were charged with 'illegal

organization propaganda', 'inciting people towards resentment, hatred and hostility' and 'intending against the indivisible integrity of state.'



Book by Nihat Behram banned 25 years later

Writer Nihat Behram announced that his book, entitled, "Deadly May: Life and death during the Turkish resistance", explaining the life of İbrahim Kaypakkaya, was banned. Behram wrote on Twitter to announce the news: "The book I've written 40 years ago, which stood

trial for 15 years and was acquitted and is free for 25 years, was banned once again."

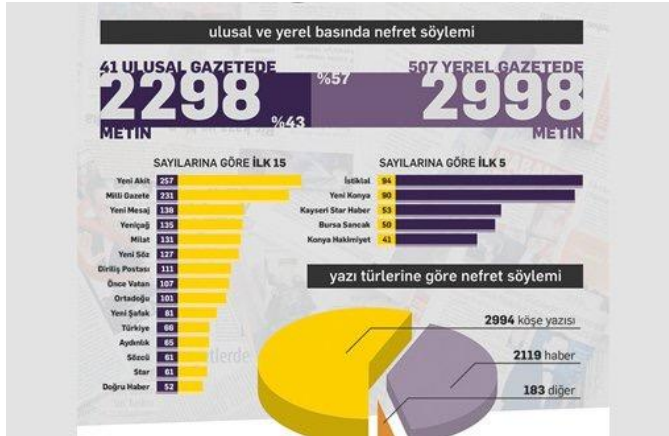


Governorate bans word 'genocide'

The commemoration to be organized by Human Rights Association (İHD) at Sultanahmet, Istanbul for those who lost their lives in the Armenian Genocide on 24 April 1915, was cancelled. The reason for cancellation was announced as the demand of Istanbul Governorate to remove the

word "genocide" from the text of the speech to be made at the event. The association organized a press meeting on the matter, emphasizing that it is not a crime to commemorate a genocide, but it is to not face it. "It is a symptom of the government's intolerance against anti-racism and anti-genocide that the police intervened the event even before it started, seized banners and photos and detained three friends of ours

including our branch secretary Leman Yurtsever and prevented the commemoration,” stated the association.



6782 hate speech content in media within one year

Hrant Dink Foundation launched the “*Hate Speech and Discriminative Speech in the Media*” report, prepared within the Hate Speech in the Media Project. According to the report, 2,994 columns and 2,119 news were identified in 2017 to be targeting national, ethnic and religious groups.

6,782 hate speech content were identified in these texts, targeted against 79 different groups.

‘Yeni Akit’ and ‘Milli Gazete’ stood out, as in previous reports, with 257 and 231 hate speech content respectively within the national media. Within local publications, ‘İstiklal’ in Ankara and ‘Yeni Konya’ in Konya involved the most number of hate speech with 94 and 90 texts respectively. In the distribution of hate speech against certain groups, Jewish people were the target of the most number of hate speech content, with 1251 texts targeting them; followed by Syrians with 1,148 texts and Armenians with 855 texts. For the full report: <https://goo.gl/UqttGQ>



European Court of Human Rights verdicts

“Lawsuits against books violate freedom of expression”

The application made by former owner of Aram Publishing, Fatih Taş, at the European Court of Human Rights (ECtHR) was concluded. The application was made due to the lawsuits against books published by Aram. In the ECtHR verdict, Turkey was sentenced to 8000 Euros of indemnity due to violating ‘freedom of expression’, ‘the right to effective application’ and ‘the right to fair trial’. Taş had been sentenced to five months of imprisonment due to ‘making illegal organization propaganda’ by publishing the book, “*Kırbaşı Raid - The Birthnight of PKK*” and to 20 months of imprisonment due to publishing the books, “*33 Days in the Flood*” and “*Language of Life in the Mountains.*”

“Celebrating May 1 is the right of workers”

European Court of Human Rights (ECtHR) convicted Turkey within the application of the Confederation of Public Workers’ Unions (KESK) member Sadrettin Güler, who has been convicted due to participating in the May 1 celebrations. A disciplinary investigation has been started against Güler due to participating in the 2008 celebrations and a warning penalty was given. The objection made at the penalty was also denied. The ECtHR

decided that the penalty against Güler violated the rights to ‘freedom of meeting and organization’ and ‘effective application’. The supreme court did not sentence an indemnity due to lack of claim.

This Week On The Museum Of Crimes Of Thought



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Erdoğan:

Erdoğan stated by referring to the post-election period *“it will be a period of more democracy, prosperity, wealth, greater freedom, stronger rule of law.”*



OHAL

Parliamentary Assembly of the Council of Europe called for postponing the June 24th elections and *“ending State of Emergency implementation”*



TRIALS OF FREEDOM OF EXPRESSION

- The summary judgment of the Cumhuriyet case was held at Silivri Courthouse on April 24-25 with Cumhuriyet newspaper's executives and writers on trial with allegations of FETÖ/PDY, DHKP-C and PKK membership as well as 'making illegal organization propaganda.' The court sentenced AKın Atalay to 7 years and three months, Murat Sabuncu to 7 years and six months, Ahmet Şık to 7 years and six months, Kadri Gürsel to 2 years and six months, Hikmet Çetinkaya to 6 years and three months, Aydın Engin to 7 years and six months and Musa Kart to 3 years and nine months of imprisonment.
- The proceeding against Hayatın Sesi TV owners Mustafa Kara and İsmail Gökhan Bayram, as well as against the channel director Gökhan Çetin continued at Istanbul 13th Assize Court on April 24 with claims of imprisonment for 13 years each with the allegation of 'consecutive illegal organization propaganda.' The next hearing was scheduled to 19 September 2018 following the lawyers' request on additional time.
- Lawsuits against the Academics for Peace continued at the 33rd, 36th and 37th Assize Courts on April 24 and 26. The second hearings against ten academics from Galatasaray, Istanbul, Istanbul Technical and Marmara Universities were held. In the second hearing of Assoc. Prof. Merve Didem Dayı Tirek from Marmara University Faculty of Fine Arts, the court sentenced the academics to one year and three months of imprisonment and deferred the sentence. The prosecutor presented his opinion on the basis that claims penalty against the academics in nine hearings. The claims of lawyers to extend the investigation were denied. The next hearings were scheduled to June 21-22 and October 23, starting at 09:00.
- Dicle Media News Agency (dihaber) reporters Erdoğan Alayumat and Nuri Akman stood trial on April 25 at Hatay 2nd Assize Court. The court decided for Alayumat to remain arrested, scheduling the next hearing to May 23.
- The proceeding against journalist Ahmet Altan continued on April 26 at Istanbul 21st Criminal Court of First Instance with the charge of 'insulting the President' with his column published in 2012, entitled, "Government complicity and morality." Altan was acquitted.
- The third hearing of the case against journalists including Meşale Tolu, who was arrested due to 'making terrorist organization propaganda' and 'membership to terrorist organization' and was later released, was held on April 26 at Istanbul 29th Assize Court. The court denied the claim to remove the travel ban for Tolu and her husband Suat Çorlu; whereas removed the judicial control measure against Tolu. The case will continue on October 16 with 25 defendants, including Tolu and her husband.
- The 'KCK Press Case' continued on April 27 at Istanbul 3rd Assize Court with 46 journalists on trial. The lawsuit was filed in December 2011 against Kurdish press organizations such as Dicle News Agency, Özgür Gündem, Azadiya Welat, Demokratik Modernite and Fırat Distribution. The next hearing was scheduled to September 7.

Trials Next Week

- An indictment was prepared against Mezopotamya Agency (MA) reporter Seda Taşkın with the charges of 'making illegal organization propaganda' and 'illegal organization membership.' Taşkın was taken into custody in Muş due to 'serious denouncement' and was released with judicial control, whereas was detained

later on January 22 following the objection of the Prosecutor's Officeç The first hearing of the case will be held on April 30 at Muş 2nd Assize Court.

- The proceedings of former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş and HDP MP Sırrı Süreyya Önder will continue on April 30 at Istanbul 26th Assize Court with the allegation of 'making illegal organization propaganda' with the speeches they gave during the Newroz celebrations in Zeytinburnu, Istanbul on 17 March 2013.
- Taraf Newspaper Case continues. The proceedings of Ahmet Altan, Yasemin Çongar, Yıldırım Oğur, Mehmet Baransu and Tuncay Opçin will continue at Istanbul 13th Assize Court on May 2*3*4. The hearings will start at 09:30.
- Cases against the Academics for Peace continue. One academic from Kadir Has University and one academic from Bahçeşehir University will stand trial on May 3 at Istanbul 37th Assize Court. The hearings will start at 09:00.
- The proceeding of Ferhat Tunç will continue on May 3 at Istanbul 36th Assize Court due to making terrorist organization propaganda. The hearing will start at 11:00.