

Think, think...



Freedom of Expression Weekly Newsletter (Sayı 32/22 - August 19, 2022)

What happened last week?

- On the 21st anniversary of his party, President Erdoğan claimed that the country is “more democratic and freer” than 21 years ago. *“We are more peaceful today than we were in 2002. There is a Turkey that writes history, writes epics, and is followed with envy in every field from education to energy, from transportation to health, from the defense industry to technology,”* he said.
- In the circular, titled, "Security and Accommodation Measures at Universities" sent by the Ministry of Interior to the Governorates, it was instructed to "take necessary actions and take preventive measures against those who make provocative and criminal posts with disinformation content on social media, especially on the subject of housing".
- Russian State News Agency TASS announced that an agreement was signed between Turkey and Russia to send the second batch of S-400 air defense systems to Turkey.
- Foreign Minister Mevlüt Çavuşoğlu signaled the resumption of relations with the Assad regime in Syria. Erdoğan also made a statement about meeting with the Syrian administration, saying, *"There shall be no resentment in politics. One must always be in peace. One shall have the opportunity to meet at any moment."*
- Turkey and Israel decided to raise the level of diplomatic representation by appointing mutual ambassadors.
- Meeting with Ukrainian President Zelensky and United Nations Secretary-General Guterres in Lviv, Erdoğan said, *"We are ready to play the role of facilitator or mediator for the revival of the diplomatic process."*
- The Central Bank reduced the policy rate from 14% to 13%, despite the inflation that was at its highest in 24 years. After the decision, the US Dollar exceeded the level of 18 TL.
- According to the data of the Ministry of Treasury and Finance, 23,361,576,000 TL was paid in July for the Currency Protected Deposit developed by the government as a precaution against the rise in the exchange rate. The amount paid from the budget in the last 5 months has reached 60,596,811,000 TL.
- The producer price index of agricultural products increased by 5% monthly and 157.89% annually.
- Mehmet Sinan İnce, one of the former lawyers of the mafia leader Alaattin Çakıcı, claimed that there was a plot to assassinate Peoples' Democratic Party (HDP) MP Garo Paylan inside the Grand National Assembly of Turkey in 2016. HDP Diyarbakır MP Garo Paylan filed a criminal complaint on the basis of the allegation. [Please click here](#) for details.
- Berk Acar, from the Armenian community of Turkey, was appointed as the district governor of Babadağ district of Denizli. Acar became the first Armenian district governor in the history of the Republic.

- The Prosecutor's Office, the General Directorate of Security, the Gendarmerie General Command, the Ministry of Justice and the Turkish National Intelligence Agency (MIT) Undersecretariat objected to the release decision of Peoples' Democratic Party (HDP) MP Aysel Tuğluk, who was diagnosed with dementia. Tuğluk, who received a verdict of release in the Kobani Case, was not released because she was convicted in another case.
- Former Democratic Regions Party (DBP) Provincial Co-Chair and Party Assembly member Mehmet Candemir lost his life in Giresun Espiye Type-L Closed Prison where he was detained. 68-year-old İbrahim Yıldırım, who was a prisoner with 96% disability, also lost his life in Elazığ High Security Closed Prison No.1. In the last 8 months, 42 prisoners lost their lives in prisons. According to the data of the Civil Society Association in the Penal Execution System, the number of people who have been declared to have "committed suicide" in prisons since 2014 is 97.
- Upon the application of the Diyarbakır Bar Association, the Committee of Ministers of the Council of Europe granted the right to bar associations that did not have the right to report whether the decrees of the European Court of Human Rights (ECHR) were implemented or not.
- International environmental organizations made a joint call to stop the warship Nae São Paulo, which set off from Brazil for the dismantling operation to be carried out in İzmir Aliğa. The poisonous warship, allegedly containing approximately 900 tons of asbestos, making an illegal 6,000-mile voyage across the Atlantic, is scheduled to arrive in Izmir in September.



Journalist charged over sharing news on social media

Mesopotamia Agency's (MA) Managing Editor Diren Yurtsever, who was detained at Istanbul Sabiha Gökçen Airport on the grounds that there was an arrest warrant against her, was charged due to her social media posts and news sharing. Within the scope of the investigation opened by the Bingöl Chief Public Prosecutor's

Office, the journalist was charged with "public incitement to hatred and enmity".



Listening to Kurdish music is criminal evidence

In Aydın, a lawsuit was filed against 11 Peoples' Democratic Party (HDP) member women on allegations of "terrorist organization membership" and "making propaganda for a terrorist organization". The first hearing of the case will be held at the Aydın 2nd Assize Court

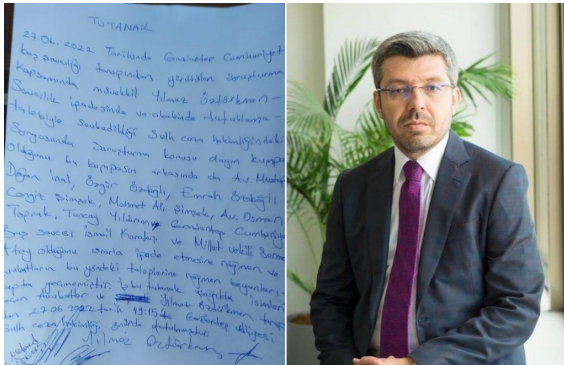
on November 11. In the indictment of the case, events and press statements organized, and interviews given to the media were made the subject of accusations, while listening to Kurdish music at the events was presented as criminal evidence.



Investigation against Canan Kaftancıoğlu

The Istanbul Chief Public Prosecutor's Office launched an ex officio investigation against Canan Kaftancıoğlu on the allegation that her speech at the meeting held at the Istanbul Planning Agency headquarters on August 12 was within the scope of the crime of "insulting the President". In her speech, Kaftancıoğlu said, "We will send a dictator away from this

country through democracy."



Another investigation against news on Erdoğan's former lawyer

Upon the complaint of President Erdoğan's former lawyer Mustafa Doğan İnal, an investigation was launched this time against Kısa Dalga writer Ersan Atar and Managing Editor Sezgin Kapak. The journalists are charged with "baseless slander and accusations against İnal's personal rights" due to an article titled "The mafia's interception reports of the

state and the state's deep silence". The news about the allegation that the way of the Governor, Deputy Mayor and Mustafa Doğan İnal in Gaziantep was cut off by the mafia leader Yılmaz Öztürkmen, who is his business partner and cousin, included the petitions filed with the Prosecutor's Office conducting the investigation regarding the incident and the statements given by the suspects against these petitions. The news in question has previously been blocked from access upon the application of İnal.



Lawsuit against municipality over allocation of land for Cemevi

In 2015 the Diyarbakır Metropolitan Municipality Mayor Osman Baydemir, 53 city council members and their committee allocated a place for Pir Sultan Abdal Cultural Association to open a cemevi in Diyarbakır. Now, they were charged with "abuse of office".

The Diyarbakır 13th Criminal Court of First

Instance accepted the indictment against them, which was prepared with a request for imprisonment of up to 2 years, and issued a verdict of non-jurisdiction for the file. The court argued that the assize court has the authority to evaluate whether the accusation in the case file constitutes the crime of "embezzlement" regulated in Article 247 of the Turkish Criminal Code (TCK).



Lawsuit against those reacting to imam for insulting women

A lawsuit was filed against those who reacted against imam Adem Yılmaz, who was dismissed after insulting women with the three bodyguards of the then-governor Can Kazım Kuruca and after the recordings of the incident were shared on social media on July 16, 2020 in Nazimiye district of Dersim. Yılmaz filed a criminal complaint with the Trabzon Chief

Public Prosecutor's Office on the allegation of "insulting" 89 people, then demanded 4,000 TL in return for withdrawing his complaint. A lawsuit was filed against 22 people who did not agree to compromise, at the Trabzon 5th Criminal Court of First Instance.



Attack against YouTuber

Ebru Uzun Oruç, the owner of the YouTube channel "Street Cat" and Vice President of the Rize Branch of the Contemporary Journalists Association, and her husband were attacked in Istanbul. Oruç received threatening and insulting messages for conducting a street interview about Nationalist Movement Party

(MHP) Chairman Devlet Bahçeli, stated that the attackers chased her husband with a gun, and that he saved his life by taking shelter in a workplace, and said, "This planned and deliberate attack is not only against us, but also on the rights and freedoms of the entire public, and everyone who does not condemn or refrains from condemning this, does not express it, does not react against it, from the government to the opposition, is a partner in this crime!"



Lawsuit against Derya Büyükuncu on "insulting President"

The investigation against former national swimmer Derya Büyükuncu was completed after a warrant was issued against her on the grounds of her social media posts on President Erdoğan at the time when he announced that he had coronavirus. The Prosecutor's Office filed a

lawsuit against Büyükuncu on the grounds of "insulting the President", demanding a prison sentence for up to 8 years and 2 months.



Lawsuit against journalist on "insulting flag"

Gazete Kadıköy's Editor-in-Chief Semra Çelebi will stand trial on charges of "insulting the Turkish Flag" for her tweet two years ago. In her tweet, which was the subject of the lawsuit, Çelebi shared an image with a rainbow

flag from the 2014 Pride Parade with the caption, "perhaps it's the fags that make the flags".



Investigation against animation over “insulting Erdoğan”

An investigation was launched against Youtuber Yusuf Kayaalp for 'insulting the President' because of an animation of Erdoğan he used in the video he uploaded.



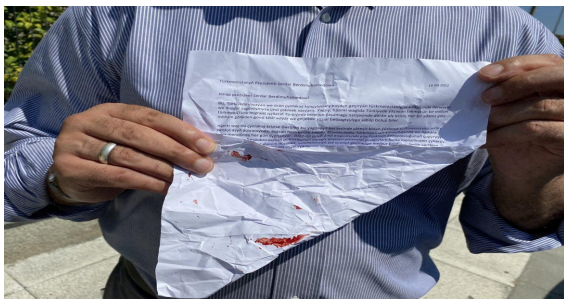
Investigation against students protesting increases in fees

Doğuş University launched a disciplinary investigation against the students, who protested against the increase in the annual fees of up to 300 percent.



Intervention against “Justice Watch”

The police did not allow the Justice Watch protest organized by the patients and their relatives in front of the People's Democratic Party (HDP) Bahçelievler District Organization building. 27 people, including the relatives of the detainees, were detained.



Detianments in front of Turkmenistan Consulate General

The police intervened in the Turkmenians, who gathered in front of the Consulate General of Turkmenistan to deliver "letters addressed to the President of Turkmenistan". Numerous people were detained. Citizens of Turkmenistan, who were aggrieved due to the

disruption of consulate and other passport procedures, have previously been expelled from Istanbul Airport with police force.



Protest bans in Hakkari and Mardin

Protests and events such as meetings, demonstration marches and press statements in Hakkari and Mardin were banned for 15 days. In both cities, the bans have been maintained by the Governorates for more than 3 years without interruption. The reasons for the ban are always the same for the Governorates, who claim that the protests and demonstrations

"may cause problems in terms of public safety"; as well as for the protection of "the integrity of the state, national security and the prevention of the spread of the Covid-19 pandemic..."



Appeal court rules retrial of journalist Ferhat Parlak

The 2nd Criminal Chamber of the Diyarbakır Regional Court of Justice reversed the decree of dismissal of the case against journalist Ferhat Parlak, who was tried again on the same charge and was imprisoned for 15 months, on the grounds of the evidence in the case in

which he was previously tried on the charge of "terrorist organization membership" and was acquitted. The journalist is on trial for the news he made about the curfews announced in Silvan in 2015, his social media posts, secret witness statements against him, the book he wrote, the interviews he made, and the documents and photographs in his news archive. Diyarbakır 11th Assize Court decided that the charges in the file were the same as those in the case file in which he was previously tried and acquitted at the Diyarbakır 4th Assize Court, and ruled to dismiss the case. The journalist's retrial within the scope of the file will begin on October 3.



Access blocks of the week

The Istanbul Anatolian 1st Criminal Court of Peace censored 10 different news articles on the website thorn.com.tr about the caricatures of President Erdoğan in the foreign media, including the drawings of the world-famous Brazilian cartoonist Carlos Latuff. Another decree issued by the same judge blocked access to many news stories on Erdoğan's son Bilal

Erdoğan. With the decree, nearly 20 news content on various tenders and land works were censored.

Access to 48 more news articles about President Erdoğan's former lawyer, Mustafa Doğan İnal, was blocked with a decree issued by the Istanbul Anatolian 9th Criminal Judicature of Peace. Among the blocked news is one about İnal "imposing access blocks on 130 news articles".

The news article, titled, "The Shadow of Politics in Gendarmerie Appointments" published on news website Halktv.com.tr regarding the 2022 appointment and promotion decisions of the Gendarmerie General Command was blocked from access with a decree issued by the Samsun 3rd Criminal Judicature of Peace.

The article written by Sözcü Daily columnist Serpil Yılmaz, titled "Hunting the 'network' in the Stock Exchange", in which Justice and Development Party (AKP) executives and bureaucrats allegedly made "manipulation and speculative transactions" in Borsa Istanbul, was blocked from access with a decree issued by the Ankara Gölbaşı Criminal Judicature of Peace.

The news article containing the statements of the IYI Party Development Policy President Ümit Özlale about Minister of Culture and Tourism Mehmet Nuri Ersoy, who owns a chain of hotels, was blocked from access with a decree issued by the Istanbul Anatolian 9th Criminal Judicature of Peace.



RTÜK Penalties

The Radio and Television Supreme Council (RTÜK) fined Halk TV, Habertürk, TELE1 and Netflix. According to the Supreme Council, the evaluations in the program called Medya Mahallesi, which was broadcast on Halk TV, humiliated President Erdoğan, and Tele 1 channel did not comply with the broadcast ban regarding the death of cardiologist Ekrem Karakaya, who was murdered on duty. Habertürk was penalized after the complaint of the Religious Affairs Directorate for the evaluation of "Prophet Moses" in the program called Teke Tek. Netflix, on the other hand, was penalized with catalog removal due to the animation "Jurassic World Cretaceous Camp", which was previously targeted on the allegation of "promoting homosexuality". Music platform Spotify was also fined by the Supreme Council. The Radio and Television Supreme Council (RTÜK), which imposed penal sanctions on the titles of playlists, stated that the playlist names "insulted national moral values, the President and state authorities; and made propaganda for terrorist organisations". The council decided to remove the related playlists and podcast content from the platform.



Fine against monopoly dealers platform chairman

The Ministry of Agriculture and Forestry has demanded an administrative fine between 50-250 thousand TL against Monopoly Dealers Platform Chairman Özgür Aybaş, who criticized the price increases for alcoholic beverages and tobacco products on his social media account, also posting the "end consumer price lists". The Ministry claims that Aybaş advertised the related products. The photograph that Aybaş took with a beer glass was also included in his file.



Monitoring Association for Equal Rights launches Peaceful Assembly and Demonstration Monitoring Bulletin

The Monitoring Association for Equal Rights has published the Peaceful Assembly and Demonstration Monitoring Bulletin, which includes quarterly data between April and June 2022. According to the data shared by the association, at least 79 peaceful meetings and demonstrations were intervened in Turkey in 3 months, and at least 1299 people were detained

during these interventions. In the same period, the right to peaceful assembly and demonstration was restricted 34 times in 16 provinces by 25 general and 9 specific ban decisions. 15 of the ban/restriction decrees were repetitive, whereas Hakkari was the province with the highest number of ban decrees with 6 general decrees in 3 months. Hakkari was followed by Mardin and Van with 5 decrees issued each, and by Istanbul with 4 decrees. Thus, uninterrupted bans have been ongoing for more than 3 years in Hakkari and Mardin, and for more than 5 years and 7 months in Van...



Expression Interrupted launches Freedom of Expression and Press Freedom Report

Expression Interrupted has released its Agenda for Freedom of Expression and Press report covering the second quarter of 2022. According to the report, 168 journalists were tried in 116 cases in 3 months, and 9 journalists were sentenced to a total of 17 years, 6 months and 12 days in prison. A new lawsuit was filed

against 12 journalists and an investigation was launched against 9 journalists. In the second quarter of 2022, 38 journalists were detained, 14 of them during news coverage, and 16 journalists were arrested. There were at least 9 incidents of attacks, preventions and/or threats against journalists.



Constitutional Court decrees

The Constitutional Court (AYM) ruled that the application of Sel Publishing owner İrfan Sancı, who was on trial for "obscenity" because of a book he published, was a violation of freedom of expression. Sancı, who was charged due to the book "The Adventures of a Young Don Juan" by the Italian-born French poet, writer and art critic Apollinaire, was previously

acquitted in the lawsuit filed against him at the Istanbul 2nd Criminal Court of First Instance. However, in the retrial held after the reversal decree of the Court of Cassation, it was decided to defer his prosecution and to apply the provisions of probation against him for three years.

The high court also ruled a violation of freedom of expression in the application of Kadri Eroğul, whose employment contract was terminated due to the pressures of the subcontracted workers and social media posts about the managers of the agency while he was working at the Kütahya Public Health Directorate under the subcontractor company. Regarding Eroğul, who was also the Chairman of the Public Subcontracted Employees Association (KATAŞ-DER) at that time, the Constitutional Court said, "It should be accepted that the views he will express on issues related to subcontracted workers also cover social issues as a requirement of his duty as the chairman of the association."



Fine against Cumhuriyet Daily and Istanbul Metropolitan Municipality

The Personal Data Protection Authority fined Cumhuriyet Daily and Metro Istanbul, which is part of the Istanbul Metropolitan Municipality, for the news regarding Justice and Development Party (AKP) Istanbul Parliament Member Ravza Kavakçı Kan receiving a double salary. The company was fined 40

thousand TL due to the news, titled, "Double salary claim for Kavakçı", with the claim that the obligation of the company to protect the personal data was not fulfilled, and the newspaper was fined 30,000 TL on the grounds that the related personal data was included in the news story.



TRIALS OF FREEDOM OF EXPRESSION

- * There is no hearing for the cases we are following next week due to the judicial recess...