



# Think, think...

## Freedom of Expression Weekly Newsletter (Issue 46/20 - November 20, 2020)

### What happened last week?

- Interior Ministry announced that new measures will be enacted within the fight against the pandemic. The measures included remote education for all elementary and secondary schools. As the numbers get heavier in the pandemic, the expectation of the experts were declarations of curfews in provinces like Istanbul. However, now it is thought that the announced measures are [only limited](#) in their effect on slowing down the spreading of the virus. The difference between the numbers announced by the Health Ministry and the data observed by professional organisations continue to increase.
- Even though Minister of Treasury and Finance, also Erdoğan's son-in-law Berat Albayrak had announced his resignation on social media, the Turkish media continued to ignore the resignation until it was approved by the Palace. Erdoğan announced that a new period will start in the administration of the economy, and that a "bitter prescription" will be ordered.
- Criminal organisation leader Alaattin Çakıcı threatened Republican People's Party (CHP) leader Kemal Kılıçdaroğlu, with insults. Çakıcı, who is remembered together with Turkey's deep state, had been released from prison during the pandemic with the efforts started by MHP leader Bahçeli.
- Abdülhamit Gül, who is the Minister of Justice for 4 years, have called for judges: "make your decisions according to the file and your conscience, not according to orders," and added: "arrest in remand is not a rule, but an exception."
- The Constitutional Court launched the reason for the [decree](#), in which it reversed the provision that stated no demonstrations will be organised on intercity highways. The decree was issued following Interior Minister Süleyman Soylu's debated words against Constitutional Court Chief Judge Zühtü Arslan and Soylu had reacted against the decree. The reversal decree's reason stated that the regulation "could not be evaluated as a restriction that is in accordance with the requirements of a democratic society order."
- The protests started on Yüksel Street in Ankara for re-employment have left four years behind. 6 of the protesters are in prison since August 22, due to "continuing the demonstration intensely despite judicial measure decrees against it." The first hearing of the lawsuit filed against them will be held on December 9, 2020 at Ankara 28th Assize Court.
- Council of Europe's Ministers Committee, which monitors the execution of the European Court of Human Rights decrees, demanded a report from Turkey on the situation of 15 files, which concluded with Turkey's violation. The committee sent letters to the Human Rights Chamber Chairmanship of the Ministry of Justice and related Chief Public Prosecutor's Offices, demanding information on the files that

were either not put on retrial despite the violation decree of the European Court of Human Rights, or those with time limitations on them.

---



*Our weekly video programme, “[COGITO ERGO SUM](#),” in which we track Turkey’s freedom of expression and thought agenda, is on our [YouTube channel](#) every Friday and on [CanTV](#) every Saturday at 22:00...*

*[Please click here](#) for all our video bulletins...*

---



#### **4-year 2-month imprisonment against Dr Serdar Küni**

Human rights advocate Dr Serdar Küni, who was recently penalised due to his “activities as a physician” was convicted once again in the retrial after the appeal court’s reversal decree. Human Rights Foundation of Turkey (TIHV) Cizre Reference Center consultant physician Dr Kuni had been arrested on October 19, 2016 due to “treating alleged illegal organisation

members” and “illegal organisation membership”. In its decree dated April 24, 2017, Şırnak 2nd Assize Court had sentenced Küni to 4 years and 2 months of imprisonment due to “aiding an illegal organisation” and issued his release. After the decree was reversed by Gaziantep Regional Court, the case was retried. In the retrial, the court sentenced Dr Küni again with the same imprisonment sentence, this time due to “illegal organisation membership.”



#### **Lawsuit against five journalists following trustee protests**

The indictment prepared against five journalists, who were following the protest demonstrations against trustee appointments to Mardin Metropolitan Municipality, was accepted by Mardin 1st Criminal Court of First Instance. 8 people, including five journalists, will stand trial due to “unarmed participation in

illegal meetings and demonstrations as well as not dispersing despite warning.” The lawsuit

filed against Mesopotamia Agency (MA) reporters Ahmet Kanbal and Mehmet Şah Oruç, JinNews reporter Rojda Aydın, journalists Halima Parlak and Nurcan Yalçın as well as Mehmet Ete, Hamza Ete and Mehmet Selim Şimdi due to “illegal organisation membership” and “making illegal organisation propaganda” through their participation in the protest organised on August 20, 2019 had previously been concluded with non-prosecution.



### **Imprisonment sentence against former mayor due to “insulting Erdoğan”**

Former Tekirdağ Süleymanpaşa Mayor Ekrem Eşkinat, who previously was prosecuted due to the speech he gave at the district congress of the Republican People’s Party (CHP) in 2017 and was acquitted, was sentenced to 11 months and 20 days of imprisonment due to “insulting

the President” in the lawsuit retried after the reversal decree issued by the court of appeal. The acquittal decree issued by Tekirdağ 2nd Criminal Court of First Instance for Eşkinat had been reversed by the court of appeal after the objection of Erdoğan’s lawyer.



### **11 HDP MP on trial in Bursa**

The summary judgement of the lawsuit filed against 12 People’s Democratic Party (HDP) MPs, including lawyers Levent Pişkin, Ayşe Batumlu and Cahit Kırkazak, was held at Bursa 8th Assize Court due to “illegal organisation membership” and “making illegal organisation propaganda.” Pişkin, among the defendants, was detained in 2016 due to seeing arrested

former HDP Co-Chair Selahattin Demirtaş, in prison. The court issued the acquittal of 11 defendants, including the three lawyers, from all charges. One person prosecuted within the file was sentenced to five years of imprisonment due to “possessing arms without license.”



### **“Canal Istanbul” investigation against İmamoğlu**

An administrative investigation was started against Istanbul Metropolitan Municipality Mayor Ekrem İmamoğlu due to the posters of the Municipality to create public opinion against the construction of Canal Istanbul. The Interior Ministry claims that the posters, which exhibited the slogans, “Either Canal or

Istanbul” and “Who Needs Canal Istanbul”, have violated the principles of “the unity and integrity of the state” regulated at Articles 104, 123 and 127 of the Turkish Constitution.



### **Dr Recep Oruç released**

Union of Health and Social Services Labourers (SES) former Diyarbakır Co-Chair Recep Oruç, who was arrested due to “terrorist organisation membership” based on his activities for the Democratic Society Congress, was released in the hearing today. Psychologist Recep Oruç has also been previously dismissed from public service with the approval of Minister of Health,

Fahrettin Koca, within the authority assigned to him through Statutory Decree No. 375.



### **Lawsuit against journalist Özgür Boğatekin**

The first hearing of the lawsuit filed against Gerger Fırat Daily’s News Director Özgür Boğatekin at Adıyaman 2nd Assize Court was held due to “targeting those taking part in the fight against terrorism” and “making illegal organisation propaganda” through a Facebook post Boğatekin made in 2017. The journalist is on trial due to sharing a video of the argument between Gendarmerie Master-sergeant S.Ç., on

duty at a checkpoint on Tunceli Pülümür Highway, and People’s Democratic Party (HDP) Tunceli MP Alican Önlü. Another file prepared against the journalist in Tunceli was decided to be merged with this case file, and the file will be expected to be sent from Tunceli. The prosecution will continue on December 22, 2020.



### **Murder suspect police officer acquitted in Kemal Kurkut case**

The lawsuit filed on the death of university student Kemal Kurkut, who was killed with a police gun as he was heading towards a Newroz celebration in Diyarbakır in 2017, against murder suspect police officer Y.Ş. due to “homicide with eventual intent” was concluded with acquittal. Diyarbakır 7th Assize

Court claimed that “no sufficient and concrete evidence could be obtained that shows the defendant has indeed committed the crime and therefore removes all suspicion,” deciding for criminal complaints to be made for 72 police officers in order to identify the suspect.



### **Summaries prepared against two HDP MPs**

Summaries prepared against the People’s Democratic Party (HDP) Tunceli MP Alican Önlü and Iğdır MP Habip Eksik were sent to the Grand National Assembly of Turkey (GNAT) with the charge of “violating the Law

on Meetings and Demonstrations No.2911.” Participation of the MPs in the Bismil branch of “democracy marches” dated June 17, were made subject to investigation.



### **Investigation against women over protesting harassment**

An investigation was started against 15 Dersim Women’s Platform members due to “resisting the police” and “violating the Governorate ban against protests.” The women had gathered on November 6 in order to protest a foreman harassing women workers at a workplace, and were prevented by the police.



### **Writer Nezir Çakan arrested**

Kurdish PEN member and Kurdish Writers Association executive author Nezir Çakan was arrested after being detained from his home in Ergani district of Diyarbakır on November 12 and taken to Ankara within the Kobani investigation conducted by Ankara Chief Public Prosecutor’s Office.



### **Investigation against vicdaniret.org**

Istanbul Anatolian Chief Public Prosecutor’s Office opened an investigation against Conscientious Objection Association member and conscientious objector Abdülmelik Yalçın due to the posts on the official website of the association, vicdaniret.org, as well as on the association’s social media accounts. The

investigation was opened due to “denigrating the military organisation of the state” in accordance with Article 301 of the Turkish Criminal Code.



### **Protest ban in Hakkari**

Hakkari Governorate announced a protest and demonstration ban across the province until December 1st due to the Coronavirus outbreak and “possible social incidents.” With this 12th ban declared continuously since June 5, 2020, the freedom of meeting and demonstration in the province has been suspended for 180 days in total.



## Penalty against environmentalists due to pandemic

Environmentalists keeping a “Water and Conscience Watch” against the gold-mining project on Ida Mountains with cyanide were fined a total of 525 thousand Turkish Liras. Facing distraint, the environmentalists called for help and said, “They fined us instead of those who destroyed hundreds of thousands of

trees and the life they contained in the Ida Mountains.”



## Custody warrant against 101 people in operation against DTK

Many people, including Libertarian Lawyers Association Co-Chair Atty. Bünyamin Şeker, TUHAD FED executive Diyar Dilek Özer, Turkish Medical Association former Central Council member Şehmus Gökçalp, union members and People’s Democratic Party (HDP) members were detained in various

provinces in the investigation conducted against Democratic Society Congress activities. There are custody warrants against 101 names.

Sağlıklı işleyen bir denge-denetleme sistemi ve yargıya güvenin yeniden tesisi için etkin, bağımsız ve tarafsız bir yargıya ihtiyacımız var!

## 2021'E GİRERKEN CUMHURBAŞKANLIĞI HÜKÜMET SİSTEMİ: YARGI

and balances, which was already vulnerable and faulty, even further in the judiciary.” The report is based on measurements on “judicial independence, merit, relations with the execution” between the years 2015 and 2020. [Please click here](#) for the full report.

## Judiciary Report in Presidential Government System

Checks and Balances Network (DDA) examined the “Judiciary in the Presidential Government System” in the 12th newsletter of the Democracy Barometer Reports series. In conclusion, the report stated, “*Together with the transition into the Presidential government system, many changes have occurred in Turkey that would regress the system of checks*



## TRIALS OF FREEDOM OF EXPRESSION

### Uğur Güç Case

The lawsuit filed against SoL News Portal’s Managing Editor and Contemporary Journalists Association (ÇGD) Istanbul Representative Uğur Güç due to insulting President Erdoğan’s lawyer

Mustafa Doğan with the news article, entitled, “The court did what the foulmouthed lawyer wanted: Imprisonment sentence against Işıl Özgentürk”...

**Court:** Istanbul Anatolian 29th Criminal Court of First Instance

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

**Oktay Candemir Case**

The lawsuit filed against five people, including journalist Oktay Candemir, due to violating the Law on Meetings and Demonstrations No. 2911 after they were detained in Van on May 5, 2019 during the police intervention against the press statement organised by the People’s Democratic Party (HDP)...

**Court:** Van 5th Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for December 31, 2020.

**Leyla Güven Case**

The lawsuit filed against Democratic Society Congress (DTK) Co-Chair Leyla Güven due to “establishing and managing an illegal organisation,” “illegal organisation membership,” “public incitement towards illegal meetings and demonstrations” and “unarmed participation in illegal demonstrations and not dispersing despite warning” ...

**Court:** Diyarbakır 9th Assize Court

**Verdict:** The Prosecutor claimed an imprisonment sentence for up to 25 years against Güven and accepted the statements of a witness, who doesn’t personally know Güven, as well as Güven’s statements, as crime elements. The next hearing was scheduled for December 21, 2020.

**Sevda Çelik Özbingöl Case**

The lawsuit filed against lawyer Sevda Çelik Özbingöl, who was arrested after being detained in Urfa in March 2020, due to “illegal organisation membership and propaganda” with her meetings with her clients as crime evidence...

**Court:** Urfa 6th Assize Court

**Verdict:** The court denied the release claim of Özbingöl and scheduled the next hearing for December 11, 2020.

**Case Against Diyarbakır Bar Association Executives**

The lawsuit filed against 11 lawyers, including former Bar Association Chairmen, due to “public incitement towards resentment and hostility” in accordance with Article 301 of the Turkish Criminal Code, based on their statements launched by the Diyarbakır Bar Association in 2017 and 2018 for the commemoration of April 24th...

**Court:** Diyarbakır 13th Assize Court

**Verdict:** The next hearing was scheduled for February 17, 2021.

**Uğur Güç and Mustafa Kömüş Case**

The lawsuit filed against journalists Uğur Koç and Mustafa Kömüş due to “insulting a public officer because of his duty” through the news article published on BirGün Daily’s June 22, 2019 issue with the title, “Berat Albayrak-Özge Ulusoy thread on Ekşi Sözlük removed.”...

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

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

**Ali Ergin Demirhan Case**

The lawsuit filed against journalist Ali Ergin Demirhan due to “making illegal organisation propaganda” based on 8 news articles published on sendika.org in 2018...

**Court:** Istanbul 24th Assize Court

**Verdict:** The journalist made a post on Twitter before the hearing and said, “The lawsuit was initially filed due to making illegal organisation propaganda but now it continues due to insulting the President. It’s weird that it’s still at the Assize Court like this, but it is.” The hearing had to be postponed due to COVID-19 identification in the court staff.

**Faik Bulut Case**

The lawsuit filed against journalist-writer Faik Bulut with the allegation of “establishing and managing an illegal organisation” due to his activities within the Democratic Society Congress (DTK)...

**Court:** Diyarbakır 4th Assize Court

**Verdict:** As Bulut attended the hearing through the Audiovisual Information System (SEGBIS), the Prosecutor presented his opinion and claimed for a penalty due to “illegal organisation membership.” The court scheduled the next hearing for January 28, 2021 for a defense statement to be made against the Prosecutor’s opinion.

**Eşref Mamedoğlu Case**

The lawsuit filed against the People’s Democratic Party (HDP) Assembly member Eşref Mamedoğlu due to “illegal organisation membership” and “making illegal organisation propaganda” through the works of his party, his phone calls and social media posts between the years 2012 and 2014 as he was Çınar Municipality’s Assembly member...

**Court:** Diyarbakır 4th Assize Court

**Verdict:** Mamedoğlu was sentenced to a total of 10 years, 7 months and 15 days of imprisonment.

**Hüseyin Sarı Case**

The lawsuit filed against Balıkesir Erdek former Mayor Hüseyin Sarı due to “insulting Erdoğan” through his social media posts...

**Court:** Erdek Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for February 23, 2021.

**HEARINGS NEXT WEEK**

**Mehmet Baransu and Murat Şevki Çoban Case**

The lawsuit filed against journalists Mehmet Baransu and Murat Şevki Çoban due to “disclosing confidential information on the security of the state or on domestic and foreign political interests of the state” through the “National Security Council news” published in Taraf Daily in 2013...

**November 23, Monday at Istanbul Anatolian 10th Assize Court**

**Temel Demirer Case**

The lawsuit filed against writer Temel Demirer due to “praising the crime and the criminal” in his speech during the Suruç Massacre commemoration organized in Kadıköy on July 20, 2017...

**November 24, Tuesday at Istanbul Anatolian 33rd Criminal Court of First Instance**

**Selman Keleş and Arif Aslan Case**

The lawsuit filed against journalists Selman Keleş and Arif Aslan due to “armed terrorist organisation membership” due to the news published in Fırat News Agency with the photos they took...

**November 24, Tuesday at Van 5th Assize Court**



**Kenan Kırkaya Case**

The lawsuit filed against 9 people, including Yeni Yaşam Daily writer and journalist Kenan Kırkaya based on the Kurdish notes he took for a book he started to write in prison, the show, “ankara’s Agenda” on Nûçe TV as well as being a Dicle News Agency (DIHA) reporter, due to “illegal organisation membership”...

**November 24, Tuesday at Ankara 14th Assize Court**

**Sibel Hürtaş and Hayri Demir Case**

The lawsuit filed against 12 people, including journalists Hayri Demir and Sibel Hürtaş, due to “public incitement towards resentment and hostility” and “making terrorist organisation propaganda” through their social media posts on the Afrin operation...

**November 25, Wednesday at Ankara 15th Assize Court**

**Kibrive Evren Case**

The lawsuit filed against JinNews agency reporter Kibriye Evren, who was detained in October 2018 within the KCK investigation, due to “armed terrorist organisation membership” and “making illegal organisation propaganda” through her news and social media posts...

**November 26, Thursday at Diyarbakır 5th Assize Court**

**‘Ciao Bella’ Case**

The lawsuit filed against Republican People’s Party (CHP) member and Izmir former Provincial Deputy Chair Banu Özdemir due to “public incitement towards resentment and hostility” based on her social media posts depicting mosque speakers playing the song “Ciao Bella” in Izmir...

**November 26, Thursday at Izmir 50th Criminal Court of First Instance**

**Case Against Migration Monitoring Association**

The lawsuit filed against the Migration Monitoring Association due to two studies, “Rights-Search Guide for the Displaced in Turkey” and “Rights Violations Against and Experiences of Women During Curfews and Forced Migrations Report”...

**November 27, Friday at Bakırköy 38th Criminal Court of First Instance**