



Think, think...

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What happened last week?

*** In the crisis between U.S. and Turkey due to pastor Brunson not being released by Turkish authorities, the U.S. government announced sanctions against Interior Minister Süleyman Soylu and Justice Minister Abdülhamit Gül. The two ministers were listed within financial sanctions. The statement claimed these officials were responsible for “*human rights abuses*” carried out by Turkey. “*As a result of these actions, any property, or interest in property, of both Turkey’s Minister of Justice Abdülhamit Gül and Turkey’s Minister of Interior Süleyman Soylu within U.S. jurisdiction is blocked, and U.S. persons are generally prohibited from engaging in transactions with them,*” the statement said.

*** Following the Brunson-related sanctions of the U.S., the U.S. Dollar exceeded 5 TL.

*** The “*Law of Permanent State of Emergency*” was enacted following the approval of President Erdoğan. Applications of State of Emergency were effectively extended for at least three more years. The period of “*super-authorized governors*” started, protests now have a condition “*not to make daily lives of citizens difficult.*”

*** According to the regulatory amendment published on the Official Gazette, governors are now representatives of the President and means of administrative execution in provinces; district governors similarly in districts.

*** The meeting debate in the Republican People’s Party (CHP) remains unresolved. Members of the opposition announced that they reached the necessary number and handed the signatures in the headquarters. The party administration, on the other hand, shares information contrary to the numbers.

*** One mother and her 11-month-old baby have lost their lives in Hakkari during the passing of a civil vehicle, which led to the explosion of the explosive mounted on the road by PKK members. Debates on capital punishment resurfaced following the incident. “*Steps will soon be taken on the matter,*” President Erdoğan said.

*** 18 minority community representatives, including the Eastern Orthodox Patriarch, Deputy Patriarch of Turkish Armenians and the Chief Rabbi of Turkey claimed that “*the allegations on those belonging to different religions under pressure is unfounded.*” Many social media users reacted to the declaration. “*They don’t allow the election of the Armenian Patriarch, they don’t allow religious schools, they don’t allow church foundation elections, they don’t face crimes that blow our communities away... Even this declaration itself is a proof that we are not free,*” People’s Democratic Party (HDP) MP Garo Paylan stated.

*** The application made by arrested Republican People's Party (CHP) MP Berberoğlu at the Constitutional Court was denied. Berberoğlu is arrested due to the revelation of confidential documents related to the National Intelligence Organization (MIT) Trucks.

*** At least 5 journalists were taken into custody and one was arrested in July. 9 journalists and writers were sentenced to imprisonment for a total of more than 60 years. Two journalists were threatened due to their news coverage; one journalist was physically attacked while tracking news information.

*** Central Bank revised the inflation forecast for the end of the year upwards, increasing it from 8.4% to 13.4%.

*** Constitutional Court (AYM) issued that it is against the Constitution to restrict lawyer access, even though it is enacted based on the law.

*** Amnesty International claimed groups supported by Turkey are committing serious human rights violations in Afrin. The organization accused Turkey of “ignoring” the incidents, demanding the violations to end immediately.



Changing Turkey: Presidential Decrees

After the 2014 Presidential Elections, Recep Tayyip Erdoğan said “*I won't be a USUAL President*”. Yes, he has indeed been an UNUSUAL one.

Separation of powers, judicial independence and checks and balances were perpetually undermined. Along with the State of Emergency (OHAL),

which was declared after the failed coup attempt on July 15, 2016, the country was ruled with decrees out of judicial and legislative control. Executive power accumulated on one person was legalized with the Constitutional amendment under OHAL conditions. (April 16, 2017)

OHAL, which was announced for 3 months, was extended 7 times during two years. After the termination of OHAL on July 18, 2018, it became perpetual with so many “*permanent*” law amendments. The president equipped with broad powers is building the new system with decrees.

The Government delegated its power mentioned below to the President with the decree-law No. 698 on July 4, 2018. (Full text in Turkish; <https://goo.gl/k1N5xL>)

- Preparing the draft law,
- Preparing the state budget,
- Publishing decree-law,
- Announcing State of Emergency and martial law.

Constitutional Court has the supervisory power on Presidential decrees but President appoints the 12 of 15 members of the court.

Presidential Decrees Published Until Now:

With the Presidential decrees No. 1, 2 and 3: (Full text in Turkish; <https://goo.gl/nG3Znk>)
The principles and procedures for the presidency and ministries were set with the Presidential decrees numbered 1, 2 and 3.

- All of the executive power of the Government in the former system was delegated to the President. President appoints the ministers, ministers are only responsible to the president, the cabinet is no longer a collective decision-making mechanism and it is removed from the scope of the parliamentary control.
- President already had no political and criminal liability except “treason”. (Because of the lack of the definition for “treason” in law, it had no meaning at all) Before, all of the acts of presidents were being signed by the prime minister and the cabinet of ministers. The political power was assuming accountability except the appointments made by the president himself. Now, the “immune” president is authorized to perform any act by himself, and the cabinet assigned by the president is solely accountable to the president.
- The President, who has the sole authority for the appointment of all senior government executives, including independent institutions, has also set out procedures of appointments. All of the high ranking members of judiciary, central bank governor, all of the governors and high ranking military personnel are being appointed by the President. Previously the deputy of the President was the chair of the Parliament. Hereafter deputy will be appointed by the President. Local authority members will be the representatives of the President in the districts and provinces.

With the Presidential decree No. 4: (Full text in Turkish; <https://goo.gl/1kpHoJ>)
Institutions related or connected to the ministries were re-organized.

- Many institutions which were extinguished before the new system were re-named. “Ministry of EU Affairs,” has turned to “Presidency of European Union Affairs”. Changes were made in dozens of institutions, including the General Directorate of State Theaters, State Hydraulic Works, Atatürk Forest Farm, AFAD, Forensic Medicine.
- The Turkish Radio and Television Association, which was formerly a impartial public entity, became affiliated to the President.
- The Directorate of Privatization Administration, which was formerly affiliated to the Prime Ministry, became affiliated to the Ministry of Finance.
- The Central Bank, which was autonomous before, and Banking Regulation and Supervision Agency became affiliated to the Ministry of Finance.
- The Presidency of General Staff and Service Commands became affiliated to the Ministry of Defense.
- The Social Security Institution is no longer subject to the supervision of SAI.
- The condition indicating that university rectors have to be professors, which was removed few days ago with the governmental decree law No. 703, is reinstated with this decree.

With the Presidential Decree No. 5: (Full text in Turkish; <https://goo.gl/ZJxAjJ>) The powers of the State Supervisory Council (DDK) have been increased. DDK which is affiliated to the Presidency will be authorized to investigate all of the government agencies, public institutions, foundations, associations, employee associations and unions except the judicial bodies. On the other hand, DDK will have the authority to control the NGOs and discharge the executives of the NGOs.

With the Presidential Decrees No. 6, 7 and 8; (Full text in Turkish; <https://goo.gl/GRgVMg>) The structure of the National Security Council (MGK) and the Supreme Military Council (YAŞ) was reorganised. The Presidency of Defense Industry that has legal entity is established and became affiliated to the Presidency.

- The General Secretariat of the National Security Council (MGK) became affiliated to the Presidency. The President will moderate the Council and in his absence his deputy will. There is no information about the members of the MGK. “The National Security Policy of the State” is defined as “Policies covering the principles of internal, external and defense modes of action determined by the President”.

- The Supreme Military Council (YAŞ) will gather with the call of the deputy of the President. New members of the Council are the Minister of Treasury and Finance and the Minister of National Education. Disclosure or publication of negotiations and decisions is prohibited. How and when this privacy will be removed will be determined by regulation.

With the Presidential Decree No. 9: (Full text in Turkish; <https://goo.gl/eqHVmc>) The President will have the authority to approve, protract or terminate the international agreements. The Parliament will enact law in case of law amendment needs.

With the Presidential Decree No. 10; (Full text in Turkish; <https://goo.gl/P3wEVf>) Regulations, notifications and drafts prepared by the ministries and institutions will be investigated not only for their compliance to the Constitution and legislation, but also for their compliance to the Presidential decrees, the program of the President, development plans and programs.

With the Presidential Decrees No. 11 and 12: (Full text in Turkish; <https://goo.gl/g1p9qT>) The Presidency of the State Archives and the Presidency of the National Palaces Administration were established.

With the Presidential Decree No. 13: (Full text in Turkish; <https://goo.gl/pCbyof>) The Presidency of Strategy and Budget was established within the Presidency. The Presidency will determine and coordinate the principles and procedures of budget preparation work of all public administrations within the scope of central government with the Ministry of Treasury and Finance. The development plan, the Presidential plan, the medium term program, the medium term financial plan, the Presidential annual program will be prepared jointly with the Ministry.

With the Presidential Decree No. 14: (Full text in Turkish; <https://goo.gl/4AoXRt>) The Presidency of Communication is established with the duty to regulate the relations with the press and press activities. The President has the authority to regulate all the activities and rights of the journalists.



6-month imprisonment sentence against journalist Oğuz Güven

Istanbul 2nd Criminal Court of First Instance sentenced journalist Oğuz Güven to six months of imprisonment

due to ‘provoking the public to hatred and hostility’ through a cartoon he drew and was published on the website of Cumhuriyet Daily.

The newspaper’s columnists Ceyda Karan and Hikmet Çetinkaya have previously been sentenced to 2 years of imprisonment each due to ‘provoking the public to hatred and hostility’ after their inclusion of the Charlie Hebdo cartoon, depicting Mohammed the Prophet, on their columns. A lawsuit was then filed against Güven after publishing the same cartoon on the newspaper’s website while reporting the incidents in the courthouse during the prosecution of Karan and Çetin.



Investigation against HDP MP due to ‘insulting Erdoğan’

An investigation was started against People’s Democratic Party (HDP) Istanbul MP Erkan Baş with the allegation of ‘insulting the President.’ Baş is charged due to using the expression, “*Dictator*” in the post made

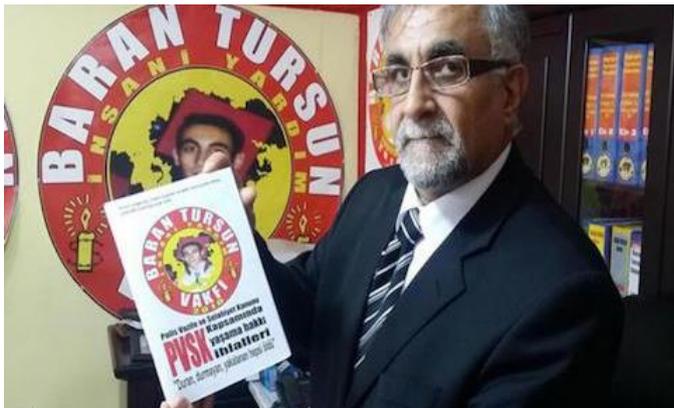
from his personal social media account.



Lawsuit against Safiye İnci after arrest due to ‘insulting Atatürk’

A lawsuit was filed against Safiye İnci, who was arrested due to insulting Atatürk in a video she recorded at Anıtkabir (Monumental Tomb of Atatürk) and shared on the social media. The indictment, Accepted by

Ankara 28th Criminal Court of First Instance, charges İnci with ‘publicly insulting the memory of Atatürk.’ The court further issued for İnci to remain arrested.



Investigation against Baran Tursun Foundation Chairman due to TCK Article 301

An investigation was opened against Tursun Foundation Chairman Mehmet

Tursun in accordance with Article 301 of the Turkish Penal Code (TCK). Tursun Foundation was established by the Tursun Family in 2007 on behalf of Baran Tursun, who was shot dead in Izmir by the police, who claimed that he hasn't obliged with the "stop" warning. The foundation conducts work for families, who lost their relatives in incidents across Turkey with police involvement.

Chairman Tursun is charged with 'publicly denigrating the military or security organization of the state' through his speeches and social media posts within the investigation. "An investigation was opened against a father, whose son was shot dead by the police, due to describing the data in the court records as a 'cry'. We are now brought into such a situation, that we are scared of even saying, 'the police killed our son,'" Tursun said.



Lawsuit against Afrika Daily

Ankara Chief Public Prosecutor's Office filed two separate lawsuits against Afrika Daily executives Şener Levent and Ali Osman Tabak. Journalist Levent announced that he received the notice on the lawsuit and refused to testify. "I don't believe that we are guilty in these cases. We can't

be blamed. Since we are not guilty, I find it unnecessary to defend myself and refuse the charges in the case," Levent said.

The lawsuits charge the journalists due to two news articles, one headline on the 21 January 2018 issue, "Another Invasion Act by Turkey," and the news article, entitled, "Zorba the Cypriot." Lawsuits have previously been filed in Cyprus against the news articles as well. The newspaper has been targeted by President Erdoğan following the headline on the Afrin Operation and was attacked.



Prosecutor orders prepayment against emergency decree protesters

Diyarbakır Public Prosecutor's Office started an investigation against the protest demonstration organized by municipality workers in Kayapınar district, who have been dismissed from

service with emergency decrees. The investigation charged the protesters with violating the Law of State of Emergency; the Prosecutor sent a prepayment order to 25 protesters, who

faced investigations. The order notified the protesters that in case the prepayment is not completed, a public lawsuit will be filed against them.

Former Diyarbakır Bar Association chairman Mehmet Emin Aktar stated that this application was frequently used in the 1990s. *“Here’s what the Prosecutor means: ‘You have committed this crime, and the penalty for this crime is at least 30 days of imprisonment. If you would like to pay the fine that corresponds to this crime, then a public lawsuit is not filed against you. However, if you don’t pay it, a public lawsuit is filed,’”* Aktar said. Some lawyers interpret this Prosecutor order as speaking on behalf of the court and therefore intervening the ‘right to fair trial.’



Journalists threatened in Ankara and Şırnak

Journalists Hale Gönültaş and Özgür Paksoy were threatened due to their news coverage.

Reporting the news on the sexual abuse of soldiers against a 14-year-old girl in Uludere district of Şırnak, Paksoy was recently called by relatives of the suspects via phone and threatened. Gönültaş, on the other hand, was threatened due to his news on a girl who was kidnapped by ISIS in Shingal and later sold in Ankara. The person, who called the journalist on the phone, was indicated to have given the open home address of the journalist and said, *“Jihad will come to this country. Behave accordingly.”*

RTÜK penalizes Zarok TV due to word ‘Kurdistan’



Radio and Television Supreme Council (RTÜK) penalized children’s channel Zarok TV, which broadcasts in Kurdish, due to the word “Kurdistan” involved in the lyrics of two songs broadcasted. Folk songs, *“Gulamın Cızîra Botane”* and *“Kurdistan pir*

şêrîne,” sung by children during programmes broadcasted on March 17th and 20th on the channel, were claimed to have *“serviced the benefits of a terrorist organization.”*



Court issues acquittal for slogan ‘Bijî Serok Apo’

The lawsuit filed against two children, who allegedly chanted the slogan, “*Bijî Serok Apo [Long Live President Apo]*,” with hand gestures depicting victory at the entertainment park they visited in Diyarbakır, was concluded

with acquittal of the charge of ‘illegal organization propaganda’ in the first hearing.

Diyarbakır Juvenile Assize Court referred to a precedent issued in 2015 by the 16th Criminal Chamber of the Court of Appeals, stating that the chanted slogan does not contain any expressions that would provoke, legitimize or praise terroristic methods containing violence, force and threat. In the precedent decree, the Criminal Chamber of the Court of Appeals had stated, “*Freedom of expression must not only be applicable on information and knowledge that are reacted positively or neutrally, but also on opinions which could shock people, make them uncomfortable or create possible divisions in society as well; as a necessity of plurality and tolerance shaping a democratic society.*”



Access ban against news coverage of lawsuit on sexual abuse

An access ban was brought on the news related to the lawsuit against media proprietor Mehmet Fatih Oflaz, who was recently sentenced to

imprisonment due to sexually abusing his daughter, following the claim of Oflaz. Istanbul 3rd Criminal Judicature of Peace censored news published on many websites, especially on HaberTürk.

The court issue stated that the news are “*no longer newsworthy*” and “*do not carry the quality of news coverage.*” The reasoned decision of the case on the 18-year and 9-month imprisonment sentence against Oflaz, claimed by the Judicature to be “*no longer newsworthy,*” was only issued last May.



IHD launches 6-month right violations report

Human Rights Association (IHD) Diyarbakır Office launched the “2018

First 6-month East and Southeast Anatolian Region Human Rights Violations Report.”

The report’s data states 5891 rights violations in the six-month period; 1413 people were taken into custody with 44 of them children. 251 people were arrested, one of them children. At least 175 people were exposed to torture and mistreatment. 997 houses were raided. 3 issues of 11 newspapers were pulled off shelves. 1 publishing house and 1 newspaper office were raided. 7 access bans were brought on news websites. Investigations were started against 43 people in six files. Lawsuits were filed against 66 people within 16 case files. Various sentences of imprisonment were sentenced in 34 case files against 52 people, including politicians and journalists. 15 political party buildings were attacked or raided. 10 social demonstrations or open meetings were intervened by security forces. Meetings and demonstrations were banned indefinitely in some provinces and by being reissued each month in others. 16 ban issues were announced.

Furthermore, special security zones were declared 18 times in total in 593 regions within 15 districts and central districts of four provinces. 16 curfews were declared in 385 villages in 282 neighborhoods of 12 districts and central districts of four provinces.



TRIALS OF FREEDOM OF EXPRESSION

- Iğdır Chief Public Prosecutor’s Office completed the investigation conducted against Mezopotamya News Agency reporter Berzan Güneş, who was taken into custody on June 11th at a police checkpoint on his way to central Şırnak to collect news information and was later arrested by the court he was transferred to. The indictment, accepted by Iğdır Assize Court, charges Güneş with ‘making illegal organization propaganda’ due to his news, entitled, “*Mothers from Şırnak and Mardin: We will not leave Efrin to them,*” “*Efrin observations of Robert Fisk: Killed refugee, baby, woman and child*” and “*My Cemile is on my mind when I see children killed in Efrin.*” The first hearing of the case will be held on August 7th.