



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 27/18, 6 July 2018)

What happened last week?

*** Supreme Electoral Council announced the final results of the June 24 elections. With 86.22 percent participation in the elections, President Erdoğan won 52.58 percent of votes. The results of the Parliamentary elections announced 295 MPs from Justice and Development Party (AKP), 146 from Republican People's Party (CHP), 67 from People's Democracy Party (HDP), 49 from Nationalist Movement Party (MHP) and 43 from Good (İYİ) Party.

*** The first steps towards the 'Presidential Government System' were taken; authorities of law decree and the Council of Ministers were assigned to the President. The new system will effectively start with Erdoğan's oath on July 9th. Thus, the President will gather all authorities such as declaration of a State of Emergency, restrictions due to "extraordinary states", issuing decrees without Parliamentary approval and assigning high-rank public officers, in himself.

*** Prime Minister Yıldırım stated that the new cabinet will be announced at the beginning of next week and State of Emergency will thus effectively end. However, one last Statutory Decree will be issued within the State of Emergency, with new regulations on the fight against terrorism. Therefore, the State of Emergency will be revoked, but the applications will continue.

*** The "People's Alliance" established by the Republican People's Party (CHP), Good Party and Felicity Party ended effectively. Debates on a congress meeting started within the main opposition party. Presidential candidate İnce announced that he offered Kılıçdaroğlu to "leave Chairmanship of the party, instead become the Honorary Chairman to CHP." Good Party announced, "There is no more need for an alliance now the elections have ended." Felicity Party's announcement said, "The alliance has fulfilled its lifetime."

*** Constitutional Court has denied the application made by the Republican People's Party (CHP) on 13 laws regarding the acceptance of Statutory Decrees issued within the State of Emergency. The Supreme Court decree claimed that their authority involves monitoring of the form and not the content. Following the court decree, there will be no more objections against the emergency decrees such as "violation of time and proportionality restrictions" and "entrenchment of authority."

*** Debates on capital punishment resurfaced after the increase in the news regarding child abuse and homicide. "We will think about and debate on death penalty and castration in the new session," said the AKP Spokesman.

*** The annual rate of inflation has reached the highest level in 15 years with 15.39 % in consumer prices and 23.71 % in producer prices. The highest increase in price has occurred in June in onions with 82.53%. According to the data of the Organisation for Economic Co-operation and Development (OECD), agricultural produce is 28% more expensive in Turkey in comparison to the rest of the world.

*** Criminal organization leader Alaattin Çakıcı, described by Nationalist Movement Party (MHP) as a “nationalist” and “hero”, ordered an attack for Karar Newspaper writers from prison.

*** LGBTI+ Pride March in Istanbul was banned by the Governorate once again as in the last three years.

*** The verdict of release issued for Democratic Society Congress (DTK) Co-Chair Leyla Güven, who was recently elected as MP, was revoked following prosecutor objection, before she could even be released from prison.

*** PKK undertook the killing of shop owner Mevlüt Bengi in Yayginyurt village of Doğubeyazıt, Ağrı. Bengi was allegedly killed due to his support for the Justice and Development Party (AKP).



berna laçın
@bernalacin35

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#idam çözüm olsaydı
Medine toprakları tecavüzde rekor kırmazdı!
Konuşturmayın şimdi beni!
Bırakın artık bilim insanları,
nörologlar,psikiyatrlar, psikologlar,toplum
bilimciler ,hukukçular el birliği verip çare
üretsin.
Devlet, tribün sesleriyle toplum inşaa etmez!

Translate Tweet

8:00 AM - 3 Jul 2018

Investigation against artist Berna Laçın due to social media post reacting against capital punishment

Istanbul Anatolian Chief Public Prosecutor's Office started an investigation against artist Berna Laçın due to 'denigrating religious values of society' with her Twitter

post in which she reacted against the campaigns for the re-enactment of capital punishment.

“If the death penalty was a solution, then the lands of Medina would not break records in the number of rape incidents, Don't make me talk now, let scientists, neurologists, psychiatrists, psychologists, social scientists and lawyers find solutions together, hand-in hand. Governments don't construct societies with slogans from tribunes,” Berna Laçın said in a tweet on July 3, addressing the calls for capital punishment started on the social media after 8-year-old Eylül Yağlıkara and 4-year-old Leyla Aydemir were found dead after being lost; Yağlıkara in Polatlı district of Ankara and Aydemir in Ağrı. Targeted due to her post, the artist stated, *“Their actual intent is to bring capital punishment back. A group wanting to bring death penalty wants to stir up the society by targeting those reacting against capital punishment.”*



Istanbul Governorate bans Pride March

16th Istanbul LGBTI+ Pride March to be organized within the 26th Istanbul LGBTI+ Pride Week was banned by the governorate once again as the previous three years. The governorate showed “potential negativities” which may occur during

the event as reason for the ban; the police took heavy security measures at Taksim and its surroundings before the march. Anti-riot water cannon vehicles were placed at the Taksim Square and entrances to Istiklal Street were blocked.

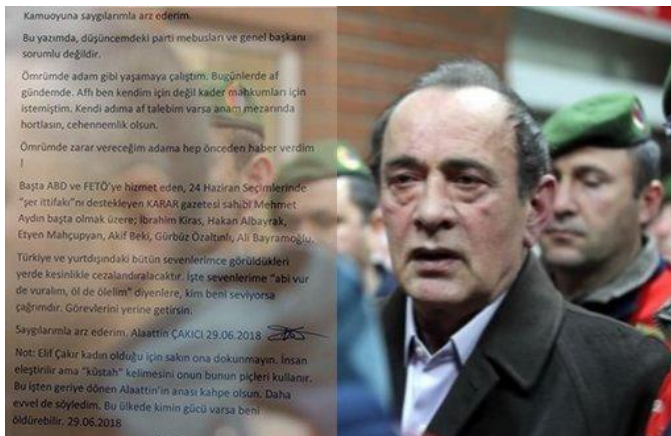
The activists have gathered at Mis Street in Taksim, reacting against the governorate decision with the statement, *"The Governorate has once again committed a crime by applying the authority given to it in a discriminative way against a distinct part of society."* The police intervened the protesters with plastic bullets and tear gas after the press statement; 11 people were taken into custody.



Penalty against conscientious objector Şendoğan Yazıcı

Artvin Borçka Criminal Court of First Instance sentenced conscientious objector Şendoğan Yazıcı to 62 days of imprisonment due to 'violating the Law of Military Service.' The sentence was turned into 640 TL of judicial fine.

The court recognized the right to conscientious objection in the reasoned decision, which differed from similar cases. However, it was claimed that Yazıcı did not apply to the administration with an official letter while announcing his conscientious objection, therefore *"not using his right to conscientious objection in accordance with the legal procedure."* The court further indicated that international conventions are binding even in case they conflict with domestic law, in accordance with Article 90 of the Constitution; and that despite a clear provision in the European Convention on Human Rights (ECHR) on the matter, that the right to conscientious objection was recognized in precedents of the European Court of Human Rights (ECtHR).



Çakıcı orders attack against journalists

Criminal organization leader Alaattin Çakıcı, described by the Nationalist Movement Party (MHP) leader Devlet Bahçeli as a 'nationalist' and a 'hero', made a statement from prison, targeting writers of Karar Newspaper. Çakıcı's message was published on the social media with

his signature and ordered Karar Newspaper's owner and six other journalists to be attacked.

The message stated, *"I have always given prior notice to people I will later hurt."* Karar Newspaper was described in the message as a newspaper that *"serves the U.S. and FETÖ,"* *"supported the alliance of malignity in the June 24 elections."* Calling out to those who told him, *"Brother, tell us to shoot and we shoot, tell us to die and we die"* and by mentioning

the names of seven journalists, Çakıcı said, *“Whoever loves me, this is my call. They shall fulfill their duties.”*

A special security service was assigned to the journalists and police was sent to the newspaper building. Ankara Chief Public Prosecutor’s Office started an investigation on the matter. An official investigation was announced to have been started due to *“death threat”* and *“incitement to commit crimes by threatening with the aim of creating fear and worry among people.”*



Lawsuit against journalist Berzan Güneş due to ‘illegal organization propaganda’

Iğdır Chief Public Prosecutor’s Office completed the investigation against Mezopotamya News Agency reporter Berzan Güneş, who was taken into custody on June 11th at a police control station while heading to

central Şırnak to track news information and later arrested by the court he was transferred to.

In the indictment accepted by Iğdır Assize Court, the journalist was charged with ‘making illegal organization propaganda’ due to his news, entitled, *“Mothers from Şırnak and Mardin: We will not leave Efrin to them,” “Efrin observations of Robert Fisk; Killed refugee, baby, woman and child”* and *“My Cemile is on my mind when I see children dying in Efrin.”* The first hearing of the case will be held on August 7th.



Lawsuit against journalist Kemal Demir

The first hearing of the lawsuit against TV10 cameraman Kemal Demir and TV10 employee Kemal Karagöz, who were taken into custody in the house raids organized in Istanbul on 25 November 2017 and arrested after five days in custody, was held at Istanbul 28th Assize Court. TV10 has previously

been shut down with an emergency decree.

A verdict of rejection of venue was issued on Demir’s proceeding and the file was sent to Mersin Assize Court on Duty. Demir will remain arrested and the judicial control measure against Karagöz will continue. Demir is charged with ‘illegal organization membership’ due to his journalist activities.



Prosecutor's Office considers working at DIHA crime element

Denizli Chief Public Prosecutor's Office prepared an indictment against journalist Gökhan Öner, who was taken into custody and arrested on April 28th, due to 'illegal organization membership' and

'making illegal organization propaganda.'

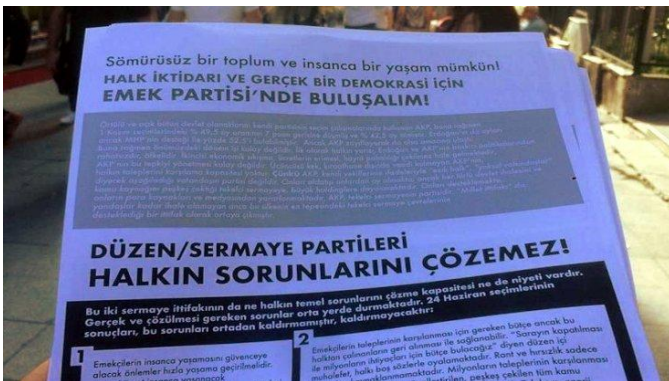
The indictment, accepted by Denizli 2nd Assize Court, considered Öner's position at Dicle News Agency as evidence to 'illegal organization membership.' Öner's social media posts, the books found at his house, news on his computer and letters he received from his friends in prison were also reasons for accusation. The indictment charges four others taken into custody together with Öner and later released with 'making illegal organization propaganda' due to the Kurdish songs on their phones and their social media posts.



Investigation against 'Yüksel protesters'

Ankara Chief Public Prosecutor's Office started an investigation against six people, who were exposed to torture on the 500th day of the protests of those dismissed from profession with emergency decrees on Yüksel Street.

Mehmet Dersulu, Nazan Bozkurt, Oktay İnce, Selvi Polat, Alev Şahin and history teacher Acun Karadağ were exposed to heavy torture, being beaten with reverse handcuffs. The Prosecutor's Office issued a verdict of non-prosecution for the police officers who have beaten and taken the six people into custody. The protesters are charged with 'organizing illegal meeting and demonstration.'



Investigation against leaflet due to 'insulting President'

An investigation was started against Labour Party (EMEP) members due to 'insulting Erdoğan' after distributing the leaflets prepared by the party following the June 24 elections, with the title,

"Order/Capital Parties Can't Resolve Issues of People." Eight EMEP Kadıköy District Organization members were summoned to testify within the investigation.



Lawsuit against sit-in protest due to ‘denigrating Turkish National Anthem’

A lawsuit was filed against architect Alev Şahin, who is performing a sit-in protest in Düzce for more than a year to get her job back after being dismissed from profession with an

emergency decree, with the allegation of “public denigration of the Turkish National Anthem.” Şahin was acquitted in the first hearing of the case at Düzce 5th Criminal Court of First Instance. The indictment of the case charged Şahin due to not standing up while another group making a press statement to support the Olive Branch Operation sang the Turkish National Anthem.



“Gezi” Case concludes with acquittal after five years

The lawsuit against 20 protesters, who were taken into custody after a demonstration organized on Istiklal Street during the Gezi Park protests, concluded after five years of proceeding.

Istanbul Criminal Court of First Instance issued an acquittal for the defendants, who were on trial with imprisonment claims for up to seven years due to ‘resisting to prevent duty’ and ‘violating the Law on Meetings and Demonstrations.’ The verdict underlined that the protesters have gathered following a call from the social media, stating, “It is impossible to state that this gathering was not peaceful.”



Medical doctor Çiftçi to return in service after resembling Erdoğan with Gollum

Medical doctor Bilgin Çiftçi, who was dismissed from his duty due to sharing a visual depicting a resemblance between Erdoğan and the character “Smeagol/Gollum” from the Lord of the Rings, was

reassigned to his duty with a decree issued by the Court of Appeals.

A judicial and administrative investigation had been opened in 2014 against Çiftçi, who was working at Aydın Dalaman Family Health Center, with the allegation that he insulted Erdoğan with his post. The lawsuit filed against him due to ‘insulting public officer’ was concluded with acquittal and the administrative investigation concluded with a verdict of dismissal.

As the lawsuit Çiftçi filed for the reversal of action was denied by the local administrative court, 6th Criminal Chamber of İzmir Regional Court referred to the precedents of the European Court of Human rights and reversed the local court decree. The Court of Appeals further issued that the initial decree is an intervention against freedom of expression.



Court of Appeals: “Participating in demonstration not a crime despite lack of permission”

4th Criminal Chamber of Gaziantep Regional Court signed a precedent and reversed the imprisonment sentence issued against People’s Democratic Party (HDP) member Nursel Aydoğan due to going to a hospital to receive the funerals of three Kurdish women politicians who died in Silopi.

Şırnak Criminal Court of First Instance had sentenced Aydoğan to a deferred imprisonment for 1 year and three months due to ‘organizing an illegal meeting and demonstration’ with the statement she made in front of the hospital after the funerals were not handed to her.

Referring to the Constitution, the Universal Declaration of Human Rights as well as the International Covenant on Civil and Political Rights (ICCPR), the Court of Appeals emphasized that “it is not a crime to hold a peaceful meeting and demonstration, despite the lack of permission” and issued Aydoğan’s acquittal.



Constitutional Court decrees on “Gezi”

The Constitutional Court (AYM) concluded four different applications made due to a violation of Constitutional rights through the police violence during the Gezi Park protests.

The Supreme Court decided that the rights of Ali Orak and İrfan Gül to organize meetings and demonstrations were violated through the imprisonment sentences issued by Elbistan 1st Criminal Court of First Instance against them for 1 year,

6 months and 22 days each due to violating the Law on Meetings and Demonstrations No. 2911 by participating in the protests organized in Kahramanmaraş during the Gezi Park protests. Issuing 3000 TLs of compensation, the court further issued retrial for the consequences of the violation to be compensated.

The Supreme Court further issued a violation of the right to organize a meeting and demonstration in the application of Özge Özgürengin, whose complaint on the police violence she was exposed to during the protests in İzmir was concluded with non-prosecution, as well as a violation of the ban on treatment that is not in accordance with human dignity. The court issued 20 thousand TL of moral compensation to be paid to the applicant.

In the applications of Yonca Verdioğlu Şık and Mehmet Mutlu, the court decided that the rights to meeting and demonstration and the mistreatment ban were not violated.



TRIALS OF FREEDOM OF EXPRESSION

- The second hearing of the case, in which journalist Seher (Seda) Taşkın is arrested in remand, was held at Muş 2nd Assize Court on July 2nd. The court issued the journalist to remain arrested with the charges of 'illegal organization membership' and 'making illegal organization propaganda.' The next hearing was scheduled to September 12th.
- Proceedings of the 'Academics for Peace' continued this week as well on July 3rd, 5th and 6th at Istanbul 32nd, 34th and 36th Assize Courts. The next hearings were scheduled to November 7th, January 31st and February 12nd.
- The proceeding of former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ continued on July 6th at Ankara 16th Assize Court with charges of 'managing terrorist organization,' 'making terrorist organization propaganda,' 'violating the Law on Meetings and Demonstrations,' 'incitement towards resentment and hostility' and 'provocation to commit crimes' imposed after the merging of seven different summaries against her. The court issued Yüksekdağ to remain arrested due to a suspicion of escaping. The next hearing was scheduled to September 24th.
- The proceeding of artist Ferhat Tunç continued on July 6th at Büyükçekmece 4th Criminal Court of First Instance with the charge of 'incitement towards resentment and hostility' through his Twitter post in the evening of the April 16th referendum. We could not yet obtain the results of the hearing.

Hearings Next Week

- The proceeding of Dicle News Agency (DIHA) reporter Şerife Oruç, currently arrested at Elazığ Type-T Prison, will continue on July 9th at Batman 2nd Assize Court due to "illegal organization membership." DIHA has previously been shut down with an emergency decree.
- The proceeding of writer Hasan Kıyafet and Education and Science Workers' Union (Eğitim-Sen) Antalya Chairman Abdülkadir Öztürk will continue on July 10th at Antalya 2nd Criminal Court of First Instance due to their speech last year on October 5th during the event for the World Teachers' Day. The two names are

charged with 'praising the crime and the criminal' by pointing out to the hunger strike of Nuriye Gülmen and Semih Özakça.

- The Hrant Dink Assassination Case will continue on July 10th, 11th and 12th at Istanbul 14th Assize Court.
- The proceedings of Neslihan Karyemez and Bilal Karaman will continue on July 10th at Istanbul 33rd Assize Court. Karyemez and Karaman were arrested due to 'making terrorist organization propaganda' by distributing leaflets prepared by Labour Party (EMEP) in Istanbul to call for peace against the Afrin Operation and were later released.
- The proceeding of Cumhuriyet Newspaper reporter Canan Coşkun will continue at Istanbul 26th Assize Court on July 10th, starting at 09:30 with the allegation of "targeting" due to revealing the name of the investigation prosecutor in her news article, entitled, "14 lawyers of Nuriye and Semih arrested."
- The lawsuit filed against artist Ferhat Tunç due to 'insulting the President' will start on July 11th at Büyükçekmece 14th Criminal Court of First Instance.

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