

Think, think...



Freedom of Expression Weekly Newsletter (Issue 38/21 - October 1, 2021)

What happened last week?

- The Parliament started its new legislative period after a two and a half month recess. Approval of the Paris Climate Convention, the tax bill, regulation of social media censorship and budget negotiations are the first topics that will come to the agenda in the new legislative year.
- On the other hand, the Republican People's Party (CHP), Good Party, Felicity Party, Democrat Party, Future Party, and Democracy and Progress (DEVA) Party will meet at the Parliament on October 5 to work on a "Strengthened Parliamentary System". The 6 opposition parties, which had previously gathered in Istanbul, will continue to discuss the principles of the parliamentary system with topics such as an impartial president, a strengthened parliament and an independent judiciary.
- The People's Democratic Party (HDP) announced its stance before and after the 2023 presidential and parliamentary elections with a declaration called "Call for Justice, Democracy and Peace". A "principle meeting" was emphasized to change the Presidential Government System, which was stated to "institutionalize and perpetuate arbitrariness and tyranny", and the Parliament was addressed for the solution of the Kurdish problem. [Please click here for details.](#)
- Responding to the opposition parties' demand for a return to the Parliamentary system, President Erdoğan stated their satisfaction with the Presidential system and that there will be no return to the Parliamentary system. In his speech for the opening of the Parliament, Erdoğan made a call for a new Constitution.
- Speaker of the Grand National Assembly of Turkey, Mustafa Şentop said, "The number of immunity files submitted to the Parliament in this legislative period reached 1,359".
- The President of the Constitutional Court, Zühtü Arslan, warned the government about the rule of law and said, "There can be no talk of a state of law in a place where the execution of court decisions is not ensured properly. After the Constitutional Court has made a decision on unconstitutionality, insisting on the execution of this unconstitutionality is a deliberate violation of the Constitution."
- While the President of the Constitutional Court made this warning, the Council of Judges and Prosecutors made Akin Gürlek, the Chief Judge of Istanbul 14th Assize Court, a first-class judge. With the promotion of Gürlek, the Council of Judges and Prosecutors violated its own policy decision taken in January 2020. In this principle decision, "whether [one] gave rise to a violation decision in the examinations made by the European Court of Human Rights and the Constitutional Court" was added to the promotion criteria for judges and prosecutors. In addition, in the Human Rights Action Plan announced by Erdoğan last March, it was determined that "judicial authorities' decision-making in line with the precedents of the Constitutional Court

and the European Court of Human Rights is a criterion in the promotion and appointment processes".

- President Erdogan and Russian President Vladimir Putin met in Sochi, Russia. The two leaders did not make a detailed statement after the meeting, where only translators were present and were expected to talk about the tension in Syria, cooperation in Libya, and the S-400.
- Pointing out that they aim to alleviate the workload of the judiciary, President Erdoğan said that a judge looks at 709 files in the judicial judiciary and 408 files in the administrative judiciary. Erdogan announced that they are preparing to establish peace commissions in each province.
- According to the data of the Ministry of Health, the loss of life due to Covid-19 in September was 7,344. September was recorded as the third month with the highest loss of life during the epidemic.
- The 2020 reports of the Court of Accounts, which monitor the financial activities of public institutions, have been announced. In the Presidency Audit Report for the Year 2020 of the Court of Accounts, the Presidency's operating expenses were announced as 2 billion 896 million liras and its net operating income as 95 million 632 thousand liras. The Presidency spent 7.9 million liras per day in 2020, and 2 billion 896 million 174 thousand liras in total. As they kept talking about savings measures, many institutions - from ministries to directorates - were as bad as the Palace when it came to spending.
- According to the data shared by the Journalists' Association; In September, 49 journalists were prosecuted in 32 different cases in 9 different provinces; 6 of them were sentenced to 27 years and 3 months in total. Verdicts of acquittal were issued for 5 journalists. Within a month, new lawsuits were filed against 4 journalists and new investigations were opened against 6 journalists. [Please click here](#) for details.
- The Constitutional Court decided for the first time that public officials who did not take adequate preventive and protective measures in a femicide should be prosecuted. The Supreme Court ruled that the right to life of academic Serpil Erfindik, who was murdered by her former husband in 2013, was violated. This year, after Turkey's withdrawal from the Istanbul Convention, 270 women were murdered by men. [Please click here](#) for details.
- The new President of PEN International has become writer Burhan Sönmez. [Please click here](#) for details.



Our weekly video program, “[COGITO ERGO SUM](#),” in which we track Turkey’s freedom of expression and thought agenda, is on our [YouTube channel](#) every Friday...

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Cases Erdoğan said to 'not exist' appear in Ministry statistics

In an interview [with the American CBS television](#), Erdoğan said that "there are no such cases" regarding lawsuits filed due to "insulting the President". However, the cases that Erdoğan said do not exist were revealed in the official data. According to the 2020 Justice Statistics of the Ministry of Justice, 31,297 investigations were opened on the charge of insulting the President in just one year. The

total number of investigations opened since Erdoğan was elected President in 2014 has reached 160,169. 35,507 of these investigations turned into lawsuits. 38,608 people were prosecuted and 12,881 citizens were convicted.



Lawsuit against Bar Association over criticising hate speech by Religious Affairs

A lawsuit has been filed against the Ankara Bar Association administration after its criticism against the Director of Religious Affairs, who targeted LGBTQs and connected epidemics to homosexuality during a Friday sermon on April 24, 2020. The first hearing of 11 lawyers, who were accused of "insulting a public official based on their duty" will be held at the Ankara

16th Assize Court on November 11.



Imprisonment sentence over sharing newspaper headline on social media

A citizen named Mehmet Şah Tekiner, who was on trial for allegedly sharing the [diken.com.tr](#) news story titled, "German Bild newspaper: Turkey is drifting into civil war" on social media, was sentenced to 1 year and 3 months of imprisonment. Diyarbakır 4th Criminal Court of First Instance postponed the sentence given due to "insulting the President" by deferring the

announcement of the verdict.



Lawsuit against Elvan Family due to 'insulting President'

A lawsuit was filed against the parents of 16-year-old Berkin Elvan, who died after being shot with a tear gas shell fired by the police during the Gezi Park protests, on the charge of "insulting the President". The first hearing of the case will be held on January 20 at Istanbul 43rd Criminal Court of First Instance.



Lawsuit against journalist Eren Tutel

The prosecution of BirGün Daily's sports editor Eren Tutel started at Istanbul 2nd Criminal Court of First Instance on the charge of "insulting a public official" based on the news on Turkey Wushu Federation. The next hearing was scheduled for February 1.



CHP Youth Organisation Chairman arrested

Republican People's Party (CHP) Denizli Youth Branch Chairman Tugay Odabaşoğlu, who was detained for his statements in his party's advisory board meeting, was arrested by the Denizli 1st Criminal Court of Peace due to "insulting the President".



Imprisonment against writer Nurcan Kaya

Artı Gerçek writer Nurcan Kaya, was sentenced to 1 year and 3 months of imprisonment for tweeting in 2014 that "not only the Kurds but all people living in Kobane are resisting there". Diyarbakır 9th Assize Court deferred the announcement of the verdict against Kaya, who was convicted on the charge

of "making terrorist organisation propaganda."



The lawsuit for defamation of the word “wicked”

A lawsuit has been filed against the social media user who called Presidential Communications Director Fahrettin Altun "wicked". A citizen named Gökhan Akkaya, who was accused of "insult" due to writing, "which land are you now trying to buy for cheap, you wicked", will stand trial on

February 9 at the Istanbul Anatolian 12th Criminal Court of First Instance.



Case against journalist Abdurrahman Gök

The third hearing of the lawsuit filed against Mesopotamia Agency editor Abdurrahman Gök on the charges of “illegal organisation membership” and “making illegal organisation propaganda” through phone calls with news resources, social media posts and news reported, was held at Diyarbakır 5th Assize

Court. The court decided for a criminal complaint to be filed for two news photos that didn't take place in the case file and requested another file against the journalist, which concluded with acquittal in 2015, to be examined. The next hearing was scheduled for January 20.



Mızraklı acquitted

The lawsuit filed against People's Democratic Party (HDP) member and Diyarbakır Co-Mayor Selçuk Mızraklı, who was previously replaced with a trustee due to “making illegal organisation propaganda” through the various protests and demonstrations he attended as well as a social media post, was concluded. Ankara 28th Assize

Court issued the acquittal of Mızraklı.



Intervention against demonstrations for right to shelter

The police intervened against the students, who continued their protests in Istanbul and Izmir to draw attention to the increasing housing and private dormitory prices and insufficient public accommodation opportunities. According to the statement made by the Istanbul Governorate, 28

people were detained during the interventions. 30 students were detained in Izmir. The

Eskişehir Governorate banned the "We cannot find shelter" protests, citing the COVID-19 outbreak.



Press Ad Institute penalties

The Press Ad Institute implemented a 22-day ad ban against BirGün newspaper and a 74-day ad ban against Cumhuriyet newspaper. In addition, Sözcü newspaper was also sentenced to cut ads for 4 days due to two separate columns about the remarkable public career advancement of Justice and Development Party (AKP) Trabzon Deputy Bahar Ayvazoğlu's wife

and former assistant.



Lawsuit against journalist Baransel Ağca

Journalist Baransel Ağca announced that the investigation opened against him after the news he reported on the luxury car used by Interior Minister Süleyman Soylu's nephew, turned into a lawsuit.



Protest bans

Hakkari Governorate extended the protest and demonstration ban in the province for another 15 days. The Governorate in Dersim bound all meetings and demonstrations to be organised in the province to permission by the local administration for the next 15 days. Similar protest and demonstration bans have been

implemented in many provinces since the State of Emergency, with 15-day extensions.



District Governorate ban against Peace and Solidarity Concert

The "Peace and Solidarity Concert" organized by the Human Rights Association Hatay Branch in Defne district was banned by the district governorate due to the pandemic.



Akit's hatred cancels Azis' concert!

The news of Yeni Akit, which targeted LGBTQ+s and LGBTQ+ organizations with its systematic smear and hate campaigns, canceled the Azis concert organised in Bursa. After the news published in the newspaper with the writings, "What is AKP's Kestel Municipality trying to do? Gay deviant Azis will take the

stage at the festival they will organise for the people of the district," Mayor Önder Tanır shared the hatred and said, "We went on the advertisement without seeing the relevant photos and videos of the artist in question. When we realized the mistake, we canceled the performance."



Access bans

Istanbul Anatolian 1st Criminal Judicature of Peace issued an access ban against the news published on Birgün, Cumhuriyet and Sözcü newspapers, Tele1 and Gazete Duvar news websites about the Justice and Development Party (AKP) Istanbul Metropolitan

Municipality Assembly member Ömer Akbulut winning 260 tenders worth 366 million Turkish Liras from various municipalities and public institutes in the last seven years.

Mersin 2nd Criminal Judicature of Peace issued an access ban against the news published in Cumhuriyet and Birgün newspapers about the allegations that AKP Mersin Provincial Chairman Cesim Ercik and his relatives used electricity and water illegally and made illegal excavations.

Following the complaint of the Security General Directorate of the Interior Ministry, Istanbul 10th Criminal Judicature of Peace issued an access ban against the news on Dilek Doğan, who was shot during a police raid at her home in Istanbul, published on BiaNet with the headline, "Police Speaks After Recording Dilek Doğan's Shooting on Camera: 'Special Operation Forces Shot Her By Accident'".

With nine separate decrees issued by Diyarbakır 1st, 2nd, 3rd and 5th Criminal Judicatures of Peace throughout September, access bans were issued against the websites of Mesopotamia News Agency, Jin News and Etkin News Agency, as well as against the websites of Kızıl Bayrak and Umut Daily. Access to Jin News was banned five times in one month, with 41 bans in total.



TRIALS OF FREEDOM OF EXPRESSION

Kenan Kırkaya Case

The lawsuit filed against journalist Kenan Kırkaya and eight others due to “illegal organisation membership” through moderating the show, “Glance towards Ankara” on Belgium-based Med Nuce TV Channel, which broadcasts in Turkish...

Court: Ankara 14th Assize Court

Verdict: The case was adjourned to December 7.

Journalist Nurcan Yalçın Case

The lawsuit filed against journalist Nurcan Yalçın due to “illegal organisation membership” and “making illegal organisation propaganda” within the investigation filed against the Rosa Women’s Association...

Court: Diyarbakır 9th Assize Court

Verdict: The case was adjourned to November 22.

Özgür Gündem Substitute Editing-In-Chief Case

The lawsuit filed against Özgür Gündem’s Substitute Editing-In-Chief Şebnem Korur Fincancı, Erol Önderoğlu and Ahmet Nesin, after the acquittal decrees issued for them were reversed by the appeal court...

Court: Istanbul 13th Assize Court

Verdict: The case was adjourned to February 1, 2022.

Abdurrahman Gök Case

The lawsuit filed against journalist Abdurrahman Gök due to “illegal organisation membership” and “making illegal organisation propaganda” through his social media posts and the news he reported, as well as his phone calls with news sources...

Court: Diyarbakır 5th Assize Court

Verdict: The court decided to file a criminal complaint for 2 news photos that were not included in the case file, and to request the file of the journalist, in which he was tried and acquitted in 2015, for review, adjourning the hearing to January 20, 2022.

Eren Tutel Case

The lawsuit filed against BirGün Daily’s sports editor Eren Tutel due to “insulting a public official” through the news articles on the Turkish Wushu Federation (TWF)...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The case was adjourned to February 1, 2022.

Case Against Trustee Protest

The lawsuit filed against 38 people, including journalists Taylan Öztaş and Tunahan Turhan, who were charged with “violating the Law on Meetings and Demonstrations” through protesting the trustees appointed to municipalities...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The case was adjourned to March 8, 2022.

Zeynep Altıok Case

The lawsuit filed against former Republican People's Party (CHP) Deputy Chairman Zeynep Altıok due to "insulting the President" through her social media posts...

Court: Urla 1st Criminal Court of First Instance

Verdict: The case was adjourned to November 25.

Levent Tüzel Case

The lawsuit filed against former EMEP Chairman and former Parliament Member Levent Tüzel due to "illegal organisation membership" through his participation in the Democratic Society Congress (DTK) councils as well as the works of DTK...

Court: Diyarbakır 5th Assize Court

Verdict: The prosecution of Tüzel, who faces an imprisonment sentence for up to 15 years, will continue on December 7.

Ahlat Kobani Case

The lawsuit filed against 63 people, including former People's Democratic Party (HDP) executives, due to "violating the Law on Meetings and Demonstrations" through the Kobani protests organised in 2014 in Ahlat district of Bitlis...

Court: Ahlat Criminal Court of First Instance

Verdict: The case was adjourned to January 6, 2022.

HEARINGS NEXT WEEK

Ruken Demir Case

The lawsuit filed against Mesopotamia Agency reporter Ruken Demir due to "illegal organisation membership" through his meetings with news resources...

October 5, Tuesday at Izmir 9th Assize Court

Meral Şimşek Case

The lawsuit filed against poet and writer Meral Şimşek due to "illegal organisation membership" and "making illegal organisation propaganda"...

October 5, Tuesday at Malatya 2nd Assize Court

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" through his participation in the HDP events to track news information, sharing the events on his social media posts as well as secret witness statements against him...

October 6, Wednesday at Diyarbakır 11th Assize Court

MIT Trucks Case

The lawsuit filed against journalist Can Dündar due to "obtaining confidential information regarding the state for the purpose of espionage" and "aiding an illegal organisation" through the news article on the Turkish National Intelligence trucks...

October 6, Wednesday at Istanbul 14th Assize Court

Case Against News on Berkin Elvan

The lawsuit filed against journalists Canan Coşkun, Ali Acar and Can Uğur due to “targeting those taking part in the fight against terrorism” through the news published on Cumhuriyet and BirGün Daily regarding the investigation on the death of 15-year-old Berkin Elvan during the Gezi Park protests...

October 7, Thursday at Istanbul 34th Assize Court

Nu Jin Documentary Case (retrial)

The retrial of the lawsuit filed against Veysi Altay, the director of documentary “Nu Jin” depicting the lives of three women during the battle against ISIS in Kobani, as well as against Dicle Anter, the former manager of Yılmaz Güney Cinema Hall in Batman after she allowed the screening of the documentary on the cinema hall, both on the charges of “making terrorist organisation propaganda”...

October 7, Thursday at Batman 2nd Assize Court

Ali Sönmez Kayar Case

The lawsuit filed against Etkin News Agency (ETHA) reporter Ali Sönmez Kayar due to “illegal organisation membership”...

October 7, Thursday at Istanbul 32nd Assize Court

Ferhat Tunç Case

The lawsuit filed against artist Ferhat Tunç on the charge of “making illegal organisation propaganda” through his social media posts...

October 8, Friday at Istanbul 37th Assize Court

Gezi Park Case

The trial after the lawsuit filed against 16 people, including Osman Kavala, on the Gezi Park protests at Istanbul 30th Assize Court was combined with the lawsuit filed against 35 Çarşı fan group due to participating in the Gezi Park protests...

October 8, Friday at Istanbul 13th Assize Court

Mehmet Özer Case

The lawsuit filed against photography artist and poet Mehmet Özer on the charge of “making illegal organisation propaganda” through six Facebook posts he made between the years 2012 and 2015...

October 8, Friday at Ankara 2nd Assize Court

Engin Eren Case

The lawsuit filed against previously shut-down Dicle News Agency’s Batman reporter Engin Eren and 75 others after following the “human shield protest” organised in the rural Kelhasan Village of Sason district in Batman on September 18, 2015 to demand an end to the clashes in the region, on the charges of “illegal organisation membership”, “aiding an illegal organisation,” “participating in illegal meetings and demonstrations,” “violating the Law on Military Forbidden Zones and Security Zones”, “use of force or violence in order to prevent a public officer from performing their duty”...

October 8, Friday at Batman 2nd Assize Court

METU Pride March Case

The lawsuit filed against 19 people, who were detained during the 9th Pride Parade organised by METU LGBTQI+ Solidarity, on the charge of “participating in illegal meeting and demonstration”...

October 8, Friday at Ankara 39th Criminal Court of First Instance

You may find all news of the week on www.dusun-think.net; and the pdf format of the newsletter on www.dusun-think.net/bultenler.