

# Think, think...



## Freedom of Expression Weekly Bulletin (Issue 31/20, July 30, 2020)

### What happened last week?

- The Turkish economy continues to give an S.O.S. despite the claims of the ministry. The increase in gold and foreign exchange continues, price of gold continues to break records... Turkish Statistical Institute announced that the data on tourism, which is considered the lifesaver of the Turkish economy, can't be declared for this period.
- Businessman and rights advocate Osman Kavala left 1000 days behind. Charged with "organizing Gezi Park protests," Kavala was issued 2 release and one acquittal decrees in this period. However, he is now imprisoned for the last five months, this time due to espionage from a file that doesn't even have an indictment, despite a European Court of Human Rights decree against his arrest. Human rights organizations, his family and friends have started a campaign of Kavala and repeated their call to release Kavala, immediately. [Please click here](#) for the video messages launched by various rights organizations and international organization representatives.
- Organizations including IFEX, Freedom House and Amnesty USA wrote a letter for the U.S. Foreign Ministry to make a call for Turkey to end the arrest of Osman Kavala. The letter was indicated to have been written in reference to the collaboration between the United States and Turkey. After the letter, U.S. Ministry of Foreign Affairs made a call that said, "Kavala must be released." Turkish Ministry of Foreign Affairs, on the other hand, repeated the answer for previous calls for Deniz Yücel and Pastor Brunson: No one can give orders to Turkish courts...
- The law predicting an obligation to assign a representative in Turkey and a sanction of gradual prevention in case of violation has passed the GNAT General Assembly with the votes of the AKP and MHP. The regulation directly targets the right to freedom of expression, the right to information, confidentiality of communication, the right to participation in the social and political life and press freedom. On the other hand, the Presidential Digital Transformation Office launched a directive that banned the use of Whatsapp and Telegram of public officers during work, ordering the use of local alternatives based on data protection!
- The amendment on the Law of Legal Practice, publicly known as the "multiple Bar Association" draft, is another regulation that passed the Parliament in this period. With the debates on the regulation, Bar Association Chairmen and lawyers from all around Turkey have started a "defense march" towards Ankara. Bar Association Chairmen spent many nights in front of the Parliament, under heavy intervention and prevention by the police. On the other hand, a total of 401 immunity summaries have arrived in the Parliament between the dates, October 1st, 2019 and July 28th, 2020 - 354 of which were on Parliament members of the People's Democratic Party. People's Democratic Party members Leyla Güven, Musa Farisoğulları, and

Republican People's Party member Enis Berberglu have lost their seats in the Parliament.

- The reasoned decree was announced in the lawsuit known publicly as the “Büyükaada Case,” in which rights advocates were prosecuted and sentenced to imprisonment. The court based its decree on “the defendants carrying out illegal work, using their power of influence on the civil society.” T24 writer Gökçer Tahincioğlu stated that the charge of “carrying out illegal work” has no place in the law and has entered legal literature for the first time with this reasoned decree, stating that in case the decree passes the appeal court of the Court of Cassation, the Turkish judiciary will now guarantee the possibility that anyone can be sentenced with imprisonment due to someone calling or emailing them, and that anyone can find themselves in prison due to defending any opinion. From now on, anyone can be declared a “spy”!
- Istanbul 37th Assize Court accepted the application of arrested lawyers Ebru Tmtik and Aytaç Ünsal, who are on an indefinite hunger strike for the right to fair trial, and decided for them to be examined at the Forensic Medicine Institute in order to determine whether their health conditions allow them to stay in prison. The institute evaluated that it isn't fit for neither of the lawyers to stay in prison in this state of health. However, the court denied the claims for their release.
- Human Rights Watch drew attention to the increase in the applications of torture and mistreatment by police and guards in Turkey and stated that the politics of impunity encourages security forces for torture. The report, “Turkey: Police and Guards Apply Torture and Mistreatment” indicated that Turkey protects its record of being a Council of Europe government that violates the European Convention of Human Rights the most. [Please click here](#) for the full report.



*Our weekly video programme “[COGITO ERGO SUM](#)” in which we track developments of freedom of expression is on our [YouTube Channel](#) every Friday and on CanTV every Saturday at 22:00...*

*[Please click here](#) for all of our video bulletins...*



### **Indictment against arrested journalist Rawin Sterk Yıldız**

An indictment was prepared against Rudaw TV reporter Rawin Sterk Yıldız, who was detained and arrested in Pazarkule district of Edirne, where he went to report news on the situation of refugees

heading towards the Greek border in March. The indictment, claiming Yıldız to be sentenced due to “making illegal organization propaganda” and “making illegal organization membership,” was accepted by Istanbul 34th Assize Court. The first hearing of the lawsuit will be held on September 2.



### **Bia launches 3-month media monitoring report**

Independent Communication Network (BIA) launched its April-June 2020 Media Monitoring Report. According to the report, journalists have faced investigations, lawsuits, detainments and arrests due to their criticisms of the ruling power’s policies on the economics and foreign policies during the Coronavirus period. At least two

journalists were arrested, six journalists were detained, two journalists were exposed to physical violence and seven of them were threatened. 82 journalists continued to be prosecuted in 50 ongoing cases. On the other hand, six journalists are still on trial with a total imprisonment sentence for up to 28 years with the allegation of “insulting the President” through their opinions and criticisms against Erdoğan. [Please click here](#) for the full report.



### **Police intervention against Saturday Mothers**

On the 800th week of their search for justice, relatives of those missing wanted to leave carnations at Galatasaray Square, which became a symbol of their search. The police intervened against the relatives, including Maside Ocak and Yaşar Aktaş and detained some. The press was not allowed to record visuals during the intervention. The Saturday Mothers are being prevented from

entering the square for exactly 100 weeks.



### **Prosecutor claims HDP is “so-called party”**

In the indictment prepared in Gaziantep against 61 politicians, 35 of whom are arrested, the Prosecutor claimed that the People’s Democratic Party (HDP), which became the third party in Turkey with 5 million 866 thousand votes in the last elections, is a “so-called party” and claimed that the party activities are considered a crime.

Defendants, including HDP executives, will start to stand trial on November 23 at Gaziantep 2nd Assize Court due to “illegal organization membership” and “making illegal organization propaganda.”





### **Access bans**

The news published on Sözcü, T24, OdaTV and toplumsal.com.tr on the Parliamentary motions made by Parliament members and were unanswered by the Ministry of Finance and Treasury were banned from access by Ankara 8th Criminal Judicature of Peace. 21 URLs involving news on Fatma Altınmakas, who was raped and

killed by the man she was married to, was banned from access by Muş Malazgirt Criminal Judicature of Peace.



### **Mayor censors local press**

The column of sifrehaber.com Editor-In-Chief Bülent Öztürk was banned from access by Denizli 1st Criminal Judicature of Peace following the complaint of Justice and Development Party member Denizli Mayor Osman Zolan. The column debated the allegations of corruption in Denizli Municipality, which were witnessed by former Justice and Development Party Denizli

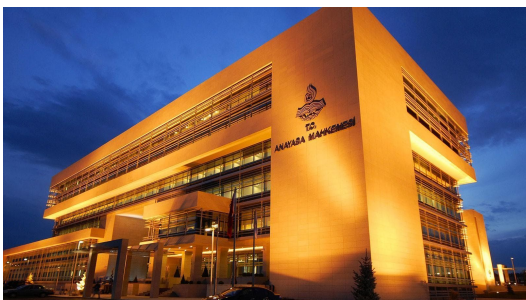
Merkezefendi district Chairman Ahmet Kayhan and were recorded in court summaries; asking whether these allegations were investigated or not.



### **Constitutional Court issues rights violation decree**

The Constitutional Court has decided on the application of “secular scientific education march”, which was organized by nine Education and Science Workers’ Union in Izmir in 2015 and was prevented by the police. The court indicated that the prevention was a rights violation and that Article 34 of the Turkish Constitution was

violated.



### **Constitutional Court issues compensation for torture under impunity**

In the application of Feride Kaya, who was tortured at the gendarmerie office she was taken to after being detained in 2002, the Constitutional Court issued a decree of rights violation as well as for 90 thousand Turkish Liras of compensation to be paid to the victim. The Constitutional Court

emphasized that there is a responsibility that investigations within the mistreatment ban must

not be exposed to time limitation, saying, “judicial authorities were not as sensitive as needed, remaining silent and therefore tolerated illegal actions constituting the crime of torture.”



### **Protest ban in Governorates in six provinces**

Protest and demonstration bans were announced with various periods in Adana, Adıyaman, Denizli, Gaziantep, Hatay and Sinop. The bans were based on the pandemic.



### **Administrative Court issues stay of execution of RTUK decree**

Ankara 3rd Administrative Court has issued a stay of execution against the five-day media blackout issued by the Radio and Television Supreme Council against Halk TV. The court based its decree on the public violation of the right to information and press freedom.



### **TRIALS OF FREEDOM OF EXPRESSION**

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