

Think, think...



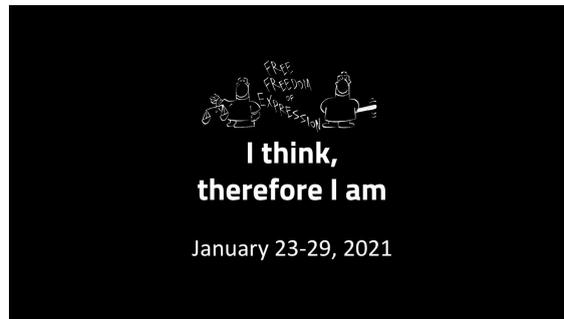
Freedom of Expression Weekly Newsletter (Issue 4/21 - January 29, 2021)

What happened last week?

- Presidential consultant and lawyer Mehmet Uçum claimed that the European Court of Human Rights decrees are not “binding” but “advisory”! Uçum continued to imply that Turkey will insist on not applying the European Court of Human Rights decrees and the Council of Europe Secretary General Marija Buric expressed that the decree is “not a request but a legal compulsion,” reminding Turkey that Osman Kavala must be released immediately. In the meeting of European Union’s Foreign Ministers, the decision of sanctions against Turkey made in December was suspended due to “*positive developments in Turkey.*”
- Turkey and Greece gathered around the same table after five years. No announcement was made on the pre-meeting, whereas the next meeting was announced to be organised in Athens.
- President Erdoğan chose İrfan Fidan for Constitutional Court membership, among three candidates presented by the Grand General Assembly of the Court of Cassation. Fidan has been appointed to the Court of Cassation from Istanbul Chief Public Prosecutor’s Office and became a Constitutional Court member candidate without looking at any file at the Court of Cassation. Fidan is known as the Prosecutor of the most critical cases according to the Justice and Development Party (AKP), and has made the transition from Chief Public Prosecution to the Constitutional Court membership in 20 days. There is no precedent of this in the history of the judiciary.
- In the elections made for the Radio and Television Supreme Council (RTÜK) Chairmanship, Ebubekir Şahin was re-elected. Şahin’s previous two-year Chairmanship is summarised with practices of pro-government discrimination.
- The Turkish Statistical Institute (TUIK) has launched Province-Based Gross Domestic Product data for 2019 and Istanbul has reached the highest GDP in 2019 with 1 trillion 327 billion and 452 million TLs, receiving 30.7 percent share from the total GDP. Istanbul was followed by Ankara with 395 billion 731 million TL and 9.2 percent share, then by Izmir with 263 billion 38 million TL and 6.1 percent share. The last three provinces in the calculations were Tunceli with 4 billion 134 million TL, Ardahan with 3 billion 399 million TL and Bayburt, with 2 billion 840 million TL.
- In the lawsuit filed on Soma Massacre, where 301 mine workers have died, 12th Criminal Chamber of the Court of Cassation reversed its own decree after the change in the board... The chamber had issued a penalty against four defendants, including the company’s boss Can Gürkan, due to “homicide with eventual intent for 301 times and injury for 162 times” four months ago. With the change in the board, the court changed its decree with a lighter penalty due to “causing death and injury due to gross negligence.”
- National Vision Foundation Chairman Oğuzhan Asiltürk was recently visited by Justice and Development Party (AKP) Chairman and President of Republic Erdoğan.

Asiltürk announced that Erdoğan also has the opinion that the Istanbul Convention will definitely be revoked.

- 185 decrees issued by the European Court of Human Rights (ECtHR) in 2020 concluded against Russia, 97 against Turkey, 86 against Ukraine and 82 against Romania. Russia is ranked first in the countries violating the International Convention on Human Rights (ECHR) the most with 173 decrees violating at least one article of the ECHR. Russia is followed by Turkey with 85 violation decrees, then by Ukraine with 82 violation decrees and then by Romania with 64 violation decrees. The number of total applications made against Turkey at the ECtHR is 11.750. Turkey has become the country violating freedom of expression the most among Council of Europe member countries with 31 violation decrees in 2020 as well, after 2017, 2018 and 2019. [Please click here](#) for the full tables of statistics.
- According to the [Corruption Perception Index](#) of Transparency International, Turkey was ranked 86th among 180 countries. Turkey is still among the five countries regressing the most in the last eight years.



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

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



Imprisonment sentence against comedian Emre Günsal

Announcing the results of the lawsuit filed against him on social media, comedian Emre Günsal wrote, “I was sentenced to 3 years and five months of imprisonment for 20 minutes of stand-up, which makes 62 days for every minute I was on stage.” The comedian was

arrested due to using denigrating expressions about Atatürk, Rumi, Şems Tabrizi, Konya and the residents of Konya. He has remained in prison for 11 days and has been released.



Lawsuit against CHP booklet due to “assassination and physical attack against President”

The indictment prepared against Republican People’s Party (CHP) Deputy Chair Gökçe Gökçen due to the booklet, “FETÖ’s Political Limb in 21 Questions” was accepted by Ankara 18th Assize Court. Gökçen is charged with “slander,” “assassinating the President and

physically attacking him” based on the booklet that involves the speeches of Republican People’s Party (CHP) leader Kemal Kılıçdaroğlu at the Grand National Assembly of Turkey on February 11, 2020.



Penalty against protesters of thermal power plant

37 citizens, who were on trial due to the protest they organised against the thermal power plant planned to be constructed in Gerze district of Sinop, were sentenced to 47 years and 10 months of imprisonment in total as well as 63 thousand Turkish Liras of penalty fine by

Gerze Criminal Court of First Instance. The thermal power plant project was cancelled in 2015 after it was revealed to be against the Law of Forests.



Lawsuit against Las Tesis protests

A lawsuit was filed against 24 women at Izmir 7th Criminal Court of First Instance due to the demonstration organized in Alsancak district of Izmir on December 15, 2019 within the “Las Tesis” demonstrations spread around the world from Chile, to protest violence against women. The women are charged with violating Article 301 of the Turkish Criminal Code and the Law

on Meetings and Demonstrations No. 2911.



Another ‘April 24’ Case against Diyarbakır Bar Association executives

Another lawsuit was added to those filed against the Diyarbakır Bar Association due to their statements on April 24. Imprisonment sentences were claimed against Diyarbakır Bar Association Chairman Cihan Aydın and Executive Board members for up to 2 years due

to “denigrating the government” in accordance with Article 301 of the Turkish Criminal

Code (TCK) through their statements on April 24, 2019. The statement, entitled, “1915...!” as well as another statement, entitled, “We Are Not Afraid And We Will Not Be Silent!” launched in December 2019 as a reaction against a lawsuit filed on the April 24 statement, were presented as crime evidence in the case file.



Lawsuit against Van TV workers

The lawsuit filed against 6 journalists and 8 channel workers due to “making illegal organisation propaganda” through newscasts and shows of previously shut-down Van TV was concluded. Van 4th Assize Court issued the acquittals of Serdar Altan, Gülsün Altan, Kadir Cesur and Sibel Eres and issued for the abatement of the case for Koçali Özipek,

Nedim Dalga and Gürcan Bardakçı. TV presenter Nahide Aslan was sentenced to 1 year and six months of imprisonment and the announcement of the verdict was deferred.



Gökhan Güneş returns home after being kidnapped

Gökhan Güneş was forced into a car in İkitelli district of Istanbul by people who claimed to be police officers. Afterwards, Güneş wasn't heard from again. Six days later, he was left at Bahçeşehir, blindfolded. Güneş organised a press meeting at Human Rights Association Istanbul and stated that he was forced into the

car through electroshock, that he was kept somewhere and was exposed to torture for 6 days. At the time Güneş was missing, the statement organised by his relatives and friends has been intervened and 12 people have been detained.



Second investigation against news on torture concludes with nol-pros

The second investigation started against Mezopotamia News Agency (MA) reporter Ahmet Kanbal due to sharing news on the incidents of torture in a police station in Halfeti district of Urfa in May 2019 was concluded with non-prosecution as well. After the investigation opened against the journalist by Mardin Chief Public Prosecutor's Office due to

“making illegal organisation propaganda,” another verdict of non-prosecution was issued in the investigation conducted due to “denigrating the government” in accordance with Article 301 of the Turkish criminal Code (TCK) as well.



Yüksel Protests Case: Acun Karadağ released

The second hearing of the lawsuit filed against Acun Karadağ, Alev Şahin, Nazan Bozkurt, Mehmet Dersulu, Armağan Özbaş and Mahmut Konuk was held at Ankara 28th Assize Court after they were arrested on August 22, 2020 due to organising a protest of re-employment on Yüksel Street in Ankara due to having been dismissed from profession with a Statutory Decree. The lawsuit was filed against them due

to “continuing their protests heavily.” Özbaş and Konuk had been released in the first hearing, and now in the second hearing, the court issued the release of Karadağ. The next hearing was scheduled for April 5, 2021.



Cartoonist Sefer Selvi acquitted of “insulting Erdoğan”

Evrensel Daily cartoonist Sefer Selvi was acquitted of “insulting Erdoğan” in the lawsuit filed against him due to 11 cartoons he drew between the years 2014 and 2017. Istanbul 18th Criminal Court of First Instance announced its reasoned decree for the acquittal and indicated that the expressions in the cartoons carry the quality of being “humorous political satire.”

“The President has political duties as well and he must tolerate such criticisms,” the court stated.



4-year 8-month imprisonment claim against 80-year-old actress

The second hearing of the lawsuit filed against cinema actress Aydan Canbula due to “publicly insulting President Erdoğan” through her social media account was held at Istanbul Anatolian 37th Criminal Court of First Instance. The Prosecutor’s Office claimed for the 80-year-old

actress to be sentenced to imprisonment for up to 4 years and eight months.



Nol-pros in investigation against İdris Yayla

Batman Chief Public Prosecutor’s Office issued a verdict of non-prosecution in the investigation of Jiyen News Daily owner İdris Yayla due to the news published in the newspaper with the headline, “İpek Er dragged to suicide after Specialist Sergeant Musa

Orhan's rape." The investigation against Yayla was due to "public incitement against resentment and hostility."



Investigation against 23 lawyers

Ankara Chief Public Prosecutor's Office started an investigation against 23 lawyers, who made a press statement in front of Ankara Courthouse in July 2020 against the "multiple Bar Associations" regulation. The investigation was based on "a violation of the Law on Meetings and Demonstrations."



Nol-pros in investigation against Zeynep Durgut

A verdict of non-prosecution was issued in the investigation started against Mesopotamia Agency (MA) reporter Zeynep Durgut due to "illegally obtaining or distributing personal data" after she was detained as she was following news information in Güçlükonak district of Şırnak in October 2020.



Investigation against exam question

An investigation was started against Marmara University faculty member Bülend Nami Nomer based on a question he asked on a final exam in economics. The question asked, "You want to buy shoes but they are very expensive, what does that mean?" and the answer options included "Ask Tayyip." It is expressed that the university administration has requested the faculty member's resignation and he will be

dismissed otherwise.



Appeal Court issues verdict on violation of freedom of expression

The 43rd Civil Chamber of Istanbul Regional Court reversed the local court decree that convicted journalist, editor and children's rights advocate Ayla Türksoy to 1000 Turkish Liras of compensation due to her tweet that criticized Turkcell for sponsoring Ensar Foundation. The appeal court decided that the local court decree has "violated the right to

freedom of expression, which is guaranteed and protected by the Constitution as well as international conventions.”



Penalty defense from RTÜK: “Not everyone has the right to say what they want”

Radio and Television Supreme Council defended the penalty it gave against Halk TV based on the expressions used by the guest on the show, “Present Time Politics” and said, “The media holds the power to overthrow the government. Not every show guest has the freedom to say whatever they want about a media channel.”



Kaos GL 2020 Media Monitoring Report: LGBTI+ hostility not coincidence, organised!

Kaos GL Association launched its 2020 Media Monitoring Report on how LGBTI+s are presented in newspapers. Hate speech was identified in 61 percent of the 3476 articles examined. Furthermore, hate crime was

committed in 1073 articles, targeting LGBTI+s or supporting organisations. [Please click here](#) for details.



TRIALS OF FREEDOM OF EXPRESSION

Durket Süren Case

The lawsuit filed against journalist Durket Süren due to “willfully aiding and abetting an illegal organisation” and “making illegal organisation propaganda”...

Court: Diyarbakır 11th Assize Court

Verdict: The court is waiting for the criminal report and scheduled the next hearing for April 26.

Derya Okatan Case

The lawsuit filed against journalist Derya Okatan due to “insult” through a news article published by Etkin News Agency (ETHA) in May 2016, as she was the Managing Editor at ETHA...

Court: Istanbul 30th Criminal Court of First Instance

Verdict: The hearing was rescheduled due to the court board being excused.

Hazal Ocak & Alev Şahin Case

The lawsuit filed by Mehmet Cengiz against Cumhuriyet Daily’s Managing Editor Alev Şahin and reporter Hazal Ocak due to “damaging reputation” based on the news article published in the

newspaper on October 6, 2019 with the headline, “Luxury annex with Bosphorus view”...

Court: Istanbul Anatolian 14th Civil Court of First Instance

Verdict: The court denied the case.

Reyhan Çapan Case

The lawsuit filed against Özgür Gündem’s former Managing Editor Reyhan Çapan due to “making illegal organisation propaganda through press” and “printing or publishing terrorist organisation statements” as a result of the merging of 18 indictments against her...

Court: Istanbul 2nd Assize Court

Verdict: The hearing was scheduled to a later date.

Kemal Demir & Kemal Karagöz Case

The lawsuit filed against previously shut-down TV10 workers Kemal Demir and Kemal Karagöz due to “aiding an illegal organisation”...

Court: Istanbul 28th Assize Court

Verdict: The court issued for the travel ban against Kemal Demir to remain and scheduled the next hearing for April 20.

İdris Sayılğan & Naci Kaya Case

The lawsuit filed against journalists İdris Sayılğan and Naci Kaya due to “shooting in forbidden zone” after they were detained in Edirne, where refugees flooded as they wanted to go to Europe after Turkey’s announcement that it opened its borders...

Court: Edirne 8th Criminal Court of First Instance

Verdict: The next hearing was scheduled for April 14.

Vedat Dağ Case

The lawsuit filed against People’s Democratic Party (HDP) Diyarbakır Provincial Organisation Press Consultant Vedat Dağ due to “illegal organisation membership” and “making illegal organisation propaganda” based on Dağ’s participation in HDP events, posting about those events on social media as well as secret witness statements against him...

Court: Diyarbakır 11th Assize Court

Verdict: The next hearing was scheduled for April 28.

Case Against Support March for Leyla Güven

The lawsuit filed against 5 women, including Health and Social Services Labourers Union Diyarbakır Branch’s former Co-Chair Gönül Adibelli and Hazro Co-Mayor Gülistan Ekti (who was dismissed and was replaced with a trustee), due to “violating the Law on Meetings and Demonstrations No. 2911” and “illegal organisation membership” through participating in a march to support Democratic Society Congress (DTK) Co-Chair Leyla Güven, who started a hunger strike on November 8, 2018 with the demand for the solitary confinement of PKK leader Abdullah Öcalan to end...

Court: Diyarbakır 11th Assize Court

Verdict: The Prosecutor’s Office presented its opinion on the basis and claimed for the defendants to be sentenced to imprisonment for up to three years due to the realisation of the march despite a Governorate ban; while claiming for the defendants to be acquitted of the charge of “illegal organisation membership.” The next hearing was scheduled for March 10.

Faik Bulut Case

The lawsuit filed against journalist-writer Faik Bulut due to “establishing and managing an illegal organisation” based on his Democratic Society Congress (DTK) activities...

Court: Diyarbakır 4th Assize Court

Verdict: The court issued the acquittal of Bulut.

HEARINGS NEXT WEEK

İdris Sayılğan Case

The lawsuit filed against journalist İdris Sayılğan due to “making illegal organisation propaganda” based on his social media posts...

February 1, Monday at Muş 2nd Assize Court

Ferhat Çelik Case

The lawsuit filed against Managing Editor Ferhat Çelik following the complaint of Bayburt Closed Penitentiary Institute Type-M due to the news article published by Mesopotamia Agency on October 4, 2018 with the headline, “bugs placed in food of those arrested in Bayburt”...

February 2, Tuesday at Bayburt Criminal Court of First Instance

Hayko Bağdat Case

The lawsuit filed against journalist Hayko Bağdat due to “insulting the President” based on the expressions he used on Bugün TV channel in 2015...

February 2, Tuesday at Istanbul 51st Criminal Court of First Instance

Alican Uludağ Case

The lawsuit filed against journalist Alican Uludağ due to “targeting those taking part in the fight against terrorism” through his tweets criticising Ankara Chief Public Prosecutor Yüksel Kocaman, who was on the agenda with the news, “Honeymoon with helicopter” and “Wedding visit at the Palace”...

February 3, Wednesday at Ankara 18th Assize Court

Özgür Gündem Substitute Editing-In-Chief Case

The re-prosecution of Prof. Dr Şebnem Korur Fincancı, journalist Erol Önderoğlu and writer Ahmet Nesin after the appeal court decree against them following their prosecution and acquittal due to “making terrorist organisation propaganda” through participating in the “Substitute Editing-In-Chief campaign” for solidarity with Özgür Gündem Daily...

February 3, Wednesday at Istanbul 13th Assize Court

Hülya Oruç Case

The lawsuit filed against Hülya Oruç, the wife of 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 Assize Court

Ceren Sözeri Case

The 200 thousand TL compensation lawsuit filed by Turkuvaz Media Group Executive Board Deputy Chairman Serhat Albayrak against Evrensel Daily writer Ceren Sözeri due to her article, “Who made AKP lose votes”...

February 3, Wednesday at Istanbul 2nd Commercial Court of First Instance

Müyesser Yıldız - İsmail Dükkel Case

The lawsuit filed against Oda TV Ankara News Director Müyesser Yıldız and TELE 1 Ankara Representative İsmail Dükkel due to “disclosing confidential information on the security of the state”...

February 5, Friday at Ankara 26th Assize Court

Osman Kavala Case

The lawsuit filed against businessman and rights advocate Osman Kavala due to “attempting coup” and “espionage” after he was acquitted in the Gezi Park Case, was released but was arrested again before he could be released and is deprived of his freedom for years despite a European Court of Human Rights (ECtHR) decree for him...

February 5, Friday at Istanbul 36th Assize Court