

Think, think...

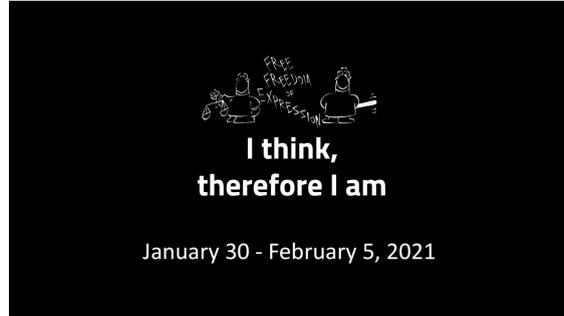


Freedom of Expression Weekly Newsletter (Issue 5/21 - February 5, 2021)

What happened last week?

- Protests that started with the appointment of Melih Bulu to Boğaziçi University Rectorate left a month behind, and the protests were spread around the country. As the Boğaziçi campus turned into a police station, the “handcuffed” gates of the university led to handcuffed students... *Details in the newsletter...*
- Erdoğan raised the bet in his promises of reformation in the law, saying, “*It is time for Turkey to study a new Constitution.*” The current Constitution is a product of a coup, despite all amendments made on it. This reaction from a ruling power that can’t even tolerate bits of freedom in that Constitution and continues to break it is highly ironic. For the ruling power continues to break the Constitution every day, publicly and intentionally. And even the Constitutional Court decrees now confirmed that the judicial bodies are going against the legal system predicted by the Turkish Constitution.
- The reason for the second rights violation issued by the Constitutional Court for former Republican People’s Party (CHP) Parliament Member Enis Berberoğlu was published in the National Gazette. The decree pointed out to the state of law as well as to Constitutional Court decrees being binding for all. “*No legal system could allow arbitrary decrees that mean to go against the legal system predicted by the Constitution,*” the decree stated. The high court further emphasized that the Constitution does not authorize public institutions and lower-rank courts to resist or debate Constitutional Court decrees, indicating that the local court is violating the Constitution.
- The local administrations banned all protests with the excuse of the pandemic, whereas these bans didn’t affect Erdoğan at all. [Please click here for details...](#)
- Reporters Without Borders (RSF) launched a statement that gives numbers on the situation of press freedom in Turkey. According to the numbers compiled with the help of Bianet, Turkey continues to be one of the prominent journalist prisons in the world; imprisoning more than 200 journalists and media workers in the last five years. 63 journalists were convicted of “insulting the President” in accordance with Article 299 of the Turkish Criminal Code since the start of Erdoğan’s Presidency. Only last year, 1358 online news articles were censored after the requests of President Erdoğan, his son Bilal Erdoğan, his son-in-law Berat Albayrak, pro-government businessmen and politicians. 90 percent of the media is controlled by pro-government businessmen in Turkey, with 3,436 journalists being left unemployed in the last four and a half years.
- According to the data by PressInArrest, at least 43 journalists stood trial in 29 different lawsuits in 10 provinces in January. Six journalists were acquitted, cases against two journalists were abated, two journalists were sentenced to imprisonment.

At least five journalists were detained. One journalist was arrested and one journalist was sentenced to house imprisonment. [Please click here for details.](#)



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...



Protests continue at Boğaziçi University...

In an exhibition organised within the rector protests ongoing at Boğaziçi University, a picture of the Kaaba was combined with LGBTI+ flags. Afterwards, appointed rector Melih Bulu, Interior Minister Süleyman Soylu, Justice Minister Abdülhamit Gül and Director of Religious Affairs Ali Erbaş targeted the students. Afterwards, five of the two detained students were arrested due to “public incitement towards resentment and hostility” and two students were sentenced to house

imprisonment. The students testified at the Security due to “denigrating religious values.” However, since this charge didn’t require arrest, the charge was changed to “public incitement towards resentment and hostility” instead by the Prosecutor’s Office.

Afterwards, the appointed rector ordered the police to enter the campus - the protester students were first taken under blockade, then 159 students were beaten and detained. The protests first spread outside the campus, then around the country. Being protested by academics and students for a month, Melih Bulu defined himself as the rector of the government. However, he still couldn’t find academic personnel who would work with him in the university administration. His first action was to turn the university into a police station. Afterwards, he closed the LGBTI+ Studies Club at the university.

As the students continue their protests for their arrested and detained friends, the Istanbul Governorate launched a list of identified gathering areas in the province. Thus, it was banned to gather anywhere other than the areas identified by the Governorate. Right before the

protest organised in Kadıköy for the detained and arrested students, the District Governorate banned all meetings and demonstrations across the district for the next seven days.

Protests faced police attacks everywhere, especially in Istanbul, Ankara and Izmir. Investigations were started against university students over making calls for the release of their detained friends, as well as over sharing information on the protests at Boğaziçi University on social media. At least eight people were detained within the investigations conducted due to “creating public turmoil” in accordance with Article 216 of the Turkish Criminal Code.

The Interior Ministry further announced numbers on the protests. According to the announcement, 528 people were detained in 38 provinces. 2 students were arrested so far and 498 people were released, 108 of whom facing judicial measures. The Ministry ended the statement with a threat as well, saying, “Let no one question the power of the state.” Immediately after the Ministry statement, the numbers were updated. The police attacked protests in Çanakkale, Samsun and Bursa; at least 43 people were detained. 2 people were arrested and 14 were sentenced to house imprisonment. 44 more people were detained in Izmir and Ankara.



Gezi Park Case retried

After the decree of acquittal issued for the defendants in the Gezi Park Case was reversed by the appeal court on January 22, 2021; the Istanbul 30th Assize Court issued travel bans against Osman Kavala, Ayşe Mücella Yapıcı, Şerafettin Can Atalay, Tayfun Kahraman, Ali Hakan Altınay, Yiğit Aksakoğlu, Yiğit Ali Ekmekçi, Çiğdem Mater Utku and Mine

Özerden. The next hearing was scheduled for May 21st at Istanbul 30th Assize Court.



Özgür Gündem Substitute Editors-In-Chief on retrial

The retrial of Özgür Gündem Editors-In-Chief Şebnem Korur Fincancı, Erol Önderoğlu and Ahmet Nesin started at Istanbul 13th Assize Court after the acquittal decrees issued for them have returned from appeal. The court abided by the reversal decree issued by the appeal court and decided to write a letter for the files of Korur-Fincancı, Önderoğlu and

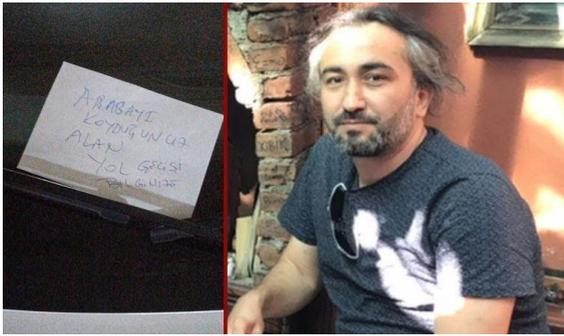
Nesin to be merged with the Özgür Gündem Main Case file at Istanbul 23rd Assize Court with Eren Keskin, Zana Kara, İnan Kızılkaya and Kemal Sancılı on trial. The next hearing was scheduled for May 6th.



Two files merged in lawsuit against Kavala, his arrest continues

The second hearing of the lawsuit filed against businessman Osman Kavala with allegations of “attempting to overthrow the Constitutional order” and “espionage” was held at Istanbul 36th Assize Court. The court decided for the case file to be merged with the retried file of the main Gezi Park Case. On the other hand, the court denied the release claim for Kavala,

who has been arrested for 1193 days.



Note left for prosecutor over wrong parking becomes reason for detainment

Süleyman Uysal was detained from his home after leaving a note on the windshield of a car that parked in a way that would prevent pedestrians from being able to pass the street in Ünye. It was later revealed that the car Uysal left the note on belonged to a Prosecutor, and that’s why he was detained. The note Uysal left

had stated, “The spot you have parked your car is a pedestrian walk area, for your information.”



4-year imprisonment against journalist İdris Sayılğan

Journalist İdris Sayılğan was sentenced to 4 years of imprisonment in the lawsuit he was on trial at Muş 2nd Assize Court due to “making illegal organisation propaganda” through his social media posts.



10-year imprisonment against journalist Alican Uludağ

Journalist Alican Uludağ was sentenced to 10 months of imprisonment due to “targeting those taking part in the fight against terrorism” through his tweets, in which he criticized former Ankara Chief Public Prosecutor Yüksel Kocaman based on the news of his honeymoon with a helicopter and his visit to the Palace

after his wedding. Ankara 18th Assize Court deferred the announcement of the verdict.



Charge imposed against arrested journalist Aslan: “Reporting provocative news”

The investigation conducted against Mesopotamia Agency reporter Mehmet Aslan, who was arrested on January 8th, was completed. The indictment prepared claimed that Mesopotamia News Agency was broadcasting in connection with an illegal organisation and that Aslan provided the news that were provocative for the masses. The Prosecutor’s Office presented the news

reported by Aslan as “crime” in the indictment, and claimed that his arrest being covered by the website “ANF NEWS” is an evidence for “illegal organisation membership.”



Journalist’s shut-down phone considered “crime evidence”

The indictment prepared against Yeni Yaşam Daily worker İbrahim Karakaş, who has been arrested since November 6, 2020, was accepted by Adana 11th Assize Court. In the indictment, prepared due to “illegal organisation membership”, the investigations opened against those Karakaş spoke on the phone were made bases for the charges imposed against him. The social media posts of Karakaş were evaluated

as “criminal elements” in the indictment as well. As the Prosecutor claimed that the cell phone of Karakaş was off during the entire time he was in the illegal organisation camp, lawyer Tugay Bek pointed out that phone conversations usually become evidence for the charges; whereas in this case the phone being off was considered as evidence for the charges imposed. The first hearing of the lawsuit will be held on March 23rd.



First hearing held in METU Kavaklık Resistance Case

The first hearing of the lawsuit filed against 12 students due to the protests organised against the trees being cut-down for the unlicensed dormitory construction of Credit Dormitories Institute at the Middle East Technical University (METU) campus, was held at Ankara 46th Assize Court. The prosecution of the students will continue on May 25th due to

“participating in illegal meetings and demonstrations.”



Greeting Leyla Güven considered “crime”

A summary was prepared against People’s Democratic Party (HDP) Ağrı Parliament Member Dilan Dirayet Taşdemir due to the speech she gave at the rally organised in Diyarbakır in 2019 for March 8, World Women’s Day. In her speech, Taşdemir sent her greetings to Democratic Society Congress (DTK) Co-Chair and Hakkari Parliament Member Leyla Güven, who was on a hunger

strike at the time and because of that, she is charged with “praising the crime and the criminal” as well as “public incitement towards resentment and hostility.”



TRIALS OF FREEDOM OF EXPRESSION

Ferhat Celik 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”...

Court: Bayburt Criminal Court of First Instance

Verdict: The journalist was acquitted in the first hearing.

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...

Court: Istanbul 50th Criminal Court of First Instance

Verdict: The hearing was postponed to a later date after the excused absence of Bağdat’s lawyers.

Banu Güven Case

The lawsuit filed against journalist Banu Güven, who is charged with “praising the crime and the criminal” due to her social media post...

Court: Istanbul 41st Criminal Court of First Instance

Verdict: The journalist was acquitted in the first hearing.

Selahattin Demirtaş Case

The lawsuit filed against former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş with the allegation of insulting former Prime Minister Ahmet Davutoğlu...

Court: Istanbul 47th Criminal Court of First Instance

Verdict: The next hearing was scheduled for May 26th.

Hülya Kuyumcu Oruç Case

The lawsuit filed against Hülya Kuyumcu 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...

Court: Diyarbakır 5th Criminal Court of First Instance

Verdict: Oruç was acquitted.

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”...

Court: Istanbul 2nd Commercial Court of First Instance

Verdict: The next hearing was scheduled for July 14.

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”...

Court: Ankara 26th Assize Court

Verdict: The Prosecutor presented his opinion on the basis and claimed for the journalists to be sentenced due to “obtaining and disclosing confidential information.” The next hearing was scheduled for March 8.

HEARINGS NEXT WEEK

Mısra Öz Sel Case

The lawsuit filed against Mısra Öz Sel, whose son, Oğuz Arda Sel, died in the train massacre in Çorlu on July 8, 2018 with 25 people dead, including seven children, due to “insulting a public officer” through her social media posts...

February 9, Tuesday at Tekirdağ Çorlu 5th Criminal Court of First Instance

Selman Keleş Case

The lawsuit filed against Dihaber reporter Selman Keleş, who was detained and arrested as he was following news in 2017 and was released in the first hearing held after eight months due to “illegal organisation membership”...

February 9, Tuesday at Van 5th Assize Court

Dindar Karataş Case

The lawsuit filed against Mesopotamia Agency (MA) reporter Dindar Karataş, who was detained in Van on November 24th and was arrested in Erzurum due to “illegal organisation membership”, based on the news he reported on various dates being considered crime evidence...

February 9, Tuesday at Erzurum Assize Court

Hozan Cane Case

The retried lawsuit against Kurdish artist Hozan Cane, who was sentenced to 6 years and three months of imprisonment due to “terrorist organisation membership” through her social media posts,

after the reversal decree of the Court of Cassation, but this time, due to “aiding an illegal organisation”...

February 9, Tuesday at Edirne 3rd Assize Court

Seyhmus Gökalp Case

The lawsuit filed against Turkish Medical Association (TTB) High Honorary Council member Dr Şeyhmus Gökalp, who was arrested on November 25th within the investigation conducted by Diyarbakır Chief Public Prosecutor’s Office against the Democratic Society Congress (DTK)...

February 10, Wednesday at Diyarbakır 10th Assize Court

Semiha Şahin and Pınar Gayıp Case

The lawsuit filed against ETHa editor Semiha Şahin and reporter Pınar Gayıp with the allegation of “illegal organisation membership”...

February 11, Thursday at Istanbul 23rd Assize Court

Journalist Arif Aslan Case

The lawsuit filed against journalist Arif Aslan, who was detained in Van in 2017 as he was following news information, due to “illegal organisation membership”...

February 11, Thursday at Van 5th Assize Court

Mesale Tolu Case

The lawsuit filed against 18 people, including Etkin News Agency reporter and translator Meşale Tolu, due to “illegal organisation membership” and “propaganda”...

February 11, Thursday at Istanbul 29th Assize Court

Melike Aydın Case

The lawsuit filed against JinNews Izmir reporter Melike Aydın, who was arrested in November 2019 and was released about two months later, due to “acting on behalf of an illegal organisation” through the news she reported...

February 11, Thursday at Izmir 2nd Assize Court

Nagehan Alçı Case

The lawsuit filed against Habertürk writer Nagehan Alçı due to “insulting” Istanbul Criminal Court of First Instance Judge Hakkı Yalçinkaya through her article published on June 15, 2018 with the title, “The reaction of the Justice Minister against that embarrassing decree”...

February 11, Thursday at Izmir 2nd Criminal Court of First Instance