

Think, think...



Freedom of Expression Weekly Bulletin

(Issue 29/19, 26 July 2019)

What happened last week?

*** United States Special Representative for Syria Engagement James Jeffrey paid an official visit to Ankara. The Turkish Foreign Minister stated that suggestions coming from the United States on a “security zone” are not satisfactory. President Erdoğan stated that they are “decided” on a military operation against eastern Euphrates.

*** European Investment Bank announced that they will not give any credits to projects related with the Turkish government until the end of the year, within the frame of EU sanctions. Ankara announced that the Readmission Agreement with the EU was suspended.

*** United States Foreign Ministry spoke on the S-400 crisis, saying, “*There may be more sanctions. We honestly don’t want the S-400s to become operational, this is our goal.*” Erdoğan, on the other hand, stated that the S-400 system will start to be used from the year 2020.

*** In his message for the anniversary of Lausanne Peace Treaty, Erdoğan made references to their steps in the Eastern Mediterranean and Syria. “*No sanction threat will make Turkey step back from anything. Turkey has the power and determination to rule out any threat against its independence, survival and the security of its citizens,*” Erdoğan said.

*** Successive official statements were made on the deportation of refugees, who had to migrate to Turkey. Interior Minister Süleyman Soylu stated that 80 thousand refugees will be deported by this year.

*** Central Bank decreased the interest rates from 24 to 19.75 percent in the first meeting held after the change in the administration made by Erdoğan. Erdoğan didn’t find the decrease sufficient and said, “*More of it must come.*”

*** Former Halkbank Deputy Chairman Hakan Atilla, who was sentenced due to violating the U.S. sanctions against Iran, was released. Minister of Treasury and Finance Berat Albayrak welcomed Atilla at the airport at his return in Turkey.

*** The Constitutional Court decided on the individual applications made against the prosecutions of Peace Academics. Following the President’s call for rectors and the judiciary on duty, lawsuits filed and sentences issued against the “Academics for Peace” are null and void. (***Details below...***)

*** According to BIA Media Monitoring Report, 213 journalists and media workers were prosecuted in the second quarter of 2019; 26 were convicted of charges like “illegal organisation membership,” “aiding and abetting an illegal organisation,” “making illegal organisation propaganda” and “insulting Erdoğan.” (***Details below...***)

*** 20 organisations for human rights and freedom of expression, lead by PEN International, reprimanded the interim decision taken in the second hearing of the Gezi Park Case. The organisations called the European Union (EU) to pressurise Turkey on the developments. [Please click here](#) for details.



Constitutional Court: Right to freedom of expression of “Academics for Peace” violated

The Constitutional Court decided on the individual applications made against the prosecutions of Peace Academics. Following the President’s call for rectors and the judiciary on duty, lawsuits filed and sentences issued against the “Academics for Peace” are null and void.

The decision was made with 8 votes against 8. The decree of violation was issued due to the Constitutional Court Chief Judge Zühtü Arslan has used his vote on violation; for in case of an equality of votes, the Chief Judge gets two votes. Even this situation reveals how hard the decree of violence was issued in an application that is an obvious violation of freedom of expression. The Constitutional Court issued 9 thousand TL of compensation to be paid to the applicants and sent a copy of the decree to local courts to hold re-trials to eliminate the violation. This result could only be achieved after heavy public resistance. We congratulate everyone who participated in the petition campaign, which was a small part of this resistance.

We have also made our own judgment on the prosecution process of the “Peace Academics” and their supporters, whose unlawfulness was proven once again with the Constitutional Court decree. You may find our **Judging the Judiciary** document on the Academics for Peace on <http://www.dusun-think.net>.



Prof. Dr. Füsün Üstel released

Prof. Dr. Füsün Üstel was released after signing the petition, entitled, “We Will Not Partake In This Crime.” Üstel has been prosecuted and sentenced to 1 year and three months of imprisonment due to “making illegal organisation propaganda”

through signing the petition. The academic has been imprisoned at Eskişehir Women's Closed Prison in May for the execution of her sentence, finalised after the approval of the court of appeals.

Üstel was later prevented from being transferred to an open prison and benefiting from supervised release after the objections of the Prosecutor and supporting court decrees. However, Istanbul 33rd Assize Court issued a stay of execution against the imprisonment sentence. The court referenced a precedent by the 1st Criminal Chamber of the Court of Cassation on April 29, 2019 that stated, "It is not possible for those penalised due to 'making terrorist organisation propaganda' to be considered illegal organisation members while applying supervised release on them and transferring them to an open penitentiary institute."



BIA launches three-month Media Monitoring Report

Independent Communication Network (BIA) launched the Media Monitoring Report for April, May and June 2019. 14 journalists and media workers were detained according to the report; 213 journalists and media workers were prosecuted and four of those names were sentenced to a total of 13 years, 1 month and 15 days of imprisonment due to charges like "illegal organisation

membership/aiding an illegal organisation" and twenty were sentenced to a total of 32 years, 9 months and 2 days of imprisonment as well as 3600 TL judicial fine due to "making illegal organisation propaganda." Two of seven journalists, who were prosecuted due to "insulting Erdoğan," were sentenced to a total of 2 years, 3 months and 6 days of imprisonment in total. Prosecutions of ten journalists concluded with acquittal. At least ten journalists were attacked in the three-month period. These attacks developed after the local elections and mostly against those criticising the AKP and MHP. No soothing statement was made by the government on such attacks. [Please click here](#) for the full report.



Summary against CHP leader Kılıçdaroğlu due to "insulting President"

A summary was prepared against Republican People's Party (CHP) Chairman Kemal Kılıçdaroğlu due to his statements on the murder of journalist Jamal Kashooghi. "You know about the murder, you've released the murderers," said Kılıçdaroğlu to Erdoğan, therefore

was charged with insulting the President.



Terror investigation against animal rights advocate

A “terror” investigation was opened against Animal Rights Monitoring Committee (HAKIM) Coordinator Burak Özgüner after protesting with the aim to bring animals having died or injured due to police violence during the Gezi Park protests on the public agenda as well as to commemorate those losing their lives, without discriminating between humans

and animals. Özgüner coincidentally found out about the investigation against him, opened six years after his protest. He wanted to find out more about the content of the file, but the Prosecutor’s Office denied further information due to a “prospective confidentiality order” on the file.



New indictment against Alparслан Kuytul; criticism against economic crisis considered crime

A new indictment was prepared against Furkan Movement’s spiritual leader Alparслан Kuytul, who is arrested in remand within the “Furkan Foundation Case.” Kuytul was charged due to his criticisms against the domestic and foreign policies of Turkey, as well as his

evaluation of the economic crisis during a speech he gave in 2017. The indictment, prepared with the allegation of “making illegal organisation propaganda,” will be merged with another file against him at Adana 11th Assize Court.



Imprisonment sentence against union executive due to TCK Article 301

Education-Labour Union Founder and Chairman Veli Demir was sentenced to six months of imprisonment due to “denigrating the Republic of Turkey” through his press statement on July 15 coup attempt. “As education workers of the Republic of Atatürk supporting full independence, democracy and freedom,

we reprimand and react against this coup attempt as well as these incidents that lack logic and common sense. Those governing the country with forward democracy speeches, take your coup organiser partners and leave here,” Demir had stated. The court considered these statements as a crime element and deferred the announcement of the imprisonment sentence.



Access ban against website opened for “Gezi Park Case”

The website geziyisavunuyoruz.org, opened to inform the public on the Gezi Park Case, was banned to access with a decree issued by Ankara 3rd Criminal Judicature of Peace. The website was launched on May 20th and involved developments on the lawsuit filed against

16 people including Osman Kavala, Mücellâ Yapıcı, Tayfun Kahraman and Can Atalay; as well as a summary of the indictment, court interrogations of those on trial, cartoons drawn on the case as well as photos and videos taken during the Gezi Park protests.



“Suruç Massacre” commemorations prevented

The police intervened the commemorations organised in Istanbul and Ankara on the anniversary of the Suruç Massacre, with tear gas and rubber bullets. 27 people were detained in the protest in Kadıköy, Istanbul. The police beat MPs from the People’s Democratic

Party (HDP) and Republican People’s Party (CHP) as well; three MPs were hospitalized. Eight people were beaten and detained in the protest organised in Ankara.



Police intervention against workers protests after their dues not paid: 21 detained

Özsüt workers, making a protest in Kadıköy, Istanbul after their due salaries not paid, were intervened by the police. 22 workers were beaten and detained after their sit-in protest following a call for boycott and solidarity.



Van Governorate bans concert of Mem Ararat

The concert to be given by Kurdish artist Mem Ararat on July 31, 2019 in was banned by the Governorate. The Governorate didn’t find the concert “appropriate” due to the event and

protest ban declared throughout the province.



of religion and faith on both the international and domestic platform; needing a radical transformation in this regard through legislation and execution. The report indicated that restrictions on elections of religious leaders and their transfers continue to be an issue for certain communities; obstacles against the recognition of the official status of places of faith like cemevis and churches remain systematically. It was further pointed out that the environment of clashes prevents Armenians and Assyrians from protecting their existence in the region. [Please click here](#) for the full report.

Freedom of Faith Initiative Report

Freedom of Faith Initiative launched the “Freedom of Faith Monitoring Report in Turkey for Rights and Equality - January 2016 - March 2019.” Written by Norwegian Helsinki Committee Freedom of Faith Initiative project manager Dr. Mine Yıldırım, the report pointed out that Turkey has important responsibility on human rights regarding the freedom

July 24, Press Day: Journalists in prison, news banned

On July 24, 1908, when the Second Constitutionalism was declared, newspapers started to be published for the first time without being censored. This day is therefore celebrated as “Press Day” since 1946 as a remembrance to the day censorship was removed in press. However, today, 134 journalists are in

prison, hundreds are prosecuted and journalists are under pressure with unemployment, censorship, self-censorship, detainments, arrests, investigations and lawsuits. There are more than ten thousand unemployed journalists, hundreds of press cards were cancelled and 95 of the media is under the control of the political power... Professional press organisations made statements for July 24, Press Day and pointed out this picture in Turkey, expressing that they can not celebrate anything about press in such a time.



TRIALS OF FREEDOM OF EXPRESSION

There has been no developments in the cases we are tracking due to the judicial recess between July 22 - September 1, 2019

TRIALS NEXT WEEK

WHO: Doç. Dr. Tuna Altınel

CASE: The first hearing of Tuna Altınel from Peace Academics, who is charged with “illegal organisation membership” due to making simultaneous translations at a conference organised in France in February on the developments during curfews, will be held. The academic is arrested within the file since May 10th.

COURT: Balıkesir 2nd Assize Court

DATE: July 30, 2019, Tuesday