



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 38/18, 28 September 2018)

### What happened last week?

\*\*\* Turkey will take action east of the Euphrates river in Syria, similar to the Euphrates Shield and Olive Branch Operations, President Erdoğan said.

\*\*\* President Erdoğan claimed that he cannot interfere with the judicial process against pastor Brunson due to the pastor's connections with terrorist organizations. Indicating that the case is not connected to the current economic state, Erdoğan said, *"The current economic issue is not a process that should be exaggerated. Turkey will get over this period through its own means."*

\*\*\* President Erdoğan indicated that there is serious distance in the relations between Turkey and the U.S., saying, *"Our strategic partnership will get over this turbulent period as well."* Foreign Minister Mevlüt Çavuşoğlu announced that Ankara will not comply with US tariffs and continue trading with Iran.

\*\*\* Nationalist Movement Party (MHP) presented an amnesty bill in the Parliament. However, there is serious drawback in the Justice and Development Party (AKP) on the matter, for it includes offenses committed against individuals and that criminal organizations will be able to benefit from it as well. The future of the bill is unclear.

\*\*\* Justice and Development Party (AKP) and Nationalist Movement Party (MHP) announced for an alliance in principles during the local elections.

\*\*\* International credit rating organization Moody's indicated that the political environment in Turkey is becoming more and more unpredictable and that there is risk for the Turkish government to interfere with foreign currency deposits.

\*\*\* The reasoned decision for the approval of 5-year 10-month imprisonment sentence against Enis Berberoğlu in the Turkish National Intelligence Trucks Case was announced by the Court of Cassation. The verdict claimed that the related act of the Intelligence carried the quality of 'government secret,' and that this information was required to be kept in secret. In case this verdict is announced at the Parliament's General Assembly, Berberoğlu will lose his seat in the Parliament and will be imprisoned for the execution of the rest of his sentence.

\*\*\* Statistics on the individual application system, which is in action for six years, revealed that the number of rights violation verdicts issued by the Constitutional Court in 2018 was less than those issued in the last five years. Receiving 27,356 applications in 2018, the high court issued only 236 rights violation verdicts. The rate of those verdicts compared to the total verdicts issued by the court in 2018 is 8.2 percent.

\*\*\* European Parliament is preparing to cancel the 70-million Euro aid planned to be given to Turkey for support during the EU-membership process. The Budget Committee stated the

reason for the decision is the lack of progress in Turkey in terms of the principle of supremacy of law and human rights.

\*\*\* Radio and Television Supreme Council (RTÜK) accepted the regulation that predicts wide bans, monitoring and sanctions against internet publications.

\*\*\* Economic trust index showed the highest drop within the last ten years in September with 15.4 percent, decreasing to 71 as the lowest level since March 2009.



### **“Peace Academics” on trial**

Prof. Dr. B.K. and Asst. Prof. O.A. from Boğaziçi University as well as faculty member Zübeyde Gaye Çankaya Eksen and Asst. Prof. Dr. N. Ö. from Galatasaray University were sentenced to 1 year and three months of imprisonment due to ‘making illegal organization propaganda’ through signing the Academics for Peace

petition, “We will not partake in this crime.” The courts deferred the announcement of the verdicts. Thus, 27 of 280 academics with lawsuits against them due to the petition were convicted.



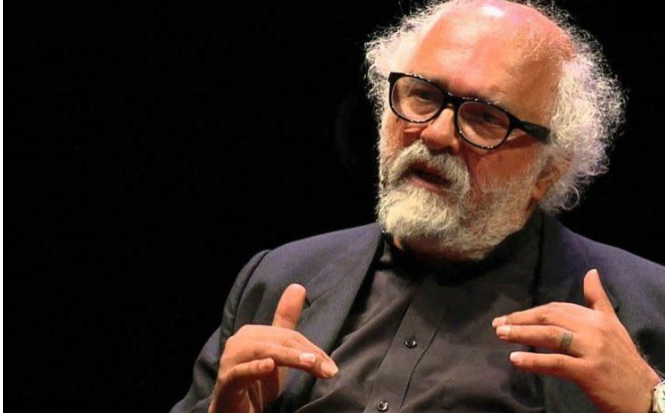
### **Imprisonment sentence against artist Ferhat Tunç due to illegal organization propaganda**

Istanbul 36th Assize Court sentenced artist Ferhat Tunç to 1 year, 11 months and 12 days of imprisonment due to ‘making illegal organization propaganda’ through his social media

posts made in the years 2015 and 2016. The conviction activates the execution of four previously deferred sentences against Tunç.

Denmark-based NGO Freemuse indicated that the experiences of Tunç is evidence for how Turkish authorities attack artists and started a petition campaign. The organization demanded all charges against Tunç to be abated, calling for solidarity. Please click to participate:

<https://goo.gl/9E72DU>



## **Next hearing of lawsuit against publisher Ragıp Zarakolu scheduled to November 30**

(BDP) in 2011, continued at Istanbul 3rd Assize Court.

The prosecution of publisher Ragıp Zarakolu, charged with ‘making illegal organization propaganda’ due to the speech he gave at the Politics Academy of the Peace and Democracy Party

It was revealed during the hearing that the objection made by lawyer Sennur Baybuğa against the red notice was denied, whereas the denial notice was not served. On the other hand, the court denied the application for Zarakolu, who lives in Sweden since December 2013, to submit his defense abroad. The application was made last July and the denial was issued during the last hearing. The next hearing was scheduled to November 30, 2018.

A red notice has been issued against Zarakolu on June 7, 2018, due to not attending the hearings after his arrest on October 2011 and release in April 2012 within the case file.



## **Journalist Ergün Demir released after custody due to news coverage**

Journalist Ergün Demir, who was taken into custody due to the news he reported on a citizen committing suicide in Kocaeli, was released by the court he was taken to.

Demir reported news on the suicide of a 45-year-old citizen after not being able to afford pants for her son demanded by his school. The news article, initially published on news website Astakoshaber with Demir as chief editor, has become a topic of debate across the country. Kocaeli Governorate has then asserted that the news didn’t reflect the truth, accusing the journalist. Demir has then published the conversation made by the citizen, who died due to suicide, with his wife with the title, “*Document for News on Ismail Devrim.*”

The journalist was taken into custody due to the interview and was charged with “taking secret tape recording.” “*I wrote on a family tragedy... I published the voice recording to prove the news... Whereas the situation has become in which the victim woman, her husband and I are being accused,*” Demir said upon his exit from the courthouse.



## **Journalist summoned to testify after targeting of mayor**

Journalist Deniz Varlı was targeted by Justice and Development Party (AKP) member mayor after criticizing the cutting of a plane tree in Rize through a video he shared on the social media. Professionally a landscape architect,

Varlı testified at the Security office within the investigation opened due to the social media post.

Varlı has posted visuals on the municipality cutting an ancient plane tree on his social media account on September 23, 2018 and wrote that the municipality has also *“destroyed the historical, 300-year-old Rize Central Mosque with the excuse of opening up a boulevard.”* After the post was spread all over social media, AKP member and Rize Mayor Prof. Dr. Reşat Kasap said, *“From now on, we will react more heavily against those who make even the littlest unfair allegation against our beautiful Rize.”*



## **Investigation against news by journalist Alican Uludağ due to TCK Article 301**

An investigation was opened against Cumhuriyet Daily reporter Alican Uludağ due to his news on American pastor Andrew Brunson, who is kept in house imprisonment in Izmir. The news article was entitled, *“A judicial analysis*

*of a release: Is it the judiciary or government who arrests and releases?”* Uludağ wrote that Brunson’s release with house imprisonment is *“the initiative of the government, not the judiciary.”* Due to this statement, the journalist was charged with ‘denigrating judicial bodies’ in accordance with Article 301 of the Turkish Penal Code (TCK).



## **Journalist Sertaç Kayar acquitted**

Journalist Sertaç Kayar, who was on trial at Diyarbakır 3rd Assize Court due to a photograph he took during the events on March 8, World Women’s Day, was acquitted in the first hearing. The journalist was charged with

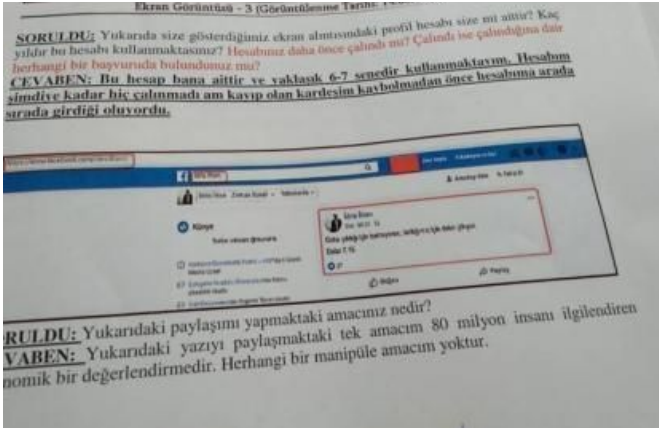
‘targeting those on duty within the fight against terrorism’ following the criminal complaint of two police officers, whose faces were visible on the photograph Kayar took.



## Cameraman convicted of ‘insulting Erdoğan’ after being dismissed from TRT

Former Turkish Radio and Television Institute (TRT) cameraman Binali Erdoğan was sentenced to 10 months of imprisonment with the allegation that he has insulted President Erdoğan on the social media. Izmir 25th Criminal Court

of First Instance issued the deferral of the announcement of the sentence. Remaining under arrest for 25 days within the file, Binali Erdoğan has previously been dismissed from TRT due to the related social media posts.



## Arrest due to social media post on economic crisis

Former People’s Democratic Party (HDP) Siirt Provincial Assembly member Idris İlhan was arrested due to his social media posts. Charged with ‘making illegal organization propaganda’ and ‘violating the Capital Market Law’ due to his post that stated, “We aren’t failing because the US

*Dollar is increasing against the TL; it is increasing because we are failing: Dollar: 7.15 TL,”* İlhan was sent to Siirt Type-E Prison.



## Tamer Doğan banned from legal service for arrested clients

Ankara 4th Criminal Judicature of Peace banned lawyer Tamer Doğan from providing legal service for his clients, Austrian journalist Max Zirngast, Hatice Göz and Mithatcan Türetken. The verdict was based on the lawsuit against Doğan at Istanbul 14th Assize Court.

In the case file, Doğan was among 31 Libertarian Lawyers Association members who were taken into custody in March 2016 due to ‘illegal organization membership and propaganda’ and was released by the court he was taken to. According to the legislation, lawyers facing investigations or prosecutions with charges related to illegal organization membership can be banned from providing legal service.



## University student suspended due to article

Izmir Dokuz Eylül University student Doğan Barış was suspended from school for one week due to his article, entitled, “*On Raising the Flag of Secularism at Campus,*” published on the newspaper, “Universiteli.” In the article, Barış criticized the politics of education conducted by the Justice and

Development Party (AKP).

## Banned books



Çukurca Criminal Judicature of Peace issued three books published by Avesta Publishing to be pulled off shelves due to ‘public incitement towards resentment and hostility.’

The banned books are as following:

\*The Kurdish National Movement by Chris Kutschera, translated from French by Fikret Başkaya, 2001

\*Kurdistan and the Kurds by Abdul Rahman Ghassemlou, translated from English by Ibrahim Bingöl, 2009

\*”Vosstaniya Kurdiv 1880 goda” (The Uprising of the Kurds in 1880) by Jalile Jalil, translated from Russian by Yaşar Abdüselamoğlu, 2014



## Constitutional Court decrees

The Constitutional Court decided that the ‘freedom of life and expression’ of Prof. Dr. Baskın Oran, who became a target for attacks and threats due to his “*Report on Minority Rights and Cultural Rights,*” were violated. Issuing 27 thousand TL moral compensation to be paid to Oran, the court indicated that

the government has not fulfilled its positive responsibility on the protection of the right to life and freedom of expression within the file.

The Constitutional Court issued that the ‘freedom of expression and press freedom’ of poet Nihat Behram, who was sentenced to pay compensation due to calling former Ankara Mayor Melih Gökçek a ‘corruption champion’, were violated. Criticizing the tree massacre conducted by Gökçek in the Middle East Technical University (METU) forest in his column

published on Sol Daily's October 27, 2013 issue, Behram has been sentenced by Ankara 25th Civil Court of First Instance to pay moral compensation to Gökçek due to 'insult through press/media.' The Constitutional Court issued for the 4 thousand TL moral compensation and the judicial expenses to be paid to Behram.

The Constitutional Court decided that the access ban brought on the news, entitled, "*Here Are the Very Important Residents of the Central Houses*" published on Cumhuriyet Daily's March 16, 2015 issue, was a violation of freedom of expression and press freedom. The court indicated that the news was on the use of public resources and therefore its value of information was high, deciding that there was no situation that required the application of taking a measure through an access ban without legal prosecution. The court further issued 4000 TL moral compensation and court expenses to be paid to the newspaper's former chief editor Oğuz Güven and the news writer journalist Miyase İlknur.



## **TRIALS OF FREEDOM OF EXPRESSION**

- The interim verdict against former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ was issued in the hearing of the lawsuit against her due to 'terrorist organization management,' 'making terrorist organization propaganda,' 'violating the Law on Meetings and Demonstrations,' 'public incitement towards resentment and hostility' and 'incitement towards committing offenses' held on September 24. The charges imposed against Yüksekdağ are results of the merging of seven different summaries against her. The court issued for Yüksekdağ to remain arrested due to 'the lower and upper limits of the sentences predicted for the charges imposed on the defendant' as well as 'heavy criminal suspect.' The next hearing was scheduled to November 5.
- The third hearing of the lawsuit filed against Evrensel Newspaper's former Chief Editor Çağrı Sarı by Minister Berat Albayrak and his brother due to the news on 'Paradise Papers' was held on September 25. The hearing was scheduled to November 28 due to the judge being assigned to another duty.
- The summary judgment of the lawsuit against artist Ferhat Tunç with a claim of imprisonment for up to nine years due to 'making illegal organization propaganda' was held on September 25. The artist was sentenced to 1 year, 11 months and 12 days of imprisonment.
- The lawsuit of compensation filed by Germany-based Die Welt Newspaper reporter Deniz Yücel due to "unfair arrest for one year" was held on September 25 at Istanbul 17th Assize Court. The court denied Yücel's 2.9 million TL demand without justification.
- Journalist Sertaç Kayar, who was on trial at Diyarbakır 3rd Assize Court due to 'targeting those on duty in the fight against terrorism' through the photograph he took during the events on March 8, World Women's Day, was acquitted in the first hearing held on September 26.
- Faculty member Zübeyde Gaye Çankaya Eksen and Asst. Prof. Dr. N.Ö. from Galatasaray University, who were on trial at Istanbul 14th Assize Court due to signing the Peace Petition of the Academics for Peace, were sentenced to 1 year and three months of imprisonment each due to 'making illegal organization propaganda' in the

hearing on September 27. The court issued the deferral of the announcement of the verdict.

- The prosecution of publisher Ragıp Zarakolu within the lawsuit filed against him due to ‘making illegal organization propaganda’ through his speech at the Politics Academy of the Peace and Democracy Party (BDP) in 2011 continued on September 28, Friday. Istanbul 3rd Assize Court council denied the application made in July for Zarakolu, who lives in Sweden since December 2013, to submit his defense abroad. The next hearing was scheduled to November 30, 2018.
- The prosecution of the Hrant Dink Assassination Case, which is ongoing for 11 years, continued today after the third change in court council. The hearing was ongoing as the bulletin was being prepared.

## **HEARINGS NEXT WEEK**

- The appeal hearing of six defendants of the lawsuit filed within the ‘FETÖ’ investigation, including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, will be held on October 2, Tuesday at the 2nd Criminal Chamber of Istanbul Regional Court.
- The next hearing of the lawsuit filed against journalist Can Dündar due to “obtaining confidential government information with the aim of political or military espionage, announcing confidential information concerning the security of state with the aim of espionage, attempting to partially or completely prevent the government of the Republic of Turkey from performing their duty through overthrowing the government as well as willfully aiding and abetting an armed terrorist organization without being a member” through the news they reported together with journalist Erdem Gül on the Turkish National Intelligence trucks will be held on October 2 at Istanbul 14th Assize Court.
- The next hearing of the lawsuit against the students who attempted to protest the distribution of Turkish delights at the North Campus of Boğaziçi University to commemorate the 46 soldiers who lost their lives in Afrin with a banner that stated, “There is no delight in occupation or massacre,” will be held on October 3 at Istanbul 36th Assize Court.
- The prosecution of academic Cenk Yiğiter due to ‘insulting the President’ through his social media posts will continue on October 4 at Ankara 20th Criminal Court of First Instance. Yiğiter has previously been dismissed from Ankara University with an emergency decree.
- The prosecutions of the Academics for Peace will continue on October 4, Thursday at Istanbul 37th Assize Court.
- The next hearing of the lawsuit filed against journalist İdris Sayılğan due to ‘illegal organization membership’ will be held on October 5, Friday at Muş 2nd Assize Court. Sayılğan was taken into custody on October 17, 2016 in Muş and was later arrested to be charged due to his phone calls with news sources, news coverage, social media posts and other phone calls with TV channels.





## **TURKEY TODAY**

We continue to track developments during the State of Emergency and the Presidential Period with our Xtra bulletins. The Radio and Television Supreme Council (RTÜK) regulation predicting widespread bans and sanctions against internet publications such as “monitoring, removal, access ban and license annulment” passed the Parliament this week. The regulation was enacted after being published on the Official Gazette, allowing radio and TV broadcasts on the Internet to be able to be banned with administrative processes without a court decree. [Please click here](#) for Statutory Decrees issued within the State of Emergency, Presidential Decrees and other Xtra bulletins.