

Think, think...

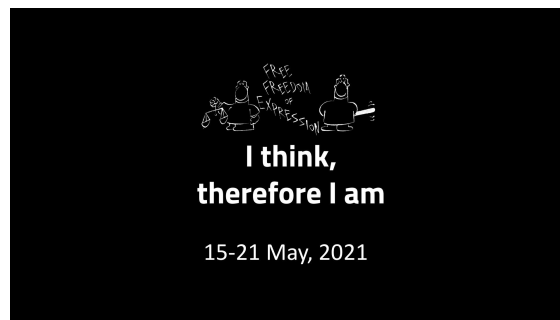


Freedom of Expression Weekly Newsletter (Issue 20/21 - May 21, 2021)

What happened last week?

- Videos posted by criminal organisation leader Sedat Peker on YouTube carried the relations between the politics and mafia to the agenda once again. The Interior Ministry has previously assigned a private guard for Peker, who had threatened the Peace Academics with “bathing in their blood” and organised rallies for Erdoğan during the referendum on the change in the administrative regime. After Peker was rejected by the ruling power, he started to publish videos of complaints, targeting Interior Minister Süleyman Soylu as well as former Interior Minister Mehmet Ağar, who is also an important name in the history of unidentified murders and counter guerrillas in Turkey. Even though Peker’s videos, disclosing crimes committed by those in power such as rape, impunity, nepotism and drug trafficking continue to break records in number of watches; no public prosecutor has started an official investigation regarding the allegations of Peker. After pro-government journalist brothers Hadi and Süleyman Özışık denied that they were “mediating” between Soylu and Peker, Peker this time posted a call he made with Hadi Özışık, proving his mediation.
- The Republican People’s Party (CHP) filed a Parliamentary motion to establish a research committee at the Grand National Assembly of Turkey (GNAT) on the sale of disinfectants by the company “Nanoxia” established by former minister Ruhsar Pekcan and her husband to the Ministry of Trade. The research motion was denied with the votes of the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP) Parliament members.
- GNAT Constitutional and Mixed Committee reached a consensus on the names to be elected to replace the seven members of the Council of Judges and Prosecutors, whose duty periods will soon be over. 21 candidate names were handed to the Parliamentary Chairmanship. Three of the new members will be elected by the National Alliance and four by the Public Alliance.
- The European Parliament’s 2019-2020 Turkey Report was accepted at the Parliament’s General Assembly with 480 votes against 64. The suggestive report requested the Union to suspend negotiations with Turkey. Other highlights of the report included the banning of nationalist structures in Europe as well as worries on the weakening judicial independence in Turkey.
- The Council of Judges and Prosecutors (HSK) dismissed Urfa Viranşehir Public Prosecutor Eyüp Akbulut, who announced that he opened an investigation against the ban decrees issued within the measures against the pandemic and claimed that the vaccines were unhealthy. Prosecutor Akbulut had posted a video on YouTube and explained that many applications during the pandemic can not be tied to the applications of a state of law and that they were causing difficulties for people. “*The decrees issued during the pandemic are not lawful. I will probably lose my job over saying this,*” Akbulut had said.

- The Gezi Park Case started to be retried 16 months after the acquittal decrees issued for the defendants were reversed and the case was combined with the ‘Çarşı’ Case file. Osman Kavala’s lawyers made a press statement before the hearing and stated, “Applications that are against the international legal norms, even against laws in action and existing legal procedures have become routine.” For a summary of how Osman Kavala, who is under arrest for longer than 3.5 years, has been facing unlawful and illogical processes with baseless allegations: ‘3.5-Year Unlawfulness’. The next hearing of the case will be held on August 6. The court issued for Kavala to remain arrested and the chief judge put an annotation against the court decree.
- The Gezi Park case started to be retried 16 months after the reversal of the acquittal decrees issued for the defendants and the case file was merged with the “Çarşı” file. Making a press statement before the press statement, Osman Kavala’s lawyers said, “Applications that are against international legal norms and currently existing legal provisions have become a routine.” A summary of how Osman Kavala, who is under arrest for longer than three and a half years, faced baseless allegations and processes that are both unlawful and illogical is the ‘[3.5-Year Unlawfulness](#).’ The next hearing of the case was scheduled for August 6. The court decided for Kavala to remain arrested and the chief judge put an annotation against the decree.
- İyi Party Leader Meral Akşener’s visit to Rize became a cause for provocation. Her visit to İkizdere in Rize, which is currently on the agenda with the locals’ resistance against the construction of a stone quarry in the region, was attempted to be prevented by a group including an AKP MP. A similar incident occurred during her visit to shop owners in Çayeli. The developments are evaluated as a policy of AKP and MHP MPs to prevent the efforts of the opposition members from interacting with the citizens, as they themselves refrain from doing so with the fear of attracting public reaction.
- The Presidential Communications Directorate announced that an amendment was made against the press card regulation. Conditions of not having been convicted of establishing an illegal organisation, illegal organisation membership or aiding an illegal organisation were added to the regulation and the Press Card committee was given the authority to cancel the press card in case the journalists “act against national security and public order” without a court decree.



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...

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



Protest and demonstration ban in İkizdere

Rize Governorate banned all meetings, demonstrations and protests in İkizdere district for 15 days due to the pandemic. The decree was issued as the resistance of the villagers was ongoing against the stone quarry to be constructed in the Eskencedere valley.



Teacher detained over criticising ruling power

Elementary school teacher Sümeyya Avcı was detained due to her social media posts after a street interview she gave, in which she criticised the ruling power's policies. Avcı had been dismissed from public service in 2016 with a Statutory Decree issued within the State of Emergency.



13 people detained in front of Cengiz Holding

13 young citizens were detained in front of Cengiz Holding Headquarters in Üsküdar district of Istanbul after wanting to protest the 15-day protest ban issued by the Rize Governorate in order to allow the construction of a stone quarry in İkizdere by the holding.



Court of Cassation denies doctor's claim for censorship

A doctor, performing plastic surgery operations, claimed for an access ban against the criticisms made against him on a website. The doctor's claim was denied by the Criminal Judicature of Peace, as well as by the Court of Cassation afterwards. The 19th Criminal Chamber of the Court of Cassation evaluated

the denial of the censorship claim due to "freedom of expression" and indicated that the doctor's profession is a public duty and that people receiving service from him have the right to share their opinions, suggestions and complaints within their freedom of expression.



RTUK breaks record in penalties in last two years

Republican People's Party (CHP) Deputy Chair Gamze Akkuş İlgezdi announced that the Radio and Television Supreme Council (RTÜK) had penalised only one show with media blackout in 2016 and that this number has increased to 263 shows in 2020, indicating that the council has become a tool for censorship and silencing

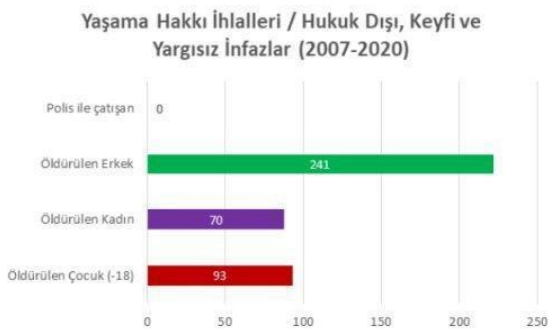
the oppositional media through its decrees and sanctions applied that are against the Constitution. According to the data shared by Akkuş İlgezdi, the Radio and Television Supreme Council has issued 671 media blackouts against TV shows since 2014, 75 percent of which were issued after the Presidential system enacted by Erdoğan. The council further issued 1363 media blackouts against channels in the same period, 91 of which were issued after the Presidential system enacted by Erdoğan. After the year 2014, the council has issued penalty fines against one out of every two decrees issued.



Turkey ranked second from last in LGBTQ+ rights developments

The International Lesbian, Gay, Bisexual, Trans and Intersex Association Europe launched its annual human rights evaluation report for LGBTQs. Turkey was ranked second from last among 49 countries, which were evaluated on their recognition of LGBTQ+ rights. The report indicated percentages on the targets that need to be fulfilled in different

areas of LGBTQ rights, and Turkey could only fulfill 4 percent in the total evaluation. No progress was recorded in Turkey in the areas of family, hate speech and crime, equality, non-discrimination and asylum, with 0 percent each.



Police kills 404 civilians in 14 years

The Baran Tursun Foundation launched the "Report on Violations Against the Right to Life as a Result of Use of Disproportionate Force by Security Forces." According to the report, 14 years have passed since the law amendment made in 2007, extending the authority of the police to use arms. In those 14 years, 404 people died as a result of the use of

disproportionate force by the police, including 93 children. The report expressed that the police had used arms almost as a "first choice" and in a deadly manner, encouraged by the vague expressions in the law. [Please click here](#) for the full report.



ECtHR issues violation decree

The European Court of Human Rights (ECtHR) issued a decree of violation in the application of Tunca Öğreten and Mahir Kanaat, who were two of six journalists remained under arrest after having been detained on December 25, 2016 due to reporting the news on the emails of Berat Albayrak having been leaked by RedHack. The court decided that the

journalists' right to freedom and safety, as well as freedom of expression and press freedom were violated. Turkey was sentenced to pay 38,250 Euros of compensation and court expenses.



Isle of Man Case retried

The lawsuit of compensation filed against Republican People's Party (CHP) Chairman Kemal Kılıçdaroğlu after he announced that President Erdoğan, his family and close circle has transferred money to a company established in the Isle of Man during a speech he gave at the group meeting of his party in 2017 was retried after the reversal decree

issued by the appeal court. The Anatolian 9th Civil Court of First Instance did not change its initial decree on the case and sentenced Kılıçdaroğlu to pay 142 thousand Turkish Liras of compensation.



Şenyaşar Family detained once again over demanding justice

The police intervened against the demonstration for "justice" performed by Emine Şenyaşar at Urfa Courthouse after losing her husband and two sons with an attack of Justice and Development Party (AKP) MP İbrahim Halil Yıldız and his security guards. Emine Şenyaşar and her son, Ferit Şenyaşar were beaten and detained before the visit of People's Democratic Party (HDP) Co-Chair

Pervin Buldan for their demonstration. The mother and son were detained due to "insulting a public officer."



Compensation case against Akşener

President Erdoğan filed a lawsuit of moral compensation against İyi Party Chair Meral Akşener for 250 thousand Turkish Liras due to her expressions during the group meeting of the Grand National Assembly of Turkey (GNAT). The case letter claimed that the resemblance suggested between Erdoğan and Israeli Prime Minister Benjamin Netanyahu was made with an act of provocation, a “deterrent” amount of

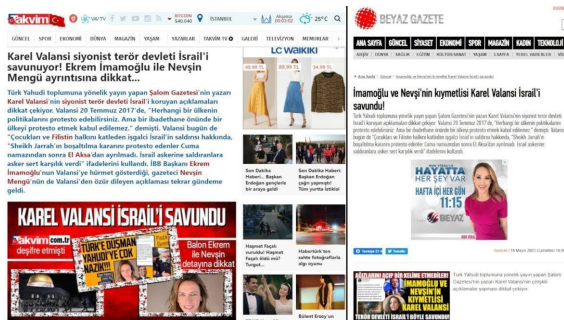
the intent of insult and that it was an compensation was claimed against Akşener.



ECtHR issues violation decree in Deniz Naki application

The European Court of Human Rights (ECtHR) evaluated the 12 game penalties against Amedspor player Deniz Naki as well as the penalty fine issued against Amedspor club by the Turkish Football Federation due to a social media post by the player. Deciding that the penalties against the player and the club were

“rights violations,” the court stated that Naki’s right to freedom of expression as well as his right to fair trial were violated.



CFWIJ: Targeting media organisations must apologise from Karel Valansi

The Coalition for Women in Journalism (CFWIJ) reacted against the news targeting Shalom Daily writer Karel Valansi after Israel’s attacks against Palestinians. The statement reminded that similar news was reported against the journalist before, making her a target for anti-Semitic hate speech in the

pro-government media. “No one’s religion, language and race can be made subject to attacks,” the coalition stated.



5-day ad ban against news on Evrensel

The Press-Ad Institute issued 5 days of ad ban against Evrensel Daily due to the expression of “attack” used by Ceren Sözeri against the police in her column published in the newspaper’s March 14, 2011 issue with the title, “The nation writing a legend, people can’t breathe.” The boycott applied by the Press-Ad

Institute against the newspaper is ongoing for months.



Penalty against TV show over transgender guest

The Radio and Television Supreme Council (RTÜK) penalised Episode 11 of the show Katharsis on Exxen platform due to the guest appearance of the first transgender beauty of Turkey, Çağla Akalın. The episode was removed from the platform archives.



TRIALS OF FREEDOM OF EXPRESSION

Ali Ekber Barmağıc Case

The lawsuit filed against environmental activist and Munzur Environment and Culture Solidarity Association Chairman Ali Ekber Barmağıc due to “making illegal organisation propaganda” through his social media posts and the publications found in his home...

Court: Tekirdağ 2nd Assize Court

Verdict: The next hearing was scheduled for September 14 and the Prosecutor is expected to present their opinion on the file.

Vice News Case

The lawsuit filed against Vice News reporter Jake Hanrahan, his cameraman Philip Pendebury, translator Mohamed Ismael Rasool and guide Abdurrahman Direkçi due to “aiding an illegal organisation” and “making illegal organisation propaganda”... The defendants have been arrested in Diyarbakır and were deported after visiting there to shoot a documentary on the developments in Cizre, Silopi, Nusaybin and Sur during the curfew in 2015.

Court: Diyarbakır 8th Assize Court

Verdict: The hearing was postponed to November 23 as the journalists’ testimonies were not received yet through rogatory.

Journalist Hacı Boğatekin Case (Retrial)

The imprisonment sentence issued against the journalist in the lawsuit filed against him due to insulting a former Governor through a news article he reported in 2013 was reversed by the Constitutional Court.

Court: Adıyaman 3rd Civil Court of First Instance

Verdict: The next hearing was scheduled for July 12.

Kobani Case

The lawsuit filed against 108 people, 28 of whom are arrested including former People’s Democratic Party (HDP) Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ...

Court: Ankara 22nd Assize Court (Sincan Prison hearing room)

Verdict: The hearing was held in three different sessions on Wednesday, Thursday and Friday and it was ongoing at the time of this newsletter’s preparation.

Gezi Park Case

The lawsuit filed against 16 people, including businessman Osman Kavala (who has been arrested for more than 3.5 years), together with 7 defendants residing abroad after the reversal of the acquittal decrees issued were reversed by the appeal court...

Court: Istanbul 30th Assize Court

Verdict: The court issued for Kavala to remain arrested. The next hearing was scheduled for August 6.

Melis Alphan Case

The lawsuit filed against journalist Melis Alphan due to “making terrorist organisation propaganda” through sharing a photo on Instagram with the caption, “Newroz Pîroz Be” six years ago...

Court: Istanbul 32nd Assize Court

Verdict: The journalist was acquitted.

HEARINGS NEXT WEEK**Ismnaz Temel and Havva Cuştan Case**

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

May 25, Tuesday at Istanbul 27th Assize Court

METU Kavaklık Resistance Case

The lawsuit filed against 12 Middle East Technical University (METU) students due to “participating in illegal meetings and demonstrations” because of the protests organised against the cutting down of trees for the Credit Dormitories Institute’s unlicensed dormitory construction...

May 25, Tuesday at Ankara 46th Criminal Court of First Instance

Selman Keleş Case

The lawsuit filed against Dihaber reporter Selman Keleş due to “illegal organisation membership” after he was detained, arrested in 2017 as he was tracking news information and was released in the first hearing held 8 months later...

May 25, Tuesday at Van 5th Assize Court

Ramazan Akoğul Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Ramazan Akoğul due to “illegal organisation membership”...

May 25, Tuesday at Diyarbakır 4th Assize Court

Journalist Mehmet Aslan Case

The lawsuit filed against journalist Mehmet Aslan due to “illegal organisation membership” and “reporting provocative news for the masses” through the news he reported as well as his meetings with news resources...

May 26, Wednesday at Istanbul 24th Assize Court

Görkem Kınacı Case

The lawsuit filed against Evrensel Daily's Managing Editor Görkem Kınacı due to "public incitement towards resentment and hostility" through the news published in the newspaper on the racist attack that happened in Sakarya in 2018...

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

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...

May 26, Wednesday at Istanbul 47th Criminal Court of First Instance

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to "insulting a public officer" through his social media posts in 2016...

May 27, Thursday at Büyükçekmece 16th Criminal Court of First Instance

Case Against Demonstration for Hasankeyf

The lawsuit filed against Jiyan News Managing Editor Sonya Bayık and 31 others due to "violating the Law on Meetings and Demonstrations No. 2911" after they were detained during the press statement organised by the People's Democratic Party (HDP) Youth Assembly members on June 12, 2019 to demand the shutdown of Ilisu Dam that left Hasankeyf underwater...

May 27, Thursday at Batman 1st Criminal Court of First Instance

Dindar Karataş Case

The lawsuit filed against journalist Dindar Karataş due to "illegal organisation membership" through his journalistic activities...

May 27, Thursday at Erzurum 3rd Assize Court

Fatih Gönül Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter and arrested journalist Fatih Gönül due to "illegal organisation membership" and "making illegal organisation propaganda"...

May 27, Thursday at Ankara 25th Assize Court

Mehmet Şahin Case

The lawsuit filed against Kurdish Xwebun Daily writer Mehmet Şahin due to "establishing and managing an illegal organisation" through his activities within the Democratic Society Congress (DTK)...

May 27, Thursday at Diyarbakır 5th Assize Court