

Think, think...



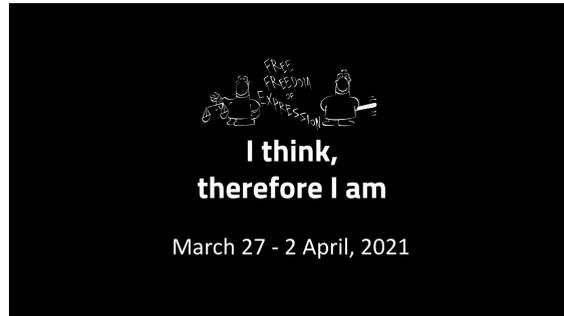
Freedom of Expression Weekly Newsletter (Issue 13/21 - April 2, 2021)

What happened last week?

- The Grand National Assembly's Spokesman Mustafa Şentop stated, "if he wants even the Montreux Convention can be withdrawn," as he was trying to defend the withdrawal from the Istanbul Convention with one "Presidential decree." Afterwards, Şentop took a step back and said that the Lausanne and Montreux are special conventions, whereas he did not explain how the Istanbul Convention can be withdrawn without the participation of the Parliament. In the meantime, according to the data by the We Will Stop Femicides Platform, 28 women were killed and 19 women were found suspiciously dead in March.
- The new Central Bank Chairman, Şahap Kavcıoğlu made his first statement and said, "It's wrong to expect the interest rates to go down." The new (!) correlation formed by Erdoğan and his economics team continue to confuse the economics in the country. After the dismissal of the Deputy Chairman of the Central Bank in the middle of the week, the Turkish Lira has lost even more value.
- Leaving behind the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP) congresses, which were full with the supporting crowd, the Presidential cabinet declared a part of the previous bans on the pandemic once again. Saturday curfews will be applied once again in 58 provinces, which were marked as "high-risk provinces" on the updated map of the pandemic. The food sector will only be able to service through to-go orders during Ramadan. Mass dinners are banned during Ramadan, but there is no restriction on "Tarawih Prayers," which are the most crowded prayers of the year.
- The Constitutional Court denied the application made for the reversal of People's Democratic Party (HDP) member Ömer Faruk Gergerlioğlu's Parliament membership being taken off, due to the rejection of venue. The high court decided that the matter concerns the Chairmanship of the Grand National Assembly of Turkey; whereas the court will evaluate the personal application of Gergerlioğlu separately.
- The Constitutional Court made its first evaluation on the closure case against the HDP. In the lawsuit filed for the People's Democratic Party (HDP) to be shut down, the Constitutional Court decided for the indictment to be sent back to the Chief Public Prosecutor's Office of the Court of Cassation. The decree was issued unanimously by the General Council, finding procedural deficiencies in the indictment. The ruling power's little partner MHP's leader Bahçeli added the Constitutional Court to the list of targets to shut down, after the HDP.
- The Justice and Development Party (AKP) brought the "Security Investigation and Archive Research Law Draft" on the Parliament's agenda for the 5th time despite all objections and two reversal decrees issued by the Constitutional Court. The draft was denied with the votes of the opposition. According to the Internal Bylaw of the Parliament, the draft will not be able to be brought on the agenda again within the

same legislative session before a year; whereas the draft will be re-negotiated after the intervention of the Parliamentary Spokesman, with a GNAT Presidential Council decree.

- The Nationalist Movement Party (MHP) leader added six more journalists to his list of targeted journalists. The MHP leader's name has been involved in many attacks against journalists recently.
- According to the report launched on the execution of European Court of Human Rights decrees, Turkey is [ranked second](#) before last after Russia, with 103 decrees awaiting execution...
- The Council of State decided that the changes in the Press Card Regulations are against press freedom and that the press cards of the journalists may not be annulled with vague expressions and arbitrary reasons. Reacting against the decree, the Presidential Communications Director accused the journalists of "terrorism" and said, "We will fight those who make terrorism propaganda under the name of journalism. Terror-lovers should not get too excited!"
- The Turkey section of the annual "Human Rights Application Report" launched by the U.S. Foreign Ministry involved many rights violations and [indicated](#) that "basic rights were restricted and the supremacy of law was compromised" in Turkey. Ankara replied to the criticisms in the report by saying they are "baseless claims."
- According to the data shared by former Republican People's Party (CHP) MP and journalist Barış Yarkadaş, 95 journalists were prosecuted and 7 journalists were sentenced to 11 years, 2 months and 15 days of imprisonment in total in March.



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...

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Lawsuit against journalists over reporting torture

Journalists Adnan Bilen, Cemil Uğur, Şehriban Abi and Nazan Sala stood trial 175 days after their arrest in the first hearing of the lawsuit filed against them together with journalist Zeynep Durgut. The journalists were arrested due to reporting two citizens in Van having

been heavily injured and one losing his life due to torture. Van 5th Assize Court issued the

release of four journalists, who have been arrested for about six months. The next hearing was scheduled for July 2.



Lawsuit against protests for Boğaziçi University

The first hearing of the lawsuit filed against 23 people, two of whom were arrested, due to “violating the Law on Meetings and Demonstrations No. 2911” after they were detained in the protest organised in Kadıköy, Istanbul on February 2 within the protests

against the appointed rector Melih Bulu at Boğaziçi University, was held at Istanbul Anatolian 38th Criminal Court of First Instance. The court issued the release of two students, who were under arrest for two months.



Indictment against Charlie Hebdo executives due to “insulting President”

Ankara Chief Public Prosecutor’s Office prepared an indictment against French satirical magazine Charlie Hebdo’s executives and cartoonists due to the magazine’s October 28, 2020 issue, which depicted a cartoon of President Erdoğan. The magazine’s

Director-In-Chief Julin Serignac, Managing Editor Gerard Biard, Editor-In-Chief Laurent Sourisseau and cartoon artist Alice Petit were charged with “insulting Erdoğan” and imprisonment sentences were claimed against them from 1 year up to 4 years.



Judicial fine against journalist Nagehan Alçı

Habertürk writer Nagehan Alçı was sentenced to 7080 TL judicial fine in the lawsuit filed against her due to “insulting a public officer because of his duty” through a column she wrote on June 15, 2018. In her column, entitled, “Justice Minister’s reaction against that embarrassing decree”, Alçı had stated, “Unfortunately, that mentality of judges and

prosecutors which does not care about individual rights continue to reign still, even today.” Because of this statement, Alçı was prosecuted due to “insulting” former Istanbul Criminal Court of First Instance Judge Hakkı Yalçınkaya.



Lawsuit against September 1 march

A lawsuit was filed against 29 people, including Democratic Regions Party (DBP) Co-Chair Keskin Bayındır and People’s Democratic Party (HDP) Urfa Provincial Co-Chair Nergiz Çiğdem Karakeçili due to

participating in the march organised in Urfa within September 1, World Peace Day. In the indictment prepared on the lawsuit at Urga 2nd Criminal Court of First Instance, the protests were indicated to have been banned by the Governorate and the defendants were claimed to be penalised due to “violating the Law on Meetings and Demonstrations No. 2911.”



Penalty against citizens over reactions against minister

Two Felicity Party members, who reacted against Interior Minister Süleyman Soylu targeting the Felicity Party within a speech he gave in Üsküdar, Istanbul during the local elections period in 2019 and were detained because of their reactions, were convicted due to “insulting a public officer because of his

duty.” Istanbul Anatolian 38th Criminal Court of First Instance sentenced the two citizens to 7080 TL judicial fine each.



Özgür Gündem penalties based on “national human rights”

Istanbul 23rd Assize Court issued the reasoned decree for the 21-year imprisonment sentence issued against Özgür Gündem Daily owner Kemal Sancılı, Managing Editor Inan Kızılkaya, Editor-In-Chief Zana Kaya and Editor-In-Chief Eren Keskin in the Özgür Gündem Main Case. In the reasoned decree,

the court claimed that the unitary structure of the government and public security has to be ruled out through notions like human rights, democracy, rights and freedoms. According to the court, an understanding of a notion of national human rights must be debated that will not damage security policies and will “provide the permanent existence of the government.”



District Governorate bans protest, workers detained

Storage, Port and Marine Workers’ Union (DGD-SEN) member Migros storage unit workers had been fired from work due to being members of professional unions, and they have been fighting for their rights for 86 days. The police intervened against the statement made in front of Executive Board Chairman Tuncay

Özilhan’s house and 16 workers were detained with violence. Beykoz District Governorate had declared a protest and demonstration ban in the neighborhood one day prior to the statement, in the neighborhood Özilhan’s house was located.



District Governorate declares protest ban before protest for Boğaziçi University

Boğaziçi University students announced that a protest will be organised at Kadıköy Pier Square with the call for their arrested friends and others under house imprisonment to be released. Afterwards, Kadıköy District Governorate banned all open-air meetings and demonstrations due to the pandemic.



Actress Canbula convicted

Istanbul Anatolian 37th Criminal Court of First Instance sentenced actress Nilüfer Aydan to 11 months and 20 days of imprisonment due to “insulting the President” through her social media posts, and deferred the announcement of the verdict.



Temel Demirer acquitted

Writer Temel Demirer was acquitted of the charge of “praising the crime and the criminal” in the lawsuit filed against him due to his speech during the Suruç massacre commemoration organised in Kadıköy in 2017.



Imam acquitted of “illegal organisation propaganda” through funeral

Imam Mehmet Can Demir was acquitted of the charge of “making illegal organisation propaganda” in the first hearing of the lawsuit filed against him due to praying at the funeral ceremony of a PKK member, who died during the clashes and was buried in a mass grave in

Van Seyrantepe Neighborhood. 72-year-old Demir indicated that he performed the burial procedure according to the religious rules, without looking at who the funeral belonged to, saying, “I am an imam and I did my job.”



7-year 6-month imprisonment sentence against Gülcihan Şimşek

Free Women’s Movement (TJA) activist Gülcihan Şimşek had been arrested within the operations against the Rosa Women’s Association. In the lawsuit filed against her at

Diyarbakır 11th Assize Court due to “illegal organisation membership” based on the protests and demonstrations she participated in as well as secret witness statements against her, Şimşek was sentenced to 7 years and six months of imprisonment.



Investigation against “Social Gender Equality” class

After Milli Daily has targeted an elective class of the Health Sciences University (SBÜ), the “Social Gender Equality” class, an investigation was started against it. The university administration made a declaration and stated, “It is impossible for us to accept, allow, tolerate or approve any curriculum that

targets our family structure and social values, damaging our ancient traditions as well as our religious and national values.”



Acquittal claim in JITEM Case

The Prosecutor presented his opinion on the basis in the “Dargeçit JITEM Case”, which is a symbol case for the impunity policies in Turkey. In his opinion, the Prosecutor claimed the acquittal of the former police station commander and 18 police officers due to the “lack of concrete evidence on them having

committed the crime.” The 21st hearing of the lawsuit is ongoing at Adıyaman 1st Assize Court and the final hearing will be held on June 28.



Lawsuit against news on “Suleiman Shah” concludes with acquittal for second time

In the lawsuit, that was on retrial against Cumhuriyet Daily’s Editor-In-Chief Aykut Küçükçaya and Cumhuriyet Foundation Executive Board Member İbrahim Yıldız due to reporting the tapes on the secret meeting held at the Ministry of Foreign Affairs on Syria

in 2014 with the headline, “Suleiman Shah Bomb”, another decree of acquittal was issued. The two names have previously been acquitted of “disclosing confidential information” at Istanbul 2nd Assize Court, however the Court of Cassation have reversed the decree due to “lack of investigation.”



RTÜK penalties

The Radio and Television Supreme Council (RTÜK) penalised Halk TV and TELEDİ channels with administrative fines due to five shows in total. Words of Murat Ağrel about Melih Gökçek on the show, “On the Record

with *Özlem Gürses*” on Halk TV, the evaluations on the Director of Religious Affairs Ali Erbaş being treated at the American Hospital on the show “*Media Neighborhood*” as well as the words of Levent Gültekin on Necmettin Erbakan on the show “*Two Comments*” were made subject to penalties. Another reason for penalty was the expression, “Islamic terrorism” used by Emre Kongar on the show, “One Minute” on TELE1 Channel.



Press Ad Institute penalises Evrensel with ad ban

The Press Ad Institute (BIK) continues with its official ad bans, which were deemed “violations of press freedom” by the Constitutional Court. Evrensel Daily was penalised once again with an official ad ban due to the news that reported the states of 159

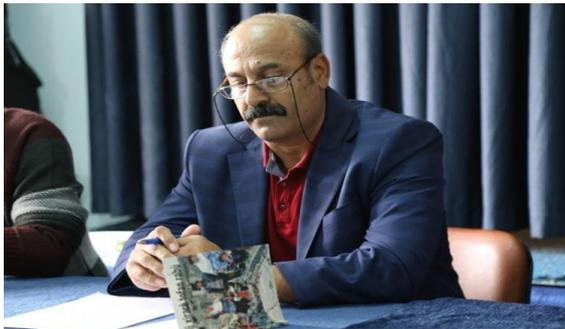
students, who were detained as they were protesting the appointed rector at Boğaziçi University. The reason for the 5-day ad ban was that the newspaper described the detainment of the students, who were exposed to heavy violence in the meantime, as an “attack.” According to the Press Ad Institute, the news “attempt to create a negative perception in the society against the security forces loyal to the government.”



Communications Director targets, investigation opened against judge

Presidential Communications Director Fahrettin Altun targeted the judge of Istanbul 16th Criminal Court of First Instance, who issued a decree of acquittal for the citizen prosecuted due to “insulting” Altun’s wife, Fatmanur Altun, through a social media post. Afterwards, the Council of Judges and

Prosecutors (HSK) immediately started an investigation against judge Günay Güner.



Kurdish writer Adil Başaran arrested

Writer Adil Başaran, who was detained on March 20 in Mardin with house raids, was arrested due to “illegal organisation membership” based on his Democratic Society Congress (DTK) activities, press statements he participated in the years 2015 and 2019 as well as secret witness statements against him.



Protest bans

Urfa Governorate announced that all protests and demonstrations were banned for 15 days in the province. Through the protest bans declared in the province by the Governorate, varying from 15 days up to a month, the right to

meeting and demonstration is effectively unusable for many months without break. The latest declared ban will last until April 11. Hakkari Governorate extended the protest and demonstration ban that was ongoing since 2016, once again. The ban will continue until April 15 and was based on “the protection of the indivisible integrity of the nation, the protection of national security and public order, a possible provocation and the prevention of potential social events.” Osmaniye Governorate announced that all events such as meetings, demonstrations and press statements are banned until April 13.



TRIALS OF FREEDOM OF EXPRESSION

“FETÖ Media Structuring” Case

The lawsuit in which eight journalists and media workers, including Meydan Daily columnist and artist Atilla Taş, are on retrial after the reversal of the conviction against them by the Court of Cassation...

Court: Istanbul 25th Assize Court

Verdict: The court decided for the judicial measures against the journalists to be revoked and for the travel ban against them to remain, scheduling the next hearing for October 26.

Ayşe Gökkan Case

The lawsuit filed against former TJA Spokesperson due to “illegal organisation membership and management”...

Court: Diyarbakır 9th Assize Court

Verdict: Gökkan’s claim to present his dense statement in Kurdish was denied and the next hearing was scheduled for June 23.

Case Against Co-Mayors

The lawsuit filed against Mardin Kızıltepe Co-Mayor Nilüfer Elik Yılmaz and Savur Co-Mayor Gülistan Öncü due to “illegal organisation membership”, as they were arrested after having been replaced with trustees by the Interior Ministry...

Court: Mardin 2nd Assize Court

Verdict: The court issued the release of Öncü and Elik with judicial measures. The next hearing of the case was scheduled for June 22.

İdris Yayla Case

The lawsuit filed against 28 people, including Jıyan News Owner İdris Yayla, due to “violating the Law on Meetings and Demonstrations No. 2911” due to the press statement organised in Batman against trustee operations in 2016...

Court: Batman 1st Criminal Court of First Instance

Verdict: The hearing verdict was not able to be reached before the newsletter was published.

Ziya Çiçekçi Case

The lawsuit filed against journalist and Yeni Özgür Politika Daily’s Managing Editor Ziya Çiçekçi due to “making illegal organisation propaganda” through the posts made by the newspaper’s social media account...

Court: Istanbul 33rd Assize Court

Verdict: The hearing verdict was not able to be reached before the newsletter was published.

HEARINGS NEXT WEEK

"Yüksel Protest" Case

The lawsuit filed against "Yüksel Street Protesters" who organised a demonstration on Yüksel Street in Ankara for re-employment and got arrested in August 2020 after having been dismissed from public service through Statutory Decrees issued within the State of Emergency...

April 5, Monday at Ankara 28th Assize Court

Case Against Roboski Commemoration

The lawsuit filed against the relatives of 34 citizens, who lost their lives in the massacre, due to "illegal organisation membership" through the commemoration organised on December 28, 2015 in the village for the 4th anniversary of the Roboski Massacre...

April 5, Monday at Şırnak 2nd Assize Court

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to "making illegal organisation propaganda" through his social media posts...

April 6, Tuesday at Istanbul 37th Assize Court

Şevin Alaca Case

The lawsuit filed against Kars Co-Mayor Şevin Alaca, who was detained, replaced with a trustee and was arrested on October 8, 2020, due to "illegal organisation membership" through the events and protests she participated in as well as after the "Sister Family Campaign" the municipality started within the pandemic was claimed to be a "crime"...

April 6, Tuesday at Kars 2nd Assize Court

Selda Manduz Case

The lawsuit filed against journalist Selda Manduz, who was detained in the operation conducted against the People's Democratic Party (HDP) and the Kars Municipality in October, due to "illegal organisation membership"...

April 8, Thursday at Kars 2nd Assize Court