

Think, think...



Freedom of Expression Weekly Bulletin (Issue 43/19, 1 November 2019)

What happened last week?

*** The military operation against Syria was stopped for the moment after the agreements with the U.S. and Russia. YPG forces completed their withdrawal from the borderline. However, Erdoğan claimed that Turkey is giving another “battle of freedom” and demanded for the borders of the security zone to be extended. “*Kobani must be under our control as well,*” Erdoğan said.

*** U.S. House of Representatives Committee accepted the law draft predicting sanctions on Turkey’s operation against Northern Syria. The committee further recognised the year 1915 as the year of the Armenian Genocide. French Parliament reprimanded the operation as well and demanded for all attacks to be stopped immediately.

*** President Erdoğan did not give permission for İlker Başbuğ to be prosecuted at the Supreme Court. The “Ergenekon Case” filed against Başbuğ was thus abated.

*** A trustee was assigned to Cizre municipality. Thus, the number of dismissed elected mayors reached 13 since the elections on March 31st, three of whom were metropolitan mayors.

*** A law draft was prepared regarding the planning, permission and monitoring authorities on the Istanbul Bosphorus to be transferred from the Metropolitan Municipality to councils to be assigned by President Erdoğan. Republican People’s Party (CHP) indicated that the draft is an effective application of trustees.

*** Justice and Development Party (AKP) Central Executive Board member and Istanbul MP Mustafa Yeneroğlu, known with his criticisms against government policies on human rights, freedom of expression and the supremacy of law, announced that he resigned from the party following the request of President Erdoğan.

*** A release verdict was issued for Selahattin Demirtaş in a file he was convicted in; whereas he can’t be released due to being arrested within another file. Despite the European Court of Human Rights (ECHR) verdict for him and the release verdict issued in the main case file he was on trial within, the freedom of Demirtaş is being kept from him.

*** Former Republican People’s Party (CHP) MP and journalist Barış Yarkadaş, who regularly launches numbers of press freedom violations every month, shared data on October 2019. According to the data, 1 journalist was arrested, 7 journalists were detained and 89 journalists stood trial in the one-month period. 2 journalists were sentenced to 7 years and six months of imprisonment in total, 4 journalists’ homes were raided by the police and 1 newspaper was withdrawn from shelves. Lawsuits were filed against 2 journalists.



Release verdict issued for Demirtaş; former Co-Chair remains in prison

A release verdict was issued for Selahattin Demirtaş in a file he was convicted in; whereas he can't be released due to being arrested within another file. Despite the European Court of Human Rights (ECHR) verdict for him and the release verdict issued in the main case file he was on trial within, the freedom of Demirtaş is being kept from him.



Investigation against artist Pınar Aydınlar

An investigation was opened against artist Pınar Aydınlar due to “making illegal organisation propaganda” through sending greetings to arrested former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş and commemorating İbrahim Kaypakkaya at

Munzur Culture and Nature Festival.



Lawsuit against journalist Ergin Çağlar

A lawsuit was filed against Mezopotamya Agency reporter Ergin Çağlar with the allegation of “making illegal organisation propaganda.” The indictment of the lawsuit described journalistic activities as a crime and Çağlar was charged with “participating in press statements with his identity as so-called news reporter.” The

first hearing of the case will be held on December 5, 2019 at Mersin 8th Assize Court.



Journalist Emre Orman released

Net News Agency reporter Emre Orman, who was arrested on October 24th due to “making illegal organisation propaganda” through his social media posts, was released after the objection made by Orman's lawyers against his arrest.



Eren Erdem released

Former Republican People's Party (CHP) MP Eren Erdem, who was sentenced to 4 years and 2 months of imprisonment in the lawsuit against Karşı Daily, was released. Erdem's lawyers had applied to the Court of Appeals for his release after the enactment of the new judicial act. Evaluating the application, 3rd Criminal

Chamber of Istanbul 3rd Court issued Erdem's release, considering his 489-day arrest period.



Penalty fine against Mümtazer Türköne

Previously shut-down Zaman Daily's columnist and academic Mümtazer Türköne was sentenced to 1740 TL judicial fine in the lawsuit he was on trial due to insulting Erdoğan, who was Prime Minister at the time, with a column he wrote in 2014.



Bildirici dropped from RTÜK membership

Following the proposal of the Chairman of Radio and Television Supreme Council (RTÜK), council member Faruk Bildirici was dropped from membership. Since Bildirici was elected as RTÜK member from the Republican People's Party (CHP) on July 11, 2019, he was transparently reporting decision processes

as well as applications of the institution which lacked independence to the public.



Lawsuit against CHP Party Assembly petition due to "insulting Erdoğan"

Lawsuits were filed against former Republican People's Party (CHP) Party Assembly members due to the petition launched by the assembly following the July 15 Coup Attempt. The prosecution of CHP Balıkesir MP Mehmet Tüm

started within the lawsuits filed separately against 60 CHP members.



Investigation against 2 HDP MPs due to “insulting Erdoğan”

Diyarbakır Chief Public Prosecutor’s Office started an investigation against People’s Democratic Party (HDP) Diyarbakır MPs Remziye Tosun and Saliha Aydeniz due to insulting Erdoğan.



Trustee protests: Two separate lawsuits against 49 people including four journalists

Two separate lawsuits were filed against 49 people including four journalists, who were detained during protests organised in Kadıköy, Istanbul on August 20th and 23th on the trustees assigned to People’s Democratic Party (HDP) municipalities,

due to “violating the Law on Meetings and Demonstrations No. 2911.”



Constitutional Court denies annulment of State of Emergency regulations

The Constitutional Court (AYM) denied the annulment of the Statutory Decree regulation that brought impunity for public officers on the applications during the State of Emergency. The high court

further approved the 14-day detainment period during the State of Emergency, claiming that the regulation predicting an extension of detainment period compared to ordinary situations does not restrict the right to personal freedom and safety.



ECHR issues decree on violation of freedom of expression

The European Court of Human Rights (ECHR) decided that the penalty issued in 2009 against Democratic Society Party (DTP) Central Executive Council member Hatice Çoban due to “making terrorist organisation propaganda” through a speech she gave during a protest in 2007 was a violation of

freedom of expression.



TRIALS OF FREEDOM OF EXPRESSION

Sözcü Daily Case

The lawsuit filed against Burak Abay, Gökmen Ulu, Mediha Olgun and Yonca Yücekaleli due to “establishing and managing a terrorist organisation,” “making terrorist organisation propaganda” and “committing crimes on behalf of an illegal organisation without being a member.”

COURT: Istanbul 37th Assize Court

VERDICT: The next hearing of the case will be held on December 27, 2019 at 10:00.

Ahmet Altan Case

The lawsuit filed against journalist and writer Ahmet Altan due to “not publishing a correction or reply” on the article he wrote for Taraf Daily on January 4, 2010 with the title, “Death as an Order of the Father.”

COURT: Istanbul Anatolian 10th Criminal Court of First Instance

VERDICT: The next hearing of the case will be held on February 4, 2020 at 13:35.

Can Dündar Case

The lawsuit filed against former Editor-In-Chief of Cumhuriyet Daily, Can Dündar due to “obtaining confidential information for espionage” on publishing visuals of the trucks belonging to the Turkish National Intelligence Agency, which were going to Syria.

COURT: Istanbul 14th Assize Court

VERDICT: The next hearing of the case will be held on March 19, 2020 at 11:00.

Ali Sönmez Kayar Case

The lawsuit filed against ETHA reporter Ali Sönmez Kaya and 9 others due to “illegal organisation membership.”

COURT: Istanbul 32nd Assize Court

VERDICT: The next hearing of the case will be held on February 13, 2020 at 11:00.

Cem Şimşek Case

The lawsuit filed against Evrensel Daily’s former Managing Editor Cem Şimşek due to “insulting Erdoğan” through the news with the headline, “German cartoonists drew Erdoğan so bad.”

COURT: Bakırköy 27th Criminal Court of First Instance

VERDICT: The court issued for lack of jurisdiction and sent the file to Bakırköy 2nd Criminal Court of First Instance, which is in charge of press cases in accordance with the Press Law.

Mümtazer Türköne Case

The lawsuit filed against previously shut-down Zaman Daily columnist and academic Mümtazer Türköne due to “insulting the President” through a column he wrote in 2014.

COURT: Bakırköy 2nd Criminal Court of First Instance

VERDICT: Türköne was sentenced to 1740 TL judicial fine due to “insulting a public officer.”

Lawsuits against CHP Party Assembly members

The lawsuit filed against 60 Republican People’s Party (CHP) Party Assembly members due to “insulting the President” through the notice launched by the assembly in 2016. Former CHP Balıkesir MP Mehmet Tüm started to be prosecuted within the case.

COURT: Ankara 12th Assize Court

VERDICT: The next hearing of the case will be held on February 20, 2020.

Peace Academics Cases

More Peace Academics were acquitted this week. Academics for Peace Initiative announced that 484 academics were acquitted after the Constitutional Court’s reversal decree. On the other hand, acquittal decrees were issued for 18 of the 187 convicted academics. Prosecutions of academics continue in 152 cases.

HEARINGS NEXT WEEK

Coup Attempt Media Case

Decrees of conviction issued in the coup attempt media case filed against 6 defendants with 5 of them arrested including journalists Ahmet Altan, Mehmet Altan and Nazlı Ilıcak due to “attempting to overthrow the Constitutional order” was previously reversed by the Court of Cassation. The case is thus being retried.

DATE: 4.11.2019 at 10:00; Istanbul 26th Assize Court

Özgür Gündem Journalists Case

The lawsuit filed against 22 journalists, who were detained during the police raid against Özgür Gündem Daily after the newspaper was shut down with a Statutory Decree.

DATE: 5.11.2019 at 09:30; Istanbul 5th Criminal Court of First Instance

Ferhat Parlak Case

The lawsuit filed against Silvan Mücadele Daily owner and journalist Ferhat Parlak due to “terrorist organisation membership.”

DATE: 6.11.2019 at 09:50; Diyarbakır 11th Assize Court

Atakan Sönmez Case

The lawsuit filed against former Cumhuriyet Daily Online News Director Atakan Sönmez due to “making successive terrorist organisation propaganda” through the news published on the website of the newspaper on the military operation against Afrin.

DATE: 7.11.2019 at 13:30; Istanbul 13th Assize Court

Adnan Bilen Case

The lawsuit filed against journalist Adnan Bilen due to “insulting the President” through his social media posts.

DATE: 8.11.2019; Van 4th Assize Court

Mehmet Çakmakçı Case

The lawsuit filed against journalist Mehmet akmakçı due to “illegal organisation membership” with his meetings with news resources as well as photographs he took while following news presented as criminal evidence.

DATE: 8.11.2019 at 09:05; Diyarbakır 10th Assize Court