

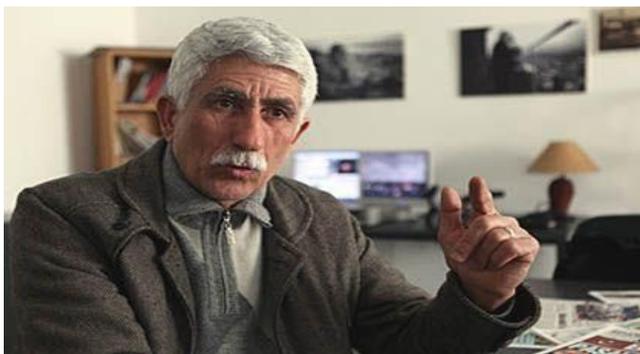
# Think, think...



## Freedom of Expression Weekly Bulletin (Issue 50/19, 20 December 2019)

### What happened last week?

- As President Erdoğan threatened the US to close down the Incirlik and Kürecik military bases against the sanctions on the US agenda, the 2020 defense budget draft that predicts sanctions against Turkey was approved by the US Senate after passing the House of Representatives last week. US Dollar reached a peak for the last two months due to the tension in the relations between the two countries.
- The National Transitional Council in Libya, which is under Civil War, approved the activation of the security consensus signed with Turkey. Al Jazeera TV claimed that the Tarabulus-based administration has accepted military and logistic support from Turkey. Erdoğan spoke on the agreement, saying, “...[It] is a matter of survival, but more than that, a matter of history... These steps are throwing Sevres a curve.”
- The ruling party presented an omnibus bill to the Parliament in order to re-enact the condition of security investigation for public professions, which was previously brought by an Emergency Decree and was later revoked by the Constitutional Court.
- Three more People’s Democratic Party (HDP) Co-Chairs were arrested and the number of HDP municipalities under trustee administration reached 31. Republican People’s Party (CHP) Urla Mayor was arrested due to FETÖ membership and was replaced with a trustee.
- General Council of the Constitutional Court announced that the application regarding the access ban against Wikipedia, which is banned since April 29, 2017, being a violation of freedom of expression, will be evaluated on December 26th.
- Turkey was ranked 130th among 153 countries in the 2020 Global Gender Inequality Index by the World Economic Forum.



### Imprisonment sentence against journalist Hacı Boğatekin approved

The Court of Cassation approved the 1-year imprisonment sentence issued against journalist Hacı Boğatekin due to “praising the criminal” through his article published on Gerger Fırat Daily with the title, “FETÖ and APO.” Boğatekin has previously been sentenced to imprisonment due to “making illegal organisation propaganda” through another article published on January 8, 2008 and was released after remaining under arrest for three months. The sentence has later been reversed by the Court of Cassation.



General Deputy Commander Lieutenant Musa Çitil on social media.

### Acquittal for journalists on trial due to news on Lieutenant Çitil

Diyarbakır 9th Assize Court issued the acquittal of seven journalists, who were on trial due to “targeting those taking part in the fight against terrorism” through sharing the news published by Dicle News Agency (DIHA) and Özgür Gündem Daily in February 2016 on the operations conducted by Gendarmerie



well as her social media posts.

### 6-year 3-month imprisonment against IHD Malatya Chair

Malatya 5th Assize Court sentenced Human Rights Association (IHD) Malatya Chair Gönül Öztürkoğlu to 6 years and three months of imprisonment due to “acting on behalf of a terrorist organisation” and “making illegal organisation propaganda.” Öztürkoğlu was charged due to the panels, press statements, protests she participated in as



against Kılıç following the claim of President Erdoğan’s lawyer, scheduling the next hearing to February 26th.

### Prosecution of former German Greens Party MP starts due to “insulting Erdoğan”

The prosecution of former German Greens Party MP Memet Kılıç started at Ankara 36th Criminal Court of First Instance due to “insulting the President” through the interview he gave to ABC Daily in 2017. The court issued a warrant



### Lawsuit against social media posts due to “insulting Erdoğan”

A new lawsuit was filed against Mustafa Engin Külahoğlu at Karşıyaka 7th Criminal Court of First Instance after he was sentenced to 2 years and 11 months

of imprisonment due to successively insulting the President through his social media posts in 2018 and was later released from prison after 10 months with judicial measures. K lahođlu will stand trial again on December 31st with the same charge.



### **Appeal court reverses imprisonment sentence issued against Levent T zel**

The 1-year 3-month imprisonment sentence issued against Labour Party (EMEP) Chairman Levent T zel due to the Newroz celebration he participated in during the time he was a Parliament member was reversed by the Appeal Court. 27th Criminal Chamber of Istanbul Regional Court issued T zel's

acquittal of "violating the Law on Meetings and Demonstrations" for which he was initially sentenced to imprisonment by K çük kmece 14th Criminal Court of First Instance.



### **Zeynep Alt ok acquitted of "insulting Erdođan"**

Urla 1st Criminal Court of First Instance issued the acquittal of former Republican People's Party (CHP) Deputy Chair and Izmir MP Zeynep Alt ok Akatlı of the charge of "insulting the President" through her social media posts.



### **Lawsuit against trustee protest**

The prosecution of 23 people, who are charged with "violating the Law on Meetings and Demonstrations" through protesting the trustees assigned at municipalities, started at Istanbul 17th Criminal Court of First Instance. The second hearing of the lawsuit will be held on March 18, 2020.



### **Imprisonment claim against musician Erhan G lery z due to criticising Directorate of Religious Affairs**

An indictment was prepared against artist Erhan G lery z due to "public denigration of a part of society based on social class, race, religion, sect, gender or regional differences" after he criticised

the Friday sermon of the Directorate of Religious Affairs.



### **Application at State of Emergency Applications Monitoring Committee denied due to protests**

The application made by educator Engin Karataş, who was previously dismissed from profession with an Emergency Decree, was denied due to his participation in the protests “*I want my job back.*” The committee decided that Karataş “had connections to an illegal organisation” based on the investigation and lawsuits filed against the protests he

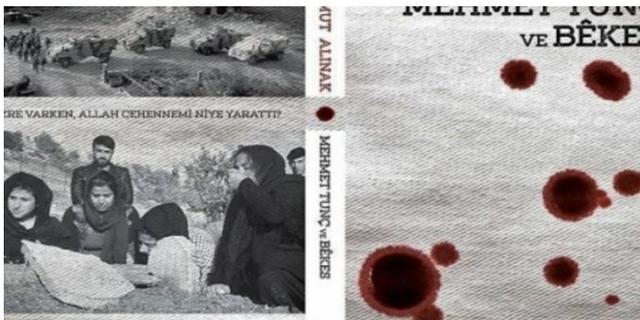
participated in after his dismissal.



### **“Las Tesis” investigation against women in Izmir**

An investigation was opened against 25 women in Izmir due to “denigrating the government” (Turkish Criminal Code Article 301) as well as “violating the Law on Meetings and Demonstrations No. 2911” through the dance protest “*Las Tesis,*” which was started by women in Chile and soon spread all around the

world.



### **Book by Mahmut Alınak banned**

The book, “Mehmet Tunç and Bêkes” written by Kurdish politician, lawyer and writer Mahmut Alınak in 2015 to depict what happened during the 79-day curfew in Cizre district of Şırnak, was banned and withdrawn from shelves by Istanbul 2nd Criminal Judicature of Peace.



### **Minister defends ban and claims it “does not fit traditions”**

The “*Raki Festival,*” organised in Adana since 2010, was later renamed to be “*Kebab and Turnip Festival.*” The festival was banned by the Governorate again this year due to public order and

safety. The Interior Minister defended the ban as well, saying, “*It doesn’t fit our traditions.*”



### Prosecutor’s Office can’t find “criminal element” in posters with hate content

Konya Chief Public Prosecutor’s Office issued a verdict of non-prosecution for the posters hung on advertisement boards and bus stops, with anti-semitist and discriminatory expressions.



### Constitutional Court issues violation of freedom of expression

The Constitutional Court (AYM) stated that the freedom of expression of the university student, who was convicted due to “making illegal organisation propaganda” through the marches and slogans chanted during the Roboski commemoration, was violated. “*Even*

*though they may be similar to political ideologies of illegal organisations, expressions not inciting towards violence are not propaganda and are protected by the Constitution no matter how disturbing,*” the Constitutional Court stated.



### Acquittal for slogan “murderer police will pay” after AYM decree

Three citizens, who were sentenced to 13 months and 3 days of imprisonment due to “insult” through chanting the slogan, “*Murderer police will pay*” while being detained, were acquitted in the re-prosecution at Istanbul 36th Criminal Court of First Instance after the Constitutional Court (AYM) decree on “violation of freedom of expression.”



## TRIALS OF FREEDOM OF EXPRESSION

### **Mehmet Tüm Case**

The lawsuit filed against former Republican People's Party (CHP) MP Mehmet Tüm with the allegation that he has insulted Nationalist Movement Party (MHP) Chairman Devlet Bahçeli and Interior Minister Süleyman Soylu, as well as praised the crime and the criminal in the person of Deniz Gezmiş...

**Court:** Balıkesir 1st Criminal Court of First Instance

**Verdict:** The court issued Tüm's acquittal of the allegation of praising the crime and the criminal as well as of insulting Bahçeli, whereas sentenced him to 10,650 TL judicial fine corresponding to 254 days of imprisonment due to insulting Soylu.

### **Yetkin Yıldız Case**

The lawsuit filed against previously shut-down Aktifhaber Editor-In-Chief Yetkin Yıldız due to "insulting" former Interior Minister through the news on a tweet posted against Suruç Massacre...

**Court:** Bakırköy 31st Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for April 14, 2020 at 10:20.

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

The lawsuit filed against journalists Çağdaş Kaplan, Ömer Çelik, İnan Kızılkaya, Abdulvahap Taş, Selman Çiçek, Kemal Sancılı and Hamza Gündüz due to "making illegal organisation propaganda" through sharing a news article on Musa Çitil published by Dicle News Agency on social media...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** The court issued the acquittal of the journalists.

### **Memet Kılıç Case**

The lawsuit filed against former German Greens Party MP Memet Kılıç, who was charged with "insulting the President" with the interview he gave to ABC Daily in 2017...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** A warrant was issued against Kılıç and the second hearing of the lawsuit was scheduled for February 26, 2020.

### **Gönül Öztürkoğlu Case**

The lawsuit filed against Human Rights Association (IHD) Malatya Chair Gönül Öztürkoğlu due to "acting on behalf of a terrorist organisation" and "making illegal organisation propaganda" through the panels, press statements, protests she participated in as well as her social media posts...

**Court:** Malatya 5th Assize Court

**Verdict:** The court sentenced Öztürkoğlu to 6 years and three months of imprisonment.

### **Case Against Trustee Protest**

The lawsuit filed against 23 people due to "violating the Law on Meetings and Demonstrations" through protesting the trustees assigned at municipalities...

**Court:** Istanbul 17th Criminal Court of First Instance

**Verdict:** The second hearing of the lawsuit was scheduled for March 18, 2020.

### **Zeynep Altıok Akatlı Case**

The lawsuit filed against former Republican People's Party (CHP) Chair and Izmir MP Zeynep Altıok Akatlı due to "insulting the President" through her social media posts...

**Court:** Urla 1st Criminal Court of First Instance  
**Verdict:** The lawsuit concluded with acquittal.

## HEARINGS NEXT WEEK

### **Gezi Park Case**

The lawsuit filed against 16 rights advocates, including arrested businessman Osman Kavala, due to “attempting to overthrow the government of the Republic of Turkey” related to the Gezi Park protests...

**Date:** December 24, 2019; Istanbul 30th Assize Court (Silivri Prison Hearing Room)

### **Ahmet Altan Case**

The lawsuit filed against journalist Ahmet Altan due to “violating the confidentiality of investigation” due to his article published on Taraf DAily on July 11, 2009 with the title, “Who Else Is Left Outside the Mafia”...

**Date:** December 24, 2019 at 11:35; Istanbul Anatolian 2nd Criminal Court of First Instance

### **Ayşegül Doğan Case**

The lawsuit filed against IMC TV Program Coordinator Ayşegül Doğan due to “establishing and managing an armed illegal organisation” through the meetings she held with Democratic Society Congress (DTK) executives within her journalistic activities as well as events she participated in...

**Date:** December 25, 2019 at 09:00; Diyarbakır 9th Assize Court

### **Yusuf Karataş Case**

The lawsuit filed against Evrensel Daily columnist Yusuf Karataş due to “establishing and managing an armed illegal organisation” due to the workshops, panels, press statements and events he participated in within his Democratic Society Congress (DTK) activities...

**Date:** December 25, 2019 at 09:30; Diyarbakır 9th Assize Court

### **Rahmi Yıldırım Case**

The lawsuit filed against journalist Rahmi Yıldırım due to “insulting” the former Chief of General Staff through the article he published on his blog on February 3, 2017 with the title, “I am so sad for the Chief of General Staff!”...

**Date:** December 25, 2019 at 15:00; Ankara Gölbaşı 3rd Criminal Court of First Instance

### **Haydar Ergül Case**

The lawsuit filed against Demokratik Modernite Magazine editor Haydar Ergül and 18 Kurdish politicians due to “terrorist organisation membership”...

**Date:** December 26, 2019 at 11:00; Istanbul 22nd Assize Court

### **Sözcü Daily Case**

The lawsuit filed against Sözcü Daily writers, executives and workers due to “establishing and managing a terrorist organisation,” “making terrorist organisation propaganda” and “committing a crime on behalf of an illegal organisation without being a member”...

**Date:** December 27, 2019 at 10:00; Istanbul 37th Assize Court