

Think, think...



Freedom of Expression Weekly Newsletter (Issue 30/20 - July 24, 2020)

What happened last week?

- Nationalist Movement Party (MHP) Ordu MP Cemal Enginyurt was sent to the disciplinary council with a claim of final dismissal after the speech he gave, in which he criticized Minister of Agriculture, Pakdemirli. On the other hand, Turkish History Institute Chairman Ahmet Yaramış resigned / was forced to resign after he drew reactions with his expressions on the July 15 Coup Attempt in a show he participated in.
 - This week, “101 Grey-Haired Elders” from different backgrounds, parts of society and political beliefs have launched a common declaration and said, “We are all under threat, a mass threat can only be vanished with a mass fight against it.” The call summarized Turkey’s situation today and emphasized that all oppositional forces must meet in a democratic alliance as soon as possible, in order to achieve a just and free society. The call was made separately for the government and the opposition, with heavy criticism [towards both](#).
 - As the ruling power debates whether Turkey should withdraw from the [Istanbul Convention](#) or not, women continue to be murdered. 118 women have been murdered by men since the beginning of the year. Neglects in the application of protective measures put forth by the Istanbul Convention are being expressed by women’s organizations for years, and the destructive consequences of withdrawal from the convention are obvious...
 - The social media regulation that’s been on the ruling party’s agenda was finally presented to the Parliament. With hundreds of websites, posts and news banned, social media users detained; Turkey awaits new bans and censorship applications... ***Details in the newsletter...***
 - July 24 is the anniversary of the revocation of censorship, but journalists and press organizations don’t celebrate July 24 for tens of years. The government continues to target journalists. According to the Presidential Communications Chairman, critical journalism is an enemy of democracy... ***Details in the newsletter...***
 - Businessman and rights advocate Osman Kavala has left 1000 days behind bars. His friends launched [a video](#) and said, “Speak up against it.”
 - The Constitutional Court’s (AYM) General Assembly denied the claim for the stay of execution of certain articles in the law on the “Multiple Bar Associations and the Extension of Authorities of Village Headmen” following the application of the Republican People’s Party (CHP). Applications for the regulations’ revocation will be finalized later after a negotiation on their basis.
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July 24, anniversary of revocation of censorship

July 24 is the anniversary of the revocation of censorship, but journalists and press organizations don't celebrate July 24 for tens of years. Because not much has changed in the last 112 years after the declaration of the Second Constitutional Era. Journalists are on target with their thoughts and news... They are being fired, detained and arrested; facing investigations, lawsuits and media

blackouts. The government's new censorship tools are RTÜK, Press-Ad Institute, BTK... Thousands of websites are banned from access... According to the data compiled by the Republican People's Party's Istanbul Parliament Member Sezgin Tanrikulu, 721 journalists were arrested between the years 2002 and 2019. 93 journalists are still deprived of their freedom in prison. At least 19 journalists, writers and publishers were sentenced to imprisonment and at least 52 journalists were detained in the first six months of 2020.



Prosecutions due to TCK Articles 299 and 301 multiplied

The number of those being sued and penalized in accordance with Article 299 of the Turkish Criminal Code, that regulates the charge of "insulting the President" as well as Article 301, which regulates the charge of "denigration of the Turkish Nation, the Government of the Republic

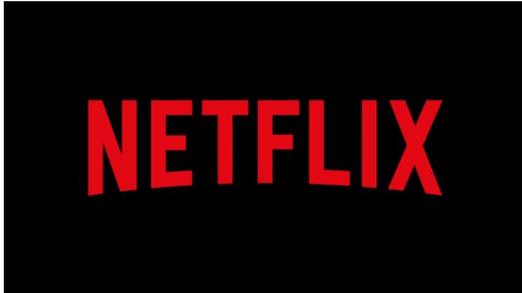
of Turkey as well as Governmental Institutions" has increased greatly. The number of those facing lawsuits at the end of 2018, when the Presidential Government System had just started, was 6,326. This number has increased to 13,990 at the end of 2019. The number of lawsuits has multiplied 21 times in the last ten years. According to the Judicial Statistics of the Ministry of Justice in 2019, 13,252 public lawsuits were filed within these two articles, which are under the "Charges that are Against the Sovereignty of the State and the Reputation of its Bodies." Criminal courts have issued 4,291 convictions, 1,970 acquittals, 4,394 deferrals of verdict and concluded 12,474 cases. Thus, 8,685 people were sentenced together with those with announcements of verdicts deferred.



Social media regulation at Parliament

The Justice and Development Party and the Nationalist Movement Party presented their nine-article law draft on social media regulations to the Parliament. According to the regulation that is planned to be enacted before the Parliamentary recess, foreign-based social network providers with more than a million access daily will have to assign at least one representative in Turkey, who is

authorized to fulfill the orders and notices issued by judicial or administrative authorities. Otherwise, its internet traffic will be restricted from 50 percent to 95 percent of its current bandwidth. Social media platforms will have to contain their users' data in Turkey. Social network providers who don't remove the content or ban access against the content despite an order against it within 24 hours will also be responsible for the compensation of possible damages. So in case the content isn't removed, not only those who produced the content, but also those who allow its broadcast and publication will also be penalized.



RTÜK intervention against Netflix production

A Netflix Turkey project, “*Şimdiki Aklım Olsaydı*,” was cancelled by Netflix one day before the shootings began. It was stated that the LGBTI character in the series was taken out from the script after the intervention of the Radio and Television Supreme Council on the screenplay; and the production was cancelled nevertheless.

Netflix announced that the Turkish authorities have stated that the homosexual character must have been taken out of the script for a license to be issued. The project's creator and screenwriter Ece Yörenç stated, “It is frightening for the future that the shootings for a series is not permitted now due to a gay character.”



Halk TV cancels programme due to worries on “RTÜK”

Writer Aytekin Yılmaz announced that he was invited to the programme of İsmail Saymaz but the programme, which was shot and ready for broadcast, couldn't be broadcasted with the worry of the Radio and Television Supreme Council. The statement made by Yılmaz on his own social media account stated that the reason isn't

convincing...



Lawsuit against journalist Rojhat Doğru

An indictment was prepared against journalist Rojhat Doğru due to “illegal organization membership” through him sending money to his friends in prison. The indictment claimed that people in the meetings Doğru held with his lawyer and colleagues have investigations and prosecutions against them. The file was combined with the lawsuit filed previously against Doğru in

Diyarbakır due to the news he reported as he was following the Kobane protests.



Journalist Aziz Oruç stands trial after seven months under arrest

The first hearing of the lawsuit filed against arrested journalist Aziz Oruç due to “illegal organization membership” and “making illegal organization propaganda” was held. The journalist wasn’t released in the first hearing he stood trial after seven months under arrest.



Police intervention against Suruç Massacre commemorations

The police intervened against the wanting to hold a march and press statement in Istanbul and Ankara to commemorate those losing their lives in the human bomb attack in Suruç on July 20, 2015. Many people were detained in both commemorations, with the police using violence during detainments. Lawyers going to the police

station to see their clients after their detainment in the commemoration in Istanbul were also beaten and detained.



Indictment against Tuncel due to “insulting President”

An indictment was prepared against Democratic Regions Party’s former Co-Chair Sebahat Tuncel due to “insulting the President” through a speech she gave to protest the detainment of Diyarbakır Co-Mayors in 2016.



New investigation against Figen Yüksekdağ

A new investigation was started against People’s Democratic Party’s former Co-Chair Figen Yüksekdağ. Yüksekdağ is charged due to her Twitter posts in 2014 and the speech she gave after the arrest of Diyarbakır Co-Mayors in 2016.



Prosecutor claims for Yücel to be penalized due to previously-acquitted charge

Journalist Deniz Yücel has been sentenced to 2 years, 9 months and 22 days of imprisonment due to “making illegal organization propaganda” through two different articles published on Die Welt Daily, and was acquitted of the charge of “public incitement towards resentment and hostility.” However, the Prosecutor’s Office claimed a penalty against journalist Deniz Yücel based on the charge he was acquitted of. The Prosecutor appealed the verdict and claimed that Yücel has “incited the public towards resentment and hostility” with the expression, “the massacre against the Armenians” in Yücel’s article.



48-year imprisonment sentence against KESK members over protesting dismissals

Diyarbakır 10th Criminal Court of First Instance sentenced 32 Confederation of Public Workers’ Unions members to 48 years of imprisonment in total due to “violating the Law on Meetings and Demonstrations No. 2911.” The penalty wasn’t abated due to the public workers’ lack of “remorse” during the prosecution and the verdicts were not deferred.



Court neglects ECHR decree

The local court denied the application for retrial made in accordance with the decree of violation issued by the European Court of Human Rights for People’s Democratic Party’s former Co-Chair Selahattin Demirtaş, who was convicted due to a speech he gave on Roj TV in 2005 as he was the Human Rights Association Diyarbakır Chairman. Diyarbakır 5th Assize Court claimed that the deferral of the announcement of the verdict isn’t of the quality of a finalized decree, that the stage of prosecution is ongoing. Thus, the court also neglected a European Court of Human Rights decree. Following the denial at the high court, the file was carried to the Constitutional Court.



Melek Çetinkaya arrested

Melek Çetinkaya was arrested due to “praising the crime and the criminal” and “making terrorist organization propaganda” after she was detained following the show she participated in on Akit TV. Melek Çetinkaya is the mother of Furkan Çetinkaya, who was one of the military school

students detained during the July 15 Coup Attempt. Çetinkaya answered to producer Fatin Dağistanlı's question, "Would you call FETO a terrorist organization," and said, "I can't say anything because I don't personally know Fethullah Gülen; I can't say he's a terrorist but I've had neighbors from that community. I think they are honest people. I've been the neighbor of these people for 3-4 years, I don't think they can be terrorists..." Çetinkaya later pointed Binali Yıldırım and Hulusi Akar as examples and the live broadcast was cut.



Police violence against women over marching for Pınar Gültekin

The police attacked women wanting to hold a march in Izmir with the call of the Women Are Stronger Together Platform for Pınar Gültekin, who was killed in Muğla. Women protesting the murder were dragged on the floor by the police and were beaten. 12 people were detained. People passing by and journalists wanting to record

visuals of the violent intervention of the police were also threatened by the police with detainment.



AYM: Participation in meeting can not be evidence for illegal organization membership

The Constitutional Court decided that it is a rights violation for 19 people, including former Confederation of Public Workers' Union Chair Lami Özgen, to be convicted of terrorist organization membership based on the evidence of the protests they have participated in. The high

court decided for the right to meeting and demonstration was violated and issued a retrial to eliminate the consequences of the violation.



Protest ban in Van extended once again

The meeting and demonstration ban that is ongoing in Van since November 21st, 2016 was extended for another week by Van Governorate, based on "national safety" and "public order," and this time, also the "pandemic."



Arrest due to "insulting President"

A citizen, Süleyman U, who resides in Buldan district of Denizli, was detained with the allegation of insulting the President on a social media post and was arrested by the court he was taken to due to "insulting a public officer on duty as well as the President."



Administrative court suspends RTÜK decree to blackout TELE1

Ankara 4th Administrative Court suspended the execution of the five-day blackout penalty issued by the Radio and Television Supreme Council against Tele1 due to it being directly against press freedom and the citizens' freedom of information.



Court defends Ahmet Türk's dismissal with 'possible' conviction

Mardin 2nd Administrative Court denied the lawsuit filed for the reversal of the Interior Ministry decree that appointed a trustee at Mardin Metropolitan Municipality. The court claimed that the investigations opened against Ahmet Türk were on his duty and defended the decree by saying, "*his conviction is possible.*"



TRIALS OF FREEDOM OF EXPRESSION

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"...

Court: Ağrı 2nd Assize Court

Verdict: The court issued the release of Muhammet İkrâm Müftüoğlu and HDP Doğubeyazıt District Chairman Abdullah Ekelek, who were arrested within the file due to aiding Oruç. Aziz Oruç will remain arrested. The next hearing was scheduled for September 21.

***There are no developments next week on the lawsuits we are tracking due to the judicial recess.