

Think, think...



Freedom of Expression Weekly Bulletin

(Issue 36/19, 13 September 2019)

What happened last week?

*** Protests continue against trustees. President Erdoğan called 26 elected Mayors and three trustees to the Presidential Palace. He praised the picture, with the absence of the People's Democratic Party (HDP), and criticized İmamoğlu without giving a name. According to Erdoğan, the duty of mayors is to question the previous government period, not to go after what's been done!...

*** The number of families on watch in front of the Diyarbakır building of the People's Democratic Party (HDP), asserting that their children were kidnapped by the PKK, is increasing every day. Similarly, provoking messages of politicians attempting to denigrate the party through this issue increase as well. The People's Democratic Party (HDP) suggested to bring these mothers to the GNAT and listen to them there, but the media has never heard, seen or written this suggestion - just like it happened with the messages of the Saturday Mothers.

*** The first joint ground patrol of the Turkish Armed Forces and the U.S. army was performed for the establishment of the "security zone." As negotiations between Washington and Ankara continue, President Erdoğan repeated the time period he gave to the U.S. for the security zone. In the meeting Erdoğan had with the U.S. Minister of Commerce, he said that the alliance relationship between the two countries was strengthened. Erdoğan continues to threaten European countries with refugees, saying that they will "open the border."

*** Erdoğan demanded a further decrease in interest rates. The Central Bank's Monetary Policy Committee decreased interest rates based on politics by 325 basis points. The interest rates were withdrawn from 19.75 percent to 16.50 percent.

*** According to official numbers, 20,719 judges and prosecutors are on duty in Turkey right now. At least 9,323 new judges and prosecutors were hired in the three-year period after the coup attempt, when the thousands of judicial members dismissed during the State of Emergency were considered as well.

*** Following the violation verdict by the Constitutional Court, verdicts of acquittal started to be issued for Peace Academics one after another. The number of scientists receiving decrees of acquittal reached 73.

*** 18 international human rights and freedom of expression organisations of the United Nations (UN) sent a letter to the Human Rights Council, claiming for the pressure against journalists in Turkey to be taken under the UN agenda. [Please click here](#) for details.

*** Hearings of journalists continue this week. Five of the ten media cases held this week were concluded with conviction. The Court of Cassation reversed convictions in the

Cumhuriyet Case. Co-Editor-In-Chief of previously shut-down Özgür Gündem Daily, Hüseyin Aykol is celebrating his 64th birthday in prison. Turkish Journalists Union (TGS) started a campaign for solidarity with the journalist on September 15th, Aykol's birthday. The decree of acquittal issued for Özgür Gündem Substitute Editors-In-Chief Reporters Without Borders Turkey Representative Erol Önderoğlu, Human Rights Foundation of Turkey Chair Şebnem Korur Fincancı and writer Ahmet Nesin was approved by the Prosecutor.

*** First Division of the Constitutional Court did not issue a decree on the application claiming that it is a violation of freedom of expression to bring an access ban against Wikipedia, which is banned since April 29, 2017. The court transferred the file to the General Council.

*** 19 rights organisations drew the attentions to the practice of immunity in the country based on the case of child prisoner Veli Ersoy, who allegedly has committed suicide at Eskişehir Type-H Closed Penitentiary Campus. *"Even the deaths of the children, being kept in prisons under the control of the government, do not spark responsibility in public administrations... The children shouldn't be imprisoned, the prisons must be closed,"* the organisations have stated.



Investigation against provincial and district administrations of HDP

Diyarbakır Chief Public Prosecutor's Office opened an investigation against the People's Democratic Party (HDP) Diyarbakır provincial and district administrators. The Chief Public Prosecutor's Office started the investigation due to the protest of families, who claim that "their children

were tricked and were made to join the PKK." Pointing out that the tendency to apply pressure and criminalisation against the party continue with the trustee operations against municipalities, HDP called parties in the Parliament on the families performing a sit-in protest in front of the provincial building. *"Let everyone put their hand under the stone, let us establish a common board under the roof of the Parliament and make immediate initiatives for a radical solution against these issues,"* the party stated.



Acquitted "Peace Academics"

Decrees of acquittal are being issued for "Peace Academics" one after another, with the opening of the new judicial session. After the decree of violation issued by the Constitutional Court, 73 scientists were acquitted so far in Istanbul, Izmir and Diyarbakır. On the other hand, the first decree of acquittal was issued in the cases of 17 disobedient

civilians, who were on trial due to supporting the academics. You may find live case statistics by the Academics for Peace Initiative [here](#).



Penalty against lawyer and journalist due to “insulting judiciary” through interview

Journalist Cihan Acar and Media and Legal Studies Association (MLSA) Co-Director Veysel Ok were sentenced to five months of imprisonment each due to "publicly insulting judicial bodies of the government" (Article 301 of the Turkish Penal Code) after Ok criticizing the

Criminal Judicatures of Peace in an interview made by Acar, that was published on previously shut-down Özgür Düşünce Daily on December 25, 2015. Istanbul 2nd Criminal Court of First Instance deferred the announcement of the verdict.



Austrian journalist acquitted of “illegal organisation membership”

Austrian journalist Max Zirngast, who remained in prison for three months due to "illegal organisation membership," was acquitted. In the second hearing of the lawsuit, Ankara 26th Assize Court decided that "there is no sufficient evidence for conviction" of Zirngast and three Social Freedom Party members on

trial with him. The Austrian journalist was detained on September 11, 2018, arrested on September 21st and was released in the first hearing of the case with a travel ban against him.



Journalist convicted of “insulting Erdoğan” due to defense statement at court

Journalist and writer Barış İnce was sentenced to 11 months and 20 days of imprisonment in the second lawsuit filed against him due to his defense during the hearing of another lawsuit filed against him due to "insulting Erdoğan." Istanbul 2nd Criminal Court of First Instance

deferred the announcement of the verdict.



1-year 3-month imprisonment sentence against Jinnews reporter Melike Aydın

Jinnews reporter Melike Aydın, who was on trial at Izmir 20th Assize Court due to a social media post she made in 2006, was sentenced to 1 year and three months of imprisonment with the allegation of "having made terrorist organisation propaganda." The announcement of the sentence was deferred.



41 thousand TL penalty fine against Evrensel Daily due to published "refutation"

Journalist Cem Şimşek was acquitted of the allegation of "insult" in the lawsuit he was on trial due to the news article, entitled, "Albayrak signals the attack plan against workers" that was published on Evrensel Daily. The court, on the other hand, claimed that the refutation text was not duly executed and issued a penalty

fine of 41,660 TL.



Penalty against journalist Uğur Dünder due to insulting Binali Yıldırım

Küçükçekmece 2nd Criminal Court of First Instance sentenced journalist Uğur Dünder to 11 months and 20 days of imprisonment due to insulting AKP Izmir MP Binali Yıldırım through a column he wrote, that was published on Sözcü Daily on April 5, 2014. Dünder had previously

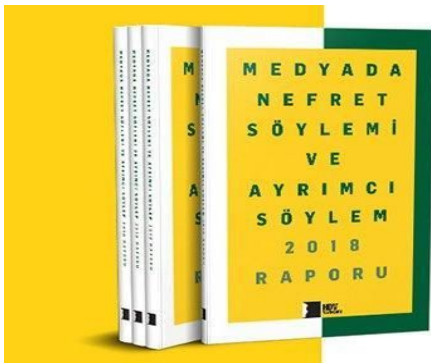
been convicted of the same charge with the same sentence on October 9, 2015, but the sentence was reversed by the Court of Cassation. After retrial, the court turned the imprisonment sentence into an optional mandated duty in accordance with Article 50 of the Turkish Criminal Code, with the title, "Sanctions precedent for sentence to short-term imprisonment." Within this scope, dünder will read articles, theses and books on "crimes against honour" at the High Education Institutes library within working hours for at least two hours per week for a duration of five months and 25 days.



Cumhuriyet Daily workers released after Court of Cassation decree

In the case of Cumhuriyet Daily, the Court of Cassation reversed verdicts of conviction previously issued due to "aiding a terrorist organisation." Musa Kart, Güray Öz, M.Kemal Güngör, Hakan Kara and Önder Çelik; who were imprisoned on April 25th, were released. The verdict claimed only for journalist Ahmet Şık to be penalised due to

“propaganda.” The file will be sent back to Istanbul 27th Assize Court. On the other hand, newspaper worker Emre İğır is still in prison due to the approval of his sentence.



Hate speech by numbers in media in 2018

According to the report prepared within the Hate Speech Monitoring in the Media project, that was started by the Hrant Dink Foundation in 2009, 4839 columns and news articles were identified to have targeted national, ethnic and religious groups in 2018. 6517 hate speech were detected against 98 different groups.

Jews, Armenians and Syrians were targeted the most. [Please click here](#) for the full report.



Lawsuit against former German Parliament Member due to insult

A lawsuit was filed against the former Parliament Member of Germany from the Greens, Memet Kılıç. Kılıç is charged with "insulting Erdoğan" due to criticising the internal and external politics of the Turkish government in an interview he gave. The first hearing of the lawsuit will be held in December in

Ankara. *“I’ve never heard about a lawsuit filed against a German politician in Turkey before,”* Kılıç said. In the interview in question of the charges against him, Kılıç had stated, *“As a Turkish-German politician, I am deeply saddened by the situation my homeland has been turned into. I see those bringing it in this state as traitors.”*



Yeni Şafak censors its writer

The article of Yeni Şafak Daily writer Özlem Albayrak was censored due to criticizing the penalty against the Republican People's Party (CHP) Istanbul Chair Canan Kaftancıoğlu. Albayrak announced the incident on social media, as well as her resignation after ten years of working at the

newspaper. She also shared her censored article on social media, with the title, “Decree on Canan Kaftancıoğlu.”



“White Watch” investigation against medical workers

An investigation was opened against 18 medical workers due to a press statement made in January 2016 with the call of Istanbul Medical Chamber and the Trade Union of Public Employees in Health and Social Services, in order to protest human rights violations resulting from declared curfews.



1023-day protest ban in Van extended for another 15 days

The protest and demonstration ban in Van, applied since the State of Emergency (November 21, 2016), was extended once again. The Governorate, banning all demonstrations and press statements for 15 days, based the decision again on "national security and public order."



Sentence against police officer killing Şerzan Kurt abated once again

The lawsuit on the killing of 21-year-old university student Şerzan Kurt in Muğla with a police bullet, was retried at Eskişehir 1st Assize Court after the decree of reversal by the Court of Cassation. Police officer Gültekin Şahin, who shot Kurt and was previously sentenced to 16 years of imprisonment

due to "willful homicide," was sentenced to 12 years of imprisonment due to "consequential heavy injury." His sentence was abated to 9 years of imprisonment due to "unjust provocation" and then to 7 years and six months of imprisonment due to "good conduct."



"Kızıltepe JITEM Case" abated due to time limitation, court says "no illegal organisation"

The lawsuit filed at Ankara 5th Assize Court due to the killing and forced disappearance of 22 people in Kızıltepe district of Mardin between the years 1992 and 1996 was concluded with another example of impunity. The file, publicly known as "Kızıltepe JITEM Case," was abated with time limitation in

terms of the charges on disappearance under custody and extrajudicial executions. Nine defendants of the case included retired Colonel Hasan Atilla Uğur and former Diyarbakır Provincial Gendarmerie Commander Colonel Eşref Hatipoğlu. Other defendants charged with illegal organisation management and membership were acquitted.



TRIALS OF FREEDOM OF EXPRESSION

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. The second hearing of the case was held on September 10th.

COURT: Ankara 21st Assize Court

VERDICT: The prosecutor claimed an imprisonment sentence against academic-writer Fikret Başkaya for up to five years due to "illegal organisation propaganda." The court issued additional time for Fikret Başkaya and his lawyers to prepare their last defense statements against the Prosecutor opinion. The next hearing was scheduled for November 22nd, at 09:30.

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 on September 10th.

COURT: İstanbul 28th Assize Court

VERDICT: Representatives of international press organisations and journalists were not taken to the hearing. The court issued that the travel ban against Kemal Demir will remain. The next hearing was scheduled for November 14th, at 10:45.

Melike Aydın Case

A lawsuit was filed against Jinnews reporter Melike Aydın with the allegation of “making terrorist organisation propaganda” through a social media post in 2006.

COURT: İzmir 20th Assize Court

VERDICT: The court sentenced the journalist to 1 year and three months of imprisonment, deferring the announcement of the verdict.

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” was held on September 11th. Karataş faces an imprisonment sentence for up to 22.5 years.

COURT: Diyarbakır 9th Assize Court

VERDICT: The claim to remove the travel ban against Karataş was denied. The next hearing was scheduled for December 25th, at 09:30.

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, was held on September 11th. Doğan faces an imprisonment sentence for up to 22.5 years.

COURT: Diyarbakır 9th Assize Court

VERDICT: The next hearing will be held on December 25th.

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” was held on September 11th.

COURT: Ankara 26th Assize Court

VERDICT: The court issued the acquittal of all defendants.

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, was held on September 12th.

COURT: İstanbul 2nd Criminal Court of First Instance

VERDICT: The court sentenced the two defendants to five months of imprisonment each and deferred the announcement of the verdict.

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, was held.

COURT: Bakırköy 2nd Criminal Court of First Instance

VERDICT: The court issued the acquittal of the journalist of the charge of “insult,” whereas claimed that the refutation text was not duly executed and issued a penalty fine of 41,660 TL.

Mümtazer Türköne Case

The fifth hearing of the lawsuit filed against previously shut-down Zaman Daily writer and academic Türköne due to “insulting the President” with an article in 2014 was held on September 11th.

COURT: Bakırköy 2nd Criminal Court of First Instance

VERDICT: The hearing was postponed to October 15th, at 09:45.

Uğur Dündar Case

Gazeteci Uğur Dündar’ın 2014 yılında Sözcü gazetesinde yayımlanan bir köşe yazısı nedeniyle Binali Yıldırım'a hakaretten yargılandığı davanın karar duruşması görüldü.

COURT: Küçükçekmece 2nd Criminal Court of First Instance

VERDICT: The court sentenced Dündar to 11 months and 20 days of imprisonment, turning the imprisonment sentence into “optional mandated service.” According to this, Dündar will read articles, theses and books on "crimes against honor" for at least two hours a week.

Barış İnce Case

The summary judgement of the second lawsuit filed against journalist-writer Barış İnce due to his defense during the hearing of another lawsuit filed against him due to "insulting Erdoğan” was held.

COURT: İstanbul 2nd Criminal Court of First Instance

VERDICT: The court sentenced the journalist to 11 months and 20 days of imprisonment and deferred the announcement of the verdict.

Cases of the Academics for Peace

Academics, who signed the Peace Petition, started spending time in courthouses once again in the new judicial session for ongoing prosecutions. Hearings continued in various courthouses across the country.

VERDICTS: Verdicts of acquittal are being issued one after another for Peace Academics on trial, following the decree of violation issued by the Constitutional Court. According to the data by the Initiative, the number of acquitted academics reached 73. A decree of rejection of venue was issued in two hearings held in İzmir and İstanbul; four hearings in İstanbul were postponed.

HEARINGS NEXT WEEK**Ahmet Altan Case**

The summary judgement of the lawsuit filed against journalist-writer due to “insulting a public officer based on his duty” through his article published on Taraf Daily in 2010 with the title, “The Great War Has Started,” will be held.

DATE: September 17th, İstanbul Anatolian 2nd Criminal Court of First Instance

Fatih Polat Case

The third hearing of the lawsuit filed against Evrensel Daily Editor-In-Chief Fatih Polat due to “insulting the President” through a column he wrote will be held.

DATE: September 17th, at 09:40; İstanbul Bakırköy 31st Criminal Court of First Instance

Ferhat Tunç Case

Hearings of two separate lawsuits filed against artist Ferhat Tunç due to “insulting the President” and “public incitement towards resentment and hostility” due to his social media posts,” will be held.

DATE: September 18th, Istanbul Büyükçekmece 4th and 14th Criminal Courts of First Instance

2018 Pride March Case

The second hearing of the lawsuit filed against six people, who were detained during the 2018 Istanbul LGBTI+ Pride March, due to “violating the Law on Meetings and Demonstrations No. 2911,” “resisting to prevent duty” and “endangering traffic safety” will be held.

DATE: September 19th, at 14:00; Istanbul 12th Criminal Court of First Instance

Cases of the Academics for Peace

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 17th, at 09:30, Istanbul 29th Assize Court; at 10:00, Istanbul 37th Assize Court;

September 18th, at 11:45, Istanbul 36th Assize Court;

September 19th; at 09:45, Istanbul 29th Assize Court; at 11:00, Istanbul 37th Assize Court; at 11:45, Istanbul 26th Assize Court.

September 20th, at 10:30, Istanbul 33rd Assize Court.