

Think, think...



Freedom of Expression Weekly Bulletin

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What happened last week?

- President Erdoğan stated that in case the attitude of the United States doesn't change, they will search for other ways and never step back in terms of S-400s.
- Foreign Minister Mevlüt Çavuşoğlu indicated that the U.S. and Russia didn't comply with the conventions signed for Northern Syria, saying, "In case these regions aren't clear, we'll start the operation." However, the statement made by Russia indicated that Kurds have almost completely withdrawn the region and that Ankara is not planning a new operation in Syria.
- Before the ordinary congress calendar at the AKP, successive resignations started to occur in provincial administrations following an order from headquarters.
- Four more People's Democratic Party (HDP) Co-Mayors were dismissed. Thus, the number of municipalities with trustees assigned after the local elections on March 31st reached 24. 14 dismissed co-mayors were arrested. [Please click here](#) for details.
- After the operations against its municipalities, HDP called for "early elections", deciding to "continue the fight on democratic and legitimate platforms."
- 45 new summaries were sent to the Parliament with the demand to revoke the Parliamentary immunities of 9 HDP MPs and HDP Co-Chair Sezai Temelli.
- The ruling party presented a 95-article new law draft to the Parliament due to "public safety" reasons. The regulation predicts changes in conditions of "acceptance" and "deportation" of refugees, increasing authorities of Governorates to "decline entrance in the country." On the other hand, the draft predicts all associations to register with their identity to the government. [Please click here](#) for details.
- Eight international press organisations launched a report, evaluating the state of press freedom in Turkey. Rights violations journalists face in Turkey were listed in 9 and suggestions for Turkey were listed in 11 clauses. [Please click here](#) for details.
- The International Institute for Democracy and Electoral Assistance (IDEA) launched "The Global State of Democracy 2019" report. According to the report, Turkey and Haiti are the two countries with the lowest level of basic rights, even though the rights are democratically recognised. Democracy in Turkey was described as "volatile and weak." [Please click here](#) for details.



Court insists on conviction in retried Cumhuriyet Case

In the case of Cumhuriyet Daily, which started to be retried at Istanbul 27th Assize Court after the decree of reversal issued by the Court of Cassation, the court issued the acquittal of

Kadri Gürsel only and insisted on the convictions of other defendants. The file will be sent to the Criminal General Assembly of the Court of Cassation.



Fikret Başkaya acquitted

Ankara 21st Assize Court issued the acquittal of writer Fikret Başkaya, who was on trial due to “making illegal organisation propaganda” through his article published on Özgür Üniversite [Free University] website on November 7, 2016 with the title, “The Real Terrorism is Government Terrorism.”



Journalists Ruken Demir and Melike Aydın arrested

Mezopotamya Agency reporter Ruken Demir and Jin News reporter Melike Aydın, who were detained in Izmir on November 12th with house raids, were arrested due to “executing activities on behalf of an illegal organisation.”

Nine Association for Solidarity with Families of Prisoners (TUHAY-DER) members, who were detained with the journalists within the investigation conducted by Izmir Chief Public Prosecutor’s Office, were arrested as well.

Tamince'nin de aralarında olduğu kritik dosyalara bakan 2 savcı rüşvet iddi



Lawsuit against news due to “insulting public officer”

A lawsuit was filed against Cumhuriyet Daily reporter Seyhan Avşar due to “insulting a public officer” through the news on the allegations of decrees of non-prosecution issued for money in critical files at Istanbul Courthouse.



Journist-writer Ahmet Takan attacked

Korkusuz Daily writer Ahmet Takan, who was targeted by Nationalist Movement Party (MHP) members after his column published on November 13th with the title, “Would someone from the AKP lead MHP?”, was attacked in front of his house.



Interior Minister Süleyman Soylu declares SP MP İslam a “traitor”

During the 2020 yearly budget negotiations in the Parliament, the Interior Minister Süleyman Soylu declared Felicity Party (SP) MP Cihangir İslam to be a “traitor” after he said, “What does Ahmet Altan have to do with terrorism? You’re arresting men you can’t silence.” Soylu targeted the MP, saying, “Don’t be despicable, you impudent man. You’re a provocateur. You have

always betrayed the Republic of Turkey. You’re a traitor. Everyone knows you’re a provocateur. You’re a defender of the FETO.”



3-year imprisonment against social media posts by lawyer

Harika Günay Karataş, a lawyer in Yüksekova, Hakkari, was sentenced to 3 years, 1 month and 15 days of imprisonment with the allegation of “making illegal organisation propaganda” through her social media posts. All social media posts made by Karataş within the last seven years were added in her file at Hakkari

Assize Court. Her posts on rights violations during curfews, arrests of People’s Democratic Party (HDP) MPs, trustee assignments, executions and many other subjects were considered a crime as well.



Lawsuit against Barbaros Şansal due to “insulting Erdoğan”

A lawsuit was filed against fashion designer Barbaros Şansal with the allegation of “successively insulting the President” through his posts on social media.



Nol-pros for economist-writer Mustafa Sönmez due to “insulting President”

The investigation against economist-writer Mustafa Sönmez, who was detained in April with the allegation of insulting President Erdoğan through his social media posts and was later released, was concluded. Istanbul Anatolian Chief Public Prosecutor’s Office

issued a verdict of non-prosecution for Sönmez, who was charged with “insulting the President” and “public incitement towards resentment and hostility.”



Protest bans extended in Şırnak and Urfa

Şırnak Governorate extended the protest ban in the province for 15 more days. Protests in the province were thus banned for the 10th time in the last ten months. So, protests are banned in the province in one of every two days. Urfa Governorate extended the ongoing protest and event ban in the provincial centre and districts

for 30 days. Thus, the protest ban in the province was extended for the third time.



Concert to “revoke Statutory Decrees” banned by District Governorate

The concert organised on November 23rd with the participation of Grup Yorum members, Pelin Batu, Orhan Aydın, Ekrem Ataer, İbrahim Karaca, Mehmet Esatoğlu with the theme, “Revoke Statutory Decrees, Shut Down State of Emergency Applications Committee”

was banned by Şişli District Governorate.



Police prevention in İzmir against Bar Association’s march for transsexual rights

The march organised by İzmir Bar Association for the Day to Remember Hate Crime Victim Transsexuals was prevented by the police.



Ankara Governorate bans rally against drugs

Ankara Governorate banned the rally organised on November 17th at Tuzluçayır Square for “Awareness in the Fight Against the Use of Drugs.” The ban expressed that the rally was “not found appropriate” in accordance with the

Provincial Administration Law and the Law on Meetings and Demonstrations No. 2911.



ECHR: Attending funeral is not a crime, but freedom of expression

European Court of Human Rights (ECHR) decided that the freedom of expression of former Batman Mayor Nejdet Atalay, who was sentenced to 10 months of imprisonment due to “making illegal organisation propaganda”

through attending a funeral and demonstrations afterwards, was violated. The court issued 7000 Euros of compensation to be paid to Atalay.



15-year impunity in Uğur Kaymaz file

15 years have passed since 12-year-old Uğur Kaymaz was killed together with his father in front of their house in Kızıltepe district of Mardin on November 21, 2004 due to a fusillade by the police. [Please click here](#) for details.



TRIALS OF FREEDOM OF EXPRESSION

Gülser Yıldırım Case

The lawsuit filed against former Mardin MP Gülser Yıldırım due to “making illegal organisation propaganda” with the allegation of chanting a slogan while leaving the Assembly Committee meeting with the agenda of revocation of Parliamentary immunity.

Court: Ankara 13th Assize Court

Verdict: The second hearing of the case will be held on February 3, 2020.

Şebnem Korur Fincancı Case

The lawsuit filed against the Human Rights Foundation of Turkey (TIHV) Chair Prof. Dr. Şebnem Korur Fincancı due to the allegation of insulting the Prime Minister of the time, Recep Tayyip Erdoğan through a tweet she posted during the Gezi Park protests.

Court: Istanbul Anatolian Courthouse 42nd Criminal Court of First Instance

Verdict: The fourth hearing of the case will be held on March 17, 2020.

Tuna Altınel Case

The lawsuit filed against Peace Academic Tuna Altınel, who was arrested on May 10th and was released in the first hearing on July 30th, due to “illegal organisation membership” based on making simultaneous translations during a conference organised in France in February 2019 on the incidents happening during curfews.

Court: Balıkesir 2nd Assize Court

Verdict: The third hearing of the case will be held on January 24, 2020.

Özgür Gündem Case

The lawsuit filed against Özgür Gündem Daily, which was previously shut down with a Statutory Decree issued within the State of Emergency, with defendants including Eren Keskin, Hüseyin Aykol, Reyhan Çapan and Hasan Başak...

Court: Istanbul 14th Assize Court

Verdict: The next hearing will be held on February 20, 2020.

Cumhuriyet Daily Case

The lawsuit will be retried after the reversal of convictions issued by 16th Criminal Chamber of the Court of Cassation for Cumhuriyet Daily writers and workers.

Court: Istanbul 14th Assize Court

Verdict: The court issued the acquittal of Kadri Gürsel only and insisted on the convictions of other defendants. The file will be sent to the Criminal General Assembly of the Court of Cassation.

Ahmet Altan Case

The lawsuit filed against journalist-writer Ahmet Altan due to “violation of the confidentiality of investigation” through a column and a news article published on previously shut-down Taraf Daily in 2009.

Court: Istanbul Anatolian 2nd Criminal Court of First Instance

Verdict: The court decided for stay of prosecution due to the conviction decree issued by 32nd Criminal Court of First Instance, which caused the file to be reopened, is not finalised in accordance with the legal amendment.

Fikret Başkaya Case

The lawsuit filed against Turkey and Middle East Forum Foundation Founder and Chairman, writer Fikret Başkaya due to “making illegal organisation propaganda” through his article, entitled, “The Real Terror Is Government Terror” published on the website of Özgür Üniversite [“Free University”] on November 7, 2016.

Court: Ankara 21st Assize Court

Verdict: The court issued the acquittal of Başkaya.

Case Against Trustee Protest

The lawsuit filed against 11 people, including journalists Berfin Aslan and Mehmet Şahin, due to “violating the Law on Meetings and Demonstrations No. 2911” after being detained in the protest organized in Kadıköy, Istanbul in August against trustee operations.

Court: Istanbul Anatolian 25th Criminal Court of First Instance

Verdict: The second hearing of the case will be held on January 24, 2020.

Case Against “Voice for Cizre” Protest

The lawsuit filed against 49 people due to “making illegal organisation propaganda” through participating in the protest organised in Izmir against right violations during the curfews in Cizre.

Court: Izmir 2nd Assize Court

Verdict: The third hearing of the case will be held on March 19, 2020.

Case Against Massacre Protest

The lawsuit filed against 63 political party and union member and executives due to “violating the Law No. 2911” after they were attacked by the police while attempting to march in Adana in order to protest the bomb attack in Güvenpark, Ankara in March 2016.

Court: Adana 11th Criminal Court of First Instance

Verdict: All defendants were sentenced to 5 months of imprisonment each. The court turned the penalties into 3000 TL of judicial fines. Announcements of the verdicts against three people were deferred and one person was abated from the file due to death.

HEARINGS NEXT WEEK

Hrant Dink Assassination Case

The lawsuit on the assassination of Agos Daily Editor-In-Chief Hrant Dink on January 19, 2007 in front of the newspaper building in Şişli, Istanbul that is ongoing for 12 years with 76 defendants including former Security, Intelligence and Gendarmerie officers.

Date: November 26-27-28, 2019; Istanbul 14th Assize Court

ETHA Case

The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters İsmi naz Temel, Havva Cuştan and Legal Bureau of the Oppressed (EHB) lawyers, with allegations of “illegal organisation membership” and “making illegal organisation propaganda.”

Date: November 26, 2019 at 10:15; Istanbul 27th Assize Court

Case Against BirGün Daily Executives

The lawsuit filed against BirGün Daily executives İbrahim Aydın, Barış İnce, Can Uğur and Bülent Yılmaz due to “aiding FETÖ without being a member” through the posts made by the Twitter account with the nickname “Fuat Avni” between the years 2014 and 2016.

BirGün gazetesinin yöneticileri İbrahim Aydın, Barış İnce, Can Uğur ve Bülent Yılmaz

Date: November 26, 2019 at 10:45; Istanbul 32nd Assize Court

Büyükada Case

The lawsuit filed against 11 rights advocates due to “aiding armed terrorist organisations” and “membership to an armed terrorist organisation” through participating in the meeting, entitled, “Digital security and protection of human rights advocates.”

Date: November 27, 2019 at 09:30; Istanbul 35th Assize Court

3rd Airport Workers Case

The lawsuit filed against 61 workers and union members who protested the heavy working conditions and work murders at the construction site of the 3rd Istanbul airport.

Date: November 27, 2019; İstanbul Gaziosmanpaşa 14th Criminal Court of First Instance

Özgür Gündem Main Case

The lawsuit filed against previously shut-down Özgür Gündem Daily writers and executives Filiz Koçali, Aslı Erdoğan, Necmiye Alpay, Eren Keskin, Ragıp Zarakolu, Zana Kaya, İnan Kızılkaya, Kemal Sancılı and Bilge Aykut due to “disrupting the unity and the territorial integrity of state” and “illegal organisation membership.”

Date: November 28, 2019 at 10:30; Istanbul 23rd Assize Court

Can Dünder Case

The lawsuit filed against journalist Can Dünder, who participated in the Substitute Editing-In-Chief campaign started for solidarity with Özgür Gündem Daily, due to “printing or publishing illegal organisation material.”

Date: November 28, 2019 at 09:05; Istanbul 22nd Assize Court

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily’s former owner Kemal Sancılı and Managing Editor İnan Kızılkaya due to “making illegal organisation propaganda” through three news articles published on the newspaper in 2016.

Date: November 28, 2019 at 10:20; Istanbul 27th Assize Court