

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 28/21 - July 16, 2021)

### What happened last week?

- Five years have passed since the July 15 coup attempt. However, the Justice and Development Party ruling presented the [omnibus bill proposal](#) to the Parliament, which predicted amendments on 18 different law articles and 2 Statutory Decrees. The omnibus bill predicts some of the applications of the State of Emergency, which were declared following the July 15 coup attempt, applied during the State of Emergency, and were previously extended for three years in 2018, to be extended for three more years. According to the proposal, State of Emergency applications like the 12-day custody period in terror crimes, ministries possessing the authority to dismiss public workers and the Savings Deposit Insurance Fund to be appointed as a trustee to companies will continue until 2024.
- Criminal organisation leader Sedat Peker continues to remain in the spotlight with his disclosures, and he has lately claimed that Soyulu, who was the Interior Minister at the time, has delivered ammunition from the government inventory to Justice and Development Party (AKP) Youth Organisation members. The Interior Ministry replied to these allegations. Ministry Spokesman Ismail Çatakılı stated that the number of missing ammunition is 24. On the other hand, the Parliamentary question motioned by the People's Democratic Party regarding the status of so-called "distributed" ammunition following the July 15 coup attempt, was denied with the votes of the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP).
- An armed attack was organised against the People's Democratic Party (HDP) district building in Marmaris district of Muğla. The attacker was identified as the person who attacked the HDP Marmaris district building three years ago and broke its windows. Three more people were detained due to relations with the attack. [Please click here](#) for details.
- The number of members of the Turkish Radio and Television Association's Executive Board has been increased from 7 to 9. The new executives of the Association include Erdoğan's Communication Presidency personnel, the son of the Minister of Labour, SETA Foundation workers and pro-government Sabah Daily writer Hilal Kaplan. The Association possesses nearly 4 billion in budget and each household pays 42 Turkish Liras of tax for this budget. The law of the Turkish Radio and Television Association states, under "Principles of Broadcasting", that "no broadcast shall be made that is one-sided and as a tool for the interests of one political party, group, circle, faith or opinion."
- Appointed as rector to Boğaziçi University on January 1 by President Erdoğan, Melih Bulu has been dismissed from his position with another Presidential decree as a result of the determined protests of students and academics, who said that they did not want or accept an appointed rector. The interim rector was appointed as Prof. Naci İnci, who collaborated with Melih Bulu during his rectorship and was his deputy. The

candidacy for rectorship has been opened. Applications will continue until August 2. Melih Bulu has predicted the protests would end in six months. The protests didn't end, but the appointed rector's Boğaziçi adventure ended before the seventh month. However, the claims of Boğaziçi University students and academics remain, including the election of rector.

- The Constitutional Court unanimously denied the application made by the oppositional parties for the revocation of the penitentiary regulation, which was described as the “special amnesty regulation” and that exempts political convicts from benefiting from the regulation. With the decree, political convicts, including journalists and politicians, who were imprisoned due to their speeches or writings, will not be able to benefit from the penitentiary abatement.
- Seven people have died in Rize due to the floods and landslides resulting from heavy rain. Union of Chambers of Turkish Engineers and Architects (TMMOB) Chamber of Environmental Engineers Executive Board Chairman Ahmet Dursun Kahraman stated, “Flood is a natural event. What's not natural is the loss of lives. The hydroelectric power plants, fillings, stone quarries that were all constructed for profit no longer allow flood to be a natural disaster. You are creating the flood.”
- The reasoned decree was announced in the lawsuit filed on the killing of AGOS Daily's Editor-In-Chief Hrant Dink with 78 defendants, including six arrested defendants. The decree, which penalised 26 defendants, indicated that all information, records and documents on before and after the assassination were destroyed. It was further stated that it has been made clear with concrete evidence that the entire planning of the assassination has been made in Trabzon, and that both the Trabzon Security Directorate and the Anti-Terror Unit were informed of the organisation.
- The third hearing of the lawsuit filed against four people, including three police officers, was held at Diyarbakır 10th Assize Court on the killing of Diyarbakır Bar Association Chairman Tahir Elçi. One of the secret witnesses, who previously stated that Tahir Elçi was killed by illegal organisation members, did not remember their testimony; and the other secret witness has changed theirs. One of the open witnesses stated that they were “mised.” One of the witnesses, who claimed that they had seen the moment Elçi was shot in their Prosecutor testimonies, stated that they were in prison at the time of Elçi's shooting, and the other stated that they were not in Diyarbakır. The next hearing was scheduled for next January.



*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 video newsletters...*

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## BIA launches 3-month media monitoring report

The Independent Communication Network (BIA) launched its April-May-June 2021 Media Monitoring Report. According to the report, at least 222 journalists continued to be prosecuted based on 19 different charges, especially “illegal organisation membership” and “making illegal organisation propaganda”,

in 68 cases. One journalist was imprisoned after the 5-month imprisonment sentence against them was approved due to “violating the privacy of investigation.” One journalist was sentenced to 1 year, 10 months and 15 days of imprisonment due to “making terrorist organisation propaganda.” Two new investigations were opened against two journalists, one due to “targeting those taking part in the fight against terrorism” and the other due to “illegally obtaining and spreading personal data.” Nine journalists were attacked. Access bans were issued against at least 24 online news articles. [Please click here](#) for the full report.



## Şenyaşar Family detained once again

Emine Şenyaşar has lost her husband and two sons following the attack of Justice and Development Party (AKP) Parliament member İbrahim Halil Yıldız’s guards and relatives. Her son Ferit Şenyaşar, who survived the attack with injuries, was detained in front of the Urfa Courthouse once again. The Şenyaşar Family were detained within the investigation opened

against them due to “insulting a public officer” and the detainment happened right before the visit of People’s Democratic Party (DHP) Co-Chair Pervin Buldan to Urfa for a series of activities. Emine Şenyaşar and Ferit Şenyaşar have previously been detained on May 20, again before a visit of Buldan, due to “insulting a public officer.” After their detainment, Buldan has stood watch on behalf of the family and after she has left the province, the Şenyaşar Family has been released as well.



## TIHV: Torture applicants’ ages start from 5

The Human Rights Foundation of Turkey (TIHV) launched the 2020 Report on Centers for Treatment and Rehabilitation. According to the report, the number of those facing torture and mistreatment on the street increased in 2020, with lots of curfews being declared. It was recorded that 605 applications were made to Human Rights Foundation of Turkey (TIHV)

Representations and Reference Centers in 2020, with the observation, “People of all ages, from 5 to 70, have faced torture in 2020.” The report stated, “507 of the 562 applicants to the Human Rights Foundations of Turkey due to facing torture have been detained based on their political opinion, identity or activities.” Another striking observation in the report was on the

applicants having been tortured in more than one location. The locations with the most torture incidents included (following streets and open areas) cars, security directorates and police stations. [Please click here](#) for the full report.



### **10 tobacco producers arrested**

10 tobacco producers from Adiyaman, who were detained due to protesting the law that brought an obligation of license for tobacco trading and predicted imprisonment sentence in case of violation, were arrested and six of them were released on the condition of judicial measures. The protesters will be prosecuted due to “violating the Law on Meetings and

Demonstrations No. 2911”, “resisting to prevent duty” and “preventing freedom of travel by blocking the road.”



### **Lawsuit against journalist Cihan Ölmez**

The prosecution of journalist Cihan Ölmez started at Diyarbakır 5th Assize Court due to “making illegal organisation propaganda” through posting on social media about the speeches he gave to various press organisations on what happened in Cizre in 2015 during the curfews. The next hearing of the lawsuit was

scheduled for December 7.



### **Prosecution due to prayer in Kurdish**

26 people were detained in the Istanbul-based police operation against the members of the Democratic Islam Congress (DIK) and the Religious Scholars Association (DIAY-DER). 9 of those arrested were released at the Criminal Judicature of Peace they were taken to, based on “praying and sermoning in Kurdish and not

reading the sermons of the Directorate of Religious Affairs.”



### **2-year imprisonment claim against former MP**

An indictment was prepared against former Republican People’s Party (CHP) Parliament member and actor Berhan Şimşek due to his expressions, “The governor is a militant and the district governor is a militant as well” on a TV show he attended. The indictment was prepared

with the Interior Ministry as the complainant, and claims for Şimşek to be sentenced to imprisonment for up to two years due to “denigrating the government.”



## Imprisonment sentence against Kurdish sign by BDP

Ağrı Doğubayazıt 2nd Criminal Court of First Instance claimed that the Kurdish sign hung on the Peace and Democracy Party (BDP) Doğubayazıt District Organisation building in 2011 was “an illegal organisation propaganda” and sentenced the party’s district chairman

Talha Kaya to 1 year and 8 months of imprisonment.



## Protest ban in Muş

Muş Governorate announced that all meetings, demonstrations and press statements to be organised across the province were banned for 15 days. The statement made by the Governorate based the ban on the operations conducted by the security forces across the country and abroad. The statement claimed that

the ban aimed at preventing protests and demonstrations to be organised related to these operations.



## Investigation against Antalya Bar Association Chairman

Antalya Chief Public Prosecutor's Office started an investigation against Antalya Bar Association Chairman Polat Balkan due to “praising the crime and the criminal” through two social media posts. The investigation against Balkan was based on his retweet of the news published in T24 on February 19, 2016 with the headline, “Ulaş Bardakçı was killed today 44 years ago: The polestar of THKP-C”

as well as his post that said, “Everyone must have a Deniz. Happy birthday Deniz Gezmiş” on February 28, 2021.



## District Governor presented as ‘violence victim’ over news

Tekirdağ Şarköy District Governor Şenol Kaya applied for a restraining order against Şarköy Daily News owner Nuri Çağlar, after the news on Kaya’s illegal room at the District Governorate housing and his private car being washed by public guards. The restraining order was issued by Şarköy Civil Court of First Instance in accordance with the Law on the

Protection of Family and the Prevention of Violence Against Women No. 6284, the district governorate being shown as a “victim of violence.”



### **Interior Ministry consultant threatens journalist**

Cumhuriyet Daily writer Barış Terkoğlu was threatened by Interior Ministry Consultant Burak Gültekin after the news article he wrote on the allegations of criminal organisation leader Sedat Peker regarding Interior Minister Süleyman Soylu and the Esenyurt Municipality.

The consultant implied that they were following Terkoğlu as well and accused him of “working for another country.” The journalist stated that Gültekin told him that he has “24 hours only” and added, “The threat of the ministry consultant was written by the personal will and approval of the Interior Minister.”



### **Cypriot intellectuals targeted by Ankara**

Cypriot intellectuals, who criticise the Turkish government policies, are being banned from entering Turkey. Cypriot researcher and writer Dr Ahmet Cavit An was sent back from Istanbul Sabiha Gökçen Airport due to “being banned from entering Turkey based on activities against national security.” Last week, Turkish Republic of Northern Cyprus’ former

President Mustafa Akıncı’s press and communications coordinator Ali Bizden was not allowed in Turkey as well.



### **Gül Publishing House Case under impunity as well**

The final decree was issued in the lawsuit filed against 86 people, who participated in the rally organised in Kırşehir on September 8, 2015 to protest the PKK, due to pillaging the People’s Democratic Party (HDP) Provincial building, 30-year-old Gül Publishing House, and other workplaces as well as setting them on fire.

Kırşehir Assize Court issued the acquittal of all defendants of the charges of “organising an illegal meeting and demonstration” and “public incitement towards resentment and hostility.” On the other hand, the 86 defendants were sentenced to 2,000 Turkish Liras of judicial fine, which corresponds to 3 months and 10 days of imprisonment each due to “damaging public property” and “willful injury.”



## **Impunity approved in Kızıltepe JITEM Case**

The appeal claim was denied in the Kızıltepe JITEM Case, which has concluded with acquittal due to time limitation at Ankara 5th Assize Court on the execution and forced disappearance of 22 people in Kızıltepe district of Mardin between the years 1992 and 1996. Approving the local court decree and denying

the appeal from the basis, the 19th Criminal Chamber of Ankara Regional Courthouse claimed that “there is no discrepancy in the final decree.”



## **TRIALS OF FREEDOM OF EXPRESSION**

### **Saturday Mothers Case**

The lawsuit filed against the Saturday Mothers with the allegation of “violating the Law on Meetings and Demonstrations No. 2911”...

**Court:** Istanbul 21st Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for November 24.

### **Onur Kocamaz Case**

The lawsuit filed against folk music artist Onur Kocamaz due to “public incitement towards resentment and hostility” through a social media post he made in 2019...

**Court:** Ankara 35th Criminal Court of First Instance

**Verdict:** The next hearing was scheduled for October 12.

### **Ferhat Tunç Case**

The lawsuit filed against artist Ferhat Tunç with a claim of imprisonment for up to 20 years due to “illegal organisation membership” and “making illegal organisation propaganda”...

**Court:** Diyarbakır 5th Assize Court

**Verdict:** The court decided to wait for the execution of the warrant issued against Tunç and scheduled the next hearing for December 23.

### **Semiha Şahin and Pınar Gayıp Case**

The lawsuit filed against Etkin News Agency (ETHA) editor Semiha Şahin, reporter Pınar Gayıp and four others due to “illegal organisation membership” and “making illegal organisation propaganda”...

**Court:** Istanbul 23rd Assize Court

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

### **Artist Hozan Cane Case (Retrial)**

The lawsuit filed against German citizen and Kurdish artist Hozan Cane due to “terrorist organisation membership” based on her social media posts... Cane has been sentenced to 6 years and three months of imprisonment and the case is on retrial after the artist’s claim for appeal.

**Court:** Edirne 3rd Assize Court

**Verdict:** The travel ban against the artist was revoked and the next hearing was scheduled for September 20.

### **HEARINGS NEXT WEEK**

\* There will be no hearings next week due to the full-week national holiday.