

Think, think...



Freedom of Expression Weekly Bulletin (Issue 40/20 - October 2, 2020)

What happened last week?

- The new legislative session of the Parliament started on Thursday. The first agenda of the Parliament's General Assembly was the Presidential mandate, which extended the period of military operations of Turkey abroad, including Iraq and Syria. The voting will be held next week. Topics of "death penalty" and "changes in the internal byelaw of the Parliament" already started to be presented by pro-ruling party members. Erdoğan spoke at the opening ceremony of the Parliament and said, "In case the Parliament takes a step for a death penalty regulation, I will gladly approve it."
- As the "Nagorno-Karabakh" crisis is heating up between Armenia and Azerbaijan, the fear of Turkish citizen Armenians started to increase. A convoy was organized in front of the Armenian Patriarchate and in Balat district with Azerbaijan and Turkish flags.
- As tensions between the Constitutional Court and the government are ongoing, Nationalist Movement Party leader Bahçeli wanted the structure of the court to be "suited more to the Presidential system", which was later supported by Erdoğan. However, the high court didn't go against the government in the application against the regulation on multiple Bar Associations, which was enacted despite all objections of lawyers and the opposition.
- The final decision on the application made at the Constitutional Court against the arrest of Osman Kavala, who is in prison for 1065 days, was postponed. Only a few hours later, a second indictment against Kavala was prepared.
- A new debate is on agenda related to the debates of "transparency" in the announcement of data for the COVID-19 pandemic. The Health Minister stated that "those tested positive for COVID-19 but don't show any symptoms" are not included in the COVID-19 case numbers. Thus, the unreliability of the data announced was officially confirmed. So the government has controlled the numbers, instead of the pandemic itself - the reason is, "protecting the interests of the government (!) besides public health." Experts started to update predictions on the number of COVID-19 carriers in Turkey, as the country defines the case numbers differently from international organisations like the World Health Organization and the European Centre for Disease Prevention. The predictions claim that there are more than 4 million infections in Turkey...
- Ankara Chief Public Prosecutor Yüksel Kocaman, who was recently on the agenda with news like, "Vacation with a helicopter" and "post-wedding Palace visit", brought back the Kobani investigation six years later. With the investigation, operations against the HDP continue with full speed and the wills of millions of electors continue to be targeted. Kars Co-Mayor Ayhan Bilgen, who was detained on September 24 within the "Kobani investigation" opened six years later, has resigned, saying, "I am too old to play a game of democracy."

- Despite harsh objections of the opposition, the ruling power had enacted a nine-article social media censorship regulation in July and the regulation entered into force by October 1st. The regulation forces social media platforms to open representative offices in Turkey.



Kobani Operation

20 people, who were detained in the operation started by Ankara Chief Public Prosecutor's Office against People's Democratic Party Central Executive Council members and former Parliament members due to the October 4-6, 2014 Kobani incidents, were sent to the court with claims of arrest after one week under custody. Sırrı Süreyya Önder, Gülfer Akkaya

and Altan Tan were released with judicial measures and 17 People's Democratic Party politicians, including Kars Co-Mayor Ayhan Bilgen, were arrested. According to the statement made by the Chief Prosecutor's Office, summaries will be prepared against 7 People's Democratic Party members within the investigation.



Operation against Kars Municipality

Kars Co-Mayor Ayhan Bilgen, who was detained on September 24 within the "Kobani investigation" opened six years later, has resigned, saying, "I am too old to play a game of democracy." Immediately afterwards, the police raided many houses in Kars and detained 19 people, including Kars Co-Mayor Şevin Alaca, deputy mayors and Provincial General Assembly members. In his resignation, Bilgen

had mentioned that five parties could make an agreement inside the municipal assembly and create a new administration. Shortly after the derainments, Co-Mayor Alaca, Deputy Mayor Muazzez Çağrı Tekinci, Kars Provincial General Assembly members Halil Kan and Suat Bayhan, Municipal Assembly members, Kaya Naki, Fahrettin Kaya, Ömer Albayrak were dismissed from their positions. After the arrest of Ayhan Bilgen within the Kobani investigation, a trustee was appointed to the municipality with an Interior Ministry decree.



Second indictment against Kavala

The final decision to be made on the individual application made by Osman Kavala at the Constitutional Court, claiming that his arrest is unlawful, was postponed by the First Section of the Constitutional Court. Kavala has been kept in prison since November 2017 and was re-arrested due to "espionage" despite his acquittal in the Gezi Park Case. A few hours

after the postponement, a second indictment was prepared against Kavala related to the charge of espionage imposed against him, and it was sent to Istanbul 36th Assize Court.



Three arrested in “Unnamed Movement Operation”

Three of the 19 people, who were detained in the simultaneous operations organized on September 25 within the “Unnamed Movement” investigation were arrested due to “insulting the President.” Writer Temel Demirer made a statement in front of Istanbul Courthouse in Çağlayan after being released

and said, “The more they try to make things difficult for us with baseless files and lies, we multiply. We are right and we will win.”



Indictment accepted against journalists charged with “espionage”

The indictment prepared against TELED Ankara Representative İsmail Zeki Dükel, who was released in the same investigation as OdaTV Ankara News Director Müyesser Yıldız, was accepted by Ankara 26th Assize Court. An imprisonment sentence was claimed against the journalists for up to 17 years and six

months due to “revealing confidential information related to the security or interests of the state.”



2 journalists arrested over reporting sexual harassment

Kocaeli Halk Daily owner Faruk Bostan and Managing Editor Bülent Karagöz were arrested due to “slander” through the news article, entitled, “Rape gang of Kartepe AKP” on the sexual abuse allegations in Kartepe district of Kocaeli.



6-year 3-month imprisonment against HDP MP Bülent Uyguner

Former People’s Democratic Party Assembly member Bülent Uyguner, who is arrested in remand since November 2019, was sentenced to 6 years and three months of imprisonment due to “illegal organization membership.” Istanbul 32nd Assize Court issued the release of Uyguner.



Imprisonment claim against lawyers

The Prosecutor's Office presented their opinion on the basis in the lawsuit filed against lawyers Ayşe Batumlu, Levent Pişkin and Cahit Kırkazak, who are on trial at Bursa 8th Assize Court, and claimed for them to be convicted due to "terrorist organisation membership" and "making terrorist organisation propaganda." The meeting Pişkin held in 2016 with Selahattin Demirtaş in prison; social media

posts of the lawyers and their Whatsapp activities constituted the evidence that led to the allegation. It was further considered a crime for the interview of Demirtaş being published on Der Spiegel was made through lawyer Pişkin.



Warrant against journalist Nuri Akman

A warrant was issued against previously shut-down Dicle News Agency reporter Nuri Akman, who is on trial at Malatya 2nd Assize Court due to "terrorist organisation membership". The warrant was based on his lack of defense. The next hearing was scheduled for November 12nd. 6 years and three months of imprisonment was previously sentenced against Akman due to his social

media posts and news he made in Rojava, and the decree was reversed by the appeal court.



Access ban against news websites

Gaziantep 2nd Criminal Judicature of Peace issued access bans against the websites of sendika.org, Mesopotamia Agency and Yeni Demokrasi. sendika.org has previously censored for 62 times and the Constitutional Court had issued a decree of rights violation against these access bans; thus with this decree, it was banned from access for the 63rd time. In the

other hand, Mesopotamia Agency was banned from access for the 23rd time and the website of Yeni Demokrasi for the 7th time. The website of Yeni Yaşam Daily was also banned from access with a decree issued by Hatay 1st Criminal Judicature of Peace.



Diyarbakır'da gözaltı operasyonu

Diyarbakır'da Demokratik Toplum Kongresi (DTK) soruşturması kapsamında düzenlenen ev baskınlarında, hakkında yakalama kararı çıkarılan 17 kişiden 14'ü gözaltına alındı. Diyarbakır Cumhuriyet Başsavcılığı'na

yürütülen soruşturma kapsamında gazeteci Hakkı Boltan'ın evine polis tarafından baskın düzenlendi. Evde yapılan aramanın ardından Boltan gözaltına alındı. Boltan'la birlikte, aralarında Eğil Belediyesi Eş Başkanı Gülistan Ensarioğlu, HDP yöneticileri ve KESK üyelerinin de olduğu çok sayıda kişinin gözaltına alındığı öğrenildi.



Gazeteci Merdan Yanardağ hakkında soruşturma

TELE1 TV Genel Yayın Yönetmeni ve Birgün gazetesi yazarı Merdan Yanardağ hakkında düğününden sonra Cumhurbaşkanı Erdoğan'ı ziyaret eden Ankara Cumhuriyet Başsavcısı Yüksel Kocaman'la ilgili haber gerekçesiyle soruşturma açıldı. Gazeteci sevk edildiği mahkemeye adli kontrol şartıyla serbest

bırakıldı. Yanardağ hakkında yurtdışına çıkış yasağı konuldu.



Blackout against Halk TV

Objections made against the “5-day screen blackout” issued against Halk TV by the Radio and Television Supreme Council (RTÜK) due to the expressions of show host Ayşenur Arslan and her guest Hüsnü Mahalli on June 16, 2020, were denied by the court. Halk TV screens were on blackout on the night of September 27th.



Access bans against news

Bakırköy 6th Criminal Judicature of Peace issued an access ban against the news on arbitrary assignments published in Cumhuriyet Daily and Diken news website in November 2017, as well as the news article, “investigation against Court of Cassation member” by Gökçer Tahincioğlu on T24 were banned from access with a decree issued by Bakırköy 6th Criminal

Judicature of Peace.



“Explicit” books...

The book, “Freedom of Expression: Principles and Turkey” was found explicit and not handed to the prisoners at Diyarbakır Women's Penitentiary Institute. The book involves an article by Constitutional Court Chairman Zühtü Arslan.



Media blackout

One of the two villagers, who were indicated to have been detained in Çatak district of Van on September 11, 2020; tortured and thrown out of a helicopter, Servet Turgut has lost his life. Van Chief Public Prosecutor's Office has issued a confidentiality decree and media blackout on the file within the investigation opened on the incident. On the other hand, the police intervened against the house of condolences for

Servet Turgut, who was hospitalised heavily wounded and then lost his life after having been detained by the soldiers on military operation in Çatak district of Van on September 11. People's Democratic Party (HDP) Parliament member Hüda Kaya and other visitors were prevented from making statements and press members were kept away from the condolence house.



Administrative fines by RTÜK

Administrative fines were issued against Fox TV, Kanal D and TELE 1 TV channels in the weekly meeting of the Radio and Television Supreme Council (RTÜK). The penalties were based on audience complaints against the series, "Yasak Elma" on Fox TV in the line of "disrespect against Qur'an"; against the series "Yeni Hayat" on Kanal D in the line of

"disrespect against Adam, His Holiness"; and against "Karanlıktan Aydınliğa" on TELE 1 in the line of "slander against the Religious Vocational High School community."



TRIALS OF FREEDOM OF EXPRESSION

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily executives Reyhan Çapan, Hüseyin Aykol and writers İslam Tüner, Lütfi Yavuzaslan, Methi Kaya, Hasan Başak and Kemal Yakut with allegations of "making terrorist organisation propaganda," "praising the crime and the criminal" and "public incitement to commit crime" due to the news published in the newspaper's issue in March 2016 on "self-administration"...

Court: Istanbul 13th Assize Court

Verdict: The court decided to wait for the execution of the warrants issued against Kemal Yakut and Hasan Başak, for them to testify and scheduled the next hearing for December 3, 2020.

Sebnem Korur Fincancı Case

The lawsuit filed against the Human Rights Foundation of Turkey (TIHV) Chair Prof. Dr. Şebnem Korur Fincancı with the allegation that she has “insulted” Recep Tayyip Erdoğan when he was Prime Minister, due to the tweet she posted during the Gezi Park protests...

Court: Istanbul Anatolian 42nd Criminal Court of First Instance

Verdict: Fincancı and her lawyer didn’t attend the hearing with an excuse. The next hearing was scheduled for February 16, 2021.

Hayko Bağdat Case

The lawsuit filed against journalist Hayko Bağdat due to “insulting the President” based on the expressions he used on Bugün TV in 2015...

Court: Istanbul 51st Criminal Court of First Instance

Verdict: The prosecution of the journalist, who resides in Germany, will continue on February 2, 2021.

Vedat Dağ Case

HDP Diyarbakır İl Örgütü’nün Basın Danışmanı Vedat Dağ’ın haber takibini yaptığı HDP etkinliklerine katılması, etkinlikleri sosyal medya hesabından paylaşması ve gizli tanık ifadeleri gerekçe gösterilerek “örgüt üyeliği” ve “örgüt propagandası” suçlamalarıyla yargılandığı dava...

Court: Diyarbakır 11th Assize Court

Verdict: The prosecution of Dağ will continue on January 27, 2021.

HEARINGS NEXT WEEK

Arafat Dayan Case

The lawsuit filed against Demokratik Ulus Daily’s Managing Editor and Owner Arafat Dayan due to “making illegal organisation propaganda” through the news and articles published in the newspaper in 2012...

October 6, Tuesday at Istanbul 23rd Assize Court

Aysegül Doğan Case

The lawsuit filed against previously shut-down IMC TV’s Program Coordinator Ayşegül Doğan, who was charged with “establishing and managing an armed terrorist organisation” based on her meetings with Democratic Society Congress (DTK) executives within her journalistic activities, as well as the interviews she made and events she participated in...

October 7, Wednesday at Diyarbakır 9th Assize Court

Necla Demir Case

The lawsuit filed against journalist Necla Demir, who is charged with “insulting the President” through the news entitled, “Wikileaks documents reveal: Erdoğan drags the country towards civil turmoil” and “RedHack members speak: Why they hacked Albayrak” published on October 6 and 10, 2016 on Gazete Karınca website...

October 8, Thursday at Istanbul Bakırköy 8th Criminal Court of First Instance

Ender İmrek Case

The lawsuit filed against Evrensel Daily columnist Ender İmrek due to insulting Emine Erdoğan through his column, entitled, “Hermes Purse”...

October 8, Thursday at Istanbul Bakırköy 2nd Criminal Court of First Instance

Oktay Candemir Case

The lawsuit filed against journalist Oktay Candemir due to “insulting the President” with his social media post on the trustee operations against municipalities...

October 8, Thursday at Van 3rd Criminal Court of First Instance

Seyhan Avcı and Necdet Önemli Case

The lawsuit filed against Cumhuriyet Daily’s courthouse reporter Seyhan Avcı and Sözcü Daily’s online managing editor Necdet Önemli due to “targeting a public officer, who has taken part in the fight against terrorism” through the news article published on March 6, 2019 with the title, “Ex-Con Sözcü Prosecutor” on the Prosecutor preparing the first indictment of the file against Sözcü Daily writers and executives...

October 9, Friday at Istanbul 29th Assize Court

Sertaç Kaya Case

The lawsuit filed against journalist Sertaç Kaya, who is charged with “establishing and managing an armed terrorist organisation” based on his Democratic Society Congress activities and protests he followed as a reporter of Dicle News Agency...

October 9, Friday at Diyarbakır 10th Assize Court