



Think... think...

What happened in Turkey in February 2018

*** One month was left behind in the 'Afrin Operation'. Ankara is reacting against criticisms and calls for moderation from abroad. Government authorities, especially President Erdoğan, announce the next step to be Manbij. Erdoğan demanded U.S. units to leave Manbij. The U.S. government announced that the units will not retreat. United Nations Security Council decided for a *"humanitarian ceasefire."* Ankara, however, claimed that the ceasefire does not bind them. Prime Minister Yıldırım said, *"It is impossible for us to think of this operation restricted to Afrin."*

*** The General Staff announced 41 soldiers and 9 civilians dead; with more than 2000 illegal organization members neutralized. *"The siege of Afrin will happen much faster in the following days,"* said President Erdoğan. Gendarmerie and police special operation forces are being transferred to Afrin from various provinces of Turkey.

*** HRW announced that they have been under the impression that *"necessary measures are not taken to prevent civilian casualties."* The organization identified the deaths of 26 civilians, 17 of them children, during three different bombardments organized at the end of January. Erdoğan replied the allegations with the expressions, *"immoral"* and *"unconscientious."* *"If we haven't been separating civilians from the terrorists in Afrin, the operation would already be over,"* said Erdoğan.

*** Turkish Medical Association (TTB) Central Council member physicians, who were taken into custody due to the notice they launched following the military operation in Afrin, were released with judicial control. Nationalist Movement Party (MHP) leader Bahçeli and President Erdoğan continued to target the Turkish Medical Association (TTB). The government started preparing for a regulation that would restrict authorities of professional organizations, which are public institutions.

*** Ministry of Interior Affairs announced 845 people taken into custody by February 26th due to protest demonstrations against the 'Afrin Operation' as well as social media posts criticizing the operation.

*** The common resolution, involving an electoral cooperation of the Justice and Development Party (AKP) with the Nationalist Movement Party (MHP). The resolution aims to make MHP enter the parliament in return to the support they will provide for President Erdoğan in the presidential elections. The resolution involves applications which will remove ballot box security and provisions providing advantages to the alliance parties. For instance, the *"unsealed envelope"* application will be legal, after causing heavy debate in the latest 'Presidential Referendum'.

*** A verdict of release was issued for Die Welt Turkey reporter Deniz Yücel, who was arrested for more than a year. Anadolu Agency announced an indictment prepared by Istanbul Chief Public Prosecutor's Office against Yücel with an imprisonment claim up to 18 years and that the court accepting the indictment issued the release of the journalist.

*** Selahattin Demirtaş stood trial for the first time after 460 days within the case he is

arrested in remand, defending himself against 31 summaries against him. The Prosecutor's Office claimed Demirtaş to remain arrested. Demirtaş defended himself in the hearing, his release claim was denied.

*** The 'Coups Attempt Media Case' with 7 defendants, six of them arrested including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, was concluded. The case is the first lawsuits against journalists in which they were charged with "taking part" in the coup attempt on 15 July 2016. Istanbul 26th High Criminal Court sentenced Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Fevzi Yazıcı, Faruk Şimşek and Şükrü Tuğrul Özşengül to heavy life imprisonment due to "*attempting to overthrow the Constitutional order.*"

*** 2nd Penal Department of Istanbul Regional Court sentenced Republican People's Party (CHP) Istanbul MP Enis Berberoğlu to 5 years and 10 months of imprisonment due to "announcing confidential information concerning the state."

*** The Parliament membership of three more arrested People's Democratic Party (HDP) MPs were taken off due to the definitive sentences of imprisonment against them. The number of HDP MPs, who lost their membership in the legislative power, reached nine. On the other hand, 114 more summaries arrived at the Parliament against 57 MPs, including Republican People's Party (CHP) leader Kılıçdaroğlu and HDP leader Demirtaş. The number of files on Parliamentary immunities increased to 524.

*** Proceedings of academics, with lawsuits against them filed separately due to the "We Will Not Partake In This Crime" petition, continued with hearings in February. The first verdicts of conviction were issued as well. The signatories were sentenced to imprisonment due to "making illegal organization propaganda" and the sentences were deferred.

*** Netherlands Foreign Ministry announced the official retreat of their ambassador in Turkey, who was not allowed to enter Turkey for a year after the tensions before the referendum. It was further indicated that Turkey will not be permitted to assign a new ambassador to the Netherlands.

*** Deputy Prime Minister Bekir Bozdağ announced that all broadcasts made on the Internet will be monitored by the Radio and Television Higher Council (RTÜK). In the regulation sent to the Parliament, RTÜK is given the authority to give and annul licences to Internet publications as well as to ban access to content through Criminal Judicatures of Peace.

*** United Nations (UN) Torture Special Rapporteur Nils Melzer stated that they received reports indicating "*cruel methods such as beating, electroshock, cold water exposure, sleep deprivation, insult and sexual assault used during interrogations in Turkey.*" Melzer indicated that torture allegations are not investigated in Turkey due to the State of Emergency.



"Afrin must be destroyed, TTB must be shut down"

During the group meeting of his party, Nationalist Movement Party (MHP) Chairman Devlet Bahçeli targeted the

Turkish Medical Union (TTB) after their call for peace. *"They are the enemies of Turks, a disgrace to medical practice. An immediate legal action must be made against them, or a seal must be put on their door,"* said Bahçeli. Accusing the physicians of 'trason', Bahçeli further stated, *"either Afrin must be destroyed, or the terrorists must be burned down."*

President Erdoğan also stated that the word "Turkish" will be removed from the names of the Turkish Medical Union and the Turkish Bar Associations Union, by the Council of Ministers. *"They have no intention of standing beside us in our fight to protect our nation; on the contrary, they have the intention to stand against us, to protect terrorists and to support them,"* said Erdoğan.

The government took action immediately after these statements, taking related amendment resolutions into agenda. According to the news by Anadolu Agency, the conditions to be listed in the Bar Association to practice as a lawyer as well as a membership to TTB to practice medicine will be removed. According to this, medical doctors, engineers and lawyers will be able to be members of whichever professional organization they please. The regulation also ends applications like transferring public resources to the related organizations.



845 taken into custody related to Afrin Operation

The Ministry of Interior Affairs announced 845 people taken into custody between 29 January and 26 February 2018 due to "illegal organization propaganda" through social media posts criticizing the Afrin Operation as well as protest demonstrations against the operation.

The Ministry further announced 423 social media accounts examined and legal actions taken against 251 people due to "illegal organization propaganda," "provoking people towards hatred and hostility" as well as "insulting government authorities" within the operations conducted against social media posts within the last week.



Intellectuals make criminal complaint against Erdoğan after calling for peace

The Spokesman of our Initiative and musician Şanar Yurdatapan and Prof. Dr. Baskın Oran made a criminal complaint against President Recep Tayyip Erdoğan. The two names also

filed lawsuits of moral indemnity, symbolically for 1 TL each.

In the speech he gave on January 28th, the President described 170 people, who expressed their demand to end the military operation against Afrin and for conflicts to be resolved through dialogue, “traitors,” “insolents,” “vulgars” and “so-called artists.” Erdoğan further stated that the letter written by the 170 intellectuals was a “hypocrisy,” “fraud,” “opinion clownery,” “human shielding the terrorists” and “complicity in separatist terrorist organization activities.”

Yurdatapan and Oran indicated that the speech of Erdoğan, targeting intellectuals who made a call for peace, involve hate speech. The two names further stated that with this speech, the President has committed the crime of “insult” and “incitement of people towards hatred and hostility.” Yurdatapan stated that the ‘existence of an open and close potential danger against public security’ immediately reveals itself with Erdoğan’s speech, saying, “Pro-AKP trolls* took action and threatened signatories of the letter. The comments under the petition campaign started on change.org website to denaturalize the 170 intellectuals is the concrete evidence of this.” “It is a public violation of freedom of expression and science for the President, who has the highest government authority, to denigrate artists and intellectuals expressing their opinions. Such freedoms are protected by the Constitution,” stated Oran.

** In Internet slang, a troll is a person who sows discord on the Internet by starting quarrels or upsetting people, by posting inflammatory, extraneous, or off-topic messages in an online community (such as a newsgroup, forum, chat room, or blog) with the intent of provoking readers into an emotional response or of otherwise disrupting normal, on-topic discussion.*

For the statement made by Yurdatapan at the courthouse before their criminal complaint; <https://goo.gl/SSHv5H>



A first in GNAT: Insulting Erdoğan considered reason for seat loss

People’s Democratic Party (HDP) Group Deputy Chairman Ahmet Yıldırım and Urfa MP Ibrahim Ayhan lost their seats at the Parliament due to the definite sentences of imprisonment against them. The number of HDP members who lost seats at the Parliament reached nine. Ayhan was sentenced to 1 year and three months of imprisonment due to “making illegal organization propaganda” with a social media post and Yıldırım was sentenced to 1 year and two months of imprisonment due to insulting Erdoğan by calling him “the so-called sultan in the Palace.” Thus, a Parliament member lost seat at the parliament for the first time in the history of Turkish Parliament due to “insulting the President.”

This month on ‘insulting Erdoğan’

2nd Penal Department of Antalya Regional Court sentenced former Republican People's Party (CHP) Denizli MP Adnan Keskin to 11 months and 20 days of imprisonment due to "insulting the President." Denizli 4th Criminal Court of First Instance initially issued a verdict of acquittal for Keskin, who was on trial due to the speech he gave during the opening ceremony of his party's Denizli Merkezefendi District building in September 2016. The Prosecutor's Office has later objected to the verdict and the Court of Appeals later convicted Keskin. The court deferred the sentence against Keskin for five years.

Arrested defendant of 'FETÖ Media Structuring Case', Türk Solu (Turkish Left) Magazine Editor-In-Chief and National Party Chairman Gökçe Fırat Çulhaoğlu was sentenced to 2 years, five months and five days of imprisonment due to "insulting the President." Çulhaoğlu was on trial at Ankara 25th Criminal Court of First Instance due to his Twitter posts on 28 and 30 August 2014.

Journalist Ertuğrul Mavioğlu was acquitted in the first hearing of the case he was on trial at Istanbul 33rd Criminal Court of First Instance due to his Twitter post on Suruç Massacre. 33 people lost their lives in the incident in July 2015. The indictment against Mavioğlu claimed an imprisonment sentence up to 4 years and eight months due to 'insulting the President' with the aforementioned social media post.

New arrests were added to the already existing ones related to 'insulting Erdoğan' in February. Community Centers Central Executive Board member Kutay Meriç and Peace Academic Serdar Başçetin, who was dismissed from his duty at Erzincan University with an emergency decree, were arrested due to "insulting the President" after being taken into custody in Antalya on February 13th due to their social media posts. One person was arrested after allegedly insulting the President as well as the soldier's deceased body during the funeral ceremony of Lieutenant Muhammed Cihangir Çubukçu, who lost his life during the Afrin Operation.



Media Cases

According to the data we compiled from the press, at least 15 journalists were taken into custody and three of them were arrested this month. The journalists were charged with "making illegal organization propaganda" and "illegal organization membership" due to their social media posts and the

news they reported. Defendants were convicted in the 'Coup Attempt Media Case', which is the first lawsuit against journalists in which they are charged with "taking part" in the July 15 Coup Attempt, due to "attempting to overthrow the Constitutional order." The indictment was completed against Die Welt Turkey reporter Deniz Yücel, who is remanded for more than a year; the journalist was released. On the other hand, access bans continued without pause. At least five news websites, including 1HaberVar Platform and the website of Mezopotamya Agency, were banned to access. 1HaberVar Platform was established by former employees of TV and radio channels, which were shut down with emergency decrees. Here are some of the prominent developments of this month:

Heavy life imprisonment against defendants in ‘Coup Attempt Media Case’

The ‘Coup Attempt Media Case’ with 7 defendants, six of them arrested including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, was concluded. The case is the first lawsuits against journalists in which they were charged with “taking part” in the coup attempt on 15 July 2016. Istanbul 26th High Criminal Court sentenced Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Fevzi Yazıcı, Faruk Şimşek and Şükrü Tuğrul Özşengül to heavy life imprisonment due to “attempting to overthrow the Constitutional order.” The defendants were arrested for more than 500 days within the case, which started on 19 June 2017. In their last statements, they reminded the court of the verdict of violation issued by the Constitutional Court (AYM) within the case. AYM recently issued a violation on the press freedom and ‘right to personal freedom and security’ of Mehmet Altan in his individual application to the court, deciding for his release. However, Istanbul 26th High Criminal Court resisted against the AYM decree despite the Constitutional obligation, not applying the verdict.

Indictment completed after one year, release verdict for Deniz Yücel

A verdict of release was issued for Die Welt Turkey reporter Deniz Yücel, who was arrested for more than a year. Anadolu Agency announced an indictment prepared by Istanbul Chief Public Prosecutor’s Office against Yücel with an imprisonment claim up to 18 years and that the court accepting the indictment issued the release of the journalist. According to the news reported by Doğan News Agency, Yücel is charged with “making terrorist organization propaganda” and “inciting people towards hatred and hostility.”

Ahmet Altan sentenced to 5-year 11-month imprisonment

Journalist Ahmet Altan was sentenced to life imprisonment within the ‘Coup Attempt Media Case’ two weeks ago. Altan was sentenced to 5 years and 11 months of imprisonment in another case he was on trial due to “insulting the President” and “making terrorist organization propaganda.”

Istanbul 26th High Criminal Court convicted Altan due to an article he wrote, titled, “To Walk Over”, published online on a website. The court did not abate Altan’s sentence due to “his negative attitude during the hearing and his lack of remorse.” The court board claimed that the journalist attempted to make PKK’s ditch-digging activities seem innocent due to the sentence in the article: *“They think it is civil war to kill children digging ditches in Kurdish neighborhoods with tanks and cannons.”*

Journalists sentenced in accordance with Turkish Penal Code Article 301

Journalists Bedran Babat and Mustafa Ece were sentenced to five months of imprisonment due to the news published through Dicle News Agency (DIHA) on 2 June 2015 with the title, *“Gevaş Security Office tagging electors.”* DIHA was previously shut down with an emergency decree. Babat and Ece are two among four journalists included in the case concerning the aforementioned news.

Van Gevaş Criminal Court of First Instance convicted the journalists due to “publicly insulting a public officer” in accordance with Article 301 of the Turkish Penal Code,

postponing the sentences for five years. Journalists DIHA Executive Board Chairman Zekeriya Güzüpek and Ferhat Çelik were acquitted.



Academics for Peace

The proceedings of academics, who face separate charges due to signing the “We will not partake in this crime” petition, continued with hearings in February. The judicial period started in December and by March 1st, 136 scientists have stood trial in the first

hearings of the lawsuits against them. The first verdicts of conviction were also issued.

First verdict in ‘Academics for Peace’ lawsuits, imprisonment sentence due to ‘illegal organization propaganda’

Istanbul 32nd High Criminal Court sentenced retired Prof. Dr. İzzettin Önder and research member Ayda Rona Aylin Altınay Cingöz to 1 year and three months of imprisonment each due to “making illegal organization propaganda” with the “We will not partake in this crime” petition. The sentences were deferred.

The lawsuits, filed separately against each Academic for Peace, started to be proceeded on 5 December 2017. 128 scientists have stood trial so far in the first hearings, which will continue until May. The imprisonment sentence against the two academics has been the first verdict issued in these proceedings.

Prosecutor’s Office ‘orders’ Council of Higher Education: “Do what’s necessary concerning academics”

The proceedings against the signatories of the Peace Petition by the ‘Academics for Peace’ continued this week; with 13 academics standing trial. Thus, the first hearings of 102 scientists were held within the petition. Claims of acquittal and merging of individual files were denied once again; hearings were postponed.

On the other hand, Istanbul Chief Public Prosecutor’s Office sent the indictment against academics to the Council of Higher Education (YÖK) with the inscription, “*for the evaluation of administrative investigations to be conducted by the Council.*” In the letter prepared by Prosecutor Ismet Bozkurt from Istanbul Terror and Organized Crimes Bureau, PKK was asserted to have announced self-governance, the organization executives made a call for ‘intellectuals and democratic circles to protect the self-governance’ and that the academics prepared the Peace Petition following this call. Bozkurt accused the scientists of “*making propaganda by encouraging to take part in methods of the terrorist organization, which include violence or threat; and making such methods seem legitimate.*”



Courthouse halls

Courthouse halls were not empty in February as well. Citizens had to fill the courthalls due to their social media posts, writings, peace petitions and protest demonstrations they participated in. Of course, disobedient civilians did not remain silent to the developments. Here are some of the

prominent lawsuits of this month:

Court considers poem evidence for illegal organization membership; sentences defendant to 9 year-9 month imprisonment

Urfa 6th High Criminal Court sentenced İsa Kutay to nine years and nine months of imprisonment due to “illegal organization membership.” Kutay was arrested in remand due to possessing poems and quotes by Aziz Nesin, Cemal Süreya, Ahmed Arid, Ataul Behramoğlu, Adnan Yücel, Can Yücel, Yılmaz Güney, Che Guevara and former Uruguay President Jose Mujica on his cell phone. The indictment of the case included a paper besides poems and photographs, which depicted the Kurdish alphabet. The paper was described as “the table on which future protests and activities were encoded.”

Lawsuit against ‘Peace Petition’ due to ‘illegal organization propaganda’

The indictment prepared against Neslihan Karayemez and Bilal Karaman, who were arrested due to ‘making terrorist organization propaganda’ by distributing the leaflets prepared by Labour Party (EMEP) in Istanbul to make a call for peace against the Afrin Operation, was accepted by Istanbul 33rd High Criminal Court.

Istanbul Public Prosecutor Edip Şahinler prepared the indictment, asserting that the leaflets indicated the Afrin Operation to mean occupation and hence violent, threatening and forceful activities of the terrorist organization were shown legitimate. The first hearing of the case will be held on 27 February 2018 at 14:15.

Another lawsuit filed against Ferhat Tunç due to Twitter post

Another lawsuit was filed against artist Ferhat Tunç due to his social media posts. Tunç was charged with ‘public incitement towards hatred and hostility’ with a Twitter post he made on the evening of the referendum on 16 April 2017.

The first hearing of the case will be held on 18 April 2018 at Istanbul Büyükçekmece 4th Criminal Court of First Instance. Another lawsuit was previously filed against Tunç with an imprisonment claim up to 6 years due to ‘making terrorist organization propaganda’ with his social media posts. Tunç stood trial on 14 December 2017. The first hearing of another case Tunç is on trial due to “insulting the President” with a Twitter post will be held on 21 February 2018.

Sharing Newroz photograph of Reuters considered ‘illegal organization propaganda’

Socialist Party of the Oppressed (ESP) Hopa District Chairwoman Nurcan Vayıç was sentenced to 1 year and seven months of imprisonment; People’s Democratic Party (HDP) Hope District Chairman Cemil Aksu was sentenced to 1 year and five months of imprisonment due to “making illegal organization propaganda” in Artvin with their social media posts.

In two separate cases held at Artvin High Criminal Court, Aksu’s social media post without stating any organization names, as well as the post of Vayıç sharing photographs taken by Reuters during the 2016 Diyarbakır Newroz were considered “terrorist organization propaganda” The sentences were deferred for five years.

Lawsuit against university students who ‘whistled’ in Kurdish

The indictment against university students was completed after being beaten and taken into custody on 29 March 2017 at Dicle University campus due to “singing a Kurdish anthem with whistles.”

In the indictment, accepted by Diyarbakır 10th High Criminal Court, the Prosecutor’s Office stated, *“they have vocalized the anthem involving calls for violence and threat which qualifies as illegal organization propaganda.”* Charged with “making illegal organization propaganda,” “committing a crime on behalf of an illegal organization without being a member,” “resisting to prevent duty” and “violating the Law on Meetings and Demonstrations No. 2911”, the 12 students face imprisonment sentences up to 27 years and six months.

Lawsuit against DTK Co-Chair Leyla Güven

The investigation against Democratic Society Congress (DTK) Co-Chair Leyla Güven was completed. Güven was taken into custody on 22 January due to her social media posts and the statement she made on the ‘Olive Branch Operation’ on Afrin region, later arrested on January 31.

In the indictment prepared by Diyarbakır Chief Public Prosecutor’s Office and accepted by Diyarbakır 9th High Criminal Court, Güven was claimed to be sentenced to imprisonment up to 31 years and six months due to “establishing and managing an armed terrorist organization,” “making terrorist organization propaganda” and “violating the Law on Meetings and Demonstrations.”

Ömer Faruk Gergerlioğlu convicted of ‘illegal organization propaganda’

Kocaeli 2nd High Criminal Court sentenced human rights advocate and former Mazlum-Der Chairman Medical doctor Ömer Faruk Gergerlioğlu was sentenced to 2 years and six months of imprisonment due to “illegal organization propaganda.”

“... I have shared an enactment photo on my social media accounts on a peace day with the theme, ‘do not let children die, do not let mothers cry’ and wrote, ‘when you look at this

photograph, you will understand why war has no other meaning than making people and things run dry. The mothers are the same, the flags are different! When we die, we have no longer any difference from one another! Instead of our children's coffins stand next to each other, our live children must stand next to each other. For equality, brotherhood, in solidarity...' and I was sentenced to 2.5 years of imprisonment due to making terrorist organization propaganda because of it," stated Gergerlioğlu.

10-month imprisonment against Nurcan Baysal due to article on Afrin

Writer Nurcan Baysal was sentenced to 10 years of imprisonment due to "public denigration of the security organization" with an article she wrote on the state of residence buildings in Cizre, evacuated and used by special operation forces after the operations in Cizre. Istanbul 56th Criminal Court of First Instance deferred the sentence of Baysal for five years with a condition of judicial control.

Baysal stated, "It's not my article, but those who constituted the topic of my article who committed a crime" in the defense statement she made at the court. The article written by Baysal, titled, "From the insides of the homes in Cizre: 'Girls, we have come but you weren't there' writings, women's underwear exhibited on the floors!" was banned to access by Anara 6th Criminal Judicature of Peace. In the article, Baysal wrote on her observations in the region.



Civil disobedience action for Dr. Ö. Faruk Gergerlioğlu and journalist Nurcan Baysal

Şanar Yurdatapan, the spokesman of our initiative, denounced himself to the prosecutor by putting his signature under the words of Dr. Ömer Gergerlioğlu was sentenced to 2 years and 6 months imprisonment for social media sharing and journalist Nurcan Baysal sentenced to 10 months

imprisonment for her news on Cizre.

Yurdatapan made a brief statement in front of Istanbul Çağlayan Courthouse and stated that those words would not be considered as a crime but if they were counted he will commit the same crime knowingly and intentionally and he should be sentenced to the same punishment, completed the process of republishing by distributing photocopied texts to passers-by.

Initiative for Freedom of Expression continues this method persistently since Yaşar Kemal's prosecution by the State Security Court in 1995. Especially between 1995 and 2004, more than 80.000 people denounced themselves by repeating so-called criminal words of 300 thought criminals from different opinions. The initiative organized 16 civil disobedience actions including actions for teacher Ayşe Çelik, Academics for Peace,

Kuşadası lawyers supported academics with the same method. For further information, please visit: <http://www.dusun-think.net/sivil-itaatsizlik/?dil=en>



Freedom of expression verdicts from Court of appeals

Freedom of Expression verdict from Court of Appeals: *"Measure is public interest"*

4th Legal Department of the Court of Appeals reversed the 5000 TL indemnity sentence due to writer Perihan Mağden insulting Acun Ilıcalı in the interview she gave to journalist Hakan Gence. Istanbul 16th Civil Court of First Instance previously sentenced (December 2014) Mağden and Gence to pay 5000 TL indemnity each due to the interview published on Hürriyet Daily with the headline, "Acun, brand of insolence."

The verdict of reversal stated that *"the interview is within the boundaries of criticism and the complainant has the responsibility to tolerate criticism as a socially well-known personality."* The verdict further indicated that press freedom is guaranteed by the Constitution and in case it conflicts with personal values, one of them must be held above the other and the basic measure of this is public interest; hence the case must be completely revoked.

Constitutional Court decrees published on Official Gazette

The Constitutional Court (AYM) decided that sharing opinions on the social media is within freedom of expression. The court reversed the local court verdict, which sentenced one citizen due to criticizing Manisa Animal Rights Association executives due to allegations of corruption regarding the collected donations via one comment under a post on Facebook, stating that it was "an intervention against freedom of expression." The applicant, who was sentenced to a judicial fine by Manisa 3rd Criminal Court of Peace, will be paid 4000 TL indemnity due to violation of freedom of expression.

Constitutional Court (AYM) decided for a violation of freedom of expression in the case of the citizen, who was sentenced to judicial fine due to "insulting a public officer due to his duty" through his expressions criticizing the judiciary in the email he sent to a Chief Public Prosecutor of the Court of Appeals. Defendant Arif Altın, who used the expressions, *"... You have zero reputation in the eyes of an ordinary citizen like myself,"* had been sentenced to 12 thousand TL judicial fine at Ankara 2nd Criminal Court of Peace.

On the other hand, the conviction of defense lawyer Keleş Öztürk was decided to be a violation of freedom of expression. Öztürk was sentenced to 6080 TL judicial fine by Istanbul 2nd High Criminal Court due to "insulting a public officer due to his duty." Öztürk criticized the opinion of the hearing Prosecutor on the basis of a case in 2009, saying, *"The Prosecutor either did not graduate from the faculty of law, or he didn't read the case file... I*

am a graduate of Istanbul University Faculty of Law, and I do not know which faculty of law the Prosecutor is a graduate of.”

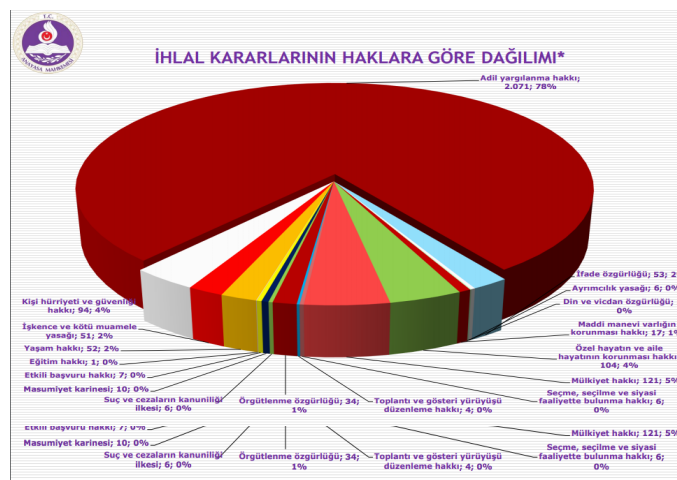
AYM issued another verdict of “violation of freedom of expression” regarding a news article on the webpage of Manşet Newspaper, publishing local in Bartın. Bartın 1st Criminal Court of First Instance previously sentenced Hulusi Elmas, who reported the defeat of a boxer with the headline, “He left the ring crawling,” to judicial fine due to “insult.” AYM issued the verdict to have violated freedom of expression.

In the application of Dilan Ögüz Canan, who was on trial due to “organizing and participating in illegal meetings and demonstrations” due to participating in a protest demonstration in 2008, AYM issued a violation of the right to meeting and demonstration as well as the right to trial in a reasonable period of time. Canan was convicted twice in the long trialing period, the verdicts were revoked by higher courts and then the case was postponed with three years of monitored release. The Higher Court indicated that the applicant was sentenced only due to participating in a meeting and demonstration.

Criminal Court: “*Demonstration is a legal right*”

10 people who protested the International Monetary Fund (IMF) in 2009 and faced lawsuits in 2011 were acquitted in a precedent verdict after eight years. Istanbul 35th Criminal Court of First Instance indicated that demonstration is a legal right.

The indictment claimed that Harbiye Congress Valley, where the demonstrations were held, was banned for demonstrations and the individuals who participated to the press statements did not disperse despite all warnings, later resisting the police during the intervention of security forces “within their authority.” However, the court decided for the acquittal of the protesters due to the lack of evidence that the protesters committed the claimed crime and that the offence being committed by the defendants is indefinite. The reasoned decision stated, “*the use of the right to meeting and demonstration is a method of expression of thought as long as it is made with peaceful purposes, lacks arms and attacks, does not constitute another crime within and remains within the limitations to be protected by the law.*”



Constitutional Court announces individual application statistics

Constitutional Court (AYM) announced the statistics on individual applications at the court, which started in 2012. Deciding on 137 thousand of a total of 173,479 applications within the 5-year period until 31 December 2017, AYM issued 2,536 decrees of violation.

'Violation of the right to fair trial' made up 78 percent of the decrees; 81 percent of the 1,783 decrees on this issue were given due to the violation of "trial within a reasonable time period." The court further issued 94 verdicts of violation on 'personal freedom and safety', 53 on 'freedom of expression', 52 on 'the right to life' and 51 on 'the ban against torture and mistreatment'.

The number of applications were recorded as 20,376 in 2015. Together with the State of Emergency, declared following the coup attempt on 15 July 2016, this number increased to 80,756 with a record number. However, the consideration of the recently-established State of Emergency Applications Monitoring Commission as a new domestic legal remedy lead to the decrease of this number in 2017 to 40,530. The number of decrees of violation increased when compared to previous years. There were 544 decrees of violation in 2015, 771 in 2016 and 917 in 2017. For the graphs on the statistics; <http://www.anayasa.gov.tr/icsayfalar/istatistikler/bireyselistatistik.html>

You may find details and more on <http://www.dusun-think.net/?dil=en> and read our weekly bulletins on <http://www.dusun-think.net/?s=bulten>