

Think, think...



Freedom of Expression Weekly Newsletter (Issue 44/21 - November 12, 2021)

What happened last week?

- The Presidential memorandum regarding the extension of the mandate of the Turkish Armed Forces in Azerbaijan for another year, passed by the Parliament with the "for" votes of 4 political parties, except the People's Democratic Party (HDP).
- Yeni Şafak Daily writer and Foundation Participation Advisory Board member Hayrettin Karaman [canceled](#) his fatwa, which said, "*Sunni women should not marry Alevi men.*"
- The ruling power promptly took action after IYI Party Deputy Chairman Lütfü Türkkan cursed as he was taking a "martyr relative" out of the area after the relative reacted against IYI Party leader Meral Akşener in Batman. Referring to Türkkan, Erdoğan used expressions like, "So-called Parliament member, addict, despicable..." He also accused Akşener of not expelling Türkkan from the party and accused the Republican People's Party (CHP) of staying silent. In the meantime, Türkkan resigned from his position as group deputy chairman. Later, it turned out that the person whom Türkkan cursed was organised by an A News reporter to protest Akşener.
- The prosecution of police officers started after they harassed and imposed naked search on Taksim Solidarity members, including architect Mücella Yapıcı, after they were detained in connection with the Gezi Park protests. An [arrest warrant was issued](#) for Songül Ekim Kılıç, one of the defendant police officers, in the first hearing at the Istanbul 11th Assize Court. The next hearing of the case, in which 3 police officers, including 2 women, are on trial for 'torture', will be held on February 10.
- Erdoğan once again targeted the Istanbul Convention and said, "*If anyone in this country once again forms a sentence that starts with the Istanbul Convention, our women should react first and foremost because this abuses their own names for the sake of a perverted ideological agenda.*" After the cabinet meeting, the Women's Rights Centers of 8 bar associations [reacted](#) to Erdoğan's expressions targeting the Istanbul Convention with a joint statement; expressing that Erdoğan is trying to criminalize the Istanbul Convention and those who defend it.
- 19 new immunity files belonging to 16 Parliament members from the People's Democratic Party (HDP) and the Democratic Regions Party (DBP) were sent to the Parliament. Thus, the total number of immunity files at the Grand National Assembly of Turkey became 1387.
- The decision of the compensation lawsuit filed by the relatives of İsmail Kızılcay, one of the 104 people who lost their lives in the October 10, 2015 Ankara Train Station Massacre, on the grounds that "the state was at fault in the massacre" was overturned by the Council of State.

- According to data by the Turkish Statistical Institute, the unemployment rate in September [decreased](#) by 0.3 points to 11.5 percent. Despite the devaluation of the Turkish Lira, impoverishment continues; TL/Dollar exchange rate is now 10 TL...
- There is still [no Prosecutor](#) to investigate the confessions of former intelligence officer Mehmet Eymür regarding tortures and murders, whose perpetrator was the state. Eymür's statements on "Turkish National Intelligence officers in the press" was left in the air without further debate.
- The Constitutional Court sent the defense statement of the People's Democratic Party (HDP) against the closure case filed against it, to the Supreme Court. The Chief Public Prosecutor of the Supreme Court, Bekir Şahin is expected to examine the statement and give his opinion on the merits within a month.
- The 10th Chamber of the Council of State unanimously issued for a stay of execution of the circular issued by the General Directorate of Security on the prevention of videotaping of social events with mobile phones. The decision emphasized that the circular restricts freedom of communication and press and stated that fundamental rights and freedoms can be limited by law only.
- 36 institutions issued a joint statement against the protest and demonstration ban in Van that has been ongoing for 1,815 days without break since the State of Emergency. Stating that the ban, which will be completing its 5th year as of November 21 and is being continuously extended arbitrarily and indefinitely by the governorate, is "one of the ways to gradually destroy democracy", the institutions demanded an immediate end to the illegal and unlawful ban. *"The said bans will be fought collectively,"* the institutions stated.
- The State of Emergency Commission continues to reject academics, who signed the "Academics for Peace" Petition and were thus expelled from their universities with Statutory Decrees. The State of Emergency Procedures Investigation Commission rejected the re-employment applications of 37 academics, who were previously dismissed with a Statutory Decree.



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against her at Ankara 37th Criminal Court of First Instance, facing an imprisonment sentence for up to three years. The second hearing of the case was scheduled for April 12.



Case against İmamođlu over insulting YSK members

Following the unlawful cancellation of the March 31, 2019 elections, a lawsuit was filed against Istanbul Metropolitan Municipality (İBB) Mayor Ekrem İmamođlu at the Istanbul Anatolian 7th Criminal Court of First Instance over “successively insulting public officials

working as a board due to their duties” due to the press statement he held on November 4, 2019 after winning the elections for the second time. Charged due to allegedly “insulting” High Electoral Council members, İmamođlu faces an imprisonment sentence for up to 4 years and one month.



Case against lawyer over social media posts

Hakan Mazman, one of the lawyers of the Hatay Bar Association, was prosecuted for his social media posts from 5 years ago. In the hearing held at the Iskenderun 2nd Criminal Court of First Instance, the Prosecutor’s Office presented its opinion on the merits and demanded that Mazman be sentenced for “insulting the President” because of his posts

such as, *“Everything reminds us of the coup in all the institutions we have changed now”* and *“Neither by a single man nor a coup, long live, fully-independent Turkey”*. The case was adjourned to November 30.



Case against those participating in Dilan’s funeral after murder by police

25 people, including her father Ibrahim Kortak, attended the funeral of Dilan Kortak, who was killed by the police in the raid against their house in the Sancaktepe district of Istanbul in 2015. The lawsuit filed against the 25 people on charges of “terrorist organization

membership”, “making terrorist organization propaganda” and “violating the Law on Meetings and Demonstration Marches” has been concluded. The Izmir 2nd Assize Court sentenced one of the defendants, Mukadder Gül, to 10 months in prison on the charge of “propaganda” and commuted the sentence to a fine, acquitting the other defendants.



“Kurdish politician” considered reason for penalisation

Bitlis Journalists Association President, Bitlis News Editor-In-Chief and journalist Sinan Aygöl was sentenced to pay a fine of 1,500 Turkish Liras in the case of “insult” filed against him at the Tatvan 2nd Criminal Court of First Instance for calling Justice and Development Party (AKP) Bitlis Parliament

Member Vahit Kiler a “Kurdish politician” in his column in 2015. As the decree was not open for appeal, the journalist announced that he will not pay the fine. In case he doesn’t pay the fine, the journalist may be imprisoned.



Imprisonment sentence against artist over use of word ‘Kurdistan’

The prosecution of Veysi Ermiş, one of the artists of the Mesopotamia Cultural Center (MKM), started at Istanbul 27th Assize Court on the charge of “making propaganda for a terrorist organisation” because of his songs shared on social media. In the first hearing of

the lawsuit filed against him, Ermiş was sentenced to 1 year, 6 months and 20 days in prison because of the words "guerrilla" and "Kurdistan" in the lyrics of his songs.



Another investigation against Emine Şenyaşar over demanding justice

Another investigation was launched against Emine Şenyaşar, who has been on watch in front of the Urfa courthouse for months to demand justice for her husband and two sons, who were murdered by the bodyguard and relatives of Justice and Development Party (AKP) Parliament Member İbrahim Halil

Yıldız in 2018. As part of the investigation initiated by the Urfa Chief Public Prosecutor's Office, mother Şenyaşar is accused of "insulting" the police on the 24th day of the "Justice Watch" action she has been carrying out in front of the courthouse since March 9. So far, 1 lawsuit was filed and 3 separate investigations have been launched against Emine Şenyaşar due to her Justice Watch.



Detention during protests against YÖK

Protest demonstrations were held in many cities on the 40th anniversary of the establishment of the Institute of Higher Education Institution (YÖK) and the police, who intervened in the protest organised in front of Ankara University, detained many students. The police also prevented the journalists who wanted to enter the protest area from taking photographs.

Intervening in the protest held in front of

Marmara University Göztepe Campus in Istanbul, the police detained 11 students.



Journalist Ayşe Kara acquitted

Journalist Ayşe Kara, who was tried at Diyarbakır 5th Assize Court on the charge of "terrorist organization membership", was acquitted. The Prosecutor demanded the journalist be "penalised" over participating in the march she professionally followed in Mardin in 2016, her membership to the Free

Journalists Association and the Free Women's Congress as well as her activities within the Democratic Society Congress (DTK).



Behçet Yıldırım arrested

People's Democratic Party (HDP) 25th and 26th term MP Behçet Yıldırım, who was detained in Adıyaman, was arrested. People's Democratic Party (HDP) Legal Office announced that all the activities justifying Yıldırım's arrest were party activities. The funerals that Yıldırım attended were also

subject to accusations. Journalist Mustafa Yüksel, who was detained together with Yıldırım, was released on the condition of judicial measures.



"Nights of Plague" investigation against Orhan Pamuk

Author Orhan Pamuk's latest book, "Nights of Plague", has been the subject of investigation for the second time on charges of "insulting Atatürk and the Turkish Flag". Upon the complaint of lawyer Tarcan Tülük, the author was summoned to testify on the same grounds

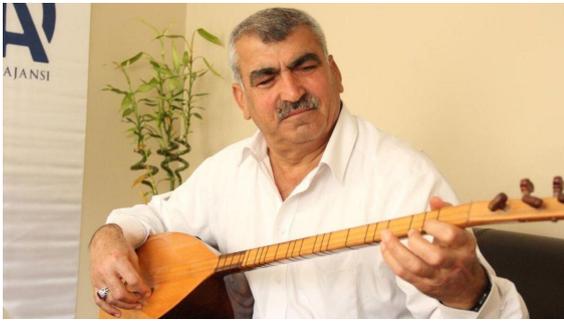
as before, and a verdict of non-prosecution was issued in the investigation. Tülük's objection to the verdict was accepted and the author was summoned to testify once again.



Levent Üzümcü summoned to testify

Actor Levent Üzümcü announced that he was summoned to testify on the charge of "public incitement towards resentment and hostility" due to his street performance in Kadıköy on June 15, where he protested the difficulties experienced by the artists during the pandemic.

In his performance, which is the subject of the accusation, Üzümcü recalled Article 64 of the Turkish Constitution, which states, "The state protects artistic activities and the artist," and underlined the obligations of the state regarding artists and artistic activities.



'İskilipli Atf' investigation against folk poet Ali Filiz

An investigation was launched against folk poet Ali Filiz, who reacted against the commemoration of İskilipli Atf Hoca, who was tried and executed at the Independence Court, with a ceremony attended by Çorum Governor Mustafa Çiftçi on the 95th anniversary of his death. Filiz had commented, "the betrayal continues," and Governor Çiftçi filed a criminal complaint against the folk poet.



Artist Brindar Ali arrested

Artist Mehmet Ali Basut, publicly known as Brindar Ali, was arrested after being detained on charges of "making propaganda for a terrorist organization" and "insulting the President" based on the songs he sang as well as his social media posts.



Second investigation after acquittal

People's Democratic Party (HDP) Osmaniye Provincial Organization director Müslüm Çağan was summoned to testify for the second time due to the same social media posts, which he was previously acquitted on charges of "insulting Erdoğan" and "propagandizing for a terrorist organization."



Music banned at HDP rally!

The Bajar music group was prevented from singing at the People's Democratic Party (HDP) rally in Çerkezköy on November 7. The band members protested the ban by sharing the lyrics from the stage "without music."



Court considers protests and demonstrations 'threats'

In the reasoned decision released against TJA Term Spokesperson Ayşe Gökkan, who was sentenced to a total of 30 years in prison on charges of "terrorist organization membership", "aiding a terrorist organization" and "propaganda", it was argued that protests

against the Execution Law and violence against women "posed a serious threat to democratic life". In the reasoned decision of Diyarbakır 9th Assize Court, the press statements made by Gökkan, speeches she made, the activities of the Democratic Society Congress (DTK) and her membership in the Rosa Women's Association were considered the grounds for her sentence.



Decree in "Bora ve Atmaca" Cases: Half-page approval for 21-year case

The acquittal verdicts in the lawsuit filed against 267 soldiers regarding the "Back to Life Operation" held in Ümraniye Prison on December 19, 2000 were upheld by appeal. 26 pages of the 28-page decree issued by the 1st Criminal Chamber of the Istanbul Regional Court of Justice consisted of the names of the

accused and the parties involved. The court wrote a half-page decree only, approving the local court decree without giving any justification for the approval. In the case that lasted for 15 years, lawyer Güçlü Keskin stated that the local court continued the trial for formality only and said, "The purpose of closing the case was very clear, and the appeal has upheld this attitude. The local court decree also had no basis, neither was the appeal decree."



Seyit Rıza posters removed in Dersim

The posters hung by the Dersim Labor and Democracy Platform on the occasion of the anniversary of the execution of Seyit Rıza were taken down by the police. The police replied to the citizens who wanted to see the Prosecutor's

verdict and said, "We do not have a written decision".



District Governorate bans theater play

The Actors' Union announced that Fatih District Governorate banned the play "Death Was At Sleep" staged by Ahmet Uçar, one of the actors of Theater Imge, because it was "not found appropriate in terms of public safety".



TRIALS OF FREEDOM OF EXPRESSION

<p><u>Fatih Gönül Case</u> 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"...</p> <p>Court: Ankara 25th Assize Court Verdict: The case was adjourned to November 25.</p>	<p><u>İdris Yayla Case</u> 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...</p> <p>Court: Batman 1st Criminal Court of First Instance Verdict: The case was adjourned to February 8.</p>
<p><u>Semiha Şahin and Pınar Gayip Case</u> The lawsuit filed against four people, including ETHA editor Semiha Şahin and reporter Pınar Gayip on charges of "illegal organisation membership" and "making illegal organisation propaganda"...</p> <p>Court: Istanbul 23rd Assize Court Verdict: The case was adjourned to March 10.</p>	<p><u>Kibriye Evren Case</u> The lawsuit filed against JinNews reporter Kibriye Evren on charges of "illegal organisation membership" and "making illegal organisation propaganda"...</p> <p>Court: Diyarbakır 5th Assize Court Verdict: The court denied the claim for the revocation of judicial measures and adjourned the case to February 22.</p>
<p><u>Serife Oruç Case</u> The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Şerife Oruç on the charge of "illegal organisation membership"...</p> <p>Court: Batman 2nd Assize Court Verdict: The court decided to issue another letter for the secret witness to testify through the Audiovisual Informatics System (SEGBIS), adjourning the case to February 17, 2022.</p>	<p><u>Rüstem Batum Case</u> 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...</p> <p>Court: Istanbul 43rd Criminal Court of First Instance Verdict: Batum, who resides abroad, as well as his lawyers were excused from the hearing. The case was adjourned.</p>
<p><u>Taraf Daily Case</u> The lawsuit filed against previously shut-down Taraf Daily reporter Mehmet Baransu and Executives</p>	

<p>Ahmet Altan, Yasemin Çongar, Yıldırım Oğur and Tuncay Opçin on charges of “making illegal organisation propaganda” and “obtaining and disclosing confidential information related to the security and the political interests of the state”...</p> <p>Court: Istanbul 13th Assize Court Verdict: The case was adjourned to January 21.</p>	
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HEARINGS NEXT WEEK

<p><u>Ali Ekber Barmağıc Case</u> The lawsuit filed against environmental activist and Munzur Environment Culture and Solidarity Association Chairman Ali Ekber Barmağıc on the charge of “making propaganda for a terrorist organisation”...</p> <p>November 16, Tuesday at Tekirdağ 2nd Assize Court</p>	<p><u>Dindar Karataş Case</u> The lawsuit filed against journalist Dindar Karataş on the charge of “illegal organisation membership” due to his journalistic activities...</p> <p>November 16, Tuesday at Erzurum 3rd Assize Court</p>
<p><u>Özgür Gündem Case</u> The lawsuit filed against previously shut-down Özgür Gündem Daily Co-Editors-In-Chief Hüseyin Aykol and Zana Kaya, Managing Editor İnan Kızılkaya and Kurdish politician Hatip Dicle...</p> <p>November 16, Tuesday at Istanbul 2nd Criminal Court of First Instance</p>	<p><u>Case Against Boğaziçi Protests</u> The lawsuit filed against 7 students with the allegation of "public incitement towards hatred and hostility" on the grounds of the Kaaba image and LGBTQI+ flags taking place together in an exhibition held within the scope of the protests against Melih Bulu, the appointed rector of Boğaziçi University...</p> <p>November 17, Wednesday at Istanbul 21st Criminal Court of First Instance</p>
<p><u>Case Against Diyarbakır Bar Association Executives</u> The lawsuit filed against 11 former Diyarbakır Bar Association Executive Council members with the allegation of “public incitement towards resentment and hostility” as well as charges in accordance with Article 301 of the Turkish Criminal Code due to their statements for April 24, launched in 2017 and 2018...</p> <p>November 17, Wednesday at Diyarbakır 13th Assize Court</p>	<p><u>Selçuk Kozağaçlı Case</u> The lawsuit filed against Contemporary Lawyers Association Chairman and lawyer Selçuk Kozağaçlı on the charge of “terrorist organisation membership”...</p> <p>November 17, Wednesday at Istanbul 18th Assize Court</p>
<p><u>Ahmet Altan Case</u> The lawsuit filed against journalist-writer Ahmet Altan on charges of "insulting a public official"...</p>	<p><u>MA Reporters Case</u> The lawsuit filed against Mesopotamia Agency reporters and journalists Sadiye Eser and Sadık</p>

<p>November 18, Thursday at Istanbul Anatolian 2nd Criminal Court of First Instance</p>	<p>Topaloğlu on the charge of "terrorist organization membership"...</p> <p>November 18, Thursday at Istanbul 22nd Assize Court</p>
<p><u>Oktay Candemir Case</u> The lawsuit filed against Oktay Candemir on charges of "making propaganda for a terrorist organization" due to 4 Facebook posts he made between the years 2014-2015 as well as due to the slogans heard in the news video he recorded 16 years ago...</p> <p>November 18, Thursday at Van 5th Assize Court</p>	<p><u>Case Against News on Economy</u> The lawsuit filed against Bloomberg reporters Kerim Karakaya and Fercan Yalınkılıç, who were accused of "harming the economy" for their news about the depreciation of the Turkish lira, and 38 others, including journalists and economists, who shared the news on Twitter...</p> <p>November 18, Thursday at Istanbul 3rd Criminal Court of First Instance</p>
<p><u>Yakup Önal Case</u> The lawsuit filed against Şarköy's Voice Daily's Editor-In-Chief Yakup Önal on the charge of "unlawfully spreading personal information" due to his coverage on the stones laid in front of the site where Republican People's Party (CHP) member and Deputy Mayor Adnan Sevim resides, sharing it on social media...</p> <p>November 18, Thursday at Tekirdağ Şarköy Criminal Court of First Instance</p>	<p><u>Şeyhmus Gökalp Case</u> The lawsuit filed against Turkish Medical Association (TTB) High Honorary Council member Dr Şeyhmus Gökalp on the charge of "terrorist organisation membership" within the investigation conducted by the Diyarbakır Chief Public Prosecutor's Office against the Democratic Society Congress (DTK)...</p> <p>November 19, Friday at Diyarbakır 10th Assize Court</p>