

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 45/20 - November 6, 2020)

### What happened last week?

- 114 citizens have lost their lives in the 6.9 earthquake in Izmir last Friday. With the pain of all that happened, the incidents brought back the reality of an earthquake, making us face the bitter truth... However, the government is determined in not taking responsibility, once again.
- The government continues to put the responsibility on the people, both for the earthquake and for the pandemic. As the pandemic continues with full speed, the data is even worse than April, when the outbreak peaked in Turkey. Erdoğan advised the citizens to avoid crowds and not even visit homes if it's not absolutely necessary. He stated that no crisis was faced, thanks to the power of the health infrastructure, and the number of daily patients is at a manageable level by all means... According to Health Minister Fahrettin Koca, on the other hand, "one of the main reasons for the increase in daily cases is living life like it was before the pandemic." So the responsibility of the outbreak is on the patients...
- The US Dollar started this week with a record as well. The Dollar exceeded 8 Turkish Liras last week and this week, it exceeded 8.5 TL and the Euro 10 TL. Inflation rates in October broke the record in 2020. According to President Erdoğan, however, who repeated his claim that they have made Turkey step into the new age in democracy and economy, there are certain attacks against the country...
- The period allowed by the government against social network providers so that they can "identify representatives in Turkey" within the regulation known as the "Social Media Law" was over by November 2nd. Sanctions have started against the social network providers... Information Technologies and Communications Authority (BTK) sentenced social media platforms that didn't assign representatives, including Facebook, Instagram, Twitter, YouTube, Periscope and TikTok, to 10 million Turkish Liras of administrative fines each. Deputy Minister of Transportation and Infrastructure has announced the penalties against the social media platforms through Twitter, which is among those penalised.
- 22 more summaries against 18 Parliament members, including People's Democratic Party (HDP) Co-Chair Pervin Buldan and Republican People's Party (CHP) leader Kemal Kılıçdaroğlu, were presented to the Parliament.
- The People's Democratic Party (HDP) made a statement on the fourth anniversary of the arrest operation against its Parliament Members on November 4, 2016, including Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ. The party has also shared messages of the politicians, who are still in prison. In the statement made by the People's Democratic Party (HDP) Central Executive Council, it was expressed, "The democratic politics is stronger than ever, with the power it takes from people and

despite all attacks, with its sources of legitimation. It continues on its way with faith and resistance.”

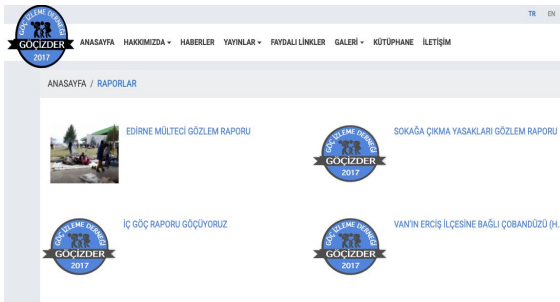
- Arrests continue within the “Kobani” investigation. Peace and Democracy Party (BDP) former MP Ibrahim Binici, People’s Democratic Party (HDP) Party Assembly member Mesut Bağcık and Ayşe Yağcı were arrested with a decree issued by Ankara 7th Criminal Judicature of Peace.
- Rights advocate and businessman Osman Kavala [left three years behind in prison...](#)
- We have prepared a report, as the Initiative for Freedom of Expression, on November 2, the “Day to Fight Against Impunity in Crimes Against Journalists” declared by the United Nations. As every year, we haven’t limited our report to the impunity experienced by the journalists and we handled the issue as a whole, with case examples on other crimes as well. [Please click here](#) for details.



### Acquittal of Editors-In-Chief returns from appeal court

3rd Criminal Chamber of Istanbul Regional Court reversed the acquittal decree issued for Human Rights Foundation of Turkey (TIHV) Chair Prof Şebnem Korur Fincancı, Reporters Without Borders (RSF) Turkey Representative Erol Önderoğlu and writer Ahmet Nesin, who were on trial due to participating in the “Substitute Editing-In-Chief” campaign started

for solidarity with Özgür Gündem Daily.



### Lawsuit against Migration Monitoring Association

Istanbul Chief Public Prosecutor’s Office started an investigation against two works of the Migration Monitoring Association, titled, “Rights-Search Guide for Those Displaced in Turkey” and “Rights Violations Faced by and Experiences of Women During Curfews and

Forced Migration Process.” Association executives Kıyasettin Cüheylan and Songül Köse will stand trial at Bakırköy 38th Criminal Court of First Instance on November 27.



### Journalist Demirhan Case

In the lawsuit filed against journalist and Confederation of Progressive Trade Unions of Turkey (DISK) Press-Labour Executive Council member Ali Ergin Demirhan due to six Twitter posts in 2018, Istanbul 22nd Assize Court sentenced Demirhan to 1 year and three months of imprisonment due to “insulting the President” and deferred the

announcement of the verdict. Demirhan was acquitted of the charge of “public incitement towards resentment and hostility.”



### **Imprisonment sentence against documentary-maker Kutbettin Cebe**

Kutbettin Cebe, who was on trial at Balıkesir 3rd Assize Court due to “making illegal organisation propaganda” through the documentary, “Roza, Country of Two Rivers” he directed, was sentenced to 2 years and four months of imprisonment. The documentary is on the fight against ISIS in Northern Syria,

depicting the communal life there, and was screened in 2016. It has participated in many festivals since, in Turkey and around the world.



### **Lawsuit against journalist Hakkı Boltan**

A lawsuit was filed against journalist Hakkı Boltan, who was detained in the house raid against his home on September 30 within the Democratic Society Congress (DTK) investigation in Diyarbakır. Boltan is charged with “illegal organisation membership” based on his DTK delegation, two press statements he participated in as well as a social media post as “crime evidence.” The first hearing of the

lawsuit will be held on February 24, 2021 at Diyarbakır 10th Assize Court.



### **Women on trial due to ‘Las Tesis’**

The first hearing of the lawsuit filed against six women, who protested male violence in Kadıköy, Istanbul on December 8, 2019 with the ‘Las Tesis’ dance, was held at Istanbul Anatolian 29th Criminal Court of First Instance. The lawsuit was filed with the allegation of “violating the Law on Meetings and Demonstrations No. 2911” and Ayşen Kavas, Fidan Ataselim, Nisa Kör, Seda Elhan

Barbaros, Sevda Yeniköylü and Yaprak Okatalı from the Women’s Murders Platform (KDCP) are on trial. The second hearing will be held on February 23, 2021.



### **Decree in journalist Emre Yağan Case**

In the lawsuit filed against former Editor-In-Chief of İleri Haber, Onur Emre Yağan, due to “insulting the President” through four Twitter posts made by the official account of the news website in the years 2014 and



2015, Istanbul Anatolian 53rd Criminal Court of First Instance has sentenced the journalist to 1 year, 2 months and 17 days of imprisonment and deferred the announcement of the verdict.

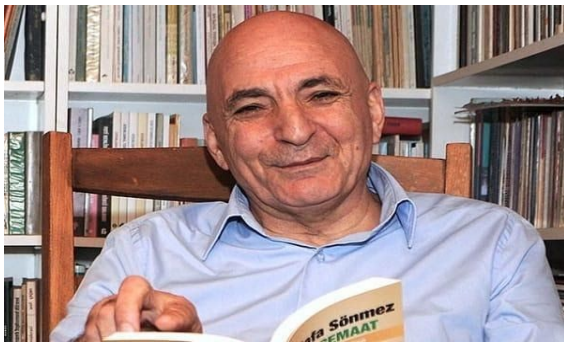


### **Investigation against soldier over facing racist attack in barracks**

Çetin Doğan was beaten in Edirne during his compulsory military service, due to defending “education in Kurdish.” Despite being a victim, Doğan became a “suspect.” Following his complaint, two soldiers have testified in the investigation opened due to “willful injury”.

Following the statements of the two soldiers,

the Prosecutor’s Office started an investigation against Doğan due to “making illegal organisation propaganda” and “insubordination.”



### **First hearing held in lawsuit against Mustafa Sönmez**

The prosecution of economist-writer Mustafa Sönmez, who is charged with “insulting the President” based on three Twitter posts he made in 2015 and 2016, started at Istanbul Anatolian 26th Criminal Court of First Instance. The second hearing of the lawsuit will be held on March 9, 2021.



### **Acquittal in Furkan Foundation Case**

Alparslan Kuytul and two other executives of Furkan Foundation for Education and Services, who remained under arrest for 22 months due to “aiding an armed terrorist organisation” and “propaganda” in the investigation against the foundation, were acquitted with an Adana 11th Assize Court decree.



### **Access ban against Charlie Hebdo’s Twitter account**

An access ban was issued against the Twitter account of French Charlie Hebdo magazine, whose website was banned from access since 2015, with an Ankara 6th Criminal Judicature of Peace decree due to violating personal rights.



## Access ban against news with award and news on award

Bakırköy 1st Criminal Judicature of Peace issued an access ban against the news written by Cumhuriyet Daily reporter Seyhan Avcı, who received the Metin Göktepe Journalism Award, which had the title, “Cleaning in exchange for mansion” as well as against the news published on Evrensel Daily with the title, “23rd Metin Göktepe Journalism Award

Winners.” The related news was on certain investigation documents being destroyed by Istanbul Security Directorate Intelligence Unit’s former Director Özgür Taşdemir, in exchange for a mansion with a Bosphorus view.



## Academic dismissed due to translation activities

Academic personnel at Adıyaman University, Adem Yıldırım, was dismissed from the university following the administrative investigation opened against him five years after his translation of the interview made by Kampfplatz Magazine with Rojava People’s Assembly Co-Chair Ebdüselam Ehmed, who

visited Turkey in 2014.



## 38 detainments in YÖK protest

35 students, wanting to make a statement in front of Ankara Higher Education Council (YÖK) building on the anniversary of YÖK, were detained. Three students making a statement in Konur Street for their friends to be released were also detained.



## Intervention against workers’ protests

Mine workers marching towards Ankara for their salaries and compensation, which weren’t paid for years, were prevented once again. The march started by the mine workers, who gave a break in their protests to join the search and rescue activities in Izmir after the earthquake, from Kırkağaç district of Manisa, was prevented by the gendarmerie. The mine workers wanted to continue their march from

where they were left off and the gendarmerie intervened against them; one worker was

injured. The police intervened against workers making a statement in front of Boğaziçi University Campus, where academic and electronic sales company BIMEKS owner Vedat Giray was lecturing, due to not having received their salaries or compensation for over 4 years. Seven people were detained in the intervention. The Confederation of Progressive Trade Unions of Turkey (DISK) board made a statement against the debates that started at the Parliament on the omnibus bill that threatens the rights of around 10 million workers in Turkey on retirement, severance pay, notice pay and social security. The police intervened against the statement made in front of the Grand National Assembly of Turkey.



### **Governorate ban against investigation of police officers**

The application made by Hatay Chief Public Prosecutor's Office at the Governorate, for the investigation of seven police officers on duty at the crime scene within the investigation on the killing of Ahmet Atakan, was denied. Atakan had died on September 10, 2013 as a result of the police intervention at the Gezi Park protests in Hatay. The Governorate claimed that

Atakan's blood having been found on tear gas shells collected from the crime scene were not sufficient for investigation permission. The family's lawyers have objected to the Governorate decree.



## **TRIALS OF FREEDOM OF EXPRESSION**

### **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 Kandıra prisons...

**Court:** Kocaeli 2nd Assize Court

**Verdict:** The court denied the release claims of six defendants, who were arrested in remand within the case, and scheduled the next hearing for December 2, 2020.

### **Sefer Bileçen Case**

The lawsuit filed against Mardin St. Jacob's Church Priest Sefer (Aho) Bileçen due to "illegal organisation membership"...

**Court:** Mardin 4th Assize Court

**Verdict:** Charged due to giving food to illegal organisation members, Bileçen stated that he doesn't personally know the people coming to the church, that it is in his faith to give food to everyone coming at the door of the church. The next hearing was scheduled for January 27, 2021.

### **FETÖ Media Structuring Case**

The lawsuit filed against journalists Ahmet Memiş, Ali Akkuş, Cemal Azmi Kalyoncu, Gökçe Fırat Çulhaoğlu, Ünal Tanık, Yakup Çetin, Yetkin Yıldız as well as against Atilla Taş, who was a



columnist for a while, within the retrial following the Court of Cassation Decree within the file, known as the “FETÖ Media Structuring Case”...

**Court:** Istanbul 25th Assize Court

**Verdict:** The court abided by the decree of reversal issued by the Court of Cassation and denied the claims for judicial control measures to be taken off. The claim on the travel ban against ATilla Taş to be revoked was also denied. The next hearing was scheduled for March 31, 2021.

#### **Rüstem Batum Case**

The lawsuit filed against journalist Rüstem Batum due to “insulting the President” and “public incitement towards resentment and hostility” through 20 Twitter posts he made in 2016 and 2018...

**Court:** Istanbul 5th Criminal Court of First Instance

**Verdict:** The claim on the defense of Batum, who resides abroad, to be received through rogatory, will be evaluated between hearings. The court decided for the execution of the warrant issued against Batum and scheduled the next hearing for February 25, 2021.

#### **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...

**Court:** Istanbul 46th Criminal Court of First Instance

**Verdict:** The hearing could not be held, as the court judge was excused. The date of the next hearing will be determined in the following days.

#### **Ali Sönmez Kayar Case**

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

**Court:** Istanbul 32nd Assize Court

**Verdict:** The next hearing was scheduled for February 16, 2021.

### **HEARINGS NEXT WEEK**

#### **Aziz Oruç Case**

The lawsuit filed against journalist Aziz Oruç, People’s Democratic Party (HDP) Doğubeyazıt District Co-Chair Abdullah Ekelek, former Municipal Assembly member Muhammet İkrâm Müftüoğlu and five others, who were arrested in Doğubeyazıt district of Ağrı in December 2019 due to “illegal organisation membership,” “propaganda” and “aiding an illegal organisation”...

**November 9, Monday at Ağrı 2nd Assize Court**

#### **Ruken Demir Case**

The lawsuit filed against Mesopotamia News Agency reporter Ruken Demir due to “armed illegal organisation member” through the interviews he conducted with the families of those arrested through phone, as well as following the protests in Izmir on the hunger strikes started in prisons in 2018...

**November 9, Monday at Izmir 19th Assize Court**

#### **Müyesser Yıldız and İsmail Dükel Case**

The lawsuit filed against arrested OdaTV Ankara News Director Müyesser Yıldız and TELE1 Ankara Representative İsmail Dükel due to “disclosing confidential information on the security or interest of the state”...

**November 9, Monday at Ankara 26th Assize Court**

**"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 that was started on the death of 15-year-old Berkin Elvan during the Gezi Park protests...

**November 10, Tuesday at Istanbul 34th Assize Court**

**Case Against “Las Tesis” Protest**

The lawsuit filed against 24 women, who participated in the Las Tesis protests in Izmir, with the allegation of “violating the Law on Meetings and Demonstrations” as well as violating Turkish Criminal Code Article 301...

**November 10, Tuesday at Izmir 7th Criminal Court of First Instance**

**Melike Aydın Case**

The lawsuit filed against Jinnews Agency reporter Melike Aydın due to “armed terrorist organisation membership” based on the interviews she conducted with families of those arrested through phone, as well as following protests organized in Izmir on hunger strikes started in prisons...

**November 11, Wednesday at Izmir 2nd Assize Court**

**Oktay Candemir Case**

The lawsuit filed against 5 people, including journalist Oktay Candemir, who was detained during the police intervention against the press statement organized by the People’s Democratic Party (HDP) in Van on May 5, 2019, due to “resisting to prevent duty”...

**November 11, Wednesday at Van 25th Assize Court**

**ETHA - Adil Demirci Case**

The lawsuit filed against 22 defendants, including ETHA reporter Adil Demirci and members of the Socialist Party of the Oppressed and the Federation of Socialist Youth Associations due to “making terrorist organisation propaganda” and “illegal organisation membership”...

**November 11, Wednesday at Istanbul 5th Criminal Court of First Instance**

**Berivan Altan Case**

The lawsuit filed against Mesopotamia Agency reporter Berivan Altan due to “terrorist organisation membership”...

**November 12, Thursday at Mersin 2nd Assize Court**

**Nuri Akman Case**

The lawsuit filed against journalist Nuri Akman due to “illegal organisation membership” based on his social media posts, photos he took and news he reported in Northeastern Syria province, Kobani... Akman had been sentenced to 6 years and three months of imprisonment and the decree was later reversed by the appeal court.

**November 12, Thursday at Malatya 2nd Assize Court**

**Yılmaz Çelik Case**

The lawsuit filed against artist Yılmaz Çelik, who was arrested following a concert he gave on December 8, 2019 and was released in the first hearing with judicial control, due to “making illegal organisation propaganda”...

**November 12, Thursday at Tunceli 2nd Assize Court**

**Mehmet Baransu, Murat Şevki Çoban Case**



The lawsuit filed against journalist Mehmet Baransu and the newspaper's Managing Editor Murat Şevki Çoban due to "disclosing confidential information on the security of the state and the interests of state in terms of internal and external politics, through press and media" based on the news article published in Taraf Daily on November 28, 2013 with the headline, "The Decision to End Gülen was Taken in 2014 at the State Security Council"...

**November 13, Friday at Istanbul Anatolian 2nd Assize Court**