

Think, think...



Freedom of Expression Weekly Bulletin (Issue 6/20, 7 February 2020)

IFoX is 25 years old! We now start to record the weekly agenda on freedom of expression in Turkey with a video program as well. “COGITO ERGO SUM” is on our [YouTube channel](#) every Friday at 18:00 and broadcasted on CAN TV every Saturday at 22:00!

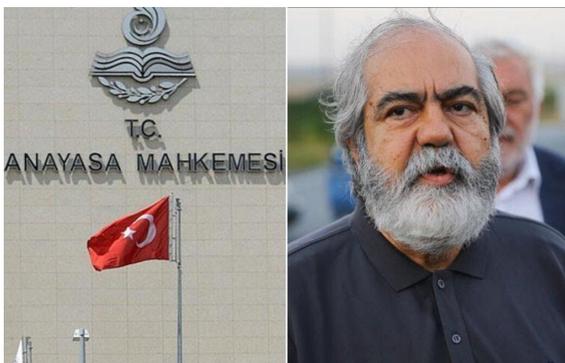


What happened last week?

- The Syrian army targeted a Turkish military convoy in Idlib; 8 Turkish soldiers have lost their lives. After the clashes in Idlib, policies of the AKP on Syria turned to the beginning. The aim is once again to overthrow the Assad regime in eight years... *“The attack is a milestone for Turkey, signalling a new period in Syria. In case the regime does not withdraw in February, Turkey will make them,”* Erdoğan stated.
- The study, prepared by Constitutional lawyer and Republican People’s Party (CHP) MP Prof. İbrahim Ö. Kaboğlu with the title, “Legislative Prerogative Can Not Be Transferred,” revealed how the Grand National Assembly of Turkey (GNAT) lost its legislative power together with the Presidential system. Erdoğan amended 2064 law articles with 55 Presidential decrees in 19 months; GNAT on the other hand could

only amend 1046 law articles, including an internal bylaw amendment and 18 international conventions.

- Details of the Law Draft on Local Administrations, expected to be debated at the Parliament in February, continue to reflect on the media. According to the news, a majority of the authority possessed by mayors and municipal assemblies are planned to be transferred to Governorates, while extending authorities of the President. With the law draft, the decisive authority in significant projects concerning the entire province (like Canal Istanbul, which the Istanbul Metropolitan Municipality recently announced their withdrawal from the protocol) will be taken away from municipalities.
- According to the numbers shared by the Constitutional Court, the high court issued violation decrees in 1250 of the 42,971 individual applications made in 2019. The number of applications made since 2012, the year individual applications started, exceeded 254 thousand in total. 189,627 of those applications concluded with “denial” and at least one right was decided to be violated in 8,369 applications. The “right to fair trial” is ranked number one with 4,357 decrees on its violation and 570 violation decrees were issued for freedom of expression.
- A new format started to be applied on Court of Accounts reports under the name of “simplification.” The Court of Accounts monitors public accounts on behalf of the Grand National Assembly of Turkey (GNAT) and was recently on the agenda with many identified cases of corruption and irregularity. The reports were being presented at the Parliament after being monitored by the Reports Evaluation Council in accordance with a legal amendment made in 2015. Now, they will be censored due to purposes of “simplification” as well.
- The first inflation numbers of the year were announced. According to official calculations, the inflation is at a 12.15 percent annually and 1.35 percent monthly in January. Consumer inflation continues to rise for the last four months and the Statistics Institute’s updates on its calculation rules caused debates. As discussions continue on deceptive numbers in the inflation rates, the reality on the street markets do not match the official data.
- Human Rights Association (IHD) Diyarbakır launched the report with the title, “Eastern and Southeastern Anatolian Region 2019 Human Rights Violations Report.” [Please click here](#) for the full report, which is based on data and numbers from individual applications made at associations by victims, information received from local sources and press monitoring.



Constitutional Court warns local courts resisting high court decrees: “It is your duty to eliminate violations”

The Constitutional Court (AYM) issued another decree of violation for Mehmet Altan, who was detained and arrested after the July 15 Coup Attempt and was not released by the local court despite the AYM decree for his release. The high court issued 30 thousand TL

compensation to be paid to Altan and stated, in the decree, that the local court may not debate the authority of the Constitutional Court and that the local court's duty is to eliminate the situation that caused the right violation. The decree means that the rights of all names under arrest despite AYM and European Court of Human Rights (ECHR) decrees on rights violation, especially Gezi Park defendant Osman Kavala with an ECHR decree for his release, were violated.



Penalty against Boğaziçi University students

27 Boğaziçi University students, who were prosecuted due to “making terrorist organisation propaganda” through opening a banner that said, “*There is no delight in occupation and massacre*” against the distribution of Turkish delights at the university following the Afrin Operation, were sentenced to 10 months of imprisonment each. Istanbul

32nd Assize Court deferred the announcement of the verdicts against 20 students and turned the sentence against 7 students to 6,000 TL judicial fine each. The court issued decrees of acquittal for three students.



Gezi Park Case Prosecutor presents opinion on file basis

Before the upcoming hearing on February 18, the Prosecutor presented his opinion on the basis regarding the file against the Gezi Park case defendants and claimed heavy life imprisonment sentences against Osman Kavala (arrested), Yiğit Aksakoğlu and Mücella Yapıcı. The Prosecutor further claimed for the files of fugitive defendants to be separated.



40 journalists prosecuted, 4 convicted in January

According to the numbers shared by former journalist and Republican People's Party (CHP) MP Utku Çakırözer, 36 journalists were prosecuted in January with imprisonment claims for a total of 200 years and five months; four journalists were sentenced to 10 years and

seven months of imprisonment in total. 3,100,000 TL compensation in total was claimed for six journalists.



Detainment due to admonition through notary

Nuri Başkan had issued a written admonition against the Presidency, claiming that the Constitutional principle for the impartiality of the President was violated through the partisan attitude of Erdoğan during the elections and

that he doesn't recognise Erdoğan as "his President." Başkan was detained after workers at Istanbul Sarıyer 2nd Notary called the police.



RTUK penalizes TV channels

Radio and Television Supreme Council (RTUK) penalized FOX, KRT, Halk TV, Tele 1, TV5 and Habertürk channels with administrative fines. FOX TV was penalized due to its news broadcast on Turkey's drilling search in the Eastern Mediterranean; while Halk TV, KRT, Tele 1, TV5 and Habertürk

were penalized due to their broadcast on the earthquake in Elazığ.



Appeal court denies application by journalist after conviction due to "insulting Erdoğan"

The appeal application of journalist Adnan Bilen, who was sentenced to 7 thousand TL judicial fine by Can 4th Criminal Court of First Instance due to "insulting the President" through his social media posts, was denied.



Investigation against journalist Hikmet Tunç after trustee complaint

An investigation was opened against JinNews Van reporter Hikmet Tunç following the news he reported following the complaint of former Muradiye Municipality trustee Erkan Savar. The journalist is charged due to the news article published on May 13, 2019 with the title,

"Muradiye Waterfall abandoned after 4 million 500 thousand TL benefit."



Imprisonment sentence against previously dismissed architect over demanding re-employment

Architect Alev Şahin was performing a sit-in protest for three years after being dismissed from her position at Düzce Environment and Urbanisation Provincial Directorate with an emergency decree, demanding re-employment. Düzce 2nd Criminal Court of First Instance

sentenced Şahin to 37 days of imprisonment due to “not complying with Governorate orders.”



State of Emergency Committee’s reason for denial is protest for re-employment

The State of Emergency Committee denied the application of Nazan Bozkurt, who was previously dismissed from public service with an emergency decree, due to the lawsuits and investigations opened against the re-employment protests of Bozkurt at Ankara Yüksel Street.



Investigation against lawyer Tugay Bek due to social media posts

Adana Chief Public Prosecutor’s Office started an investigation against lawyer Tugay Bek due to “insulting the President” through his social media posts criticising Erdoğan. The social media posts indicated as “criminal elements” in the investigation file criticise Erdoğan and certain ministers receiving high-priced gifts

from trustees they assigned as well as MPs applauding the President after he first voted for thermal plants to work without filters and later vetoed the regulation.



Police intervention against protest in front of Red Crescent building: 19 detained

The police intervened the press statement organised in front of the Turkish Red Crescent Headquarters building by professional unions and chambers to react against the money transaction to Ensar Foundation through the Red Crescent; 19 people were detained.



Ministry declares another book “obscene”

Ministry of Family and Social Services declared another book “obscene.” The book, “Bu Kadınlar Yedi Bitirdi” [“Whese Women Ate Me Up”] was written by Ersan Pekin and published in 2013 by İkinci Adam Publishing.



Constitutional Court not recognising compensation Akaydın paid to Erdoğan freedom of expression violation

The Constitutional Court (AYM) didn’t recognize the decree of compensation issued against former Antalya Mayor Mustafa Akaydın due to his expressions against President Erdoğan as a violation of freedom of expression. Erdoğan had indicated that his personal rights were damaged with Akaydın’s

expressions and opened a lawsuit of moral indemnity for 50 thousand TL, Ankara 5th Civil Court of First Instance had sentenced Akaydın to pay 6,000 TL moral compensation to Erdoğan on November 1, 2013.



TRIALS OF FREEDOM OF EXPRESSION

Kazım Öz Case

The lawsuit filed against director Kazım Öz due to “illegal organisation membership” through participating in the Gezi Park protests and the Peace and Democracy Party (BDP) Political Academy...

Court: Tunceli 2nd Assize Court

Verdict: The Prosecutor presented his opinion on the basis and claimed for Öz to be sentenced to 6.5 years of imprisonment. The court decided to remove the judicial measures against Öz and scheduled the next hearing for April 28, 2020.

Hakkı Boltan Case

The lawsuit filed against Free Journalists Association Spokesman Hakkı Boltan due to “insulting the President” through the press statement he gave for Azadiya Welat Daily’s Managing Editor Rohat Aktaş, who was murdered during the curfew in Cizre district of Şırnak...

Court: Diyarbakır 12th Criminal Court of First Instance

Verdict: The claim for Boltan to be exempted from the hearings was accepted by the court. The next hearing was scheduled for April 9, 2020 at 10:00.

Berkin Elvan Case

The lawsuit filed on the killing of Berkin Elvan, who died after being hit in the head with a tear gas shell shot by the police during the Gezi Park protests...

Court: Istanbul 17th Assize Court

Verdict: Complainant lawyers reacted against the gendarmerie report sent to the court on January 24, 2020 that described Elvan “consequently faulty” in his own death. The 17th hearing of the case was scheduled for March 18, 2020.

Durket Süren Case

The lawsuit filed against journalist Durket Süren with allegations of “willfully aiding an illegal organisation” and “making illegal organisation propaganda” due to his Twitter posts and journalistic activities...

Court: Diyarbakır 4th Assize Court

Verdict: The next hearing was scheduled for May 18, 2020.

RedHack Case

The lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargin and Metin Yoksü due to “making terrorist organisation propaganda,” “restriction and disruption of information system as well as destruction or changing or data,” “acting on behalf of an illegal organisation without being a member” and “illegal organisation membership” through their news reporting on the emails belonging to Minister of Energy and Natural Resources Berat Albayrak, initially leaked by Wikileaks...

Court: Istanbul 29th Assize Court

Verdict: The court decided for the travel bans against Okatan and Sargin to be removed but for the judicial measures against the other defendants to remain. The next hearing was scheduled for June 25, 2020.

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily Editors-In-Chief Hüseyin Aykol, Zana Kaya, Managing Editor Inan Kızılkaya and writer Hatip Dicle due to “public denigration of the government, its judicial bodies or security organisation” and “public denigration of the Turkish nation, the republic and the Grand National Assembly of Turkey”...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court decided to wait for the conclusion of the warrant issued against Dicle and scheduled the next hearing for June 2, 2020 at 10:00.

Temel Demirer Case

The lawsuit filed against writer Temel Demirer due to “praising the crime and the criminal” through the speech he gave at the commemoration organised on July 20, 2017 for those losing their lives in Suruç in the ISIS attack against the district on July 20, 2015...

Court: Istanbul Anatolian 33rd Criminal Court of First Instance

Verdict: The next hearing was scheduled for May 5, 2020 at 09:30.

Aydın Keser Case

The lawsuit filed against Yeni Yaşam Daily’s Editor-In-Chief Aydın Keser with the allegation of “making illegal organisation propaganda” due to the news published in the newspaper’s October 10, 2019 issue with the headline, “Peace does not flow from this spring”...

Court: Istanbul 22nd Assize Court

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

HEARINGS NEXT WEEK

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “insulting the President” through 10 tweets he posted in 2016...

Date: February 12; Büyükçekmece 14th Criminal Court of First Instance

Adil Demirci Case

The lawsuit filed against 22 defendants, including ETHA reporter Adil Demirci as well as Socialist Party of the Oppressed and Socialist Youth Associations Federation members, due to “illegal organisation membership” and “making terrorist organisation propaganda”...

Date: February 13 at 09:45; Istanbul 25th Assize Court

Deniz Yücel Case

The lawsuit filed against Die Welt reporter and German citizen Deniz Yücel due to “making terrorist organisation propaganda” and “public incitement against resentment and hostility”...

Date: February 13 at 10:45; Istanbul 32nd Assize Court

Ali Sönmez Kayar Case

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

Date: February 13 at 11:00; Istanbul 32nd Assize Court

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “public incitement towards resentment and hostility” through his social media posts...

Date: February 14; Büyükçekmece 4th Criminal Court of First Instance

Özgür Gündem Main Case

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

Date: February 14 at 10:00; Istanbul 23rd Assize Court