



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 41/19, 18 October 2019)

What happened last week?

*** In the second week of the military operation against Syria after its start on October 9th, the consensus of the Kurds with the Syrian regime under the mediation of Russia has changed the balance of powers. Manbij and Kobani, targeted by Turkey, were seized by the Syrian army. U.S. Vice President Mike Pence visited Ankara and had a meeting with President Erdoğan, agreeing with him on a ceasefire. The operation was paused in exchange of YPG withdrawing the “security zone.”

*** Turkish Republic of Northern Cyprus (TRNC) President Mustafa Akıncı was targeted by Vice President Fuat Oktay and AKP Spokesman Ömer Çelik after he said, *“Even though we call it the Peace Spring, what’s flowing is blood and not water. This is why it is my greatest wish for dialogue and diplomacy to step in as soon as possible.”* Akıncı asked, *“When did it become a crime to defend peace?”*

*** Economic consequences of the military operation slowly started to reveal themselves. Credit rating institution Standard & Poor’s announced that the Syrian operation increases risks for the balance of payments and the Turkish Lira. German automotive giant Volkswagen was preparing to establish factories in Turkey, whereas announced that they had to stop the investment (at least for the time being). On the other hand, the budget for the year 2020 was announced: 12.8% of the entire budget was allocated to military expenses.

*** The judicial bill hastily passed the Parliament. The Anti-Terror Law was amended to include the expression, *“Criticism can not be a crime.”* With the reform that removed criticism from being a “crime” (!), “plea bargaining” entered the legislation under the name of “accelerated procedure of trial.” Prosecutors were allowed the authority to identify penalties without trialing. Arrest period in the stage of investigation was limited to 2 years. However, the top limit of arrest after a lawsuit is filed remains to be 5 years.

*** Operations were organised against four People’s Democratic Party (HDP) municipalities. Trustees were assigned to Hakkari, Nusaybin and Yüksekova Municipalities after the Co-Mayors were arrested.

*** Prof. Dr. Füsün Üstel, who served in prison for two and a half months due to signing the Peace Petition, was acquitted of the charge of “making illegal organisation propaganda.” The court decided for the verdict to be reversed together with its entire consequences. The number of academics receiving acquittal decrees following the violation verdict issued by the Constitutional Court reached 437.



Investigation against CHP MP Tanrikulu due to posts on “Peace Spring”

Ankara Chief Public Prosecutor’s Office started an investigation against Republican People’s Party (CHP) MP Sezgin Tanrikulu due to his social media posts on the “Peace Spring Operation” and due to “publicly denigrating the government of the Republic of Turkey” through his statements.



Social media operations

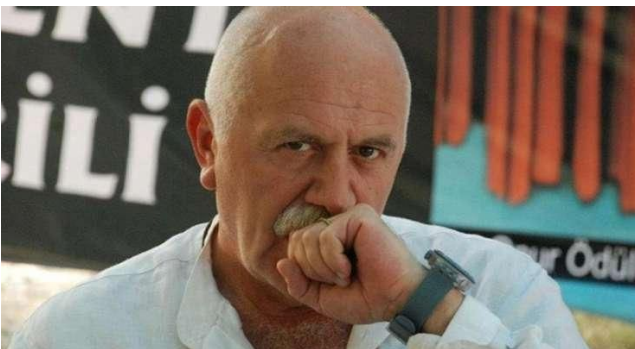
24 of the 186 people, who were detained due to their social media posts on the military operation against Syria, were arrested. According to the news by Anadolu Agency, the social media posts were charged with “making black propaganda against the operation” and “making terrorist organisation propaganda.”



Investigation against Ahmet Türk due to Newroz speech

2018.

An investigation was opened against Mardin Co-Mayor Ahmet Türk, who was dismissed and was replaced with a trustee, due to “making illegal organisation propaganda” through the speech he gave during the Newroz celebrations in Diyarbakır organised in



Theater actor Orhan Aydın convicted of “insulted Erdoğan”

Stage actor Orhan Aydın was sentenced to 11 months and 20 days of imprisonment due to “insulting the President” through the speech he gave during the Sivas Massacre commemoration organised in 2017. The imprisonment sentence issued against the actor was not deferred. “None of the bloodshed will remain unaccounted for. Let that fake dictator, who claims to be governing this country, and his team hear this,” Aydın had stated

in the commemoration organized by Kuşadası Hacı Bektaş Veli Anatolian Cultural Association.



Lawsuit against social media post due to “insulting Erdoğan”

An investigation was opened against the citizen, who shared a photo of Erdoğan on his social media account and wrote, “He’s leaving,” with the charge of “insulting the President.” The indictment of the lawsuit filed at Aydın Nazilli Criminal Court of First Instance

described the expression, “He’s leaving” as “expressions of the quality of an attack against the President’s honour, dignity and reputation.”



6-year 3-month imprisonment sentence against journalist İdris Yılmaz

Journalist İdris Yılmaz, who was arrested since January 2018 due to the news he covered, was sentenced to 6 years and three months of imprisonment. Convicting the journalist due to “illegal organisation membership,” Van 5th Assize Court decided the acquittal of

Yılmaz of the charge of “propaganda.” A release verdict was issued for the release of Yılmaz, whereas his lawyers will apply for the subtraction of the time he spent in prison due to the existence of another file he’s convicted within.



Journalist Beritan Canözer acquitted

JinNews reporter Beritan Canözer, who was on trial due to the news she reported during the curfew in Sur district of Diyarbakır declared in 2015, was acquitted. The journalist has been charged with “illegal organisation membership” within the lawsuit at

Diyarbakır 9th Assize Court.



Nol-pros for journalist Rıfat Doğan in two different charges

In the investigation opened against Artı Gerçek reporter Rıfat Doğan by Istanbul Chief Public Prosecutor’s Office due to two different charges related to his social

media posts, a verdict of non-prosecution was issued. The journalist has been charged with “making illegal organisation propaganda” and “insulting the President” within the file.



Court of Cassation releases arrested former HDP MP

The Court of Cassation reversed the decree against former People’s Democratic Party (HDP) Muş MP Burcu Çelik Özkan, who was sentenced to six years of imprisonment by Muş 1st Assize Court due to “committing a crime on behalf of an illegal organisation without being a member” and is kept in prison

since April 2017. The verdict issued the immediate release of Özkan.



Appeal application denied in Contemporary Lawyers Association (ÇHD) Case

The objection made on the local court decree in the lawsuit filed against 20 Contemporary Lawyers Association (ÇHD) members due to “establishing and managing a terrorist organisation” and “terrorist organisation membership” was

denied by the appeal court.



Imprisonment sentence against municipal officer due to carrying funeral

Funeral vehicle driver Halis Demir of Bitlis Municipality was sentenced to 9 years and 22 days of imprisonment due to “illegal organisation membership” and “propaganda” through “carrying the funeral of PKK members.” Demir was

arrested in remand within the file for 38 months.



Protest bans

Governorates in ten different provinces (Aydın, Adana, Batman, Bolu, Gaziantep, Hakkari, İzmir, Kocaeli, Mardin and Van) issued protest bans varying between 15 to 30 days within the last week.



Banned events

As the military operation of Turkey against Northern Syria continues since October 9th, investigations and detainments continue. According to the information by the People's Democratic Party (HDP), statements supposed to be made on the operation in front of HDP buildings in central districts of Diyarbakır were prevented due to the

Governorate ban. The police took the party buildings under blockade. The police intervened the protest organized weekly in Istanbul by the Saturday Mothers for their lost children. The statement of HDP members in Beşiktaş, Istanbul was prevented by the district Governorate and nine people, who were detained by the police intervening the protest, were arrested.

HDP rallies banned; The rallies organised by the People's Democratic Party (HDP) under the title, "Gathering for Democracy" in Adana and Izmir were banned by the Governorates due to "the protection of the public order."

Femicide protest prevented; The police intervened the demonstration organised by Kocaeli Women's Platform members wanting to protest the femicide in Izmit. Four people were detained.

Panel on trustees banned; The panel to be organised by the Union for Democracy (DIB), composed by the gathering of more than 100 organisations, platforms, initiatives, institutions and individuals; under the title, "*Fight for Democracy and Local Administrations*" on trustee administrations, was banned by Şişli District Governorate.

Conference by Hrant Dink Foundation banned; The conference organised by the Hrant Dink Foundation in Istanbul after previously being prevented by Kayseri Governorate was banned by Şişli District Governorate as well. The conference had the title, "Social, Cultural and Economic History of Kayseri and Surroundings."



TRIALS OF FREEDOM OF EXPRESSION

Case Against Boğaziçi University Students

The fifth hearing of the lawsuit filed against 30 Boğaziçi University students was held on October 15th with the charge of "making illegal organisation propaganda" due to protesting the distribution of Turkish delights to support the Afrin Operation inside the university campus.

COURT: İstanbul 32nd Assize Court

VERDICT: The Prosecutor presented his opinion on the basis and claimed penalty against all defendants due to "making terrorist organisation propaganda." The sixth hearing of the lawsuit will be held on January 31st, 2020 at 10:30.

Adil Demirci Case

The fourth hearing of the lawsuit filed against ETHA reporter Adil Demirci was held on October 15th in the lawsuit he was arrested in remand for a while due to “making terrorist organisation propaganda” and “illegal organisation membership” and was later released on February 14th.

COURT: İstanbul 25th Assize Court

VERDICT: The defendants will remain under judicial measures within their travel ban. The seventh hearing of the lawsuit will be held on February 23, 2020 at 09:45.

Mümtazer Türköne Case

The sixth hearing of the lawsuit filed against previously shut-down Zaman Daily columnist and academic Mümtazer Türköne was held on October 15th due to “insulting the President” through a column he wrote in 2014.

COURT: Bakırköy 2nd Criminal Court of First Instance

VERDICT: The seventh hearing of the lawsuit will be held on October 31, 2019 at 11:20.

Pınar Gayip and Semiha Şahin Case

The sixth hearing of the lawsuit filed against four people together with ETHA editor Semiha Şahin and reporter Pınar Gayip was held on October 15th due to “terrorist organisation membership” and “making terrorist organisation propaganda.”

COURT: İstanbul 23rd Assize Court

VERDICT: The court decided for the house arrest against the defendants to remain and scheduled the next hearing for December 11, 2019 at 11:50.

Sirin Kabakçı Case

The seventh hearing of the lawsuit filed against former Zaman Daily Konya representative Şirin Kabakçı was held on October 15th due to “illegal organisation membership.”

COURT: İstanbul 35th Assize Court

VERDICT: The eighth hearing of the lawsuit will be held on December 3, 2019 at 12:00.

Temel Demirer Case

The third hearing of the lawsuit filed against writer Temel Demirer was held on October 15th with the charge of “praising the offense and the offender” due to the speech he gave during the programme on July 20, 2017 organised in order to commemorate those losing their lives in the Suruç Massacre.

COURT: İstanbul Anatolian 33rd Criminal Court of First Instance

VERDICT: The fourth hearing of the lawsuit will be held on February 6, 2020 at 10:35.

Beritan Canözer Case

The third hearing of the lawsuit filed against journalist Beritan Canözer was held on October 16th with charges of “illegal organisation membership” and “making illegal organisation propaganda” due to the news she reported during the curfews in Sur district of Diyarbakır.

COURT: Diyarbakır 9th Assize Court

VERDICT: The court issued the acquittal of the journalist.

Deniz Yücel Case

The fifth hearing of the lawsuit filed against Die Welt Daily reporter and journalist Deniz Yücel was held on October 17th with charges of “making terrorist organisation propaganda” and “public incitement towards resentment and hostility.”

COURT: İstanbul 32nd Assize Court

VERDICT: The court scheduled the next hearing for February 13, 2020 in order for the Prosecutor to prepare his opinion on the basis.

Çiğdem Toker Case

The third hearing of the lawsuit of compensation for 1.5 million TL filed by Şenbay Mining Inc. against journalist Çiğdem Toker was held on October 17th due to Toker’s column on Cumhuriyet Daily, published on October 27, 2017 with the title, “If you’re looking for savings, look at subway tenders.”

COURT: Ankara 13th Civil Court of First Instance

VERDICT: The lawsuit was abated due to the complainant not attending the hearing.

Ferhat Tunç Case

The second hearing of the lawsuit filed against artist Ferhat Tunç was held on October 17th with charges of “illegal organisation membership” and “making illegal organisation propaganda” due to participating in panels and events organised by the Democratic Society Congress (DTK) and the People’s Democratic Congress (HDK).

COURT: Diyarbakır 5th Assize Court

VERDICT: The court issued for the arrest warrant against Tunç to remain and scheduled the next hearing for January 16, 2020.

İdris Yılmaz Case

The third hearing of the lawsuit filed against arrested journalist İdris Yılmaz was held on October 18th due to “illegal organisation membership.”

COURT: Van 5th Assize Court

VERDICT: The journalist was acquitted of the charges of “illegal organisation membership” and was sentenced to 6 years and 3 months of imprisonment due to “illegal organisation membership.”

Peace Academics Cases

The number of acquitted academics reached 437 this week after the verdict of violation issued by the Constitutional Court.

HEARINGS NEXT WEEK

Journalist Uğur Yılmaz Case

The sixth hearing of the lawsuit filed against journalist Uğur Yılmaz will be held with charges of “illegal organisation membership” and “propaganda” due to his social media posts as well as the press statements and marches he followed for news during the time he was working at Bitlis Municipality Press Unit.

DATE: October 22, 2019; Bitlis 2nd Assize Court

Osman Akın Case

The second hearing of the lawsuit filed against Yeni Yaşam Daily's Managing Editor Osman Akın will be held with the charge of "making successive illegal organisation propaganda" due to the news published on the newspaper related to hunger strikes.

DATE: October 22, 2019 at 09:30; İstanbul 28th Assize Court

KCK Press Case

The seventeenth hearing of the KCK Press Case will be held with 46 journalists on trial due to "terrorist organisation membership" and "making terrorist organisation propaganda."

DATE: October 22, 2019 at 10:00; İstanbul 3rd Assize Court

Hayri Demir Case

The second hearing of the lawsuit filed against journalist Hayri Demir will be held with charges of "terrorist organisation membership" and "making terrorist organisation propaganda" due to the news he reported on Northern Syria in 2016.

DATE: October 23, 2019; Ankara 15th Assize Court

Mehmet Baransu - Şevki Çoban Case

The next hearing of the lawsuit filed against former Taraf Daily reporter Mehmet Baransu and Managing Editor Murat Şevki Çoban will be held due to the news published in the newspaper with the title, "The Decision to End Gülen Was Made at State Security Council in 2004."

DATE: October 24, 2019 at 13:50; İstanbul Anatolian 10th Assize Court