



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 19/19, 10 May 2019)

### What happened last week?

\*\*\* The High Electoral Council (YSK) has cancelled the Istanbul mayoral elections. The elections will rerun on June 23, 2019. Developments in the last months has revealed that Erdoğan does not accept election results until the AKP wins, and that YSK doesn't find it necessary to abide by even the currently anti-democratic law as well: [What Happened in the 2019 Local Elections? - All in 1 Look](#)

\*\*\* President Erdoğan has replied to the Turkish Industry & Business Association (TUSIAD), describing the YSK decree "worrying." "First of all, everyone will know their place. Are you a businessman? Then do your job... According to that, our perception of you will change," Erdoğan said.

\*\*\* As hunger strikes and death fasts continue, PKK leader Öcalan had a meeting with his lawyers for the first time since 2011 and called, "Hunger strikes must not be brought to a position that they would end with death." HDP MP Leyla Güven, who is on the 184th day of her hunger strike, announced that they "expect the government to publicly declare that the isolation has permanently ended" in order to end the strike.

\*\*\* Constitutional Court has issued a decree of rights violations for "Teacher Ayşe." (**Details below...**)

\*\*\* Prof. Dr. Füsün Üstel was imprisoned after the finalised 1-year 3-month sentence against her due to signing the "Peace Petition." (**Details below...**)

\*\*\* Four of every five journalists, who stood trial within the last year, were convicted. 42 percent of the convictions were due to "propaganda," 16 percent due to "illegal organization membership" and 13 percent due to "insulting the President." (**Details below...**)

\*\*\* LGBTI event ban, declared by the Ankara Governorate during the State of Emergency and was later found unlawful and revoked by the court is effectively ongoing. (**Details below...**)

\*\*\* 13 new summaries were proposed to the parliament, asking to revoke immunities of MPs. The summaries targeted 9 HDP MPs, including the party's Co-Chairs, were presented to the Parliament.

\*\*\* Interior Minister Süleyman Soylu announced legal actions were taken against 20,474 people due to their social media posts between the years 2013 and 2018.

\*\*\* The Turkish Lira continues to lose value against foreign currencies. The exchange rate between the US Dollar and TL reached the 6.25 limit and Euro to the 7 limit. The Central Bank announced that one-week repo auctions, which are main funding tools, were paused for a while.

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## Ayşe Celik is Free!

The Constitutional Court issued that Ayşe Celik's freedom of expression was violated. Ayşe Celik regained her freedom and rejoined her 1,5 year old daughter. This decision is celebrated by everyone one. Most of all the 38 people who signed her statements in support to her but who were not given the same sentence, and around 50.000 people who

signed the [change.org](https://www.change.org) campaign and addressed the constitutional court.

The Constitutional Court, stated that non-violent opinions can not be accepted as "*terrorist propaganda*." The court pointed out that interpreting the "*propaganda*" crime as an abstract threat crime will put pressure on constitutional rights and liberties, specifically freedom of expression. They expressed that these kinds of interventions threat and harm democracy. Nevertheless, a vital point is being missed both by the Constitutional Court and news agencies covering the developments; Ayşe Celik was put on trial for her statements asking for peace, but she was not penalized for these words. The penalty was given, asking "why didn't you also tell about this?" and this was considered "terrorist propaganda".

The Constitutional Court, missing this legal absurdity, emphasizes that Ayşe Celik's words are protected by the right for freedom of expression. The decision despite being uplifting, comes short. Since the decision might easily be a precedent for many other trials, including the Academics and the TTB trials.

The case will be heard again by the Bakirkoy 2nd criminal court after the Constitutional Court's decision in order to resolve the violation. We will continue to stand by her...



## “Peace Academic” Füsun Üstel in prison

Prof. Dr. Füsun Üstel, who was on trial due to signing the “*Peace Petition*” of the Academics for Peace, was imprisoned. Üstel became the first “*peace academic*” to be convicted due to the petition and imprisoned. Another academic was convicted in the “*Peace Academic*” hearings held this week, due to “making

terrorist organization propaganda.”



## Artists on target after supporting İmamoğlu

Many artists, who supported Ekrem İmamoğlu after the YSK decree to rerun the elections in Istanbul, are under target by the ruling party. Artists targeted by the Interior Ministry were tagged by the

Presidency's Archive Chamber Chairman. The show of artist Sibel Tüzün, among those tagged, on TRT was cancelled. The artists are also in the target of pro-government media.



## TGS announces press report

According to the data shared by the Turkish Journalists Association (TGS), four of every five journalists, who stood trial within the last year, were convicted. 42 percent of the convictions were due to “propaganda,” 16 percent due to “illegal

organization membership” and 13 percent due to “insulting the President.”



## 10-month imprisonment claim against Cansu Pişkin due to news

Journalist Cansu Pişkin, who was on trial due to the news published on Evrensel Daily on April 5, 2018, with the title, “Prosecutor Special to Boğaziçi Students,” was sentenced to 10 months of imprisonment with the allegation that she has “targeted a public officer for terrorist organizations.” The announcement of the verdict was deferred.



## Sentence against Hasan Cemal due to column

Journalist Hasan Cemal was sentenced to 3 months and 22 days of imprisonment due to “making terrorist organization propaganda” through a column he wrote that was published in 2015. The sentence was turned into 3,360 TL judicial fine.



## Appeal court both reverses and approves sentence against news on “Paradise Papers”

The appeal court reversed the imprisonment sentence against journalist Pelin Ünker, who was convicted due to her news on “Paradise Papers.”



However, the court issued that there is nothing against the law in the judicial fine sentenced against the journalist.



### **Yeni Şafak censors column by Kemal Öztürk**

The column of Yeni Şafak writer Kemal Öztürk, criticising the High Electoral Council (YSK) decree to rerun mayoral elections in Istanbul, was not published. Öztürk announced that *“he has given a break to his columns on Yeni Şafak due to the conflict due to the difference in*

*opinions between his columns and the newspaper’s publishing policies.”*



### **6-year imprisonment against IHD executive due to claiming peace**

Malatya 2nd Assize Court sentenced Human Rights Association (IHD) Malatya Chairman Mehmet Tuncel to 6 years and three months of imprisonment due to his statements criticising the Afrin Operation.



### **Imprisonment sentence against HKP Chairman due to “insulting President”**

Istanbul 2nd Criminal Court of First Instance sentenced People’s Liberation Party (HKP) Chairman Nurullah Ankut to a total of 4 years and eight months of imprisonment due to the allegation of *“insulting the President”* in his books,

*“Lawlesses 2” and “Lawlesses 3.”*



### **Imprisonment sentence against workers protesting dismissals**

Workers and union executives, protesting dismissals in TARIŞ factory in Izmir, were sentenced to imprisonment. Izmir Karşıyaka 9th Civil Court of First Instance sentenced seven workers, who were dismissed from work due to being union members, as well as four union

executives, who came to the factory to support them, to 1 year and three months of imprisonment each due to “*deprivation of freedom*” based on the Law on Meetings and Demonstrations No. 2911. The announcements of the verdicts were deferred.



## **LGBTI event ban continues in Ankara despite court decree**

The panel of the Pink Life LGBTI Solidarity Association, entitled, “LGBTI Rights and Restrictions” as well as the short movie screening were banned by Ankara Governorate due to “*social sensitivities, general morality, general health and the protection of the rights and freedoms of others.*”

The LGBTI event ban, declared during the State of Emergency period, was recently revoked by the administrative court. However, the bans are effectively ongoing. METU Rectorate further announced that the LGBTI+ march and events to be held within the same scope, planned to be held at the university, will not be permitted.



## **Access ban against news on Bilal Erdoğan’s “urban transformation” conversation**

Access to news on the conversation between Beyoğlu Mayor Haydar Ali Yıldız and Recep Tayyip Erdoğan’s son Bilal Erdoğan was banned. The conversation, recorded by the cameras,

depicted Yıldız reminding Erdoğan of the urban transformation project and saying, “*Let’s see if we can do some things during this transformation, if a few things are left to us...*” Erdoğan replied, “*It’s in the project, no,*” and Yıldız answered, “*Even if it isn’t, it’s enough for us if we get a couple places as buildings.*” The Criminal Judicature of Peace issued the ban decree on the news, claiming that Erdoğan’s personal rights were violated.



## **TRIALS OF FREEDOM OF EXPRESSION**

- The fourth hearing of the lawsuit filed against journalist Kibriye Evren, who was detained and arrested during the house raids on October 9, 2018 in Diyarbakır with a claim of imprisonment from 8.5 years up to 20 years with the allegation of “illegal organization membership” and “making illegal organization propaganda” with her travel records, social media posts and witness statements against her as crime evidence was held at Diyarbakır 5th Assize Court. Evren was not released in this hearing as well and the court accepted the claim for extra time, scheduling the next hearing to July 18, 2019 to start at 10:00.

- The fourth 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 organisation membership” and “making illegal organisation propaganda” twice, was held 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 court issued for Yılmaz to remain arrested and scheduled the next hearing to be held on July 18, 2019.
- The fifth hearing of the lawsuit filed against photo reporter Çağdaş Erdoğan due to “illegal organization membership” and “making illegal organization propaganda” was held at Istanbul 33rd 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. Presenting his opinion on the basis, the Prosecutor claimed for Erdoğan to be acquitted of the charge of “illegal organization membership” yet be penalized due to “making illegal organization propaganda” through his social media posts. The court accepted the extra time requested by Erdoğan’s lawyers, scheduling the next hearing to be held on June 13, 2019.
- The prosecution of 25 people detained during the demonstration within the LGBTI+ Pride Week on June 25, 2017 continued at Istanbul 48th Criminal Court of First Instance with charges related to the Law on Meetings and Demonstrations No. 2911. The court issued the defendants to be acquitted each, deciding that the elements of the crime to organize, manage and participate in illegal meetings and demonstrations were not constituted.
- The first hearing of the lawsuit filed against Evrensel Daily reporter Cansu Pişkin with the allegation of “targeting a public officer for terrorist organizations” was held at Istanbul 36th Assize Court. The court sentenced Pişkin to ten months of imprisonment and deferred the announcement of the verdict.
- The third 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, was held at Istanbul 36th Assize Court. The court sentenced Cemal to 3 months and 22 days of imprisonment and the penalty was turned into 3,360 TL judicial fine.
- The eleventh 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, was held at Istanbul 17th Assize Court. The next hearing was scheduled to June 19, 2019 to start at 10:00 after the crime scene examination report did not arrive and the expert has requested extra time for evaluation.
- The fourth hearing of the lawsuit filed against journalist-writer Mehmet Gündem with the allegation of “FETÖ membership” was held at Istanbul 35th Assize Court. Gündem has previously been detained and arrested within the operation against the Journalists and Writers Foundation on November 1, 2017. The court decided for Gündem to remain arrested and scheduled the next hearing to May 29, 2019 for defense statements against the basis to be prepared.
- The thirteenth 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” was held at Istanbul 14th Assize Court. The court accepted the extra time requested for the preparation of defense statements, scheduling the next hearing to May 21, 2019.
- The sixteenth hearing of the KCK Press Case, in which 46 journalists are on trial due

to “terrorist organization membership” and “making terrorist organization propaganda,” was held at Istanbul 3rd Assize Court. The Prosecutor’s Office has still not announced the opinion on the basis. The next hearing was scheduled to October 22, 2019.

- 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, continued this week as well. Another academic was sentenced to 1 year and three months of imprisonment in the hearings at Istanbul 14th Assize Court. The announcement of the verdict was deferred.

## HEARINGS NEXT WEEK

- The seventh hearing of the lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Abdullah Kaya due to “wilfully aiding and abetting a terrorist organization without being a member” based on the visuals he recorded during the festival organized at Ağrı Mountain in 2014 will be held on May 13th, Monday at Ağrı 2nd Assize Court.
- The second hearing of the lawsuit filed against former Evrensel Daily Editor-In-Chief Fatih Polat due to copying the exact news of journalist Craig Shaw that was initially published on “The Black Sea” website following the criminal complaint of President Recep Tayyip Erdoğan in accordance with Articles 299/1 and 53/1 of the Turkish Penal Code will be held on May 14th, Tuesday at Bakırköy 31st Criminal Court of First Instance, starting at 09:35.
- The second hearing of the lawsuit filed against journalist Mehmet Dursun, who was arrested on Van on April 7, 2018 and was released in the first hearing, with the allegation of “illegal organization membership” due to his phone meetings with news resources in 2014 will be held on May 15, Wednesday at Van 4th Assize Court.
- The appeal case of the decree against Mezopotamya Agency reporter Seda Taşkın, who was sentenced to 4 years and two months of imprisonment due to “aiding and abetting an illegal organization without being a member” as well as to 3 years and four months of imprisonment due to “making illegal organization propaganda,” will be held on May 15, Wednesday at Erzurum Regional Court.
- The fourth hearing of the retrial of former Cumhuriyet Daily Editor-In-Chief Can Dündar due to “obtaining confidential information with the purpose of espionage” will be held on May 15, Wednesday at Istanbul 14th Assize Court, starting at 11:00. Dündar has been sentenced to 5 years and 10 months of imprisonment in the lawsuit he was on trial due to “announcing confidential information and documents” regarding visuals of trucks belonging to the Turkish National Intelligence, heading towards Syria. Dündar is currently on retrial following the decree of 16th Criminal Chamber of the Court of Cassation that reversed the verdict and decided that Dündar must be convicted of “obtaining confidential information with the purpose of espionage” and sentenced with imprisonment from 15 years up to 20 years.
- The summary judgment of the lawsuit filed against Republican People’s Party (CHP) MP Enis Berberoğlu and journalist Erdem Gül due to “aiding a terrorist organization” through publishing visuals of trucks belonging to the Turkish National Intelligence, allegedly carrying ammunition for ISIS, will be held on May 15th, Wednesday at Istanbul 14th Assize Court, starting at 11:15.
- The prosecution of soldier Adem Çiftçi continues in the lawsuit on the death of Medeni Yıldırım, who lost his life due to the fire opened by the soldiers during the protest against police fortresses built in Kayacık (Hezân) village of Lice district in Diyarbakır on June 28, 2013. Çiftçi has stood trial with an imprisonment claim for up

to 18 years due to “homicide with eventual intent under unjust provocation” and has been acquitted. Following the verdict’s reversal by the appeal court, Çiftçi is now on retrial. The sixth hearing of the retrial will be held on May 16, Thursday at Diyarbakır 7th Assize Court.

- The lawsuit against director Veysi Altay and reader Hüseyin Sözügen will be held on May 16, Thursday at Istanbul 22nd Assize Court. The defendants are on trial due to participating in the substitute Editing-In-Chief campaign for Özgür Gündem, which was previously shut down with an emergency decree.
- The next hearing of the lawsuit filed against previously shut-down Özgür Gündem Daily Editors-In-Chief Hüseyin Akyol, Zana Kaya and the newspaper’s Managing Editor İnan Kızılkaya and Hatip Dicle due to “public denigration of the government, its judicial bodies or the security organization” as well as “public denigration of the Turkish Nation, the Republic and the Grand National Assembly of Turkey” will be held on May 16th, Thursday at Istanbul 2nd Criminal Court of First Instance.
- 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.