

MARCH 2020 REPORT

Prepared by IFoX, IHD and TIHV and
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Violations against the right to freedom of expression as well as the right to meeting and demonstration, security interventions, prosecutions, detainments due to social media posts, website access bans continued this month as well. As social life almost vanished with empty streets due to the virus outbreak, the focus was on the media and social media posts. News and social media posts on the war in Syria, things going wrong during the fight against the Coronavirus, and the donation campaign of the President led to detainments, arrests and convictions. This tendency is ongoing just like the virus; spreading and intensifying.

1. ADMINISTRATIVE BANS, SECURITY INTERVENTIONS

01 Ankara The protest organized in front of the Human Rights Monument on Yüksel Street was intervened with physical violence.

02 Artvin The press statement organized on the ongoing military operation in Syria was prevented by the police due to “lack of permission on making the statement in the open air.”

02 Edirne 8 journalists and one translator were prevented from following news on the refugees’ migration from the Turkish borders into Europe. They were detained with the allegation that they “entered a forbidden military zone.”

02 İstanbul Nursel Tanrıverdi was detained by the police with physical violence due to her weekly sit-in protest to demand re-employment after her dismissal with an emergency decree. Tanrıverdi was released after testifying.

03 İstanbul The police intervened in the press statement organized in Taksim Square to support hunger-striker Grup Yorum members, detaining two people.

04 Ankara The police intervened in the protest organized by university students in front of the Credit and Dormitories Institution to protest the state of dorms. 25 students were detained with disproportionate force, some of them were reverse handcuffed. The students were released on the same day.

05 Adana The police prevented the statement organized to support hunger-striker Group Yorum and Contemporary Lawyers Association members as well as their currently imprisoned lawyers.

06 Çanakkale The police intervened in the distribution of leaflets by Labour Party (EMEP) members on March 8, World Women’s Day; detaining five people. The detainments were based on the anti-war statements taking place on the leaflets.

06 Istanbul Nursel Tanriverdi was detained by the police with physical violence after her weekly sit-in protest at Bakırköy Square to demand her re-employment. Tanriverdi's protest is ongoing for 156 weeks since she was dismissed from her profession with an emergency decree.

06 Osmaniye An event organized by the People's Democratic Party (HDP) on World Women's Day was not permitted.

06 Rize The poster hung by the Labour Party (EMEP) in Fındıklı district was removed following the order of the Prosecutor's Office due to the expression "war" on the poster.

07 Istanbul Two people were detained in the press statement held in Kadıköy Khalkedon Square to support hunger-striker Grup Yorum members.

08 Istanbul The Governorate banned the Feminist Night Walk, organized on İstiklal Street. Women and journalists gathering at Siraselviler Street were attacked by the police with tear gas and rubber bullets; at least 32 women were detained. Those detained were released the next day.

10 Edirne Halk TV cameraman Yavuz Dönmez, who was following news on the refugees passing Turkish borders into Europe, was detained and released on the same day.

12 İzmir The concert organized by Labour Democracy Forces in order to show solidarity with Grup Yorum was banned by the Governorate.

12 İzmir The press statement organized to protest the banning of the solidarity concert was banned as well.

13 Ankara The press statement organized by Ankara Libertarian Lawyers Association, Contemporary Lawyers Association, Human Rights Association Ankara branches and Lawyers for Social Law and Democracy member lawyers in front of Ankara Courthouse was prevented by the police.

13 Antalya "Haberimizvar" news website's Editor-In-chief İdris Özyol and General Coordinator Ebru Küçükaydın were detained in Antalya on March 14, 2020 due to a news article taking place on the website regarding the Covid-19 outbreak. They were later released and the related news article was removed from the website.

13 Istanbul People's Democratic Party (HDP) MP Ayşe Sürücü was prevented by the police after she wanted to visit hunger-striker Grup Yorum members İbrahim Gökçek and Helin Bölek at Ümraniye Research and Training Hospital, where they were taken by force.

19 Adana One person was detained due to his/her social media posts on the Covid-19 outbreak.

19 Bartın Halk Daily and Pusula Daily owner Mustafa Ahmet Oktay and Managing Editor Eren Sarıkaya were detained on March 19, 2020 due to a news article published in the

newspaper on the Covid-19 outbreak. The two journalists were released on the same day by the court.

20 Ankara The police intervened in the press statement organized by the Chamber of Certified Public Accountants of Istanbul (ASMMO) to protest the discrimination in the measures taken within the Covid-19 outbreak, detaining four people including the ASMMO Chairman. Those detained were released on the same day.

23 Istanbul Nursel Tanrıverdi was detained by the police with physical violence due to her sit-in protest that was ongoing for 157 days at Bakırköy Square, demanding her re-employment since she was dismissed from profession with an emergency decree. Simultaneously, Net News Agency reporter Necdet Özsaygın was following the protest of Nursel Tanrıverdi and he was detained due to being over 65 (in accordance with the curfew for those over the age of 65 due to the Coronavirus outbreak). Özsaygın was released with a 3,150 TL judicial fine.

23 Batman A group gathered in front of the Municipality building to protest trustee appointments at the municipality and were intervened by the police. 16 people, including the People's Democratic Party (HDP) Provincial Co-Chairs Ömer Kulplu and Fatma Ablay, were detained with physical violence.

26 Batman Batman Co-Mayors Mehmet Demir and Songül Korkmaz were released with judicial control after four days under detainment following a trustee appointment by the Interior Ministry. After the Co-Mayors were released, the police didn't allow a press statement organized in a park near Batman Courthouse.

29 Hatay Truck driver Malik Baran Yılmaz was detained due to his social media statements, in which he stated, "This virus won't kill me but your system will," on the Covid-19 outbreak. Yılmaz was later released by the court with judicial measures.

2. INVESTIGATIONS, PROSECUTIONS

02 Diyarbakır Journalist Aziz Oruç was sentenced to 2 years and one month of imprisonment in the lawsuit filed against him at the 9th Assize Court due to "making illegal organization propaganda." The sentence was not deferred.

02 Diyarbakır 9th Assize Court sentenced Kurdistan Communist Party (KKP) Central Executive Board (MYK) member Yaşar Kazıcı to 1 year, 6 months and 22 days of imprisonment due to "making illegal organisation propaganda" in his social media posts on the operation against Northeastern Syria. The sentence was not deferred.

03 Ankara 19th Assize Court sentenced previously shut-down Samanyolu T's Intelligence Chief Muzaffer Madak to 6 years, 10 months and 15 days of imprisonment due to "illegal organization membership."

03 Ankara All defendants were acquitted in the lawsuit filed at the 4th Assize Court due to “making illegal organisation propaganda” through the press statement organized by the Confederation of Public Workers’ Unions (KESK) Central Executive Board members with the title, “Attack in Afrin Deepens Chaos” on January 18, 2018.

04 Ankara The first hearing of the lawsuit filed against seven people, who were arrested during the intervention against the Justice Watch on June 12, 2019, was held at the 50th Criminal Court of First Instance. The next hearing was scheduled for April 13, 2020 but it will be held on a later day as all hearings are postponed due to the Coronavirus outbreak.

04 Diyarbakır 9th Assize Court sentenced Diyarbakır Co-Mayor Selçuk Mızraklı to 9 years, 4 months and 15 days of imprisonment with the allegation of “illegal organisation membership.”

04 Diyarbakır 9th Assize Court sentenced former Bar Association Chairman Fethi Gümüş to 7 years and six month of imprisonment due to “illegal organisation membership” based on his entrance and exits to and from the Democratic Society Congress (DTK) building and participating in its meetings and congresses.

04 Diyarbakır 9th Assize Court sentenced former People’s Democratic Party (HDP) MP Esat Canan to 7 years and six months of imprisonment due to “illegal organisation membership” based on his entrance and exits to and from the Democratic Society Congress (DTK) building and participating in its meetings and congresses.

04 Sinop All defendants were acquitted in the lawsuit filed against “Anti-Nuclear Platform” members, who gathered in front of the Governorate building on February 6, 2018 to protest the nuclear plant construction, due to violating the Law on Meetings and Demonstrations No. 2911.

05 Ankara The lawsuit filed against journalist Kenan Kırkaya continued at the 32nd Assize Court with the allegation of having made illegal organisation propaganda. The next hearing was scheduled for June 4, 2020.

05 İstanbul OdaTv News Director Barış Terkoğlu (who was detained in İstanbul) and journalist Hülya Kılınç (who was detained in Manisa and was brought to İstanbul) were arrested by the court in accordance with Article 27 of the State Intelligence Services and the National Intelligence Organization Law No. 2937 due to the news broadcasted on OdaTV on the Turkish National Intelligence officer, who was quietly buried in Manisa after his death in Libya.

05 İstanbul The lawsuit filed against former Birgün Daily executives İbrahim Aydın, Barış İnce, Can Uğur and Bülent Yılmaz continued at the 32nd Assize Court due to the news shared by Twitter account “Fuat Avni.” The court scheduled the next hearing for April 14, 2020 after the defense statements.

06 Ankara Rudaw reporter Rawin Sterk Yıldız was detained in Edirne as he was there to follow news on the state of refugees passing the Turkish border into Europe. He was then brought to Ankara and was arrested.

06 Ankara A decree of acquittal was issued for the university students, who attended the march organized on February 24, 2015 in Cebeci Campus for Özgecan Aslan after her murder in Mersin, at the 5th Criminal Court of First Instance.

06 Istanbul Yeni Yaşam Daily's Editor-In-Chief Mehmet Ferhat Çelik, Managing Editor Aydın Keser, Editor Semiha Alankuş and Yeniçağ Daily writer Murat Ağirel were released with judicial measures after the news they published on the Turkish National Intelligence officer was quietly buried in Manisa following his death in Libya. Mehmet Ferhat Çelik, Aydın Keser and Murat Ağirel were arrested after the objection of the Prosecutor's Office against their release. OdaTV Editor-In-Chief Barış Pehlivan was arrested with the same charge.

09 Ankara A citizen, K.D., was sentenced to 5 months of imprisonment in the lawsuit filed at Ankara 46th Criminal Court of First Instance due to his social media post, stating, "Here, take this election you devil," referring to the President.

10 Ankara Former Republican People's Party (CHP) MP and minister Fikri Sağlar was sentenced to 10 months of imprisonment due to "insulting the President" in the lawsuit filed against him at the 14th Criminal Court of First Instance.

12 Ankara The prosecution of 19 people continued at Ankara 39th Criminal Court of First Instance with the allegation of "violating the Law on Meetings and Demonstrations No. 2911" after they were detained at the 9th LGBTI Pride March organized at the Middle East Technical University (METU) on May 10, 2019. The court scheduled the next hearing for July 10, 2020 after the defense statements.

12 Antalya The prosecution of Contemporary Journalists Association (ÇGD) Mediterranean Chairman and Antalya Körfez Daily's Managing Editor Engin Korkmaz continued in the lawsuit filed against him with the allegation that he has "insulted the President through his social media posts." After the defense statements, the court scheduled the next hearing for September 9, 2020.

12 Diyarbakır The 5th Assize Court sentenced Human Rights Association (IHD) Central Executive Board member, former (2012-2018) IHD Diyarbakır Chairman and attorney Raci Bilici to 6 years and three months of imprisonment due to "illegal organisation membership."

12 Diyarbakır An investigation was opened against Mezopotamya Agency reporter Aydın Atay after he shared the news on the measures taken in the courthouse within the Coronavirus outbreak, on social media with the headline, "Diyarbakır Courthouse Shuts Down!"

13 Istanbul In the lawsuit filed against 23 people, including the Legal Bureau of the Oppressed lawyers and the Socialist Party of the Oppressed members and executives at the 27th Assize Court, the court denied the claim to remove judicial measures against the defendants and scheduled the next hearing for June 10, 2020.

24-28 Van, Hakkari, Mardin An investigation was started against Medical Chamber Chairmen Osman Sağlam and Özgür Deniz Değer following the complaint of Mardin Provincial Health Directorate based on their statements on the Covid-19 outbreak.

30 Diyarbakır An investigation was started against the People’s Democratic Party (HDP) Diyarbakır MP Remziye Tosun due to her statements on the Covid-19 outbreak.

3. MEDIA, SOCIAL MEDIA

01 Antalya 43 legal actions were taken and five people detained due to their social media posts on the operation in Idlib.

05 İstanbul Confederation of Progressive Trade Unions of Turkey (DISK) Communication Chairman Umar Karatepe was detained due to his social media posts and was later released with judicial measures.

05 İstanbul The lawsuit filed against journalist Işıl Özgentürk at the 28th Assize Court with the allegation that she has made “successive illegal organisation propaganda through her social media posts” concluded with acquittal.

06 Ankara OdaTV website was banned from access with a decree issued by the Information and Communication Directorate (BTK). OdaTV had broadcasted the news on the quiet funeral of a Turkish National Intelligence officer, who was killed in Libya. Journalist Hülya Kılınc and News Director Barış Terkoğlu had been arrested due to the same news broadcast with the charge of “revealing information and documents related to intelligence activities.”

06 İstanbul Six people, who were detained due to their social media posts on the attack in Idlib, Syria with 33 martyrs, were released with judicial measures.

11 Ankara Security General Directorate’s Cybercrimes Unit Directorate took legal action against 29 people with the allegation that they have “made social media posts on the Coronavirus that aims to worry the public.”

16 Ankara Security General Directorate announced that 24 people were detained due to their social media posts on the Covid-19 outbreak.

19 Muğla/Bodrum 1 detainment over social media posts on the Coronavirus.

20 Aydın 1 person detained in Kuşadası, 2 people in Nazilli and 2 people in Efeler due to their social media posts on the Coronavirus.

20 Denizli 2 people were detained, 1 person was arrested and one legal action was taken against social media posts on the Coronavirus.

22 Kocaeli SES Daily’s Editor-In-Chief İsmet Çiğit and writer Güngör Aslan were detained due to a news article on the newspaper’s website related to the Covid-19 outbreak.

25 Ankara Ministry of the Interior announced that 413 people were detained due to their social media posts on the Covid-19 outbreak.

25 Kütahya 1 person detained over social media posts on the Coronavirus.

25 Muğla/Marmaris 5 investigations were opened and one person was detained due to their social media posts on the Coronavirus.

27 Muğla/ Bodrum Four people were detained and later released with judicial measures due to their social media posts on the Coronavirus.

31 İzmir Writer Ata Egemen Çakil was detained due to a social media post on the President's donation campaign, and was later released.

4. OTHER VIOLATIONS

02 İstanbul The Governorate announced that all meetings and demonstrations, press statements, stands, petition campaigns, leaflet distributions etc. criticizing the operations in Syria were banned between the dates March 1-10, 2020.

03 Siirt The Governorate extended the "Temporary Special Security Zone" implementation that was previously announced in the rural areas in Eruh, Baykan and Pervari districts.

04 Mardin Nusaybin's Üçköy (Arkah/Xarabalê) village headman Yusuf Yar, Eskihisar (Marîne) village headman Kaşo Dinç and Düzce (Şolbabelir) village headman Yusuf Kılıç were dismissed from their positions due to ongoing investigations against them.

05 Adana and Kilis The Governorates banned all protests and events for 15 days in order to protest the military operation in Syria.

05 Ankara The summary prepared against the Republican People's Party (CHP) MP Engin Özkoç following the press meeting he organized at the Grand National Assembly of Turkey (GNAT) was sent to the Ministry of Justice, then it was transferred to the Parliament.

05 Ankara An access ban was brought against OdaTV's website with a decree from the Information and Communication Technologies Authority (BTK).

05 Aydın All events and protests on the military operation in Syria were banned by the Governorate for 15 days.

05 Balıkesir All events and protests on the military operation in Syria were banned by the Governorate for 15 days.

- 05 Kocaeli** All events and protests on the military operation in Syria were banned by the Governorate for 2 days.
- 06 Ankara** 55 summaries prepared against 28 People's Democratic Party (HDP) and Republican People's Party (CHP) MPs were sent to the Grand National Assembly of Turkey (GNAT) with a claim for their Parliamentary immunities to be revoked.
- 10 Şırnak** The Governorate announced that 15 regions at the central province as well as at the borders of Cizre, Silopi, Uludere, Güçlükönak and Beytüşşebap districts were announced "Temporary Special Security Zones" until the end of the year; banning entrance in these regions.
- 11 İzmir** The concert organized for solidarity with Grup Yorum was banned by the Governorate.
- 12 İzmir** The press meeting organized to protest the ban against the concert was banned as well.
- 13 Ankara** The Ministry of Justice announced that all visits to open and closed prisons are banned for 2 weeks within the measures against the Covid-19 outbreak.
- 17 Ankara** Nine more summaries prepared against 8 more People's Democratic Party (HDP) and Justice and Development Party (AKP) MPs were sent to the Grand National Assembly of Turkey (GNAT) with a claim for their Parliamentary immunities to be revoked.
- 20 Urfa** All events and protests were extended for the fourth time for another 30 days.
- 21 İstanbul** It was found out that the prisoners at Silivri Prison No.5 were being deprived of their rights to social, cultural and sports activities; their visitation periods were arbitrarily restricted, that the foods being given to the prisoners are not sufficient and hygienic, that prisoners have no access to hot water, and that Yeni Yaşam Daily wasn't given to the prisoners even though they demanded it.
- 23 Ankara** Ministry of the Interior appointed trustees to 8 municipalities under People's Democratic Party (HDP) administration, specifically: Batman Municipality, 4 district municipalities in Diyarbakır (Ergani, Lice, Eğil, Silvan), Güroymak district municipality in Bitlis, Halfeli district municipality in Iğdır and Gökçebağ district municipality in Siirt.
- 23 Balıkesir** As there are so many prisoners at Bandırma Type-T Prison No.1, it was found out that some prisoners were lying on the floor and the prisoners' social, cultural and sports activities were restricted, and that the foods given to prisoners weren't sufficient and hygienic.
- 23 Bitlis** A curfew was declared in 16 villages in the central Province until second notice.

- 24 Bolu** It was found out that the cleaning materials and supplies sent to prisoner Ali Gülmez in solitary confinement in Prison Type-F by his family, were confiscated.
- 24 Kocaeli** It was found out that prisoners in Kandira Type-F Prison aren't given cleaning supplies, cologne, masks or disinfectants despite the Covid-19 outbreak.
- 25 Ankara** People's Democratic Party (HDP) MP Ömer Faruk Gergerlioğlu announced with a social media post on March 25, 2020 that a prisoner in Ankara Sincan Type-L Prison No.2 was tested positive for Covid-19. Ankara Chief Public Prosecutor's Office refuted the claim and opened an investigation against Gergerlioğlu with the allegation to "create worry, fear and panic among the people."
- 25 Batman** All events and protests were banned for 30 days.
- 25 Tekirdağ** It was found out that prisoners in the Type-F Prison No.1 aren't given cleaning supplies, cologne, masks or disinfectants despite the Covid-19 outbreak.
- 27 Hakkari** It was announced that all protests and demonstrations were banned for another 15 days.

5. COMMENTS AND SUGGESTIONS

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

According to the data of the Human Rights Foundation of Turkey's documentation center, 59 meetings and demonstrations were intervened across Turkey and 125 people were detained. As we talked about it last month, the Governorates continue to touch the essence of the right by banning all protests and demonstrations and to violate freedom of expression as well as the freedom of meeting. Governorates issued bans varying from 2 to 30 days in 13 provinces during March, against all events.

What's new is that when there's such an extraordinary outbreak like the Coronavirus, people have a need to obtain information and share it.

According to the international conventions that Turkey has been a party of, freedom of information is the essence of freedom of expressing thoughts. Freedom of expression is essential for the protection and development of human rights. It involves essential principles of transparency and accountability. According to those conventions, those who reach this sort of information and share it are defined as "Human rights advocates" - journalists and scientists are especially categorized in this group. It also states that the information these people share cannot be defined as "State secret" and those people must be under protection.

We identified 465 detainments related to social media posts. 410 of them were on social media posts related to the Coronavirus. According to the statement made by the "Presidential Communication Directorate", 2863 social media accounts were examined. This is not

something acceptable. It is the government authority's responsibility to open ways of obtaining new information and increase the public level of information.

Osman İşçi (Human Rights Association - IHD):

The violations are observed in a few stages and implementations. For instance, there could be acquittals even years after the filing after security interventions, not giving permission for statements and detainments. This situation reveals how important it is for human rights advocates and organizations to track related processes closely and make systematic observations.

It is obvious that the problematic legislation and the administrative, security implementations have to change, as they are the start of these issues. This suggestion is not based on the judicial implementations lacking problem, but only on the violations having to be prevented at the first stage. That is why it is important for stages of prosecution to be observed and reported systematically. Only this way changes could be made in the legislation and results could be seen in implementation.

To access the video panel: <https://youtu.be/y7Bg5PirXVw>