



# Think, think...

## Freedom of Expression Weekly Bulletin

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### What happened last week?

\*\*\* The action to abate the proceeding in the lawsuit against Enis Berberoğlu was denied by both the 16th and the 17th Criminal Chamber of the Court of Cassation. Berberoğlu is arrested since June 14, 2017 despite having been re-elected as MP and the action was due to the related legislative immunity.

\*\*\* Ministry of National Education (MEB) repealed the article that predicted mixed education at anatolian high schools as well as technical and professional higher education centers. A verdict of abatement of proceeding was issued in the lawsuit due to the implication from the article that it could prevent other schools from offering mixed education.

\*\*\* Turkey's Wealth Fund, established in 2016 to be managed by the Wealth Fund Inc., was bound to the Presidency with a decree. Deputy Chairman of the Wealth Fund will be Finance and Treasury Minister Berat Albayrak.

\*\*\* The prerequisite for rectorship to be a professor for three years and for assignments to Scientific and Technological Research Council of Turkey (TUBITAK) executive board memberships to serve in the public sector for at least five years were removed with a Presidential Decree.

\*\*\* Central Bank of the Republic of Turkey Monetary Politics Council increased the interest rates by 6.25 points, with the interest rate rising from 17.75 percent to 24 percent. This decision was enacted after President Erdoğan's speech that stated that he is against high interest rates. US Dollar and Euro fell against the Turkish Lira following the Central Bank decision, whereas later rose up again to 6-7 TL region.

\*\*\* Making another statement following Central Bank's increase in interest rates, President Erdoğan said, *"The Central Bank has applied a very high increase in the interest rates. You know they keep speaking about "independence," there you go, independence. We will see now, the results of independence."*

\*\*\* In the executive meeting of Cumhuriyet Foundation on September 7, 2018, Friday, the executive board of Cumhuriyet Newspaper was changed. Alev Coşkun was elected as Chairman of the Foundation and Aykut Küçükaya as Editor-In-Chief. Dismissals and resignations started in the newspaper following the changes in the executive board. **(Details below...)**

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## **New session in Cumhuriyet starts with resignations and dismissals**

In the executive meeting of Cumhuriyet Foundation on September 7, 2018, Friday, the executive board of Cumhuriyet Newspaper was changed. Alev Coşkun was elected as Chairman of

the Foundation and Aykut Küçükaya as Editor-In-Chief.

Following the changes in the executive board, Murat Sabuncu and managing editors Faruk Eren and Bülent Özdoğan were dismissed from the newspaper. Following the developments, Cumhuriyet Saturday issue Editor-In-Chief Zeynep Miraç Özkartal resigned. Resignations of Prof. Dr. Ahmet İnel, Aslı Aydıntaşbaş, Aydın Engin, Çiğdem Toker and Hakan Kara continued after Özkartal.

Mirgün Cabas, Barbaros Şansal, Mahir Ünsal Eriş, Binnaz Saktanber announced that they will not continue writing their columns on the newspaper's weekend issues.

The number of resignations in the newspaper reached 24 together with the resignations of Güray Öz, Bağış Erten, Ahmet Tulgar, Melis Alphan, Bülent Şık, Musa Kart, Tayfun Atay, Bülent Mumay ve Kemal Can, Ceyda Karan and Kadri Gürsel.

Lastly, the newspaper's Ankara representative Erdem Gül was dismissed from the newspaper on September 10, Monday with a two-sentence fax by the new Editor-In-Chief.

European Parliament's EU-Turkey rapporteur Kati Piri reacted against the executive changes and dismissals in the newspaper with a statement on Twitter.

*"After raids, legal proceedings, arrests and imprisonment of its journalists, last independent newspaper Cumhuriyet now taken over by ultra-nationalists, aligned with President Erdogan. Is this final blow to what was left of press freedom in Turkey?"* wrote Piri.



## **Saturday Mothers' demonstration banned in 702nd Week, IHD files criminal complaint against Minister Soylu**

The Saturday Mothers and their supporters have faced a ban on their 702nd week demonstration following previous restrictions. Galatasaray

Square was blocked with police barricades early in the morning, anti-riot vehicles were placed at the beginning of the streets leading to Istiklal Street.

Many people, including the relatives of those disappeared, rights advocates as well as People's Democratic Party (HDP) MPs Züleyha Gülüm, Ahmet Şık and Garo Paylan gathered in front of Human Rights Association (IHD) Istanbul Office.

The police prevented the relatives and the rights advocates from marching towards Galatasaray Square. A sit-in protest was performed at the location of the police prevention. IHD Istanbul Commission Against Disappearances in Custody was read by commission member and victim relative Besna Tosun.

Human Rights Association (IHD) Istanbul made a criminal complaint against Istanbul Governor Vasip Şahin and Beyoğlu District Governor Savaş Ünlü on the prevention of the Saturday Mothers' demonstration, as well as against Interior Minister Süleyman Soylu on September 9, 2018 at Istanbul Courthouse in Çağlayan due to his statements against the Saturday Mothers with insults and threat.

IHD Istanbul Chair Gülseren Yoleri indicated that they have filed three different criminal complaints. "The first of those was against the insults and incorrect statements made by Süleyman Soylu against the mothers, because the statements he made is equating the mothers with terrorist activities and provokes the public towards resentment and hostility. The second one is a criminal complaint against those responsible for the null and void ban decision against the 700th week demonstration and the police violence that followed. The third criminal complaint is the personal criminal complaints of victims of police violence," Yoleri said.



## **Activist Ramin Panahi executed in Iran**

The death sentence issued against 24-year-old Ramin Hossain Panahi, was revealed to have been executed. Panahi was taken into custody in Iran on June 23, 2017 while wounded and alleged to be an 'armed terrorist organization member.'

Panahi's brother Amjad Hossain Panahi wrote on Twitter that his brother Ramin was executed, later sharing the information with the public by connecting to Aryen TV. On the other hand, Panahi's lawyer Hossain Ahmadi Niyaz spoke to Artı Gerçek and confirmed his client's execution. No official announcement was made from Iran.



## **Özgürlükçü Demokrasi Daily Case begins**

The prosecution of 14 Özgürlükçü Demokrasi Daily workers, six of them arrested, started on September 12, Wednesday at Istanbul 23rd Assize Court. The defendants are charged with ‘illegal organization membership’ and ‘making illegal organization propaganda.’ The newspaper has previously been shut down

with Statutory Decree No. 701 issued on July 8, 2018.

Arrested defendants owner Ihsan Yaşar, chief editor Ishak Yasul, editor Hicran Urun, worker Pınar Tarlak, newspaper editor and writer Mehmet Ali Çelebi, editor Reyhan Hacıoğlu spoke during the hearing, as well as defendant driver Ramazan Solak.

Chief judge Ahmet Oğuz asked the defendants questions like, “*You know the rights of journalism, do you know the responsibilities as well?*” “*What is your publication policy?*” “*How do you obtain information on the news?*” “*Have you covered news on the sexual abuse within a terrorist organization?*” “*Were you disturbed, as a citizen of this country, by these news that described the Turkish Armed Forces as an occupying force?*”

The court issued the release of Pınar Tarlak with judicial supervision. The next hearing was scheduled to December 6, 2018.



## **UN High Commissioner for Human Rights: We receive serious reports on rights violations in Turkey**

UN High Commissioner for Human Rights Michelle Bachelet indicated that the State of Emergency in Turkey is effectively ongoing with the recently-enacted anti-terror laws.

“We receive serious reports on rights violations in Turkey,” Bachelet said.

The 39th Human Rights Sessions of UN Human Rights Council started in Geneva, Switzerland. Speaking at the opening ceremony, UN High Commissioner Bachelet reminded the audience that all governments bear the duty to protect and develop their citizens’ rights and that the human rights council aims to guarantee and further develop these rights.

Bachelet stated that Turkey has recently ended the State of Emergency period, whereas the following anti-terror laws enacted lead to serious restrictions on basic human rights just like the State of Emergency itself. “*People are being kept in custody for long periods of time and are deprived of many rights with charges related to connections with ‘terrorist organizations.’ The State of Emergency in fact continues de facto. Journalists, human rights*

*advocates are still being arrested. We receive serious reports on the rights violations in Turkey indicating arbitrary custodies, torture, forced disappearances and the kidnapping of Turkish citizens from a third-party country,” Bachelet said.*



## **Verdict issued in KCK Main Case**

Politicians were convicted in the “KCK Van Main Case” on retrial at Van 1st Assize Court following the reversal of the Court of Cassation. 16th Criminal Chamber of the Court of Cassation had reversed the verdict in the “KCK Van Main Case” filed in

2012 against 13 defendants, including Van Co-Mayor Bekir Kaya and the prosecution continued with retrial at Can 1st Assize Court. The defendant politicians were sentenced to imprisonment in varying durations from 10 years to 15 years due to ‘illegal organization membership.’



## **No release for ETHA workers**

The first hearing of the case filed against four people, including Etkin News Agency (ETHA) editor Semiha Şahin and reporter Pınar Gayıp, was held at Istanbul 23rd Assize Court in Istanbul Courthouse in Çağlayan. The four defendants were arrested pending trial.

The court issued the four defendants, including Semiha Şahin and Pınar Gayıp, to remain arrested. The next hearing was scheduled to December 5, 2018.

Gayıp and Şahin have been taken into custody by being taken from their homes on April 13 around 20:00 and were arrested on April 19 by the Prosecutor’s Office they were taken together with Socialist Youth Associations Federation (SGDF) member Ferhat Pehlivan, who was also in custody, as well as Gülsen İmre, who was taken into custody in Gazi Neighborhood.

Semiha Şahin is charged with ‘illegal organization membership and propaganda,’ Pınar Gayıp with ‘illegal organization membership,’ SGDF member Ferhat Pehlivan and Gülsen İmre are charged with ‘making illegal organization propaganda.’



## **Austrian journalist Max Zirngast taken into custody**

‘Re:volt’ Magazine announced with a Twitter post on September 11, 2018, that Austrian journalist Max Zirngast, who works for the magazine, was taken into custody on the same day around 05:00 in Ankara by anti-terror units.

“Turkey is trying to silence all oppositional voices. But it will not succeed!” stated the Twitter post of the magazine. The magazine’s Twitter account further indicated that the reason for Zirngast’s custody is ‘high-probability of political publications’ besides terror charges.

Austrian Government Spokesman Peter Launsky-Tieffenthal made a statement on the journalist being taken into custody in Turkey. *“The Austrian Government invites Turkey to either announce the reasons for the custody, or to release the journalist at once,”* said the spokesman, adding, *“Austria is supports unconditional press freedom and freedom of thought. We provide support for our citizen in custody through the Austrian Embassy.”*



## **Research members acquitted after four years**

Five research members, who were taken into custody during the police attack against the protest for solidarity with Kobanê in front of Ankara University Cebeci Campus on October 9, 2014, were acquitted of all charges four years after the filing of the lawsuit against them.

A verdict of acquittal was issued in the hearing on September 10, 2018 at the 35th Criminal Court of First Instance with the academics as defendants due to violating the Law on Meetings and Demonstrations No. 2911.

Acquitted academics Onur Can Taştan, Nail Dertli, Celil Kaya, Aysun Gezen and İlkey Kara are signatories for the Peace Petition as well, having been dismissed from duty with Statutory Decree No. 672 issued on September 1, 2016.



## **Investigation against Fatih Portakal due to ‘insulting President’**

An investigation was started against journalist Fatih Portakal due to ‘insulting the President’ through the

tweet he posted on the ban against the theater play performed by actor and People's Democratic Party (HDP) MP Barış Atay, 'Only Dictator.'

Testifying at the Prosecutor's Office, Portakal stated that he hasn't insulted the President but has expressed his opinions within the freedom of thought and expression. It was indicated that the denouncement against him was made by a citizen.

The related tweets of Portakal concerning the investigation are as following:

*"The theater play, 'Only Dictator,' performed by Barış Atay, is being banned everywhere by the official ideology. How can one play disturb those in power so much? Can a theater play be feared of? It's just a play..."*

*"Only Dictator; the play that disturbs, angers and is being banned."*



## **Warrant issued in RedHack Case**

Six journalists stood trial in the hearings held within the RedHack case. Warrants were issued against journalists Ömer Çelik and Metin Yoksü for the next hearing following their absence.

The hearing of the lawsuit filed against six journalists due to covering the emails of Minister Berat Albayrak leaked by RedHack in their news was held at Istanbul 29th Assize Court. Journalists Derya Okatan, Tunca Öğreten, Mahir Kanaat and Eray Saygın were present in the hearing; whereas Ömer Çelik and Metin Yoksü were absent.

The court issued the judicial supervisions against the defendants to remain as well as warrants against Ömer Çelik and Metin Yoksü for the next hearing.

The next hearing was scheduled to January 8, 2019.



## **14 thousand TL judicial fine against Evrensel Daily due to 'insulting President'**

Istanbul 2nd Criminal Court of First Instance sentenced Evrensel Daily's former Editor-In-Chief Vural Nasuhbeyoğlu and former owner Arif Koşar to 7,000 TL compensation due to 'insulting the President.'



## Imam sentenced to imprisonment due to 'illegal organization membership'

Diyarbakır 8th Assize Court sentenced retired Imam Abdulkadir Anar to 6 years and three months of imprisonment. Also the Bağlar Municipality Assembly member, Anar was charged with 'illegal organization membership' due to participating in the burial, prayer and condolences for funerals of illegal organization members; organizing and leading civilian Friday prayers as well as participating in press statements organized to protest the destruction of cemeteries. In his defense during the summary judgment, Anar said, *"Based on the religious education I've received and the requirements of the profession of being an Imam, I will perform my religious duty when I am called for, no matter whose funeral that is."*



## TRIALS OF FREEDOM OF EXPRESSION

- The prosecution of 14 Özgürlükçü Demokrasi Daily workers, six of them arrested, due to 'illegal organization membership' and 'making illegal organization propaganda' started on September 12, Wednesday, at Istanbul 23rd Assize Court. Journalist Pınar Tarlak was released with judicial supervision and the next hearing was scheduled to December 6, 2018. The newspaper was shut down on July 8, 2018 with Statutory Decree No. 701.
- The prosecution of journalists Tunca Öğreten, Mahir Kanaar, Ömer Çelik, Metin Yoksu, Derya Okatan and Eray Saygın continued on September 13, Thursday at 10:00 at Istanbul 20th Assize Court within the lawsuit filed against them due to 'illegal organization membership' and 'making illegal organization propaganda' through their news coverage related to the emails of Minister Berat Albayrak, leaked by RedHack. Warrants were issued against journalists Ömer Çelik and Metin Yoksu following their absence in the hearing. The next hearing was scheduled to January 8, 2019.

### HEARINGS NEXT WEEK

- Prosecutions of the Academics for Peace will continue on September 19 and 20, 2018 at the 37th Assize Court in Çağlayan Courthouse.
- The next hearing of the lawsuit filed against Hayatın Sesi TV due to 'making illegal organization propaganda' will be held on September 19, 2018 at the 13th Assize Court in Çağlayan Courthouse. The channel was previously shut down with an emergency decree.



## **TURKEY TODAY**

- We continue to track developments during the State of Emergency and the Presidential period with our Xtra bulletins. [Please click here](#) for Statutory Decrees issued within the State of Emergency, Presidential Decrees and other Xtra bulletins.