



# Think, think...

## Freedom of Expression Weekly Bulletin

(Issue 39/19, 4 October 2019)

### What happened last week?

\*\*\* As the time period allotted to the United States on the “security zone” is fulfilled, President Erdoğan used the clearest expression so far on a new military operation against Syria. “Turkey has not a single day to lose in this matter. At the point we are, we have no other solution left but to go our own way,” Erdoğan stated.

\*\*\* The Grand National Assembly of Turkey, which is rendered dysfunctional after the transition to the Presidential Period, began the third legislative session of the 27th Period. President Erdoğan has used his legislative authority almost “*by himself*” in the previous session; therefore the Parliament had worked only for 64 days. The first agenda of this session of the Parliament is the judicial reform. The 39-article law draft protects regulations rendering freedom of expression invalid with political and judicial applications. Therefore, imprisonments of journalists, academics, politicians and writers due to “*terrorism*” charges or those related to “*insulting government authorities*” will continue.

\*\*\* 75 new summaries have arrived in the Parliament, which started its new legislative session. 71 of the Parliament members asking for a revocation of Parliamentary immunities are members of the People’s Democratic Party (HDP)...

\*\*\* The ongoing debate on the Presidential system has reached a new dimension this week. A suggestion was made from inside the AKP, which said, “*The President must be elected with 40 percent of votes.*” Then, two different announcements were made by Erdoğan on the matter. Showing a green light in his first speech, Erdoğan then threw the ball to the opposition, saying, “*this is not our business.*”

\*\*\* The government revealed the New Economic Program for the 2020-2022 period. According to the ninth pack, announced by the government in order to fix the economy that has been shrinking since the last quarter of 2018, Turkey will grow by 5 percent starting next year, and unemployment will be reduced to one digit. Economists are in the opinion that the newly announced goals do not correspond to economic realities.

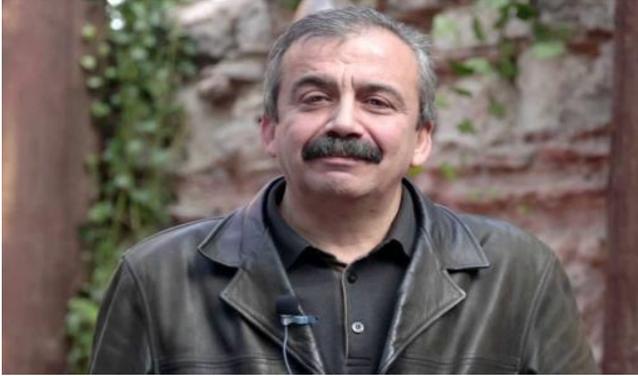
\*\*\* Inflation regressed to one-digit for the first time in July 2017 in September. As the inflation regressed to 9.26 percent, price raises continue. Shortly after the announcement of the new program, a second price raise was made on electricity within three months with 14.9 percent. Thus the total price raise made on electricity within the last two years became 72.4 percent.

\*\*\* One year has passed after the killing of oppositional Saudi journalist-writer Jamal Kashoggi in the Saudi Arabia Consulate General in Levent, Istanbul. Questions on the death of the journalist, whose corpse is still missing, remain unanswered.

\*\*\* Businessman and rights advocate Osman Kavala, who is arrested within the “Gezi Park Case,” left 703 days behind in prison.

\*\*\* According to the data shared by former Republican People’s Party (CHP) Parliament member Barış Yarkadaş, who regularly reports rights violations in the media each month, 46 journalists have stood trial in September and 10 were sentenced to a total of 29 years of imprisonment.

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### **Constitutional Court issues ‘violation’ verdict for HDP MP Önder**

The Constitutional Court (AYM) decided that the freedom of expression of former People’s Democratic Party (HDP) MP Sırrı Süreyya Önder was violated through being sentenced to 3 years and six months of imprisonment due to “making terrorist organisation propaganda” with his speech during the Newroz event organized in

Kazlıçeşme in 2013. Önder, who is kept in Kandıra Prison since December 6, 2018, is expected to be released.



### **Arrested peace academics acquitted**

Academics Asst. Prof. Esra Mungan, Asst. Prof. Meral Camcı, Asst. Prof. Muzaffer Kaya and Assoc. Prof. Kıvanç Ersoy, who were arrested in remand in the first lawsuit filed against peace academics, were acquitted. Thus, the number of acquitted Peace Academics reached 319 after the violation decree of the Constitutional Court.



### **Lawsuit against commemoration in Roboski massacre**

A lawsuit was filed against the relatives of 34 citizens, who lost their lives in the Roboski Massacre, due to “illegal organisation membership” related to the commemoration event they organized in the village on the fourth anniversary of the massacre on December 28, 2015. The first hearing of the lawsuit will be held at

Şırnak Assize Court on December 30, 2019.



### **Lawsuit against Mehmet Yılmaz after revealing assets of Binali Yıldırım**

A lawsuit was filed against T24 writer Mehmet Y. Yılmaz due to the articles he wrote on the increase in the assets of Binali Yıldırım and his children. Yıldırım was recently a candidate for Istanbul Mayorship from the Justice and Development Party (AKP) after his

positions as minister, Prime Minister and later as the Parliamentary Spokesman. The first hearing of Yılmaz, charged with “insulting a public officer,” will be held on January 14, 2019 at Istanbul 37th Criminal Court of First Instance, starting at 10:55.



### **First hearings held in lawsuits against two journalists**

The prosecution of former Yeni Yaşam Daily Managing Editor Osman Akın started at Istanbul 2nd Criminal Court of First Instance due to the news published in the newspaper with the title, “tyranny against arrests of Afrin.” The journalist is charged with “public denigration of the Government of the Republic of Turkey

and the military or security institution of state” (Turkish Criminal Code Article 301) and the second hearing of the lawsuit will be held on January 9, 2020 at 10:20.

On the other hand, the first hearing of the lawsuit filed against Turkish Journalists Union Disciplinary Council Chairman Rahmi Yıldırım due to his article, entitled, “I am so sad for the Chief of General Staff!” was held at Ankara Gölbaşı 3rd Criminal Court of First Instance. The journalist is charged with “insulting” former Chief of General Staff Hulusi Akar due to the article he shared on his own blog page on February 3, 2017. The prosecution of the journalist will continue on December 25, 2019 at 15:00.



### **Lawsuit against director Kazım Öz**

The first hearings of the lawsuit filed against director Kazım Öz with the allegation of “illegal organisation membership” was held at Tunceli 2nd Assize Court. The director faces an imprisonment sentence for up to 15 years due to participating in the funeral of Sakine Cansız, who was one of the

founders of the PKK and was killed in Paris on January 9, 2012, as well as in the Gezi Park

Protests and the BDP Political Academy in 2010. The second hearing of the case will be held on February 4th.



### **1-year 9-month imprisonment sentence against theater actor Ersin Umut Güler**

Yolcu Tiyatro actor Ersin Umut Güler, who was on trial due to his social media posts, was sentenced to 1 year and nine months of imprisonment due to “insulting the President.”



### **Concert ban in Adana**

The concert organised by Adana Dersim Solidarity and Fraternal Association with artists Pınar Aydınlar and Dodan Özer was banned by the Governorate due to “public order and safety.”



### **Microphone taken from singer Dodan for “Kurdish songs not allowed”**

The police raided the cafe in Batman, where singer Dodan was performing on the night on September 28th. Taking the microphone from Dodan’s hand, the police stated that “it is banned to sing in Kurdish.” Following the reaction against

the incident, Batman Governorate made a statement and said that the cafe was raided due to its lack of alcohol and live music license. However, the Governorate did not explain the microphone being taken from the hand of Dodan due to the “ban against singing in Kurdish.”



### **1436 people detained in Ankara within nine months**

Ankara Bar Association Human Rights Center, Ankara Medical Chamber, Human Rights Association and the Human Rights Foundation of Turkey (TIHV) launched a report on the police attack and rights violations experienced in Ankara in 2019. The statement pointed

out that freedom of thought and expression were violated after almost all public areas were closed against protests and demonstrations since 2016. “In all press statements being attempted, the masses face police violence and journalists are being prevented from reporting the violence,” the report stated. According to the report, 1436 people were detained.



### **Protest and demonstration ban in Adana**

A new protest ban was added to the 15-day demonstration ban previously announced in Adana by the Governorate on August 19th and September 3rd. The announcement was made by the Provincial Security Directorate this time instead of the Governorate. Demonstration marches, press statements, tents and booths were banned for 15 days in the province starting from October 3rd. The ban was based on the events organised against the trustees assigned to replace Diyarbakır, Mardin and Van Mayors.

### **Constitutional Court issues right violation against protest ban on State of Emergency dismissals**



The Constitutional Court (AYM) decided that the administrative fine issued against Education and Science Workers' Union (Eğitim-Sen) member Selma Elma by Antalya Governorate due to her participation in the protest against State of Emergency dismissals, was a right violation. The High Court decided that the right to organise meetings and demonstrations, protected by Article 34 of the Turkish Constitution, was violated.

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### **ECHR convicts Turkey in application of mayor penalised for expression**



The European Court of Human Rights (ECHR) decided that the 10-month imprisonment sentence issued against former Batman Co-Mayor Hüseyin Kalkan was a violation of freedom of expression. Kalkan had been sentenced to imprisonment due to the reply he gave to the question, "How do you react to the closure case against your party?" asked by a journalist during a press meeting in 2007.

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### **Four children's books declared "explicit"**



Ministry of Family, Labour and Social Services Committee for the Protection of Minors from Sexually Explicit Materials decided that the books, "Declaration of

the Rights of Boys” and “Declaration of the Rights of Girls” by Elisabeth Brami; “Good Night Stories for Rebel Girls: 100 Tales of Extraordinary Women” by Francesca Cavallo and Elena Favilli and “Sünnetçi Kız” [“Circumciser Girl] were “of explicit quality against the morality of minors.” The books were previously targeted due to “encouraging homosexuality.” Publisher’s Union reacted against the decision, saying that it is an “attack against freedom of publication.”



## **TRIALS OF FREEDOM OF EXPRESSION**

### **Osman Akın Case**

The prosecution of former Yeni Yaşam Daily Managing Editor Osman Akın started due to the news published in the newspaper with the title, “tyranny against arrests of Afrin.” The journalist is charged with “public denigration of the Government of the Republic of Turkey and the military or security institution of state” (Turkish Criminal Code Article 301).

**COURT:** İstanbul 2nd Criminal Court of First Instance

**VERDICT:** The second hearing of the case was scheduled for January 9, 2020 at 10:20.

### **Kazım Öz Case**

The first hearing of the lawsuit filed against director Kazım Öz with the allegation of “illegal organisation membership” was held. The director faces an imprisonment sentence for up to 15 years due to participating in the funeral of Sakine Cansız, who was one of the founders of the PKK and was killed in Paris on January 9, 2012, as well as in the Gezi Park Protests and the BDP Political Academy in 2010.

**COURT:** Tunceli 2nd Assize court

**VERDICT:** The second hearing of the case was scheduled for February 4, 2020.

### **Case Against News on Musa Çitil**

Prosecutions of journalists Çağdaş Kaplan Ömer Çelik, İnan Kızılkaya, Abdulvahap Taş, Selman Çiçek, Kemal Sancılı and Hamza Gündüz continued with the fourth hearing within the lawsuit filed against them due to “making illegal organisation propaganda” through sharing the news by Dicle News Agency on social media. The news had the title, “Name of the siege is ‘Flag 12,’ led by Musa Çitil.”

**COURT:** Diyarbakır 9th Assize Court

**VERDICT:** The Prosecutor claimed 21 years of imprisonment in total against the journalists. The next hearing will be held on December 18, 2019 at 09:50.

### **Rahmi Yıldırım Case**

The first hearing of the lawsuit filed against Turkish Journalists Union Disciplinary Council Chairman Rahmi Yıldırım due to his article, entitled, “I am so sad for the Chief of General Staff!” was held. The journalist is charged with “insulting” former Chief of General Staff Hulusi Akar due to the article he shared on his own blog page on February 3, 2017.

**COURT:** Ankara Gölbaşı 3rd Criminal Court of First Instance

**VERDICT:** The second hearing of the case was scheduled for December 25, 2019 at 15:00.

### **2018 Pride March Case**

The third hearing of the lawsuit filed against six people, who were detained during the 2019 Istanbul LGBTI+ Pride March, with the allegations, “violating the Law on Meetings and Demonstrations No. 2911,” “resisting to prevent duty” and “endangering traffic safety” was held on October 4th.

**COURT:** İstanbul 12th Criminal Court of First Instance

**VERDICT:** Six citizens were acquitted of the charge of “participating in illegal demonstration.” One person was sentenced to five months of imprisonment with the allegation of “resisting against public officer” and one was sentenced to 2 months and 15 days of imprisonment with the allegation of “endangering traffic safety.” Announcements of all verdicts were deferred.

### **Mahmut Elkuş Case**

The prosecution of conscientious objector Mahmut Elkuş continued due to “draft evasion.”

**COURT:** Mersin 3rd Criminal Court of First Instance

**VERDICT:** The next hearing will be held on March 5, 2020.

### **Peace Academics Cases**

Hearings of the academics, who signed the Peace Petition of the Academics for Peace, continued this week due to “making terrorist organisation propaganda.” The number of academics acquitted with the court decrees this week following the violation verdict of the Constitutional Court reached 329.

## **HEARINGS NEXT WEEK**

### **Gezi Park Case**

The third hearing of the lawsuit related to Gezi Park protests, filed against 16 rights advocates including arrested businessman Osman Kavala due to “attempting to overthrow the government” will be held with heavy life imprisonment claims.

**Date:** October 8, 2019 at 10:00; İstanbul 30th Assize Court (Silivri Prison Hearing Room)

### **Aret Demirci Case**

The second hearing of the lawsuit filed against Friedrich Naumann Foundation Turkey Project Coordinator Aret Demirci will be held due to “insulting the President” through a tweet he posted in June 2018.

**Date:** October 8, 2019; İstanbul 59th Criminal Court of First Instance

### **Coup Attempt Media Case**

The coup attempt media lawsuit filed against seven defendants Ahmet Altan, Mehmet Altan and Nazlı Ilıcak due to “attempting to overthrow the Constitutional Order” will be retried after the conviction decrees were reversed by the Court of Cassation.

**Date:** October 8, 2019 at 13:30; İstanbul 26th Assize Court

### **Büyükada Case**

The ninth hearing of the lawsuit filed against 11 rights advocates due to “illegal organisation membership” and “committing crimes on behalf of illegal organisations” related to the meeting, entitled, “The digital safety of human rights advocates” will be held.

**Tarih:** October 9, 2019 at 09:30; İstanbul 35th Assize Court

**Case Against News on Pastor Brunson**

The third hearing of the lawsuit filed against journalists Alican Uludağ and Duygu Güvenç will be held due to “denigration of the government of the Republic of Turkey as well as public institutions and bodies” through their news on Pastor Brunson, that was published on Cumhuriyet Daily.

**Date:** October 10, 2019 at 09:00; İstanbul 2nd Criminal Court of First Instance

**Özgür Gündem Case**

The lawsuit filed against previously shut-down Özgür Gündem Daily Editors-In-Chief Hüseyin Aykol, Zana Kaya; the newspaper’s Managing Editor İnan Kızılkaya and writer Hatip Dicle will continue due to “public denigration of the government, its judicial bodies and security organisation” as well as “public denigration of the Turkish nation, Republic and the Grand National Assembly of Turkey.”

**Date:** October 10, 2019 at 11:05; İstanbul 2nd Criminal Court of First Instance

**ETHA Workers Case**

The eighth hearing of the lawsuit filed against 27 Etkin News Agency (ETHA) workers, including editor and translator Meşale Tolu, will be held due to “terrorist organisation membership” and “terrorist organisation propaganda.”

**Date:** October 11, 2019 at 10:00; İstanbul 29th Assize Court

**Necla Demir Case**

The second hearing of the lawsuit filed against former owner of Gazere Karınca, Nacla Demir, will be held due to “making successive illegal organisation propaganda” through her news on Afrin.

**Date:** October 11, 2019 at 11:45; İstanbul 33rd Assize Court