

Think, think...



Freedom of Expression Weekly Newsletter (Issue 50/20 - December 18, 2020)

What happened last week?

- Nationalist Movement Party (MHP) Deputy Chairman Semih Yalçın carried the statement of Bahçeli on the shutdown of the People's Democratic Party one step further and said, "*The People's Democratic Party and the PKK are a group of political pests that need whole destruction,*" targeting millions of people.
- Former screen face of CNN Turk, Şirin Payzın [announced](#) on an online broadcast that the list of those who will not be on the screen came from the representatives of Ankara and People's Democratic Party (HDP) members being allowed on the screens were completely prevented after HDP Co-Chair Demirtaş's statement, "We will not have you as President." She further announced that the control of the entire news desk was at the channel administration after the December 17-25 corruption operations and the Gezi Park resistance.
- Oda TV reporter Müyesser Yıldız announced an example of a "palace intervention in the judiciary" that happened during the "July 15 Coup Attempt Case" hearing at Ankara Sincan Assize Court. In the speech of court board members, which was unintentionally broadcasted to the hall, the chief judge, who wasn't present yet, was told to be "on the phone with the President's advisor." The defendant lawyers' claim of recusation was denied despite this disclosing. [Please click here for details...](#)
- Before turning his seat over, U.S. President Trump signed the draft against Turkey, that includes CAATSA sanctions as well. 5 of the 12-clause sanctions bill targeting Turkey's purchase of Russian S-400 aircraft [targets](#) executives of the Directorate of the Defense Industry.
- Gradual sanctions continue against social network providers within the censorship against social media, and YouTube announced that it started to prepare for the assignment of a representative in Turkey. Google services could not be reached for an entire hour during the week.
- Elections were held to determine the name that will be on duty at the Constitutional Court among Court of Cassation members. In conclusion, President Erdoğan will determine the Constitutional Court member from candidates İrfan Fidan, Nevzat Özsoy and Mustafa Erol. Former Istanbul Chief Public Prosecutor İrfan Fidan was elected as the top candidate with 107 votes at the Court of Cassation, where he only served for a month.
- Human Rights Defenders Solidarity Network, which our Initiative is also a part of, launched a statement on its anniversary, compiling rights violations and pressure faced by rights advocates in 2020. [Please click here for details...](#)
- A petition campaign was started on change.org after Nationalist Movement Party (MHP) Chairman Devlet Bahçeli targeted 805 citizens making a common statement for December 10, Human Rights Day. The campaign is entitled, "[We demand an honourable, peaceful and secure life](#)" and states, "I sign this petition by considering

that the insults and attacks against the signatories are made against myself as well as the entire Turkish nation.”



12th Istanbul Gathering for Freedom of Expression, which is held biennially since 1997, was held online due to the pandemic. 43 organisations from Turkey and worldwide participated in the gathering, which was broadcasted on our [YouTube channel](#) between the dates December 10-13, 2020 in four sessions...



Kavala still not released

The first hearing of the lawsuit filed against businessman and rights advocate Osman Kavala, who remains arrested for 1144 days, due to “coup attempt” and “espionage” was held at Istanbul 36th Assize Court. Kavala was acquitted in the Gezi Park Case, his release was issued and was arrested before he was released and thus being deprived of his freedom for

years despite a European Court of Human Rights decree against him. The next hearing was scheduled for February 5. [Please click here](#) for the full defense statement of Kavala at the hearing.



Photography artist Mehmet Özer prosecuted

Photography artist and poet Mehmet Özer is prosecuted at Ankara 2nd Assize Court due to “making illegal organisation propaganda” through his social media posts between the years 2012 and 2015 as well as the photos he took at Ulucanlar Prison, which was turned into a museum. The next hearing of the lawsuit was

scheduled for March 16.



CPJ: Turkey becomes second country imprisoning most number of journalists after China

Committee to Protect Journalists (CPJ) launched its 2020 report with the title, “[Number of journalists jailed worldwide hits record amid unrest, pandemic.](#)” The report

stated the number of journalists in jail due to their professional activities worldwide by December 1, 2020 is 274 and this is the highest number ever since CPJ started collecting data at the beginning of the 1990s. CPJ suggests the reason for that is the governments' hostile attitude against news on COVID-19 and their attempts to prevent reporting news on political turmoil. According to the report, Turkey is ranked second worldwide in the number of journalists imprisoned due to their professional activities. CPJ identified 37 journalists in Turkish prisons this year and stated that all journalists in prisons are charged with crimes against the government.



HRW: “RTÜK is executing disproportionate sanctions”

The Human Rights Watch (HRW) examined 43 decrees issued by the Radio and Television Supreme Council (RTÜK) as well as the related court documents. The HRW states that “RTÜK is executing disproportionate sanctions that are of criminal quality against independent TV and radio channels publishing/broadcasting comments and news criticising the

government.” It was further stated, “[RTÜK must leave servicing for censorship.](#)” Human Rights Watch Director for Europe and Central Asia Hugh Williamson stated, “Heavy sanctions made by the responsible organisation on broadcast monitoring in Turkey against broadcasting bodies criticising the government s-reveals that a significant public institution has become an extension of the Erdoğan government. The Radio and Television Supreme Council has repetitively shown its direct political dependence to the President, as well as its lack of independence.”



Lawsuit against news on Communications Director’s house

The first hearing of the lawsuit filed against the news published in Cumhuriyet Daily on April 14, 2020 following the complaint of Presidential Communications Director Fahrettin Altun was held at Istanbul 26th Assize Court. The newspaper’s reporter Hazal Ocak, Chief Managing Editor Olcay Büyüктаş

Akça, Managing Editor İpek Özbey and photoreporter Vedat Arık are charged with “targeting those taking part in the fight against terrorism” and “violation of privacy” through the news article on the demolition of the paysage work Altun got done on the land next to his house in Boğaziçi, Istanbul by the Istanbul Metropolitan Municipality due to being unlicensed. The second hearing of the lawsuit was scheduled for March 18, 2021.



Lawsuit against rapper Ozbi due to social media post

A lawsuit was filed against rapper Onur Dursun, known with his alias Ozbi, due to “insulting government authorities” through a

social media post. The lawsuit was announced with a news article on pro-government Sabah Daily. The artist shared his tweet mentioned in the news article and said, *“We aren’t yet aware of the lawsuit but in case Sabah Daily writes it, it must be true...”* The artist had posted the related tweet after 34 Turkish Armed Forces members have died in the attack in Idlib in February, which said, *“We are expected to be sensitive and cancel concerts, yes we are sensitive, we would cancel our concerts - but we are sensitive for the families of the young people, who die for a fascist regime. We are sensitive to the shame of living in a world, where a self-declared sly dictator makes our youngsters kill themselves with imperialism!”*



Investigation against lawyer who reacted against court board on social media

The court denied the arrest claim for the defendant, who faces an imprisonment sentence for up to 15 years with the allegation of having sexually assaulted his 14-year-old stepdaughter and beating his wife in Aksaray. An investigation was started against attorney Çağrı Ayhan Şenel over reacting against the court board on social media, saying, *“In case*

something happens to the child and her mother, the criminal court board is responsible.”



Censorship against news on allegation against MP due to “personal rights violation”

News on the statements of Parliament member Ahmet Şık, who asserted that a high-rank judicial member is beating his wife and is accused of bribery, were banned from access due to “violation of personal rights.” Dr Kerem Altıparmak spoke on the access ban issued by

Istanbul 5th Criminal Judicature of Peace following the claim of Istanbul Chief Public Prosecutor’s Office and asked, “Whose personal rights were violated, was it the Chief Prosecutor’s Office’s? If so, how? If not, what does it have to do with the Chief Prosecutor’s Office?”



Imprisonment sentence against social media post over “insulting President”

A 25-year-old was sentenced to 1 year and two months of imprisonment due to “insulting the President” through his social media posts in 2016 in the lawsuit filed at Kayseri 1st Criminal Court of First Instance. The court deferred the announcement of the verdict.



Protest bans

Events to be organised by Alevi organisations for the 42nd anniversary of the Maraş massacre were banned by Kahramanmaraş Governorate due to the pandemic. The Governorate banned all meetings, leaflet distributions and demonstrations for 14 days from December 15 within measures against the COVID-19; therefore the commemoration of those killed in

the massacre was banned this year as well, just like in the previous years. Tunceli (Dersim) Governorate banned all events that could be considered “within meetings and demonstrations” except those deemed appropriate by the Governorate and District Governorate for 15 days due to the pandemic.



Intervention against sit-in protest in front of AKP Urfa Provincial Directorate

The police intervened against the sit-in protest organized in front of the Justice and Development Party (AKP) Şanlıurfa Provincial Organisation by Emine Şenyaşar, who lost her husband and two sons in the armed attack in Suruç, together with her son Ferit Şenyaşar, who survived the attack injured. The mother

and son were detained. The armed attack was organized on June 14, 2018 by the guards and relatives of AKP Urfa MP İbrahim Halil Yıldız. The family is concerned that the prosecution will conclude with impunity.



Stay of execution against book withdrawal from shelves

Kırşehir Criminal Judicature of Peace issued a decree for two internal party publications of the Republican People’s Party (CHP), “Fund Fraud in Severance Allowances” and “Benefice Family Company” to be withdrawn from shelves. Nevşehir Criminal Judicature of Peace issued a stay of execution against the decree

following the objection of the Provincial Directorate; the books withdrawn from shelves were decided to be relaunched.



Four journalists detained in Şırnak

Mesopotamia News Agency reporters Zeynep Durgut and Azad Kaya as well as JinNews reporters Rojda Aydın and Derya Ren were detained as they were entering Cizre. Being taken to Şırnak Provincial Security Directorate, the

journalists were released afterwards. It was later found out that Durgut and Kaya were detained within the “investigation on the news regarding Servet Turgut, who was killed under custody, and Osman Şiban, who was severely injured.” Four journalists are still arrested within the investigation.



Investigation against villagers participating in electricity prayer

Electricity distributor company DEDAŞ made a criminal complaint against the villagers “praying for electricity” after their electricity was cut continuously in Şanlıurfa, due to “public incitement towards resentment and hostility.” An investigation was started against 15 villagers.



TRIALS OF FREEDOM OF EXPRESSION

Özgür Gündem Case

The lawsuit filed against journalists Hüseyin Aykol, İnan Kızılkaya, Zana Bilir Kaya and politician Hatip Dicle due to a series of news articles published in previously shut-down Özgür Gündem Daily in accordance with Article 301 of the Turkish Criminal Code...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court decided to wait for the execution of the warrant against Hatip Dicle and scheduled the next hearing for March 4, 2021.

RedHack Case

The lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargin and Metin Yoksu due to “making terrorist organisation propaganda,” “preventing informatics system, disrupting, destroying or changing data,” “conducting activities on behalf of an illegal organisation without membership” and “illegal organisation membership” through reporting the news on the emails belonging to Erdoğan’s minister son-in-law Berat Albayrak, which were hacked and disclosed by RedHack...

Court: Istanbul 29th Assize Court

Verdict: The court denied the claims for the revocation of the travel ban against the journalists and for them to be exempted from the hearing, and decided for the file to be sent to the Prosecutor’s Office for an opinion to be prepared on the basis. The next hearing was scheduled for May 5, 2021.

Özgür Gündem Substitute Editing-In-Chief Case

The lawsuit filed against journalist Can Dündar, who participated in the Özgür Gündem Substitute Editing-In-Chief campaign, as well as the newspaper’s former Managing Editor İnan Kızılkaya due to “insulting a public officer”...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court decided to wait for the execution of the warrant against journalist Can Dündar as well as for a reply to the international rogatory letter that requests his defense statement to be received from abroad. The next hearing was scheduled for March 4, 2021.

Serife Oruç Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Şerife Oruç due to “illegal organisation membership”...

Court: Batman 2nd Assize Court

Verdict: The court decided to consult witness Devran Çakır’s statements as well as write to Diyarbakır Chief Public Prosecutor’s Office and ask whether there is any evidence that involves an identification that Oruç was involved in the trench incidents. The next hearing was scheduled for March 11, 2021.

Engin Eren Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Engin Eren due to “illegal organisation membership”...

Court: Batman 2nd Assize Court

Verdict: The journalist was excused from the hearing. The next hearing was scheduled for March 16, 2021.

Murat Sekmen Case

The lawsuit filed against 11 people, including former Yeni Yaşam Daily worker Murat Sekmen, due to “illegal organisation membership” and “making illegal organisation propaganda”...

Court: Mersin 7th Assize Court

Verdict: Presenting his opinion on the basis, the Prosecutor showed news published in the newspaper on various dates as “crime” evidence and claimed that Sekmen has committed a crime by sending the newspaper to Mersin. On the other hand, the Prosecutor further considered it within criminal activity for the news on Sekmen’s detainment to take place on ANF and Mesopotamia Agency. The next hearing was scheduled for March 19, 2021 for the lawyers to prepare their defenses against the Prosecutor opinion.

Case Against Street Artist with Alias ‘Unpermitted’

The lawsuit filed against street artist with alias “Unpermitted,” due to “publicly denigrating the Turkish flag” and “insulting the President” due to his work and social media posts...

Court: Istanbul 20th Criminal Court of First Instance

Verdict: As the camera recordings presented by the Security Directorate were wrong, the court requested the right ones to be sent. After the recordings are watched, an expert report will be evaluated on whether the pictures in question could be considered artwork or not. The next hearing was scheduled for May 25, 2021.

Sinan Aygül Case

The lawsuit filed against Bitlis Journalists Association Chairman and former Dicle News Agency (DIHA) reporter Sinan Aygül, who is on retrial with the allegation of “illegal organisation membership” within the Bitlis KCK Case file that turned from the Court of Cassation...

Court: Bitlis 2nd Assize Court

Verdict: Defendants and their lawyers, including journalist Aygül, didn’t attend the hearing. The court scheduled the prosecution to a later date.

Burhan Ekinçi Case

The lawsuit filed against writer Burhan Ekinçi due to “making illegal organisation propaganda” through seven Twitter posts...

Court: Istanbul 36th Assize Court

Verdict: The request for the defense statement of Ekinçi, who resides in Germany, to be received through rogatory, was denied by the court. The next hearing was scheduled for May 7, 2021.

HEARINGS NEXT WEEK

ETHA Case

The lawsuit filed against ETHA editor Semiha Şahin and reporter Pınar Gayip due to “illegal organisation membership”...

December 22, Tuesday at Istanbul 23rd Assize Court

Özgür Boğatekin Case

The lawsuit filed against Adıyaman’s local Gerger Fırat Daily News Director Özgür Boğatekin due to “targeting those taking part in the fight against terrorism” and “making terrorist organisation propaganda” through his Facebook posts in 2017...

December 22, Tuesday at Adıyaman 2nd Assize Court

Mazlum Dolan Case

The lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Mazlum Dolan due to “illegal organisation membership” after being stuck in Sur district of Diyarbakır, where he was for reporting, for 79 days due to the curfew and being arrested afterwards...

December 22, Tuesday at Diyarbakır 5th Assize Court

Can Dündar Case

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

December 23, Wednesday at Istanbul 14th Assize Court

Case Against Roboski Commemoration

The lawsuit filed against the relatives of 34 citizens, who lost their lives in the Roboski Massacre, due to “illegal organisation membership” based on the commemoration organised on the fourth anniversary of the massacre on December 28, 2015...

December 23, Wednesday at Şırnak 2nd Assize Court

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily’s Owner Kemal Sancılı, Editor-In-Chief Zana Kaya, Managing Editor İnan Kızılkaya and Eren Keskin...

December 24, Thursday at Istanbul 23rd Assize Court

Hakkı Boltan Case

The lawsuit filed against journalist Hakkı Boltan due to “insulting the President” through the press statement he held on Azadiya Welat Daily’s former Managing Editor Rohat Aktaş, who was killed in Cizre district of Şırnak during the curfew in 2016 as he was tracking news information...

December 24, Thursday at Diyarbakır 12th Criminal Court of First Instance

Özgür Gündem Substitute Editing-In-Chief Case

The lawsuit filed against journalist Can Dündar, who participated in the Özgür Gündem Substitute Editing-In-Chief campaign, due to “publishing or printing terrorist organisation statements”...

December 24, Thursday at Istanbul 22nd Assize Court

Eren Keskin Case

The lawsuit filed against Human Rights Association Co-Chair and Yeni Yaşam Daily writer Eren Keskin due to “making illegal organisation propaganda” through her social media posts during the Resolution process...

December 24, Thursday at Istanbul 36th Assize Court