

Think, think...



Freedom of Expression Weekly Bulletin (Issue 51/19, 27 December 2019)

What happened last week?

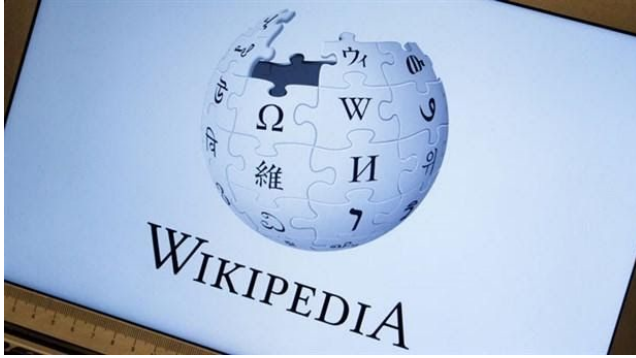
- President Erdoğan said that 80 thousand Syrians are heading towards the Turkish border from Idlib, threatening European countries with the words: *“Turkey will not carry this burden of migration by itself.”* AKP Spokesman Ömer Çelik further announced: *“If no security zone is established, the refugees will be a concern for Europe.”*
- The military cooperation consensus with Libya passed the Parliament, Erdoğan stated that Turkey will not step back from the steps in Syria as well as the agreement with Libya. Erdoğan further announced that the first job of the Parliament in the new year is to issue a resolution to send soldiers to Libya.
- Despite all criticisms from the scientific world as well as the public opinion, Erdoğan announced the start of the Canal Istanbul Project, saying, *“We have made the decision.”* He further threatened the Istanbul Mayor, who reacted against the project, calling it a *“murder.”* Erdoğan targeted those criticising the project, saying that they are *“supporters of the Gezi Park protest.”*
- Rights organisations called to *“stop the torture”* following allegations of torture against those under custody at Ankara Security Directorate. Instead of making a statement on the allegations of torture, the Interior Minister targeted People’s Democratic Party (HDP) MP Gergerlioğlu, who announced the right violations.
- The number of HDP municipalities under trustee administration reached 32 since the elections on March 31st. 24 HDP MPs who were elected as Co-Mayors are currently in prison...
- The fourth hearing of the Gezi Park Case was held. Osman Kavala was not released, despite the European Court of Human Rights decree on his release.
- The Constitutional Court stated that the access ban against Wikipedia, which is banned to access in Turkey for 970 days, is a violation of freedom of expression.
- The working period of the State of Emergency Applications Monitoring Committee was extended for another year. The committee is recognised an *“effective”* domestic legal remedy by the European Court of Human Rights as well. However, 88 thousand of the 98 thousand decisions the committee has made in the last two years are denials.



Osman Kavala not released despite ECHR decree

The fourth hearing of the “Gezi Park Case” was held at Silivri Prison with businessman Osman Kavala and 15 rights advocates on trial. Istanbul 30th Assize Court issued for Kavala to remain

arrested, despite the immediate release decree of the European Court of Human Rights (ECHR) due to rights violation. The next hearing will be held on January 28, 2020.



Constitutional Court: Access ban against Wikipedia is rights violation

General Assembly of the Constitutional Court (AYM) decided that the access ban brought on online encyclopedia Wikipedia is a violation of freedom of expression. The High Court unanimously issued the decree of violation with votes of 10 members against 6, demanding for the revocation of the ban by Ankara 1st

Criminal Judicature of Peace, that is ongoing since April 29, 2017.



Imprisonment sentences against seven in Sözcü Daily Case

Seven people were sentenced to imprisonment in the lawsuit filed against Sözcü Daily writers, executives and workers due to “*aiding FETÖ*”. Istanbul 37th Assize Court sentenced the newspaper writers Emin Çölaşan and Necati Doğru to 3 years, 6 months and 15 days, executives Mustafa Çetin and Metin Yılmaz to 3 years and 4 months,

workers Yücel Arı, Gökmen Ulu and Yonca Yücekaleli to 2 years and 1 month of imprisonment. The file against the newspaper’s owner Burak Akbay, who faces a warrant, was separated.



Imprisonment sentence against book on İbrahim Kaypakkaya

The book of compilation of articles written by 1968 generation leader and Turkish Communist Party (ML) founder İbrahim Kaypakkaya was published by Umut Publishing and printed by Yön Printing House. Authorities of the Publishing and Printing Houses were convicted of “*making illegal organisation*

propaganda” and “*printing and publishing illegal organisation material.*” Istanbul 36th Assize Court sentenced the publishing house authority to 2 years and 1 month, the printing house authority to 10 months of imprisonment in total. The sentences were effective immediately.



Journalist Rahmi Yıldırım acquitted of charges related to column

Journalist Rahmi Yıldırım, who was on trial at Gölbaşı 3rd Criminal Court of First Instance with the allegation of insulting Hulusi Akar in his column, entitled, "I am so sad for the Chief of General Staff," was acquitted.



Journalist Zafer Arapkirli acquitted

Journalist Zafer Arapkirli, who was on trial at Istanbul 32nd Criminal Court of First Instance due to "insult" after reacting against theologian Nurettin Yıldız on social media after Yıldız had stated, "A 6-year-old can marry," was acquitted.



Lawsuit against journalist tracking Çorlu Train Massacre Case

Journalist Rifat Doğan testified at the hearing at Istanbul 18th Criminal Court of First Instance due to taking a photograph at the hearing room while tracking the Çorlu Train Massacre Case. Doğan indicated that he did not record any videos during the hearing, that he only shared the photo and that what he

did was an act of journalism. The next hearing in Çorlu will be held on January 28th.



First hearing of Melda Onur held due to social media post

A lawsuit was filed against journalist Melda Onur, who reacted against the statement of TOBB Chairman Rıfat Hisarcıklıoğlu on March 8th, who said, "Our women are more valuable treasures than oil and natural gas." Onur is on trial at Ankara 24th Criminal Court of First Instance due to "insult." The second hearing of the lawsuit will be held on January 20, 2020.



2-year 11-month imprisonment against EMEP executive Mustafa Taşkale

Tunceli 1st Assize Court sentenced Labour Party (EMEP) General Executive Board member Mustafa Taşkale to 1 year and three months of imprisonment due to “violating the Law on Meetings and Demonstrations” and to 1 year and eight months of imprisonment due to the speech he gave on the anniversary of Sakine Cansız’s death.



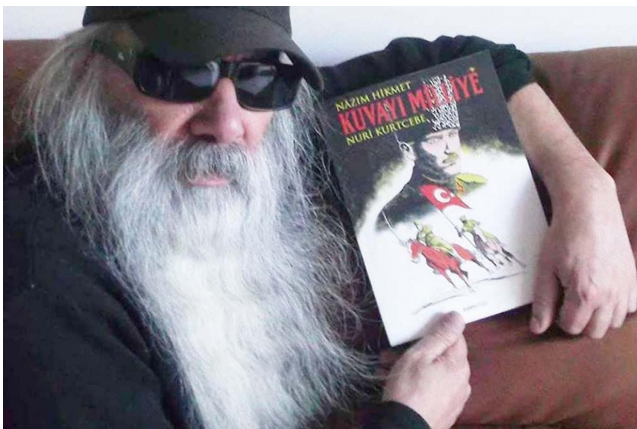
Investigation against Ferhat Tunç over criticising operation in Syria

An investigation was started against artist Ferhat Tunç due to his social media posts, in which he reacted against the military operation in Syria. Tunç had to leave the country due to the imprisonment sentences issued against him as well as lawsuits filed. A search warrant was issued to be made at Tunç’s house.



7-year imprisonment claim against newspaper distributor due to news

A lawsuit was filed against Necmettin Tosun due to “making illegal organisation propaganda” through the news and articles published on Yeni Yaşam Daily, which he was distributing in Elazığ. The indictment, which called Yeni Yaşam Daily “a newspaper belonging to the PKK/KCK” was accepted by Elazığ 2nd Assize Court.



Lawsuit of insult filed against cartoonist Nuri Kurtcebe

A lawsuit was filed against cartoonist Nuri Kurtcebe due to “insulting a public officer because of his duty” through a social media post made in 2017. The indictment of the lawsuit, with its first hearing to be held on March 2nd, claimed

that Kurtcebe had denigrated the honour, dignity and reputation of Binali Yıldırım, Devlet Bahçeli and Kemal Kılıçdaroğlu.



Prosecution of Diyarbakır Co-Mayor Mızraklı starts

The first hearing of the lawsuit filed against Diyarbakır Co-Mayor Selçuk Mızraklı, who was previously dismissed and was replaced with a trustee, was held. Diyarbakır 9th Assize Court denied the release claim for Mızraklı, who is arrested within the file since October 22nd, scheduling the next hearing for

February 10, 2020.



Press Ad Institute issues ad pause penalty against Cumhuriyet Daily

Press Ad Institute (BIK) applied an embargo against Cumhuriyet Daily as well, after BirGün and Evrensel Daily. The Institute issued a penalty of ad pause for 19 days against the newspaper due to the column written by Işıl Özgentürk on the operation in Syria as well as the online news published with the title,

“RTÜK Penalty Against the Pelican statement of Etyen Mahçupyan on TV5.”



Ban against news on news on access ban

The news published on T24 news website on the access bans brought on the news published on Cumhuriyet Daily on the corruption of the ruling party in Istanbul was banned to access by Küçükçekmece 1st Criminal Court of Peace.



4th anniversary of protest ban in Van

Van Governorate extended the protest and event ban, which was initially declared due to “security reasons” on November 21, 2016 following the coup attempt, for another 15 days. The extension of the ban, which is ongoing

for 1130 days, was based on “the protection of national security, public order and safety.”



Anti-refugee speech in 252 news in one week

Media and Refugee Rights Association identified rights violations against refugees in 252 news articles between the dates December 14 and 20. According to the report, which compiled hate speech, discriminatory language, criminalising expressions, wrong information, exaggeration, repetition of victimhood and wrong use of visuals; the rights

violations were seen most often in news including speeches of politicians. [Please click here](#) for the full report.



Constitutional Court issues lack of investigation by Prosecutor against police officers

In the application of the citizen, who was wounded with a tear gas shell in front of his house during a protest, beaten by the police and detained; the Constitutional Court (AYM) issued that the mistreatment ban was violated. The High Court pointed out that the Prosecutor

didn't investigate the police officers, didn't collect evidence and “*didn't take any legal action, failing to act.*” AYM issued for a new investigation to be opened on the matter in order to eliminate the consequences of the violation.



TRIALS OF FREEDOM OF EXPRESSION

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...

Court: Istanbul 30th Assize Court

Verdict: Kavala will remain arrested and the next hearing will be held on January 28, 2020.

Case Against Vice News Reporters

The lawsuit filed against Vice News reporters Philip John Pendlebury and Philip Gingell Hanrahan, who were detained in September 2015 in Diyarbakır and were deported, due to “aiding an illegal organisation” and “propaganda”...

Court: Diyarbakır 8th Assize Court

Verdict: The court decided to wait for a reply to the letter of rogatory sent to the UK for the defense statements of the defendants to be received, scheduling the next hearing for May 5, 2020.

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”...

Court: Istanbul Anatolian 2nd Criminal Court of First Instance

Verdict: The court decided for the conditions of prosecution are not satisfied, therefore abated the case.

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...

Mahkeme: Diyarbakır 9th Assize Court

Verdict: The court decided to send a letter to the Press-Media Information Directorate and ask whether Doğan possesses a press card and for the file to be sent to the Prosecutor’s Office for the opinion on the basis to be prepared. The next hearing was scheduled for March 18, 2020 at 09:35.

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...

Court: Diyarbakır 9th Assize Court

Verdict: The court claimed that the judicial measures were proportionate and decided for the travel ban against Karataş to remain, scheduling the next hearing for March 11, 2020 at 10:00.

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!”...

Court: Ankara Gölbaşı 3rd Criminal Court of First Instance

Verdict: Yıldırım was acquitted.

Haydar Ergül Case

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

Court: Istanbul 22nd Assize Court

Verdict: The court decided for the travel ban against the defendants to remain and scheduled the next hearing for May 14, 2020 at 11:00.

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”...

Court: Istanbul 37th Assize Court

Verdict: Newspaper writers Emin Çölaşan and Necati Doğru were sentenced to 3 years, 6 months and 15 days; executives Mustafa Çetin and Metin Yılmaz to 3 years and 4 months, workers Yücel Arı, Gökmen Ulu and Yonca Yücekaleli to 2 years and 1 month of imprisonment. The court issued

for the acquittal of Mediha Olgun and separated the file of newspaper owner Burak Akbay, who faces a warrant.

HEARINGS NEXT WEEK

Case Against Roboski Commemoration

The first hearing of the lawsuit filed against the relatives of 34 citizens, who lost their lives in the Roboski Massacre, due to “illegal organisation membership” through the commemoration organised in the village on December 28, 2015, the fourth anniversary of the massacre...

Date: December 30, 2019; Şırnak Assize court