



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** President Erdoğan continued to target political parties outside of the Public Alliance. *"HDP equals PKK, equals YPG/PYD"* Erdoğan said, threatening other parties of the opposition due to having contact with HDP.

*** Stating that a low level foreign policy is being conducted with Syria, Erdoğan said, *"No matter if it's your enemy, you shouldn't cut the rope completely. That rope may be useful to you one day."* Thus, despite the end of the relations in 2012 between Ankara and Damascus, the dialogue was confirmed to not have ended completely. The contact is based on the fight against YPG.

*** It was announced that no consensus was made on the "security zone" and that negotiations with the Americans and Russians continue. Erdoğan indicated that in case YPG is not out of the area within a week, the waiting period will be over. *"We do not accept any offer except a security zone controlled by Turkey and other countries only providing logistical support to the area,"* Erdoğan said.

*** "FETÖ is not fully cleaned out. There are many more operations to be made," Erdoğan said.

*** The number of files at four specially authorized courts looking at the lawsuits filed against the verdicts of the State of Emergency Monitoring Committee on the procedures during the State of Emergency, such as dismissals with emergency decrees, reached 31 thousand. Courts have made decisions on 4 thousand of these cases and the majority of them were denied.

*** French President Macron announced April 24th as *"The Commemoration Day of the Armenian Genocide."* Ankara reacted heavily against the decision. BBP Chairman Mustafa Destici said, *"There are 100 thousand Armenians, let's deport them."* BBP is among the parties in the Public Alliance.

*** Muhammad Abdul Hafiz Hussain, who was sentenced to death penalty, was deported back to Egypt from Turkey.

*** European Court of Human Rights (ECtHR) decided for inadmissibility in the application on Orhan Tunç, who lost his life in the basement he took shelter in during the curfew in Cizre, due to lack of exhaustion of domestic remedies.

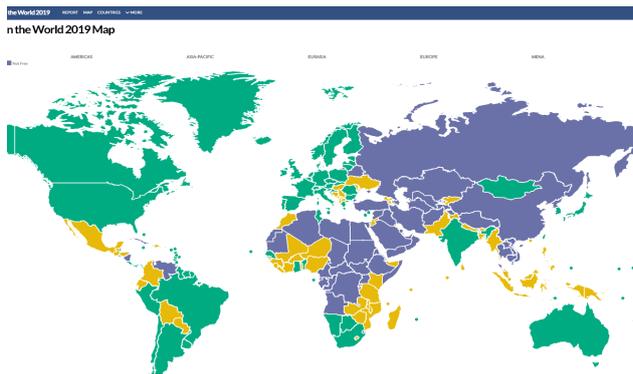
*** Criminal organization leader Sedat Peker, who has previously threatened those calling Erdoğan a 'dictator' as well as the 'Peace Academics', claimed that the people will be going on the streets according to the results of the local elections on March 31st and called everyone for "armament."

*** The inflation increased by 1.06 percent in January compared to the previous month and by 20.35 compared to the same month of the previous year.

*** Turkey was categorized once again among the “not free” countries in the 2019 Report of Freedom House.

*** Research agency bound to the University of London, Forensic Architecture prepared a report on the murder of Diyarbakır Bar Association Chairman Tahir Elçi. The report described the police officers in the crime scene as ‘strong criminal suspects’. Please click for the examination video on the report; <https://www.youtube.com/watch?v=OtJXufbCGvU>

*** UN Special Rapporteur, who was in Turkey last week to make observations, stated, “*Journalist Jamal Khashoggi’s murder was wildly premeditated. The Khashoggi murder was performed by government officials of Saudi Arabia.*”



Freedom House Report: Turkey categorized among ‘not free’ countries again

US-based Freedom House announced the “*Freedom in the World 2019*” report. 195 countries were evaluated in the report. Turkey was placed among the “not free countries” just as last year. The report indicated that despite the State of Emergency was revoked, the government

continues to arrest journalists, rights advocates and academics.

According to the report, entitled, “*Democracy in Retreat*,” the year 2018 became the 13th year in which freedom in the world consecutively declined. The number of authoritarian-inclined regimes also increased with voices of the opposition silenced, leaders of such groups arrested, duty periods of political powers extended and pressure on independent media increased.

Please click for the full report; <https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat>



Six more “Peace Academics” sentenced to imprisonment

The lawsuits against six academics, facing prosecutions due to signing the petition, “*We will not partake in this crime*” of the Academics for Peace, were concluded. Istanbul 25th Assize Court sentenced Asst. Prof. Alper Akyüz from Bilgi University to 2 years and six months of imprisonment due to “*aiding and abetting an illegal*

organization without being a member”. The sentence was not postponed. In the hearing at Istanbul 37th Assize Court, on the other hand, Prof. Dr. Huri Özdoğan from Istanbul University was sentenced to 1 year and three months of imprisonment due to “*making illegal organization propaganda.*” The announcement of the sentence was deferred. In the hearings at Istanbul 36th and 37th Assize Courts, retired Assoc. Prof. Inci Özkan Kerestecioğlu and Dr.

Biriz Berksoy from Istanbul University as well as Asst. Prof. Dr. Canay Şahin from Yıldız Teknik University and Research Member Sinem Aydınli from Bahçeşehir University were sentenced to 1 year and three months of imprisonment each. The announcement of the verdicts were deferred.

Thus, 96 of the 472 academics facing prosecutions were convicted so far. The academics were sentenced to a total of 130 years and 10 months of imprisonment. The sentences against 14 academics (22 years and two months of imprisonment in total) were not deferred.



Gültan Kışanak sentenced to 14-year 3-month, Sebahat Tuncel sentenced to 15-year imprisonment

The summary judgment of the lawsuit filed against Diyarbakır Co-Mayor Gültan Kışanak, who was arrested in October 2016, and Democratic Regions Party

(DBP) Co-Chair Sebahat Tuncel, who was arrested in November 2016, was held at Malatya 1st Assize Court. Kışanak was sentenced to 14 years and three months of imprisonment due to “terrorist organization membership” and “making terrorist organization propaganda.” DBP Co-Chair Sebahat Tuncel, who was never brought to any hearing during the prosecution, was sentenced to 15 years of imprisonment with the same charges. The evidence shown within the case against the two female politicians include their participation in the March 8 World Women’s Day celebrations, March 21 Newroz celebrations, other demonstrations and press statements organized in 2012 to point out the hunger strikes in prisons; as well as speeches given on the curfews in Silvan, Sur, Cizre, Nusaybin and Şırnak as well as the Suruç massacre and speeches during rallies.



Summary prepared against Ömer Faruk Gergerlioğlu due to “illegal organization propaganda”

A summary was prepared against People’s Democratic Party (HDP) Kocaeli MP Ömer Faruk Gergerlioğlu, who participated in the conference “Crisis in the Middle East and a Democratic Nation Resolution” organized by HDP Diyarbakır Provincial Organization on October 27-28, 2018, due to “making terrorist organization propaganda.” The charge was based on “Gergerlioğlu not reacting against the speech of HDP Co-Chair Pervin Buldan during the conference and participating in the conference for support.”

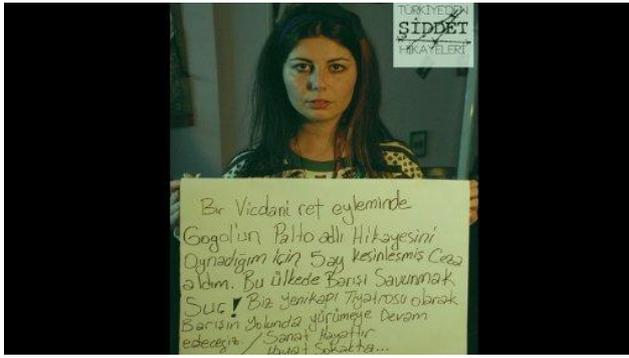


Journalist Alican Uludağ sentenced due to “violation of investigation confidentiality”

Cumhuriyet Daily reporter Alican Uludağ was sentenced to ten months of imprisonment due to the news article published on March 20, 2017 with the title, “*Yes-sayer Prosecutor at FETÖ meeting.*” Istanbul 2nd Criminal Court of First Instance sentenced the journalist due to “*violation of investigation confidentiality*” and deferred the announcement of the verdict.

The news article indicated that four judges and prosecutors facing “FETÖ” investigations were still at duty and that one of those people were Antalya Chief Deputy Prosecutor Cevdet Kayafoglu, who threatened those voting ‘No’ in the referendum with being exposed to the same treatment as PKK members.

Former Republican People’s Party (CHP) MP Barış Yarkadaş was sentenced to 10 months of imprisonment due to the news article published on Gerçen Gündem news website in 2014 with the title, “*Land negotiation for TURGEV.*” At the time, Yarkadaş was the Editor-In-Chief at the news website. Istanbul Anatolian 68th Criminal Court of First Instance convicted Yarkadar due to “*violation of privacy*” in the lawsuit filed following the complaint of former Minister of Environment and Urban Planning Erdoğan Bayraktar and postponed the sentence against Yarkadaş for five years.



Actors Union calls for arrested actress Nazlı Masatçı

Actors Union demanded for arrested Izmir Yenikapı Arts Theater actress Nazlı Masatçı to be released and for all pressure against actors, actresses and theater plays to be revoked. Masatçı has been sentenced to 1 year and six months of imprisonment due to “*making illegal organization*

propaganda” due to her performance during a press statement she participated in at the theater building in December 2015 to protest detainments. The actress was arrested on January 30th for the execution of her sentence, which was approved by the Court of Cassation, and was taken to Izmir Women’s Closed Prison. Another lawsuit was filed against Masatçı due to the play “*The Overcoat*” by Nikolai Gogol they performed during the demonstration organized in 2010 to demand rights of conscientious objection as well as the release of arrested conscientious objector Inan Süer. Masatçı and other actors/actresses have stood trial due to “*alienating the public from military service*” with the performance; the actors were sentenced to six months of imprisonment each and the announcement of the sentences were deferred. Masatçı’s lawyer Kamil Ağaoğlu announced that following the final sentence for 1 year and six months, this additional six-month imprisonment sentence will also be effective. Izmir 2nd Criminal Court of First Instance will hold a retrial in March. The court will either announce the imprisonment sentence or reverse it.



Penalty against social media post due to “insulting Erdoğan”

Sinan N. was arrested last year due to his social media posts and was released shortly after. In the lawsuit filed against

the user, he was sentenced to 14 months of imprisonment due to “*insulting Erdoğan.*” Eskişehir 6th Criminal Court of First Instance deferred the announcement of the verdict. The 58-year-old citizen made a statement on his way out of the courthouse, saying, “*I was sentenced in the case I was on trial with the allegation that I’ve insulted the President. I have a previous imprisonment sentence for 18 months that was previously finalized. The latest imprisonment sentence for 14 months was deferred for five years.*”



Legal actions taken against more than 2 thousand social media users in January

According to the data announced by the Ministry of the Interior, 4718 accounts were examined related to their social media posts in January; legal actions were taken against 2111 social media users within “terrorism charges.”



Access ban on exam results following allegation of unjust favoring

Following the allegation that Foreign Minister Mevlüt Çavuşoğlu’s relative was accepted in a post-graduate course despite his low results in the Academic Personnel, Post-Graduate and Foreign Language Examinations, the exam results were

removed from the Internet. Following the allegations on unjust favouring, Alanya Alaaddin Keykubat University removed the list announced on their website for allowed examination results. Alanya 1st Criminal Judicature of Peace further brought an access ban on the list of results for the students following the request of the university rectorate.



Media blackout on collapsed building in Kartal

An eight-floor building collapsed in Kartal district of Istanbul. The announcement made by Istanbul Governorate indicated that the building was built illegally and that three people have lost their lives; 12 people were saved injured from the ruins of the building. Three are heavily injured.

As the search and rescue operation is ongoing, Istanbul Anatolian 6th Criminal Judicature of Peace issued a media blackout against the incident due to “*general security, public health and order.*”



Acquittal in work murder due to “emergency decree”

Ankara West 9th Criminal Court of First Instance acquitted trustee defendant Süleyman Sarıyıldız in the lawsuit filed on the death of Emre Tombuloğlu, who died by falling down in the elevator shaft. Tombuloğlu was hired in the construction that was seized by TMSF and was assigned the work of elevator assembly

despite his lack of expertise on the subject. The decree indicated that public officers have no “*legal, administrative, financial or criminal liability*” due to their duty following the July 15 coup attempt in accordance with Article 11 of the Statutory Decree No. 691 issued within the State of Emergency. Thus, the impunity regulation brought with the emergency decree was applied for a “*work murder*” as well. The elevator company’s owner, Y.D. was sentenced to 2 years and six months of imprisonment due to “*reckless homicide.*” The court turned this sentence into 31,850 TL judicial fine.



IHD 2018 rights violations report: 11,643 rights violations experienced in Kurdish provinces

Human Rights Association (IHD) Diyarbakır Branch announced the “*Eastern and Southeastern Anatolian Region 2018 Human Rights Violations Report*”. The report indicates that freedom of expression, thought and organization is

under an indefinite and limitless threat in Turkey. According to the report, a total of 11,643 rights violations were experienced in Kurdish provinces within one year.

Here are some of the rights violations included in the report, which indicates that a total of 439 applications were made at IHD’s Diyarbakır, Dersim, Maraş, Van and Batman branches on violations of human rights:

- One annual festival was banned. Three issues of one newspaper and 12 books were pulled off shelves. Raids were organized against one publishing house, one news agency and one newspaper representative. 8 access bans were brought against websites.
- Investigations were started against 77 people due to their thoughts in 12 investigation files. Lawsuits were filed against 91 people in 19 case files. Various sentences of imprisonment and judicial fines were issued against 684 people in 61 files, including those against politicians, journalists and public workers. 18 political party buildings were attacked or raided.
- 2,837 people were detained. 54 of those detained were children. 496 people were arrested. Five of those arrested were children. 2,368 houses were raided.

- At least 17 people were tortured and exposed to mistreatment under custody, 83 people outside of custody and 211 people in prisons.
- 13 public demonstrations or open-air meetings were intervened. Meetings and demonstrations were banned indefinitely in some provinces and repetitively each month in others. Ban decrees were issued 26 times in the year 2018.
- 2 people have lost their lives in unsolved murders; six people were wounded. 11 people have lost their lives and 106 people were wounded due to official faults and neglect.
- A total of 16 curfews were declared in five provinces; 46 special security zones were declared in six provinces.

Please click for the full report; <https://www.ihddiyarbakir.org/Content/uploads/36f81322-8070-42a2-a4a3-271f3557e935.pdf>



Kaos GL 2018 Media Monitoring Report

Kaos GL Association launched the 2018 Media Monitoring Report on how LGBTI+s took place in the Turkish media. According to the report, half of the news and written articles published in 2018 fed prejudice against LGBTI+s; discriminative language and hate speech was used extensively. The research conducted by Ali Erol, Ali Özbaş, Aslı Alpar, Gözde

Demirbilek and Yıldız Tar evaluated 2442 contents in national and local media. Basic rights of LGBTI+s were violated, hate speech and/or discriminative speech was used or contents feeding prejudice against LGBTI+s were preferred in 1130 of those contents. 782 news, interviews and columns represented LGBTI+s with discriminative language. Hate speech was identified in 383 texts. LGBTI+s or related associations, institutions and organizations were targeted in 123 text with hate speech. 603 texts showed being a lesbian, gay, bisexual, transgender or intersex as if it's a "crime".

Please click for the full report;

http://www.kaosgldernegi.org/resim/yayin/dl/medya_izleme_raporu_2018a.pdf



TRIALS OF FREEDOM OF EXPRESSION

- The prosecution of previously shut-down Taraf Daily's executives and the newspaper's reporter Mehmet Baransu started at Istanbul 13th Assize Court on the allegation that some defendants in the "Sledgehammer Plan" Case were exposed to conspiracy. The next hearing will be held in two sessions on March 22nd and 25th.
- The second hearing of the lawsuit filed against journalist Sertaç Kayar due to "making illegal organization propaganda" through the news he reported was held on February 5th at Diyarbakır 4th Assize Court. In his opinion, the Prosecutor claimed for Kayar to be sentenced due to "illegal organization propaganda." The court, on the other hand,

decided that the defendant was “not proven guilty as charged” and issued Kayar’s acquittal.

- The second hearing of the lawsuit filed against JinNews News Director Safiye Alağaç with the allegation of “making illegal organization propaganda” following the complaint of Information Technologies Authority (BTK) was held at Diyarbakır 4th Assize Court. The court decided for the new indictment prepared by Diyarbakır Chief Public Prosecutor’s Office against Alağaç with the same charge on January 16th to be merged with the existing case file and scheduled the next hearing to May 23rd.
- The second hearing of the lawsuit filed against Legal Bureau of the Oppressed (EHB) member and Suruç Massacre lawyer Atty. Can Tombul, who was arrested for six months, was held at Istanbul 35th Assize Court. The next hearing was scheduled to April 18, 2019.
- The prosecution of the police officer who beat Perihan Pulat during the press statement organized on May 1, 2018 at Yüksel Resistance last year with the demand, “We want our jobs back”, started at Ankara 14th Criminal Court of First Instance. A warrant was issued against the police officer. The court sentenced defendant police officer E.G. to 3000 TL judicial fine with 15 months of installment and deferred the announcement of the verdict.
- The ninth hearing of the lawsuit filed against Republican People’s Party (CHP) MP Enis Berberoğlu, journalist Can Dündar and Erdem Gül due to “aiding a terrorist organization” through publishing visuals on trucks of the Turkish National Intelligence carrying arms to ISIS was held at Istanbul 14th Assize Court. Can Dündar’s file was separated in the case. The next hearing was scheduled to May 15th at Istanbul 14th Assize Court, starting at 11:15.
- Cumhuriyet Daily’s former Editor-In-Chief Can Dündar has been sentenced to 5 years and ten months of imprisonment in the case he was on trial due to “revealing confidential documents and information” through the publishing of visuals on trucks belonging to the Turkish National Intelligence headed to Syria. 16th Criminal Chamber of the Court of Cassation reversed the verdict and predicted Dündar’s conviction due to “obtaining confidential information with the purpose of espionage,” predicting an imprisonment sentence against him from 15 years up to 20 years. After the verdict, Can Dündar is prosecuted again due to “obtaining confidential information with the purpose of espionage.” The third hearing of the case was held at Istanbul 14th Assize Court. The next hearing was scheduled to May 15, 2019 starting at 11:00.
- The sixth hearing of the lawsuit filed against previously shut-down DIHA reporter Abdullah Kaya due to “willfully aiding and abetting a terrorist organization without being a member” through the visuals he took during a festival organized at Ağrı Mountain in 2014 was held at Ağrı 2nd Assize Court. Journalist Kaya, who is arrested, indicated that he was collecting news information at the mentioned date and that the festival was organized with the permission of Ağrı Governorate; claiming his acquittal. The court scheduled the next hearing to May 13, 2019.
- The first hearing of the lawsuit filed against Evrensel Daily columnist Fatih Polat following the complaint of President Recep Tayyip Erdoğan was held at Bakırköy 31st Criminal Court of First Instance on February 7, 2019 at 10:00. The lawsuit was filed against Polat due to copying the news by journalist Craig Shaw published on “The Black Sea” website on May 26, 2017 exactly on his column and asked, “What do the addressees say on the allegations regarding the Erdoğan family?” The next hearing was scheduled to May 14, 2019 at 09:35.
- A lawsuit was filed against Asst. Prof. Bülent Şık who shared the cancer research conducted in Kocaeli, Antalya, Tekirdağ, Edirne and Kırklareli whose results were not announced to public by the Ministry of Health with the article series published on Cumhuriyet Daily with the title, “The government hid the ingredients giving Turkey

cancer, we announce them! Here is the list of poison!” The academic is charged with “Announcing confidential information (TCK 258),” “obtaining banned confidential information (TCK 334)” and “announcing a secret related to duty (TCK 336)” with an imprisonment claim for up to 12 years. The first hearing of the case was held at Istanbul 2nd Criminal Court of First Instance. Denying the claim of acquittal made by Şık’s lawyers, the court scheduled the next hearing to May 30, 2019 at 10:05.

- Prosecutions of the academics, who are on trial due to “making terrorist organization propaganda” after signing the petition, “We will not partake in this crime” by the Academics for Peace, continued this week as well. In the hearings at Istanbul 36th and 37th Assize Courts, retired Assoc. Dr. Inci Özkan Kerestecioğlu, Dr. Biriz Berksoy and Prof. Dr. Huri Özdoğan from Istanbul University, Asst. Prof. Canay Şahin from Yıldız Technical University and Research Member Sinem Aydınli from Bahçeşehir University to 1 year and three months of imprisonment each. The announcement of the verdicts were deferred. Istanbul 25th Assize Court, on the other hand, sentenced Asst. Prof. Alper Akyüz from Bilgi University to 2 years and six months of imprisonment due to “willfully aiding and abetting an illegal organization without being a member.” The sentence was not abated and the verdict was effective immediately.
- The decision was announced in the lawsuit filed against Cumhuriyet Daily reporter Alican Uludağ due to “violating the confidentiality of investigation” with the news published on March 20, 2017 with the title, “Yes-sater Prosecutor at FETÖ meeting.” The court sentenced Uludağ to 10 months of imprisonment and deferred the announcement of the verdict.
- The decision was announced in the fifth hearing of the lawsuit filed against Labour Party (EMEP) members Neslihan Karyemez and Bilal Karaman, who were arrested due to distributing notices against the Afrin Operation. Istanbul 33rd Assize Court issued the acquittal of the two names of the charge of “making illegal organization propaganda.”

HEARINGS NEXT WEEK

- The fourth hearing of the lawsuit filed against 21 printing house workers, nine of them arrested including Gün Printing House owner Kasım Zengin, will be held on February 11, Monday at Istanbul 26th Assize Court. In the opinion presented during the previous hearing, imprisonment sentences were claimed against 12 defendants including Kasım Zengin due to “illegal organization membership” and against 9 defendants due to “willfully aiding and abetting an illegal organization” for up to 261 years in total.
- The third hearing of the lawsuit filed against journalist Uğur Yılmaz due to “illegal organization membership” and “making illegal organization propaganda” with an imprisonment claim from 9.5 years up to 25 years will be held on February 12, Tuesday at Bitlis 2nd Assize Court. Yılmaz was arrested on July 17, 2017 due to the press statements and demonstrations he participated in during the time he was working at Bitlis Municipality Press Unit, his social media posts and witness statements against him.
- The sixth hearing of the lawsuit filed by Batman Prosecutor’s Office against Nû Jîn documentary director Veysi Altay and Dicle Anter, who is responsible for the screening of the movie at Yılmaz Güney Cinema Hall in Batman, due to “making terrorist organization propaganda” will be held on February 13, Wednesday. The documentary is about three women taking place in the fight against ISIS in Kobanê.
- The third hearing of the lawsuit filed against 23 people, six of them arrested including Etkin News Agency (ETHA) reporters Izminaz Temel, Havva Cuştan and lawyers from the Legal Bureau of the Oppressed (EHB), due to “illegal organization

membership” and “making illegal organization propaganda” will be held on February 14, Thursday at Istanbul 27th Assize Court.

- Prosecutions of the Peace Academics, who are on trial due to “making terrorist organization propaganda” through signing the petition “We will not partake in this crime” of the Academics for Peace, will continue next week at Istanbul Courthouse in Çağlayan. The prosecutions of the academics residing outside of Istanbul and whose files were sent to courts outside of Istanbul with verdicts of non-jurisdiction will continue in different courts around Turkey.