

# Think, think...

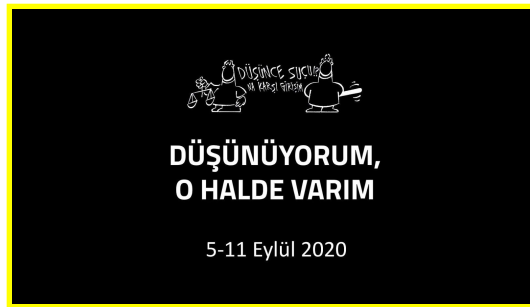


## Freedom of Expression Weekly Newsletter (Issue 38/20 - September 18, 2020)

### What happened last week?

- The Constitutional Court [had announced](#) last week that the decree to “ban meetings and demonstrations on intercity motorways” was against the Constitution. Interior Minister Süleyman Soylu targeted the Constitutional Court at the “Course to Fight Against Social Incidents.” Soylu invited (!) the court judges to “commute by bike” and said that he is ready to go to the areas of clash with his private car. Afterwards, Constitutional Court judge Engin Yıldırım shared his photos with a bike on social media.
- As Turkey’s battle against the COVID-19 pandemic continues, the government geared up on the policy to put the entire responsibility on citizens and health workers. Nationalist Movement Party (MHP) leader Devlet Bahçeli [said](#), “An investigation must be started against the Turkish Medical Association (TTB) and it must be shut down.” On the other hand, TTB continues to criticize the government’s policies on the pandemic as well as its calls for a comprehensive policy of battle, and for transparency. The experts repeat that the new case numbers announced by the Ministry of Health are really far from the truth.
- The Constitutional Court accelerated the evaluation of the individual application of businessman Osman Kavala. The Ministry of Justice sent an opinion letter on the arrest of Kavala, following the request of the high court. The Ministry claimed that the arrest of Kavala, who is in prison for 1053 days, has been proportionate and that it didn’t exceed a reasonable period.
- Media and Legal Studies Association (MLSA) prepared a report on the prosecution of journalist Nedim Türfent, whose sentence of imprisonment was approved due to “terrorist organization membership.” The report, prepared by journalist Gökçer Tahincioğlu and lawyer Nuray Özdoğan, identified multiple violations and documented that the prosecution has also prosecuted press freedom and freedom of information. [Please click here](#) for details.
- The European Parliament made a decision on Turkey regarding the tensions in the Eastern Mediterranean, which was along, “Either dialogue, or sanctions.” Turkey indicated that the decision, which carries the quality of an advice for the EU Leaders Summit to be organized on September 24-25, is “unacceptable”, and called the decision “biased and unrightful.”
- 48 lawyers and 7 intern lawyers were detained within the Ankara-based “FETÖ/PDY” investigation. The lawyers are charged with taking part in the investigation and the prosecution process of their clients, who were detained and prosecuted with similar charges after July 15, through “order.” Bar Associations express that the operation, which occurred right after Erdoğan’s statement targeting lawyers, has targeted the “right to defense” and “the reasons of existence of the legal practice.”

- According to the report prepared within the Hate Speech Monitoring in Media that is conducted by Hrant Dink Foundation since 2009, 4,364 columns and news articles targeted national, ethnic and religious groups in 2019; 5,515 hate content were identified against 80 different groups in these articles. [Please click here](#) for the full report.
- The Constitutional Court (AYM) decided that the right to election and political activity as well as the right to personal freedom and safety of Enis Berberoğlu, who received a 5-year 10-month imprisonment sentence in the Turkish National Intelligence Trucks (MIT TIR) Case, were violated. The decree was sent to the Court of Cassation for the consequences of the violation to be eliminated and for retrial.
- A Strategic Communication and Crisis Management Chamber Chairmanship was established with a Presidential decree. One of the reasons of establishment of the chamber was indicated as, “identifying all psychological actions, propaganda and perception operations and acting against all kinds of manipulation and disinformation conducted against the Republic of Turkey.”



*Our weekly video programme “[COGITO ERGO SUM](#)” in which we track the agenda of freedom of expression and thought in Turkey is on our [YouTube channel](#) every Friday, and on CanTV every Saturday at 22:00...*

*[Please click here](#) for all of our video bulletins...*

\*\*\*\*\*



*We continue to record violations of freedom of expression in the country with the monthly video conferences we organize together with the Human Rights Association and the Human Rights Foundation of Turkey... [What's Goin' On? August 2020](#) Report is online...*



### **Bahçeli targets Medical Association**

Nationalist Movement Party (MHP) leader Bahçeli targeted the Turkish Medical Association, who protested the deceased health workers with black ribbons and the slogan, “You can’t govern, we die out.” “Turkish Medical Association must be shut down, legal action must be taken against its executives immediately,” Bahçeli said. He further described the Medical Association as a “structure

of treason” after the association had stated, “*we will always continue to remind those responsible of how they have blamed the citizens and put the entire weight on physicians and health workers in the fight against the pandemic.*”

The Medical Association launched a statement on the matter and stated, “*The Turkish Medical Association had spent its entire energy on defending the rights to life and health of our people, in every stage of the pandemic. Informing the public on the pandemic and warning people are the legal and ethical responsibilities of the Turkish Medical Association and our fight for life is a requirement for the responsibility of medical practice throughout the history. We stand behind our words and keep working.*”



### **Court of Cassation approves sentences against 14 lawyers in Contemporary Lawyers Association case**

16th Criminal Chamber of the Court of Cassation decided for the approval of the sentences issued against 14 lawyers on trial within the Contemporary Lawyers Association (ÇHD) Case, except defendant lawyers Barkın Timtik, Selçuk

Kozağaçlı and Ezgi Çakır. The lawyers will remain arrested. Since lawyer Ebru Timtik is deceased during her indefinite hunger strike, the court issued a lack of jurisdiction for her. On the other hand, the execution of lawyer Aytaç Ünsal, who ended his indefinite hunger strike after his release, will be deferred until his medical treatment ends.

The Court of Cassation decree evaluated “lawyers’ identification with their clients” as a crime. The court also replied to the objection on the evidence in the file being obtained through illegal ways by saying, “It would take a very long time to examine the evidence” and hasn’t seen anything unlawful in accordance with the legislation. The Court of Cassation admitted that the examination on recusal in the case wasn’t duly executed but hasn’t accepted this as a reason for abatement.



### **Mother stands trial as ‘defendant’ after losing son in train massacre**

The first hearing of the lawsuit filed against Mısra Öz, who lost her son Oğuz Arda Sel in the train massacre on July 8, 2018 in Çorlu (which caused the deaths of 25 people, including 7 children), was



held at Çorlu 5th Criminal Court of First Instance. The mother has searched for justice for his son, and demanded for whoever is responsible to be prosecuted. The lawsuit against her was filed due to “insulting a public officer.” The second hearing of the lawsuit will be held on February 9, 2021.



### **Journalists on trial due to news on Berkin Elvan**

The prosecutions of journalists Canan Coşkun, Ali Açar and Can Uğur, who were charged with “targeting those taking part in the fight against terrorism” through the news published on Cumhuriyet and BirGün Daily regarding the investigation on the death of 15-year-old Berkin Elvan during the Gezi Park protests, started at

Istanbul 34th Assize Court. The second hearing of the case will be held on November 10 at 11:45.



### **Imprisonment sentence against expression: “Erdoğan is a misogynist”**

The lawsuit filed against former Democratic Regions Party (DBP) Co-Chair Sebahat Tuncel due to her expression, “Tayyip Erdoğan is a complete misogynist” during a speech she gave in 2016, was concluded. Diyarbakır 10th Criminal Court of First Instance sentenced Tuncel to 11 months and 20 days of imprisonment with the allegation of “insulting the President.”



### **First hearing held in “Ciao Bella” case**

The prosecution of Republican People’s Party (CHP) member and former İzmir Provincial Deputy Chair Banu Özdemir started at İzmir 50th Criminal Court of First Instance with the allegation of “public incitement towards resentment and hostility” through her social media posts on the broadcast of song “Ciao Bella” from the speakers of a mosque in İzmir. The next

hearing was scheduled for November 26.



### **Sırrı Sakık sentenced to 5-year imprisonment!**

Ağrı 1st Assize Court sentenced People’s Democratic Party (HDP) member Sırrı Sakık to 5 years and ten months of imprisonment due to the press statement he held after the Ağrı and Tendürek mountains were declared temporary military zones after 2015, when the clashes started. Ağrı Public Prosecutor’s Office made an

application for appealing the court decision, due to the verdict being issued against the Prosecutor's opinion. Sakık's lawyer also appealed for correction due to the court verdict being unlawful.



### **Prosecutor's Office appeals acquittal decree for director Kazım Öz**

Diyarbakır Chief Public Prosecutor's Office appealed the decree of acquittal issued by Tunceli 2nd Assize Court for director Kazım Öz for correction. In the lawsuit filed against director Öz due to "armed terrorist organization membership" with a claim of imprisonment for up to 15 years, the court had indicated that the evidence presented

in the indictment are not convincing, issuing a decree of acquittal on September 1, 2020.



### **İşçi Derneği Başkanı gözaltına alındı**

Çukurova bölgesinde faaliyetlerde bulunan Güvencesiz İşçi Derneği Başkanı Abdulselam Kutlu, Akdeniz İhracatçılar Birliği ile devam eden "yevmiye görüşmeleri" olumsuz sonuçlanınca, "iş bırakma" çağrısında bulundu. Kutlu ve kimliği belirlenemeyen iki kişi "iş bırakma çağrılarının" ardından evleri basılarak gözaltına alındılar. Dernek başkanı "örgüt üyeliğiyle" suçlandı. O gözaltındayken işveren düşük ücrete anlaşma

sağladı. Dernek başkanının ifade işlemleri de bu anlaşma sonrası başladı.



### **"Property confiscation" decree against journalist Can Dündar**

Istanbul 14th Assize Court started the process against former Cumhuriyet Daily Editor-In-Chief Can Dündar being considered a fugitive. Dündar is on trial due to publishing visuals and news information on the stopping of the Turkish National Intelligence Agency Trucks (MIT TIR). The court decided that in case Dündar doesn't

show up at the court, he will be considered a fugitive and that his entire properties will be confiscated.



### **Constitutional Court issues second violation decree against censorship on sendika.org**

The Constitutional Court (AYM) issued a decree, merging 17 individual applications on the access ban against sendika.org, stating that freedom of expression and press freedom is being violated for

the second time. The first violation decree issued by the Constitutional Court on the website, which has been censored for 62 times since 2015, isn't being executed for six months.

## Cumhuriyet

### Test kiti alınan şirketin sahibi yasaklı, CEO'su AKP'li çıktı

RTA Laboratuvarları Şirketi'nin CEO'su Enes Perçin AKP Malatya İl Başkanlığı Yönetim Kurulu Üyesi olarak görev yapıyor. Perçin, AKP Malatya İl Başkan Yardımcılığını da yürütüyor.

10 Eylül 2020 Perşembe, 08:31



and Development Party (AKP) Provincial Chairman.

## Access ban against Cumhuriyet Daily news

The news article published on Cumhuriyet Daily's September 10 issue was banned by Istanbul 3rd Criminal Judicature of Peace due to "violation of personal rights." The news article uncovered that the owner of RTA Laboratories, which the government purchases COVID-19 test kits from, is "banned from stock markets" due to manipulative transactions and the company's CEO is the Justice



## Academic's contract annulled over homework assignment in Kurdish

Istanbul Trade University Faculty of History member Bekir Tank faced an investigation due to a homework assignment he gave, in which he wanted his students to translate two articles into Kurdish. Tank's contract was annulled and he was dismissed from the university.



## ECHR issues violation decree in Ragıp Zarakolu case

The application of publisher, writer Ragıp Zarakolu at the European Court of Human Rights was concluded. Zarakolu made the application due to having remained under arrest for five months based on "lecturing at the Peace and Democracy Party (BDP) Political Academy" within the KCK Main Case. The court decided that Zarakolu's freedom of security and freedom was violated and

sentenced Turkey to pay 6500 Euros of compensation.



## TRIALS OF FREEDOM OF EXPRESSION

### Ahmet Sever Case

The lawsuit filed against former Chief Press Consultant of 11th President of Republic Abdullah Gül, Ahmet Sever, due to "insulting the President" and "insulting a public officer" due to his book...

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

**Verdict:** The court issued to wait for the international rogatory issued in order to receive the defense statement of Sever, who resides abroad and scheduled the next hearing for December 3.



**Ferhat Tunç Case**

The lawsuit filed against artist Ferhat Tunç due to “insulting the President” through ten tweets he posted in 2016...

**Court:** Istanbul Büyükçekmece 14th Criminal Court of First Instance

**Verdict:** The court’s application for Tunç’s statements to be received through rogatory was denied by German authorities due to the request being against freedom of expression as well as the German Constitution. The court issued a warrant against Tunç and scheduled the next hearing for February 23, 2021.

**Gezi Park Case**

The lawsuit filed against seven people, including journalist Can Dündar, after their files were separated from the main case file of the Gezi Park protests, due to “attempting to overthrow the government and to prevent from performing duty”...

**Court:** Istanbul 30th Assize Court

**Verdict:** The court denied the requests of the defendants for both acquittal and for their statements to be received where they are, scheduling the next hearing for January 14, 2021.

**Hakan Dirik and Erk Acarer Case**

The lawsuit filed against Cumhuriyet Daily Izmir reporter Hakan Dirik and BirGün Daily reporter Erk Acarer due to “slander” after they reported the allegation, “Turkey transports sarin gas for ISIS,” brought on agenda by CHP MPs...

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

**Verdict:** The hearing was postponed due to the excused absences of lawyers.

**Van TV Case**

The lawsuit filed against 8 Van TV workers, six of them journalists, due to “making illegal organization propaganda” through certain expressions used in eight primetime news and open session shows on various dates... (Van TV was previously shut down during the State of Emergency)

**Court:** Van 4th Assize Court

**Verdict:** The court decided for the deficiencies in the file to be eliminated and for the related news, newsletter announcements and newspaper headlines to be re-examined, scheduling the next hearing to a later date.

**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:** The Dink Family’s request for Turkish National Intelligence officers to testify as witnesses, was denied. Chairman Akın Gürlek sent the file to the Prosecutor’s Office for the preparation of opinion on the basis and told the defendants to prepare their defense statements on the basis. The next hearing was scheduled for November 24, 25, 26.

**İdris Sayılğan Case**

The lawsuit filed against journalist İdris Sayılğan due to “making illegal organization propaganda” through the news he shared on social media...

**Court:** Muş 2nd Assize Court

**Verdict:** The Prosecutor’s Office claimed for the journalist to be sentenced due to “making successive illegal organization propaganda.” The next hearing was scheduled for December 2.

**"Berkin Elvan News" Case**

The lawsuit filed against journalists Canan Coşkun, Ali Açar and Can Uğur due to “targeting those taking part in the fight against terrorism” through the news published on Cumhuriyet and BirGün Daily on the investigation regarding the death of 15-year-old Berkin Elvan during the Gezi Park protests...

**Court:** Istanbul 34th Assize Court

**Verdict:** The second hearing of the case will be held on November 10.

**Hayri Demir Case**

The lawsuit filed against journalist Hayri Demir due to “terrorist organization membership” and “making illegal organization propaganda” through the news he reported in Northern Syria as well as the visuals he recorded...

**Court:** Ankara 15th Assize Court

**Verdict:** The next hearing will be held on December 1.

**Arafat Dayan Case**

The lawsuit filed against Demokratik Ulus Daily’s Managing Editor and Owner Arafat Dayan due to “making illegal organization propaganda” through news articles and columns in various issues of the newspaper published between the years 2012 and 2014...

**Court:** Istanbul 2nd Assize Court

**Verdict:** The hearing was deferred through the file without a hearing, due to the excused absence of the defendant attorney.

**HEARINGS NEXT WEEK**

**Yusuf Karataş Case**

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

**September 21, Monday at Diyarbakır 9th Assize Court**

**Aziz Oruç Case**

The lawsuit filed against five people together with journalist Aziz Oruç, People’s Democratic Party (HDP) Doğubeyazıt District Co-Chair Abdullah Ekelek and former municipal assembly member Muhammet İkrâm Müftüoğlu due to “illegal organization membership,” “propaganda” and “aiding an illegal organization...” Oruç had previously been arrested in December 2019 in Doğubeyazıt district of Ağrı...

**September 21, Monday at Ağrı 2nd Assize Court**

**Ferhat Parlak Case**

The lawsuit filed against Silvan Mücadele Daily owner Ferhat Parlak due to “illegal organization membership”...

**September 21, Monday at Diyarbakır 11th Assize Court**

**Ersan Pekin Case**

The lawsuit filed against writer Ersan Pekin due to “obscenity” through his book, “These Women Ate Me Up” in accordance with Article 226/2 of the Turkish Criminal Code...

**September 22, Tuesday at Istanbul Anatolian 2nd Criminal Court of First Instance**

**Sabiha Temizkan Case**



The lawsuit filed against journalist Sabiha Temizkan with the allegation of “public incitement towards resentment and hostility” through a Twitter post that said, “Mahmur camp was seized by ISIS”...

**September 22, Tuesday at Istanbul 35th Assize Court**

**Özgür Gündem Case**

The lawsuit filed against journalists Hüseyin Aykol, İnan kızılıkaya and Zana Kaya as well as politician Hatip Dicle within Article 301 of the Turkish Criminal Code due to the articles published on previously shut-down Özgür Gündem Daily...

**September 22, Tuesday at Istanbul 2nd Criminal Court of First Instance**

**İsminaz Temel and Havva Cuştan Case**

The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters İsminaz Temel and Havva Cuştan, Legal Bureau of the Oppressed (EHB) lawyers Sezin Uçar and Özlem Gümüştaş as well as the Socialist Party of the Oppressed (ESP) members due to “armed terrorist organization membership” and “illegal organization propaganda”...

**September 23, Wednesday at Istanbul 27th Assize Court**

**Zehra Özdilek Case**

The lawsuit filed against Cumhuriyet Daily reporter Zehra Özdilek with the allegation of “targeting those taking part in the fight against terrorism” due to writing the name of a secret witness openly on a news article, despite previously having taken place in the press many times...

**September 24, Thursday at Istanbul 27th Assize Court**

**Sevda Çelik Özbingöl Case**

The lawsuit filed against lawyer Sevda Çelik Özbingöl due to “illegal organization membership” and “making illegal organization propaganda” after having been detained and arrested in March 2020 in Urfa and her meetings with clients at prisons were presented as crime evidence...

**September 25, Friday at Urfa 6th Assize Court**