



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** Parliamentary system in Turkey has officially ended with the vow of President Erdoğan. Turkey is now being governed with the new presidential system.

*** Erdoğan announced his cabinet; his son-in-law Berat Albayrak was assigned as Minister of Treasury and Finance and Chief of General Staff Hulusi Akar was assigned as Minister of National Defense. Interior Minister Süleyman Soylu, Foreign Minister Mevlüt Çavuşoğlu and Justice Minister Abdülhamit Gül remain in their positions.

*** Regulations on the new presidential system were completed with new decrees issued during the week; the first Presidential decrees were issued. Erdoğan collected all administrative power upon himself and now has the authority to make any legal regulation and assignment he pleases as the first President of modern Turkey with such authority. **(Details below...)**

*** 18,632 people were dismissed from public service with a new Statutory Decree issued within the State of Emergency; 4 media institutions and 12 associations were shut down. Thus, the 35th emergency decree was enacted within the State of Emergency, which continues for 2 years with seven extensions. **(Details below...)**

*** Currency value of the Turkish Lira started to fall once again after the announcement of the new cabinet and the decree that increased the influence of the President on the Central Bank. US Dollar reached 4,97 TL.

*** Four Middle East Technical University (METU) students were arrested due to 'insulting the President' with a banner they carried during their graduation ceremony. **(Details below...)**

*** Turkish Journalists Association (TGS) made an announcement on the 66th anniversary of its establishment. The association indicated that 144 media workers are currently in prison, the unemployment rate reached 30 percent and that 90 percent of the media is pro-government.

*** In the lawsuit on the Soma Disaster, which is the biggest work-disaster in Turkish history with 301 miners dead, the company head Can Gürkan was sentenced to 15 years and four other company executives to 22 years and six months of imprisonment. The penalties were issued due to "reckless homicide"; 37 people, including Executive Board Chairman Alp Gürkan, were acquitted. Lawyers and families of miners reacted against the verdict.

*** Ministry of the Interior announced investigations have started against 313 people between the dates July 2nd and 9th due to their social media posts. Social media users were charged with 'making illegal organization propaganda,' 'insulting government authorities,' 'public incitement towards resentment, hatred and hostility' and 'intending against the indivisible integrity of state.'

*** European Court of Human Rights (ECtHR) decided that the provision in Turkish Penal Code, that states, “a person who aids an illegal organization is penalized as an illegal organization member” to be “unpredictable and interpreted extremely widely.”
(Details below...)



Parliamentary system ends, new presidential system starts

With the vow of President Erdoğan at the GNAT, the new presidential government system was officially enacted. The expressions, ‘Prime Ministry’ and ‘Council of Ministers’ taking place in legal regulations were

changed with the word, ‘President’ with the adjustment laws issued immediately before the vow. Erdoğan is now able to conduct legislative actions without Parliamentary approval and will be able to issue decrees without being bound to the restrictions stated in Article 104 of the Constitution in extraordinary situations; the cabinet members he assigned will only be responsible to the President himself.

The President is also the only decisive authority in all processes of assignment and dismissal that were previously only possible with a Council of Ministers decision or with special laws. The President now has direct authority on almost every matter, including the staff at universities, identification of risky areas, issuing cultural regulations, tax regulations, citizenship processes and intelligence work of the police. The application of receiving the suggestions and opinions of related ministries and institutions was removed. The budget, that predicts the investments, expenses and income of state within the following year, will also be prepared by the President himself.

The way for deputy ministers to be Constitutional Court and Council of State members was paved. According to the new system, Constitutional Court has the authority to supervise presidential decrees. However, 12 of the 15 members of the Constitutional Court is assigned by the President himself. The number of members selected by the Parliament for the Constitutional Court is only two.

The Undersecretary for the Ministry of Justice is a natural member of the Council of Judges and Prosecutors (HSK) as stated in Article 159 of the Constitution; whereas the presidential decree brought a deputy minister to replace the undersecretary. Thus, a bureaucrat the Constitution hasn’t foreseen will be able to govern the judiciary as a HSK member. Another rule was brought that administrative courts may not issue verdicts that would restrict the enactment of execution in accordance with the method and principles indicated in Presidential decrees.

The President will be able to assign any public officer as a mayor, without any conditions. Mayors will be the representatives of the President. Rectors will be assigned by the President and will no longer require a title of professorship. Offices and presidencies established with Presidential decrees were added to the exceptions included in the Public Tender Act. General Directorate of Press Information, which was

bound to the Prime Ministry, was shut down and its authority was assigned to the Presidency.

With the first Presidential decrees, Chief of General Staff, Ministry of Communication and Transport, National Security Council General Secretariat, National Intelligence Organization (MIT) Authority and the Wealth Fund were bound to the Presidency. Promotions at Turkish Armed Forces (TSK) from colonel to brigadier general and commodore, as well as other assignments to a higher rank as general or admiral will have to be made by the President himself. Central Bank (TCMB) Chairman and deputies will also be assigned by the President. Erdoğan has become the sole authority on all areas, from the procedure and principle on the determination of medicines to the State Theaters.



35th Emergency Decree issued; 18,632 dismissed, 4 media institutions and 12 associations shut down

Statutory Decree No. 701 within the State of Emergency was enacted with a publication on the Official Gazette. 18,632 people were dismissed from

public service; Özgürlükçü Demokrasi, Welat, Halkın Nabızı Newspapers, Avantaj TV Channel and 12 associations were shut down.

The decree is the 35th decree issued within the State of Emergency, which was declared on 21 July 2016 with seven extensions so far. The number of shut-down media institutions due to “acts against national security” has reached 178 and the number of shut-down associations has reached 1425 with this last emergency decree. 18 of the 199 academics dismissed from public service are signatories of the notice, “We will not partake in this crime.” The number of total dismissed ‘Peace Academics’ reached 404.



BIA 3-month ‘Media Monitoring Report’ launched

Independent Communication Network (BIA) launched the ‘April-June 2018 Media Monitoring Report’. According to the report, 127 journalists entered July in prison; 33 of them are still on trial and investigations against 40 have still

not turned into lawsuits. 315 journalists, columnists, editorial executives and cartoonists standing trial within the three-month period faced a total of 47 heavy life imprisonments, 1 life imprisonment, 3,034 years and six months of imprisonment and a total of 4 million and 40 TL of material or moral compensation. 2 heavy life

imprisonment sentences and imprisonment sentences for a total of 137 years, 2 months and 19 days were issued in 33 cases concluded within the three-month period.

16 journalists stood trial due to 'insulting the President' with their writings, opinions or criticisms. Two new lawsuits were filed against the journalists and investigations against six are ongoing. Only in the last three-month period, 22 journalists have become defendants and suspects of the charge of 'insulting Erdoğan.' As the access ban on Wikipedia continues on its 14th month; 32 news articles, 77 tweets, 22 Facebook posts and 5 YouTube videos were censored within the April-May-June 2018 period. 2 newspapers and 1 TV channel were shut down with emergency decrees. Two reporters and one media office were attacked; Nationalist Movement Party (MHP) leader Devlet Bahçeli publicly targeted 59 journalists who criticized his party during the election period. Arrested criminal organization leader Alaattin Çakıcı, who was previously visited by Bahçeli at a hospital, threatened six Karar Newspaper writers with death. [Please click here](#) for the full report.



Four METU students arrested after custody due to banner

Four of the students, who were taken into custody due to 'insulting the President' with the banner they carried during the graduation ceremony at the Middle East Technical University (METU), were arrested by the Criminal Judicature of

Peace they were transferred to. The banner carried by the students showed a cartoon, entitled, "Tayyips World" with Erdoğan depicted as an elephant, giraffe, monkey, camel, frog, snake, cow and duck.

The cartoon was published on the cover of Penguen Magazine on its 24 February 2005 issue following the penalty issued against Cumhuriyet cartoonist Musa Kart over drawing him has a cat tangled in yarn. The judicial process started by Erdoğan with 40 thousand TL compensation claim was denied by Ankara 1st Civil Court of First Instance in 2006.



Six Zaman writers sentenced to 56-year 3-month imprisonment in total

The lawsuit filed against 11 media workers, four of them arrested, including Zaman Newspaper writers due to "coup attempt" and "FETÖ membership" was concluded. Zaman was previously shut down with an

emergency decree.

Istanbul 13th Assize Court sentenced Şahin Alpay, Ali Bulaç and Ahmet Turan Alkan to 8 years and nine months each, İbrahim Karayeğen to 9 years, Mümtazer Türköne and Mustafa Ünal to 10 years and six months of imprisonment each due to 'illegal organization membership.' The court issued the acquittals of İhsan Dağı, Lale Sariibrahimoğlu, Mehmet Özdemir, Nuriye Akman and Orhan Kemal Cengiz and released Alkan and Karayeğen. Türköne and Ünal will remain arrested.



'Peace Academic' arrested over social media posts

Academic and lawyer Hanifi Barış, who is also a signatory of the Academics for Peace notice, "*We will not partake in this crime*", was arrested due to the news he shared on the social media. Barış was summoned to testify at a police station within the investigation

opened against him due to the news he shared on the social media from foreign news websites as well as the photographs used in these news. The academic was later arrested by Istanbul 10th Criminal Judicature of Peace due to 'making terrorist organization propaganda'.



Imprisonment sentence against Zuhall Olcay due to 'insulting Erdoğan'

2nd Criminal Chamber of Istanbul Regional Court sentenced artist Zuhall Olcay to 11 months and 20 days of imprisonment due to 'insulting the President.' Deferring the sentence, the court of appeals decided for Olcay to be judicially monitored for 1 year

and six months.

The lawsuit has been filed against Olcay following the criminal complaint of someone who asserted that she has "made a hand gesture that would imply an insult against the President" during a concert she gave on 5 August 2016 in Kadıköy, Istanbul. Istanbul 46th Criminal Court of First Instance has then sentenced Olcay to 10 months of imprisonment due to 'insulting Erdoğan,' not deferring the sentence due to the artists' previous conviction on insulting a public officer. Following the verdict, the file was carried to the court of appeals.

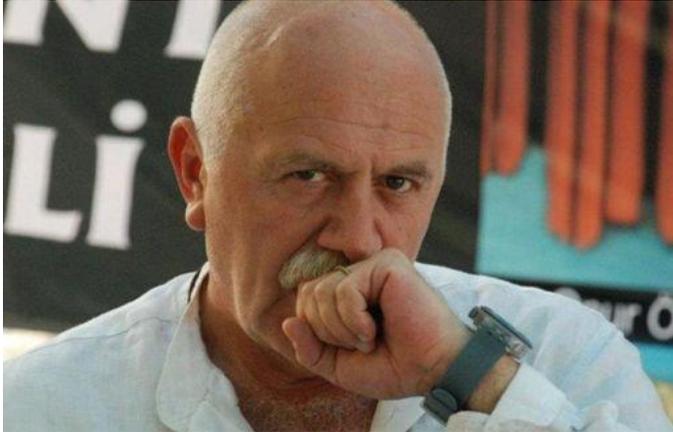


New lawsuit against Ezhel due to same charge he previously acquitted of

Rapper Ömer Sercan İpekçioğlu, publicly known as “Ezhel,” has been arrested in May with the allegation of ‘abetting the use of drugs’ and was acquitted in the first hearing of the case against him after staying in prison for 26 days. A new lawsuit was recently filed against the rapper

with the same charge.

The indictment, accepted by Istanbul Anatolian 59th Criminal Court of First Instance, claims an imprisonment sentence against the artist for up to 10 years due to the lyrics of his songs, “Şehrimin Tadı [The Taste of My City]”, “Küvet [Bathtub]” and “Alo.” The first hearing of the case will be held on 6 November 2018.



Actor Orhan Aydın taken into custody due to social media posts

Stage actor Orhan Aydın was taken into custody due to his social media posts. The artist was taken by the police from his home to Beyoğlu Security Directorate to testify. The actor was later released after testifying. “There are two files against

me. I was denounced as a ‘coup supporter’ in Erzurum due to saying, ‘Long Live Life, Long Live Theater,’ and in another denouncement from Antalya, I was accused of ‘organizing the coup’ due to saying, ‘Let the political branch of coup be researched,’” Aydın said on his custody.

THY uçağı ile silah sevkiyatı iddiası

POLİTİKA

18 Mart 2014 18:39

TIA A



“Başçalan” isimli Twitter kullanıcısından THY uçağı ile Nijerya’ya silah sevkiyatına ilişkin olduğu iddia edilen bir ses kaydı yayımlandı. Akşam saatlerinden yayımlanan kayıttaki konuşmaların, Başbakanın Başdanışmanı Mustafa Varank ile THY Özel Kalem Müdürü Mehmet Karakaş’a ait olduğu iddia ediliyor.

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Access ban as first action of Technology Minister

The first action of Mustafa Varank after being assigned as Minister of Industry and Trade was to bring a media blackout on the news related to himself. Assigned as minister on July 9th, Varank banned access to news published on four websites,

including Evrensel and Cumhuriyet, dated 2014. The banned content involved voice tapes allegedly belonging to Varank together with the allegations that “he has ordered AKtrolls of Erdoğan to tweet supporting him” and “allowed for arms transfers with Turkish Airlines planes.”



Berat Albayrak issues access ban on tweets by TGS and RSF

Minister of Treasury and Finance Berat Albayrak issued an access ban on the solidarity calls made by Turkish Journalists Association (TGS) and Reporters Without Borders (RSF) on Twitter via court decree

after filing a lawsuit against Cumhuriyet reporter Pelin Ünker due to reporting the names involved in the “Panama Papers.” The calls banned by Istanbul 3rd Criminal Judicature of Peace were made on the lawsuit filed against Ünker, who stood trial in the first hearing on June 21st, with the hashtag “GazetecilikSuçDeğildir [JournalismIsNotACrime].”



Pride March banned in Adana

The first LGBTI+ Pride March organized in Adana was banned by the governorate due to “public incitement to resentment and hostility” and “the possibility to attract negative reactions due to social sensitivities.” LGBTI+ organizations then organized a press

meeting at Human Rights Association (IHD) Adana office and pointed out that they were targeted with a news article published on Akit Newspaper with the title, “mobile homos are after provocation” and that the governorate decision is part of the existing hatred.



LGBTI+ event ban in Ankara carried to European Court of Human Rights

Kaos GL Association carried the indefinite LGBTI+ event ban issued in November 2017 within Ankara to the European Court of Human Rights (ECtHR). Applications previously made at Ankara 4th Administrative

Court and the Constitutional Court on the ban have been denied.

In the application made by Executive Board Chairwoman Yasemin Öz as well as lawyers Hayriye Kara and Kerem Dikmen on behalf of the organization, the ban issue was indicated to be violating the European Convention on Human Rights despite the

governorate claim on “social sensitivities,” “public security” and “the protection of general health and morality.” “If the European Court of Human Rights issues an injunction, it will allow the prevention of right violations, however late,” Dikmen said on the application.



ECtHR: “Indirect illegal organization membership interpreted excessively widely”

European Court of Human Rights (ECtHR) debated the legality of the provision, “Any person who aids and abets an organisation knowingly and willingly, although he does not belong to the structure of that organisation, shall also be sentenced for the offence of being a member of that organisation” within Article 220/7 of the Turkish Penal Code (TCK) in the application of Democratic People’s Party (DEHAP) Batman Central District Chairman Abdulcelil İmret. The court decided that the article is “unpredictable and is interpreted excessively widely.”

Turkey was sentenced to pay 7,500 Euros of moral indemnity and 2,424 Euros of court expended to İmret within the file. İmret has previously been sentenced to 6 years and three months of imprisonment by Diyarbakır 4th Assize Court and the verdict was carried to the European Court of Human Rights in 2010, after the approval of the Court of Appeals.



TRIALS OF FREEDOM OF EXPRESSION

- In the lawsuit filed against Özgür Gündem Newspaper writers at Istanbul 14th Assize Court, the court issued an interim verdict to obtain the main case file from Istanbul 23rd Assize Court. The next hearing was scheduled to October 9th.
- The lawsuit filed against Dicle News Agency (DIHA) reporter Şerife Oruç continued at Batman 2nd Assize Court on July 9th. The court considered the period Oruç remained under arrest and issued her monitored release, scheduling the next hearing to November 27th.
- The Hrant Dink Assassination case continued at Istanbul 14th Assize Court on 10, 11 and 12 July 2018. The court issued the release of former Trabzon Provincial Gendarmerie Commander Colonel Ali Öz and former Intelligence Director Lieutenant Commander Metin Yıldız with judicial monitoring. The next hearings were scheduled to 24, 25, 27 and 28 September 2018.
- The lawsuit filed against Neslihan Karyemez and Bilal Karaman after being arrested due to ‘making terrorist organization propaganda’ by distributing leaflets of Labour Party (EMEP) in Istanbul that called for peace against the Afrin Operation and later released, continued at Istanbul 33rd Assize Court on July 10th. We could not yet obtain the results of the hearing.
- The lawsuit filed against Cumhuriyet reporter Canan Coşkun with the allegation of “targeting” by revealing the name of the investigation prosecutor in the news article, entitled, “14 lawyers of Nuriye & Semih arrested” continued at Istanbul

26th Assize Court on July 10th. Coşkun and her lawyer claimed more time to prepare their defense. The court accepted the claim and scheduled the next hearing to July 19th.

- The lawsuit filed against Ferhat Tunç due to 'insulting the President' continued at Büyükçekmece 14th Criminal Court of First Instance on July 11th. Tunç was excused and absent in the hearing; the next hearing was scheduled to November 28th.

Hearings Next Week

- The first hearing of the case filed against 23 people, including lawyer Gülhan Kaya, with 13 arrested including journalists Isminaz Temel and Havva Cuştan as well as lawyers Özlem Gümüştaş and Sezin Uçar, due to 'armed terrorist organization membership' and 'making illegal organization propaganda' will be held at Istanbul 27th Assize Court on July 16th.
- Hearings of lawsuits filed against the Academics for Peace continue. The next hearings will be held on July 17th at the 24th and 32nd Assize Courts, starting at 10:00.