



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** President Erdoğan came together with Russian President Putin in Sochi to discuss developments in Syria. Turkey and Russia agreed on a ‘buffer zone’ in Idlib, where all heavy weaponry will be withdrawn.

*** Despite the interest rate increase by the Central Bank, the currency exchange rate increased to the same levels not even a week later. Erdoğan, on the other hand, asserted that there is no economical crisis in Turkey. “*These are all manipulations,*” Erdoğan said. Finance Minister Albayrak further defended that Turkey has pulled through the currency crisis.

*** The New Economy Program announced by Albayrak for the years 2019-2021 revised growth downwards and inflation upwards. The expectation for inflation was 20.8 percent for 2018.

*** With a new action taken to prevent the currency loss in TL, the interest rate for the TL version of corresponding deposits banks are obliged to keep in the Central Bank was increased from seven percent to thirteen percent.

*** German Ministry of Justice announced that Turkey has demanded the arrests of 791 people through Interpol following the coup attempt. 35 German citizens were arrested in Turkey during the same period.

*** The Court of Cassation approved the 5-year and 10-month imprisonment sentence against Republican People’s Party (CHP) MP Enis Berberoğlu due to the news coverage on Turkish National Intelligence Trucks. The arrested MP was released. **(Details below...)**

*** Four more “Peace Academics” were convicted this week. **(Details below...)**

*** 3rd airport workers started a protest for an end to work murders and for better working conditions. An operation was organized against the workers’ protest, 24 were arrested. **(Details below...)**

*** Contemporary Lawyers Association members, who were arrested pending trial due to illegal organization membership and were released in the first hearing, were arrested not even 24 hours after their release.

*** European Court of Human Rights (ECtHR) asked a series of questions to Ankara for Osman Kavala, who is arrested since November 1, to defend himself. Questioning the legality of his arrest and the relation of his state with his right to be prosecuted within a reasonable time, the court demanded detailed information on the notion of “*heavy suspicion*” that was stated as basis for Kavala’s arrest.

*** The protest of the Saturday Mothers was banned this week as well. Relatives of those disappeared in custody were prevented from going to Galatasaray Square.

*** A luxury jet worth 400 million dollars was purchased for Erdoğan's use. It was defended that the jet was a gift from the Qatar Emirates as a response to criticisms.

*** The duty loss of public institutions, predicted as 55 billion TL at the beginning of 2018 budget year, reached 61 billion TL at the end of the first eight months. The duty losses reached a peak in June due to governmental expenses related to the elections.

*** International Hrant Dink Award was granted to rights advocate and Justice Truth and Memory Center director Murat Çelikkhan and Mwatana Human Rights Organizations from Yemen.



Court of Cassation approves imprisonment against Enis Berberoğlu with stay of execution

16th Criminal Chamber of the Court of Cassation approved the imprisonment sentence against Republican People's Party (CHP) Istanbul MP Enis Berberoğlu, who was convicted and arrested due to the news coverage on

Turkish National Intelligence Trucks. The court issued Berberoğlu's release and stay of execution until the end of Berberoğlu's Parliament membership.

Istanbul 14th Assize Court had sentenced Berberoğlu to 25 years of imprisonment on June 14, 2017 due to "political and military espionage" and issued his arrest. This verdict was then reversed by the 2nd Criminal Chamber of Istanbul Regional Court on October 9, 2017. Upon retrial, Berberoğlu was sentenced to 5 years and 10 months of imprisonment not due to "espionage" but due to "announcing confidential information concerning the security of state as well as the government's domestic and foreign interests." The file was sent to the Court of Cassation; applications of release for Berberoğlu was denied until now. Berberoğlu was re-elected as MP in the June 24 elections.



"Peace Academics" on trial

Istanbul 28th Assize Court sentenced Asst. Prof. Bülent Küçük, Assoc. Prof. Çiğdem Kafesçioğlu, Prof. Dr. N.N. and Dr. Gaye Yılmaz to 1 year and three months of imprisonment each due to 'illegal organization propaganda' through signing the petition, "*We will not partake in this crime*," by the Academics for Peace. The

announcement of the verdict was deferred. The verdict against Yılmaz was issued by the court

council, who did not accept the excuse of Yılmaz's lawyer; therefore without a defense council and defense. The number of convicted academics reached 23. With the hearings this week, the number of academics standing trial has reached 273.



24 airport workers arrested over demanding better working conditions

3rd airport workers started a protest for an end to work murders and for better working conditions. An operation was organized against the workers' protest, 24 were arrested. The arrested workers were charged with 'resisting to prevent duty' in accordance with Turkish Penal

Code Article 265, 'violation of freedom of work' in accordance with Turkish Penal Code Article 117, 'damaging public property' in accordance with Turkish Penal Code Articles 151 and 152 and 'violation of the Law on Meetings and Demonstrations' in accordance with the Law No. 2911. The airport construction site, where 36 thousand workers are employed, were frequently on agenda with work murders. 401 of the workers, who started their protest on September 14, were taken into custody. Most were later released and 28 were taken to the court with arrest claims.



11 year 3 month imprisonment against Hayatın Sesi executives

Istanbul 13th Assize Court sentenced Hayatın Sesi TV owner Mustafa Kara, his partner Ismail Gökhan Bayram and Manager gökhan Çetin to 3 years and nine months of imprisonment each due

to 'illegal organization propaganda.' The TV was previously shut down with an emergency decree and the three defendants were charged with making ISIS and PKK propaganda through the news broadcasted in the TV related to the curfew in Cizre and the Ankara Train Station Massacre.



Gün Printing Case: 8 released

The first hearing of the lawsuit filed against 21 workers of Gün Printing House due to 'illegal organization membership' and 'illegal organization propaganda' was held at Istanbul 26th Assize Court. The court council issued

the release of eight arrested defendants and 12 defendants to remain arrested. The next hearing was scheduled to November 12.

The indictment of the case charges the defendants due to around 110 publications printed by the company and ongoing lawsuits against the owners, editors-in-chief and writers of those publications. The printing house was raided simultaneously with the investigation conducted against Özgürlükçü Demokrasi Daily and later a trustee was assigned to the company. The charges further include Özgürlükçü Demokrasi's critical headline covering the Afrin Operation conducted by the Turkish Armed Forces (TSK) and Gün Printing's involvement in the distribution of the newspaper issue.



Teacher Ayşe to be imprisoned again on November 1 in case no verdict issued by Constitutional Court

Teacher Ayşe has been sentenced to 15 months of imprisonment due to saying, "Do not let children die," via phone call on a TV show during curfews. The

execution of the teacher's sentence was deferred and the period of deferral will end on October 31.

Bakırköy 2nd Assize Court sentenced Çelik to 1 year and three months of imprisonment due to 'making terrorist organization propaganda.' The execution of Çelik's sentence was deferred for six months due to her pregnancy and she was later imprisoned together with her baby. The execution was deferred for a second time and Çelik was later released. The file was carried to the Constitutional Court due to violation of freedom of expression and the right to fair trial. In case the court does not issue a verdict by November, teacher Ayşe will be imprisoned once again on November 1st.



"Peace academic" released after arrest due to social media posts

The prosecution of lawyer Hanifi Barış, who was arrested due to his social media posts, started at Istanbul 29th Assize Court. Barış, who is also a 'Peace Petition' signatory, is arrested since July 4th due to the academic

articles and news he shared on the social media related to the Kurdish Question. The court council issued Barış to be released under judicial supervision. The next hearing was scheduled to December 13, 2018.



Investigation against actor Levent Üzümcü due to ‘insulting Erdoğan’

An investigation was started against actor Levent Üzümcü due to his social media posts. Charged with ‘insulting the President,’ a warrant was issued against Üzümcü. Arriving at Istanbul Anatolian Justice Palace courted by the police, the

actor testified to Press Charges Investigation Bureau Prosecutor Tuncay Karcıoğlu, who conducts the investigation. Üzümcü was later released.



Investigations against 261 social media users in one week

Ministry of the Interior announced investigations opened against 261 social media users following the examination of 376 social media accounts between the dates September 10 and 17, 2018. According to the ministry announcement, the social media users

were charged with ‘making illegal organization propaganda,’ ‘insult,’ ‘public incitement towards resentment, hatred and hostility’ and ‘intending against the indivisible integrity of state.’



Acquittal in Kulp Case due to ‘lack of evidence’

Yavuz Ertürk, who was on trial at Ankara 7th Assize Court as the only defendant related to the disappearance of 11 people in custody in Kulp district of Diyarbakır as the only defendant of the case, was acquitted due to ‘lack of evidence.’ The charge imposed against Ertürk to ‘establish a criminal

organization’ was also abated due to time limitation. victim lawyer Erkan Şenses spoke on the verdict, saying, “*The judiciary continued the politics of impunity for crimes committed by public officials.*”

11 people had been collected from the hamlets in Kulp district of Diyarbakır between October 8 and 25, 1993 within the military operation conducted by Bolu Brigade under the command of Ertürk, taken into custody. Those 11 people were never heard of again and families could

not receive any conclusions from the criminal complaints made at the Prosecutor's Office related to the disappearances. Following the lack of domestic remedy, the families carried the matter to the European Court of Human Rights (ECtHR). The ECtHR convicted Turkey of violating Article 2 of the European Convention on Human Rights (ECHR), regulating the right to life, Article 3 of ECHR regulating the torture ban as well as Article 5 of ECHR regulating the right to freedom and security due to Turkey's responsibility on the deaths as well as the lack of efficient investigation.



Cases of police violence

The seventh hearing of the lawsuit filed on the death of 14-year-old Berkin Elvan during the Gezi Park protests was held at Istanbul 17th Assize Court. Police officers presented their witness statements in the hearing and answered all questions with statements like, "*I don't know, I don't remember, I didn't see,*" similar to their statements during

the investigation process. The lawyers reminded the court that defendant police officer Fatih Dalgali's phone signal was identified to have been on the location Elvan was shot at the time of his death. Denying the arrest claim against Dalgali, the court council scheduled the next hearing to November 28, 2018 to start at 10:00.

The prosecution of police officer Yakup Şenocak, who shot university student Kemal Kurkut dead during the Newroz celebrations organized in Diyarbakır in 2017, continued at Diyarbakır 7th Assize Court. A 13-second new evidence entered the case file days before the hearing. In the evidence visual, one of the two police officers on duty says to another, "*There is no need to shoot him.*" Despite this extra evidence, the court council denied the claim for the defendant police officer to be arrested. The defendant is on trial with a claim of life imprisonment due to 'homicide with eventual intent.' The next hearing of the case was scheduled to be held on December 20, 2018.



TRIALS OF FREEDOM OF EXPRESSION

- The fourth hearing of the case, in which People's Democratic Party (HDP) MP Ahmet Şık is on trial due to his Twitter posts in accordance with Turkish Penal Code Article 301, was held at Istanbul 17th Criminal Court of First Instance. The court judge issued an abatement of proceeding due to Şık's election as MP.
- In the summary judgement hearing of Hayatın Sesi TV Case held at Istanbul 13th Assize Court on September 19, Hayatın Sesi TV orner Mustafa Kara, his partner İsmail Gökhan Bayram and Manager Gökhan Çetin were sentenced to 3 years and nine months of imprisonment each due to 'making illegal organization propaganda.'
- In the "Academics for Peace" Case held at Istanbul 28th Assize Court on September 20, the court council sentenced Asst. Prof. Bülent Küçük from Boğaziçi University Department of Sociology and Dr. Gaye Küçük from the Faculty of Educational

Sciences to 1 year and three months of imprisonment each due to “making illegal organization propaganda.” The announcement of the verdict was deferred.

- The second hearing of the lawsuit filed against 10 people, who posted critical content on the social media against the military operation conducted by the Turkish Armed Forces (TSK) against Afrin, was held at Istanbul 28th Assize Court. The obligation of signature submission within the supervised release of defendants was removed and the next hearing was scheduled to November 20.
- The prosecution of peace activist Meral Geylani, charged with ‘alienating the public from the military service’ due to five different social media posts in 2016, continued at Uludere Criminal Court of First Instance. Geylani submitted her defense statement at Antalya 23rd Criminal Court of First Instance upon order. The court scheduled the next hearing to February 28, 2019.
- The appeal prosecution of “coup attempt media case” started with six defendants, including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak. The defendants were previously sentenced to heavy life imprisonment, and the hearing at 2nd Criminal Chamber of Istanbul Regional Court was ongoing as the bulletin was issued.

HEARINGS NEXT WEEK

- The next hearing of the lawsuit filed against former People’s Democratic Party (HDP) Co-Chair Figen Yüksekdağ due to ‘managing terrorist organization,’ ‘making terrorist organization propaganda,’ ‘violating the Law on Meetings and Demonstrations,’ ‘public incitement towards resentment and hostility’ and ‘incitement to offense’ following the merging of seven different summaries prepared against her will be held on September 24 at Ankara 16th Assize Court.
- The prosecutions of the Academics for Peace will continue on September 25 at Istanbul 34th Assize Court.
- The next hearing of the lawsuit filed against artist Ferhat Tunç due to “public incitement towards resentment and hatred” through a social media post will be held on September 25 at Istanbul 36th Assize Court.



TURKEY TODAY

We continue to track developments during the State of Emergency and the Presidential Period with our Xtra bulletins. Some regulations on transferring to Turkish citizenship were changed this week with Presidential decrees decreasing required investments and purchases. The 2-million-dollar capital requirement was decreased to 500 thousand Dollars; and the 1-million-dollar real estate requirement was decreased to 250 thousand Dollars. [Please click here](#) for Statutory Decrees during the State of Emergency, Presidential Decrees and other Xtra bulletins.