



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 18/19, 3 May 2019)

What happened last week?

*** Election results in Istanbul are still not clear. The High Electoral Council (YSK) decree, expected to be finalized on Friday latest, was postponed. As the ruling party tries everything to hold re-elections, the judiciary has taken action and started 32 separate investigations regarding the allegations of “arbitrariness” during the elections. More than 100 ballot council chairs and members were summoned to testify.

*** Speaking on the re-elections in Istanbul, President Erdoğan said, “As they spoke about a ‘coalition’ after the June 7th elections, I defended re-elections and we won on November 1st.” Erdoğan claimed that they will certainly win Istanbul.

*** The Constitutional Court (AYM) issued a decree of violation in the individual applications of only for three journalists among ten, evaluating the files years later.

*** The objection made against the arrests of Osman Kavala and Yiğit Aksakoğlu were denied. Aksakoğlu applied to the European Court of Human Rights.

*** More than 48 thousand people have signed the petition campaign started on change.org, demanding the release of Teacher Ayşe. The file is at the Constitutional Court, remaining silent for two years, as the last resort before the European Court of Human Rights.

*** As the world’s largest journalist prison, Turkey has entered another World Press Freedom Day under dark.

*** Four more “Peace Academics” were convicted.

*** The censorship on Wikipedia has left two years behind.

*** Taksim Square was banned against celebrations on May 1st this year as well.

*** A total of 70,406 applications were finalized by the State of Emergency (OHAL) Applications Monitoring Committee, with 65,156 denied.

*** As the Turkish Lira loses currency value, US Dollar has reached 6 TLs. The inflation rate was 19.50 percent in April.

*** Stockholm International Peace Research Institute (SIPRI) launched data on “military expenses” in 2018. Turkey increased military expenses by 24 percent, compared to the year 2017.

change.org Bir kampanya başlat Kampanyalarım Gözet Destekçi ol

Anayasa Mahkemesine çağrı: Ayşe Çelik'in itirazını bir an önce karara bağlayın 48 B destekçi

Anayasa Mahkemesine çağrı: Ayşe Çelik'in itirazını bir an önce karara bağlayın



48.360 kişi imzaladı. Hedefimiz 50.000.

Ramazan Ekim 39 dakika önce imzaladı

Nerden Kİse 43 dakika önce imzaladı

Anayasa Mahkemesine çağrı: Ayşe Çelik'in itirazını bir an önce karara...

Facebook'ta paylaş

Facebook mesajı gönder

Arkadaşlarına email gönder

Takipçilerine tweetle

Linki kopyala

T.C. Anayasa Mahkemesi tarafına doğrudan suçsuzluğa karar girilip bu kampanyayı başlattı

Anayasa Mahkemesini Ayşe Çelik'in itirazını bir an önce karara bağlamaya çağırıyoruz.

Almost 50.000 people sign petition for Ayşe Çelik

The Constitutional Court did not find the time to review and conclude Ayse Celik's application in time, the suspension period for the execution of penalty ended and Ayse Celik has been imprisoned again. Ayse Çelik was sentenced for saying "Children are dying, don't stay silent" on a TV show concerning the event that took

place during the curfew. She was sentenced to 15 months of prison, and she was asked "why have you not told that PKK is doing this, while it's obvious they're behind the killings." So the judgement was historical, finding her guilty not for her statements, but for what she had not said. Over 48.000 people have signed the change.org campaign, calling the Constitutional Court to review Ayse Celik's case which has not been reviewed over the last 2 years. We filed a petition to the Constitutional Court, asking them to immediately conclude her application. There is no legitimate reason to keep her application pending. We asked the Constitutional Court to end her unjust suffering, for only asking for "peace." [Please click here](#) to read the letter sent to the Constitutional Court.



Two years without Wikipedia

Wikipedia is banned in Turkey for two years now, as an example revealing the dimensions of internet and media censorship in the country. The largest online encyclopedia of the world is being banned to access in Turkey since 2017 due to "national security." Organizations

of freedom of expression, ARTICLE 19, ARTICOLO 21, PEN International, PEN Norway, International Press Institute (IPI), European Center for Press and Media Freedom (ECPMF) as well as P24 and the Initiative for Freedom of Expression from Turkey launched a common statement and called the Turkish government to end all actions towards preventing freedom of expression.

The organisations pointed out that the censorship of Wikipedia is a heavy strike on freedom of expression and the right to access to information. "We invite government authorities to remove the access ban against all currently inaccessible websites," it was stated: <https://www.article19.org/resources/turkey-two-years-without-wikipedia-2yearswithoutwiki/>



May 1st, 2019: Taksim banned again, 132 detained

Taksim Square was banned this year while May 1st was celebrated in squares with songs and dances in various provinces of Turkey. After Istanbul

Governorate has closed Taksim Square to May 1st, Workers' Day, labor and professional organizations gathered in Bakırköy for a rally. Groups and political organization members wanting to celebrate May 1st in Taksim were intervened by the police in Şişli and Beşiktaş. Contemporary Lawyers Association (ÇHD) Istanbul announced that 132 people, who used their Constitutional rights, were detained.



Turkey enters another World Press Freedom Day under dark

Today is May 3rd, World Press Freedom Day... As the world's largest journalist prison, Turkey enters May 3rd under dark again. Turkey was ranked 157th among 180 countries in the World Press Freedom

Index, launched annually by Reporters Without Borders. Turkey is also placed among the "Countries with not free press" in the 2019 Report of Freedom House.

Recorded as the country with the most number of journalists in prison in the world, there are 142 journalists in Turkish prisons, according to data by Turkish Journalists Association. A majority of those journalists are serving sentences due to three main charges: "Organizing coup," "terrorist organization membership" and "making terrorist organization propaganda."

According to data by BiaNet, 16 of 204 journalists standing trial in the first three months of 2019 were sentenced to more than 50 years of imprisonment in total. On the other hand, 16 journalists became suspects/defendants of the charge of "insulting Erdoğan" within three months. 17 new lawsuits and 2 new investigations were opened against the journalists in April; 10 journalists with finalized verdicts against them received imprisonment sentences for a total of 14 years and seven months. Wikipedia is under censorship for two years in Turkey; with thousands of articles banned to access every year and "likes" on the social media becoming reasons for imprisonment sentences. According to the report prepared by the International Press Institute, approximately 95 percent of the media are under government influence. 40 journalists were left unemployed only in the first three months of 2019. The total number of unemployed journalists exceeds ten thousand.



BIA Media Monitoring Report January-March 2019

Independent Communication Network (BIA) launched its January-March 2019 Media Monitoring Report. According to the report, 106 journalists entered April in prisons. 204 journalists and media representatives stood trial in the three-month period with claims of 10 heavy life imprisonment and a total

imprisonment for 2,089 years. 16 journalists were sentenced to more than 50 years of imprisonment in these lawsuits. On the other hand, three of nine journalists, who were on trial

due to insulting President Erdoğan, were sentenced to a total judicial fine of 28 thousand Liras. Six investigations opened due to “insulting Erdoğan” are ongoing and one has concluded with non-prosecution. Thus, 16 journalists have become defendants/suspects of Article 299 of the Turkish Penal Code (TCK) within the last three months.

For the full report;

<http://bianet.org/bianet/medya/208044-gun-gun-uc-aylik-medya-ifade-ozgurlugu-ihlalleri-tam-metin>



Constitutional Court decrees on arrested journalists

The Constitutional Court (AYM) evaluated the applications of former executives and writers of Cumhuriyet Daily, who were arrested in 2016, as well as the application of journalist Murat Aksoy's arrest; all under the lawsuit known as “FETÖ Media Case”, three years after their application. The court issued right violations only for Aksoy and former Cumhuriyet Daily writer Kadri Gürsel. The high court issued “no right violations” in the applications of journalists Akın Atalay, Murat Sabuncu, Ahmet Şık, Önder Çelik and Bülent Utku, who have been arrested due to their “news and articles.” Gürsel, for whom the Constitutional Court issued that “his arrest was unfair,” was not re-imprisoned after conviction as his arrest in remand has fulfilled the sentence issued against him. Aksoy has also completed the execution of the imprisonment sentence against him. The high court will announce its verdict on journalists Ahmet Altan, Nazlı Ilıcak and Ali Bulaç today.

The application of arrested journalist Ziya Ataman at the Constitutional Court was denied. The journalist was arrested on April 11, 2016 and is awaiting an indictment for 20 months in prison; arrested in remand for three years. The Constitutional Court decree stated that “the allegation claiming that the right to personal freedom and safety was violated due to unlawful arrest and the unreasonable arrest period clearly lacks basis” and that “it is unacceptable due to the lack of exhaustion of all remedies” regarding the objection with the claim of violation of fair trial.



“Peace Academics” on trial

Four more academics, who were on trial due to signing the “Peace Petition” of the Academics for Peace, were convicted. Two academics were sentenced to a total of 4 years and 7 months of imprisonment due to “willfully aiding and abetting an illegal organization without being members,” effective immediately. In case the conviction is finalized after the appeal process, the academics will be imprisoned. Two academics were sentenced to 1 year and 3 months of imprisonment each due

to “making illegal organization propaganda” and the announcements of the verdicts were deferred. You may find the data compiled by the initiative on the lawsuits on <https://goo.gl/KGktHa>.



Physicians sentenced after saying “War is Matter of Public Health”

The summary judgement of the lawsuit filed against Turkish Medical Association (TTB) 2016-2018 Central Council members, who stated, “War Is a Matter of Public Health” in regards to the Afrin

Operation, was held at Ankara 32nd Assize Court. The court sentenced ten executives to 1 year and eight months of imprisonment each and Hande Arpat to 3 years, 3 months and 22 days of imprisonment; all due to “public incitement towards resentment and hostility” and “making illegal organization propaganda.”



Imprisonment sentence against mother losing her child in Suruç attack

Evrin Deniz Erol had lost his life in the attack of ISIS against Suruç in 2015. Erol’s mother Besra Erol was sentenced to imprisonment due to the speech she gave during her son’s funeral. Erol was sentenced to seven months of imprisonment, arrested and was taken to Muş Type-E Prison.



Investigation against activist due to “insulting Erdoğan” after confiscation of 20-year archive

A new investigation was filed against video activist and documentary filmmaker Oktay İnce. An investigation has previously been opened against İnce due to “praising terrorism” through the

Twitter posts made by an account named, “Seyri Sokak;” İnce’s entire archive was confiscated during the raid against his house in Izmir on October 16, 2018. İnce has then started to protest in front of Izmir Governorate in order to get his 20-year archive back. İnce is now charged with “insulting the President.”



Access ban against municipal activity report

The news on the 56-page NGO-School-Dormitory Activity Report prepared but not launched by Istanbul Metropolitan Municipality (İBB) for 2018 were banned to access. The news were banned following the request of Turkish Technology Team (T3) Foundation with

Chairman of Board of Trustees Selçuk Bayraktar, Erdoğan's son-in-law. The report indicated that the municipality has given 847,592,858 TL support to foundations and associations known with their close relations with the ruling power. T3 Foundation was ranked third in the list of NGOs supported by the municipality from public resources, with 41.1 million TL support.



Constitutional Court issues Gezi Park decree: “Intervention in accordance with democratic society requirements”

The Constitutional Court (AYM) concluded the applications of five protesters, who were detained during the Gezi Park protests in 2013 and were prevented from marching. The court

decided that the rights to meeting and demonstration of the applicants were intervened, whereas for the intervention to be in accordance with the requirements of a democratic social order and therefore unanimously issued that there was no rights violation. An annotation was put on the decree, indicating that the protest was peaceful and that the verdict was a violation of the right to meeting and demonstration.



What happened in the 2019 Local Elections?

March 31st was the first local elections of the “Turkish-type” Presidential system, making history with both pre-election campaigns and especially the developments afterwards. The ruling party's non acceptance of election results until it won has revealed existing political

dynamics in Turkey. Another example of this has happened before during the June 7th elections, which means that the “survival issue” frequently used by the Justice and

Development Party (AKP) as an election slogan actually corresponded to the survival of the ruling power. Nationalist Movement Party (MHP) leader did not even feel the need to hide it and said, “Re-elections in Istanbul is a matter of survival,” summarizing the situation. [Please click here](#) for the Xtra Bulletin we prepared on the elections.



TRIALS OF FREEDOM OF EXPRESSION

- The third hearing of the lawsuit against Etkin News Agency (ETHA) reporter and Turkish-German citizen Adil Demirci was held at Istanbul 25th Assize Court. Charged with “making terrorist organization propaganda” and “illegal organization membership,” Demirci was arrested for a while before being released in the hearing on February 14th. The court issued the releases of Ali Karaçay, Engin Sınağ, Ersin Sedefoğlu and Gönül Gören, who were arrested in remand within the same file, with judicial measures; denying the claim for the travel ban against Adil Demirci to be revoked. The next hearing was scheduled for October 15, 2019.
- The second hearing of the 250.000 TL moral compensation lawsuit filed against Cumhuriyet Daily reporter Alican Uludağ following the complaint of BIM Inc. was held at Istanbul Anatolian 9th Civil Court of First Instance. The court sent the file to the Commercial Court of First Instance due to lack of jurisdiction.
- The fifth hearing of the lawsuit filed against journalist Ertuğrul Mavioglu and director of “Bakur: A Guerilla Documentary,” Çayan Demirel, due to “making terrorist organization propaganda” was held at Batman 2nd Assize Court. The court decided for another investigation file opened by Ankara Chief Public Prosecutor’s Office with the same charge to be examined and scheduled the next hearing to July 18, 2019.
- The second hearing of the lawsuit filed against TV10 cameraman Kemal Demir due to “aiding and abetting an illegal organization without being a member” was held at Istanbul 28th Assize Court. The court issued the exemption of defendants from the hearing and scheduled the next hearing to September 10, 2019. TV10 has previously been shut down with an emergency decree.
- The first hearing of the lawsuit filed against artist Ferhat Tunç due to illegal organization membership and making illegal organization propaganda due to participating in panels and events organized within the Democratic Society Congress (DTK) and People’s Democratic Congress (HDK) was held at Diyarbakır 5th Assize Court. Issuing a warrant against Tunç, the court scheduled the next hearing to October 17, 2019 to start at 09.20.
- The third hearing of the lawsuit filed against Turkish Medical Association’s Central Council members due to “public incitement towards resentment and hostility” and “making illegal organization propaganda” through their statement, “War Is a Matter of Public Health” during the “Olive Branch” operation of Turkey against Afrin, was held at Ankara 32nd Assize Court. The court sentenced 10 association members to 1 year and 8 months of imprisonment each, and Hande Arpat to 3 years, 3 months and 22 days of imprisonment.
- Prosecutions of the academics, on trial due to “making terrorist organisation propaganda” through signing the “Peace Petition” of the Academics for Peace, continued this week. Four academics were sentenced to a total of 7 years and one month of imprisonment in total. Two of the sentences were not deferred.

- The summary judgement of the lawsuit filed against the movie, “My Suburban Tale,” explaining the lives of those living in the “suburban” regions of Ceyhan, Adana from their perspective, was held at Ceyhan 4th Criminal Court of First Instance. The court issued the acquittal of director Yunus Ozan Korkut and the movie actors, who were on trial due to “praising the offense and the offender.”

HEARINGS NEXT WEEK

- The next hearing of the lawsuit filed against arrested journalist Uğur Yılmaz, who faces an imprisonment claim from 9.5 years up to 25 years due to “illegal organization membership” and “making illegal organization propaganda” twice, will be held on May 7th at Bitlis 2nd Assize Court. Yılmaz has been arrested on July 17, 2019 due to participating in press statements and demonstrations with journalistic purposes, his social media posts as well as witness statements against him.
- The next hearing of the lawsuit filed against photo reporter Çağdaş Erdoğan due to “illegal organization membership” and “making illegal organization propaganda” will be held on May 7th, 2019 at Istanbul Assize Court. Erdoğan has previously been detained in September 2017 with the allegation that he had taken photographs of social facilities belonging to Turkish National Intelligence.
- The prosecution of those detained during the demonstration within the LGBTI+ Pride Week on June 25, 2017 will be held on May 7th at Istanbul 48th Criminal Court of First Instance with charges related to the Law on Meetings and Demonstrations no 2911.
- The next hearing of the lawsuit filed against journalist Kibriye Evren who faces an imprisonment claim from 8.5 years up to 20 years with the allegations of “illegal organization membership” and “making illegal organization propaganda” with secret witness statements, social media posts and travel records as crime evidence, will be held on May 7th at Diyarbakır 5th Assize Court. Evren has previously been detained and arrested during the house raids in Diyarbakır on October 9th, 2018.
- The next hearing of the lawsuit filed against Evrensel Daily reporter Cansu Pişkin with the allegation of “targeting a public officer for terrorist organizations” will be held on May 7th at Istanbul 36th Assize Court.
- The next hearing of the lawsuit filed against Hasan Cemal due to his article entitled from Silvan: They got us so used to the pains and deaths” including meetings with Gülsüma Güçer, Mehmet Ali Dünser and former Silvan Co Mayor Zuhul Tekiner as well as observations in Silvan on December 4th, 2015, will be held on May 7th at Istanbul 36th Assize Court.
- The next hearing of the lawsuit filed on the death of Berkin Elvan, who lost his life after staying 269 days in the intensive care unit after being shot on the head with a tear gas shell by the police on July 16th, 2013 during the Gezi Park protests in Okmeydanı, Istanbul, will be held on May 8th at Istanbul 17th Assize Court.
- The next hearing of the lawsuit filed against journalist-writer Mehmet Gündem with the allegation of “FETÖ membership” will be held on May 8th at Istanbul 35th Assize Court.
- The next hearing of the lawsuit filed against previously shut-down Özgür Gündem Daily executives and workers Eren Keskin, Hüseyin Akyol, Reyhan Çapan, Filiz Koçali, Ayşe Berktaş, Nuray Özdoğan, Celalettin Can, Ayşe Batumlu and Reyhan Hacıoğlu due to “making terrorist organization propaganda” will be held on May 8th at Istanbul 14th Assize Court.
- The second hearing of the lawsuit filed against Education and Science Workers’ Union (Eğitim-Sen) executive board member Burak Efeyurtlu with the allegation of

“praising the offense and the offender” through participating in the support protests for Nuriye Gülmen and Semih Özakça will be held on May 9th at Çanakkale Courthouse.

- The next hearing of the KCK Press Case, in which 46 journalists are on trial due to “terrorist organization membership” and “making terrorist organization propaganda”, will be held on May 9th at Istanbul 3rd Assize Court.
- 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 at Istanbul Courthouse in Çağlayan as well as in various courthouses throughout Turkey.