

January 2020 Report

This report is the summary of the Video Panel, organized with support of Human Rights Foundation of Turkey and contribution of 4 rapporteurs from the Human Rights Association in 4 main regions, in which violations on freedom of expression, especially the right to assembly and peaceful demonstrations. Our reporters are Mr. Osman İşçi (IHD Secretary General) in Ankara, Ms. Yüksel Acer in Diyarbakır, Ms. Leman Yurtsever in Istanbul and Ahmet Çiçek in İzmir.

Ankara Region: Protests of public workers after their dismissal from public service with emergency decrees continued on Yüksel Street, Ankara. By the end of January, the protest was ongoing for 1180 days with continuous detainments. And almost every day police interventions and custodies continued. These protests are not only on Yüksel Street, but in various other places in Ankara as well. The situation was similar in surrounding provinces. Besides detainments, investigations and prosecutions, yellow press cards of some press workers were cancelled.

İstanbul Region: Almost all protest actions, no matter if peaceful, face police harassment and mostly brutal intervention, custody and arrest. The “Saturday Mothers” performed in front of Galatasaray High School for 25 years by those looking for their missing relatives, keeps banned. Conversely, mothers claiming that their children were kidnapped and taken to the mountain by the PKK gather in front of the People’s Democratic Party (HDP) Provincial building, supported by the government, police and media.

Diyarbakır Region: Bans and brutal police interventions on peaceful demonstrations are almost regular practice in the region. Even at the “permitted” ones, the number of security forces are 10 times the number of protesters. After the earthquake in Elazığ, investigations started against the criticism on the Red Crescent, with an order from the Interior Ministry.

İzmir Region: In total: 48 detainments due to illegal organization propaganda, 1 press statement ban and 49 preventions against freedom of expression and thought. There is a language we especially take notice of in our news scans. Whenever someone is arrested, the news talk about that person as an illegal organization member. Especially the news reports of official Anadolu Agency and other local news agencies extrajudicially execute those arrested

“Security” interventions

- Konya:** 03. Police intervention against a protest of transporter truck drivers who were obliged to carry a tachograph since January 1, 2020 so they wanted to block the Konya-Istanbul highway. The police detained the truck drivers.
- İzmir:** 07. Simultaneous late-night raids by police to HDP members’ homes, 12 detainments due to making illegal organization propaganda.
- İstanbul:** 8. After the 2019 Istanbul LGBTI Pride March was banned in Taksim, the application to organize a rally in Bakırköy was denied. The lawsuit filed against this denial was also denied.

- K. Maraş:** 09. Three people were detained in Elbistan for possessing photos of Sakine Cansız, Fidan Doğan and Leyla Şaylemez, who were murdered in Paris on January 9.
- Adana:** 13. The police raided the house of Radio Dunya (*Closed with KHK- Statutory Decree*) Editor-In-Chief Medine Gümüş.
- Dersim:** 16. Gülistan Doku, 21-year-old university student is missing since January 5. Her family, friends and NGOs protested the lack of effective investigation and search for Doku. Immediately afterwards, a 15-day protest ban was issued in Dersim. The main suspect is her boyfriend, whose father is a police officer at the security department. One day before she disappeared, they had a serious fight when his parents and sister were present. However, those people's statements are not in the file. The Prosecutor investigating the case refused the accusation, saying: *'No, this matter has no connection to him, we conduct the investigation in a fair way no matter who's involved.'*
- Ankara:** 17. Ankara Medical Chamber executives and members organized an event to protest violence against a health worker. The police intervened, detained 4 people and prevented others' participation using their shields.
- Ankara:** 19. The police intervened in the "Justice March" in Güvenpark against public dismissals. 66 were detained, faced police brutality. İHD (Human Rights Association) members and HDP MP Gergerlioğlu were also injured.
- İzmir:** 21. 25 people were detained for 4 days due to being Democratic Society Congress (DTK) delegates, travelling abroad prohibited.
- Ankara:** 22. Such cases happen in subways as well. 4 people who tried to make a statement on prosecuted Air Force Academy students in a subway wagon were detained.
- Ankara:** 23. A house raid was organized against archivist Oktay İnce's home. A press statement was organized in front of the courthouse because his archive was still under confiscation. The police intervened here as well, detaining those making statements against public dismissals and 4 others wanting to make a statement on prosecuted Air Force Academy students.
- Isparta:** 23. 8 people were detained due to the use of social media and illegal organization propaganda.
- Balıkesir:** 24. 3 people were detained due to the use of social media and illegal organization propaganda.
- Ankara:** 27. The police detained Mahmut Konuk, the public worker fired with a statutory Decree; during his weekly peaceful protest, him on January 27 together with his supporter Eser Budak.
- İstanbul:** 27. Nursel Tanrıverdi, a public server fired with KHK (statutory decree) was detained 149. time at Bakırköy Square, in her sit-in protest.
- İzmir:** 28. The press statement organized by HDP (People's Democratic Party) for budgets to be assigned for earthquake and not for canal projects was prevented.
- Ankara:** 31. The press statement actions organized by the "fired due to Statutory Decrees" in front of the Human Rights monument at Yüksel Street on 1.30 PM and 6 PM were prohibited by the police.

2. Prosecutions

- İstanbul:** 6. The Appeal Court approved the 5-year 11-month imprisonment sentence issued against Ahmet Altan due to an article he wrote.
- Gaziantep:** 7. No. 7 Criminal Court sentenced Mesopotamia Agency reporter Barış Polat to 6 years 3 months of imprisonment due to illegal organization membership.
- İstanbul:** 9. Yeni Yaşam Daily's Managing Editor Osman Akın was sentenced to 5 months of imprisonment due to public denigration of the state's military or security organization in accordance with Turkish Criminal Code Article 3012.
- İstanbul:** 13. In the Özgür Gündem Main Case, the Prosecutor presented his opinion on the basis and claimed for the defendants to be penalized due to illegal organization membership and propaganda. The Prosecutor claimed for Aslı Erdoğan and Zana Kaya to be penalized due to making illegal organization propaganda and for Eren Keskin, Inan Kızılkaya and Kemal Sancılı due to illegal organization membership.
- Mersin:** 15. Kurdish Azadiya Welat Daily's Managing Editor Ismail Çoban was sentenced to 7 years and 6 months of imprisonment due to illegal organization membership.
- Ankara:** 16. Another prominent development was a Constitutional Court decree. On May 14, 2014, police had intervened in the press statement in Güvenpark, Ankara to protest the Soma Mines massacre. Two 2 applicants complained about their short-range exposure of tear gas and applied to the Constitutional Court. The Constitutional Court issued for 20 thousand TL moral compensation each to be paid to the applicants, stating that the situation violated the torture and mistreatment ban as well as being problematic in terms of the intervention against peaceful demonstration. The court then sent the file back to the Prosecutor's Office. Here the Constitutional Court decided that the right to meeting and demonstration was violated.
- İstanbul:** 17. A lawsuit was filed against 38 people with imprisonment claims between 2 and 5 years following the complaint of the Banking Regulation and Supervision Agency after they reported news on the economic crisis in 2018 and the increase in exchange rates and commented on related social media posts. Bloomberg reporters Kerim Karakaya and Fercan Yalçinkılıç are among the defendants due to reporting the news and 38 others including Mustafa Sönmez, Merdan Yanardağ, Gazip Ozanoğlu and Sedef Kabaş Yirmibeşoğlu due to commenting on related social media posts.
- İstanbul:** 17. Yeni Yaşam Daily's Managing Editor Osman Akın was sentenced to 5 months of imprisonment due to public denigration of the state's military or security organization in accordance with Turkish Criminal Code Article 301.
- İstanbul:** 18. A case was opened against the editor of Yeni Yaşam Daily' Aydın Keser at İstanbul No. 22 Penal Code due to criticizing the military operation to Syria with the accusation of terrorist propaganda.
- İstanbul:** 21. A lawsuit was filed against TV10 worker Rohat Emekçi due to the programs she prepared, the indictment against her claimed her penalization due to illegal organization membership.
- İstanbul:** 2. A lawsuit was filed against Tarık Balyalı after his press statement on the aid provided by Istanbul Metropolitan Municipality for foundations in former periods.

- Ankara:** **23.** The hearing of the lawsuit filed against journalist Hayri Demir due to illegal organization membership through his journalistic activities was held. Another journalist Kenan Kirkaya made his defense at the 32nd Assize Court within the lawsuit filed against him being accused of making terrorist propaganda in his social media messages.
- İstanbul:** **23.** Journalist Esin Kavruk had been detained due to her social media posts on Syria war and was forced to go to the forensic medicine unit with her saliva and internal organ samples were taken. She was released but her prosecution is ongoing.
- İstanbul:** **2.** Yeni Yaşam Daily's former Managing Editor Osman Akin was sentenced to 5 months of imprisonment by No. 23 Criminal Court, due to public denigration of the state's military or security organization in accordance with Turkish Criminal Code Article 301.
- Adana:** **28.** A lawsuit started against the former Chairman of the Education and Science Workers' Union due to violating the Law on Meetings and Demonstrations through an event he participated in 2013.
- İstanbul:** **28.** At the hearing of the case, in which businessman Osman Kavala and 16 human rights defenders were tried as "organizers of Gezi Part protests" with demand of lifetime imprisonment, the lawyers left the room protesting the lawless practice of the Court, and the audience followed them. Kavala was not released, despite the very clear decree of European Human Rights Court on his favor.
- İstanbul:** **31.** A lawsuit was filed against the "Justice Watch", which started with lawyers arrested in daily "Cumhuriyet" case and continued in front of Istanbul Court House for months weekly for months. Organizer lawyer Kemal Aytaç was accused of "Organizing an illegal demonstration".

3. Media, Social Media

- İstanbul:** **9.** Access to BirGün, Sol, Cumhuriyet, Sözcü Daily were banned due to the news on "Wifi available" in the High-Speed Train.
- İstanbul:** **21.** A lynch campaign started on social media against Istanbul Metropolitan Municipality for selling the book 'Devran' written by former Co-Chair Selahattin Demirtaş of HDP (People's Democratic Party) after stage actress Jülide Kural brought it on stage.
- İstanbul:** **23.** Istanbul 9th Criminal Judicature of Peace issued a verdict for the 49 issues of "Özgür Gelecek Yeni Demokrasi Daily", to be banned and pulled off the shelves with the allegation of making illegal organization propaganda.
- Ankara:** **24.** Presidency's Directorate of Communication cancelled yellow press cards of around 30 journalists including workers of Evrensel, BirGün and Cumhuriyet Daily. The press statement organized in Ankara on January 27 to protest this was somehow not banned. Following very strong reactions, cards were given back.

Other

- İstanbul:** 9. A majority of the letter written by Grup Yorum member Barış Yüksel, who is on a hunger strike for 190 days, and sent to BirGün Daily, was censored by the prison administration and sent that way.
- İstanbul:** 16. The Press Ad Institute issued an ad ban against Evrensel Daily and based the ban on the newspaper readers buying more than one newspaper and bringing the newspaper in prisons.
- İstanbul:** 20. Republican People's Party (CHP) MP Süleyman Bülbül visited Grup Yorum member İbrahim Gökçek in prison and stated that Gökçek is unable to access political magazines and he can only have 10 books in total.
- Ankara:** 21. Another development was about the Science and Arts Foundation, whose founders include former Prime Minister and current Chairman of the Future Party, Ahmet Davutoğlu. The General Directorate of Foundations assigned a 3-people committee, therefore a trustee, to the foundation. There is an ongoing legal process about it.
- Tekirdağ:** 24. The lawyers informed the public that he books sent to prisoners in Tekirdağ No.22 F Type Prison were systematically confiscated.

Evaluation and Proposals

Ankara:

All these interventions, investigations, prosecutions and trustee assignments show us that these violations happen in different categories like investigation, prosecution, detainment and physical intervention. Therefore, we need to track these and react against them with different methods, in different layers and categories.

What I mean by this is to report them, document them and transfer these reports and documents to public authorities and related human rights mechanisms to create awareness in public opinion while doing this in a coordinated way with other components of the human rights movement.

Again, considering the Constitutional Court's evaluation 5-6 years after the initial applications, we have to start legal application processes immediately. Only then we can improve the number of tracked human rights violations as well as our efforts on the protection and progress of human rights.

Diyarbakır:

Protest and demonstration bans were prominent in Diyarbakır and in the surrounding region.

The 15-day meeting and demonstration bans almost became a routine procedure in Van. A similar 15-day protest ban was issued in Dersim as well. Here is the reason:

A young woman, a 21-year-old university student Gülistan Doku is missing since January 5 and naturally, her family, friends and NGOs organized protests and events in order to

express the lack of effective investigation and search for Doku. Immediately afterwards, a 15-day protest ban was issued in Dersim.

This ban means that you may not express the deficiencies or mistakes of the government.

İstanbul:

Organizing demonstrations and press statements are systematically banned.

The Saturday Mothers' sit-in protest on "F-Type High Security Prisons" was banned once again and they were prevented from going to Galatasaray Square.

When the matter came up in the United Nations' UPR, Turkey defended the prevention by saying it's a touristic area and the demonstration disturbs the tourists!

There were also detainments due to journalistic activities, media bans, cancellation of yellow press cards, restriction of books and censorship of letters in prisons.

İzmir:

Due to released "Jin News" reporter Melike Aydın's testification, she received none of the letters or postcards we sent were given to her. Similarly, none of the letters of postcards the prisoners wrote were sent as well. There are many letters especially the Human Rights Association hasn't received. This is a serious obstacle against communication and constitutes a crime against freedom of expression/thought.

As everyone else was making press statements on the earthquake, the People's Democratic Party (HDP) was prevented from making a press statement. They were surrounded by the police, people were taken from there to wherever they have to go, the group was dispersed, and the press statement was not allowed.

There is a language we especially take notice of in our news scans. Whenever someone is arrested, the news talk about that person as an "illegal organization member". Especially the news reports of the official Anadolu Agency and other local news agencies extrajudicially execute those arrested. There is no explanation or apology afterwards as well.

For instance, 25 so-called Democratic Society Congress (DTK) members turned out to be DTK delegates and not members. In the meantime, DTK congress was a legal meeting, not something illegal or underground.

You can Access the Video Panel at: <https://www.youtube.com/watch?v=TI0oe0gz86k>