



# Think... think...

## What happened in Turkey in December 2018

\*\*\* The new emergency decrees caused heavy debates due to the “*judicial immunity for civilians*” and “*uniform for prisoners.*” Oppositional parties, lawyers and rights organizations interpreted the decrees as “the end of the state of law.” Following reactions the party in power announced that the application of immunity in the emergency decree only concern the night of the coup attempt. President Erdoğan then put an end to the debates with the expressions: “*We will do what we see right, and we will continue on our way.*”

\*\*\* Erdoğan stated that the security strategy of Turkey is “*one nation, one state, one flag, one country.*”

\*\*\* Deciding to confess at the case he is on trial in the U.S., Reza Zarrab explained how he gave 50 million Euros of bribe to former Minister Zafer Çağlayan. Zarrab’s testimonies included Erdoğan’s name as well. On the other hand, it was revealed that Zarrab decided to confess after his attempt to be resent to Turkey was unsuccessful due to the authority granted to the President on exchange of arrests with the Law of State of Emergency within.

\*\*\* Republican People’s Party (CHP) leader Kemal Kılıçdaroğlu revealed bank documents of millions of dollars sent by Erdoğan’s relatives to a company in the Isle of Man.

\*\*\* European Parliament approved the EU 2018 budget. With the approval, the 105 million Euro cut in the fund to be provided to Turkey was also accepted. The 70 million Euro fund was frozen as well, bound to the condition of “progress in human rights.”

\*\*\* The draft resolution introduced to the UN Security Council, calling U.S. President Trump to withdraw from considering Jerusalem as Israel’s capital, was vetoed by Washington. Turkey reacted negatively to the veto, the resolution was carried to the UN General Council. Trump threatened countries to support the resolution with cutting their financial aid. The resolution passed the General Council nevertheless. President Erdoğan stated that they are planning to open an embassy in Jerusalem, where they consider to be the capital of Palestine. In the meantime, the visa crisis between the U.S. and Turkey was resolved and all visa restrictions were removed. U.S. Embassy indicated that Ankara “*remained true to the higher authority guarantee they provided.*”

\*\*\* Turkey’s purchase of four S-400 rocket defense system batteries from Russia for 2.5 billion dollars was announced. Turkey will be the first NATO country to possess the batteries.

\*\*\* The first application of the sanctions brought following amendments in the Parliament’s Internal Byelaw made in July were seen in the budget negotiations. People’s Democratic Party (HDP) Şanlıurfa MP Osman Baydemir, who said, “*I am a representative coming from Kurdistan, as a son of the Kurdish people*” in the General Assembly, was penalized with two days of exemption from the General Assembly.

\*\*\* The Constitutional Court denied the application of People’s Democratic Party (HDP)

Co-Chair Selahattin Demirtaş 14 months after the application. Demirtaş was arrested on 4 November 2016. The government gave a defense statement for the applications of arrested People's Democratic Party (HDP) MPs and journalist Ahmet Şık at the European Court of Human Rights (ECtHR). Ankara claimed that the arrest of MPs were "necessary," and that Şık was not put on trial due to journalist activities.

\*\*\* According to the data recorded by the Data Processing Unit of HDP between February 1st and November 24th, at least 6,750 people were taken into custody and 1,864 people were arrested in the operations against HDP. Democratic Regions Party (DBP) announced that 68 of 93 arrested co-mayors are still in prison and that trustees were assigned to 94 of the 102 municipalities won by the party in the latest local elections in 2014.

\*\*\* The fifth hearing of the case against Cumhuriyet Newspaper writers and executives was held at Istanbul 27th High Criminal Court. In the case with 29 defendants, five of them arrested, the defendant's' right to defense was seized. The defense statement of journalist Ahmet Şık was interrupted by the Chief Judge, Şık was kicked out of the hearing room. Arrested journalists were not released.

\*\*\* Die Welt Newspaper reporter Deniz Yücel left 300 days behind under arrest. 200 artists, writers and journalists demanded a fair trial and freedom for all journalists who were arrested in Turkey with political reasons; in particular for Yücel, whose indictment is still not prepared.

\*\*\* State of Emergency Applications Monitoring Commission announced their first decisions on those dismissed from profession with emergency decrees. The commission will issue decisions for the first time seven months after starting the duty process; only the authorities will be informed of the decisions.

\*\*\* Ankara Chief Public Prosecutor's Office announced that the application "ByLock," considered to be an important evidence in coup attempt investigations for being the encrypted communication network of FETO, was downloaded to the phones of 11,480 people outside of their own will. The Prosecutor's Office stated that the cases of such people will be re-evaluated within the investigations.



## Two new Statutory Decrees issued

Two new Statutory Decrees No. 695 and 696 within the State of Emergency were issued on the Official Gazette. Almost no provisions took place in the decrees on the State of Emergency; many

legal amendments were made.

A total of 2,756 public personnel were dismissed. 17 institutions were shut down, including 2 newspapers, 7 associations and 7 foundations. Those arrested due to "charges against the Constitutional order" were bound to wear uniforms. Convicts refusing to wear the uniforms will be deprived of guest visits and will be isolated.

100 new member quota to the Court of Appeals and 16 new member quota to the State Council were assigned without any legal basis. However, the number of members of the Court of Appeals were decreased from 516 to 200 in 2016, claiming that “there is no need.” Verdicts in criminal proceedings will not be able to be reversed by courts of appeal with reasons of not including a reasoned decision or of restriction of the right to defense. In the appeal process of crimes requiring an imprisonment sentence of more than 10 years, the Court of Appeals is no longer bound to hold hearings. With the amendment made at the Law of Criminal Procedure, the right to defense was restricted once again. Courts will be able to continue the proceeding without the defendants present. The most prominent application brought with the new emergency decrees was the application of practical immunity for civilians who allegedly “act in accordance with the fight against terrorist activities as well as the coup attempt.” News written by journalists, petitions signed by academics can be considered “terror crimes” in this country; with the judicial exemption brought with the decree, those who attack press statements, funerals, election offices will not have any legal, administrative, financial or criminal liabilities. Following reactions against the regulation, the party in power defended that the application of impunity encompasses only the night of the coup attempt. However, there is no concrete limit in the decree text to draw this conclusion.



## **Constitutional Court decree on Law No. 2911**

The application made by Marmaris 2nd Criminal Court of First Instance, claiming the the Law on Meetings and Demonstrations No. 2911 violating the Constitution, was concluded.

Constitutional Court (AYM) decided for the expressions, “*in a way that would not complicate the daily lives of citizens...*” and “*in a way that the gatherings would disperse before sunset...*” within Article 6 of the Law No. 2911, as well as the expression “*general roads...*” expression in Article 22 to be violating the Constitution. The expression “*general roads...*” in the Law was being used as legal basis for public squares like Taksim and Kızılay not allowed to be used as protest areas. Other allegations of violation were denied by the court. The Constitutional Court decree, dated 28.09.2017, was published on the Official Gazette to be enacted in nine months.



## **‘Kurdistan’ penalty against HDP MP Baydemir**

The first application of the sanctions brought following the amendments made in the Parliament’s Internal Byelaw in July were seen in budget negotiations. People’s Democratic Party (HDP) Şanlıurfa MP Osman Baydemir, who said, “*I am a*

*representative coming from Kurdistan, as a son of the Kurdish people”* in the General Assembly, was penalized with two days of exemption from the General Assembly. Baydemir left the room, making a victory sign with his hand. Other HDP MPs left the budget negotiations to protest the incident.

According to the byelaw, two thirds of one month’s salary and travel pay of an MP receiving a penalty of suspension is cut. In this case, Baydemir will be charged a fine and approximately 12 thousand TL will be cut from his salary.



## **Constitutional Court denies application of HDP Co-Chair Demirtaş**

Constitutional Court (AYM) denied the application made by People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş 14 months after the application. Demirtaş was arrested on 4 November 2016 and his

applications were on the violation of “the right to personal freedom and safety,” “freedom of expression” and “the right to election and political activity.”

The Higher Court issued that the allegations of rights violations “apparently lacked foundation.” Contrary to their previous precedent on “a Parliament Member not being allowed to be arrested in remand,” the court established another precedent, that is, “a Parliament Member may be arrested in remand.” The court further stated that some evidence might be restricted to access in the investigation phase for public interest. The issue of denial also included the opinion of the Ministry of Justice, defending the arrest is “necessary” and “proportionate.” AYM decided that there is credible evidence on suspecting the criminality of Demirtaş, that there is enough reason for his arrest and that the arrest was proportionate.



## **Intellectuals going to Silivri Prison: “You can not create ‘criminal’ from Osman Kavala”**

Journalists, right defenders, artists and representatives from Unity for Democracy, Dialogue Group, Justice and Rights Platform, Citizens Initiative and Peace Block visited the Penitentiary Institutes Campus in

Silivri for arrested businessman Osman Kavala, together with People’s Democratic Party (HDP) and Republican People’s Party (CHP) MPs.



Parliament Members made an announcement, titled, “you can not create a ‘criminal’ from Osman” while meeting Kavala in prison with the permission of the Ministry of Justice. Indicating that Kavala was targeted due to his efforts in integrating different peoples, cultures and faiths, in strengthening civil society and peace, the intellectuals stated, “*We demand his immediate release and an apology from him as well as the society for the unjust treatment he was exposed to.*”



## **Communication Minister defends Internet censorship**

Minister of Transportation, Maritime and Communication Ahmet Arslan replied to opposition MPs from the Parliament floor, regarding their draft resolution on 61 access bans issued against ‘sendika.org’ website. The minister claimed the oppositional website was banned to access due to “*child abuse, obscenity, prostitution and gambling,*” as well as “*due to crimes against Atatürk.*” “*We will continue banning it,*” Arslan said. Republican People’s Party (CHP) Adana MP Ibrahim Özdiş reacted to the reply, saying, “*This is a website whose publishing policy is to fight against corruption and foundations conducting child abuse. In case you are bothered by that, openly state it.*” Arslan then defended that the website was banned to access in relation to “national security and public order.”

“*Wikipedia will be shut down after insulting Atatürk and putting us in a position of a country which acts in collaboration with terrorist organizations. They should look for the fault within,*” said Minister Arslan, regarding the access ban on internet encyclopedia Wikipedia since April 29th.



## **Teacher Ayşe to be jailed with her baby, after saying “Do not let children die”**

together with her newborn baby.

Teacher Ayşe Çelik was sentenced to 1 year and three months of imprisonment due to saying, “*Do not let children die*” in a TV show she connected to via phone call. Her statement was made during the time of heavy curfews in Southeastern Turkey. Çelik will soon be imprisoned,

Çelik’s conviction due to “making illegal organization propaganda” was approved by the Court of Appeals as well. She recently received a court notice, which stated her

imprisonment within the next ten days. Her two-month old daughter will be imprisoned together with her. *“No mother can be guilty enough to be separated from her baby, or to be jailed together with her baby,”* said Çelik.



## CPJ: “Highest number of arrested journalists in Turkey once again”

International Committee to Protect Journalists (ICPJ) announced 262 journalists in prison worldwide by December 2017; and Turkey became “the country with the highest number of jailed journalists” just like last year.

According to the committee report, the number of arrested journalists in Turkey reduced by 8 people compared to the last year, and is now 73. However, according to the Media Monitoring Report of BiaNet, there are 122 journalists in Turkish prisons by October 2017. According to the data of the Turkish Journalists Union, this number of 146 by 6 December 2017.

CPJ announced that 74 percent of all arrested journalists worldwide are kept in prison due to “anti-government charges” and most of them due to “wide and vague terror charges.” The committee points out that laws in similar quality attempt to oppress critical journalism. For the full report: <https://goo.gl/Hr6UPk>



## RSF: “Turkey ranked in first five among countries with most number of arrested journalists”

Reporters Without Borders (RSF) announced the annual 2017 report. According to the report, at least 65 journalists were killed and 326 journalists were imprisoned all over the world due to their profession. According to RSF, half of the arrested journalists worldwide are in Turkey, followed by China, Syria, Iran and Vietnam.

The report states more than 100 journalists imprisoned in Turkey and *“at least 43 of those have an obvious connection between their arrest and the profession of journalism.”* *“Criticizing the government, working at a ‘suspicious’ media institute, contacting certain sensitive sources or even using an encrypted messaging application cause journalists to be jailed with terror charges,”* said RSF. It was further pointed out that journalists in Turkey remained arrested systematically for long periods of time and that they are thus being penalized without a court decree. For the full report: <https://goo.gl/ih6yHZ>



## Fifth hearing in Cumhuriyet Newspaper Case: Judge intervenes defense of Şık

The fifth hearing of the case against Cumhuriyet Newspaper writers and executives was held at Istanbul 27th

High Criminal Court.

In the case with 29 defendants, five of them arrested, the defendants' right to defense was seized. The defense statement of journalist Ahmet Şık was interrupted by the Chief Judge, Şık was kicked out of the hearing room. Following the incident, the newspaper's Editor-In-Chief Murat Sabuncu and the Chief Executive Officer lawyer Akın Atalay did not defend themselves. The court board brought a restriction of a maximum of three lawyers per defendant, denying the claims of release. The next hearing was scheduled to 9 Mart 2018. The hearing will be transferred from Çağlayan Courthouse to Silivri Prison with reasons of "security and order."

On the other hand, the complete statement of journalist Ahmet Şık, who was taken out of the hearing room after his defense was interrupted, was shared with the public by the Initiative of Journalists Outside. In his defense, Şık points out the charges imposed against him and Cumhuriyet, discusses news in question through specific examples, emphasizes the trialing of journalism, states that they are the followers of Musa Anter, brothers of Hrant Dink and friends of Metin Göktepe. "We will continue speaking out the truth, even if you kill us like you did in the past, or imprison us like you do now. Contrary to what owners, the judiciary and collaborators of totalitarian regimes say, journalism is not a crime," states Şık.



## 'Redhack Case': Öğreten and Kanaat released

The second hearing of the case, in which six journalists are on trial, two of them arrested in remand for publishing the emails of Energy and Natural Resources Minister Berat Albayrak after being leaked by RedHack, was held at Istanbul 29th High Criminal Court.

The court decided for the release of Tunca Öğreten and Mahir Kanaat, who were in prison for 323 days. The two journalists were banned from travelling abroad and a weekly judicial control was issued against them. The other defendants were also banned from travelling abroad and judicial control was issued against them as well. The next hearing will be held on 3 April 2018.



The journalists are charged with “illegal organization membership,” “making illegal organization propaganda,” “preventing or damaging information system and changing or erasing data” due to related news coverage and their social media posts.



## **Release claims denied in ‘FETÖ Media Structuring’ Case**

The ‘FETÖ Media Structuring’ Case continued at Istanbul 25th High Criminal Court with 29 defendants, 20 of them arrested in remand. Murat Aksoy and Atilla Taş, who were released in the last hearing, are among

the defendants. The court denied the claims of release for the 20 defendants, who are arrested for 17 months, due to heavy criminal suspect. The case was postponed to 6 February 2018.

The indictment of the case claims that the defendants opened accounts at Bank Asya, that some used ByLock application, and that some attempted to create a positive perception for the illegal organization on the social media, on news articles and in columns. All defendants face a claim of imprisonment sentence up to 15 years due to “membership to an armed terrorist organization,” and twice heavy life imprisonment sentences are claimed against 13 defendants due to “attempting to overthrow the Constitutional order and the Government of the Republic of Turkey.”



## **Two journalists arrested in December, six journalists convicted**

According to the data compiled from the press, five journalists were released in December 2017; TV10 cameraman Kemal Demir and Mezopotamya Agency editor Abdullah Kaya were arrested. At least four journalists were taken into custody

and six journalists were sentenced to a total of 15 years and five months of imprisonment.

New investigations were opened against one press institute and two journalists, while investigations against four journalists turned into lawsuits. On the other hand, the investigation against three journalists, taken into custody while tracking news information in İdil district of Şırnak during the curfew, was completed. The indictment claims an imprisonment sentence up to 39 years.

With the Statutory Decree No. 695 within the State of Emergency, issued on the Official Gazette on December 24th, two local newspapers were shut down. Many journalists were



threatened, including Fox TV anchor Fatih Portakal and Bitlis Gerçek Newspaper's Editor-In-Chief Sinan Aygül.



## **CHP Party Assembly members investigated on “insulting President”**

An investigation was revealed against all Republican People's Party (CHP) Party Assembly members, including Chairman Kemal Kılıçdaroğlu, due to the notice launched by the Party Assembly on 6 November 2016 following the arrests of People's

Democratic Party (HDP) MPs and Cumhuriyet Newspaper workers and executives.

Summaries were prepared against the Party Assembly members and were sent to the GNAT within the investigation started, with the charge of “insulting the President.” The files of the ongoing investigation against Party Assembly members, who are not Parliament Members, were separated.

Following the notice, President Erdoğan had filed a criminal complaint to Ankara Chief Public Prosecutor's Office with the allegation of “insult” and the Justice and Development Party (AKP) Headquarters filed another criminal complaint against the same notice, in accordance with the Article 301 of the Turkish Penal Code, regulating the charge of “denigration of the Turkish Nation, the Government of the Republic of Turkey, the institutions of state.”

For the investigation to be made against charges within the Article 301 of the Turkish Penal Code, a permission is required from the Ministry of Justice. In case the summaries reaching the Parliament are accepted and the parliamentary immunities of the MPs are taken off, all Party Assembly members might stand trial, including Kılıçdaroğlu.



## **Gülmen convicted of ‘illegal organization membership’ after release**

The sixth hearing of the case against educators Nuriye Gülmen and Semih Özakça was held. Gülmen and Özakça went on a hunger strike after being dismissed from their jobs with emergency decrees. Sentencing Gülmen to 6 years and three months of

imprisonment due to “illegal organization membership,” Ankara 19th High Criminal Court decided for the release of the educator, who is arrested since May 23rd. The court further issued the acquittals of Özakça, who was released on October 20th, as well as Acun

Karadağ, who is the other defendant of the case. However, Ankara Public Prosecutor Osman Öztürk objected to the verdict of acquittal issued for Özakça. Asserting that Özakça is committing the crime of aiding and abetting an illegal organization with his hunger strike, Prosecutor Osman Öztürk applied to the Court of Appeals for the educator to be penalized.



## Proceeding of 'Peace Academics' start

The legal proceedings against the signatories of the Peace Petition of the Academics for Peace, entitled, "We Will Not Partake In This Crime," have started. In the first hearings that will last until May, a total of 148 academics from 15 universities will stand trial in

separate cases against them with imprisonment sentences for 7 years and six months each due to "making terrorist organization propaganda." 68 academics stood trial so far. The courts did not accept the claim for the files to be combined and denied the claims of acquittal.



## "Propaganda" case filed against movie 'Bakur'

A lawsuit was filed against two directors of documentary, "Bakur," Ertuğrul Mavioglu and Çayan Demirel as well as against Dicle Anter, the managing director of Batman Municipality Yılmaz Güney Movie Theater due to "illegal organization

propaganda." The documentary was screened at the movie theater in Batman during the Resolution process. The indictment prepared by Prosecutor Ömer İlhan was accepted by Batman 2nd High Criminal Court and the first hearing will be held on 18 January 2018. "If they absolutely want to draw out an element of propaganda from the documentary movie we made, let me tell you very clearly, they can only draw peace propaganda; not terror," said Mavioglu.



## Erdoğan demands censorship on comics

Brazilian caricature artist Carlos Latuff announced that President Erdoğan requested an access ban against his social media posts on Twitter. Pointing out that Erdoğan requested the removal of a total of 80 content from

Carlos Latuff  
@LatuffCartoons

Bunlar Erdoğan'ın Türklerin görmesini istemediği karikatürlerden birkaçı  
These are some of the cartoons Erdogan don't want Turks to see!

the Internet, including 11 comics by him, Latuff stated, “*Why doesn’t Erdoğan want Turks to see my comics? What is he scared of?*” Latuff later shared his comics criticizing Erdoğan and the Justice and Development Party (AKP), stating, “*Here are some of the comics Erdoğan doesn’t want Turks to see.*”

***You may find details and more on <http://www.dusun-think.net/?dil=en> and read our weekly bulletins on <http://www.dusun-think.net/?s=bulten>***