

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 2/21 - January 15, 2021)

### What happened last week?

- The ruling party's little partner, Nationalist Movement Party (MHP) leader Devlet Bahçeli demanded for a lawsuit of closure to be filed by the Court of Cassation against the People's Democratic Party (HDP) based on the "Kobani indictment." He said that the MHP will do whatever is necessary otherwise.
- The 2020 October Employment Statistics announced by the Turkish Statistical Institute (TUIK) forced the limits of science and reality once again. The employment rate became 43.6% with a decrease by 2.3 points and inexplicably, the unemployment rate decreased as well.
- The application of 3 million doses of Sinovac, imported to Turkey from China, started with health workers. It is expressed that the amount of vaccination is only enough for health workers now, with debates on "privileged vaccine applications"... On the other hand, the Turkish Medical Association indicated that the urgent use approval process of CoronaVac isn't proceeding transparently and demanded for the data to be shared with independent researchers. The announced data on the effectiveness of CoronaVac are already contradictory. The interim data obtained from trials in Turkey and Indonesia reveal an effectiveness ratio of 91.25% and 65.3%. However, the number is at 50.4% in Brazil...
- In his message for January 10, Working Journalists Day, President Erdoğan claimed that they have achieved significant progress in the media having a more democratic, free and pluralist structure. *"As Turkey, we will never give up on press freedom,"* Erdoğan said. However, he added: *"We will never allow those rights to be abused or be used for dark propaganda against our country."*
- Presidential Communications Director Fahrettin Altun claimed that the press freedom and freedom of expression in the country is extended and ensured in a way that could not even be compared to 20 years ago. Turkey is ranked 154th among 180 countries in the [RSF's Press Freedom Index](#) in 2020. Turkey was ranked 99th in 2002 and regressed by 55 steps under the AKP ruling; now categorised among the countries [without free press](#).
- Demanding for the resignation of the trustee rector and for the new rector to be elected, Boğaziçi University students and academics continued with their protests and thus were added to Erdoğan's [list of terrorists](#)...
- Human Rights Foundation of Turkey and the Human Rights Association made a [joint declaration](#) against the "amendment on the legislation allowing the Turkish National Intelligence and the Security Directorate to potentially use ammunition and vehicles belonging to the Turkish Armed Forces (TSK)." The organisations have stated, *"the assignment of the authority to use heavy war weapons to be used in social events is an expression on how worrisome the level we are at in the process of the destruction of the democratic sphere."*



## HRW launches 2020 report

Human Rights Watch (HRW) launched the 2020 World Report. In the Turkey section of the report, it was indicated that attacks against human rights and the state of law continued during the COVID-19 outbreak. It was further evaluated that the ruling power has quickly passed laws that are against the responsibilities suggested by international conventions on human rights at the Parliament, deepening the

authoritarian regime in the country.

The report stated that people seen as political opponents of or opposing politicians against Erdoğan were prosecuted, arrested and convicted with baseless charges within the extensive Anti-Terror Law and that interventions against judicial processes and Prosecutor's Office decrees by the executive power became a routine. It was pointed out that peaceful protests organised by women's rights activists, health workers, lawyers and opposition parties were prevented by Governorates with the excuse of the COVID-19 outbreak. [Please click here](#) for the full report.



## Prosecutor's Offices ordered to "inform about prosecutions due to insulting President"

The Ministry of Justice ordered Prosecutor's Offices to inform them on the results of prosecutions made within Article 299 of the Turkish Criminal Code, regulating the crime of "insulting the President" as well as Article 301 of the Turkish Criminal Code, regulating the crime of "denigrating the government."

The letter sent from the ministry demanded separate information for each file, regarding whether a verdict of non-prosecution was issued on the file, if so, whether there was an objection against the verdict and whether the objection was finalised. Main opposition party Republican People's Party (CHP)'s Deputy Chairman Responsible for Legal and Electoral Matters Muharrem Erkek stated, "The purpose of this letter is to tell judges and prosecutors that they have to be kept on their toes. Those in power are not satisfied with an order, where the law doesn't work and decrees are made according to the phone calls to be made from the palace. Even judges and prosecutors complying with the current order are being threatened now."



## BIA Media Monitoring Report October-December 2020

The Independent Communication Network (BIA) launched its October-November-December 2020 Media Monitoring Report. According to the report, at least 130 journalists were prosecuted with claims of a total of 9 life imprisonments as well as 1613 years of imprisonment in the three-month period. Six journalists were

sentenced to 52 years, 6 months and 25 days of imprisonment in total. [Please click here](#) for the full report.



### ‘Kobani’ summary against nine HDP MPs

After the “Kobani Case” filed against 108 politicians, including former People’s Democratic Party (HDP) Co-Chairs Figen Yüksekdağ and Selahattin Demirtaş; summaries have arrived at the Parliament against nine People’s Democratic Party (HDP) Parliament members with claims for their Parliamentary immunities to be taken off.

Ankara Chief Public Prosecutor’s Office claimed that People’s Democratic Party (HDP) Co-Chair Pervin Buldan, Group Deputy Chairs Meral Danış Beştaş and Saruhan Oruç, Parliament members Garo Paylan, Hüda Kaya, Sezai Temelli, Pero Dündar, Fatma Kurtulan and Serpil Kemalbay were “perpetrators” in the Kobani protests.



### Warrant against Alınak

A warrant was issued against politician-writer Mahmut Alınak. Alınak was charged with “making illegal organisation propaganda” due to his book, “Bekes,” and was released after testifying. In his deposition, Alınak said, “*The government is still scared of books and opinions. Saddam and Hitler used to burn books. The government of the Republic of Turkey is imprisoning books in courthouse vaults. No matter what, we will leave bright,*

*free days behind to future generations.*”



### **Lawsuit against Atty. Mehmet Emin Aktar**

Diyarbakır 4th Assize Court sentenced former Diyarbakır Bar Association Chairman Mehmet Emin Aktar to 6 years and three months of imprisonment due to “illegal organisation membership” and “making illegal organisation propaganda.” Aktar’s participation in the Democratic Society Congress (DTK) events in 2018 were made subject to the charges

imposed.



### **1-year 6-month imprisonment against journalist Özgür Boğatekin**

Gerger Fırat Daily News Director Özgür Boğatekin, who was on trial due to his Facebook posts on the news reported in the newspaper in 2017, was sentenced to 1 year, 6 months and 22 days of imprisonment with the allegation of “making illegal organisation

propaganda.” Adıyaman 2nd Assize Court issued for the acquittal of the journalist of the charge of “targeting those taking part in the fight against terrorism.”



### **“World of Tayyips” banner case**

A lawsuit had been filed against four students and one person preparing the banner with the writing, “World of Tayyips” on it and was carried during the graduation ceremony at the Middle East Technical University (METU) in 2018. The defendants were acquitted of all charges in the seventh hearing of the case held

at Ankara 11th Criminal Court of First Instance.



### **Newroz photo case against journalist Melis Alphan**

The investigation opened against journalist Melis Alphan due to a photo she shared as she was watching Newroz celebrations in Diyarbakır around six years ago, has turned into a lawsuit. The journalist will stand trial at Istanbul 32nd Assize Court with a claim of

imprisonment for up to 7.5 years due to “making illegal organisation propaganda.”



### **Lawsuit against news on mistreatment in prison**

After the news reported by Mesopotamia News Agency on the violation and mistreatment at Bayburt Type-M Prison, a lawsuit was filed against the news with the application of the prison administration. The lawsuit was filed against the agency's Managing Editor Ferhat Çelik and will be held on February 2nd at

Bayburt Criminal Court of First Instance.



### **Operation against ESP, 48 detained**

Within the investigation conducted by Izmir Chief Public Prosecutor's Office, police raids were organised against the Socialist Party of the Oppressed Headquarters, Istanbul and Izmir Provincial buildings as well as Science, Education, Aesthetics, Culture and Arts Research Foundation (BEKSAV) as well. 48 people were detained in total in the operations

organised in 12 provinces. Etkin News Agency (ETHA) Istanbul office was raided by the police late at night and all digital material in the office was seized. Agency reporter Pınar Gayıp's home was raided as well, the journalist was detained.



### **Propaganda investigation against association co-chair**

Diyarbakır Chief Public Prosecutor's Office started an investigation against Dicle Fırat Journalists Association (DFG) Co-Chair Dicle Müftüoğlu due to "making illegal organisation propaganda" through her social media posts.



### **Police prevention against workers' protest**

The press statement organised by Cargill workers in front of the Ministry of Agriculture and Forestry in Ankara was prevented by the police. The police commander on duty threatened workers' representatives with "showing them the power of the state." 8 of the workers, who decided to continue their protest

in front of the union building, and two supporters were detained.



### Access ban against news on access ban

An access ban was issued against the censoring of news on Istanbul Metropolitan Municipality carrying the corruption and misconduct under the Justice and Development Party (AKP) administration to the judiciary following the complaint of Minister of Transportation Adil Karaismailoğlu.



### BIK sentenced Birgün and Evrensel

The Press Ad Institute penalised BirGün Daily and Evrensel Daily with three days of ad blackout each. BirGün Daily was penalised due to the news with the title, “The Radio and Television Supreme Council knows neither law, nor Constitutional Court decree.” Evrensel Daily was penalised due to the news with the title, “Cumhuriyet Daily summoned to testify

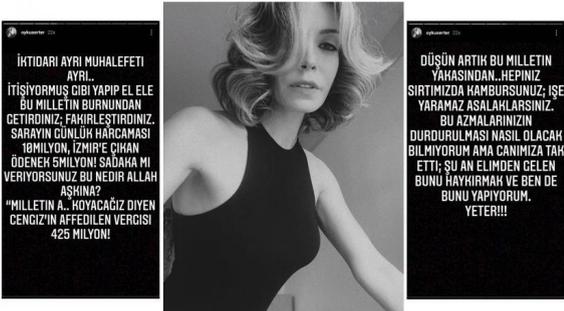
due to news on illegal mansion.” The news published in BirGün Daily, which was based on Court of Accounts reports, was claimed to be of the quality of “slander” and the penalty against Evrensel Daily was based on the mention of Presidential Communications Director Fahrettin Altun in the news on the journalists summoned to testify. The Press Ad Institute (BIK) hasn’t given any official ads to Evrensel for 482 days.



### RTÜK penalties

Radio and Television Supreme Council (RTÜK) penalised HalkTV with an administrative fine due to former Minister of State and Culture and Republican People’s Party (CHP) Parliament member Fikri Sağlar’s expressions, “When I stand trial before a judge wearing a headscarf, I have doubts that she may do what the law and justice requires.” The

Council further penalised TELE1 channel with an administrative fine due to primetime newscaster Evren Özalkuş’s expressions on the Directorate of Religious Affairs. Both channels are ranked top two in the list of channels facing the most number of sanctions by the Radio and Television Supreme Council (RTÜK) in 2020. The penalties continue in the new year as well.



### Social media investigation against Öykü Serter

Istanbul Chief Public Prosecutor’s Office started an investigation against tv personality Öykü Serter due to “public incitement towards resentment and hostility” following complaints

against her. Serter's social media posts on the earthquake in Izmir were made subject to the investigation.



### **Presidency demands, Bar Association 'reprimands' Eren Keskin**

Istanbul Bar Association's Executive Board 'reprimanded' Human Rights Association Co-Chair lawyer Eren Keskin following the complaint of the Presidency's Secretary General. The reprimand was based on Keskin's conviction of the charge of "insulting the President" within the lawsuit filed against her at Istanbul 2nd Criminal Court of First Instance

in April 2017.



### **Ministry allows investigation against Ankara Bar Association**

The Ministry of Justice gave permission against the Ankara Bar Association administration, which reprimanded the speech of Director of Religious Affairs Ali Erbaş with hate speech against homosexuals. The Prosecutor's Office will summon 11 Bar Association executives having their signature in the declaration, to testify. The Directorate of Religious Affairs

had filed a criminal complaint against the Ankara Bar Association and government authorities, especially Erdoğan, had targeted the Bar Association.



### **Politician and journalist attacked on same day in Ankara**

Future Party Deputy Chairman Selçuk Özdağ and Yeniçağ Daily Ankara Representative Orhan Uğuroğlu were attacked in front of their homes on the same day. Özdağ was recently targeted by Nationalist Movement Party (MHP) Deputy Chairman Semih Yalçın. Yeniçağ Daily writers and representatives have also been targeted by MHP members in the past as well.



## TRIALS OF FREEDOM OF EXPRESSION

### **Case Against News on Train Station Massacre**

The lawsuit filed against journalist Alican Uludağ and the newspaper's Managing Editor Olcay Büyüktaş due to "disclosing the identity of those taking part in the fight against terrorism" through the news published in Cumhuriyet Daily with the title, "Secret file in Train Station massacre"...

**Court:** Istanbul 32nd Assize Court

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

### **Arafat Dayan Case**

The lawsuit filed against former Managing Editor of Demokratik Ulus Daily Arafat Dayan with the allegation of "making illegal organisation propaganda"...

**Court:** Istanbul 2nd Assize Court

**Verdict:** The next hearing was scheduled for April 14, 2021.

### **Gezi Park Case**

The lawsuit filed against seven people, including journalist Can Dündar, whose files were separated from the main Gezi Park Case, due to "attempting to overthrow the government and to prevent government officers from performing their duty"...

**Court:** Istanbul 30th Assize Court

**Verdict:** The court decided to wait for the execution of the warrants issued against the defendants and scheduled the next hearing for April 28, 2021.

### **Ruken Demir Case**

The lawsuit filed against Mesopotamia Agency reporter Ruken Demir due to "illegal organisation membership" through the news he reported...

**Court:** Istanbul 19th Assize Court

**Verdict:** The next hearing was scheduled for February 23, 2021.

### **Rojhat Doğru Case**

The lawsuit filed against journalist Rojhat Doğru due to "disrupting the unity and the territorial integrity of the state," "illegal organisation membership" and "making illegal organisation propaganda" through the news he reported as he was following Kobani protests...

**Court:** Diyarbakır 8th Assize Court

**Verdict:** The next hearing was scheduled for March 4, 2021.

### **Case Against Lawyers Protesting Massacre**

The lawsuit filed against 19 lawyers, who protested the Ankara Train Station Massacre at Çağlayan Courthouse on October 12, 2015...

**Court:** Istanbul 13th Assize Court

**Verdict:** We couldn't obtain any information on the hearing results as the bulletin was being prepared.

### **Engin Korkmaz Case**

The lawsuit filed against Contemporary Journalists Association (ÇGD) Mediterranean Chairman and Antalya Körfez Daily's Managing Editor Engin Korkmaz due to "insulting the President" through a social media post...

**Court:** Antalya 19th Criminal Court of First Instance

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

## HEARINGS NEXT WEEK

### **İdris Yılmaz Case**

The lawsuit filed against journalist Idris Yılmaz due to “public incitement towards resentment and hostility” through a social media post he made on January 20, 2018 regarding the Olive Branch Operation started by the Turkish Armed Forces (TSK) in Afrin, Syria...

**January 18, Monday at Van Erciş 1st Criminal Court of First Instance**

### **Hülya Oruç Case**

The lawsuit filed against Hülya Oruç, the wife of journalist Aziz Oruç, who was arrested in December 2019 and was released last November, due to “public incitement towards resentment and hostility” through her social media posts on the neglect in prisons during the pandemic...

**January 19, Tuesday at Diyarbakır 5th Criminal Court of First Instance**

### **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...

**January 19, Tuesday at Muğla Bodrum 2nd Criminal Court of First Instance**

### **İsmail Cem Şimşek Case**

The lawsuit filed against Evrensel Daily’s former Managing Editor İsmail Cem Şimşek with the allegation of “insulting the President” due to the news published in the newspaper in July 2018 with the title, “German Cartoonists Drew Erdoğan So Bad”...

**January 19, Tuesday at İstanbul Bakırköy 27th Criminal Court of First Instance**

### **Mehmet Şahin Case**

The lawsuit filed against Kurdish Xwebûn Daily writer and Kurdish linguist Mehmet Şahin with the allegation of “establishing and managing an illegal organisation” through the activities he allegedly conducted at the Democratic Society Congress (DTK)...

**January 19, Tuesday at Diyarbakır 5th Assize Court**

### **Erk Acarer Case**

The lawsuit filed against journalist Erk Acarer due to “insulting the President” through his article published in Birgün Daily in October 2016...

**January 19, Tuesday at İstanbul 2nd Criminal Court of First Instance**

### **Compensation Case against Cumhuriyet Daily**

The lawsuit of moral compensation for 1 million TL filed against journalist Hazal Ocak and Cumhuriyet Foundation Chair Alev Coşkun due to the news published in the newspaper in October 2019 with the title, “Luxury Outhouse with Bosphorus View” after the construction ban on historical Hüseyin Avni Paşa Park was removed after businessman Mehmet Cengiz purchased the Hüseyin Avni Paşa Mansion...

**January 20, Wednesday at İstanbul Anatolian 14th Civil Court of First Instance**