

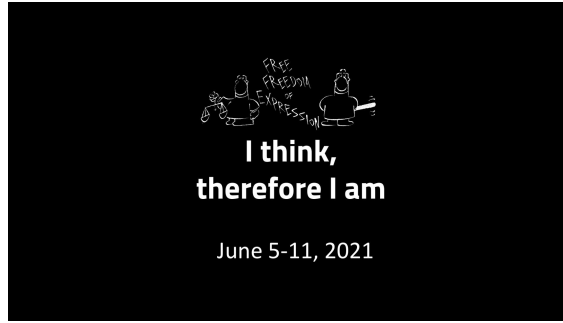
Think, think...



Freedom of Expression Weekly Newsletter (Issue 23/21 - June 11, 2021)

What happened last week?

- In the latest video of Sedat Peker, Ankara Regional Administrative Court's Chief Judge Esat Toklu's name was revealed to be among the guest list at the hotel of fugitive businessman Sezgin Baran Korkmaz. One night in Korkmaz's hotel costs 100 thousand Turkish Liras. As a reply to the allegations, Toklu said, "Look into judges and prosecutors, 25 percent of them would be riding more expensive cars than I do." The guestlist of the hotel included the names of journalists Veyis Ateş and Rasim Ozan Kütahyalı.
 - The case of closure of the People's Democratic Party (HDP), which the Constitutional Court sent back to the Chief Public Prosecutor's Office of the Court of Cassation with the demand to "compensate the deficiencies" in the file, was presented to the Constitutional Court once again. The high court appointed a rapporteur for the examination of the file. The Chief Public Prosecutor's Office of the Court of Cassation claims, besides the shut-down of the People's Democratic Party (HDP), a political ban against 451 party members as well as the seizure of the party's bank accounts.
 - Council of Europe's Committee of Ministers started a violation procedure against Turkey for the first time after it didn't execute the European Court of Human Rights decrees on Osman Kavala. On the other hand, Selahattin Demirtaş's lawyer Benan Molu announced that the Council of Europe allowed time for Turkey until June 22nd due to the non-execution of the European Court of Human Rights decrees on Demirtaş, so that Turkey "presents an action plan to strengthen its judicial independence, including measures to be taken."
 - Making a written statement on the oppression and arrests against human rights advocates in Turkey, United Nations Special Rapporteur on the State of Human Rights Advocates, Mary Lawlor [called](#) Turkey to release arrested human rights advocates and to let go of the "widely used" Anti-Terror Law used to charge rights advocates.
 - According to the Council of Europe data, 1 percent of the Turkish population are either in prison or in supervised release, by January 2020. This ratio is more than three times of the Europe average.
 - Companies winning the highest number of tenders in Turkey in the last five years were announced. The first five companies were Kalyon, Kolin, Cengiz, ERG and Rönesans. In 55 tenders opened in the last five years, these five companies have won 161.3 billion Turkish Liras worth of work. Only three of these 55 tenders were made open to the public.
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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...



We continue to track freedom of expression violations in the country with the video conferences we organise together with the Human Rights Association (IHD) and the Human Rights Foundation of Turkey (TIHV). [Please click here](#) for our “[What’s Goin’ On May 2021](#)” report...



24-year 3-month imprisonment against rights defenders in one year

According to the data compiled by the Human Rights Foundation of Turkey, 17 rights advocates were prosecuted in seven different lawsuits in 2020. Seven were sentenced to 24 years and three months of imprisonment. 324 rights-based NGO members and executives were detained and 90 of them were arrested. 10 events on Women’s and LGBTQ+ rights were

prevented, 4 events were banned. The police intervened against 18 meetings and demonstrations, 164 people were detained. The police further intervened against 18 peaceful meetings and demonstrations on the right to environment and urban life. 84 people were detained. The Human Rights Foundation of Turkey further made a reminder that the United Nations Declaration on the Protection of Human Rights Defenders defined the right to “publish and transmit opinions, news and information on human rights and basic freedoms” is a right for everyone and showed the access ban decrees issued by the courts as an example

for the rights violations in Turkey. According to the Human Rights Foundation of Turkey data, 1079 news articles, 97 websites, 635 URLs, 10 social media accounts and 301 media content were censored in 2020.



28 investigations against association executive in 16 months

28 investigations have been opened against Star Women's Association founder Rojbin Bor in the last 16 months. 27 investigations started against her based on the press statements she participated in, social media posts she made and the interviews she gave are still ongoing. In the meantime, a social media post of Bor on the sexual assault and rape incident in Gercüş district of Batman with perpetrators including

soldiers, police officers and guards, turned into a lawsuit as well. Bor faces an imprisonment sentence for up to three years due to "public incitement towards resentment and hostility" and will stand trial in the first hearing on September 14 at Van 7th Criminal Court of First Instance.



"Peker News" investigation against Cumhuriyet

Ankara Chief Public Prosecutor's Office started an investigation against Cumhuriyet Daily's Editor-In-Chief Aykut Küçükkaya and Managing Editor Olcay Büyüktaş Akça due to "insult and slander" following the complaint of Gendarmerie General Commander Arif Çetin. After photos were revealed, in which he seemed to have had close relations with Tolga Ağar and criminal organisation members, Çetin

had applied to ban access against Peker's 2nd and 3rd videos as well, which explained the death of journalist Yelda Kaharman and the incident's connection with Tolga Ağar. The related news article on Cumhuriyet Daily also carried the headline, "Commander with gang leader."



Lawsuit against women over defending Istanbul Convention

The first hearing of the lawsuit filed against 33 women, who were detained in the protest organised by Ankara Women's Platform on August 12, 2020 against the debates on Turkey's withdrawal from the Istanbul Convention, was held at Ankara 28th Criminal Court of First Instance. The women face imprisonment sentences for up to three years each due to "violating the Law on Meetings

and Demonstrations No. 2911" and their prosecution will continue on November 26.



11-year 6-month imprisonment against rights advocate and lawyer Özbingöl

The lawsuit filed against rights advocate and lawyer Sevda Çelik Özbingöl, who was detained and arrested in Urfa in March 2020, based on the press statements she participated in as well as her meetings with clients in prisons, was concluded. Urfa 6th Assize Court sentenced Özbingöl to 11 years and six months of imprisonment in total due to “illegal organisation membership,” “violating the Law

on Meetings and Demonstrations” and “making illegal organisation propaganda.”



Lawsuit against union members after detainment on May 1

The prosecution of the Confederation of Revolutionist Workers' Unions (DISK) members, including Chair Arzu Çerkezoğlu, started at Istanbul 20th Criminal Court of First Instance after they were detained in the police intervention against the march at Taksim

Square for May 1st, 2020. 15 union members, charged with “violating the Law on Meetings and Demonstrations No. 2911”, will stand trial in the second hearing of the case on October 15.



Journalist to be imprisoned over disclosing child abuse

The 10-month imprisonment sentence issued against Bitlis Journalists' Association Chairman and Bitlis News Daily's Editor-In-Chief Sinan Aygöl was approved by the appeal court due to “violating the privacy of investigation” over reporting the news on an

incident of child abuse in Tatvan district of Bitlis. The abuser was released, yet the reporter will be imprisoned.



Investigation against TIP MP Ahmet Şık

Adana Chief Public Prosecutor's Office started an investigation against the Workers' Party of Turkey (TIP) MP Ahmet Şık due to his expressions on two different TV shows. Şık posted on Twitter about the investigation started against him and said, “If I am going to be criticised/prosecuted due to saying that the government is a murderer, this should be

because of false determination. For the government is a murderer, committing a series of murders. There is no government without blood in its hands.”



Police attack against Ankara Women's Platform statement

The police attacked Ankara Women's Platform members, who made a press statement at the Ankara Courthouse before the hearing of 33 women, who were prosecuted due to defending the Istanbul Convention. The police didn't allow the press statement due to the "pandemic", detaining many women with

violence. The cell phone of JinNews reporter Dilan Babayiğit was seized during the intervention and Mesopotamia Agency reporter Hakan Yalçın was beaten.



Lawsuit against journalist Ruşen Takva

The prosecution of journalist Ruşen Takva started at Van 2nd Assize Court due to "illegal organisation membership" over following a press statement organised by the Democratic Regions Party (DBP) in Van. The second hearing of the case was scheduled for October 12.



Journalist Melike Aydın acquitted

JinNews Izmir reporter Melike Aydın, who was arrested in November 2019 and released two months later, was acquitted in the lawsuit filed against her at Izmir 2nd Assize Court due to "activities on behalf of an illegal organisation" through the news she reported.



Sabiha Temizkan acquitted

The imprisonment sentence issued against journalist Sabiha Temizkan was reversed at Istanbul Regional Court and the journalist was acquitted due to "the legal elements of the crime were not constituted." Istanbul 35th Assize Court had previously sentenced journalist Sabiha Temizkan to 1 year and three

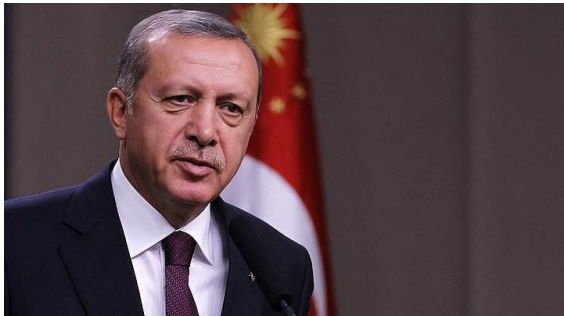
months of imprisonment, effective immediately, due to "making terrorist organisation propaganda" through a Twitter post she made in 2014.



Imprisonment sentence against True Party Chairman

Izmir Çeşme 1st Criminal Court of First Instance sentenced True Party Chairman Rifat Serdaroğlu to 23 months and 10 days of imprisonment due to "insulting President Erdoğan and Nationalist Movement Party

(MHP) leader Devlet Bahçeli.” Serdaroğlu was on trial due to an article he wrote, which was published online on October 8, 2018 with the title, “Father, son and the sacred son-in-law.”



Imprisonment sentence against social media post due to “insulting Erdoğan”

Yavuz Altan was sentenced to 1 year and two months of imprisonment due to “insulting the President” through his social media posts. Within the lawsuit filed against him at Muğla 2nd Criminal Court of First Instance, Altan was convicted due to sharing a news article with the headline, “We have a few martyrs in Libya”

with the caption, “An Ottoman colony and oil trade.”



Conviction over letter for Bahçeli due to “insult”

Lieutenant Colonel Mehmet Alkan, who was dismissed from public service with a Statutory Decree, was sentenced to pay a judicial fine due to “insulting” Nationalist Movement Party (MHP) Chairman Devlet Bahçeli through a letter he wrote to him. Ankara 47th Criminal

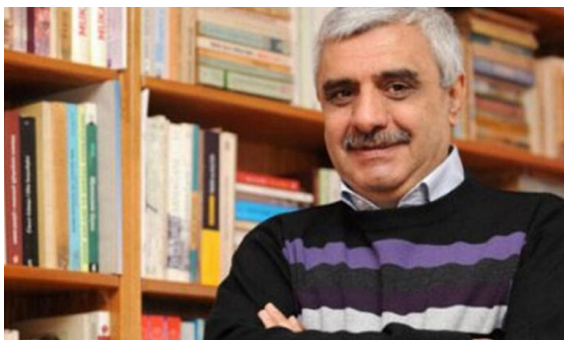
Court of First Instance sentenced Alkan to pay 5,300 Turkish Liras of judicial fine, which corresponds to 265 days of imprisonment.



Investigation against police officer over reacting against police violence

Izmir Governorate started a disciplinary investigation against Çağatay Atasay, who has been a police officer for 27 years, over his social media post that said, “I reprimand my colleagues due to fulfilling an illegal order” regarding the police intervention against the protest organised by Bar Association Chairmen

and lawyers against the regulation on multiple Bar Associations. Atasay is facing a total dismissal from his profession.



Turkey to pay 12,240-Euro compensation to Bulaç

The application of former Zaman Daily columnist Ali Bulaç at the European Court of Human Rights on his arrest was concluded. The court decided that Bulaç’s “right to freedom and safety” as well as his “right to freedom of expression” were violated. Turkey was sentenced to pay 12.240 Euros of compensation to Bulaç.



Nol-pros for torture of Erdoğan's guards

The Prosecutor's Office issued a verdict of non-prosecution for the incident, in which lawyer Sertuğ Sürenoğlu was beaten by the Presidency's security guards in Ortaköy on April 13, 2019. Despite 10 CCTV recordings and medical reports, Prosecutor Arif Kaplan claimed that there was no "concrete evidence."



Protection Area officer does his job, gets dismissed anyway

A protection area officer wanted to take a statement down after more than 2 thousand trucks of sea sand were taken from the Kaş Patara special protection area to be sold to greenhouses. He was later fired due to "insulting the President." The officer claimed that as he was taking the statement down, he

was prevented by a Justice and Development Party (AKP) district Chairman with the words that his commanders were informed of the situation. The officer replied to the chairman, saying, "It doesn't matter if the regional director came, even if the President himself came here, I am still going to take down this statement." Afterwards, the officer was kicked out of the area and was fired from his job by the District Governor due to "insulting the President."



"Unfair arrest" decree in Büyükada Case

The Constitutional Court has concluded the application of rights advocate and former Amnesty International Turkey Director İdil Eser, who was prosecuted within the Büyükada Case. The high court decided that it was a rights violation that Eser was arrested within the case and decided for 40 thousand Turkish Liras of moral compensation to be paid to Eser. Eser had been detained on July 5, 2017 and arrested on July 18, 2017 within the file. Then

she was released together with seven other rights advocates in the hearing held on October 25, 2017. The application of Özlem Dalkıran, another rights advocate having been prosecuted in the Büyükada Case, has concluded the same way.



Constitutional Court decree for execution of ECtHR decrees

The Constitutional Court decided that it was a rights violation that the application made by Cahit Tamur and others for the execution of the European Court of Human Rights (ECtHR) decree for "re-prosecution due to a violation of the right to benefit from defense counsel" was

denied by the assize court. The defendants were sentenced to life imprisonment within the file at Diyarbakır 6th Assize Court on Special Duty and the claim for re-prosecution after the ECtHR decree on violation was denied. Turkey did not execute 183 decrees issued by the ECtHR and according to the Council of Europe data, Turkey is ranked second among the countries not executing ECtHR decrees.



Imprisonment against journalist over reporting news on press statement

Bursa 10th Assize Court sentenced bursamuhallif.com Managing Editor Ozan Kaplanoğlu to 1 year, 10 months and 15 days of imprisonment due to “making terrorist organisation propaganda” through reporting news on a press statement organised in Bursa in 2018 against the Afrin Operation.



TRIALS OF FREEDOM OF EXPRESSION

Ahmet Altan Case

The lawsuit filed against journalist-writer Ahmet Altan due to “insulting a public officer” through his article published in Taraf Daily’s March 2008 issue with the headline, “Coup Preparation or Shutting Down Kemalism”...

Court: Istanbul Anatolian 2nd Criminal Court of First Instance

Verdict: The court decided to wait for the Court of Cassation’s evaluation on the Istanbul 32nd Criminal Court of First Instance decree, which is the reason for the re-opening of the file. The next hearing was scheduled for November 18, 2021.

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...

Court: Istanbul 34th Assize Court

Verdict: The next hearing was scheduled for October 7, 2021.

Ruken Demir Case

The lawsuit filed against Mesopotamia Agency reporter Ruken Demir due to “illegal organisation membership” through the meetings he held with news resources...

Court: Izmir 9th Assize Court

Verdict: The court scheduled the next hearing for October 5, 2021 in order to examine the cyber evaluation report and to compensate for the deficiencies in the file.

Rüstem Batum Case

The lawsuit filed against journalist Rüstem Batum due to “insulting the President” through his expressions on a show on IMC TV, which was previously shut down with a Statutory Decree, on September 10, 2015...

Court: Istanbul 41st Criminal Court of First Instance

Verdict: The court decided to wait for the execution of the warrant issued against the journalist and to issue a letter of rogatory in order to receive the journalist's statement after his lawyers had informed the court on Batum's address. The next hearing was scheduled for October 21, 2021.

Sadiye Eser and Sadık Topaloğlu Case

The lawsuit filed against journalists Sadiye Eser and Sadık Topaloğlu, who were arrested in December 2019 due to the lawsuits previously filed against them and their travels abroad and then were released in the first hearing of the case filed against them in March 2020...

Court: Istanbul 22nd Assize Court

Verdict: The court decided to wait until witness Özgür Baran testifies. The next hearing was scheduled for October 21, 2021.

Nurcan Yalçın Case

The lawsuit filed against journalist Nurcan Yalçın due to "illegal organisation membership" and "making illegal organisation propaganda" within the investigation conducted against the Rosa Women's Association...

Court: Diyarbakır 9th Assize Court

Verdict: The next hearing was scheduled for September 29, 2021.

Nurcan Kaya Case

The lawsuit filed against lawyer and human rights advocate Nurcan Kaya due to "successively making illegal organisation propaganda" through her Twitter posts...

Court: Diyarbakır 9th Assize Court

Verdict: The prosecutor announced his opinion on the basis and claimed for Kaya to be sentenced to imprisonment for up to five years due to "successively making illegal organisation propaganda." The next hearing was scheduled for September 27, 2021.

Turgut Öker Case

The lawsuit filed against the Confederation of European Alevi Unions (AABK) Honorary Chairman Turgut Öker due to "insulting the President" through his social media posts between 2012 and 2015 as well as the speeches he gave during the events organised by the confederation...

Court: Istanbul Anatolian 10th Criminal Court of First Instance

Verdict: The next hearing was scheduled for October 28, 2021.

Nuriye Gülmen Case

The lawsuit filed against academic Nuriye Gülmen, who was detained and arrested during the police raid against İdil Cultural Center on August 5, 2020 and was dismissed from public service with a Statutory Decree...

Court: Istanbul 28th Assize Court

Verdict: The next hearing was scheduled for October 21, 2021.

Rüstem Batum Case

The lawsuit filed against journalist Rüstem Batum due to "insulting the President" through his expressions on a show on IMC TV, which was previously shut down with a Statutory Decree, on September 10, 2015...

Court: Istanbul 43rd Criminal Court of First Instance

Verdict: The next hearing was scheduled for November 12, 2021.

Engin Korkmaz Case

The lawsuit filed against Contemporary Journalists Association (ÇGD) Mediterranean Branch Chairman and Antalya Körfez Daily's Managing Editor Engin Korkmaz due to "insulting the President" through his social media posts...

Court: Antalya 19th Criminal Court of First Instance

Verdict: The court accepted President Erdoğan's claim to participate in the case. The next hearing was scheduled for December 15, 2021.

HEARINGS NEXT WEEK

Cem Bahtiyar Case

The lawsuit filed against journalist Cem Bahtiyar due to "insulting the President" through his comment on Twitter, "Yeah, right," under President Erdoğan's tweet, which said, "I call out to the entire world - no matter what its price will be, we will never let a government to be established in the south of Turkey, in the north of Syria"...

June 14, Monday at Bandırma 1st Criminal Court of First Instance

Case Against News on Train Station Massacre

The lawsuit filed against Cumhuriyet Daily's Managing Editor Olcay Büyüktai and former reporter Alican Uludağ due to "disclosing the identities of intelligence officers taking part in the fight against terrorism" through the news they reported with the headline, "Hidden file in Train Station Massacre"...

June 15, Tuesday at Istanbul 32nd Assize Court

Oktay Candemir Case

The lawsuit filed against journalist Oktay Candemir due to "making illegal organisation propaganda" through the slogans included in the news video he recorded 16 years ago, as well as four Facebook posts he made in 2014 and 2015...

June 17, Thursday at Van 5th Assize Court

Sadiye Eser Case

The lawsuit filed against 34 people, including journalist Sadiye Eser, due to "illegal organisation membership," "making illegal organisation propaganda" and "damaging property"...

June 18, Friday at Istanbul 6th Assize Court