



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 42/18, 26 October 2018)

What happened last week?

*** The issue of “national oath” is back on mainstream agenda after the revocation of weekly recitation in elementary schools in 2013. Council of State has revoked the amendments on regulations. Criticizing the decision harshly, President Erdoğan interpreted the monitoring of unlawful procedures of the execution by the judiciary as “a process heading to a multi-headed system.” “If we are going to request permission from the judiciary, let me not stay here, and leave,” Erdoğan said.

*** Debates on amnesty and the national oath between the Nationalist Movement Party (MHP) and the Justice and Development Party (AKP) shook the “Public Alliance.” “We don’t have any desire left,” MHP leader Bahçeli said. Replying to Bahçeli’s statements, Erdoğan said, “If everyone says each will go in their own way, we will also say each must go their own way.” Bahçeli, on the other hand, announced that the “Public Alliance” is ongoing, whereas MHP will present its own candidates in the local elections. The Supreme Electoral Council (YSK) announced the exact date for the local elections to be March 31, 2019.

*** Erdoğan claimed that the powers attempting to make Turkey kneel before them have failed to benefit from their economical strategies. However, he did not deny the current negative direction in the Turkish economy. “We expect patience from everyone - from industrialists to traders, from farmers to constructors,” Erdoğan said.

*** Speaking in Diyarbakır, Erdoğan claimed that they have offered “brotherhood to the region instead of discrimination,” and “trust instead of fear”. Targeting the Gezi Park protests and the corruption operations, Erdoğan repeated his allegations that the current economic crisis is artificial and speculative.

*** “We stand before a new period named reinvigoration with the revival of strength. This period is to put the great Turkey ideal into practice,” Erdoğan stated.

*** Saudi Arabia admitted journalist Jamal Khashoggi was killed inside the consulate building. Erdoğan indicated that Khashoggi’s murder was brutally planned and the matter will never be closed before all questions are answered.

*** The first budget draft prepared by the Presidency started to be debated in the Parliament. The central executive budget was 762 billion 753 million TL in 2018 and is expected to be 885 billion 204 million TL in 2019 with 16 percent increase. On the other hand, the Presidency budget was 845 million TL in 2018 and is expected to reach 818 million TL in 2019 with 233 percent increase.

*** Constitutional Court (AYM) abated the article on the Internal Byelaw predicting a penalty fine against MPs with reprimand and suspension in their records. The decision indicated that one action can not be penalized twice.

*** The Central Bank indicated the deceleration and risk continues in the economic activity and insisted on high interest rates, leaving them on the 24 percent level.

*** All expenses made by the Directorate of Religious Affairs for hajj and umrah travels were excluded from the monitoring of the Court of Accounts with a Presidential decree. The monitoring will be made by the inspectors of the Directorate and other monitoring officials assigned by the Presidency.

*** According to the data announced by the Independent Communication Network (BIA) 3-Month Media Monitoring Report, 123 journalists entered October in Turkish prisons. *(Details below...)*

*** Five more academics were convicted of 'illegal organization propaganda' after signing the petition, "*We will not partake in this crime!*" by the Academics for Peace. The number of scientists sentenced due to the petition reached 33. *(Details below...)*



"Peace Academics" on trial

Five more academics were sentenced to one year and three months of imprisonment each due to 'making terrorist organization propaganda' through signing the petition, "We will not partake in this crime" launched by the Academics for Peace. Istanbul 28th Assize Court sentenced Sabancı

University faculty member Fevziye Deniz Tarba Ceylan to imprisonment and Istanbul 36th Assize Court sentenced academics İpek Merçil, O.A., Yücel Candemir and former (dismissed) Bahçeşehir University faculty member Naciye Güleğül Altıntaş to imprisonment. All announcements of the verdicts were deferred. The number of academics standing trial reached 353 with the hearings this week and the number of convicted academics reached 33.



Özgür Gündem Cases

The summary judgment was held within the lawsuit filed against former Özgür Gündem Daily Editors-In-Chief Eren Keskin and Hüseyin Aykol as well as former Managing Editor İnan Kızılkaya and author İhsan Çaralan over participating in the "Substitute

Editing-In-Chief" campaign due to the news and articles published on the newspaper.

Istanbul 2nd Criminal Court of First Instance sentenced Aykol and Kızılkaya to 1 year and ten months and Çaralan to 11 months and 20 days of imprisonment due to 'insulting the President.' The sentence against Aykol was not deferred due to existing previous convictions; whereas the sentences against Kızılkaya and Çaralan were deferred. Keskin was previously sentenced due to the same article, therefore the case was abated.



Appeal claims of 26 ‘coup attempt’ convict journalists denied

2nd Criminal Chamber of Istanbul Regional Court denied the appeal claims of media workers, who were arrested after the coup attempt and were later convicted of ‘illegal organization membership’ and ‘coup attempt.’”

The Court of Appeals decided that the existing criminal evidence against the journalists, including Oğuz Usluer, Murat Aksoy and Atilla Taş, is proper and adequate as well as the local court verdict is in accordance with the law. Former Habertürk Coordinator Oğuz Usluer is arrested since December 2016 and Aksoy was released in October 2017. The imprisonment sentences issued against Taş and Aksoy were finalized due to being shorter than five years.



Imprisonment sentence against EMEP Deputy Chairman Levent Tüzel

Labour Party (EMEP) Deputy Chairman Levent Tüzel was convicted in the lawsuit filed against him due to the Newroz event he participated in 2012, while he was the EMEP Istanbul MP. Küçükçekmece 14th Criminal Court of

First Instance did not defer the announcement of the verdict of imprisonment against Tüzel for 1 year and three months due to ‘violating the Law on Meetings and Demonstrations No. 2911.’ The file will be carried to the Court of Appeals.



BIA Media Monitoring Report launched

Independent Communication Network (BIA) launched the “July-September 2018 Media Monitoring Report.” According to the report, 123 journalists entered October 1 in Turkish prisons; with 36 defendants, 29 suspects, 31 convicts and 58 convicts.

The total penalty claimed against 247 journalists within the three-month period is 46 heavy life imprisonments, 1 life imprisonment as well as a total of 2,855 years and six months of imprisonment and 30 thousand TL judicial fine.

In the related three-month period, 20 journalists stood trial facing imprisonment sentences up to 93 years and four months in total due to insulting President Recep Tayyip Erdoğan and seven journalists were sentenced to a total of 13 years, 6 months and 20 days of imprisonment (with 10 months deferred) and an additional 14 thousand TL judicial fine. Thus, 28 journalists became defendants and suspects of the crime of insulting Erdoğan within the past three months. [Please click here](#) for the full report.



Artı Gerçek reporter threatened

Artı Gerçek reporter Nalin Öztekin was threatened by an anonymous person via phone call after reporting the news on the contradictions in the lawsuit filed on the death of Derik District Governor Muhammed Fatih Safitürk due to a bomb attack. Öztekin based his news

coverage on the information he obtained from the brother of the district governor and the defendant's lawyer.

Turkish Journalists Association announced that the journalist was threatened with the expression, *“Be careful with what you write, we will break your fingers.”* *“Your threats can neither silence journalists, nor hide facts. Journalism is not a crime,”* the association stated.



Minister calls journalism “mummery”; expels journalists from hall

Two journalists were expelled from the ministry programme they were invited to after asking a question to the Minister of Agriculture and Forestry Bekir Pakdemirli on the allegations that 300

trucks full of meat were imported in Turkey without tender.

Pakdemirli accused Fox TV reporter Beril Oğuz and cameraman Serhat Yağmur and said that what's being done is not journalism but “mummery.” Accusing the journalists of piracy, Pakdemirli threatened them on their professional accreditations. The minister avoided answering the questions of the journalists twice and lastly expelled the journalists yesterday with an order he gave to his advisor during the programme at the Council to Support Agriculture and Rural Development, which was open to press.



Erdoğan holds authority to ‘ban from public service’

An amendment was made in the Regulation on Security Clearance and

Archive Search. The scope of “security investigations,” which lead to citizens being banned from public service “without reason” following the July 15 Coup Attempt, was extended. Authority of the President was increased on the matter.

From now on, rights of citizens on public service may be able to be revoked due to reasons like “terror propaganda;” the Presidency will be the sole authority on security investigations. The permission on security clearances in the public sector will be granted by the Presidency. The previously searched “TSK permission” for TSK (Turkish Armed Forces) personnel was replaced with “Presidential permission upon request by TSK.”

One of the most prominent amendments was the definition of “*separatist and subversive activities.*” The regulation indicated this definition to be, “*to disrupting the integrity of state, endangering the Republic, unity of action with terrorist organizations and aiding these organizations, making terrorist organization propaganda...*”



Reasoned decision announced for compensation sentence against Kılıçdaroğlu due to documents on “Isle of Man”

Three courts in Istanbul announced the reasoned decision on the conviction of Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu, who was sentenced to pay 698 thousand TL moral compensation to President Erdoğan and his relatives due to announcing the “Isle of Man” documents.

Judges at Istanbul Anatolian 5th, 9th and 20th Civil Court of First Instance claimed that the bank statements presented by Kılıçdaroğlu to the court were illegal evidence. The claim to investigate account activities of Erdoğan’s relatives, in order to prove the allegations of Kılıçdaroğlu, was denied due to “*trade secrecy.*” The court was also claimed to not be responsible of collecting and evaluating all presented evidence. The expression of Kılıçdaroğlu, “*You are not national,*” addressing Erdoğan, was claimed to be “*an accusation that would have complete effect on Erdoğan’s political career.*”



Legal proceedings against 227 social media users within one week

Ministry of the Interior announced legal proceedings made against 227 people between the dates October 15 and 22, 2018 due to their social media posts. According to the ministry statement, the social media users were charged with ‘*illegal organization propaganda,*’ ‘*insult,*’ ‘*public incitement towards resentment, hatred and hostility*’ and ‘*intending against the indivisible integrity of state.*’



Eren Keskin nominated for Martin Ennals Award

Human Rights Association (IHD) Co-Chair Eren Keskin was nominated for the annual Martin Ennals Human Rights Award by Amnesty International. The award is organized since 1994 in memory of Martin Ennals, who was the Secretary General of the organization

from 1968 until 1980.

Other nominees of the award include Marino Cordoba Berrío in Colombia, who is a community organizer fighting for the rights of Afro-Colombians as well as other marginalised groups, and Sudanese refugee rights advocate Abdul Aziz Muhamat, who is held in Australian immigration detention on Manus Island in Papua New Guinea since October 2013. The jury of the award, which will be granted with a ceremony to be organized on February 13, 2019 in Geneva, consists of representatives from 10 human rights advocacy organisations including Amnesty International (AI), Human Rights Watch (HRW), International Federation for Human Rights (FIDH) and Human Rights Information and Documentation Systems International (HURIDOCS).

Lawyer Eren Keskin conducts work focused on minority rights, social gender equality and rights violations in Turkey for more than 30 years and was recently sentenced to seven and a half years of imprisonment due to supporting Özgür Gündem Daily after its shutdown. The award jury expressed that Keskin continues to fight for human rights despite all.



Amnesty International: “Those dismissed during State of Emergency await justice”

Amnesty International launched a report on the dismissal procedures of approximately 130 public workers during the State of Emergency as well as decisions of the State of Emergency

Applications Monitoring Committee.

The report is entitled, “*Purged Beyond Return?: No Remedy for Turkey’s Dismissed Public Sector Workers*” and stated that “*thousands of public workers, who were arbitrarily dismissed, await justice for two years.*” It recorded that only 36 thousand of the total 128 thousand applications made at the State of Emergency Applications Monitoring Committee were concluded and the reversed dismissals remained as low as 2300. Amnesty International’s Turkey Researcher Andrew Gardner stated that Turkey is not acting in accordance with international standards and is turning into a mechanism that automatically approves orders of dismissal. [Please click here](#) for the full report.



Reaction against expert report: “*We can not prosecute police vehicle as defendant*”

No results were obtained in the fifth hearing of the lawsuit filed against the police officers, who caused the deaths of two brothers aged 6 and 7, after a police panzer entered their home in Silopi. In

the hearing at Cizre 2nd Assize Court, lawyers of the Yıldırım family reacted against the expert report stating that the panzer was “*the primary negligent*” and the two police officers were the “*collateral negligent.*” “*We can not prosecute the panzer as a defendant. This is a mockery of the human mind,*” the lawyers said. Denying the arrest claim against the defendant police officers, the court council scheduled the next hearing to December 25.



TRIALS OF FREEDOM OF EXPRESSION

- The third hearing of the lawsuit filed against Evrensel Daily’s Tunceli reporter Kemal Özer, who is arrested since September, was held at Tunceli 1st Assize Court on October 24, Wednesday. Özer will remain arrested and the next hearing was scheduled to December 28, 2018.
- The prosecution of artist Ferhat Tunç continued at Büyükçekmece 3th Criminal Court of First Instance on October 26, Friday due to a social media post on the April 16 referendum. The next hearing was scheduled to March 29, 2019.
- The prosecution of former People’s Democratic Party (HDP) MP Levent Tüzel continued on October 25, Thursday at Diyarbakır 2th Assize Court with the charge of “*armed terrorist organization membership*” due to his Democratic Society Congress (DTK) visit in 2012, his speech after the protest banned by Diyarbakır Governorate and his participation to the Newroz celebrations in 2011. The court sentenced Tüzel to 1 year and three months of imprisonment due to “*violating the Law on Meetings and Demonstrations No. 2911*” and the sentence against Tüzel was not deferred. The file will be appealed for correction.
- Five more academics for peace were sentenced to 1 year and three months of imprisonment each due to ‘making terrorist organization propaganda’ by signing the petition, “*We will not partake in this crime!*” launched by the Academics for Peace. The number of academics standing trial reached 353 with the hearings this week and the total number of convicted academics reached 33.

HEARINGS NEXT WEEK

- Prosecutions of the Academics for Peace, signing the petition, “*We will not partake in this crime,*” will continue with the hearings on October 26, Tuesday at Istanbul 26th

Assize Court; on October 31, Wednesday at the 26th and 37th Assize Courts as well as on November 1, Thursday at the 37th Assize Court.

- The first hearing of the lawsuit filed against arrested journalist Ece Sevim Öztürk due to ‘illegal organization propaganda’ will be held on November 1, Thursday and November 2, Friday at Istanbul 37th Assize Court.
- The prosecution of journalist and photoreporter Çağdaş Erdoğan will continue on November 2, Friday at Istanbul 33rd Assize Court with the allegations of ‘illegal organization membership and propaganda.’



TURKEY TODAY

We continue to track developments in Turkey within the State of Emergency and the Presidential period with our Xtra bulletins. We prepared a table in our latest Xtra bulletin, comparing the Presidential and semi-Presidential systems in three countries (U.S., France and Russia) with the system in Turkey. As the “*Turkish-style Presidential System*” was being debated in the country, it was frequently claimed that this system “*had other examples in other countries.*” Let’s see if it’s indeed so. [Please click here](#) for the “*Comparison Table*” in Turkish and [here](#) for our other Xtra bulletins. We will share the English version as soon as possible.

Legislative amendments published on the Official Gazette this week predicted;

- Legislative Amendment on Security Clearances and Archive Search on October 25, 2018 - security clearances in the public sector will be bound to permission by the Presidency.
- Presidential Decree on the Amendment on Execution of Matters on Hajj and Umrah Travels by the Directorate of Religious Affairs on October 24, 2018 - all expenses made by the Directorate of Religious Affairs on hajj and umrah travels were excluded from the monitoring of the Court of Accounts.



JUDGING THE JUDICIARY

We continue to judge unlawful, even illegal judicial procedures with the third file being of “Osman Kavala”... Businessman and rights advocate Kavala was detained and arrested within the investigation on the coup attempt and is in prison since November 1, 2017. There is still no indictment prepared against him. There is a confidentiality order on the file against Kavala, therefore neither him nor his lawyer or the society knows what he is charged of. He is one of the clearest examples of the judicial practice in Turkey and how detainment turns into practical penalty by being deprived of his freedom for one year. We have judged the developments during this process and issued our verdict.

We will share the English version as soon as possible. For Turkish version;
[Please click here](#) for the reasoned decision of the “Shadow Court.”

You may find the pdf format of the bulletin on dusun-think.net.