

Think, think...



Freedom of Expression Weekly Newsletter (Issue 41/20 - October 9, 2020)

What happened last week?

- Turkey's intervention in the Presidential elections in Northern Cyprus created a crisis. Northern Cyprus Prime Minister Ersin Tatar and President Erdoğan made a "Maraş Initiative" in Ankara only four days before the elections, which created an earthquake effect on the island. Erdoğan and Tatar's announcement that Maraş, which has been closed since 1974, to be opened for visits, has caused the government to fall in Northern Cyprus. Northern Cyprus Government partner People's Party (HP) stated that the initiative is a bribery for the elections and decided to withdraw the coalition.
- The difference between the reality of the Turkish economy and the official records continue to rise. Even though the Ministry of Finance Albayrak is "not interested in the exchange rates," the value loss of the Turkish Lira continues. US Dollar reached the border of 8 TL and Euro at 10 TL.
- As economical data continue to worsen every day, President Erdoğan continues to claim in every opportunity that the country is thriving and advised the citizens not to get spoiled with wealth and to be patient in poverty. As Erdoğan advised the citizens to be patient, the yearly expense of the Presidency in 2019 became 3.6 billion Turkish Liras, four times as much when compared to the previous year. The daily expenses of the palace reach 10 million Turkish Liras.
- The European Commission 2020 Progress Report stated that Turkey continues to be one of the most important partners of the European Union, but there is no progress in the membership process of Turkey (especially in terms of necessary reforms, democracy, basic rights, supremacy of law, judicial independence, freedom of expression and press freedom). On the contrary, it was indicated that there is regression in many of these areas.
- Interior Ministry issued a ban against all meetings and events of NGOs and professional organizations until December 1 due to the Coronavirus. After the circular, the Higher Electoral Council (YSK) also decided that Bar Association elections may not be held in case the Provincial/District Institutions for Public Sanitation decide otherwise; whereas allowed for political party congresses to be held. Even though the first electoral general council calendars have started after the multiple Bar Associations regulation, Bar Associations General Assemblies are not permitted due to the "pandemic".
- Governor Türker Öksüz, who was appointed as trustee to replace Kars Mayor Ayhan Bilgen after he was arrested within the "Kobani investigation," entered the municipality building with his army of guards. All entrances to and exits from the municipality were closed and trustee Öksüz prayed in front of the municipality building as his first action. Then, he annulled the Municipal Assembly, which was composed of members of five elected parties.

- The reasoned decree of the Constitutional Court, which unanimously denied the allegation that the regulation on the Law of Execution carries the quality of an amnesty, was announced. Annotations were put against the decree by eight members, including Chairman Zühtü Arslan. Members indicated that the regulation is indeed like an amnesty and that it is against the Constitution that a qualified majority was not sought as it passed the Parliament.
- Details of the second indictment prepared against Osman Kavala, on the 1063rd day of his arrest, were revealed. The indictment prepared against businessman and rights advocate Osman Kavala and presented to Istanbul 36th Assize Court was accepted. *Details in the newsletter...*



Heavy life imprisonment claim against Kavala

Details of the second indictment prepared against Osman Kavala, on the 1063rd day of his arrest, were revealed. The indictment prepared against businessman and rights advocate Osman Kavala and presented to Istanbul 36th Assize Court was accepted. The indictment claimed that he took part in the

Gezi Park protests and the July 15 coup attempts, both of which he was previously prosecuted and was acquitted of. The indictment claimed heavy life imprisonment against Kavala due to preparations of the coup attempt and “changing the Constitutional order,” as well as an imprisonment claim for up to 20 years due to “political and military espionage.” The indictment further claimed heavy life imprisonment against Henri Barkey.parkı eylemleri, "halkı kin ve düşmanlığa tahrik eden proje" olarak tanımlandı.



Four journalists detained in Van

Houses of four journalists in Van, including Mesopotamia Agency (MA) bureau and Jinnews’ Van reporters, were raided by the police early in the morning. Mesopotamia Agency reporters Adnan Bilen and Cemil Uğur; as well as Jinnews reporters Şehriban Abi and journalist Nazan Sala were detained during the raids. Detained journalist Cemil Uğur had revealed that Servet Turgut and

Osman Şiban, who were detained by soldiers on an operation in the rural Çatak district of Van, were thrown off a helicopter, with documents. Turgut has lost his life after remaining in the Intensive Care Unit for many days, after being thrown off the helicopter. The detained journalists were restricted from seeing their lawyers for 24 hours.



Can Dündar’s assets confiscated

Istanbul 14th Assize Court indicated that Can Dündar hasn’t surrendered in the 15-day period allowed for him within the lawsuit on the stopping of National Intelligence Agency Trucks; and decided for Dündar to be considered a “fugitive.”



Journalist Ayser Çınar acquitted

Journalist Ayser Çınar was acquitted in the first hearing of the lawsuit filed against her at Ankara 22nd Assize Court due to “making terrorist organisation propaganda” after having been detained on February 18, 2020 due to her social media posts.



Lawsuit against trustee protest

The latest hearing of the lawsuit filed against 38 people, including journalists Taylan Özgür Öztaş and Tunahan Turhan with the allegation of “violating the Law on Meetings and Demonstrations No. 2911” due to the protest organized in Kadıköy district of Istanbul on the trustee operations against People’s Democratic

Party (HDP) municipalities, was held at Istanbul Anatolian 13rd Criminal Court of First Instance. The next hearing was scheduled for March 4.



Journalists Kaya and Sayılğan stand trial in first hearing

Journalists İdris Sayılğan and Naci Kaya stood trial in the first hearing of the lawsuit filed against them due to “unpermitted crossing in the forbidden military zone”, after they were detained in Edirne as they were there to track news on the refugees heading towards the border. Kaya and Sayılğan attended the hearing at Edirne 8th Criminal Court of First Instance from Istanbul Courthouse in Çağlayan with the

Audiovisual Information System (SEGBIS) and the next hearing was scheduled for January 27, 2021.



Journalist Sertaç Kayar acquitted

The lawsuit filed against journalist Sertaç Kayar at Diyarbakır 10th Assize Court due to “establishing and managing an armed illegal organization” based on the Democratic Society Congress activities and protests he followed as the Dicle News Agency reporter, was concluded with acquittal.



Acquittal for trustee protest

Kurdistan Communist Party member Yaşar Kazıcı, who was on trial at Diyarbakır 10th Criminal Court of First Instance due to “public incitement towards resentment and hostility” through the speeches he gave during the protests started after trustees were appointed to Diyarbakır Metropolitan Municipality on August 19, 2019, was acquitted.



Lawsuit against post on Newroz concludes with acquittal

Journalist and documentary-maker Fatih Pınar was acquitted of the charge of “making terrorist organisation propaganda” due to sharing a photograph he took during the Newroz celebrations in Diyarbakır in 2014 with the tag, #NewrozPirozBe.



Mahmut Alnak detained

A warrant was issued against politician, writer and rights advocate Mahmut Alnak due to “insulting the President.” Alnak was detained and was later released after testifying.



Governorate bans protests before miners' march

The march of Uyar Mining workers, whose indemnities are not paid for eight years in Soma district of Manisa towards Ankara, organized on October 12, was banned by Manisa Governorate due to the Coronavirus.



Constitutional Court does not recognise State of Emergency period

The application of violation made by arrested former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ at the Constitutional Court on her meetings with her lawyers having been recorded, was denied by the Constitutional Court. The court based the denial on the records being taken "during the

State of Emergency."



Access bans against news websites

An access ban was issued against the website of Rudaw, which reports from the Iraqi Kurdistan in Kurdish, Arabic, English and Turkish, with a decree of Balıkesir 2nd Criminal Judicature of Peace, dated October 6, 2020. An access ban was issued against Germany-based news website nupel.net with a decree of the Information Technologies and

Communications Authority. The ban was based on the Diyarbakır 3rd Criminal Judicature of Peace decree, dated October 6, 2020 with the number 2020/3222.



GENEL MERKEZ AÇIKLAMALARI MANŞET
Ağrı Şube Başkanımız Atilla Özbey ve Yöneticimiz Emin Yıldız Serbest Bırakılsın

Basın Açıklamaları

Human Rights Association: Release rights advocates in Ağrı

Human Rights Association (İHD) demanded for the Human Rights Association (İHD) Ağrı Chairman Atilla Özbey and executive Emin Yıldız, who were detained from their houses on October 6 based on the press statements they made, demonstrations and meetings they participated in; to be released. The association indicated that the authoritarian government continues its politics of pressure through the judiciary, treating legal and legitimate activities like crimes. The association further stated, "It was revealed even more with the latest operation in Ağrı that Turkey does not comply with the United Nations Declaration on Human Rights Defenders."



TRIALS OF FREEDOM OF EXPRESSION

Case Against Trustee Protest

The lawsuit filed against 38 people, including journalists Taylan Özgür Öztaş and Tunahan Turhan, with the allegation of “violating the Law on Meetings and Demonstrations No. 2911” due to the protest organized in Kadıköy district of Istanbul on trustee operations against People’s Democratic Party (HDP) municipalities...

Court: Istanbul Anatolian 13th Criminal Court of First Instance

Verdict: The court decided to revoke the judicial measures of the defendants, who made their defenses, and scheduled the next hearing for March 4, 2021.

Ahmet Telli Case

The lawsuit filed against poet Ahmet Telli due to “insulting the President” through the posts made by a fan page opened with his name...

Court: Ankara 22nd Criminal Court of First Instance

Verdict: The next hearing of the case was scheduled for January 7, 2021.

Hakkı Boltan Case

The lawsuit filed against journalist Hakkı Bultan due to “insulting the President” and “insulting a public officer because of his duty” through the press statement he made on the killing of Azadiya Welat Daily’s former Managing Editor Rohat Aktaş during the curfews in 2016...

Court: Diyarbakır 12th Criminal Court of First Instance

Verdict: The next hearing of the case was scheduled for December 22, 2020.

Aysegül Doğan Case

The lawsuit filed against previously shut-down IMC TV’s Program Coordinator Aysegül 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...

Court: Diyarbakır 9th Assize Court

Verdict: The Prosecutor claimed for Doğan to be sentenced to imprisonment for up to 15 years. The next hearing was scheduled for December 7, 2020.

Can Ataklı Case

The lawsuit filed against journalist Can Ataklı due to “denigrating a certain part of society based on social class, religion, gender differences” through his expression criticising that teachers wearing scarves are being shown as role models to students as he was hosting the show, “Gün Başlarken” on TELE 1 on February 26, 2020...

Court: Istanbul 22nd Criminal Court of First Instance

Verdict: Ataklı and his lawyers didn’t attend the hearing with excuses and the next hearing was scheduled for January 13, 2021.

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...

Court: Van 3rd Criminal Court of First Instance
Verdict: The next hearing was scheduled for March 4, 2021.

HEARINGS NEXT WEEK

Uğur Güç Case

The lawsuit filed against journalist Uğur Güç due to “insulting a public officer” through the news published on Sol Haber website, where he is the Managing Editor, on July 4, 2019 with the title, “Court did what foul-mouthed lawyer wanted: Imprisonment sentence against Işıl Özgentürk”...

October 12, Monday at Istanbul Anatolian 29th Criminal Court of First Instance

Rojhat Doğru Case

The lawsuit filed against former Geli Kurdistan TV former cameraman due to “disrupting the unity and the territorial integrity of the state,” “illegal organisation membership” and “making illegal organisation propaganda” through his social media posts, his participation in the Kobanê protests on October 6-8, 2014 in order to follow news information, as well as interviews he conducted on various dates...

October 13, Tuesday at Diyarbakır 8th Assize Court

Deniz Yücel Case

The lawsuit filed against journalist Deniz Yücel due to “insulting a public officer” through his social media post on the Prosecutor, who prepared the indictment against the Gezi Park protests...

October 13, Tuesday at Istanbul 24th Criminal Court of First Instance

Birgün/ Fuat Avni Case

The lawsuit filed against BirGün Daily’s Managing Editor Barış İnce, Executive Board Member Bülent Yılmaz, Managing News Director Cansever Uğur and Executive Board Chairman İbrahim Aydın due to “willfully aiding and abetting an armed terrorist organisation without membership” based on the news published in the newspaper on Fuat Avni between the years 2014 and 2016...

October 13, Tuesday at Istanbul 32nd Assize Court

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “insulting a public officer” through his social media posts in 2016...

October 13, Tuesday at Istanbul Büyükçekmece 16th Criminal Court of First Instance

“MIT Trucks” Case

The lawsuit filed against journalist Can Dündar due to “obtaining confidential information on the state with the purpose of espionage” and “aiding an armed terrorist organisation” and “attempting coup” through the publication of the news in Cumhuriyet Daily regarding Turkish Nationalist Intelligence (MIT) Trucks carrying ammunition to Northern Syria...

October 14, Wednesday at Istanbul 14th Assize Court

Ayhan Bilgen Case

The lawsuit filed against previously shut-down Özgür Gündem Daily’s Editorial Advisory Council member Ayhan Bilgen due to “disrupting the unity and the territorial integrity of the state,” “illegal organisation membership” and “making illegal organisation propaganda”...

October 15, Thursday at Istanbul 24th Assize Court

Sabiha Temizkan Case

The lawsuit filed against journalist Sabiha Temizkan with the allegation of “public incitement towards resentment and hostility” through a Twitter post that said, “Mahmur camp was taken by ISIS”...

October 15, Thursday at Istanbul 35th Assize Court

Sadık Topalođlu and Sadiye Eser Case

The lawsuit filed against Mesopotamia Agency (MA) reporters Sadık Topalođlu and Sadiye Eser with the allegation of “illegal organisation membership”...

October 15, Thursday at Istanbul 22nd Assize Court