



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 24/18, 14 June 2018)

### What happened last week?

\*\*\* President Erdoğan included the revocation of the State of Emergency among his promises for the upcoming elections. *"We might stop the State of Emergency after June 24th,"* said Erdoğan; whereas immediately added: *"The State of Emergency may be declared once again in case of an inconvenience."*

\*\*\* Erdoğan spoke on a TV channel, saying, *"Is there such a strike in our period? We prevent such attempts of strikes with the State of Emergency."*

\*\*\* Erdoğan spoke on the heating debate on a cross-border operation against the PKK together with the elections. *"Remember, I said Northern Iraq, Qandil, Sinjar. We've started our operations there as well,"* Erdoğan said.

\*\*\* Republican People's Party (CHP)'s Presidential candidate İnce spoke at the Diyarbakır rally. *"We would not leave the hands, reaching to us for peace, empty,"* İnce said. Erdoğan stated that there were 'intelligence reports' on the rally. Thus, Erdoğan confessed that he is tracking his opponents with the help of the intelligence. The report prepared by the National Intelligence Agency (MIT) on the rally brought many questions together with it.

\*\*\* Erdoğan organized a meeting with his party members, which was closed to press. Indicating that he *"will not speak about these outside,"* Erdoğan said, *"People's Democratic Party (HDP) must not exceed the election threshold... If we can manage the dominance on the ballot boxes, we will finish this matter before it even starts."* HDP announced that Erdoğan is *"openly encouraging people for crimes."*

\*\*\* Previously stating that they were *"deceived"* in regards to FETÖ, Erdoğan confessed that the *"Gülen structuring has grown during the period of their governance."*

\*\*\* Erdoğan replied to a question on press freedom by saying, *"You are as free to ask a President such a question in his own place."*

\*\*\* The release claim of People's Democratic Party (HDP)'s arrested Presidential candidate Demirtaş was denied by the Constitutional Court as well, following Ankara 19th and 20th Assize Courts.

\*\*\* Human Rights Advocate and businessman Osman Kavala applied to the European Court of Human Rights due to being remained under arrest for seven months, awaiting an indictment to be prepared against him.

\*\*\* People's Democratic Party (HDP) announced at least 57 attacks and prohibitions were attempted against their electoral campaigns; 208 members were taken into custody and 16 of them were arrested by the courts they were taken to during this process.

\*\*\* The International Trade Union Confederation's Global Rights Index report placed Turkey among the 10 worst countries for workers' rights, together with Bangladesh, Cambodia, Columbia and Saudi Arabia.

---



### **Erdoğan's freedom definition: "You are as free to be able to ask me such a question"**

President Erdoğan replied to the criticism of one student, who participated in the suhoor programme organized at the Presidency complex in Beştepe,

Ankara on 'press freedom.' "You are as free to be able to ask such a question to a President at his own place," Erdoğan said.

After the student reminded him of journalists who were arrested or dismissed from profession, Erdoğan said, "If one is insulting the President or the Prime Minister, this is not freedom... If a journalist is arrested in accordance with the law, are you still going to call that 'the freedom of the journalist'? Who tells you that journalists are not free? Prove me."



### **High school students beaten and taken into custody on report card day**

On the last day of the 2017-2018 academic year, high school students organized a protest in Kadıköy, Istanbul with the slogan, "Report cards are yours, the future is ours."

The police intervened the protest. Approximately 20 students, whose ages vary between 14 and 18, were beaten, dragged on the floor and taken into custody due to protesting the education policies of the Justice and Development Party (AKP) government. The police violence continued inside the custody vehicle and the police station as well. The students were released after testifying in the early morning next day, charged with 'violating the Law on Meetings and Demonstrations No. 2911' and 'resisting the police.' The students' lawyers announced that they will make a criminal complaint on the torture experienced by the students. Amnesty International demanded an immediate investigation on the allegations of torture and disproportionate use of force by security forces and for those responsible to be put on trial.



## Reasoned decision announced in Cumhuriyet Case

The reasoned decisions were announced regarding the imprisonment sentences issued against Cumhuriyet newspaper writers and executives due to 'aiding an illegal organization.' Istanbul 27th Assize Court based the conviction on the defendants' activities of journalism.

The court expressed that some headlines, columns and news articles published on the issues of the newspaper were included in the case file as crime evidence and based the conviction on the changes in the newspaper's publishing policy, which it described as "dramatic." On the other hand, the court claimed that this change is not criticized, the change is referred solely due to indicate connections with aiding illegal organizations. The court also tweezed the news in question by evaluating them out of context, just as it was in the indictment and the Prosecutor opinion on the case; indicating that these news established criteria for the final evaluation towards the conviction of aiding an illegal organization.



## Judicial fine against DIHA Managing Editor Müftüoğlu

Diyarbakır 5th Assize Court sentenced Dicle News Agency (DIHA) Managing Editor Dicle Müftüoğlu to a judicial fine corresponding to 1041 days of imprisonment. Müftüoğlu was on trial due to 'publications legitimizing terrorist organization methods including violence, force or threat' regarding 20 news published by the agency in 2015. The agency has previously been shut down with an emergency decree.

On trial within the same case, the agency's Executive Board Chairman Zekeriya Güzüpek was acquitted; Müftüoğlu's sentence was deferred. In case the journalist is sentenced to a penalty within a different case file within the next five years, the judicial fine will be additionally executed.



## Journalist Berzan Güneş arrested

Mezopotamya Agency reporter Berzan Güneş, who was taken into custody in central Şırnak after going there to track news information, was arrested with the allegation of 'making illegal organization propaganda' within the investigation started by Iğdır Public Prosecutor's Office due to his social media posts.



## Lawsuit against journalists over sharing news on social media

A lawsuit was filed against seven journalists, who shared a news article on the operation conducted in Sur during the curfews and clashes on the social media, with the allegation of 'targeting those partaking in the fight against

terrorism.'

The indictment accepted by Diyarbakır 9th Assize Court claims imprisonment sentences against the defendants for up to three years due to sharing the news published on February 2016, with the title, "*The name of the siege is 'Flag 12', led by Musa Çitil*" on the social media. The defendant journalists are DIHA News Director Ömer Çelik, DIHA reporters Çağdaş Kaplan, Hamza Gündüz, Selman Çiçek and journalist A.Vahap Taş as well as Özgür Gündem's Managing Editor İnan Kızılkaya and owner Kemal Sancılı, who shared the news on the official social media account of previously shutdown Özgür Gündem Newspaper. An additional imprisonment sentence for up to five years was claimed against Çiçek with the allegation of 'making illegal organization propaganda' with his social media posts.

The indictment included Brigadier General Musa Çitil as complainant. Çitil was the Diyarbakır Gendarmerie Regional Commander at the time the news was published and was later promoted to Gendarmerie Deputy General Commander in July 2016 by the Ministry of the Interior.



## **Former HDP MP Ferhat Encü sentenced to imprisonment within TCK 301**

Former People's Democratic Party (HDP) Şırnak MP Ferhat Encü was convicted in another file after losing his seat at the Parliament on February 6th following the definitive imprisonment sentence against him.

Idil 1st Criminal Court of First Instance sentenced Encü to 10 months of imprisonment due to 'public denigration of the government of the Republic of Turkey, judicial institutions of state, military or security organizations of state' by not allowing his house in Idil district of Şırnak to be searched during curfews. The sentence was turned into a judicial fine.



## **Co-Mayor sentenced to imprisonment due to 'insulting Erdoğan'**

Diyarbakır Kulp Co-Mayor Sadiye Süer Baran was sentenced to 2 years and six months of imprisonment due to 'insulting the President.'

Kulp Criminal Court of First Instance further decided for Baran to be deprived of using her political rights. An investigation had been filed against Baran following the complaint of Muhsin Çiçek, who was assigned as trustee by the Ministry of the Interior to replace a municipal assembly member of the Democratic Regions Party (DBP). Çiçek had asserted that the Co-Mayor did not shake his hand during a municipal assembly meeting and that she insulted the President by calling him a "hypocrite."



## **Social media investigations against 306 within one week**

Ministry of the Interior announced investigations started against 306 people within the last week (June 4-14) due to their social media posts.

These investigations were opened following the examinations on 624 social media accounts, with charges of 'making illegal organization propaganda,' 'insulting government authorities,' 'inciting people towards resentment, hatred and hostility' and 'intending against the indivisible integrity of state.'



## Penalty fine against 'Pool media' boycott protest due to insubordination

Nine people who participated in the protests organized in Mersin on May 25th and 29th with the slogan, "Shut down the pool media. Let's meet at the park. We brewed tea, we're expecting you," were sentenced to administrative fines due to insubordination. The penalty was issued based on the Law of Misdemeanor due to the absence of application at the governorate regarding the protest. However, Article 34 of the Constitution guarantees the "right to organize peaceful meeting and demonstration without prior permission."



## Appeal Court reverses sentence due to 'insulting Erdoğan'

Appeals.

The penalties against three People's Communist Party of Turkey (HTKP) members, convicted of 'insulting the President' due to the poster they hung, were reversed by the 18th Penal Department of the Court of

The three people have been sentenced to 7000 TL judicial fine each in the lawsuit filed at Çorlu 3rd Criminal Court of First Instance due to the poster they hung following the Presidency elections in 2014. The poster stated, "Come on, let us see you go on Çankaya." The Appeal Court indicated that the expressions on the poster can not be evaluated as an insult which leads to insufficient evidence for conviction, reversing the verdict.



## It is not hate speech to call Kaos GL "association of perverts", according to Constitutional Court

Constitutional Court (AYM) has decided that the expression, "Association of perverts, named Kaos GL" involved in a news article published on habervaktim.com in 2012 was not hate speech.

In the verdict, AYM claimed that "the news was not related to homosexuality, carried no aim to start a public debate; the focus of the news was a different debate and the applicant association's risk of targeting decreased." The allegations indicated by the association

during the application on 'the violation of the principle of equality and discrimination ban' was not deemed necessary to examine.



## Constitutional Court issues compensation against police violence

The Constitutional Court (AYM) considered the verdict of acquittal issued for the police officer, indicated to have beaten a restaurant owner due to playing a song in Kurdish, a right violation. Running a restaurant in Istanbul, M.A. had made a criminal complaint with the allegation of having been exposed to beating, threat and insult from one of four police officers visiting the restaurant in 2006 and were disturbed by the music playing at the place. Fatih 2nd Criminal Court of Peace has issued, following a two-year trial, the acquittal of the defendant police officer of the activity of injury due to lack of fault as well as of other charges imposed due to lack of evidence. The verdict has also been approved by the Court of Appeals. The Constitutional Court decided that the impunity of the mistreatment of the defendant police officer violated the ban on maltreatment, which does not correspond to human dignity, issuing 15 thousand TL of compensation and 2,186 TL court expenses to be paid to the applicant.



## TRIALS OF FREEDOM OF EXPRESSION

- Making the monthly evaluation on the objections of those arrested within the Hrant Dink assassination case, Istanbul 14th Assize Court issued the releases of Samsun Security Directorate officer of the time Yakup Kurtaran and Trabzon Security Directorate Intelligence Officer of the time Özkan Mumcu with a verdict on June 12th.
- The proceedings of Dr. N.İ. and Asst. Prof. Dr. Eyüp Volkan Çıdam from Boğaziçi University continued on June 12th at Istanbul 24th Assize Court due to signing the "We will not partake in this crime" petition of the Academics for Peace. Next hearings of both cases were scheduled to October 18th.

### Hearings Next Week

- The first hearing of the case of indemnity filed against Cumhuriyet writer Çiğdem Toker due to her column, titled, "Tomatoes are sent to Russia from 'Bayburt' as well" will be held on June 19th at Ankara 1st Civil Court of First Instance.
- The proceedings of peace petition signatory academics will continue with hearings on June 29th at Istanbul 33th Assize Court, starting at 09:00.
- The next hearing of the lawsuit filed against journalist-writer Ahmet Altan due to insulting the President will be held on June 21st at Istanbul 30th Criminal Court of First Instance.

- The proceeding of 11 rights advocates, on trial due to a training seminar organized in Büyükada, will continue on June 21st at Istanbul 35th Assize Court, starting at 11:00.
- The proceeding of 46 people, who are charged with 'making illegal organization propaganda' due to supporting the 'Academics for Peace' with a civil disobedience protest by saying, "*If it's a crime to demand peace we partake in this crime as well,*" will continue on June 21st at Söke 2nd Assize Court, starting at 14:00.