



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 10/19, 8 March 2019)

### What happened last week?

\*\*\* Justice and Development Party (AKP) & Nationalist Movement Party (MHP) alliance continue to use the speech, *“If we lose, Turkey’s survival would be endangered.”* The upcoming elections on March 31st is the fourth elections that the party in power is campaigning around *“survival”* and *“security”* to ask for votes.

\*\*\* Targeting People’s Democratic Party (HDP) MPs, President Erdoğan stated, *“If you like it that much, there is a Kurdistan in Northern Iraq. Go there. You have no place in this country.”*

\*\*\* Erdoğan repeated his threat against the mayors. He claimed that the trustees (mayors) assigned by the Ministry of the Interior were successful. The President said: *“What happened in the past are important lessons. If similar incidents occur after March 31st, we will immediately take legal action and pave the way for trustees.”*

\*\*\* British Times newspaper has covered Interior Minister Süleyman Soyulu’s statement that those participating in PKK meetings in Europe and arrive in Turkey for holidays will be detained. *“Turkey is telling tourists that if they criticise Erdoğan, they will be arrested,”* the newspaper interpreted.

\*\*\* Following successive criticisms from US authorities on S-400, the markets entered another tension zone with fear of another crisis between the two countries. Despite the Central Bank’s actions to keep interest rates at a stable 24 percent, the US Dollar rose against the Turkish Lira. *“We are done. There is no coming back. We will receive the first delivery in July,”* Erdoğan said.

\*\*\* As the number of academics penalized due to the *“Peace Petition”* reached 142, the total imprisonment sentences exceeded 212 years. The first appeal court decree was announced in academic prosecutions. The one-year three-month imprisonment sentence against Prof. Dr. Zübeyde Fusun Üstel due to signing the petition was finalised.

\*\*\* The indictment prepared within the investigation on the Gezi Park protests was accepted by Istanbul 30th Assize Court. 16 rights advocates; including Osman Kavala, who is arrested for 493 days, will stand trial on June 24th.

\*\*\* According to the data announced by the Ministry of Justice, 484,599 people are under judicial measures by January 2019. According to the latest announced data, there are more than 260 thousand detainees and convicts in Turkish prisons. In short, *“the government is heading towards turning the entire country into a prison.”*

\*\*\* The number of people facing judicial action due to the allegation of *“FETÖ”* membership reached 500 thousand. Investigations and prosecutions against 259,999 people continue; 30,947 people are in prisons due to FETÖ membership. Erdoğan stated that those penalized due to charges related to *“FETÖ”* will *“no longer act as they please”* even after they serve their sentence, asserting that there are still *“FETÖ”* members inside the government.

\*\*\* Consumer Price Index recorded a 19,67 percent increase in February; the Domestic Producer Price Index increased by 29,59 percent.

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## Gezi Park Case: Indictment accepted, first hearing on June 24

The indictment prepared against 16 people; including businessman Osman Kavala, who is arrested for 15 months, rights advocate Yiğit Aksakoğlu, who is arrested for three months, journalist Can Dündar, actor Mehmet Ali Alabora and Taksim Solidarity members on the Gezi Park protests was

accepted by Istanbul 30th Assize Court. The first hearing of the case will be held on June 24th.

The indictment starts with the global social protest movement “*Occupy*” that started with the 2008-2012 Global Economic Crisis. The Prosecutor claims that the Gezi Park protests were designed with the support of an organization named OTPOR (Resistance) and used the method of “*Civil Riot*” of Gene Sharp, one of the theorists of the Occupy movement. OTPOR is a youth organization in Serbia, performing passive resistance protests against the Slobodan Milošević regime between the years 1998 and 2004 and being one of the elements of the social movement that led to the fall of Slobodan Milošević.

The indictment claimed that the foundations of the Gezi Park protests were built in 2011 and were attempted to be staged in May 2013. As the protests were described as an attempt, the 16 rights advocates were charged with being “*influence agents*” and using the method of “*civil uprising*.” The indictment further tries to show parallelities between the Gezi Park protests and the 198-article action plan stated in the book, “*From Dictatorship to Democracy*,” written by Sharp.

According to the indictment, it is a crime to perform “*nonviolent actions*.”



## “Peace Academics” on trial

Five more academics, on trial due to signing the petition, “*We Will Not Partake In This Crime*” by the Academics for Peace, were convicted this week.

Istanbul 28th Assize Court sentenced Asst. Prof. Dr. Başak Tuğ Onaran from Istanbul Bilgi University to 1 year and six months of imprisonment due to “*making illegal*

*organization propaganda*.” The announcement of the verdict was deferred.

Istanbul 25th Assize Court sentenced Prof. Dr. L.N. from Sabancı University to 2 years and one months of imprisonment due to “*willfully aiding and abetting an illegal organization*

*while not being part of the hierarchic structure within the organization.”* The sentence against the academics was not deferred.

In the hearings at Istanbul 36th and 37th Assize Courts, Kemerburgaz University Faculty Member Deniz Parlak and Faculty Member S.U. were sentenced to 1 year and three months of imprisonment each due to *“making illegal organization propaganda.”* The announcements of the verdicts were deferred.

According to the data we compiled, the number of academics convicted due to the petition reached 142 and the total sentences of imprisonment issued exceeded 212 years. The sentences against 29 academics (55 years and nine months of imprisonment in total) were not deferred. You may find the data shared by the Academics for Peace Initiative on the matter on <https://goo.gl/KGktHa>.



## HSK penalizes judge issuing acquittal for defendant of charge “insulting Erdoğan”

Council of Judges and Prosecutors (HSK) issued a penalty of “relocation” against judge Aydın Başar, who issued the acquittal of the defendant on trial due to *“insulting the President.”* According to the HSK Code, relocation is the second heaviest penalty

after dismissal from profession.

When he was a judge in Balıkesir, Başar issued a verdict of acquittal for defendant C.B., who shared a poem that he didn’t write on Facebook. Erdoğan’s lawyers filed a complaint against Başar at HSK due to his reasoned verdict. Following the complaint, HSK started an investigation against Başar in 2016. Within the investigation, the 25-year judge was exiled first to Zonguldak, then to Erzurum. HSK finally concluded the investigation against Başar and penalized him with *“relocation.”*

One member of HSK 2nd Chamber, issuing the verdict, used his vote for the dismissal of Başar from profession. Three members voted for relocation and two members voted for a reprimand. The objection Başar made against the verdict of HSK 2nd Chamber was denied by HSK General Assembly, therefore the verdict was finalized.



yasin kobulan  
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Takip et

Dönemin Başbakanlığı'na bağlı Türkiye İnsan Hakları Kurumu (TİHK), Şırnak'ın Cizre ilçesinde 04 ile 12 Eylül 2015 tarihlerinde inceleme yaptı ve sonucu açıklanmadı. O dönem yaptığım paylaşımlardan yargılandığım davada 1 yıl 6 ay 22 gün ceza verildi. HAGB uygulandı.

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## Journalist Yasin Kobulan convicted of “illegal organization propaganda”

Istanbul 309th Assize Court sentenced Mezopotamya Agency (MA) reporter Yasin Kobulan to 1 year, six months and 22 days of imprisonment due to *“making illegal organization propaganda.”* The announcement of the sentence was deferred. The journalist was on trial due to his social media posts on heavy human rights

violations during curfews.



## Yeni Yaşam Daily pulled off shelves

Istanbul 3rd Criminal Judicature of Peace issued a verdict for Yeni Yaşam Daily's February 15, 2019 issue to be pulled off shelves due to the news on People's Democratic Party (HDP) MPs marching to support hunger-striker MP Leyla Güven.

The verdict charged the newspaper due to the news under the headline, "*100 Days in Resistance*", the news on the sixth page with the title, "*They march for sunny days*" and for the news on the tenth page that included evaluations of the Law Bureau of the Century with the title, "*20th year of Imralı isolation.*" It was further claimed that the newspaper legitimizes actions of PKK with violence and threat, includes visuals and comments praising the illegal organization and makes illegal organization propaganda.



## Eren Erdem sentenced to imprisonment in Karşı Daily Case

Karşı Daily Editor-In-Chief and former Republican People's Party (CHP) MP Eren Erdem was sentenced to 4 years and two months of imprisonment with the allegation that he has served the voice recordings revealed during the December 17-25

Corruption Operations. Istanbul 23rd Assize Court convicted Erdem of the charge of "*aiding and abetting an armed terrorist organization without being a member*" and issued for Erdem to remain arrested. In case the sentence is approved by the high court, Erdem will remain in prison for 17 more months.

12 more defendants were on trial in the Case besides Erdem, including Karşı Daily's owner Turan Ababey. The court issued the files of defendants Ufuk Emin Köroğlu, Emrah Direk, Değer Özgün, Mehmet Aydoğmuş, Murat Kazancı to be separated as the warrants against them were not executed. The court further issued for the file of arrested defendant Onur Kala to continue with a separate number of basis. The court sentenced Kala to 3 years, 1 month and 15 days of imprisonment due to "*illegal organization membership*" and issued for Kala to remain arrested. The court further issued the acquittals of Mehmet Bozkurt and Kutlu Esendemir, sentencing Emre Erciş to 3 year, 1 month and 15 days of imprisonment from the lower penalty limit due to "*aiding and abetting an illegal organization without being a member.*" The court also sentenced defendant Turan Ababey to 4 years and two months of imprisonment from the lower penalty limit due to "*aiding and abetting an illegal organization without being a member*" and issued for his arrest.





## Journalist fired after inviting Alper Taş to TV show

Republican People's Party (CHP) Beyoğlu Mayor candidate Alper Taş was incited to the TV show, "Gündemdekiler" ["Those on Agenda"] on TV5 channel. Following the words of Taş on LGBTI+ rights during the show, the show was removed from broadcast

and the host of the show, journalist Çağlar Cilara was fired from the channel.

In his speech, Taş expressed that *"he will be following the decisions and issues of LGBT decided in their own assemblies"* and the channel was targeted by pro-government media. Cilara made a statement on his social media account on the matter: *"The TV5 adventure is over as well. Journalists in Turkey are stuck in between the political polarisation, fights and turmoil. I ask my questions, I report news and I have made over 3 thousand shows within eight years. Don't worry, I will continue asking questions."*



## Former HDP MP sentenced to 1-year 6-month imprisonment

People's Democratic Party (HDP) former Şırnak MP Aycan İrmez was sentenced to 1 year and six months of imprisonment in the lawsuit she was on trial due to some statements she made in Silopi during the period of curfews declared in the region. İrmez was on trial due to *"public incitement to resentment and hostility"* within the file at

Şırnak Criminal Court of First Instance.



## Lawsuit against conscientious objector Burak Özgüner

A lawsuit was filed against conscientious objector Burak Özgüner due to not paying the fines issued against him due to draft evasion. Akören District Governorate of Konya sentenced Özgüner to a 1486 TL fine for three times (4459 TL in total) between the dates July 27, 2017 to January 24, 2018.

Özgüner refused to pay these fines and

applied to the Constitutional Court on January 10, 2018 for vesting of his right to conscientious objection.

The Constitutional Court did not issue a verdict on Özgüner yet, whereas in the indictment prepared against Özgüner, the Prosecutor's Office claimed for Özgüner to be prosecuted with an imprisonment claim for up to one year in accordance with Article 63 of the Military Penal Code regulating *"draft evasion and deserting."* The Prosecutor's Office further claimed for the conscientious objector to be deprived of the usage of certain rights regulated in Article 53

of the Turkish Penal Code. The first hearing of the case will be held on June 25th at Konya 3rd Criminal Court of First Instance.



## HDP posters taken down in Siirt

Siirt Prosecutor's Office issued for posters of People's Democratic Party (HDP) carrying the slogan, "*Azadî bixwerevebirinê dest pê dike*" ("*Freedom starts with self-administration*") to be taken down. The Prosecutor's Office ordered all party advertisement posters, introductory leaflets and banners carrying the slogan to be seized, starting an investigation due to "*making*

*terrorist organization propaganda.*" Posters and banners on billboards in Siirt were taken down by the police following the Prosecutor's Office verdict.



## Website of Bakırköy Daily banned to access

The website of Bakırköy Daily was banned with a verdict from Bakırköy 4th Criminal Judicature of Peace after reporting the news of the debates inside the Justice and Development Party (AKP). The complaint was made by AKP Bakırköy District Chair

Tülin Mazlumoğlu Kestane against the news article covering the list debates inside the AKP. Following the complaint, the Criminal Judicature of Peace not only banned access to the news article but to the entire website.



## Documentary "Lemon Coffee" banned

Muğla Sıtkı Koçman University did not permit the screening of documentary "*Lemon Coffee*" by Medet Dilek, during March 8th. The documentary depicts sexual workers, and the permission was denied due to "*content.*" A criminal complaint was

previously filed against Medet Dilek due to "*insulting Atatürk*" and "*incitement to crime*" due to the documentary "*Stone Buttons*" depicting the Koçgiri Rebellion.



## Ferhat Tunç: I will continue producing work from abroad for a while

Artist Ferhat Tunç drew the attentions to the imprisonment sentence issued as well as

other lawsuits filed against him. *“I will continue to think, to speak and to produce work from abroad for a while,”* Tunç said.

Here’s Tunç’s statement: *“They did not see the two-year imprisonment sentence against me sufficient, opening new investigations and filing new lawsuits one after another with allegations of ‘making illegal organization propaganda’ and ‘illegal organization membership.’ They targeted me. I have never, not one day, make concessions with their pressure and lies. I have never separated my identity as an artist from my responsibility to the people. I lived with my voice, but I’ve always decided for the harmony of that voice by myself- and I have never felt remorse for that. Today I’ve set out on a difficult journey with my identity, personality, my companion the baglama, and my voice; leaving behind a life I’ve built with my own hands and an injured, exhausted country. I will continue to think, to speak and to produce work from abroad for a while; not taking a step back. The mind and conscience point to disrupting silence toget. We can get through these times with the least damage with our collective work and fight; taking a big breath afterwards. We can dream together and win again.”*



## JUDGING THE JUDICIARY

We continue to judge the judicial procedure, which could never be completely *“unbiased and independent”* but which has recently become *“unlawful.”* Two new files were added to our *“Judging the Judiciary”* page: **“Ferhat Tepe Care and Access Bans”** and **“Bülent Şık Case”**...

Gündem Daily’s Bitlis reporter Ferhat Tepe was kidnapped and killed on July 28, 1993. The file was abated after 20 years due to *“time limitation.”* The European Court of Human Rights and the Constitutional Court decided for lack of effective investigation in the case, which is still classified under the unresolved murders. In 2019, news covering the incident were banned to access, following the request of former Tatvan Brigade Commander. Thus, it was revealed that one of the tools of the current politics of impunity is access bans; as well as the horrifying dimensions reached by the access bans spanning ECHR decrees to Parliamentary summaries.

Asst. Prof. Bülent Şık is on trial with an imprisonment claim for up to 12 years after sharing data on the Ministry of Health project aiming to identify chemicals causing cancer in regions where cancer is widespread in Turkey, stating, *“A scientist is initially responsible to people, not to companies or institutions.”* The Ministry took no measures to resolve the issues threatening social health after the identifications of the research. Şık is on trial following the complaint of the Ministry due to *“causing public turmoil”* and *“influencing foreign purchases”* and is charged with *“revealing banned confidential information”* in accordance with Article 258 of the Turkish Penal Code, *“obtaining banned confidential information”* in accordance with Article 334 of the Turkish Penal Code and *“announcing secret related to duty”* in accordance with Article 336 of the Turkish Penal Code.

You may find the verdict and reasoned decisions of the **“Shadow Court”** within both files on <http://www.dusun-think.net/dosya/dgyargi/>.





## **TRIALS OF FREEDOM OF EXPRESSION**

- Trials of the academics, who are on trial due to “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. One academic was sentenced to 1 year and six months of imprisonment and three academics were sentenced to 1 year and three months of imprisonment each in the hearings at Istanbul 28th, 36th, 37th and 30th Assize Courts. The announcements of the verdicts were deferred. Istanbul 25th Assize Court also sentenced an academic to 2 years and one months of imprisonment and the verdict was not deferred.
- The proceeding of former Taraf Daily reporter Mehmet Baransu and managing editor Murat Şevki Çoban continued at Istanbul Anatolian 10th Assize Court due to the news article, entitled, “The Decision to End Gülen Was Taken at State Security Court in 2004.” The next hearing was scheduled to June 19th, starting at 11:00.
- The first hearing of the lawsuit filed against Evrensel reporter Cansu Pişkin due to “targeting public officer for terrorist organizations” through her news article published on April 5, 2018, entitled, “Special Prosecutor for Boğaziçi students,” was held at Istanbul 36th Assize Court. The next hearing was scheduled to March 25th, starting at 16:30.
- The second hearing of the lawsuit filed against former Evrensel Daily managing editor Cem Şimşek with the allegation that he has “insulted” Minister of Economics and Treasury Berat Albayrak was held at Bakırköy 2nd Criminal Court of First Instance. The hearing was scheduled to a later date due to the absence of the judge.
- The fourth hearing of the lawsuit filed against Evrensel Daily’s Editor-In-Chief Fatih Polat due to “violating the privacy of interpersonal communication” due to covering the news of the voice recordings allegedly belonging to former Ankara Mayor Melih Gökçek and Constitutional Committee Chairman Burhan Kuzu was held at Istanbul 2nd Criminal Court of First Instance. The court issued Polat’s acquittal.
- The second 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 court sentenced Kobulan to 1 year, 6 months and 22 days of imprisonment and the announcement of the verdict was deferred.

### **TRIALS NEXT WEEK**

- The fifth hearing of the lawsuit filed against 21 printing house workers, with five arrested including Gün Printing owner Kasım Zengin, will be held on March 11, Monday at Istanbul 26th Assize Court.
- The next hearing of the Sözcü Case with Buray Abay, Gökmen Ulu, Mediha Olgun and Yonca Yücekaleli as defendants, will be held on March 12, Tuesday at Istanbul 37th Assize Court. The journalists are on trial due to “establishing and managing a terrorist organization,” “making terrorist organization propaganda” and “committing crimes on behalf of a terrorist organization without being a member.”
- The fourth hearing of the lawsuit filed against journalist-writer Mehmet Gündem with the allegation that he is a “FETÖ” member will be held on March 14, Thursday at Istanbul 35th Assize Court. Gündem has been detained and arrested on November 1, 2017 within the operation against the Journalists and Writers Foundation.
- Proceedings of 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 as well as in other courts in Turkey, where the files of academics residing outside of Istanbul are.