

# Think, think...

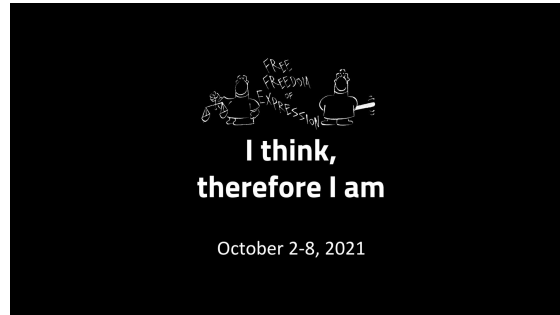


## Freedom of Expression Weekly Newsletter (Issue 39/21 - October 8, 2021)

### What happened last week?

- Approximately 12 million documents obtained by the "International Consortium of Investigative Journalists" (ICIJ) from 14 companies in different parts of the world were published simultaneously all over the world under the name of "Pandora Papers". Pandora Papers includes more than 220 names from Turkey. Among these names, there are Çalık, Cengiz and Rönesans Holding, which rose rapidly during the Justice and Development Party (AKP) rule and closed the public tenders almost on their own. While Renaissance Holding transferred 210 million dollars to tax havens, Cengiz and Çalık Holding's offshore companies emerged with millions of dollars in their accounts. [Please click here](#) for details.
- According to the data announced by the Turkish Statistical Institute (TUIK), inflation increased by 1.25 percent in September and became 19.58 percent on an annual basis.
- According to President Erdogan, who boasts that the inflation rate is below 20 percent, both workers and civil servants are content. Referring to the opposition's statements about the economy, Erdoğan claimed that they can solve the problems themselves.
- The government's list of "terrorists" was updated this week; university students and kebab makers became the target of the government's accusation of "terrorism" on the same day. While the Nationalist Movement Party (MHP) leader, which is the junior partner of the government, included kebab shops on the "terrorists" list, Erdoğan's target was still students. According to Erdoğan, students who brought up the housing problems throughout the country, as well as those protesting the trustee rector at Boğaziçi University are "terrorists".
- In the first week of the new legislative year, new ones were added to the immunity records. 4 immunity files against People's Democratic Party (HDP) Group Deputy Chair Meral Daniş Beştaş, People's Democratic Party (HDP) Parliament Members Hüda Kaya and Garo Paylan as well as Democratic Regions Party (DBP) Deputy Salihe Aydeniz were presented to the Presidency of the Grand National Assembly of Turkey.
- In the report prepared by the Court of Accounts as a result of the inspections carried out by the Ministry of Transport and Infrastructure, it was determined that the Ministry of Transport and Infrastructure paid 1 thousand 111 times more for the construction of the Sabiha Gökçen Airport subway.
- The Nationalist Movement Party (MHP) submitted a new law proposal to the Parliament for newspapers that receive funding from abroad. The Nationalist Movement Party (MHP) wants the Interior Ministry to monitor all the activities of the funded newspapers. According to the proposal, the press organisation will have to submit all required documents, and all activities will be recorded and monitored. Those who do not share all the information with the Interior Ministry will be sentenced to imprisonment.

- The law proposal regarding the ratification of the Paris Climate Convention, which Turkey signed in 2015, was accepted in the General Assembly of the Grand National Assembly of Turkey 6 years later. Since the agreement entered into force in 2016, Turkey was among the 6 countries that did not complete the ratification process, along with Eritrea, Iran, Iraq, Libya and Yemen. In addition, Turkey was the only G20 country that did not ratify the agreement.
  - Lawyers of the Dink family appealed the decree in the "Hrant Dink murder" case filed against public officials. The lawyers objected to the acquittal of some defendants and the way the investigation was conducted, and demanded that the decision be reversed. [Please click here](#) for details.
  - The deadline given by the Committee of Ministers of the Council of Europe to Turkey to execute the ECtHR decision for the release of Selahattin Demirtaş and Osman Kavala has expired. Kavala turned 64 in Silivri Prison. While artists, academics, journalists and people of culture and art from various parts of the world celebrated the birthday of Kavala, who has been imprisoned for 47 months, with the wishes of "many years of freedom", Kavala stood trial once again this week. Kavala was not released yet again...
  - According to the news compiled by [Bianet](#) from local and national newspapers, news websites and agencies; men killed at least 26 women and raped 5 women in September. Men inflicted violence on at least 65 women, killed at least 4 children, abused at least 13 girls and boys, and harassed at least 10 women.
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*Our weekly video program, “[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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**Journalists, activists and politicians continue to face ‘terror’ charges**

The Media and Law Studies Association has published its [observation report](#) on 147 hearings of 98 cases within the scope of journalism and freedom of expression, which it followed between January 1st and July 15th. In cases where a total of 562 defendants were tried, 58% of the charges were

terrorism-related. Apart from that, the defendants were mostly charged with "insulting the President". 64% of the evidence shown in the cases was related to journalistic activities. While the statements of those accused, witnesses or complainants were put forward as evidence in 20 cases, activities of associations were presented as evidence of crime in 6 cases. In short, accusations of "terrorism" against journalists, activists and politicians continue to increase. This is followed by "insulting Erdogan"...



### DFG launches September 2021 report

Dicle Fırat Journalists Association (DFG) announced its September 2021 Report on Rights Violations Against Journalists. According to the association's data, in September, 50 journalists stood trial for their news and thoughts and were prosecuted. 6 of them were sentenced to 27 years and 3 months

in total. While 5 journalists were detained in a month, 1 journalist was arrested. 6 journalists were investigated and 7 journalists were prosecuted. While 3 journalists were attacked, news follow-up of the journalists was prevented in 15 incidents. Access bans were issued against 37 websites, 28 of which were news websites.



### Constitutional Court considers Kurdish anthem 'illegal organisation propaganda'

The Constitutional Court decided that "freedom of expression was not violated" in the application of Kadri Pervane, who was sentenced to 2 years in prison for "making propaganda for a terrorist organization" due to the Kurdish song "Biji", which he listened to

on the public bus he was driving. The high court argued that the sentence given to Pervane "corresponded to a pressing social need, was proportionate, and that this intervention was not contrary to the requirements of the democratic social order".



### Boğaziçi University protests...

Two of the 10 students who were detained on October 5 for participating in the protest against the appointed rector Naci İnci at Boğaziçi University were arrested. The police intervened against students who wanted to make a press statement for their arrested friends at Boğaziçi University. 14 people were

detained and the police surrounded the area where the journalists were, and prevented them from taking photographs. Journalists were held under police blockade for over an hour.





### **Lawsuit against actress Ezgi Mola**

Actress Ezgi Mola, who was on trial for tweeting about expert sergeant Musa Orhan after he became a defendant for raping İpek Er in Batman and causing her suicide, was sentenced to a judicial fine of 5 thousand 200 liras. The announcement of the verdict in the sentence of Mola was deferred, after she was

convicted on the grounds of insulting the rape suspect in the case, which was held at the Ankara 31st Criminal Court of First Instance without a hearing on the basis of the file.



### **Lawsuit against Yılmaz Odabaşı**

The first hearing of the lawsuit filed against poet and writer Yılmaz Odabaşı due to a Twitter post in 2018 was held at the Yalova 2nd Criminal Court of First Instance. In the post, Odabaşı wrote, "Turkey is going to the elections so that Erdoğan can say, 'I am not a dictator, I was elected by the will of the people'.

I don't think there is any other reason." The prosecution of Odabaşı, who was accused of "insulting the President" due to the post, will continue on November 13.



### **Lawsuit against documentary "Nu Jin"**

Veysi Altay, the director of the documentary Nu Jin, and Dicle Anter, the director of the cinema where the movie was screened in Batman, were again convicted on charges of "propagandizing for a terrorist organization". Batman 2nd Assize Court sentenced Anter to

10 months in prison and commuted the sentence to a fine of 6 thousand Turkish Liras. Altay was sentenced to 1 year and 15 days in prison. The announcement of the sentence was deferred.

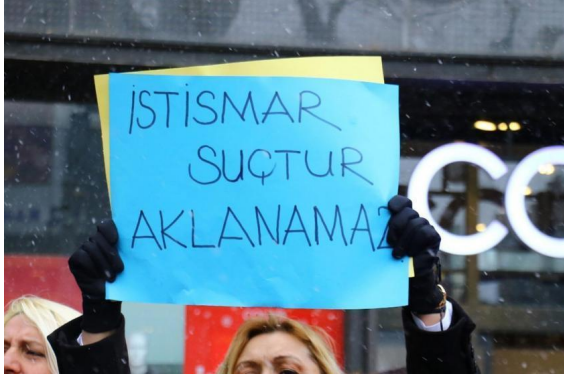


### **Investigation against Ferit Şenyaşar**

Another investigation was launched against Ferit Şenyaşar, who lost 3 of his family members in 2018 in the Suruç district of Urfa, as a result of the attack of Justice and Development Party (AKP) Parliament Member İbrahim Halil Yıldız's bodyguards and relatives, and who has been performing a sit-in

protest in front of the Urfa Courthouse for more than 200 days for justice. Şenyaşar is

accused of "insulting the President" for saying, "They are afraid of the Palace" during an interview.



### **Lawsuit against “Purple chain” protest**

The women who were prosecuted due to the People’s Democratic Party (HDP) Hakkari Women's Council's press statement regarding the rape suspect, expert sergeant Musa Orhan, were acquitted in the first hearing. Hakkari Women's Assembly Spokesperson Zeynep Kaya, People’s Democratic Party (HDP) Şemdinli District Co-Chair Sozdar Atila, People’s Democratic Party (HDP) former

Provincial Co-chair Sipan Turan and People’s Democratic Party (HDP) Central District Co-Chair Sinem Seven were on trial at the Hakkari 3rd Assize Court for allegedly making "terrorist organisation propaganda" within the scope of the case.



### **Polat Balkan acquitted of charges related to social media posts**

Polat Balkan, the former Chairman of the Antalya Bar Association, was acquitted at the Antalya 33rd Criminal Court of First Instance of the allegation of "praising the crime and the criminal" on the grounds of his social media posts about the 1968 generation revolutionary youth leaders Deniz Gezmiş and Ulaş Bardakçı.



### **Lawsuit against news on Berkin Elvan**

Journalists Canan Coşkun, Ali Açar and Can Uğur, who were accused of "targeting those who took part in the fight against terrorism" due to the news published in Cumhuriyet and Birgün Daily regarding the investigation into the death of 15-year-old Berkin Elvan during the Gezi Park protests, were acquitted at the Istanbul 34th High Criminal Court.



### **Erdoğan’s son-in-law files lawsuit against BirGün Daily**

President Erdoğan's son-in-law Selçuk Bayraktar filed a lawsuit for compensation regarding the news titled "TÜBİTAK is working for the groom's foundation" published in Birgün Daily. 250 thousand liras of



non-pecuniary damages were demanded in the lawsuit filed against the newspaper and its reporter İsmail Arı at the Istanbul 23rd Civil Court of First Instance regarding the news that TÜBİTAK spent 7.6 million TL for TEKNOFEST organized by the Turkey Technology Team (T3) Foundation.



### **METU Pride March Case concludes with acquittal**

The final hearing of the lawsuit filed against 19 people, who were detained during the 9th Pride March organized by Middle East Technical University (METU) LGBTQ+ Solidarity on the charge of "participating in illegal meetings and demonstrations" was held at the Ankara 39th

Criminal Court of First Instance. The case that lasted for nearly two and a half years resulted in acquittal.



### **Imprisonment sentence against Mehmet Özer**

Photographer and poet Mehmet Özer was sentenced to 1 year and 6 months in prison on charges of "making propaganda for a terrorist organization" on the grounds of six Facebook posts he made between 2012 and 2015. Ankara 2nd Assize Court deferred the announcement of

the verdict.



### **2-year 4-month imprisonment claim against Kaftancıoğlu**

An indictment was issued against Republican People's Party (CHP) Istanbul Provincial Chair Canan Kaftancıoğlu, claiming a sentence of imprisonment for up to 2 years and 4 months. Kaftancıoğlu is accused of 'insulting a public official' due to her statement about Presidential

Communications Director Fahrettin Altun's illegal construction next to his house and the municipality's intervention in this construction.



### **Nol-pros for İkizdere residents**

The Kalkandere Public Prosecutor's Office has decided not to prosecute the 16 people who resisted against the stone quarry that Cengiz Construction Company wanted to construct in the İkizdere Eskencidere Valley to be used in the construction of the İyidere Logistics Center.

The investigation was initiated with the allegation of "preventing duty" following a complaint from the Gendarmerie General Command.



### **RTÜK investigates FOX TV over hosting Başak Demirtaş**

Radio and Television Supreme Council (RTÜK) announced that it started an investigation against FOX TV on the grounds of the program, which hosted Başar Demirtaş, the wife of former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş. Başak

Demirtaş indicated that they have not been able to have an open meeting with her husband for 19 months and said, "I'm sorry to say that the situation has turned into an arbitrariness." Demirtaş sent greetings to all People's Democratic Party (HDP) politicians in prison as well as all prisoners.



### **Lawsuit against HDP MP's speech seven years ago**

A lawsuit was filed against the Peoples' Democratic Party (HDP) İskenderun District Co-Chair Abdurrahim Şahin on the grounds of his speech during an event held in 2014. In the indictment accepted by the Hatay 2nd Assize Court, Şahin, who was the Peace and

Democracy Party (BDP) İskenderun District Co-Chair at that time, is accused of "making propaganda for a terrorist organization".



## **TRIALS OF FREEDOM OF EXPRESSION**

### **Roboski Commemoration Case**

The lawsuit filed against 16 people on the charge of "making illegal organisation propaganda" due to commemorating 34 people, who died in the Roboski Massacre...

**Court:** Şırnak 2nd Assize Court

**Verdict:** With the decision to complete the missing documents, it was decided to hold the judgment hearing on January 24, 2022.

### **Ruken Demir Case**

The lawsuit filed against Mesopotamia Agency reporter Ruken Demir due to "illegal organisation membership" through his meetings with news resources...

**Court:** Izmir 9th Assize Court

**Verdict:** Deciding to wait for the report requested from the Cyber Crimes Bureau, the court adjourned the case to January 12, 2022.

**Vedat Dağ Case**

The lawsuit filed against People's Democratic Party (HDP) Diyarbakır Provincial Organisation Press Consultant Vedat Dağ due to "illegal organisation membership" and "making illegal organisation propaganda" through his participation in the HDP events to track news information, sharing the events on his social media posts as well as secret witness statements against him...

**Court:** Diyarbakır 11th Assize Court

**Verdict:** The next hearing was scheduled for December 15.

**MIT Trucks Case**

The lawsuit filed against journalist Can Dündar due to "obtaining confidential information regarding the state for the purpose of espionage" and "aiding an illegal organisation" through the news article on the Turkish National Intelligence trucks...

**Court:** Istanbul 14th Assize Court

**Verdict:** The court decided to accept President Erdoğan as a participant in the case due to the "possibility of being harmed by the crime". The next hearing is on December 29.

**Selman Keleş Case**

The lawsuit filed against 9 people, including previously shut-down Dicle News Agency reporter Selman Keleş, on the charges of "violating the Law on Meetings and Demonstrations" and "making terrorist organisation propaganda"...

**Court:** Van 4th Assize Court

**Verdict:** The next hearing was scheduled for February 3, 2022.

**Ali Sönmez Kayar Case**

The lawsuit filed against Etkin News Agency (ETHA) reporter Ali Sönmez Kayar due to "illegal organisation membership"...

**Court:** Istanbul 32nd Assize Court

**Verdict:** The next hearing was scheduled for February 10, 2022.

**Meral Şimşek Case**

The lawsuit filed against poet and writer Meral Şimşek due to "illegal organisation membership" and "making illegal organisation propaganda"...

**Court:** Malatya 2nd Assize Court

**Verdict:** Şimşek was acquitted of the charge of "illegal organisation membership" and was sentenced to 1 year and three months of imprisonment due to "making illegal organisation propaganda".

**Case Against Mebya-Der Executive**

The lawsuit filed against Halime Topus, the director of the Association for Assistance, Solidarity, Unity and Culture with Families Losing Their Relatives in the Cradle of Civilizations (MEBYA-DER), with the allegation of "membership in a terrorist organization", on the grounds of the association's activities as well as the meeting and demonstrations she participated in...



**Court:** Diyarbakır 11th Assize Court

**Verdict:** The case concluded with acquittal in the first hearing.

**Engin Eren Case**

The lawsuit filed against previously shut-down Dicle News Agency's Batman reporter Engin Eren and 75 others after following the "human shield protest" organised in the rural Kelhasan Village of Sason district in Batman on September 18, 2015 to demand an end to the clashes in the region, on the charges of "illegal organisation membership", "aiding an illegal organisation," "participating in illegal meetings and demonstrations," "violating the Law on Military Forbidden Zones and Security Zones", "use of force or violence in order to prevent a public officer from performing their duty"...

**Court:** Batman 2nd Assize Court

**Verdict:** The next hearing was scheduled for November 19.

**Yılmaz Özdil Case**

The first hearing of the lawsuit filed against Sözcü Daily writer Yılmaz Özdil on the charge of "insulting" Yalova University Faculty of Islamic Sciences member Ebubekir Sifil through the article, "The Threat of the Bigot" regarding Sifil's targeting him with the expression, "Don't let their corpses in our mosques when they die"...

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

**Verdict:** The court adjourned the hearing in order to obtain the statement of the complainant.

**Ferhat Tunç Case**

The lawsuit filed against artist Ferhat Tunç on the charge of "making illegal organisation propaganda" through his social media posts...

**Court:** Istanbul 37th Assize Court

**Verdict:** The court decided for the warrant issued against the artist, who resides abroad, to remain and adjourned the case to April 29, 2022.

**Gezi Park Case**

The trial after the lawsuit filed against 16 people, including Osman Kavala, on the Gezi Park protests at Istanbul 30th Assize Court was combined with the lawsuit filed against 35 Çarşı fan group due to participating in the Gezi Park protests...

**Court:** Istanbul 13th Assize Court

**Verdict:** Stating that the file was brought to this point unlawfully, the defense lawyers decided to withdraw from the hearing after all their demands, including the request for separation of the files, were rejected. The defense lawyers left the hall. The court decided for Osman Kavala to remain arrested and adjourned the case to November 26.

**HEARINGS NEXT WEEK**

**Hatice Şahin Case**

The lawsuit filed against Yeni Yaşam Daily reporter Hatice Şahin, who was detained with an operation in Diyarbakır on October 9, 2018 and was released, on the charge of "illegal organisation membership" due to her phone calls with her journalist colleagues, news resources, as well as secret witness statements against her, Diyarbakır-Istanbul flight tickets and her participation in the Democratic Society Congress (DTK) activities...

**October 11, Monday at Diyarbakır 9th Assize Court**

**Rojda Oğuz Case**

The lawsuit filed against journalist Rojda Oğuz on the charges of “illegal organisation membership” and “making illegal organisation propaganda”...

**October 12, Tuesday at Van 4th Assize Court**

**Hayri Demir Case**

The lawsuit filed against journalist Hayri Demir on the charges of “terrorist organisation membership” and “making terrorist organisation propaganda” due to his journalistic activities in Northern Syria...

**October 12, Tuesday at Ankara 15th Assize Court**

**İsminaz Temel and Havva Cuştan Case**

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

**October 12, Tuesday at Istanbul 27th Assize Court**

**Onur Kocamaz Case**

The lawsuit filed against folk music artist Onur Kocamaz on the charge of “public incitement to resentment and hostility” through a social media post he made in 2019...

**October 12, Tuesday at Ankara 35th Criminal Court of First Instance**

**Roza Metina Case**

The lawsuit filed against journalist Roza Metina on the charge of “illegal organisation membership” due to her activities for the Democratic Society Congress (DTK), her membership to the Kurdish Writers Association and possessing banned publications in her house...

**October 12, Tuesday at Diyarbakır 5th Assize Court**

**Ruşen Takva Case**

The lawsuit filed against Ruşen Takva due to following the press statement organised by the Democratic Regions Party on January 8...

**October 12, Tuesday at Van 2nd Assize Court**

**Derya Okatan Case**

The lawsuit filed against journalist Derya Okatan on the charge of “making illegal organisation propaganda” through the news shared from the social media accounts of Etkin News Agency in 2018 (as Okatan was the Managing Editor) regarding the Afrin operation...

**October 13, Wednesday at Ankara 4th Assize Court**

**Case Against Boğaziçi University Students**

The lawsuit filed against 4 students, who were detained due to “carrying a rainbow flag” as they were protesting for their arrested friends at Boğaziçi University, as well as 8 students, who were detained as they were protesting the situation...

**October 13, Wednesday at Istanbul 24th Criminal Court of First Instance**

**Ahmet Kanbal Case**

The lawsuit filed against journalists Ahmet Kanbal, Mehmet Şah Oruç, Rojda Aydın, Nurcan Yalçın, Halime Parlak and 8 others on the charge of “violating the Law on Meetings and Demonstrations No. 2911” after they were detained during the protest organised in Mardin on August 20, 2019 against the trustees appointed to Mardin, Diyarbakır and Van Metropolitan Municipalities...

**October 13, Wednesday at Mardin 1st Criminal Court of First Instance**

**Leyla Güven Case**

The lawsuit filed against Leyla Güven on the charges of “disrespecting the state of the Republic of Turkey”, “public incitement to resentment and hostility” and “praising the crime and the criminal” due to calling PKK leader Abdullah Öcalan, “Mr Öcalan” during the “Call for Peace” statement she made in front of the People’s Democratic Party (HDP) Hakkari Provincial Organisation on September 16, 2020...

**October 13, Wednesday at Hakkari 2nd Criminal Court of First Instance**

**"Unpermitted" Case**

The lawsuit filed against the street artist with the alias “Unpermitted” on the charges of “public denigration of the Turkish flag” and “insulting the President” through their drawings on the panels depicting paintings of Devrim Erbil, as well as their Twitter posts...

**October 14, Thursday at Istanbul 20th Criminal Court of First Instance**

**Mehmet Aslan Case**

The lawsuit filed against Mehmet Aslan on the charge of “illegal organisation membership” and “making provocative news for the masses” through the news he reported and his meetings with news resources...

**October 14, Thursday at Istanbul 24th Assize Court**

**Mehmet Şahin Case**

The lawsuit filed against Kurdish Xwebun Daily writer Mehmet Şahin on the charge of “establishing and managing an illegal organisation” due to his activities at the Democratic Society Congress (DTK)...

**October 14, Thursday at Diyarbakır 5th Assize Court**

**Sonya Bayık Case**

The lawsuit filed against Jiyan News Agency’s Managing Editor Sonya Bayık and 31 others on the charge of “violating the Law on Meetings and Demonstrations” after they were detained during the press statement organised by the People’s Democratic Party (HDP) Youth Assembly members on June 12, 2019 with the demand to stop the activity of the Ilisu Dam, which left Hasankeyf underwater...



**October 14, Thursday at Batman 1st Criminal Court of First Instance**

**May 1 Case**

The lawsuit filed against 15 trade union members, including the Confederation of Revolutionary Trade Unions of Turkey (DISK) Chair Arzu Çerkezoğlu on the charge of “violating the Law on Meetings and Demonstrations No. 2911” after they were detained during the police intervention against the demonstration at Taksim Square for May 1 in 2020...

**October 15, Friday at Istanbul 20th Criminal Court of First Instance**