



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 35/18, 7 September 2018)

### What happened last week?

\*\*\* August monthly inflation rate reached its highest level since 2003 with an annual 17.90 percent. *“The level reached requires full-scale fight against inflation,”* Minister of Treasury and Finance Albayrak said.

\*\*\* The inflation caused by the significant drop against foreign currencies diminished the purchasing power of the major part of Turkish society, being enhanced with continuously rising prices. Prices for electricity and natural gas has increased twice in one month.

\*\*\* With an order from the Ministry of Treasury and Finance, export firms are now required for the next six months to deposit at least 80 percent of their exporting costs in Turkish banks, to increase foreign currency deposits.

\*\*\* The opening of the new legislative session brought what is so-called *“the start of reforms in the judiciary”* by Justice Minister Abdülhamit Gül, which is *“the target-period application in the judiciary.”* However, the opposition and judicial organizations say, *“no reform is possible without independent judiciary.”*

\*\*\* In the crisis last year, the Turkish government has described Germany as *“fascist, racist, Nazi,”* whereas relations with Berlin has started to get warmer due to international tensions and economic recession. In the negotiations of German Foreign Minister Maas in Turkey, messages of *“normalization”* and collaboration were announced.

\*\*\* In the case of Pastor Brunson, causing a crisis with the U.S., the Prosecutor was relocated after preparing the indictment. The Minister of Justice called it a *“routine procedure,”* whereas Brunson’s lawyer stated, *“The Prosecutor change might mean the perspective on the case might have changed as well.”*

\*\*\* The report prepared by the Council of Europe’s Parliamentary Assembly on the June 24 elections stated that no electoral campaign was conducted that allowed people to objectively be informed on the candidates without obstacles. *“The local application of the State of Emergency in Turkey has restricted the space required for democratic debates and the expression of pluralist opinions.”*

\*\*\* A possible operation to be organized by Assad against Idlib, which is seen as the last obstacle on completely winning over the oppositional groups, alarmed the Turkish Government. Stating a military operation would be a *“disaster,”* Ankara is trying to convince Russia and Iran against such action.

\*\*\* A red notice was issued against publisher and author Ragıp Zarakolu 6 years after his arrest and release within the file against him. **(Details below...)**

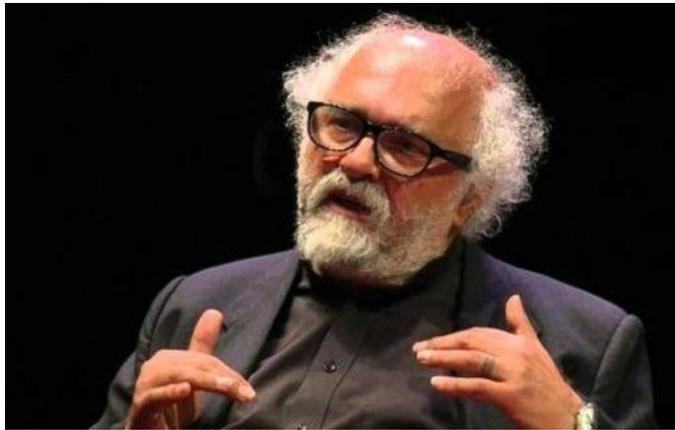
\*\*\* According to the data launched by the Free Journalists Initiative, four journalists were arrested in August and eight stood trial within the lawsuits filed against them. Two of those journalists were sentenced to six months of imprisonment each.

\*\*\* Investigations were opened against 178 people between the dates August 27 - September 3, 2018 due to their social media posts. According to the Interior Ministry statement, the social media users were charged with ‘illegal organization propaganda,’ ‘insult,’ ‘incitement towards resentment, hatred and hostility’ and ‘intending against the indivisible integrity of state.’

\*\*\* As the U.S. Dollar fluctuates around 6.60 TL and Euro around 7.60 TL, Halkbank has sold the U.S. Dollar on 3.72 TL and Euro on 4.32 TL. The bank statement on the issue claimed “*an operational mistake.*” Halkbank General Manager announced that 1763 people have made 4.6 million dollars worth of transactions within 38 minutes, but the mistake was identified and corrected at once with accounts being reset back to the previous state before the transactions.

\*\*\* 146 livestock of the 3959 imported from Brazil died of anthrax; with the illness diagnosed in humans in Istanbul as well. Two neighborhoods in Silivri are kept in quarantine.

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## **Zarakolu calls for “end to harassment” over red notice against him**

A red notice was issued against author and publisher Ragıp Zarakolu, six years after his arrest and release within the file against him. “*This has no other meaning besides disrespect and harassment,*” Zarakolu said.

Istanbul Specially Authorized 14th Assize Court had arrested Zarakolu in October 2011 due to “aiding an illegal organization” through a speech he gave during the opening ceremony of the Political Academy of the Peace and Democracy Party (BDP). Released in April 2012, Zarakolu’s prosecution continues at Istanbul 3rd Assize Court with a claim of imprisonment for up to 15 years. The court issued a search warrant with red notice against Zarakolu on June 7, 2018 due to his absence in the hearings as he resides in Sweden since December 2013.

Indicating that the prosecution has reversed back to where it started years after the prosecution and jumped to a level of “*international harassment,*” Zarakolu said, “*It seems that my writings, my expressions, defense for peace, and my continuous protection of human rights, minority rights and freedom of expression has bothered some people again. Let them be bothered. We will go on!*” Zarakolu further called for the “*harassment to end*” for the next hearing of the case against him on September 28. [Please click here](#) for Zarakolu’s message.



## **Social media use as “terror crime”: Indictments prepared against five students**

A lawsuit was filed against five students at Amasya University due to ‘making terrorist organization

propaganda.’ Facing imprisonment claims for up to five years, the students are charged due to their “likes” on Facebook and the people they follow on Twitter.

The indictment, accepted by Amasya Assize Court, suggests music videos shared by the students, their likes on the Facebook pages of IMC TV and Özgür Gündem Daily (which were both previously shut-down with emergency decrees), as well as their follows of Twitter pages of People’s Democratic Party (HDP) MPs were shown as crime evidence. The first hearing of the case will be held in November.



## First hearing held in cases against journalists Hayri demir and Sibel Hürtaş

A lawsuit has been filed against 11 people, three of them arrested, including journalists Sibel Hürtaş and Hayri Demir due to their news coverage and criticisms on the social media against the Afrin Operation. The first hearing of the case was held at Ankara

15th Assize Court.

Making his defense in the hearing, Demir indicated that he is facing ten years of imprisonment due to the tweets he posted and asked, “*Is journalism such a heavy crime to commit?*” In her defense, Hürtaş also indicated that a photo of her one-year-old son during the Hrant Dink commemoration takes place in the indictment as ‘crime evidence.’ “*I am a journalist for 20 years, but I don’t understand the indictment prepared against my own self. I read it, but I don’t know what I’m charged with,*” Hürtaş said.

The court decided for arrested defendants Saim Serin, Lezgin Tekay and journalist Barış Ceyhan to be released with travel bans abroad; and for the travel bans against the two journalists to remain effective, removing the obligation to submit signatures. The next hearing was scheduled to November 22.



## ‘Peace Academics’ on trial

Prosecutions of the academics charged with ‘making illegal organization propaganda’ due to signing the Peace Petition continue at Istanbul Courthouse after the end of the judiciary recess. Seven ‘Peace Academics’ stood trial for the first time at Istanbul 25th and 37th Assize Courts

in the first week of the new legislative session, next hearings were scheduled in all of them.

Thus, the number of scientists standing trial due to the Petition has reached 263. Lawsuits against 19 of them were concluded and all were sentenced to 1 year and three months of imprisonment each. The announcement of the verdicts were deferred in all sentences, except

for those against Prof. Dr. Zübeyde Üstel from Galatasaray University and Prof. Dr. Büşra Ersanlı from Marmara University.



## **Imprisonment sentence against journalist Kemal Yavuzel**

dokuz8HABER News Coordinator Kemal Yavuzel received ten months of imprisonment in the case he was on trial due to 'violation of privacy' through publishing the tapes revealed during the December 17-25 corruption

operations as he was the News Director for Gerçek Gündem.

The lawsuit was filed following the complaint of former Minister of Environment, Erdoğan Bayraktar and concluded with a 'deferral of the announcement of the verdict' by Istanbul Anatolian 68th Criminal Court of First Instance. Indicating that they have published only the 'official' tapes within the investigations with the aim to inform the public, Yavuzel said, "*The Sword of Damocles will be hanging over my head for the next five years due to the deferral of the verdict. There's now a horsehair distance between prison and me.*" The files of former Republican People's Party (CHP) Istanbul MP and former Gerçek Gündem Editor-In-Chief Barış Yarkadaş were separated from the same case file after Yarkadaş was elected MP.



## **Investigation against social media posts over TCK Article 301**

Istanbul Anatolian Chief Public Prosecutor's Office started an investigation against Gazete Duvar writer and lawyer Tuba Torun due to "public denigration of the Turkish government, its judicial bodies and its

military and security organization."

Torun's two articles on Toplum Sol and Gazete Duvar as well as her social media posts on the Afrin Operation, on teacher Ayşe and her conviction due to saying "*Don't let children die,*" on the police violence against high school students' protest in Kadıköy and on Kemal Kurkut and his death during the Newroz celebrations in Diyarbakır in 2017 were shown as reasons for the investigation.



## **Saturday Mothers: March prevented in Taksim under police blockade**

Saturday Mothers, gathering every week for the past 23 years at

Galatasaray Square to demand answers to questions on the fate of their disappeared relatives, faced a police obstacle in their 701st week as well.

All roads leading to Galatasaray Square from Istiklal Street were blocked with barricades before the protest; a major part of Taksim was taken under blockade by the police. The Saturday Mothers then gathered in front of the Human Rights Association (IHD) Istanbul despite the police blockade and were prevented from marching to Galatasaray Square. Despite announcements of the police that said, *“Disperse, you are holding an illegal demonstration,”* the relatives and rights advocates read the press statement in front of the police barricade. *“We don’t forget, we don’t forgive, we don’t give up! Everywhere is Galatasaray Square for us,”* stated the group.



### **“Conscience and Justice Watch” banned as well**

The “Conscience and Justice Watch” held by the families who lost their relatives in work murders with a demand to find justice was banned with a District Governorate order, after the ban on the demonstrations of the Saturday Mothers.

Gathering at Galatasaray Square on the first Sunday of every month, the families faced a police barricade and ban decision on the 75th meeting. Beyoğlu District Governorate showed *“national security, public order, prevention of crimes and the protection of general health, general morality and the rights and freedoms of others”* as reasons for the ban.

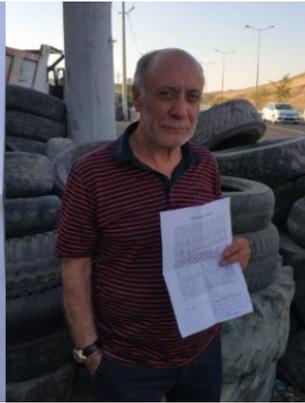
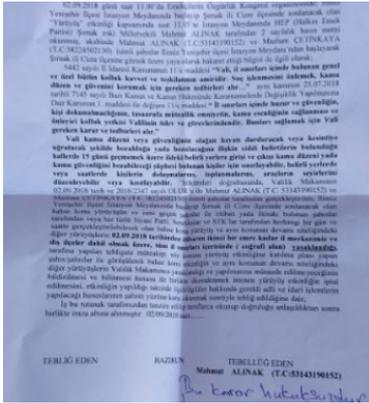


### **Demonstrations for disappearances in custody banned in Diyarbakır and Batman as well**

Following the ban on the Saturday Mothers’ demonstrations at Galatasaray Square, other weekly regular demonstrations by relatives of those disappeared in custody were also

banned in Diyarbakır and Batman.

Diyarbakır Governorate banned the sit-in protest organized by the relatives for 498 weeks until further notice due to “public security.” The ban decision referred to the authorities assigned to Governors with the recent legislative amendment that allowed the applications of the State of Emergency to continue after its revocation. Batman Governorate banned the sit-in protest organized by the relatives immediately after due to “security” reasons.



## Governorate ban against “Rights march against savagery”

The “Rights march against savagery” started by former Democracy Party (DEP) Şırnak MP Mahmut Alınak and Mazlum Çetinkaya from Diyarbakır to Cizre against the arrests of politicians due to their opinions, torture and rights

violations in prisons as well as war politics was banned by Diyarbakır Governorate. Alınak didn’t sign the notice letter, indicating that the decision is unlawful.

The Governorate notice indicated that the local civil administration possesses the authority to “restrict entrance and exits to certain locations for suspects of those who may disrupt public order or safety.” The authority mentioned was assigned to Governors with the recent legislative amendment that allowed the applications of the State of Emergency to continue after its revocation.



## Imprisonment sentence against author Hamide Yiğit over TCK Article 301

Istanbul 2nd Criminal Court of First Instance sentenced author Hamide Yiğit to five months of imprisonment due to “public denigration of the Turkish government, its judicial bodies

and its military or security organization.” The sentence against Yiğit, who was on trial due to her book, “Tekmili Birden IŞİD, El Kaide’den IŞİD’e Amerika İçin Cihat! — The Whole Kit and Boodle of ISIL, from Al Qaeda to ISIL, Jihad for America!” was turned into 3 thousand TL judicial fine. Another lawsuit filed against Yiğit following the criminal complaints of former Energy and Natural Resources Minister Berat Albayrak and President Recep Tayyip Erdoğan’s son Bilal Erdoğan due to “insult” was postponed to November 15.



## Imprisonment sentences over October 10 protest due to ‘insulting Erdoğan’

Istanbul 15th Criminal Court of First Instance sentenced six people, including professional union and chamber executives, to 11 months and 20 days of imprisonment each due to

‘insulting the President’ during the protest at Sirkeci Train Station on October 13, 2015 against the October 10 Massacre. The sentences against former Chamber of Electrical Engineers Istanbul Chairwoman Beyza Metin, Erdoğan Demir, Gürsel Kaya, Mehmet Şamil Altan were turned into 7 thousand TL judicial fine each; the announcement of the verdicts against Nebile İrmak Çetin and Önder Atay were deferred.



## Imam sentenced to imprisonment due to ‘illegal organization membership’

Diyarbakır 8th Assize Court sentenced retired imam Abdulkadir Anar, who is also an assembly member at Bağlar Municipality, to 6 years and three

months of imprisonment. Anar was charged with ‘illegal organization membership’ due to “participating in the burial, prayer and condolences of illegal organization members, organizing and holding civilian Friday prayers and participating in press statements organized to protest cemetery demolishments.” *“Due to the requirements of the profession of being an Imam and the religious education I received, I will go whenever I am called for whoever’s funeral to fulfill the religious duties,”* Anar said.



## ‘Peace Day’ petitions collected

Istanbul 3rd Criminal Judicature of Peace decided for notices prepared by the People’s Democratic Party (HDP) within September 1, World Peace Day due to ‘illegal organization propaganda’ and ‘public incitement towards resentment and hostility.’ “We will not

give up on peace, freedom, democracy,” said the notice.



## Turkey convicted of freedom of expression violation

European Court of Human Rights (ECtHR) convicted Turkey of violating freedom of expression due to the sentence against the book, *“Kayıpsın Diyorlar - They Say You’re Missing”* on 19-year-old Nazım Babaoğlu’s

disappearance in custody in Siverek in 1994. Sentencing Turkey to pay 2500 Euros of moral compensation to Fatih Taş, the European Court of Human Rights pointed out that the related criminal article is too extensive and vague, and that it is a continuous threat against freedom of expression as it is.

Fatih Taş was the former owner of Aram Publishing, that published the book written by Ali Aydın in 2004, and had been sentenced to six months of imprisonment by Istanbul 2nd Criminal Court of First Instance in accordance with Article 301 of the Turkish Penal Code (TCK). The sentence had been turned into 1650 TL judicial fine.



## Seven local newspapers in Izmir decrease weekly issue number

Written press is under crisis with the increasing cost of paper due to the currency increase in the U.S. Dollar. Some written media organizations have increased the issue prices, some pause

or give a break to regular publications due to the costs of newspaper and magazine paper, which are almost completely imported.

Seven local newspapers in Izmir decided not to issue publications on Sundays, including Izmir Journalists Association's 9 Eylül, Ege Telgraf, Haber Ekspres, Yenigün, İlk Ses, Yeni Bakış and Ticaret.

Aydınlık Daily could not be published for three days during the recent religious holiday due to the increasing paper costs, also related to the developments in the foreign currency rates. Prices of Cumhuriyet and Sözcü Daily were increased. Independent publishing houses are in similar difficulty. Turkish Journalists Association indicated that the tripled paper prices, based on the U.S. Dollar, has *"heavily impacted the Turkish press,"* and called the government to find urgent solutions to the paper crisis. Stating that otherwise more newspapers will have to be shut down, the Association demanded, *"Tax on paper must be zero, as soon as possible."*



## TRIALS OF FREEDOM OF EXPRESSION

- Seven more academics, charged with 'making illegal organization propaganda' due to signing the Peace Petition, stood trial. The hearings at Istanbul 25th and 37th Assize Courts were postponed to December 11 and 27, 2018 as well as February 12, 2019.
- The second hearing of the lawsuit of compensation filed against Cumhuriyet Foundation Executive Board Chairman Orhan Erinç and finance editor and reporter Pelin Ünker by Binali Yıldırım and his sons due to the news on Paradise Papers was held. Istanbul Anatolian 24th Civil Court of First Instance decided for the criminal cases to conclude for the 500-thousand-TL compensation claim.

### HEARINGS NEXT WEEK

- The prosecution of Mezopotamya Agency reporter Seda Taşkın, who is on trial due to 'illegal organization propaganda' and 'illegal organization membership,' will continue on September 12, Wednesday at Muş 2nd Assize Court.
- The prosecution of journalists Tunca Öğreten, Mahir Kanaat, Ömer Çelik, Metin Yoksu, Derya Okatan and Eray Sargın will continue on September 13, Thursday at Istanbul 29th Assize Court, starting at 10:00. The journalists are charged with 'illegal organization membership' and 'illegal organization propaganda' due to the news on the emails of Minister Berat Albayrak, which were revealed by the hacker group RedHack.



## **TURKEY TODAY**

- We continue to follow developments on the State of Emergency and the Presidential period with our Xtra bulletins. With two separate Presidential decrees issued on the Official Gazette, dated August 31, taxes were increased in foreign currency deposits. The monitoring of Press Release Institute was handed to the Ministry of Communication, that belongs to the Presidency. [Please click here](#) for details and for other Xtra bulletins.

**You may find the pdf format of the bulletin on [dusun-think.net](http://dusun-think.net).**