



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 16/18, 20 April 2018)

### What happened last week?

\*\*\* Nationalist Movement Party (MHP) leader Devlet Bahçeli called for early elections. President Erdoğan decided to hold the early elections on 24 June 2018 despite his early statements, insisting that early elections are not on the agenda until Bahçeli's call. Hence, Turkey will enact a system change predicting a Presidential regime within two months.

\*\*\* The State of Emergency has been extended for three more months. The State of Emergency application left 20 months behind after seven extensions. The Turkish nation will go to the ballot boxes once again under the conditions of the State of Emergency.

\*\*\* The US, UK and France organized a missile attack against Syria with the allegation that a chemical attack is used in Douma. Tensions rose in the international zone; whereas President Erdoğan stated that they find the operation "positive." French President Macron said, *"We separated Russians and Turks from these attacks."*

\*\*\* The Council of Europe launched their annual Progress Report, indicating that Turkey is straying away from the EU specifically in terms of the supremacy of law and basic human rights. The Council called Ankara to "end the State of Emergency at once." For the full report: <https://goo.gl/zp4H9z>

\*\*\* People's Democratic Party (HDP) MPs Osman Baydemir and Selma Irmak lost their seats in the Parliament due to the definitive convictions against them.

\*\*\* President Tayyip Erdoğan said that the social media is *"an unmonitored, mostly free area"* and that it has *"become the main medium for operations against Turkey."* Erdoğan exemplified the Gezi protests and the corruption operations to back the statement.

\*\*\* The Constitutional Court (AYM) shared statistics of violation verdicts issued for the fifth anniversary of the right to individual application. According to the statistics, verdicts of violation focused mostly on violations against the right to fair trial; followed by others against the right to property, right to protect privacy and family life, right to personal freedom and security, right to freedom of expression and the right to life.

\*\*\* State of Emergency Applications Monitoring Commission announced the conclusion of 12 thousand applications out of the 108,660 made at the Commission; only 310 were accepted.



## **Seventh extension on State of Emergency**

The State of Emergency in Turkey was extended for three more months. Being extended for the seventh time since its declaration following the coup attempt on 15 July 2016, the State of Emergency will continue as Turkey will go for early elections on

June 24 after President Erdoğan's decision.

The State of Emergency period has been ongoing for 20 months despite all reactions, with 31 Statutory Decrees issued within. 160 thousand people were detained, arrest warrants were issued against 228,137 people and investigations were opened against 155 thousand people due to 'armed terrorist organization membership.' 112,679 people were dismissed from public service, including 5,705 academics. Custody period was extended to 30 days. This limitation was applied until the end of 2016 and was decreased back to 14 days after warnings by the Council of Europe.

50 newspapers, 20 magazines, 32 TV channels, 34 radio channels, 30 publishing houses and distributors were shut down during this period. It was made possible for trustees to be assigned to municipalities. Trustees were assigned to 99 municipalities; 94 of those municipalities were of the Democratic Regions Party (DBP). According to the April 2017-March 2018 data of the Ministry of the Interior, 45,415 social media accounts were examined in total and legal actions were taken against 17,089 people.

108,650 applications were made at the State of Emergency Applications Monitoring Commission during this time. The Commission was established to evaluate objections against State of Emergency applications and was considered as a "domestic remedy" by the European Court of Human Rights as well. 10 thousand of such applications were concluded, with only 310 accepted.

A report was prepared by the Human Rights Common Platform (IHOP) with numbers on the ongoing State of Emergency applications and regulations. For the full report: <https://goo.gl/JXS82L>



## **"Teacher Ayşe and her baby must not be imprisoned"**

Teacher Ayşe Çelik has been convicted due to calling a TV show broadcasting live on Channel D in 2015 via phone and saying, "*Do not let children die*" to refer to the curfews and operations in Kurdish

provinces. A petition campaign was started for Çelik days before her imprisonment with her baby.

2nd Criminal Chamber of Istanbul Regional Court of Justice approved Çelik's conviction and the imprisonment sentence against her for one year and three months due to 'illegal organization propaganda.' The execution of Çelik's sentence was postponed to April 20 following an application. Another application was made at the Constitutional Court during this time. Çelik had a two month old baby at that time. The campaign text demanded urgent action to end this "embarrassment" hours before the end of the postponement. On the other hand, the high court is evaluating the application of Çelik. In case no decree is issued, Çelik will be imprisoned with her six-month-old daughter. To join the campaign; <https://goo.gl/AvZDw4>



### **Imprisonment sentence against Figen Yüksekdağ due to violating election bans**

Erciş 2nd Criminal Court of First Instance sentenced former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ to six months of imprisonment due to 'violating election bans' with the speech she

gave on 27 October 2015 during the bus terminal opening in Van, before the November 1 elections. The Court of Cassation revoked Yüksekdağ's party membership and Parliament membership. This penalty is the first in Turkey sentenced against a political party leader due to 'violating election bans'.



### **HDP MPs Irmak and Başdemir lose seats at Parliament**

People's Democratic Party (HDP) MPs Osman Baydemir and Selma Irmak lost their seats at the Parliament due to the definitive sentences against them. The number of HDP members who lost legislative membership increased to 11 and the

number of HDP members in the Parliament decreased to 48.

Baydemir was sentenced to 1 year, five months and fifteen days of imprisonment due to committing the offence of 'insult' against the police officers on duty during the incidents in front of Diyarbakır Governorate building in 2012. Hakkari MP Selma Irmak, who is still arrested in Silivri Prison, was sentenced to 2 years of imprisonment due to 'making illegal organization propaganda.'

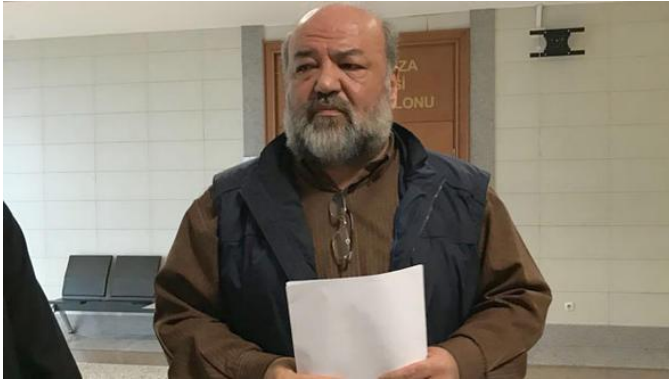
On the other hand, Mardin 3rd Assize Court sentenced HDP Mardin MP to seven years and six months of imprisonment due to 'illegal organization membership.' Yıldırım is charged due to a funeral and arrested since 4 November 2016.



## **Imprisonment sentence against Ayşe Hür due to social media post**

Istanbul 24th Assize Court sentenced historian-writer Ayşe Hür to one year and three months of imprisonment due to 'illegal organization propaganda' through her Twitter posts; the sentence was deferred. Hür was on trial due to her post on Twitter: "I indicated my opinion

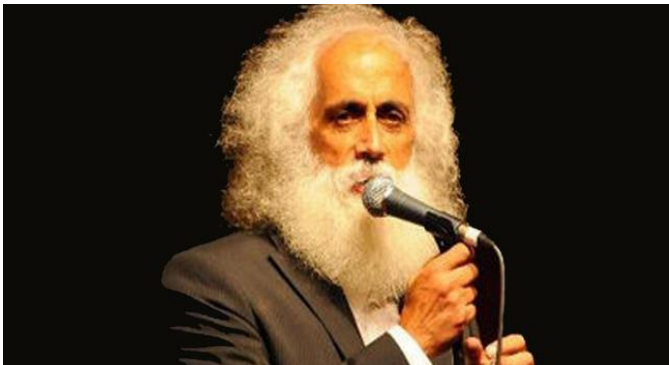
*repeatedly: 'PKK is not a terrorist organization, it's a guerilla/people movement using terrorism widely.'* Hür announced the conviction against her with the statement: "The court sentenced me from the fixed list due to my only tweet involving a sociological definition."



## **6-year 3-month imprisonment against writer İhsan Eliaçık**

Istanbul 26th Assize Court convicted theologian-writer İhsan Eliaçık to six years and three months of imprisonment due to 'making illegal organization propaganda.' Eliaçık was on trial due to a speech she gave

during a conference organized by the Democratic Islam Congress in 2014. The court did not abate the penalty and issued judicial control provisions for twice a week together with a travel ban outside of Istanbul and abroad.



## **Artist Suavi convicted of 'insulting Erdoğan'**

Artist Suavi was sentenced to 11 months and 20 days of imprisonment due to 'insulting the President' with a speech he gave during an event on 29 October 2016. Izmir 33rd Criminal Court of First Instance turned the

imprisonment sentence into 14 thousand TL judicial fine. In the related speech, Suavi had criticized the current political power and Recep Tayyip Erdoğan with acting in collaboration with the Gülen Community.





## **Imprisonment sentence against academic Koray Çalışkan**

Academic-writer Koray Çalışkan was sentenced to 1 year, 6 months and 22 days of imprisonment with the allegation of making “FETÖ propaganda” on his social media account. Çalışkan had been taken into

custody together with many other academics within the “FETÖ operations” organized against Boğaziçi and Medeniyet Universities in July last year and was later released with the acceptance of the indictment against him by Istanbul 24th Assize Court.



## **Summary against CHP MP due to ‘insulting President’**

Ankara Office of the Chief Public Prosecutor prepared a summary against Republican People’s Party (CHP) Trabzon MP Haluk Pekşen due to ‘insulting the President.’ Pekşen was charged due to his speech during

the TV programme “Where Towards, Turkey” on Halk TV on January 9. The summary demanded Pekşen’s Parliament seat to be taken off due to the speech.



## **Penalties against Afrin posts**

Labour Party (EMEP) member Sinan Niron was sentenced to one year and six months of imprisonment due to ‘making illegal organization propaganda’ and was released after the deferral of the sentence. Niron had been taken into custody during the house raids within the operation organized against those who called

for peace against the Afrin operation on the social media and was arrested by the 4th Criminal Court of Peace.

Gaziantep 8th Assize Court sentenced EMEP Deputy Chairman Mehmet Türkmen to house imprisonment and issued a ban on leaving the country due to ‘illegal organization propaganda’ through his social media posts against the Afrin Operation. Türkmen was released after two and a half months under arrest following the announcement of the verdict.



## Arrested journalists

Diyarbakır Type-D Closed Prison and stated that he was arrested due to his journalist activities. *"Journalism is being made into a crime now. I don't accept this charge. My mood is good, despite all,"* said Parlak.

Etkin News Agency (ETHA) editor Semiha Şahin was arrested together with reporters Pınar Gayıp and Adil Demirci with the allegation of 'illegal organization membership' and 'making illegal organization propaganda' after being taken into custody with a police raid organized on April 13. Thus, the number of arrested journalists who were working at ETHA increased to six. ETHA editor Isminaz Temel and reporter Havva Cuştan have been arrested on 25 October 2017 and ETHA reporter Ali Sönmez Kayar was arrested on February 6. ETHA's website has been banned to access since 27 July 2015.



## Three more Boğaziçi University students arrested, investigation against news on students

Operations continue against students targeted by President Erdoğan due to reacting against those distributing Turkish delight at Boğaziçi University for those killed during the Afrin Operation, saying, *"There is no delight in massacre."* Three more students were arrested and the number of arrested Boğaziçi University students reached 13.

On the other hand, an investigation was started against Evrensel newspaper reporter Cansu Pişkin after reporting the investigation which led to the arrest of the students. The news reported that the Prosecutor, who was conducting the investigation against the students, was replaced on April 3, the day on which 15 students in custody were sent to the courthouse. Pişkin further reported that the newly-assigned Prosecutor had previously described the People's Democratic Party (HDP) as "the party making politics in the direction of a terrorist organization" in an indictment. The journalist was charged with 'targeting people undertaking duty against terror' due to the related news.





## Investigation against 216 social media users

Ministry of the Interior announced an investigation was started against 216 people between the dates 9-16 April due to their social media posts. According to the Ministry statement, the social media users were charged with 'making illegal organization propaganda,' 'insulting government authorities,' 'inciting people towards resentment, hatred and hostility' and 'attempting against the indivisible integrity of state.'



## CHP launches "internet freedom" report

Republican People's Party (CHP) Deputy Chairman for Information and Communication Technologies Onursal Adıgüzel prepared a report, entitled, "*Issue of Accessing Internet in the Age of Internet - Turkey's Examination with Censorship.*" The

report points out that the right to access the Internet is systematically being violated by the government in the past years; internet users facing "direct" or "indirect" censorship applications.

According to the data presented by the report, 36,603 websites were banned to access in 2015, 86,351 websites in 2016 and 99,952 websites in 2017. Turkey requested Twitter to remove more than 7000 content in 2017 and 712 Facebook posts were banned to access from January to June 2017. According to the Ministry of the Interior, 10,250 social media accounts were examined and legal actions were taken against 3,679 people within the last three months. Moreover, the method to "reduce bandwidth" against the social media has become a routine application of censorship, particularly on Twitter, Facebook and YouTube.



## Human Rights Monument taken into 'custody'

The Human Rights Monument on Yüksel Street in Ankara, which became the symbol for the protests against the State of Emergency, has been kept in "custody" under a police blockade for months. Community Houses Co-Chair Dilşat Aktaş applied to receive information on the status of the monument and Ankara

Governorate replied to the application.

The reply asserted that the protests started by educators Nuriye Gülmen and Semih Özakça, who were dismissed from profession with emergency decree, were illegal and that these protests have lead to the monument being occupied by “groups defending extreme ideologies.” The Governorate defended that the meetings and demonstrations were banned to protect “national security” and “public order” and that during this time, *“no applications were made by the government that is in violation with the Constitution regarding the violation of the freedom of opinion.”* They also stated that the monument was surrounded by barricades to “protect art and the artist.”



### **Governorate bans May 1 march due to ‘non-union activity’**

Ankara Governorate didn’t permit the march to be organized by professional unions and chambers from Kızılay to Tandoğan Square on May 1st. The Governorate asserted

that the banners and posters reported to be carried in the march “carry the quality of denigrating military operations and disrupting public peace,” further defending that the union and chambers will “perform activities outside of their purpose of establishment.”



### **‘Nol-pros’ for investigation on the death of Mehmet Tunç during curfew in Cizre**

A verdict of non-prosecution was issued in the investigation on the death of Cizre People’s Assembly Co-Chair Mehmet Tunç, who was among those massacred in the basements they were locked in during the

curfews in Cizre. In the verdict issued by Şırnak Office of the Chief Public Prosecutor, Tunç was asserted to have “participated in clashes.” During the time they were locked inside the basements, Tunç called the live broadcast of MedNuçe TV and said, *“They are shooting the building with cannonballs. I can hear the voices of a few people from the basement. I am awaiting death on the second floor. Let everyone know that we have five martyrs and 24 wounded people inside. If we die, this is execution.”*



## This Week On The Museum Of Crimes Of Thought



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### Erdoğan:

MHP's leader Devlet Bahçeli has offered a snap election on August 26, 2018. After that offer, President Erdoğan announced that the 2019 elections will be held on June 24, 2018.



### State of Emergency:

State of Emergency was extended for the 7. time, thereby it became definite that the snap elections on June 24, 2018, will be held under the state of emergency.



### TRIALS OF FREEDOM OF EXPRESSION

- The proceeding of 24 people, including Kamera Sokak collective founder, director, photographer, documentary-maker and video activist Kazım Kızıl continued at Izmir 33rd Criminal Court of First Instance on April 16. The

defendants were detained while protesting the referendum results. We could not obtain the results of the hearing yet.

- The lawsuit against former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş and HDP MP Sırrı Süreyya Önder with the allegation of "making illegal organization propaganda" due to the speech they gave during the Newroz celebrations in Zeytinburnu, Istanbul on 17 March 2013 continued to be heard at Istanbul 16th Assize Court on April 16. Demirtaş was allowed a last postponement on the hearing to prepare his defense statement for the basis. The court denied the claim to allow Sırrı Süreyya Önder time to prepare his defense. The next hearing was scheduled to April 30.
- The third hearing of the lawsuit filed against artist Suavi due to 'insulting the President' was held at Izmir 33rd Criminal Court of First Instance on April 17. The court sentenced Suavi to 11 months and 20 days of imprisonment and turned it into 14 thousand TL judicial fine.
- The lawsuit filed against artist Ferhat Tunç with an imprisonment claim from 1 year and 5 months up to 5 years and 8 months due to "insulting the President" continued at Büyükçekmece 14th Criminal Court of First Instance on April 18. Tunç could not attend the hearing. The next hearing was scheduled to 6 July 2018 at 09:10.
- The lawsuit filed against Şebnem Korur Fincancı, Erol Önderoğlu and Ahmet Nesin due to their Substitute Editing-In-Chief at Özgür Gündem Newspaper continued at Istanbul 13th Assize Court on April 18. The next hearing was scheduled to 9 October 2018 at 11:00.
- Lawsuits against the Academics for Peace continue this week. Hearings on April 18 and 19 continued at the 13th, 14th, 33rd, 34th and 36th Assize Courts. An investigation permit by the Ministry of Justice entered the file of the first lawsuit against the peace academics with four academics arrested for a while, due to Article 301 of the Turkish Penal Code. Istanbul 35th Assize Court, on the other hand, merged 10 case files at the court. The next hearings were scheduled to 9 and 18 October 2018.

## **Trials Next Week**

- The next hearing of the Cumhuriyet Newspaper case will be held on April 24 at Istanbul 27th Assize Court with Cumhuriyet Newspaper executives and writers as defendants with the allegation of FETÖ/PDY, DHKP-C and PKK membership and 'making illegal organization propaganda.'
- The lawsuit against Hayatın Sesi TV Channel owners Mustafa Kara and İsmail Gökhan Bayram and the channel's manager Gökhan Çetin will continue on April 24 at Istanbul 113th Assize Court with imprisonment claims for up to 13 years each due to "making successive illegal organization propaganda." The channel has previously been shut down with an emergency decree.
- Lawsuits against the Academics for Peace continue this week as well. The next hearings will be held on April 24 and 26 at the 33rd, 36th and 37th Assize Courts.
- The next hearing of the case against Dicle Media News Agency (dihaber) reporters Erdoğan Alayumat and Nuri Akman with imprisonment claims for up to 45 years each due to 'espionage' and 'illegal organization membership' will be held on April 25 at Hatay 2nd Assize Court. The agency was previously shut down with an emergency decree.
- The lawsuit filed against journalist Ahmet Altan due to 'insulting the President' will continue at Istanbul 21st Criminal Court of First Instance on April 26.

- The third hearing of the case against journalists, including Meşale Tolu, will be held on April 26 at Istanbul 29th Assize Court, starting at 09:00. Tolu had previously been arrested due to “making terrorist organization propaganda” and “terrorist organization membership” and was later released.
- The ‘KCK Press Case’ will continue on April 27 at Istanbul 3rd Assize Court with 46 journalists on trial. The case was filed in December 2011 against Kurdish press organizations like Dicle News Agency, Özgür Gündem, Azadiya Welat, Demokratik Modernite and Fırat Distribution.