

Think, think...

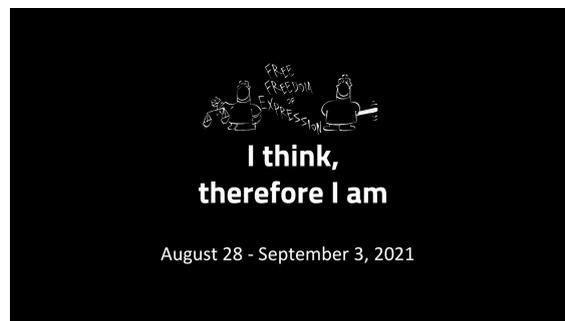


Freedom of Expression Weekly Newsletter (Issue 34/21 - September 3, 2021)

What happened last week?

- Former Minister of Environment and Urbanisation Erdoğan Bayraktar spoke regarding the December 17-25 corruption and bribery investigations and said, *"Whatever I have in my file, both the tapes and the technical follow-up are correct, and my phone calls are correct from A to Z."*
- The 2021-2022 Judicial Year opened with the prayer of the Director of Religious Affairs, Ali Erbaş. President of the Court of Cassation, Mehmet Akarca attended the prayer wearing his robe, and President Erdoğan announced that a new judicial package would come to the Parliament as soon as possible. Mr Erdogan also said that the work on the new Constitution will be completed in the first months of the new year. Despite Erdoğan's "we reformed the judiciary" rhetoric and new reform promises, the problems in the judiciary were highlighted in the statements made by the Bar Associations.
- Businessman Osman Kavala has left 1400 days behind in prison... Istanbul 13th Assize Court once again denied Kavala's lawyers' claims for his release and decided for Kavala to remain under arrest. The Human Rights Commission of the Council of Europe said that *"Kavala is the victim of a judicial system that is used to silence human rights defenders, lawyers and journalists and that ignores the most fundamental principles of law at an unprecedented level - such as the presumption of innocence and the principle of legality in crime and punishment."* The Human Rights Commission of the Council of Europe reacted to the decision by making a statement and said, *"The unlawful arrest of Kavala is a sign of disrespect for human rights and the rule of law."*
- In the lawsuit filed for the closure of the Peoples' Democratic Party, the Constitutional Court accepted the party's request for an additional time and allowed 30 days for the preparation of the defense statement.
- It has been announced that the ruling block, the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP), which have been working on the Electoral Law and the Political Parties Law for months, have agreed to lower the 10% electoral threshold. Mr Erdoğan stated, *"The election threshold has been clarified as 7 percent. The Nationalist Movement Party (MHP) also has a positive view on this."* Afterwards, the junior partner of the government, Devlet Bahçeli, said, *"The threshold decision of the People's Alliance has been confirmed as 7 percent."*
- Historical Traffic Search (HTS) records of Onur Gencer, who killed Deniz Poyraz during the attack against the Izmir provincial organization of the Peoples' Democratic Party (HDP), were examined. Poyraz's lawyer said that "in the HTS records, it was come to the conclusion that the attack was committed by an organizational structure".

- The intensive care units of hospitals continue to be filled with COVID-19 patients who were not vaccinated and the daily number of deaths reached 300. The Minister of Health said that if the given situation continues, there will be at least 335,000 new cases and 4,000 new deaths in the next two weeks.
- According to official data, inflation increased by 1.12 percent in August. Annual inflation reached 19.25 percent. Thus, annual inflation, which reached its highest level in the last 28 months, exceeded the 19 percent policy rate determined by the Central Bank.
- Turkey's extradition request for Sezgin Baran Korkmaz, who is currently arrested in Austria and has many arrest warrants for many crimes including money laundering in both Turkey and the USA, was accepted. The investigation into the US extradition request continues. The final decision on which country Korkmaz will be extradited to will be made by the Austrian Ministry of Justice.



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...



“Being a lawyer in Turkey”

The Association for Access to the Right to a Fair Trial reported the problems faced by lawyers who are exposed to pressure while defending fundamental rights and freedoms and trying to practice their profession in Turkey. According to the data of the report prepared by Prof. Atilla Güney, a total of 1546 lawyers were prosecuted between 2016-2020, 665

lawyers were detained, and 441 lawyers were sentenced to a total of 2728 years of imprisonment. The heads of the bar associations of seven provinces were arrested. In the concluding part of the report, it was evaluated, “*Being a lawyer defending the rights of human rights defenders in Turkey results in law practice being the profession most at risk.*”

[Please click here](#) for the full report.



Investigation against journalist over reporting massacre in Konya

Mardin Kızıltepe Chief Public Prosecutor's Office started an investigation against Jinnews reporter Öznur Değer on the grounds of her posts and news about the murder of Dedeoğulları family members in Konya. The journalist's news about the incident and her social media posts, which stated, "I am a

Kurdish person as well", "It's not a quarrel, it's a 'racist attack', it's not 'killing', it's homicide", "Kurdish people are massacred in Konya", "racist attack against Kurdish women and children in Elmadağ" and "How far will this racism go" were made subject of the accusations against her.



DFG launches August monthly report

The Dicle Fırat Journalists Association (DFG) shared its August Report on Rights Violations Against Journalists with the public. According to the data of the association, 5 journalists were detained, 8 journalists faced investigations and 3 journalists were prosecuted in a month. In the concluded prosecutions, 2 journalists were

sentenced to 10 years, 5 months and 22 days in prison in total. In August, the Radio and Television Supreme Council (RTÜK) penalised 6 channels with 11 fines and blocked access to 211 news and 6 websites. [Please click here](#) for the full report.



Investigation against journalist Emre Orman

An investigation was started against journalist Emre Orman on the charge of "inciting the people to hatred and hostility or denigration" for sharing the news of the racist attacks targeting immigrants in Altındağ on his social

media account.



Censorship against news on the Zindashti Case

Istanbul Anatolian 8th Criminal Judicature of Peace issued the deletion of the news regarding the lawsuit filed against Iranian drug lord Naji Sharifi Zindashti and 20 other defendants, including police officers. The news involved

the name of Gaffar Demir as well, who was the Director of the Istanbul Security Directorate's Organized Crime Branch at the time.



Kurdish song ban against 8 arrested women

In the investigation started against 9 female detainees, including Democratic Society Congress (DTK) Co-Chair Leyla Güven, who is imprisoned in Elazığ Women's Closed Prison, on the grounds that they "sang in Kurdish", a one-month ban was issued against the women on their telephone communication

and meetings.



30-year imprisonment claim against former HDP MP Çağlar Demirel

The first hearing of former People's Democratic Party (HDP) MP Çağlar Demirel, who was tried again after the Supreme Court decision to merge two separate cases against her, was held at Diyarbakır 5th Assize Court. Demanding that Demirel be punished for "being a member of a terrorist organization" by listing the 11 protests she participated in and

the speeches she made in some of these protests, the Prosecutor's Office also demanded that she be sentenced to prison for "being a member of a terrorist organization" for the second time in the KCK case. The court decided for Demirel to remain under arrest and adjourned the hearing to September 21.



**T. C.
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Ph.D thesis accreditation denied due to "harsh criticism"

Mehmet Baki Tekin, an academic who completed his Ph.D at the State University of New York in the USA with the thesis "*Who Rules Turkey Between 1980-2008? Capital Power and the Rise of Authoritarian Populism*"

was not accepted by the Interuniversity Board on the grounds of "hard style, provocative expression and harsh criticism." Tekin applied to the Council of State against the board's decision.



TTB reacts against new Statutory Decree investigations

The Central Council of the Turkish Medical Association (TTB) made a statement and said, "End the unlawful practices that are a continuation of the State of Emergency against our colleagues." The Turkish Medical Association stated that with the authority

brought during the State of Emergency, which was recently extended, the Ministry of Health launched investigations against health workers, demanding their dismissal. *"It is unacceptable for our colleagues to be dismissed from public service based on allegations without any concrete criminal element, with unknown bases obtained through unknown methods,"* the Turkish Medical Association said.



September 1 bans

Bakırköy District Governorate announced a "meeting and demonstration ban" in the district covering September 2-6 prior to the rally, which was planned to be held in Bakırköy Freedom Square on September 5, where many non-governmental organizations and political

parties took part in the organizing committee. In a written statement, the District Governorate declared that the 1 September World Peace Day events would be allowed on 1 September only! The Eskişehir Governorate announced that as of September 1, all meetings and demonstrations in the province were banned for 15 days due to the protection of "public safety". The meeting and demonstration bans in Hakkari and Van were extended for 15 days more by the Governorates. The Bitlis Governorate has imposed a requirement of "local administration" permission for all actions and activities to be held throughout the province between August 30 and September 13.



ECtHR convicts Turkey in application of İmam Üçdağ

The European Court of Human Rights convicted Turkey in the application of imam Resul Üçdağ, who was working in Diyarbakır's Sur district and was sentenced to 6 months and 22 days of imprisonment in the lawsuit opened against him on the charge of "making terrorist

organisation propaganda" through a photo he shared on his social media account. The court ruled that Turkey violated the 6th article of the European Convention on Human Rights on the right to a fair trial and the 10th article on the protection of freedom of expression and thought, and issued for Turkey to pay 6,736 Euros of compensation to the imam. Üçdağ's appeal against the local court decision and his individual application to the Constitutional Court had both been denied on the grounds of the statute of limitations.



FOX TV reporter not included in AKP's press meeting

FOX TV reporter Barış Kaya was not included in the press conference held by party spokesman Ömer Çelik after the AKP's Central Executive Committee meeting. Expressing that he would ask the explanations of the former Minister of Environment and Urbanization Erdoğan Bayraktar regarding the 17-25 December corruption investigations, the journalist was not included in the meeting upon Çelik's instruction.



TRIALS OF FREEDOM OF EXPRESSION

Ziya Çiçekçi Case

The case in which journalist Ziya Çiçekçi is charged with "propagandizing for a terrorist organization" by being held responsible for the posts on the social media accounts of the German newspaper Yeni Özgür Politika Daily...

Court: Istanbul 33rd Assize Court

Verdict: At the time of publication of the newsletter, the outcome of the hearing has not been reached yet.

HEARINGS NEXT WEEK

Dindar Karataş Case

The lawsuit filed against journalist Dindar Karataş due to "terrorist organization membership" through his journalistic activities...

September 7, Tuesday at Erzurum 3rd Assize Court

İdris Yayla Case

The lawsuit filed against 28 people, including Jiyan News Owner İdris Yayla, due to "violating the Law on Meetings and Demonstrations" through the press statement made in Batman against trustee operations in 2016...

September 7, Tuesday at Batman 1st Criminal Court of First Instance

Selman Keleş Case

The lawsuit filed against Dihaber reporter Selman Keleş due to "illegal organisation membership" after having been detained and arrested in 2017 over following news information and was released in the first hearing held eight months later...

September 7, Tuesday at Van 5th Assize Court

TV10 Workers' Case

The lawsuit filed against previously shut-down TV10 cameraman Kemal Demir and his employee Kemal Karagöz due to “illegal organisation membership”...

September 9, Thursday at Istanbul 28th Assize Court

Ahmet Sever Case

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

September 9, Thursday at Istanbul 2nd Criminal Court of First Instance

Journalist Deniz Yücel Case

The second hearing of the lawsuit filed against Die Welt Daily reporter Deniz Yücel due to “publicly insulting a public officer” through a tweet he shared on February 20, 2019 regarding the “Gezi Park Indictment”...

September 9, Thursday at Istanbul 24th Criminal Court of First Instance