



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 25/18, 22 June 2018)

What happened last week?

*** *"As a necessity of the fight against terrorism in the new period, we will revoke the State of Emergency when the time is over, with God's will,"* President Erdoğan said this week after his promises on the revocation of the State of Emergency as the first action after the elections.

*** The visit of Justice and Development Party (AKP) MP İbrahim Halil Yıldız at Suruç, Şanlıurfa within his electoral campaign has turned into an attack; four people have lost their lives in the turmoil. Two of the deceased were killed by the relatives of the MP inside the hospital they were taken to due to their wounds. Erdoğan held PKK and the People's Democratic Party (HDP) responsible for the incident; the opposition expressed their worry on fair investigation. 25 NGO representatives including those from Diyarbakır Bar Association and the Human Rights Association (IHD) were not allowed in Suruç for investigation.

*** Interior Minister Süleyman Soylu targeted Diyarbakır Bar Association by describing it *"a bar association that belongs to the PKK."* The bar association launched a declaration as a response to Soylu's statements, referring to Tahir Elçi, who was killed in Diyarbakır in 2016: *"We are not afraid. We are where you took Tahir Elçi."*

*** Days before the 24 June elections, the Organization for Security and Co-Operation in Europe (OSCE) board launched the interim report. The organization criticized the language used by Justice and Development Party (AKP) leader and President Erdoğan towards other candidates while accusing them of *"terrorism."* The board pointed out the shutdown media institutions and arrested journalists, indicating that *"the Turkish media is dominated by pro-government institutions as well as those bound to public tenders."* Investigations against social media users were also mentioned in the report.

*** Turkey prevented the entrance of Organization for Security and Co-Operation in Europe (OSCE) election observers Leftist Party MP Andrej Hunko and Swedish Green Party MP Jabar Amin in the country. Hunko indicated that the reason for the prevention was stated as a *"terror support charge"* against him, saying, *"The country inviting a board of observers may not determine the delegations."*

*** An elector living in Belgium voted both in Brussels and in İzmir at the airport. After the repeating vote being revealed in the press as well, the Supreme Electoral Board Chairman announced the person was taken into custody.

*** Prime Minister Binali Yıldırım stated that they are in the effort to take a big region in Northern Iraq, until Qandil, under control. Yıldırım further indicated that their target is to make Kobane, Kamışlı and Haseke *"safe zones"* after the consensus reached with the U.S. on Manbij.

*** Erdoğan criticized increased interests by the Central Bank, saying, *"Give me the authority at the elections, you will see how to mess with the interests."* Deputy Prime

Minister Şimşek, on the other hand, stated that they have resolved the worry of inflation through the increase in interest rates.

*** The reasoned decision in the case on the attack in Ceylanpınar, which was used by the government as reason to end the Resolution Process, was announced. The verdict indicated lack of concrete evidence against the defendants and that the allegations were based on abstract allegations and denouncements.

*** United Nations High Commissioner for Human Rights Zeid bin Ra'ad Zeid al-Hussein stated that Turkey has conducted no serious investigations on the deaths within the operations against Kurdish provinces in the years 2015 and 2016.

*** Despite the serious decline in the number of refugee applications received by European Union countries, there was an interesting increase in applications of political asylum from a few specific countries, including Turkey. The number of those using political asylum in European Countries from Turkey increased by 42 percent.



Another 'Peace Academic' convicted of illegal organization propaganda

Research member Emre Tansu Keten was sentenced to 1 year and three months of imprisonment after being dismissed from Marmara University due to the lawsuit against him with the allegation of 'making terrorist organization propaganda' by signing

the "We will not partake in this crime" petition of the Academics for Peace. Istanbul 32nd Assize Court announced the sentence to be deferred.

256 academic have stood trial so far in the lawsuits filed against signatory academics since 5 December 2017; with 16 cases concluded. Keten is the 16th academic who was sentenced to imprisonment; the announcement of all sentences against the academics were deferred except the ones against Prof. Dr. Zübeyde Füsün Üstel from Galatasaray University and Prof. Dr. Büşra Eranlı from Marmara University, who were sentenced to 1 year and three months of imprisonment each.



Artist Jiyan arrested over saying "Kurdistan"

Koma Rosîda's solist Jiyan was arrested due to 'making illegal organization propaganda' by saying "Kurdistan" as part of the song lyrics she was singing while performing at the People's Democratic Party (HDP) Ağrı Provincial Organization rally in Patnos. The host of the rally Ali

Ümran Daşkaya was taken into custody as well due to using the expression, “*Democracy martyrs*” in his speech. Daşkaya was later released with judicial control.



Arrested journalists

Çağdaş Ses news website chief editor journalist Ece Sevim Öztürk was arrested by Istanbul 1st Judicature of Peace. Öztürk was transferred to the Prosecutor’s Office after testifying at Istanbul Security Directorate following 13 days in custody.

Following the interrogation at the Prosecutor’s Office, Öztürk was transferred back to the judicature with arrest warrant. Öztürk’s lawyer Efkan Bolaç announced that she was transferred to the judicature due to “*willfully aiding and abetting a terrorist organization.*” Çağdaş Ses also wrote that the journalist was arrested following her interrogation last evening.

Journalist and writer Hakan Gülseven was arrested after being sentenced to pay compensation to former Sakarya Mayor Avni Coş due to insulting him with an article he wrote on Yurt Newspaper. The newspaper administration did not pay the compensation Gülseven was sentenced to, leading to a warrant against the journalist. Gülseven was taken into custody in Ayvalık, Balıkesir and was transferred to Burhaniye Open Penitentiary Institute.



Summary against CHP MP Tanrıkulu due to ‘illegal organization propaganda’

A summary was prepared against Republican People’s Party (CHP) Istanbul MP Sezgin Tanrıkulu with the allegation of ‘making illegal organization propaganda’ through his social media posts.

The summary charged the MP with sharing a photo of people tortured and searched naked during an operation in Muğla with the expression, “*This photo will never be forgotten and these human rights violations will be recorded on you permanently*” as well as other posts in which Tanrıkulu wrote “*No to War*” during the ‘Olive Branch Operation’ period. Ankara Chief Public Prosecutor’s Office asserted that Tanrıkulu “*displayed a terrorist organization as innocent and good-willed in both the national and the international media by praising it, legitimizing its activities and thus making terrorist organization propaganda*” through the related posts.



Lawsuit against translator Sebla Küçük due to 'Afrin' posts

A lawsuit was filed against translator Sebla Küçük with the allegation that she has made 'terrorist organization propaganda' through her social media posts on the Olive Branch Operation.

The indictment, accepted by Istanbul 35th Assize Court, asserts that Küçük made 'illegal organization propaganda by praising the methods of armed terrorist organization' through the posts she made by translating news of foreign journalists as well as of Reuters News Agency during the operation. The first hearing of the case will be held on November 22nd with an imprisonment claim for up to 7 years and six months. Küçük also published the speeches of former Halkbank Deputy Director Hakan Atilla during his proceeding in the United States on the social media by translating them from foreign sources.



Investigation against journalist due to social media posts on Suruç

An investigation was opened against journalist Sedat Sur due to his social media posts on the incidents in Suruç, in which four people have lost their lives. *"I tried to prevent information pollution, disinformation, whereas they've opened an investigation against me,"* Özgürüz

reporter Sur said.

The electoral campaign visit of Justice and Development Party (AKP) MP candidate İbrahim Halil Yıldız on June 14th has turned into an attack against the shop owners in Suruç, leading to four people losing their lives in the following turmoil. Relatives of AKP MP Yıldız killed Hacı Esvet Şenyaşar together with his sons Adil and Celal; Yıldız's brother lost his life as well. The journalist wrote on the social media: *"We reach out to everyone in Suruç, politicians, shop owners, from all parts of society - we want to know what happened."* Sur further shared the expressions of some witnesses of the attack, as well as Republican People's Party (CHP) Suruç District Chairman Servet Göre's statement: *"A father was slaughtered at the hospital together with his son after going there after his wounded son."*



Imprisonment sentence against photographer due to 'illegal organization propaganda'

Award-winning photographer Uygur Önder Şimşek, who shoots for international press organizations,

was sentenced to 2 years and six months of imprisonment in the case he was on trial in Bursa due to his social media posts, which involved the photographs he has taken.

Reporters Without Borders Germany Director Christian Mihr reacted against the sentence, saying, *"It is absurd to charge a photographer with making terrorist organization propaganda due to the photographs he has taken at zones of war and crisis."* Photos of Şimşek in many crisis and clash zones including Syria, Iran and Turkey have been published on worldwide-famous international media organizations such as Time, Der Spiegel, Washington Post and New York Times.



Access ban decrees

Istanbul 11th Criminal Judicature of Peace brought access bans on the news covering the lawsuit in which two police officers are on trial due to forgery of documents after changing the testimonials of Onur Yaser Can, who later committed suicide due to the torture he was exposed to under

custody. 11 news URLs were banned with the decree, including the news article published on our website on 26 May 2015 with the title, *"Recusation Claim at Onur Yaser Can Case."* The Criminal Judicature of Peace claimed that the related news "attack personal rights" of the case judge Mahmut Lütfü Yenihal.

Istanbul 9th Criminal Judicature of Peace brought an access ban on the news regarding vocal artist Sevim Tanürek's death. Tanürek had lost her life in 1998 after being hit by a car which was driven by President Erdoğan's son Burak Erdoğan. The case of Tanürek's death was recently reawakened due to the speeches of Republican People's Party (CHP) Presidential candidate Muharrem İnce and President Erdoğan targeting each other at electoral rallies. Access to news published on many news websites including Diken, Cumhuriyet, Ahval and Yeniçağ restating how the Sevim Tanürek murder happened by quoting İnce on his rally speech implying that Burak Erdoğan has caused Tanürek's death was banned.

Istanbul 7th Criminal Judicature of Peace brought an access ban on the column written by Evrensel Newspaper writer Erol Aral published three years ago with the title, *"İlhan is the Yaşar of which tunnel?"* Aral was claimed to have violated the personal rights of Prof. Dr. Yaşar Hacısalıhoğlu while criticizing the professor's opinions presented at the show he participated on CNN Turk.



DISK leaflet banned

The distribution of the special issue of the DISK's Voice magazine of the Confederation of Progressive Trade Unions of Turkey (DISK), with the headline, "Tamam [Okay]" was banned by Izmir Konak District Electoral Council. The leaflet, which was prepared to express election demands of workers, was banned

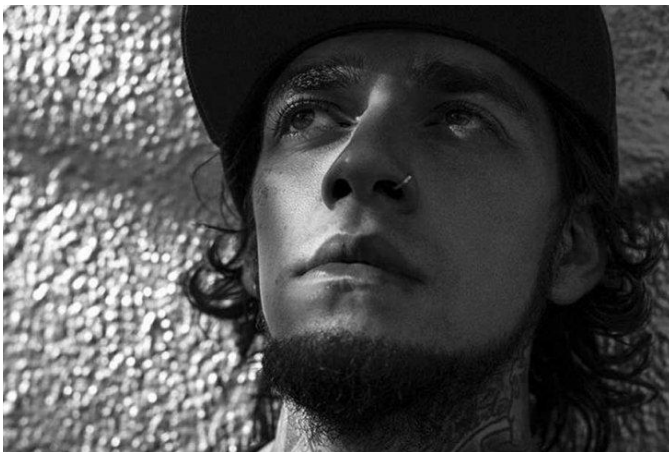
due to "criticizing the government" and that "professional unions are not allowed to make propaganda during elections."



Social media investigations against 251 within one week

Ministry of the Interior announced investigations started against 251 people within the last week (June 11-18) due to their social media posts. The investigations were opened after the examination of 1422 social media accounts; social media users are

charged with 'making illegal organization propaganda,' 'insulting government authorities,' 'inciting people to resentment, hatred and hostility' and 'intending against the indivisible integrity of state.'



Ezhel acquitted in first hearing

Rapper Sercan İpekçioğlu, known publicly as 'Ezhel' was acquitted in the first hearing of the case after his arrest with the allegation that his social media posts and songs are encouraging drug use. In the hearing at Istanbul Anatolian 33th Criminal Court of First Instance, the judge

decided that the defendant did not act with the intention to commit a crime, issuing İpekçioğlu's release then his acquittal. The hearing lasted for approximately nine minutes, leading to Ezhel's freedom after being taken into custody on May 23rd and arrested by the court with an imprisonment claim for up to 10 years.



Freedom of expression decrees at ECtHR and Cassation Court

The application of Emrah Sarıtaş and Mesut Geyik at the European Court of Human Rights (AIHM) on the 10-month imprisonment sentence against them due to 'making illegal organization propaganda' by chanting the slogan, "*Revolutionist prisoners are our honour*" during a Grup Yorum concert, was concluded.

The court indicated that a slogan chanted during a peaceful concert can not be considered an illegal organization propaganda and thus within freedom of expression, issuing 10 thousand Euros of moral compensation to be paid to the applicants. "*There are many case files on 'illegal organization propaganda' due to similar slogans... The ECtHR verdict is a precedent for all these files,*" Tunceli Bar Association Chairman Barış Yıldırım said.

Court of Cassation General Assembly of Civil Chambers reversed the sentence of compensation issued due to calling the Prosecutor's Office a "*gang bully.*" Siirt Security Director B.A. testified in the investigation against him due to a security flaw at Siirt Courthouse and used the expression, "*like a gang bully, which would not suit a Public Prosecutor.*" The director was later sentenced to 5 thousand TLs of compensation in the case filed against him at Siirt 2nd Civil Court of First Instance due to these expressions. Deciding that the related expression does not constitute an attack against personal rights, the General Assembly of Civil Chambers stated, "*It is important to maintain a balance between the protection of personal rights and freedom of expression. it is without a doubt that freedom of expression weighs more especially in cases the matter is the personal rights and reputation of politicians and government officials.*"



TRIALS OF FREEDOM OF EXPRESSION

- The first hearing of the case filed against Cumhuriyet Newspaper writer Çiğdem Toker was held at Ankara 1st Civil Court of First Instance on June 19th due to her column, entitled, "*Tomatoes to Russia are Also from Bayburt.*" The next hearing was scheduled to 6 December 2018.
- Proceedings of peace petition signatory academics continued this week as well. 32nd Assize Court sentenced research member Emre Tansu Keten, who was dismissed from Marmara University, to 1 year and three months of imprisonment. The sentence was deferred.
- The hearing of the case against journalist-writer Ahmet Altan due to insulting the President was postponed due to the Istanbul 30th Criminal Court of First Instance judge's excuse on June 21st.

- The proceeding of 11 rights advocates continued at Istanbul 35th Assize Court on June 21, at 11:00 due to a training workshop organized in Büyükada. The release claim of Kılıç was denied. The next hearing was scheduled to 7 November 2018.
- The proceeding of 46 people, who performed a civil disobedience protest in Kuşadası to support the 'Academics for Peace' by saying, "*If it's a crime to demand peace then we partake in this crime as well,*" continued at Söke 2nd Assize Court on June 21st, at 14:00. The results of the hearing could not be obtained during the time the bulletin was being prepared.

Hearings Next Week

- The proceedings of the Academics for Peace will continue at Istanbul 35th Assize Court on June 26th. Academics from Kadir Has University will stand trial in the hearing, which will start at 09:40.
- The Taraf Newspaper Case continues. Defendants Ahmet Altan, Yasemin Çongar, Yıldırım Oğur, Mehmet Baransu and Tuncay Opçin will stand trial at Istanbul 13th Assize Court on June 27th.
- Journalist Deniz Yücel will stand trial at Istanbul 32nd Assize Court on June 28th within the lawsuit against him.
- 22 Özgür Gündem workers will stand trial at Istanbul 5th Criminal Court of First Instance on June 29 due to 'resisting to prevent duty' and 'insult.'