



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

*** Turkey started the third operation against Northern Syria following the Euphrates Shield and Afrin, following the green light showed by the U.S., who stated that they will “not interfere.” The war mandate presented to the Parliament right before passed with votes of all parties except the People’s Democratic Party (HDP). “*We will have to say ‘yes’ to the mandate just so that the soldiers there are not hurt,*” Kılıçdaroğlu said.

*** Turkey is now responsible for what happens to ISIS members in regions withdrawn by the U.S. as well... President Trump stated, “*In case Turkey does something off limits, I will totally destroy and obliterate the Economy of Turkey.*” The first evaluation of Trump following the operation was that “*Turkey has occupied Syria.*” As the European Union called for an end to the operation, President Erdoğan once again threatened the countries with refugees as a reply to such reactions.

*** As soldiers entered Syria, almost another war was declared against all oppositional voices, especially against People’s Democratic Party (HDP) MPs, peace advocates, journalists and social media users. Detainments and bans came one after another...

*** The Judicial Reform hastily passed the GNAT Justice Commission. Opposition parties put annotations to the law draft, which will start to be debated in the General Assembly. Rights organisations agree with parties of the opposition on the lack of “justice” in the reform package.

*** The third hearing of the lawsuit filed against the Gezi Park protests was held. Osman Kavala, who is arrested for longer than 700 days, was not released once again. Release claims of arrested journalists Ahmet Altan and Nazlı Ilıcak were denied in the retrial started following the decree of reversal issued by the Court of Cassation. You may find details on trials of freedom of expression of the week at the end of the bulletin.



Operation against Syria

Turkey’s third military operation against Northern Syria after the “Euphrates Shield” and the “Olive Branch” operations was named the “Peace Spring.” As Turkish Armed Forces (TSK) units entered the Syrian land, a war was started against all oppositional voices inside the country as well, especially against People’s Democratic

Party (HDPP) MPs, peace advocates, journalists and social media users. Detainments and bans came one after another...

Investigation against HDP MPs: An investigation was started against People's Democratic Party (HDP) Co-Chairs Sezai Temelli and Pervin Buldan as well as MPs Gülistan Kılıç Koçyiğit, Leyla Güven and Berdan Öztürk with allegations of "making terrorist organisation propaganda" and "public denigration of the Government of the Republic of Turkey" due to their statements on the military operation against Eastern Euphrates.

Simultaneous operation against social media with military operation: Before the first day of the military operation organised by Turkey against Northern Syria ended, legal actions were taken against 78 people due to their social media posts on the operation. The social media users were charged with "making terrorist organisation propaganda," "public incitement towards resentment and hostility through black propaganda." Diyarbakır Chief Public Prosecutor's Office started an investigation for 22 people, who shared posts on social media on the military operation against Northern Syria. 11 people in Izmir and 21 people in Mardin were detained within social media operations started simultaneous with the military operation.

Journalists detained: BirGün Daily online editor Hakan Demir and diken.com.tr online Managing Editor Fatih Gökhan Diler were detained. The two names are charged due to the news published on the websites regarding the military operation against Syria. A custody warrant was issued against journalist Beritan Canözer as well due to her social media posts.

Interview and visual ban on Syrian borderline: Urfa Governorate declared the Syrian borderline as a special security zone and banned all interviews and taking of visuals in the region. In the statement made, the Governorate indicated that all press members attempting to take such action will be prevented and legal actions will be taken against them.

RTÜK announces broadcasts against operation silenced: The Radio and Television Supreme Council (RTÜK) announced that broadcasts against the "Peace Spring Operation" are being "silenced." Thanking media organisations "contributing to national unity and solidarity," RTÜK announced that those broadcasting against the operation are "being silenced fast with a collaboration of other related government institutions" and that they are taking necessary action against them.

Protest bans: The first protest ban was issued in Kocaeli. Kocaeli Governorate banned all protests and demonstrations to be organised against the "Operation Peace Spring" started against Northern Syria. The ban will continue for 15 days. Police attacked People's Democratic Party (HDP) members protesting the operation in Ankara, 11 people were detained.



Lawsuits against Demirtaş and Yüksekdağ

Former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş was sentenced to 1 year and three months due to "violating the Law on Meetings and Demonstrations No. 2911." Ankara 44th Criminal Court deferred the announcement of the verdict. Former

People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ was acquitted of the charge, “denigrating the Turkish Nation, the Government of the Republic of Turkey and state institutions” due to the defense statement she gave on November 5, 2016 within the file she was arrested. Ankara 9th Assize Court indicated that the criminal elements were not constituted and issued a decree of acquittal for Yüksekdağ.



Osman Kavala to remain under arrest within Gezi Park Case

The third hearing of the Gezi Park Case with 15 defendants, including writers, journalists, urban planners, lawyers and artists together with businessman Osman Kavala, was held in Silivri Prison hearing room with the charge of “attempting to overthrow the government of the

Republic of Turkey.” Istanbul 30th Assize Court denied the release claim of Kavala and scheduled the next hearing for December 24-25, 2019. The court further banned sketching in the hearing room despite a lack of related provision in the Law of Criminal Procedure (CMK). Artist Tarık Tolunay, who was sketching the hearing, was taken out of the hearing room.



Ahmet Altan and Nazlı Ilıcak to remain under arrest

After the heavy life imprisonment sentence issued against them was reversed by the 16th Criminal Chamber of the Court of Cassation, six defendants including Ahmet Altan, Mehmet Altan and Nazlı Ilıcak started their retrial within the “Coup Attempt Media Case” at Istanbul 26th Assize Court. The court decided for the reversal decree of the

Court of Cassation to be abided by and removed the travel ban against Mehmet Altan; denying release claims of all arrested defendants. The next hearing will be held on November 4, 2019 at 10:00.



Court of Cassation approves imprisonment sentence against journalist Nedim Türfent

The imprisonment sentence issued against journalist Nedim Türfent, who is arrested for longer than three years, was approved by the Court of Cassation. Türfent had been threatened with death and targeted due to the news he reported

during the curfew in Yüksekova district of Hakkari. Following the visuals he reported, that depicted a special operation officer applied torture while shouting, “*You will see the power of the Turk,*” Türfent was arrested in Van on May 12, 2016. The journalist, who was on trial due to “*illegal organisation membership*” and “*propaganda*” at Hakkari Assize Court, was sentenced to 8 years and nine months of imprisonment.



Prosecution of journalist Cem Şimşek starts due to “insulting Erdoğan”

The first hearing of the lawsuit filed against Evrensel Daily’s former Managing Editor Cem Şimşek due to “*insulting the President*” through publishing the news on German cartoonists drawing Erdoğan was held at Bakırköy 27th Criminal Court of First

Instance. The next hearing was scheduled for October 31, 2019 at 11:00.

Parıl parıl parlıyordu Hermes çanta...

- Önceki gün Emine Erdoğan’ın çantası gündemdeydi!
- Dün Çağlayan Adliyesinde Canan Kaftancıoğlu vardı...
- Yazdıkları, söyledikleri, söylemedikleriyle, hakim karşısına çıkacağı haberleri vardı. İki Türkiye Fotoğrafi... Biri ünlü markanın çantasıyla zenginliği, ihtişamı, gösterişle gündem olan Emine Hanım, diğeri uyduruk bir iddianameyle hakim karşısına çıkarılan blucinli Canan Hanım...
- Emine Hanım tüm dünyaya çantasıyla tanıttı Türkiye’yi...
- Canan Hanım duruşmasıyla, duruşuyla...
- Fotoşop olan tweetlerle hazırlanan bir iddianame sonucunda 37. Ağır Ceza Mahkemesinde 17 yıla kadar hapis istemiyle yargılanıyor.



Investigation against journalist Ender İmrek

An investigation was started against Evrensel Daily writer Ender İmrek due to his column published on June 29, 2019. In the column, İmrek wrote, “*Mrs. Emine represented Turkey to the entire world with her purse... Mrs. Canan; on the*

other hand, with her stance and attitude.” The writer further asked in his column, “*Those writing history with their shoes, purses and wardrobes and those taking praise in their palaces never had a good reputation in the eyes of people. Is it not beneficial to take lessons from history?*”



Imprisonment sentence against Aret Demirci due to social media post

Friedrich Naumann Foundation Turkey Project Coordinator Aret Demirci was sentenced to 11 months and 20 days of imprisonment due to “*insulting the President*” through his social media posts. Istanbul 59th Criminal Court of First Instance deferred the announcement of the verdict.



Environmental activists detained after marching from Istanbul to Ankara

Eight environmental activists, who started a march from Istanbul to Ankara in order to participate in the Great Ecology Rally on October 26th against the gold mine project in the Ida Mountains, were detained. The activists were released after testifying at the Prosecutor's Office.



Prevention against miners marching to Ankara

The march started by mine workers, who were fired without compensation following the disaster in Soma with 301 casualties was prevented with an order from Manisa Governorate. Soma District Governorate had brought a protest ban against the demonstration organised by

Independent Mine-Labour for compensations to be paid; the union has later carried the decision to the court. Manisa 1st Administrative Court had reversed the protest ban and the mine workers has started their march.



Festival banned in Cizre

The “Mem û Zîn” Youth, Culture and Arts Festival organised by Cizre Municipality was prevented due to the protest ban announced by Şırnak Governorate. 22 People's Democratic Party (HDP) members were detained and released after testifying.



TRIALS OF FREEDOM OF EXPRESSION

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” was held with heavy life imprisonment claims.

COURT: İstanbul 30th Assize Court

VERDICT: Release claim of Kavala denied, next hearing scheduled for December 24-25, 2019.

Aret Demirci Case

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

COURT: İstanbul 59th Criminal Court of First Instance

VERDICT: Demirci was sentenced to 11 months and 20 days of imprisonment; the announcement of the verdict was deferred.

Coup Attempt Media Case

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

COURT: İstanbul 26th Assize Court

VERDICT: Release claims of arrested defendants were denied. The next hearing was scheduled for November 4, 2019 at 10:00.

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” was held.

COURT: İstanbul 35th Assize Court

VERDICT: The court allotted extra time for the Prosecutor for the second time to prepare his opinion. The next hearing was scheduled for November 27, 2019 at 09:30.

Case Against News on Pastor Brunson

The third hearing of the lawsuit filed against journalists Alican Uludağ and Duygu Güvenç was 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.

COURT: İstanbul 2nd Criminal Court of First Instance

VERDICT: The court issued extra time for the defenses on the basis as well as decided for a warrant to be issued on the file of Pastor Brunson for Izmir 2nd Assize Court. The next hearing was scheduled for January 9, 2020.

Cem Şimşek Case

The first hearing of the lawsuit filed against Evrensel Daily’s former Managing Editor Cem Şimşek due to “insulting the President” through publishing the news on German cartoonists drawing Erdoğan was held.

COURT: Bakırköy 27nd Criminal Court of First Instance

VERDICT: The next hearing was scheduled for October 31, 2019 at 11:00.

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 continued 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.”

COURT: İstanbul 2nd Criminal Court of First Instance

VERDICT: The court decided to wait for the execution of the warrant against HATip Dicle and scheduled the next hearing for February 6, 2020.

ETHA Workers Case

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

COURT: İstanbul 29th Assize Court

VERDICT: The court issued for the judicial measures against the defendants to remain and scheduled the next hearing for February 25, 2020.

Nacla Demir Case

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

COURT: İstanbul 33rd Assize Court

VERDICT: The court issued the acquittal of the journalist.

Berzan Güneş Case

Journalist Berzan Güneş stood trial due to “illegal organisation membership” and “propaganda.”

COURT: İstanbul Anatolian 2nd Assize Court

VERDICT: The next hearing was scheduled for November 5, 2019.

Cihan Demirci Case

The summary judgement of cartoonist Cihan Demirci was held with the charge of “insulting the President” due to his cartoon posts on social media.

COURT: İstanbul Anatolian 26th Criminal Court of First Instance

VERDICT: The court issued the acquittal of Demirci.

Case Against Green Way Protest

13 people, protesting the Green Way, stood trial due to “preventing the freedom to work and labour.”

COURT: Artvin Sunday Criminal Court of First Instance

VERDICT: The newly assigned judge claimed his need to examine the file further and scheduled the next hearing for December 12, 2019.

Selahattin Demirtaş Case

The summary judgment of the lawsuit filed against former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş was held with the charge of “violating the Law on Meetings and Demonstrations” due to the candidate introduction event he participated in the Şurnak Provincial building of his party on December 27, 2013 as he was the Regional Democratic Party (BDP) Chairman before it was shut down.

COURT: Ankara 44th Criminal Court of First Instance

VERDICT: The court sentenced Demirtaş to 1 year and three months of imprisonment and deferred the announcement of the verdict.

Figen Yüksekdağ Case

Former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ, who was charged with "denigrating the government" through the defense statement she gave within the file she was arrested, was held.

COURT: Ankara 9th Assize Court

VERDICT: A verdict of acquittal was issued for Yüksekdağ.

Gülser Yıldırım Case

The thirteenth hearing of the lawsuit filed against former People's Democratic Party (HDP) Mardin MP Gülser Yıldırım was held due to 8 summaries prepared against her based on the speeches she gave between the years 2012 and 2016.

COURT: Mardin 3th Assize Court

VERDICT: The next hearing was scheduled for January 22, 2020.

Peace Academics Cases

The number of academics acquitted this week reached 374 after the violation verdict issued by the Constitutional Court (AYM).

HEARINGS NEXT WEEK**Case Against Boğaziçi University Students**

The fifth hearing of the lawsuit filed against 30 Boğaziçi University students will be held with the charge of "making illegal organisation propaganda" due to protesting the distribution of Turkish delights to support the Afrin Operation inside the university campus.

DATE: October 15, 2019; İstanbul 32nd Assize Court

Adil Demirci Case

The fourth hearing of the lawsuit filed against ETHA reporter Adil Demirci will be held in the lawsuit he was arrested in remand for a while due to "making terrorist organisation propaganda" and "illegal organisation membership" and was later released on February 14th.

DATE: October 15, 2019; İstanbul 25th Assize Court

Mümtazer Türköne Case

The sixth hearing of the lawsuit filed against previously shut-down Zaman Daily columnist and academic Mümtazer Türköne will be held due to "insulting the President" through a column he wrote in 2014.

DATE: October 15, 2019 at 09:45; Bakırköy 2nd Criminal Court of First Instance

Pınar Gayip and Semiha Şahin Case

The sixth hearing of the lawsuit filed against four people together with ETHA editor Semiha Şahin and reporter Pınar Gayip will be held due to "terrorist organisation membership" and "making terrorist organisation propaganda."

DATE: October 15, 2019 at 10:30; İstanbul 23rd Assize Court

Şirin Kabakçı Case

The seventh hearing of the lawsuit filed against former Zaman Daily Konya representative Şirin Kabakçı will be held due to "illegal organisation membership."

DATE: October 15, 2019 at 10:40; İstanbul 35th Assize Court

Temel Demirer Case

The third hearing of the lawsuit filed against writer Temel Demirer will be held with the charge of “praising the offense and the offender” due to the speech he gave during the programme on July 20, 2017 organised in order to commemorate those losing their lives in the Suruç Massacre.

DATE: October 15, 2019 at 10:45; İstanbul Anatolian 33rd Criminal Court of First Instance

Beritan Canözer Case

The third hearing of the lawsuit filed against journalist Beritan Canözer will be held with charges of “illegal organisation membership” and “making illegal organisation propaganda” due to the news she reported during the curfews in Sur district of Diyarbakır.

DATE: October 16, 2019; Diyarbakır 9th Assize Court

Deniz Yücel Case

The fifth hearing of the lawsuit filed against Die Welt Daily reporter and journalist Deniz Yücel will be held with charges of “making terrorist organisation propaganda” and “public incitement towards resentment and hostility.”

DATE: October 17, 2019; İstanbul 32nd Assize Court

Çiğdem Toker Case

The third hearing of the lawsuit of compensation for 1.5 million TL filed by Şenbay Mining Inc. against journalist Çiğdem Toker will be held due to Toker’s column on Cumhuriyet Daily, published on October 27, 2017 with the title, “If you’re looking for savings, look at subway tenders.”

DATE: October 17, 2019; Ankara 13th Civil Court of First Instance

Ferhat Tunç Case

The second hearing of the lawsuit filed against artist Ferhat Tunç will be held with charges of “illegal organisation membership” and “making illegal organisation propaganda” due to participating in panels and events organised by the Democratic Society Congress (DTK) and the People’s Democratic Congress (HDK).

DATE: October 17, 2019 at 09:20; Diyarbakır 5th Assize Court

İdris Yılmaz Case

The third hearing of the lawsuit filed against arrested journalist İdris Yılmaz will be held due to “illegal organisation membership.”

DATE: October 18, 2019; Van 5th Assize Court