

# Think, think...



## Freedom of Expression Weekly Bulletin

(Issue 38/19, 27 September 2019)

### What happened last week?

\*\*\* Taking the floor on the United Nations General Assembly in New York, Erdoğan made heavy criticisms against the UN on their attitude regarding the Israeli-Palestinian border. On the other hand, Erdoğan asked for the support of the UN for the establishment of a “security zone” on the Syrian border. He stated that Turkey is a candidate for the 75th UN General Assembly Chairmanship.

\*\*\* Nuclear armament and climate crisis were among the themes mentioned by Erdoğan in his speech. Erdoğan stated that nuclear weapons “must either be banned or allowed for everyone.” In the meantime, Russia announced their approval for the “Paris Climate Agreement” as the UN summit was ongoing. Thus, the number of countries not approving the agreement worldwide decreased to 10. Turkey is now the only G20 country not approving of the agreement.

\*\*\* As the time period allotted by Erdoğan for the United States of America regarding the “security zone”, military activity at the Syrian border increased. Medical doctors were sent to the borderline for temporary assignment.

\*\*\* Details of the judicial reform package were revealed. Amendments are predicted in 15 law articles regulating many subjects from passport regulations to criminal prosecutions. However, the law violating basic rights and freedoms remain. Therefore, lawsuits will continue to be opened against freedom of expression and thought. the solution is to abide by the Constitution and the precedents of the European Court of Human Rights...

\*\*\* Selahattin Demirtaş was expected to be released after the release verdict issued for him. However, Demirtaş was arrested once again. The Prosecutor's Office started a "new" (?) investigation against Demirtaş and Figen Yüksekdağ; arrest warrants were issued against the two politicians on the same day. The arrest warrants, in fact, are not based on a new investigation. The charges imposed already exist in the files of cases they are on trial in. The release verdict for Demirtaş was issued within the same file as well. Thus, the law was turned upside down in order to prevent the release of Demirtaş and the potential release of Yüksekdağ; a second arrest warrant was issued within the same case file due to the same act.

\*\*\* In the interview Erdoğan gave for FOX News, the President answered the question on the arrested journalists in Turkey by saying, “There is no such thing that this many journalists are in prison. The given numbers are quite imaginary.” According to the data by the Journalists Union, 126 journalists and media workers are in Turkish prisons...

\*\*\* The number of acquitted “Peace Academics” acquitted following the violation verdict of the Constitutional Court, reached 266.

\*\*\* Businessman Osman Kavala, who is arrested in remand within the Gezi Park Case, left 696 days in prison behind.

\*\*\* The report prepared by the “Coup Attempt Research Committee,” established following the July 15 Coup Attempt, disappeared.

\*\*\* Data revealed by the Court of Accounts showed that the daily expenses of the Presidential Palace exceeded 4.5 million TLs.

\*\*\* International Press Institute (IPI) launched the monitoring report on 38 lawsuits with 202 defendants in total, 157 of whom were journalists. The lawsuits were tracked by IPI in September; the report pointed out that defendants in Turkey are not being tried fairly in cases of freedom of expression. [Please click here](#) for details.

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### **Imprisonment sentence against journalist Ziya Ataman**

The summary judgement of the lawsuit against previously shut-down Dicle News Agency reporter Ziya Ataman was held at Şırnak 1st Assize Court. Ataman, who was already arrested for more than three years, was sentenced to 14 years and three months of imprisonment with the allegation of “illegal organisation

membership.”



### **Imprisonment sentence against academic Şık after publishing hidden cancer research**

Asst. Prof. Dr. Bülent Şık, who was on trial due to sharing the results of a cancer research previously hidden by the Ministry of Health with an article series on Cumhuriyet Daily, was sentenced to 1 year and three months of imprisonment due to “revealing professional confidential information.” Istanbul 2nd

Criminal Court of First Instance did not defer the announcement of the verdict.



### **Lawsuits against disobedient civilians supporting Peace Academics**

14 of the lawsuits filed against 17 disobedient civilians, who made criminal complaints against themselves to support Peace Academics on trial, due to “making illegal organisation propaganda,” were

concluded with acquittal. Prosecutions of Ceyda Karan, Ayşegül Devecioğlu and Gürhan Ertür continue at Istanbul 35th Assize Court due to Article 301 of the Turkish Criminal Code (TCK).



### **Lawsuit against former HDP MP Gülser Yıldırım due to “chanting slogan”**

A lawsuit was filed against former People’s Democratic Party (HDP) MP Gülser Yıldırım three years later with the allegation that she had chanted a slogan while leaving the Parliamentary Committee meeting, where MP immunities were being debated. Yıldırım

is charged with “making terrorist organisation propaganda” and the first hearing of the lawsuit will be held on November 18, 2019 at Ankara 1st Assize Court.



### **Lawsuit against journalist Kenan Kırkaya**

A lawsuit was filed against journalist Kenan Kırkaya at Ankara 32nd Assize Court with the allegation of “having made illegal organisation propaganda.” The journalist is charged due to his social media posts. The first hearing of the lawsuit will be held on December 5th.



### **Journalist Filiz Zeyrek acquitted of charges due to news on condolence**

Previously shut-down JINHA reporter Fizil Zeyrek was acquitted of all charges related to “illegal organisation membership” and “making illegal organisation propaganda” due to reporting the news on the condolence visit made in Adana in 2015 for YPG

member Şemdin Eye. Adana 13th Assize Court issued verdicts of acquittal for 19 people, who were on trial together with the journalist.



### **Lawsuit against journalist Hayri Demir due to news on Syria**

The first hearing of the lawsuit filed against journalist Hayri Demir due to “terrorist organisation membership” and

“making terrorist organisation propaganda” through the news he reported after visiting Northern Syria in 2016 was held at Ankara 15th Assize Court. The case file involves photographs saved on two memory cards, which were stolen from the journalist’s home in 2017 and later emerged at the Security Directorate, as crime evidence. The second hearing of the case will be held on October 23, 2019.



### **Record increase in files of “insulting Erdoğan”**

Lawsuits filed due to the charge of “insulting the President” (Article 299 of the Turkish Criminal Code) increased by 15 times in relation to periods before Erdoğan’s Presidency. The use of the Article broke a record with the transition to the Presidential system. The number of files using the Article was 20,539 in 2017

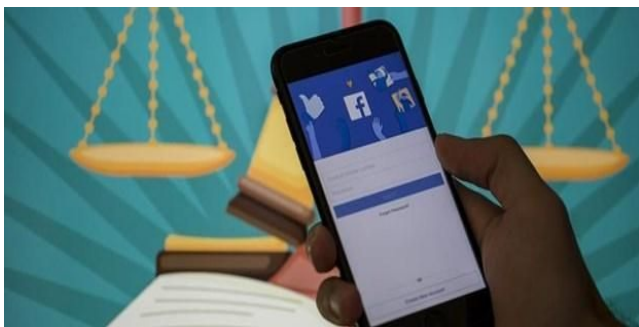
only and became 26,115 with a 30 percent increase. 4,880 investigations were turned into lawsuits; a total of 5,223 people were prosecuted (168 of whom were children) and 2,462 people were convicted.



### **Lawsuit against former CHP MP due to “insulting Erdoğan”**

A lawsuit was filed against former Republican People’s Party (CHP) MP Mehmet Tüm due to “insulting the President” through a speech he gave during his Parliament membership. The speech Tüm gave during the CHP Balıkesir Karesi District Organisation congress criticised the Presidential

system, corruption and the State of Emergency applications. The first hearing of the lawsuit filed against Tüm will be held on November 13, 2019 at Bandırma 1st Criminal Court of First Instance, starting at 10:40.



### **12-year imprisonment sentence due to “insulting President”**

Turkish citizen Burhan Borak was sentenced to 12 years and three months of imprisonment due to “insulting Erdoğan” through his social media posts. Van 2nd Criminal Court of First Instance sentenced Borak to 1 year and nine months of imprisonment for each post,

and Borak was charged due to seven different posts. The announcement of the verdict was not deferred.



### **Imprisonment sentence against university student due to social media posts**

Eskişehir Osmangazi University student Caner Yıldırım was sentenced to 1 year, 6 months and 22 days of imprisonment due to “making terrorist organisation propaganda” through his social media posts. Eskişehir 4th Assize Court deferred the announcement of the verdict. The

indictment of the case included Yıldırım’s participation in choral practices of Grup Yorum, the poem he wrote for Dilek Doğan after her death with a police bullet, as well as his social media posts on Statutory Decree victims, the Roboski Massacre and the Afrin operation as evidence.



### **Warrant against Hilal Nesin**

A lawsuit was filed against theater trainer and writer Hilal Nesin due to her social media posts, in which she reacted against the Afrin operation. The first hearing of the lawsuit will be held at Antalya 8th Assize Court on December 20th. Nesin is charged due to “making illegal organisation propaganda” within the lawsuit; a warrant was issued against her.

Many investigations and lawsuits were previously filed against Nesin due to having insulted Erdoğan; therefore she had to leave the country and migrate to France in November 2016.



### **Penalty against 150 people in “Gezi Park Case” of Kocaeli**

In the lawsuit with 236 defendants detained during the Gezi Park protests, Kocaeli 4th Criminal Court of First Instance sentenced 150 people to a total of 98 years of imprisonment. The court further sentenced 17 people to a total of 82,400 TL judicial fine.



### **Governorate bans Kurdish theater play**

Adana Governorate has banned the Kurdish theater play, “Zargotin Zêrgotin e” to be staged by Theater Mencil at Seyhan Municipality Yaşar Kemal Cultural Center. The ban was based on “security reasons.”



## **TRIALS OF FREEDOM OF EXPRESSION**

### **Ziya Ataman Case**

The summary judgment of the lawsuit filed against journalist Ziya Ataman, who was arrested since April 11, 2016 due to “disrupting the unity and the territorial integrity of state,” was held on September 24th.

**COURT:** Şırnak 1st Assize Court

**VERDICT:** The journalist was sentenced to 14 years and three months of imprisonment due to “illegal organisation membership.”

### **Kibriye Evren Case**

The sixth hearing of journalist Kibriye Evren, who was detained and arrested on October 9, 2018 during house raids and is now charged with “illegal organisation membership” and “making illegal organisation propaganda” with secret witness statements, social media posts and travel records as criminal evidence against her, was held on September 24th.

**COURT:** Diyarbakır 5th Assize Court

**VERDICT:** Denying the release claim of the journalist, the court scheduled the next hearing for November 12, 2019.

### **RedHack Case**

The eighth hearing of the lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargın and Metin Yoksu due to “making terrorist organisation propaganda,” “blocking, disrupting information systems and disrupting or changing data,” “acting on behalf of an illegal organisation without being a member” and “illegal organisation membership” in relation to the news they have reported on the emails belonging to Energy and Natural Resources Minister Berat Albayrak and were leaked by RedHack, was held on September 24th.

**COURT:** Istanbul 29th Assize Court

**VERDICT:** The court denied the claim to remove judicial measures against the journalists and scheduled the next hearing for February 6, 2020.

### **Berkin Elvan Case**

The fourteenth hearing of the lawsuit filed on the killing of Berkin Elvan was held on September 25th. Elvan was shot in the head by the police with a tear gas shell during the Gezi Park protests in Okmeydanı, Istanbul on June 16, 2013. Remaining in the intensive care unit for 269 days, Elvan had lost his life.

**COURT:** Istanbul 17th Assize Court

**VERDICT:** The next hearing was scheduled for November 13, 2019 at 10:00.

### **Bülent Şık Case**

The third hearing of the lawsuit filed against Asst. Prof. Dr. Bülent Şık due to “obtaining banned confidential information” and “announcing professional secrets” was held on September 26th. Bülent Şık had shared the cancer research, whose results were hidden by the Ministry of Health, with the public through his article series, entitled, “Government hides ingredients causing cancer, we announce them! Here’s the poison list!”

**COURT:** Istanbul 2nd Criminal Court of First Instance

**VERDICT:** The academic was sentenced to 1 year and three months of imprisonment due to “announcement of confidential information related to profession.” The sentence was not deferred.

### **Hayri Demir Case**

The prosecution of journalist Hayri Demir, who was charged with “illegal organisation membership” and “propaganda” through the new he reported from Syria, started on September 25th.

**COURT:** Ankara 15th Assize Court

**VERDICT:** The second hearing of the lawsuit will be held on October 23, 2019.

### **İdris Yılmaz Case**

The second hearing of the lawsuit filed against arrested journalist Idris Yılmaz due to “illegal organisation membership” was held on September 27th.

**COURT:** Van 5th Assize Court

**VERDICT:** The court decided for the journalist to remain arrested and scheduled the next hearing for October 18, 2019.

### **Peace Academics Cases**

Hearings of the academics, who signed the Peace Petition of the Academics for Peace, continued this week due to “making terrorist organisation propaganda.” The number of academics acquitted with the court decrees this week following the violation verdict of the Constitutional Court reached 266.

## **HEARINGS NEXT WEEK**

### **Case on News of Musa Çitil**

Prosecutions of journalists Çağdaş Kaplan Ömer Çelik, İnan Kızılkaya, Abdulvahap Taş, Selman Çiçek, Kemal Sancılı and Hamza Gündüz will continue within the lawsuit filed against them due to “making illegal organisation propaganda” through sharing the news by Dicke News Agency on social media. The news had the title, “Name of the siege is ‘Flag 12,’ led by Musa Çitil.”

**DATE:** October 2, 2019; at 10:10 at Diyarbakır 9th Assize Court

**2018 Pride March Case**

The third hearing of the lawsuit filed against six people, who were detained during the 2019 Istanbul LGBTI+ Pride March, with the allegations, “violating the Law on Meetings and Demonstrations No. 2911,” “resisting to prevent duty” and “endangering traffic safety” will be held.

**DATE:** October 4, 2019, at 14:00, at Istanbul 12th Criminal Court of First Instance

**Peace Academics Cases**

Lawsuits filed against the scientists, who signed the Peace Petition of the Academics for Peace,” will continue due to “making terrorist organisation propaganda.”