

Think, think...



Freedom of Expression Weekly Bulletin

(Issue 8/20, 21 February 2020)

What happened last week?

- Tensions remain high in Idlib. No results came out of the negotiations with Russia in Moscow. In his party's group meeting, President Erdoğan said, "An operation in Idlib is only a matter of time." Tensions between Ankara and Moscow increase every passing day.
- A decree of acquittal was issued in the sixth hearing of the Gezi Park Case. Erdoğan targeted the Gezi Park protests. Osman Kavala was arrested before he could even be released. Details in the bulletin...
- 11 rights advocates stood trial at Istanbul 35th Assize Court with the charge of "illegal organisation membership" due to participating in the meeting, "Protection and Digital Security of Human Rights Advocates" organized in the Prince's Islands in July 2017. The next hearing was scheduled for April 3.
- The AKP presented "the greatest profiling in the history of modern Turkish Republic" to the Parliament, after having to withdraw it a month ago due to reactions. The regulation was brought to the Parliament agenda with an omnibus bill, which makes associations obliged to inform local administrators about their members and about those whose memberships end.



[Please click here](#) to watch our weekly video program "COGITO ERGO SUM" in which we summarize Turkey's weekly freedom of expression agenda...



Gezi Park Case concluded

The lawsuit on the Gezi Park protests with 16 defendants, including arrested businessman Osman Kavala, was concluded with acquittal. Istanbul 30th Assize Court separated the files

of the defendants who are abroad; removing warrants against them.

Kavala arrested once again upon release decree

After the decree, Kavala was expected to be released from prison after 840 days under arrest. However, Istanbul Chief Public Prosecutor's Office took action immediately. This time, Kavala was charged with "attempting to overthrow the Constitutional Order" in accordance with Turkish Criminal Code Article 309 within the "July 15 Coup Attempt Investigation." Before he could even leave prison, Kavala was detained once again. Istanbul Chief Public Prosecutor's Office further announced that they will object to the acquittal verdict issued by the court in the Gezi Park Case.

The acquittal verdict was on Erdoğan's agenda as well. He targeted the Gezi Park protesters and said, "They tried to acquit him with a maneuver," announcing that they are tracking the case.

As Kavala was arrested within the 24 hours after the release decree was issued for him, the Council of Judges and Prosecutors started an investigation against three judges issuing verdicts of acquittal in the Gezi Park Case. Decrees of arrest issued after verdicts of release became routine procedure, with this situation becoming the clearest reflection of political intervention in the judiciary. 30 Bar Association administrations invited the Council to resign.



Mahmut Alınak arrested

Politician and writer Mahmut Alınak was arrested with the allegation of "disrupting the unity and the territorial integrity of the state." An important name in the tradition of civil disobedience in Turkey, as well as rights advocacy, Alınak was imprisoned for the 10th time.

Alınak's arrest was based on his book on Cizre People's Assembly Co-Chair Mehmet Tunç, donating the income from the book to the Tunç family, mediating the reconciliation of two families and collecting papers from the trash with those who do it as a profession, in order to draw the attention to these people who try to survive in these difficult conditions in Diyarbakır...

Alınak spent more than half of his life in prison because of his thoughts, and now he "disrupted the unity and the territorial integrity of the state" by collecting trash... Hence, the situation of the judiciary was once again recorded.



Investigation against reporter over news on Berat Albayrak

An investigation was started against the news article written by journalist Hazal Ocak and

published on Cumhuriyet Daily's January twentieth, two thousand and twenty issue with the allegation of "insulting a public officer." The news article was on the Minister of Treasury and Finance Berat Albayrak purchasing a land in the Canal Istanbul region.



Lawsuit against journalist Necla Demir due to 'insulting President'

A lawsuit was filed against former Gazete Karınca owner and journalist Necla Demir with the allegation of "insulting the President." The first hearing of the case will be held on May 13 at Bakırköy 8th Criminal Court of First Instance.



Lawsuit against T24 Editor-In-Chief Doğan Akın

The first hearing of the lawsuit filed against T-twentyfour's Editor-In-Chief Doğan Akın due to his tweets on Fuat Avni was held at Istanbul 25th Assize Court with the charge of "aiding an illegal organisation." The next hearing was scheduled for April 17.



Acquitted journalists

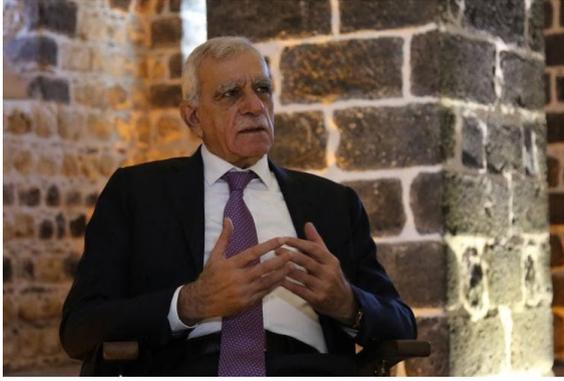
The appeal court issued the acquittal of BirGün Daily's Editorial Coordinator İbrahim Varlı, who was previously sentenced to a judicial fine due to "insulting" Minister of Energy Berat Albayrak through the news he reported on the "Panama Papers," reversing the decree. Istanbul 2nd Criminal Court of First Instance previously sentenced Varlı to 7100 TL judicial fine due to the news published on May 11,

2016.



Kanal D reporter detained

Kanal D reporter Şevval Şirin was beaten and detained by the police after wanting to interview the school principal while investigating the allegations of an officer sexually assaulting children at an elementary school in Esenyurt, Istanbul. The reporter's phone was confiscated and she was held under custody off record inside the school.



Acquittal in lawsuit leading to replacement with trustee

The file that the Ministry of the Interior based the replacement of Mardin Co-Mayor Ahmet Türk with a trustee in 2016 and 2019 and the replacement of former Mazıdağ Mayor Necla Yıldırım with a trustee in 2016, was concluded with acquittal. Thus, the ministry no longer has a reason to replace the mayors, and the unlawfulness of these replacements was

revealed once again. The political power, on the other hand, continues to steal the will of the electors.



Lawsuits against lawyer over criticising Prosecutor

Different decrees were issued in two lawsuits filed against lawyer Ebru Timtik after criticising a file she was defending a client in. In the lawsuit of compensation filed, the court claimed that the expressions of Timtik were an attack against the Prosecutor's personal rights

and sentenced Timtik to pay six thousand Turkish Liras of compensation. In the criminal lawsuit filed upon the complaint of the Prosecutor, on the other hand, the court issued a verdict of acquittal, stating that the expressions are of the quality of criticism.



30-day protest ban in Urfa

Urfa Governorate announced that protests and demonstrations were banned in the central province and surrounding districts for 30 days. In the written statement made by the Governorate, events deemed "appropriate" by the local administration were excluded from the ban. Therefore, the local administration decides who is and who isn't able to use a

Constitutional right...



Detainments...

Writer Müfid Yüksel was detained at his apartment in the middle of the night after the criminal complaint made by the İYİ Party administration due to his statements. After testifying at the police office, Yüksel was released. Free Journalists Initiative (OGI)

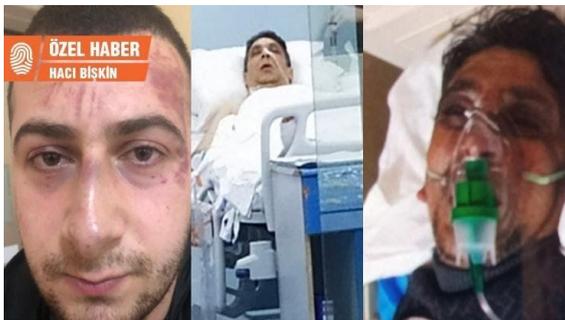
Spokesman Hakkı Boltan was detained with a raid at his apartment in Diyarbakır. Boltan and six others, including Human Rights Association (IHD) and People's Democratic Party (HDP) officials, were released with travel ban.



Mutlu Öztürk released

The first hearing of the lawsuit filed against People's Democratic Party (HDP) Şişli District Organisation Co-Char Mutlu Öztürk and 7 other HDP members was held at Istanbul 29th Assize Court with charges of "organising an illegal demonstration" and "making illegal organisation propaganda." Öztürk, who was arrested in remand, and 8 HDP members were

released in the first hearing of the case. The second hearing was scheduled for July 7.



Police torture from street to hospital

Two siblings were beaten by the police in a neighborhood in Fatih, Istanbul. The children were taken to Haseki Hospital. At the hospital, their mother and uncle were beaten by the police as well. Afterwards, uncle Mehmet Yaman was paralysed and hospitalised. Security footage from inside the hospital

disappeared after the incident...



Censorship against music video "Nereden Nereye"

The music video shot for the credits song of the political demonstration, "Nereden Nereye," written by Grup Gündoğarken and Enver Aysever, was not launched by Netd Music Production. The production company owns a majority of the local copyrights on YouTube.



Constitutional Court contributes to impunity in Berkin Elvan Case

The Constitutional Court denied the application for "permission to prosecute whoever is responsible" on the death of Berkin Elvan, who was killed during the Gezi Park Protests. The Constitutional Court decided that the investigation file is being duly and effectively

conducted, and that other public officers are not needed to be added to the prosecution process at the moment. The Elvan Family had previously applied to the Constitutional Court

as well with the claim for the former Security Director and Governor to be prosecuted, but the application was found to lack “basis.”



TRIALS OF FREEDOM OF EXPRESSION

Ferhat Parlak Case

The lawsuit filed against Silvan Mücadele Daily Owner Ferhat Parlak due to "terrorist organisation membership"...

Court: Diyarbakır 11th Assize Court

Verdict: The court decided to listen to the secret witnesses in the next hearing and scheduled the next hearing for May 6, 2020 at 09:30.

İnan Mayıs Aru Case

The lawsuit filed against conscientious objector İnan Mayıs Aru due to “draft evasion”...

Court: Tavşanlı 1st Criminal Court of First Instance

Verdict: Aru was sentenced to a total of 6 months and seven days of imprisonment in six different files. The sentence was deferred.

Kırklareli ‘Gezi Park Case’

The lawsuit filed against 230 people due to “violating the Law on Meetings and Demonstrations” due to participating in the “Gezi Park Protests” in Kırklareli...

Court: Kırklareli 2nd Criminal Court of First Instance

Verdict: The lawsuit, which was retried after the reversal decree of the Court of Cassation in 2014 after the decree of acquittal issued, concluded with acquittal once again.

Hrant Dink Assassination Case

The lawsuit filed against 76 defendants; including former Security, Intelligence and Gendarmerie officers; on the assassination of Agos Daily’s Editor-In-Chief Hrant Dink in front of the newspaper building in Şişli, Istanbul on January 19, 2007...

Court: Istanbul 14th Assize Court

Verdict: The court decided to remove the house imprisonment issued against former Trabzon Gendarmerie Commander Ali Öz, issuing a travel ban and judicial measures against him. The next hearing was scheduled for May 12-13-14, 2020.

Gezi Park Case

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

Court: Istanbul 30th Assize Court (Silivri Prison)

Verdict: The court separated the files of defendants who are abroad and issued the acquittal of the other defendants. Osman Kavala was released after 840 days under arrest.

Case Against Özgür Gündem Substitute Editors-In-Chief

The lawsuit filed against director Veysi Altay and Hüseyin Sözügen due to “making illegal organisation propaganda” through their participation in the Substitute Editing-In-Chief campaign for solidarity with previously shut-down Özgür Gündem Daily...

Court: Istanbul 22nd Assize Court

Verdict: The Prosecutor presented his opinion on the basis and claimed Altay to be sentenced due to “making illegal organisation propaganda;” further claiming for the separation of Sözügen’s file due to the warrant issued against him was not executed. The court decided for the warrant against Sözügen to remain and scheduled the next hearing for February 28, 2020.

Case Against Protest for Education in Mother Tongue

The lawsuit filed against 90 people, who were detained in the protest they organised in 2015 with the call of Education and Science Workers’ Union and Alevi associations in Izmir to demand education in their mother tongue...

Court: Izmir 2nd Criminal Court of First Instance

Verdict: The defendants were sentenced to five months of imprisonment each.

Büyükada Case

The lawsuit filed against 11 rights advocates due to "aiding and abetting armed terrorist organisations" and "armed terrorist organisation membership" after participating in the meeting with the agenda, "Digital security and protection of human rights advocates"...

Court: Istanbul 35th Assize Court

Verdict: The court decided for the lawyers to continue presenting their defense statements in the next hearing and scheduled the next hearing for April 3, 2020 to start at 10:00.

Doğan Akın Case

The lawsuit filed against T24 founder and Editor-In-Chief Doğan Akın due to "aiding an illegal organisation" through "reporting the news on 108 tweets posted by Fuat Avni between March 2014 and April 2016"...

Court: Istanbul 25th Assize Court

Verdict: The second hearing of the lawsuit was scheduled for April 17, 2020 to start at 09:30.

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily Co-Editors-In-Chief Hüseyin Aykol, Managing Editor Reyhan Çapan and Hasan Başak...

Court: Istanbul 13th Assize Court

Verdict: The court scheduled the next hearing for May 14, 2020 to start at 14:45 to complete the statements of defendants who couldn’t testify.

Sirin Kabakçı Case

The lawsuit filed against Zaman Daily’s former Konya representative Şirin Kabakçı due to "illegal organisation membership"...

Court: Istanbul 35th Assize Court

Verdict: The court separated the charge of “insult” imposed on Kabakçı from the case file, issued his acquittal of the charge of “violating privacy” and sentenced him to 6 years and three months of imprisonment due to “terrorist organisation membership.”

Murat Güreş Case

The lawsuit filed against journalist Murat Güneş due to “violating privacy” through publishing the statement of a FETÖ suspect...

Court: Gaziantep 9th Criminal Court of First Instance

Verdict: The journalist was acquitted.

Senol Akdağ Case

The lawsuit filed against artist Şenol Akdağ with the allegation of “making illegal organisation propaganda” and “giving a concert under an illegal organisation flag and banner” after being detained with a police raid against his apartment on the night of November 19...

Court: Istanbul 34th Assize Court

Verdict: The artist was released in the first hearing of the case.

Mutlu Öztürk Case

The lawsuit filed against People’s Democratic Party (HDP) Şişli District Organisation Co-Chair Mutlu Öztürk and seven other People’s Democratic Party (HDP) members due to “violating the Law no.2911” and “making illegal organisation propaganda”...

Court: Istanbul 29th Assize Court

Verdict: The court released the arrested defendants, including Öztürk. The second hearing of the lawsuit was scheduled for July 7, 2020 to start at 10:00.

HEARINGS NEXT WEEK

ETHA Workers’ Case

The lawsuit filed against 27 Etkin News Agency (ETHA) workers, including editor and translator MEşale Tolu, due to “terrorist organisation membership” and “making terrorist organisation propaganda”...

Date: February 25 at 11:00; Istanbul 29th Assize Court

Özgür Gündem Workers’ Case

The lawsuit filed against 22 journalists after being detained in a police raid against the newspaper after Özgür Gündem Daily was shut down with an emergency decree...

Date: February 25; Istanbul 5th Criminal Court of First Instance

KCK Press Case

The KCK Press Case with 46 journalists on trial due to “terrorist organisation membership” and “making terrorist organisation propaganda”...

Date: February 25 at 10:30; Istanbul 3rd Assize Court

Memet Kılıç Case

The lawsuit filed against former German Greens Party MP Memet Kılıç due to “insulting the President” with an interview he gave to ABC Newspaper in 2017...

Date: February 26; Ankara 36th Criminal Court of First Instance

Turgut Öker Case

The lawsuit filed against European Alevi Unions Confederation Honorary Chairman Turgut Öker due to “insulting the President” in the speech he gave on the 37th anniversary of the Maraş Massacre...

Date: February 26 at 10:00; Istanbul Anatolian 25th Criminal Court of First Instance

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 on Berat Albayrak and Özge Ulusoy...

Date: February 27; Istanbul 2nd Criminal Court of First Instance

Kutay Meriç Case

The lawsuit filed against Community Homes Central Executive Council member Kutay Meriç due to “insulting Erdoğan” through three cartoons he posted on social media as well as a photo from the Gezi Park protests...

Date: February 27; Antalya 14th Criminal Court of First Instance

Pınar Gayip and Semiha Sahin Case

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

Date: February 27 at 09:00; Istanbul 23rd Assize Court

Case Against Özgür Gündem Substitute Editors-In-Chief

The lawsuit filed against director Veysi Altay and Hüseyin Sözügen due to “making illegal organisation propaganda” through participating in the Substitute Editing-In-Chief campaign started for solidarity with previously shut-down Özgür Gündem Daily...

Date: February 28; İstanbul 22nd Assize Court