

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 39/20 - September 25, 2020)

### What happened last week?

- Interior Minister Süleyman Soylu continues to have “words” with the Constitutional Court Chairman and the court members. Constitutional Court Chairman Zühtü Arslan stated, “Constitutional Court decrees can be criticised but they need to be read and understood...” Soylu’s answer to that was that he “himself dismissed 41% of those hired by the court chairman as he was the director of police academy.” [Please click here for details...](#)
  - Working conditions of health workers continue to worsen both due to the increase in the number of new cases and the increase in cases of violence. No “effective measures” came out of the Presidency’s cabinet meeting on the fight against the pandemic. United States Turkey Ambassador announced that “Turkey isn’t paying to American pharmaceutical companies and that the production of medicine might be cut soon”. Even the debatable data launched by the Health Ministry point to Turkey having returned back to five months ago.
  - Continuing to lose value, the Turkish Lira had a short moment of relief when the Turkish Central Bank increased the politics interest by 200 basis points. The experts foresee that the value loss in the Lira will continue in case structural changes in the Turkish economy aren’t applied. The new interpretation (!) presented by Erdoğan in the relationship between the “interests” and “inflation” continue to get damaged...
  - Works on “[conquering universities](#)” continue; Erdoğan assigned rectors to six more universities, as he wished.
  - After the Constitutional Court [decree on Enis Berberoğlu](#), it is still debated whether Berberoğlu could return to the Parliament or not. The Nationalist Movement Party (MHP) closed the door; whereas Justice and Development Party (AKP) spokesmen said, “We have to see the reasoned decree.” The opposition defends that Parliament Chairman Şentop must take fast steps for the return of Berberoğlu, whose “Parliament membership was stolen.”
  - Bar Associations’ ordinary General Assembly processes have started with elections; meanwhile the first official application after the multiple Bar Associations regulation was made in Istanbul. Freedom of Law Platform, known with its close relations with AKP and MHP, announced that they have presented more than 2000 signatures to the Bar Associations Union.
  - According to the data by the Human Rights Association (IHD), six people have lost their lives due to hate attacks in 2019 and 27 people were injured. 280 racist attacks have occurred in the last 10 years; 15 people were killed and 1097 people were injured in those attacks. [Please click here](#) for the full report.
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### **Operation against HDP**

Verdicts of detainment were issued against 82 people in 7 provinces within the investigation conducted by Ankara Chief Public Prosecutor's Office on the Kobani protests organized between October 6 and 12, 2014. Those detained include Kars Co-Mayor Ayhan Bilgen and former People's Democratic Party (HDP) MPs Ayla Akat Ata, Sırrı Süreyya Önder, Altan Tan, Nazmi Gür, Emine Beyza Üstü and Emine

Ayna. The Prosecutor's Office brought a restriction against meetings with their lawyers within the file as well.



### **“Unnamed Movement” Operation: 24 detained**

24 people, including writer Temel Demirer, journalists Zeynep Kuray and Hakan Gülseven, were detained with the operation conducted in six provinces. Those detained within the operation started by Istanbul Chief Public Prosecutor's Office are claimed to have “incited the public towards resentment and hostility,” “insulted government authorities”

and “attempted to wear off the government” through their social media posts.



### **10-year imprisonment claim against journalists Müyesser Yıldız and İsmail Dükel**

Ankara Chief Public Prosecutor's Office completed the investigation against arrested OdaTV Ankara News Director Müyesser Yıldız and TELE1 Ankara Representative İsmail Dükel. An indictment was prepared against the journalists as well as against sergeant Erdal

Baran (claimed to have provided information to the journalists) with a claim of imprisonment for up to 10 years due to “revealing confidential information regarding the safety or the interests of the state.”



### **Imprisonment sentence against Yusuf Karataş**

Evrensel Daily writer and Labour Party Central Executive Council member Yusuf Karataş was sentenced to 10 years and six months of imprisonment in the lawsuit he was on trial at Diyarbakır 9th Assize Court due to “illegal

organization membership”. Yusuf Karataş had been detained and remained under arrest for 57 days due to his participation in the Democratic Society Congress (DTK) activities.



### **New indictment against Demirtaş**

An indictment was prepared against former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş, who is arrested at Edirne Prison, due to his words against Ankara Chief Public Prosecutor Yüksel Kocaman. Kocaman had visited Erdoğan in the Presidential Palace immediately after his wedding, and Demirtaş has criticised this. The indictment prepared

against Demirtaş claims an imprisonment sentence against him for up to three years. In his defense statement at the court within the lawsuit he was on trial, Demirtaş had claimed that the entire operation and the unlawful process conducted against him is being conducted by Ankara Chief Public Prosecutor Yüksel Kocaman himself and had stated, “You will give account for all of this before the law.” He was therefore charged with “threat” and “targeting those taking part in the fight against terrorism.”



### **Investigation against journalist Alican Uludağ**

An investigation was opened against journalist Alican Uludağ due to his Twitter post criticising Ankara Chief Public Prosecutor Yüksel Kocaman, who visited Erdoğan at the Presidential Palace after his wedding. The journalist was charged with “targeting those taking part in the fight against terrorism” and in

the lawsuit, a travel ban and judicial measures were issued against the journalist.



### **Appeal applications of 7 convicted Özgür Gündem Substitute Editors-In-Chief denied**

3rd Criminal Chamber of Istanbul Regional Court denied the appeal application made on the imprisonment sentences issued against seven journalists, who were prosecuted due to being Substitute Editors-In-Chief for solidarity with Özgür Gündem Daily after it was shut down on October 29, 2016 with a Statutory Decree within the State of Emergency. The

court approved the acquittal decrees initially issued for 4 names. İstanbul 14th Assize Court had sentenced journalists Ertuğrul Mavioğlu, Fehim Işık, Celal Başlangıç, İhsan Çaralan, Öncü Akgül and Celalettin Can to 1 year and three months of imprisonment and the Co-Editor-In-Chief of the newspaper, Hüseyin Aykol, to 3 years and nine months of imprisonment on April 3, 2019. The court had also issued verdicts of acquittal for Ömer Ağın, Veysel Kemer, Mehmet Şirin Taşdemir and Yüksel Oğuz of the charges of “making

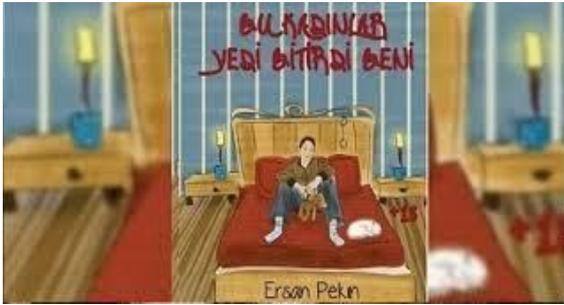
illegal organization propaganda,” “public incitement towards committing a crime” and “praising the offense and the offender.”



### Lawsuit against journalist Fatih Portakal

The first hearing of the lawsuit filed against journalist Fatih Portakal due to a social media post following the complaint of the Banking Regulation and Supervision Agency (BDDK) was held at Istanbul 46th Criminal Court of First Instance. The journalist is on trial due to “damaging reputation” in accordance with the Law of Banking. In the meantime, another

indictment was revealed against the journalist with a claim of “insulting the President” through the same social media post; therefore the court decided for the two files to be merged. The second hearing of the case was scheduled for November 5.



### Warrant against author Ersan Pekin

A warrant was issued against author Ersan Pekin, who is on trial at Istanbul Anatolian 2nd Criminal Court of First Instance due to “obscenity” through his book, “These Women Ate Me Up”, due to his “absence in the hearing.” The author has connections with COVID-19 infected cases and is under

quarantine; and has indicated that he informed the judiciary about this as he transmitted the report on him being “a risk” to the court through a courier. Pekin stated that the warrant was issued nevertheless.



### Lawsuit against journalist over reporting police violence

The first hearing of the lawsuit filed against journalist İnan Ketenciler due to “spreading personal information” after he recorded a misconduct by a guard on video and shared it on Twitter, was held at Istanbul 55th Criminal Court of First Instance. The court decided for the journalist to be sentenced to 600 Turkish Liras of judicial fine that corresponds to 1 months of imprisonment and for the file to be

abated in case the total 676 TL amount (together with the prosecution fees) is paid within 10 days. In case no payment is made, the next hearing will be held on October 8, 2020.



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'Şiir okuyan arkadaş'a da şiir okuduğu için içeri mevzu başka' denirdi. Bunu sen de biliyorsun.



### Someone else's profile photo becomes reason for imprisonment sentence

Writer İhsan Eliaçık was sentenced to 1 year and two months of imprisonment due to

“insulting President Erdoğan” in the lawsuit filed against him due to a social media post. Eliaçık was sentenced due to another user, who commented under his initial post, had a photo of a “dog” on his profile picture.



### **Journalist Burcu Özkaya Günaydın sentenced to 1-year 3-month imprisonment**

Journalist Burcu Özkaya was sentenced to 1 year and three months of imprisonment due to “making illegal organization propaganda” in the lawsuit filed against her due to her social media posts on the Peace Spring Operation against Syria. Hatay 2nd Assize Court deferred

the announcement of the verdict.



### **Investigation against Istanbul Bar Association**

Istanbul Chief Public Prosecutor’s Office started an investigation against Istanbul Bar Association Chairman and the Executive Board members due to the photograph of lawyer Ebru Timtik after her death on the 238th day of her indefinite hunger strike with the claim of fair trial being hung on the Istanbul Bar Association

building. Istanbul Bar Association has previously been targeted by President Erdoğan as well as the Interior Minister and the Minister of Justice.



### **Release verdict for Mümtazer Türköne**

The 10-year imprisonment sentence issued against journalist Mümtazer Türköne, who was arrested on August 5, 2016 after the coup attempt on July 15, 2016 due to “FETÖ membership” was reversed by the Court of Cassation and a release verdict was issued for Türköne.



### **Protest bans**

Protest bans, initially declared in Van following the coup attempt in 2016 and were extended and continuously until April 2019 and has been ongoing without interruption since, were extended once again. The Governorate announced that all protests and demonstrations in the central province were banned for 16 days

due to the outbreak, as well as for “the protection of national safety and public order.” Governorates in Siirt and Batman banned protests and demonstrations for 15 days as well.



### Police prevention against Canal Istanbul protest

Groups meeting in different points around Istanbul and express their reaction against the “Canal Istanbul Project” were prevented by the police. The groups were unable to move around with buses. Two protesters among the group meeting in Kadıköy were detained due to chanting the slogan, “Tayyip of Unearned

Income”.



### Access bans

Istanbul Anatolian 8th Criminal Judicature of Peace issued an access ban against news on DW Turkish, TELE1 and Courthouse News Service related to the documents on the United States Financial Crimes Enforcement Network (FinCEN), which revealed international black money traffic and the role of banks in this traffic.



### Veto against Kurdish song at Istanbul Metropolitan Municipality festival

Musician Ronas Aram has expressed, in his column, that the singing of Kurdish songs in the “Art on the Street” event organized by Istanbul Metropolitan Municipality in order to show solidarity with artists was “effectively banned.” The contract made between the organizing company and the artists has

indicated that “political and explicit content can’t take place in the repertoire.” The name of the band Aram was playing in, “Roj Band,” was vetoed by the company officials as well.



### TRIALS OF FREEDOM OF EXPRESSION

#### Yusuf Karataş Case

The lawsuit filed against Evrensel Daily columnist Yusuf Karataş with the allegation of “establishing and managing an armed illegal organization” within the Democratic Society congress (DTK) investigation due to the workshops, panels, press statements and events he participated in...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** The court sentenced Karataş to 10 years and six months of imprisonment and didn’t abate the sentence due to Karataş having a personality that is “prone to committing crimes.”

**Aziz Oruç Case**

The lawsuit filed against five people together with journalist Aziz Oruç, People's Democratic Party (HDP) Doğubeyazıt District Co-Chair Abdullah Ekelek and former municipal assembly member Muhammet İkrâm Müftüoğlu due to "illegal organization membership," "propaganda" and "aiding an illegal organization..." Oruç had previously been arrested in December 2019 in Doğubeyazıt district of Ağrı...

**Court:** Ağrı 2nd Assize Court

**Verdict:** The journalist, who is imprisoned for the last nine months, will remain arrested and the next hearing was scheduled for November 9.

**Ferhat Parlak Case**

The lawsuit filed against Silvan Mücadele Daily owner Ferhat Parlak due to "illegal organization membership"...

**Court:** Diyarbakır 11th Assize Court

**Verdict:** The Prosecutor presented his opinion on the bases and claimed for the journalist to be penalised within the charge of "illegal organisation membership." The court no longer wanted to hear the statements of witnesses, who didn't testify yet. The next hearing was scheduled for December 7.

**Ersan Pekin Case**

The lawsuit filed against writer Ersan Pekin due to "obscenity" through his book, "These Women Ate Me Up" in accordance with Article 226/2 of the Turkish Criminal Code...

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

**Verdict:** The court issued a warrant for the writer, who couldn't attend the hearing because he has a risk of being Covid-19 positive and that he was in quarantine. The next hearing was scheduled for October 20.

**Sabiha Temizkan Case**

The lawsuit filed against journalist Sabiha Temizkan with the allegation of "public incitement towards resentment and hostility" through a Twitter post that said, "Mahmur camp was seized by ISIS"...

**Court:** Istanbul 35th Assize Court

**Verdict:** The Prosecutor's Office presented their opinion on the basis and claimed for the journalist to be convicted due to "making terrorist organisation propaganda." The next hearing was scheduled for October 15.

**Özgür Gündem Case**

The lawsuit filed against journalists Hüseyin Aykol, İnan Kızılkaya and Zana Kaya as well as politician Hatip Dicle within Article 301 of the Turkish Criminal Code due to the articles published on previously shut-down Özgür Gündem Daily...

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

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

**İsminaz Temel and Havva Cuştan Case**

The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters İsminaz Temel and Havva Cuştan, Legal Bureau of the Oppressed (EHB) lawyers Sezin Uçar and Özlem Gümüştaş as well as the Socialist Party of the Oppressed (ESP) members due to "armed terrorist organization membership" and "illegal organization propaganda"...

**Court:** Istanbul 27th Assize Court

**Verdict:** The court decided for the judicial control measures to continue and scheduled the next hearing for February 18, 2021.

**Zehra Özdilek Case**

The lawsuit filed against Cumhuriyet Daily reporter Zehra Özdilek with the allegation of “targeting those taking part in the fight against terrorism” due to writing the name of a secret witness openly on a news article, despite previously having taken place in the press many times...

**Court:** Istanbul 27th Assize Court

**Verdict:** The court issued the acquittal of the journalist.

**Sevda Celik Özbingöl Case**

The lawsuit filed against lawyer Sevda Çelik Özbingöl due to “illegal organization membership” and “making illegal organization propaganda” after having been detained and arrested in March 2020 in Urfa and her meetings with clients at prisons were presented as crime evidence...

**Court:** Urfa 6th Assize Court

**Verdict:** Özbingöl’s claim for release was denied and the next hearing was scheduled for October 2.

**HEARINGS NEXT WEEK****Özgür Gündem Case**

The lawsuit filed against previously shut-down Özgür Gündem Daily executives Reyhan Çapan, Hüseyin Aykol and writers İslam Tüner, Lütfi Yavuzaslan, Methi Kaya, Hasan Başak and Kemal Yakut with allegations of “making terrorist organisation propaganda,” “praising the crime and the criminal” and “public incitement to commit crime” due to the news published in the newspaper’s issue in March 2016 on “self-administration”...

**October 1, Thursday at Istanbul 13th Assize Court**

**Şebnem Korur Fincancı Case**

The lawsuit filed against the Human Rights Foundation of Turkey (TIHV) Chair Prof. Dr. Şebnem Korur Fincancı with the allegation that she has “insulted” Recep Tayyip Erdoğan when he was Prime Minister, due to the tweet she posted during the Gezi Park protests...

**October 1, Thursday at Istanbul Anatolian 42nd Criminal Court of First Instance**