



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** Local election results are still unclear. The Higher Electoral Council (YSK) accepted objections against the countings in provinces Justice and Development Party (AKP) has lost, especially in Istanbul. Objections made in provinces won by AKP candidates are being denied.

*** Despite all efforts by the ruling party, the balance of votes in Istanbul has not changed. President Erdoğan announced the elections throughout Istanbul “*anomalous.*” “*Let no one think that they can win with 13-14 thousand difference in number of votes,*” Erdoğan said, while the AKP is looking to cancel the elections in Istanbul. The police went on an “*elector hunt*” in Büyükçekmece; checking records of electors door by door.

*** Election certificates were not handed in many provinces won by People’s Democratic Party (HDP) candidates. The Higher Electoral Council (YSK) decided for election certificates not to be given to elected candidates with emergency decrees against them, despite having accepted their application for candidacy and approving that they have the right qualifications to be elected. With the decision, YSK will hand the election certificates to candidates of the Justice and Development Party (AKP) instead of candidates of the People’s Democratic Party (HDP). Thus, trustees were effectively assigned to the municipalities through YSK. HDP requested the elections to be repeated in the provinces in question.

*** The “*Structural Transformation Steps*” were announced within the New Economy Programme. The pack involves policies on the urgent financing of the economy, with reformation priorities on the finance sector. Concerning the field of production, on the other hand, only abstract promises have been announced. The content of promises will be announced later. [Please click here](#) for details.

*** Erdoğan paid a visit to Moscow for the 8th Turkey-Russia High Level Cooperation Council. Speaking on the S400 rocket defense system, which led to a crisis between Turkey and the US, Erdoğan said, “*Those expecting us to step back after this obviously don’t know us. The matter is closed.*”

*** Assoc. Prof. Saadet Yüksel was chosen as member judge for the European Court of Human Rights (ECHR). Yüksel will represent Turkey at the ECHR for 9 years.



“Peace Academics” on trial

Nine more “Peace Petition” signatory academics were convicted due to “making illegal organization propaganda” this week. The total number of imprisonment sentences issued within the convictions were 13 years, 4 months and 15 days in total. According to the data we compiled, the number of academics convicted due to the petition reached 180 and the sentences

against 32 were not deferred. You may find the data compiled by the initiative on the lawsuits on <https://goo.gl/KGktHa>.



Özgür Gündem owner Kemal Sancılı released in main case

Özgür Gündem Daily owner Kemal Sancılı was released in the latest hearing of the main lawsuit filed against Özgür Gündem Daily writers and editorial consultation board members. The newspaper was previously shut down with an emergency decree.

Following the verdict of release for Sancılı issued by Istanbul 23rd Assize Court, he was sent back to prison due to having another finalised imprisonment sentence against him. Within the lawsuit, the newspaper’s writers and editorial consultation board members Filiz Koçali, Aslı Erdoğan, Necmiye Alpay, Ragıp Zarakolu, Editor-In-Chief Zana (Bilir) Kaya, Managing Editor İnan Kızılkaya, writer Eren Keskin and editorial consultation board member Bilge Aykut are on trial together with Sancılı due to “disrupting the unity and the territorial integrity of state,” “making armed terrorist organization propaganda” and “establishing an illegal organization in order to commit offenses.” The next hearing was scheduled to July 3, 2019, starting at 09:30.



Two released in Özgürlükçü Demokrasi Daily Case



In the fourth hearing of the lawsuit filed against 14 workers of previously shut-down Özgürlükçü Demokrasi Daily due to “illegal organization membership” and “making terror propaganda,” newspaper editors Ishak Yasul and Hicran Urun were released among five arrested defendants. Istanbul 23rd Assize Court

issued for editors Reyhan Hacıoğlu and Mehmet Ali Çelebi, as well as the newspaper’s owner İhsan Yaşar to remain arrested. The three names were arrested for a year within the file,

together with the two journalists released with judicial measures. The next hearing of the case was scheduled to June 28th, starting at 10:30.



Imprisonment sentence against journalist Sezgin Kartal

Ten people, including journalist Sezgin Kartal, were sentenced to imprisonment due to “making illegal organization propaganda” in the lawsuit filed upon the press statement held in Antakya 4 years ago for Emre Aslan, who had lost his life in Rojava while fighting against ISIS.

Hatay 2nd Assize Court sentenced the journalist to ten months of imprisonment, effective immediately.



Lawsuit against press statement on Afrin operation

Didim 1st Criminal Court of First Instance issued a verdict of acquittal for Didim Özgürses Daily owner Mustafa Öge, Mavi Didim Daily owner Ergün Korkmaz and reporter Erdem Özden, who were on trial due to reporting the news on the statement of Labour Party (EMEP) Didim District Chairman Kazım Temiz against the Afrin Operation during a press

statement. The four names were on trial with the allegation of “*public incitement towards resentment and hostility.*”



Judicial fine against two social media users due to “insulting Erdoğan”

Two citizens, who were on trial in Eskişehir with the allegation of insulting the President on the social media, were convicted. Eskişehir 6th Criminal Court of First Instance sentenced Mehmet Yüksel to 11 months of imprisonment, Eskişehir 8th Criminal Court of First Instance sentenced Mehmet Emin Erincek

to 8,840 TL judicial fine. Announcements of both verdicts were deferred.



Another lawsuit filed against Ferhat Tunç due to social media posts

A new lawsuit was filed against musician Ferhat Tunç due to a social media post he made in 2016. The indictment, accepted by Büyükçekmece 16th Criminal Court of First Instance, charges Tunç with insulting former Prime Minister Binali Yıldırım.

The artist was sentenced to approximately 12 years of imprisonment so far within the lawsuits filed against him due to his social media posts. He is still on trial with allegations of “*public incitement towards resentment and hostility*” as well as “*insulting the President.*”



Verdict of acquittal in lawsuit filed against social media post due to “insulting Erdoğan”

Istanbul Anatolian 26th Criminal Court of First Instance issued a verdict of acquittal for HSBC Bank General Director Selim Kervancı, who was charged with

“*insulting Erdoğan*” through a social media post during the Gezi Park protests. Kervancı had faced an imprisonment sentence for up to 2 years and four months due to “*public insult against a public officer due to his duty*” within the file.



Freemuse: State of Emergency has halted artistic freedom in Turkey

Freedom of Musical Expression (Freemuse) reported the pressure and restrictions against musicians around the world under the title, “*The State of Artistic Freedom 2019.*” The report

includes 673 incidents in 80 countries during the year 2018, with great emphasis on Turkey.

According to the report, more than 30 artists and culture workers were arrested or detained in Turkey. Sentencing nine artists to imprisonment Turkey takes place among the countries where artists are prosecuted, detained, sentenced to imprisonment and censored the most. Freemuse indicated that some debated laws are used in many countries to silence artists. As examples for this, the report suggested that four artists were sentenced to imprisonment in Turkey due to “*insulting the President*” and 13 artists were on trial within the “*Anti-Terror Law.*” On the other hand, 10 of the 286 cases of censorship, applied in the fields of music,

visual arts, movie, theatre, literature and dance from 60 countries happened in Turkey. [Please click here](#) for the full report.



HRW: “Right to fair trial under attack”

Human Rights Watch has examined the lawsuits filed against 168 lawyers in Turkey within the last three years and launched a report, entitled, “*Lawyers and Right to Defense Under Attack in Turkey.*”

The report reveals that judicial authorities

made connections between the lawyers and the offenses of their clients; targeting them through criminal investigations, prosecutions as well as arbitrary detainments and arrests.

HRW Director for Europe and Middle East Hugh Williamson indicated that the experiences in Turkey reveal the severity of the situation in the current Turkish judicial system and stated that this situation must worry everyone - both in Turkey and in the international platform. You may find the full report on <https://www.hrw.org/tr/report/2019/04/10/328920>.



JUDGING THE JUDICIARY

The new file in our “**Judging the Judiciary**” section is the “[Gezi Park Case](#).” The judicial process within the lawsuit reveals that the government has declared war against civil society and advocacy as well. [Please click here](#) for details.



TRIALS OF FREEDOM OF EXPRESSION

- The third hearing of the lawsuit filed against previously shut-down Özgürlükçü Demokrasi Daily workers İshak Yasul, Hicran Urun, Mehmet Ali Çelebi, Reyhan Hacıoğlu and İhsan Yaşar, who are arrested within the file, as well as against Davut Uçar, Ersin Çaksu, Fırat Benli, Günay Aksoy, Mizgin Fendik, Önder Elaldı, Pınar Tarlak, Ramazan Sola and Yılmaz Yıldız, was held at Istanbul 23rd Assize Court. The court issued the releases of the newspaper’s Managing Editor Ishak Yasul and editor Hicran Urun, scheduling the next hearing to June 28, 2019, starting at 10:30.
- The eleventh hearing of the lawsuit, known as the “Özgür Gündem Main Case,” filed against previously shut-down Özgür Gündem Daily writers and editorial consultation board members Filiz Koçali, Aslı Erdoğan, Necmiye Alpay, Ragıp Zarakolu, Zana Bilir Kaya, İnan Kızılkaya, Eren Keskin, Kemal Sancılı and Bilge Aykut with the charges of “disrupting the unity and the territorial integrity of state,” “making armed terrorist organization propaganda” and “establishing an illegal organization in order to

commit offenses,” was held at Istanbul 23rd Assize Court. The court issued the release of arrested newspaper owner Kemal Sancılı and scheduled the next hearing to July 3, 2019, starting at 09:30.

- The third hearing of the lawsuit filed against Die Welt reporter and German citizen journalist Deniz Yücel due to “making terrorist organization propaganda” and “public incitement towards resentment and hostility” was held at Istanbul 32nd Assize Court. No verdicts were issued in the hearing. The next hearing was scheduled to July 16, 2019, starting at 10:50.
- The first hearing of the lawsuit filed against Austrian journalist was held at Ankara 26th Assize Court. Max Zirngast, was arrested on September 21, 2018 due to “illegal organization membership” and was later released, The court decided for judicial measures to be removed except the travel ban, scheduling the next hearing to September 11, 2019, starting at 09:15.
- All defendants were acquitted in the latest hearing of the lawsuit filed against Didim Özgür Ses Daily owner Mustafa Öge, Mavi Didim Daily owner Ergun Korkmaz and Mavi Didim Daily reporter Erdem Özen due to publishing the press statement made by Labour Party (EMEP) Didim District Organization on January 21, 2018, to criticize the Turkish Armed Forces (TSK) attack against Afrin province of Syria.
- Hearings of the academics facing charges of “making terrorist organization propaganda” due to signing the “Peace Petition” of the Academics for Peace continued this week. In the lawsuits held at Istanbul 32nd and 37th Assize Courts, five academics were sentenced to 1 year and three months of imprisonment each, two academics were sentenced to 1 year and six months and another academic was sentenced to 1 year, 10 months and 15 days of imprisonment each; the announcements of all verdicts were deferred. In the hearings held at Istanbul 37th Assize Court, one academic was sentenced to 2 years and three months of imprisonment, which is above the limit for a deferral of announcement.

HEARINGS NEXT WEEK

- The next hearing of the lawsuit filed against Erol Önderoğlu, Şebnem Korur Fincancı and Ahmet Nesin due to participating in the “Substitute Editing-In-Chief” campaign for previously shut-down Özgür Gündem Daily will be held on April 15th, Monday at Istanbul 13th Assize Court, starting at 10:00.
- The second hearing of the lawsuit filed against artist Ferhat Tunç due to “insulting the President” through 10 different tweets he posted in 2016 will be held on April 15th, Monday at Büyükçekmece 7th Criminal Court of First Instance, starting at 10:20.
- The next hearing of the lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargın and Metin Yoksus due to “making terrorist organization propaganda,” “preventing and disrupting an information system; destruction or transformation of data,” “acting on behalf of an illegal organization without being a member” and “illegal organization membership” following the news on the emails belonging to Energy and Natural Resources Minister Berat Albayrak, revealed by RedHack, will be held on April 16th, Tuesday at Istanbul 29th Assize Court, starting at 09:30.
- The second hearing of the lawsuit filed against Hasan Cemal due to his article, written on December 4, 2015 with the title, “From Silvan: They made us get used to the pain and deaths...” will be held on April 16th, Tuesday at Istanbul 36th Assize Court. The journalist is charged due to his meetings in Silvan with Gülsuma Güçer, Mehmet Ali Dünser and former Silvan Co-Mayor Zuhul Tekiner.
- The third hearing of the lawsuit filed against journalist Kibriye Evren, who faces an

imprisonment claim from 8.5 years up to 20 years with the allegation of “illegal organization membership” and “making illegal organization propaganda” with secret witness statements, social media posts and border records as crime evidence after having been detained and arrested during the house raids in Diyarbakır on October 9, 2018, will be held on April 16th, Tuesday at Diyarbakır 5th Assize Court.

- The second hearing of the lawsuit filed against Suruç Massacre Case and Legal Bureau of the Oppressed lawyer Can Tombul, who was arrested for more than six months, will be held on April 18th, Thursday at Istanbul 35th Assize Court.
- The fourth hearing of the lawsuit filed against Nurcan Baysal with the charge of “public incitement towards resentment and hostility” due to her social media posts during the operation against Afrin, will be held on April 18th, Thursday at Diyarbakır 7th Criminal Court of First Instance.
- The next hearing of the lawsuit filed against Burak Abay, Gökmen Ulu, Mediha Olgun and Yonca Yücekaleli within the Sözcü Case due to “establishing and managing a terrorist organization,” “making terrorism propaganda” and “committing crimes on behalf of an illegal organization without being members” will be held on April 18th, Thursday, at Istanbul 37th Assize Court.
- Hearings of the lawsuits filed against the Peace Academics, who are on trial due to “making terrorist organization propaganda” through signing the “Peace Petition” of the Academics for Peace Initiative, will continue next week at Istanbul Courthouse in Çağlayan as well as in other courthouses throughout Turkey, where the files of academics residing outside of Istanbul are.