

Think, think...



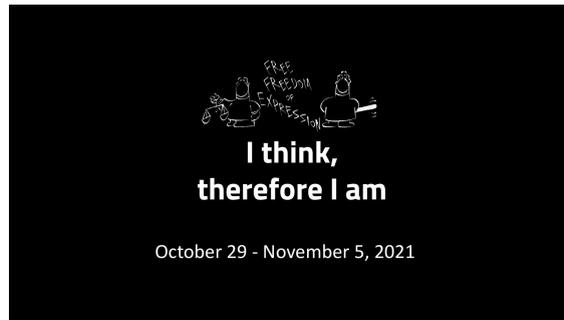
Freedom of Expression Weekly Newsletter (Issue 43/21 - November 5, 2021)

What happened last week?

- The Biden-Erdogan meeting, whose location was uncertain for a while, took place at the G-20 summit in Rome. The meeting of the two leaders, who came together within the framework of the G20 Summit held in Italy's capital Rome, lasted more than an hour in the shadow of the tension in the relations between the two countries. However, after the meeting, there were parts that did not fit together in the statements made by the two sides. In a statement made by the White House, it was stated that the Libyan elections, the situation in the Eastern Mediterranean and issues related to the South Caucasus were on the agenda during the meeting. It was announced that Biden emphasized the "importance of strong democratic institutions" during the meeting, and that he "noted" the United States' concerns about the S-400s. However, the Presidency or Erdogan did not say that any regional issue was mentioned in their own statements, it was just stated that the meeting took place in a positive atmosphere.
- Erdogan's absence in Glasgow after the G20 Rome Summit and his fast return to the country raised "doubts" about his health. While Erdogan frequently criticized his predecessor, former Prime Minister Bülent Ecevit's "inability to stand," videos in which he has trouble walking are now breaking viewing records on social media. Palace spokesmen, on the other hand, share "videos of Erdogan walking with difficulty" in an effort to show that Erdogan is in good health!
- The epidemic continues to take lives. Making a statement after the Scientific Committee meeting, Health Minister Fahrettin Koca announced that the 3rd dose of the mRNA vaccination will begin for "groups under risk and those over 60 years of age". The official daily death toll has approached the band of 250. There are complaints about the inadequacy of the measures in schools, which is one of the most critical areas for transmission. Health workers say that they are "exhausted" and draw attention to the necessity of improving their shift hours and economic indicators. More healthcare professionals immigrate abroad with each passing month.
- While the Turkish lira continues to depreciate, the purchasing power of the citizens is declining rapidly. While none of the academic studies could calculate the annual inflation below 30%, the Turkish Statistical Institute announced the annual inflation as 19.89% as of October. The Ministers and the Palace officials started advising the citizens on their "winter-spending" and said, "Do not overdo the combi boiler, do not go out shopping for food when you are hungry..." In the meantime, the Turkish Statistical Institute, which announced the inflation as 19.89 percent, calculated the 'revaluation rate' used for fines, fees and tax increases as 36.20 percent.
- It was learned that Naci Ağbal, who was dismissed from his position as the Chairman of the Central Bank by a Presidential decree at midnight on March 20, became an advisor at the Ministry of Treasury and Finance. In other words, Ağbal, who was

dismissed on the grounds that he was unsuccessful, still takes part in the management of the economy.

- Businessman Osman Kavala shared a message after completing his 4th year in prison and said, "What I can find solace in is the possibility that what I've been through will contribute to confronting the problems in the judiciary and that those who will stand trial after me will be treated more fairly."
- 20 non-governmental organizations, including our initiative; reacted to Erdoğan screening the video of the attack against the Republican People's Party (CHP) leader in his last group meeting, and stated that the government openly encourages attacks against the opposition. [Please click here](#) for details.
- 54 international and local organisations of press freedom and freedom of expression, including our initiative, called on the Turkish authorities to immediately and unconditionally release journalist Nedim Türfent, who has been behind bars for 2,000 days, and overturn his conviction. [Please click here](#) for details.
- According to the news compiled by bianet from local and national newspapers, news websites and agencies; men killed at least 22 women, inflicted violence on at least 53 women, and raped 9 women in October. [Please click here](#) for details.



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...

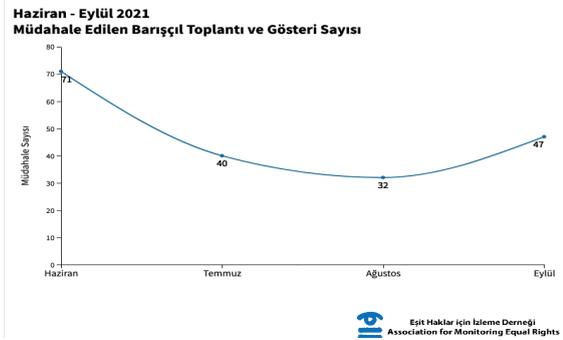


Constitutional Court issues violation decree on access bans

The Constitutional Court (AYM) signed an important pilot decree regarding the successive access bans issued by local courts against the contents of media organizations. In 9 separate applications, the Constitutional Court has ruled that the 'access ban' decrees issued by the Criminal Judicatures of Peace were a violation

of freedom of expression and press freedom. The Supreme Court decided for 8 thousand Turkish Liras in compensation to be paid to the applicants and demanded an amendment in the law to prevent new violations of rights. In the decree, it was stated that there were currently many similar applications before the court, that decrees of violation could be issued

in all these files, whereas this would not prevent new violations. Therefore, one year of period was allowed for the Parliament to make an amendment in the corresponding law that the access bans were based upon, so that new rights violations do not occur. It is estimated that there are currently around 500 individual application files on "access bans" in the hands of the Constitutional Court. According to the data compiled by EngelliWeb, a large number of access ban decrees have been issued against 18 news stories in the last month alone.



Intervention against 190 demonstrations in four months

The data of the Right to Peaceful Meeting and Demonstration Watch Newsletter was launched by the Watch for Equal Rights Association. According to the data, in the 4 months between June and September 2021, at least 190 peaceful meetings and demonstrations were intervened in Turkey, at least 922 people were detained in

these interventions. It was recorded that real bullets were used in 4 of the 190 interventions, and that activists and journalists were injured in 41 violent interventions. According to the data obtained; Istanbul was the province with the highest number of interventions, with 57; there were 40 interventions in Ankara, 15 in Izmir, 14 in Diyarbakır and 8 in Van. During this period, the right to peaceful meeting and demonstration was restricted by a total of 104 civil administration decisions, 75 of which were general and 29 were specific.



Lawsuit filed against nine lawyers over protesting trustees

The indictment against 9 lawyers, who protested the trustees appointed to the municipalities with a press statement in front of the Istanbul Çağlayan Courthouse in August 2019, was accepted on the charge of "violating the Law on Meetings and Demonstrations." In the indictment of the case against lawyers

Akçay Taşçı, Avni Güçlü Zengin, Eren Keskin, Gökmen Yeşil, Gülhan Kaya, Hüseyin Boğatekin, Kemal Aytaç, Sinan Zincir and Yaprak Türkmen, the slogans chanted by the lawyers, banners they opened, as well as Eren Keskin's expressions were considered among the criminal evidence. Keskin had stated, "We are here to protest once again the Oriental Reform Edict applied in Kurdistan. We are here against the violence policy implemented in Kurdistan since the Republic."



Sentence against 300-year-old poem over ‘insulting Erdoğan’

Journalist and writer Kaan Göktaş, who shared a poem written in the 18th century on Facebook, was sentenced to 2 years in prison by the Silivri 1st Criminal Court of First Instance. Göktaş shared the poem of Sünbülzade Vehbi Efendi, a master in satirical art, commenting on a newspaper article about 2 years ago that President Erdoğan withdrew his

complaint against a citizen for "reciting poetry by heart", commenting "this is the only poem I know by heart". He was convicted on the grounds that he "insulted Erdoğan" with this poem.



58 journalists prosecuted in October

The Price of the News report, published monthly by the Turkish Journalists Association, has been launched to report lawsuits filed against journalists and rights violations faced by them. According to the data in the report, in October, at least 58 journalists and media workers were prosecuted, 27 of whom were on the charge of “terrorist organization membership”, 11 on the charge of "making

terrorist organization propaganda", 7 on the charge of "violating the Law on Meetings and Demonstrations", and 4 on the charge of "insulting the President". In the concluded cases, 10 journalists were acquitted, while in three cases, journalists were sentenced to a total of two years, five months and 12 days in prison and a fine of 16,660 TL. In addition, new investigations were launched against seven journalists in October, and two journalists were detained during their news follow-up. [Please click here](#) for details.



Intervention against HDP statements in two provinces

The Peoples' Democratic Party (HDP) protested the detainment of party members and Parliament Members with the operation carried out in many provinces on November 4, 2016, as well as the detainment of many People’s Democratic Party (HDP) members in the past five years. The press release held in Van was

prevented by the police on the grounds of the protest ban in the province that has been ongoing for the last 1800 days. There were detainments once again during the intervention and press members were attempted to be prevented from recording visuals. The police also intervened in the statement of the People’s Democratic Party (HDP) Ağrı and İzmir provincial organizations. At least 6 people were detained.



First hearing held in Pride Parade Case

The first hearing was held in the lawsuit filed against 8 people, who were detained during the 2021 Istanbul Pride Parade after it was banned by the Beyoğlu District Governorate, on the charge of "violating the Law on Meetings and Demonstrations No. 2911". The Istanbul 16th Criminal Court of First Instance adjourned the case to December 10, with the decision to ban from the District Governorate, as well as

request an official document regarding the police visuals on the moment of detainment.

03.11.2021 Tarihli Basın Açıklaması

03.11.2021

Siber Suçlarla Mücadele Daire Başkanlığı ve bağlı il birimlerinde, kanunların verdiği yetki ve sorumluluk çerçevesinde, suç ve suçlularla mücadele amacıyla internet ortamında 7/24 esasına göre sanal devriye faaliyetleri yürütülmektedir.

Yürütülen sanal devriye faaliyetlerinde kapsamında, Twitter isimli sosyal medya platformu üzerinde Cumhurbaşkanımız Sayın Recep Tayyip ERDOĞAN kastedilerek #ölümüş hashtagine (etiket) başlatıldığına rastlanılmıştır. Bahse konu hashtag (etiket) altında Cumhurbaşkanımız Sayın Recep Tayyip ERDOĞAN'a yönelik hakaret, tezzirat, onur ve saygınlığını rencide edici içeriklerin yanı sıra dezenformasyon ve manipülatif niteliğinde paylaşımlarda bulunduğu değerlendirilen 30 şahıs tespit edilmiş, haklarında gerekli yasal işlemler/çalışmalar başlatılmıştır.

Yalan, mesnetsiz ve dezenformasyon ihtiva eden paylaşımlar hakkında gerekli çalışmalar yapılarak adli mercilere gönderilmektedir.

Kamuoyuna saygıyla duyurulur.

Investigation against posts with hashtag #dead

The General Directorate of Security announced that an investigation was started for 30 comments made under the hashtag [#dead](#) on Twitter regarding President Erdoğan's health. Erdoğan also filed a criminal complaint about

the posts through his lawyer. In the petition submitted to the Ankara Chief Public Prosecutor's Office, it was stated that "It has become necessary to demand a public lawsuit by conducting an investigation against the perpetrators who committed the crime of insulting the President with the aforementioned posts."



Investigation against citizen over saying, "Kurdistan is being denied"

An investigation was launched against a citizen named Cemil Taşkesen, who said, "Our language is being denied, our identity is being denied, Kurdistan is being denied" during a dialogue with IYI Party leader Meral Akşener, who was visiting Siirt. Taşkesen was detained

and was later released as part of the investigation initiated by the Kurtalan Chief Public Prosecutor's Office on the allegation of "making terrorist organisation propaganda".



Imprisonment sentence against poet Odabaşı

Poet and writer Yılmaz Odabaşı, who was accused of "insulting the President" through a Twitter post in 2018, was sentenced to 11 months and 20 days in prison by the Yalova 2nd Criminal Court of First Instance. [Please click here](#) for details.



Penalty against Erdal Yıldırım

In the lawsuit filed against Erdal Yıldırım, the former director of the Pir Sultan Abdal Cultural Association, on the charge of "making terrorist organization propaganda" through his social media posts between 2015 and 2018, was sentenced to 1 year, 6 months and 22 days in prison by the Istanbul 14th Assize Court.



6-year imprisonment against intern lawyer

Intern lawyer Sinan Bin was sentenced to 6 years and 3 months in prison due to "terrorist organization membership" in the lawsuit filed against him at the Istanbul 28th Assize Court, on the grounds that he used the expression "resistance" in a speech he made about the increases in meal prices during a symposium he

attended, organised at the Istanbul Bar Association, when he was a student.

Reaction against fake social media posts becomes reason for deportation

The Migration Administration of Turkey accused 11 immigrants of "provocation", after they voiced their reactions on social media regarding the public and especially the social media rumors about their social and economic situation in Turkey. The administration further

announced that deportation proceedings will be initiated for 7 out of 11 identified immigrants. On the other hand, Reporters Without Borders (RSF) stated that Syrian journalist Majed Shamaa, who covered the news on the videos, which depicted Syrian refugees "eating bananas" shared by themselves on social media, is in danger of being deported. The RSF noted that the journalist was sent to Gaziantep Deportation Center and was accused of "covering the news about the tension in a sarcastic manner". The RSF further reminded the Migration Administration officials that in accordance with international law, it is forbidden to send people to their countries where there is risk of death.



Prof. Ali Nesin acquitted of "insulting President"

Mathematician Prof. Ali Nesin was acquitted of the charge of "insulting the President" in the lawsuit filed against him at Selçuk Criminal Court of First Instance due to a social media post, in which he called Erdoğan an "asylum manager."



Hüseyin Aygün acquitted of "insulting President"

Former Republican People's Party (CHP) Parliament Member and BirGün Daily writer Hüseyin Aygün was acquitted of the charge of "insulting the President" in the lawsuit filed against him at Ankara 25th Criminal Court of First Instance through a Twitter post, in which he wrote, "coup-organiser Recep Tayyip Erdoğan."



14 women acquitted in lawsuit against them

The final hearing was held in the lawsuit filed against 15 women, including former People's Democratic Party (HDP) Parliament member Asiye Kolçak and Peace Mothers, who were detained in Istanbul on May 5, 2018, on allegations of "terrorist organization membership" and "managing a terrorist organization". Istanbul 35th Assize Court issued the acquittal of 14 women in the case where party activities, protests and events they participated in were the subject of the accusations against them. One of the defendants, Memduhe Biçerman, was sentenced to 1 year and 8 months in prison for "making terrorist organization propaganda".

Lawsuit filed by governor against journalist denied



The case of compensation to be filed by Adıyaman Governor Mahmut Demirtaş against journalist Hacı Boğatekin was denied by the court. Journalist Boğatekin had criticised local administration executives, who removed toilets from a school building, and said, "Toilets are necessary for the Governor's butt, and not for the children of Bodin?" The Constitutional Court had previously issued a rights violation

decree against the criminal complaint made against the news.



Compensation case against Cumhuriyet Daily denied

Ankara 30th Civil Court of First Instance denied the 2-million-lira compensation case to be filed against Cumhuriyet Daily by Fatih Erdoğan, husband of the Justice and Development Party (AKP) Ankara Parliament Member Asuman Erdoğan, and Pacific Real Estate Investment and Construction Incorporated, due to the news published in the newspaper about the company's relationship with the state. The Press Ad Institute had previously issued a 10-day ad ban against the newspaper due to the related news.



Access ban against news on TUGVA documents

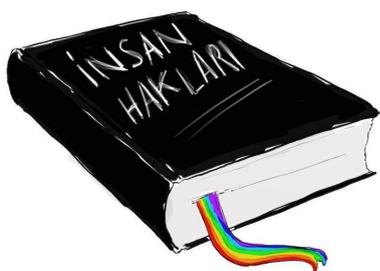
The news, titled "Like Ensar and the Turkish Youth and Education Service Foundation, Turkish Youth Foundation is a parallel terrorist organisation" published in Cumhuriyet Daily's October 23 issue about the Turkish Youth Foundation, which was reflected to the public with documents leaked by a former foundation member staffed in the state, was banned from access by the Istanbul 2nd Criminal Court of Peace. The news in question was about the reports written by members of the foundation, who met with the Deputy Governor of Bitlis at the time, Salih Altun, informing the headquarters that Altun had warned them that Ensar, İlim Yayma Society, the Turkish Youth and Education Service Foundation and the Turkish Youth Foundation were "parallel terrorist organisations."



State of Emergency Procedures Monitoring Committee denies peace academics' reinstatement

Despite the fact that the "Peace Academics" were acquitted of the cases against which they were tried, the State of Emergency Procedures Monitoring Committee began to successively reject the reinstatement applications of the academics. Many academics announced on their social media accounts that their applications for reinstatement were rejected.

Academics for Peace have first been targeted by the ruling politicians, after the text they published on January 10, 2016, about the human rights violations that occurred during the curfews declared in Kurdish provinces, and then they have been dismissed from their duties with the issued decrees.



2020 LGBTQI+ Human Rights Report launched

Kaos GL Association launched the 2020 LGBTQI+ Human Rights Report. According to the report prepared by lawyer Yasemin Öz, while the rights violations against LGBTQI+s remained intense in 2020, violations perpetrated by public authorities and law enforcement increased, and systematic discriminatory discourses directly affected the

course of rights violations against LGBTQI+s. In the report, the fact that the Presidency of Religious Affairs directly targeted LGBTQI+s with religious references in 2019 and 2020 was interpreted as "an alarming policy change that puts LGBTQI+s even more at risk." Within the scope of the report, 103 violations of rights in 82 incidents were discussed in line with the applications made to the association as well as information reflected to the judiciary or the press or directly to the association. [Please click here](#) for details.



TRIALS OF FREEDOM OF EXPRESSION

Yetkin Yıldız Case

The lawsuit filed against the Editor-In-Chief of the previously shut-down Aktifhaber.com news website, Yetkin Yıldız, on charges of "insulting" and "slander" against Efkan Ala...

Court: Istanbul Bakırköy 31st Criminal Court of First Instance

Verdict: The court decided for the result of the ongoing file at Istanbul 25th Assize Court and adjourned the case to February 22.

Azad Zal Case

The lawsuit filed against poet, writer and journalist Azad Zal on the charge of "illegal organisation membership"...

Court: Diyarbakır 8th Assize Court

Duruşma Sonucu: The Prosecutor demanded for Zal to be penalised on the charge of "illegal organisation membership." The court adjourned the case to February 10 for the defense statements on the merits to be prepared.

Can Dündar and İnan Kızılkaya Case

The lawsuit filed against journalists İnan Kızılkaya and Can Dündar on the charge of "insulting a public officer" within the "Substitute Editing-In-Chief Campaign" for Özgür Gündem Daily...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court decided to wait for Can Dündar's arrest and adjourned the case to March 24.

Özgürlükçü Demokrasi Case (Retrial)

The retrial of journalists İhsan Yaşar, İshak Yasul, Mehmet Ali Çelebi, Mizgin Fendik, Pınar Tarlak, Reyhan Hacıoğlu and Hicran Urun within the "Özgürlükçü Demokrasi Daily" Case...

Court: Istanbul 23rd Assize Court

Verdict: The court decided to abide by the appeal court decree on the reversal of decree and for the travel ban against the defendants to remain, adjourning the case to February 17.

Özgür Gündem Case

The lawsuit filed against journalists Reyhan Çapan, Hasan Başak and Kemal Yakut on charges of "making terrorist organisation propaganda," "praising the crime and the criminal" and "public incitement towards committing a crime"...

Court: Istanbul 13th Assize Court

Verdict: The case was adjourned to February 23.

Fatma Gültekin Case

The lawsuit filed against Rosa Women's Association's founding member Fatma Gültekin on the charge of "illegal organisation membership"...

Court: Diyarbakır 10th Assize Court

Verdict: The court decided to send the file to the Chief Public Prosecutor's Office for an opinion on the merits to be prepared and adjourned the case.

Selahattin Demirtaş Case

The lawsuit filed against former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş on the charge of "insulting" then Prime Minister Ahmet Davutoğlu through a speech he gave during a rally organised in Mersin on February 27, 2016...

Court: Mersin 14th Criminal Court of First Instance

Verdict: The case was adjourned to December 31.

Elif Tirenc İpek Ulaş Case

The lawsuit filed against Rosa Women's Association founding member and lawyer Elif Tirenc İpek Ulaş on the charge of "illegal organisation membership" based on her activities within the association...

Court: Diyarbakır 8th Assize Court

Verdict: The case was adjourned to February 15.

HEARINGS NEXT WEEK

Fatih Gönül Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) worker and journalist Fatih Gönül on charges of "armed terrorist organisation membership" and "making terrorist organisation propaganda"...

November 9, Tuesday at Ankara 25th Assize Court

İdris Yayla Case

The lawsuit filed against 28 people, including JiyanHaber owner İdris Yayla, on the charge of "violating the Law on Meetings and Demonstrations" due to the press statement organised in Batman against the trustee operations held in 2016...

November 9, Tuesday at Batman 1st Criminal Court of First Instance

Ayşe Kara Case

The lawsuit filed against journalist Ayşe Kara on the charge of "armed terrorist organisation membership" due to her membership at the previously shut-down Free Journalists Association (ÖGC), the Free Women's Congress (KJA) and her activities within the Democratic Society Congress (DTK)...

9 Kasım Salı, Diyarbakır 5. Ağır Ceza Mahkemesi

Semiha Şahin and Pınar Gayıp Case

The lawsuit filed against four people, including ETHA editor Semiha Şahin and reporter Pınar Gayıp on charges of "illegal organisation membership" and "making illegal organisation propaganda"...

November 9, Tuesday at Istanbul 23rd Assize Court

Kibriye Evren Case

The lawsuit filed against JinNews reporter Kibriye Evren on charges of “illegal organisation membership” and “making illegal organisation propaganda”...

November 11, Thursday at Diyarbakır 5th Assize Court

Serife Oruç Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Şerife Oruç on the charge of “illegal organisation membership”...

November 11, Thursday at Batman 2nd Assize Court

Emine Şenyaşar Case

The lawsuit filed against Emine Şenyaşar, whose husband and two sons were killed by Justice and Development Party (AKP) MP İbrahim Halil Yıldız’s guards and relatives in 2018, on the charge of “insulting a public official” based on her expressions on the 86th day of her Justice Watch in front of Urfa Courthouse...

November 12, Friday at Urfa 2nd Criminal Court of First Instance

Rüstem Batum Case

The lawsuit filed against journalist Rüstem Batum on the charge of “public denigration of the military and security organisation of the state” based on his speech during the TV show, “Agenda Debate with Ayşegül Doğan” broadcasted on IMC TV on September 10, 2015...

November 12, Friday at Istanbul 43rd Criminal Court of First Instance

Taraf Daily Case

The lawsuit filed against previously shut-down Taraf Daily reporter Mehmet Baransu and Executives Ahmet Altan, Yasemin Çongar, Yıldırım Oğur and Tuncay Oğçin on charges of “making illegal organisation propaganda” and “obtaining and disclosing confidential information related to the security and the political interests of the state”...

November 12, Friday at Istanbul 13th Assize Court