

Think, think...



Freedom of Expression Weekly Newsletter (Issue 29/20 - July 17, 2020)

What happened last week?

- A trustee was assigned at Diyadin (Ağrı) Municipality, Co-Mayor Betül Yaşar was arrested. Thus, the number of trustees appointed at People's Democratic Party (HDP) municipalities reached 47.
- The regulation President Erdoğan keeps bringing up in different times on "social media and Internet" seems to have left for autumn. As the Grand National Assembly of Turkey (GNAT) will be on legislative holiday, the law draft is expected to come to the Parliament agenda with an omnibus bill this week. It was expressed that the bill will initially be debated at the commission.
- The "law draft on amendments in the Law of Legal Practice", which passed the Parliament with votes of the Justice and Development Party (AKP) and Nationalist Movement Party (MHP) and paves the way for the establishment of multiple Bar Associations, was carried to the Constitutional Court by the Republican People's Party (CHP).
- The Hagia Sophia, which was opened for visitation as a museum with a Council of Ministers decree in 1934, was assigned to the Directorate of Religious Affairs and was turned into a mosque. There were five times prayers for five times a day already in Hagia Sophia for many years and muslims could pray in a certain part of it. It is still a question how the world heritage mosaics and icons inside the building will be protected. A mass prayer was announced in Hagia Sophia on July 24.
- Police violence continue with policies of impunity. Specialized sergeant A.A. sexually abused a child in Şırnak and was caught with the awareness of neighbor residents, being arrested after reactions. A child who was walking his sheep in Çaldıran, Van was shot from the back by the soldiers.
- Four years have passed after the coup attempt on July 15. President Erdoğan claims that July 15 was a historical turning point. In the four years after the coup attempt, shadows of July 15-16, 2016 are still not illuminated. Former Chief of General Staff, Intelligence Agency Chiefs and many other officials haven't testified despite the invitations of the Grand National Assembly of Turkey Committee to Research into Coups. A majority of the questions asked by the opposition and the public on the coup attempt are unanswered. The coup attempt has key importance in the construction of the post-coup one-man regime of Erdoğan.
- We have lost one of the most important writers in Turkey, Adalet Ağaoğlu, this week. We bow with respect in front of our great author, who not only recorded the social history of the country with her novels but also created opinions and took action, being one of the signatories of our civil disobedience campaigns.

- Turkey has to face the destructive consequences of its “development with concrete” model, now more frequently. Recent loss of lives in Bursa due to heavy downpour increased with the loss of lives in Artvin and Rize. The region is known for its high number of hydroelectric plants and heavy intervention against its natural habitat.
- Arrested lawyers Ebru Timtik and Aytaş Ünsal, who continue their indefinite hunger strikes with the demand of fair trial, now fulfilled 200 days in their strike as their health worsens.
- Many artists signed a common petition and called the Turkish public to take action: “...*We are not afraid. We call all out citizens to be braver, more confident, more faithful and determined...*” [Please click here](#) for the full statement and signatories...



The increase in torture and mistreatment reflect on AYM applications

The “Rights and Freedoms Report” compiled by Parliament member Gamze Akkuş İlgezdi based on Ministry of Justice data supports the negative trend Turkey is following in basic rights and freedoms. 478,407 applications were made at the Constitutional Court in the last 7 years from 2012,

when the right to individual applications started, until the end of 2019. There were 245,350 applications at the court from July 9, 2018, when the Presidential Government System had officially started, until the end of 2019; which exceeded half of the total number of individual applications at the court.

There was a peak in the applications of torture and mistreatment. Only 4 applications on torture and mistreatment were made at the Constitutional Court in 2012; this number reached 4,181 in the year 2019. 12,301 citizens applied at the Constitutional Court within the last seven years with the reason that their right to freedom of expression was violated. 88 percent of all applications on torture and mistreatment and 8 percent of all applications on freedom of expression are made during the Presidential government period.



HDP Report: 84 torture cases, 93 arrests, trustees appointed to 14 municipalities

The People’s Democratic Party (HDP) announced the report prepared on the government’s Anti-Kurdish politics during the pandemic. According to the report, 15 civilians, six of whom were children, have lost their lives suspiciously with attacks against them based on their Kurdish identity or due to military operations between the

dates March 11th and June 30th.

It was indicated that 384 people, including rights advocates, journalists, politicians and health workers, were detained; 93 of them were arrested and 84 of them were exposed to torture and mistreatment. 84 of the 93 summaries arriving in the Parliament in the

three-and-a-half-month period were prepared against People's Democratic Party members. Three Parliament members have lost their seat in the Parliament.

Trustees were assigned at 14 municipalities of the People's Democratic Party, 4 municipal assembly members were dismissed, Co-mayors were arrested with baseless allegations and People's Democratic Party municipal assembly members were prevented from attending meetings without a court decree.



AYM to issue decree not recognising ECHR precedent for the first time

The Constitutional Court found the application of the judge, who was arrested after the coup attempt, unacceptable despite the European Court of Human Rights precedent on the matter. Thus, the Constitutional Court issued a decree that openly doesn't recognize the European Court of

Human Rights precedent for the first time. The decree stated, "It doesn't seem appropriate for the European Court of Human Rights to replace national courts and interpret national law from the first hand. Turkish courts are in a much better place than the European Court of Human Rights in the meaning and interpretation of national legal provisions."



Decree announced in Deniz Yücel case

Die Welt Turkey reporter Deniz Yücel had been detained in February 2017 due to an article he wrote and remained under arrest for a year. Istanbul 32nd Assize Court sentenced the journalist to 2 years and nine months of imprisonment with the allegation of "making terrorist organisation propaganda" and decided to make criminal complaints against him due to

"insulting the President" through two articles published in Die Welt in 2016 as well as due to "denigrating the Republic of Turkey, its government, judicial bodies and the state's security organization" in accordance with Article 301 (three-oh-one) of the Turkish Criminal Code.



Journalist Onur Emre Yağan acquitted

The summary judgement of the lawsuit filed against İleri Haber news website's former Editor-In-Chief Onur Emre Yağan was held at Istanbul 33rd Assize Court due to the news he reported between the years 2014 and 2018, which were shared on social media as well. The court the acquittal of the journalist, who was charged with "successively making terrorist organization propaganda" and issued his acquittal.



T24 writer Mehmet Yılmaz acquitted

The summary judgement of the lawsuit filed against T24 writer and journalist Mehmet Yılmaz due to “insult” through his articles, in which he asked the source for the increase in former Prime Minister Binali Yıldırım and his children’s wealth, was held at Istanbul Anatolian 37th Criminal Court of First Instance. The court announced that Binali Yıldırım withdrew his complaint in June as

well as the lawsuit of compensation he filed against Yılmaz. Therefore, the court issued the journalist’s acquittal based on the fact that legal elements of the crime of insult were not constituted.



Investigation against Sözcü Daily writer Aytunç Erkin

An investigation was started against Sözcü Daily writer Aytunç Erkin due to his column, “[Still 2221 FETÖ member or supporter judges and prosecutors in judiciary.](#)” to which he quoted an interview with retired military judge Ahmet Zeki

Üçok on September 20, 2019. Erkin is charged with “insulting a public officer within the investigation conducted by Manisa Chief Public Prosecutor’s Office.



Investigation against Nurcan Kaya due to illegal organisation propaganda

An investigation was started against Artı Gerçek news website writer and lawyer Nurcan Kaya due to her social media posts. Kaya announced the investigation opened against her due to “making illegal organisation propaganda” through her Twitter account. “The security has prepared a cocktail of my social media posts. The file has

everything, including my posts on the Saturday Mothers, police violence at the Gezi commemoration, my meeting with Yiğit Aksakoğlu, even my profile photos,” Kaya stated.



Sentence against Diyarbakır Co-Mayor approved

Diyarbakır Regional Court found the 9-year 4-month 15-day imprisonment sentence issued against arrested Diyarbakır Co-Mayor Selçuk Mızraklı due to “armed terrorist organisation membership” lawful and denied his appeal

application. The file will be carried to the Court of Cassation.



Access bans

Gaziantep 5th Criminal Judicature of Peace brought an access ban against the news published on Evrensel Daily's website and on kizilbayrak.net on a worker who had to continue working with the worry of unemployment during the outbreak, despite being tested COVID-19 positive. Ankara 8th Criminal Judicature of Peace brought an access ban against the news published

on BirGün, dokuz8, T24 and Tele1 regarding the Treasury not paying the "state subsidy" it should have paid to the Institute of Social Security.



TRIALS OF FREEDOM OF EXPRESSION

Onur Emre Yağan Case

The lawsuit filed against Ileri Haber's former Editor-In-Chief Onur Emre Yağan due to "successively making terrorist organisation propaganda" through the news shared on social media and were published by Ileri Haber between the years 2014 and 2018...

Court: Istanbul 33rd Assize Court

Verdict: The court issued the acquittal of the journalist.

Kibriye Evren Case

The lawsuit filed against JinNews reporter Kibriye Evren due to "illegal organisation membership" and "making illegal organisation propaganda"...

Court: Diyarbakır 5th Assize Court

Verdict: The next hearing was scheduled for November 26, 2020.

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 February 11, 2021.

Mehmet Y. Yılmaz Case

The lawsuit filed against T24 writer and journalist Mehmet /. Yılmaz due to "insult" through his columns in which he asked the source of the increase in former Prime Minister Binali Yıldırım and his children's wealth...

Court: Anatolian (Istanbul) 37th Criminal Court of First Instance
Verdict: The court issued the acquittal of the journalist.

Hakan Aygün Case

The lawsuit filed against journalist Hakan Aygün due to “denigrating religious values adopted by a part of society” based on a Twitter post...

Court: Bodrum 3rd Criminal Court of First Instance
Verdict: The next hearing was scheduled for October 27, 2020.

Mehmet Dursun Case

The lawsuit filed against Dicle News Agency (DIHA) reporter Mehmet Dursun, who was arrested in Van in 2018 and was released after 8 months under arrest, due to “illegal organisation membership” based on the phone calls he had with news resources in 2014...

Court: Van 4th Assize Court
Verdict: The next hearing was scheduled for December 4, 2020.

Deniz Yücel Case

The lawsuit filed against Die Welt Turkey reporter Deniz Yücel, who was released after a year under arrest, due to “making illegal organisation propaganda” and “public incitement towards resentment and hostility” through an interview he made with PKK executives...

Court: Istanbul 32nd Assize Court
Verdict: The journalist was sentenced to 2 years and nine months of imprisonment due to “making terrorist organisation propaganda.”

Mehmet Baransu and Murat Şevki Çoban Case

The lawsuit filed against previously shut-down Taraf Daily’s former reporter Mehmet Barancu and the newspaper’s former Managing Editor Murat Şevki Çoban due to “obtaining confidential documents on the security of the state,” “revealing confidential information that were supposed to remain secret in accordance with the state’s security and its domestic and foreign interests through press,” “revealing documents and information on the duty and activities of the Turkish National Intelligence Agency through press”...

Court: Anatolian (Istanbul) 2nd Assize Court
Verdict: The next hearing was scheduled for November 13, 2020.

HEARINGS NEXT WEEK

Aziz Oruç Case

The first hearing of the lawsuit filed against journalist Aziz Oruç, People’s Democratic Party (HDP) Doğubeyazıt District Co-Chair Abdullah Ekelek and former municipal assembly member Muhammet İkrâm Müftüoğlu and five others after they were arrested in December 2019 in Doğubeyazıt district of Ağrı due to “illegal organization membership,” “propaganda” and “aiding and abetting an illegal organization”...

July 21, Tuesday at 09:30; Ağrı 2nd Assize Court