



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 22/18, 1 June 2018)

What happened last week?

*** The early elections will be held in less than a month; parties have already announced their election manifestos. Opposition parties promised “*a strengthened Parliament and a new Constitution;*” Justice and Development Party (AKP) and Nationalist Movement Party (MHP), on the other hand, defended the “*Presidential government system.*”

*** Supreme Electoral Council (YSK) decided for ballot boxes in 19 provinces to be moved due to “*security reasons.*” YSK Chairman stated, “There are 144 thousand electors assigned to the moved ballot boxes.”

*** The application made at the Constitutional Court for the annulment of the Electoral Law was denied. Republican People’s Party (CHP) had demanded the annulment of provisions such as moving ballot boxes which violate election safety, the process of determining ballot board presidents and the acceptance of unsealed ballot envelopes.

*** Following the denial of the release claim for People’s Democratic Party (HDP)’s Presidential candidate Selahattin Demirtaş, an application was made at the Constitutional Court. The demand for Demirtaş to participate in a TV show for Presidential candidates was denied by the Supreme Electoral Council (YSK) as well as the Ministry of Justice. The channel sent the questions to Demirtaş in written text and Demirtaş replied back in written text.

*** Republican People’s Party (CHP)’s Presidential candidate Muharrem İnce asserted that Erdoğan met Fethullah Gülen in the United States right before the establishment of the Justice and Development Party (AKP). Erdoğan then filed a lawsuit of compensation against the allegation. Journalist Nasuhi Güngör, who previously wrote on the negotiation between Erdoğan and Gülen in his book published in 2001, denied his own book following the allegation of İnce.

*** The increase in the U.S. Dollar was slowed down after the steps taken by the Central Bank; President Erdoğan claimed the responsible for the increase as the “*interest lobby.*” Calling for people to change their foreign currencies into Turkish Liras, Erdoğan said, “Some people talk about the currency exchange rates and so on. Leave those aside. You can not strike us with exchange rates. You can not strike us with such manipulations.”

*** Deputy Prime Minister Mehmet Şimşek and Central Bank Chairman Murat Çetinkaya met investors in London. Reuters reported that the two names softened Erdoğan’s harsh statements; giving signals for a new increase in interests.

*** International credit ratings institution Moody’s decreased Turkey’s growth expectation for 2018 from 4 percent to 2.5 percent due to the high inflation, increasing oil prices and the value loss in Turkish Liras.

*** Gezi Park was taken under blockade once again on the fifth anniversary of the protests; the park was surrounded by police barricades. The march organized towards the park was not permitted.

*** State of Emergency Commission decided for six associations, which were previously shut down with emergency decrees, to be reopened due to lack of evidence. Thus, the first decision on shutdown associations was issued. The commission concluded 17 thousand applications so far and issued only 660 reassignments of service. 91,905 applications are still in the evaluation phase.

*** The university student, who was charged due to entering the hearing room wearing a t-shirt with the writing, “Hero” on it, was acquitted. The writing was claimed to have connections with the Fethullah Terrorist Organization (FETÖ); such outfits and t-shirt were the reason for the uniform application.

*** European Union cuts financial aids provided for Turkey before joining the EU, with reasons of “decline” in democracy, state of law and human rights in Turkey. European Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn announced a 40 percent cut in the aid predicted for 2018.

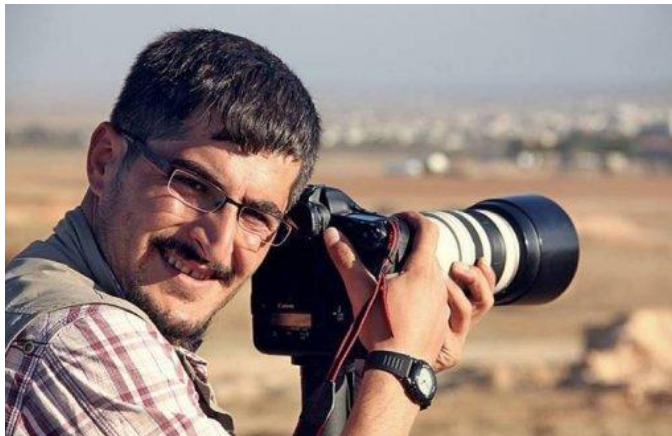
*** Foreign Minister Çavuşoğlu stated that the roadmap which is on “pre-consensus” between Turkey and the U.S. on Manbij might be put into action by the end of summer. The U.S., on the other hand, announced that there is no such consensus.



Proceeding of arrested Boğaziçi University students to start on June 6

Istanbul 32nd Assize Court accepted the indictment prepared against 21 students, 13 of them on pre-trial detention, who were targeted by President Erdoğan after saying, “There is no delight in massacre” as a reply to those distributing “Afrin delights” at Boğaziçi University.

The indictment claims imprisonment sentences against the students up to five years each due to ‘making illegal organization propaganda’ by holding a banner and chanting slogans. The Prosecutor asserted that the defendant students have “attempted to legitimize methods adopted by terrorist organizations” and “aimed at disrupting the environment of peace.” The first hearing of the case will be held on 6 June 2018.



Journalist convicted after sharing his own news on social media

Mezopotamya Agency reporter Hayri Demir was sentenced to 1 year, 6 months and 22 days of imprisonment due to his social media posts. Diyarbakır 5th Assize Court convicted the journalist of ‘making

illegal organization propaganda' due to four different social media posts including one newspaper advertisement to commemorate journalists killed in the 1990s as well as newspaper sections on the news he reported. The court deferred the announcement of the verdict.



Artist Erdal Güney convicted of 'insulting Erdoğan'

Turkish folk music artist and researcher Erdal Güney was sentenced to 11 months and 20 days of imprisonment due to insulting President Recep Tayyip Erdoğan

with his song, which involves the words, "my dear father." The court deferred the announcement of the verdict. The verdict will be abated in case Güney does not repeat the same offense within the five-year probation period. In another lawsuit against Güney due to the committing the same offense publicly, this time against Bilal Erdoğan, the artist was sentenced to 1960 TL judicial fine.



5-month imprisonment sentence against Sebahat Tuncel

Democratic Regions Party (DBP) Co-Chair Sebahat Tuncel was sentenced to five months of imprisonment due to a demonstration march she participated in 2012.

Büyükçekmece 11th Criminal Court of First Instance convicted Tuncel due to 'violating the Law on Meetings and Demonstrations No. 2911' for participating in the march organized in 2012 to support the hunger strikes in prisons; not deferring the announcement of Tuncel's sentence. Tuncel has been taken into custody in 2016 while protesting People's Democratic Party (HDP) Co-Chairs and MPs having been taken into custody in front of Diyarbakır Courthouse and was later arrested due to 'armed terrorist organization membership' and 'making terrorist organization propaganda.' Tuncel is still arrested at Kandıra Type-F Closed Prison.



Stage actor convicted due to social media posts

Yolcu Theater actor Cenk Dost Verdi was sentenced to 2 years and six months of imprisonment due to his social media posts. Verdi announced the penalty on the social media and evaluated the situation as an

"abdication of reason." Stating that he is charged with 'making illegal organization

propaganda' due to his posts which carry the quality of news, the actor wrote, "The penalty I received is unlawful due to the restriction of my right to criticism without a legal basis... I will continue to speak the truth everywhere, on every stage and I will always stand behind what I've said so far."



6-year 3-month imprisonment sentence against journalist Çağdaş Kaplan

Yeni Yaşam Newspaper's Editor-In-Chief Çağdaş Kaplan was sentenced to 6 years and three months of imprisonment in the case filed against him with the allegation of 'illegal organization membership'

following an investigation started in Sakarya in 2010. Sakarya 2nd Assize Court issued a travel ban against the journalist during his appeal. 18 other defendants on trial together with Kaplan were also sentenced to 6 years and three months of imprisonment each due to 'illegal organization membership.'

Kaplan had covered the news on the operations against Kurdish students studying at Sakarya University in 2010, while studying at that university and reporting for Dicle News Agency (DIHA). Kaplan had then been taken into custody and a lawsuit was filed against Kaplan and the students, who were taken into custody together with Kaplan, due to 'illegal organization membership.' DIHA was also shut down with an emergency decree.



Lawsuit against journalists covering EMEP press statement

A lawsuit was filed against journalists who covered the news on the press statement of Labour Party (EMEP) organized in Didim, Aydın, on the Afrin Operation. The indictment prepared against Didim

Özgürses Newspaper Owner Mustafa Öge, Mavi Didim Newspaper Owner Ergün Korkmaz, newspaper employee Erdem Özden and EMEP District Chairman Kazım Temiz was accepted by Didim Criminal Court of First Instance. The first hearing of the case will be held on June 22; the defendants are charged with 'provoking the people.'



Arrested rapper Ezhel writes: “Damn censorship”

Musician Ezhel has been arrested with the allegation that his songs encourage and ease drug use. In the letter he sent from prison, Ezhel wrote, “Damn censorship, long live fully independent rap!”

Musician Sercan İpekoğlu, known in the music scene as ‘Ezhel’, has been taken into custody at Istanbul Security Directorate on May 24 after going there to testify within an investigation opened against him. İpekoğlu has later been arrested by the court he was taken to.



Media blackout on news related to PTT tender

Republican People’s Party (CHP) Izmir MP Atila Sertel mentioned the camera tender purchase of the Post and Telegraph Corporation (PTT) in the Parliament; which was immediately followed by a court decree banning access on all news related to the tender.

The news stated that the camera tender could be purchased with 35 million TLs, whereas PTT has purchased it with 100 million TLs. Following the request of the Post and Telegraph Corporation, Ankara 1st Criminal Judicature of Peace brought a media blackout on all news related to the tender. Sertel made a statement on the matter and indicated that corruption can not be covered with media blackouts. *“The entire speech I gave at the Parliament can be found on the GNAT website in the KIT High Commission summaries section,”* Sertel said.



420 social media investigations in one week

Ministry of the Interior announced investigations started against 420 people due to their social media posts in the past week (May 21-28). According to the Ministry

announcement, the investigations were opened after examinations on 754 social media accounts. Social media users are charged with ‘making illegal organization propaganda,’ ‘insulting government authorities,’ ‘incitement towards resentment, hatred and hostility’ and ‘intending against the indivisible integrity of state.’



Governorate bans movie screening of Ankara Bar Association

Ankara Governorate banned the LGBTI Short Movie selections to be screened by Ankara Bar Association's Human Rights Center.

The governorate claimed that the screening will “publicly incite one part of the society, with different qualities in terms of social class, race, religion, sect or region; to resentment and hostility towards the other part” and that it will “incite provocation.” The ban's reason was shown as “the possibility of reactions by some groups due to social sensitivities.” The lawyers reacted against the ban; watching the short movies on their cell phones in front of the Bar Association building.



Beşiktaş District Governorate bans press statement

The press statement to be organized at Abbasaga Park in Beşiktaş district of Istanbul within the “Shut It Down” campaign started to protest the one-sided media was banned by the district governorate.



Prosecutor admits word “genocide” is within freedom of expression

A verdict of non-prosecution was issued in the investigation opened against the 24 April 1915 Armenian Genocide commemoration event, which is organized annually by the Human Rights Association (IHD) since 2005. Referring to the European Convention on Human Rights and the precedents of the European Court of Human Rights, the Prosecutor's Office accepted the “...different interpretations of matters concerning historians...” within freedom of expression, “... despite their unacceptable and discomfoting quality.”

Police units told the IHD that they are allowed to make a statement without using the words, ‘Genocide’ and ‘Massacre’ before the commemoration; whereas the participants refused to make a statement without using the notion of genocide. Two rights advocates were taken into custody due to the banners; the statement was prevented with a later investigation due to ‘incitement towards resentment and hostility.’



23-year fight of 'Saturday Mothers'

The protest started by the 'Saturday Mothers' on 27 May 1995 to say, "We want our losses!" has left 23 years behind. The Saturday Mothers were inspired by the protest of the mothers in Plaza de Mayo in Argentina for those who died during the junta period. The protest is

currently the longest civil disobedience action in Turkey's history.

Relatives of those who passed away gathered once again, as every week, at Galatasaray Square; repeating their demands once again after so many years. They demanded an end for impunity with deeply rooted legal, administrative and judicial changes; the perpetrators of their lost relatives to be put on trial; the right to truth and justice to be legally protected and Turkey to sign the United Nations International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

The protests have left 23 years behind after its start with the son of Emine Ocak, Hasan Ocak found tortured and dead in a mass grave 55 days after being taken into custody on 21 March 1995. The first sit-in protest was made on 27 May 1995 with the demand to "end enforced disappearances, to announce the state of disappeared individuals, to find perpetrators and put them on trial." The relatives continued their protests every week without a break until 1999; continuously being attacked by the police with sticks and tear gas and being taken into custody each time. The Saturday Mothers have then announced "a break" for their protests on 13 March 1999; after a 10-year break, the Saturday Sit-Ins started once again on 31 January 2009 and is ongoing ever since.



11th Gathering for Freedom of Expression

The 11th 'Istanbul Gathering for Freedom of Expression' has been held for the first time on a completely online environment since its start in 1997.

In the sessions broadcasted on YouTube for two days, experiences on freedom of expression within the past two years were shared by witnesses from both Turkey and abroad. Turkish and international participants searched an answer to the question, "Where are we headed?" with their video messages.

In the 11th Gathering, United Nations Special Rapporteur on Freedom of Expression David Kaye, Council of Europe Secretary General Thorbjørn Jagland, Organization for Security and Co-Operation in Europe (OSCE) Media Freedom Representative Harlem Desir, Knut Fleckenstein from European Parliament Socialists and Democrats Group, Prof. Noam Chomsky and other representatives from HRW, IFEX, FIDH, Freedom House,

INDEX on Censorship, Article 19, PEN, IPA, IPI, EFJ, CPJ, Fritt-Ord Foundation, RSF and others working on freedom of expression have shared their opinions. The sessions were broadcasted live on Artı TV and IFEX as well.

You may find the first day's sessions on <https://goo.gl/wjeSo1> ,

The second day's sessions on <https://goo.gl/ddEtQ1>.

You may find all detailed information on the 11th Gathering on www.dusun-think.net/istanbul-bulusmasi.



TRIALS OF FREEDOM OF EXPRESSION

- The proceeding of journalist Ertuğrul Mavioğlu and documentary maker Çayan Demirel continued on May 29 at Batman 2nd Assize Court with the allegation of 'making illegal organization propaganda.' The defendants are charged due to the documentary 'Bakur', shot after Öcalan's withdrawal call for the PKK in 2013. Mavioğlu and Demirel denied the charges imposed on them; the next hearing was scheduled to October 23, 14:00.
- The proceeding of Evrensel writer Yusuf Karataş continued on May 30 at Diyarbakır 9th Assize Court within the Democratic Society Congress (DTK) investigation. The next hearing was scheduled to November 21.
- The proceeding of journalist and photoreporter Çağdaş Erdoğan continued on June 1 at Istanbul 33rd High Criminal Court with charges of 'illegal organization membership' and 'making illegal organization propaganda.' Istanbul 33rd Assize Court unanimously revoked the travel ban against Erdoğan. The next hearing was scheduled to November 2.

Hearings Next Week

- The Özgür Gündem case will continue on June 4 at Istanbul 23rd Assize Court with defendants Filiz Koçali, Asli Erdoğan, Necmiye Alpay, Ragip Zarakolu, Zana (Bilir) Kaya, İnan Kizilkaya, Eren Keskin, Kemal Sancılı and Bilge Aykut.
- The next hearing of the lawsuit filed against journalists Selman Keleş and Arif Aslan with the allegation of 'illegal organization membership' will be held on June 5 at Van 5th Assize Court.
- A lawsuit was filed against Cumhuriyet Newspaper reporter Canan Coskun with the allegation of 'targeting' by using the name of the investigation prosecutor in the news, entitled, "14 lawyers of Nuriye and Semih arrested.' The proceeding starts on June 6 at Istanbul 26th Assize Court.
- A group of students have distributed delights at Boğaziçi University after the Turkish Armed Forces (TSK) operation in central Afrin within the 'Olive Branch Operation.' Another group of students held a banner with the writing, "There is no delight in occupation, in massacre." 21 students were taken into custody afterwards and 13 were arrested. The first hearing of the case against the students will be held on June 6 at Istanbul 32nd Assize Court, starting at 09:30.
- Proceedings of the Academics for Peace continue. The hearings will start on June 7 at the 35th Assize Court, starting at 09:30.

- The next hearing of the lawsuit against former Zaman writers, filed within the investigations started against the Gülen Community following the July 15 coup attempt, will be held on June 7-8 at Istanbul 13th Assize Court.
- The next hearing of the lawsuit against Dicle News Agency (DIHA) Executive Board Chairman Zekeriya Güzüpek and Managing Editor Dicle Müftüoğlu with imprisonment claims for up to 15 years each will be held on June 8 at Istanbul 13th Assize Court. The defendants are charged due to the news published by the agency, which was recently shut down with an emergency decree.
- The lawsuit filed 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' through the speech they gave during the Newroz celebrations in Zeytinburnu, Istanbul on 17 March 2013, will continue on June 8 at Istanbul 26th Assize Court.