

Think, think...



Freedom of Expression Weekly Newsletter (Issue 49/20 - December 11, 2020)

What happened last week?

- In the press meeting he organised before his visit to Baku, President Erdoğan evaluated Turkey's relations with the EU and the U.S. as well. Answering questions, he said, *"We will not be protecting the so-called rights of terrorists like Dermitaş, and the judiciary will not allow that."* [Please click here](#) for details.
- In his December 10, World Human Rights Day message, Erdoğan said, *"We have carried our country to a greater point when compared to 18 years ago, in terms of rights and freedoms."* According to rights organisations, however, Turkey has a much worse grade report in 2020 than in previous ones in the field of human rights. **Details in the newsletter...**
- The Ministry of Commerce decided, "after consumer complaints," for all LGBTI+ products to be sold in both online and physical stores with the inscription and warning of being 18+. With the decision, the ministry claims to be protecting children.
- A consensus was reached in the eU Leaders Summit on additional sanctions to be applied to Turkey. Those participating in the drilling activities in Eastern Mediterranean were decided to be added to the sanction list. The extension of the scope of sanctions will be on the agenda in March.
- As the Turkish economy slows down and employment rates decrease, the unemployment rates are decreasing as well! According to the Turkish Statistical Institute data, the unemployment rate decreased by 1.1 points compared to the same month of the last year, regressing to 12.7!
- People's Democratic Party (HDP) Group Deputy Chairman Saruhan Oluç announced that four bugs were found inside the Istanbul Provincial Building of their party and that they were inactivated.
- Google launched the most searched expressions in Turkey in 2020. The top expression in the list is "EBA", which is the remote education system, followed by "How many TLs is a Dollar?" The first ten included the "Coronavirus," "Ministry of Health" and the "US Presidency Elections." [Please click here](#) for details.
- The Constitutional Court announced the reasoned decree on the denial of the application to annul the regulation that allows new Bar Associations to be established upon at least 2 thousand lawyer signatures in provinces with more than 5 thousand lawyers, the regulation known as the "multiple Bar Association" regulation. In this decree, it was [revealed](#) that Chief Judge Zühtü Arslan and four members have used votes against it.
- "805 Citizens" [demanded](#) with a petition launched on December 10-17, Human Rights Week, for the opposition party to take responsibility for the right to secure and peaceful life.
- Many women started disclosing harassments from men in the literary circle. The chain started with the women claiming to be harassed by Hasan Ali Toptaş, who is

considered to be one of the most important names of Contemporary Turkish Literature, and continued with Hüseyin kiran, Bora Abdo and Ali Lidar... Prominent publishing houses announced that they will no longer work with certain names, i.e. İletişim Publishing with Bora Abdo and Everest Publishing with H. Ali Toptaş.

- The numbers of the COVID-19 pandemic continue to worsen and the vaccination calendar continues to be ambiguous. Deaths due to the pandemic continued above 200 daily all week, according to the numbers announced (but also debated on their truth) by the Ministry.



12th Istanbul Gathering for Freedom of Expression, which is held biennially since 1997, was held online due to the pandemic. 43 organisations from Turkey and worldwide participated in the gathering, which was broadcasted on our [YouTube channel](#) between the dates December 10-13, 2020 in four sessions...



We continue to record violations of freedom of expression in Turkey together with the Human Rights Association and the Human Rights Foundation of Turkey, through monthly video conferences. [Please click here](#) for our What's Goin' On? November 2020 report...



573 torture applications in 11 months

The Human Rights Foundation of Turkey (TIHV) and the Human Rights Association (IHD) made a joint declaration for December 10, Human Rights Day and shared [data on violations of human rights that happened in Turkey in 2020](#). The rights organisations underlined that we are under global conditions of crises that have political, social, economical, ethical etc. dimensions affected by the

pandemic as well on the 72nd anniversary of the Universal Declaration of Human Rights. Here are some of the highlights of what the rights organisations have identified:

- Even though the Constitution as well as the universal law bans torture and even though it is a crime against humanity, **torture has become one of the most common human rights issue in 2020 in Turkey**. Torture and other mistreatments have gained a new dimension and intensity in Turkey and in the first 11 months of 2020, 573 people have applied to the Human Rights Foundation of Turkey (TIHV) in total due to having torture or other mistreatment.
- The political ruling's **restrictions against freedom of expression and thought** that started with the declaration of the State of Emergency **continued in 2020 with worryingly increasing pressure and control**, especially against the press. According to the data of the Human Rights Foundation of Turkey (TIHV), 62 press workers and 2 writers were detained in 11 months; 25 press workers were arrested. 253 journalists and press workers were prosecuted in 132 lawsuits filed against them and 32 journalists were sentenced to a total of 131 years, 8 months and 22 days of imprisonment and 14,660 TL penalty fine in concluded lawsuits. Investigations were started against 41 journalists. At least 28 people were detained and three people were arrested due to violating Article 299 of the Turkish Criminal Code (TCK) regulating the crime of insulting the President. Access bans were issued against 165 news articles, 862 websites, 10 social media accounts and 71 online content with court decrees. According to data by the Interior Ministry, 29,019 social media accounts were examined in total between the dates January 1, 2020 and November 1, 2020 and judicial actions were taken against 12,163 social media users.
- Just like the previous year, 2020 has become a year where **restrictions and violations in terms of the freedom of meeting and demonstration became a rule and the use of such freedoms an exception**. All protests and events were banned 115 times by Governorates and district Governorates in 35 provinces for at least a day and for 30 days the longest. The period of protest and event bans issued continuously by the Governorate in Van reached 4 years. According to the data by the Human Rights Foundation of Turkey (TIHV), at least 731 peaceful meetings and demonstrations were intervened, 1929 people were detained in 11 months and at least 2190 people were exposed to torture and mistreatment during such interventions according to the Human Rights Association (IHD).



6-year 3-month imprisonment sentence against journalist Ayşegül Doğan

Previously shut-down IMC TV's Program Coordinator Ayşegül Doğan was sentenced to 6 years and three months of imprisonment in the lawsuit filed against her due to "illegal organisation membership" through the events she attended, her meetings with Democratic Society Congress (DTK) executives and interviews. Diyarbakır 9th Assize Court further issued a travel ban against the journalist.



Lawsuit against Yüksel protests held

The first hearing of the lawsuit filed against Acun Karadağ, Alev Şahin, Nazan Bozkurt, Mehmet Dersulu, Armağan Özbaş and Mahmut Konuk, who organized a re-employment protest on Yüksel Street in Ankara after having been dismissed from profession with a Statutory Decree (KHK) and were arrested on August 22

was held at Ankara 28th Assize Court. The court decided to release Özbaş and Konuk on the condition of judicial measures and for the other protesters to remain arrested, scheduling the next hearing for January 27, 2021.



Lawsuit against tourist doctor due to “insulting Erdoğan”

German citizen Kristian W.B. argued with those around him at the airport in Antalya, where he visited to attend a golf course on November 4. The German citizen was detained and arrested due to “public incitement towards resentment and hostility.” In the hearing of the lawsuit filed against him at Antalya 12th

Criminal Court of First Instance, Kristian W.B. was sentenced to 16 months and 20 days of imprisonment and deferred the announcement of the verdict.



Lawsuit against journalist Ferhat Parlak

Diyarbakır 11th Assize Court issued a dismissal of action in the lawsuit filed against Silvan Mücadele Daily’s Editor-In-Chief Ferhat Parlak, who was charged with “illegal organisation membership” through the news he reported during curfews, the interviews he made, his social media posts, secret witness statements against him as well as a book he

wrote. The journalist remained under arrest for 15 months and was released in the first hearing; he had previously been prosecuted and acquitted before with the same charge and evidence.



Lawsuit against journalist Nurcan Yalçın

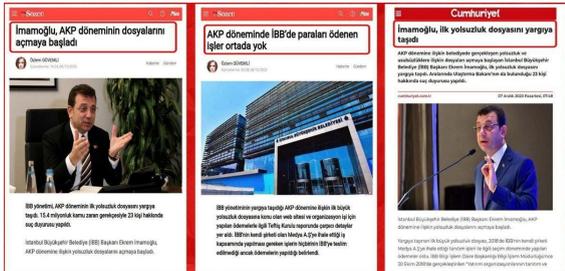
The prosecution of journalist Nurcan Yalçın, who was detained within the investigation conducted against Rosa Women’s Association executives and members, started at Diyarbakır 9th Assize Court. The journalist is charged with “illegal organisation membership” and “making illegal organisation propaganda” and the next

Independent Mine-Labour Union made a statement on social media and indicated that the gendarmerie threatened and physically hurt the miners with threats.



Access ban against news websites

Diyarbakır 3th and Antalya 5th Criminal Judicatures of Peace issued access bans against JinNews news agency and Gazete Yolculuk news portal websites due to “the protection of national security and public order.” Thus, JinNews was censored for four times in the last 1.5 months.



Access ban against news on corruption

Access bans were issued against 297 news articles on Istanbul Metropolitan Municipality Mayor Ekrem İmamoğlu carrying all corruption during the Justice and Development Party (AKP) ruling in municipality administration to court. The access ban was issued by Istanbul 4th Criminal Judicature of Peace following the

request of Transportation and Infrastructure Minister Adil Karaismailoğlu, who is one of the 23 names facing a criminal complaint with the allegation that the public was damaged for 15.4 million TLs.



Police intervention against Atlas Global workers and commemorating deceased health workers not permitted

Workers building a resistance tent in Kadıköy for their receivables from airline transport company Atlas Global that went bankrupt were intervened due to the “Governorate ban” against protests. Besides many workers, Medyascope TV reporter Ufuk Kerim and musician Loodin Girra Özdemir (who was in

the tent for solidarity with the workers) were detained as well. Health workers, who wanted to commemorate deceased health workers due to COVID-19 in front of the Ministry of Health building, were not permitted to do so by the police. IAnkara Medical Chamber made a statement and said, “The commemoration we organised as Ankara health professional and labour organisations is being prevented by the police.”



TRIALS OF FREEDOM OF EXPRESSION

Rıfat Doğan Case

The lawsuit filed against Artı Gerçek reporter Rıfat Doğan due to taking a photo at the hearing room during the hearing on July 3, 2019 of the lawsuit filed on the train disaster in Çorlu...

Court: Tekirdağ Çorlu 4th Criminal Court of First Instance

Verdict: The journalist was acquitted.

Yetkin Yıldız Case

The lawsuit filed against previously shut-down aktifhaber.com Editor-In-Chief Yetkin Yıldız due to “insult” and “slander” against former Interior Minister Efkan Ala based on the news made on Fuat Avni...

Court: Istanbul 25th Assize Court

Verdict: The court abided by the reversal decree of the Court of Cassation. The next hearing was scheduled for March 31, 2021.

Mazlum Dolan Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Mazlum Dolan due to “illegal organisation membership” after being stuck in Sur district of Diyarbakır, where he was for reporting, for 79 days due to the curfew and being arrested afterwards...

Court: Diyarbakır 5th Assize Court

Verdict: The Prosecutor claimed an imprisonment sentence against the journalist for 15 years and asserted that Dolan “provided anti-government publications” during the curfew in Sur. The court allowed time for Dolan’s lawyer to prepare a statement against the Prosecutor opinion and scheduled the next hearing for December 22.

Taraf Daily Case

The lawsuit filed against former Taraf Daily reporters Mehmet Baransu and executives Ahmet Altan, Yasemin Çongar and Yıldray Oğur due to “disclosing confidential information on the security of the state as well as its domestic or foreign political interests” based on the news, “Egemen Operation Plan” published in January 2010...

Court: Istanbul 13th Assize Court

Verdict: As the judge and the lawyers were all excused, the next hearing was scheduled for March 4, 2021.

Journalist İdris Yılmaz Case

The lawsuit filed against journalist İdris Yılmaz due to “public incitement towards resentment and hostility” through a social media post on January 20, 2018 on the Olive Branch Operation started by the Turkish Armed Forces in Afrin, Syria...

Court: Van Erciş 1st Criminal Court of First Instance

Verdict: The hearing was postponed to January 18, 2021 as Yılmaz was tested positive for COVID-19.

‘Ciao Bella’ Case

The lawsuit filed against Republican People’s Party (CHP) member and former Izmir Deputy Chair Banu Özdemir due to “public incitement towards resentment and hostility” based on her social media posts on ‘Ciao Bella’ being played from the mosque speakers in Izmir...

Court: Izmir 50th Criminal Court of First Instance

Verdict: Özdemir was acquitted.

Özgürlükçü Demokrasi Daily Case

The lawsuit filed against journalists Aziz Oruç and Ersin Çaksu due to “denigrating the government” in accordance with Article 301 of the Turkish Criminal Code based on the news and columns published in previously shut-down Özgürlükçü Demokrasi Daily between the dates October 21 and November 1, 2016...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court decided for the execution of the warrant against Ersin Çaksu to be waited for and for the files of Özgürlükçü Demokrasi to be obtained from the finalised case folder. The next hearing was scheduled for March 16, 2021...

Arif Aslan Case

The lawsuit filed against journalist Arif Aslan due to “illegal organisation membership” after being detained in Van in 2017 as he was tracking news information...

Court: Van 5th Assize Court

Verdict: The audience and the press were not allowed in the hearing room within the measures against the COVID-19 pandemic. The hearing was postponed to February 11, 2021 as the Prosecutor was excused from the hearing.

METU Pride March Case

The lawsuit filed against 18 students and 1 academic participating in the 9th Middle East Technical University (METU) LGBTI+ Pride March organised at the university due to “violating the Law on Meetings and Demonstrations No. 2911”...

Court: Ankara 39th Criminal Court of First Instance

Verdict: The next hearing was scheduled for April 30, 2021.

Mehmet Çakmakçı Case

The lawsuit filed against journalist Mehmet Çakmakçı, who was detained and arrested within the “Democratic Society Congress (DTK)” investigation in 2017, due to “illegal organisation membership” based on his meetings with news sources and the photos he took as he followed news information...

Court: Diyarbakır 10th Assize Court

Verdict: The court allowed time for the defense statement to be prepared against the Prosecutor opinion and scheduled the next hearing for December 30, 2020.

Sevda Celik Özbingöl Case

The lawsuit filed against lawyer Sevda Çelik Özbingöl, who was detained and arrested in Urfa in March 2020, due to “illegal organisation membership” and “making illegal organisation propaganda” through her meetings with clients in prisons being shown as crime evidence...

Court: Urfa 6th Assize Court

Verdict: The court decided for Özbingöl’s release on the condition of judicial measures and a travel ban after his file was merged with another case file he was on trial in 2014 and scheduled the next hearing for February 3, 2021.

Saliha Aydeniz Case

The lawsuit filed against Democratic Regions Party (DBP) Co-Chair Saliha Aydeniz due to “illegal organisation membership” through the activities she conducted at the Democratic Society Congress (DTK)...

Court: Diyarbakır 10th Assize Court

Verdict: The Prosecutor presented his opinion on the basis and presented Aydeniz’s participation in DTK meetings and demonstrations as well as his dismissal with a Statutory Decree as evidence to the charge; claiming an imprisonment sentence for up to 15 years. The court denied the claim of stay of prosecution and claimed that Aydeniz had committed the crime imposed before she was elected as Parliament member. The next hearing was scheduled for March 26, 2021.

HEARINGS NEXT WEEK

Rojhat Doğru Case

The lawsuit filed against former Gelî Kurdistan TV former cameraman Rojhat Doğru 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 Kobane protests he was tracking between October 6-8, 2014 as well as interviews he conducted on various dates...

December 14, Monday at Diyarbakır 8th Assize Court

Özgür Gündem Case

The lawsuit filed against journalists Hüseyin Aykol, İnan Kızılkaya, Zana Bilir Kaya and politician Hatip Dicle due to a series of news articles published in previously shut-down Özgür Gündem Daily in accordance with Article 301 of the Turkish Criminal Code...

December 15, Tuesday at Istanbul 2nd Criminal Court of First Instance

RedHack Case

The lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargın and Metin Yoksu due to “making terrorist organisation propaganda,” “preventing informatics system, disrupting, destroying or changing data,” “conducting activities on behalf of an illegal organisation without membership” and “illegal organisation membership” through reporting the news on the emails belonging to Erdoğan’s minister son-in-law Berat Albayrak, which were hacked and disclosed by RedHack...

December 15, Tuesday at Istanbul 29th Assize Court

Özgür Gündem Substitute Editing-In-Chief Case

The lawsuit filed against journalist Can Dündar, who participated in the Özgür Gündem Substitute Editing-In-Chief campaign, as well as the newspaper’s former Managing Editor İnan Kızılkaya due to “insulting a public officer”...

December 15, Tuesday at Istanbul 2nd Criminal Court of First Instance

Case Against Street Artist with Alias ‘Unpermitted’

The lawsuit filed against street artist with alias “Unpermitted,” due to “publicly denigrating the Turkish flag” and “insulting the President” due to his work and social media posts...

December 17, Thursday at Istanbul 20th Criminal Court of First Instance

Osman Kavala Case

The first hearing of the lawsuit filed against businessman and rights advocate Osman Kavala, who remains arrested for more than 37 months, due to “attempting coup” and “espionage”...

December 18, Friday at Istanbul 36th Assize Court