

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 3/21 - January 22, 2021)

### What happened last week?

- Nationalist Grey Wolves' Deputy Chairman Ömer Şanlı threatened the Prosecutor conducting the attack against Selçuk Özdağ. Şanlı's tweet with an attachment of Prosecutor Alparslan Tufan's photo stated: *"Our primary suggestion for Prosecutor Tufan is to abide by the law and to not try to swim in the water he is going to drown in, as he tries to show his masculinity to others."* Many Grey Wolves executives from other provinces have supported the tweet. On the same day, it was revealed that the perpetrators of attacks targeting Selçuk Özdağ, Orhan Uğuroğlu, Afşin Hatipoğlu had connections with the Grey Wolves, which is the youth organisation of the Nationalist Movement Party (MHP). Only two suspects were arrested.
- As Erdoğan kept his silence on the attacks against Özdağ and journalists, Interior Minister Soylu excused the attacks by calling them "reactions"! Nationalist Movement Party (MHP) leader Bahçeli targeted Karar Daily writers Taha Akyol, Yıldray Oğur and Elif Çakır. Bahçeli's press advisor Yıldray Çiçek updated the target list by calling journalist Ayşenur Aslan "the mother of terrorists" and "a person with dementia."
- 14 years have passed since the assassination of journalist Hrant Dink. The "Dink Murders Case" revealed that all government bodies were aware of the murder but there is still no conclusion in the 14-year fight for justice. Rakel Dink spoke in the commemoration organised in front of Sebat House, the former office of Agos Daily, where Dink was shot 14 years ago. "To say that FETÖ killed Hrant is to say, 'I didn't do it, my hand did.' To say that Ergenekon killed Hrant is to say, 'I didn't do it, my foot did,'" Dink stated.
- The Turkish Health Ministry launched a "vaccination guide." The vaccination of all health workers in the first group is expected to be finalised this week. Many famous people and "government authorities" posted on social media, announcing that they have been vaccinated; which increased reactions against "privilege" in vaccination. Turkey still hasn't received a new batch of vaccines except the first 3 million doses of Sinovac.
- Protests continue after Melih Bulu was appointed as rector to Boğaziçi University by President Erdoğan himself. Besides the protests of students, academics continue to turn their backs against the rectorate building every day. On the other hand, support statements came from thousands of academics from more than 50 countries for the academics and students.
- In the "Kobani" indictment prepared against People's Democratic Party (HDP) politicians, including Selahattin Demirtaş, it was revealed that the activities during the Resolution Process were considered "criminal" activities. Lawyers indicated that the Law No. 6551 that protected activities within the Resolution Process was trampled and stated, "President Recep Tayyip Erdoğan is a secret defendant."

- Prime Ministry rapporteur Hüseyin Galip Küçüközyiğit, who was dismissed from his position with a Statutory Decree issued within the State of Emergency declared following the coup attempt in 2016, is not heard from since leaving his office in Maltepe, Ankara on December 29. There is an increase in cases of “forced dismissals”, which were very widespread in the 1990s, after the July 15 coup attempt. 24 of those who were missing between the years 2016 and 2020 were later “found” and they were identified to have been exposed to heavy torture during the time they were missing.
- None of the 662 law drafts presented by the opposition parties to the Grand National Assembly of Turkey (GNAT) were evaluated. However, 22 of the 62 law drafts presented by the Justice and Development Party (AKP) were enacted as law, 40 of them are in the agenda of the General Assembly and Commission.
- 300 thousand people have applied to the Constitutional Court since September 23, 2012 until December 31, 2020, after individual applications were allowed. The Constitutional Court evaluated only 14,765 of them on the basis and found rights violations in 95 percent of them. The high court decided that at least one right was violated in 14,273 applications; with the right to fair trial ranking first with 63.3 percent in the distribution of rights and freedoms in decrees of violation. Decrees of violation against the right to freedom of expression are ranked third with 4.2 percent.
- The government has started to build six new prisons last year and this year, it took action to build 2 more prisons. There are ongoing prison constructions in 42 provinces across the country, with 4 billion 449 million TL money spent on them by the end of 2020. This year, 2.2 billion TL allowance was given to prisons with ongoing constructions.



*The Initiative for Freedom of Expression started at the halls of the Istanbul State Security Court on January 23, 1995. Every year, we wished that we won't have anything else to write about next year, and that there will be no more need for such work or such an Initiative. We have left 26 such years behind. As every year, we compiled data and tried to paint a picture of freedom of expression in the country, recording it in history.*

*You may find our [Freedom for Thought 2020](#) report on our website and our 2020 video almanac on our [YouTube](#) channel.*



***We continue to record violations of freedom of expression in the country, together with the Human Rights Association and the Human Rights Foundation of Turkey with monthly video conferences we organise. [Please click here](#) for our “What’s Goin’ On? December 2020” report...***

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### **Ad ban against social media networks**

Gradual sanctions continue against social media platforms with the enactment of the censorship application against social media on October 1st. Social media networks having been penalised with 40 million Turkish Liras each due to not assigning representatives in Turkey are now facing advertisement bans. Social media networks with millions of users, such as Twitter, Periscope and Pinterest, are no

longer allowed to receive ads from Turkey. The next step will be a reduction in the services’ bandwidth. One day before the execution of the advertisement ban, Facebook and Instagram decided to assign representatives in Turkey. Through the companies accepting to open representatives in Turkey, where new access bans are added on top of one another every day, censorship will increase even more. Amnesty International and Article 19 made a joint declaration on the subject and said, “*Companies complying with this new strict law, which will silence the opposition, have to announce what concrete steps they will take to respect the right to freedom of expression.*”

### **Free Web Turkey Report: “End of News: Internet Censorship in Turkey”**



Free Web Turkey Platform has launched its report, “End of News: Internet Censorship in Turkey.” According to the data compiled between November 2019 and October 2020, at least 1910 URLs, domain names and social media posts as well as 26 news websites were

banned from access. 65 percent of all access bans were against news articles. 42 percent of all censored news articles were identified to have been related directly with the Justice and Development Party (AKP) Chairman and President of Republic Erdoğan, his family, the party’s mayors or executives. The report further indicated that 56 URLs on news articles regarding the pandemic were banned from access. It further reveals the tendency to issue access bans against news not only against the government, but also on the perpetrators of

crimes against women and children - in order to protect the perpetrators. [Please click here](#) for the full report.



### **Lawsuit against Sözcü Daily writer Yılmaz Özdil**

An indictment was prepared against Yılmaz Özdil, who criticized in his column on Sözcü Daily's July 4, 2020 issue that the Bar Association Chairmen weren't allowed in the Parliament after they have reacted against the "multiple Bar Associations" regulation of the ruling power, while writing about news on theft

and corruption. The indictment was prepared in accordance with Article 301 of the Turkish Criminal Code with an imprisonment claim for up to 2 years due to "denigrating the Grand National Assembly of Turkey" and Özdil was further claimed to "be deprived of his right to election."



### **20-year imprisonment claim against journalist Fatih Gönül**

The indictment prepared against previously shut-down Dicle News Agency (DIHA) worker and arrested journalist Fatih Gönül due to "illegal organisation membership" and "making illegal organisation propaganda" was accepted by Ankara 25th Assize Court. The indictment considered the soccer game the journalist played in, a book and newspapers in Kurdish

were considered crime evidence. The journalist faces an imprisonment sentence for up to 20 years, and the first hearing is on February 16...



### **Warrant against Cengiz Çandar**

A warrant was issued against journalist Cengiz Çandar in the first hearing of the lawsuit filed against him at Istanbul 30th Criminal Court of First Instance due to "praising the crime and the criminal" through a social media post in 2017.



### **ECtHR decree on Atilla Taş**

The European Court of Human Rights (ECtHR) evaluated the application of Atilla Taş, who remained under arrest for 14 months and was sentenced to 3 years, 1 month and 15 days of imprisonment due to his social media posts and columns. The court convicted Turkey of the

violation of the right to freedom, safety as well as freedom of expression.



### **Appeal Court reverses acquittal decrees in Gezi Park Case**

3rd Criminal Chamber of Istanbul Regional Court reversed the acquittal decrees issued in the Gezi Park Case, which was filed against 16 people due to “attempting to overthrow the government of the Republic of Turkey.” In the summary judgement held on February 18, 2020 at Istanbul 30th Assize Court, acquittal decrees

were issued for 9 rights advocates, including Osman Kavala, and the files of 7 people, including journalist Can Dündar, were separated.



### **Police intervention against health workers in Ankara**

The police intervened against the protest organised by health workers at Ankara City Hospital, who are members of seven professional unions. Many people were detained, including Ankara Medical Chamber Chairman Dr Ali Karakoç, Executive Board Member Dr Ayşe Uğurlu, Health and Social Services Workers Union (SES) Ankara

Co-Chairs and Revolutionist Health-Labour Union members.



### **Lawsuit against women protesting murder of Pınar Gültekin**

The first hearing of the lawsuit filed against 12 women, who were detained during the protest organized in Izmir against the murder of Pınar Gültekin, was held at Izmir 47th Criminal Court of First Instance due to “violating the Law on Meetings and Demonstrations No. 2911”. In the hearing, the defendant women

indicated that they were beaten by the police and were exposed to sexist insults, saying, “the demonstration we organised to protest violence against women has ended with violence against women.” The second hearing was scheduled for April 28.



### **47 detained in operation against ESP, 5 arrested**

20 people were taken to court after being detained in the operation against the Socialist Party of the Oppressed (ESP) members and executives with arrest claims. Among those 20,

Socialist Party of the Oppressed (ESP) Istanbul Provincial Co-Chair Ezgi Bahçeci, People's Democratic Party (HDP) assembly member Sıtkı Güngör, Socialist Party of the Oppressed (ESP) executive Kerim Altınmakas, Limter-Labour Union Organisation Expert Deniz Bakır and Gülşah Polat were arrested. House imprisonment decrees were issued against Etkin News Agency (ETHA) reporter Pınar Gayıp, Socialist Party of the Oppressed (ESP) Co-Chair Özlem Gümüştaş, Socialist Women's Assembly (SKM) Central Executive Council members Satiye Ok, Alev Özkiraz and Ceren Çoban.



### **Lawsuit against Hülya Oruç due to social media posts**

A lawsuit was filed against Hülya Oruç, the wife of Aziz Oruç, who was arrested in December 2019 and was released last November, due to “public incitement towards resentment and hostility” through her social media posts on the neglects in prisons during the pandemic. The first hearing of the lawsuit

was held at Diyarakır 5th Criminal Court of First Instance and the second hearing was scheduled for February 3.



### **METU fires 8 student assistants**

The Middle East Technical University (METU) fired 8 graduate students, who were students' assistants, due to “budget cuts.” Republican People's Party (CHP) Parliament member Levent Gök stated that the students were strictly warned due to participating in the solidarity protests with Boğaziçi University.



### **Imprisonment sentence against journalist Bulut in first hearing**

The first hearing of the lawsuit filed against journalist Zeynel Abidin Bulut, who participated in the commemoration of Mazlum Erenci, was held at Diyarbakır 4th Assize Court. The commemoration was organised by Dicle Fırat Journalists Association, which Bulut was the Chairman of, on June 29, 2020 at the grave of Erenci in Diyarbakır Yeniköy

Cemetery. Bulut was charged with “making illegal organisation propaganda” due to inviting the participants for a moment of silence for respecting Erenci; and was sentenced to ten months of imprisonment.



### **Simultaneous raids against 15 HDP district buildings**

The police organised simultaneous raids against 15 district organisations of the People's Democratic Party (HDP) in Istanbul with banners on their buildings to draw attention to the hunger strikes in prisons. In the raids organised following the order of the

Prosecutor's Office, some district Co-Chairs were detained and the banners were confiscated. The banners hung on the buildings stated: "Raise voice for hunger strikes," "Accept demands of hunger-striker prisoners - for the revocation of solitary confinement, to end rights violations, to release ill prisoners and to end naked search."



### **Protest and demonstration bans extended once again in Van and Hakkari**

The protest and demonstration ban that started to be applied on November 21, 2016 in Van and is ongoing for 1,519 days was extended once again by the Governorate. Van Governorate banned all protests and demonstrations to be organised in the province

until February 2nd due to the protection of "social health and public order." On the other hand, the continuous protest ban ongoing in Hakkari was extended by the Governorate until January 30th.



### **Judge appointed to 'Berkin Elvan Case' once "liked" a tweet calling Berkin 'terrorist'**

Berkin Elvan was shot with a tear gas shell and killed during the Gezi Park protests. Judge Galip Mehmet Perk was appointed to the lawsuit filed against the perpetrator police

officer Fatih Dalgalı. Dalgalı has once liked a tweet that called Berkin a "terrorist."



### **Constitutional Court issues second violation decree for Enis Berberoğlu**

The Constitutional Court's General Assembly issued a violation decree once again in the second application made for Enis Berberoğlu, who lost his seat in the Parliament, after the previous violation decree was not executed by the local courts. In the unanimous decree, it was decided that Berberoğlu's right to election and political activity as well as his right to

personal freedom and safety were violated. The decree was sent to Istanbul 14th Assize Court, which is the court that didn't execute the previous Constitutional Court decree, to eliminate the consequences of the violation.



### Constitutional Court issues violation decree

The Constitutional Court decided that the right to freedom of expression and thought of Kemer Gözcü Daily columnist Osman Palçık was violated after he was convicted by the local court due to his social media posts, which referred to the cases against former Kemer Mayor Mustafa Gül on “bribery and corruption.” The court stated, in the decree: “As

*the post is against a politician well known by the public, the limits of tolerable criticism are larger when compared to an ordinary person.”*



### Freedom of Publishing Report October 2019-November 2020

Freedom of Expression and Thought Awards given every year by the Turkish Publishers' Union since 1995 were given with an online ceremony this year. The prizes were awarded to Mikado Publishing in the category of publishing, to Buket Uzuner in the category of writing and the Publishing House Effort Prize

was awarded to Antik Sahaf, which has been in service in Tarsus for the last 23 years. In the ceremony, the Freedom of Publishing Report was presented as well, which compiled data on investigations and lawsuits against publishers, book banning decrees and censorship for the period between October 2019 and November 2020. According to the report, “distribution and sales” bans were brought against 56 books by the Criminal Judicatures of Peace in the one-year period. One book was removed from publication by the publishing house due to public sensitivity and reactions coming on social media. One printing house worker was sentenced to 10 months of imprisonment due to “printing a book.” One publishing house owner was sentenced to 2 years and one month of imprisonment due to printing and publishing a book that involved illegal organisation propaganda. A lawsuit was filed against one publishing house owner due to publishing a book that “denigrated religious values.” Lawsuits were filed against two publishing house owners due to publishing “obscene” publications. Lawsuits were filed against two translators due to “obscenity.” Lawsuits were filed against six writers due to their books and their prosecutions continue. One writer was sentenced to five months of imprisonment due to “obscenity.” 13 books, 4 of them focused on adult audiences, were declared “obscene publications.” [Please click here](#) for the full report.



## DÜŞÜNCE SUÇU DURUŞMALARI

### **İdris Yılmaz Case**

The lawsuit filed against journalist Idris Yılmaz due to “public incitement towards resentment and hostility” through a social media post he made on January 20, 2018 regarding the Olive Branch Operation started by the Turkish Armed Forces (TSK) in Afrin, Syria...

**Court:** Van Erciş 1st Criminal Court of First Instance

**Verdict:** The journalist was acquitted.

### **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...

**Court:** Bodrum (Muğla) 2nd Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for March 9.

### **Mehmet Şahin Case**

The lawsuit filed against Kurdish Xwebûn Daily writer and Kurdish linguist Mehmet Şahin due to “establishing and managing an illegal organisation” based on his activities allegedly conducted at the Democratic Society Congress (DTK)...

**Court:** Diyarbakır 5th Assize Court

**Verdict:** The court decided for the file to be sent to the Forensic Medicine Institute in order to determine whether the conversations presented in the indictment as crime evidence belong to Şahin or not; and for a voice sample to be taken from Şahin. The next hearing was scheduled for May 27.

### **Erk Acarer Case**

The lawsuit filed against journalist Erk Acarer due to “insulting the President” through his article published in Birgün Daily in October 2016...

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

**Verdict:** The parties presented excuses, therefore the hearing was rescheduled to a later date.

### **İsmail Cem Şimşek Case**

The lawsuit filed against Evrensel Daily’s former Managing Editor İsmail Cem Şimşek with the allegation of “insulting the President” due to the news published in the newspaper in July 2018 with the title, “German Cartoonists Drew Erdoğan So Bad”...

**Court:** Bakırköy 27th Criminal Court of First Instance

**Verdict:** The court decided for the file to be sent to the prosecutor’s office for an opinion on the basis to be prepared. The next hearing was scheduled for April 15.

### **Hatice Şahin Case**

The lawsuit filed against Yeni Yaşam Daily reporter Hatice Şahin, who was detained and released in the operation organised in Diyarbakır on October 9, 2018, with the allegation of “illegal organisation membership”.

**Court:** Diyarbakır 9th Assize Court

**Verdict:** The court decided for the secret witness in the file to be listened to and scheduled it for March 24.

**Hazal Ocak & Alev Sahin Case**

The lawsuit filed by Mehmet Cengiz against Cumhuriyet Daily's Managing Editor Alev Şahin and reporter Hazal Ocak due to "damaging reputation" based on the news article published in the newspaper on October 6, 2019 with the headline, "Luxury annex with Bosphorus view"...

**Court:** Istanbul Anatolian 14th Civil Court of First Instance

**Verdict:** The summary judgement will be held on January 26.

**Case Against Newspaper Distributors**

The lawsuit filed against Azadiya Welat Daily and Özgürlükçü Demokrasi Daily distributors Mikail Tunç Demir and Ferhat Duman due to "aiding an illegal organisation" and "making illegal organisation propaganda" due to the news published in 2018 in these newspapers...

**Court:** Van 5th Assize Court

**Verdict:** The next hearing will be held on April 29.

**Sedef Özdemir Case**

The lawsuit filed against Jiyanhaber reporter Sedef Özdemir and 24 others due to "participating in illegal meeting and demonstration" after they were detained during the police intervention against the press statement organised by prisoner relatives in front of Batman Closed Prison Type-M on April 23, 2019 in order to draw attention to hunger strikes in prisons...

**Court:** Batman 1st Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for May 4th...

**JITEM Main Case**

The 27th hearing of the Musa Anter Case, which was merged with the JITEM Main Case...

**Court:** Ankara 6th Assize Court

**Verdict:** Anter family's lawyer Selim Okçuoğlu drew attention to the fact that there are 18 months left for the file to be bound to time limitation. "The Ministry of Justice is not collaborating with the court," the lawyer stated. The next hearing was scheduled for April 7.

**Sonya Bayık Case**

The lawsuit filed against 35 people, including JiyanNews Editor-In-Chief Sonya Bayık, due to "violating the Law on Meetings and Demonstrations" after they were detained during the press meeting organised against the flooding of Hasankeyf on June 12, 2019.

**Court:** Batman 1st Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for May 27.

**İdris Yayla Case**

The lawsuit filed against 28 people, including JiyanNews Owner İdris Yayla, due to "violating the Law on Meetings and Demonstrations" after following the press statement organized in Batman in 2016 against trustee operations.

**Court:** Batman 1st Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for April 2.

**HEARINGS NEXT WEEK****Durket Süren Case**

The lawsuit filed against journalist Durket Süren due to "willfully aiding and abetting an illegal organisation" and "making illegal organisation propaganda"...

**January 25, Monday; Diyarbakır 11th Assize Court**

**Hazal Ocak & Alev Şahin Case**

The lawsuit filed by Mehmet Cengiz against Cumhuriyet Daily's Managing Editor Alev Şahin and reporter Hazal Ocak due to "damaging reputation" based on the news article published in the newspaper on October 6, 2019 with the headline, "Luxury annex with Bosphorus view"...

**January 26, Tuesday at Istanbul Anatolian 14th Civil Court of First Instance**

**Kemal Demir & Kemal Karagöz Case**

The lawsuit filed against previously shut-down TV10 workers Kemal Demir and Kemal Karagöz due to "aiding an illegal organisation"...

**January 26, Tuesday at Istanbul 28th Assize Court**

**İdris Sayılğan & Naci Kaya Case**

The lawsuit filed against journalists Idris Sayılğan and Naci Kaya due to "shooting in forbidden zone" after they were detained in Edirne, where refugees flooded as they wanted to go to Europe after Turkey's announcement that it opened its borders...

**January 27, Wednesday at Edirne 8th Criminal Court of First Instance**

**Vedat Dağ Case**

The lawsuit filed against People's Democratic Party (HDP) Diyarbakır Provincial Organisation Press Consultant Vedat Dağ due to "illegal organisation membership" and "making illegal organisation propaganda" based on Dağ's participation in HDP events, posting about those events on social media as well as secret witness statements against him...

**January 27, Wednesday at Diyarbakır 11th Assize Court**

**Case Against Van TV**

The lawsuit filed against 8 Van TV workers, including 6 journalists, due to "making illegal organisation propaganda" based on previously shut-down Van TV newscasts and shows...

**January 29, Friday at Van 4th Assize Court**