

Think, think...

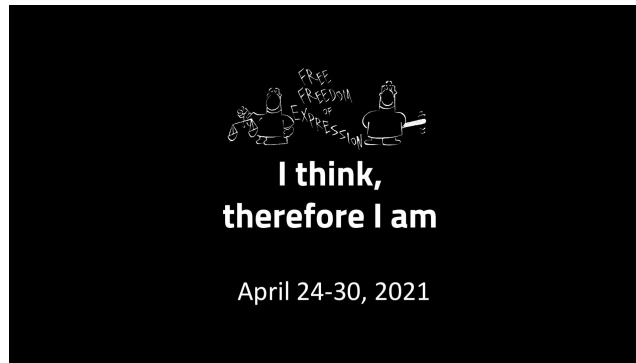


Freedom of Expression Weekly Newsletter (Issue 17/21 - April 30, 2021)

What happened last week?

- Turkey started the week with the debates started after the U.S. President Joe Biden used the word “genocide” on the anniversary of the incidents on April 24, 1915. The ruling power and the majority of the opposition gave heavy reactions against the statement of Biden. President Erdoğan evaluated the matter after two days and preferred a mild approach. On the other hand, People’s Democratic Party (HDP) members and other citizens who express that they accept the incidents in 1915 as a “genocide” continue to be threatened, insulted and targeted by the rest of society. People’s Democratic Party (HDP)’s Armenian MP Garo Paylan was threatened by independent MP Ümit Özdağ with “sharing the same fate as his ancestors.”
- The Presidential cabinet decided for a “full lockdown” within the fight against the pandemic. However, the exemptions listed immediately afterwards revealed that there will be no actual lockdown. According to the decree, a continuous lockdown will be applied, starting from April 29 until May 17. However, 70 percent of society will continue to go to work. Workers of sectors like construction, logistics and food, courthouses, mosques and tourists were kept outside the scope of the lockdown. On the other hand, alcohol sales are banned during the lockdown. The Confederation of Tradesmen and Craftsmen in Turkey Chairman Bendeve Palandöken and many other lawyers stated that the ban has no legal correspondence. The unlawful decision is interpreted as an opportunist initiative of Erdoğan’s Islamist agenda. No government support was announced for the citizens, who continue to pay the price of the economic crisis. Making a statement on the matter, Central Bank Chairman Kavcıoğlu announced that they have updated the inflation rate for the end of 2021 as 12.2%.
- Health Minister Fahrettin Koca announced that there will be no vaccinations for two months. It was initially stated that an agreement was made for Russian-made Sputnik V vaccine to be manufactured in Turkey, whereas afterwards this statement was corrected and said that the agreement was made for 50 million doses to be purchased from Russia. It is expected for the vaccines to be delivered to Turkey in summer.
- The ruling power continues to destroy nature... Cengiz Holding, which is a company that has one of the most number of government tenders and uses the most government resources, attempted to construct a stone quarry in İkizdere district of Rize and faced the residents’ resistance. The gendarmerie intervened against those resisting the construction all week, protecting construction machines. A judicial decree is on the way and it is being worried that the construction will pace up during the full lockdown.
- It was decided that the Gezi Park Case, with defendants residing abroad, to be joined with the main case file, whose defendants include Osman Kavala as the only arrested defendant of the case. The first hearing will be held on May 21st.

- In the [report](#) prepared by the Platform for the Protection and Development of Journalism within the Council of Europe, it was indicated that the majority of the mainstream media is under government control, that institutions of media regulation are made “tools” to create pressure on the independent press and that threats against independent broadcasters recently increased.
- The Security General Directorate issued a circular that bans recording of voices and visuals during demonstrations. The circular ordered those attempting to record visuals or sounds of police officers to be prevented and for judicial action to be taken against them.



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 week...

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Kobani Case starts

The first hearing of the “Kobani Case” started at the hearing room in Sincan Prison with 108 People’s Democratic Party (HDP) politicians, including former Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ, defendants - 28 of which are arrested. The police shields between the People’s Democratic Party (HDP) members and press members were the

highlights of the hearing. The journalists were prevented from recording visuals during the statement made by People’s Democratic Party (HDP) Co-Chairs Mithat Sancar and Pervin Buldan before the hearing, with the use of police shields and later with police vehicles. In the hearing, Ankara 22nd Assize Court didn’t accept the claims of recusation of the lawyers and scheduled the next hearing for May 18.



Court of Cassation reverses acquittal decrees issued in ‘Çarşı Case’

The 16th Criminal Chamber of the Court of Cassation reversed the acquittal decrees issued for 35 Beşiktaş fan club Çarşı members, six years after the decree was issued. The fan club members have been prosecuted due to

“attempting to overthrow the government of the Republic of Turkey,” “violating the Law on Meetings and Demonstrations,” “establishing or managing a terrorist organisation” and “terrorist organisation membership” and have been acquitted of all charges. The Court of Cassation based the reversal of the acquittal decrees on the Presidency not having been informed about the case. Furthermore, a relation was asserted between the Gezi Park Main Case held at Istanbul 30th Assize Court, whose defendants include arrested businessman and rights advocate Osman Kavala, and this case.



Environmental protests in İkizdere

The gendarmerie intervened against the citizens, who protested the establishment of a stone quarry at the İşkencedere Valley in İkizdere district of Rize by Cengiz Construction company, detaining 15 people. The company used the opportunity of curfews declared due to the pandemic and entered the valley with construction machines, escorted by

the gendarmerie. The residents, who have resisted the stone quarry for more than a month, stood watch in front of the construction machines despite all preventions.



Intervention against HDP statement in Istanbul

The police attacked People’s Democratic Party (HDP) members, who wanted to hold a statement in front of Istanbul Provincial building on the “Kobani Case,” in which 108 People’s Democratic Party (HDP) politicians are on trial - including former Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ. The street was initially blocked before the statement

to be held in front of the party building, afterwards, the party building’s door was locked by the police and no one was let out. Many people, including Mesopotamia Agency reporter Enes Sezgin and Artı TV cameraman Bilal Meyveci, were beaten and detained.



Lawsuit against police violence after Constitutional Court decree

A lawsuit was filed against three police officers, who threatened journalist Beyza Kural with the words, “nothing is the same any more, we will teach you that” and attempted to detain her during the student protest organised in the anniversary of the establishment of the Council of Higher Education (YÖK) in 2015. The

lawsuit was filed 5.5 years after the incident at Istanbul 35th Criminal Court of First Instance, only after the violation decree issued by the Constitutional Court regarding the police violence exposed by the journalist. The police officers are charged with “violating the freedom of work through the use of public force” and their prosecution will start on June 23.



Abdurrahman Akyüz, whose name was frequently heard in scandals.

Penalty and lawsuit against BirGün

The Press-Ad Institute issued 3 days of ad ban against BirGün Daily due to the news article published in the newspaper's January 21, 2021 issue with the headline, "Federation Knows No Law" being against the Moral Code of the Press. The news article was on the allegation that a sportsman's room was raided upon the order of Wushu Federation Deputy Chairman



April 24 investigation against Diyarbakır Bar Association

Diyarbakır Chief Public Prosecutor's Office started an investigation against the Diyarbakır Bar Association due to the Bar Association's executive council issuing a notice on the anniversary of the Armenian Genocide on April 24. The investigation was based on the

"denigration of the Turkish Nation, the government of the Republic of Turkey as well as the bodies of the state." Former Bar Association executives have also been prosecuted due to similar statements in previous years.



4-year 8-month imprisonment sentence against Demirtaş approved

The 4-year 8-month imprisonment sentence issued against arrested former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş by Istanbul 26th Assize Court due to the speech he gave during the Newroz celebration in Istanbul in 2013, was approved

by the Court of Cassation. This file against Demirtaş was evaluated at the court with chief judge Akın Gürlek, and has not been merged with the main case file at Ankara 19th Assize Court, to which all propaganda cases filed against Demirtaş were merged.



Disciplinary penalties against three academics criticising examination system

Marmara University issued disciplinary penalties against faculty members Ege Türel, Selahattin Eren and Murat Akdi after they criticised the examination and the grading system applied during the pandemic through their social media posts. According to the

university, the posts were "against general morality, exhibiting immoral attitude and behaviour."



‘Justice watch’ indictment against Gergerlioğlu

Ankara Chief Public Prosecutor’s Office prepared an indictment against People’s Democratic Party (HDP) MP Ömer Faruk Gergerlioğlu, who was arrested after losing his seat at the Parliament, due to “irregular undertaking of public position” and “violation of workplace immunity” through his “justice

watch” at the Grand National Assembly of Turkey. The indictment claimed for Gergerlioğlu to be sentenced to imprisonment for up to 5 years.



Lawsuit against trustee protests

Journalists Ahmet Kanbal, Mehmet Şah Oruç, Rojda Aydın, Nurcan Yalçın, Halime Parlak and eight others have been detained during the protest organised in Mardin on August 20, 2019 after a trustee was appointed to Mardin, Diyarbakır and Van Metropolitan Municipalities. The first hearing of the lawsuit filed against the journalists was held due to

“violating the Law on Meetings and Demonstrations No. 2911.” The lawsuit at Mardin 1st Criminal Court of First Instance will continue on October 13.



Detainment against TikTok post

Two 23-year-olds were detained due to the video they shared on TikTok with the caption, “The areas of use of a Turkish passport”. They were later released with a travel ban and on the condition of judicial measures. The video depicted the Turkish passport being used as an oven mitten and a coaster, which were made subject to the charge of “denigration of

sovereignty elements of the state.”



Sentence against Bülent Şık reversed

The Ministry of Health has not announced the results of the study it conducted between 2011 and 2016; and food engineer Bülent Şık has published the study he was a part of. The 15-month imprisonment sentence issued against Şık, effective immediately, was reversed by the 13th Criminal Chamber of Istanbul Regional Court - the court decided that

the documents published by Şık were not confidential in nature.



Nol-pros in investigation against lawyer Efkân Balaç

In the investigation opened against lawyer Efkân Balaç due to “making illegal organisation propaganda” and “praising the crime and the criminal” through his social media posts, a verdict of non-prosecution was issued. The decree pointed out to the

definitions of freedom of expression in the Turkish Constitution as well as in the European Convention on Human Rights.



No permission for funeral prayer in absentia

The police intervened against the press statement organised by Labour and Justice Platform members, who wanted to point out to the deaths of workers during the pandemic, at Üsküdar Square. 12 people were detained. The police further prevented the funeral prayer in absentia to be held by the platform at İstanbul Şakir Paşa Mosque for the deceased workers.



RTÜK penalties of the week

The Radio and Television Supreme Council (RTÜK) issued administrative fines against channels due to two news shows and the series, “Girl in the Glass.” The expressions of Republican People’s Party (CHP) Group Deputy Chairman Engin Altay on the comparison between Erdoğan and Menderes

during the show, ‘Present Time’ on KRT TV; as well as the expressions of Rifat Serdaroğlu on the Justice and Development Party (AKP) during the show, ‘Ankara Wind’ on TELE1 Channel were made reasons for the fines. The series, ‘Girl in the Glass’ on Channel D depicted a romantic relationship between a married woman and a man about to get married; as well as a violent and forcing relationship between the main character Nalan and her mother; which were both made reasons for the fines.



Intervention against workers’ statement for May 1

The police intervened against the press statement organised by Sinbo and SML workers, who were fired from work due to being professional union members, in front of the SML Tag Production Factory in Avcılar district of İstanbul, regarding the bans on May

1st. 33 people, including Mesopotamia Agency reporter Muhammet Enes Sezgin, JinNews reporter Sena Dolar and Kızıl Bayrak reporter Kardelen Yoğungan, were detained.



Police intervention against May 1 celebrations in Ankara and Izmir

Despite the demonstration bans issued by the Governorates, professional unions celebrated May 1st before the “full lockdown” announced due to the pandemic. The police intervened against the demonstrations in Ankara and Izmir, many people were detained.



Kaftancıoğlu to pay compensation to Erdoğan

Istanbul Büyükçekmece 6th Civil Court of First Instance decided that Republican People's Party (CHP) Istanbul Provincial Chair Kaftancıoğlu has insulted President Erdoğan through her posts on Twitter and issued 56

thousand Turkish Liras of moral compensation to be paid to Erdoğan.



Constitutional Court issues rights violation decree in application of Sarıkaya

The Constitutional Court unanimously decided that the “right to freedom from torture” of Erdal Sarıkaya, who lost one of his eyes due to a tear gas shell shot by the police during the Gezi Park protests in Istanbul, was violated. The high court decided that no effective investigation was conducted on the incident, in

which the “permit of prosecution” for 16 police officers have not been issued by Istanbul Governorate, and stated that the prosecution of police officers is not bound to permission. The decree was sent to Istanbul Chief Prosecutor's Office for an appropriate investigation to be duly conducted on the matter.



Constitutional Court issues violation decree

The Constitutional Court decided that the local court searching for the condition of “gender-alteration surgery” in applications for changing names by transsexuals has violated the right to privacy.



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 next hearing was scheduled for September 20.

Kobani Case

The lawsuit filed against 108 people, including former HDP Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ, as well as other former HDP MPs, with claims of 38 times heavy life imprisonment...

Court: Ankara 22nd Assize Court (Sincan Prison courthouse)

Verdict: The next hearing was scheduled for May 18.

Gezi Park Case

The lawsuit filed against seven people, including journalist Can Dündat, due to “attempting to overthrow the government and prevent duty” after their files were separated from the main Gezi Park Case...

Court: İstanbul 30th Assize Court

Verdict: The Gezi Park Main Case, with seven defendants including Can Dündar, Memet Ali Alabora and Ayşe Pınar Alabora, was joined with the main case file, whose defendants include Osman Kavala. The first hearing was scheduled for May 21...

Vedat Dağ Case

The lawsuit filed against HDP Diyarbakır Provincial Organisation’s Press Consultant Vedat Dağ due to “illegal organisation membership” and “making illegal organisation propaganda” through him participating in HDP events, sharing the events on his social media account as well as secret witness statements against him...

Court: Diyarbakır 11th Assize Court

Verdict: The court decided for the witnesses to be listened to and scheduled the hearing for October 6.

Case Against Las Tesis Protests

The lawsuit filed against 24 women due to “violating Article 301 of the Turkish Criminal Code (TCK) as well as the Law on Meetings and Demonstrations No. 2911” based on the demonstration organised in İzmir on December 15, 2019 within the “Las Tesis” demonstrations, which started in Chile to protest violence against women and was soon spread around the world...

Court: İzmir 7th Criminal Court of First Instance

Verdict: The next hearing was scheduled for October 19.

METU Pride March Case

The lawsuit filed against 18 students and one academic, who were detained with police violence during the METU LGBTQ+ Pride March organised on May 10, 2019, due to “violating the Law on Meetings and Demonstrations No. 2911” and “insulting a public officer”...

Court: Ankara 39th Criminal Court of First Instance

Verdict: The hearing results could not be reached as the newsletter was being prepared.

HEARINGS NEXT WEEK**İsmail Çoban Case**

The lawsuit filed against former Managing Editor of previously shut-down Azadiya Welat, İsmail Çoban, who was sentenced to five years of imprisonment due to “making illegal organisation

propaganda” through 15 news articles published in the newspaper in 2013 but now in retrial after the reversal decree issued by the appeal court...

May 4, Tuesday at Diyarbakır 7th Assize Court

KCK Lawyers Case

The lawsuit filed against 45 lawyers due to “illegal organisation membership” and “managing an illegal organisation”...

May 4, Tuesday at Istanbul 19th Assize Court

Rojhat Doğru Case

The lawsuit filed against Gelî Kurdistan TV’s former cameraman Rojhat Doğru due to “disrupting the unity and the territorial integrity of the state,” “illegal organisation membership” and “making illegal organisation propaganda”...

May 4, Tuesday at Diyarbakır 8th Assize Court

Rüstem Batum Case

The lawsuit filed against journalist Rüstem Batum due to “insulting the President” and “public incitement towards resentment and hostility” through his social media posts in 2016 and 2018...

May 4, Tuesday at Istanbul 5th Criminal Court of First Instance

Sedef Özdemir Case

The lawsuit filed against 24 people, including Jiyanhaber reporter Sedef Özdemir, who were detained by the police intervening against the press statement organised by prisoner relatives on April 23, 2019 in front of Batman Type-M Closed Prison to draw attention to hunger strikes in prisons, due to “violating the Law on Meetings and Demonstrations No. 2911”...

May 4, Tuesday at Batman 1st Criminal Court of First Instance

Mustafa Sönmez Case

The lawsuit filed against economist-writer Mustafa Sönmez due to “insulting the President” through three Twitter posts he made in 2015 and 2016...

May 5, Wednesday at Istanbul Anatolian 26th Criminal Court of First Instance

RedHack Case

The lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargın and Metin Yoksu due to “making terrorist organisation propaganda,” “prevention and disruption of information system,” “annihilation or alteration of data,” “acting on behalf of an illegal organisation without membership” and “illegal organisation membership” through reporting the emails belonging to former Energy and Natural Resources Minister Berat Albayrak, which were leaked by RedHack...

May 5, Wednesday at Istanbul 29th Assize Court

Hayko Bağdat Case

The lawsuit filed against journalist Hayko Bağdat due to “insulting the President” and “insulting a public officer” through a column he wrote on an online news website called “Özgürüz” with the headline, “My last column on Erdoğan” on April 14, 2017 as well as four different social media posts...

May 5, Wednesday at Istanbul 50th Criminal Court of First Instance

Hozan Cane Case

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

posts and is on retrial due to “aiding an illegal organisation” after the reversal decree of the Court of Cassation...

May 5, Wednesday at Edirne 3rd Assize Court

Ali Sönmez Kayar Case

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

May 6, Thursday at Istanbul 32nd Assize Court

Özgür Gündem Substitute Editors-In-Chief Case

The lawsuit filed against Özgür Gündem’s Substitute Editors-In-Chief Şebnem Korur Fincancı, Erol Önderoğlu and Ahmet Nesin, who are on retrial after the acquittal decrees issued for them were reversed by the appeal court...

May 6, Thursday at Istanbul 13th Assize Court

Lawsuit Against Those Participating In Dilan Kortak’s Funeral

The lawsuit filed against 25 people participating in the funeral ceremony of Dilan Kortak, including father İbrahim Kortak, due to “illegal organisation membership” and “making illegal organisation propaganda”... Dilan Kortak was killed by the police during a house raid on December 3, 2015 in Sancaktepe district of Istanbul.

May 7, Friday at Izmir 2nd Assize Court

Journalist Burhan Ekinci Case

The lawsuit filed against journalist Burhan Ekinci due to “making illegal organisation propaganda” through seven Twitter posts...

May 7, Friday at Istanbul 30th Assize Court