



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 16/19, 19 April 2019)

### What happened last week?

\*\*\* Ekrem İmamoğlu has won the elections for Istanbul Metropolitan Municipality Mayorship and received his election certificate 17 days after the initial elections.

\*\*\* Justice and Development Party (AKP) made an extraordinary objection at the High Electoral Council (YSK) to cancel and re-hold the elections in Istanbul.

\*\*\* Justice and Development Party (AKP) Deputy Chairman Ali İhsan Yavuz claimed that thousands of people who were victimized with the Statutory Decrees issued during State of Emergency can not have a right to vote.

\*\*\* High Electoral Council (YSK) denied the objection made on the decision that those elected, who were previously dismissed with emergency decrees, will not be handed election certificates.

\*\*\* Council of Europe Secretary General Thorbjorn Jagland criticized the decision stating that those elected, who were previously dismissed with emergency decrees, will not be handed election certificates. Jagland indicated that those losing the elections to become mayors is against the basic principles of democracy.

\*\*\* Council of Europe Local and Regional Administrations Congress made a call for the results of local elections held on March 31st in Turkey to be respected.

\*\*\* President Tayyip Erdoğan left election debates behind and stated that the agendas of economy and security must be focused on. *“Our aim is to eliminate threats against the survival of our government and bring Turkey to its set goals for 2023,”* Erdoğan said.

\*\*\* The verdict of acquittal issued for nine suspects, who were on trial regarding the killing of two police officers in Ceylanpınar four years ago, was approved. The incident had been made an excuse by the ruling party to end the Resolution Process.

\*\*\* Minister of Treasury and Finance, Berat Albayrak explained Turkey’s economic reform plan at an exclusive meeting with investors while in Washington to attend IMF and World Bank meetings. Albayrak was accepted for a meeting with US President Trump as well and indicated that the meeting went well. However, the investors stated that the presentations were not prepared well.

\*\*\* As Ankara’s official visit in Washington continues, Presidential Spokesman İbrahim Kalın stated that he expects Trump to exempt Turkey in case sanctions become a topic of debate due to the S-400s.

\*\*\* The application of Teacher Ayşe, whose execution of imprisonment was postponed three times, at the Constitutional Court was not concluded and Ayşe Çelik was imprisoned again. *(Details below...)*

\*\*\* Turkey was ranked 157th among 180 countries in the World Press Freedom Index launched annually by Reporters Without Borders (RSF). (*Details below...*)

\*\*\* Currency exchange rate between the Turkish Lira and the US Dollar has seen its highest difference within the last six months. As fluctuations in the exchange rate continues, the US Dollar is being exchanged above 5.80 TL.

\*\*\* Rights advocate Yiğit Aksakoğlu left 150 days in prison behind and replied to each accusation against him within the Gezi Park indictment. *“I keep my faith and hopes up that we will soon be released, just like it is required with a state of law, and that all defendants of my case will soon be acquitted,”* Aksakoğlu said.

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## The “Criminal”(!?) Ayşe Çelik is in Prison again!

The Constitutional Court did not find the time to review Ayşe Çelik’s application in time, the suspension period for the execution of penalty ended and Ayşe Çelik has been imprisoned again.

Ayşe Çelik was sentenced for saying *“Children are dying, don’t stay silent”* on a TV show. She was accused of “making propaganda for a terror organization” 38 other rights defenders from Istanbul, Ankara and İzmir had reported themselves as a civil disobedience act. They declared that they co-signed Ayşe Çelik’s statements. Only Ayşe Çelik was sentenced.

**The reason for the sentence was based on the following question: “it is obvious that PKK is behind the violence, why didn’t you mention them?” So, she was not sentenced for her statements, but for what she had not said.** Her sentence was suspended twice due to her newborn. But her application to the Constitutional Court has not been reviewed in time before the suspension period ended. So Ayşe Çelik has been imprisoned again, leaving her 1,5 year old daughter behind.

Ayşe Çelik is actually imprisoned on our behalf. Because it was “peace” that faced trial through Ayşe Çelik, and the freedom of expression was violated. None of us is free while she is in prison and apart from her daughter. **We call the constitutional court to review and decide on Ayşe Çelik’s application;** <http://chng.it/VqTtzLW7MY>



## Imprisonment sentence against "Peace Academic" increased by seven months within two hearings

After the reversal of conviction of Prof. Dr. Güler Okman Fişek due to signing the 'Peace Petition' of the Academics for Peace Initiative, the re-trial process

began. The academic had been sentenced to 1 year and three months of imprisonment in the third hearing of the lawsuit against her on October 2, 2018 at Istanbul 28th Assize Court due to "making illegal organization propaganda;" whereas the sentence was reversed after her statement was not received on the deferral of the verdict. In the retrial, the academic was sentenced to 1 year, 10 months and 15 days of imprisonment this time. The announcement of the verdict was deferred.



## Lawsuits filed against 17 disobedient civilians supporting “Peace Academics”

Lawsuits were filed against 17 people, including our initiative’s spokesperson Şanar Yurdatapan, who denounced themselves to the Prosecutor’s Office while indicating that they support the academics on trial due to signing the “Peace Petition” of the Academics for Peace. You may find the hearing schedule of disobedient civilians, who will stand trial facing an imprisonment claim for up to five years due to “making illegal organization propaganda,” on <http://ctl-tr.net/?dil=en>

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## Turkey ranked 157th in RSF Press Freedom Index

Reporters Without Borders (RSF) launched the annual World Press Freedom Index and Turkey was ranked 157th among 180 countries, the same ranking as last year. “The rule of law is a fading memory in the “New Turkey” of paramount presidential authority...

Turkey is the world’s biggest jailer of professional journalists. Spending more than a year in prison before trial is the new norm, and long jail sentences are common, in some cases as long as life imprisonment with no possibility of a pardon,” stated the report. For the full report; <https://rsf.org/en/ranking/2019>



## Hearing of Özgür Gündem Substitute Editors-In-Chief Fincancı, Önderoğlu and Nesin

The tenth hearing of the lawsuit filed against Human Rights Foundation of Turkey (TIHV) Chairman Prof. Dr. Şebnem Korur Fincancı, Reporters Without Borders (RSF) Turkey Representative Erol Önderoğlu and writer

Ahmet Nesin due to “making terrorist organization propaganda” through participating in the “Substitute Editing-In-Chief” campaign for Özgür Gündem Daily was held at Istanbul 13th Assize Court.

In his defense statement at the hearing, Önderoğlu stated, “*This lawsuit is an example of the pressure against human rights advocates and journalists in Turkey, which has become a widespread application.*” “*A democratic society cannot exist without its media producing work without pressure,*” Önderoğlu said. The next hearing of the case was scheduled to July 17, 2019.



### **Journalist Gökhan Öner convicted of “illegal organization propaganda”**

As previously shut-down Dicle News Agency (DIHA) reporter Gökhan Öner was acquitted of the charge of “illegal organization membership,” he was sentenced to 10 months of imprisonment due to “*making illegal organization propaganda.*” Denizli 2nd Assize Court

deferred the announcement of the verdict. Öner was detained and arrested in Denizli on April 28, 2018 within the file and was released on the first hearing (July 26, 2018) of the lawsuit filed against him after three months under arrest.



### **Lawsuit against journalist Rahmi Yıldırım**

A lawsuit was filed against journalist Rahmi Yıldırım due to his article, entitled, “I am so sad for the Chief of General Staff!” The indictment, accepted by Gölbaşı 3rd Criminal Court of First Instance in Ankara, charges Yıldırım with “*insulting*” Chief of General Staff Hulusi

Akar with the article he published on his blog on February 3, 2017.



### **Imprisonment sentence against TKP executives due to “insulting President”**

Turkish Communist Party (TKP) central executives Mehmet İnam and Mehmet Kızılgil were sentenced to 1 year and nine months of imprisonment each with the allegation of “*insulting President*”

*Erdoğan.*” The sentence of İnam was not deferred based on having previously been convicted of the same charges.



## **Student sentenced to 5-month imprisonment after one-year arrest due to participating in funeral of Berkin Elvan**

University student Berkay Ustabaş, who remained under arrest for a year due to participating in the funeral ceremony of Berkin Elvan following his murder by the police during the Gezi Park protests, was sentenced to 5 months of imprisonment

due to “*violating the Law on Meetings and Demonstrations No. 2911.*” Istanbul Courthouse 26th Assize Court set off the period Ustabaş remained under arrest in his sentence. The court further deferred the announcement of the sentence for one year. Hence, if Ustabaş wasn’t under arrest for that long, he wouldn’t be imprisoned any way.



## **Constitutional Court: “Calls for non-violent meetings can not be banned”**

The Constitutional Court (AYM) issued that the bulletin printed by the Community Centres for the rally organized in Ankara in 2015 being banned was a violation of the right to

meeting and demonstration. The decree underlined that calls for non-violent meetings can not be banned.



## **“Kurdistan” penalty against Tele1**

Radio and Television Supreme Council (RTÜK) penalized Tele1 Channel with 2 percent of advertisement profits and a broadcast blackout twice, after broadcasting the Parliamentary speech of

People’s Democratic Party (HDP) Co-Chair Sezai Temelli that included the word, “*Kurdistan.*” The penalty was based on the provision that states that publications and broadcasts “*may not be against the existence and independence of the Government of the Republic of Turkey, the country as well as the indivisible integrity of the nation, and the principles and reformations of Atatürk*” defined by Article 8 of RTÜK Law.



## Access ban on article by Terkoğlu

An access ban was brought on the article written by Cumhuriyet Daily writer Barış Terkoğlu, entitled, “*Why do Pelikan-ists attack,*” published on April 4th with evaluations of post-election incidents.



## JUDGING THE JUDICIARY

Constitutional Court remained silent and teacher Ayşe was imprisoned once again. Let us look once again at the verdict of the “Shadow Court” in order to remember all unlawful experiences during the prosecution of Ayşe Çelik, a distinct example in the history of law in Turkey: <http://www.dusun-think.net/dosya/dgyargi>



## TRIALS OF FREEDOM OF EXPRESSION

- The second hearing of the lawsuit filed against artist Ferhat Tunç due to “insulting the President” through ten different tweets he posted was held at Büyükçekmece 7th Criminal Court of First Instance. The court decided for the file to be merged with another file against Tunç due to “insulting the President” at Büyükçekmece 14th Criminal Court of First Instance.
- The tenth hearing of the lawsuit filed against Human Rights Foundation of Turkey (TIHV) Chairman Prof. Dr. Şebnem Korur Fincancı, Reporters Without Borders (RSF) Turkey Representative Erol Önderoğlu and writer Ahmet Nesin due to “making terrorist organization propaganda” through participating in the “Substitute Editing-In-Chief” campaign for Özgür Gündem Daily was held at Istanbul 13th Assize Court. The court accepted the claim for Önderoğlu to be exempted from prosecution and accepted the claim of Fincancı’s lawyer Meriç Eyüboğlu for extra time to prepare her defense statement on the basis. The next hearing was scheduled to July 17, 2019.
- The latest hearing of the lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Gökhan Öner due to “terrorist organization membership” was held at Denizli 2nd Assize Court. The court decided for Öner to be acquitted of the charge of illegal organization membership and sentenced him to 10 months of imprisonment due to “making illegal organization propaganda.” The announcement of the verdict was deferred.
- The seventh hearing of the lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargin and Metin Yoksu due to “making terrorist organization propaganda,” “disrupting, preventing information systems and disrupting or changing data,” “acting on behalf of an illegal organization without being members” and “illegal organization membership” through reporting the news on

the emails belonging to Energy and Natural Resources Minister Berat Albayrak, which were revealed by RedHack, was held at Istanbul 29th Assize Court. The court accepted the claim for Okatan and Yoksu to be exempted from prosecution and the next hearing was scheduled to September 24, 2019 to start at 09.30.

- The second hearing of the lawsuit filed against Hasan Cemal due to his article, entitled, “From Silvan: They made us get used to the pain and deaths so much...” published on December 4, 2015 and which included his observations and meetings with former Silvan Co-Mayor Zuhul Tekiner, Gülsuma Güçer and Mehmet Ali Dünser in Silvan was held at Istanbul 36th Assize Court. The court allowed extra time for Cemal and his lawyers to prepare his final defense statement and scheduled the next hearing to May 7, 2019 to start at 16:45.
- The third hearing of the lawsuit filed against journalist Kibriye Evren, who faces an imprisonment claim from 8.5 years up to 20 years with the allegation of “illegal organization membership” and “making illegal organization propaganda” with secret witness statements, social media posts and border records as crime evidence after having been detained and arrested during the house raids in Diyarbakır on October 9, 2018 was held at Diyarbakır 5th Assize Court. The court issued for Evren to remain arrested and scheduled the next hearing to May 7, 2019.
- The second hearing of the lawsuit filed against Suruç Massacre Case and Legal Bureau of the Oppressed lawyer Can Tombul, who was arrested for more than six months, was held at Istanbul 35th Assize Court. The court issued for Tombul to remain arrested and the next hearing was scheduled to June 12, 2019.
- The latest hearing of the lawsuit filed against Burak Abay, Gökmen Ulu, Mediha Olgun and Yonca Yücekaleli within the Sözcü Case due to “establishing and managing a terrorist organization,” “making terrorism propaganda” and “committing crimes on behalf of an illegal organization without being members” was held on April 18, Thursday at Istanbul 37th Assize Court. The court issued a Red Notice against Sözcü Daily owner Burak Akbay and scheduled the next hearing to June 14, 2019 to start at 10:00.
- Hearings of the academics, who are on trial due to “making terrorist organization propaganda” due to signing the “Peace Petition” of the Academics for Peace Initiative, continued this week. In the hearings at Istanbul 28th Assize Court, one academic was sentenced to 1 year, 10 months and 15 days of imprisonment and the announcement of the verdict was deferred.
- The first hearing of the lawsuit filed against six people, who were detained during the 2018 Istanbul LGBTI+ Pride March, with the allegations of “violating the Law on Meetings and Demonstrations No. 2911,” “resisting to prevent duty” and “endangering traffic safety”, was held. The next hearing was scheduled to September 19, 2019 to start at 14:00.

## **HEARINGS NEXT WEEK**

- The fourth hearing of the lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters Işminaz Temel, Havva Cuştan and the Legal Bureau of the Oppressed (EHB) lawyers, two of them arrested, with the allegations of “illegal organization membership” and “making illegal organization propaganda” will be held on April 24th, Wednesday at Istanbul 27th Assize Court to start at 10:30.
- The tenth hearing of the lawsuit failed against Can Dündar, one of the journalists who faced prosecutions due to “publishing or printing terrorist organization materials” after participating in the “Substitute Editing-In-Chief” campaign for previous shut-down

Özgür Gündem Daily, will be held on April 25th, Thursday at Istanbul 22nd Assize Court, to start at 09:40.

- Prosecutions of the academics, who are on trial due to “making terrorist organization propaganda” due to signing the “Peace Petition” of the Academics for Peace, will continue next week at Istanbul Courthouse in Çağlayan as well as in other courthouses throughout Turkey, where the files of academics residing outside of Istanbul are.