



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 29/18, 20 July 2018)

### What happened last week?

\*\*\* As the first week of the new presidential system is left behind the Presidential Cabinet held its first meeting in the First Parliamentary building. With new Presidential decrees issued the changes enacted last week continued; execution and bureaucracy was reshaped. In the selection of high judicial members, Erdoğan has become almost the only authority. Many institutions were taken away from the authority of ministries and bound to the President. The new cabinet is no longer a mass decision mechanism.

\*\*\* Central Bank, Capital Markets Board (CMB) and Banking Regulation and Supervision Agency (BRSA) are now part of the Ministry of Finance. Social Security Institution was removed from the supervision of Chamber of Accounts. All authority regarding privatizations were transferred to the Presidential Palace. The State Supervisory Council, bound to Erdoğan, was given the authority to supervise professional unions, organizations, foundations and associations. Professorship condition for university rectors, which was previously removed with a decree, was brought back with another decree issued five days later.

\*\*\* The State of Emergency, declared following the coup attempt in 2016, ended after two years. However, a new 25-article draft presented by the Justice and Development Party (AKP) at the Parliament actively extended the State of Emergency for another three years. A petition campaign was started on change.org against the draft. **(Details below...)**

\*\*\* Board of Judges and Prosecutors assigned staff to the open positions at Court of Cassation and Council of State due to the emergency decree issued last year. The judge of Cumhuriyet Case, who has ignored a Constitutional Court decree, as well as the judge who released convicts in the corruption operation were assigned as members of the Court of Cassation.

\*\*\* President Erdoğan indicated that the coup attempt has played a significant role in the transition to the new presidential system, saying, *"the consequences were positive."* In the speech he gave on the 2nd anniversary of the coup, Erdoğan also targeted the Republican People's Party (CHP) leader. *"We will never forget who acted together with the coup organizers... Our fight will continue,"* Erdoğan said. Kılıçdaroğlu, on the other hand, spoke at the group meeting of his party. *"Erdoğan was informed about the coup, so he turned it into an opportunity,"* Kılıçdaroğlu said.

\*\*\* Justice and Development Party (AKP) brought the issue of paid military service to the Parliament. In the omnibus bill presented, there is also the tendering of Kanal Istanbul via the build-operate-transfer model, as well as serious increase in prizes of lottery and other games of chance.

\*\*\* An investigation was started against Republican People's Party (CHP) leader Kılıçdaroğlu due to 'insulting the President' after sharing the cartoon, "Tayyips World", which lead to the arrest of METU students. **(Details below...)**

\*\*\* Signatures are being collected from the delegates so the Republican People's Party (CHP) gathers a general assembly to debate the changes in party administration, which started after the elections.

\*\*\* Former People's Democratic Party (HDP) Co-Chair Demirtaş was not released in the third hearing of the case against him. Demirtaş remains arrested; the next hearing was scheduled to August 28th.

\*\*\* Three peace petition signatory academics were convicted of 'making illegal organization propaganda.' Thus, the number of convicted "peace academics" reached 19. **(Details below...)**

\*\*\* International credit rating institution Fitch decreased Turkey's long-term foreign currency credit note from BB+ to BB; announced the overview is "negative."

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## State of Emergency ends to be replaced with "continuous State of Emergency"

The State of Emergency, which was declared on 21 July 2016, has ended. The State of Emergency, which was extended seven times for three-month periods each, left behind a two-year past full of custodies,

arrests, bans, dismissals, censorship, pressure, torture, shutdowns, impunity and right violations.

The country was governed with emergency decrees, during this period. Many judicial changes were thus enacted with these decrees without legislative or judicial supervision. The principle of separation of powers was destroyed; instead all authority was transferred to one person, Erdoğan. All these regulations were then used as a weapon against anyone who is in opposing views to the government or who were seeking their rights.

According to official data, 160 thousand people were taken into custody, more than 70 thousand people were arrested and investigations were opened against 155 thousand people due to membership to an 'armed terrorist organization.' According to the data launched by Human Rights Common Platform, the number of arrests exceeded 228 thousand. Legal actions were taken against 17,089 social media users; more than 134 thousand public officers were dismissed. 70 newspapers, 25 radio channels, 20 magazines and 18 TV channels were shut down. Doors of thousands of associations were sealed. Strikes, press statements, demonstrations were banned. Parliament members were arrested; trustees were assigned to municipalities.

At the end of the second year, the State of Emergency was not extended; whereas a 25-article law draft to continue the applications of State of Emergency for three more years was presented to the Parliament. The draft predicts parallel regulations to the State of Emergency applications including custody period, testimony and interrogation process and arrest to continue for at least three more years. Mayors are given extensive authority in the draft; who will be able to control and ban entrances and exits to provinces; bring individual restrictions and decide when, where and how certain people can wander around the province. Prosecutors will be able to tap the phones of spouses and children of those who have investigations against them.

The custody period will be 48 hours and four days in cases of mass crimes; which could be extended for up to 12 days. Dismissals in public service and passport restrictions will remain for another three years. Ministers will directly possess the authority on dismissals. Intelligence Organization will be excluded from the scope of the Right to Information Act.

The condition to “*not disrupt public order*” regarding protests and demonstrations will be extended to “*not make daily lives of citizens more difficult to an extreme or unbearable extent.*” This vague expression, which does not have any definition or explanation in the law, will make banning demonstrations easier.

In short, the State of Emergency will actively by extended for at least three more years. This draft is against many provisions protected by the Constitution, such as “freedom of accommodation and travel’, ‘freedom of meeting and demonstration,’ as well as ‘individual criminal liability.’ Turkey will therefore continue to be governed with a State of Emergency Law, without needing to declare a State of Emergency.

A petition campaign has started against the draft, led by the spokesperson of our Initiative, Şanar Yurdatapan. The campaign states, “*State of Emergency does not end, it becomes continuous. Let us prevent this,*” calling for supporters to act against the legal amendment which “*allows for State of Emergency authority in an ordinary period.*” Please click to participate: <https://goo.gl/J5caxP>

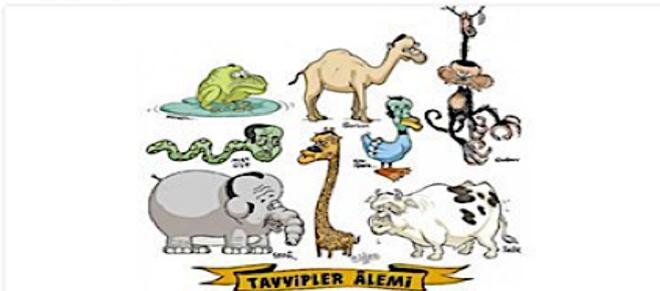


**Kemal Kılıçdaroğlu**   
@kilydaroglu

Follow

Eleştiriye ve mizaha tahammül edeceksin, etmelisin! Hapse atarak eleştirinin ve mizahın önüne geçemezsin.

 Translate Tweet



## Investigation against CHP leader over sharing cartoon

Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu shared the cartoon, “*Tayyips World,*” which led to the arrests of four Middle East Technical University (METU) students, from his Twitter account. Kılıçdaroğlu’s post stated, “*You will tolerate criticism and humour, you have to! You can’t prevent criticism*

*and humour by imprisoning people.*” Ankara Chief Public Prosecutor’s Office started an investigation against Kılıçdaroğlu due to ‘insulting the President.’

President Erdoğan has made criminal complaints against 72 other MPs, who shared the cartoon on their social media accounts. Erdoğan further filed a 1 million TL compensation lawsuit against Kılıçdaroğlu after his statements at the group meeting of his party. "Erdoğan was informed about the coup," Kılıçdaroğlu has stated.



## **1-year 3-month imprisonment each against three 'Peace Academics'**

Three more academics, who were on trial due to 'making terrorist organization propaganda' by signing the petition, "We will not partake in this crime," were convicted.

Istanbul 32nd Assize Court sentenced Asst. Prof. Dr. E.B. from Koç University, Research Member G.M. from Kadir Has University and Research Member Canan Özbey from Marmara University (dismissed) to 1 year and three months of imprisonment each. The sentences were deferred.

Thus, the number of academics who were sentenced to 1 year and three months of imprisonment each has reached 19 in the legal process that started on 5 December 2017. The announcement of all sentences, except the ones against Prof. Dr. Zübeyde Füsün Üstel and Prof. Dr. Büşra Ersanlı, were deferred. 256 scientists have individually stood trial in lawsuits filed separately against them.



## **2-year 3-month imprisonment against Cumhuriyet reporter Canan Coşkun**

Istanbul 26th Assize Court sentenced Cumhuriyet Daily reporter Canan Coşkun to 2 years and three months of imprisonment due to 'targeting those on duty in the fight against terrorism.' The sentence was not

deferred. The journalist was on trial due to covering the Prosecutor interrogations of lawyers, who were taken into custody within an investigation against DHKP-C.



## **1-year 3-month imprisonment against journalist over coverage of guard violence**

Erciş 1st Criminal Court of First Instance sentenced journalist Idris Yılmaz to 1 year and three months of imprisonment due to 'slander and insult through press' in the case filed against him due to his coverage of news and visuals in which guards are applying violence to a child. Yılmaz was arrested in January within another investigation against him due to 'illegal organization propaganda'. He is at Van Erciş Type-A Prison since.



## **Lawsuit against JinNews news director after complaint from BTK**

Following the criminal complaint made by the Information and Communication Technologies Authority (BTK) against JinNews after eight access bans on its website, a lawsuit was filed against news director Safiye Alağaç. The indictment, accepted by Diyarbakır 4th Assize Court, charges Alağaç with 'making illegal organization propaganda' due to news on the military operation in Afrin as well as the content in the column, "Woman's Pen." Alağaç faces an imprisonment sentence for up to five years. The first hearing of the case will be held on 11 December 2018.



## **Imprisonment against journalist due to social media post**

The hearings of two separate lawsuits against journalist Serdar Altan and Fuat Yaşar due to their social media posts were held at Diyarbakır 9th Assize Court. The court sentenced Altan to 1 year, 6 months and 20 days of imprisonment due to 'making illegal organization propaganda' and deferred the sentence for five years. Yaşar, who was on trial with the same charge, was acquitted.



## Lawsuit against EMEP Chairwoman

A lawsuit was filed against Labour Party (EMEP) Chairwoman Selma Gürkan due to her statements on EMEP members, who were arrested due to distributing notices. The indictment, accepted by Ankara 15th Assize Court, charges Gürkan with 'making illegal organization

propaganda.'

In her statement on 27 February 2018 at Istanbul Çağlayan Courthouse, Gürkan indicated that the members are being targeted due to the notice calling for peace in relation to the Afrin Operation, and that this lawsuit is not a legal but a political case. The first hearing of the case against Gürkan will be held on 9 October 2018.



## Investigation against conscientious objection statement

Sivas Chief Public Prosecutor's Office started an investigation against Atakan Polat, who announced his conscientious objection on 28 December 2014, the anniversary of the Roboski Massacre. Denying the objection Polat made on the administrative fine against him due

to draft evasion, the Criminal Judicature of Peace made a criminal complaint against the conscientious objection statement attached to the letter of objection. Polat is charged with 'making terrorist organization propaganda' within the investigation started.



## Investigation against 266 social media users in one week

Ministry of the Interior announced investigations opened against 266 people between the dates 9-16 July 2018 due to their social media posts. In these investigations, opened after

the examinations on 459 social media accounts, the users were charged with 'making illegal organization propaganda,' 'insulting government authorities,' 'incitement towards resentment, hatred and hostility' as well as 'intending against the indivisible integrity of state.'



uęur gürses  
@ugurses

Takip et

Hürriyet yolculuęuma son noktayı koydum.  
Birlikte alıřtıęım arkadaşlarıma, okurlarıma  
teőekkür ediyorum.

00:22 - 18 Tem 2018

318 Retweet 2.389 Beęeni



379 318 2389

## Uęur Gürses quits Hürriyet after censorship of article

Former Central Bank bureaucrat and Hürriyet Daily's economy writer Uęur Gürses quit the newspaper after his last column was not published. A

columnist for Hürriyet since April 2014, Gürses criticized the decision of the Capital Markets Board (CMB) that removed "insider trading" from being a crime, writing that this decision is "a black stain for Turkey's capital market." The column was not published by the newspaper due to "the newspaper being a public company as well, and that they have relations to the CMB." In his last column published on July 13th, Gürses criticized the regulation at the Central Bank following a Presidential decree.



## TRIALS OF FREEDOM OF EXPRESSION

- The first hearing of the case against 23 people, including lawyer Gülhan Kaya, with 13 of them arrested including journalists İsmınaz Temel and Havva Cuřtan, as well as against lawyers Özlem Gümüőtaő and Sezin Uar was held on July 16th at Istanbul 27th Assize Court with the charge of 'armed terrorist organization membership' and 'illegal organization propaganda.' Arrested ETHA reporter Havva Cuřtan was released with judicial control together with İsmail Geer, Meral Tatar, Onur Binbir and Özgen Sadet. The next hearing was scheduled to November 29th.
- Lawsuits against the Academics for Peace continued on July 17th at the 24th and 32nd Assize Courts. The 32nd Assize Court sentenced three academics to 1 year and three months of imprisonment each and deferred the sentences. The other three cases at the 32nd Assize Court were held without an audience due to the excused absence of lawyers and the academics, all were postponed to December 18th. The hearing at the 24th Assize Court was postponed to October 25th.
- The first hearing of the 500-thousand-TL compensation lawsuit filed by Erdoğan's son-in-law Berat Albayrak and his brother Serhat Albayrak against Cumhuriyet reporter Pelin Ünker and Cumhuriyet Foundation Executive Board Chairman Orhan Erin due to the news on Albayraks' connections revealed in the 'Paradise Papers' was held on July 17th. The 24th Civil Court of First Instance scheduled the next hearing to September 6th.
- The first hearing of the lawsuit against People's Democratic Congress (HDK) Co-Spokesperson Prof. Dr. Onur Hamzaloęlu and 11 other HDK-member party representatives (with two arrested) was held with the charges of 'public incitement towards resentment and hostility' and 'making terrorist organization propaganda.' Ankara 10th Assize Court issued the release of Hamzaoęlu and The Socialist Party of the Oppressed (ESP) Deputy Chairwoman Fadime elebi and scheduled the next hearing.

## **Hearings Next Week**

- Hearings of the files we are tracking are currently not being held due to judiciary recess.