



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 8/19, 22 February 2019)

What happened last week?

*** President Erdoğan targeted People's Democratic Party (HDP) through MP Saliha Aydeniz, and said, *"We will ask for account, they will pay the price of it."* Erdoğan described the HDP MP as *"a member of a terrorist organization"* and stated that HDP *"receives support from Qandil."*

*** *"March 31st is not only a date for local elections but for survival... The consolidation we require is still not obtained yet,"* Erdoğan said.

*** The Public Alliance established by the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP) was extended; AKP and MHP will enter the elections with only one candidate in 21 more provinces. MHP hasn't shown any candidates in 44 and AKP in 7 provinces in total. Opposition parties Republican People's Party (CHP) collaborated with the Good (İYİ) Party in 50 provinces (23 metropolitan municipalities and 27 provinces) in the local elections.

*** Not initially resigning from his position as the GNAT Spokesman after being selected as candidate for Istanbul Metropolitan Mayor from the AKP in local elections, claiming that the elections are not political activities, Binali Yıldırım left his position one day before the end of candidacy applications.

*** Interior Minister Süleyman Soylu defended the police on the sexual harassment incident against a young woman, who was detained during a protest in Kızılay, Ankara. Soylu threatened those reacting against the incident by saying, *"Those calling the police harrassor will see what's necessary."*

*** Security General Directorate targeted Van Bar Association, who made a criminal complaint on the torture children were exposed to under detainment. The Directorate accused the Bar Association of *"supporting a terrorist organization."*

*** High Electoral Council made a statement on the allegations of ghost electors for the local elections on March 31st, stating that the records of 91,093 electors were frozen.

*** Turkey 2018 Report, including rights violations in Turkey as well as the suggestion of the European Union to officially suspend membership negotiations with Turkey, was accepted at European Parliament's Committee on Foreign Affairs.

*** Imprisonment sentences issued against six journalists, who were convicted in the Cumhuriyet Case, were finalized with a Court of Cassation decree. Four of those sentenced will be imprisoned for the execution of their sentences. *(Details below...)*

*** An indictment was prepared against Osman Kavala, who is arrested for 478 days within the investigation on the Gezi Park protests, as well as against 14 rights advocates due to *"attempting to overthrow the government."* *(Details below...)*

*** Constitutional Court found it against the Constitution that the verdict of acquittal issued by first-rank courts are reversed by regional courts (of cassation) and that there is no method

of appeal against the convictions issued for the first time. The court revoked the related regulation.

*** Council of Higher Education (YÖK) stepped back from the “*Social Gender Equality Attitude Document*” published in 2016 due to it “*not being in accordance with social values.*” The council stopped the Social Sexual Equality Project.



“Gezi Investigation”: Life imprisonment claims against Osman Kavala and 15 others

An indictment was prepared against 16 people, including businessman and rights advocate Osman Kavala, who is arrested for 478 within the investigation on Gezi Park protests, as well as Yiğit Aksakoğlu, who was detained and arrested on November 16, 2018. The indictment

charges the 16 defendants with “*attempting to overthrow the government.*”

The 657-page indictment, sent to Istanbul 30th Assize Court, claims heavy life imprisonment sentences against Kavala and Aksakoğlu together with Ali Hakan Altınay, Ayşe Mücella Yapıcı, Ayşe Pınar Alabora, Can Dündar, Çiğdem Mater Utku, Gökçe Yılmaz, Handan Meltem Arıkan, Hanzade Hikmet Germiyanoğlu, İnanç Ekmekçi, Mehmet Ali Alabora, Mine Özerden, Şerafettin Can Atalay, Tayfun Kahraman and Yiğit Ali Ekmekçi.

The Prosecutor’s Office accused the defendants of making preparations for the Gezi Park protests since 2011 and and that these 16 people are the “*roof executives*” of the protests, while describing the demonstrations as “*an attempt to riot*” and claiming that the rights advocates provided financial support for and the coordination of the demonstrations and incidents. Some of the accusations posed against the defendants in the indictment are as following: “*attempting to overthrow the government of the Republic of Turkey and to prevent it from performing its duty,*” “*damage to property, major damage to property,*” “*damaging worship places and cemeteries,*” “*major loot*” and “*major injury.*”



“Peace Academics” on trial

28 more academics, who were on trial due to signing the Petition, “*We Will Not Partake In This Crime*” by the Academics for Peace, were convicted due to “*making illegal organisation propaganda.*” 13 of the 27 academics, whose files were merged at Istanbul 33rd Assize Court, were sentenced to 1 year, 10 months and 15 days of imprisonment each and 14 of them were sentenced to 2 years and three

months of imprisonment each. Istanbul 46th Assize Court sentenced one signatory academic to 1 year and three months of imprisonment. Sentences for more than two years were not deferred.

According to the data we compiled from press, 130 of the 480 signatory academics were convicted in total within prosecutions related to the petition. They were sentenced to a total of 196 years and 11 months of imprisonment and the sentences against 28 (53 years and 8 months of imprisonment in total) were not deferred.



Cumhuriyet Daily Case: Sentences against six journalists finalised

The imprisonment sentences issued against six newspaper executives and workers, who were convicted within the Cumhuriyet Daily Case, were finalised by a Court of Cassation decree. Four of those sentenced will be imprisoned again for the execution of their sentences.

Defendants with finalised sentences of imprisonment against them include comic artist Musa Kart, journalists Kadri Gürsel, Güray Öz, Mustafa Kemal Güngör, Emre İper, Önder Çelik, Bülent Utku and Hakan Kara with imprisonment sentences for up to five years. When the periods Gürsel and Utku served in prison are considered, they will not be imprisoned again. The appeal evaluations of the sentences against Hikmet Çetinkaya, Orhan Erinç, Akın Atalay, Murat Sabuncu, Aydın Engin, Ahmet Kemal Aydoğdu and Ahmet Şık is currently ongoing at the Court of Cassation, after the names were sentenced to heavy imprisonment for more than five years.



Investigation against HDP Co-Chair Temelli

Van Chief Public Prosecutor's Office started two separate investigations against People's Democratic Party (HDP) Co-Chair Sezai Temelli due to the speech he gave during the “People’s Gathering” organized by HDP Provincial Organization on December 19, 2018. The Chief Prosecutor’s Office charged

Temelli with “*making illegal organization propaganda*” and “*denigrating the Turkish nation, the government of the Republic of Turkey as well as the institutions of state.*” The file of Temelli was sent to Ankara Chief Public Prosecutor’s Office. In his speech, Temelli had criticized the decisions made by the jurisdiction, reminded the audience that some of the judges in the country attempted to button their robes in front of the President and said, “*The road to peace goes through Imralı,*” referring to PKK leader Abdullah Öcalan.



BIA Media Monitoring Report 2018

Journalism was attempted to be prevented with detainments, attacks and threat in 2018 as well; media blackouts were brought and fines were issued. According to the BIA Media Monitoring Report 2018, 123 journalists entered the year 2019 in Turkish prisons. Of those 123, 47 are convicted, 34 are still in the process of

prosecution and the files of 30 are still in the stage of investigation.

20 journalists, who were on trial in accordance with Article 299 of the Turkish Penal Code, were sentenced to a total of 38 years, 5 months and four days of imprisonment (with 6 years, 10 months and twelve days deferred) as well as 35 thousand TL judicial fine. At least 21 journalists were sentenced to a total of 67 years, 7 months and four days of imprisonment (with 6 months and seven days deferred) due to “making illegal organization propaganda” or “including illegal organization statements” in their coverage. Five journalists were sentenced to heavy life imprisonment due to “coup attempt,” 59 were sentenced to a total of 419 years and eight months of imprisonment due to “illegal organization membership, illegal organization management or aiding an illegal organization,” seven were sentenced to 7 years, two months and seven days of imprisonment (with 2 years, 2 months and seven days deferred) due to “denigrating governmental institutions”; four were sentenced to a total of 3 years, two months and fifteen days of imprisonment (with 2 years and 2 months deferred) due to “incitement to resentment and hostility”; one was sentenced to 10 months of deferred imprisonment due to “violation of privacy” and one was sentenced to five months of imprisonment due to “incitement to commit crimes.”

On the other hand, seven journalists were sentenced to a total of 4 years, 9 months and 17 days of imprisonment (with 2 years, 8 months and fifteen days deferred) due to “insult” in accordance with the Turkish Penal Code; one comic artist and one media institution were sentenced to pay a total of 18 thousand TL compensation. The ban on the world’s most popular Internet encyclopedia Wikipedia continues; at least 2950 news content, 77 tweets, 22 Facebook posts, 5 Facebook videos, 10 websites were banned to access and three media blackouts were issued within the one-year period. Eight newspapers, 2 TV channels, 2 letters, one report, 1 TV series and one interview were censored. You may find the full report on <https://goo.gl/zQhC9v>.



Imprisonment sentence against journalist Özgür Paksoy

Journalist Özgür Paksoy was sentenced to 3 years, 1 month and fifteen days of imprisonment with the allegation of “making illegal organization propaganda” due to his social media posts. Şırnak 2nd Assize Court did not defer the

announcement of the verdict.



Acquittal in lawsuit filed against news on rights violations in prisons

The lawsuit filed against Evrensel Daily's former Managing Editor Ismail Cem Şimşek due to three different news articles published on the rights violations at Tarsus Prison concluded with acquittal in the first hearing. The journalist had faced an imprisonment sentence for up to

four years at Bakırköy 2nd Criminal Court of First Instance due to the news articles published on the newspaper in August with the titles, "Torture allegations at Tarsus," "Tensions peak at Tarsus Prison" and "Brought from Afrin, forgotten in Prison."



Journalist threatened after covering unlicensed construction at fairy chimneys

IHA reporter Coşkun Sağlamdin reported the hotel construction next to the fairy chimneys in Cappadocia, one of the most important touristic locations in Turkey.

After his coverage, Sağlamdin was threatened by the mayor and the owners of the construction with death. Following the public reaction emerging after the coverage, Ministry of Culture and Tourism announced that the construction was paused.



Berna Laçın acquitted of charges related to social media posts

Theater and cinema actress Berna Laçın, who was on trial due to "public denigration of religious values of people" through her social media posts, was acquitted of the charges. Laçın was on trial at Istanbul Anatolian 59th Criminal Court of First Instance due to her post that

reacted against the debates on death penalty: "If death penalty was the solution, the lands of Medina would not break records on incidents of rape! Don't make me talk! Let scientists, neurologists, psychiatrists, psychologists, social scientists and lawyers find a solution hand in hand. Governments do not build societies with sounds from tribunes."



Imprisonment sentences issued against “Train Station Massacre” protest due to “insulting Erdoğan”

10 people, who protested the Ankara Train Station Massacre in Bursa, which led to the deaths of 103 people, were convicted due to “insulting the President.” Mudanya 1st Criminal Court

of First Instance sentenced nine protesters to imprisonment sentences varying from 1 year and five months up to 1 year and nine months due to the slogan, “Murderer Erdoğan” chanted during the protest. The court further sentenced People’s Democratic Party (HDP) Mudanya District Co-Chair Mediha Azra Güllüpnar to 2 years, 2 months and seven days of imprisonment without deferral.



Lawsuit filed against former CHP MPs due to chanting slogans

Indictments were prepared against former Republican People’s Party (CHP) MPs İlhan Cihaner, Hilmi Yarayıcı and Barış Yarkadaş due to supporting those who protested the prevention of audience in the hearing of “MIT Trucks Case” with journalists Can Dündar and Erdem Gül as

“defendants” on April 1, 2016.

The indictment claimed that the three names, who were MPs at the GNAT’s 26th Session, “committed offenses by organizing an illegal meeting and demonstration and joining this group.” The prosecution of the former MPs, who face imprisonment sentences from one year up to three years, will start in the following days at the Criminal Court of First Instance.

Açıklanan nedenlerle, dava konusu işlemin iptaline, aşağıda dökümü yapılan 187,00-TL argülama gideri ile AAÜT uyarınca belirlenen 1.090,00-TL vekalet ücretinin davalı idarelerden alınarak avacıya verilmesine, davalı idareler ile müdahil tarafından yapılan ve aşağıda gösterilen yargılama idelerinin üzerlerinde bırakılmasına, davacı Adalet Bakanlığı harçtan muaf olması nedeniyle ilk şamada yatırılmayan 35,90-TL başvurma harcı, 35,90-TL karar harcı ve 59,10-TL YD harcı olmak üzere toplam 130,90-TL’nin davalı idarelerden tahsili için ilgili tahsil dairesine müzekkere yazılmasına, artan posta gideri avansının kararın kesinleşmesinden sonra taraflara iadesine, kararın tebliğini izleyen günden itibaren 30 gün içerisinde Ankara Bölge İdare Mahkemesine istinaf yolu açık olmak üzere, 28/12/2018 tarihinde oybirliğiyle karar verildi.

Başkan HARUN ÇEVİK 37846	Üye YAKUP CAMGÖZ 195044	Üye HATİCE CELİK 192947
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YARGILAMA GİDERLERİ (Davalı)	187,00 TL
Posta Giden	187,00 TL
TOPLAM	187,00 TL
YARGILAMA GİDERLERİ (Davalı İst. Barosu)	98,10 TL
V.D. İhtaz Harcı	5,20 TL
Vekalet Harcı	28,00 TL
Posta Giden	131,30 TL
TOPLAM	131,30 TL

Law license of “Peace Academic” annulled after dismissal

Ankara 2nd Administrative Court revoked the decision of the Turkish Union of Bar Associations for Yasin Bedir, who was dismissed from Dicle University with an emergency decree due to being a signatory of the “Peace Petition”, to work as a lawyer. In the

lawsuit opened by the Ministry of Justice, the administrative court had previously claimed that his performance will “disrupt the fight against terrorism” and issued a stay of execution verdict on the decision of the Union of Bar Associations, allowing Bedir to work as a lawyer.

The reason for the revocation decree issued by the court was given as the lawsuit filed against the academic due to the “Peace Petition” as well as his dismissal from academic service with an emergency decree.



Access ban on news with headline, “Erdoğan wants such judicature”

Istanbul Anatolian 2nd Criminal Judicature of Peace brought an access ban on the news of Cumhuriyet Daily reporter Alican Uludağ with the headline, “Erdoğan wants such judicature.” The

news reported the reasons of three different courts sentencing Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu to pay 698 thousand TL compensation to President Erdoğan due to his statements on the Isle of Man.

As the Judicature claimed that “the content of publications can not be evaluated within press freedom when the means of presentation is considered,” the journalist stated, “If the criminal judge of peace intervenes with the ‘means of presentation’ of the news content, there ends press freedom. Are we going to ask judges and prosecutors how we will present an incident to the reader? If so, then let them publish the newspaper.”



TRIALS OF FREEDOM OF EXPRESSION

- The third hearing of the lawsuit filed against Etkin News Agency (ETHA) reporter Ali Sönmez Kayar and nine others due to “illegal organization membership” was held at Istanbul Courthouse 32nd Assize Court in Çağlayan. The court issued for the travel ban against the defendants to remain and scheduled the next hearing to May 28, 2019.
- The fifth hearing of the lawsuit filed against Evrensel Daily’s former Managing Editor Çağrı Sarı due to “insult” and “slander” through the news published on the newspaper related to the Paradise Papers, was held at Bakırköy 2nd Criminal Court of First Instance. The next hearing was scheduled to March 19, 2019.
- The latest hearing of the lawsuit filed against journalist Ertuğrul Mavioğlu and Çayan Demirel, the director of the documentary, “Bakur: A Guerilla Documentary” was held at Batman 2nd Assize Court. The next hearing was scheduled to April 3, 2019.
- The prosecution of Cumhuriyet Daily’s former economy editor Pelin Ünker continued at Istanbul 2nd Criminal Court of First Instance within the lawsuit filed by Energy Minister Berat Albayrak, his brother Serhat Albayrak and businessman Ahmet Çalık due to the “Paradise Papers” news published on the newspaper in November 2017. The next hearing was scheduled to March 28, 2019 at 14:00.
- The prosecution of Perihan Mağden and İnan Ketenciler continued at Istanbul 2nd Criminal Court of First Instance with the charge of “insulting the President” due to the article, entitled, “Survivor Island’s Tayyip version: Semih Öztürk.” The lawyer of Ketenciler requested time for the defense on the basis. The next hearing was scheduled to March 21, 2019 at 12:05.

- The third hearing of the lawsuit filed against previously shut-down Özgürlükçü Demokrasi Daily workers was held at Istanbul 23rd Assize Court with defendants İshak Yasul, Hicran Urun, Mehmet Ali Çelebi, Reyhan Hacıoğlu and İhsan Yaşar arrested in remand as well as Davut Uçar, Ersin Çaksu, Fırat Benli, Günay Aksoy, Mizgin Fendik, Önder Elaldı, Pınar Tarlak, Ramazan Sola and Yılmaz Yıldız as defendants. The next hearing was scheduled to April 10, 2019 at 10:45.
- The latest hearing of the lawsuit filed against formerly shut-down Özgür Gündem Daily's Editors-In-Chief Hüseyin Aykol, Zana Kaya and the newspaper's Managing Editor Inan Kızılkaya and Hatip Dicle due to "public denigration of state, its judicial bodies or the security organization" as well as "public denigration of the Turkish nation, the Republic of Turkey and the Grand National Assembly of Turkey" was held at Istanbul 2nd Criminal Court of First Instance. The next hearing was scheduled to March 28, 2019.
- Prosecutions of the academics, who are charged with "making terrorist organization propaganda" due to signing the petition, "We Will Not Partake In This Crime" by the Academics for Peace, continued this week as well. In the hearing of the lawsuit against 27 academics, whose files were merged in one main file, the court issued the verdict. 13 academics were sentenced to 1 year, 10 months and 15 days of imprisonment each and 14 academics were sentenced to 2 years and three months of imprisonment each. The announcement of sentences for more than two years were not deferred. In the hearings held at Istanbul 36th Assize Court, one academic was sentenced to 1 year and three months of imprisonment.

HEARINGS NEXT WEEK

- The second hearing of the lawsuit filed against journalist Ahmet Kanbal, who is on trial due to "making illegal organization propaganda" through his social media posts on Afrin, will be held on February 26th, Tuesday at Izmir 2nd Assize Court.
- The tenth hearing of the lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Şerife Oruç due to "illegal organization membership" will be held on February 26th, Tuesday at Batman 2nd Assize Court.
- The next hearing of the lawsuit filed against Erol Önderoğlu, Şebnem Korur Fincancı and Ahmet Nesin due to participating in the campaign, "Substitute Editing-In-Chief" started for solidarity with Özgür Gündem Daily after its shut-down with an emergency decree, will be held on February 27th, Wednesday at Istanbul 13th Assize Court, starting at 13:30.
- The prosecution of peace activist Meral Geylani, who is charged with "alienating people from the military service" due to five different social media posts in 2016, will continue on February 28th, Thursday at Uludere Criminal Court of First Instance, starting at 09:00.
- 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" by the Academics for Peace, will continue next week at Istanbul Courthouse in Çağlayan and in different courts in Turkey in provinces where the files of academics residing elsewhere are.