

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 24/21 - June 18, 2021)

### What happened last week?

- An armed attack was organised against the People's Democratic Party (HDP) Izmir Provincial Organisation, which has been under constant police blockade, and the building was set on fire. A young woman, Deniz Poyroz, who was in the building during the attack, was killed. It was later found out that there was a cancelled meeting in the building at the exact time of the attack. Attacker Onur Gencer's social media account revealed hateful messages as well as photos of him taken with war rifles among government inventory, taken in Syria, Aleppo and Manbij. Gencer was detained, whereas the allegations claim that there were two more people with him. However, President Erdoğan and Interior Minister Soylu made no statement on the incident. As the hate speech and targeting expressions of the ruling party continue against the HDP, The General Assembly of the Constitutional Court will carry out the first evaluation in the file of closure against the HDP on June 21. On the other hand, the individual application made by arrested People's Democratic Party (HDP) Parliament member Ömer Faruk Gergerlioğlu for the reversal of his revocation of Parliament membership was sent to the General Assembly of the Constitutional Court.
- Eight years after the death of Berkin Elvan, the case on his killing was concluded with the defendant police officer being sentenced to 16 years and eight months of imprisonment. Dalgacı was released with a travel ban, since no arrest warrant was issued against him. In case the sentence is approved, Dalgacı will be imprisoned.
- Fugitive businessman Sezgin Baran Korkmaz called Haberturk writer Fatih Altaylı and disclosed that Veyis Ateş, Altaylı's colleague in the same channel, has called him to ask a 10-million-Euro bribe and that he has shared the recording of this conversation with Sevilay Yılman, another colleague of Altaylı and Ateş in the same channel. Sevilay Yılman affirmed the allegation and stated that she informed the channel administration on what happened, and that there were many other journalists involved in the allegations of Korkmaz. Veyis Ateş resigned from his position at the channel. 6500 Prosecutors, who are on duty in Turkey, took no action on these crimes disclosed by Sedat Peker and others.
- The Constitutional Court unanimously decided that the byelaw on the Directorate of Communications, which allowed it to be able to access personal data of all citizens working in all public institutions, was not against the Constitution. Chief Judge Zühtü Arslan and five members have opposed the decree and put annotations, indicating that the administration's access to data can not be unlimited.
- Coming together for the first time at the NATO Summit, Biden and Erdoğan's meeting lasted for about an hour. The sides did not make announcements on the details of the meeting and the only thing they said was that the meeting was "constructive." The US Dollar vs. Turkish Lira currency exchange rate was at 8.35 right before the meeting and increased above 8.60 after the meeting. Erdoğan also met

Greek Prime Minister Mitsotakis. Greece's Interior Minister Dendias expressed that the meeting was positive, "yet not a milestone", whereas Turkey announced that there was an agreement with the neighboring country regarding the continuation of unmediated negotiations.

- The Contemporary Journalists Association launched its May Media Report. According to the report, nine journalists stood trial, one journalist was sentenced to two years of imprisonment in May. There was one attack against press organisations and journalists, as well as five threats. One journalist was detained and investigations were opened against the news reported on two incidents. Press labourers were prevented from reporting news on May 1st, Labour Day, as well as on the anniversary of the Gezi Park protests. Two URLs were banned four times in total; access bans were issued against news on 21 incidents.
  - The Soma Mining Disaster had resulted in the deaths of 301 miners and injuries of 200 in 2014. After the reversal decree of the Court of Cassation, the Soma Mining Disaster Case was retried. The final decree of the retrial caused reactions in the public and by miners' relatives. Soma Coals Incorporated Executive Board Chairman Can Gürkan was sentenced to 20 years, two mining engineers were sentenced to 12 years and six months of imprisonment each. One defendant was acquitted. The decree is almost an approval for mining companies to work without inspection or measures of safety.
  - The Court of Cassation reversed seven decrees of acquittal in the lawsuit filed against many high rank soldiers, which is publicly known as the Sledgehammer Case. The court decided that the defendants must be prosecuted with imprisonment sentences from 3 to 7 years due to the "information on the seminar". The seminar was reported by Taraf Daily reporter Mehmet Baransu as a "coup rehearsal" and thus he faces an imprisonment for up to 24 years in the "Sledgehammer Plotting Case". Executives of the newspaper continue to be prosecuted with imprisonment claims as well.
  - Representing the tradition in which Recep Tayyip Erdoğan started and developed in politics, Felicity Party's High Advisory Board member Oğuzhan Asiltürk took action after his meetings with Erdoğan, calling the party for an extraordinary general assembly meeting. The party is a representative of the circle of the Nationalist Perspective, which is an important actor in the tradition of politics in Turkey despite its limited public support. Now, the party's administration is being attempted to be changed and be involved in the alliance of the Justice and Development Party and the Nationalist Movement Party. The allegations also include Asiltürk's nephew being favored in a tender that belonged to the Gendarmerie intelligence organisation...
  - With a law amendment that passed the Parliament, the authority of Public Prosecutors on Prosecutors were extended. From now on, the Chief Prosecutors will be able to intervene in investigation content as they please, monitor the Prosecutor decrees on their "compliance with the law" and request the indictment to be re-written. The Chief Prosecutors will also be able to stop or continue an investigation. [Please click here](#) for details.
  - The Justice and Development Party (AKP) has presented the 4th Judicial Bill to the GNAT Chairmanship. In case the motion is enacted as law, lawyers' meetings with their clients will be able to be "suspended" in case there is "concrete reason that might endanger the purpose of investigation," which means that the meetings will not be allowed until that "reason" is eliminated. [Please click here](#) for details.
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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...*

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### **New lawsuit against Deniz Yücel due to “insulting President”**

Istanbul Chief Public Prosecutor’s Office’s Press Bureau prepared a new investigation against Die Welt Daily reporter Deniz Yücel. Yücel is charged with “insulting the President” due to writing the headline “coup organiser” on the photo of Erdoğan in the supplement of the magazine’s November 6, 2016 issue. The file

was merged with another case opened due to “denigrating the government” through two articles published in October 2016. The first hearing was scheduled for July 1st, Istanbul 2nd Criminal Court of First Instance.



### **Another investigation against journalist Baransel Ağca**

Elazığ Chief Public Prosecutor’s Office started another investigation against journalist Baransel Ağca, who published the autopsy report of Yeldana Kaharman after her suspicious death. Ağca is charged with “illegally obtaining and spreading personal data” within the investigation. The journalist

stated, “Those who never made an explanation on the autopsy report, which was the source of all suspicions, for the last two years, are attempting to penalise me due to expressing the suspicions in the file.”



## RSF: Turkey uses anti-terror law to silence journalists

Reporters Without Borders (RSF) examined the files of journalists being prosecuted within the Anti-Terror Law, namely, Alican Uludağ, Olcay Büyükbaş Akça, Duygu Güvenç, Canan Coşkun, Ali Açar ve Can Uğur, Abdurrahman Gök, Hazal Ocak, İpek Özbey, Vedat Arık and

Can Dünder. The organisation indicated that the ruling power in Turkey is manipulating the judicial system and said, “Journalists reporting news that are for the benefit of the public take on more risk of imprisonment over time.” RSF indicated that the journalists have systematically been charged with “espionage,” “making terrorist organisation propaganda,” “insult” or “slander” and lately “the disclosure of identities of those taking part in the fight against terrorism” was added to the list of charges. “Journalists reporting news are under constant threat of imprisonment,” the organisation stated. [Please click here](#) for details.



## 4 released in Kobani Case

In the lawsuit filed against 108 politicians, including former People’s Democratic Party (HDP) Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ, defendants former Kars Mayor Ayhan Bilgen, Berfin Özgü Köse, Can Memiş and Cihan Erdal were released on the condition of judicial measures, pending trial. 24

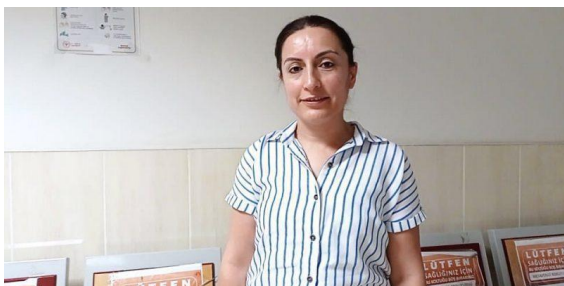
politicians are still under arrest within the lawsuit filed at Ankara 22nd Assize Court.



## Journalist Cem Bahtiyar acquitted

In the lawsuit filed against journalist Cem Bahtiyar at Balıkesir Bandırma 1st Criminal Court of First Instance due to “insulting the President” through commenting under a tweet posted by President Erdoğan, in which he said, “I call out to the world, no matter what it costs, we will never allow a government to be

established in the north of Syria and in the south of Turkey” with saying, “Yeah, right,” the journalist was acquitted.



## Lawsuit against journalist Ayşe Kara

The prosecution of journalist Ayşe Kara started at Diyarbakır 5th Assize Court due to “armed terrorist organisation membership” through her membership to the Free Journalists Association (ÖGC), Free Women’s Congress (KJA), the activities she conducted within the Democratic Society Congress (DTK) and participating in



the march she was following for news information in Mardin in 2016. The second hearing of the case was scheduled for November 9.



## Lawsuit against journalist Oktay Candemir

The first hearing of the lawsuit filed against journalist Oktay Candemir due to “making illegal organisation propaganda” through four Facebook posts he made in 2014 and 2015, as well as the slogans involved in the news video he recorded 16 years ago, was held at Van 5th Assize Court. The second hearing of the case was scheduled for September 23.



## Lawsuit against news on “Train Station Massacre” concludes with acquittal

“Cumhuriyet Daily’s Managing Editor Olcay Büyüktaş and reporter Alican Uludağ were acquitted in the lawsuit filed against them at Istanbul 32nd Assize Court due to “disclosing the identities of intelligence officers taking part in the fight against terrorism” through a news

article on the train station massacre.



## Investigation against news on municipality

An investigation was opened against Şarköy’s Voice newspaper official Yakup Önal following the complaint of a Republican People’s Party (CHP) mayor. The newspaper had reported the news on the damages in the budget of Tekirdağ Şarköy Municipality, based on the report of the Interior Ministry Inspector, with the headline, “They will pay 500 thousand Turkish Liras!”



## Indictment against Ankara Bar Association administration

An indictment was prepared against the Ankara Bar Association Chairman and executive board members due to the press statement they organised, in which they criticised Director of Religious Affairs Ali Erbaş after he used hate speech against the LGBTQs. The indictment was prepared due to “insulting a public officer

because of his duty” and was sent to Ankara Western Courthouse 3rd Assize Court. In case the indictment is accepted, Ankara Bar Association Chairman Erinç Sağkan and 11 executive board members will stand trial facing imprisonment sentences for up to 2 years.



### **Investigation against Community Centers Chair**

An investigation was started against Community Centers Chair Nebiye Merttürk due to “insulting the President” through the speech she gave during the hearing of the Metin Lokumcu case. The lawsuit on the killing of retired teacher Metin Lokumcu had started in Trabzon on April 21. Lokumcu had died due to a heart attack, which resulted from

the tear gas bombs used by the police during Recep Tayyip Erdoğan’s visit to Hopa ten years ago.



### **Penalty fine against İkizdere residents over resisting environmental destruction**

Judicial action was taken against 34 residents in İkizdere district of Rize, who protested the stone quarry to be constructed in Cevizlik village, due to “resisting to prevent duty,” “public denigration of security forces”, “acting against the measures taken against infectious diseases,” “violating the Law on Meetings and

Demonstrations” and “violating the immunity of residence.” 41 residents were fined a total of 80 thousand 100 Turkish Liras due to violating the curfew applied within the measures against the Coronavirus pandemic. In the meantime, the home of Dursun Baş was searched after he protested the stone quarry to be constructed in İkizdere district of Rize. Baş was detained due to “making terrorist organisation propaganda.”



### **Investigation against actor Levent Üzümcü**

Actor Levent Üzümcü announced that he was summoned to testify due to a social media post he made three years ago. In his Twitter announcement, Üzümcü indicated that the investigation against him was started following the complaint made by the Capital Markets Board (SPK) with the allegation that he

“manipulated the currencies.”



### **Police intervention against statement for “Istanbul Convention”**

The police intervened against the women, who wanted to hold a press statement in Ankara to make a call for the rally organised in Istanbul on June 19 with the slogan, “We do not give up on the Istanbul Convention.” Attempting to



disperse the crowd, the police used tear gas. Nine women were beaten and detained.



### **Appointed rector bans “pride” exhibition in Boğaziçi**

Appointed rector Melih Bulu banned the “pride” exhibition organised by Boğaziçi University Photography Club to exhibit photographs of Ateş Alpar. Afterwards, Boğaziçi University students organised a Pride March at the campus and carried photographs

of Ateş Alpar, which were banned with a decree issued by Bulu’s deputy, Fazıl Önder Sönmez.”



### **Beru’nun sahnelenmesi yasağı sürüyor**

The application made by the Media and Legal Studies Center on the stay of execution of the ban against Theater Jiyana Nu’s Kurdish play, Beru, was denied by Istanbul 10th Administrative Court. The court based the denial on the theater group having connections with the Mesopotamia Cultural Center and that the Media and Legal Studies Center had connections with the PKK. The court claimed

that the administration’s will may be extended due to the protection of “national security and public order.”



### **Interventions against 131 demonstrations in four months**

The Grand National Assembly of Turkey’s (GNAT) Justice Committee member and Republican People’s Party (CHP) Aydın Parliament Member Süleyman Bulbül compiled data on the rights violations happening in the last four months. According to the data, police forces intervened against at least 131 meetings

and demonstrations in the last four months, all meetings and demonstrations were banned for 804 days, 6322 people were detained, men killed 89 women, 761 workers died due to their working conditions, 349 news were banned from access and 1276 people faced rights violations in prisons.



### **ECtHR: Penalty due to “insulting Erdoğan” is violation of freedom of expression**

The European Court of Human Rights (ECtHR) decided that the penalty fine issued against Ömer Çağdaş Ersoy, one of the students making a statement for their friends after they

were detained during the protest at the Middle East Technical University in 2012 during the time of President Erdoğan's Prime Ministry, due to "insulting a public officer," was a rights violation. Turkey was decided to have violated Article 10 of the European Convention on Human Rights, regulating freedom of expression, and it will pay 4 thousand Euros of compensation to Ersoy.



pandemic.

### Protest bans

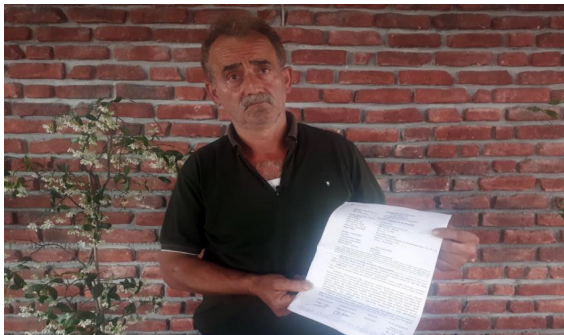
Bitlis Governorate announced that all protests and demonstrations were banned in the province for 15 days. The ban decree was based on "national security," "public order" and the pandemic and will continue until June 30. Osmaniye Governorate has also banned all events like meetings, demonstrations, protests and press statements until June 27 due to the



### Human Rights Association Diyarbakir launches impunity report

Human Rights Association's Diyarbakir Branch launched the impunity report, in which summaries and developments were presented in 10 ongoing cases in the region. The report includes observations and suggestions of the legal committee on the cases, which could be considered evidence for the practice of

impunity in Turkey. In the press statement organised on the report, the association indicated that the policy of impunity, which the government has undertaken as a principle in the legal area, is causing serious damages and acts as invitations for new crimes. [Please click here](#) for the full report.



### Citizen detained over criticising Erdoğan during street interview

An investigation was opened against Mehmet Ali Sancaktutan, who criticised the ruling power's strategies on economics during a street interview. Charged with "insulting President Erdoğan," Sancaktutan was detained and was released after testifying.



### Aslı Erdoğan Case to be re-evaluated

In the lawsuit filed against writer Aslı Erdoğan due to "making illegal organisation propaganda" through her articles on previously shut-down Özgür Gündem Daily as well as her Editorial Advisory Board membership there, a



decree of abatement had been issued for Erdoğan due to time limitation. However, the appeal court reversed the decree of abatement and decided that the re-evaluation of Erdoğan's file was necessary due to the identification of whether the newspaper was published online as well or not, for Article 26 of the Press Law may not be applied in cybercrimes. In the same file, the writer had been acquitted of the charges of "disrupting the unity and the territorial integrity of the state" and "illegal organisation membership" as well.



## TRIALS OF FREEDOM OF EXPRESSION

### **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"...

**Court:** Bandırma 1st Criminal Court of First Instance

**Verdict:** The journalist was acquitted.

### **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"...

**Court:** Istanbul 32nd Assize Court

**Verdict:** The journalists were acquitted.

### **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...

**Court:** Istanbul 32nd Assize Court

**Verdict:** The second hearing of the lawsuit was scheduled for September 23.

### **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"...

**Court:** Istanbul 6th Assize Court

**Verdict:** The 18th hearing of the case was ongoing at the time of this newsletter's preparation.

### **Case against G20 protesters**

The lawsuit filed against 17 people, including journalists Sema Karakurt and Eylem Sonbahar, due to "resisting to prevent duty" and "insult" through the G20 Antalya Summit protests organised in 2015...

**Court:** Antalya 25th Criminal Court of First Instance

**Verdict:** The claim for another existing file at Antalya 7th Criminal Court of First Instance, opened in 2018 on the same incident, to be merged with this one, will be evaluated. The next hearing of the case was scheduled for December 17.

## HEARINGS NEXT WEEK

### **KCK Press Case**

The lawsuit filed against 46 journalists and media workers in 2012 due to “illegal organisation membership”...

**June 22, Tuesday at Istanbul 3rd 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 Managing Editor Reyhan Çapan due to “insulting the President” and “making terrorist organisation propaganda” through the news published in the newspaper’s September 8, 2015 issue with the headline, “Palace Gone Crazy”...

**June 22, Tuesday at Istanbul 13th Assize Court**

### **Ayşe Gökkan Case**

The lawsuit filed against former TJA spokesperson Ayşe Gökkan due to “illegal organisation membership and managing an illegal organisation”...

**June 23, Wednesday at Diyarbakır 9th Assize Court**

### **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...

**June 23, Wednesday at Istanbul 26th Criminal Court of First Instance**

### **Taylan Kulaçoğlu Case**

The lawsuit filed against Taylan Kulaçoğlu, who had been arrested due to the posts in the social media group called “Movement of the Unnamed” and been released in the third hearing held last December, due to “making illegal organisation propaganda”...

**June 23, Wednesday at Balıkesir 3rd Assize Court**

### **Can Dündar Özgür Gündem Substitute-Editing-In-Chief Case**

The lawsuit filed against Can Dündar due to “printing or publishing terrorist organisation statements” through his participation in the Substitute-Editing-In-Chief on Duty campaign for Özgür Gündem in 2016...

**June 24, Thursday at Istanbul 22nd Assize Court**

### **Kibriye Evren Case**

The lawsuit filed against Jinnewsreporter Kibriye Evren due to “illegal organisation membership” and “making illegal organisation propaganda” with a claim of imprisonment for up to 20 years...

**June 24, Thursday at Diyarbakır 5th Assize Court**

### **Mehmet Özer Case**

The lawsuit filed against photography artist and poet Mehmet Özer due to “making illegal organisation propaganda” through six Facebook posts he made between the years 2012 and 2015...

**June 24, Thursday at Ankara 2nd Assize Court**

**Case Against News on Illegal Construction at Bosphorus**

The lawsuit filed against Cumhuriyet Daily reporter Hazal Ocak, Managing Editors Olcay Büyüktaş and İpek Özbey, as well as photo reporter Vedat Arık due to “targeting those taking part in the fight against terrorism” and “violating privacy” following the complaint of Presidential Communications Director Fahrettin Altun...

**June 24, Thursday at Istanbul 25th Assize Court**

**Case Against Diyarbakır Bar Association**

The lawsuit filed against 11 former Diyarbakır Bar Association Executive Board members due to “public incitement towards resentment and hostility” in accordance with Article 301 of the Turkish Criminal Code through their statements published for the commemorations on April 24 in 2017 and 2018...

**June 25, Friday at Diyarbakır 13th Assize Court**