



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 18/18, 4 May 2018)

### What happened last week?

\*\*\* Opposition parties Republican People's Party (CHP), Good Party, Felicity Party and Democrat Party decided to join the elections in an alliance after their search for a common candidate failed. People's Democratic Party (HDP) did not take place in the alliance.

\*\*\* Alleged by the opposition to be a Presidential candidate on June 24 elections and thus becoming the target of Justice and Development Party (AKP) executives, 11th President of Republic Abdullah Gül announced that he will not be a candidate. "There is much need for peace, trust and compromise inside; whereas unfortunately there is more polarity, separation, fear and worry," stated Gül.

\*\*\* Supreme Electoral Council announced election bans to be applied on June 24 elections. The council brought extensive bans concerning the candidates; whereas activities of President Erdoğan, who himself will join the elections as well, was kept outside the scope of the bans.

\*\*\* The 'gift pack' law draft announced by the government before the June 24 elections, predicting 1000 TL bonus for retired people and amnesty for many construction permissions, taxes and students, has arrived at the Parliament. The government announced the official reason for the draft as 'political risks.'

\*\*\* Prime Minister Binali Yıldırım and Deputy Prime Minister Mehmet Şimşek spoke about the early elections, defending that the elections will be held to eliminate uncertainties in the market.

\*\*\* Global credit rating company Standard & Poor's lowered Turkey's credit grade for the second time in two months. The Turkish Lira's exchange rate with US Dollar and Euro then continued to fall. The Lira lost a value of 1.5 percent in one day.

\*\*\* The inflation rate exceeded the predictions in April with 10,85 percent.

\*\*\* Teacher Ayşe Çelik was imprisoned together with her six-month-old baby, because of saying "Do not let children die." Çelik then sent her baby to her grandmother due to the prison conditions. Baby Deran had to separate from her mother and can only see her once a day for 30-45 minutes with Prosecutor permission. IFEX called for participation in the petition campaign started for Çelik.

\*\*\* Independent Communication Network (BIA) launched the first quarter Media Monitoring Report of 2018. According to the report, 48 journalists were convicted due to 'coup attempt', 'illegal organization propaganda', 'illegal organization membership', 'denigrating government institutions' and 'insulting the President' with sentences of three life imprisonment and a total of 210 years, 5 months and 22 days.

\*\*\* Taksim was under police blockade once again on the 2st of May this year. Entrance to the area was banned for the entire day. Professional unions organized the celebrations in Maltepe.

\*\*\* Scholars at Risk 2018 Courage to Think Award was granted to the Academics for Peace due to their extraordinary efforts in establishing solidarity at universities and encouraging freedom to question as well as principles of peaceful opinion exchange.

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## 'Teacher Ayşe' to see her baby for 45 minutes a day only

Teacher Ayşe Çelik had been sentenced to 1 year and three months of imprisonment due to 'illegal organization propaganda' by saying, "Do not let children die," referring to the curfews in Kurdish

provinces on a TV show she participated to via phone call. Çelik was jailed on April 29 together with her six-month-old baby Deran, then sent her baby back to her family on April 27 due to the conditions in prison. Baby Deran can only see her mother once a day for 30-45 minutes with Prosecutor permission.

On the other hand, the application of measure made for Çelik at the Constitutional Court was denied. Çelik's lawyer Mahsuni Karaman announced the news on Twitter: "The Constitutional Court has denied out claim for measure on the stay of execution of teacher Ayşe within her individual application, due to lack of conditions for measure."

The petition campaign started for teacher Ayşe continues. More than 120 freedom of expression advocates launched a call for the campaign within the roof organization IFEX (International Freedom of Expression Exchange). 23 thousand people have signed the petition so far since its beginning a few days before teacher Ayşe was imprisoned. The target is 100 thousand signatures. Please click to sign the petition: <https://goo.gl/AvZDw4>



## First BIA Media Monitoring Report of 2018 launched

Independent Communication Network (BIA) launched the 'January-March 2018 Media Monitoring Report'. According to the report, 121 journalists entered April

in prison. 301 journalists, columnists, editorial executives and cartoonists were put on trial within the three-month period; 48 of them were convicted due to 'coup attempt', 'illegal organization propaganda', 'illegal organization membership', 'denigrating government institutions' and 'insulting the President' with sentences of 3 life imprisonments and a total of 210 ears, 5 months and 22 days of imprisonment.

Eight journalists were sentenced to a total of 16 years, 7 months and 22 days of imprisonment (with 3 years, 2 months and 22 days of imprisonment deferred) as well as 21 thousand TL judicial fine only in the cases filed due to 'insulting the President' in accordance with Article 299 of the Turkish Penal Code. Four journalists were acquitted and 10 journalists are still on trial with claims of imprisonment for a total of 46 years, 6 months and 6 days. New lawsuits were filed against three journalists due to insulting Erdoğan in the first quarter of 2018; investigations against journalist Ahmet Şık, Evrensel Editor-In-Chief Fatih Polat and Cumhuriyet newspaper reporter Alican Uludağ still haven't turned into lawsuits. In this case, 28 journalists have become the victim, defendant or suspect of Erdoğan within the first quarter of the year.

Nine websites, 73 news, 5 newspapers, 3 newspaper articles, one TV series, one letter and one report were censored in the same period. On the other hand 35 online news articles were censored after interpreting the official response given by Parliamentary Spokesman Ismail Kahraman on child abuse as 'protecting child abuse'. For the full report: <https://goo.gl/dHwQAC>



## 148 journalists in prison on press freedom day

We have left behind May 3, World Press Freedom Day. Announced by the United Nations (UN), the day draws attention to the importance of press freedom worldwide. Turkey entered another World Press Freedom Day with a dark picture this

year.

According to the latest data launched by the Turkish Journalists Association (TGS), pressure on the media increases every day in Turkey. 148 Turkish journalists and media workers entered the Press Freedom Day under arrest. According to the report launched recently by the Reporters Without Borders (RFS), Turkey regressed to the 157th rank among 180 countries. Turkey was categorized among the "bad" category, which means "countries in which journalism is difficult to perform." The report further expressed that press freedom regressed to the worst levels within more than the last 30 years. In the 2018 World Freedoms Report launched by Freedom House, Turkey was placed from "partly free" to "unfree."



## Press Report: Longer than 105-year imprisonment in total against journalists in April

Pressure against journalists and media organizations continued in April with lawsuits and penalties. According to the data compiled by Karınca Newspaper, at least 20

journalists were taken into custody within the past month and 11 of them were arrested. New lawsuits and investigations were filed against many journalists, with more than 105 years of imprisonment sentenced in total against 22 press workers. Two arrested journalists were released.



## **Arrested journalist Seda Taşkın stands trial**

Mezopotamya Agency reporter Seda Taşkın stood trial in the first hearing of the lawsuit against her after being taken into custody and arrested on January 22 in Ankara. Taşkın has previously been taken into custody in Muş on 20 December 2017 due to “serious denouncement” and was

released with judicial control. She was later arrested following the objection of the Prosecutor’s Office.

Taşkın’s release claim was denied in the hearing at Muş 2nd Assize Court and the next hearing was scheduled to 2 July 2018. The Prosecutor claimed that Taşkın is “aiming to isolate the government of the Republic of Turkey in the international ares.” The indictment involves social media posts by Taşkın on arrested colleagues, phone calls she made with People’s Democratic Party (HDP) MPs and a photograph of the microphone of Dicle News Agency (DIHA) which was shut down with an emergency decree as crime evidence.



## **Journalist Siddık Damar arrested**

Dicle News Agency reporter Mehmet Siddık Damar was arrested due to his social media posts. Damar has been arrested in August due to the news he reported on the regions of curfew as well as his social media posts and was later released with an imprisonment sentence for 2 years

and six months in the first hearing of the case. The journalist was recently taken into custody once again in Istanbul and was sent to Metris Prison.



## **Imprisonment sentence against HDP MP Abdullah Zeydan approved**

4th Criminal Chamber of Gaziantep Regional Court approved the imprisonment sentence against People’s Democratic Party (HDP)

Hakkari MP Abdullah Zeydan for 8 years, 1 month and 15 days due to 'aiding a terrorist organization without being a member' and 'making terrorist organization propaganda.'

Zeydan has been arrested on 4 November 2016 due to the speech he gave during the meeting organized by the district directories of HDP and Democratic Regions Party (DBP) in Yüksekova district of Hakkari on 26 July 2015 to react against airstrikes of the Turkish Armed Forces and detainments across the country. He was later convicted following the proceeding at Diyarbakır 5th Assize Court. The Court of Appeal decided that there is no inconsistency with law in the local court decision in terms of principle and procedure; denying the claim for Zeydan's release.



## **226 social media investigations in one week**

Ministry of Interior announced investigations started against 226 people between the dates 23 and 30 April due to their social media posts. According to the Ministry announcement, these investigations

were filed due to the examination of 405 social media accounts. Social media users were charged with 'illegal organization propaganda,' 'insulting government authorities,' 'inciting people towards resentment and hostility' and 'intending against the indivisible integrity of state.'



## **84 taken into custody in Istanbul on May 1**

Istanbul Security Directorate announced a total of 84 people taken into custody in the province on May 1, Labour Day. 60 people were taken into custody in Beşiktaş, 16 in Beyoğlu and two in Şişli. On the other hand, six people were taken into custody in Maltepe, where unions

organized celebrations, due to 'resisting officer.' Istiklal Street and all other roads leading to the Taksim Square were blocked with police barricades on May 1; entrance to the region was banned all day. Whereas Interior Minister Süleyman Soylu had announced that "no bans were brought before May 1" during a press meeting he organized in Trabzon the previous week.



## **One-month protest ban in Gaziantep, Van and Hakkari**

Gaziantep Governorate banned all events such as rallies, open air meetings, press statements, booths, petition campaigns, leaflet and notice distribution, banner hanging and alike between May 1 and June 1 in three central districts. The ban was issued within the Law of State of

Emergency with the reason “to protect public order.”

Van Governorate also announced that all events and activities like press statements, tents, booths, sit-in protests and commemoration ceremonies were banned; rallies, closed and open area meetings and protest demonstrations were bound to permission by the local administration for 30 days, starting on April 29. The ban was claimed to aim at “providing peace, safety, personal immunity, security and public peace within the province as well as providing the life and material security of the citizens.”

Hakkari Governorate announced that all events and activities like press statements, tents, booths, sit-in protests and alike are banned and all rallies, closed and open area meetings, protest demonstrations outside of election campaigns were bound to permission by the local administration for 30 days, starting on May 2. The ban excluded the events to be organized by official institutions with the reason of “protecting national security and public order, as well as the indivisible integrity of state with its land and nation.”



## **Constitutional Court: “Courts can not define criteria for journalism”**

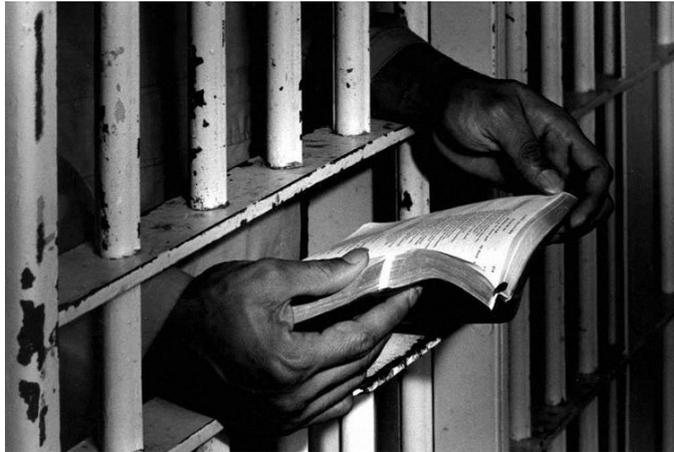
The Constitutional Court (AYM) has issued a significant verdict regarding the application of ‘Assassination of Admirals Case’ defendant Mehmet Orhan Yücel based on the claim that his right to protect his honour and

dignity was violated.

The news related to the case asserted the personnel of Naval Forces Command were planning to assassinate the Naval Commander of the time and that Yücel’s name was included as the person who will transfer the details and the dates regarding the operation. Yücel filed a lawsuit due to the news with the allegation that his personal rights are damaged and even though the court sentenced 10 thousand TL moral indemnity to be paid to Yücel, the Court of Cassation reversed the sentence with the reason that the information included in the news take place in the Ergenekon indictment as well, that there is public interest in the content’s publication due to the context being

related to a real and current issue, as well as that the text did not include any comment that may attack Yücel's personal rights.

Yücel then made an individual application against the reversal at the Constitutional Court, the court denied the application due to "lack of basis." Reminding the provision of the Press Law, which starts with "Press is free," the Constitutional Court stated, "The courts can not define how the profession of journalism must be performed and the technique in which journalists report their news. For only those who express the opinions are to decide with which best method the opinion is to be expressed. In this context, the Article 26 of the Constitution not only protects the content of the expressed opinions and news, but also the methods in which they are expressed."



### **Constitutional Court: "Book ban in prison is violation of freedom of expression"**

The Constitutional Court (AYM) decided on the application of Zeki Bayhan on some books not being given to him during his arrest at Sincan Prison.

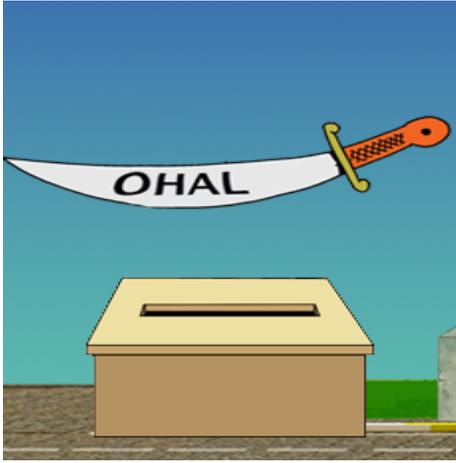
In the verdict, the Constitutional Court reminded that Bayhan has previously made a complaint at Ankara West Penitentiary Judicature against the decision made by the Penitentiary Education Institute on the books not to be handed to him; and that the Penitentiary Judicature denied the application on 24 June 2015 with the reason that the books involve quotes from "banned" publications. "A written document sent to a convicted applicant not being handed to them is an intervention against the freedom to information, hence the freedom of expression," stated the Constitutional Court.

## **THIS WEEK ON THE MUSEUM OF CRIMES OF THOUGHT**



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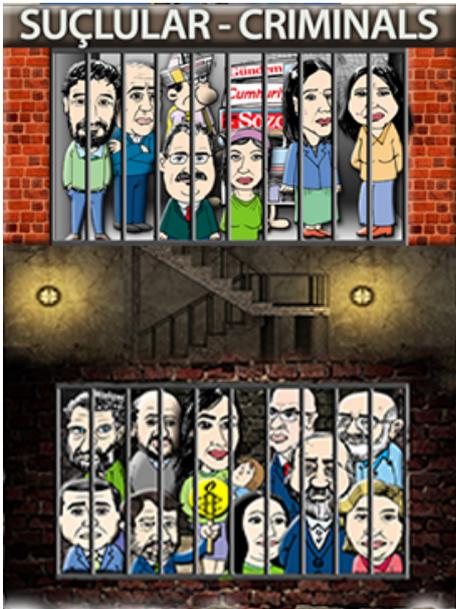


## State of Emergency

Turkey will be having early elections once again under the conditions of State of Emergency. The Supreme Electoral Council announced the electoral bans to be applied on June 24 elections. However, activities of President Erdoğan, who himself will participate in the elections, were exempted from these bans.

Opposition parties Republican People's Party (CHP), Good Party, Felicity Party and Democrat Party decided to join the elections in an alliance after their

search for a common candidate failed following the "Presidential Alliance" of the Justice and Development Party (AKP) with the Nationalist Movement Party (MHP). People's Democratic Party (HDP) did not take place in the alliance.



## Freedom of Expression

Teacher Ayşe Çelik had been sentenced to 1 year and three months of imprisonment due to 'illegal organization propaganda' by saying, "Do not let children die," referring to the curfews in Kurdish provinces on a TV show she participated to via phone call. Çelik was jailed on April 29 together with her six-month-old baby Deran, then sent her baby back to her family on April 27 due to the conditions in prison. Baby Deran can only see her mother once a day for 30-45 minutes with Prosecutor permission. The petition for Çelik is ongoing. IFEX called for participation in the petition campaign, which aims at 100 thousand signatures. If 100 thousand signatures can make one person a Presidential candidate, why can't it make a mother return to her home and baby after saying, "Do not let children die, do not let mothers cry"?



## TRIALS OF FREEDOM OF EXPRESSION

- The first hearing of the case in which arrested journalist Seher (Seda) Taşkın is on trial due to illegal organization membership was held at Muş 2nd Assize Court on April 30. The court decided for Taşkın to remain arrested and scheduled the next hearing to July 2.
- The proceeding of former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş and HDP MP Sırrı Süreyya Önder due to their speeches during the Newroz celebrations in Zeytinburnu, Istanbul on 17 March 2013, continued at Istanbul 26th Assize Court on April 30. The Prosecutor claimed for Demirtaş and Önder to be sentenced with imprisonment up to five years due to "making

terrorist organization propaganda” with their speeches. The next hearing was scheduled June 8.

- Taraf Newspaper Case continued with defendants Ahmet Altan, Yasemin Çongar, Yıldırım Oğur, Mehmet Baransu and Tuncay Opçin on May 2-3-4 at Istanbul 13th Assize Court. The hearing was ongoing as the bulletin was being prepared.
- Proceedings of Academics for Peace continued. One academic from Kadir Has University and one academic from Bahçeşehir University stood trial at Istanbul 37th Assize Court on May 3. The next hearings were scheduled to October 9.
- The proceeding of Ferhat Tunç continued with the charge of making terrorist organization propaganda on May 3 at Istanbul 36th Assize Court. The next hearing was scheduled to September 25.

### **Trials Next Week**

- Proceedings of Özgür Gündem’s Substitute Editors-In-Chief will continue on May 7. In the hearings to be held at Istanbul 14th Assize Court, Eren Keskin, Reyhan Çapan, Filiz Koçali, Ayşe Berktaş, Nuray Özdoğan, Celalettin Can, Ayşe Batumlu, Reyhan Hacıoğlu will stand trial at 13:30 and Faruk Eren, Ertuğrul Mavioğlu, Celal Başlangıç, Ömer Ağın, İhsan Çaralan, Celalettin Can, Fehim Işık, Öncü Akgül and Dilşah Kocakaya will stand trial at 14:30.
- An indictment has been prepared against the lawyers, who supported the Gezi Park protest with applause and slogans on 11 June 2013 in front of the Themis statues in the main hall inside Çağlayan Courthouse, two years after their activity. The next hearing of the lawsuit against the lawyers will be held on May 7 at Istanbul 65th Criminal Court of First Instance.
- The proceeding of Dicle News Agency (DIHA) reporter Şerife Oruç, who is currently arrested at Elazığ Type-T Prison, will continue at Batman 2nd Assize Court on May 8 with the allegation of “illegal organization membership.” DIHA was previously shut down with an emergency decree.
- Lawsuits against the Academics for Peace continue. Hearings of the academics from Istanbul, 9 Eylül, Kadir Has and Işık Universities will be held at Istanbul 34th, 36th and 37th Assize Courts on May 8, 10 and 11. The hearings will start at 09:00.
- The MIT Trucks Case continue. The sixth hearing of the case with Enis Berberoğlu, Can Dündar and Erdem Gül as defendants will be held on May 9 at Istanbul 14th Assize Court. The separate file against Can Dündar within the same context will be heard on May 7 at the 14th Assize Court.
- The lawsuit filed against 31 people, including former Zaman writers Şahin Alpay, Ali Bulaç, Ahmet Turan Alkan and Mümtazer Türköne within the investigations started against the Gülen Community following the July 15 coup attempt, will be held on May 10-11 at Istanbul 13th Assize Court.
- The lawsuit in which former chief editor of Zaman Newspaper Ali Ünal is arrested pending trial within the FETÖ/PDY investigation will continue on May 10 at Uşak 2nd Assize Court.