

# Think, think...



## Freedom of Expression Weekly Bulletin

(Issue 9/20, 28 February 2020)

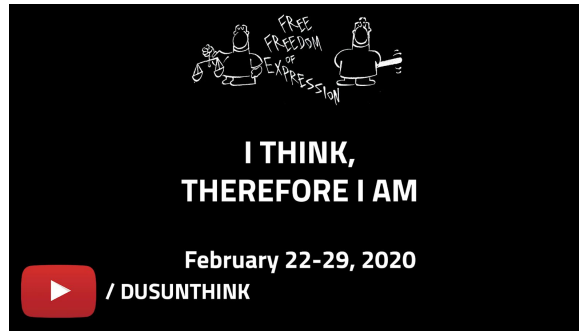
### What happened last week?

- The reasoned decree was announced in the Gezi Park case. The court decided that there is no strong evidence to convict the defendants; while describing the Gezi Park protests as an “attempt and vandalism.” Indicating that the protests were an attempt to overthrow the government, the court stated that there is “strong criminal suspicion” against the fugitive defendants, whose files are separated. *Details in the bulletin...*
- A joint announcement was made by 25 Bar Associations on Turkey’s judicial crisis at the “extended Mediterranean, Aegean and Marmara regions meeting” hosted by Izmir Bar Association. [Please click here](#) for the resolution text of the meeting.
- Turkish Armed Forces operations in Idlib and Libya are still on debate. The expression Erdoğan used on the number of soldiers losing their lives in these operations summarized the Turkish foreign policy. “We have a few martyrs,” Erdoğan said. After reminding Erdoğan of this expression during the press meeting held before his visit to Azerbaijan, FOX TV reporter was scolded by Erdoğan: “FOX must be a newspaper (?) first.”
- Russia refused to participate in the quad-summit between Turkey, France, Germany and Russia, about which Turkey was positive for France and Germany’s participation. Briquette houses are being built to prevent migrants from Idlib to cross the border.
- Two earthquakes in Khoy city of Iran, both with intensity 5.9, caused damage in Bahçesaray. 10 citizens have lost their lives. Tens of adobe houses were destroyed. Erdoğan spoke on the renovation of Turkey’s construction inventory and said, “Time and lots of money is needed.” However, Erdoğan is determined to realize his million-dollar “crazy projects”!
- Covid-19 virus that originated in China has spread to more than 20 countries, causing deaths in Turkey’s neighbor, Iran. Turkish Ministry of Health announced that the virus has not yet been seen in Turkey. [Please click here](#) for details.
- Suicide rates related to the economic crisis are increasing noticeably, as the government strongly denies its existence. Access to news on suicide are being banned. As the Central Bank continues to decrease interest rates, the Turkish Lira continued to lose value during the week. The total sum of foreign assets was 127 billion dollars in 2015 and has regressed to 48 billion dollars by February 2020.



*“It’s been five years since the great name of the Anatolian literature, Yaşar Kemal left us... Kemal’s prosecution at the State Security Court due to an article he wrote, published in German Der Spiegel magazine 25 years ago, led to the birth of our initiative. We remember our great author with love and longing.”*

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

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### **Reasoned decree in Gezi Park Case**

Istanbul 30th Assize Court announced the reasoned decree after issuing the acquittal of nine defendants in the Gezi Park Case, while releasing the only arrested defendant Osman Kavala. The court indicated that the charges in the indictment were arbitrary and the evidence in the file were against the law.

However, the court continued to defend that the Gezi Park protests were a “coup attempt”; issuing acquittals for the defendants just because there is no sufficient evidence that they have committed this crime. On the other hand, the court insisted that there is strong criminal suspicion against the “fugitive” defendants having committed the crime of coup attempt; charging the nine acquitted defendants in a new way.

The court decided for criminal complaints to be made against Mücella Yapıcı, Tayfun Kahraman, Can Atalay, Mine Özerden, Osman Kavala, Ali Hakan Altınay, Yiğit Aksakoğlu, Yiğit Ekmekçi and Çiğdem Mater Utku with the allegation to “organise illegal meetings and demonstrations” and “resisting the security forces.” Council of Judges and Prosecutors had recently opened an investigation against the court board due to their acquittal decree. This way, the court has added many other decrees against the defendants to the verdicts of acquittal.



### Successive access bans

After the access to the news and cartoons published on Lemn Magazine on Berat Albayrak purchasing lands in the Canal Istanbul region was banned, news on the access ban were banned to access as well. Istanbul Anatolian 8th Criminal Court of Peace banned access to more than 100 news articles and

Twitter posts following the request of Albayrak. Twitter announced that the access ban will “not yet executed”, to users including the IFoX as well. Istanbul Anatolian 7th Criminal Judicature of Peace had previously banned access to the cartoon published in Lemn Magazine on January 22 with the headline, “Berat Albayrak Purchasing Land in Canal Istanbul Region.” The news article published in Cumhuriyet Daily on February 16, 2020 with the headline, “Suicide by hanging on truck” was banned to access by Konya 1st Criminal Judicature of Peace following the order of the Ministry of Family, Labour and Social Services. Ankara 1st Criminal Judicature of Peace banned publishing of photos and videos of damaged armored vehicles of Turkey-supported Free Syrian Army, fighting against the Syrian administration in Idlib. Access to 52 social media posts and websites was banned. The Interior Ministry was indicated to have demanded the ban, based on “the protection of life, possessions and public order.” Access to YouTube channel KHK TV, established on August 1, 2019 by those dismissed from profession during the State of Emergency and reporting developments related to those affected by the State of Emergency decrees, was banned. The YouTube channel’s Editor-In-Chief was Prof. Haluk Savaş, who was also previously dismissed with an emergency decree, with all channel employees working on a volunteer basis. The thread opened on Ekşi Sözlük for Kirghizistani journalist Yeldana Kaharman, who died suspiciously in Elazığ, was banned to access by Istanbul 5th Criminal Judicature of Peace. Having lost her life last year, the journalist was allegedly sexually assaulted by Justice and Development Party (AKP) Elazığ MP Tolga Açar and committed suicide because of the incident.

Tens of thousands of websites are banned from access in Turkey and the number of increasing each week. The successive access bans are based on the protection of public order, national security, insult. With decrees that are copied from one and pasted to another, basic rights, especially freedom of expression and press freedom, are being rendered useless. For instance, the Criminal Judicature of Peace decided that it is “an attack against the minister’s personal rights” to announce him purchasing a land in the region of a highly-debated project.



## Journalists on trial

More than 100 journalists and press workers, as well as 2 Substitute Editors-In-Chief of Özgür Gündem Daily stood trial this week. 3rd Criminal Chamber of Istanbul Regional Court (Court of Appeals) sentenced journalist Faruk Arhan to 1 year, 2 months and 17 days of imprisonment due to “insulting Erdoğan.” Arhan had been prosecuted with the same charge due to his Twitter posts and was

acquitted. The verdict was deferred.

Journalist Sultan Çoban was sentenced to 1 year and three months of imprisonment in the first hearing of the lawsuit filed against her due to “making terrorist organisation propaganda” through a Facebook post. Konya 8th Assize Court deferred the sentence. As journalist Mehmet Erol stood trial in the first hearing of the lawsuit filed against him due to “making illegal organisation propaganda” through his social media posts, Istanbul Anatolian 16th Criminal Court of First Instance sentenced OdaTV news director Barış Terkoğlu to 6080 TL judicial fine due to the news he broadcasted. The news was on Elazığ Alperen Grey Wolves Chairman being sexually assaulted. “FETÖ media structuring Case” convict and Aktif Haber news website’s Editor-In-Chief Yetkin Yıldız was acquitted of “promoting suicide” at Aksaray 2nd Criminal Court of First Instance. Yıldız was on trial due to a news article on suicide, published on June 25, 2015. Istanbul Chief Public Prosecutor’s Office has started an investigation against journalist Can Ataklı due to “insulting the President” through his statements at the show, “Gün Başlıyor” [“The Day Starts”] on TELE 1 channel.



## Lawsuits against protests

A lawsuit was filed against the justice watch protest organised by families, who lost their relatives in the train accident in Çorlu district of Tekirdağ with 25 people dead (including 7 children). An investigation was started against Turkish Workers’ Party (TIP) Hatay MP Barış Atay, who supported the protest. The first hearing of the lawsuit will be held at Ankara

50th Criminal Court of First Instance on March 4 with 7 defendants (including 3 lawyers) charged with “violating the Law No.2911”.

Four mothers, who were among those performing a sit-in protest in front of Gebze Women’s Prison in April 2019 in order to draw attention to the situation of their hunger-striker children and were exposed to police violence, stood trial in the first hearing of the lawsuit filed against them at Kocaeli 4th Assize Court. The four mothers are charged with “committing a crime on behalf of an illegal organisation” and “violating the Law on Meetings and Demonstrations No. 2911.” The second hearing was scheduled for May 21.



### **Peace Academic Mehmet Zencir acquitted**

Academic for Peace Mehmet Zencir was acquitted of “making terrorist organisation propaganda” at Denizli 3rd Assize Court. Zencir had previously been dismissed from Pamukkale University with an emergency decree.



### **Event bans**

The music and poem concert organized by Grup Yorum Bursa People’s Choir on February 22 in Bursa, as well as related events organized in the province on the same day were banned with a Governorate decree based on the Law on Meetings and Demonstrations. No further reasons were shown by the Governorate for the

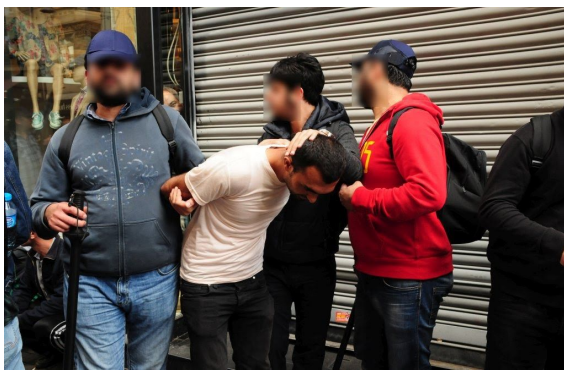
ban decision. The press statement organised against the Governorate ban in Izmir was prevented by the police as well.



### **No penalty against police officer after killing 16-year-old!**

1st Criminal Chamber (Appeal) of Diyarbakır Regional Court reversed the 10-year imprisonment sentence issued against police officer Süleyman Esenboğa, who killed 16-year-old Mazlum Turan in Kızıltepe, Mardin. The court decided that there is no reason for penalisation. In the prosecution at Mardin 5th Assize Court, Turan was decided to

have been “targeted” and shot, therefore the defendant police officer had been sentenced to 10 years of imprisonment due to “homicide following willful injury.”



### **37,500 TL compensation against police violence during Gezi Park protests**

In the application of Eda Ayşegül Kılıç, who was exposed to police violence during the Gezi Park protests in Ankara, the Constitutional Court (AYM) decided that the torture ban and the right to meeting and demonstration were violated. 37,500 TL compensation will be paid to Kılıç. On the investigation, which was

decided not to be prosecuted by Ankara Chief Public Prosecutor's Office due to "the police officers having used their authority given to them by the law upon the command of their commanders", the Constitutional Court stated that not investigating the police officers "would create a perception that they benefit from effective immunity."



### **Constitutional Court denies application on "insulting President"**

The Constitutional Court (AYM) has denied the application of Sarp Ruç, who was sentenced to imprisonment due to "insulting the President," with a half-page decree. The high court decided that his freedom of expression was not violated. The full decree states:

"When the application was evaluated within the frame of the documents presented as well as within the limits of the Constitutional Court's authority to examine individual applications, it was decided that there was no intervention or that an intervention did not pose a violation against the basic rights and freedoms protected by the Turkish Constitution."

Ruç's lawyer Özgür Urfa stated, "The court denied pages of application letters with four lines of decree. Apparently, they have denied the application right away without an examination after seeing that it was about "insulting the President." Urfa further indicated that the Constitutional Court normally doesn't evaluate such applications and that similar applications are awaiting evaluation at the Court for years. The lawyer stated that the number of concluded applications on the matter is two, including the one made by his client, and that both were denied by the court.

The latest data announced by the Ministry of Justice are from the year 2018. 26,115 investigations, and 2,880 lawsuits were filed in one year due to "insulting Erdoğan." 2,462 of the 5,223 people prosecuted, were convicted. It is not difficult to guess that this picture hasn't changed much, instead, increasingly continues. When the Constitutional Court ignores it, though, do rights violations disappear?



## **TRIALS OF FREEDOM OF EXPRESSION**

### **Yetkin Yıldız Case**

The lawsuit filed against Aktif News Website's Editor-In-Chief Yetkin Yıldız due to "promoting suicide"...

**Court:** Aksaray 2nd Criminal Court of First Instance

**Verdict:** The journalist was acquitted.

**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"...

**Court:** Istanbul 29th Assize Court

**Verdict:** The next hearing was scheduled for July 14, 2020 at 10:00.

**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...

**Court:** Istanbul 5th Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for June 2, 2020 at 09:40.

**KCK Press Case**

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

**Court:** Istanbul 3rd Assize Court

**Verdict:** No decree was issued in the 7-year prosecution. The next hearing was scheduled for July 2, 2020 at 10:00.

**Academics for Peace Case**

The lawsuit filed against Prof. Mehmet Zencir due to "making terrorist organisation propaganda" through signing the petition, "We Will Not Partake In This Crime" by the Academics for Peace...

**Court:** Denizli 3rd Assize Court

**Verdict:** The academic was acquitted.

**Case Against Mothers Protesting for Imprisoned Children**

The lawsuit filed against four mothers, who were among those performing a sit-in protest in front of Gebze Women's Prison in April 2019 in order to draw attention to the situation of their hunger-striker children and were exposed to police violence, due to "committing crimes on behalf of an illegal organisation" and "violating the Law on Meetings and Demonstrations No. 2911"...

**Court:** Kocaeli 4th Assize Court

**Verdict:** The second hearing was scheduled for May 21, 2020.

**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...

**Court:** Ankara 36th Criminal Court of First Instance

**Verdict:** The court denied the claims to remove the warrant against Kılıç to make his defense and to send a rogatory letter to Germany for his statement. The next hearing was scheduled for May 18, 2020.

**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...

**Court:** Istanbul Anatolian 25th Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for April 29. The travel ban against Öker remains.

**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...

**Court:** Istanbul 2nd Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for May 7, 2020.

#### **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...

**Court:** Antalya 14th Criminal Court of First Instance

**Verdict:** Meriç was acquitted.

#### **Pınar Gayip and Semiha Şahin 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”...

**Court:** Istanbul 23rd Assize Court

**Verdict:** The next hearing was scheduled for May 14, 2020.

#### **Sultan Çoban Case**

The lawsuit filed against journalist Sultan Çoban due to “making terrorist organisation propaganda” through a Facebook post...

**Court:** Konya 8th Assize Court

**Verdict:** The journalist was sentenced to 1 year and three months of imprisonment in the first hearing. The sentence was deferred.

#### **“Back to Life” Operation Case**

The lawsuit filed against 157 Gendarmerie officers, including high-rank commanders, due to “homicide” and “homicide attempt” related to the “Back to Life” Operation organized against Bayrampaşa Prison on December 19, 2000 within the “Flood” plan...

**Court:** Bakırköy 13th Assize Court

**Verdict:** No decree was issued in the 39th hearing of the case. The next hearing was scheduled for June 24.

#### **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...

**Court:** Istanbul 22nd Assize Court

**Verdict:** The 1-year 3-month imprisonment sentence issued against Veysi Altay due to “making terrorist organisation propaganda” was deferred. Another sentence issued against him due to “printing and publishing a terrorist organisation petition or statement” was turned into 6,000 TL judicial fine.

#### **Mehmet Erol Case**

The lawsuit filed against journalist Mehmet Erol due to “making illegal organisation propaganda” through the tweets posted by the official Twitter account of Democratic Regions Party (DBP) during the time he was the party’s press consultant as well as by his personal account between the years 2013 and 2015...

**Court:** Diyarbakır 10th Assize Court



**Verdict:** Erol was acquitted.

## HEARINGS NEXT WEEK

### **Aziz Oruç Case**

The lawsuit filed against journalist Aziz Oruç due to “making illegal organisation propaganda” through 12 tweets posted in 2016...

**Date:** March 2, Monday at 09:50; Diyarbakır 9th Assize Court

### **Ferdi Sertkal Case**

The lawsuit filed against Yeni Yaşam Daily reporter Ferdi Sertkal due to “making terrorist organisation propaganda” through five posts he made on Twitter and Facebook in 2014 and 2019...

**Date:** March 3, Tuesday; Van 4th Assize Court

### **Mehmet Dursun Case**

The lawsuit filed against journalist Mehmet Dursun, who was arrested in 2018 and was released eight months later, due to “illegal organisation membership” based on his phone calls with news resources...

**Date:** March 3, Tuesday; Van 4th Assize Court

### **Compensation Case against Cumhuriyet Daily**

The lawsuit of compensation filed against Cumhuriyet Daily reporter Hazal Ocak and Cumhuriyet Foundation Chair Alev Coşkun due to the news article published on the newspaper with the headline, “Luxury annex overlooking Bosphorus”...

**Date:** March 3, Tuesday at 14:30; Istanbul Anatolian 14th Civil Court of First Instance

### **Case Against Relatives of Those Died in Çorlu Train Massacre**

The lawsuit filed against seven people, three of them lawyers, due to “violating the Law No. 2911” on the justice watch protest in front of the Constitutional Court (AYM) organised by the families of those losing their lives in the train accident in Çorlu district of Tekirdağ, with 25 casualties including seven children...

**Date:** March 4, Wednesday; Ankara 50th Criminal Court of First Instance

### **Case Against BirGün Daily Executives**

The lawsuit filed against former BirGün Daily executives İbrahim Aydın, Barış İnce, Can Uğur and Bülent Yılmaz due to “aiding an illegal organisation” through the news published in the newspaper on the tweets of account with alias “Fuat Avni” between the years 2014 and 2016...

**Date:** March 5, Thursday at 11:00; Istanbul 32nd Assize Court

### **Müvesser Yıldız Case**

The lawsuit was filed against OdaTV Ankara News Director Müvesser Yıldız due to “slander” through reporting the news on a secret witness with codename “Abdullah” against former Chief of General Staff Hulusi Akar...

**Date:** March 5, Thursday at 14:00; Ankara 35th Criminal Court of First Instance

### **Işıl Özgentürk Case**

The lawsuit filed against Cumhuriyet Daily writer and movie director Işıl Özgentürk due to “making illegal organisation propaganda” through her social media posts...

**Date:** March 5, Thursday; Istanbul 28th Assize Court

### **Kenan Kırkaya Case**

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

**Date:** March 5, Thursday; Ankara 32nd Assize Court

**Mahmut Elkuş Case**

The lawsuit filed against conscientious objector Mahmut Elkuş due to “draft evasion”...

**Date:** March 5, Thursday; Mersin 3rd Criminal Court of First Instance