

Think, think...



Freedom of Expression Weekly Bulletin

(Issue 11/20, 13 March 2020)

What happened last week?

- After the ceasefire agreed upon in Moscow, tensions in Idlib quietened for now. However, the deadlock in the politics of Syria is still unresolved. President Erdoğan stated that they will react in a heavy way in case the ceasefire is not complied with.
- Refugees are being carried to the border by Ankara, as a tool for blackmail, with Europe shutting the border gates. As President Erdoğan continues to threaten Europe, saying that the flow of refugees will continue as long as Turkey's demands are not fulfilled, refugees squeezed in between two borders are trying to survive.
- As the number of people died of the Coronavirus exceeded 4,600 worldwide, the World Health Organization declared a pandemic status for the virus. Turkey announced its first case of Coronavirus, the agenda in Turkey changed suddenly and drastically. Erdoğan said, "No virus is stronger than our measures."
- Businessman Osman Kavala, who is in prison for 864 days, was arrested this time due to "espionage." *Details in the bulletin...*
- Diyarbakır Co-Mayor Mızraklı was convicted. *Details in the bulletin...*
- 28 journalists were detained and 8 journalists were arrested in the last 15 days. *Details in the bulletin...*



[Please click here](#) to watch our weekly video, "COGITO ERGO SUM" in which we track the agenda of freedom of expression in Turkey. "COGITO ERGO SUM" is on our [YouTube channel](#) every week.



The fifth "[What's Goin' On?](#)" video conference was held. In the conference, we record freedom of expression violations as well as violations against the right to meeting and demonstration in Turkey, together with the Human Rights Association (IHD) and the Human Rights Foundation of Turkey

(TIHV).



Another arrest warrant against Kavala

Businessman Osman Kavala has recently been acquitted in the Gezi Park Case and was arrested once again within the “coup investigation” as his release was expected. Kavala was arrested once again, this time due to “political or military espionage.” The warrant against Kavala, who is in prison for 861 days, was issued one day before the

European Court of Human Rights (ECHR) decree, stating that his arrest is a right violation, is finalised. His attorney İlkan Koyuncu indicated that Kavala was arrested three times within the same investigation file and was released once, now being arrested once again with another charge. *“They are going to say that they will not apply the ECHR decree on right violation and the maximum two-year arrest period at the stage of investigation,”* Koyuncu said. In short, Kavala was arrested within the same file, released on paper, arrested once and once again.



Imprisonment sentence against social media post due to “insulting Erdoğan”

A citizen was sentenced to five months of imprisonment due to “insult” after writing on social media: “Here, take this election, you devil,” implying that President Erdoğan won the elections in a corrupted way in 2018. Ankara 46th Criminal Court of First Instance

based the imprisonment sentence on the crime of “insult” in accordance with Article 125 of the Turkish Criminal Code, even though the lawsuit was initially filed due to “insulting the President” in accordance with Article 299 of the Turkish Criminal Code. The only resolution is for it to be annulled entirely. On the other hand, we must note that the articles restricting freedom of expression in the Turkish Criminal Code are not restricted with this. Another aspect of this problem is for the thoughts and criticisms to be exposed to restrictive measures based on notions like “insult” and “incitement”...



9-year 4.5-month imprisonment against Diyarbakır Co-Mayor Mızraklı

Diyarbakır Co-Mayor Adnan Selçuk Mızraklı was sentenced to 9 years, 4 months and 15 days of imprisonment due to “illegal organisation membership.” Mızraklı has previously been dismissed from mayorship with an Interior Minister decree, was replaced with a trustee

and been under arrest since October 22. Diyarbakır 9th Assize Court announced the decree without the presence of Mızraklı, who wasn’t brought in the court to attend the hearing from Kayseri Type-T Prison No.2, where he remains under arrest.



Imprisonment sentence against human rights advocate Raci Bilici

Human Rights Association (IHD) Central Executive Board (MYK) member attorney Raci Bilici was sentenced to 6 years and three months of imprisonment in the case he was on trial at Diyarbakır 5th Assize Court with the allegation of “terrorist organisation membership.” Bilici was charged due to

preparing the violation reports of IHD between the years 2011 and 2014 as well as his participation in the activities of the Democratic Society Congress (DTK).



Arrested journalists

OdaTV Editor-In-Chief Barış Pehlivan, Yeniçağ Daily writer Murat Ağırel, Yeni Yaşam Daily’s Managing Editor Aydın Keser and Editor-In-Chief Ferhat Çelik were arrested due to their news on the funeral of a Turkish Intelligence Agency officer, who died in Libya. Thus, right journalists were imprisoned in the

past week. OdaTV News Director Barış Terkoğlu and reporter Hülya Kılınç have previously been arrested due to the related news. 8 journalists were arrested last week together with journalist-writer Alptekin Dursunoğlu and Rûdaw TV reporter Rawin Sterks. There are more than 100 journalists in Turkish prisons.



METU Pride March Case

The second hearing was held in the lawsuit filed against academics and students, who were detained with police violence during the LGBTI+ Pride March at the Middle East Technical University (METU). Ankara 39th Criminal Court of First Instance scheduled the next hearing for July 10, 2020 at 09:00. Human

Rights Defenders Solidarity Network launched a statement before the hearing and said, “LGBTI+ Rights Defenders Cannot be Prosecuted,” demanding the immediate release of rights advocates and investigating officers who applied violence.



Feminist Night Walk banned

Istanbul Governorate banned the 8th March 8, Feminist Night Walk. Subways were shut down before the march and Taksim Square was surrounded with barricades. Istiklal Street was taken under police blockade. Despite the

Governorate ban and police blockade, women's groups performed demonstrations in many locations around Taksim. The police attacked women marching towards the Taksim Square; 34 people were beaten and detained. Those detained were released early in the morning.



Former CHP MP sentenced to imprisonment due to “insulting Erdoğan”

Ankara 14th Criminal Court of First Instance sentenced former Republican People's Party (CHP) MP Fikri Sağlar to 10 months of imprisonment due to “insulting the President” through a speech he gave as he was the CHP Assembly member.



Book on Declaration of the Rights of Female Children destroyed

Following the complaint made by the Ministry of Family and Social Services, Istanbul Chief Public Prosecutor's Office banned the book on the Declaration of the Rights of Female Children and pulled it off the shelves, with already printed books destroyed. An indictment

was prepared against the translator of the book into Turkish, Burcu Uğuz, within the charge of “mediation of spreading obscene publications.” The translator will stand trial at the Criminal Court of First Instance, facing three years of imprisonment.



Journalist fired after fighting for union rights

Posta Daily's News Director Timur Soykan was fired from the newspaper after fighting for journalists' union rights. Soykan was working at Demirören Media for a long time, and recently shared the posters he prepared for arrested journalists, writing these expressions on social media: “None of us are free as our journalist friends are in prison. Posters for

Barış Terkoğlu, Barış Pehlivan, Murat Ağrel, Hülya Kılınc are at Demirören Media. Freedom for Journalists.”



Solidarity event for Grup Yorum banned in Izmir

The concert and event to be organized in Izmir for solidarity with Grup Yorum members with the slogan, “We Want Freedom for Arts, And For Grup Yorum To Live,” was banned with a

Governorate decree. Grup Yorum members are on an indefinite hunger strike against the oppression and restrictions.



Access to two more OdaTV websites banned

Two more websites of OdaTV (odativ.net /odativ.com.tr) were banned to access after one website was previously banned to access with the Editor-In-Chief, News Director and one reporter arrested due to the news on a funeral of a Turkish National Intelligence Officer, who died in Libya.



Constitutional Court denies application on penalty against book “Gezi Phenomena”

The Constitutional Court (AYM) denied the application of Erol Özkoray, who was convicted of “insulting Erdoğan” due to his book, “*Individualism and Democracy: The Gezi Phenomena*,” claiming that the “allegation of

freedom of expression violation is arbitrary and lacks basis.”



Constitutional Court: Access ban on sendika.org is freedom of expression violation

The Constitutional Court (AYM) finalized the individual application, made by sendika.org against the access ban issued on the website by the Telecommunication and Information Directorate (TIB), about five years after the

initial application. The court indicated that it is a violation of freedom of expression to ban access to the news website, which was banned to access for exactly 62 times since July 2015 and survives on the url sendika63.org. The court decree on a compensation and the warrant to revoke the ban will be sent to the Criminal Judicature of Peace.



TRIALS OF FREEDOM OF EXPRESSION

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 is arrested since October 22, due to “illegal organisation membership”...

Court: Diyarbakır 9th Assize Court

Verdict: Mızraklı was sentenced to 9 years, 4 months and 15 days of imprisonment.

Arzu Çerkezođlu Case

The lawsuit filed against DISK Chairwoman Arzu Çerkezođlu due to “public incitement towards resentment and hostility” through her criticisms against the government in a panel she participated in, organized in Sapanca...

Court: Sapanca (Sakarya) Criminal Court of First Instance

Verdict: Çerkezođlu was acquitted.

Case Against 7 People Distributing Leaflets for November 25

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

Court: Istanbul 36th Assize Court

Verdict: The lawsuit concluded with acquittal.

Kibriye Evren Case

The lawsuit filed against JinNews reporter Kibriye Evren due to “illegal organisation membership” and “making illegal organisation propaganda”...

Court: Diyarbakır 5th Assize Court

Verdict: The court board issued for the travel ban against the journalist to remain and scheduled the next hearing to July 14, 2020 at 09:00.

Figen Yüksekdađ Case

The lawsuit filed against former People’s Democratic Party (HDP) Co-Chair Figen Yüksekdađ with an imprisonment claim against her for up to 83 years within seven different summaries...

Court: Ankara 16th Assize Court

Verdict: The next hearing was scheduled for May 21, 2020.

Yusuf Karataş Case

The lawsuit filed against Evrensel Daily columnist Yusuf Karataş within the investigation against the Democratic Society Congress (DTK) due to “establishing and managing an armed illegal organisation” through the workshops, panels, press statements and events he participated in...

Court: Diyarbakır 9th Assize Court

Verdict: The Prosecutor presented his opinion on the basis and claimed for the journalist to be penalised within the crime of “armed illegal organisation membership.” The court scheduled the next hearing for May 4, 2020 in order to receive the defense statement on the basis.

Mehmet Çakmakçı Case

The lawsuit filed against journalist Mehmet Çakmakçı with the allegation of “illegal organisation membership” due to the photos he took as he was collecting news information as well as his interviews with news resources being considered criminal evidence...

Court: Diyarbakır 10th Assize Court

Verdict: The Prosecutor presented his opinion on the basis and claimed an imprisonment sentence against the journalist for up to 15 years. The court scheduled the next hearing for June 10, 2020 at 09:55 in order to receive the defense statement on the basis.

Engin Korkmaz Case

The lawsuit filed against Contemporary Journalists Association (ÇGD) Mediterranean Branch Chairman and Antalya Körfez Daily Managing Editor Engin Korkmaz due to “insulting the President” through their social media posts...

Court: Antalya 19th Criminal Court of First Instance
Verdict: The next hearing was scheduled for September 9, 2020.

Raci Bilici Case

The lawsuit filed against Human Rights Association (IHD) Central Executive Board member attorney Raci Bilici with the allegation of “terrorist organisation membership” through his rights advocacy...

Court: Diyarbakır 5th Assize Court

Verdict: Bilici was sentenced to 6 years and three months of imprisonment.

METU Pride March Case

The lawsuit filed against 18 students and 1 academic due to “violating the Law on Meetings and Demonstrations” through participating in the LGBTI+ Pride March organized in 2019 at the Middle East Technical university (METU)...

Court: Ankara 39th Criminal Court of First Instance

Verdict: The third hearing of the lawsuit was scheduled for July 10, 2020 at 09:00.

ETHA - İsmnaz Temel / Havva Cuştan Case

The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporter İsmnaz Temel, Havva Cuştan and the Legal Bureau of the Oppressed (EHB) lawyers, with the allegation of “illegal organisation membership” and “making illegal organisation propaganda”...

Court: Istanbul 27th Assize Court

Verdict: The court denied the claim to revoke the travel ban against the defendants and scheduled the next hearing for June 10, 2020 at 10:00.

HEARINGS NEXT WEEK

Alptekin Dursunoğlu Case

The lawsuit filed against Yakın Doğu News Website’s Editor-In-Chief Alptekin Dursunoğlu due to “public incitement towards resentment and hostility” after being arrested due to his social media posts on February 28 on the clashes in Idlib...

Date: March 16, Monday at 09:45, Istanbul 49th Criminal Court of First Instance

Şebnem Korur Fincancı Case

The lawsuit filed against the Human Rights Foundation of Turkey (TIHV) Chair Prof. Şebnem Korur Fincancı with the allegation that she has insulted Erdoğan, who was Prime Minister at the time, through a tweet she posted during the Gezi Park protests...

Date: March 17, Tuesday; Istanbul Anatolian 42nd Criminal Court of First Instance

Ayşegül Doğan Case

The lawsuit filed against previously shut-down IMC TV Program Coordinator Ayşegül Doğan with the allegation of “establishing and managing an armed terrorist organisation” due to the interviews and meetings she held with the Democratic Society Congress (DTK) executives as well as events she participated in within her journalistic activities...

Date: March 18, Wednesday at 09:35; Diyarbakır 9th Assize Court

Berkin Elvan Case

The lawsuit filed against Berkin Elvan, who was shot in the head with a tear gas shell by the police on June 16, 2013 during the Gezi Park protests in Okmeydanı, Istanbul and later lost his wife after remaining in the intensive care unit for 269 days...

Date: March 18, Wednesday; Istanbul 17th Assize Court

Case against trustee protest

Belediyelere atanan kayyımları protesto ettikleri için "Toplantı ve Gösteri Yürüyüşleri Kanununa muhalefet" ile suçlanan Özgür Gelecek Gazetesi muhabiri Taylan Öztaş ve 22 kadının yargılandığı dava...

Date: 18 Mart Çarşamba, İstanbul 17. Asliye Ceza Mahkemesi

MİT Tırları Davası

The lawsuit filed against Cumhuriyet Daily's former Editor-In-Chief Can Dündar due to "obtaining confidential information with the aim of espionage" on the broadcast of visuals belonging to the Turkish National Intelligence trucks...

Date: March 19, Thursday at 11:00; Istanbul 14th Assize Court

Assyrian Priest Sefer (Aho) Bileçen Case

The lawsuit filed against St. Jaco's Church Nisibis Priest Sefer (Aho) Bileçen due to "illegal organisation membership" after he was arrested on January 10 and was released four days later after the objection of his attorney...

Date: March 19, Thursday; Mardin 4th Assize Court

Case Against Protest "Speak Up for Cizre"

The lawsuit filed against 49 people, who participated in the protest organized in Izmir against the rights violations during the curfew in Cizre, due to "making illegal organisation propaganda"...

Date: March 19, Thursday; Izmir 2nd Assize Court

Case against trustee protest

The lawsuit filed against 38 people, including journalists Taylan Öztaş and Tunahan Turhan, due to "violating the Law on Meetings and Demonstrations" through protesting the trustees assigned at municipalities...

Date: March 19, Thursday; Istanbul Anatolian 13th Criminal Court of First Instance

Onur Emre Yağan Case

The lawsuit filed against former Editor-In-Chief of İleriHaber news website, Onur Emre Yağan, due to "successively making illegal organisation propaganda" through the news reported on the website as well as social media accounts...

Date: March 20, Friday; Istanbul 33rd Assize Court