

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 44/20 - October 30, 2020)

### What happened last week?

- The US Dollar broke a record on the first weekday, exceeding 8 Turkish Liras. The Euro, on the other hand, started the week with 9.50 Turkish Liras. The value loss in the Turkish Lira continued throughout the week. The Central Bank has increased its end-of-year inflation prediction from 8.9 percent to 12.1 percent. The Central Bank Chairman has confessed that the Turkish Lira is at an extremely worthless point and that the Central Bank has no currency target.
- President Erdoğan replied to a shop owner, who complained that he can't even buy bread, and told him that he's exaggerating it, during his Malatya visit. Erdoğan keeps claiming that the country's economy is thriving, and according to him, those claiming otherwise know of no mathematics!
- President Erdoğan gave the message that another operation could be conducted in Syria at any time. After the Russian aircraft attack targeting oppositional armed groups in Idlib, Syria which are backed by Turkey, tensions rose in the region as well as between Ankara and Moscow. He further stated that Russia's operation in Idlib was a "sign that no permanent peace is wanted in the region."
- tensions have already increased between Turkey and France, first due to Libya and then due to the drilling crisis in the Eastern Mediterranean; now has worsened with the debate on the "Prophet" cartoon. Erdoğan called to boycott French goods. In the meantime, Charlie Hebdo launched an issue with a cartoon of Erdoğan on its cover, and thus, the cartoon crisis gained another dimension. *Details in the newsletter...*
- As the world brings measures against the Coronavirus back on the agenda, no action was taken in Turkey despite the scary increase. According to official records, those who died due to the Coronavirus exceeded 10 thousand. It was further announced that the case increase in Istanbul in the last week was 85 percent more compared to the last month. However, there is no statement on an increase in measures. The rights to permission, resignation, retirement and assignment of the health workers were cancelled with a Health Minister circular, who stated, "*The pandemic never went out of our control.*"
- The objection made by the lawyers of Enis Berberoğlu against the Istanbul 14th Assize Court decree, which didn't recognise the Constitutional Court decree on violation and "retrial", was denied by the supreme court, which is the Istanbul 15th Assize Court. The court didn't want to take responsibility and sent the case to the court of appeals, claiming that Istanbul Regional Court has the authority to eliminate the consequences of the violation decree issued by the high court, which is binding for everyone. Berberoğlu, who lost his seat at the Parliament, carried the file to the Constitutional Court once again.
- The Human Rights Foundation of Turkey (TIHV) has released its Report on Violations of Freedom of Expression, Assembly and Association, covering the first eight months of this year. According to the report, 38 journalists and one writer were

detained. While 17 journalists were arrested, nine journalists were released on probation. At least 24 people were taken into custody, three people were arrested and one person faced an investigation on charge of "insulting the President." All events and demonstrations were banned by governor's offices for 89 times in 33 provinces; while the shortest one of these demonstration bans was for 2 days, the longest was for 30 days. *Details in the newsletter...*

- The Human Rights Watch (HRW) and the International Commission of Jurists (ICJ) have made a common declaration and stated that the new indictment prepared against human rights advocate and businessman Osman Kavala, who will fulfill his third year under arrest on November 1, has completely political aims and lacks legal reliability. [Please click here for details...](#)



### **Charlie Hebdo publishes Erdoğan cartoon**

French satirical magazine Charlie Hebdo, which was recently on the agenda due to its cartoons on Mohammad the Prophet, published its latest issue with a cartoon depicting President Erdoğan. The cartoon depicts Erdoğan sitting on an armchair, wearing only his underwear, with a woman and says, "Erdoğan is so funny in private." The Presidency and the government reacted against

the magazine. Deputy Minister of Culture and Tourism Serdar Çam swore on a social media post. Ankara Chief Public Prosecutor's Office announced that an official investigation was started against the cartoon due to "insulting the President." Erdoğan also made a criminal complaint at Ankara Chief Public Prosecutor's Office against Charlie Hebdo Editor-In-Chief Laurent Sourisseau, Managing Editor Gerard Biard and cartoonist Alice Petit.



### **Lawsuit against journalist over sharing photograph**

A lawsuit was filed against journalist Burhan Ekinci, who resides in Germany, due to "making illegal organisation propaganda" through sharing a photograph he took on the civilians at the Kobani border, with the expression of Abdullah Öcalan: "Stop the clashes." A warrant was issued against the

journalist and the first hearing will be held at Istanbul 30th Assize Court.



### **Lawsuit against arrested journalist Aziz Oruç's wife**

A lawsuit was filed against the wife of arrested journalist Aziz Oruç, Hülya Oruç, due to her social media posts on the negligence in prisons during the outbreak. Oruç will stand trial at Diyarbakır 5th Criminal Court of First Instance

due to “public incitement towards resentment and hostility” and the first hearing will be held on January 18.



### **2-year imprisonment sentence against journalist Hayri Tunç**

Gazete Fersude’s Co-Editor-In-Chief Hayri Tunç was convicted of “making illegal organisation propaganda” over sharing photos he took as he was following news information in 2015 and 2016 on social media. Istanbul 22nd Assize Court sentenced Tunç to 2 years of

imprisonment in the summary judgement held last week.



### **15-year imprisonment claim against journalist Nurcan Yalçın**

Diyarbakır Chief Public Prosecutor’s Office prepared an indictment against journalist Nurcan Yalçın due to “illegal organisation membership” and “making illegal organisation propaganda” within the investigation started against Rosa Women’s Association. The indictment claimed for Yalçın to be sentenced to imprisonment for up to 15 years due to her

Rosa Women’s Association membership and based on secret witness statements.



### **20-year imprisonment claim against journalist Abdurrahman Gök**

The investigation conducted against journalist Abdurrahman Gök, who was detained in Diyarbakır on October 9, 2018, due to the phone calls he had with news sources, his social media posts and news he reported was concluded after two years. A lawsuit was filed against Gök due to “illegal organisation membership” and “propaganda.” Diyarbakır

5th Assize Court accepted the indictment and the first hearing will be held on February 23, 2021.



### **Journalist Necla Demir acquitted**

The lawsuit filed against journalist Necla Demir due to “insulting the President” through two news articles published on Gazete Karınca website on October 6 and 10, 2016, was concluded. Bakırköy 8th Criminal Court of First Instance issued for the acquittal of Demir.



## Access ban against ETHA, JinNews and Yeni Demokrasi

Websites of Etkin News Agency (ETHA), JinNews and Yeni Demokrasi were banned from access with a decree issued by Van 3rd Criminal Judicature of Peace due to the “protection of national security and public order.”



## Lawsuit against news on minister over purchasing land on Canal Istanbul route

Istanbul 2nd Criminal Court of First Instance issued the acquittal of journalist Hazal Ocak of the charge of “insulting a public officer” due to the news published on Cumhuriyet Daily with the headline, “The son-in-law knows business” on the son-in-law of President Erdoğan and the

Minister of Treasury and Finance Berat Albayrak purchasing a land on the “Canal Istanbul” project route.



## Lawsuit against women beaten and detained

A lawsuit was filed against 12 women, who protested the murder of Pınar Gültekin in Izmir, due to “violating the Law on Meetings and Demonstrations No. 2911” and “resisting to prevent duty.” The indictment claimed that the women, who were detained through police violence, have beaten and “scratched” the police officers. The first hearing of the case

will be held on January 20.



## Investigation against news on statement by Bar Associations

Diyarbakir Chief Public Prosecutor’s Office opened an investigation against a Mesopotamia News Agency reporter and its executives, who reported the news on the statement of 53 Bar Associations regarding their reaction against the argument between Diyarbakir Bar Association Chairman Cihan Aydın and a judge; as well as against Antep Bar Association

Chairman Bektaş Şarıklı and Antalya Bar Association Chairman Polat Balkan, who shared the news, with the allegation of “targeting a judge through disclosing his identity against terrorist organisations”.



### **Another intervention against villagers over resisting against mining**

A company wanting to make a work of drilling to search for mine in Yeşilkent, Çiğdem and Üçpınar neighborhoods of Ünye district in Ordu, came back to the region with the gendarmerie after they faced reactions by the residents a months ago. The gendarmerie didn't allow the protest of the villagers against the mining, based on the pandemic and constructed

barricades in front of houses and fields. Villagers performing a sit-in protest in the drilling area were intervened against with tear gas. Many villagers were detained in the protests, which went on for two days.



### **Police intervention against protests**

Press statements organised by the Community Houses within the “We Want To Live” campaign across the country were intervened by the police in Ankara and Izmir. Around 50 protesters were beaten and detained in the two provinces. The police intervened against the statement organized by youth organisations on November 15 in Kadıköy, Istanbul before the

“United Youth Assembly.” At least 40 people were beaten and detained.



### **Miners’ march prevented once again**

Miners, who previously wanted to march from Ermenek, Karaman to Ankara on October 12 due to not having received their salaries and compensation, wanted to march towards Ankara once again after promises made to them weren't fulfilled. The gendarmerie didn't allow for Cenne, Seba and Turap Mine workers to march towards Ankara.



### **12-year imprisonment claim against worker over criticising Erdoğan**

A lawsuit was filed against Muhterem Çıtanak, who was fired from work due to his social media posts as he was working at a shipyard in Karamürsel, Kocaeli and his house was raided by the police. The lawsuit was filed due to “insulting the President.” In the indictment prepared by Karamürsel Chief Public Prosecutor's Office, an imprisonment sentence

was claimed against Çıtanak for up to 12 years due to his post on August 25, 2019, which said, “You are the last person to criticise someone being on vacation during the flood in Istanbul. You were on vacation in Marmaris as the expected coup happened in your country. You found out about the coup from your brother-in-law, who is a millionaire despite being retired by the Social Security Fund. Mr Ekrem İmamoğlu is currently doing whatever you couldn't, in the last 25 years.”



## Ban against sendika.org ends after 1921 days

Gölbaşı Criminal Judicature of Peace, which issued for the news website sendika.org to be banned from access five and a half years ago, fulfilled the Constitutional Court decree on “violation”, which was issued on March 11, 2020, seven months after the decree was issued, following the European Court of Human Rights asking the government for a defense statement. sendika.org could finally access its real URL

1921 days after July 25, 2015, when it was banned from access. With the same decree, access bans against 118 websites (including Özgür Gündem and Dicle News Agency) and many Twitter accounts were also revoked.



## TIHV Report on Freedom of Expression

The Human Rights Foundation of Turkey (TIHV) has released its Report on Violations of Freedom of Expression, Assembly and Association, covering the first eight months of this year. Covering the eight-month period from January 1 to August 31, the report has shared the following violations: 38 journalists and one writer were detained. While 17 journalists were arrested, nine journalists were

released on probation. By court orders, access blocks were imposed on 53 news reports, 75 websites, two web pages and five social media accounts, 59 internet content and 143 internet addresses. Moreover, a book which had not yet been published and a newspaper issue were banned by court orders. At least 24 people were taken into custody, three people were arrested and one person faced an investigation on charge of "insulting the President." At least 675 people were detained on such grounds as "aiding and abetting the organization", "propagandizing for the organization" and "membership of the organization"; 72 people were arrested. Law enforcement officers intervened against at least 637 peaceful meetings and demonstrations; as a result of them, 1,346 people were detained by being subjected to torture and other acts of maltreatment. All events and demonstrations were banned by governor's offices for 89 times in 33 provinces; while the shortest one of these demonstration bans was for 2 days, the longest was for 30 days. Please click [here](#) for the full report.



## “Conscientious Objection Right Monitoring Report” launched

The “Conscientious Objection Right Monitoring in Turkey Under the Shadow of the Legislative Measures and Human Rights Restrictions Report” was launched by six different organisations, including the Conscientious Objection Association, on the

application of Country Group case decrees under the qualified monitoring of the Council of Europe’s Ministers Committee, which Turkey is a member of. The report was presented in the last months to the Council of Europe Committee and was launched with its Turkish translation, revealing that Turkey insists on not recognising the right to conscientious objection. The statement made by the Conscientious Objection Association on the report stated that Turkey hasn’t made related regulations on the right to conscientious objection despite the demand of the Council of Europe Committee, therefore abandoning conscientious objectors to civil death. “We demand the government to take the necessary steps and remind them that they have to recognise the right to conscientious objection in accordance with the universal standards of human rights,” the association stated. [Please click here](#) for the full report.



## 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, entitled, “German cartoonists drew Erdoğan pretty bad”...

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

**Verdict:** The hearing was postponed to January 19, 2021 as the judge was excused due to health reasons.

### Ahmet Altan Case

The lawsuit filed against journalist Ahmet Altan with the allegation of insulting Chief Public Prosecutor of the Court of Cassation, Abdurrahman Yalçınkaya, in his column published in Taraf Daily in March 2008 with the title, “Coup preparation or shutting down Kemalism”...

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

**Verdict:** The hearing was postponed to February 18, 2021.

### Hakan Aygün Case

The lawsuit filed against journalist Hakan Aygün due to “public incitement towards resentment and hostility” and “public denigration of religious values adopted by a part of society” through his social media posts...

**Court:** Bodrum (Muğla) 2nd Criminal Court of First Instance

**Verdict:** The court decided to wait for the evaluation report on digital materials, which were seized at the time of Aygün’s detainment, to be added to the case file and scheduled the next hearing for January 19, 2021.

**“World of Tayyips” Banner Case**

The lawsuit filed against four students carrying the banner that said, “World of Tayyips” at the graduation ceremony organised in 2018 at the Middle East Technical University (METU), with the charge of “insulting the President”...

**Court:** Ankara 11th Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for January 11, 2021.

**HEARINGS NEXT WEEK****Case Against HDP Kocaeli Members**

The lawsuit filed against 27 people, including People’s Democratic Party (HDP) Kocaeli Provincial and District Co-Chairs, due to participating in protests on hunger strikes in prisons, giving speeches in TVs and due to the greeting of families coming from outside the province to visit their relatives in Gebze and Kandira prisons...

**November 4, Wednesday at Kocaeli 2nd Assize Court**

**Fatih Portakal Case**

The lawsuit filed against journalist Fatih Portakal due to “damaging reputation” and “insulting the President” regulated in the Law of Banking through his social media posts...

**November 5, Thursday at Istanbul 46th Criminal Court of First Instance**

**Ali Sönmez Kayar Case**

The lawsuit filed against Etkin News Agency (ETHA) reporter Ali Sönmez Kaya due to “illegal organisation membership”...

**November 5, Thursday at Istanbul 32nd Assize Court**

**Onur Emre Yağan Case**

The lawsuit filed against journalist Onur Emre Yağan due to “insulting the President” through his social media posts...

**November 5, Thursday at Istanbul Anatolian 53rd Criminal Court of First Instance**