



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** Paying an official visit to the United Kingdom, President Erdoğan continued to insist that the arrested journalists in Turkey are “terrorists.” The British press criticized Prime Minister Theresa May regarding Erdoğan’s visit; human rights organizations called the U.K. administration to reprimand the arrests of journalists, opposition politicians and political activists. Erdoğan faced protests during his entire programme in the U.K.

*** Spreading into the social media, the election campaign in Turkey is becoming a worldwide trend on Twitter. After the “OK or NOT” debate, this time, “*SIKILDIK [WE ARE BORED]*” hashtag was ranked first in worldwide trends. Minister of the Interior stated that the social media will be tracked as well for the security of the election period. Information and Communication Technologies Authority (BTK) Chairman threatened social media users by saying that such hashtags can be banned. **(Details below...)**

*** In case he is re-elected, Erdoğan stated that he will play a more active role in the economy and monetary politics. He indicated that the Central Bank will have to comply with the calls for lower interest rates after the Presidential system is enacted.

*** As the Turkish Lira continues to lose value, the exchange rate with the U.S. Dollar has reached above 4.5 within the past week, setting a record. Approximately 15 percent of value loss was experienced this year against the U.S. Dollar, while the Central Bank launched a message that says “*necessary steps will be taken.*”

*** Following Trump’s decision, the Jerusalem embassy of the U.S. was opened. 62 Palestinians were killed by the Israeli soldiers during the protests. “*What Israel does is a massacre,*” said Erdoğan. Turkey declared a three-day mourning period. Israel’s Ambassador in Ankara was announced “*unwelcome.*” Government spokesman Bekir Bozdağ stated that Tel Aviv and Washington ambassadors were invited to Ankara to negotiate, whereas he didn’t answer to the question, “*Will sanctions be applied?*” Israel announced the end of agricultural import from Turkey.

*** Former Halkbank General Director Hakan Atilla was sentenced to 32 months of imprisonment in the U.S., being found guilty of five charges, including the noncompliance with the embargo against Iran. Erdoğan made a statement before the announcement of the verdict, calling out to the U.S. judiciary: “*He is absolutely innocent... Declaring Atilla guilty would mean declaring Turkey guilty.*”

*** Businessman Osman Kavala is on pre-trial detention since November 2017, awaiting an indictment for six months. “*There is an imbalance in the fair trialing mechanism... The number of those who await for the preparation of indictments in a state of uncertainty for months in prison, just like me, is not low. In case the presumption of innocence is not accepted as the basic element of the judicial process, this imbalance will go on,*” said Kavala.

*** Diplomats wanting to watch the hearing of former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ were not allowed to do so. The situation increased the tensions between Turkey and the EU countries. In the statement made by the German Embassy, Turkey was indicated to have violated the Vienna Convention yet again.

*** Turkish Radio and Television Association (TRT) broadcasted on Justice and Development Party (AKP) and on Nationalist Movement Party (MHP) for more than 37 hours in total in the first 20 days of the early election period. The public channel, on the other hand, broadcasted on Republican People's Party (CHP) for 3 hours and on Good Party for nine minutes; not even mentioning People's Democratic Party (HDP). **(Details below...)**

*** Ali Bulaç and Mehmet Özdemir were released in 'Zaman Newspaper Case'. Şahin Alpay's house imprisonment sentence was revoked.

*** The State of Emergency Commission evaluated 17 thousand applications so far. The Commission denied 14,350 applications since December 22, only deciding for 660 reassignments of duty. The total number of applications made at the commission is 108,905.

*** Roboski massacre was left in impunity in the European Court of Human Rights as well, after Turkey. **(Details below...)**

*** Human Rights Watch (HRW) launched a declaration on the state of the academia in Turkey under the conditions of State of Emergency; pointing out to the facts that thousands of academics were dismissed, hundreds were put on trial, academic studies and student protests are intervened and that all these eventually lead to self-censorship and the emptiness of academic freedom. [Please click here](#) for the full declaration.



9 out of 100 people are suspects, according to Justice Ministry data Adalet Bakanlığı

Ministry of Justice Directorate General of Criminal Records and Statistics announced the criminal statistics of 2017. According to the announcement, investigations were opened against 11 million 833 thousand 926 people. Which means, nine out of a hundred citizens in Turkey were investigated as "suspects."

During this period, 6,381 investigations within the category described as "*crimes against the sovereignty of state and the reputation of its bodies*", including the offense of 'insulting the President' as well as the Article 301 of the Turkish Penal Code, were turned into lawsuits. 2,343 of the proceedings made within this category were concluded with convictions in 2017. To reach the full data on criminal statistics:

http://www.adlisicil.adalet.gov.tr/istatistik_2017/istatistik2017.pdf



Actor Barış Atay taken into custody

Stage actor Barış Atay was taken into custody after reacting against the “apology” of Senior Counsellor of the Prime Ministry Yusuf Yerkel, who kicked a miner during a protest organized after the Soma mine disaster.

Atay was charged with ‘inciting people towards resentment and hostility’ due to his Twitter posts within the investigation conducted by Istanbul Chief Public Prosecutor’s Office and was released after testifying at the Security. Following the apology message of Yerkel, Atay wrote on Twitter: *“All of you will one day apologize, crying. When that day comes, we will not forget who forgave, who pitied, who refrained from judging! There is no ‘we are all brothers, we don’t want a fight, let’s retire with our grandchildren in peace.’ It all starts now. You will give account for all that you’ve done to this country and its people!”*

Following the post, Hürriyet newspaper writer Ahmet Hakan targeted Atay by calling out to Presidential candidates Muharrem İnce and Meral Akşener with his article, entitled, *“Please put him into his place.”* Atay was targeted in the pro-government media as well.



Indictment against arrested Boğaziçi University students

The investigation was completed against the students, who were arrested due to ‘making illegal organization propaganda’ by saying, *“There is no delight in massacre”* as a reply to those who distributed “Afrin delight” at Boğaziçi University.

In the indictment prepared by Istanbul Chief Public Prosecutor’s Office Terror and Organized Crimes Bureau, 21 students, 13 of them in pre-trial detention, were claimed to be penalized with imprisonment sentences for up to three years within the offense of ‘making an armed terrorist organization propaganda.’ The indictment asserted that the suspects see Turkey and the Turkish Armed Forces as an occupying force, that they try to display the illegal organization in the international media as “the innocent” side and that they have organic and personal connections with the terrorist organization. Nine of the fifteen students, who were taken into custody in the first place, have been arrested within the investigation. The number of arrested students is currently 14, including the operations continued afterwards.



Summary against HDP MPs Garo Paylan and Nadir Yıldırım

Ankara Chief Public Prosecutor's Office prepared a summary against People's Democratic Party (HDP) Istanbul MP Garo Paylan due to his statements on the Armenian Genocide. *"Once upon a time, we were 40 percent. Now we are one over a thousand. Something must have*

happened to us - which I call a genocide," said Paylan. He was charged with 'publicly denigrating the Turkish nation, the government of the Republic of Turkey' and with 'insulting the President' regulated with Article 301 of the Turkish Penal Code.

Another summary was prepared against People's Democratic Party (HDP) Van MP and Deputy Co-Chair Nadir Yıldırım due to his social media posts on Afrin. Ankara Chief Public Prosecutor's Office presented three posts of Yıldırım, published on January 20 as a reaction against the Afrin operation, as evidence to the charge. The summary asserted that the illegal organization is being displayed to both the national and the international media as "innocent" and "good" and that "the illegal organization is thus being praised, its activities encouraged" and that other actions of the organization are attempted to be legitimized; charging the MP with 'making illegal organization propaganda.'



Pınar Aydınlar arrested

Artist Pınar Aydınlar was taken into custody at Atatürk Airport upon her arrival from Germany. Aydınlar's passport was seized and she was taken to Bakırköy Women's Closed Prison. It was announced that Aydınlar was taken into custody and arrested because of the approved 10-month imprisonment sentence against her due to 'making illegal

organization propaganda' with her speeches within the election campaigns as a candidate for People's Democratic Party (HDP) in Izmir for the 7 June 2015 general elections.



Photo of Tahir Elçi considered 'illegal organization propaganda'

Hatice Ateş has been taken into custody with an operation in December 2017 in Bursa and was arrested due to her social media

posts. In the case she was on trial at Bursa 2nd Assize Court, Ateş was sentenced to 1 year and three months of imprisonment due to 'making illegal organization propaganda.' A photo of killed Diyarbakır Bar Association Chairman Tahir Elçi, which was among the photos on the social media profile of Ateş, was considered a reason for penalty as well. Ateş was convicted and released in the first hearing of the case held on April 18 after five months in detention.



6-year 4-month imprisonment against journalist Aydın Atar

Azadiya Welat Newspaper's Managing Editor Aydın Atar was sentenced to 6 years and four months of imprisonment due to 'illegal organization propaganda.'

Atar was on trial at Diyarbakır 7th High Criminal Court due to nine articles published on the newspaper in 2012 and 2013.



Indictment against two journalists over social media posts on Afrin

Ankara Chief Public Prosecutor's Office claimed Artı TV Ankara Representative Sibel Hürtaş and Mezopotamya Agency reporter Hayri Demir to be penalized with

imprisonment sentences up to 10 years and six months due to their social media posts and publications on the Afrin operation. The indictment prepared charged the journalists with 'inciting people towards resentment and hostility' and 'making terrorist organization propaganda through press.'

Many people, including journalists and politicians, were taken into custody on January 22 after their social media posts on the 'Olive Branch Operation.' Hürtaş and Demir was among those who were taken into custody; the two journalists were later released with judicial control. In the case file of Hürtaş and Demir, there are ten others who are charged due to their posts on the Afrin operation.

The indictment charges Hürtaş due to the interviews she made with former MP Ahmet Faruk Ünsal as well as with former People's Democratic Party (HDP) Şanlıurfa MP Osman Baydemir; Demir with three tweets he posted to announce information and news.



Journalist Reyhan Çapan arrested

Former Managing Editor of Özgür Gündem newspaper, which was shut down with an emergency decree, Reyhan Çapan was taken into custody and was arrested due to the definitive imprisonment sentence

against her.

Istanbul 17th Assize Court sentenced Çapan to 1 year and three months of imprisonment with the allegation of 'making illegal organization propaganda' during the time she was the managing editor at Özgür Gündem. On the other hand, she stated that the penalty fines sentenced against her in different cases were turned into imprisonment sentences as well. Following the approval of Istanbul Regional Administrative court, a warrant was issued against Çapan and she was arrested by the court she was taken to in Hopa, Artvin.

Çapan is also on trial in the case filed at Istanbul 14th High Criminal Court against Özgür Gündem writers and executives. In the latest hearing of the cast on May 7, the prosecutor claimed the three people, including Çapan, to be sentenced with imprisonment with the allegation that they are making "consecutive illegal organization propaganda."



588 social media investigations in one week

Ministry of the Interior announced that investigations were started against 226 people within the past week (23-30 April) due to their social media posts. According to the

Ministry statement, those investigations were opened following the evaluations made on 1,327 social media accounts. Social media users were charged with, 'making illegal organization propaganda,' 'insulting government authorities,' 'inciting people towards resentment, hatred and hostility' and 'attempting against the indivisible integrity of state.'



News banned to access due to 'insulting Erdoğan'

The news published on Cumhuriyet Newspaper on 1 March 2018, entitled, "*Gendarmerie prevents those protesting the massacre of 40 thousand trees for Erdoğan's 'summer palace' with a 'dumper'*" was banned

to access. Lawyer Yaman Akdeniz, who is an expert on freedom of expression and press freedom, announced that the decision was made due to 'insulting Erdoğan.' Akdeniz indicated that the Criminal Judicatures of Peace issue such verdicts for about 15 thousand times on average per year, without even notifying the press.

The news reported approximately 40 thousand trees being cut off for the "summer palace" of President Erdoğan in Okluk, Marmaris of Muğla and that the NGOs protesting the situation are being prevented by the gendarmerie.



Nine books from Avesta Publishing pulled off shelves

Nine books published by Avesta Publishing were pulled off the shelves by İdil Criminal Judicature of Peace within "the fight against terrorism."

The books withdrawn from shelves are as following: "*Kan, İnançlar ve Oy Pusulaları*", "*Cesur Adamların Ülkesine Yolculuk*", "*Tasavvur mu Gerçek mi?*", "*Mahabad Kürt Cumhuriyeti Büyük Güçlerin Politikasında Kürtler 1941-1947*", "*Mağdur Diasporadan Sınırötesi Vatandaşlığa mı?*", "*Ülkemde Bir Yabancı*", "*Çaldıran Savaşı'nda Osmanlılar Safeviler ve Kürtler*", "*Tanrı ve Şeyh Adi Kusursuzdur: Yezidi Tarihinden Kutsal Şiirler ve Dinsel Anlatılar*" ve "*Kürdistan Bayrağının Altında ve Irak'ta Soykırım*." One among them is the sacred text of the Yezidis and others published at reputable universities of the world as Ph.D theses. Two people, whose houses were raided in İdil, Şırnak due to 'KCK/PKK charges' possessed the aforementioned books; their possession became a reason for the books to be pulled off shelves.



Student club activities prevented at Istanbul Technical University

Istanbul Technical University (ITU) Rectorate did not allow the activities to be organized by three different student clubs.

The Rectorate laid down the condition that speaker academics Sungur Savran and ITU graduate architect Mücella Yapıcı to be removed from the programmes in the event, "*Workers' Health and Safety in Turkey*" organized by Work Safety Club and the event, "*The Social Issues of Engineering and Architecture*" organized by the Social Sciences Club. On the other hand, the fourth "*Talks with the Alumni*" to be organized by the Mechanical Engineering Club was cancelled upon a Rectorate order without showing a reason. The student clubs made separate statements, protesting the decisions of the Rectorate. "*There is censorship at ITU,*" said the students.



Interior Ministry: “Election tracking’ to be applied on social media”

Minister of the Interior Süleyman Soylu made an announcement on the measures to be taken during the entire election campaign at the Regional Security Meeting on Elections, stating that the social media will be tracked during this process as well. *“Our related units will be at work against terrorist organization propaganda and provocations on the social media,”* stated Soylu.

On the other hand, the election campaign in Turkey has spread into the social media and is striking the worldwide trends of Twitter. President Erdoğan spoke at the Justice and Development Party (AKP) Youth Branches Congress in Ankara, saying, *“Dear young people, I know, you are bored.”* Following his speech, the hashtag *“SIKILDIK [WE ARE BORED]”* became the number one worldwide trend. Previously, another statement of Erdoğan at the AKP group meeting: *“In case one day our nation says ‘okay, enough’, only then we will move aside”* caused the hashtag *“TAMAM [OKAY]”* to quickly rise to number one worldwide trend with 2 million tweets within 24 hours.

As the June 24 elections echo widely on the social media, Information and Communication Technologies Authority (BTK) Chairman Ömer Fatih Sayan implied that such hashtags can be prevented. *“Prevention is technically something we can do, but we don’t want to be in the front line with this. They are doing it so that they receive a reaction like this from us - they want to hear the words, ‘we can prevent it,’”* stated Sayan. The BTK Chairman further claimed that such social media campaigns are “professional manipulations.” *“We are only warning now,”* Sayan said.



First three weeks of election period: TRT does not broadcast on HDP or SP

Turkish Radio and Television Association (TRT) continues to selectively broadcast among Presidential candidates. The public channel neither broadcasts on the opposition parties, nor on the Presidential candidates of such parties. According to a study made by the Radio and Television Supreme Council (RTÜK), TRT did not broadcast on Felicity Party (SP) or People’s Democratic Party (HDP) even for one second in the three-week period between April 17 and May 6, since the declaration of the early elections. On the other hand, TRT broadcasted on the Presidential Alliance formed by the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP) for a total of 37 hours and 40 minutes.

During this period, Republican People’s Party (CHP)’s Presidential candidate Muharrem İnce took place on the channel for 27 minutes and 20 seconds. Good Party candidate

Meral Akşener, on the other hand, took place for only 9.5 minutes. The total time assigned for CHP on TRT screens was calculated as 3 hours, 4 minutes and 28 seconds. The majority of this sum is the GNAT Group Speech of CHP Chairman Kemal Kılıçdaroğlu.

The majority of the broadcast on the AKP-MHP alliance, on the other hand, consists of live broadcasts of President Tayyip Erdoğan, Prime Minister Binali Yıldırım, MHP Chairman Devlet Bahçeli, Presidential Spokesman İbrahim Kalın, Government Spokesman Bekir Bozdağ, AKP Spokesman Mahir Ünal and other ministers.

With a Statutory Decree issued within the State of Emergency, the government separated TRT from private TV channels, made a definition of single broadcasting and the related violation; whereas exempted private TV channels from the sanctions to be brought in case of violation. TRT, on the other hand, can not be penalized by RTÜK by law. However, the decision made on the violation of broadcasting ethics must be sent to the Deputy Prime Minister. The only sanctions on TRT can be applied with the decision of the Prime Ministry.



European Court of Human Rights denies application on Roboski Massacre

European Court of Human Rights (ECtHR) did not accept the application on Roboski Massacre, causing the deaths of 34 people, 19 of them children, after the bombardment of Turkish Armed Forces (TSK) aircraft. The court's

reason for denial was the previous denial of the supreme court due to the deficient documents in the application, which were not compensated in time.

The verdict was announced by lawyer Kerem Altıparmak, who is also among the applicants, on Twitter. *"The European Court of Human Rights buried the Roboski massacre in history. The name of the court must now be changed into European Court of Nonacceptance, because that's the best they can do!... 34 people were massacred, together with children, nothing was done for seven years. Now those seven years was forgotten, the application was denied because the lawyers were a couple days late. I can not find words to speak,"* wrote Altıparmak.

The application made at the Constitutional Court has previously been denied on 24 February 2015 due to "the identified deficiencies in the case file not being compensated in time." The European Court of Human Rights evaluated this denial as the "lack of exhaustion of domestic remedies."



ERDOĞAN:

After 'T A M A M' (enough) hashtag became first trend topic on the world list of Twitter, 'S I K I L D I K' (we got bored) hashtag also became trend topic on the world list because of Erdoğan's statement "Youth, I know you got bored" on AKP's Youth Branch Congress.



TRIALS OF FREEDOM OF EXPRESSION

- The latest hearing of the case on the assassination of Hrant Dink was held at Istanbul 14th Assize Court on May 14, 15, 17 and 18. The court issued the release of arrested civil inspector Şükrü Yıldız; 10 arrested defendants will remain arrested. The next hearing was scheduled to July 10, 11 and 12.
- Lawsuits against the Academics for Peace continued this week at Istanbul 36th and 37th Assize Courts on May 15 and 17. The next hearings were scheduled to October 11 and 16.
- The fifth hearing of the lawsuit against People's Democratic Party (HDP) Presidential candidate Selahattin Demirtaş with the allegation that he has insulted President Recep Tayyip Erdoğan during his speech at Atatürk Airport after his visit to Russia was held at Bakırköy 38th Criminal Court of First Instance on May 17. Demirtaş sent an excuse letter to the court, notifying his absence due to his lack of preparation of his defense in relation to his election campaign. The next hearing was scheduled to December 5.
- The proceeding of Labour Party (EMEP) Deputy Chairman Levent Tüzel continued at Diyarbakır 5th Assize Court on May 17 due to the events he participated in in Diyarbakır while he was a Parliament member. The court presented the draft decision on the basis of the case, whereas scheduled the next hearing to October 25 for the tape records to be completely examined by an expert.
- The proceeding of former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ continued at Ankara 16th Assize Court on May 17. 7 different summaries prepared against Yüksekdağ were merged into the case with the charges, 'managing a terrorist organization,' 'making terrorist organization propaganda,' 'violating the Law on Meetings and Demonstrations,' 'inciting people towards resentment and hostility' and 'incitement towards crim.' The court denied the release claim of Yüksekdağ, scheduling the next hearing to July 6.

Trials Next Week

- A lawsuit has been filed against Özgürlükçü Demokrasi newspaper employees Serkan and Özkan Erdoğan due to “illegal organization membership” and “making illegal organization propaganda.” The two journalists were released with judicial control in the first hearing at Mersin 8th Assize Court. The next hearing will be held on May 22.
- Lawsuits against the Academics for Peace continue. The next hearings will be held at Istanbul 23rd, 27th and 29th Assize Courts on May 22, 23 and 24.
- The lawsuit filed against Ahmet Şık following the denouncement of Anadolu Agency (AA) reporter Kerem Kocalar, who said, “please investigate, for God’s sake,” will continue at Istanbul 17th Criminal Court of First Instance on May 22. Şık is charged due to his Twitter posts.
- Nazlı Ilıcak will stand trial at Istanbul 26th Assize Court on May 23, charged with “espionage” due to her column, entitled, “Military Intelligence and Tahsiye members” published in 2015.