

# Think, think...



## Freedom of Expression Weekly Bulletin (Issue 5/20, 31 January 2020)



### Quarter-Century in Pursuit of Freedom of Expression...

As we leave another dark year behind in terms of freedom of expression and thought, the Initiative for Freedom of Expression fulfilled its 25th year. We started this quarter-century journey on January 23, 1995 at the State Security Court (DGM)... With the [video](#) you will find below, we first tried to refresh our memory, then took a look at the headlines with the most violations in the area of freedom of expression and thought. After tens of years ending with our wish, “*We hope we find nothing else to write about next year and there will be no longer a need for such work or initiative,*” we end 2019 with the same wish. With the hope that our 26th year illuminates this dark scene...



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## What happened last week?

- 41 people lost their lives in the 6.5 earthquake in Elazığ. After the earthquake, the outcome of earthquake taxes were questioned. Investigations were opened against social media posts, questioning the taxes. President Erdoğan described questions on the taxes as a “defamation campaign” and targeted social media users by calling them “rascals.”
- Erdoğan replied to the question of Republican People’s Party (CHP) Chairman Kılıçdaroğlu, who asked, “*How did you spend the 34-billion-dollar earthquake taxes?*” with the answer, “*We spent it where it was necessary to spend, we have no time to account for it.*” Proposals of CHP and the People’s Democratic Party (HDP) to establish an investigation committee on the measures to be taken before and after earthquakes were denied at the Parliament’s General Assembly due to votes by the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP).
- Despite the ceasefire between Ankara and Moscow, tensions continue in Idlib. As military operations of the Syrian army continues in Idlib, Erdoğan claimed that Russia is not complying with the Astana and Sochi agreements, saying, “*We’re running out of patience. We will do whatever’s necessary from now on.*”
- In the Universal Periodic Review (UPR) session of the United Nations (UN), various countries called for Turkey to respect freedom of expression. The prominent opinion in the session was that human rights violations worsened in Turkey in recent years; advice was given to Turkey on press freedom, freedom of expression, bans against LGBTI and women’s demonstrations as well as academic freedom. Turkey’s defense was “*having made significant studies on the field of human rights.*” As a reply to the criticisms, the Turkish delegation stated, “*the application of zero-tolerance against torture continues, everyone in Turkey has a right to meeting and demonstration without restriction and there are ongoing investigations against the mayors, who were replaced with trustees.*”
- European Court of Human Rights (ECHR) announced the statistics for 2019. Turkey became the country with the most number of convictions at the ECHR with 35 decrees against it, with at least one decree of violation issued against Turkey in 97 files.
- The fifth hearing of the Gezi Park Case with 16 rights advocates on trial together with human rights advocate and businessman Osman Kavala was held at the hearing room in Silivri Prison. The hearing concluded with a decree for Kavala to remain arrested despite the European Court of Human Rights decree for his release as well as immediate release demands.
- In the report, entitled, “Safety of journalists and media freedom in Europe” which passed Council of Europe’s Parliamentary Assembly, Turkey was listed among the “countries in which safety of journalists is under threat” together with Russia, Azerbaijan, Malta and Hungary. The report indicated that the highest number of arrested journalists within the Council of Europe are in Turkey, calling for Turkey to “*end using the criminal and the anti-terror law to silence the press and journalists.*”
- The Presidency’s Directorate of Communication cancelled yellow press cards of many journalists, including workers of Evrensel, BirGün and Cumhuriyet Daily. The decree of cancellation was later reversed after reactions. The journalists demanded a reason for why their cards were cancelled. They want the press cards to be issued by professional organisations, not by the government.

- The new chairman of the Higher Electoral Council became Muharrem Akkaya, who had a signature under the decree for the cancellation of the local elections in Istanbul.

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### Fifth hearing in Gezi Park Case: Kavala not released despite ECHR decree

The fifth hearing of the Gezi Park Case with 16 rights advocates on trial together with human rights advocate and businessman Osman Kavala was held at the hearing room in Silivri Prison. Defendants' lawyers claimed for recusation due to the "plaintiff" Murat Papuç having been taped illegally. Istanbul 30th

Assize Court denied the claim and evacuated the hearing room. The lawyers left the hearing room as well. The hearing continued without an audience or lawyers, concluding with a decree for Kavala to remain arrested despite the European Court of Human Rights decree for his release as well as immediate release demands. The next hearing was scheduled for February 18, 2020.



### Turkey: World leader in thought bans

European Court of Human Rights (ECHR) announced the statistics for 2019. Turkey became the country with the most number of convictions at the ECHR with 35 decrees against it, with at least one decree of violation issued against Turkey in 97 files. With the data of 2019, Turkey was convicted in 3,225 files at a total of 3,645 concluded files against it in the history of the ECHR (1959-2019). Decrees of

violation were not issued only in 86 files.



### Lawsuit against "Justice Watch"

Another lawsuit was filed against the "Justice Watch," which started with lawyers being arrested in the Cumhuriyet Daily Case and continued for months in front of Istanbul Courthouse in Çağlayan. A lawsuit was filed against Justice Watch organiser lawyer Kemal Aytaç due to "organising an illegal demonstration" with the protest organised on May 4, 2017. The indictment claimed that "the

demonstration, under the name of 'Justice Watch', supported arrested suspects of the investigation against Cumhuriyet Daily." The first hearing will be held on April 16, 2020 at Istanbul 9th Criminal Court of First Instance, starting at 09:46.



### **Lawsuit against arrested journalists Eser and Topaloğlu due to “illegal organisation membership”**

A lawsuit was filed against Mezopotamya Agency (MA) reporters Sadiye Eser and Sadık Topaloğlu with the allegation of “illegal organisation membership.” Eser and Topaloğlu were arrested at the beginning of December. The indictment, prepared by Istanbul Public Prosecutor’s Office, considered journalistic

activities, travels abroad, notes and material for news reporting as “criminal evidence.” It further presented the Mezopotamya Agency as an “unlawful” organisation; with the events and statements followed by the journalists as well as the Kurdish songs they listened to presented as “criminal elements.” The first hearing of the case will be held on March 26.



### **Social media operation after earthquake**

Investigations were started against 50 citizens due to their social media posts on the earthquake in Elazığ. The citizens were investigated due to “incitement of worry, fear and panic among people” (Turkish Criminal Code Article 213), “denigration of the Turkish nation, the Government of the Republic of Turkey and its institutions” (Turkish Criminal

Code Article 301). The Interior Minister had announced, after the earthquake, that they will start an investigation on the social media posts and President Erdoğan targeted social media users, calling them “rascals” as he claimed that there is an “online defamation campaign.”



### **Governorate targets journalist over saying “AFAD is being partisan”**

Elazığ Governorate announced that they have made a criminal complaint against journalist Serdar Akinan due to his expressions on the recent earthquake in Elazığ. The journalist went to the province after the earthquake and wrote his observations in the region, expressing that

the Disaster and Emergency Management Presidency (AFAD) is acting in a partisan way and that a wounded person had to wait because of President Erdoğan.



### **Parlamento Magazine censors article by HDP MP**

People’s Democratic Party (HDP) Ankara MP Filiz Kerestecioğlu announced that the article she wrote for Turkish Parliamentarians Union

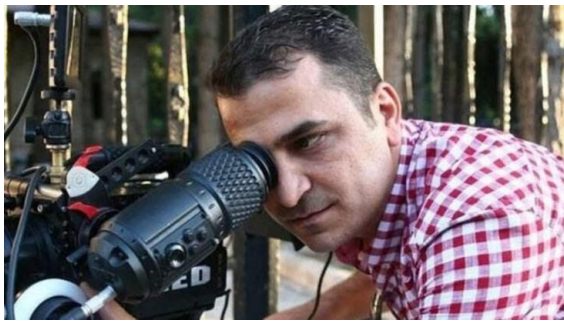


magazine “Parlamento” on its December 2019 issue was censored. Kerestecioğlu wrote the article for the anniversary of women obtaining their right to election on December 5, 1934. The MP stated that the sections she wrote on the imprisonment and dismissals of HDP MPs were entirely removed from her initial writing.



### **Parliamentary summary against HDP MPs**

New Parliamentary summaries were presented against the People's Democratic Party (HDP) MPs. 10 summaries to revoke Parliamentary immunities were presented to the Parliament against six MPs, including Co-Chairs Pervin Buldan and Sezai Temelli.



### **Lawsuit against Uyanış [Awakening] movie director due to “insulting Erdoğan”**

A lawsuit was filed against the director of the movie, “Uyanış” [“Awakening”] due to “insulting the President.” The indictment claimed that the scene, where the President is being held hostage with a gun, insults Erdoğan. Avcı faces a claim of imprisonment for up to 4 years.



### **Disciplinary investigation against academics at Dokuz Eylül University**

Dokuz Eylül University Rectorate started a disciplinary investigation against the faculty members, who participated in the press statement made by Assoc. Prof. Oktay Gökdemir over his contract not being renewed by the university due to his social media posts.

“A university in which we can’t use our right to demonstrate is not a university. Our rights are being questioned,” Prof. Dr. Kemal Kocabaş stated.



### **Police prevention against HDP statement on “Canal Istanbul”**

The press statement to be made by the People’s Democratic Party (HDP) Izmir Provincial Organisation with the title, “budget for earthquake, not for Canal Istanbul” was prevented by the police. The police replied to the question on whether there is a written order by the Governorate on the prevention with the

word, “Order.”



## Kaos GL launches 2019 social media report

Kaos GL Association launched the “2019 Social Media Report” with the title, “Online Journey of Homophobic and Transphobic Hate Speech.” [Please click here](#) for the report, which recorded news and developments involving discriminatory approach as well as homophobic and transphobic speech in 2019.



## Torture at Iskenderun Type-M Prison

Hatay Bar Association reported opinions and evaluations after their observation at Iskenderun Type-M Prison following a complaint of a convict relative that was made public. In the press meeting organized by Hatay Bar Association, Chairman Ekrem Dönmez and investigation committee members, it was stated that “there are significant similarities in the

statements of arrests and convicts making claims of torture and that physical bruises were identified by the committee members as well.” [Please click here](#) to read the full report of the Bar Association.



## Human Rights Association announces numbers for Van in 2019

Human Rights Association (IHD) Van Branch announced that they have identified 1,657 rights violations in 2019. Branch Chairman Murat Melet and Central Executive Council member Kasım Kalkan shared the data on the violations with press organisations. The data includes six cases of freedom of expression and thought violation as well as ongoing bans against meetings and demonstrations since

November 21, 2016.



## TRIALS OF FREEDOM OF EXPRESSION

### **Beritan Canözer Case**

The lawsuit filed against JinNews reporter Beritan Canözer with the charge of “making illegal organisation propaganda” due to her social media posts and likes between the years 2013 and 2016...

**Court:** Diyarbakır 11th Assize Court

**Verdict:** The next hearing was scheduled for March 20, 2020.

**Gezi Park Case**

The lawsuit filed against 16 rights advocates, including arrested businessman Osman Kavala, due to “attempting to overthrow the government of the Republic of Turkey” through the Gezi Park protests...

**Court:** Istanbul 30th Assize Court (Silivri Prison)

**Verdict:** Kavala will remain arrested. The next hearing was scheduled for February 18, 2020.

**TV10 Workers Case**

The lawsuit filed against previously shut-down TV10 cameraman Kemal Demir and worker Kemal Karagöz due to “aiding an illegal organisation”...

**Court:** Istanbul 28th Assize Court

**Verdict:** The court decided for the travel ban against the defendants to remain and scheduled the next hearing for May 14, 2020.

**Aziz Oruç Case**

The lawsuit filed against journalist Aziz Oruç due to “making illegal organisation propaganda” through 12 tweets he posted in 2016...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** The next hearing of the case was scheduled for March 2, 2020.

**Compensation Case Against News on “Paradise Papers”**

The lawsuit of compensation filed by Çalık Holding against journalist Pelin Ünker due to her article series “Paradise Papers” published on Cumhuriyet Daily...

**Court:** Istanbul 21st Civil Court of First Instance

**Verdict:** The next hearing was scheduled for April 28, 2020.

**Ferdi Sertkal Case**

The lawsuit filed against Yeni Yaşam Daily reporter Ferdi Sertkal with the allegation of “making terrorist organisation propaganda” through five Twitter and Facebook posts he made between the years 2014 and 2019...

**Court:** Van 4th Assize Court

**Verdict:** The next hearing was scheduled for March 3, 2020.

**Mehmet Dursun Case**

The lawsuit filed against journalist Mehmet Dursun, who was arrested in 2018 and released eight months later, with the allegation of “illegal organisation membership” due to his phone calls with news sources...

**Court:** Van 4th Assize Court

**Verdict:** The next hearing was scheduled for March 3, 2020.

**Case Against Boğaziçi University Students**

The lawsuit filed against 30 Boğaziçi University students due to “making illegal organisation propaganda” after protesting the distribution of Turkish delights at the university to support the Afrin operation...

**Court:** Istanbul 32nd Assize Court

**Verdict:** The hearing was ongoing as the bulletin was being prepared.

## HEARINGS NEXT WEEK

### **Gülser Yıldırım Case**

The lawsuit filed against former Mardin MP Gülser Yıldırım due to “making illegal organisation propaganda” with the allegation that she chanted a slogan while leaving the Parliamentary committee meeting with the agenda of revocation of Parliamentary immunities...

**Date:** February 3; Ankara 1st Assize Court

### **Kazım Öz Case**

The lawsuit filed against director Kazım Öz due to “illegal organisation membership” through participating in the Gezi Park protests and the Peace and Democracy Party (BDP) Political Academy...

**Date:** February 4; Tunceli 2nd Assize Court

### **Ahmet Altan Case**

The lawsuit filed against journalist and writer Ahmet Altan due to “not publishing the correction and reply” for his article published on Taraf Daily’s January 4, 2010 issue with the title, “Death is a Father’s Order”...

**Date:** February 4 at 13:35; Istanbul Anatolian 10th Criminal Court of First Instance

### **Hakkı Boltan Case**

The lawsuit filed against Free Journalists Association Spokesman Hakkı Boltan due to “insulting the President” through the press statement he gave for Azadiya Welat Daily’s Managing Editor Rohat Aktaş, who was murdered during the curfew in Cizre district of Şırnak...

**Date:** February 4; Diyarbakır 12th Criminal Court of First Instance

### **Berkin Elvan Case**

The lawsuit filed on the killing of Berkin Elvan, who died after being hit in the head with a tear gas shell shot by the police during the Gezi Park protests...

**Date:** February 5; Istanbul 17th Assize Court

### **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,” “restriction and disruption of information system as well as destruction or changing or data,” “acting on behalf of an illegal organisation without being a member” and “illegal organisation membership” through their news reporting on the emails belonging to Minister of Energy and Natural Resources Berat Albayrak, initially leaked by Wikileaks...

**Date:** February 6 at 09:30; Istanbul 29th Assize Court

### **Özgür Gündem Case**

The lawsuit filed against previously shut-down Özgür Gündem Daily Editors-In-Chief Hüseyin Aykol, Zana Kaya, Managing Editor Inan Kızılkaya and writer Hatip Dicle due to “public denigration of the government, its judicial bodies or security organisation” and “public denigration of the Turkish nation, the republic and the Grand National Assembly of Turkey”...

**Date:** February 6 at 10:10; Istanbul 2nd Criminal Court of First Instance

### **Temel Demirer Case**

The lawsuit filed against writer Temel Demirer due to “praising the crime and the criminal” through the speech he gave at the commemoration organised on July 20, 2017 for those losing their lives in Suruç in the ISIS attack against the district on July 20, 2015...

**Date:** February 6 at 10:35; Istanbul Anatolian 33rd Criminal Court of First Instance



