



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 07/18, 16 February 2018)

What happened last week?

*** 'Afrin Operation' left 28 days behind; according to the numbers announced by the General Staff, 31 members of the Turkish Armed Forces (TSK) lost their lives. President Erdoğan continued to react against the U.S; *"They have never felt the Ottoman slap,"* he said. Continuing to target the People's Democratic Party (HDP) and Republican People's Party (CHP), Erdoğan threatened Greece through Cyprus and the Aegean Sea.

*** Erdoğan had a meeting with U.S. Foreign Minister Tillerson. The tensions are high between the two countries and the meeting handled the Afrin Operation of Turkey. At the end of the meeting, it was announced that Turkey and the U.S. decided to establish a new mechanism for the resolution of conflicts. Ankara demanded YPG to leave Manbij and Tillerson stated, *"We would like a resolution in Syria without division. We will initially handle Manbij."*

*** A verdict of release was issued for Die Welt Turkey reporter Deniz Yücel, who was arrested for more than a year. Anadolu Agency announced an indictment prepared by Istanbul Chief Public Prosecutor's Office against Yücel with an imprisonment claim up to 18 years and that the court accepting the indictment issued the release of the journalist. In the meeting of Prime Minister Binali Yıldırım and German Chancellor Angela Merkel earlier this week in Germany, Merkel indicated that one of the most important issues for Germany is the release of arrested journalist Deniz Yücel, who was arrested in Turkey for more than a year without an indictment against him. *"I hope his hearing will be held within a short period and a conclusion is reached. Every hearing is a hope,"* replied Yıldırım. **(Details below...)**

*** Natural gas search in the open sea from the shore of Cyprus caused tensions between Turkey and the EU. The EU demanded Turkey to end the blockade with war ships..

*** Selahattin Demirtaş stood trial for the first time after 460 days within the case he is arrested in remand, defending himself against 31 summaries against him. The Prosecutor's Office claimed Demirtaş to remain arrested. The hearing was ongoing as the bulletin was being prepared.

*** The 'Coup Attempt Media Case' with 7 defendants, six of them arrested including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, was concluded. The case is the first lawsuits against journalists in which they were charged with "taking part" in the coup attempt on 15 July 2016. Istanbul 26th High Criminal Court sentenced Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Fevzi Yazıcı, Faruk Şimşek and Şükrü Tuğrul Özşengül to heavy life imprisonment due to *"attempting to overthrow the Constitutional order."* **(Details below...)**

*** 2nd Penal Department of Istanbul Regional Court sentenced Republican People's Party (CHP) Istanbul MP Enis Berberoğlu to 5 years and 10 months of imprisonment due to "announcing confidential information concerning the state."

*** The sentence against People’s Democratic Party (HDP) Muş MP Ahmet Yıldırım for 1 year and two months of imprisonment due to insulting the President was approved and finalized by the Court of Appeals. Yıldırım may lost his seat in the Parliament. **(Details below...)**

*** The Ministry of Internal Affairs announced a total of 666 people taken into custody due to “making illegal organization propaganda”, 474 through social media posts and 192 through protest demonstrations, between 20 January and 12 February 2018. **(Details below...)**

*** The Spokesman of our Initiative and musician Şanar Yurdatapan and Prof. Dr. Baskın Oran made a criminal complaint against President Recep Tayyip Erdoğan. The two names also filed lawsuits of moral indemnity, symbolically for 1 TL each.

*** Constitutional Court (AYM) announced the statistics on individual applications at the court, which started in 2012. Deciding on 137 thousand of a total of 173,479 applications within the 5-year period until 31 December 2017, AYM issued 2,536 decrees of violation. **(Details below...)**



Intellectuals make criminal complaint against Erdoğan after calling for peace

The Spokesman of our Initiative and musician Şanar Yurdatapan and Prof. Dr. Baskın Oran made a criminal complaint against President Recep Tayyip Erdoğan. The two names also

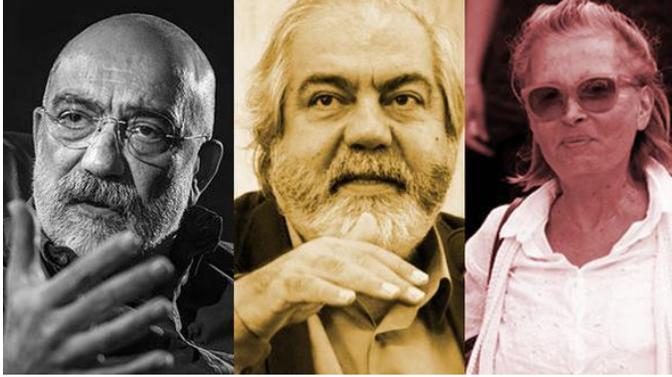
filed lawsuits of moral indemnity, symbolically for 1 TL each.

In the speech he gave on January 28th, the President described 170 people, who expressed their demand to end the military operation against Afrin and for conflicts to be resolved through dialogue, “traitors,” “insolents,” “vulgars” and “so-called artists.” Erdoğan further stated that the letter written by the 170 intellectuals was a “hypocrisy,” “fraud,” “opinion clownery,” “human shielding the terrorists” and “complicity in separatist terrorist organization activities.”

Yurdatapan and Oran indicated that the speech of Erdoğan, targeting intellectuals who made a call for peace, involve hate speech. The two names further stated that with this speech, the President has committed the crime of “insult” and “incitement of people towards hatred and hostility.” Yurdatapan stated that the ‘existence of an open and close potential danger against public security’ immediately reveals itself with Erdoğan’s speech, saying, “Pro-AKP trolls* took action and threatened signatories of the letter. The comments under the petition campaign started on change.org website to denaturalize the 170 intellectuals is the concrete evidence of this.” “It is a public violation of freedom of expression and science for the President, who has the highest government authority, to denigrate artists and intellectuals expressing their opinions. Such freedoms are protected by the Constitution,” stated Oran.

** In Internet slang, a troll is a person who sows discord on the Internet by starting quarrels or upsetting people, by posting inflammatory, extraneous, or off-topic messages in an online community (such as a newsgroup, forum, chat room, or blog) with the intent of provoking readers into an emotional response or of otherwise disrupting normal, on-topic discussion.*

For the statement made by Yurdatapan at the courthouse before their criminal complaint; <https://goo.gl/SSHv5H>



Heavy life imprisonment against defendants in 'Coup Attempt Media Case'

The 'Coup Attempt Media Case' with 7 defendants, six of them arrested including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, was concluded. The

case is the first lawsuits against journalists in which they were charged with "taking part" in the coup attempt on 15 July 2016.

Istanbul 26th High Criminal Court sentenced Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Fevzi Yazıcı, Faruk Şimşek and Şükrü Tuğrul Özşengül to heavy life imprisonment due to "attempting to overthrow the Constitutional order."

The defendants were arrested for more than 500 days within the case, which started on 19 June 2017. In their last statements, they reminded the court of the verdict of violation issued by the Constitutional Court (AYM) within the case. AYM recently issued a violation on the press freedom and 'right to personal freedom and security' of Mehmet Altan in his individual application to the court, deciding for his release. However, Istanbul 26th High Criminal Court resisted against the AYM decree despite the Constitutional obligation, not applying the verdict.



Indictment completed after one year, release verdict for Deniz Yücel

A verdict of release was issued for Die Welt Turkey reporter Deniz Yücel, who was arrested for more than a year. Anadolu Agency announced an indictment prepared by Istanbul Chief Public Prosecutor's Office against Yücel with an

imprisonment claim up to 18 years and that the court accepting the indictment issued the release of the journalist. According to the news reported by Doğan News Agency, Yücel is charged with "making terrorist organization propaganda" and "inciting people towards hatred and hostility."

In the meeting of Prime Minister Binali Yıldırım and German Chancellor Angela Merkel earlier this week in Germany, Merkel indicated that one of the most important issues for Germany is the release of arrested journalist Deniz Yücel, who was arrested in Turkey for more than a year without an indictment against him. *“I hope his hearing will be held within a short period and a conclusion is reached. Every hearing is a hope,”* replied Yıldırım.

Yücel has been taken into custody and arrested on 14 February 2017 due to the news he reported on the emails of Energy minister Berat Albayrak, which were hacked and leaked by RedHack. President Erdoğan has targeted Yücel afterwards, saying, *“This man is a terrorist, not a journalist.”*



Social media operations

On the 24th day of the military operation against Afrin Canton, the Ministry of Internal Affairs announced a total of 666 people taken into custody due to “making illegal organization propaganda”, 474 through social media posts and

192 through protest demonstrations.

Following the announcement made on Monday, new names were added to the ones taken into custody and arrested during the entire week. According to the information we compiled from the press, at least 220 more people were taken into custody due to their social media posts, following the Prime Ministry announcement. On the other hand, 13 people were arrested due to “making terrorist organization propaganda” on the social media this week. Thus, the number of people arrested since January 20th, the start date of the operation, found 47.

Serpil Kemalbay was taken into custody after handing over her position as the Co-Chair of People’s Democratic Party (HDP) on February 10th and being elected as a Party Assembly (PM) member. Anadolu Agency announced the reason for Kemalbay’s custody was the investigation against her due to the speech she gave during the congress.



Lawsuit against ‘Peace Petition’ due to ‘illegal organization propaganda’

The indictment prepared against Neslihan Karayemez and Bilal Karaman, who were arrested due to ‘making terrorist organization propaganda’ by distributing the leaflets prepared by Labour Party (EMEP) in Istanbul to make a call for

peace against the Afrin Operation, was accepted by Istanbul 33rd High Criminal Court.

Istanbul Public Prosecutor Edip Şahinler prepared the indictment, asserting that the leaflets indicated the Afrin Operation to mean occupation and hence violent, threatening and forceful activities of the terrorist organization were shown legitimate. The first hearing of the case will be held on 27 February 2018 at 14:15.



Investigation against HDP MPs Buldan and Önder

An investigation was started against People's Democratic Party (HDP) Co-Chair Pervin Buldan and MP Sırrı Süreyya Önder due to the speeches they gave during the 3rd Great Ordinary Congress on the weekend.

In the investigation opened by Ankara Chief Public Prosecutor's Office, the two names are charged with "making terrorist organization propaganda," "inciting people towards hatred and hostility" and "praising the crime and the criminal" due to their expressions regarding the Afrin Operation and Abdullah Öcalan.

Another indictment was prepared against Pervin Buldan due to "illegal organization membership" because of the speeches she gave between the years 2008 and 2015. Buldan was recently elected as the Co-Chair of People's Democratic Party (HDP) in the party congress on the weekend. In the indictment prepared by Ankara Chief Public Prosecutor Ahmet Akça, files on Buldan were stated to have been combined and it was indicated that she used expressions in the direction of "PKK not being a terrorist organization but a fact of Turkey and that a general amnesty must be issued by recognizing Kurdish identity." Buldan was hence accused of acting in accordance with the purposes and aims of terrorist organizations. News on the speeches Buldan gave, published on websites and social media platforms "found out to have organic connections with the illegal organization" were shown as evidence to the charges against buldan. In case the indictment is accepted, Buldan will face an imprisonment claim up to 10 years.



CHP MP Berberoğlu sentenced to 5-year-10- month imprisonment

2nd Penal Department of Istanbul Regional Court sentenced Republican People's Party (CHP) Istanbul MP Enis Berberoğlu to 5 years and 10 months of imprisonment due to "announcing confidential information

concerning the state." Berberoğlu was on trial due to the publication of visuals depicting trucks belonging to the Turkish National Intelligence stopped for search. Berberoğlu will remain arrested.

Istanbul 14th High Criminal Court has previously sentenced Berberoğlu to 25 years of imprisonment within the file due to “revealing confidential information concerning the security as well as the internal or foreign political interests of state, with the purpose of political or military espionage.” The MP was arrested due to the verdict but the Court of Appeals later reversed the court decree.



Lawsuits of ‘insulting Erdoğan’

The sentence against People’s Democratic Party (HDP) Muş MP Ahmet Yıldırım for 1 year and two months of imprisonment due to insulting the President was approved and finalized by the Court of Appeals.

Muş 2nd Criminal Court of First Instance convicted Yıldırım of ‘insulting Erdoğan’ due to calling him “so-called sultan at the Palace.” The court did not defer his sentence and decided for the MP to ‘be deprived of certain rights’, which means a ban on political rights. The local court verdict was approved by 2nd Penal Department of Erzurum Court of Appeals. Following the penalty’s finalization, a memorandum was prepared by the Prime Ministry to take of Yıldırım’s Parliament membership and was transmitted to the GNAT.

2nd Penal Department of Antalya Regional Court sentenced former Republican People’s Party (CHP) Denizli MP Adnan Keskin to 11 months and 20 days of imprisonment due to “insulting the President.” Denizli 4th Criminal Court of First Instance initially issued a verdict of acquittal for Keskin, who was on trial due to the speech he gave during the opening ceremony of his party’s Denizli Merkezefendi District building in September 2016. The Prosecutor’s Office has later objected to the verdict and the Court of Appeals later convicted Keskin. The court deferred the sentence against Keskin for five years.

Arrested defendant of ‘FETÖ Media Structuring Case’, Türk Solu (Turkish Left) Magazine Editor-In-Chief and National Party Chairman Gökçe Fırat Çulhaoğlu was sentenced to 2 years, five months and five days of imprisonment due to “insulting the President.” Çulhaoğlu was on trial at Ankara 25th Criminal Court of First Instance due to his Twitter posts on 28 and 30 August 2014.

Journalist Ertuğrul Mavioğlu was acquitted in the first hearing of the case he was on trial at Istanbul 33rd Criminal Court of First Instance due to his Twitter post on Suruç Massacre. 33 people lost their lives in the incident in July 2015. The indictment against Mavioğlu claimed an imprisonment sentence up to 4 years and eight months due to ‘insulting the President’ with the aforementioned social media post.

In case the Prime Ministry memorandum is read at GNAT General Assembly, a Parliament membership will be taken off for the first time due to insulting Erdoğan. Thus, Article 299 of the Turkish Penal Code, regulating the offense of ‘insulting the President’ will be providing a legal armour against criticisms directed towards Erdoğan, who

became the Chairman of the party in power after the April 16 referendum and thus the political opponent of the opposition. The article can hence remove political rights of elected Parliament members.

In case Yıldırım loses his seat at the Parliament due to the definitive sentence against him, many other oppositional names may be put into the same process, including Republican People's Party (CHP) leader Kemal Kılıçdaroğlu. There are 201 different summaries against HDP and CHP MPs at the Parliament agenda after the Parliamentary immunities being taken off.

The Initiative for Freedom of Expression



Another lawsuit filed against Ferhat Tunç due to Twitter post

Another lawsuit was filed against artist Ferhat Tunç due to his social media posts. Tunç was charged with 'public incitement towards hatred and hostility' with a Twitter post he made on the evening of the referendum on 16 April 2017.

The first hearing of the case will be held on 18 April 2018 at Istanbul Büyükçekmece 4th Criminal Court of First Instance. Another lawsuit was previously filed against Tunç with an imprisonment claim up to 6 years due to 'making terrorist organization propaganda' with his social media posts. Tunç stood trial on 14 December 2017. The first hearing of another case Tunç is on trial due to "insulting the President" with a Twitter post will be held on 21 February 2018.



Akit TV threatens Cumhuriyet Newspaper

'Gün Başlıyor' ('The Day Starts') show host Yusuf Ozan threatened workers of Cumhuriyet Newspaper with death, saying, "It is only fair to kill people like you." The show is broadcasted on Akit TV.

Reading newspaper headlines in the morning, Ozan asserted that the headline "11 martyrs in Afrin" published on Cumhuriyet Newspaper is a perception operation. *"If there was a one man regime, ah, I wish there was one... So that he could shut you down in two minutes. I wish there was also an Islamic rule, I wish there was capital punishment so*

they could hang you. I am being very open here, you are all traitors... You, who hide behind the mask of democracy, are trouble on this country... I wish there was death penalty in this country. They need to lose their heads... Democracy and all doesn't matter, when in war, it is only fair to kill those like you. You lack blood, honour, dignity," said Ozan.

On the other hand, Turkish Journalists Association (TGC), Turkish Journalists Union (TGS), Confederation of Progressive Trade Unions of Turkey (DISK) Press-Labour, Contemporary Journalists Association (ÇGD), Reporters Without Borders (RSF) and Press Council reacted against the statements of Ozan, demanding legal action.

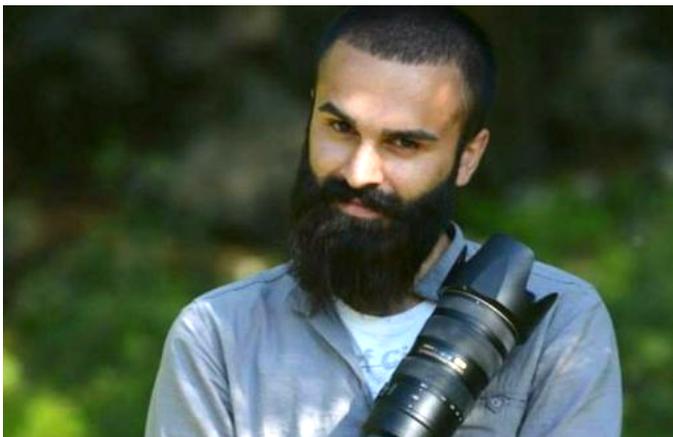


Prosecutor's Office considers threat "freedom of expression"

Expressions of Alperen Grey Wolves Istanbul Chairman Kürşat Mican on last year's LGBTI Pride March with expressions of threat and hate were considered freedom of expression by the Prosecutor's Office. The frequent emphasis on "press freedom" drew

the attentions in the verdict of Prosecutor Ersoy Altıntaş, despite the fact that Mican is not a journalist.

Mican targeted LGBTIs in a TV show he participated in before the Pride March in last year June. *"...No matter what it takes, we won't let them march. I call the Turkish nation, we must prevent this insolence... If the government allows this, we won't. We would find 200 thousand people, if we want to,"* said Mican. Following this speech, a criminal complaint was made against Mican due to "threat, insult and public incitement towards hatred and hostility."



Journalist Çağdaş Erdoğan released in first hearing

Journalist and photoreporter Çağdaş Erdoğan, who was arrested for six months with the allegation of "taking photographs of the social facilities belonging to the Turkish National Intelligence Agency", was released in the first hearing of the case he was on

trial in.

Istanbul 33rd High Criminal Court released Erdoğan, who is on trial due to "illegal organization membership" and "making illegal organization propaganda", with judicial control. In his defense statement, Erdoğan expressed that he was tortured under custody, that he was exposed to imposition of espionage related to news sources during his interrogation by Turkish National Intelligence officers and that he was threatened

with arrest in case he doesn't provide the officers with intelligence information. Reminding the court that his documentary work and news articles were considered "crime evidence" in the indictment, Erdoğan said, "*photographs taken by journalists are evidence and only and only criminals are disturbed by such photographs.*" The next hearing of the case was scheduled to 1 June 2018.

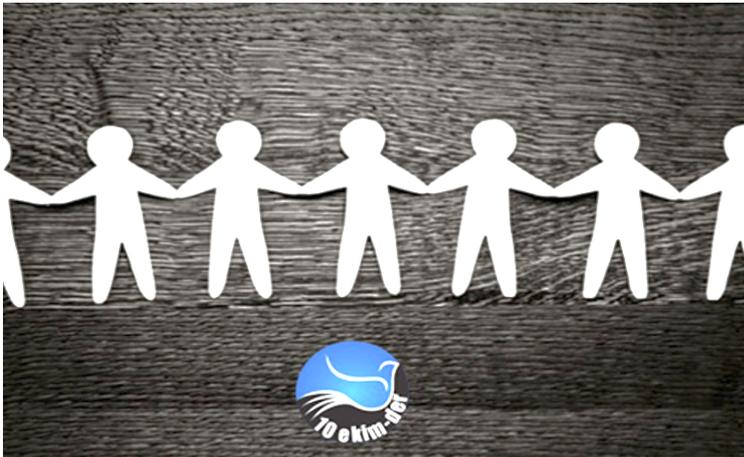


Lawsuit against journalists beaten during Özgür Gündem raid due to 'resisting police'

The first hearing of the lawsuit filed following the criminal complaint of the police against 22 journalists, who were taken into custody during the raid at Özgür Gündem Newspaper

building on 16 August 2016 after the shutdown of the newspaper, was held at Istanbul 5th Criminal Court of First Instance.

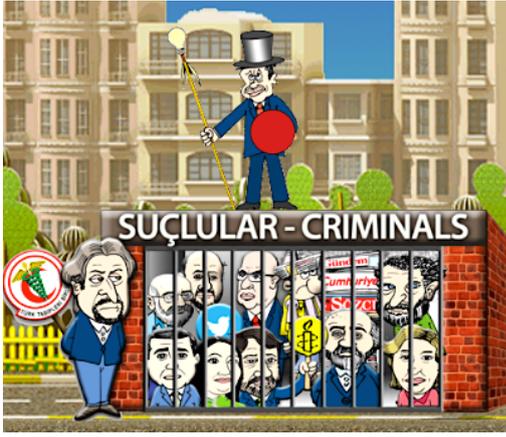
Journalists, who were beaten by the police during the raid, face imprisonment sentences up to 8 years and four months each due to "resisting the police to prevent duty" and "insult." The journalists complained against the police officers as well, whereas a verdict of non-prosecution was issued. The case will continue on 29 June 2018.



October 10 Peace and Solidarity Association shut down

The "October 10 Peace and Solidarity Association" established by the families of those who were injured and died during the Massacre of ISIS at Ankara Train Station in 2015 was shut down by Ankara 7th Civil Court of First Instance.

The association was shut down by Ankara Governorate due to Article 5 of the association guidelines on "suspension of membership." The congress previously organized to amend the related article was not permitted by the Governorate. The Association's Chairwoman and the wife of lawyer Uygur Coşkun, who lost his life in the massacre, Mehtap Sakinci Coşkun stated, "*Our association was shut down after technical excuses. However, the reality lying behind it is the mission we undertook.*"



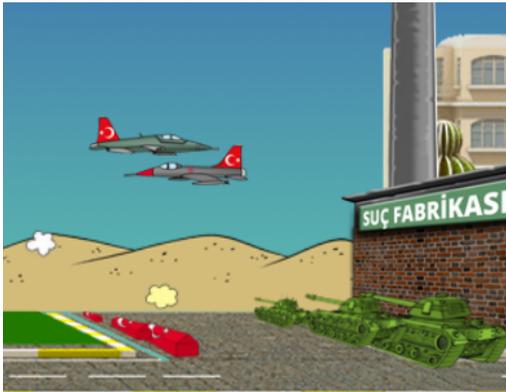
Freedom of Expression

Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Şükrü Tuğrul Özşengül, Yakup Şimşek and Fevzi Yazıcı have been sentenced to aggravated life sentence on charge of “attempt to abolish the constitutional order”.

Deniz Yücel has been in prison for 1 year without an indictment, on February 16, 2018 Yücel was released after Prime Minister Yıldırım’s meeting with Angela Merkel.

Çağdaş Erdoğan, a photojournalist who was held in prison for six months under suspicion that he was taking photos of facilities operated by the National Intelligence Agency (MİT), was released in his first hearing at the Istanbul 33rd High Criminal Court on 13 February in a trial where he stands accused of membership of the PKK.

CHP İstanbul MP Berberoğlu has been sentenced to 5 years and 10 months in prison on charge of “making state’s confidential information public” in the trial about the news report on MİT Trucks.



Afrin

The Afrin operation brought operations, detentions and threats against those who say "No to War!". At least 666 were detained during the operations. As Turkish Armed Forces made statements regarding the number of those killed, the coffins of the soldiers wrapped with flags continue to come.

Artist Yurdatapan has filed a criminal complaint against President Erdoğan due to his words about 170 people who called for Afrin operation to be ended. Yurdatapan sued Erdoğan for immaterial compensation of 1 TL.

Serpil Kemalbay, former Co-Chair of HDP, was detained due to her speech against Afrin operation, after detention Kemalbay sent a message via her attorney and declared that she started to hunger strike.



TRIALS OF FREEDOM OF EXPRESSION

- The ‘Coup Attempt Media Case’ with 7 defendants, six of them arrested including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak, was concluded. The case is the first lawsuits against journalists in which they were charged with “taking part” in the coup attempt on 15 July 2016. Istanbul 26th High Criminal Court sentenced Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Fevzi Yazıcı, Faruk Şimşek and Şükrü

Tuğrul Özşengül to heavy life imprisonment due to “attempting to overthrow the Constitutional order.”

- The second hearing of the case filed against artist Suavi due to “insulting the President” was held on February 13th at Izmir 33rd Criminal Court of First Instance. Suavi and his lawyers were readily present at the hearing. The lawyers claimed more time period to prepare their defenses on the basis. The next hearing was scheduled to 17 April 2018.
- Cases against the Academics for Peace continued this week as well. The cases of the academics, who stood trial on February 13th and 15th, were held at Istanbul 34th and 36th High Criminal Court. The next hearings of the academics were scheduled to 19 June, 13 November, 25-27 September and 2 October 2018.
- Journalist and photoreporter Çağdaş Erdoğan, who was arrested for six months with the allegation of “taking photographs of the social facilities belonging to the Turkish National Intelligence Agency”, was released in the first hearing of the case he was on trial in. Istanbul 33rd High Criminal Court released Erdoğan, who is on trial due to “illegal organization membership” and “making illegal organization propaganda”, on February 13th with judicial control. The next hearing of the case was scheduled to 1 June 2018.
- the third hearing of the case of Republican People’s Party (CHP) Istanbul MP Enis Berberoğlu at the 2nd Penal Department of Istanbul Regional Court was held after being sentenced to 25 years of imprisonment by Istanbul 14th High Criminal Court due to providing visuals of the trucks belonging to the Turkish National Intelligence to former Cumhuriyet Newspaper Editor-In-Chief Can Dündar. The court sentenced Berberoğlu to 5 years and ten months of imprisonment.
- The case against People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş due to “managing an armed terrorist organization” started on February 14th at Ankara 19th High Criminal Court and continued on February 15th and 16th. The hearing was not concluded as we were preparing the bulletin.
- The case against İnan Ketenciler and Perihan Mağden due to “insulting the President” was held on February 15th at Istanbul 2nd Criminal Court of First Instance. We could not reach the conclusions of the hearing yet.
- The hearing of the case against Republican People’s Party (CHP) Istanbul MP Enis Berberoğlu, Cumhuriyet Newspaper’s former Editor-In-Chief Can Dündar and the newspaper’s Ankara representative Erdem Gül on the revelation of National Intelligence truck visuals was held on February 16th at the 14th High Criminal Court. We could not obtain the hearing results yet.

Trials Next Week

- The case against former People’s Democratic Party (HDP) Co-Chair Figen Yüksekdağ will be held on February 20th at Ankara 16th High Criminal Court due to “managing a terrorist organization,” “making terrorist organization propaganda,” “violating the Law on Meetings and Demonstrations,” “inciting people towards hatred and hostility” and “inciting people to commit crimes” after the combination of seven different summaries against Yüksekdağ.
- The fifth hearing of the case against Nurcan Baysal following the article she wrote on the situation of houses used by special operation forces after the operations in Cizre will be held on February 20th at Istanbul 54th Criminal Court of First Instance. The hearing will start at 11:30.

- The case against Atilla Taş, Murat Aksoy and others within the FETÖ Media Structuring Case due to “terrorist organization membership” will be held on February 22nd at Istanbul 25th High Criminal Court.
- The next hearing of the case against journalists Selman Keleş and Arif Arslan due to “illegal organization membership” will be held on February 22nd at Van 5th High Criminal Court.
- Cases against Academics for Peace continue. The following hearings will be held at the 32nd and 36th High Criminal Courts on February 21st, 22nd and 23rd, starting at 09:00.
- The hearing of the case against Ferhat Tunç with an imprisonment claim from 1 year and 5 months up to 5 years and 8 months due to “insulting the President” will be held on February 23rd at Büyükçekmece 14th Criminal Court of First Instance.