



Think, think...

Freedom of Expression Weekly Bulletin

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What happened last week?

- No resolution was reached in the summit held in London for NATO's 70th year, neither on Turkey's operation in Northern Syria nor on the S-400 crisis. Erdoğan continues to state, "We will not leave the region until we clean up Syria." No concrete result was reached in the summit held between Erdoğan and leaders of the UK, France and Germany.
 - As tensions on Turkey's drilling activities in the Mediterranean continues, Southern Cyprus administration carried the matter to the International Court of Justice in the Hague. On the other hand, the agreement between Turkey and Libya, which defines maritime authority regions in the Mediterranean, passed the Turkish Parliament. Greece decided to deport the Libyan ambassador from Athens.
 - President Erdoğan vetoed the regulation prepared by his party on thermal plants he enacted as law. Thus, President Erdoğan has vetoed the law enacted by Justice and Development Party (AKP) Chairman Erdoğan.
 - People's Democratic Party (HDP) member Co-Mayors of Muradiye, Özalp and Başkale districts of Van were detained due to investigations against them. The municipal buildings were taken under police blockade as well, with entrances and exits not allowed to and from the buildings. Trustees were assigned to 24 HDP municipalities since the elections on March 31st, three of them metropolitan municipalities. 70 of 151 HDP member municipal assembly members are also currently dismissed.
 - The European Court of Human Rights (ECHR) announced the decree on the application of businessman Osman Kavala, who was arrested since October 2017, will be announced on the 10th of December, Tuesday.
 - Many hearings of journalism and freedom of expression were held this week. Three journalists were arrested in one week. *Details in the bulletin...*
 - Peace Academics made statements in six provinces. The academics demanded their re-employment and said, "We continue to be acquitted but we can't get back our rights."
 - Human Rights Foundation of Turkey (TIHV) Academy launched two separate reports on the political pressure against the academia as well as rights violations experienced by the academics. [Please click here for details.](#)
 - The annual inflation increased from 8.55 percent to 10.56 percent in November.
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What's Goin' On?

The term “freedom of expression” encompasses almost all freedoms and violations. When people attempt to express, write about the rights violations and mistreatment they experienced or to explain them with songs, theater plays or with peaceful demonstrations or press statements, they face obstacles. In such an environment, we are listening to these violations on a

video conference from local rapporteurs in four regions (Istanbul, Ankara, Izmir, Diyarbakır) and later discuss the “Common Denominators” that emerge from those conferences, necessary precautions and possibilities. [Please click here](#) for our report and video conference on the violations experienced in October 2019.



Arrested journalists

Mezopotamia Agency reporters Sadiye Eser and Sadık Topaloğlu were detained on November 29th after leaving the agency building in Beyoğlu, Istanbul and were later arrested by Istanbul 3rd Criminal Court of Peace due to “illegal organisation membership”. Dicle News Agency (DIHA) reporter Hacı Yusuf Topaloğlu, who was

kept under custody for nine days, was arrested with the allegation of “illegal organisation membership.” In the operation conducted on November 27th in Ankara, Antep, Urfa, Diyarbakır, Batman, Ağrı and Adıyaman; members and executives of the People’s Democratic Party (HDP), Human Rights Association (IHD) and Health and Social Services Labourers Union were detained. Topaloğlu was detained within the same operation. According to data by the Free Journalists Initiative, 12 journalists were detained, 4 journalists were arrested in the past month. An investigation was opened against one journalist and a lawsuit was filed against two journalists; 12 of 51 prosecuted journalists were sentenced to a total of 45 years and 15 days of imprisonment. One journalist was sentenced to a judicial fine.



Journalist Ergin Çağlar acquitted in first hearing

The prosecution of the lawsuit filed against Mezopotamya Agency reporter Ergin Çağlar due to “making illegal organisation propaganda” started at Mersin 8th Assize Court. The court issued Çağlar’s acquittal in the file, which based the charges on his

journalistic activities.



Lawsuit against journalist Kenan Kırkaya

The prosecution of journalist Kenan Kırkaya started at Ankara 32nd Assize Court due to “making illegal organisation propaganda” on his social media account through the news he shared between the years 2014 and 2015. The next hearing was scheduled for January 23, 2020.



Appeal letter leads to lawsuit of insulting President

A lawsuit was filed against lawyer Özgür Urfa due to the expressions of his client, who was convicted of the charge of “insulting the President,” in his appeal letter. In the first hearing held at Istanbul 4th Assize Court, the court accepted President Erdoğan’s request to not participate in the hearing due to “the potential for the crime to

damage him.” The Prosecutor claimed an imprisonment sentence against the lawyer due to insulting the President. The next hearing was scheduled for April 2, 2020.



Lawsuit against Community Centers Central Executive Board member Kutay Meriç

A lawsuit of “insulting the President” was filed against Community Centers Central Executive Board member and Organisation Secretary Kutay Meriç. The lawsuit was filed within the same file as the previous one. The first hearing of the lawsuit will be held on February 27, 2020 at Antalya 14th

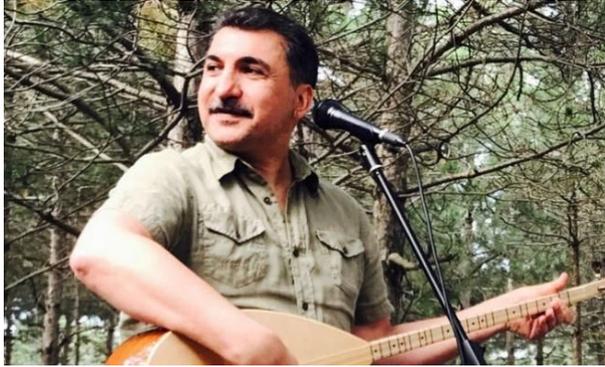
Criminal Court of First Instance. The charges were based on social media posts depicting three cartoons drawn by Evrensel Daily cartoonist Sefer Selvi and a photograph from the Gezi Park protests.



Lawsuit against former Diyarbakır Bar Association administration

A lawsuit was filed against the former administration of Diyarbakır Bar Association at Batman Assize Court with permission from the Ministry of Justice due to their declaration on the 1915 incidents

made on April 24, 2018. Former Bar Association Chairman Ahmet Özmen and 10 executives will stand trial due to “public incitement towards resentment and hostility” (Turkish Criminal Code Article 216) and “insulting the GNAT” (Turkish Criminal Code Article 301).



Lawsuit against social media posts of artist Ferhat Tunç

The prosecution of artist Ferhat Tunç within the lawsuit filed due to “making terrorist organisation propaganda” through eight Tweets he posted during Turkish Armed Forces’ “Olive Branch Operation” against Afrin started at Istanbul 37th Assize Court. The court issued for the warrant against Tunç to remain and scheduled the next

hearing for May 21, 2020.



Kurdish song among evidence for illegal organisation membership

The indictment prepared against 12 university students, 4 of them arrested, due to “illegal organisation membership” over their participation in the 2018 Antalya Newroz celebrations, was accepted by Antalya 10th Assize Court. The Prosecutor’s Office included “singing of songs in Kurdish

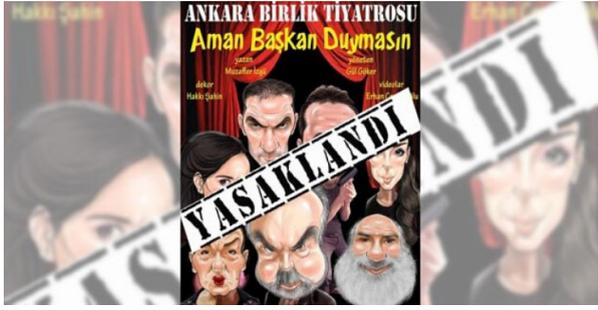
and notes of lyrics confiscated in house raids” among the crime evidence. The first hearing of the lawsuit will be held on January 8, 2020. Arrested defendant Devrim Ayık is a colon cancer patient.



Police raids İdil Cultural Center for ten times in two years

Another police raid was organised at İdil Cultural Center, where Grup Yorum members conduct their work, during the screening of movie “Smuggler”. Grup Yorum members Bergün Varan, Sultan Gökçek and choir member Tuğçe Tayyar

were detained. The members are on a hunger strike. Grup Yorum members Bergün Varan, Sultan Gökçek and choir member Tuğçe Tayyar were arrested by the court they were taken to.



Staging of theater play prevented in Malatya

The staging of “Aman Başkan Duymasın” [“Careful, Don’t Let the President Hear”] by Ankara Union Theater was prevented in Malatya. The play, written by Muzaffer İzgü, was planned to be staged at Malatya Culture and Congress Palace Kemal Sunal

Hall on December 15th and the cancellation was based on “construction work.” The hall will host various events before and after December 15th. Furthermore, the request for a new date for the staging was not accepted.



Strong grief (!) shown as reason for torture!

Koçer Sason Yapıcı, who was tortured at Van Gürpınar District Security Directorate in 2016, was sentenced to 1 year and seven months of imprisonment due to “resisting the officer on duty and preventing duty.” Torturer security commander M.A.K., identified by Yapıcı, was acquitted of all

charges imposed. Gürpınar Criminal Court of First Instance decided that the police commander “is understood [from the reports] to have gotten caught in strong grief against the resistance and insult he was exposed to during the detainment, therefore has beaten Yapıcı.”



TRIALS OF FREEDOM OF EXPRESSION

Case Against Posts on Afrin

The sixth hearing of the lawsuit filed against journalists Sibel Hürtaş and Hayri Demir due to their news and social media posts on the Afrin Operation...

Court: Ankara 15th Assize Court

Verdict: The court denied the claim for the travel ban against Demir to be revoked, scheduling the next hearing for March 26, 2020 in order to wait for a reply from the Ministry of Justice on journalists being able to be prosecuted within Turkish Criminal Code Article 301 as well.

Sirin Kabakçı Case

The eighth hearing of the lawsuit filed against former Zaman Daily Konya representative Şirin Kabakçı due to “illegal organisation membership”...

Court: Istanbul 35th Assize Court

Verdict: The Prosecutor’s Office presented the opinion on the basis and claimed the penalisation of Kabakçı due to “illegal organisation membership.” The next hearing will be held on February 20, 2020.

Ferhat Tunç Case

The seventh hearing of the lawsuit filed against artist Ferhat Tunç due to “insulting the President” through ten tweets he posted in 2016...

Court: Büyükçekmece 14th Criminal Court of First Instance

Verdict: The court decided for the warrant against Tunç, who resides in Germany, to remain and for another letter of rogatory to be sent. The next hearing was scheduled for February 12, 2020.

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “making terrorist organisation propaganda” on 8 tweets he posted on the Afrin Operation...

Court: Istanbul 37th Assize Court

Verdict: The court decided for the process of rogatory to be started with a letter sent to the Ministry of Justice and for the warrant issued for Tunç’s defense to be received from Germany to remain. The next hearing was scheduled for May 21, 2020.

Sertaç Kayar Case

The fifth hearing of the lawsuit filed against journalist Sertaç Kayar due to the demonstrations, press statements and events he followed for journalistic purposes between the years 2012 and 2014...

Court: Diyarbakır 10th Assize Court

Verdict: The court decided to wait for a reply from Diyarbakır Chief Public Prosecutor’s Office for the letter sent there, asking whether there was a document on Kayar in the search made at the Democratic Society Congress (DTK) building. The next hearing was scheduled for April 1, 2020.

Kenan Kırkaya Case

The first hearing of the lawsuit filed against journalist Kenan Kırkaya with the allegation of “making illegal organisation propaganda” through the news he shared on social media....

Court: Ankara 32nd Assize Court

Verdict: The journalist couldn’t attend the hearing due to health excuses and the next hearing was scheduled for January 23, 2020.

Mehmet Baransu and Sevki Coban Case

The twenty-second hearing of the lawsuit filed against previously shut-down Taraf Daily reporter Mehmet Baransu and Managing Editor Murat Şevki Çoban due to “revealing confidential documents”...

Court: Istanbul Anatolian 10th Assize Court

Verdict: As the crime was committed through press/media, the court issued a verdict of non-jurisdiction and sent the file to Istanbul Anatolian 2nd Assize Court.

Ergin Çağlar Case

The first hearing of the lawsuit filed against Mezopotamya Agency reporter Ergin Çağlar due to “making illegal organisation propaganda”...

Court: Mersin 8th Assize Court

Verdict: The court issued the journalist’s acquittal in the first hearing.

Can Dündar and Abbas Yalçın Case

The lawsuit filed against former Cumhuriyet Daily Editor-In-Chief Can Dündar and former Managing Editor Abbas Talçın due to “insulting the President” through the news published in the newspaper in 2015 with the title, “Bayık: We Will Quit War If Operations Stop.”

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court didn't recognize the claim for abatement of the case due to lack of filing within four months after the crime was committed, in accordance with the Press Law. The court decided for the warrant against Dündar, who resides in Germany, to remain and scheduled the next hearing for January 16, 2020.

Işıl Özgentürk Case

The lawsuit filed against Cumhuriyet Daily writer and film director Işık Özgentürk due to "making illegal organisation propaganda" through her social media posts...

Court: Istanbul 28th Assize Court

Verdict: The court Prosecutor asked Özgentürk to be penalised due to "making successive illegal organisation propaganda." The second hearing of the case will be held on March 5, 2020.

Onur Emre Yağan Case

The first hearing of the lawsuit filed against İleriHaber website's former Editor-In-Chief Onur Emre Yağan due to "making successive illegal organisation propaganda" through his social media accounts as well as news published on the website ...

Court: Istanbul 33rd Assize Court

Verdict: Accepting Yağan's excuse of absence, the court scheduled the next hearing for March 20, 2020.

BirGün Daily Case

The lawsuit filed against journalists Uğur Koç, Mustafa Kömüş and İbrahim Aydın due to "insulting a public officer" through the news published on BirGün Daily with the title, "#BeratAlbayrak #ÖzgeUlusoy threat removed from Ekşi Sözlük."

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The second hearing of the lawsuit will be held on February 27, 2020.

HEARINGS NEXT WEEK

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily owner Kemal Sancılı and former Managing Editor İnan Kızılkaya with the allegation of "making terrorist organisation propaganda" through three news articles published in the newspaper in 2016...

Date: December 10, 2019; Istanbul 27th Assize Court

Taraf Daily Case

The lawsuit filed against Taraf Daily executives Yasemin Çongar, Ahmet Altan, Yıldırım Oğur and Tuncay Opçin and reporter Mehmet Baransu due to "obtaining, revealing and destroying confidential documents on the security of the state" through the news article published in the newspaper on the document, entitled, "Egemen Operation Plan."

Date: December 10, 2019, saat 09:30, Istanbul 13th Assize Court

ETHA Case

The lawsuit filed against Etkin News Agency (ETHA) editor Semiha Şahin, reporter Pınay Gayip and four others due to "terrorist organisation membership and making terrorist organisation propaganda."

Etkin Haber Ajansı (ETHA) editörü Semiha Şahin ve muhabir Pınar Gayip ile birlikte dört kişinin "terör örgütü üyeliği ve terör örgütü propagandası yapmak" suçlamalarıyla yargılandığı dava...

Date: December 11, 2019, saat 11:50; Istanbul 23rd Assize Court

Case Against Green Road Protest

The lawsuit filed against 13 people, who protested the Green Road project, due to “preventing freedom of labour.”

Date: December 12, 2019; Artvin Sunday Criminal Court of First Instance