



Think... think...

What happened in Turkey in September 2018

*** Central Bank of the Republic of Turkey Monetary Politics Council increased the interest rates by 6.25 points, with the interest rate rising from 17.75 percent to 24 percent. President Erdoğan said, *“You know they keep speaking about “independence,” there you go, independence. We will now see the results of independence.”* Despite the interest rate increase by the Central Bank, the currency exchange rate increased to the same levels only a week later. Erdoğan, on the other hand, asserted that there is no economical crisis in Turkey. *“These are all manipulations,”* Erdoğan said. Finance Minister Albayrak further defended that Turkey has pulled through the currency crisis. US Dollar currency was above the 6,00-TL band at the beginning of October.

*** August monthly inflation rate reached its highest level since 2003 with an annual 17.90 percent. Prices of natural gas and electrics increased in August and September. *“The level reached requires full-scale fight against inflation,”* Minister of Treasury and Finance Albayrak said.

*** The New Economy Programme announced by Albayrak for the years 2019-2021 revised growth downwards and inflation upwards. The expectation for inflation was 20.8 percent for 2018. Turkey will work with US Consultancy firm McKinsey within the new programme.

*** International credit rating organization Moody’s indicated that the political environment in Turkey is becoming more and more unpredictable and that there is risk for the Turkish government to interfere with foreign currency deposits.

*** With an order from the Ministry of Treasury and Finance, export firms are now required for the next six months to deposit at least 80 percent of their exporting costs in Turkish banks, to increase foreign currency deposits. With a new action taken to prevent the currency loss in TL, the interest rate for the TL version of corresponding deposits banks are obliged to keep in the Central Bank was increased from seven percent to thirteen percent.

*** Turkey’s Wealth Fund, established in 2016 to be managed by the Wealth Fund Inc., was bound to the Presidency with a decree. Deputy Chairman of the Wealth Fund will be Finance and Treasury Minister Berat Albayrak.

*** Turkey will take action east of the Euphrates river in Syria, similar to the Euphrates Shield and Olive Branch Operations, President Erdoğan said.

*** The prerequisite for rectorship to be a professor for three years and for assignments to Scientific and Technological Research Council of Turkey (TUBITAK) executive board memberships to serve in the public sector for at least five years were removed with a Presidential Decree.

*** Justice and Development Party (AKP) and Nationalist Movement Party (MHP) announced for an alliance in principles during the local elections.

*** Nationalist Movement Party (MHP) presented an amnesty bill in the Parliament. However, there is serious drawback in the Justice and Development Party (AKP) on the matter, for it includes offenses committed against individuals and that criminal organizations will be able to benefit from it as well. The future of the bill is unclear.

*** European Court of Human Rights (ECHR) asked a series of questions to Ankara for Osman Kavala, who is arrested since November 1, to defend himself. Questioning the legality of his arrest and the relation of his state with his right to be prosecuted within a reasonable time, the court demanded detailed information on the notion of “*strong suspicion*” that was stated as basis for Kavala’s arrest.

*** Statistics on the individual application system, which is in action for six years, revealed that the number of rights violation verdicts issued by the Constitutional Court in 2018 was less than those issued in the last five years. Receiving 27,356 applications in 2018, the high court issued only 236 rights violation verdicts. The rate of those verdicts compared to the total verdicts issued by the court in 2018 is 8.2 percent.

*** The monitoring of Press Release Institute was handed to the Ministry of Communication, that belongs to the Presidency. Radio and Television Supreme Council (RTÜK) accepted the regulation that predicts wide bans, monitoring and sanctions against internet publications.

*** In the executive meeting of Cumhuriyet Foundation on September 7, 2018, Friday, the executive board of Cumhuriyet Newspaper was changed. Alev Coşkun was elected as Chairman of the Foundation and Aykut Küçükaya as Editor-In-Chief. Dismissals and resignations started in the newspaper following the changes in the executive board.

*** The Court of Cassation approved the 5-year and 10-month imprisonment sentence against Republican People’s Party (CHP) MP Enis Berberoğlu due to the news coverage on Turkish National Intelligence Trucks. The arrested MP was released.

*** Third airport workers started a protest to put an end to worker deaths and for better working conditions. An operation was organized against the workers’ protest, 27 were arrested.

*** Protests of the Saturday Mothers/People were banned throughout September. Relatives of those disappeared in custody were prevented from going to Galatasaray Square every week by the police.

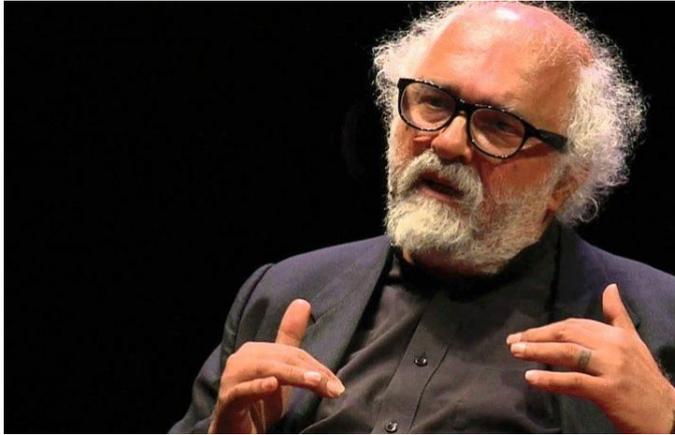
*** 8 more academics on trial due to the “Peace Petition” were convicted due to ‘illegal organization propaganda.’



‘Peace Academics’ on trial

Prosecutions of the academics charged with ‘making illegal organization propaganda’ due to signing the Peace Petition continue at Istanbul Courthouse after the end of the judiciary recess. 280 academics stood trial so far in the first hearings within the lawsuits filed against

them; eight more cases were concluded with 1 year and three months of imprisonment. The announcement of the verdicts were deferred in all sentences against the 27 convicted academics, except for those against Prof. Dr. Zübeyde Füsün Üstel from Galatasaray University and Prof. Dr. Büşra Ersanlı from Marmara University.



Zarakolu calls for “end to harassment” over red notice against him

A red notice was issued against author and publisher Ragıp Zarakolu, six years after his arrest and release within the file against him. *“This has no other meaning besides disrespect and harassment,”* Zarakolu said.

Istanbul Specially Authorized 14th Assize Court had arrested Zarakolu in October 2011 due to “making illegal organization propaganda” through a speech he gave during the opening ceremony of the Political Academy of the Peace and Democracy Party (BDP). Released in April 2012, Zarakolu’s prosecution continues at Istanbul 3rd Assize Court with a claim of imprisonment for up to 15 years. The court issued a search warrant with red notice against Zarakolu on June 7, 2018 due to his absence in the hearings as he resides in Sweden since December 2013. [Please click here](#) for Zarakolu’s message.

On the other hand, the prosecution of Zarakolu continued on September 28. It was revealed during the hearing that the objection made by lawyer Sennur Baybuğa against the red notice was denied, whereas the denial notice was not served. On the other hand, the court denied the application for Zarakolu, who lives in Sweden since December 2013, to submit his defense abroad. The application was made last July and the denial was issued during the last hearing. The next hearing was scheduled to November 30, 2018.

A red notice has been issued against Zarakolu on June 7, 2018, due to not attending the hearings after his arrest on October 2011 and release in April 2012 within the case file.



Court of Cassation approves imprisonment against Enis Berberoğlu with stay of execution

16th Criminal Chamber of the Court of Cassation approved the imprisonment sentence against Republican People’s Party (CHP) Istanbul MP Enis

Berberoğlu, who was convicted and arrested due to the news coverage on Turkish National Intelligence (MIT) Trucks. The court issued Berberoğlu’s release and stay of execution until the end of Berberoğlu’s Parliament membership.

Istanbul 14th Assize Court had sentenced Berberoğlu to 25 years of imprisonment on June 14, 2017 due to “political and military espionage” and issued his arrest. This verdict was then reversed by the 2nd Criminal Chamber of Istanbul Regional Court on October 9, 2017. Upon retrial, Berberoğlu was sentenced to 5 years and 10 months of imprisonment not due to “espionage” but due to “announcing confidential information concerning the security of state as well as the government’s domestic and foreign interests.” The file was sent to the Court of Cassation; applications of release for Berberoğlu was denied until now. Berberoğlu was re-elected as MP in the June 24 elections.



Journalists targeted by the judiciary in first month of new judicial session

Rights violations against press organizations and workers continued in September as well. According to the data compiled by Gazetekarınca, 84 journalists stood trial in the hearings

within the lawsuits filed against them in the first month of the new judicial session. Eight journalists were sentenced to a total of 24 years and two months of imprisonment, five journalists were sentenced to 29.210,00-TL judicial fine. Investigations were started against three journalists. At least four journalists were taken into custody - of those journalists, Austrian Max Zirngast was arrested. Five arrested journalists were released. On the other hand, many local and national newspapers are in difficulty due to the increase in paper prices due to the currency crisis. Therefore, many newspapers are either firing employees or resolve the situation by publishing their issues less frequently. Here are some of the prominent news of September:

Imprisonment sentence against journalist Kemal Yavuzel

dokuz8HABER News Coordinator Kemal Yavuzel received ten months of imprisonment in the case he was on trial due to ‘violation of privacy’ through publishing the tapes revealed during the December 17-25 corruption operations as he was the News Director for Gerçek Gündem.

The lawsuit was filed following the complaint of former Minister of Environment, Erdoğan Bayraktar and concluded with a ‘deferral of the announcement of the verdict’ by Istanbul Anatolian 68th Criminal Court of First Instance. Indicating that they have published only the ‘official’ tapes within the investigations with the aim to inform the public, Yavuzel said, “*The Sword of Damocles will be hanging over my head for the next five years due to the deferral of the verdict. There’s now a horsehair distance between prison and me.*” The files of former Republican People’s Party (CHP) Istanbul MP and former Gerçek Gündem Editor-In-Chief Barış Yarkadaş were separated from the same case file after Yarkadaş was elected MP.

11 year 3 month imprisonment against Hayatın Sesi executives

Istanbul 13th Assize Court sentenced Hayatın Sesi TV owner Mustafa Kara, his partner Ismail Gökhan Bayram and Manager Gökhan Çetin to 3 years and nine months of imprisonment each due to 'illegal organization propaganda'. The TV was previously shut down with an emergency decree and the three defendants were charged with making ISIS and PKK propaganda through the news broadcasted in the TV related to the curfew in Cizre and the Ankara Train Station Massacre.

14 thousand TL judicial fine against Evrensel Daily due to 'insulting President'

Istanbul 2nd Criminal Court of First Instance sentenced Evrensel Daily's former Editor-In-Chief Vural Nasuhbeyoğlu and former owner Arif Koşar to 7.000,00-TL compensation due to 'insulting the President.'

First hearing held in cases against journalists Hayri Demir and Sibel Hürtaş

A lawsuit has been filed against 11 people, three of them arrested, including journalists Sibel Hürtaş and Hayri Demir due to their news coverage and criticisms on the social media against the Afrin Operation. The first hearing of the case was held at Ankara 15th Assize Court.

Making his defense in the hearing, Demir indicated that he is facing ten years of imprisonment due to the tweets he posted and asked, "*Is journalism such a heavy crime to commit?*" In her defense, Hürtaş also indicated that a photo of her one-year-old son during the Hrant Dink commemoration takes place in the indictment as 'crime evidence.' "*I am a journalist for 20 years, but I don't understand the indictment prepared against my own self. I read it, but I don't know what I'm charged with,*" Hürtaş said.

The court decided for arrested defendants Saim Serin, Lezgin Tekay and journalist Barış Ceyhan to be released with travel bans abroad; and for the travel bans against the two journalists to remain effective, removing the obligation to submit signatures. The next hearing was scheduled to November 22.

Özgürlükçü Demokrasi Daily Case begins

The prosecution of 14 Özgürlükçü Demokrasi Daily workers, six of them arrested, started on September 12, Wednesday at Istanbul 23rd Assize Court. The defendants are charged with 'illegal organization membership' and 'making illegal organization propaganda.' The newspaper has previously been shut down with Statutory Decree No. 701 issued on July 8, 2018.

Arrested defendants owner Ihsan Yaşar, chief editor Ishak Yasul, editor Hicran Urun, worker Pınar Tarlak, newspaper editor and writer Mehmet Ali Çelebi, editor Reyhan Hacıoğlu spoke during the hearing, as well as defendant driver Ramazan Solak. Chief judge Ahmet Oğuz asked the defendants questions like, "*You know the rights of journalism, do you know the responsibilities as well?*", "*What is your publication policy?*", "*How do you obtain information on the news?*", "*Have you covered news on the sexual abuse within a terrorist organization?*", "*Were you disturbed, as a citizen of this country, by these news that described the Turkish Armed Forces as an occupying force?*". The court issued the release of Pınar Tarlak with judicial supervision. The next hearing was scheduled to December 6, 2018.

Gün Printing Case: 8 released

The first hearing of the lawsuit filed against 21 workers of Gün Printing House due to ‘illegal organization membership’ and ‘illegal organization propaganda’ was held at Istanbul 26th Assize Court. The court council issued the release of eight arrested defendants and 12 defendants to remain arrested. The next hearing was scheduled to November 12.

The indictment of the case charges the defendants due to around 110 publications printed by the company and ongoing lawsuits against the owners, editors-in-chief and writers of those publications. The printing house was raided simultaneously with the investigation conducted against Özgürlükçü Demokrasi Daily and later a trustee was assigned to the company. The charges further include Özgürlükçü Demokrasi’s critical headline covering the Afrin Operation conducted by the Turkish Armed Forces (TSK) and Gün Printing’s involvement in the distribution of the newspaper issue.

Warrant issued in RedHack Case

Six journalists stood trial in the hearings held within the RedHack case. Warrants were issued against journalists Ömer Çelik and Metin Yoksus for the next hearing following their absence.

The hearing of the lawsuit filed against six journalists due to covering the emails of Minister Berat Albayrak leaked by RedHack in their news was held at Istanbul 29th Assize Court. Journalists Derya Okatan, Tunca Öğreten, Mahir Kanaat and Eray Saygın were present in the hearing; whereas Ömer Çelik and Metin Yoksus were absent.

The court issued the judicial supervisions against the defendants to remain as well as warrants against Ömer Çelik and Metin Yoksus for the next hearing. The next hearing was scheduled to January 8, 2019.

Investigation against news by journalist Alican Uludağ due to TCK [Turkish Penal Code] Article 301

An investigation was opened against Cumhuriyet Daily reporter Alican Uludağ due to his news on American pastor Andrew Brunson, who is kept in house imprisonment in Izmir. The news article was entitled, “*A judicial analysis of a release: Is it the judiciary or government who arrests and releases?*” Uludağ wrote that Brunson’s release with house imprisonment is “*the initiative of the government, not the judiciary.*” Due to this statement, the journalist was charged with ‘denigrating judicial bodies’ in accordance with Article 301 of the Turkish Penal Code (TCK).

Investigation against Fatih Portakal due to ‘insulting President’

An investigation was started against journalist Fatih Portakal due to ‘insulting the President’ through the tweet he posted on the ban against the theater play performed by actor and Peoples' Democratic Party (HDP) MP Barış Atay, ‘Only Dictator.’ Testifying at the Prosecutor’s Office, Portakal stated that he hasn’t insulted the President but has expressed his opinions within the

freedom of thought and expression. It was indicated that the denouncement against him was made by a citizen.

The related tweets of Portakal concerning the investigation are as following:

“The theater play, ‘Only Dictator,’ performed by Barış Atay, is being banned everywhere by the official ideology. How can one play disturb those in power so much? Can a theater play be feared of? It’s just a play...” “Only Dictator; the play that disturbs, angers and is being banned.”



Court rooms

Artists, writers, social media users were again in courtrooms in September, facing charges like ‘insulting Erdoğan,’ ‘making illegal organization propaganda’ and ‘illegal organization membership.’ Investigations were opened against more than a thousand social media users in the last four weeks. Here are some of the

prominent news of September:

Imprisonment sentence against artist Ferhat Tunç due to illegal organization propaganda

Istanbul 36th Assize Court sentenced artist Ferhat Tunç to 1 year, 11 months and 12 days of imprisonment due to ‘making illegal organization propaganda’ through his social media posts made in the years 2015 and 2016. The conviction activates the execution of four previously deferred sentences against Tunç.

Denmark-based NGO Freemuse indicated that the experiences of Tunç is evidence for how Turkish authorities attack artists and started a petition campaign. The organization demanded all charges against Tunç to be abated, calling for solidarity. Please click to participate: <https://goo.gl/9E72DU>

Imprisonment sentence against author Hamide Yiğit over TCK [Turkish Penal Code] Article 301

Istanbul 2nd Criminal Court of First Instance sentenced author Hamide Yiğit to five months of imprisonment due to “public denigration of the Turkish government, its judicial bodies and its military or security organization.” The sentence against Yiğit, who was on trial due to her book, *“Tekmili Birden IŞİD, El Kaide’den IŞİD’e Amerika İçin Cihat! — The Whole Kit and Boodle of ISIL, from Al Qaeda to ISIL, Jihad for America!”* was turned into 3.000,00-TL judicial fine. Another lawsuit filed against Yiğit following the criminal complaints of former Energy and Natural Resources Minister Berat Albayrak and President Recep Tayyip Erdoğan’s son Bilal Erdoğan due to “insult” was postponed to November 15.

Imprisonment sentences over October 10 protest due to ‘insulting Erdoğan’

Istanbul 15th Criminal Court of First Instance sentenced six people, including professional union and chamber executives, to 11 months and 20 days of imprisonment each due to ‘insulting the President’ during the protest at Sirkeci Train Station on October 13, 2015 against the October 10 Massacre. The sentences against former Chamber of Electrical Engineers Istanbul Chairwoman Beyza Metin, Erdoğan Demir, Gürsel Kaya, Mehmet Şamil Altan were turned into 7 thousand TL judicial fine each; the announcement of the verdicts against Nebile Irmak Çetin and Önder Atay were deferred.

Arrest due to social media post on economic crisis

Peoples’ Democratic Party’s (HDP) former member of Siirt Provincial Assembly Idris İlhan was arrested due to his social media posts. Charged with ‘making illegal organization propaganda’ and ‘violating the Capital Market Law’ due to his post that stated, “*We aren’t failing because the US Dollar is increasing against the TL; it is increasing because we are failing: Dollar: 7.15 TL,*” İlhan was sent to Siirt Type-E Prison.

Social media use as “terror crime”: Indictments prepared against five students

A lawsuit was filed against five students at Amasya University due to ‘making terrorist organization propaganda.’ Facing imprisonment claims for up to five years, the students are charged due to their “likes” on Facebook and the people they follow on Twitter. The indictment, accepted by Amasya Assize Court, suggests music videos shared by the students, their likes on the Facebook pages of IMC TV and Özgür Gündem Daily (which were both previously shut-down with emergency decrees), as well as their follows of Twitter pages of Peoples’ Democratic Party (HDP) MPs were shown as crime evidence. The first hearing of the case will be held in November.

Investigation against social media posts over TCK [Turkish Penal Code] Article 301

Istanbul Anatolian Chief Public Prosecutor’s Office started an investigation against Gazete Duvar writer and lawyer Tuba Torun due to “public denigration of the Turkish government, its judicial bodies and its military and security organization.”

Torun’s two articles on Toplum Sol and Gazete Duvar as well as her social media posts on the Afrin Operation, on teacher Ayşe Çelik and her conviction due to saying “*Don’t let children die,*” on the police violence against high school students’ protest in Kadıköy and on Kemal Kurkut and his death during the Newroz celebrations in Diyarbakır in 2017 were shown as reasons for the investigation.



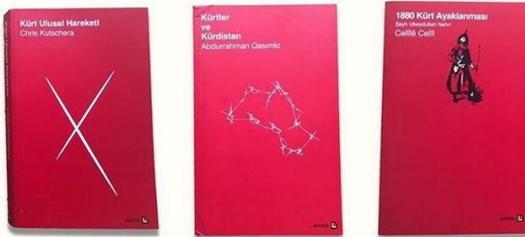
Teacher Ayşe Çelik to be imprisoned again on November 1 in the event of no verdict by Constitutional Court

Teacher Ayşe has been sentenced to 15 months of imprisonment due to saying,

“Do not let children die,” via phone call on a TV show during curfews. The execution of the teacher’s sentence was deferred and the period of deferral will end on October 31.

Bakırköy 2nd Assize Court sentenced Çelik to 1 year and three months of imprisonment due to ‘making terrorist organization propaganda.’ The execution of Çelik’s sentence was deferred for six months due to her pregnancy and she was later imprisoned together with her baby. The execution was deferred for a second time and Çelik was later released. The file was carried to the Constitutional Court due to violation of freedom of expression and the right to fair trial. If the court does not issue a verdict by November, teacher Ayşe will be imprisoned once again on November 1st.

Banned books



Çukurca Criminal Judicature of Peace issued three books published by Avesta Publishing to be pulled off shelves due to ‘public incitement towards resentment and hostility.’

The banned books are as following:

*The Kurdish National Movement by Chris Kutschera, translated from French by Fikret Başkaya, 2001

*Kurdistan and the Kurds by Abdul Rahman Ghassemloo, translated from English by Ibrahim Bingöl, 2009

*”Vosstaniya Kurdiv 1880 goda” (The Uprising of the Kurds in 1880) by Jalile Jalil, translated from Russian by Yaşar Abdülselamoğlu, 2014



Constitutional Court decrees

The Constitutional Court decided that the ‘freedom of life and expression’ of Prof. Dr. Baskın Oran, who became a target for attacks and threats due to his “*Report on Minority Rights and Cultural Rights*,” were violated. Issuing 27 thousand TL moral compensation to be paid to Oran, the court indicated that the government

has not fulfilled its positive responsibility on the protection of the right to life and freedom of expression within the file.

The Constitutional Court issued that the ‘freedom of expression and press freedom’ of poet Nihat Behram, who was sentenced to pay compensation due to calling former Ankara Mayor Melih Gökçek a ‘corruption champion’, were violated. Criticizing the tree massacre conducted by Gökçek in the Middle East Technical University (METU) forest in his column published on Sol Daily’s October 27, 2013 issue, Behram has been sentenced by Ankara 25th Civil Court of First Instance to pay moral compensation to Gökçek due to ‘insult through press/media.’ The

Constitutional Court issued for the 4 thousand TL moral compensation and the judicial expenses to be paid to Behram.

The Constitutional Court decided that the access ban brought on the news, entitled, “*Here Are the Very Important Residents of the Central Houses*” published on Cumhuriyet Daily’s March 16, 2015 issue, was a violation of freedom of expression and press freedom. The court indicated that the news was on the use of public resources and therefore its value of information was high, deciding that there was no situation that required the application of taking a measure through an access ban without legal prosecution. The court further issued 4000 TL moral compensation and court expenses to be paid to the newspaper’s former chief editor Oğuz Güven and the news writer journalist Miyase İlknur.



Turkey convicted of freedom of expression violation

European Court of Human Rights (ECtHR) convicted Turkey of violating freedom of expression due to the sentence against the book, “*Kayıpsın Diyorlar - They Say You’re Missing*” on 19-year-old Nazım Babaoğlu’s disappearance in custody in Siverek in 1994. Sentencing Turkey to pay 2500 Euros of moral compensation to Fatih Taş, the European Court of Human Rights pointed out that the related criminal article is too extensive and vague, and that it is a continuous threat against freedom of expression as it is.

Fatih Taş was the former owner of Aram Publishing, that published the book written by Ali Aydın in 2004, and had been sentenced to six months of imprisonment by Istanbul 2nd Criminal Court of First Instance in accordance with Article 301 of the Turkish Penal Code (TCK). The sentence had been turned into 1650 TL judicial fine.



TURKEY TODAY

We continue to share developments in the State of Emergency and Presidential period with our Xtra bulletins. You may find the report we prepared on the amendments made with Statutory Decrees issued within the two-year State of Emergency under our bulletin: [Changing Turkey: Statutory Decrees Under State of Emergency](#)

On the other hand, taxes were increased in foreign currency deposits and the monitoring of Press Release Institute was handed to the Ministry of Communication, that belongs to the Presidency. Some regulations on transferring to Turkish citizenship were changed this week with Presidential decrees decreasing required investments and purchases. The 2-million-dollar capital requirement was decreased to 500 thousand Dollars; and the 1-million-dollar real estate requirement was decreased to 250 thousand Dollars. The Radio and Television Supreme

Council (RTÜK) regulation predicting widespread bans and sanctions against internet publications such as “monitoring, removal, access ban and license annulment” passed the Parliament this week. The regulation was enacted after being published on the Official Gazette, allowing radio and TV broadcasts on the Internet to be able to be banned with administrative processes without a court decree.



JUDGING the JUDICIARY

The judiciary in Turkey has never been completely independent and objective. However, it was never as outside of the law and legislation as it is today. As the Initiative for Freedom of Expression, we start judging these judicial processes that force the limits of our imagination, with a new section on the Turkey page of our website. Our first file is the case of Atilla Taş and 20 journalists, who were arrested, prosecuted and convicted following the coup attempt without concrete evidence. [Please click here](#) for the verdict and the reasoned decision.

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>