

Think, think...

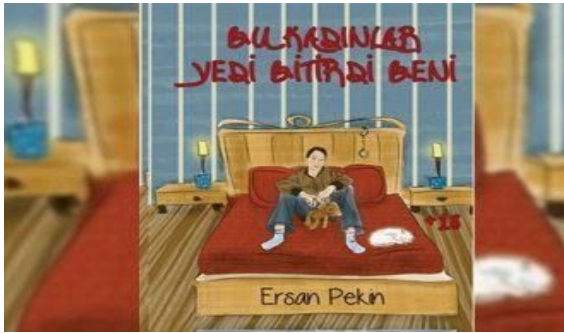


Freedom of Expression Weekly Newsletter (Issue 43/20 - October 23, 2020)

What happened last week?

- President Erdoğan indicated that they couldn't provide the progress they wished in their 18-year ruling in the fields of education and culture. 95 percent of the media is under the control of the ruling power in Turkey; whereas Erdoğan complains that the media "doesn't reflect their voice"...
- The 2021 Budget Law Draft, which had to be presented to the Parliament Chairmanship on October 17 at the latest according to the Constitution, arrived at the Parliament with a day of delay. The draft predicted all expenses in 2021 as 1 trillion 346.1 billion TL, all expenses other than interests as 1 trillion 166.6 billion TL, all budget income as 1 trillion 101.1 billion TL, all tax income as 922.7 billion TL and the budgetary deficit as 245 billion TL. According to the budget draft, there will be a 6,750 TL increase in Erdoğan's salary, which is 81,250 TL. Furthermore, the allowance of the Presidency will increase by 886 million TL in one year.
- Daily official case numbers of COVID-19 exceed 2 thousand. Health Minister announced that the Coronavirus outbreak started its upclimb throughout the country, saying, "The number of cases in Istanbul reached 40 percent of all cases in Turkey and five times the number of cases in Ankara." A COVID-19 meeting was organized in Istanbul with the participation of deputy ministers and the security director; whereas Istanbul Mayor Ekrem İmamoğlu wasn't invited.
- The first hearing of the lawsuit filed on the killing of former Diyarbakır Bar Association Chairman Tahir Elçi on November 28, 2015 in front of the historical Four-Legged Minaret in Suriçi, was held in Diyarbakır five years after the assassination, under heavy security measures. Three police officers are on trial due to "homicide through gross negligence" and Uğur Yakışır, who is allegedly a PKK member, is on trial due to "homicide of two police officers" as well as "disrupting the unity and the territorial integrity of the state." In the hearing, all claims of the Elçi Family's lawyers were denied and the next hearing was scheduled for March 3, 2021.
- Arrested former Diyarbakır Co-Mayor Gülten Kışanak and former People's Democratic Party (HDP) MP Gülser Yıldırım testified from Kandıra Type-F High Security Prison No.1 through the Audiovisual Information System (SEGBIS) within the "Kobani investigation" started by Ankara Chief Public Prosecutor's Office. Kışanak was re-arrested and Yıldırım was sentenced to house imprisonment after they were sent to Ankara 5th Criminal Judicature of Peace with a claim of "arrest." Mardin Co-Mayor Ahmet Türk, who was replaced with a trustee, testified within the "Kobani investigation" as well. Türk was released with a travel ban.
- The police organized a raid against the People's Democratic Party (HDP) Diyarbakır Provincial Organisation and Yenişehir District Organisation buildings. Provincial and District Co-Chairs were detained.

- The Central Bank kept the politics interests fixed at 10.25 percent. Afterwards, the US Dollar reached 7.95 TL and the Euro 9.40 TL.
- Republican People’s Party (CHP) Istanbul MP Sezgin Tanrikulu launched the “2020 January-September Freedom of Expression Violations Report.” According to the data shared by Tanrikulu, 29 journalists-publishers-writers were convicted in nine months, 20 journalists were arrested, 57 journalists faced investigations and lawsuits, 65 journalists were detained and 20 journalists were attacked. Access bans and decrees to be pulled off shelves were issued against 537 publications; lawsuits and investigations were opened against 187 people due to their social media posts. At least 347 online news articles were censored in the last three months.



Decree in lawsuit against author Ersan Pekin

Ersan Pekin, who was on trial at the Anatolian 2nd Criminal Court of First Instance due to “obscenity” in accordance with the Turkish Criminal Code Article 226/2 through his book, “These Women Ate Me Up,” was sentenced to five months of imprisonment and the announcement of the verdict was deferred.



1-year 3-month imprisonment against journalist Sabiha Temizkan

Istanbul 35th Assize Court sentenced journalist Sabiha Temizkan to 1 year and three months of imprisonment due to “making terrorist organisation propaganda” through a Twitter post she made in 2014. The sentence was not deferred.



Imprisonment sentence against journalist due to insulting Erdoğan

Journalist Çiğdem Albayrak was sentenced to 11 months and 20 days of imprisonment by Trabzon Regional Administrative Court due to “insulting Erdoğan” through a tweet she posted in 2018. Giresun Espiye Criminal Court of First Instance had previously decided that the “crime elements were not constituted and the tweet must be evaluated within the limits of

freedom of expression” but the Prosecutor’s Office has carried the file for appeal. The announcement of the sentence against Albayrak was deferred.



5-year 9-month imprisonment against social media posts

Labour Party (EMEP) Yüreğir (Adana) District Chairman Ferit Kilis was sentenced to 5 years and nine months of imprisonment due to his social media posts. The posts, which were on the judge sentencing Mustafa Koçak before his death on indefinite hunger strike, were considered as “insults against a public officer” and “targeting of those taking part in the fight

against terrorism.” The post with a photo of Mahir Çayan was considered a “terrorist organisation propaganda” as well.



Penalty against Karşı Mahalle reporter

KarşıMahalle.org reporter and activist Sezgin Kartal was sentenced to 1 year and six months of imprisonment in the lawsuit he was on trial at Hatay 2nd Assize Court due to “making illegal organisation propaganda.” Kartal was charged due to a press statement he attended on April 28, 2015 as well as his participation in the commemorations for Dr Hikmet Kıvılcımlı.



Lawsuit against Eren Keskin

The first hearing of the lawsuit filed against Human Rights Association (IHD) Co-Chair Eren Keskin due to “making illegal organisation propaganda” through her social media posts five years ago was held at Istanbul 36th Assize Court. The Prosecutor claimed for the file to be merged with the other case file, which is ongoing against Keskin at Istanbul

13th Assize Court with the same charge. The second hearing was scheduled for December 24.



Lawsuit against Train Station Massacre news

The first hearing of the lawsuit filed against journalist Alican Uludağ and Cumhuriyet Daily’s Managing Editor Olcay Büyüktaş Akça was held at Istanbul 12th Assize Court. The journalists are charged due to “disclosing the identities of those denouncing the crime and criminals” through their reported news on two

ISIS members, who were also Train Massacre perpetrators, tried to buy ammonium nitrate

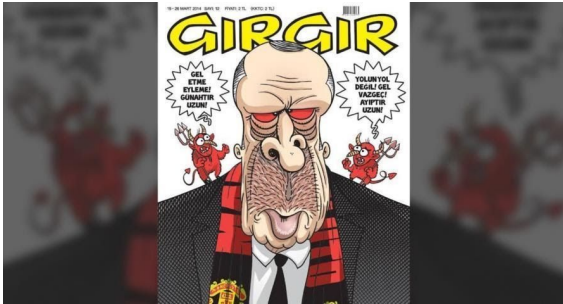
two days before the massacre and the security organisation knew about it. The next hearing was scheduled for January 12, 2021.



Lawsuit against news on Pastor Brunson concludes with acquittal

Former Cumhuriyet Daily judicial reporter Alican Uludağ and former diplomacy reporter Duygu Güvenç, who were on trial within the Turkish Criminal Code Article 301 (denigrating the Turkish Nation, the Government of the Republic of Turkey as well as the government bodies) through the news they reported on Pastor Brunson, were

acquitted. The Prosecutor presented his opinion on the basis and claimed for both journalists to be penalised. Istanbul 2nd Criminal Court of First Instance, on the other hand, issued for the acquittal of both journalists due to “the activity causing the charge imposed is not described in the law as a crime.”



Investigation against cartoon post

Istanbul Anatolian Chief Public Prosecutor's Office started an investigation against Serhat Yıldırım, who shared a cartoon published on Gırgır Magazine's March 2014 issue that criticises President Erdoğan on social media.



Access bans of the week

Van 2nd Criminal Judicature of Peace brought an access ban against Etkin News Agency, JinNews and Yeni Demokrasi Daily websites due to the protection of national security and public order.



Summary against CHP Group Deputy Chairman due to “insulting Erdoğan”

A summary was prepared against Republican People's Party (CHP) Group Deputy Chairman Özgür Özel after he used the expression, “crippled duck” used initially by the President to describe the CHP, for the President himself. President Erdoğan had made a statement regarding Ekrem İmamoğlu on the local elections in Istanbul in 2019 and said, “*We*

have the majority. They turned into a crippled duck now.” Özel spoke on a news channel and commented on the statement of Erdoğan, saying, “*If there is a crippled duck in Turkey, the*

most crippled duck is Recep Tayyip Erdoğan and he was elected as President. He doesn't have the majority at the Parliament."



RTÜK penalty against funeral owner's statements

Radio and Television Supreme Council (RTÜK) penalised TV5 channel with 26 thousand TL fine due to broadcasting the expressions of a guest of show, "Kulis Ankara" on January 28, 2020 after the Elazığ earthquake. The guest had quoted the words of someone, who lost a family member in the

earthquake. The expressions were as following: *"...for instance, a funeral owner told me when we went there for condolences. He said, 'We have been waiting since last night, so that they will hand the body to us. They didn't hand it in the morning, then in the afternoon, a public officer came and told us that the President will come for the evening prayer and that's when we will hold the funeral, together with him at the evening prayer. The family member told me that he reacted against it, and said, 'My funeral can't be an element for your politics. I will take my funeral to my neighborhood. Our customs are fixed. I have to let the people he lived together with there bid farewell, then I can bury the body.'"*



Judiciary calls minister's insults freedom of expression!

25th Civil Chamber of Ankara Regional Court claimed that the expressions, "low" and "servant" used by Interior Minister Süleyman Soylu against Prof. Dr. Baskın Oran due to his article, "Some tragicomic experiments on Kurds," published in 2017 remain within freedom of expression and issued a verdict of non-prosecution. Thus, the appeal court has

approved the local court decree, which denied the moral compensation case of Baskın Oran.



ECHR convicts Turkey

Applications of academics Baskın Oran and İbrahim Kaboğlu at the European Court of Human Rights (ECHR) regarding the lawsuit filed against them in 2005 due to the "Minorities and Their Cultural Rights Report" they prepared in 2004 as they were members of the Prime Ministry Human Rights Advisory Council. The court decided that the academics

are under pressure with constraint threat of investigation and that their "freedoms of expression and thoughts" were violated; convicting Turkey.



TRIALS OF FREEDOM OF EXPRESSION

Figen Yüksekdağ Case

The lawsuit filed against former People's Democratic Party (HDP) Co-Chair Figen Yüksekdağ due to “insulting the President” through her statements on the arrest of journalists Can Dündar and Erdem Gül...

Court: Ankara 10th Assize Court

Verdict: The Prosecutor claimed an imprisonment sentence against Yüksekdağ for up to 4 years. The next hearing was scheduled for November 12.

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...

Court: Istanbul 5th Criminal Court of First Instance

Verdict: The court board decided that the digital materials confiscated in the raid can't be handed back to their owners and scheduled the next hearing for February 16, 2021.

Onur Emre Yağan Case

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

Court: Istanbul Anatolian 53rd Criminal Court of First Instance

Verdict: The Prosecutor presented his opinion on the basis and claimed for the journalist to be penalised. The next hearing was scheduled for November 5.

Case Against Train Station Massacre Protest

The lawsuit filed against 19 lawyers, who protested the Ankara Train Station Massacre at Çağlayan Courthouse on October 12, 2015, due to “violating the Law on Meetings and Demonstrations” and “making illegal organisation propaganda”...

Court: Istanbul 13th Assize Court

Verdict: The Prosecutor's Office claimed for the lawyers to be penalised in their opinion on the basis. The next hearing was scheduled for January 15.

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...

Court: Istanbul 3rd Criminal Court of First Instance

Verdict: The court decided for the file to be sent to an expert to determine whether the defendants had any “interest” in the matter. The next hearing was scheduled for February 26, 2021.

Senol Akdağ Case

The lawsuit filed against Grup Munzur solist Şenol Akdağ due to “terrorist organisation membership”...

Court: Istanbul 34th Assize Court

Verdict: The court scheduled the next hearing for February 2, 2021.

HEARINGS NEXT WEEK

Cem Şimşek Case

The lawsuit filed against Evrensel Daily's former Managing Editor Cem Şimşek due to "insulting the President" through the news, entitled, "German cartoonists drew Erdoğan pretty bad"...

October 27, Tuesday at Istanbul Bakırköy 27th Criminal Court of First Instance

Hazal Ocak Case

The lawsuit filed against journalist Hazal Ocak due to "insulting a public officer" through the news article published on Cumhuriyet Daily with the headline, "The son-in-law knows business" regarding President Erdoğan's son-in-law and Minister of Treasury and Finance Berat Albayrak having purchased a land on the route of "Canal Istanbul" project...

October 27, Tuesday at Istanbul 2nd Criminal Court of First Instance

Hakan Aygün Case

The lawsuit filed against journalist Hakan Aygün due to "public incitement towards resentment and hostility" and "public denigration of religious values adopted by a part of society" through his social media posts...

October 27, Tuesday at Muğla Bodrum 2nd Criminal Court of First Instance

Necla Demir Case

The lawsuit filed against journalist Necla Demir due to "insulting the President" through two news articles published on Gazete Karınca news website on October 6 and October 10, 2016...

October 28, Wednesday at Istanbul Bakırköy 8th Criminal Court of First Instance