



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** According to the unofficial results of the local elections on March 31st, Justice and Development Party (AKP) won the majority of provinces but Republican People's Party (CHP) candidates won in five of the six big cities. People's Democratic Party (HDP) candidates won the majority of the municipalities back after trustees were previously assigned.

*** As the vote counting was ongoing on the night of the elections, Anadolu Agency stopped entering data into the system as votes for Justice and Development Party (AKP) started to fall in percentage. After 13 hours of blackout, the High Electoral Council (YSK) announced that Republican People's Party (CHP) was ahead in Istanbul. The ruling party announced the elections dubious in the provinces they lost. Pro-government media institutions described the results as a coup attempt.

*** Electoral councils in seven districts with objections made by the Justice and Development Party (AKP) in Istanbul decided for invalid votes to be recounted. However, the Provincial Electoral Council cancelled these decisions due to the objections being baseless. Then the High Electoral Council (YSK) held an urgent meeting late at night, cancelling these decisions due to "the counting that has already started can not be stopped." It was later decided for votes in all districts to be recounted.

*** President Erdoğan had previously stated, "*Those who are not in harmony with the central administration will announce their bankruptcy. Even if they win, they will not be able to execute,*" addressing local administrators right before the elections. Following the elections, Erdoğan said, "*Let them administrate.*"

*** As votes were recounted in the provinces objected against by the Justice and Development Party (AKP), no data was reached that would change the result. The High Electoral Council (YSK) didn't do the same process for the objections of the opposition in some provinces like Balıkesir, where the ruling party has won.

*** The High Electoral Council (YSK) didn't accept the objections of People's Democratic Party (HDP) in Muş, where 2446 votes were processed as invalid and the Justice and Development Party (AKP) won with 600 more votes. The Governorate claimed that "a provocative protest will be made" and banned press statements and protests. In locations where AKP was ahead of HDP with little difference, objections were made but none of them were accepted by District Electoral Councils.

*** Council of Europe's Monitoring Council, who were in Turkey for the elections, indicated that the participation rate was an indicator for a healthy democratic interest. However, the council stated that they are not convinced that the election environment was independent and fair.

*** As the crisis triggered by Turkey's purchase of S-400s from Russia deepens, the United States stopped F-35 equipments to be sent to Turkey. In the meeting between the Foreign Ministers of the two countries, Pompeo warned that a one-sided military operation in Syria would have “destructive” consequences.

*** The inflation is 19.71 percent in March, according to official records. Fluctuations in the currency rate continues. Central Bank increased the unexpired swap sales limit one more time to 40 percent.

*** The hunger strike of People's Democratic Party (HDP) MP Leyla Güven left 149 days behind; seven thousand arrests continue their hunger strike in prisons. The number of convicts ending their lives to protest the isolation against PKK leader Öcalan reached seven.



“Peace Academics” on trial

Eight more “Peace Petition” signatory academics were convicted due to “making illegal organization propaganda.” The academics were sentenced to a total of 10 years, 7 months and 22 days of imprisonment, which were all deferred. According to the data we compiled, the number of academics sentenced due to the petition reached 175; the sentences

against 31 were not deferred. You may find the data compiled by the initiative on the lawsuits on <https://goo.gl/KGktHa>.



Opposition annotation against conviction in “Peace Academic” trials

A member judge put an opposition annotation to the verdict of conviction issued against Peace Petition signatory academic Assoc. Prof. Candan Badem and indicated that the academic's action was within freedom of expression. The judge further indicated that this right is one of

the basic rights that is intervened and restricted the most within the fight against terrorism.

The judge indicated, “In order for a propaganda for terrorist organization to be posed, the organization's methods involving violence and threat have to be legitimized, praised or encouraged.” “Freedom of expression is not only for information and ideas that are welcomed, which can be ignored by many due to being harmless and insignificant, but it must also be applied for attacking, shocking, disturbing or discriminative ideas as a requirement of the plurality, tolerance and the nature of open-mindedness shaping a democratic society,” the judge stated.



Reasoned verdict by appeal court after reversing sentence against social media post due to “illegal organization propaganda”

2nd Criminal Chamber of Bursa Regional Court issued a verdict of acquittal for Hayrettin Pişkin, who was sentenced to 2 years and six months of imprisonment due

to “making illegal organization propaganda” through his Facebook post on the Afrin operation. “Freedom of expression and press freedom is applied not only for ‘thoughts’ that are welcomed or deemed harmless, but also for thoughts and news that are against the government and may sometimes be disturbing,” the court stated.



Nine sentenced to imprisonment in Özgür Gündem Substitute Editing-In-Chief Case

In the lawsuit with Özgür Gündem Substitute Editors-In-Chief on trial due to “making terrorist organization propaganda,” eight journalists and writers and one person, whose letter written from prison was published, were sentenced to imprisonment. Istanbul 14th

Assize Court sentenced Hüseyin Aykol to 3 years and nine months of imprisonment as well as Faruk Eren, Fehim Işık, Celal Başlangıç, İhsan Çaralan and Celalettin Can to 1 year and three months of imprisonment each. Dilşah Kocakaya, who was on trial due to her letter, was also sentenced to 1 year and three months of imprisonment. The sentences against Can and Kocakaya were not deferred.



14 lawsuits against former owner of Özgür Gündem in one week

14 separate lawsuits were filed against shut-down Özgür Gündem Daily's former owner Ziya Çiçekçi due to the news and columns published on the newspaper. Çiçekçi will stand trial within 13 lawsuits

at four different Assize Courts in Istanbul due to “making terrorist organization propaganda”

and will stand trial within one case at Tunceli Criminal Court of First Instance due to “insulting a public officer.”



Lawsuit against TEKEL workers after 10 years

A lawsuit was filed against the protest of TEKEL workers, who were fired following privatization, organized ten years ago in Ankara. The first hearing of the lawsuit will be held on June 27th at Ankara 7th Criminal Court of First Instance. 19 workers are charged with “organizing, managing and participating

in illegal meetings and demonstrations” within the lawsuit.



Lawsuit against HDP MP Osman Baydemir

A lawsuit was filed against People’s Democratic Party (HDP) former Şanlıurfa MP Osman Baydemir due to “making illegal organization propaganda” with the speech he gave during an event organized by his party in 2016 in Antalya. Baydemir will stand trial at Antalya 10th Assize Court, facing an imprisonment

claim for up to five years.



Summary against 43 MPs in Parliament; 38 against HDP MPs

83 summaries were sent to the Parliament against 43 MPs including People’s Democratic Party (HDP) Co-Chairs Pervin Buldan and Sezai Temelli as well as Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu.

Imam Taşçier, one of the HDP MP’s whose Parliamentary Immunity was asked to be revoked, was accused of “violating the Law of Associations” due to his expression, “Kurdistan” while saying Kurdistan Association for Industrialists and Businessmen (KÜRDSİAD), whose application to be established officially was made in 2014 but not permitted by the local administration. The HDP MPs were further accused of “making illegal organization propaganda” for “not reacting against” the speech of HDP Co-Chair Pervin Buldan during a conference organized in Diyarbakır on October 27-28, 2018.



Protest bans

The Governorate in Muş, where the People's Democratic Party (HDP) objected against the local election results, banned all meetings, demonstrations and press statements for fifteen days. The decision was based on "potential provocative protests" and "potential conflict regarding the public order." In

Iğdır, where HDP won the local elections according to unofficial results as well, a 15-day protest ban was announced. On the other hand, Şanlıurfa Governorate announced that all meetings, demonstrations, protests and press statements were banned between April 1-6 in the province.



TRIALS OF FREEDOM OF EXPRESSION

- The latest hearing of the lawsuit filed against journalist Ertuğrul Mavioğlu and director Çayan Demirel (director of "Bakur: A Guerrilla Documentary") was held at Batman 2nd Assize Court. No verdicts were issued in the hearing and the next hearing was scheduled to May 2nd, 2019.
- The sixth hearing of the lawsuit filed against Evrensel Daily columnist Yusuf Karataş, who was arrested on July 27, 2017 within the Democratic Society Congress (DTK) investigation due to the workshops, panels, press statements and events he participated in and was released on September 22, 2017 following the objection against his arrest, was held at Diyarbakır 9th Assize Court with a claim of imprisonment from 15 years up to 22.5 years with the allegation of "establishing and managing an armed terrorist organization." No verdicts were issued in the hearing and the next hearing was scheduled to September 11, 2019.
- The hearings of the lawsuits filed against Faruk Eren, Ertuğrul Mavioğlu, İhsan Çaralan, Fehim Işık, Öncü Akgül, Celalettin Can, Hüseyin Aykol, Ömer Ağın, Veysel Kemer, Dilşah Karakaya and Yüksel Oğuz due to "making illegal organization propaganda" through participating in the Substitute Editing-In-Chief campaign of Özgür Gündem Daily was held at Istanbul 14th Assize Court. Hüseyin Aykol, who was acquitted of the charges related to his columns and targeting, was sentenced to 3 years and nine months of imprisonment due to making propaganda through press. Faruk Eren, Ertuğrul Mavioğlu, Fehim Işık, Celal Başlangıç, Öncü Akgül and İhsan Çaralan were sentenced to 1 year and three months of imprisonment due to their Substitute Editing-In-Chief; their sentences were deferred. The 1-year three-month imprisonment sentence issued against Celalettin Can, however, was not deferred. Mehmet Şirin Taşdemir, Ömer Ağın, Veysel Kemer, Yüksel Oğuz were acquitted of the charges related to the letter they sent from prison; whereas Dilşah Kocakaya was sentenced to 1 year and three months of imprisonment due to the same charge. The sentence issued against Kocakaya was not deferred.
- The second hearing of the lawsuit filed against IMC TV Program Coordinator Ayşegül Doğan was held at Diyarbakır 9th Assize Court with a claim of imprisonment for up to

22.5 years due to “establishing and managing an armed terrorist organization” through the meetings she held with Democratic Society Congress (DTK) executives and events she participated in. No verdicts were issued in the hearing and the next hearing was scheduled to September 11, 2019.

- The latest hearing of the lawsuit filed against Cumhuriyet Daily reporters Alican Uludağ and Duygu Güvenç due to the news on the crisis of Pastor Brunson, entitled, “US-type justice,” “As the hostage diplomacy falls” and “Is it the judiciary or the government who holds and releases,” due to “public denigration of judicial bodies of the government” was held at April 4, Thursday at Istanbul 2nd Criminal Court of First Instance. No verdicts were issued in the hearing and the next hearing was scheduled to June 20, 2019 at 10:00.
- The first hearing of the lawsuit of compensation for 1.5 million TL filed against journalist Çiğdem Toker following the complaint of Şenbay Mining Inc. due to Toker’s column on Cumhuriyet Daily, published on October 27, 2017 with the title, “If you’re looking for savings, look at subway tenders,” was held at Ankara 13th Civil Court of First Instance. The court decided for additional time to be allowed for the presentation of evidence and requested approved documents on the tender mentioned in the column, scheduling the hearing to July 9, 2019.
- The third hearing of the lawsuit filed against journalist Sertaç Kayar with an imprisonment claim for up to 22.5 years due to the demonstrations, press statements and events he followed as a journalist between the years 2012 and 2014 was held at Diyarbakır 10th Assize Court. No verdicts were issued in the hearing and the next hearing was scheduled for June 26, 2019.
- The eighth hearing of the lawsuit filed against Demokratik Modernite magazine editor Haydar Ergül was held at Istanbul 22nd Assize Court. Ergül is arrested within the lawsuit due to “terrorist organization membership.” A verdict of release was issued for Ergül, the next hearing of the lawsuit with Ergül and 14 People’s Democratic Party (HDP) members are on trial, will be held on June 28.
- The prosecution of DISK Chair Arzu Çerkezoğlu, who is charged with “public incitement towards resentment and hostility” due to her speech during a panel organized in 2016, started at Sapanca Criminal Court of First Instance. The next hearing was scheduled to July 9, 2019.
- The hearing of the lawsuit filed against journalist Erk Acarer due to “insulting the President” was postponed at Istanbul 2nd Criminal Court of First Instance due to the judge’s excused absence. Acarer is charged due to his article published on BirGün Daily with the title, “Everyone can get it but Berkin.”
- Hearings of the academics, who are on trial due to “making terrorist organization propaganda” through signing the “Peace Petition”, continued this week as well at Istanbul 25th, 27th, 30th, 32nd and 36th Assize Courts. Seven more academics were sentenced to 1 year and three months of imprisonment; the announcement of the sentences were deferred. In the hearings held at Istanbul 28th Assize Court, Can İrmak Özinanır, who was dismissed from Ankara University, was sentenced to 1 year, 10 months and 22 days of imprisonment. The announcement of the sentence was deferred.

HEARINGS NEXT WEEK

- The eleventh hearing of the lawsuit filed against Filiz Koçali, Aslı Erdoğan, Necmiye Alpay, Ragıp Zarakolu, Zana Bilir Kaya, İnan Kızılkaya, Eren Keskin, Kemal Sancılı and Bilge Aykut on Özgür Gündem Daily, which was previously shut down with an

emergency decree, will be held on April 10th, Wednesday at Istanbul 23rd Assize Court.

- The fourth hearing of the lawsuit filed against Özgürlükçü Demokrasi workers İshak Yasul, Hicran Urun, Mehmet Ali Çelebi, Reyhan Hacıođlu, İhsan Yaşar; who are arrested in remand, as well as against Davut Uçar, Ersin Çaksu, Fırat Benli, Günay Aksoy, Mizgin Fendik, Önder Elaldı, Pınar Tarlak, Ramazan Sola and Yılmaz Yıldız will be held on April 10th, Wednesday at Istanbul 23th Assize Court, starting at 10:45.
- Austrian journalist Max Zirngast has been detained on September 11th due to “illegal organization membership” and was arrested ten days later to be taken to Sincan Prison. Zirngast was later released with a travel ban. The first hearing of the lawsuit filed against Zirngast will be held on April 11, 2019 at Ankara 26th Assize Court.
- The hearings of the lawsuits filed against Peace Academics, who are charged with “making terrorist organization propaganda” through signing the “Peace Petition” of the Academics for Peace, will continue at Istanbul Courthouse in Çađlayan as well as in other courthouses in provinces the academics reside in.