



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 11/19, 15 March 2019)

### What happened last week?

\*\*\* Police intervened in the Feminist Night Walk organized in Istanbul in March 8, International Women's Day. President Erdoğan targeted the women who protested the police attack with whistles, by saying, *"The whistles targeted the prayer."*

\*\*\* Erdoğan continued his expressions on *"survival"* and to twist the truth on *"whistling against the prayer"* all week during election rallies. *"Even if they attack our borders, even if they attack our flag, even if they attack our prayers, even if they attack our economy, they will not make us kneel,"* Erdoğan said.

\*\*\* Erdoğan called People's Democratic Party (HDP) Co-Chair Sezai Temelli a *"terrorist"* and said, *"I never called those voting for HDP terrorists, I say: those who are voted for are terrorists."* He further repeated the statement, *"You have no place in this country. Go to Kurdistan."*

\*\*\* European Parliament (EP) accepted the report that called for a suspension of membership negotiations between Turkey and the EU. *"The advisory decree on the matter means nothing to us"* Ankara said.

\*\*\* State of Emergency Applications Monitoring Committee issued decisions on 63,100 applications of the total 126,000 applications. The Committee accepted 4750 applications and denied 58,350.

\*\*\* Nine more *"Peace Petition"* signatory academics were convicted. The number of convicted scientists reached 151 and the total length of imprisonment sentences issued reached 225 years.

\*\*\* Public TV channel TRT was identified to have slotted ten times more time to the AKP-MHP alliance in February broadcasts than the opposition. HDP, on the other hand, could not find a place on the screens except the when targeted by the current administration.

\*\*\* ZDF Istanbul Chief Jörg Brase and Tagesspiegel reporter Thomas Seibert left Turkey after their press cards were not extended. Seibert stated that their lack of accreditation is *"a message to Western press members."*

\*\*\* In the case where public officers are on trial for negligence concerning the Hrant Dink assassination, two of the four arrested defendants were released. The next hearing will be held on July 11.



### Police attacks "Feminist Night Walk" with tear gas, Erdoğan targets women

The "Feminist Night Walk" to be organized at Istiklal Street for March 8, World

Women's Day, was banned. The police took Taksim Square and its surroundings under blockade before the march and intervened the women with tear gas and rubber bullets. The press statement could not be made due to the police attack.

President Erdoğan targeted the women, who protested the police attack with whistles, by saying, *"The whistles targeted the prayer."* *"We will fight those who are enemies of the prayer and the flag until the end,"* Erdoğan said. Following the statement of Erdoğan, a group gathered at Taksim Square and attempted to march towards the People's Democratic Party (HDP) provincial building, chanting *"Break the hands of those raised against prayer"*.

### **Interior Minister threatens through "Maras Massacre"**

After President Erdoğan targeted women attacked by the police in Taksim Square during March 8, International Women's Day events., Interior Minister related the Erdoğan's words to Çorum and Kahramanmaraş Massacres. His speech was an implicit threat with massacre. The minister indicated that Istiklal Street is their *"red line"* and that the Governorate is conducting necessary investigations on the demonstration. [Please click here](#) for details.



### **"Kavala and Aksakoğlu must be released at once"**

19 rights and professional organizations, including Ankara, Izmir and Diyarbakır Bar Associations, made a common declaration on the Gezi Park Case, calling for the immediate release of Osman Kavala and Yiğit Aksakoğlu. The statement indicated that there is no reasonable explanation that requires the rights advocates, whose arrests

have now turned into a penalty itself, to remain arrested in remand and that it is an inexplicable situation in terms of international standards of law that they are still deprived of their freedoms.

The Taksim Solidarity, consisting of 128 elements with chambers of the Union of Chambers of Turkish Engineers and Architects (TMMOB), NGOs, unions, associations and cooperatives, organized a press statement on the indictment against the Gezi Park protests. It was pointed out that the government, which makes both the law and justice political matters, attempts to use this case as a tool to silence social opposition. [Please click here](#) for the full statement. On the other hand, Amnesty International started an urgent action campaign for the abatement of all charges imposed against 16 NGO representatives and for Osman Kavala and Yiğit Aksakoğlu to be released. Kavala and Aksakoğlu are arrested in remand within the Gezi Park Case. [Please click here](#) to participate.



### **"Peace Academics" on trial**

Six scientists, who were on trial due to *"making illegal organization propaganda"* due to signing the petition of the Academics for Peace Initiative, were sentenced to fifteen months of imprisonment each, two were sentenced to eighteen months of

imprisonment each and one was sentenced to twenty seven months of imprisonment, which was not deferred. One of the sentences was postponed for two years with judicial measures and the announcements of seven sentences were deferred. The number of academics standing trial due to the petition reached 533. The number of convicted academics reached 151 and the length of the sentences issued reached a total of 225 years. Sentences against 30 academics (58 years of imprisonment in total) were not deferred. You may find the data shared by the Academics for Peace on the matter on <https://goo.gl/KGktHa>.



## **ECHR: “Systematic lawsuits against journalists tool for pressure”**

In the application of Özgür Gündem Daily owner Ali Gürbüz, the European Court of Human Rights (ECHR) decided that systematic lawsuits filed against journalists are tools for pressure despite their results, that they direct journalists towards self-

ensorship and violate freedom of expression. The decree expressed that even though Gürbüz was acquitted in all lawsuits filed against him, he was kept under pressure for years with judicial prosecutions. The ECHR indicated that such prosecutions aim to take journalists under control by creating fear of conviction, establishing a deterrent effect on the social debate platform as well as on freedom of expression. The court found Turkey guilty of violating freedom of expression in accordance with Article 10 of the European Convention of Human Rights and sentenced 3500 Euros of moral compensation to be paid to Gürbüz.



## **Imprisonment sentences against seven defendants in Gün Printing Case**

Five people were sentenced to 7.5 years of imprisonment each, due to “*illegal organization membership*” and two were sentenced to 3 years and 9 months of imprisonment each due to “*willfully aiding and abetting an illegal organization*” within the lawsuit filed against the owner and

employees of Gün Printing. All other defendants were acquitted. Istanbul 26th Assize Court issued the release of the five arrested defendants until the sentence is finalized. The indictment of the lawsuit charged 12 people with “*illegal organization membership*” and 9 people with “*willfully aiding and abetting an illegal organization*” through reasons such as approximately 100 publications printed by the house were pulled off shelves, ongoing lawsuits against the authors of printed publications and the printing of Özgürlükçü Demokrasi Daily.



## Selim Sadak arrested due to speech at rally

Former Siirt Mayor and Democratic Society Congress (DTK) Council Board member Selim Sadak was arrested with the allegation of “*making terrorist organization propaganda*” through the speech he gave during the election rally he organized in Viranşehir district of Urfa.



## Arrest due to hanging poster of Demirtaş

Istanbul 3rd Criminal Judicature of Peace arrested 61-year-old Hamza Gökmen and 57-year-old Selahattin Gündüz, who were detained with a house raid on March 9th in Sancaktepe district of Istanbul. Gündüz is charged with “*illegal organization membership*” due to hanging a poster of

former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş and Gökmen, who is illiterate, was charged with “*making illegal organization propaganda*” through his social media posts.



## Lawsuit against theologian-writer Cemil Kılıç due to social media posts

Gaziosmanpaşa Chief Public Prosecutor's Office created an indictment against theologian-writer Cemil Kılıç due to “*public denigration of a part of society based on social class, race, religion, sect, gender or*

*regional difference.*” An imprisonment claim was made against Kılıç from 6 months up to one year due to two social media posts on December 6 and December 11, 2018 in which he is criticising Islamism.



## Cumhuriyet Daily news on Sözcü Prosecutor banned

The news published on Cumhuriyet Daily regarding Public Prosecutor Asım Ekren, who prepared an indictment against Sözcü Daily, was banned to access by Istanbul 2nd Criminal Judicature of Peace. The news reported that Ekren was prosecuted in 2002 due to the charge of unfair advantage and

was convicted of “*misusing duty*” with the headline, “*Ex-Con Sözcü Prosecutor.*”



## HDP posters taken down in Urfa

Urfa 2nd Criminal Judicature of Peace decided for the posters of People's Democratic Party (HDP) with the writing, "Li Dijî Şer Aşiti [*Peace against war*]" to be taken down. The decision was made with the allegation that the posters are making "illegal organization propaganda."

Following the verdict, all posters hung in the provincial center and surrounding districts were taken down by the police.



## Union rally banned

Ankara Governorate did not allow the rally to be organized by Turkish Warfare Labour Union in Ankara on March 16th against the privatization of Tank Tread Factory in Sakarya. The Governorate showed "the election period and general safety" as reason for the ban and based the verdict on the Provincial Administration Law regulating

the duty of governors as well as the article of the Law on Meetings and Demonstrations, entitled, "postponement of a meeting and prevention in certain circumstances." The related legislation authorizes governors to ban meetings "in case there is an obvious and close danger pointing to a crime to be committed."

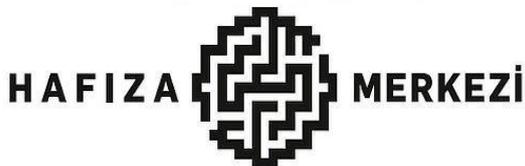


## Movie "Journey Towards the Sun" banned

Marmara University Rectorate banned the screening of movie, "Journey Towards the Sun" by Yeşim Ustaoglu. The movie, dated 1999, was planned to be screened within the event, "Female Directors" organized by the Cinema Club and the university

administration did not find the screening appropriate. The movie depicts the transformation and friendships of two young people; one Turkish and one Kurdish.

HAKİKAT, ADALET, HAFIZA MERKEZİ



## "Documentation Video Series for Rights Advocates"

Memory Center pointed out that works of documentation is very important in order to continue the fight for human rights more effectively and with strength. Indicating that documentation needs to be developed, the organization prepared a video guide. The

“[Documentation Video Series for Rights Advocates](#)” aims to present information on basic debates on documentation and aims to set a starting point on more extensive debates on the matter. The series focuses on important topics of legal documentation, the historical notion of documentation, its basic principles, field work, data processing and archive usage.

---



## JUDGING THE JUDICIARY

We continue to judge the judicial executions, which was never completely “independent” or “unbiased” but has currently become “unlawful.” Two new files were added to our page, “Judging the Judiciary”: “[Ferhat Tepe Case and Access Bans](#)” and “[Bülent Şık Case.](#)”

The file of Tepe reveals that access bans have become a new tool of the current politics of impunity as well as the horrifying dimensions of access bans, from ECHR decrees to Parliamentary summaries. Şık, who published the data on the cancer research that was previously hidden by the Ministry of Health, is charged with revealing “government secrets” (!) due to sharing the measurements on carcinogenic ingredients in foods, which concerns public health.

---



## TRIALS OF FREEDOM OF EXPRESSION

- The sixth hearing of the lawsuit, on which Evrensel Daily’s Dersim reporter Kemal Özer was on trial due to “terrorist organization membership” was held at Tunceli 1st Assize Court. The next hearing was scheduled to March 27, 2019.
- The final verdict was issued in the last hearing of Gün Publishing Case with 21 people on trial, five of them arrested, on March 11th, Monday at Istanbul 26th Assize Court. İhsan Sinmiş, Erdoğan Zamur, İrfan Karaca, Kasım Zengin, Mahmut Abay; who were arrested since April 2018, were sentenced to 7 years and six months of imprisonment. Mehmet Emin Sürmeli and Musa Kaya, who were released on February 11, were sentenced to 3 years and nine months of imprisonment due to “willfully aiding and abetting an illegal organization.” 13 publishing employees were acquitted.
- The sixth hearing of the lawsuit filed against Sözcü Daily workers Emin Çölaşan and Necati Doğru as well as the newspaper’s Editor-In-Chief Metin Yılmaz and owner Burak Akbay with the allegations of “establishing and managing a terrorist organization,” “making terrorist organization propaganda” and “committing crimes on behalf of an illegal organization without being members” were held at Istanbul 37th Assize Court. The next hearing was scheduled to April 18.
- The 90th hearing of the lawsuit with 85 defendants, four of them arrested, filed against Security, Intelligence and Gendarmerie officers having responsibility in the assassination of Agos Daily Editor-In-Chief Hrant Dink, was held at Istanbul 14th Assize Court. Former Istanbul Gendarmerie Intelligence Team Commander Muharrem Demirkale and FOX TV News Director Ercan Gün were released. However, the release verdicts were reversed following the objection of the Prosecutor’s Office. The next hearing was scheduled to June 11th, 12th and 13th.
- The fourth hearing of the lawsuit filed against journalist-writer Mehmet Gündem with

the allegation of “FETÖ” membership after being detained and arrested on November 1, 2017 within the operation against Journalists and Writers Foundation, was held at Istanbul 35th Assize Court. Mehmet Gündem will remain arrested and the next hearing was scheduled to May 8th.

- Prosecutions of the academics, who are on trial due to “making terrorist organization propaganda” after signing the petition, “We Will Not Partake In This Crime” of the Academics for Peace, continued this week as well. In the hearings held at Istanbul 25th, 26th, 32nd and 36th Assize Courts, six more academics were sentenced to 1 year and three months of imprisonment each; one academic was sentenced to 1 year and six months of imprisonment in the hearing at Istanbul 25th Assize Court, one academic was sentenced to 1 year and five months of imprisonment in the hearing at Istanbul 37th Assize Court and one academic was sentenced to 2 years and three months of imprisonment in the hearing at Istanbul 28th Assize Court. Thus, nine more academics were sentenced to imprisonment in total this week.

## **HEARINGS NEXT WEEK**

- The next hearing of the lawsuit against Contemporary Lawyers Association and People’s Legal Bureau member lawyers due to “terrorist organization membership and management” will be held on March 18th, Monday at Istanbul 37th Assize Court.
- The next hearing of the lawsuit filed against Dersim Co-Mayor Nurhayat Altun due to “illegal organization management” will be held on March 18th, Monday at Tunceli 1st Assize Court. After Altun was dismissed from her duty, Ministry of the Interior assigned a trustee to the municipality.
- The third hearing of the lawsuit filed against journalist Ahmet Kanbal due to “making illegal organization propaganda” through his social media posts on the Afrin Operation will be held on March 19th, Tuesday at Izmir 2nd Assize Court.
- The sixth hearing of the lawsuit filed against former Evrensel Daily Managing Editor Çağrı Sarı due to “insult and slander” through covering the Paradise Papers as news will be held on March 19th, Tuesday at Bakırköy 2nd Criminal Court of First Instance.
- The third hearing of the lawsuit against 22 Boğaziçi University students, who are on trial due to “making terrorist organization propaganda” after opening a banner that stated, “There is no delight in invasion or massacre” against the Turkish delights distributed at the university for the Afrin Operation, will be held on March 19th, Tuesday at Istanbul 32nd Assize Court, starting at 10:00.
- The 20th hearing of the case on the death of Musa Anter, who was killed in 1992, will be held on March 20th, Wednesday at Ankara 6th Assize Court.
- The prosecution of the lawsuit filed against workers and union members, who were detained and remained under arrest for 2.5 months after protesting heavy working conditions and work murders at the construction of the third airport in Istanbul, will continue on March 20th, Wednesday at Gaziosmanpaşa 14th Assize Court, starting at 09:00.
- The third hearing of the lawsuit filed against Ferhat Tunç following the personal complaint of Erdoğan due to “insulting the President” through his social media posts will be held on March 20th, Wednesday at Büyükçekmece 14th Criminal Court of First Instance at 10:00.
- The first hearing of the lawsuit filed against Baskın Oran due to signing the petition, “We Will Not Partake In This Crime” of the Academics for Peace, will be held on March 20th, Wednesday at Istanbul 27th Assize Court, starting at 11:00.
- The second hearing of the lawsuit filed against Turkish Medical Association (TTB) Central Council members with the allegations of “public incitement towards resentment and hostility” and “making illegal organization propaganda” due to the

statement of the TTB during the “Olive Branch” Operation of Turkey against Afrin, will be held on March 20th, Wednesday at Ankara 32nd Assize Court. “War is a matter of public health,” the association had stated.

- The prosecution of 14 journalists, with Özgürlükçü Demokrasi Daily owner Ihsan Yaşar, Managing Editor Ishak Yasul, Editors Hatice Urun, Mehmet Ali Çelebi and Reyhan Hacıoğlu arrested, will continue on March 21, Thursday at Istanbul 23rd Assize Court due to “membership to an armed terrorist organization,” “making terrorist organization propaganda” and “printing and publishing terrorist organization publications.”
- The first hearing of the lawsuit filed against journalist Salih Turan due to “making terrorist organization propaganda” will be held on March 21st, Thursday at Istanbul 32nd Assize Court.
- The sixth hearing of the lawsuit filed against 11 rights advocates, including Amnesty International Turkey Honorary Chairman Taner Kılıç, due to “terrorist organization membership” and “committing crimes on behalf of a terrorist organization without being a terrorist organization member” will be held on March 21st, Thursday at Istanbul 35th Assize Court.
- A lawsuit was filed against the Foundation of Turkish and Middle Eastern Forum Chairman and writer Fikret Başkaya due to his column, entitled, “The Actual Terrorism is Government Terrorism.” The first hearing of the lawsuit filed against Başkaya due to “making illegal organization propaganda” with his article, published on the website of Özgür University on November 7, 2016, due to “making illegal organization propaganda” will be held on March 21st, Thursday at Ankara 21st Assize Court, starting at 09:30.
- The first hearing of the lawsuit filed against author Temel Demirer due to “praising the offense and the offender” through the speech he have during the programme on July 20, 2017 to commemorate those losing their lives in Suruç following the ISIS attack on July 20, 2015 will be held on March 21th, Thursday at Istanbul Anatolian 33rd Criminal Court of First Instance, starting at 11:05.
- The prosecution of Perihan Mağden and İnan Ketenciler within the lawsuit filed against them due to “insulting the President” through the article, entitled, “Survivor Island’s Tayyip model: Semih Öztürk,” will be held on March 21st, Thursday at Istanbul 2nd Criminal Court of First Instance, starting at 12:05.
- The prosecutions of previously shut-down Taraf Daily executives and reporter Mehmet Baransu on the allegation of a conspiracy against some defendants on trial within the “Sledgehammer Case” will continue on March 22nd, Friday at Istanbul 13th Assize Court.
- The prosecutions of the Peace Academics, who are on trial due to “making terrorist organization propaganda” through signing the Peace Petition of the Academics for Peace, will continue next week in Istanbul Courthouse in Çağlayan as well as other courts across Turkey in provinces where the files of academics residing outside of Istanbul are.