

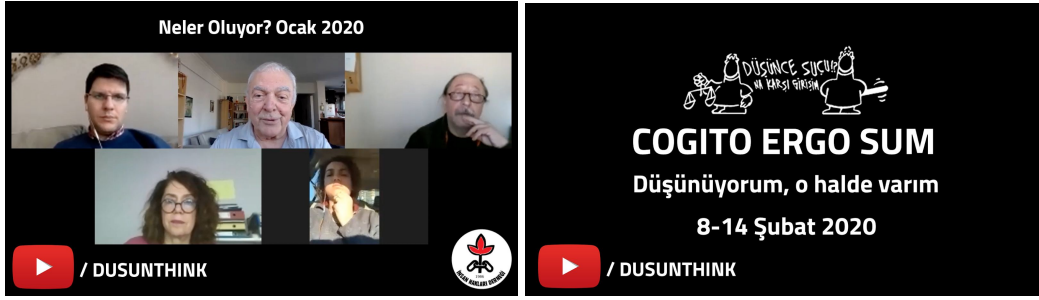
# Think, think...



## Freedom of Expression Weekly Bulletin (Issue 7/20, 14 February 2020)

### What happened last week?

- Military build-up and deployment continues at the Syrian border. According to the information announced by the London-based Syrian Observatory for Human Rights, approximately six thousand Turkish soldiers and one thousand and four hundred military vehicles have crossed across Idlib and Aleppo. The greatest migration of the Syrian civil war is proceeding towards the Turkish borders...
  - Erdoğan postponed the AKP Group meeting for one day in order to meet Putin. At the group meeting, he spoke on the situation. *"I announce that we will shoot all regime forces, not only at the borders of Idlib and the Sochi agreement but everywhere,"* Erdoğan said. Nationalist Movement Party (MHP) leader Bahçeli stated, *"Turkey must already plan to enter into Damascus... Assad must fall."*
  - More than 70 intellectuals came together before the hearing of arrested Diyarbakır Mayor Adnan Selçuk Mızraklı after the call of the Initiative for Freedom of Expression and Ankara Initiative for Freedom of Thought, demanding the immediate release of Mızraklı. *(Details in the bulletin...)*
  - *"Social media is utter garbage, completely set loose now. We will not allow it,"* Erdoğan said. Immediately afterwards, the Ministry of Transportation and Infrastructure took action as well. The Law No. 5651, which allowed hundreds of websites to be banned to access in the country, will be updated!
  - Suspects were identified for the first time, four years after the murder of Diyarbakır Bar Association Chairman Tahir Elçi! The Prosecutor's Office received the statements of three police officers, who were recorded as "suspects" in the investigation file but are still active in their profession.
  - The Human Rights Foundation of Turkey (TIHV) announced that Governorates and District Governorates have banned protests and demonstrations 147 times in the last 13 months. *"This fact is making the right to meeting and demonstration, which is guaranteed by Article 34 of the Turkish Constitution, a hollow notion,"* the foundation stated. [Please click here](#) for details.
  - **Time to defend the defenders!** Organisations for rights advocacy came together for a common declaration for human rights advocates, who are under continuous threat. The organisations, including the Initiative for Freedom of Expression, aim to create public awareness before the hearings to be held during the week and increase solidarity with rights defenders under risk. Support messages will be shared every night at 20:00 before the hearings of rights advocates, with the hashtag [#HakSavunucularınaAdalet](#) [#JusticeForRightsAdvocates!](#) [Please click here](#) for the full statement.
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*Please [click here](#) to watch our weekly video program "COGITO ERGO SUM", where we summarize the weekly agenda of freedom of expression in Turkey. "COGITO ERGO SUM" is on our [YouTube channel](#) every Friday at 18:00 and on Can TV every Saturday at 22:00...*

*The fourth of the [video conferences](#) we prepare to record violations of freedom of expression and violations of the right to meeting and demonstration in Turkey, together with the Human Rights Association (IHD) every month was launched as well.*



### **Selçuk Mızraklı to remain under arrest**

The second hearing of the lawsuit filed against Diyarbakır Mayor Selçuk Mızraklı was held. Mızraklı was dismissed with an Interior Ministry decree, replaced with a trustee and has been arrested since October 22. In the second hearing, the Prosecutor claimed an imprisonment sentence against Mızraklı for up to 15 years. Mızraklı attended the hearing through the Audiovisual Information System (SEGBIS). Mızraklı indicated that he will not

attend another hearing of this lawsuit, filed with political motives, through SEGBIS again. Mızraklı's lawyers called the court to "not take part in this crime." However, Diyarbakır 9th Assize Court issued for Mızraklı to remain under arrest and scheduled the next hearing for March 9.



The press statement to be made by lawyers, People’s Democratic Party (HDP) MPs and NGOs after the hearing was prevented. The police also prevented press members from recording visuals, blocking their view with shields. What reflected on the screen was an exemplary scene, just like the Human Rights Monument in Ankara, which was kept under custody during the State of Emergency.



### “Mızraklı Must be Released Immediately!”

More than 70 intellectuals gathered before the hearing of Mızraklı after the call of the Initiative for Freedom of Expression and the Ankara Initiative for Free Thought. The intellectuals called for the immediate release of Mızraklı.

Diyarbakır Bar Association read the statement on behalf of the signatories at the press meeting organized at Diyarbakır Bar

Chairmanship. The statement, ["Adnan Selçuk Mızraklı Must Be Released Immediately"](#) pointed out that *"trustee operations are a political coup that is of the quality of a Constitutional crime, targeting the right to election."*

Names who couldn’t go to Diyarbakır also joined the statement with messages of solidarity. [Please click here](#) to see the messages, both from Turkey and abroad...



### Politician-writer Mahmut Alınak detained

Politician-writer Mahmut Alınak was detained with a house raid in Kars; some of the books found at the search in his house were confiscated. 68-year-old former People’s Labour Party (HEP) MP Alınak is charged with "illegal organisation membership" by Kars Criminal Judicature of Peace. Alınak was imprisoned nine times in the past. His book,

"Mehmet Tunç and Bekes" (published in 2017) was also recently banned and pulled off the shelves.



### Decree in **Özgür Gündem** Main Case

In the **Özgür Gündem** Main Case at Istanbul 23rd Assize Court, Necmiye Alpay, Aslı Erdoğan and Bilge Aykut were acquitted. Files of Eren Keskin, Kemal Sancılı, İnan Kızılkaya and Zana Kaya were separated after their claims for additional time in order to prepare their defense statements.

Files of Filiz Koçali and Ragıp Zarakolu were separated as well, with warrants against them due to not testifying. The charge of “illegal

organisation membership“ imposed against Aslı Erdoğan was abated due to time limitation.



### Penalty against journalist **Emre Orman** in first hearing

Journalist Emre Orman was sentenced to 1 year, 6 months and 22 days of imprisonment in the first hearing of the lawsuit filed against him with the allegation of ‘successively making terrorist organisation propaganda’ through his social media posts. Istanbul 34th Assize Court deferred the announcement of the verdict.



### Journalists prosecuted due to news

The prosecution of Sol News Portal’s Managing Editor Uğur Güç started due to “insulting“ President Erdoğan’s lawyer; and the prosecution of Cumhuriyet Daily reporter Zehra Özdilek started with the allegation of “targeting those taking part in the fight against terrorism.“ *Details at the end of the bulletin...*

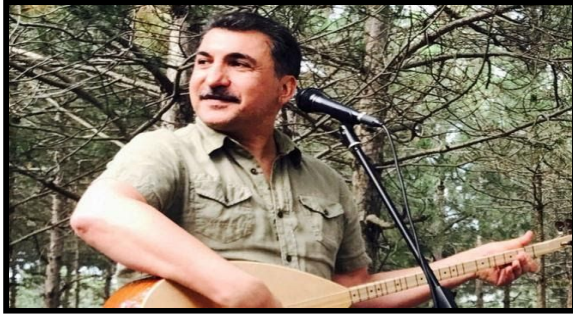


### Lawsuit against Assyrian Priest due to ‘illegal organisation membership’

A lawsuit was filed against St. Jacob’s Church Nisibis Priest Sefer (Aho) Bileçen, who was arrested on January 10 and was released four days later after his lawyer’s objection, with the allegation of ‘illegal organisation membership’. The indictment of the case involved a gendarmerie summary prepared in

2018, stating that “*illegal organisation members entered the church,*” as well as a statement by a confessor against the Assyrian Priest. The Priest didn’t deny the allegations that he

served food for the illegal organisation members arriving at the church in 2018, whereas stated that he did that not in order to “aid the organisation” but did it in accordance with his faith.



### **Appeal claim of Ferhat Tunç denied after conviction due to social media posts**

The appeal claim of artist Ferhat Tunç, who was sentenced to 1 year, 11 months and 12 days of imprisonment in September due to "making illegal organisation propaganda" through his social media posts in 2015 and 2016 was denied by the 2nd Criminal Chamber

of Istanbul Regional Court. Tunç evaluated the decree and said, "*I'm not surprised. We are aware that there is a judicial system that pertains to its hostility against oppositional views, arts and artists... I am also aware why I have performed my art for 40 years and nothing can stop my determination.*"



### **Lawsuit against Emsal Atakan due to TCK Article 301**

Ahmet Atakan had lost his life after the police intervention against the Gezi Park protests in Hatay. The first hearing of the lawsuit filed against Atakan's mother, Emsal Atakan, due to her social media posts was held at Hatay 3rd Criminal Court of First Instance. *Details at the*

*end of the bulletin...*



### **Lawsuit against trustee protest**

A lawsuit was filed against 30 people, who participated in the protest organized in Ankara on September 4, 2019 against the trustees assigned to replace elected People's Democratic Party (HDP) mayors. The defendants were charged with “violating the Law on Meeting and Demonstration.” The first hearing of the lawsuit will be held on April 15

at Ankara 10th Criminal Court of First Instance.



### **Today on arrests due to insulting Erdoğan**

Ayten Sarıkaya Kesler was detained at Istanbul Airport after an investigation against her due to "insulting the President" and "making illegal organisation propaganda" through her social media posts. Kesler was sent to the court on

duty and was arrested. A terminal cancer patient, Kesler was hospitalised after fainting at Bakırköy Courthouse.



### Access ban against cartoon on Berat Albayrak

The cartoon of Lemman Magazine on Berat Albayrak having lands at where Canal Istanbul is planned to be built, was banned to access. Istanbul Anatolian Seventh Criminal Judicature of Peace further banned access to the news on tens of websites as well after their claim that Albayrak has purchased lands in the

region.



### Screening of Armenak banned in Istanbul and Ankara

The screening of the documentary, 'Armenak: Sword Wound on His Forehead' was banned in Istanbul by Kartal District Governorate and in Ankara by the Governorate. The documentary depicts the life of Armenian revolutionist Armenak Bakircıyan, who performed left-wing activities in the 1970s.



### Protest ban in Van extended once again

The protest ban declared in Van on November 21, 2016 and is ongoing for 177 days was extended once again. Van Governorate announced that the protest ban was extended for another 15 days between February 8-22. The reason is the same: "...providing national security, public order and safety..."



### Artwork by Serkan Bayer banned due to 'obscenity'

Independent Arts Foundation decided to not allow for the artwork of Serkan Bayer, a participant of the "Contemporary Turkish Arts Exhibition" organized at the Hague between April 4-17, to be taken to the Netherlands due to 'obscenity.'



## ECHR convicts Turkey due to freedom of expression violation

The European Court of Human Rights (ECHR) issued a decree for “*Call for a New World*” [*Yeni Dünya İçin Çağrı*] Daily owner Aziz Özer. Özer had been sentenced to 15 months of imprisonment due to “making illegal organisation propaganda” through the article he wrote with the title, “*The Kurdish Question, Search for Resolution and Our*

*Responsibility*.” Convicting Turkey of violation, ECHR sentenced Turkey to pay 2,000 Euros of compensation.



## TRIALS OF FREEDOM OF EXPRESSION

### **Furkan Celik Case**

The first hearing of the lawsuit filed against Conscientious objector Furkan Çelik due to "alienating the people from military service" through the news published on the website of the Conscientious Objection Association being shared on social media accounts of the association...

**Court:** Istanbul 16th Criminal Court of First Instance

**Verdict:** Çelik was acquitted in the first hearing.

### **Adnan Selçuk Mızraklı Case**

The lawsuit filed against Diyarbakır Mayor Adnan Selçuk Mızraklı, who was dismissed with an Interior Ministry decree, replaced with a trustee and has been arrested since October 22, due to "illegal organisation membership"...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** Mızraklı attended the hearing through the Audiovisual Information System (SEGBIS). Mızraklı indicated that he will not attend another hearing of this lawsuit, filed with political motives, through SEGBIS again. However, Diyarbakır 9th Assize Court issued for Mızraklı to remain under arrest and scheduled the next hearing for March 9.

### **Van TV Workers' Case**

The lawsuit filed against Van TV workers Gülsün Altan, Gürcan Bayrakçı, Kadir Cesur, Koçali Özipek, Nahide Aslan, Nedim Dalga, Serdar Altan and Sibel Eres with the allegation of "making terrorist organisation propaganda" due to various newsletters published between February and May 2016...

**Court:** Van 4th Assize Court

**Verdict:** The Prosecutor demanded for press workers to be penalised due to "making illegal organisation propaganda". The next hearing was scheduled for May 7, 2020.

### **Uğur Güç Case**

The lawsuit filed against Sol News Portal's Managing Editor and journalist Uğur Güç due to "insulting" President Erdoğan's lawyer through the news with the title, "Court agrees with swearing lawyer: Penalty against Işıl Özgentürk"...

**Court:** Istanbul Anatolian 29th Criminal Court of First Instance

**Verdict:** The journalist made his defense statement in the first hearing of the case and stated that the related news was within freedom of expression. The next hearing was scheduled for May 4, 2020.

#### **Ferhat Tunç Davası**

The lawsuit filed against artist Ferhat Tunç due to “insulting the President” through 10 tweets he posted in 2016...

**Court:** Büyükçekmece 14th Criminal Court of First Instance

**Verdict:** The court decided to wait for the order letter written for the German judicial authorities in order to receive the statement of Tunç, who has a warrant issued against him. The next hearing was scheduled for September 15, 2020.

#### **Zehra Özdilek Case**

The lawsuit filed against Cumhuriyet Daily reporter Zehra Özdilek with the allegation of "targeting those taking part in the fight against terrorism" through the news article she wrote with the title, "Onay calls KESK after imprisonment due to re-employment"...

**Court:** Istanbul 27th Assize Court

**Verdict:** The journalist made her defense in the first statement and said, "I'm making news on rights violations. In the news article, I wrote the experiences of a teacher, who was imprisoned after the statement of witness B.E. This article was written in order to protect people's right to information within press freedom." The second hearing was scheduled for April 14, 2020 at 13:30.

#### **Emre Orman Case**

The lawsuit filed against journalist Emre Orman with the allegation of "successively making illegal organisation propaganda" due to his social media posts...

**Court:** Istanbul 34th Assize Court

**Verdict:** The court sentenced the journalist to 1 year, 6 months and 22 days of imprisonment in the first hearing. The announcement of the verdict was deferred.

#### **Adil Demirci Case**

The lawsuit filed against 22 defendants, including ETHA reporter Adil Demirci as well as Socialist Party of the Oppressed and Socialist Youth Associations Federation members, due to “illegal organisation membership” and “making terrorist organisation propaganda”...

**Court:** Istanbul 25th Assize Court

**Verdict:** The court denied the claim for the judicial measures against the defendants to be removed, scheduling the next hearing for June 16, 2020 to start at 13:30.

#### **Ali İhsan Terzi Case**

The lawsuit filed against former Evrensel Daily reporter Ali İhsan Terzi due to "making terrorist organisation propaganda" through three Facebook posts...

**Court:** Istanbul 34th Assize Court

**Verdict:** The court sentenced the journalist to 1 year, 6 months and 22 days of imprisonment in the first hearing. The announcement of the verdict was deferred.

#### **Deniz Yücel Case**

The lawsuit filed against Die Welt reporter and German citizen Deniz Yücel due to “making terrorist organisation propaganda” and “public incitement against resentment and hostility”...

**Court:** Istanbul 32nd Assize Court

**Verdict:** The Prosecutor presented his opinion on the basis and claimed that Yücel has made PKK/KCK propaganda in various articles published on *Die Welt Daily* in 2016. He further claimed



imprisonment against Yücel for up to 13 years due to "making illegal organisation propaganda" and for up to 3 years due to "public incitement against resentment and hostility." He also claimed for another criminal complaint to be made against Yücel due to "insulting the President" through writing "Coup-Organiser" on the photo of President Erdoğan on the newspaper's November 6, 2016 issue. The next hearing was scheduled for April 2, 2020 to start at 13:30.

#### **Ali Sönmez Kayar Case**

The lawsuit filed against ETHA reporter Ali Sönmez Kayar and nine others due to "illegal organisation membership"...

**Court:** Istanbul 32nd Assize Court

**Verdict:** The court denied the claim to remove the judicial measures against the defendants, scheduling the next hearing for June 9, 2020 to start at 10:15.

#### **Emsal Atakan Case**

Ahmet Atakan had lost his life after the police intervention against the Gezi Park protests in Hatay. The first hearing of the lawsuit filed against Atakan's mother, Emsal Atakan, due to her social media posts was held at Hatay 3rd Criminal Court of First Instance. Atakan is charged with "public denigration of the government's military or security organisation" through her social media posts on Dilek Doğan, who was killed by the police...

**Court:** Hatay 3rd Criminal Court of First Instance

**Verdict:** Atakan said, in the statement made at the courthouse before the hearing, "As I claimed justice my son Ahmet Atakan for more than seven years, as they don't file a lawsuit for my son's death, they file a lawsuit against me. Just because I called murderers 'murderers'. We want justice for our murdered sons." The second hearing of the lawsuit was scheduled for March 26, 2020.

#### **Lawsuit against seven people distributing leaflets**

The first hearing of the lawsuit filed against seven people (six of them women) were detained and arrested while distributing leaflets for November 25, International Day on the Elimination of Violence Against Women in Esenyurt, Istanbul due to "making illegal organisation propaganda.

**Court:** Istanbul 36th Assize Court

**Verdict:** The court issued for the release of the defendants, issuing a travel ban. The second hearing was scheduled for March 10.

#### **Ferhat Tunç Case**

The lawsuit filed against artist Ferhat Tunç due to "public incitement towards resentment and hostility" through his social media posts...

**Court:** Büyükçekmece 4th Criminal Court of First Instance

**Verdict:** The warrant against Tunç remains. The next hearing was scheduled for July 1, to start at 09:00.

#### **Özgür Gündem Main Case**

The lawsuit filed against the writers and executives of previously shut-down Özgür Gündem Daily; Filiz Koçali, Aslı Erdoğan, Necmiye Alpay, Eren Keskin, Ragıp Zarakolu, İnan Kızılkaya, Kemal Sancılı and Bilge Aykut, due to "disrupting the unity and the territorial integrity of the state" and "illegal organisation membership"...

**Court:** Istanbul 23rd Assize Court

**Verdict:** The court issued the acquittals of Necmiye Alpay, Aslı Erdoğan and Bilge Aykut. The files of Eren Keskin, Kemal Sancılı, İnan Kızılkaya and Zana Kaya due to their additional time claims to prepare their defense statements. The files of Filiz Koçali and Ragıp Zarakolu were separated. The warrants against Koçali and Zarakolu remain and they haven't testified yet.

## HEARINGS NEXT WEEK

### **Ferhat Parlak Case**

The lawsuit filed against Silvan Mücadele Daily Owner Ferhat Parlak due to "terrorist organisation membership"...

**Date:** February 17; Diyarbakır 11th Assize Court

### **Hrant Dink Assassination Case**

The lawsuit filed against 76 defendants; including former Security, Intelligence and Gendarmerie officers; on the assassination of Agos Daily's Editor-In-Chief Hrant Dink in front of the newspaper building in Şişli, Istanbul on January 19, 2007...

**Date:** February 18-19-20; Istanbul 14th Assize Court

### **Gezi Park Case**

The lawsuit filed against 16 rights advocates, including arrested businessman Osman Kavala, due to "attempting to overthrow the Republic of Turkey" related to the Gezi Park activities...

**Date:** February 18; Istanbul 30th Assize Court (Silivri Prison)

### **Büyükada Case**

The lawsuit filed against 11 rights advocates due to "aiding and abetting armed terrorist organisations" and "armed terrorist organisation membership" after participating in the meeting with the agenda, "Digital security and protection of human rights advocates"...

**Date:** February 19, at 10:00; Istanbul 35th Assize Court

### **Doğan Akın Case**

The lawsuit filed against T24 founder and Editor-In-Chief Doğan Akın due to "aiding an illegal organisation" through "reporting the news on 108 tweets posted by Fuat Avni between March 2014 and April 2016"...

**Date:** February 19 at 10:30; Istanbul 25th Assize Court

### **Özgür Gündem Case**

The lawsuit filed against previously shut-down Özgür Gündem Daily Co-Editors-In-Chief Hüseyin Aykol, Managing Editor Reyhan Çapan and Hasan Başak...

**Date:** February 20; Istanbul 13th Assize Court

### **Şirin Kabakçı Case**

The lawsuit filed against Zaman Daily's former Konya representative Şirin Kabakçı due to "illegal organisation membership"...

**Date:** February 20 at 10:30; Istanbul 35th Assize Court

### **Lawsuit against Green Road Protest**

The lawsuit filed against 13 people, who protested the Green Road project, due to "preventing the freedom of work"...

**Date:** February 21; Artvin Sunday Criminal Court of First Instance