

Think, think...



Freedom of Expression Weekly Newsletter (Issue 47/20 - November 27, 2020)

What happened last week?

- As the Beştepe bureaucracy and Erdoğan expressed that a new “reform process” will start in the areas of law and democracy, President Erdoğan spoke in the teleconference of his party organisations in provincial congresses and said, “We see ourselves in Europe.” Following Erdoğan’s speech, Defense Minister Hulusi Akar spoke about the long history of the relations between Turkey and the U.S. The statements raised the question, “Is there a weakness in the Public Alliance?” Former AKP member and Presidency’s High Advisory Board member Cemil Çiçek stated that the word “reform” has lost its value and meaning. Another board member, Bülent Arınç stated that the arrests of both Osman Kavala and Selahattin Demirtaş must end; eventually becoming a target of heavy words from both Erdoğan and Bahçeli. Arınç resigned from his position as the High Advisory Board member.
 - Data announced by the Ministry of Health on the COVID-19 pandemic continue to be questioned. During the week that even the Ministry data revealed that the number of deaths were highest, Istanbul Mayor Ekrem İmamoğlu stated that they have buried 189 infectious deaths only in Istanbul. However, the week-long deaths announced by the Ministry were around 140. With the Ministry announcing all positive-tested numbers following public pressure, Turkey rose to the third place worldwide in daily case numbers.
 - Speaking at his party’s group meeting, Erdoğan said, “There is no Kurdish Question.” Erdoğan claims that the PKK has lost an important opportunity during the Resolution Process and that it “keeps stinging itself like a scorpion.”
 - As “congratulations” and “celebrations” (!) are expressed in the politics and bureaucracy for Novembet 25, International Day for the Elimination of Violence Against Women, women continue to express their demands for Istanbul Convention to be applied. Interior Minister Süleyman Soylu, however, finds it enough to call men to “pull themselves together.” Republican People’s Party (CHP) Deputy Chairman İlgezdi [announced](#) that 18,551 of the 25,481 people received “verdicts of non-prosecution” in the applications on violence against women between the years 2012 and 2019.
 - During budget debates in the Parliament, Republican People’s Party (CHP) MP Levent Gök asked National Defense Minister Hulusi Akar about the Uludere investigation. With a written answer to his question, it was revealed that the prosecution process has ended. 34 citizens have lost their lives as a result of the bombardment made by F16 aircraft of the Turkish AirForce upon Ortasu village of uludere district in Şırnak on December 28, 2011.
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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...

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



3-year imprisonment claim against Saturday Mothers

Istanbul Chief Public Prosecutor’s Office filed a lawsuit against the Saturday Mothers, who have been performing a sit-in protest in front of Galatasaray High School for many years in order for their missing relatives to be found. Imprisonment sentences were claimed against the mothers for up to three years each. Beyoğlu

District Governorate had banned the demonstration on August 25, 2020, which was the 700th week of the protest, due to the protection of “national security and public order.” The police had intervened against the protester families and detained many. The indictment prepared against the Saturday Mothers has the signature of Prosecutor Fatih Dönmez and charges 46 citizens with violating the Law on Meetings and Demonstrations No. 2911. It was further indicated in the indictment that the file against Parliament members, who wanted to support the demonstration, was separated and that there is a separate investigation being conducted against them.



5 detained in ‘DTK Operation’

72 people had been detained last Friday within the investigation conducted by Diyarbakır Chief Public Prosecutor’s Office against the Democratic Society Congress (DTK). Five of those 72 people, including Turkish Medical Association (TTB) Honorary Board member Dr Şeyhmus Gökalp, were arrested due to “illegal organisation membership.” Human Rights Association (IHD) Diyarbakır Chairman and

lawyer Abdullah Zeytun gave information on the arrest of Dr Gökalp and said, “His human rights advocacy and profession as a physician were criminalised. Charges imposed are unbelievable and he was arrested without concrete, material evidence.”



Protest ban before metal workers' march in Kocaeli

Systemair HSK, Özer Electric and Baldur workers announced that they will march towards Ankara on November 24, Tuesday after they were fired without compensation and were forced to take unpaid leaves after they became members of the United Metal-Labour Union of the Confederation of Progressive Trade Unions of Turkey (DISK).

After the announcement, Kocaeli Governorate banned protests in the province for 30 days due to the pandemic.



Mine workers detained in Ermenek

Mine workers in Ermenek continued their protest for their severance pays and other receivables wanted to march towards Ankara once again after the promises made to them weren't fulfilled. The gendarmerie and police intervened against the march and nine protesters were detained. After the intervention, 23 security forces have received medical

reports on having injuries due to "beating," whereas the mine workers were prevented from receiving reports. Voluntary reporter Mertcan Yılmaz, who was following the march, was detained at the hospital he went to receive a report.



Detainment against Mesopotamia News Agency reporters

Mesopotamia News Agency reporter Dindar Karataş, who was detained in Van on November 24, was arrested due to "illegal organisation membership." In his interrogation, Karataş was asked about his news resources and other questions related to the news he reports. The agency's Ankara reporter Hakan Yalçın was detained with a house raid as well,

and is charged with "illegal organisation membership."



16-year 13-month imprisonment sentence against Baransu

A decree was issued in the lawsuit filed against previously shut-down Taraf Daily writer Mehmet Baransu and Managing Editor Murat Şevki Çoban at Anatolian 2nd Assize Court. Among the journalists tried due to the news

article, “The decision to end Gülen was taken in 2004 at the State Security Council,” Çoban was acquitted. Baransu was sentenced to 16 years and 13 months of imprisonment due to “disclosing confidential documents of the government through press.” In the news article, “The Decision to End Gülen Was Taken in 2004 at the State Security Council” published on November 28, 2013, appendices of the Decree No. 481 of the State Security Council (MGK) meeting on August 25, 2004 were published. The news became a daily series and the decrees were asserted to have “contained measures to eliminate activities of the Gülen community.”



6-year 3-month imprisonment against Kemal Bülbül

People’s Democratic Party (HDP) Antalya MP Kemal Bülbül was sentenced to 6 years and three months of imprisonment in the lawsuit filed against him at Diyarbakır 4th Assize Court due to “armed terrorist organisation membership.” The decree will be sent to the Ministry of Justice and to the Grand National

Assembly of Turkey Spokesmanship.



Intervention against women’s protest in Istanbul

The police intervened against November 25 Taksim Initiative member women, who gathered at Taksim Square on November 25, International Day for the Elimination of Violence Against Women; 10 women were detained.



Investigation against former AKP MP Galip Ensarioğlu

A “terror” investigation was started against former Justice and Development Party (AKP) MP Galip Ensarioğlu due to his participation in a condolence ceremony organized in Dicle district of Diyarbakır for a YPG member, who died in a clash with ISIS in 2015.



AKP MP sent to disciplinary council after criticising Presidential system

Justice and Development Party (AKP) Central Executive Council sent former Diyarbakır MP Mehmet İhsan Arslan, who is among the party’s founding members, to the Disciplinary Board. In an interview he gave to Ece Göksedef from BBC Turkey on November 17, Arslan had used expressions that criticised the steps taken

by the AKP on the Kurdish question, on its policies in Syria as well as against the Presidential system.



Buying flowers and organising soccer tournaments are crimes, according to Prosecutor

The indictment prepared against 29 politicians, 18 of whom are arrested, including political party executives and municipal assembly members, was accepted by Gaziantep 2nd Assize Court within the KCK investigation. In

the indictment prepared due to “illegal organisation membership” and “propaganda,” the Prosecutor’s Office showed the March 31, 2019 local elections, press statements and their participation in political party meetings as evidence to the charges imposed. The politicians’ activities like buying flowers for the families they visited and organizing soccer tournaments were considered within criminal activities. The first hearing of the case will be held on January 4, 2021.



Decree in Ahmet Şık vs Turkey Case

The European Court of Human Rights convicted Turkey in the case of journalist Ahmet Şık, who is arrested in remand due to “making PKK/KCK and FETÖ/PDY propaganda” in addition to the Cumhuriyet Daily main case. Turkish judge Saadet Yüksel voted against the decree, which stated that

Şık’s rights to freedom and security as well as his freedom of expression were violated. Şık had been arrested on December 29, 2016 due to his social media posts, four news articles as well as his expressions during a panel. Şık’s interviews with KCK Spokesperson Cemil Bayık, as well as with DHKP-C members taking a Prosecutor hostage and killing him, were included in the case file.



Warrant against three lawyers in Bursa

Lawyer Cahit Kırkazak, who is also the lawyer of arrested former People’s Democratic Party (HDP) Co-Chair Selahattin Demirtaş, as well as lawyer Mehmet Deniz Büyük were detained in Bursa with house raids. There is a warrant against lawyer İbrahim Korhan as well. The investigation orders a 96-hour detainment, and

is stated to be about all three lawyers’ professional activities.



Police violence under impunity once again

A decree of non-prosecution was issued against the police intervention against the “Las Tesis” protest organized by Ankara Women’s Platform in front of Güvenpark and the Red Cross on December 12, 2019. The Prosecutor’s Office claimed that no “permission was taken” for the protest and that the police had “intervened the protest in accordance with the

law.” [What had happened?](#)



Investigation against journalist’s Newroz photo post

An investigation was started against journalist Melis Alphan due to “making terrorist organisation propaganda” through the photo she shared from the 2015 Newroz celebrations in Diyarbakır.



Access ban against JinNews

An access ban was issued against the website of JinNews, a women-focused news website with women editors and reporters, with a decree of Diyarbakır 5th Criminal Judicature of Peace, dated November 20. The website was censored for the third time in one month.



26 detentions in Istanbul

In the police operations conducted within the KCK investigation, 26 people were detained, including Şişli Municipality Deputy Mayor Cihan Yavuz, People’s Democratic Congress (HDK) People and Beliefs Assembly member Çiğdem Kılıçgün Uçar, journalists Davut Uçar, Kesire Önel and association executives and

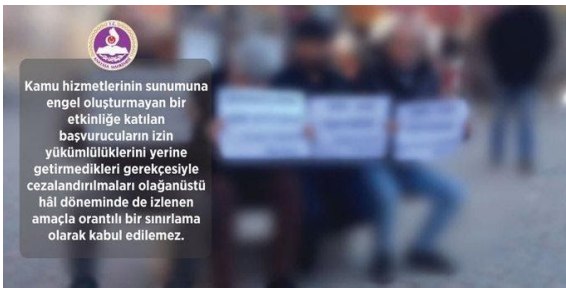
members.



International call on Tahir Elçi Case

43 international lawyers and human rights organisations made a common declaration following the developments in the case on the killing of Diyarbakır Bar Association Chairman Tahir Elçi. The declaration indicated that the prosecution process is being closely monitored by them and called for an “effective and fair trial,” further demanding for the hostile

attitude against the Elçi Family and against other victims to end. [Please click here](#) for the full declaration as well as for signatory organisations.



Constitutional Court finds penalty fines against protesters unlawful

The lawsuit filed by Özkan Karataş and others at the Constitutional Court after they were sentenced many times to administrative fines due to protesting their dismissals from public service with Statutory Decrees with sit-in protests organized in front of public offices in

Malatya, was concluded. The high court decided that the right to meeting and demonstration, which is guaranteed by Article 34 of the Turkish Constitution, was violated with the fines and after their objections to local courts have remained inconclusive.



ECtHR: Secret witnesses are rights violation

The European Court of Human Rights (ECtHR) issued its decree on the application of Democratic Society Party Ergani district Chairman Hasan Bakır, after the Party was shut down in 2009. The court decided that Bakır being sentenced to 3 years of imprisonment “based on secret witness statements” due to dancing while holding a fabric with yellow,

red, green on it as well as due to a speech he gave at the village coffee house, is a violation of the right to defense. The court underlines that a secret witness statement can not be sufficient evidence by itself for penalty and stated, “*In case the defense doesn't know the identity of the person they will interrogate, they will be deprived of the opportunity to show that this person could be prejudiced, aggressive or untrustworthy.*”



TRIALS OF FREEDOM OF EXPRESSION

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...

Court: Istanbul Anatolian 33rd Criminal Court of First Instance

Verdict: The next hearing was scheduled for March 30, 2021.

Selman Keleş Case

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

Court: Van 5th Assize Court

Verdict: The court decided to wait for the warrant against Selman Keleş to be executed and scheduled the next hearing for February 9, 2021.

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”...

Court: Ankara 14th Assize Court

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

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...

Court: Ankara 15th Assize Court

Verdict: The journalists’ claim for their travel ban to be revoked was denied and the next hearing was scheduled for March 4, 2021.

Kibriye 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...

Court: Diyarbakır 5th Assize Court

Verdict: The court asked for a copy of the indictment prepared against Kibriye Evren within a file at Mersin 2nd Assize Court as well as statements made on Evren in various investigations conducted in Antalya and Ağrı. The next hearing was scheduled for March 9, 2021.

‘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...

Court: Izmir 50th Criminal Court of First Instance

Verdict: The Prosecutor presented his opinion on the basis and claimed that the posts constitute a close threat against national security and public order, claiming for Özdemir to be sentenced due to “public incitement towards resentment and hostility through press.” The next hearing was scheduled for December 10, 2020.

İsmail Coban Case

The lawsuit filed against journalist İsmail Çoban, who was sentenced to 5 years of imprisonment in 2018 due to the news published on an Azadiya Welat issue in 2013, following the appeal court decree on retrial...

Court: Diyarbakır 7th Assize Court

Verdict: Arrested within another file, Çoban attended the hearing through the Audiovisual Information System. The court wrote to Mersin Courthouse and asked for a copy of the investigation file against Çoban. Çoban’s claim to attend the next hearing in person was denied and the next hearing was scheduled for February 16, 2021.

HEARINGS NEXT WEEK

KCK Press Case

The lawsuit filed against 46 journalists due to “terrorist organisation membership” and “making terrorist organisation propaganda”...

December 1, Tuesday at Istanbul 3rd Assize Court

Hayri Demir Case

The lawsuit filed against journalist Hayri Demir due to “terrorist organisation membership” and “making illegal organisation propaganda” through the news he reported and visuals he recorded in Northern Syria...

December 1, Tuesday at Ankara 15th Assize Court

İdris Sayılğan Case

The lawsuit filed against journalist İdris Sayılğan due to “making illegal organisation propaganda” through news he shared on social media...

December 2, Wednesday at Muş 2nd Assize Court

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç due to “public incitement towards resentment and hostility” through his social media posts...

December 2, Wednesday at Büyükçekmece 4th Criminal Court of First Instance

Ender İmrek Case

The lawsuit filed against Evrensel Daily writer Ender İmrek with the allegation that he has insulted President Erdoğan’s wife, Emine Erdoğan through the column published on June 29, 2019 with the title, “The Hermes purse was sparkling”...

December 2, Wednesday at Istanbul Bakırköy 2nd Criminal Court of First Instance

Ahmet Sever Case

The lawsuit filed against former Press Chief Consultant of 11th President Abdullah Gül, Ahmet Sever, due to “insulting the President” and “insulting a public officer” through his book...

December 3, Thursday at Istanbul 2nd Criminal Court of First Instance

Özgür Gündem Case

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

December 3, Thursday at Istanbul 13th Assize Court

Can Dündar Case

The lawsuit filed against former Cumhuriyet Daily Editor-In-Chief Can Dündar due to publishing the news on the stopping of Turkish National Intelligence trucks, allegedly carrying ammunition to Syria...

December 4, Friday at Istanbul 14th Assize Court