



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 17/19, 26 April 2019)

### What happened last week?

\*\*\* Justice and Development Party (AKP) - Nationalist Movement Party (MHP) alliance, setting their election strategy on the nation's "survival," now claim that their defeat in the elections in Istanbul is "a survival issue." AKP continues to force the law to declare the elections in Istanbul "suspicious" and to go for re-elections. "*Re-elections in Istanbul is an issue of survival*," MHP leader Bahçeli said.

\*\*\* High Electoral Council (YSK) denied the extraordinary objection of the People's Democratic Party (HDP) on the elections in Şırnak, whose results were clarified with thousands of votes by transferred soldiers, police officers and village guards. YSK claimed that the situation did not affect election results.

\*\*\* YSK decided that allegations of "arbitrariness in final electors list in Şırnak" can not be a reason to cancel the elections. On the other hand they decided to open an investigation concerning the allegations on the electors in Istanbul, upon the request of the AKP.

\*\*\* YSK denied the objection made by AKP with the allegation that electors, who were previously dismissed from public service with emergency decrees, can not vote. However, the decision was made unanimously. Hence, there are "lawyers" in the Council, indeed defending that voting rights of those previously dismissed with emergency decrees can be taken away. The same council previously decided that elected mayors, who were previously dismissed with emergency decrees, can not receive their election certificates.

\*\*\* Republican People's Party (CHP) leader Kılıçdaroğlu was attacked during a soldier funeral he attended in Ankara. CHP said the attack was "planned, organized;" one of nine people detained was arrested. The arrested attacker said, "*I was influenced by the statements that claimed Kılıçdaroğlu is a PKK-supporter*," and was released not even 24 hours after having been arrested.

\*\*\* The lynch attempt was a result of the polarizing and discriminative campaigns used throughout the elections. The ruling party defended the lynch attempt, claiming that it is "*the people's reaction*." "*What have you done so that someone would want to punch you*," asked Bahçeli to the CHP leader. Interior Minister, on the other hand, accused Kılıçdaroğlu for the attack. "*Relations of CHP with HDP and HDP's connection with PKK is obvious*," the minister said.

\*\*\* Despite his calls "*to soften, unite and be an alliance of Turkey*" following the local elections, Erdoğan continues his polarizing, discriminative speeches and actions. When HDP Co-Chair Buldan took the floor in the April 23rd session in the Parliament, Erdoğan and his ministers left the hall.

\*\*\* Former writers and executives of Cumhuriyet Daily, who were sentenced to imprisonment for less than five years and their conviction was recently finalized by the appeal court, were imprisoned again.

\*\*\* Pointing out to hunger strikes, Nobel Prize winners called the Turkish government and the international platform to “*take action to end the isolation under this critical time.*”

\*\*\* According to the data launched by the World Economic Forum, Turkey was ranked 111th among 140 countries in terms of judicial independence.

\*\*\* The US Dollar reached its highest currency exchange level since October 2018. Central Bank didn’t change the high interest rate application, leaving political interest rates at 24%.

\*\*\* With a decree, the authority of monitoring and assignments to Anadolu Agency were given to the Communication Directorate of the Presidency. Before Anadolu Agency, the same application was made for the Press Release Institute and the Turkish Radio and Television Association (TRT).

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### **“Cumhuriyet Case”: Journalists imprisoned once again**

Former writers and executives of Cumhuriyet Daily, who were sentenced to imprisonment for less than five years and their conviction was recently finalized by the appeal court, were imprisoned again.

Awaiting conclusion on their application at the Constitutional Court (AYM) for 2 years and four months, Musa Kart, Emre İper, Önder Çelik, Mustafa Kemal Güngör, Hakan Kara and Güray Öz surrendered at Kocaeli Prison in Kandıra after the legal procedure at İzmit Courthouse. Cartoon artist Musa Kart shared a message on the social media before, saying, “*I believe that this case will continue in the conscience of the public. Good-hearted, sensitive people summarize what we went through for the past few days: The one who punches another is free, comic artists and journalists are imprisoned... With the hope to meet on a day when journalists don’t make statements at prison doors, goodbye.*”



### **“Demirtaş Case”: Arrest continues**

Former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş, who is arrested at Edirne Prison since November 2016, will remain arrested. Demirtaş attended the hearing held at Ankara Sincan Prison from Edirne Type-F Prison through the Audiovisual Information

Technology System (SEGBIS).

Demirtaş is on trial with the charges, “*terrorist organization management,*” “*making terrorist organization propaganda,*” “*violating the Law on Meetings and Demonstrations,*” “*public*

*incitement towards resentment and hostility,” “public provocation to disobey the law,” “incitement towards committing offenses” and “praising the offense and the offender.”* Demirtaş stated that he is on trial due to the meetings he held in Imralı and Qandil within the “*Resolution Process*” and that he is on trial due to his statements; and that the Prosecutors have opened an investigation to ask account for the defeat of the Justice and Development Party (AKP) in the elections on June 7th. Ankara 19th Assize Court decided for Demirtaş to remain arrested and scheduled the next hearing to June 18-19, 2019.



### **“Providing legal service” as conviction reason of CHD lawyers**

The reasoned decree of the imprisonment sentence for a total of 159 years, 1 month and 30 days, issued against 18 Contemporary Lawyers Association (ÇHD) member lawyers, was announced.

In the decree of Istanbul 37th Assize Court, providing legal service in the lawsuit filed on the mine disaster in Soma (leading to the deaths of 301 miners), as well as in other lawsuits for Berkin Elvan and Dilek Doğan, who were killed by the police, and for Nuriye Gülmen and Semih Özakça, symbol names for the protests against emergency decrees, were considered reasons for charges. Symposiums attended by the lawyers, as well as press statements, panels and their meetings with clients were also shown as evidence for connections with “*terrorist organizations.*”



### **Imprisonment sentence against EMEP Chair due to Afrin statement**

Labour Party (EMEP) Chair Selma Gürkan was sentenced to 10 months of imprisonment in the lawsuit filed against her due to the speech she gave in front of the courthouse during the first hearing of EMEP members, arrested due to distributing “*Anti-War*” leaflets. The imprisonment sentence was turned into

6000 TL judicial fine.



### **Investigation against journalist Erk Acarer**

An investigation was filed against BirGün Daily writer-journalist Erk Acarer due to “*provoking people against the government*” through the news he shared on the social media.





## “Insulting Erdoğan”

A citizen in Çorlu district of Tekirdağ was detained due to insulting President Erdoğan on the social media and was arrested by the court on duty he was taken to.

29 of the 30 people, who were on trial due to “insulting the President” through a press statement organized in Kocaeli on

February 15, 2015, were acquitted; whereas Kocaeli 5th Criminal Court of First Instance sentenced one defendant to 1 year and two months of imprisonment. The announcement of the verdict was deferred.

A lawsuit was filed against Arif Kocabıyık, who interviews people on the street on YouTube as “İlave TV” channel, due to “insulting the President,” “insulting government authorities,” “public incitement for resentment and hatred” and “public provocation.” Kocabıyık is charged due to his street interviews on YouTube as well as his comments on various posts on Facebook, made 11 years ago, and a photograph of a rooster he shared on the social media with the writing, “There is a thief.” The second hearing of the lawsuit will be held on September 26, 2019.



## Two teachers arrested due to emergency decree protests released for fourth time

Starting to protest against their dismissal from public service through emergency decrees with demonstrations organized at Bakırköy Square, teachers Nursel Tanrıverdi and Selvi Polat have been arrested four times so far due to “organizing an illegal demonstration.”

The teachers were released once again.

The two teachers have started their protests following their dismissal from public service with the Statutory Decree No. 686 issued on February 7, 2017 within the State of Emergency. They have been acquitted at six different courtrooms, standing trial with the same charges. However, these decrees of acquittal did not keep the Prosecutor’s Office from preparing new indictments. The two names have been arrested once again, one week after their third release in March. Following their fourth release, the teachers announced that they will make criminal complaints against the police officers intervening their demonstrations as well as against the Prosecutors and judges issuing arrest warrants.



## Woman detained after sit-in protest against child abuse

Yasemin Babat Kayan was detained after protesting the sexual abuse experienced by a five-year-old in Büyükçekmece district of Istanbul with a sit-in protest at Taksim Square. Kayan made an individual sit-in protest with the demand for an end to sexual abuse and rape against children and for authorities to take necessary measures on the matter. “I no

*longer want to worry about my child. I don’t want to worry about children. I don’t want to wake up to the same news every day. If it is a crime to stand against child abuse as a mother, I came here, facing up to it,”* Kayan said. Police detained Kayan, claiming that there is a protest ban at Taksim issued by the Governorate.



## “1915 Commemorations” banned

One of the two commemorations to be organized in Sultanahmet, Istanbul for the victims of 1915 Armenian Genocide faced police obstacle. The police did not allow the commemoration organized by Human Rights Association (IHD) Istanbul Committee Against Racism and Discrimination to be held at 12:00. The commemoration and statement was

rescheduled to be held at the Human Rights Association building in Beyoğlu.

Istanbul Governorate did not give permission for the second event to be organized at Istiklal Street by April 24 Commemoration Platform for those losing their lives in the Armenian Genocide. The denial of permission was based on the street being closed for all protests and demonstrations after the 700th sit-in protest of the Saturday Mothers. The commemoration, which is organized on Istiklal Street since 2010, will be held at Şişhane Square this year.



## May 1st celebrations not permitted in Taksim, again

Istanbul Governorate denied the application made by the Confederation of Progressive Trade Unions of Turkey (DISK), Confederation of Public Workers’ Unions (KESK), Union of Chambers of Turkish Engineers and



Architects (TMMOB) and the Turkish Medical Association (TTB) to celebrate May 1st at Taksim Square. Taksim Square is not allowed for celebrations of May 1st this year as well, despite the ECHR decree on the matter.



## Protest bans

Kocaeli Governorate announced that all protests, events and press statements were banned across the province for 15 days. The Governorate based the ban on the protests planned to be made in front of Gebze Prison. Visuals of mothers, who went in front of Gebze Prison to support

their children on a hunger strike and were attacked by the police, were recently on the agenda. Families of hunger-striker arrests, who demand the isolation against Abdullah Öcalan to be removed, had attempted to make a sit-in protest in front of Gebze Prison. The police had then attacked the mothers and insulted them.

On the other hand, Hakkari Governorate banned all demonstrations, marches and press statements across the province for 15 days as well. The ban was based on “*the prevention of potential social incidents and provocative acts.*”



## Impunity

The only defendant of the lawsuit filed for the villagers, who were detained and tortured in 2017 in Gevaş district of Van, was acquitted. Following the letter sent by the Grand National Assembly of Turkey (GNAT) Human Rights Monitoring Committee Directorate to Gevaş Chief Public Prosecutor's Office, an

investigation had been started on the incident. During the investigation, the villagers have identified seven police officers torturing them. However, verdicts of non-prosecution were issued for six police officers and a lawsuit was filed only against O.Ş. After a two-year prosecution, the defendant police officer was acquitted as well, despite all video and voice recordings as well as photographs proving torture. Issuing the verdict of acquittal, Gevaş Criminal Court of First Instance claimed that the faces not being clearly identified due to the low quality of visual recordings.



## Obscenity censorship by Bursa Municipality

The exhibition of painter Ayfer Demircioğlu opened at Bursa Metropolitan Municipality Tayyare Cultural Center was closed one day after due to “*obscenity.*” The municipality has shown the 11th clause of hall assignment

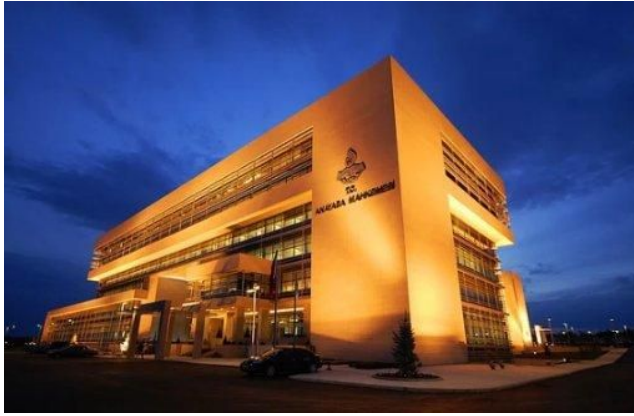
conditions, which stated, “the events must not be of the quality to denigrate, humiliate, mock, provoke or abuse national values.”



## IHD launches “2018 Turkey Human Rights Violations Report”

Human Rights Association (IHD) announced the 2018 Turkey Human Rights Violations Report. According to the report, the rights to life of 673 people, including 32 children, were violated within one year. A total of 2719 people

were exposed to torture - 356 under custody, 246 outside custody and 2598 during demonstrations intervened by security forces. 849 interventions were made in total against peaceful demonstrations. [Please click here](#) for the full report.



## Freedom of expression decrees by AYM

The Constitutional Court (AYM) decided that the access ban brought on the news article published on BiaNet eight years ago, entitled, “*Plagiarism: Find the Difference*” was “a violation of press freedom and freedom of expression.” The news explained that former Minister of National Education, Ömer Dinçer, made plagiarism in his book and the news

article was banned to access with a decree issued by Istanbul 9th Criminal Judicature of Peace on July 8, 2015. Deciding for retrial to eliminate the consequences of the violation, AYM stated, “*There is no doubt that the news on certain allegations that ‘plagiarism’ was detected in the works of a minister, who was assigned to lead a ministry that regulates the educational politics of the country, present a contribution for a debate that is of high public concern... Reasons presented are not relevant and unacceptable for an access ban.*”

The Constitutional Court issued a verdict of rights violation for Ş.Y., who was prosecuted and penalized due to his column published on www.serihaber.biz website on March 29, 2013 with the title, “*Infrastructural Monitoring Handed to Barons of Fethullah.*” Prosecuted at Istanbul 29th Criminal Court of First Instance due to “*damaging bank reputation,*” Ş.Y. had been sentenced to 10 months of imprisonment with an additional judicial fine for 16,660 TL. The announcement of the verdict was deferred. The Constitutional Court issued that the local court decree “*did not take into account the right to public information as well as the public quality of the information presented in the article,*” deciding for a violation of freedom of expression and press freedom.



## **Petition continues: Constitutional Court remained silent for two years, Teacher Ayşe imprisoned again**

Justice expected from the Constitutional Court did not come for two years. The Constitutional Court (AYM) couldn't find the time to negotiate on the application of

Teacher Ayşe, the time of reprieve was over and Ayşe Çelik was imprisoned again. The number of those signing the petition campaign started with the demand to release Çelik reached 20 thousand. Signatories of the campaign, supported by international organizations of freedom of expression as well with the call of IFEX, demand an end for this injustice and for AYM to conclude the application at once - as AYM has the authority to decide on the matter. The campaign will go on until Teacher Ayşe is free and her 1.5-year-old daughter meets her mother again. **See, Hear, Speak Up... Release Teacher Ayşe...** [Please click here](#) to join the petition campaign.



## **TRIALS OF FREEDOM OF EXPRESSION**

- The fourth hearing of the lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters İsmi naz Temel, Havva Cuştan and lawyers of the Legal Bureau of the Oppressed (EHB), with the allegations of “illegal organization membership” and “making illegal organization propaganda”, was held at İstanbul 27th Assize Court. The court decided for the release of arrested defendants Coşkun Yiğit and Erdem Kakça; whereas denied the claim to remove the travel ban against İsmi naz Temel. The next hearing was scheduled to September 3, 2019, starting at 11:30.
- The third hearing of the lawsuit of compensation filed against Sözcü Daily writer Çiğdem Toker due to an article she wrote, that was published on Cumhuriyet Daily on April 22, 2018 following the complaint of PTT Inc. was held at Ankara 20th Civil Law of First Instance. The compensation claimed is 50 thousand TL. The next hearing was scheduled to June 11, 2019.
- Cemal Aslan, Halil Aslan and Nejd et Beysüm, who were detained following the rocket launcher attack against the District Security Directorate in Gevaş district of Van, had been tortured at the police station they were kept under custody for four days. An indictment has been prepared against seven police officers due to “simple injury” and “exceeding limitations on the authority to use force” after visuals of the torture were spread on the social media. With a decree issued on December 5, 2017, Gevaş Criminal Court of First Instance had allowed to file a lawsuit only against O.Ş. among the seven identified police officers and issued a verdict of non-prosecution for the remaining six. Following two years of trial, the court issued the acquittal of O.Ş. despite video and voice recordings proving torture. The decree was based on the low quality of recordings by CCTV cameras and the inadequate lighting in the



environment, therefore the court claimed that the faces could not be clearly identified.

- Hearings of the academics, who are on trial due to “making terrorist organization propaganda” due to signing the “Peace Petition” of the Academics for Peace, continued last week. In the hearings held last week, no academics were convicted. Prosecutions will continue next week.
- Former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş, who is arrested at Edirne Prison since November 2016, attended the hearing held at Ankara Sincan Prison from Edirne Type-F Prison through the Audiovisual Information Technology System (SEGBIS) within the lawsuit filed against him. Ankara 19th Assize Court decided for Demirtaş to remain arrested and scheduled the next hearing to June 18-19, 2019.
- The lawsuit filed against journalist-writer Ahmet Altan due to his article, published in 2009 with the title, “Who Is Left Outside the Mafia?” with the charges, “violating privacy of investigation” and “attempting to influence fair trial” was held at the Anatolian 2nd Criminal Court of First Instance. An interim decree was issued in the hearing. The decree states that as the offense “attempting to influence fair trial” is one that predicts a prepayment penalty, in case the issued 1061 TL judicial fine is paid within 10 days, the case will be abated. The next hearing was scheduled to June 25, 2019.
- The latest hearing of the lawsuit filed following the complaint of former Chief of General Staff İlker Başbuğ against Ahmet Altan due to “insult” through another column published in 2010, was held at the Anatolian 2nd Criminal Court of First Instance. The court issued the acquittal of Altan, stating that legal elements of the crime of “insult” were not constituted.
- The third hearing of the lawsuit filed against former Editor-In-Chief of Evrensel Daily, Cem Şimşek, was held at Bakırköy 2nd Criminal Court of First Instance. Şimşek is on trial with the allegation of “insult” and “slander” due to the news published on the newspaper with the title, “Albayrak signals program to attack workers,” explaining statements of Minister of Treasury and Finance Berat Albayrak on his politics of economy. The court scheduled the next hearing to September 12, 2019, to complete missing documents in the case file.

## HEARINGS NEXT WEEK

- The next hearing of the lawsuit filed against Etkin News Agency (ETHA) reporter, Turkish-German citizen Adil Demirci, due to “making terrorist organization propaganda” and “illegal organization membership” will be held on April 30th, Tuesday at Istanbul 25th Assize Court. Demirci was arrested in remand for a while and was released in the hearing on February 14th.
- The next hearing of the lawsuit filed against journalist Ertuğrul Mavioğlu and director of “Bakur: A Guerrilla Documentary,” Çayan Demirel, due to “making terrorist organization propaganda” will be held on May 2, 2019 at Batman 2nd Assize Court.
- The third hearing of the lawsuit filed against the Central Council members of the Turkish Medical Association (TTB) due to the statement of the association, “War is a matter of public health” during the “Olive Branch” operation of Turkey against Afrin will be held on May 3rd, Friday at Ankara 32nd Assize Court, starting at 09:15. The association members are on trial due to “public incitement towards resentment and hostility” and “making illegal organization propaganda.”
- Hearings of 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 at Istanbul Courthouse in Çağlayan as well as in various other

courthouses in Turkey where files of academics residing in other provinces are.