



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** Investigations on the death of Saudi journalist Jamal Khashoggi continue. The journalist's body is still not found after his death on October 2. Turkey prefers to progress through a joint investigation with the government of Saudi Arabia and finally sent the message that "an international investigation is a must." In the investigation conducted in Saudi Arabia, death penalty is claimed against five people who allegedly ordered the killing of Khashoggi.

*** European Parliament's Turkey rapporteur Kati Piri prepared the Turkey report. The announced draft claimed official suspension of membership negotiations with Ankara due to "Turkey not fulfilling the Copenhagen criteria any longer."

*** Turkish Central Bank announced the November Expectation Survey results. The end-of-year inflation expectation increased from 24.22 percent to 24.45 percent during the survey.

*** Credit rating organization Moody's predicted the Turkish economy will shrink by 2 percent in 2019. Another credit rating organization Fitch predicted that the high inflation has created an economic shock that will drag the country towards recession.

*** European Court of Accounts announced that they could not obtain information from Ankara on where the 1.1 billion Euro aid provided to Turkey for the handling of Syrian refugees was spent.

*** An operation was conducted against Anadolu Kültür Inc. and Open Society Foundation. Businessperson and human rights advocate Osman Kavala is the executive board chairman of Anadolu Kültür Inc. 13 people were taken into custody during the operation including Prof. Turgut Tarhanlı and Prof. Betül Tanbay.

*** According to the data announced by the General Directorate of Penitentiary Institutes, Turkish prisons have a capacity of 220 thousand people and there are currently a total of 260 thousand convicts and arrested prisoners; with 44,986 charged with "terror crimes."

*** A summary was prepared against People's Democratic Party (HDP) Co-Chair Buldan and three more HDP MPs with the allegation of 'illegal organization propaganda.'

*** PEN Turkey made a statement due to November 15, International Day of the Imprisoned Writer, indicating that 123 journalists and writers are arrested in Turkey due to their thoughts and writings.

*** Singer and journalist Atilla Taş, who is on trial with the allegation of taking part in the media structuring of "FETÖ", was sent to Silivri Prison for the execution of his imprisonment sentence for 3 years and one month after the approval of the Court of Appeals.

*** Ministry of the Interior announced legal actions taken against 182 people between the dates November 5 and 12 due to their social media posts.

*** Karar Daily made an announcement and stated that private companies applying for advertising in the newspaper are being prevented from doing so with warnings and threats.



Operation against civil society and academics

An operation was conducted against Anadolu Kültür Inc. and Open Society Foundation. Businessperson and human rights advocate Osman Kavala is the executive board chairman of Anadolu Kültür Inc. 13 people were taken into custody during the operation including Prof. Turgut Tarhanlı and Prof. Betül

Tanbay.

The announcement made by the Security, indicated that the reason for the operation against the academics and NGO representatives was the Gezi Park protests. 20 people with custody warrants were claimed to have financed and organized the protests in a hierarchic relationship with Osman Kavala.

Here are the names under custody: Boğaziçi University Faculty Member and Peace Petition signatory Prof. Betül Tanbay, Bilgi University Faculty of Law Dean Prof. Turgut Tarhanlı, Anadolu Kültür Deputy Executive Board Chairman Yiğit Ekmekçi, Executive Board member Ali Hakan Altınay, Anadolu Kültür General Coordinator Asena Günal and former director and Memory Center Co-Director Meltem Aslan, Bora Sarı from Anadolu Kültür as well as Ayşegül Güzel, Filiz Telek, Yiğit Aksakoğlu, Civil Society Development Association Communication Coordinator Hande Özhabeş, producer Çiğdem Mater and Yusuf Cıvır.

Businessperson Osman Kavala is well-known in Turkey with his civil society initiatives for a long time and is currently awaiting the indictment against him. Kavala is in prison since November 1, 2017 due to “leading the Gezi Park protests” and “partaking in the July 15 Coup Attempt.”



Atilla Taş imprisoned again

Singer and journalist Atilla Taş, who is on trial with the allegation of taking part in the media structuring of “FETÖ”, was sent to Silivri Prison for the execution of his imprisonment sentence for 3 years and one month after the approval of the Court of Appeals.

Taş was arrested for 14 months, pending trial within the lawsuit at Istanbul 25th Assize Court and was later released with an

imprisonment sentence against him for 3 years, 1 month and 15 days due to “aiding an illegal organization.” The sentence was finalized in October after being approved by the 2nd Criminal Chamber of Istanbul Regional Court.



Summary against four HDP MPs

Ankara Chief Public Prosecutor’s Office prepared a summary against four MPs, including People’s Democratic Party (HDP) Co-Chair Pervin Buldan due to “making terrorist organization propaganda.” Buldan was accused due to her speech on June 21, 2018 at Siirt Public Square; Diyarbakır MP İmam

Taşçılar was accused due to his social media post dated May 24, 2018 as well as his speeches in Diyarbakır on September 8 and 9, 2018; Tunceli MP Alican Önlü and Ağrı MP Berdan Öztürk were accused due to their speeches during Newroz celebrations.



Karar Daily: “Pressure on our newspaper at intolerable levels”

Karar Daily, known with its proximity to the internal opposition within the Justice and Development Party (AKP), launched a statement and announced that the newspaper is “exposed to an embargo and oppression.” The

statement announced that the newspaper is exposed to heavy, systematic, continuous and various oppression since its first day of publication on March 7, 2016. The newspaper further indicated that private companies are prevented from advertising on the newspaper and those who do are being warned or threatened; stating that the oppression and advertisement embargos have reached an economically intolerable level.



Lawsuits against arrested journalist Reyhan Çapan

169 lawsuits were filed against Özgür Gündem Managing Editor Reyhan Çapan until now with various allegations against her due to the news published on the newspaper. In 15 concluded cases, Çapan was sentenced to a total of 1 year and three months of imprisonment and an additional penalty fine for

131,750-TL. 63 case files are in the appeal phase, with sentences for a total of 13 years and

six months of imprisonment and an additional 220,000-TL penalty fine. Seven files continue to be prosecuted at the Criminal Court of First Instance and 76 continue at Assize Courts; making a total of 83 ongoing lawsuits against Çapan. The journalist is imprisoned at Erzurum Type-E Closed Prison since May, after the finalization of the 1-year 3-month imprisonment sentence against her due to ‘illegal organization propaganda.’



Imprisonment sentence against journalist Sedat Sur

Mardin 2nd Criminal Court of First Instance sentenced journalist Sedat Sur to 11 months and 20 days of imprisonment due to ‘illegal organization propaganda’ through a new article and his social media posts. The related news titled, “The Trustee Hit,” was on Mardin Metropolitan

Municipality under trustee administration.



Lawsuit against arrested journalist Kibriye Evren

The investigation conducted against journalist Kibriye Evren, who was taken into custody and arrested within the operation conducted in Diyarbakır on October 9, 2018, was concluded. The indictment against the journalist charged her with ‘illegal organization membership’ and ‘making illegal

organization propaganda’ and was accepted by Diyarbakır 5th Assize Court. The first hearing of the case will be held on December 6, 2018. The indictment shows the journalist’s social media posts, one saying, “Jinha can not be silenced,” and others on her Twitter account (such as retweeting tweets by journalist Hasan Cemal) as crime evidence.



Four peace academics on trial due to their social media posts

The lawsuit filed against academics Asst. Prof. Hakan Mertcan, Asst. Prof. Selim Çakmaklı, Asst. Prof. Mustafa Şener and research fellow Esin Gülsen due to signing the petition titled, “We Will Not Partake In This Crime!” was

concluded. The academics were on trial due to ‘illegal organization propaganda’ and ‘public incitement towards resentment and hostility.’ Mersin 2nd Assize Court issued the acquittal of

academics Şener, Mertcan and Gülsen of all charges. Çakmaklı, on the other hand, was sentenced to 1 year and three months of imprisonment due to ‘illegal organization propaganda.’ The announcement of the verdict was deferred.



Imprisonment sentence against artist Hozan Cane due to ‘illegal organization membership’

Artist Hozan Cane was arrested in Edirne after arriving in the province to participate in the electoral campaign of People’s Democratic Party (HDP) for the June 24 elections. Cane was sentenced to 6 years and three months of imprisonment. Edirne 3rd Assize Court sentenced the Kurdish artist, who is also a citizen of Germany, due to ‘illegal organization membership’ and issued for the artist to remain arrested.

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Woman arrested due to ‘insulting Atatürk’ after saying “You worship icon figures”

University student Emine Şahin was arrested after being taken into custody during the ceremonies to commemorate Atatürk in Edirne on November 10 due to her expressions against M. Kemal Atatürk. Edirne Chief Public Prosecutor’s Office stated, “An investigation was started against the suspect due to ‘public insult against the memory of Atatürk’ with the allegation that she used the expressions, ‘you worship icon figures, you respect icon figures’ in the commemoration ceremony area; and the suspect is arrested.” Şahin was later released with judicial control after the objection against her arrest.

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Patriotic Party District Chairman sentenced due to ‘insulting Erdoğan’

Patriotic Party Konyaaltı District Chairman Mustafa Ertem was sentenced to 11 months and 20 days of imprisonment due to ‘insulting Erdoğan’ with a poem he read during a protest demonstration organized in Antalya on

April 9, 2016. Antalya 18th Criminal Court of First Instance deferred the announcement of the sentence against Ertem.



Lawsuit against workers on strike

The first hearing of the lawsuit filed against 191 workers was held at Istanbul Gaziosmanpaşa 10th Criminal Court of First Instance. The workers are charged due to going on a strike and pausing production in factories of Greif Group in 2014 due to lack of consensus in mass work contracts.

The lawsuit against the workers was filed four and a half years after the event and the workers, who went on a strike due to low salaries and subcontract systems, are charged with ‘resisting the police’ and ‘violating the freedom of work’. The second hearing of the case will be held on April 15, 2019.



Apolas Lermi threatened after composing song against nature destruction

Artist Apolas Lermi from the Black Sea has composed a song titled, “Uzungöl Şerah,” that points to the illegal constructions in Uzungöl, Trabzon. The music video contained visuals of how

the nature was destroyed during the constructions. As soon as the music video was released, Lermi was targeted by tourism companies in the area; the artist stated that he was threatened and received messages full of curses and insults from small business owners in Uzungöl. Artists, musicians and activists from the Black Sea launched a message to support Lermi, saying, “Uzungöl or Şerah?” Please click for the music video of Uzungöl Şerah: <https://www.youtube.com/watch?v=pBeOTfdg578>



Akit Daily targets Notabene publications

Akit Daily added another to its provocative news full of hatred by threatening Notabene Publishing. Notabene carried Kaos GL and its publications to Istanbul Book Fair; the news on Akit was titled, “Perverts at TUYAP Book Fair.” The news targeted LGBTIQ organizations and the Publishing



House with discriminative expressions such as, “homosexual club named Kaos GL”, “homos have arisen to poison our children”, “LGBTI member perverts”, “pervert propaganda”. In another section of the news titled, “Akit authorities warn”, the newspaper referred to another news by the newspaper titled, “Let perverted associations be shut down!” dated July 4, and all the related publications were demanded to be prevented.



Conference of Cihangir Islam prevented in Rize

Felicity Party Istanbul MP Cihangir Islam’s reservation of the conference hall at Ardeşen Municipality Cultural Center in Rize was cancelled by Mayor Hakan Gültekin.

Islam addressed the government authorities in his speech at the Parliament and said, *“July 15 is only an excuse, you are clearing off all oppositional views against you, those who verbalize rights, those who confront you with your tyranny. You are tyrannising and you are tyrants. You are not souls of God, you are souls of another weak and powerless soul.”* Islam was targeted after these expressions and an investigation was started against him in accordance with Article 301 of the Turkish Penal Code.

Following the cancellation of the conference organized by Felicity Party Rize Ardeşen district organization, Islam organized a press meeting and said, *“These preventions and unjust campaigns of abuse, the extent and dimension they could reach, are obvious now to all the public with its documents and evidence.”*



Sexism in the judiciary report

We Will Stop Femicides Platform launched the “Sexism in the Judiciary Report” prepared on tracked lawsuits from January until November 2018.

20 of the total 64 cases tracked by the platform are cases of femicide, 16 of them are of wounding, 8 of them are of threat/insult, 9 are of sexual assault, one of sexual assault against spouse, one of incorrect diagnosis, one of children custody, 5 of child abuse, one of sexual assault against children, 2 of child murders and one of threat. According to the report, 10 of the concluded cases of femicide involved abatements due to good conduct and provocation.

For the full report;

<http://kadincinayetlerinidurduracagiz.net/davalarimiz/2865/2018-ocak-kasim-kadin-cinayetleri-durduracagiz-platformu-davaları-yargıda-cinsiyetçilik-raporu>



TRIALS OF FREEDOM OF EXPRESSION

- The prosecution of arrested former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş continued at Istanbul 17th Criminal Court of First Instance with the allegation that he has insulted former Prime Minister Ahmet Davutoğlu. Demirtaş attended the hearing through Audiovisual Information System (SEGBIS). The judge issued a verdict of non-jurisdiction and the file was sent to Istanbul 2nd Criminal Court of First Instance.
- Prosecutions of 12 students were held at Diyarbakır 10th Assize Court with the allegation of ‘making illegal organization propaganda,’ ‘committing crimes on behalf of an illegal organization without being members,’ ‘resisting to prevent duty’ and ‘violating the Law on Meetings and Demonstrations No. 2911.’ The students were beaten and taken into custody with the allegation that they have whistled the Kurdish anthem, “Çerxa Şoreşê” at Dicle University on March 20, 2017. The next hearing was scheduled to a later date.
- The first hearing of the lawsuit filed against Berna Laçın with an imprisonment claim for up to 1 year due to ‘denigrating religious values’ through a social media post was held at Istanbul Anadolu 59th Criminal Court of First Instance. The next hearing was scheduled to a later date.
- The 19th hearing of the case on the death of journalist Musa Anter, who was killed in 1992, was held at Ankara 6th Assize Court. Witness Protection and Social Security records of Gendarmerie Intelligence and Anti-Terror Unit (JITEM) hitman Mahmut Yıldırım with codename “Green” were demanded if applicable, as well as the file of Cem Ersever’s murder. Two National Intelligence (MIT) members who spoke to “Green” were demanded to be identified and the prosecution was postponed to March 20, 2019.
- The prosecution of former People’s Democratic Party (HDP) Co-Chair Figen Yüksekdağ, continued at Diyarbakır 13th Criminal Court of First Instance with the allegation that she has “insulted the Turkish nation, the government of the Republic of Turkey and governmental institutions” in the statement she made when she was taken into custody. The court issued a warrant for the case file to be merged with the ongoing case at Ankara 9th Assize Court, scheduling the next hearing to January 22, 2019.
- Prosecutions of the ‘Academics for Peace’ continued this week as well. None of the cases were concluded this week; the academics will continue to be prosecuted with hearings on different days and courts next week.

TRIALS NEXT WEEK

- The prosecution of 10 people, including journalist Ishak Karakaş, due to ‘illegal organization propaganda’ through their “Afrin posts”, will continue on November 20 at Istanbul 28th Assize Court.
- The second hearing of the lawsuit filed against freelance journalist Sertaç Kayar due to the news he wrote and shared on the social media will be held on November 21 at Diyarbakır 10th Assize Court.

- The prosecution of Cumhuriyet Daily's former economy editor Pelin Ünker will continue on November 22 at Istanbul 2nd Criminal Court of First Instance within the lawsuit filed against her, after the complaints of Minister of Energy Berat Albayrak, his brother Serhat Albayrak and businessperson Ahmet Çalık related to the "Paradise Papers" news published on the newspaper in November 2017.
- The prosecution of Perihan Mağden will continue on November 22 at Istanbul 2nd Criminal Court of First Instance due to 'insulting the President.' Mağden is on trial due to negative assimilation of a participant in the TV Show "Survivor" with President Erdoğan in one of her columns in April 2016.
- The second hearing of the lawsuit filed against journalists Sibel Hürtaş and Hayri Demir due to their news and social media posts on the Afrin operation will be held on November 22 at Ankara 15th Assize Court.



TURKEY TODAY

With Presidential Decree No. 22, published on the Official Gazette this week, 10 thousand more places were added for guards at the Security General Directorate. On the other hand, 36 new places were opened in various positions from district governors and managing editors to registry heads at the provincial organizations of Interior Ministry. [Please click here](#) for the Xtra bulletins we prepare on State of Emergency Decrees and Presidential Decrees.



JUDGING THE JUDICIARY

The opening of the 3rd Airport was made with a ceremony after the deaths of 30 workers during its construction, according to official statements. 31 workers are still in prison after protesting bad working conditions, unpaid salaries and the problem of shelter and transportation by saying, "We are not slaves!" Lawsuits were filed against a total of 61 workers due to "illegal" demonstration organization. Operations were organized against the shelters of the workers; they were taken into custody and arrested. Therefore, we have judged all the unlawfulness and illegitimacy they have experienced during this period. Please click for the reasoned decision: http://www.dusun-think.net/dunyanin-gozleri/?s=yargi_en