

# Think, think...



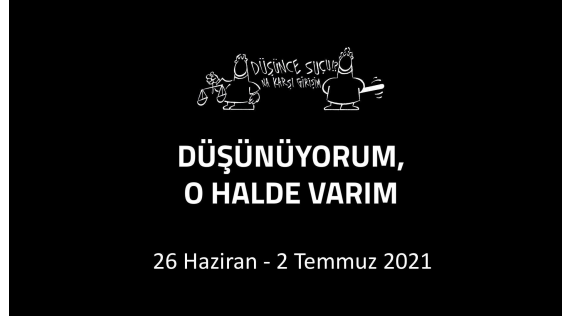
## Freedom of Expression Weekly Newsletter (Issue 26/21 - July 2, 2021)

### What happened last week?

- Constitutional Court's Chief Judge Zühtü Arslan stated, "The judicial mind under tutelage can not bring justice. One can't be a judge unless they are free in opinion and conscience. One can't be a judge if they rent their mind and conscience to someone else and allow their will to be offered as security. In a state of law, there can be no judiciary and no judge under manipulation."
- The Constitutional Court signed under a decree that concerns 125 thousand people, who have been dismissed from public service with Statutory Decrees issued within the State of Emergency. The high court decided that it is against the Constitution for people to be dismissed from public service due to their "membership" to structures or groups acting against the national security of the state, as decided by the National Security Council (MGK). The court revoked the expression "membership" in the law and decided that in an "ordinary period of time," the MGK would not be able to decide whether someone is part of an illegal organisation or group, and that the judiciary has to decide it - adding that the regulation was against the presumption of innocence.
- Erdoğan's crazy project has been a target of debates for almost 10 years, and is now attempted to be realised quickly. Chaos awaits Istanbul due to the project, but the real danger is so big that the word "chaos" does not do it justice. Objections against the project include fears of destruction of water resources, polluting agents, environmental destruction as well as a risk of earthquake.
- Turkey has officially withdrawn from the international Istanbul Convention, which aimed at preventing violence against women. Only a day earlier, the Council of State had denied the claim for the revocation of the Presidential decree on Turkey's withdrawal from the Istanbul Convention and for a stay of execution with three votes against two. At least 48 women were murdered by men after Erdoğan's sudden decision on a night in March to withdraw the Convention.
- President Erdoğan has launched a circular on "savings measures" for savings in the expenses of public institutions and organisations, the decrease in bureaucratic processes and for a more effective, economic and productive use of public resources. Even though the circular was launched by the Presidency, the Presidential Directorate of Administrative Affairs and the Grand National Assembly of Turkey's General Secretariat were left outside the scope of the circular, which means that the Presidency and the Parliament were not required to abide by the savings measures ordered in the circular.
- The International Trade Union Confederation (ITUC) launched its "Global Rights Index Report" in which all countries in the world were evaluated in terms of workers' rights. In the report, Turkey was listed among ten worst countries for workers,

together with Bangladesh, Belarus, Brazil, Philippines, Honduras, Egypt, Columbia, Myanmar and Zimbabwe. [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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### **Constitutional Court issues violation decree for Gergerlioğlu**

The Constitutional Court decided that the right to election and political activity as well as the right to personal freedom and safety of People’s Democratic Party (HDP) member Ömer Faruk Gergerlioğlu were violated. The court further ordered for necessary action to be taken for Gergerlioğlu’s release by sending a letter to Kocaeli Assize Court as soon as

possible.



### **Lawsuit against Hakkı Boltan**

The final decree was issued in the lawsuit filed against journalist Hakkı Boltan at Diyarbakır 12th Assize Court due to “insulting the President” through the statement he made regarding journalist Rohat Aktaş, who was killed during the curfews, as well as due to “insulting a public officer because of his duty” through his expressions on former Prime Minister Ahmet Davutoğlu. Journalist Boltan

was sentenced to 10 months of imprisonment due to insulting a public officer because of his duty as well as 1 year, 2 months and 17 days of imprisonment due to insulting the President, effective immediately.



### **Ismail Çoban on retrial**

Arrested journalist Ismail Çoban was sentenced to 4 years and six months of imprisonment in a lawsuit he was on retrial as he was still arrested in another case that concluded with conviction in 2018. Diyarbakır 7th Assize Court had previously sentenced previously shut-down Azadiya Welat Daily's former Managing Editor Ismail Çoban to 5 years of imprisonment due to "making illegal organisation propaganda"

through 15 news articles published in the newspaper in 2013 and the sentence had been reversed, leading to retrial.



### **Not taking Erdoğan's words seriously is considered crime as well**

A 30-year-old unemployed citizen from Pazar district of Rize, who commented on Erdoğan's words during a street interview made by a YouTube Channel was detained following the order of Pazar Public Prosecutor's Office. The citizen's comment was on Erdoğan's

expressions: "Turkey will be one of the ten largest economies in the world." The YouTube Channel reporter Ebru Uzun was summoned to testify at the Prosecutor's Office as well.



### **Another investigation against mother after losing son in train disaster**

Mısra Öz, who lost her son Oğuz Arda Sel and her ex-husband Hakan Sel in the train disaster in Çorlu, announced that she was summoned to testify at the police station one week before the third anniversary of the disaster. Announcing the news on Twitter, Mısra Öz indicated that she was summoned to testify due to "insulting

the court board." In the last three years, four separate investigations and two lawsuits were filed against the mother, who claims justice for her son and for the prosecution of those responsible.



### **Investigation against Izmir Bar Association**

Izmir Bar Association announced that an investigation was opened against Bar Association Chairman Özkan Yücel and 10 executive board members, and that the Ministry of Justice issued a permission for investigation. The investigation is based on the press statement organised by the Bar Association

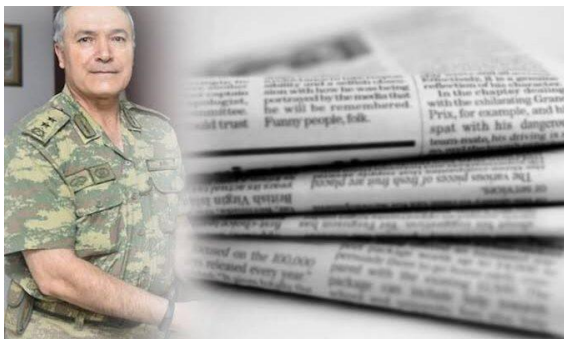
regarding the hate speech of Director of Religious Affairs Ali Erbaş.



### **Indictment against journalist Deniz Yücel**

A new indictment was prepared against journalist Deniz Yücel with the claim that he had insulted former Istanbul Deputy Chief Public Prosecutor and current Deputy Justice Minister Hasan Yılmaz. Yılmaz was responsible for many critical cases like the Osman Kavala Case. The indictment prepared against Yücel is based on a social media post

he shared about Yılmaz.



### **Appeal claim for Musa Çitil denied: Journalists acquitted once again**

The lawsuit filed by lieutenant general Musa Çitil against seven journalists due to a news article prepared about him returned from the appeal court as well. The 2nd Criminal Chamber of Diyarbakır Regional Court decided that the acquittal decree issued for journalists Ömer Çelik, A. Vahap Taş, Çağdaş Kaplan,

Selman Çiçek, Hamza Gündüz, İnan Kızılkaya and Kemal Sancılı was appropriate and denied the appeal claim of Çitil.



### **Erdoğan files 500-thousand-TL compensation case against Kılıçdaroğlu**

President Erdoğan filed a 500-thousand-TL moral compensation lawsuit against Republican People's Party (CHP) Chairman Kemal Kılıçdaroğlu due to "violating his personal rights" during the speech Kılıçdaroğlu gave at the Grand National Assembly of Turkey (GNAT) Group Meeting. In the complaint letter written by Erdoğan's lawyer Hüseyin Aydın, it

was indicated that Kılıçdaroğlu had accused Erdoğan of abusing other people's rightful shares and attempting to execute the law out of record, while "heavily insulting Erdoğan" in a way that violated his personal rights, with the intention of attacking his personal rights.



### **Access ban against news on Cumhuriyet Daily**

Selçuk Criminal Judicature of Peace issued an access ban against the news article published in Cumhuriyet Daily on the arrest of Justice and Development Party (AKP) Selçuk Youth Organisation's former Chairman Refik Yakıt

after his abuse on his five-year-old child was proven with forensic medicine reports in Izmir. The news article carried the headline, “Former AKP Youth Organisation Chairman and father arrested over abusing own child.”



### **Intervention against Istanbul Pride March**

The police intervened against the march organised by the Istanbul Pride March organising committee on June 26, Saturday at 5 p.m. at Taksim Square, detaining at least 25 people. During the heavy police intervention, AFP reporter Bülent Kılıç was detained by being stepped on his neck; many other press members were prevented from recording

visuals during the demonstration. Those detained include citizens reacting against the police intervention as well as residents of the surrounding neighborhood.



### **Soccer player's t-shirt becomes target of homophobic attacks**

The photo shared by Galatasaray soccer team player Taylan Antalyalı with a t-shirt that said, “Powered by Pride”, received homophobic reactions in the Turkish sports media. Emre Bol and Turgay Demirli went so far as to say that Antalyalı must be dismissed from the team during a live broadcast on TV100 Channel, which drew reactions from many sports writers

and critics. A number of social media users supported Antalyalı in his post.



### **Intervention against Pride Marches in Ankara and Eskişehir**

The police intervened against the march organised after the press statement held by the LGBTQ+ activists gathering at Tunalı Hilmi Street in Ankara for the Pride March, detaining at least 20 people. The Pride March organised in Eskişehir was prevented by the police. The police detained many people during the march, almost arbitrarily, due to “reasonable

suspicion”. At least 10-12 people were determined to have been detained.



### **Summaries against 20 MPs at the Parliament**

21 new summaries prepared against 20 Parliament members, 15 of which were against People's Democratic Party (HDP) members and one against Republican People's Party

(CHP) Chairman Kemal Kılıçdaroğlu, were presented to the Grand National Assembly of Turkey (GNAT) Chairmanship. There are currently more than 900 summaries against People's Democratic Party (HDP) MPs and more than 1300 summaries at the Parliament in total.



### **District Governorate bans protest ban against courthouse**

Kağıthane District Governorate announced a protest and demonstration ban before the second hearing of the lawsuit filed against 12 Boğaziçi University students due to violating the Law on Meetings and Demonstration through carrying rainbow flags in front of the university campus. During the hearing held at Istanbul 24th Criminal Court of First Instance, the students' claim for acquittal was denied. The next hearing was scheduled for October 13.



### **Protest bans in Van and Hakkari**

The Van Governorate banned all protests and demonstrations to be organised in the province for another 15 days, between July 3 and 17. Thus, the protest and demonstration ban in the province was extended to last for 1685 days in total. The Hakkari Governorate banned all meetings and demonstrations, including press

statements and sit-in protests, for 15 days.



### **Access ban against Erdoğan's photo with Sezgin Baran Korkmaz**

Istanbul Anatolian 8th Criminal Judicature of Peace issued access bans against 55 URLs, which contained a photo of Erdoğan with fugitive businessman Sezgin Baran Korkmaz. Korkmaz is currently wanted after President Erdoğan's order due to money laundering and has been arrested in Austria following the claim of the United States. On the other hand,

Ankara 7th Criminal Judicature of Peace issued an access ban against the news on Korkmaz eating at the same table with Court of Cassation member Tekvan Savaş Nemli. According to the judicatures, the related photos violate the "personal rights" of Erdoğan and the Court of Cassation member.



### **Journalist detained over "insulting Erdoğan and Soylyu"**

Bursa Orhangazi Üçüncü Göz news portal's owner Irfan Aydın was detained due to insulting President Erdoğan and Interior

Minister Süleyman Soylu through his comments on the videos published by criminal organisation leader Sedat Peker.



### Grup Yorum's online concert banned

The concert organised online by Grup Yorum on July 1st was banned by Beyoğlu District Governorate. In the document sent from the District Governorate, it was indicated that no recordings would be allowed at Ferhan Şensoy stage, where the concert was to be broadcasted and recorded.



## TRIALS OF FREEDOM OF EXPRESSION

### Dargeçit Jitem Case

The lawsuit filed against the disappearance of Special Sergeant Bilal Batır, who allegedly gave information to families as well as eight people, including three children, in Dargeçit district of Mardin between the dates October 29, 1995 and March 8, 1996...

**Court:** Adıyaman 1st Assize Court

**Verdict:** The court board was changed for the sixth time. The interim board did not issue a decree on the file and scheduled the next hearing for October 11.

### Case Against Boğaziçi University Students

The lawsuit filed against 4 students, who were detained due to “carrying rainbow flags” as they were protesting for their arrested friends, as well as eight other students who were detained as they were protesting the situation...

**Court:** Istanbul 24th Criminal Court of First Instance

**Verdict:** The students' claim for acquittal was denied. The travel bans issued against them were revoked. The next hearing was scheduled for October 13.

### Hatice Şahin Case

The lawsuit filed against Yeni Yaşam Daily reporter Hatice Şahin, who was detained during the operation conducted in Diyarbakır on October 9, 2018 and was released, due to “illegal organisation membership” through the phone calls she had with her colleagues and news resources, secret witness statements against her, plane tickets between Diyarbakır and Istanbul as well as her participation in the Democratic Society Congress (DTK) activities...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** The file of journalist Kibriye Evren, whose name took place in the secret witness statement, was requested from Diyarbakır 5th Assize Court and the next hearing was scheduled for October 11.

### Metin Lokumcu Case

The lawsuit filed on the death of Metin Lokumcu, who died due to the tear gas bomb used by the police in Hopa on May 31, 2011 during the protests occurred as former Prime Minister Erdoğan was visiting the region...

**Court:** Trabzon 2nd Criminal Court of First Instance

**Verdict:** The family lawyers' claim for non-jurisdiction was accepted and the file is awaiting to be sent to the assize court.

**Engin Eren Case**

The lawsuit filed against Dicle NewsAgency Batman reporter Engin Eren, who was following the "human shield protest" organised in Kelhasan Village of Sason district in Batman on September 18, 2015 for an end of clashes in the region, as well as 75 others, due to "illegal organisation membership," "aiding an illegal organisation," "participating in illegal meetings and demonstrations," "violating the Law on Forbidden and Security Zones" as well as "using force or threat to prevent a public officer from performing their duty"...

**Court:** Batman 2nd Assize Court

**Verdict:** The file was sent to the Prosecutor's Office for an opinion to be prepared on the basis. The next hearing was scheduled for October 8.

**Feminist Night Walk Case**

The lawsuit filed against 35 people, including journalist Buse Söğütlü, who participated in the Feminist Night Walk organised on March 8, 2020...

**Court:** Istanbul 58th Criminal Court of First Instance

**Verdict:** The defendants' claim to be exempted from the hearings was accepted and the next hearing was scheduled for December 29.

**Hayri Demir Case**

The lawsuit filed against journalist Hayri Demir due to "terrorist organisation membership" and "making terrorist organisation propaganda" through the news he reported in northern Syria in 2016...

**Court:** Ankara 15th Assize Court

**Verdict:** The next hearing was scheduled for October 12.

**Abdullah Kaya Case**

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) Ağrı reporter Abdullah Kaya due to "illegal organisation membership" and "making illegal organisation propaganda" through his journalistic activities and social media posts...

**Court:** Ağrı 2nd Assize Court

**Verdict:** The hearing was postponed as the court board was excused due to having been infected with the Coronavirus.

**Caner Taşpınar Case**

The lawsuit filed against OdaTV editor Caner Taşpınar due to "insulting" former GNAT Chairman Ismail Kahraman and Justice and Development Party (AKP) Parliament member Ali Ihsan Arslan through his book, "The Son-In-Law: AKP Father-In-Laws of Fethullah Supporters"...

**Court:** Istanbul 11th Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for October 27.

**Deniz Yücel Case**

The lawsuit filed against Die Welt Daily reporter Deniz Yücel due to "insulting the President" and "public denigration of the Turkish government"...

**Court:** Istanbul 2nd Criminal Court of First Instance

**Verdict:** The hearing was not held as the judge was excused. The next hearing will be scheduled later.

**Özgür Gündem Case**

The lawsuit filed against 22 people, including 17 journalists, who were beaten and detained during the police raid organised at Özgür Gündem Daily building after it was shut down on August 16, 2016, due to “insulting a public officer” and “preventing a public officer from performing their duty”...

**Court:** Istanbul 5th Criminal Court of First Instance

**Verdict:** The Prosecutor announced his opinion on the basis of the file and claimed penalty against the journalists, stating that they have “resisted the police in order to prevent duty.” The next hearing was scheduled for November 23.

**Case Against News on Torture**

The lawsuit filed against journalists Adnan Bilen, Cemil Uğur, Şehriban Abi and Nazan Sala, who were arrested after reporting the news on one person being heavily injured and one dying as a result of torture in Van and were later released in the first hearing held in April, as well as against journalist Zeynep Durgut due to “illegal organisation membership” and “making illegal organisation propaganda”...

**Court:** Van 5th Assize Court

**Verdict:** The judicial measures against the journalists, which were applied as signature submitting once a month as well as travel ban, were not revoked. The next hearing was scheduled for October 21.

**HEARINGS NEXT WEEK**

**Case Against Boğaziçi University Protests**

The lawsuit filed against seven Boğaziçi University Students due to “public incitement towards resentment and hostility” towards the Kaaba visual and LGBTQ+ flags on an exhibition organised within the protests against appointed rector Melih Bulu...

**July 5, Monday at Istanbul 21st Criminal Court of First Instance**

**Ünye Villagers Case**

The lawsuit filed against the villagers who protested the drilling activities of a mining company in Üçpınar village of Ünye district in Ordu with the allegations of “damaging public property and resisting to prevent duty”...

**July 5, Monday at Ünye Criminal Court of First Instance**

**Derya Okatan Case**

The lawsuit filed against journalist Derya Okatan due to “insulting” through a news article published in May 2016 as she was the Managing Editor of Etkin News Agency (ETHA)...

**July 6, Tuesday at Istanbul 39th Criminal Court of First Instance**

**Cem Şimşek Case**

The lawsuit filed against former Evrensel Daily Managing Editor Cem Şimşek due to “insulting the President” through the news article published in the newspaper with the headline, “German cartoonists drew Erdoğan so bad”...

**July 8, Thursday at Bakırköy 27th Criminal Court of First Instance**

**Cartoonist Öznur Kalender Case**

The lawsuit filed against cartoonist Öznur Kalender due to “insulting religious authorities and thus denigrating religious values adopted by the society” through a cartoon she drew of Ahmet Mahmut Ünlü...

**July 8, Thursday at Istanbul Anatolian 14th Criminal Court of First Instance**

**RedHack Case**

The lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargın and Metin Yoksı due to “making terrorist organisation propaganda,” “destroying or damaging informatics system, destroying or changing data,” “acting on behalf of an illegal organisation without membership” and “illegal organisation membership” through reporting the news on emails belonging to Energy and Natural Resources Minister Berat Albayrak after they were hacked by RedHack...

**July 9, Friday at Istanbul 29th Assize Court**

**Case Against News on Economy**

The lawsuit filed against Bloomberg reporters Kerim Karakaya and Fercan Yalınkılıç, who were charged with “damaging the economy” through the news they reported on the value loss in the Turkish Lira, as well as 38 others, including journalists and economists, who shared the news article on social media...

**July 9, Friday at Istanbul 3rd Criminal Court of First Instance**