

# Think, think...



## Freedom of Expression Weekly Bulletin

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### What happened last week?

\*\*\* Istanbul Mayor Ekrem İmamoğlu had a meeting with dismissed co-mayors in Diyarbakır. President Erdoğan targeted İmamoğlu because of the meeting. Interior Minister Süleyman Soylu also targeted İmamoğlu, signalling that he might be dismissed. As trustee operations continue in their third week, protest bans were declared in Mersin, Aydın, Bursa and Muş as well.

\*\*\* 52 bar associations and 20 Court of Cassation members have boycotted the opening ceremony of the new judicial session, held at the Presidential Palace. Speaking at the ceremony, President Erdoğan said that the judiciary is independent in its operation. Erdoğan further signalled an intervention on the administration of bar associations, which he accused with provocation.

\*\*\* Council of Europe Human Rights Commissioner Dunja Mijatovic made a written evaluation under the title, *“Independence of Judges and the Judiciary Under Threat,”* stating that judicial independence in Turkey has significantly eroded.

\*\*\* Erdoğan gave time on the “security zone” until the end of September, announcing that it will effectively start otherwise. Threatening European countries with the refugee crisis, Erdoğan said, *“Provide support or we will have to open the door.”* Following Erdoğan’s statements on Syria, the Dollar/TL exchange rate passed 5.70.

\*\*\* *“I am allergic to interest rates, it will decrease even more. Inflation decreases together with it,”* Erdoğan stated. According to the numbers announced by the Turkish Statistical Institute, the annual inflation in August regressed to its lowest value of the last fifteen months, with 15.01 percent. Inflation decreased despite raising prices. According to economists, there is an inconsistency in the numbers announced by the Turkish Statistical Institute.

\*\*\* Erdoğan announced that Turkey is working on nuclear weapons. *“Somebody has nuclear warhead missiles, but I shouldn’t have them! I do not accept that,”* Erdoğan said.

\*\*\* The legislation that allowed the Radio and Television Supreme Council with heavy monitoring and censorship against internet publications was enacted. Hundreds of thousands of websites, news articles and social media posts are already banned to access in Turkey. Now with the recently enacted legislation, the scope of censorship and internet bans was widened from Movies and Series to Television, Radio and News sources.

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### **Release verdict for Selahattin Demirtaş**

Ankara 19th Assize Court issued the release of former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş. Previously not recognising the European Court of Human Rights decree on the release former People's Democratic Party Co-Chair Selahattin Demirtaş, Ankara 19th Assize Court issued the release of Demirtaş before the next negotiation of the application at the European Court of Human Rights' Grand

Chamber on September 18th. However, Demirtaş is still convicted within another file.

The European Court of Human Rights had issued a decree of violation for Demirtaş in November 2018. However, the local court did not recognise this decree, not issuing a release. Only fourteen days later, the imprisonment sentence issued against Demirtaş within another file was approved with an appeal court decree and the status of the former Co-Chair in prison changed from "arrested" to "convicted"



### **Trustee operations: Imprisonment sentences against 41 former mayors**

41 of the 94 People's Democratic Party (HDP) member mayors, who were previously dismissed before the local elections on March 31st, were sentenced to a total of 237 years, 237 months and 171 days of imprisonment. The Interior Ministry stated prosecutions of 52 former mayors continue and acquittal was issued against

one person. 20 elected local administrators, who were dismissed with Statutory Decrees and were replaced with Governors, Deputy Governors and District Governors; are arrested and eight of them have warrants against them.



### **'Co-Mayorship' investigation against Ahmet Türk**

An investigation was started against Mardin Co-Mayor Ahmet Türk, who was dismissed and was replaced with a trustee, due to the "co-mayorship" application in the municipality. In the investigation started by the Inspectorship of Interior Ministry on September 3rd, the co-mayorship was called "so-called co-mayorship" and it was claimed for Mardin Co-Mayor Necla Figan Altındağ, who is an elected local administrator, to take part in the execution of the municipality is a

“crime.” “They are attempting to regress the fight of the women. They ignore women’s role,” Altındağ stated.



### **9-year 8-month imprisonment against Canan Kaftancıoğlu**

Republican People’s Party (CHP) Istanbul Provincial Chair Canan Kaftancıoğlu was sentenced to a total of 9 years and eight months of imprisonment in the case she was on trial at Istanbul 37th Assize Court due to “insulting the President,” “making illegal organisation propaganda,” “insulting a public officer,” “public incitement towards resentment and hostility” and “denigration

of the government” through her social media posts. The sentence was not deferred. The poem read by Kaftancıoğlu in the statement she made before the second hearing on July 18th was also included in the case file. According to the court, the “criminal” poem “targeted” and “insulted” judges.



### **Free Journalists Initiative: 15 journalists detained in August, access against 700 news articles banned**

15 journalists were detained and 700 news were banned to access in August, according to the data by the Free Journalists Initiative. Investigations were opened against two, lawsuits were filed against five journalists and one was sentenced to 2 years and four months of imprisonment.



### **Lawsuit against BirGün Daily**

A lawsuit was filed against the news published on BirGün Daily on the Twitter posts by account "Fuat Avni" during the years 2014 and 2015. The indictment, accepted by Istanbul 32nd Assize Court, claimed that the newspaper has "contributed to the perception operation conducted by the FETÖ illegal organisation." Former

newspaper executives İbrahim Aydın, Barış İnce, Can Uğur and Bülent Yılmaz are facing imprisonment sentences for up to 15 years due to “aiding an illegal organisation.”



### **Journalist Çağdaş Erdoğan convicted of “illegal organisation propaganda”**

Istanbul 33rd Assize Court sentenced photo reporter Çağdaş Erdoğan, who was on trial due to his social media posts, to 1 year and eight months of imprisonment due to “making successive illegal organisation propaganda.” Erdoğan had been detained in Kadıköy due to taking a photograph of the social facilities, allegedly belonging to the

Turkish National Intelligence Agency, and was arrested on September 2nd, 2017. The reporter was released in the first hearing of the lawsuit filed against him. The court decided for the time he spent under arrest to be subtracted from his sentence and deferred the announcement of the verdict.



### **First hearing held in lawsuit filed against Deniz Yücel due to insulting Prosecutor**

The first hearing of the lawsuit filed against Die Welt reporter and journalist Deniz Yücel due to “public insult against public officer” through a social media post, in which he criticised the “Gezi Park Indictment” on February 20th, 2019, was held at Istanbul 24th Criminal Court of First Instance. The court ordered Yücel, who

resides in Germany, to submit his defense statement and postponed the case until June 11th, 2020.



### **Ongoing prosecutions of Peace Academics**

The first verdict of acquittal was issued for academics, who signed the Peace Petition, following the decree of violation issued by the Constitutional Court. Istanbul 30th Assize Court issued the acquittal of Iğdır University Research Member Özlem Şendeniz in accordance with the Constitutional Court decree. 204 lawsuits were concluded so far among the 791 filed

against scientists since December 5, 2017. Almost all have been concluded with conviction. Constitutional Court’s General Assembly had issued a decree of “rights violation” against the academic prosecutions after the end of the previous judicial session on July 20th.





### **Access ban against 15 news articles**

Kahramanmaraş 1st Criminal Judicature of Peace brought an access ban against 15 news articles on the allegation that Cağaloğlu Anatolian High School Director Necati Yener “seized bank accounts of students.” It is unclear why the court verdict, issued following the request of Yener, was issued by a judicature in Maraş. The Criminal Judge of Peace further banned a

2.5-minute portion of a news video by Fox TV. However, the judge has no such authority in the law he based the decree on, that is the Law No. 5651.



### **Lawsuit against sharing photo of torture, not against torture**

A lawsuit was filed against the People’s Democratic Congress (HDK) Ankara Provincial Co-Spokesperson Fatma Kılıçarslan, who shared visuals of the torture in Halfeti district of Urfa. No progress was made in the investigation opened against the torturer police officers; whereas Kılıçarslan

is charged with “public incitement against resentment and hostility” due to her post in which she reacted against torture.



### **European Court of Human Rights: It is freedom of expression to say “Öcalan is my political will”**

In the application of Fehime Ete, who was sentenced to 1 year and eight months of imprisonment due to submitting a letter that stated, “Abdullah Öcalan is my political will,” the European Court of Human Rights (ECHR) convicted Turkey of “violating

freedom of expression and thought.” Turkey was sentenced to pay 2500 Euros of compensation and 1780 Euros of prosecution expenses due to violating Article 10 of the European Convention of Human Rights.



## TRIALS OF FREEDOM OF EXPRESSION

### **Selahattin Demirtaş Case**

Former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş is arrested in remand with an imprisonment claim from 43 years up to 142 years due to "terrorist organisation management," "making terrorist organisation propaganda," "violating the Law on Meetings and Demonstrations," "public incitement for resentment and hostility," "public incitement to disobey the law," "praising the offense and the offender." The hearing was held on September 2nd.

**COURT:** Ankara 19th Assize Court

**VERDICT:** The court didn't previously apply the violation verdict issued by the European Court of Human Rights, whereas issued the release of Demirtaş before the session at the ECHR Grand Chamber on September 18, where the application will be negotiated once again. However, Demirtaş wasn't released due to another finalised imprisonment sentence against him. The Prosecutor's Office objected against the release verdict. The prosecution will continue on January 7, 8 and 9.

### **ETHA-EHB Case**

23 people on trial, including Etkin News Agency (ETHA) reporters İsmine Temel and Havva Cuştan as well as the Legal Bureau of the Oppressed (EHB) lawyers, are charged with "illegal organisation membership" and "making illegal organisation propaganda." The hearing was held on September 3rd.

**COURT:** İstanbul 27th Assize Court

**VERDICT:** The court issued for the travel ban against the defendants to remain, scheduling the next hearing to November 26, 2019 at 10:15.

### **Hrant Dink Assassination Case**

Security Directorate, Intelligence Office and Gendarmerie officers having responsibility in the assassination of Agos Daily Editor-In-Chief Hrant Dink are on trial. The 94th hearing of the lawsuit was held this week with 76 defendants and with sessions lasting for three days.

**COURT:** İstanbul 14th Assize Court

**VERDICT:** Former Deputy Governor Ergün Güngör testified as witness in the lawsuit against public officers, allegedly having neglect on the assassination of Hrant Dink. Güngör stated that they had a meeting with Dink two years before his assassination, following a request by the Turkish National Intelligence. He further stated that he introduced the Intelligence officers taking part in the meeting to Dink as his relatives. The Intelligence Agency still hasn't responded to the order issued by the court, for the Intelligence officers in the meeting to testify as witnesses. The hearing was ongoing as the bulletin was being prepared.

### **Sözcü Daily Case**

Journalists Burak Abay, Gökmen Ulu, Mediha Olgun and Yonca Yücekaleli are on trial due to "establishing and managing a terrorist organisation," "making terrorist organisation propaganda" and "committing a crime on behalf of an illegal organisation without being a member." The ninth hearing of the case was held on September 4th.

**COURT:** İstanbul 37th Assize Court

**VERDICT:** The hearing was expected to conclude with a verdict; whereas it was postponed to October 28th due to the excused absence of two judges in the court board.

#### **Çağdaş Erdoğan Davası**

Journalist and photoreporter Çağdaş Erdoğan is charged with “illegal organisation membership” and “making illegal organisation propaganda” due to the allegation that he has taken photographs of the social facilities allegedly belonging to the Turkish National Intelligence Agency, as well as his social media posts. The summary judgment was held on September 5th. Erdoğan had previously been arrested on September 2nd and was released in the first hearing of the case.

**COURT:** İstanbul 33rd Assize Court

**VERDICT:** The court sentenced Erdoğan to 1 year and eight months of imprisonment due to “making illegal organisation propaganda” and decided for the time he spent under arrest to be subtracted from his sentence, deferring the announcement of the verdict.

#### **Deniz Yücel Case**

The first hearing of the lawsuit filed against Die Welt reporter and journalist Deniz Yücel due to “public insult against public officer” through a social media post, in which he criticised the “Gezi Park Indictment” on February 20th, 2019, was held on September 5th.

**COURT:** İstanbul 24th Criminal Court of First Instance

**VERDICT:** The court ordered Yücel, who resides in Germany, to submit his defense statement and postponed the case until June 11th, 2020.

#### **Canan Kaftancıoğlu Case**

The third hearing of the lawsuit filed against Republican People’s Party (CHP) İstanbul Provincial Chair Canan Kaftancıoğlu was held on September 6th. Kaftancıoğlu faces an imprisonment sentence for up to 17 years due to “insulting the President,” “public denigration of the government of the Republic of Turkey” and “public incitement towards resentment and hostility” through her social media posts.

**COURT:** İstanbul 37th Assize Court

**VERDICT:** Kaftancıoğlu was sentenced to a total of 9 years and eight months of imprisonment due to “insulting the President,” “making illegal organisation propaganda,” “insulting a public officer,” “public incitement against resentment and hostility” and “denigration of the government.” The sentence was not deferred.

#### **Peace Academics Case**

Academics, who signed the Peace Petition, started spending time in courthouses once again in the new judicial session for ongoing prosecutions. Hearings of four academics were held in three different courts at İstanbul Courthouse on September 5 and 6.

**COURT:** İstanbul 23rd, 30th ve 36th Assize Courts

**VERDICT:** The first verdict of acquittal was issued for academics, who signed the Peace Petition, following the decree of violation issued by the Constitutional Court. İstanbul 30th Assize Court issued the acquittal of Iğdır University Research Member Özlem Şendeniz in accordance with the Constitutional Court decree. Hearings at the 23rd Assize Court were postponed to November 5, 2019; and the hearing at the 30th Assize Court was postponed to September 30, 2019.

## **HEARINGS NEXT WEEK**

### **Fikret Başkaya Case**

A lawsuit was filed against academic-writer Fikret Başkaya due to “making illegal organisation propaganda” through his writing, “The Real Terrorism is Government Terrorism” that was published on November 7, 2016.

**DATE:** September 10 at 09:30, Ankara 21st Assize Court

### **Case Against TV10 Workers**

The third hearing of the lawsuit filed against previously shut-down TV10 cameraman Kemal Demir and worker Kemal Karagöz due to “aiding an illegal organisation” was held.

**DATE:** September 10 at 09:40, İstanbul 28th Assize Court

### **Yusuf Karataş Case**

The sixth hearing of the lawsuit filed against Evrensel Daily writer Yusuf Karataş within the Democratic Society Congress (DTK) investigation due to the workshops, panels, press statements and events he participated in with the allegation of “establishing and managing an armed organisation” will be held. Karataş faces an imprisonment sentence for up to 22.5 years.

**DATE:** September 11, Diyarbakır 9th Assize Court

### **Ayşegül Doğan Case**

The third hearing of the lawsuit filed against previously shut-down IMC TV Program Coordinator Ayşegül Doğan due to “establishing and managing an armed organisation” through the meetings she held with Democratic Society Congress (DTK) executives within her journalistic activities, as well as other events she attended, will be held. Doğan faces an imprisonment sentence for up to 22.5 years.

**DATE:** September 11, Diyarbakır 9th Assize Court

### **Max Zirngast Case**

The second hearing of the lawsuit filed against Austrian journalist Max Zirngast and Social Freedom Party founding assembly members Mithatcan Türetken, Hatice Göz and Burçin Tekdemir due to “illegal organisation membership” will be held.

**DATE:** September 11 at 09:15, Ankara 26th Assize Court

### **Veysel Ok Case**

The lawsuit filed against Media and Legal Studies Association (MLSA) Co-Director Atty. Veysel Ok due to “denigration of judicial bodies of the government” through an interview he gave, will continue.

**DATE:** September 12, İstanbul 2nd Criminal Court of First Instance

### **Cem Şimşek Case**

The fourth hearing of the lawsuit filed against journalist Cem Şimşek, who was charged with “insult and slander” due to the news article, “Albayrak signals workers on the attack plan” concerning economic policies published on Evrensel Daily, will be held.

**DATE:** September 12, Bakırköy 2nd Criminal Court of First Instance

### **Peace Academics Cases**

Lawsuits filed against academics signing the Peace Petition of the Academics for Peace Initiative, filed due to “making terrorist organisation propaganda,” will continue.



**DATES:** September 10 at 09:30, İstanbul 26th Assize Court; September 11 at 09:30, İstanbul 30th Assize Court; September 11 at 14:30, İstanbul 36th Assize Court; September 12 at 11:40, İstanbul 37th Assize Court; September 12 at 11:45, İstanbul 32nd Assize Court; September 13 at 09:00, İstanbul 29th Assize Court