

February 2020 Report

Successive Meeting and Demonstration Bans: These bans are declared initially for a limited amount of time, then are extended over and over. Thus, the Constitutional right to meeting and demonstration cannot be used. There are meeting and demonstration bans in Hakkari, Mardin, Urfa, Van and now Istanbul as well. Every event is banned for 10 days, starting on March 1.

Special Security Zones: Five regions; *Central Hakkari, Çukurca, Şemdinli and Yüksekova* were declared special security zones for 15 days, starting on February 11. Entrance to these regions is not allowed without permission. Therefore, no news arrive on the operations conducted in the region.

Saturday Mothers: The protest organized by the "Saturday Mothers" for the last 25 years in front of Galatasaray High School to search for their missing children, is banned. The relatives are confined in the area in front of the Human Rights Association Istanbul branch in the parallel street. Those resisting the police face violence. Sit-in protests organized in Diyarbakır to support them are being confined in front of building doors as well.

Government Mothers: The contrary situation, mothers claiming that their children were kidnapped by the PKK in mountains, are gathering in front of the People's Democratic Party (HDP) Diyarbakır Provincial building, supported by the government, police and media. Families from other provinces are being brought there with a government support to increase the number as well. These protests are frequently broadcasted on mainstream TV channels.

Human Rights Monument: There is no permission for any meeting, demonstration or press statement in front of the Human Rights Monument on Yüksel Street in Ankara. Just like Galatasaray Square in Istanbul, this place has become a symbol for the obstinacy of the government.

In Izmir, Denizli, Balıkesir, Aydın and Antalya: Constant interventions against press statements. 19 detainments in total due to social media posts.

1- Police Intervention

Ankara: **February 1.** The police prevented the press statement organized on Yüksel Street to protest unrightful dismissals from public service. Five people were detained in two separate interventions.

Ankara: **February 2.** Three people were detained in the press statement organized in Güven Park. The press statement has been organized to point out the situation of Mustafa Koçak, who is kept in Şakran Type-T Prison No.2 on an indefinite hunger strike for 215 days with a claim of fair trial.

Ankara: **February 3.** In the common event organized by trade unions and organizations Confederation of Progressive Trade Unions of Turkey (DISK), confederation of Public Employees' Trade Union (KESK), Union of Chambers of Turkish

Engineers and Architects (TMMOB), Ankara Medical Chamber and Ankara Chamber of Certified Public Accountants and Sworn-In Certified Public Accountants in front of Red Crescent Headquarters to protest the money transaction between the Red Crescent and Ensar Foundation, five people were detained and later 14 more people were detained after attempting to continue with the press statement. All those who were detained were released the same day.

Istanbul: **February 4.** Nuri Bařkapan went to Sarıyer Notary to warn the President due to his statements during the elections and was detained by the police after the call of the notary. However, Bařkapan was later released with an order from the Prosecutor's Office.

Adana: **February 8.** DEM Music Center was raided by the police in central Adana. The police detained two people, who were in the building during the raid.

Mersin: **February 11.** 12 people, including two children, were detained during house raids due to 'illegal organisation membership.'

Ankara: **February 12.** A citizen shouted during the Justice and Development Party (AKP) caucus, saying, "My children are hungry, please help me." The citizen was detained afterwards.

Ankara: **February 23.** Following the 4th Great Congress of the People's Democratic Party (HDP), 14 people were detained, including technical personnel working on the soundsystem. The Chief Public Prosecutor's Office announced that an investigation was started after the slideshow presented at the congress, which was prepared with photographs of Abdullah Öcalan taken in the past.

2. Investigations, Lawsuits

Izmir: **February 8.** A lawsuit was filed against 25 women at the 7th Criminal Court of First Instance on the Las Tesis dance protest. The first hearing will be held on May 14.

Diyarbakır: **February 11.** A lawsuit was filed against Sur Co-Mayor Cemal Özdemir, who was previously dismissed from his duty and was arrested, at the 8th Assize Court. Özdemir faces an imprisonment claim for up to 36 years due to "illegal organization membership," "making illegal organization propaganda" and "unpermitted possession of dangerous substances."

Istanbul: **February 14.** Necmiye Alpay, Aslı Erdoğan and Bilge Aykut were acquitted of the charges imposed against them in the Özgür Gündem Main Case. Files of Ragıp Zarakolu and Filiz Koçali, who couldn't testify, were separated. The files of Eren Keskin, Zana Kaya, İnan Kızılkaya and Kemal Sancılı were separated as well, for they will be prosecuted due to "illegal organization membership."

Diyarbakır: **February 18.** A lawsuit was filed against Co-Mayor Gültan Kışanak, who was previously dismissed and was replaced with a trustee, as well as Fırat Anlı and 63 municipal assembly members at Diyarbakır 10th Criminal Court of First Instance due to the application of "Co-Mayorship" at the municipality.

Istanbul: **February 18.** Osman Kavala was arrested and imprisoned once again after the release decree issued for him following his acquittal of all charges imposed against him in the Gezi Park Case at the 30th Assize Court. The new arrest is

based on a hasty application made by the Chief Public Prosecutor's Office and the decree issued by the court on duty, based on an investigation that was formerly opened against him related to July 15 Coup Attempt, which had a release verdict for Kavala.

Istanbul: **February 19.** No final decree was issued in the "Büyükkada" Case as well, with 11 rights advocates on trial. The prosecution continues.

Urfa: **February 20.** An investigation was opened against 17 people (including Provincial Co-Chairs), who participated in the press statement organized at the People's Democratic Party (HDP) Provincial Organization on the 22nd anniversary of Abdullah Öcalan's return in Turkey, with the allegation of public incitement towards resentment and hostility and denigration.

3. Media, Social Media

Denizli: **February 3.** One person detained due to making illegal organization (DEAŞ) propaganda on social media.

Istanbul: **February 5.** Mezopotamya News Agency's Managing Editor Ferhat Çelik was detained at Silivri Prison No.5, where he went to receive an opinion. Çelik testified at Silivri Courthouse on a news article published in the news agency, being released on the same day. However, the police arrived in his home on the same day and Çelik was detained once again within the same investigation. He was released when it was understood that his statement at Silivri Courthouse wasn't recorded in the system yet.

Istanbul: **February 6.** Kurdish politician Fuad Önen was detained due to his social media posts and was released with judicial measures.

Adana: **February 10.** A lawsuit was filed at the 2nd Assize Court against the Socialist Party of the Oppressed (ESP) members, who were detained on November 3, due to "illegal organisation membership." The first hearing will be held on March 19.

Ankara: **February 10.** 8th Criminal Court of Peace banned access to a news article on evrensel.net related to the dismissal of a teacher working at Private Maya Schools.

Istanbul: **February 11.** Arlet Natali Avazyan was detained due to her social media posts. Avazyan was released after testifying at the police station. Ayten Sarıkaya Kesler arrived in Istanbul from Switzerland on the same day, being detained and arrested at the airport due to her social media posts. However, Kesler was released after the objection of her lawyer as Kesler is a terminal cancer patient.

Ankara: **February 13.** The prosecution of 16 fugitive defendants, together with Erman Ekici, continued at the 4th Assize Court on the Ankara Massacre on October 10. European Parliament member Özlem Demirel was not allowed in the hearing room, which was open to the public. The next hearing was scheduled for May 8.

Hatay: **February 13.** The first hearing of the lawsuit filed against Emsal Atakan at the 3rd Criminal Court of First Instance due to 'public denigration of the government's military or security organization' through her social media posts

was held. The court scheduled the next hearing for March 26, after receiving the defense statements.

- Balıkesir:** **February 14.** 3 people detained due to making illegal organization (PKK/KCK) propaganda on social media.
- Denizli:** **February 17.** 1 person detained due to making illegal organization (PKK/KCK) propaganda on social media.
- Aydın:** **February 18.** 13 people detained due to making illegal organization (PKK/KCK) propaganda on social media.
- Istanbul:** **February 18.** Kanal D reporter Şevval Şirin was detained at the school she went in Esenyurt in order to collect new information, after the school dean called the police. Şirin was released on the same day.
- Gaziantep:** **February 20.** The lawsuit filed against journalist Murat Güneş at the 9th Criminal Court of First Instance due to a news article he wrote, concluded with acquittal.
- Ankara:** **February 21.** Information and Communication Technologies Authority (BTK) banned access to the website of JinNews.
- Ankara:** **February 24.** All posts depicting photos and videos of armored vehicles belonging to the Turkish Armed Forces (TSK) but are being used by Syrian opposition forces after being damaged during the attacks in Syria, were banned to access by the 1st Criminal Judicature of Peace together with 52 websites and users, who posted related content.
- Ankara:** **February 26.** The lawsuit filed in 2012 against 72 Confederation of Public Employees' Trade Union (KESK) members, including the former and current KESK Co-Chairs, is still ongoing. The next hearing was scheduled for June 3.
- Konya:** **February 27.** Journalist Sultan Çoban was sentenced to 1 year and three months of imprisonment due to 'making illegal organization propaganda' in the first hearing of the lawsuit filed against her at the 8th Assize Court due to her social media posts.
- Antalya:** **February 28.** One person detained due to his social media posts on the attack in Idlib.

4. Other Violations

- Izmir:** **February 1.** The group, gathering in front of Izmir Gas General Directorate building, couldn't deliver their objection letters after the press statement they made, as the General Directorate shut down the building.
- Ankara:** **February 4.** The Constitutional Court (AYM) decree, dated January 20, 2020, on the individual application of Mehmet Altan, was published on the Official Gazette. AYM denied the claim on the violation of his right to fair trial but stated that the arrest of Altan was unrightful and that his right to personal safety and freedom was violated, issuing 30 thousand TL compensation to be paid to Altan.
- Kayseri:** **February 5.** It was found out that letters arriving for prisoners at Type-T Prison No.2 aren't handed to the prisoners, that they can't listen to the radio and the number of books they can take with them is restricted.
- Istanbul:** **February 6.** Human Rights Association (IHD) Branch Chair Gülseren Yoleri was detained by the police at her home. The police had intervened the press

statement made at the 759th Session of the Saturday Mothers after the criticisms against the military operation in Syria. Gülseren Yoleri was released after testifying at Sarıyer Police Station.

Ankara: **February 7.** The passport of journalist Hüseyin Aykol, who resides in Ankara, was seized at the airport in Istanbul as Aykol was going to Brussels. This was based on a restraint against his passport.

Hatay: **February 7.** A.Y. set himself on fire in front of the Governorate building, saying, “*My children are hungry,*” and lost his life. According to the report prepared by the Human Rights Association (IHD) Hatay Branch, the citizen had searched for remedies, using his economic social rights, but couldn’t succeed in his attempts.

Ankara: **February 10.** Press Ad Institute in Ankara penalised Evrensel Daily with 10 days of ad blackout on February 10. This was based on a news article published on Evrensel Daily on November 13, that said that the Press Ad Institute ended Kurdish publications.

Izmir: **February 12.** Due to the statement made by United Transportation Union Izmir Branch on February 12, which we joined as well, a 41-year Turkish State Railways (TCDD) worker Ünal Karadağ was exiled to Malatya after a complaint through the Confederation of Public Servants Trade Unions (Memur-Sen) based on his union activities.

Van: **February 15.** Distribution of leaflets by People’s Democratic Party (HDP) Saray and Özalp district organizations to call for HDP’s 4th Ordinary Great Congress in Ankara on February 23 was not allowed by the police, based on the Governorate ban against protests and events.

Ankara: **February 18.** The recital organised at Mamak Community Centre on February 18 for solidarity with Grup Yorum was banned by Ankara Governorate.

Ankara: **February 20.** 10 summaries, prepared against six People’s Democratic Party (HDP) MPs with claims to take off their Parliamentary immunities, were sent to the Grand National Assembly of Turkey (TBMM).

Istanbul: **February 22.** The forum and concert organised by Either Canal, Or Istanbul Coordination on February 22 at Taksim Square was banned by Beyoğlu District Governorate

Izmir: **February 22.** The concert organized for solidarity with Grup Yorum was cancelled by the Governorate.

February 23. The press statement on the cancellation of the solidarity concert by the Governorate wasn’t allowed by the police.

February 24. The Governorate further banned the press statement on the cancellation of the solidarity concert, being reflected onto the press.

Gaziantep: **February 29.** The Governorate banned all meetings, demonstrations, press statements, open-air gatherings, posters and banners, distribution of leaflets within the province after the attack in Idlib, in which 33 soldiers have lost their lives. The Governorate ban is indefinite, starting on February 29 with no deadline.

5. Evaluation and Suggestions

Human Rights Foundation of Turkey (TIHV) (Coşkun Üsterci):

We now face a new situation, especially against the freedom to meeting and demonstration. Governors are able to ban all protests and events for 30 days, in accordance with Article 17 of the Law on Meetings and Demonstrations No. 2911 as well as with the Law on Provincial Administration. They are also able to make these bans indefinite and continuous, declaring them one after another. This situation is new, as the freedom of meeting and demonstration is indispensable for democracy. But, it's a right that can be restricted, with one condition. It can only be restricted if there is a close threat of violence. However, the essence of the right must also not be touched. With these new ban decrees issued by the Governors, the essence of this right vanishes. Which means that the right can't be used actively. Protests and events are banned in 21 provinces and 1 district with 151 Governorate decrees issued from January 1, 2019 until the end of February 2020 - for 14 whole months. The shortest of those decrees lasted for two days and the longest, in Van, lasted for 419 days. The situation in Van is actually much worse. The first protest ban started on November 21, 2016 and the Governorate declares a new ban the moment the previous one ends, eventually banning all public protests and events for a total of 1189 days, restricting the right to meeting and demonstration. This is a desperate situation which is new and definitely requires a special fight, special work to protest the essence of the right. The latest example of this happened when many soldiers died in the clashes in Idlib. Antep Governorate issued a protest ban immediately on February 29. Four people were detained due to violating this ban.

Another subject is social media bans. Freedom of expression is protected by Article 26 of the Turkish Constitution. This freedom openly involves the right to information as well. As the sad news arrived in the night on February 27, Thursday from Idlib, social media accounts were either partially, or entirely banned from access for 16 hours. Immediately afterwards, investigations were opened against 91 social media accounts with the same reason.

Ankara (Osman İşçi):

When we look at rights violations in different categories, we see an obvious state of arbitrariness. This arbitrariness can be observed in police interventions, prosecutions, in actions against social media and in other applications as well. This arbitrariness does not only affect citizens, association and trade union representatives but Parliament members as well. Our suggestion on this is to be more careful and sensitive in these subjects as human rights organisations and as individuals interested in freedom of expression, successfully conducting our work to report such cases in order to increase awareness on the subject.

Diyarbakır (Yüksel Acer):

It is clear that this repressive mindset, previously mentioned by Mr Coşkun, became systematic. In order to understand whether something is harmful or needs to be banned, you need to see the content of it first. However, banning it from the beginning, for a long time, for years on end clearly reveals itself as a repressive mindset. There is only one freedom now, and that is on pro-government expressions. Preventions come one after another against the slightest criticism against the ruling power.

Istanbul (Leman Yurtsever):

Our friends have summarised the general situation quite well. There are some regions with protest bans in Istanbul, but there is police intervention even in the allowed regions. From now on, a more difficult process awaits us. They virtually say that if you share something about war on social media, we will either detain you, or issue an arrest warrant against you. They openly declare this, attempting to create a society of fear. For example, we can't go on the streets for a demonstration, to use our right to freedom of expression and thought. When we look at what happens in prisons, too, the oppression accelerates in some cases.

Izmir (Ahmet Çiçek):

Government representatives came to us before the press statement we were going to make last Saturday on ill prisoners and said please don't make a statement on Idlib. If you do, we will all be in trouble. Our press statement was on ill prisoners anyway, so we omitted that small part on Idlib, we didn't do it anyway. But such warnings started to arrive. In prisons, no matter if they are there for judicial or political reasons, the prisoners don't have the right to send/receive letters at all. There has to be a number to track every letter that's sent. No such number is given to the prisoners for their letters, so they are not processed. There are such arbitrary applications in prisons. Last time, we received complaints from Menemen Type-L Prison, which is a rehabilitation center. 2-3 applications made via phone call made the issue common.

Statements to be made to support Grup Yorum and Mustafa Koçak are banned all around the country. There is an attitude that prevents applications to the Human Rights Association. Nine people were also detained due to the news they reported on refugees. Two local media members were arrested and one of them was from Mezopotamya News Agency. This is a serious issue. However, many people who were negatively affected by the news broadcasted and published by the mainstream media went on the streets, they have intervened these people's rights to life.

The panel on the violations in March 2020 will be held on April 2, 2020.

Please click on the link to watch the video conference: <https://youtu.be/CSaE27fGlpU>