



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 23/18, 8 June 2018)

What happened last week?

*** Only weeks before the elections, the government made statements implying a future operation on Qandil camp of the PKK. “*Now it’s time for Qandil, for Sinjar,*” Erdoğan said. It was later announced that the Turkish Armed Forces (TSK) had organized an airstrike on Northern Iraq.

*** Leaders of Good Party and Republican People’s Party (CHP) gathered to discuss the post-election return of the Parliamentary system and decided for a committee to be established to prepare the roadmap.

*** The Constitutional Court defended that the validity of unsealed envelopes is not against the Constitution and that the moving of ballot boxes were solely due to security reasons. Supreme Electoral Council (YSK) had announced, with an abrupt decision as the election was ongoing, that votes in unsealed envelopes will be counted valid as well in the referendum elections; leading to great debate and reactions.

*** Arrested Presidential candidate Selahattin Demirtaş made a live call for the people of Turkey; his speech was broadcasted on social media. Demirtaş can only conduct his election campaign on the social media. The ‘kettle’ he kept mentioning in an ironic sense has become a political symbol for his campaign.

*** According to the report by the Human Rights Association (IHD) and Independent Election Monitoring Platform, electoral campaigns of political parties and candidates were exposed to a total of 48 bans and attacks so far. People’s Democratic Party (HDP) announced 22 attacks organized against their electoral campaigns so far with 136 party members taken into custody and 14 arrested.

*** Foreign Ministers of Turkey and the U.S. had a meeting in Washington. The two countries announced a consensus on the roadmap predicting YPG’s withdrawal from Manbij. YPG announced the withdrawal of their military advisors at the province.

*** Reporting lawsuits and investigations against lawyers, Human Rights Association (IHD) expressed that the lawyers involved in 78 separate case files are “*under judicial pressure.*” Announcing the violation report against the rights advocates as well, the Human Rights Association announced 225 separate lawsuits and investigations filed against IHD members and executives during the State of Emergency. For further information; <http://www.ihd.org.tr/>

*** In the Global Peace Index launched annually by Australia-based Institute for Economics and Peace (IEP), Turkey regressed three steps in comparison to the previous year and was ranked 149th among 163 countries. For further information; <http://economicsandpeace.org/>



petition, entitled, *"We will not partake in this crime."*

Istanbul 32nd Assize Court sentenced the two academics to one year and three months of imprisonment each. Deferring the announcement of the verdict against Çilengir, the court issued the immediate execution of the sentence against Ersanlı due to her *"lack of remorse"* and *"potential to commit future offense."*

254 academics have stood trial so far in the period of trialing that started in December, with 15 cases concluded. 15 scientists were sentenced to one year and three months of imprisonment each; the sentences against Ersanlı and Prof. Dr. Zübeyde Füsün Üstel from Galatasaray University were not deferred.



organization propaganda.' The court issued the release of arrested defendants with a ban on travelling abroad, due to *"the period under arrest"* and *"ongoing active education as students."*

A group of students had celebrated the Turkish Armed Forces (TSK) operation in Afrin on Northern Syria by distributing Turkish delights at Boğaziçi University; another group of students reacted against the celebration by opening a banner with the writing, *"There is no delight in occupation, in massacre."* Tensions had followed the incident with President Erdoğan using the expression *"terrorist"* to describe the protesting students and stating what's necessary will be done. The police had then taken the students into custody by raiding their homes and student residences.

Two more *"Peace Academics"* convicted of 'propaganda'

The lawsuits filed against retired Prof. Dr. Büşra Ersanlı from Marmara University and research member Sezen Çilengir from Istanbul University concluded with conviction of 'terrorist organization propaganda' due to signing the

Arrested Boğaziçi University students released

Students arrested due to protesting the Afrin operation at Boğaziçi University were released in the first hearing of the case against them. The proceeding of 22 students, with 14 arrested, started at Istanbul 32nd Assize Court due to 'making terrorist



Two arrested due to drawing 'kettle' and writing 'HDP' on wall

Istanbul 3rd Criminal Judicature of Peace arrested two young people due to 'making illegal organization propaganda' by drawing a 'kettle' and writing "Hope" and "HDP" on a wall in Gazi neighborhood, Istanbul.

The drawing refers to the situation of People's Democratic Party (HDP)'s Presidential candidate Selahattin Demirtaş, who is under arrest since 4 November 2016. His prison cell was searched a few months ago due to the social media posts made by Demirtaş's lawyers and party executives from his account. Following the search, the social media account of Demirtaş wrote: *"Of course they couldn't find a tweet in the cell. There was only a kettle for tea, so it was decided that one can't tweet from a kettle."*



10-year imprisonment claim against arrested rapper Ezhel

The indictment against famous rapper Serkan İpekçioğlu, known publicly as "Ezhel," was completed after his arrest on May 23 due to "encouraging drug use." The Prosecutor's Office claimed that

Ezhel 'posted content on the social media that would publicly encourage narcotics and/or stimulants.' The artist faces an imprisonment claim for up to 10 years; a photo of him taken with an Indian cannabis plant included in the file as crime evidence. The indictment was accepted by Istanbul Anatolian 44th Criminal Court of First Instance.



Cartoonist Nuri Kurtcebe arrested due to 'insulting Erdoğan'

Cartoon artist Nuri Kurtcebe was arrested due to insulting Erdoğan with a cartoon he drew in 2015. Following the appeal court approval of the imprisonment sentence against him for 1 year, 2 months and

15 days, Kurtcebe was sent to Yalova Prison and was released on probation two days later. 69-year-old Kurtcebe has previously drawn cartoons for humour magazines like Gırgır and Limon as well as newspapers like Hürriyet and Cumhuriyet. He was lately publishing daily comics under the title, "Reverse Corner" on Aydınlık Newspaper.



Lawsuit against Cumhuriyet reporter Canan Coşkun

A lawsuit was filed against Cumhuriyet Newspaper reporter Canan Coşkun following her coverage of lawyers testifying at the Prosecutor's Office on 20 September 2017 after being taken into custody

within an investigation against DHKP-C, with the title, *"14 lawyers of Nuriye and Semih arrested."*

The indictment of the case at Istanbul 26th Assize Court charges the journalist with *"reporting news in a way that would endanger the purpose of investigation"* and *"revealing witnesses and targeting them for terrorist organizations."* Defending herself in the first hearing of the case, Coşkun will stand trial in the second hearing on 10 July 2018.



Investigation against FOX TV news

Bakırköy Chief Public Prosecutor's Office started an investigation against the FOX TV news on Mersin Public Hospital due to 'denigrating government institutions,' 'insult' and 'slander.'

FOX TV news anchor Fatih Portakal and managing director İbrahim Onur Kumbaracıbaşı are suspects in the investigation started following the complaint of the Ministry of Health. Bakırköy 1st Criminal Judicature of Peace issued a disclaimer text to be broadcasted on FOX TV screens related to the news.

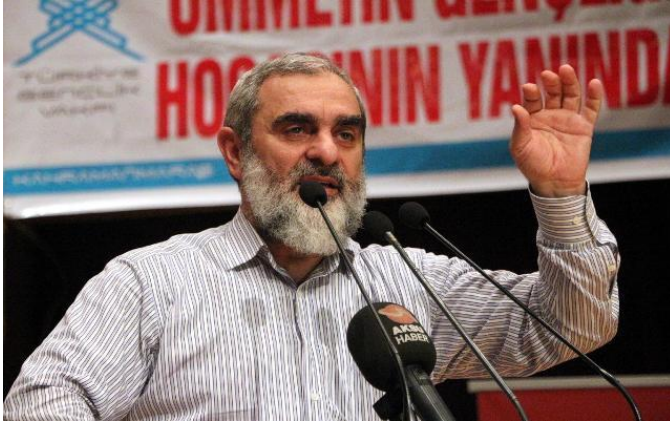
The news reported that the public hospital in Mersin is located outside the city and the patients have to change three transportation vehicles to reach the hospital. Anchoring the news, Portakal claimed that public hospitals in cities are too large that patients have difficulty finding their way inside the hospitals; indicating a patient he invited on the broadcast had to walk a long way with crutches just to get an MRI scan.



Investigation against Conscientious Objection Association Co-Chair

Diyarbakır Chief Public Prosecutor's Office started an investigation against Conscientious Objection Association Co-Chair Merve Arkun due to the press statement made by

the association in Diyarbakır for 15 May 2016, World Conscientious Objectors Day. Arkun is charged with 'making illegal organization propaganda' within the investigation.



Imprisonment against those protesting Social Fabric Foundation Chairman Nurettin Yıldız

16 people were sentenced to imprisonment varying from 1 year to 1 year and 8 months due to 'violating the Law on Meetings and Demonstrations No. 2911' after

protesting Social Fabric Foundation Chairman Nurettin Yıldız, who attracted reactions after his statements legitimizing abuse and pedophilia. Sinop 1st Criminal Court of First Instance decided for the deferral of the sentence against 12 defendants; 13 were acquitted. Yıldız had arrived in Sinop on 12 May 2016 for the conference, "*The patience of these times,*" and faced protests.

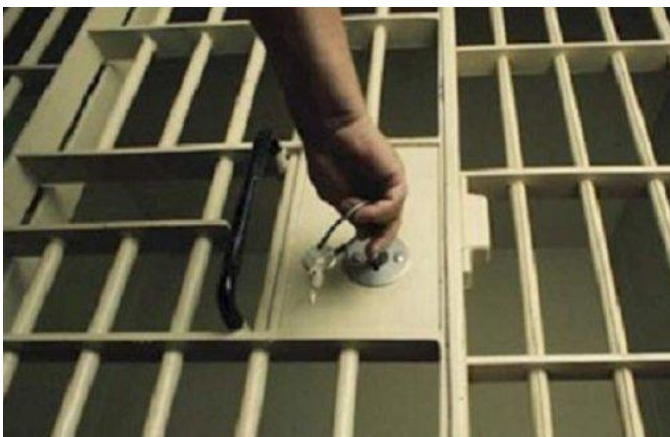


Imprisonment sentence against social media post involving word "Kurdistan"

Erzincan 2nd Assize Court sentenced Erzincan University student S. B. to 1 year and 3 months of imprisonment due to 'making illegal organization propaganda' by sharing a photo of a

heart with the word, "*Kurdistan,*" on the social media.

On the other hand, operations against social media posts continue. Ministry of the Interior announced new investigations opened against 337 people between May 28 and June 4 due to their social media posts. According to the Ministry announcement, the social media users were charged with 'making illegal organization propaganda,' 'insulting government authorities,' 'inciting people towards hatred, resentment and hostility' and 'intending against the indivisible integrity of state.'



442,506 "convicted" on probation

According to the data announced by the Ministry of Justice, there are 442,506 people in Turkey subject to "*release on probation*" by May 2018. There are 379,100 separate files with "*judicial control,*" which is a form of release on probation.

Human Rights Foundation of Turkey (TIHV) Secretary General Metin Bakkalçı emphasized hundreds of thousands of people are subject to release on probation and that the application is extended each day. There are journalists with bans against them on travelling abroad, medical doctors and rights advocates whose proceedings are ongoing, as well as “*peace academics*” and “*substitute editors-in-chief of Özgür Gündem,*” whose sentences are deferred; among those hundreds of thousands.



Impunity criticism from Constitutional Court

The Constitutional Court criticized the judiciary in the abatement of a file due to time limitation. The file was on the case of the death of a 2-year-old with seven others wounded due to a rocket launcher explosion, thrown from the gendarmerie station

in Batman in 1998. The court took no action for 10 years, leading to the abatement of the case due to time limitation.

“The investigative authorities did not show necessary sensitivity on the bitter incident and the investigation was not conducted with reasonable pace and care,” stated the Constitutional Court. Indicating that a retrial can not be issued due to time limitation, the court issued 62 thousand Turkish Liras of moral indemnity to be paid to the two victims making the individual application.

Even though the Constitutional Court criticizes the impunity on the file, it leads to another example of impunity by not issuing retrial due to time limitation. Thus, the court underlines the responsibility of the judiciary in the time limitation on the file; not taking any step to change the conclusion in the meantime. There can be no time limitation in crimes against humanity.

The Initiative for Freedom of Expression



TRIALS OF FREEDOM OF EXPRESSION

- The Özgür Gündem case was held at Istanbul 23rd Assize Court on June 4 with Filiz Koçali, Aslı Erdoğan, Necmiye Alpay, Ragıp Zarakolu, Zana (Bilir) Kaya, İnan Kızılkaya, Eren Keskin, Kemal Sancılı and Bilge Aykut as defendants. The court decided for the file to be handed to the public prosecutor for opinion, scheduling the next hearing to October 10.

- The proceeding of journalists Selman Keleş and Arif Aslan continued on June 5 at Van 5th Assize Court due to 'illegal organization membership.' Aslan claimed his confiscated belongings back as well as the judicial control condition to be removed. The court denied Arslan's claims, issuing another warrant against Keleş due to another lawsuit filed in Erzurum. The next hearing was scheduled to November 15.
- A lawsuit was filed against Cumhuriyet newspaper reporter Canan Coşkun with the allegation of "targeting" an investigation prosecutor by involving his name in the news article, entitled, "14 lawyers of Nuriye and Semih arrested." The proceeding started on June 6 at Istanbul 26th Assize Court. The next hearing was scheduled to July 10.
- A group of students had distributed delights at Boğaziçi University to celebrate the 'Olive Branch Operation' on Afrin; another group of students reacted against the celebration by opening a banner with the writing, 'There is no delight in occupation, in massacre.' 21 students were taken into custody following the protest, 13 were arrested. The first hearing of the lawsuit filed against the students was held at Istanbul 32nd Assize Court. The court issued the release of the defendants.
- Proceedings of the Academics for PEace continue. The hearings were held this week on June 7 at the 35th Assize Court. Retired Prof. Dr. Büşra Ersanlı from Marmara University and Sezen Çilengir from Istanbul University were convicted; the sentence against Ersanlı was not deferred.
- The lawsuit against former Zaman Newspaper writers continued at Istanbul 13th Assize Court on June 7-8 within the investigations started against the Gülen Community following the failed coup attempt on July 15. The decree was not issued yet as the bulletin was being prepared.
- The lawsuit filed against Dicle News Agency (DIHA) Chief Executive Officer Zeketiya Güzüpek and Managing Editor Dicle Müftüoğlu with a claim of imprisonment for up to 15 years each continued on June 8 at Istanbul 13th Assize Court. The court announced the final verdict and decided that it is not clear whether Güzüpek has committed the offense imposed upon him; issuing his acquittal. The court sentenced a judicial fine corresponding to 1250 judicial days against Müftüoğlu due to "definitive offense on media activity in a way that would legitimize illegal organization methods involving violence or threat."
- The lawsuit filed against People's Democratic Party (HDP)'s Presidential candidate Selahattin Demirtaş and HDP MP Sırrı Süreyya Önder with the allegation of "making illegal organization propaganda" during the speeches they gave at the Newroz celebrations organized on 17 March 2013 in Zeytinburnu, Istanbul, continued on June 8 at Istanbul 26th Assize Court. The verdict was not announced as the bulletin was being prepared.

Hearings Next Week

There are no hearings next week in the cases we are tracking.