

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 7/21 - February 19, 2021)

### What happened last week?

- 13 security and military officers, who were kidnapped by the PKK in 2015 and 2015, were killed in the operation conducted by the Turkish Armed Forces (TSK) and the Turkish National Intelligence Agency (MIT) against the Gara region in Northern Iraq. Three soldiers died in the operation as well. Even though the government wanted to turn the operation into a story of success, the opposition and military resources describe the operation as “entirely unsuccessful.” It was also revealed that the “good news” Erdoğan was supposed to give last week was 16 deaths. Other public officers previously kidnapped by the organisation in the past had been saved with the mediation of politicians and rights organisations. The Human Rights Association, which is in continuous solidarity and collaboration with the families so that the public officers may return to their homes safely, was openly targeted by Interior Minister Soyly during his information speech at the Grand National Assembly of Turkey (GNAT) General Assembly. Erdoğan jumped a level in “making political debates with street language” during the Gara Operation debates and called the CHP leader Kılıçdaroğlu an “insolent man.”
- The ruling power’s partner, Nationalist Movement Party (MHP) leader Bahçeli wanted the Constitutional Court to shut itself down and for the People’s Democratic Party (HDP) to be shut down. The Constitutional Court has been on the target of Bahçeli for a long time due to the decrees of rights violation it’s been issuing.
- A lawsuit of closure was filed by the Ministry of Commerce against Anadolu Kültür Incorporated, established by arrested businessman Osman Kavala. The company made a written declaration and stated that for the first time in the history of the Republic, a company faces a lawsuit due to conducting its work in a similar non-profit way with associations and foundations, indicating that the lawsuit is a “continuation of the unlawfulness faced by Kavala himself.” [For details...](#)
- Erdoğan didn’t give a break to his events and started to give his speeches in person; continuing to take pride in how crowded the congresses were. Except Erdoğan’s events, other events are banned. Protest bans were declared this week by Governorates in Van, Hakkari and Hatay.
- Human Rights Watch (HRW) made a statement on the protests and indicated that the students being detained with violence as they make a peaceful protest against the appointment reveals that the government is ignoring basic human rights. The organisation stated that the ongoing incidents in Turkey for more than a month revealed that protest demonstrations in Turkey are being seriously restricted, that the government misuses its authority to silence oppositional groups and that the LGBTIs are being targeted. According to the Human Rights Watch, it is a continuous application that Turkish authorities respond to protest demonstrations using extreme force and arbitrary detainments. [For details...](#)

- Amnesty International demanded an explanation on the increasing incidents of kidnapping and disappearances in the past years in Turkey, pointing out that the illumination of the cases are under the responsibility of the government. According to data by the Human Rights Association, 1338 people disappeared after being detained since the 1990s.
- Three university students in Ankara were kidnapped with civil vehicles in front of their homes and were threatened with death during the entire time they were kept under custody. According to the records of the Human Rights Association (IHD) for the last three years, tens of people were forced inside civil vehicles without an official detainment in the capital city, and were left in deserted places after many hours.
- International Lesbian, Gay, Bisexual, Transsexual and Intersex Union, which brings together more than 600 LGBTI organisations from 54 countries in Europe and Middle Asia, launched its annual report. According to the report, more than 15 countries, including Turkey, showed a significant increase in hate speech against the LGBTIs in both official statements and in the press. According to the [ILGA-Europe Rainbow Map and Index 2021](#), Turkey is ranked second to last this year as well in the protection of LGBTI+ rights. Only three of the 60 criteria determined by the organisation are met in Turkey, which are not protective measures. [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 newsletters...*



### **Özgür Gündem Main Case**

The lawsuit filed against previously shut-down Özgür Gündem Daily owner Kemal Sancılı, Editor-In-Chief Zana Kaya, Managing Editor İnan Kızılkaya and Eren Keskin was finalised at Istanbul 23rd Assize Court. The court sentenced Sancılı, Kızılkaya and Keskin to 6 years and three months of imprisonment due to “illegal organisation membership” and Kaya to 1 year and 13 months of imprisonment due to “making illegal organisation propaganda.”



### **Lawsuit against journalists**

The investigation against Adnan Bilen, Cemil Uğur, Şehriban Abi and Nazan Sala - who announced the incident of two citizens being thrown off from a helicopter in Van to the public and were arrested on October 9 - as well as against journalist Zeynep Durgut, was concluded.



### **TTB Chair Fincancı convicted**

Turkish Medical Association (TTB) Central Council Chair Şebnem Korur Fincancı was sentenced to 7080 Turkish Liras of judicial fine at Istanbul Anatolian 42nd Criminal Court of First Instance due to insulting Erdoğan



### **Investigation against social media posts**

Ankara Chief Public Prosecutor's Office started an investigation against social media posts on the military operation due to "making terrorist organisation propaganda" and "denigration of the government." Those facing investigations include People's Democratic Party (HDP) Parliament members Hüda Kaya and Ömer Faruk Gergerlioğlu.



### **Boğaziçi University protests**

University students Beyza Buldağ and Muhammed Ünal, who were arrested during the protests due to their social media posts, were released. 9 students are still arrested due to the protests and 25 students face house imprisonment decrees.



### **Lawsuit against press statement**

A lawsuit was filed against the press statement organized by the Community Houses in Izmir within the countrywide campaign, "We Want to Live", due to violating the Law on Meetings and Demonstrations No. 2911. 17 Community Houses members, who were beaten and detained by the police during the protest on October 25, 2020, will

stand trial at Izmir Karşıyaka 6th Criminal Court of First Instance.



### **Arrested journalist Fatih Gönül released**

The first hearing of the lawsuit filed against previously shut-down Dicle News Agency's (DIHA) arrested journalist Fatih Gönül was held at Ankara 25th Assize Court due to "illegal organisation membership" and "propaganda." The court decided for Gönül to be released on the conditions of judicial measure and travel ban. The

next hearing was scheduled for May 27.



### **University-student women intervened in Ankara**

The police intervened in the press statement of the students, who wanted to say, "We don't want women's universities". The police didn't allow the press statement of the women in Kuğulu Park, Ankara, detaining many women using physical violence. Journalists were prevented from recording visuals of the protest and the park was surrounded

by the riot police.



### **Constitutional Court issues violation decree after 5.5 years**

In the application of journalist Beyza Kural, the Constitutional Court issued a decree of rights violation 5.5 years later. The court decided that the freedom of expression and press freedom of the journalist, as well as the inhumane mistreatment ban was violated as the journalist was detained in 2015

with reverse handcuffs during the protests against the Council of Higher Education (YÖK).



### **Protest ban in Van extended once again**

The protest and demonstration ban that is ongoing in Van for more than four years was extended by the Governorate once again for another 15 days. The Governorate based the protest ban, that started on November 21, 2016 to "security" reasons and now the reasons for extension include "the protection of national security," "protection of public order and

general health" and to "control the infection rate of the COVID-19 outbreak."



### **"Dr Said" book banned**

Istanbul 2nd Criminal Court of First Instance banned the book, "Dr Said - We Lost the Lock of Mountains" written by Selim Çürükkaya and

published by Doz Publishing. The book was about the life of peshmerga commander Said Çürükkaya. 109 books published by Kurdish publishing houses - including Aras, Avesta and J&J - were either banned or withdrawn from shelves in the last four years. The banned books include Ph.D theses that were translated from English and French.



### **Investigation against social media post by Wilders**

Ankara Chief Public Prosecutor's Office started an investigation against the social media post made by the leader of the Party for Freedom in the Netherlands and the parliamentary leader of his party at the House of Representatives, Geert

Wilders.



### **Operations against HDP**

The Interior Ministry announced that 718 people, including People's Democratic Party (HDP) Provincial and district chairs, were detained within the "terror operations" in 40 provinces.



### **Lawsuits of "insulting Erdoğan"**

The Security General Directorate's former Intelligence Office Chairman Sabri Uzun was sentenced to 11 months and 20 days of imprisonment due to "insulting the President" with a social media post he made in 2019. Ankara 31st Criminal Court of First Instance deferred the

announcement of the verdict.



### **Access bans against 10 news websites in 2 weeks**

Decrees of access bans were issued by eight different Criminal Judicature of Peace in six provinces in the last two weeks against 10 more news websites due to the protection of national security and public order.



## **TRIALS OF FREEDOM OF EXPRESSION**

### **Özgür Gündem Raid Case**

The lawsuit filed against 22 people, including 17 journalists, who were detained during the police raid organised at Özgür Gündem Daily building after the newspaper's shut-down on August 16,

2016, due to “insulting a public officer” and “preventing a public officer from performing his duty”...

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

**Verdict:** The next hearing was scheduled for April 22.

#### **Barış Barıştıran Case**

The lawsuit filed against Özgür Gün TV Editor-In-Chief and Manager Barış Barıştıran due to “making illegal organisation propaganda” through the live broadcast of the Democratic Society Congress in Diyarbakır on March 26, 2016...

**Court:** Diyarbakır 8th Assize Court

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

#### **İsmail Çoban Case**

The lawsuit filed against previously shut-down Azadiya Welat Daily’s Managing Editor Ismail Çoban, who has been sentenced to 5 years of imprisonment due to “making illegal organisation propaganda” through 15 news articles published in 2013 and is now on retrial after the reversal decree of the appeal court...

**Court:** Diyarbakır 7th Assize Court

**Verdict:** The next hearing was scheduled for May 4.

#### **Ali Sönmez Kayar Case**

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

**Court:** Istanbul 32nd Assize Court

**Verdict:** The next hearing was scheduled for May 6.

#### **Özgür Boğatekin Case**

The lawsuit filed against journalist Özgür Boğatekin 10 years ago due to the news article with the title, “Torture Allegation at Gendarmerie Station”...

**Court:** Gerger Criminal Court of First Instance

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

#### **Diyarbakır Bar Association Case**

The lawsuit filed against 11 former Diyarbakır Bar Association executives due to “denigrating the government” and “public incitement towards resentment and hostility” through the Bar Association’s statements on the April 24 commemorations in 2017 and 2018...

**Court:** Diyarbakır 6th Assize Court

**Verdict:** The next hearing was scheduled for June 25.

#### **Kenan Kırkaya Case**

The lawsuit filed against journalist Kenan Kırkaya and eight others due to “illegal organisation membership” through moderating the show, “Glance Towards Ankara” on Med Nuce TV Channel, which is a Turkish channel based in Belgium...

**Court:** Ankara 14th Assize Court

**Verdict:** The next hearing was scheduled for May 21.

#### **Metin Akpınar and Müjdat Gezen Case**

The lawsuit filed against actors Müjdat Gezen and Metin Akpınar due to “insulting the President” through their statements on a TV show they participated in as guests, two years ago...

**Court:** Istanbul Anatolian 8th Criminal Court of First Instance

**Verdict:** The Prosecutor presented his opinion on the basis and wanted the artists to be penalised. The next hearing was scheduled for March 1.

**İsminaz Temel and Havva Cuştan Case**

The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters Isminaz Temel and Havva Cuştan, Legal Bureau of the Oppressed (EHB) lawyers Sezin Uçar, Özlem Gümüştaş and other Socialist Party of the Oppressed (ESP) members due to “armed terrorist organisation membership” and “making illegal organisation propaganda”...

**Court:** Istanbul 27th Assize Court

**Verdict:** The next hearing was scheduled for May 25.

**Yılmaz Çelik Case**

The lawsuit filed against artist Yılmaz Çelik, who was arrested in December 2019 due to “illegal organisation membership” and “making illegal organisation propaganda” through his social media posts and was released in the first hearing 3.5 months later...

**Court:** Tunceli 2nd Assize Court

**Verdict:** The next hearing was scheduled for June 1.

**Case Against Documentary Nû Jîn**

The re-prosecution of director Veysi Altay and Dicle Anter, who were convicted of “making terrorist organisation propaganda” through the screening of the documentary, “Nû Jîn” (2014) after the reversal decree of the appeal court...

**Court:** Batman 2nd Assize Court

**Verdict:** The next hearing was scheduled for June 3.

**Rüstem Batum Case**

The lawsuit filed against journalist Rüstem Batum with the allegation of “insulting the President” through his expressions on a TV show he attended as a guest...

**Court:** Istanbul 41st Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for June 8.

**Ahmet Altan Case**

The lawsuit filed against journalist-writer Ahmet Altan due to “insulting Chief Public Prosecutor of the Court of Cassation [of the time]” through his column published in Taraf Daily on March 16, 2008 with the title, “Coup Preparation or Shutting Down Kemalism”...

**Court:** Istanbul Anatolian 2nd Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for June 8.

## HEARINGS NEXT WEEK

**Ferhat Tunc Case**

The lawsuit filed against the artist due to “insulting the President” through the tweets he posted in 2016...

**February 23, Tuesday at Büyükçekmece 14th Criminal Court of First Instance**

**Case Against Las Tesis Demonstration**

The lawsuit filed against 6 women, who protested male violence against women with the ‘Las Tesis’ dance in Kadıköy, Istanbul on December 8, 2019 due to violating the Law on Meetings and Demonstrations No. 2911...

**February 23, Tuesday at Istanbul Anatolian 29th Criminal Court of First Instance**

**Ruken Demir Case**

The lawsuit filed against Mesopotamia Agency reporter Ruken Demir due to “illegal organisation membership” based on his meetings with news resources...

**February 23, Tuesday at Izmir 9th Assize Court**

**Case Against News on Berkin Elvan**

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 in Cumhuriyet and Birgün Daily on the investigation regarding the death of 15-year-old Berkin Elvan during the Gezi Park protests...

**February 23, Tuesday at Istanbul 34th Assize Court**

**Abdurrahman Gök Case**

The lawsuit filed against journalist Abdurrahman Gök due to “illegal organisation membership” and “making illegal organisation propaganda” through his social media posts, phone calls with news resources as well as the news he reported...

**February 23, Tuesday at Diyarbakır 5th Assize Court**

**Özgür Gündem Case**

The lawsuit filed against previously shut-down Özgür Gündem Daily’s Co-Editors-In-Chief Hüseyin Aykol and Eren Keskin as well as the newspaper’s Managing Editor Reyhan Çapan due to “insulting the President” and “making terrorist organisation propaganda” through the news article published in the newspaper on September 8, 2015 with the headline, “The Palace Goes Crazy”...

**February 24, Wednesday at Istanbul 13th Assize Court**

**Hakkı Boltan Case**

The lawsuit filed against journalist Hakkı Boltan due to “illegal organisation membership” based on the ‘criminal evidence’ that are his DTK delegation, two press statements he participated in as well as a social media post...

**February 24, Wednesday at Diyarbakır 10th Assize Court**

**Ferhat Tunç Case**

The lawsuit filed against artist Ferhat Tunç with an imprisonment claim for up to 20 years due to “making illegal organisation propaganda” and “illegal organisation membership”...

**February 25, Thursday at Diyarbakır 5th Assize Court**

**Lawsuit Against News on Economy**

The lawsuit filed against Bloomberg reporters Kerim Karakaya, Fercan Yalınkılıç due to “damaging the economy” with the news they reported on the value loss in the Turkish Lira as well as against and 38 others, including journalists and economists, who shared the related news on Twitter...

**February 26, Friday at Istanbul 3rd Criminal Court of First Instance**