

Think, think...



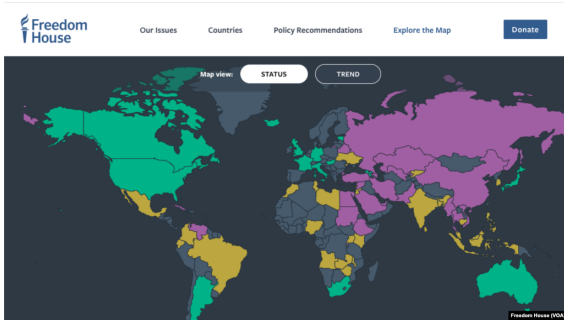
Freedom of Expression Weekly Newsletter (Issue 42/20 - October 16, 2020)

What happened last week?

- The local court didn't recognise the Constitutional Court (AYM) issue for Enis Berberoğlu, whose Parliament membership was taken off, regarding a rights violation against him as well as the decree of re-prosecution. Thus, the Constitution was openly discarded by a court, as it happened often recently. A social media post by High Court member Engin Yıldırım caused debates. The government created a "coup scenario" from the high court, which was on its target for a while.
- President Tayyip Erdoğan's target was the Turkish Medical Association this week. Claiming that a similar procedure like the multiple Bar Associations must be executed for the Turkish Medical Association, Erdoğan described the new Turkish Medical Association Chair Şebnem Korur Fincancı as a "terrorist," without giving a name:
- The targets of the small partner of the ruling party, the Nationalist Movement Party, were the Turkish Medical Association and Selahattin Demirtaş. Bahçeli reacted against the debate on early elections and said that the ballot boxes will be established in 2023 and that their candidate is Erdoğan. Erdoğan, on the other hand, who brought the country many times to early elections in their solo ruling, said, "Early elections is the work of tribal governments... There can be no early elections in a developed country."
- Even though Erdoğan claims that the country's economy is thriving, the US Dollar continued to break records this week. Even though the citizens' economy isn't thriving, the country is breaking more and more records in statistics. Turkish Statistical Institute announced the unemployment rates. According to official records, unemployment rates, employment rates and the participation rates in labour are all decreasing. Decrease in all three categories force the limits of science, as well as the reality of the country.
- Turkish Medical Association (TTB) COVID-19 Monitoring Council organized a press meeting on the seventh month of the outbreak. In the 7th month evaluation, which pointed to the consequences of hiding asymptomatic cases, it was recorded that 3 million 241 thousand 769 people were tested for COVID-19 and the Ministry of Health announced 48 thousand and 530 cases as "positive" in September. It was claimed that there had to be 324 thousand 177 cases recorded in September, based on 10 percent positivity ratio at PCR tests. According to the data shared by the Turkish Medical Association, 112 health workers, including 48 physicians, have lost their lives so far in the outbreak. At least 40 thousand health workers have caught the virus.
- As the debates are ongoing, Health Minister Fahrettin Koca announced that they will share the numbers of "asymptomatic cases" after October 15. According to Koca, the government is conducting the fight against the outbreak with great success. Turkey is one of the countries preparing to leave the outbreak with the smallest loss. What the success Koca was talking about has been revealed with the statements of Presidential

Spokesman İbrahim Kalın. When even regular testing of health workers is a problem, Kalın stated that the team at the Presidency is being tested for COVID-19 every day and that their work is exemplary on “how a government president can be protected” during the outbreak. On the other hand, the outbreak continues to be an opportunity for bans.

- With the omnibus bill presented by the AKP and passed the Parliament, the annual expenses of the ministries and the expenses to contractors will be hidden.
- 42 summaries were prepared, 26 of which against HDP MPs, in the two weeks since the beginning of the new legislative session on October 1. Press statements made by HDP MPs, whose Parliamentary immunities are claimed to be taken off, as well as the events they attended are being made subject to the summaries prepared against them.
- Human Rights Defenders Solidarity Network stated that the new indictment prepared against Osman Kavala means a “denial of law.,” and [announced](#) that a new session of the unlawful arrest has started with the new indictment. In the meantime, Istanbul Deputy Chief Public Prosecutor Hasan Yılmaz, who prepared the second indictment against Kavala, was appointed as the Deputy Minister of Justice by President Erdoğan.



Freedom House Report: “Outbreak used as excuse against Internet freedom”

Freedom House launched its “Freedom on the Net 2020” report, in which online freedom of expression is evaluated. The report evaluated Internet freedom in 65 countries making up 87 percent of all Internet users around the globe. Iceland was evaluated as the country with the freest Internet and China was ranked last.

Turkey lost two more points, compared to last year, in the ranking, receiving only 35 points out of 100 and was placed among the countries without Internet freedom. According to the report, which indicated that Internet freedom continues to regress across the globe for the last 10 years, governorates are using the pandemic as an excuse to prevent freedom of expression and access to information. The officials have censored independent journalism on the virus in 28 countries; and those making criticisms online were arrested in 45 countries. The pandemic was shown as an excuse for arbitrary or excessive restrictions against freedom of expression in at least 20 countries. [Please click here for the full report.](#)



Bia Media Monitoring Report July-September 2020

Independent Communication Network (BIA) launched its July-August 2020 Media Monitoring Report. According to the report, prosecutions of at least 81 journalists continued in 53 lawsuits due to 21 different charges, especially due to “making illegal organisation propaganda” and “illegal organization membership” within the three months. Five journalists were sentenced to 21 years and three

months of imprisonment due to “revealing confidential information and documents on the activity of intelligence.” One journalist was sentenced to 2 years and nine months of imprisonment due to “making illegal organisation propaganda.” Five journalists were acquitted. The three-month report revealed that 81 journalists faced 7 life imprisonment and a total of 760 years and three months of imprisonment; and eight journalists faced a total of 1 million 410 thousand TL compensation claims in accordance with legal regulations like the Turkish Criminal Code and the Anti-Terror Law. The report shows that Turkey has become a country in which “journalists are now detained due to criticising the authority, media blackouts are issued against TV channels for five days with the same reason, assets of exiled journalists are attempted to be confiscated in order to bring them back to the country, violence against journalists, especially local journalists increase and the more it increases, the more it stays within impunity.” [Please click here](#) for details.



Four journalists arrested in Van

Mesopotamia Agency (MA) reporters Adnan Bilen and Cemil Uğur, as well as Jin News reporters Şehriban Abi and journalist Nazan Sala were arrested after being detained on October 6 in Van. The journalists were charged with “illegal organization membership” with the allegation of “reporting news on social incidents against the government.”



10-month imprisonment against journalist Ishak Yasul

Managing Editor of previously shut-down Özgürlükçü Demokrasi Daily, İshak Yasul, was sentenced to 10 months of imprisonment by Istanbul 26th Assize Court due to “printing and publishing illegal organisation documents.” The announcement of the sentence was not deferred.



Journalist Boğatekin to stand trial due to violating Anti-Terror Law

A lawsuit was filed against Gerger Firat Daily News Director Özgür Boğatekin at Tunceli Assize Court due to violating the “Anti-Terror Law.” Boğatekin will stand trial due to the news he reported and social media posts regarding the assignment of a military personnel on duty at Pülümür, Tunceli to People’s Democratic Party (HDP) MP Alican

Gerger, Adıyaman after his argument with Önlü in June 2017 was reflected in the press.



Investigation against Munzur Springs protest

81 people were summoned to testify at the Prosecutor's Office due to the protest organized against the decision of "reconstruction" in the Gözeler region of Ziyaret village in Ovacık district of Dersim. Those summoned to testify include Dersim Mayor F. Mehmet Maçoğlu

and Dersim Bar Association Chairman Kenan Çetin. The investigation against the protest, which was organized in the open air and in accordance with rules of physical distance, was based on previously issued Governorate bans due to the pandemic. Munzur Baba Springs are considered sacred for the Alevi of Kızıldaş society in the region.



Journalist Buse Söğütlü stands trial due to "targeting"

The lawsuit filed against Gazete Yolculuk online reporter Buse Söğütlü due to "targeting someone who took part in the fight against terrorism" through a Twitter post on March 18, 2019 regarding the judge of the court where the Contemporary Journalists Association (ÇHD)

Case started to be prosecuted at Istanbul 23rd Assize Court. Söğütlü had tweeted about a news article published on Gazete Yolculuk website on the lawsuit filed against the Contemporary Journalists Association (ÇHD) member lawyers, with a note that said, "If Hitler came back to life and sat at the seat of Akın Gürlek, he would probably have formed the same sentences. Setting everything aside, including professional ethics, one should at least feel the weight of the seat he is sitting on." The next hearing of the lawsuit was scheduled for December 30.



Appeal court issues decree for "insulting Erdoğan"

The five-month imprisonment sentence issued against a citizen due to insulting President Erdoğan increased to 11 months with a Court of Appeals decree. In the case at Ankara 46th Criminal Court of First Instance, the judge had indicated that the "impartiality of the President has legally been revoked after the referendum

on April 16, 2017" and that the defendant has "committed the charge of insult against Erdoğan not because of his activities as the President but as a political entity and his activities as a party chairman." Following the objection of Erdoğan's lawyer, the Court of Appeals reversed the local court decree that convicted the citizen of the charge of insult in accordance with Article 125 of the Turkish Criminal Code and issued 11 months and 20 days of imprisonment against him due to "insulting the President" in accordance with Article 200 of the Turkish Criminal Code.



Ayhan Bilgen acquitted in Özgür Gündem Case

The summary judgement of the lawsuit filed against Kars Co-Mayor Ayhan Bilgen, who was arrested within the Kobani investigation and was replaced with a trustee, due to being an Editorial Advisory Board member at previously shut-down Özgür Gündem Daily, was held. Istanbul 24th Assize Court issued the acquittal

of Bilgen of the charges of “disrupting the unity and the territorial integrity of the state” and “making illegal organisation propaganda” whereas issued for the file to be separated so that it can be merged with the Democratic Society Congress (DTK) case file at Diyarbakır 5th Assize Court regarding the charge of “illegal organisation membership.”



35-year imprisonment claim against Can Dündar

The Prosecutor’s Office presented its opinion on the basis in the prosecution of Can Dündar, whose file was separated from the main case file at Istanbul 14th Assize Court on the “news on the stopping of Turkish National Intelligence (MIT) Trucks.” The Prosecutor’s Office claimed for Dündar to be imprisoned for up to 35 years. The next hearing on the defenses will be held on December 4th. The

court had confiscated all assets of Dündar a week before the hearing due to “considering him a fugitive due to not testifying.”



Acquittal decree in Fuat Avni case filed against BirGün

BirGün Daily executives were acquitted in the lawsuit filed against them due to the news reported on the posts made from the Fuat Avni Twitter account in the years 2013 and 2014. The newspaper’s Managing Editor Barış İnce, Executive Board member Bülent Yılmaz, Managing Editor Cansever Uğur and Executive

Board Chairman İbrahim Aydın were on trial with the allegations of “willfully aiding and abetting an armed illegal organization without membership” in the lawsuit filed at Istanbul 32nd Assize Court.



First hearing held in lawsuit filed against Mızraklı

The first hearing of the lawsuit filed against Diyarbakır Co-Mayor Selçuk Mızraklı due to “making terrorist organisation propaganda” was held at Ankara 28th Assize Court. The charges imposed against him were based on “his participation in an event at the People’s Democratic Party (HDP) Diyarbakır Provincial Organization,” “a Twitter post he made for

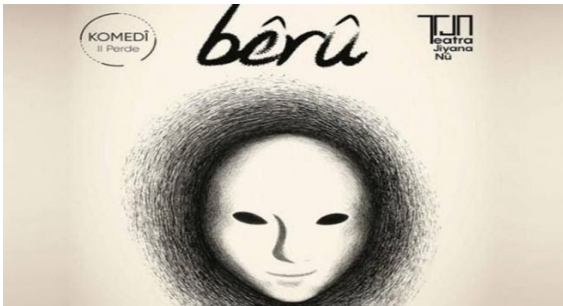
Kurdish activist Ramin Hossein Penahi, who was executed in Iran,” “attending a commemoration,” participating in a statement made for the People’s Democratic Party (HDP) on the October 9 operation,” “participating in the HDP conference, ‘Middle East Crisis and Democratic Nation Resolution’”. He was arrested within another file and was replaced with a trustee; therefore he attended the hearing from the Kayseri Bünyan Prison Type-T No.2 through the Audiovisual Informatics System (SEGBIS). The next hearing will be held on January 13, 2021.



Imprisonment sentence against journalist Arafat Dayan

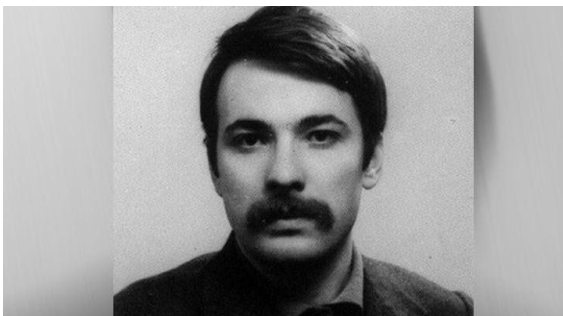
Istanbul 23rd Assize Court sentenced Democratic Ulus Daily’s former Managing Editor Arafat Dayan to 5 years and 10 months of imprisonment in total due to “making illegal organisation propaganda” and “printing and publishing illegal organisation materials.” The journalist was on a re-trial within the judicial

bill that was enacted last year; and the local court has effectively repeated the decree it previously issued.



Kurdish theater play banned

The play “Bêrû” (Shameless) to be staged by Teatra Jiyana Nû at the City Theatres within the “Theaters Support Project” of Istanbul Metropolitan Municipality (IBB) was banned by the District Governorate a few hours before the staging due to “public safety.”



Sharing photo of Mahir Çayan is considered crime

A lawsuit was filed against a social media user, who shared a photo of Mahir Çayan, a youth leader from the 1968 youth generation. In the indictment prepared by the Istanbul Chief Public Prosecutor’s Office, it was considered a

crime for the citizen N.A. to have shared photos of Mahir Çayan on social media and a penalty was claimed against the user with the allegation of “making terrorist organisation propaganda.”



Police intervention against mine workers

The police intervened against the march organized in Ankara towards Ermenek by mine workers at the Soma district of Manisa, who couldn't get their compensation after working there for 8 years. In the intervention at Ermenek, three workers were wounded due to rubber bullets and tear gas shells shot by the police.



Intervention against press statement by health workers

The police intervened in the press statement organized by the Work Health and Security Assembly (ISIG) in front of Ankara University Faculty of Medicine, Ibni Sina Hospital, entitled, “COVID-19 Report on Its 7th Month.” Eight people, most of whom were health workers, were detained.



Banned strikes

Decisions of strike, made by the Oil-Labour Union at the soda, chromium and salt factories in Adana and Mersin belonging to Bottle and Glass Factories Inc. were banned by President Erdoğan due to “being harmful to general health and disruptive against national security.” The strikes were postponed for 60 days.



Protest bans

Eskişehir Governorate banned all protests and demonstrations across the province for 15 days due to the Coronavirus outbreak. Tunceli Governorate also issued a protest and demonstration ban across the province until October 28 due to the pandemic. With this 8th ban issued consecutively since June 19, the use

of the right to meeting and demonstration is banned for a total of 129 days.



Access bans

Trabzon 2nd Criminal Judicature issued an access ban against the news published in Sözcü Daily on the career path of AKP Trabzon Parliament Member Bahar Ayvazoğlu's husband. News published on OdaTV, BirGün, Cumhuriyet, Diken, ABC Daily and SoL News Portal regarding the allegations against President Erdoğan's lawyer Ahmet Özel were

banned from access with the decree of Istanbul 5th Criminal Judicature of Peace.



TRIALS OF FREEDOM OF EXPRESSION

Uğur Güç Case

The lawsuit filed against journalist Uğur Güç due to "insulting a public officer" through the news published on Sol Haber website, where he is the Managing Editor, on July 4, 2019 with the title, "Court did what foul-mouthed lawyer wanted: Imprisonment sentence against Işıl Özgentürk"...

Court: Istanbul Anatolian 29th Criminal Court of First Instance

Verdict: The Prosecutor presented his opinion on the basis and claimed for the journalist's acquittal. The next hearing was scheduled for November 17.

Rojhat Doğru Case

The lawsuit filed against former Gelî Kurdistan TV former cameraman due to "disrupting the unity and the territorial integrity of the state," "illegal organisation membership" and "making illegal organisation propaganda" through his social media posts, his participation in the Kobanê protests on October 6-8, 2014 in order to follow news information, as well as interviews he conducted on various dates...

Court: Diyarbakır 8th Assize Court

Verdict: The court decided for the judicial measures to be revoked and scheduled the next hearing for January 14.

Deniz Yücel Case

The lawsuit filed against journalist Deniz Yücel due to "insulting a public officer" through his social media post on the Prosecutor, who prepared the indictment against the Gezi Park protests...

Court: Istanbul 24th Criminal Court of First Instance

Verdict: The court accepted for the defense of the journalist to be received from Germany through rogatory and decided to write an order letter. The next hearing was scheduled for September 9, 2021.

Osman Akın and Veysi Sarısözen Case

The lawsuit filed against Yeni Yaşam Daily Managing Editor Osman Akın and writer Veysi Sarısözen due to "making illegal organisation propaganda" through 3 news articles and one column published in the newspaper's October 8, 2018 issue...

Court: Istanbul 13th Assize Court

Verdict: Lawyers of Akın and Sarısözen didn't attend the hearing with an excuse. The hearing was postponed.

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “insulting a public officer” through his social media posts in 2016...

Court: Istanbul Büyükçekmece 16th Criminal Court of First Instance

Verdict: The court decided to wait for the reply to the letter written, summoning the testimony of the artist residing abroad. The next hearing was scheduled for May 27, 2021.

TV10 Workers Case

The lawsuit filed against previously shut-down TV10 cameraman Kemal Demir and worker Kemal Karagöz due to “aiding an illegal organisation without membership”...

Court: Istanbul 28th Assize Court

Verdict: The next hearing was scheduled for January 26, 2021.

Hayko Bağdat Case

The lawsuit filed against journalist Hayko Bağdat due to “insulting the President” and “public incitement towards resentment and hostility” through four Twitter posts as well as his article published on ozguruz.org in 2017 with the title, “My last column on Erdoğan”...

Court: Istanbul 50th Criminal Court of First Instance

Verdict: The court decided for the warrant against Bağdat within this file to be revoked and to receive his defense statement through rogatory. The next hearing was scheduled for February 3, 2021.

Welat Öztekin Case

The lawsuit filed against previously shut-down Azadiya Welat Daily worker Welat Öztekin due to “making successive illegal organisation propaganda” through his social media posts...

Court: Diyarbakır 9th Assize Court

Verdict: The hearing Prosecutor presented his opinion on the basis and claimed an imprisonment sentence against Öztekin for up to five years. The next hearing of the case was scheduled for November 30.

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 taken by ISIS”...

Mahkeme: Istanbul 35th Assize Court

Verdict: Temizkan couldn't attend the hearing due to health issues and the next hearing was scheduled for October 22.

Sadık Topaloğlu and Sadiye Eser Case

The lawsuit filed against Mesopotamia Agency (MA) reporters Sadık Topaloğlu and Sadiye Eser with the allegation of “illegal organisation membership”...

Court: Istanbul 22nd Assize Court

Verdict: The court decided for the judicial control measures against the two journalists to be revoked and for the travel ban against them to continue. The next hearing was scheduled for March 9, 2021.

HEARINGS NEXT WEEK

Ersan Pekin Case

The lawsuit filed against writer Ersan Pekin due to “obscenity” through his book, “These women ate me up”...

October 20, Tuesday at Istanbul Anatolian 2nd Criminal Court of First Instance

Özgür Gündem Case

The lawsuit filed against 22 people, including 17 journalists, due to “insulting a public officer” and “preventing a public officer from performing his duty” after they were beaten and detained in the raid conducted against the previously shut-down Özgür Gündem Daily building...

October 22, Thursday at Istanbul 5th Criminal Court of First Instance

Onur Emre Yağın Case

The lawsuit filed against İleri Haber’s former Editor-In-Chief Onur Emre Yağın due to “insulting the President” through four Twitter posts made from the official Twitter account of the website in the years 2014-2015...

October 22, Thursday at Istanbul Anatolian 53rd Criminal Court of First Instance

Case Against News on Pastor Brunson

The lawsuit filed against journalists Alican Uludağ and Duygu Güvenç due to “denigrating judicial bodies of the government” through the news published on Cumhuriyet Daily in 2018 after the release of American pastor Brunson, with the titles, “US-tuned justice,” “Is it the judiciary or government who keeps and release” and “As the hostage diplomacy falls”...

October 22, Thursday at Istanbul 2nd Criminal Court of First Instance

Case Against Economy News

The lawsuit filed against 38 people, including Bloomberg reporter Fercan Yalınkılıç, Intelligence Director Kerim Karakaya and journalists Mustafa Sönmez, Merdan Yanardağ, Sedef Kabaş and Orhan Kalkan within the Law of Capital Market due to their social media posts and news reported to Bloomberg on the economical crisis in August 2018 regarding the value loss of the Turkish Lira against the US Dollar...

October 23, Friday at Istanbul 3rd Criminal Court of First Instance