



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** President Erdoğan stated that they have pleased with the decision of the US to withdraw Syria, and that they will therefore wait for the operation in eastern Euphrates due to this development. Heavy military deployment was made at the border for a military operation and YPG started to leave control of some regions to the Syrian army. Following the decision of retreat, US Special Presidential Envoy for the Global Coalition to Counter ISIL Brett McGurk resigned from his position.

*** Artists Metin Akpınar and Müjdat Gezen were targeted by Erdoğan due to their speeches at a TV show they participated in. The artists were taken to the court and were later released with judicial measures.

*** In his party's group meeting, Erdoğan used the expressions, *"We will give the necessary lesson at the judiciary. First compensation, then penalty,"* addressed to the Republican People's Party (CHP). Replying to Erdoğan's extrajudicial adjudication, CHP Group Deputy Chairman Özgür Özel stated, *"We have already said that with the transition into the Presidential system, separation of powers will vanish and that only one man will determine the execution, judicature and legislation at once."*

*** The first budget offer of the Presidential government system was accepted at the GNAT General Assembly; 949 billion 25 million 615 thousand TL was subsidized to public administrations and 73 billion 771 million 848 thousand TL was subsidized to specially budgeted administrations.

*** High Electoral Council (YSK) demanded that press institutions comply with the principles of equality and impartiality, regarding broadcasts on local elections. However, the authority of monitoring and sanctions were previously taken off with a Statutory Decree issued within the State of Emergency.

*** Erdoğan claimed that it is not necessary for Parliamentary Spokesman Binali Yıldırım to resign after the debates regarding his candidacy in Istanbul. The Constitution bans the GNAT Spokesman from participating in political party activities. However, there is no sanction on the matter yet. Previously, provisions like the emergency decrees being debated at the GNAT General Assembly within one month were not applied due to lack of sanctions.

*** Erdoğan announced discounts on electricity, natural gas and special consumption tax, as well as encouragements for employers, 95 days before the local elections.

*** The duty period of the State of Emergency Applications Monitoring Committee, deciding only 3 thousand of the 121 thousand dismissed public employees within the State of Emergency to be re-employed, was extended for another year.

*** Announcing the *'Freedom of Expression and Press Freedom Report'* prepared by the Press Council, Chairwoman Pınar Türeñç stated that the year 2018 was *"a dark year"* for media workers. For the full report; <https://goo.gl/5nT5Ma>

*** The release claim of Hakkari MP Leyla Güven, who is arrested in remand due to her work on the Democratic Society Congress (DTK) as well as her statements on the Afrin Operation, was denied. The next hearing was scheduled to January 25th.

*** Austrian journalist Max Zirngast, who was arrested since September 21th due to *“illegal organization membership,”* was released. The journalist was banned from travelling abroad. The Prosecutor’s Office prepared an indictment against him and stated, *“despite praiseworthy work by the journalist, he must be penalized due to illegal organization activities.”*

*** Ministry of the Interior announced that legal actions were taken against 270 people between the dates December 17-24 due to their social media posts.



Erdoğan says “they will give account,” investigation opened against Metin Akpınar and Müjdat Gezen

An investigation was opened against artists Metin Akpınar and Müjdat Gezen due to their debate on the show they participated in as guests on Halk TV on December 21st. The artists emphasized that *“the only remedy against polarisation and coup is democracy,”* then were targeted by pro-government newspapers. *“These are fake artists... We can’t leave such deeds without a consequence. What’s necessary will be done in the judiciary. They will pay the price of this,”* Erdoğan said, threatening the artists.

Following the statement of Erdoğan, Istanbul Anatolian Chief Public Prosecutor’s Office took action against the artists and opened an investigation based on *“news on the artists insulting the President and threatening the nation with coup and death.”* The two artists were detained and taken to the courthouse; then were released with judicial measures by the court on duty.

In the show in question, Akpınar had said, *“I think that the only remedy for us to save ourselves from polarisation and turmoil is democracy. If we are able to reach that, there will be no longer fights and we will get out of this situation. If we can’t reach that, consequences of all examples of fascism may be experienced. Perhaps they will hang their leader, perhaps he dies of poisoning in a dungeon, perhaps another bad end experienced by other leaders.”* Gezen, on the other hand, stated, *“He’s scolding everyone, shaking his finger. He tells everyone to know their places. Look, brother, look, Recep Tayyip Erdoğan, you should know your place, you can’t question my, or our, patriotism.”*



It is “crime” to criticize government and President, according to Presidential Spokesman

Presidential Spokesman İbrahim Kalın stated that artists Metin Akpınar and

Müjdat Gezen, who were targeted and faced an investigation following their expressions at a TV show they participated as guests, had committed crimes. Kalın described the crime as “expressions criticizing the current government in Turkey, the administration and our President.”



Erdoğan targets; RTÜK penalizes FOX TV and Halk TV

FOX TV newscaster Fatih Portakal has been targeted by President Erdoğan, who said, “*This nation will break the back of your neck*” due to Portakal’s criticisms against the obstacles in front of the right to protest. Erdoğan has further threatened artists Müjdat Gezen and Metin Akpınar due to their participation in Halk TV by

saying, “*They will pay the price of it.*” Following these threats, Radio and Television Supreme Council (RTÜK) put sanctions against FOX TV and Halk TV due to “*public incitement towards resentment and hostility,*” “*creating feelings of hatred within the society.*” FOX Primetime News will not be broadcasted for three days and the show, ‘Public Arena’ on Halk TV will not be broadcasted for eight consecutive times. Besides the media blackouts, FOX TV was fined 1 million TL and the show “*Public Arena*” was fined 80 thousand TL.



Journalist Fatih Portakal threatened

Journalist Fatih Portakal was threatened by pro-government Ottoman Hearths members after the targeting of President Erdoğan, who said, “*This nation will break the back of your neck*” due to Portakal’s criticisms against the obstacles in front of the right to protest.

The group placed a black wreath in front

of FOX TV building and the Ottoman Hearths Founder and Chairman Kadir Canpolat made a statement on behalf of the group. Threatening the journalist, Canpolat said, “*There are those who eat the bread of this land, yet betray it... Portakal, we reprimand you. Those who stir our country under every opportunity must know that at least 52 percent of the population are waiting at their homes, grinding their teeth.*”



Erdoğan orders, judges, concludes

As President Erdoğan transferred the debates between Ministry of National Defense Hulusi Akar and Republican People’s Party (CHP) MPs during budget negotiations in the Parliament to the judiciary, he initially demanded

“*compensation*”, then “*penalty*.” Accusing CHP MPs criticizing the minister with “*shamelessness*,” Erdoğan concluded the situation with the expressions, “*We have to give them the necessary lesson at the judiciary, and we will. They will only understand that language. First, compensation; then penalty.*”

During the debates in the Parliament, there was a heavy discussion between former Chief of General Staff and current minister Akar and a group of CHP MPs. During the discussion, Akar shouted, “*Listen for once!*” Following this, Group Deputy Chairman Özgür Özel took the floor and said, “*You can not scold those elected as an assigned minister, know your place first.*”



“Peace Academics” on trial

Four more academics, who were on trial due to “*making terrorist organization propaganda*” due to signing the “*Peace Petition*” of the Academics for Peace were sentenced to 1 year and three months of imprisonment each. Announcements of all verdicts were deferred.

The number of academics standing trial reached 444 together with the hearings this week. 64 academics were sentenced to 1 year and 3 months of imprisonment each, 3 academics were sentenced to 1 year and 6 months of imprisonment each, 1 academic was sentenced to 2 years and 3 months of imprisonment and another academic was sentenced to 2 years and 6 months of imprisonment in lawsuits concluded so far.



14-month imprisonment against Nazlı Ilıcak due to insulting Erdoğan

Journalist Nazlı Ilıcak was sentenced to 1 year and two months of imprisonment with the allegation of insulting President Erdoğan with a social media post she made in 2016. Istanbul Anatolian 53rd Criminal Court of First Instance did not abate the sentence with “*good conduct*,” based on the “*negative, crime-oriented personality of the defendant*” and did not defer the announcement of the verdict. Ilıcak had been arrested after the coup attempt and was sentenced to heavy life imprisonment due to “*violating the Constitution*” in the “*FETÖ media structuring*” Case.



Prosecution of physicians start after saying, “War is a Matter of National Health”

The first hearing of 11 Turkish Medical Association (TTB) Central Council member doctors within the lawsuit filed against them due to “making terrorist organization propaganda” and “public incitement towards resentment and hostility” was held at Ankara 32nd Assize Court. The association members are charged due to launching a petition against the Afrin Operation with the title, “War is a matter of national health.” In their defenses, the doctors underlined that they have done what was required in accordance with their hippocratic oath. The Prosecutor, on the other hand, demanded for the physicians to be sentenced twice, separately, due to two different statements made on September 1, 2016 and January 25, 2018. The next hearing was scheduled to March 20, 2019, starting at 09:00.



Yaşar. An investigation was started against the journalist as well as seven readers who liked and commented on the news.

Investigation against one journalist and seven readers

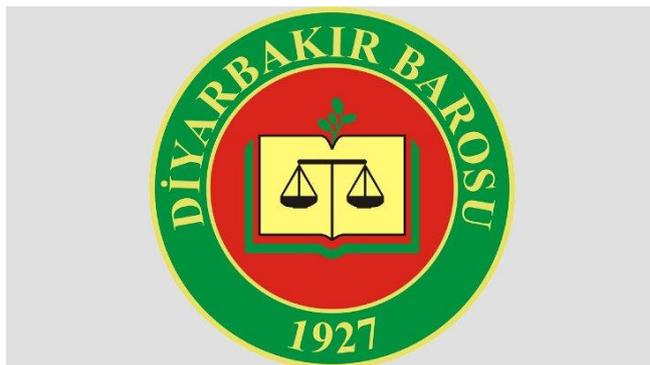
24 different investigations have been opened against journalist Oktay Candemir within the last two years. Lastly, the journalist was detained due to his article published on Vanhaberdar website with the title, “I wasn’t fired, I resigned” on the resignation of Van Municipality Secretary General Mehmet



Investigation opened against food specialist and writer Bülent Şık

Antalya Chief Public Prosecutor’s Office started an investigation against Bianet writer and Food Engineer Asst. Prof. Bülent Şık due to his social media posts. Şık indicated that he couldn’t yet find out which of his posts posed bases for the investigation. Şık is known with his writings on food safety and public health and is among the signatory

academics of the “Peace Petition,” who were dismissed from universities with emergency decrees.



Investigation against Diyarbakır Bar Association

An investigation was started against former Diyarbakır Bar Association Chairman Ahmet Özmen and the association’s executive board members. The investigation was opened within Article 301 of the Turkish Penal Code,

based on the statements made by the association between the years 2016 and 2018. The accusations were based on the statements of the association, entitled, “*The Armenian Deportation*” and “*It Is A Shame To Penalize Expression ‘Kurdistan’*” as well as the association report on the civilians killed and injured by an unmanned aerial vehicle in the Kanireş region of Oğul village in Hakkari.



2018 Freedom of Expression and Thought Awards given

Turkish Publishers Association 2018 Freedom of Expression and Thought Awards were given. The publisher award was given to Tekin Publishing after facing lawsuits of compensation, its writers facing physical attacks during fairs and the house was prevented from

participating in fairs. The writer award was given to author Hamide Yiğit after facing administrative investigation and lawsuits due to her books. The Book Labour Award was given to Edibe Usta Bayraktar, founder of Ezgi Bookstore.

On the other hand, the Publishing Freedom Report of the Turkish Publishers Association was launched. The report compiles investigations and lawsuits against publishers as well as other preventions such as books pulled out of shelves and various censorship. You may find the full report on <https://goo.gl/XmceTQ>.



TRIALS OF FREEDOM OF EXPRESSION

- Previously shut-down Dicle News Agency’s (DIHA) arrested reporter Idris Sayılğan was not released in the fifth hearing of the lawsuit filed against him at Muş 2nd Assize Court. The next hearing was scheduled to January 25th. The journalist is charged with “illegal organization membership” due to the news he reported, his social media posts as well as phone calls with news resources and TV channels with an imprisonment claim against him for up to 15 years.
- The fourth hearing of the lawsuit filed against former Zaman Daily Konya representative Şirin Kabakçı due to “terrorist organization membership,” “insult through auditory, visual or written text” and “violation of confidentiality” was held at Istanbul 35th Assize Court. The court issued the release of Kabakçı, who was previously arrested in remand, scheduling the next hearing to March 28th, 2019, starting at 09:15.
- The first hearing of the lawsuit filed against Mezopotamya Agency (MA) reporter Yasin Kobulan with the allegation of “making successive terrorist organization propaganda” was held at Istanbul 30th Assize Court. The journalist is charged due to the news he reported and published in different media institutions as well as his social media posts. The next hearing was scheduled to March 8, 2019.
- The prosecution of Hakkari MP Leyla Güven within the lawsuit filed against her due to her work on the Democratic Society Congress (DTK) as well as her statements on the Afrin Operation with an imprisonment claim from 25 years up to 46.5 years,

continued at Diyarbakır 9th Assize Court. The MP was on the 49th day of her hunger strike, therefore did not attend the hearing. The court issued for Güven to remain arrested and scheduled the next hearing to January 25, 2019.

- A panzer had entered a home in Silopi district of Şırnak on May 3, 2017, leading to the deaths of brothers Muhammed (7) and Furkan Yıldırım (6). The sixth hearing of the lawsuit filed against the armoured vehicle driver and police officer Özer Yeğit and his commander Murat Maden was held at Cizre 2nd Assize Court. The court scheduled the next hearing to February 14, 2019 due to the incomplete report on the faults of the responsables to be prepared by a board of three experts on work health and safety issued to be selected from Istanbul Technical University in the last hearing.
- Conscientious objector Yasin Yetişgen, who was on trial due to “violating the Military Penal Code” at Adıyaman-Gölbaşı Criminal Court of First Instance, was acquitted in the first hearing on December 25th.
- Journalist Nazlı Ilıcak, who was on trial due to “insulting the President” through a Twitter post she made on February 23, 2016, was sentenced to 1 year and two months of imprisonment in the hearing held on December 26th. The court did not defer the announcement of the verdict.
- Former Prime Minister Binali Yıldırım and his sons filed another lawsuit against Cumhuriyet Daily’s former finance editor and reporter Pelin Ünker due to the news on Paradise Papers due to “insulting a public officer” in addition to the 500 thousand TL compensation lawsuit previously filed against the journalist. The first hearing of the case was held at Istanbul Anatolian 2nd Criminal Court of First Instance on December 27th. The next hearing was scheduled to January 8, 2019 to start at 14:00 for the defense statements on the basis to be prepared.
- The first hearing of the lawsuits filed against Turkish Medical Association (TTB) executives, who launched a statement against the military operation against Afrin, entitled, “War is a matter of public health,” due to “making terrorist organization propaganda” and “public incitement towards resentment and hostility” was held on December 27th, Thursday. 11 TTB Central Council member physicians face imprisonment sentences for up to eight years and the next hearing was scheduled on March 20, 2019 to start at 09:00.
- A lawsuit was filed against eight high school students, who held a demonstration in Kadıköy last June to protest government policies on education and were exposed to heavy torture by the police, due to “violating the Law on Meetings and Demonstrations No. 2911.” The students face an imprisonment claim for up to five years within the lawsuit after the first hearing held at Istanbul Anatolian 4th Juvenile Court. The next hearing was scheduled to a later date.
- Prosecutions of the academics, who were on trial due to “making terrorist organization propaganda” due to signing the ‘Peace Petition’ of the Academics for Peace, continued this week in different courthouses at Istanbul Courthouse in Çağlayan. In the hearings at the 36th and 28th Assize Courts, four more Peace Academics were sentenced to 1 year and three months of imprisonment each due to “making terrorist organization propaganda” in accordance with Article 7/2 of the Anti-Terror Law (TMK).
- The fourth hearing of the lawsuit filed against journalist Kemal Özer, who was detained on September 4, 2017 in Dersim and was arrested later on September 15th due to “terrorist organization membership” was held on December 28th at Tunceli 1st Assize Court. The hearing was ongoing as the bulletin was being prepared.

HEARINGS NEXT WEEK

- The second hearing of the lawsuit filed in February 2018 against arrested journalist İdris Yılmaz due to “illegal organization membership” will be held on January 3, 2019 at Van 5th Assize Court.