

Think, think...



Freedom of Expression Weekly Newsletter (Issue 27/21 - July 9, 2021)

What happened last week?

- Turkey started the new month with tragic price increases. Electric utility prices were increased by 15 percent and natural gas by 12 percent. Even though Erdoğan seemed to have given up on his claim that the United Kingdom has been receiving money from its citizens for the COVID-19 vaccine, his new claim is that Turkey is the country with the cheapest gas and that foreigners have been filling their tanks and leaving the country. Erdoğan's calculations are only true when made considering US Dollars, Euros and Pounds and ignoring the purchasing power of Turkish citizens.
- According to the findings of the research conducted by the Media and Legal Studies Association (MLSA) at five prisons between February and March 2021, more than half of the prisoners were deprived of basic hygiene products during the COVID-19 pandemic and most of them faced serious restrictions against their right to cultural and sports activities, as well as their right to meeting. [Please click here](#) for the full report.
- Reporters Without Borders announced their list of Enemies of Press Freedom. The list involves the names of 37 countries and their leaders, including Erdoğan. Erdoğan is taking place for the second time in the list and [was described](#) as someone who "likes the press that obeys his orders and praises him."
- The Constitutional Court decided that Gergerlioğlu's "right to election" and freedom of expression were violated and Gergerlioğlu was released from prison after the unanimous court decree. In the reasoned decree, the court showed the decree on Republican People's Party (CHP) Parliament member Enis Berberoğlu as precedent and the decree was issued unanimously. People's Democratic Party (HDP) Kocaeli Parliament member Ömer Faruk Gergerlioğlu had been convicted and arrested over a news article he shared on social media and he had lost his seat at the Parliament.
- The Prosecutor of Istanbul 32nd Assize court appealed the decree on journalist Melis Alphan, who was prosecuted due to "making illegal organisation propaganda" over sharing a photo taken during the Newroz celebrations in Diyarbakır in 2015 on social media but was acquitted on May 21. The decree of the appeal court is being awaited.
- The Justice and Development Party's (AKP) "Political Virtue and Ethics Council" Chairman and Health Sciences University Deputy Rector Prof. Kemalettin Aydın posted on social media and said that those criticising Interior Minister Süleyman Soylu must be poisoned. In his related post, Prof. Aydın stated, *"We are proud of your ancestors and family, my dear minister Soylu. The reward for those who attack you shall not be your answers, but strychnine."*
- In the press meeting she organised, People's Democratic Party (HDP) member Meral Daniş Betaş announced that People's Democratic Party members were not informed of the Grand National Assembly of Turkey (GNAT) Foreign Relations Committee

members' visit to Washington. Beştaş further announced that the United States officials have asked the committee members why there were no People's Democratic Party (HDP) members in the board and that the committee's reply was that "the members chose not to come", even though they were not informed of the visit. The board included members from the Justice and Development Party (AKP), the Republican People's Party (CHP), the Nationalist Movement Party (MHP) and the İYİ Party.

- In a social media post, criminal organisation leader Sedat Peker asserted that Süleyman Soylu and his colleagues have distributed unlicensed AK-47 model guns, which were not recorded in the military inventory, to certain Justice and Development Party (AKP) Youth Organisation members and executives before and after July 15. In his post, Peker stated that a similar activity has already been conducted by the "special war chamber".
- The 4th Judicial Bill has passed the Grand National Assembly of Turkey's (GNAT) General Council. From now on, concrete evidence will be searched for arrest in crimes of sexual assault. According to the reason for the legal amendment, the victimhood created through the expression "strong criminal suspect" in catalogue crimes will be removed with the expression "concrete evidence." Experts and lawyers underline that the search for a "concrete evidence" for arrest in prosecutions of sexual assault will allow the release of perpetrators and that the evidence can already not be "not concrete", that the victim's statement is an evidence by itself. It was further indicated that the amendment will not be of a quality that reduces victimhood in terms of opposition members, journalists and politicians, who were the most prominent victims of arrests turning into a tool for penalisation. The experts and lawyers stated that the true source of the victimhood must be searched in the fallback from fair trial and principles of the state of law.
- Penalties issued against 14 people, including Çetin Doğan and Çevik Bir, who were [convicted](#) in the prosecution of the [February 28 post-modern military coup](#), were approved by the Court of Cassation.



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 violations of freedom of expression in the country with monthly 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 - June 2021*” report...*



Journalist acquitted of charges related to asking questions

Online news writer Ebru Küçükaydın was acquitted of the charges imposed against her after she asked questions during the press meeting organised by Antalya Mayor of the Republican People’s Party (CHP) Muhittin Böcek regarding the beach tender organised for Konyaaltı two years ago. Küçükaydın’s questions were on the company, which won the related tender. The lawsuit against her was filed following the complaint of Alkoçlar Tourism and Travel Agency owner Ender Alkoçlar. As she was leaving the courthouse, the journalist stated, “If I’m not mistaken, a lawsuit was filed against a journalist for the first time in the world over asking questions during a press meeting. This is where the law has come to. I was acquitted of all charges. Human rights have won, justice has won, press freedom has won.”



Constitutional Court issues “violation decree” on ÖzgürGündem’s shutdown

The Constitutional Court finalised the application on the shutdown of Özgür Gündem Daily. The high court decided that the “freedom of expression and press freedom were violated” during the shutdown of the newspaper through a Statutory Decree issued within the State of Emergency. Istanbul 8th Criminal Court of Peace had shut down the newspaper on August 16, 2016 and the end of the so-called “temporary” decree was not mentioned in the decree. Before the newspaper could be reopened, it was shut down once again on October 29, 2016 with a Statutory Decree issued within the State of Emergency.



RTÜK penalties against oppositional channels

In the first half of 2021, the Radio and Television Supreme Council (RTÜK) issued 22 penalties against channels criticising the ruling power, whereas not a single penalty was issued against a pro-government channel. The total administrative fines issued against the oppositional channels have found 5 million Turkish Liras. According to the data shared by

Radio and Television Supreme Council member İlhan Taşçı, the highest number of penalties were issued against Halk TV with 9 penalties and 254 thousand Turkish Liras of fine in total, followed by TELE1 channel with 6 penalties and 169 thousand 429 Turkish Liras of fine in total. KRT TV was penalised four times with a total of 112 thousand 952 Turkish Liras of penalty. Three different penalties were issued against FOX TV with a total amount of 4.5 million Turkish Liras of penalty.



Four detained during justice watch for Gergerlioğlu

The police intervened against the statement organised in front of Sincan Prison for People's Democratic Party (HDP) Parliament member Ömer Faruk Gergerlioğlu, who is still under arrest at the prison despite the Constitutional Court decree on his release due to rights violations during his prosecution. Four people,

including the Parliament member's son Salih Gergerlioğlu and Artı TV cameraman Nazım Fayık, were beaten and detained. Journalists Büşra Taşkiran and Berna Kişin were beaten during the police intervention as well.



Female politician detained at work over criticising ruling power

Great Unity Party's Ordu Women's Branch Chair Fatma Yümlü announced that she was detained with reverse handcuffs due to "not wearing a mask and having contact with COVID-19 patients" by police officers, who came by her office after she criticised the ruling power on a show that was broadcasted

on social media. The Ordu Governorate made a statement on the matter and repeated the reasons claimed by the police officers, whereas Yümlü did not even testify at the police station she was taken to.



9 young people detained over distributing leaflets

Four young people were detained over distributing leaflets on the Suruç Massacre in Dikmen district of Ankara. The police threatened the young people with “shooting them in the head” and opened fire in the air. Those detained were released by the courts

they were sent to, with various judicial measures against them.



Cem Şimşek Case

The final decree was issued in the lawsuit filed against Evrensel Daily’s former 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”. The court sentenced the journalist to 11 months and 20 days of imprisonment. The announcement of

the verdict was deferred.



Protest ban in Aydın

Altses E: The Aydın Governorate announced a protest and demonstration ban across the province between July 7 and 12, 2021 due to the protection of “public peace and general order.”



Journalist Erk Acarer attacked in Germany

BirGün Daily writer and Artı TV show producer Erk Acarer announced that he was attacked in the courtyard of his house in Berlin, where he currently resides. Acarer stated that he knew the attackers and that he would “not surrender to fascism.” German authorities started an investigation on the attack.



Investigation against BirGün Sunday over “Rule of Gangs”

Ankara Chief Public Prosecutor’s Office started an investigation against BirGün Daily’s Sunday issue for May 25, 2021 due to the theme of the issue as well as the photos published. The investigation was later transferred to Istanbul Chief Public Prosecutor’s Office and the newspaper’s

politics editor M. Emin Korkmaz testified within the investigation. The Sunday issue subject to investigation has been published with the topic “Rule of Gangs.”



Miners not able to enter Ankara

The march of mining workers of Soma Uyar Mining, which previously filed bankruptcy, was stopped at Ankara’s entrance from Polatlı district. The miners were marching for their 8-year salaries and other missing payments. The workers have previously voiced their demands many times and received Interior Minister Süleyman Soylu’s word on a solution to the matter; whereas they still remain as

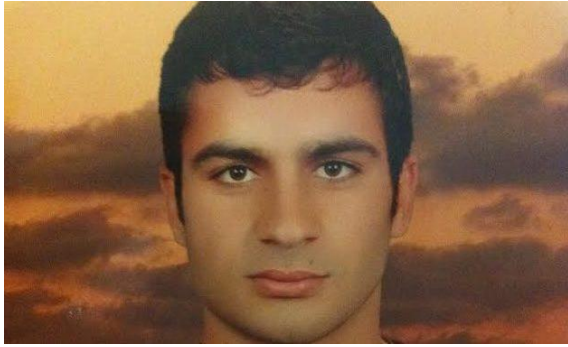
victims of the situation.



Decree in armed attack case against Dündar and Şenkal

Murat Şahin had attempted an armed attack against journalist Can Dündar in front of Çağlayan Courthouse on May 6, 2016 and had injured reporter Yağız Şenkal. In the retrial of his prosecution, Şahin was sentenced to three years of imprisonment and the announcement

of the verdict was deferred. The attack has targeted Dündar, and NTV reporter Yağız Şenkal has been injured in the leg during the attack. In the first prosecution, two suspects have been acquitted and Şahin has been sentenced to a judicial fine due to “willful injury” and to 10 months of imprisonment due to “carrying arms without license.” Şenkal has objected to the initial decree.



Medeni Yıldırım Case concludes with impunity

Medeni Yıldırım had been killed in 2013 as a result of the fire opened by soldiers against the crowd marching to protest the construction of a police station in Hêzan-Kayacık neighborhood of Lice district in Diyarbakır. In the lawsuit filed on the death of Yıldırım, the perpetrator was acquitted for the second time. The family

objected to the court decree and was threatened by the police in the court hall. After visual recordings of soldiers opening fire against the crowd were revealed, the lawsuit could finally be opened on the incident in 2015. Even though eight others were injured in the incident, the investigation against the Gendarmerie Special Operation team commander, who gave the order to open the fire against the crowd, as well as against the police station commander, had concluded with non-prosecution. The first decree of acquittal issued for private soldier Adem Çiftçi, who used the gun that killed Medeni Yıldırım, had been reversed at the appeal court.



Early morning operation against tobacco traders in Adıyaman

A law was enacted on July 1 that required a certificate for tobacco trading and predicted imprisonment in case of violation. Tobacco traders in Adıyaman have protested against the enacted law. After the traders' protest, at least 50 of them were detained with a police raid organised at their homes early in the morning.



TRIALS OF FREEDOM OF EXPRESSION

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...

Court: Istanbul 21st Criminal Court of First Instance

Verdict: The prosecution will continue on November 17.

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”...

Court: Ünye 3rd Criminal Court of First Instance

Verdict: All defendants have testified and the next hearing was scheduled for November.

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)...

Court: Istanbul 39th Criminal Court of First Instance

Verdict: The next hearing was scheduled for December 16.

Yetkin Yıldız Case

The lawsuit filed against previously shut-down aktifhaber.com website’s Editor-In-Chief Yetkin Yıldız due to “insulting” and “slandering” Efkân Ala...

Court: Bakırköy 31st Criminal Court of First Instance

Verdict: The court decided to wait for the final decree of the “FETÖ Media Structuring Case” at Istanbul 25th Assize Court. The next hearing was scheduled for November 2.

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...

Court: Istanbul Anatolian 14th Criminal Court of First Instance

Verdict: The next hearing was scheduled to a later date.

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,” “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...

Court: Istanbul 29th Assize Court

Verdict: The Prosecutor claimed for an extension of the investigation. The court accepted the Prosecutor’s claim and scheduled the next hearing for December 9.

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...

Court: Istanbul 3rd Criminal Court of First Instance

Verdict: The next hearing was scheduled for a later date due to the judge’s excused absence.

HEARINGS NEXT WEEK

Journalist Hacı Boğatekin Case (Retrial)

The decree issued against journalist Hacı Boğatekin due to insulting the former Governor through a news he reported in 2013 was reversed by the Constitutional Court. Boğatekin criticised the Gerger District Governor after he brought the Bodin School's movable bathrooms to the park where the Governor was going to perform an opening ceremony and said, "The Governor needs a bathroom but school children do not?"

July 12, Monday at Adıyaman 3rd Civil Court of First Instance

Cihan Ölmez Case

The lawsuit filed against journalist Cihan Ölmez, who was detained together with 151 others in October 2020, due to the statements he gave during the ongoing curfew in Cizre as well as sharing related news on social media...

July 13, Tuesday at Diyarbakır 5th Assize Court

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç with a claim of imprisonment for up to 20 years due to "illegal organisation membership" and "making illegal organisation propaganda"...

July 13, Tuesday at Diyarbakır 5th Assize Court

Özgür Gündem Case

The lawsuit filed against journalists Hüseyin Aykol, İnan Kızılkaya, Zana Bilir Kaya and politician Hatip Dicle due to a series of news articles published in previously shut-down Özgür Gündem Daily in accordance with Article 301 of the Turkish Criminal Code...

July 13, Tuesday at Istanbul 2nd Criminal Court of First Instance

Özgür Gündem Substitute Editing-In-Chief Case

The lawsuit filed against journalist Can Dündar, who participated in the Substitute Editing-In-chief campaign to support Özgür Gündem Daily, as well as against the newspaper's former Managing Editor İnan Kızılkaya due to "insulting a public officer"...

July 13, Tuesday at Istanbul 2nd Criminal Court of First Instance

Özgürlükçü Demokrasi Daily Case

The lawsuit filed against journalists Aziz Oruç and Ersin Çaksu due to "denigrating the state" in accordance with Article 301 of the Turkish Criminal Code based on the news articles and columns published in Özgürlükçü Demokrasi Daily, which was previously shut down with a Statutory Decree issued within the State of Emergency, between the dates October 21 and November 1, 2016...

July 13, Tuesday at Istanbul 2nd Criminal Court of First Instance

Case against 'Peace Mothers'

The lawsuit filed against 15 'Peace Mothers', who were detained as they wanted to hold a press statement in front of Bakırköy Prison to draw attention to the hunger strikes held in the prison in 2018, due to "violating the Law on Meetings and Demonstrations No. 2911" as well as "resisting the police"...

July 13, Tuesday at Bakırköy 13th Criminal Court of First Instance

Semiha Şahin and Pınar Gayıp Case

The lawsuit filed against Etkin News Agency (ETHA) editor Semiha Şahin, reporter Pınay Gayıp and four others due to “illegal organisation membership” and “making illegal organisation propaganda”...

July 14, Wednesday at Istanbul 23rd Assize Court

Artist Hozan Cane Case (Retrial)

The lawsuit filed against German citizen and Kurdish artist Hozan Cane due to “terrorist organisation membership” based on her social media posts... Cane has been sentenced to 6 years and three months of imprisonment and the case is on retrial after the artist’s claim for appeal.

July 14, Wednesday at Edirne 3rd Assize Court