

Think, think...



Freedom of Expression Weekly Newsletter (Issue 28/20 - July 10, 2020)

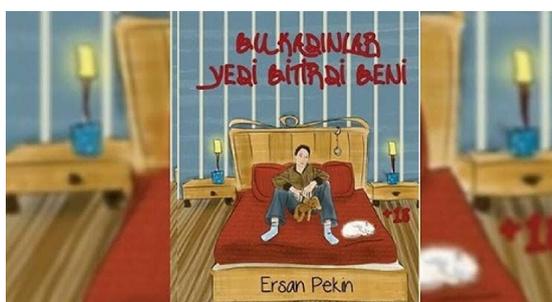
What happened last week?

- As the battle against the pandemic continues, the total number of cases reached 210 thousand and the number of casualties exceeded 5300 according to official records. As the number of daily cases haven't decreased below 1000 since June 12, the number of ICU patients almost doubled in the last month, increasing every day. The government doesn't step back from the "normalisation" period and the officials warn that personal protective measures must be taken at every opportunity.
- The law draft on "multiple Bar Associations" passed the Justice Commission of the Parliament despite all objections of the opposition parties. Immediately afterwards, the draft quickly started to be debated at the General Assembly. The lawyers carried their protests to courthouses all around the country; Bar Association Chairmen started a watch at Kuğulu Park in Ankara. The park was taken under police blockade based on a "Governorate decree."
- President Erdoğan targeted those who protect nature against ecological destruction, this week. *"The purpose of all these shoutouts under the guise of environmentalism and others is to prevent such investments and thus condemn Turkey to be dependent on foreign energy resources,"* Erdoğan said.
- Two years have passed since the Presidential government system was enacted and President Recep Tayyip Erdoğan started his work with an oath on July 9th, 2018. During this period, the Parliament debated 1493 clauses, most of which were in the omnibus bill, and enacted 104 law drafts. President Erdoğan, on the other hand, enacted 64 decrees and 2229 law articles alone.
- The 10th Chamber of the State Council reversed the Council of Ministers decree, dated 1934, which declared Hagia Sophia a museum. Erdoğan shared the Presidential Decree on his Twitter account and announced that Hagia Sophia is officially open for religious practice.
- The Radio and Television Supreme Council (RTÜK) started a process of critique for the cancellation of broadcasting licenses and continues to blackout oppositional channel screens. Responding to the criticisms, RTÜK Chairman Ebubekir Şahin stated, "We come from an understanding that takes it a value to act within the frames of the law. As the Radio and Television Supreme Council, we don't track any organization specifically." However, according to the report prepared by Transparency International, 69 percent of all penalties issued by the Radio and Television Supreme Council were against oppositional channels such as Halk TV, Tele1, Fox TV and KRT TV. 73 percent of all broadcast blackouts were against Halk TV, Tele1, FOX and KRT TV as well. [Please click here](#) for details...



You may find our weekly video programme, “[COGITO ERGO SUM](#),” in which we track the freedom of expression agenda in Turkey, is on our [YouTube Channel](#) every week...

[Please click here](#) to reach all of our video bulletins...



Books on trial...

A lawsuit was filed against the book, "These Women Ate Me Up" ("Bu Kadınlar Yedi Bitirdi Beni") by writer Ersan Pekin due to "obscenity" in accordance with Article 226/2 of the Turkish Criminal Code (TCK). The book depicts a fictional nymphomaniac protagonist, and was previously declared "inappropriate" by the

Ministry of Family and Social Services - being placed with a +18 warning on the shelves. The first hearing of the lawsuit filed with a claim of imprisonment for up to three years will be held at Istanbul Anatolian 2nd Criminal Court of First Instance on September 22.



Imprisonment sentence against lawyer's appeal letter

Appealing the sentence issued against his client, who protested Erdoğan, based on “insulting a public officer”, lawyer Özgür Urfa was convicted due to “insulting the President.” The lawsuit was filed following the complaint of the Ministry of Justice on the appeal letter. Istanbul 4th Assize

Court sentenced Urfa to 10 months of imprisonment and didn't defer the announcement of the verdict due to “the defendants' lack of remorse during the prosecution.”



Akpınar and Gezen to stand trial due to insulting President

A lawsuit was filed against artists Metin Akpınar and Müjdat Gezen with imprisonment claims for up to 4 years and 8 months each due to “publicly insulting the President.” The artists were targeted

by Erdoğan and an investigation was opened against them after the opinions they expressed in a show they attended as guests on Halk TV on December 21st.



Women detained after defending Istanbul Convention

Seven women, who hung the banner, “Enough Now! Women Want Life Security!” on the Family, Labour and Social Services Provincial Directorate building in Istanbul to protest the ruling party's statements targeting the Istanbul Convention were beaten and detained. The women were sent to the court with arrest claims and were

released by the court on the condition of judicial measures.



MLSA Report: Judiciary relates journalism with terrorism

According to the data announced by Media and Legal Studies Association (MLSA) as a result of a study conducted on 169 cases of freedom of expression in 15 provinces between February 2019 and March 2020, 60 percent of the prosecuted journalists were charged with

terror-related crimes. 78 of the 89 convicted journalists in these cases were penalised due to charges related to terrorism and their professional activities were used as evidence against the journalists in 74 percent of terrorism-related cases. [Please click here for the full report...](#)



Social media investigation against lawyer Tugay Bek

An investigation was opened against lawyer Tugay Bek with the allegation of “insulting a public officer because of his duty” through 11 different social media posts. Bek is charged primarily due to his posts on police violence, especially on the killing of Ali al Hamdan. “*The real crime is not to post these but to perform these*

actions,” Bek said.



Lawsuit filed against Nagehan Alçı due to “insult”

A lawsuit was filed against HaberTürk writer Nagehan Alçı due to “insult” through her column published on June 15, 2018. The lawsuit was filed following the complaint of Istanbul Criminal Court of First Instance Judge Hakkı Yalçınkaya

and Alçı faces an imprisonment claim for up to 2 years and four months. Alçı indicated that the complainant judge is one of the judges of the case against Hrant Dink due to “denigrating Turkishness,” which eventually lead to Dink’s death. Alçı further stated that after Dink had died, the same judge was responsible of the case against Agos Daily executives, who were on trial in accordance with the same law article. “*I have expressed my opinion on the process, based on concrete results,*” Alçı said.



Nol-pros for sexist posts targeting women

The Prosecutor’s Office called the sexist posts against Republican People’s Party (CHP) Istanbul Provincial Chair Canan Kaftancıoğlu, artist Berna Laçın, journalist Nevşin Mengü and lawyer Feyza Altun “criticism,” issuing a verdict of non-prosecution. The Prosecutor’s Office indicated that the post by Kadir G., that said, “If they attempt a coup, Nevşin is mine, Berna is

mine, Feyza Altun is mine but I wouldn’t take Canan. Don’t even think about it, just saying,” is a post that is “heavy criticism” and “impolite and disrespectful attitude,” whereas does not constitute a crime of insult.



Prosecutor considers 13-year-old “illegal organisation member”

Thirteen-year-old Fatma Elarslan, who was killed during the curfew declared in 2016 in Şırnak, was considered an “illegal organization member” in accordance with secret witness statements. In the investigation started on her death, Şırnak Public Prosecutor’s Office issued a verdict of

non-prosecution. The Prosecutor’s Office claimed that the thirteen-year-old “conducted an armed organisation with the demand of self-administration,” stating that she “*participated in the clashes against security forces and was killed by security forces as she was conducting the armed activity against the security forces... and it was evaluated that the security forces have fulfilled a lawful order that they received from an authorized body.*”



Acceptance into profession with condition to ‘not criticise 17-25’!

Lawyer Bülent Demirbaş completed his education at the Justice Academy after his successful Judge & Prosecutor Examination results and interviews in 2016. However, Demirbaş wasn’t accepted in the profession by the Council of Judges and Prosecutors following the objection of the

Ministry of Justice. Demirbaş expresses that the reason for the rejection is “a critical video” he shared on social media “during the December 17-25 corruption investigation period.” At

the time, Demirbař was the Nationalist Movement Party (MHP) Kırřehir Deputy Provincial Chairman.



TÜBİTAK book declared “inappropriate”

The book, “Where Do Babies Come From?” published by TÜBİTAK, was declared “inappropriate” by the Ministry of Family, Labour and Social Services Council to Protect Children from Inappropriate Publications.



Social media exiles at PTT

Many General Directorate of Turkish Post (PTT) workers were exiled without an investigation after they have participated in the social media protest that was organised by Haber-Sen to raise awareness for the situation of PTT workers and to improve their work conditions during the pandemic.



Protest bans

The protest and demonstration ban that is ongoing in Van for more than 1300 days was extended once again. All protests and demonstrations in the province are banned until July 21 due to “protection of national security and public order.” Protest and demonstration bans were applied in

řanlıurfa as well, since last October, extended continuously for one-month periods and now is extended once again in the province.



Access bans

Ankara, Harran, Istanbul, Mardin and Kocaeli Criminal Judicatures of Peace banned access to the news on Gübretař, which was published on the National Gazette; the news of Cumhuriyet Daily on the public hospital doctor servicing Harran District Governor’s government home as well as the Ekři Sözlük thread opened on it; Halk TV’s

news on Levent Gültekin sharing an information that was received from the closest circle of Erdoğan, as well as the related YouTube video; Tele! and Halk TV news on the cases of insult filed against soldiers after they reacted against the delay in discharge; as well as 124 URLs on the news related to Governor Orhan Çiftçi, who recently was brought to the agenda with allegations of violence against women.



TRIALS OF FREEDOM OF EXPRESSION

Cem Şimşek Case

The lawsuit filed against Evrensel Daily's former Managing Editor Cem Şimşek due to "insulting the President" through the news with the headline, "German cartoonists drew Erdoğan in such a way"...

Court: Bakırköy (Istanbul) 27th Criminal Court of First Instance

Verdict: A postponement was claimed in the hearing in order to prepare defense statements. The court decided for Şimşek to stand ready in the courtroom in the next hearing and scheduled it for October 27, 2020 at 09:30.

Academics for Peace Case

The lawsuit filed against Academics for Peace Prof. Şebnem Korur Fincancı and Prof. Gençay Gürsoy after the Constitutional Court decree on retrial after their conviction due to "making illegal organisation propaganda"...

Court: Istanbul 37th Criminal Court of First Instance

Verdict: The court issued the acquittal of the two academics after retrial.

Ruken Demir Case

The lawsuit filed against journalist Ruken Demir due to "armed illegal organisation membership" after he tracked the protests organized in Izmir on hunger strikes that were started in prisons in 2018 as well as the interviews he conducted with convict families through phone...

Court: Izmir 19th Criminal Court of First Instance

Verdict: The court board didn't revoke the judicial measures against Demir and scheduled the next hearing for November 9, 2020.

Oktay Candemir Case

The lawsuit filed against journalist Oktay Candemir with the allegation of "insulting the President" through a tweet he posted on September 5, 2019...

Court: Van 3rd Criminal Court of First Instance

Verdict: No press members and audience were allowed in the hearing room within the measures against COVID-19. The defense lawyer presented an excuse on the basis of another judge having been assigned on the file and that a final decision can't be made in this hearing. The court scheduled the next hearing to a later date.

Case Against Street Artist

The lawsuit filed against street artist, known as, "No Permission" ["İzinsiz"], due to "publicly denigrating the Turkish flag" and "insulting the President" through his drawings and social media posts...

Court: Istanbul 20th Criminal Court of First Instance

Verdict: No press members and audience were allowed in the hearing room within the measures against COVID-19. The artist presented his defense statement. The second hearing of the lawsuit was scheduled for December 17, 2020.

Turkish National Intelligence Trucks Case

The lawsuit filed against journalist Can Dündar, who was charged with “obtaining confidential information on the government with the purpose of espionage” and “aiding an illegal organisation” through the news on the Turkish National Intelligence Agency trucks...

Court: Istanbul 14th Assize Court

Verdict: The court decided to wait for the request sent for Dündar, who moved to another country, to be sent back to Turkey and scheduled the next hearing for February 18, 2021.

Ayhan Bilgen Case

The lawsuit filed against previously shut-down Özgür Gündem Daily’s Editorial Advisory Board member Ayhan Bilgen due to “disrupting the unity and the territorial integrity of the state,” “illegal organisation membership” and “making illegal organisation propaganda”...

Court: Istanbul 24th Assize Court

Verdict: The court decided for the file to be sent to the Prosecutor’s Office to prepare an opinion on the basis of the file; scheduling the next hearing for October 15, 2020.

Yetkin Yıldız Case

The lawsuit filed against previously shut-down aktifhaber.com Editor-In-Chief Yetkin Yıldız due to “insult” and “slander” against former Interior Minister Efkan Ala through the news published on Fuat Avni...

Court: Bakırköy (Istanbul) 31st Criminal Court of First Instance

Verdict: After the Court of Cassation sentence due to FETÖ/PDY membership was reversed, Yıldız was released from prison last month and was therefore ready at the hearing room. The court wanted a copy of the decree of reversal from Istanbul 25th Assize Court and scheduled the next hearing for December 8, 2020.

Hrant Dink Assassination Case

The lawsuit filed against public officers on the assassination of Agos Daily Editor-In-Chief Hrant Dink...

Court: Istanbul 14th Assize Court

Verdict: Claims of the arrested defendants were denied. The court decided for former Istanbul Regional Chairman Ahmet Köksoy to be summoned as witness in case the Turkish National Intelligence Agency allows. The next hearing was scheduled for September 16, 2020.

Bülent Uyguner Case

The lawsuit filed against People’s Democratic Party (HDP) Party Assembly member Bülent Uyguner due to “illegal organisation membership” after he was arrested in November 2019, which also considers HDP as an “illegal organisation”...

Court: Istanbul 32nd Assize Court

Verdict: The Prosecutor’s Office presented the opinion on the basis and claimed for Uyguner to be penalised with the allegation of “illegal organisation membership.” The court denied the release claim for Uyguner and scheduled the next hearing for August 11, 2020.

METU Pride March Case

The lawsuit filed against 18 students and 1 academic due to “violating the Law on Meetings and Demonstrations” after they participated in the LGBTI+ Pride March organised at Middle East Technical University (METU) in 2019...

Court: Ankara 39th Criminal Court of First Instance

Verdict: After the defense lawyers presented an excuse, the hearing was postponed to a later date. The lawyers made a press statement at Kuğulupark, Ankara, supporting the lawyers who protest against the “multiple Bar Associations.” “LGBTIQ+ rights are human rights... We came here to stand in solidarity for the Defense March with our colleagues and with the Bar Associations who say no to the hate campaign that targets LGBT individuals for weeks,” it was stated.

HEARINGS NEXT WEEK

Onur Emre Yağın Case

The lawsuit filed against Ileri Haber’s former Editor-In-Chief Onur Emre Yağın due to “successively making terrorist organisation propaganda” through the news shared on social media and were published by Ileri Haber between the years 2014 and 2018...

July 13, Monday at 13:00; Istanbul 33rd Assize Court

Kibriye Evren Case

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

July 14, Tuesday at 09:00; Diyarbakır 5th Assize Court

ETHA Workers’ Case

The lawsuit filed against 27 Etkin News Agency (ETHA) workers, including editor and translator Meşale Tolu, due to “terrorist organisation membership” and “making terrorist organisation propaganda”...

July 14, Tuesday at 10:00; Istanbul 29th Assize Court

Mehmet Y. Yılmaz Case

The lawsuit filed against T24 writer and journalist Mehmet /. Yılmaz due to “insult” through his columns in which he asked the source of the increase in former Prime Minister Binali Yıldırım and his children’s wealth...

July 14, Tuesday at 10:05; Istanbul Anatolian 37th Criminal Court of First Instance

Mehmet Dursun Case

The lawsuit filed against Dicle News Agency (DIHA) reporter Mehmet Dursun, who was arrested in Van in 2018 and was released after 8 months under arrest, due to “illegal organisation membership” based on the phone calls he had with news resources in 2014...

July 14, Tuesday at 14:20; Van 4th Assize Court

Deniz Yücel Case

The lawsuit filed against Die Welt Turkey reporter Deniz Yücel, who was released after a year under arrest, due to “making illegal organisation propaganda” and “public incitement towards resentment and hostility” through an interview he made with PKK executives...

July 16, Thursday at 13:30; Istanbul 32nd Assize Court

Mehmet Baransu and Murat Sevki Coban Case

The lawsuit filed against previously shut-down Taraf Daily's former reporter Mehmet Barancu and the newspaper's former Managing Editor Murat Şevki Çoban due to "obtaining confidential documents on the security of the state," "revealing confidential information that were supposed to remain secret in accordance with the state's security and its domestic and foreign interests through press," "revealing documents and information on the duty and activities of the Turkish NATIONAL Intelligence Agency through press"...

July 17, Friday at 10:00; Istanbul Anatolian 2nd Assize Court