



Think... think...

What happened in Turkey in October 2018

*** The Supreme Electoral Council (YSK) announced the exact date for the local elections to be March 31, 2019. Erdoğan had already started threatening the elections with trustees. Thus, the inexistence of the right to free election and the continuity of arbitrary actions were announced.

*** President Erdoğan announced a future operation against village headmen. Immediately afterwards, Ministry of the Interior announced the dismissal of 259 village headmen. The dismissal of local elected executives had started with trustees being assigned to municipalities allowed by an emergency decree.

*** The issue of “*national oath*” is back on mainstream agenda after the revocation of weekly recitation in elementary schools in 2013. Council of State has revoked the amendments on regulations. Criticizing the decision harshly, President Erdoğan interpreted the monitoring of unlawful procedures of the execution by the judiciary as “*a process heading to a multi-headed system.*” “*If we are going to request permission from the judiciary, let me not stay here, and leave,*” Erdoğan said.

*** Debates on amnesty and the national oath between the Nationalist Movement Party (MHP) and the Justice and Development Party (AKP) shook the “*Public Alliance.*” “*We don’t have any desire left,*” MHP leader Bahçeli said. Replying to Bahçeli’s statements, Erdoğan said, “*If everyone says each will go in their own way, we will also say each must go their own way.*” Bahçeli, on the other hand, announced that the “*Public Alliance*” is ongoing, whereas MHP will present its own candidates in the local elections.

*** Erdoğan announced that soldiers in Syria will not withdraw unless an election is held in the country. The President further repeated his message that a referendum may be held on the EU negotiations.

*** The house imprisonment against U.S. citizen pastor Brunson and the travel ban against him were revoked. The situation caused a diplomatic crisis between the U.S. and Turkey. Brunson was sentenced to 3 years, 1 months and 15 days of imprisonment with the allegation of espionage for the PKK and FETÖ. Following the release of U.S. citizen pastor Andrew Brunson, the U.S. Dollar currency dropped to the lowest levels within the past two months against the Turkish Lira.

*** The consultancy agreement made with McKinsey within the New Economical Programme was cancelled upon President Erdoğan’s order.

*** Inflation was announced to be 24.52 percent in September, reaching its highest in the last 15 years.

*** Standard&Poor’s indicated that the Turkish Lira has lost approximately 40% value since the beginning of the year and predicted recession for the second half of 2018 and 0.5% contraction in 2019.

*** The Central Bank indicated the deceleration and risk continues in the economic activity and insisted on high interest rates, leaving them on the 24 percent level.

*** With the circular letter he published, Erdoğan announced the economical goal for the 2019-2021 period is “*balance and sustainable growth*” and the priority is “*financial stability*” and “*savings*.”

*** Saudi Arabian journalist Jamal Khashoggi was killed inside the consulate building of Saudi Arabia in Istanbul. Erdoğan indicated that Khashoggi’s murder was brutally planned and the matter will never be closed before all questions are answered.

*** The European Parliament decided to cancel the 70-million-Euro fund for aid to Turkey that was frozen last year. This is the first time an EU financial aid for a membership candidate is cut.

*** The third list presented by Turkey to replace previous European Court of Human Rights (ECtHR) judge Işıl Karataş was denied by the court as well. Karataş has fulfilled her duty period last year.

*** State of Emergency (OHAL) Commission announced that they have evaluated and concluded 36 thousand application files so far. 33,700 applications were denied and only 2,300 were accepted.

*** Businessman and rights advocate Osman Kavala is deprived of his freedom for one year and the indictment on his case is still yet to be prepared.



Court of Cassation considers word “*traitor*” insult

Criminal General Assembly of the Court of Cassation decided that Onur Altınkaynak exceeded the limits of criticism and committed the “crime of insult” by using the word “traitor” for President Erdoğan during a speech in 2013 in Nazilli, Aydın as Erdoğan was the Prime Minister.

In the lawsuit filed against Altınkaynak with the allegation of ‘insulting a public officer due to his duty’ through the related speech, Aydın 2nd Criminal Court of Peace decided that the expressions remained within the limits of freedom of expression and criticism and issued the acquittal of Altınkaynak. However, the Criminal General Assembly of the Court of Cassation

became defendants and suspects of the crime of insulting Erdoğan within the past three months. [Please click here](#) for the full report.



Media Cases:

Appeal claims of Nazlı Ilıcak and Altan brothers denied

2nd Criminal Chamber of Istanbul Regional Court approved the heavy life imprisonment verdict sentenced by Istanbul 26th Assize Court against six defendants, including journalists Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, due to ‘attempting to overthrow the Constitutional order.’ The journalists were arrested following the July 15 coup attempt. All defendants remain arrested within the file except Mehmet Altan, who was released in accordance with the Constitutional Court decree for him. The file will be carried to the Court of Cassation.

Appeal claims of 26 ‘coup attempt’ convict journalists denied

2nd Criminal Chamber of Istanbul Regional Court denied the appeal claims of media workers, who were arrested after the coup attempt and were later convicted of ‘illegal organization membership’ and ‘coup attempt.’

The Court of Appeals decided that the existing criminal evidence against the journalists, including Oğuz Usluer, Murat Aksoy and Atilla Taş, is proper and adequate as well as the local court verdict is in accordance with the law. Former Habertürk Coordinator Oğuz Usluer is arrested since December 2016 and Aksoy was released in October 2017. The imprisonment sentences issued against Taş and Aksoy were finalized due to being shorter than five years.

Journalist Seda Taşkın sentenced to 7-year 6-month imprisonment

The summary judgment of the lawsuit filed against arrested Mezopotamya Agency reporter Seda Taşkın due to her news posts and interviews with news sources was held at Muş 2nd Assize Court. Taşkın was sentenced to 4 years and two months of imprisonment due to ‘aiding and abetting an illegal organization without being a member’ and an additional imprisonment sentence for 3 years and four months due to ‘making illegal organization propaganda.’ The

journalist was therefore sentenced to a total of 7 years and six months of imprisonment. The court issued for Taşkın to remain arrested during the entire appeal process.

Özgür Gündem Cases

The summary judgment was held within the lawsuit filed against former Özgür Gündem Daily Editors-In-Chief Eren Keskin and Hüseyin Aykol as well as former Managing Editor İnan Kızılkaya and author İhsan Çaralan over participating in the “Substitute Editing-In-Chief” campaign due to the news and articles published on the newspaper.

Istanbul 2nd Criminal Court of First Instance sentenced Aykol and Kızılkaya to 1 year and ten months and Çaralan to 11 months and 20 days of imprisonment due to ‘insulting the President.’ The sentence against Aykol was not deferred due to existing previous convictions; whereas the sentences against Kızılkaya and Çaralan were deferred. Keskin was previously sentenced due to the same article, therefore the case was abated.

Imprisonment sentence against journalist Faruk Arhan due to TCK 301

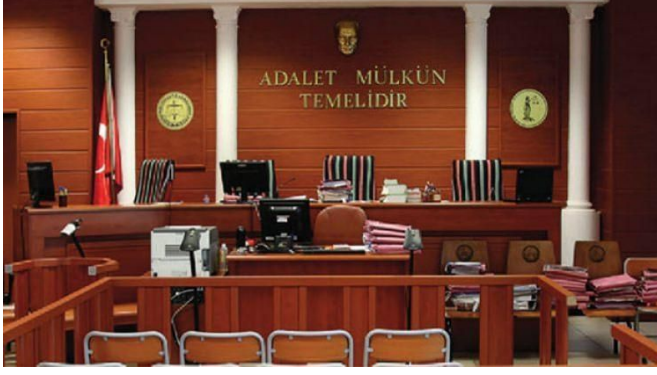
Istanbul 59th Criminal Court of First Instance sentenced journalist and writer Faruk Arhan to 6 months and seven days of imprisonment due to ‘denigrating the government of the Republic of Turkey, the Turkish Nation and the institutions of state.’ The announcement of the verdict against the journalist, who is on trial due to the tweets he posted on the civilian deaths during curfews in Cizre district of Şırnak, was deferred. Arhan will be under judicial monitoring for five years. In case he is convicted of another crime he wilfully committed, this sentence will be executed as well.

Lawsuit against journalist Yasin Kobulan due to ‘illegal organization propaganda’

A lawsuit was filed against Mesopotamia Agency (MA) reporter Yasin Kobulan due to ‘making successive illegal organization propaganda.’ The journalist faces an imprisonment claim for up to 13 years due to sharing the news on violations during curfews through his social media account. The first hearing of the case will be held on December 26 at Istanbul 30th Assize Court.

Lawsuit against news on pastor Brunson

A lawsuit was filed against Cumhuriyet Daily reporters Alican Uludağ and Duygu Güvenç within Turkish Penal Code (TCK) Article 301 due to their news coverage on U.S. citizen pastor Brunson. The journalists are charged with “*denigrating the government of the Republic of Turkey and its institutions*” due to the news article published on the newspaper’s July 26 issue with the title, “As the hostage diplomacy falls.” The first hearing of the case will be held on December 20 at Istanbul 2nd Criminal Court of First Instance.



Courtooms:

“Peace Academics” on trial

Five more academics were sentenced to one year and three months of imprisonment each due to ‘making terrorist organization propaganda’ through signing the petition, “We will not partake in this crime” launched by the Academics for Peace. Istanbul 28th Assize Court sentenced Sabancı University faculty member Fevziye Deniz Tarba Ceylan to imprisonment and Istanbul 36th Assize Court sentenced academics İpek Merçil, O.A., Yücel Candemir and former (dismissed) Bahçeşehir University faculty member Naciye Güleğül Altıntaş to imprisonment. All announcements of the verdicts were deferred. The number of academics standing trial reached 353 with the hearings this week and the number of convicted academics reached 33.

Prosecution of healthcare workers start due to helping civilians during curfews

The first hearing of the lawsuit filed against 14 healthcare workers attempting to enter Cizre district of Şırnak during the curfew declared on January 30, 2016 to help civilians was held at Mardin 3rd Assize Court due to ‘illegal organization membership and propaganda.’

In their defense statements, the healthcare workers indicated that they attempted to go to Cizre in order to fulfill the necessity of the right to life, which is a basic human right. *“We will continue to help those in need for healthcare... We commit this crime since Hippocrates... We would do it again,”* the defendants stated. The next hearing was scheduled to December 26, 2018.

Poet Fadıl Öztürk convicted of ‘illegal organization propaganda’

Poet Fadıl Öztürk was sentenced to 1 year and 10 months of imprisonment in the lawsuit filed against him due to his social media posts as well as his articles published on “artigercek.com” website. Izmir 2nd Assize Court issued the deferment of the announcement of the verdict for five years. *“It is unacceptable that expression of opinion is considered a crime,”* Öztürk said.

Imprisonment sentence against academic Yiğiter due to ‘insulting Erdoğan’

Ankara 20th Criminal Court of First Instance sentenced Dr. Cenk Yiğiter to 1 year, 5 months and 15 days of und deferred imprisonment due to ‘insulting Erdoğan’ through his social media

posts. Yiğiter was previously dismissed from public service with an emergency decree and is also a signatory of the ‘Peace Petition.’

2-year 6-month imprisonment sentence against Safiye İnci after arrest due to ‘insulting Atatürk’

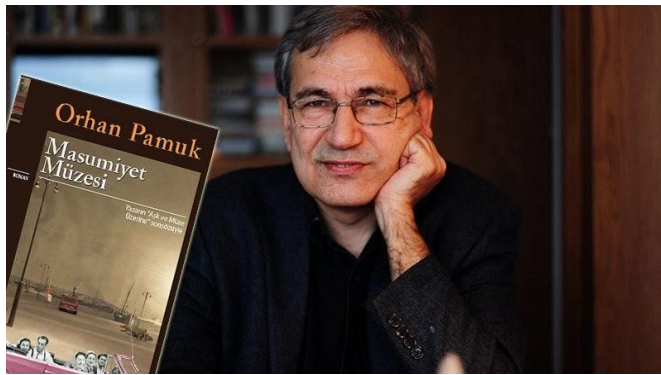
Safiye İnci had been arrested due to ‘insulting Atatürk’ on a video she shares on the social media. In the lawsuit filed against her, İnci was sentenced to 2 years and six months of imprisonment. Ankara 28th Criminal Court of First Instance issued İnci’s release together with the announcement of the verdict. İnci has been arrested since July 2018.

Imprisonment sentence against EMEP Deputy Chairman Levent Tüzel

Labour Party (EMEP) Deputy Chairman Levent Tüzel was convicted in the lawsuit filed against him due to the Newroz event he participated in 2012, while he was the EMEP Istanbul MP. Küçükçekmece 14th Criminal Court of First Instance did not defer the announcement of the verdict of imprisonment against Tüzel for 1 year and three months due to ‘violating the Law on Meetings and Demonstrations No. 2911.’ The file will be carried to the Court of Appeals.

Summary against CHP and HDP MPs

Ankara Chief Public Prosecutor’s Office prepared 15 different summaries against MPs with claims to repeal their Parliamentary immunities. People’s Democratic Party (HDP) MPs Ayhan Bilgen, Ayşe Acar Başaran, Alican Önlü, Berdan Öztürk, Bedia Özgökçe Ertan, Feleknas Uca, Filiz Kerestecioğlu, Kemal Bülbül, Meral Daniş Beştaş, İmam Taşçier, Nimetullah Erdoğan and Pervin Buldan were charged with ‘making illegal organization propaganda’ due to their speeches on the Afrin Operation and March 8, World Women’s Day; Republican People’s Party (CHP) MPs Çetin Osman Budak, Erdin Bircan and Aykut Erdoğan were charged with ‘insulting the President.’



Investigation against teacher over suggesting book of Orhan Pamuk to students

An administrative investigation was opened against a high school Turkish Literature teacher in Istanbul over suggesting the novel, “*The Museum of Innocence*” by Orhan Pamuk to the students.

Beyoğlu District Directorate of National Education used the expression, “The content that is identified with expert opinion to be inappropriate for students...” in the investigation file sent to the teacher, referring to the novel of the Nobel-winner author. The teacher is summoned to make a defense within the investigation. *“I’m facing an investigation due to suggesting a book as a teacher of literature and I might actually be penalized,”* the teacher said.



Social media operations

Ministry of the Interior announced investigations opened against more than 600 social media users during the first three weeks of October due to the posts made from these accounts. According to the ministry announcement, the social media users were charged with ‘illegal organization propaganda,’ ‘insult,’ ‘public incitement towards resentment, hatred and hostility’ as well as ‘intending against the indivisible integrity of state.’



LGBTI event ban continues in Ankara

Ankara Governorate continues the ban announced against LGBTI activities and events that started in November 2017 based on the Law of State of Emergency. The Governorate letter, dated October 3, 2018, indicated that all related events were banned indefinitely.

Thus, the ban was announced based on the Law of State of Emergency and later continued after the end of the State of Emergency, based on the “Law on Meetings and Demonstrations No. 2911.” The Governorate claimed that such events would “publicly incite one part of the public that is different from another in terms of social class, race and religion against the other towards hatred and hostility, and would cause provocations.” The ban was based on reasons like “social sensitivities,” “public safety” and “the protection of moral values.”



HRW: End prosecutions for ‘insulting President’

President Erdoğan withdrew his criminal complaint against four university students, who were on trial due to the cartoon, “*Kingdom of Tayyips.*” Human Rights Watch (HRW) launched a written statement and demanded an end for prosecutions due to ‘insulting the President.’

HRW indicated that the withdrawal of Erdoğan’s complaint is a positive and pleasing development for the students, whereas this does not resolve the larger issue that concerns thousands of lawsuits violating freedom of expression. “*The government should stop this mockery of human rights and respect people in Turkey’s right to peaceful free expression,*” stated the organization.

“*‘Insulting the president’ should not be a crime... Decisions by prosecutors and courts to start or drop cases should not rest on the word of the president,*” said Benjamin Ward, Europe and Central Asia acting director at Human Rights Watch.



DÖNÜŞÜ OLMAYAN İHRAÇLAR
TÜRKİYE’DE KAMUDAN İHRAÇ EDİLENLER İÇİN ETKİN ÇÖZÜM YOK

Amnesty International: “Those dismissed during State of Emergency await justice”

Amnesty International launched a report on the dismissal procedures of approximately 130 public workers during the State of Emergency as well as decisions of the State of Emergency Applications Monitoring Committee.

The report is entitled, “*Purged Beyond Return?: No Remedy for Turkey’s Dismissed Public Sector Workers*” and stated that “*thousands of public workers, who were arbitrarily dismissed, await justice for two years.*” It recorded that only 36 thousand of the total 128 thousand applications made at the State of Emergency Applications Monitoring Committee were concluded and the reversed dismissals remained as low as 2300. Amnesty International’s Turkey Researcher Andrew Gardner stated that Turkey is not acting in accordance with international standards and is turning into a mechanism that automatically approves orders of dismissal. [Please click here](#) for the full report.



TURKEY TODAY

We continue to track developments during the State of Emergency and the Presidential period with our Xtra bulletins. In our latest Xtra bulletin, we prepared a table bringing the Presidential and Semi-Presidential systems in three countries (U.S., France and Russia) together with the system in Turkey; comparing similarities and differences. As the “*Turkish-style Presidential system*” is debated in the country, what was often argued was that “*it did have examples in other countries.*” Let’s see, if it is indeed so... [Please click here](#) for the “*Comparison Table*” and [here](#) for other Xtra bulletins.



JUDGING the JUDICIARY

We added the files of Teacher Ayşe and Osman Kavala this month to the files we judge judicial processes that force the limits of our imagination... Ayşe Çelik was put on trial due to ‘making illegal organization propaganda’ just because of saying, “*Do not let children die.*” She was further sentenced to imprisonment and entered prison with her newborn baby. Then the execution of her sentence was postponed and she was released. As teacher Ayşe was preparing to be imprisoned once again on October 31 together with her baby, the execution was postponed once again by Diyarbakır Chief Public Prosecutor’s Office until April 17, 2019. However, Çelik still faces an imprisonment threat... Businessman and rights advocate Kavala was detained and arrested within the investigation on the coup attempt and is in prison since November 1, 2017. There is still no indictment prepared against him. There is a confidentiality order on the file against Kavala, therefore neither him nor his lawyer or the society knows what he is charged of. He is one of the clearest examples of the judicial practice in Turkey and how detainment turns into practical penalty by being deprived of his freedom for one year. [Please click here](#) for reasoned judgments.

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>