



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 21/18, 25 May 2018)

What happened last week?

*** Parties presented their candidate list to the Supreme Electoral Council; 167 MPs from Justice and Development Party (AKP) became candidates once again. Five current ministers - Mehmet Şimşek, Nihat Zeybekçi, Ömer Çelik, Naci Ağbal and Faruk Özlü were excluded from the candidate list. The candidate list of Kılıçdaroğlu created an organization vs. center crisis at Republican People's Party (CHP). There were candidates from different parts of society in the candidate list of People's Democratic Party (HDP); whereas most arrested MPs were excluded.

*** Turkish Lira continues to lose value against the U.S. Dollar; the exchange rate reached to 4.92 on Wednesday as an all-time highest record. Value loss of the Turkish Lira is now 25 percent; whereas Erdoğan insists that Turkey is a country applying the free market economy in accordance with all its rules, with the official institutions. "I call out to my nation. Please don't turn your local money into a foreign currency. This is nativism and patriotism," said Erdoğan.

*** Announcing the election manifesto of the Justice and Development Party (AKP), President Erdoğan stated: *"We will proceed, with determination, on the road to become a country with high democratic standards."* Afterwards, Erdoğan spoke about the necessity of the State of Emergency. The manifesto points out to the independence of the Central Bank, goals to decrease inflation and the financial pressure of interests.

*** Before the early elections, Erdoğan spoke to electors in Europe from Bosnia and Herzegovina. Calling all Turks living abroad to unite, Erdoğan called them to get residency in the country they live in to become politically active.

*** Republican People's Party (CHP)'s Presidential candidate Muharrem İnce announced his election manifesto. *"We will re-establish the republic, standing on the five columns rising from republican values and the unconditional sovereignty of the nation,"* said İnce. He further explained the five elements as *"law," "democracy," "economy," "foreign politics" and "education."*

*** People's Democratic Party (HDP) announced their declaration on the resolution of the Kurdish Question. The declaration underlined a democratic Constitution, the revocation of the State of Emergency, education in the mother tongue, release of ill convicts, revocation of guardianship and establishing Truth Commissions.

*** The release claim of arrested Presidential candidate Selahattin Demirtaş was denied. In the unanimous verdict, one judge indicated that Demirtaş must be released due to his period of arrest and the criminal allegation charged against him. The judge emphasized that Demirtaş's arrest will damage his right to free election.

*** Following the latest amendment on ballot box merging and moving, the first application was made by Hakkari Governorate and the Provincial Electoral Council. The application predicts the ballot boxes in 134 villages and neighborhoods to be moved to

38 locations and merged there. This means that one out of three electors in Hakkari, with a total of 150 thousand recorded electors, will have to vote somewhere else.

*** Nationalist Movement Party (MHP) Chairman Devlet Bahçeli visited criminal organization leader Alaattin Çakıcı, who is convicted in Kırıkkale but currently 'receiving medical treatment' at Kırıkkale Postgraduate Hospital.

*** Organization for Security and Co-Operation in Europe (OSCE) board launched a report following their first contacts in Turkey. Invited by Turkey to monitor the Presidential and Parliamentary elections on June 24, OSCE pointed out that the legal regulation was changed significantly and all previous advice were ignored.

*** European Parliament was announced to not be able to monitor the election process in Turkey. The organization will not comment on the process and the election results.

*** The 11th Gathering for Freedom of Expression will be live online on YouTube on May 26-27. You may follow the programme on the [YouTube channel of the Initiative for Freedom of Expression](#). The gathering will start at 14:00 on both days; you may visit our [website](#) for the detailed programme and information.



Investigation against academic over publishing cancer research hidden by ministry

An investigation was filed against Asst. Prof. Dr. Bülent Şık, who was previously dismissed from Akdeniz University with an emergency decree. The investigation is based on

the academic's article series, entitled, "Ingredients causing cancer hidden by Turkish government, here is the poison list." The investigation was started following the complaint of the Ministry of Health. Şık is investigated due to 'announcing confidential information concerning professional duty', 'obtaining banned information' and 'announcing banned information.'

The article series of Şık contained the unannounced data of "*Evaluation of the Effects of Environmental Factors on Health in Kocaeli, antalya, Tekirdağ, Edirne, Kırklareli Provinces*" project. The provinces were selected since death due to cancer between the years 2011 and 2016 was above the world average. Şık wrote on his personal Twitter account to announce the investigation against him. "*The main responsibility of an academic is towards the people, not governments or institutions... There can be no secrets or bans in matters concerning public health,*" wrote Şık.



Indictment against Özgürlükçü Demokrasi completed

An indictment was prepared against the 14 employees of Özgürlükçü Demokrasi Newspaper. Six of the 14 employees are currently arrested; and a trustee has been assigned to the newspaper. Istanbul 23rd Assize

Court accepted the indictment, which charges the defendants, including the newspaper's owner İhsan Yaşar and Editor-In-Chief İshak Yasul, with 'illegal organization membership', 'making illegal organization propaganda' and 'distributing illegal organization publications.'

25 pages of the 67-page indictment consists of the news published on the newspaper after January 20, with further allegation that a "routine and systematic terrorist organization propaganda was made with the aim to create a negative perception with news against the government" regarding the Afrin operation. The newspaper was asserted to have been the continuation of Özgür Gündem Newspaper, which was shut down with an emergency decree. Hence being the newspaper's editor, managing editor, owner, distributor or undertaking any administrative or financial responsibility for the newspaper was considered a crime.



Investigation against Gün Printing employees completed

The indictment against the 21 arrested Gün Printing employees was completed. A police operation was conducted on Özgürlükçü Demokrasi Newspaper and the printing house of the newspaper, Gün Printing, on

March 29. Istanbul 7th Criminal Judicature of Peace assigned a trustee to both organizations.

The indictment was prepared against the printing house employees and was accepted by Istanbul 26th Assize Court. It charges eight people with 'willfully aiding and abetting an illegal organization' and 13 people with 'illegal organization membership,' 'making illegal organization propaganda' and 'distributing illegal organization publications.' The reason for the trustee assignment at the printing house was claimed to be 110 verdicts issued against the publications connected to the printing house, which predicted them to be pulled off the shelves; as well as the lawsuits against the writers, chief editors and copyright owners of the publications being printed at the company. The printing house was asserted to "have been established for the propaganda and agitation work in line with the purpose and goals of the illegal organization." The indictment further mentions the headline on Özgürlükçü Demokrasi newspaper, referring to the Afrin operation, as the reason for the 'crime' since the issues of the newspaper were printed by Gün

Printing. The grammar book, “*Zimanê Kurdi*”, published by the company, was also claimed to be a “fake Kurdish grammar book.” The indictment asserts that the book was published so that young generations grow up with terrorist ideologies.

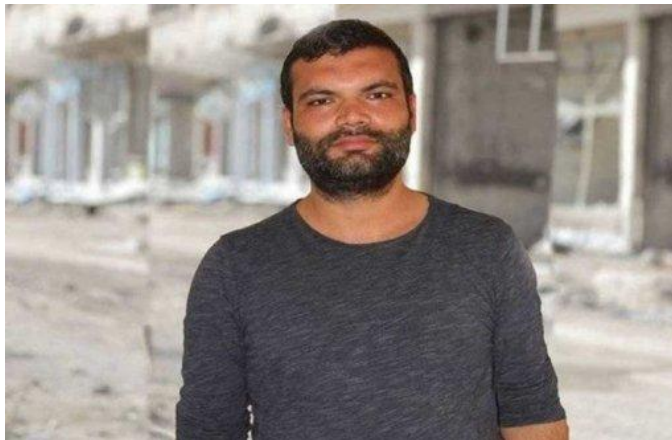


4-year 6-month imprisonment sentence against Afrin post

Gaziantep 7th Assize Court sentenced Recep Özdemir to 4 years and six months of imprisonment due to ‘illegal organization propaganda.’ Özdemir was on pre-trial detention for three months

after reacting against the Afrin operation on the social media.

Taken into custody on 12 February 2018 with the allegation of making illegal organization propaganda on the social media, Recep Özdemir was later arrested on February 19. His social media posts considered criminal were the song “*Şifa İstemem [I do not want healing]*” by Delila and the photograph shared with the inscription, “*200 residences in Cinderes were bombed yesterday. Civilians are dying.*” The court sentenced the verdict considering the higher limit, due to the posts made during the operations.



Arrested journalist Erdoğan Alayumat released

Dicle News Agency (dihaber) reporter Erdoğan Alayumat was released in the third hearing of the case he was on trial at Hatay 2nd Assize Court. Alayumat had been taken into custody on 14 July 2017 in İslahiye district of Gaziantep, then

been arrested in Hatay after 13 days due to ‘espionage.’ Dicle News Agency had previously been shut down with an emergency decree as well.

Alayumat was on pre-trial detention for 10 months with a claim of imprisonment for 45 years with the allegations, ‘obtaining confidential information concerning the government with the purpose of political or military espionage’ and ‘illegal organization membership.’ Journalist Nuri Akman is on trial in the same case. The next hearing was scheduled to 19 October 2018.



Arrested journalist İdris Sayılğan not released on third hearing

Arrested Dicle News Agency (DIHA) reporter İdris Sayılğan was not released in the third hearing of the case he is on trial at Muş 2nd Assize Court. Dicle News Agency has previously been shut down with an emergency decree.

On pre-trial detention for about 19 months, the journalist could not connect to the hearing due to a technical problem in the Audiovisual Information System (SEGBIS). Sayılğan's lawyers stated that their client couldn't even attend the hearing via SEGBIS and that he can not defend himself. Deciding to continue his detention period, the court scheduled the next hearing to 5 October 2018. The indictment of the case claims an imprisonment sentence against Sayılğan due to 'illegal organization membership' based on the phone calls he made with news sources, news, social media posts and phone calls with TV channels.



11 released in lawsuit on Afrin protest in Kadıköy

The proceeding of 13 defendants, 11 of them on pre-trial detention, started at Istanbul 23rd Assize Court. The defendants were charged due to gathering and holding an illegal meeting and demonstration in Kadıköy on January 21 to protest the Olive Branch Operation of the

Turkish Armed Forces against Afrin.

The court decided for the defendants on detention to be released, scheduling the next hearing for the deficiencies in the file to be compensated. The indictment of the case claims imprisonment sentences against the defendants due to 'participating an illegal meeting and demonstration unarmed,' 'failing to oblige with dispersion warning' and 'making terrorist organization propaganda.'



Imprisonment sentence against HDP member Baluken approved

Gaziantep Regional Court approved the 16-year and 8-month imprisonment sentence against People's Democratic Party (HDP) Diyarbakır MP İdris Baluken.

Diyarbakır 8th Assize Court sentenced Baluken to 7 years and six months of imprisonment due to 'armed terrorist organization membership', to 4 years and seven months of imprisonment four times due to 'making terrorist organization propaganda' as well as to 4 years and 7 months of imprisonment sentence four times due to 'violating the Law on Meetings and Demonstrations.' With the approval of the Court of Appeals, the 9-year and two months of imprisonment sentence against the MP issued due to 'making illegal organization propaganda' and 'violating the Law on Meetings and Demonstrations' was finalized. Following the finalization of his sentence, Baluken won't be able to be a candidate in the June 24 elections. He was the first-rank candidate of HDP from Batman.



Lawsuit against CHP MP Eren Erdem

The indictment prepared against Republican People's Party (CHP) MP Eren Erdem with the allegation that he aids the Fethullah Terrorist Organization (FETÖ) was accepted by Istanbul 35th Assize Court. The first hearing will be held on September 19; the court issued a travel ban against Erdem within the judicial control provisions.

However, Erdem planned a trip to Germany beforehand, and he was rejected from the airport and his passport was seized. The indictment claims 22 years of imprisonment in total against Erdem due to "attempting to create a public perception by using press and media, hence leading the government into a position where it can no longer function."



"Down payment offer" from Prosecutor's Office to architect protesting for her work

The Prosecutor's Office offered a "down payment" to architect Alev Şahin for the second time after her protest to ask for her job back. Şahin has been dismissed from her duty in Düzce with an emergency decree.

The notice from the Prosecutor's Office states that there is enough evidence against her to file a lawsuit; whereas a lawsuit will not be filed in case she pays 1125 TL determined as the worth of the lawsuit.

A similar notice was sent to Şahin previously, basing the charges against her on Article 25 Clause B-1 of the Law of State of Emergency No. 2935. This article predicts that those who does not obey the decisions of the governors are to be penalized with imprisonment from one month to six months. Şahin indicated that she doesn't accept the

offer and will not pay the sum; therefore a lawsuit might now be filed against her due to violating the Law of State of Emergency.



Investigation against politicians in Diyarbakır

Diyarbakır Chief Public Prosecutor's Office started an investigation against about 30 Kurdish politicians due to "performing activity on behalf of PKK." The reason for the investigation was the organization of a workshop on the independence

referendum in Iraq, to attend to and speak at the workshop, as well as other statements and social media posts on Afrin. Chairs and central executives of Kurdistan Freedom Party (PAK), Kurdistan Socialist Party (PSK) and Kurdistan Democratic Party (PDK); as well as Azadi Movement's spokesperson are among those with investigations against them.



Government bans another strike

Petrol-Labour Union decided for a strike following the lack of consensus in the mass contract negotiations at Soda Industry Inc. in Mersin. The strike in the factory with 530 employees was banned with a

Council of Ministers Decision. Thus, the number of banned strikes since 2002 (the year Justice and Development Party (AKP) came into power) reached 15. Seven of such strikes were banned during the State of Emergency period. In a speech he gave last year, President Erdoğan said, "We use the State of Emergency to intervene areas where there is a threat of strike."



Police officer threatens journalist

Journalist İrem Afşin announced that she was harassed by police officers at a subway exit in Istanbul after being asked for her identity card. Saying, "Your outfit is inappropriate," the police officers threatened Afşin by saying, "Be careful, so that they don't

cut you in some corner." Announcing the incident on her Twitter account, the journalist wrote, "Does the State of Emergency exist so that police officers can publicly threaten citizens whose outfits they don't like?"



Constitutional Court: “Peaceful demonstration can not be fined”

The Constitutional Court decided that the administrative fine sentenced against five people due to stopping the traffic by participating in the protest demonstration organized in May 2014 in Eskişehir

for the anniversary of the execution of Deniz Dezmış and his friends was a violation and that such actions must not be penalized since they are “peaceful, within the tolerable limit.”

The Constitutional Court decision underlined alternative roads; indicating that a road blockage to the extent that some other person’s rights and freedoms are restricted is not possible. The high court issued that the penalty violated the protesters’ rights to holding peaceful meetings and demonstrations. *“The sole existence of an activity that contradicts the ban is not a sufficient basis to intervene basic rights and freedoms,”* stated the court.

THIS WEEK ON THE MUSEUM OF CRIMES OF THOUGHT



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Freedom of Expression

The third hearing of the case in which journalist Ahmet Şık is on trial due to his Twitter posts in accordance with Article 301 of the Turkish Penal Code was held at Istanbul 17th Criminal Court of First Instance. *“There is criticism against unlawfulness here. The government can not decide how we will criticize unlawfulness,”* said Şık, in his defense.

Former Minister of Justice and Association to

Support Contemporary Life Chairwoman Aysel Çelikel, Hrant Dink Foundation Chairwoman Rakel Dink, former Boğaziçi University rectors Üstün ergüder and Ayşe Soysal, former Istanbul Bar Association Chairmen Turgut Kazan and Yücel Sayman, as well as former diplomat Murat Özçelik called for the release of Anadolu Culture Executive Board Chairman, human rights activist and businessman Osman Kavala, who is arrested since 1 November 2017. "We are witnesses of Kavala's respectable, humble and democratic personality and life," said the signatories. They pointed out that Kavala is being kept in prison for six months and that it is obligatory to have very strong evidence to deprive one of freedom this long. *"Either a serious indictment must be prepared, or Osman Kavala must be released,"* said the campaigners.



Human Rights Monument arrested for a year

Human Rights Monument in Ankara, which is under police blockade for a year, has become a symbol for the State of Emergency, reflecting the state of human rights in the country. The monument stands in one of the most crowded streets in the capital city; being a meeting point for the protests and demonstrations of different groups and organizations over the years. However, everything changed with the State of Emergency. The monument has now become a symbol for the State of Emergency...

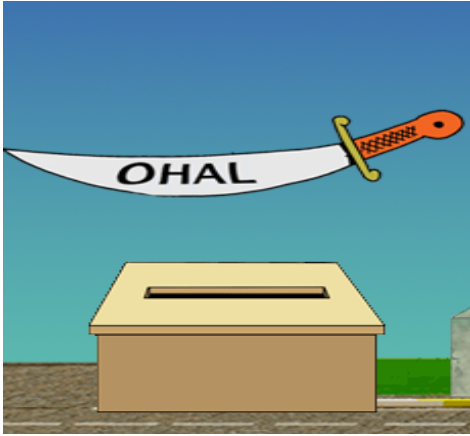
Five days after the coup attempt on 15 July 2016, Turkey entered an unprecedented period with the declared State of Emergency. The State of Emergency was extended for the seventh time in April. According to the reports based on the data announced by the Ministry of the Interior, 160 thousand people were taken into custody, 228,137 people were arrested and 116 thousand people were dismissed from public duty within the 20-month period of State of Emergency.

In the meantime, the monument itself was taken into custody on 23 May 2017. Two educators, Nuriye Gülmen and Semih Özakça, were taken into custody with a house raid after performing a hunger strike, asking for their jobs back. One day later, the educators were arrested and the Human Rights Monument was surrounded with barricades. The Human Rights Monument today is becoming a centerpiece for one of the longest protests, with its 561st day today. Both the protests in front of the monument and the heavy police intervention against protesters continue.



Erdoğan

Announcing the election manifesto of the Justice and Development Party (AKP), President Erdoğan stated, *"We will proceed, with determination, on the road to become a country with high democratic standards."* However, the manifesto stated, *"The State of Emergency will continue until national security and peace is fully provided."*



June 24 Elections

The release claim of People's Democratic Party (HDP)'s arrested Presidential candidate Selahattin Demirtaş was denied. One judge voted against the unanimous verdict, indicating that Demirtaş's arrest will damage his right to free election. The objection made at the court was denied as well. Demirtaş will apply to the Constitutional Court.

During his electoral rally in Erzincan, Republican People's Party (CHP)'s Presidential candidate Muharrem İnce criticized that Turkish Radio and Television Corporation (TRT) did not include him in the broadcast. Public channel TRT, which does not incorporate opposition parties in the broadcast as the party in power, connected to the rally just at that time.

Good Party Chairwoman and Presidential candidate Meral Akşener said, *"Our rally was broadcasted for 10 seconds in a channel whose name I won't mention. Those who broadcasted the rally were fired."*



TRIALS OF FREEDOM OF EXPRESSION

- The lawsuit against Özgürlükçü Demokrasi employees Özkan Erdoğan and Serkan Erdoğan at Mersin 8th Assize Court due to 'illegal organization membership' and 'making illegal organization propaganda' was concluded with acquittal.
- The proceedings of the Academics for Peace continued with hearings at Istanbul 23rd, 27th and 29th Assize Courts. 16 academics stood trial this week, with all hearings scheduled to a later date.
- The third hearing of the case against journalist Ahmet Şık was held at Istanbul 17th Criminal Court of First Instance. Charged due to his Twitter posts in accordance with Article 301 of the Turkish Penal Code, Şık attended the hearing after his release from Silivri Prison and defended himself. Şık stayed in Silivri Prison for pre-trial detention for one year and two months. The next hearing was scheduled to 18 September 2018, starting at 14:00.
- The lawsuit against Nazlı Ilıcak due to "espionage" continued at Istanbul 26th Assize Court. Ilıcak is charged due to her column, entitled, "Military Intelligence and Tahsiye supporters," published in 2015. The court accepted the request of the Ministry of National Defense to participate in the case; scheduling the next hearing.

Trials Next Week

- The lawsuit filed against documentary 'Bakur' of journalist Ertğrul Mavioğlu and documentary director Çayan Demirel will continue at Batman 2nd Assize Court on May 29. The defendants are charged with 'making illegal organization propaganda' due to the documentary being related to and shot after he withdrawal call made by Öcalan to the PKK in 2013.

- The proceeding of Evrensel Newspaper writer Yusuf Karataş will continue at Diyarbakır 9th Assize Court on May 30 within the Democratic Society Congress (DTK) investigation.
- The proceeding of journalist and photoreporter Çağdaş Erdoğan will continue at Istanbul 33rd Assize Court on June 1, starting at 09:00 with charges of ‘illegal organization membership’ and ‘making illegal organization propaganda.’