

Think, think...



Freedom of Expression Weekly Newsletter (Issue 52/20 - December 31, 2020)

What happened last week?

- President Erdoğan gave the good news at the end of 2020 and said that 2021 will be the year of democratic and economic reforms...
- The Constitutional Court denied the individual application of Osman Kavala, who is arrested for longer than 38 months. “There is no rights violation,” the Court stated. *Details in the newsletter...*
- Not recognising the European Court of Human Rights decree, Ankara 7th Criminal Judicature of Peace decided that there is “no change in the legal state of Demirtaş,” denied the claim of release and decided for Demirtaş to remain arrested.
- The 43-clause omnibus bill, that NGOs reacted against with the criticism that “freedoms will be seriously restricted”, which will increase the authority of the Interior Ministry on “inspection” of associations and allows trustees to be appointed to NGOs as well, has passed the Parliament with 254 for and 113 against votes. The draft, called, “[The Law on the Prevention of Financing of the Distribution of Mass Destruction Weapons](#)” that has nothing to do with its name, now it’s possible to shut down associations and foundations with one signature only. The Interior Ministry was also given the authority to dismiss associations executives facing prosecutions, to stop association activities and to seize association administrations.
- The Radio and Television Supreme Council’s 2020 grade report revealed the pressure on the screens once again. 54 sanctions were applied, that involved blackouts against channels broadcasting criticising content; 100 million TL penalty was fined. *Details in the newsletter...*
- Minimum wage in 2021 was increased for 500 Turkish Liras monthly and 17 Turkish Liras daily, becoming 2 thousand 825 Turkish Liras. As the Ministry of Labour and Social Services take pride in the increase being 21.56 percent, the minimum wage in Turkey, which is the average salary of around 10 million workers, corresponded to 391 Dollars on January 1, 2020 and now it corresponds to 379 Dollars. According to the Court of Accounts reports, the Presidency’s daily expenses exceeded 10 million Turkish Liras and according to the calculator, it spends the new minimum wage for less than every 30 seconds. 4 billion 39 million Turkish Liras of budget is allotted to the Presidency in the year 2021, so it will spend the minimum wage for every 22 seconds, the Directorate of Religious Affairs will spend the minimum wage for every 7 seconds.
- The Human Rights Association (IHD), Human Rights Foundation of Turkey (TIHV) and the Turkish Medical Association (TTB) made a joint declaration and stated that “*naked search has turned into an application of torture by being taken outside the principles of proportion, legality and necessity.*” The organisations have stated, “*We are seeing a new and a changed face of torture and that torture has leaked into daily*

lives with new methods, without knowing limits or location.” [Please click here for details...](#)

- Olay TV started its broadcast life on November 30 with the claim of broadcasting at an “equal distance to all” and was asserted to have faced pressure due to broadcasting the Parliamentary group meeting of the People’s Democratic Party (HDP). Olay TV was shut down 26 days later. The channel’s Chief Editor Sarılar said, “Let those pressuring us for blackout be ashamed, this isn’t our shame.” It was asserted that the channel’s owner Cavit Çağlar was threatened by the Savings Deposit Insurance Fund (TMSF) with the seizing of his companies and that the Presidency has demanded for certain channel workers, especially Sarılar and Nevşin Mengü, to be fired from the channel and for other pro-government names to be hired to replace them.
- Nine years have passed after the massacre in Roboski village of Uludere district in Şırnak, which became one of the symbols of impunity in Turkey, where aircraft belonging to the Turkish Armed Forces (TSK) had bombed and led to the deaths of 34 citizens, including 19 children. No one responsible for the massacre was prosecuted so far. [Please click here for a chronology of the past nine years...](#)
- The Constitutional Court decided that the arrest of Yiğit Aksakoğlu, who remained under arrest for seven months within the Gezi Park case and was acquitted of all charges after the seven months, was a rights violation and issued for compensation to be paid to Aksakoğlu. The Constitutional Court had denied the application of Osman Kavala, who was acquitted in the same lawsuit but was re-arrested before he could even leave prison, based on another file.
- İsmail Beşikçi Foundation launched the report, entitled, “[Academic Rights Violations in Turkish Universities on Kurdish Studies](#).” The report indicated that Kurdish studies started to be accepted at Turkish universities since the 1990s, that Kurdish departments started to be opened after the year 2009, whereas censorship and self-censorship continued in theses and academic publications. The report stated, “Most academics studying the field of Kurdish Studies are trying to foresee which opinions and concepts might exceed the government’s red lines as they conduct their academic studies or share their opinions with their students during lectures.” The report indicated that self-censorship is very common and expressed that concepts like “Northern Kurdistan,” “colony,” “anticolonial” continue to be taboos in the society and that various sanctions are faced still when these concepts are made subjects to studies.



Constitutional Court denies Osman Kavala’s application

The Constitutional Court’s General Council denied the individual application of Kavala, who was acquitted in the Gezi Park case, released but re-arrested before being released due to charges related to the coup attempt and remains arrested at Silivri Prison for longer than 39 months despite a European Court of

Human Rights decree against him. The high court decided, in the application made due to the “violation of personal rights and security” as the arrest was unlawful, that “there was no violation” with 8 votes against 7. Osman Kavala launched a statement on the Constitutional

Court decree and said, “[This behaviour of the majority at the Constitutional Court that does not fit legal norms is extremely worrisome.](#)”

The former application previously made by Kavala due to “a violation of personal freedom and safety” related to the unlawfulness of the arrest measure, the restriction against the investigation file and for the arrest examinations being made without being presented to the judge or the court, was also previously denied by the Constitutional Court’s General Council on May 22, 2019.



Freedom of Expression and Turkey: ECHR Decrees Application Report

P24 Independent Journalism Platform reported freedom of expression and press freedom violations in Turkey as well as the decrees issued by the European Court of Human Rights on these violations. The report, written by human rights lawyer Benan Molu, revealed Turkey’s grade report on the execution of the European Court of Human Rights decrees on freedom of expression violations, among other

Council of Europe countries. The report examines Articles 299, 301, 220 and 314 of the Turkish Criminal Code, that come to the agenda most frequently in the field of freedom of expression, as well as Articles 6 and 7 of the Anti-Terror Law within European Court of Human Rights precedents, Council of Europe Ministers Committee, the Venice Committee and the Council of Europe’s Human Rights Commissionary evaluations. Findings in the report reveal once again that in case judicial independence isn’t provided in Turkey exactly and for the necessary political will isn’t established, no significant progress may be recorded in Turkey in terms of freedom of expression and press freedom. [Please click here for the full report.](#)



Kobani indictment following ECHR decree on Demirtaş

Ankara Chief Public Prosecutor’s Office prepared an indictment on the Kobani protests organised on October 6-8, 2014. 108 people, including Selahattin Demirtaş, take place in the indictment as “suspects.” The European Court of Human Rights (ECtHR) has recently issued the immediate release of Selahattin Demirtaş.

The indictment was prepared with the charges of “disrupting the unity and the territorial integrity of the state,” “homicide,” “homicide attempt,” “burning flag” and “violating the Law on the Protection of Atatürk.” It was sent to Ankara 22nd Assize Court.



158-year imprisonment claim against Barış Pehlivan and Barış Terkoğlu

Many lawsuits were filed against the book, “Metastasis 2: Mangle” that was written by OdaTV Editor-In-Chief Barış Pehlivan and OdaTV News Director Barış Terkoğlu and started to be distributed on December 1. The complainants in all lawsuits filed against the book are lawyer Ahmet Özel, lawyer Mustafa Doğan İnal and Antalya Prosecutor Gürkan

Kütük. The journalists testified to four different prosecutors in 14 separate investigations opened against the book following complaints made on the book as well as on the articles written and TV shows made about the book. The journalists face a total of 158 years of imprisonment in total.



RTÜK’s Grade Report for 2020: 10 million TL penalty against critical channels

The report prepared by Radio and Television Supreme Council (RTÜK) member İlhan Taşçı on the decisions of the High Council in 2020 revealed the pressure against opposition channels once again. According to the report, that focuses on the dates between January 1st

and December 25th, 2020, 400 thousand Turkish Liras of penalty was fined against pro-government channels, whereas channels broadcasting criticising content was fined with 10 million Turkish Liras that is 25 times that. 16 administrative fines, two show pauses and one five-day blackouts, which makes a total of 19 sanctions, were applied against TELE1; administrative fines were issued against Halk TV for 12 times, 2 show blackouts were applied for 10 days and a five-day blackout was applied once against the channel, making up 15 sanctions in total. [Please click here for details.](#)



7-year 6-month imprisonment claim against journalist Mazlum Dolan

Previously shut-down Dicle News Agency (DIHA) reporter Mazlum Dolan, who was stuck in Sur district of Diyarbakır for 79 days due to the curfew there and was later arrested, was convicted due to “illegal organisation membership.” Diyarbakır 5th Assize Court sentenced the journalist, charged with “leading to anti-government broadcast with news he

reported during the curfew,” to 7 years and six months of imprisonment.



15-year imprisonment claim against TTB member Gökcalp

An indictment was prepared against Turkish Medical Association High Honorary Council member Dr Şeyhmus Gökcalp with the allegation of “illegal organisation membership” after being arrested on November 25 within the investigation conducted by Diyarbakır Chief Public Prosecutor’s Office against the Democratic Society Congress (DTK). The

indictment involves a delegate list of the Democratic Society Congress (DTK) and Gökcalp was accused of participating in two separate congresses of the Democratic Society Congress (DTK) on March 26, 2016 and September 16, 2017. The indictment was accepted by Diyarbakır 10th Assize Court and the first hearing will be held on February 10.



Nol-pros for torture, penalty against complainant

Nihat Akkaya found himself in the “defendant” seat after filing a criminal complaint against the police violence he faced under custody in Kayseri in 2017. The Prosecutor’s Office started an investigation against the allegations of torture upon complaint and claimed that Akkaya had provoked the soldiers and police

officers beating him; thus issuing a verdict of non-prosecution. The Prosecutor’s Office further claimed that the security force conducting mistreatment intentionally, knowing that a medical report would be received, would be against the natural course of life; and filed a lawsuit against Akkaya and other witnesses of the incident due to “defaming public officers,” “insulting a public officer” and “resisting to prevent duty.” Akkaya, his wife and his mother were sentenced to 1 year, 5 months and 15 days of imprisonment each in the prosecution at Sarız Criminal Court of First Instance.



Imprisonment against street interview

İsmail Demirbaş was detained with a house raid after he criticised the economy and the ruling power on a street interview he gave in Antalya, was arrested and later released. Demirbaş was sentenced to 19 months of imprisonment in the lawsuit he was on trial at Antalya 36th Criminal Court of First Instance with the allegation of “insulting Erdoğan.”

Hasan Köksoy, who conducted the interview and broadcasted it on his YouTube channel, was sentenced to 11 months and 20 days of imprisonment with the same charge.



1-year 8-month imprisonment against Şaban Vatan

Şaban Vatan is trying to illuminate the death of his 11-year-old daughter, Rabia Naz Vatan, who died suspiciously in Giresun. He claims that former Minister of National Defense Nurettin Canikli attempted to cover up the incident, using the force of his seat. In the lawsuit Canikli filed against Vatan, the father

was convicted. He was sentenced to 8 thousand 840 Turkish Liras of judicial fine due to “insulting a public officer” as well as 1 year and eight months of imprisonment due to “illegal obtaining and spreading of personal data.” The announcement of the verdict was deferred.



Poet Yılmaz Odabaşı arrested

Poet Yılmaz Odabaşı was arrested and was sent to Kandıra Prison. The poet wrote on Twitter on November 17 and said, “my social life is shaped around going to the courthouse as we live in a country where the number of imams and policemen is higher than the number of teachers.” He thus announced that he was sentenced to 2 years and nine months of

imprisonment and that his sentence was approved by the appeal court.



Imprisonment sentence against “insulting Erdoğan”

Republican People's Party (CHP) Gaziantep Provincial Youth Organisations Leader Umut Can Kadaş, who was on trial at Gaziantep 24th Criminal Court of First Instance with the allegation of insulting the President through his social media account, was sentenced to 11 months and 20 days of imprisonment. The

sentence was deferred.

Sosyal Medya Paylaşımları Nedeniyle İl Yöneticimiz Tutuklandı SUSTURABİLECEĞİNİZİ Mİ ZANNEDİYORSUNUZ !

SOL Parti Rize İl Yürütme Kurulu üyemiz, **UĞUR MERT** sosyal medya paylaşımını bahane edilerek tutuklandı. Kendinizi bezemeyen, farklı düşünen, hayır diyen, itiraz eden herkesi baskıyla susturabileceğinizi mi zannediyorsunuz!

Sokaklardan yükselen açlık çığlığına, gençlerin isyanına her yerde sahip çıkmaya devam edeceğiz.

Bu hukuksuz tutuklamaya son verilmesi, Rize İl Yönetim Kurulu üyemiz **UĞUR MERT** serbest bırakılmalıdır.



Leftist Party executive arrested

Leftist Party Rize Provincial Executive Council member Uğur Mert was arrested due to his social media posts. Mert's house was raided early in the morning of December 25, Friday by the police. He was detained the same day in Trabzon as he was visiting his ill father at the hospital. Mert was arrested by Pazar Criminal Court of Peace and was sent to Kalkandere Prison.



Censorship against news on fake high school diploma

125 URLs including news, tweets and YouTube videos on the fake high school diploma of the Chief Advisor of the President, Deputy Minister of Youth and Sports, Deputy Chairman of Vakıfbank Executive Council, former Justice and Development Party (AKP) Parliament member Hamza Yerlikaya were

banned from access with a decree issued by Bakırköy 1st Criminal Judicature of Peace.



Access ban against social media post by MP

The twitter post made by the Good Party's Group Deputy Chairman and Kocaeli Parliament member Lütfü Türkkan on the tax exemption of Kalyon Construction was banned from access by Beykoz Criminal Judicature of Peace.



20-thousand-TL compensation against unlawful house imprisonment

The Constitutional Court decided for the conviction and house imprisonment of Esra Özkan Özakça due to the re-employment protests on Ankara Yüksel Street have violated the right to personal freedom and safety. The court decided that judicial bodies have issued a sentence of house imprisonment against

Özakça “before crime indicators were put forth with concrete evidence” and issued for 20 thousand TL moral compensation to be paid to Özakça.



TRIALS OF FREEDOM OF EXPRESSION

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “making illegal organisation propaganda” though his social media posts...

Court: Istanbul 37th Assize Court

Verdict: The court decided for the execution of the warrant issued against the artist, who resides in Germany. The next hearing was scheduled for April 6, 2021.

Buse Söğütlü Case

The lawsuit filed against Gazete Yolculuk reporter Buse Söğütlü due to “targeting those taking part

in the fight against terrorism” through sharing a news article published on the newspaper’s website...

Court: Istanbul 23rd Assize Court

Verdict: The court requested a report from the Security Directorate and from the Turkish National Intelligence on whether the journalist had any connection to an illegal organisation. The next hearing was scheduled for March 24, 2021.

Mehmet Çakmak Case

The lawsuit filed against journalist Mehmet Çakmakçı with a claim of imprisonment for up to 15 years due to “terrorist organisation membership” through his interviews with news resources and photos he took...

Court: Diyarbakır 10th Assize Court

Verdict: The court issued the acquittal of the journalist, who remained under arrest for three months and was released in the first hearing.

Oktay Candemir Case

The lawsuit filed against 5 people, including journalist Oktay Candemir, due to “violating the Law on Meetings and Demonstrations No. 2911”. Candemir and the others were detained in Van on May 5, 2019 during the police intervention against the press statement organised by the People’s Democratic Party (HDP).

Court: Van 5th Criminal Court of First Instance

Verdict: The court issued the acquittal of all defendants due to “lack of concrete, certain and convincing evidence.”

HEARINGS NEXT WEEK

Müyesser Yıldız and İsmail Dükel Case

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

January 6, Wednesday at Ankara 26th Assize Court

Ayten Akgün Case

The lawsuit filed against journalist Ayten Akgün due to “insulting the President” through the news she shared on Twitter...

January 7, Thursday at Istanbul Anatolian 6th Criminal Court of First Instance