

Think, think...



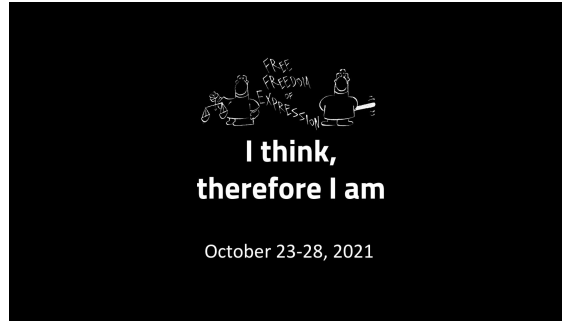
Freedom of Expression Weekly Newsletter (Issue 42/21 - October 28, 2021)

What happened last week?

- Turkey went through one of the biggest diplomatic crises of recent years. In the 4th year of the arrest of human rights defender Osman Kavala, the ambassadors of 10 countries, including the USA, Germany and France, made a statement, which pointed out that Kavala's trial process was constantly delayed by combining different files and creating new cases after his acquittal, and that this situation "overshadows respect for democracy, the rule of law and transparency in the Turkish judicial system". The ambassadors who wanted Kavala to be released in line with the European Court of Human Rights rulings were summoned to the Ministry of Foreign Affairs the next day. While the government claimed that the declaration meant an "interference in Turkey's internal affairs", President Erdoğan, who made a statement a few days after the incident, announced that he had ordered the ambassadors who signed the declaration to be declared "persona non grata." Despite Erdogan's instructions, no official notification was made that their ambassadors were declared "persona non grata" to any country in this process, and the tension in the crisis suddenly dropped after mutual statements. First, the US Embassy said in a statement on its social media account that they complied with Article 41 of the Vienna Convention. Then, other embassies delivered the same message. Thus, Erdogan had the opportunity to take a step back from his overreaction to saying "the wrong was corrected". While an atmosphere was created in Turkey that the Western countries are taking a 'step back', the embassies' statement already stated that they were "acting in compliance" with the Vienna Convention. As a matter of fact, the US State Department had to make a separate statement about the meaning of its message, and said the call they made for Kavala was already consistent with Article 41 of the Vienna Convention. Let the government continue to dream of diplomatic success, the question that should be asked is in fact not who is taking a step back, but instead, "Does Turkey, which achieved diplomatic success by making the Western countries declare that they comply with the Vienna Convention, confirm the issue of complying with the European Convention on Human Rights and the decrees of the ECtHR?"
- Commenting to journalists on the plane on his return from his visit to Azerbaijan and answering questions about the agenda, President Erdoğan said, "We do what we think is best" about the sanctions that may come from the Council of Europe regarding the non-implementation of the European Court of Human Rights decree for the release of Kavala.
- Kavala was also the target of the Nationalist Movement Party (MHP) leader, the junior partner of the government. Reiterating his statement, "The Constitutional Court should be closed", Devlet Bahçeli argued that the European Court of Human Rights

decrees "turned into a trump card in the hands of the West". He wanted Osman Kavala to be denaturalised as well...

- Addressing village headmen, Interior Minister Süleyman Soylu stated that drugs were used in abandoned buildings and said, "Our headmen say, 'There is a court decision, we cannot demolish them'. Brother, you demolish it at night, let the court decision come after us... Dozers come in the middle of the night, destroy it. Who destroyed it, how would we know?"
 - The bill, which foresees the extension of the sending of troops to Iraq and Syria for two more years, was accepted in the Parliament. The People's Democratic Party (HDP) and main opposition Republican People's Party (CHP) voted "No".
 - The Constitutional Court announced the "Individual Application Statistics". According to the statistics, since 2012, more than 335 thousand applications for violation of rights have been made to the Constitutional Court. While 276,307 of the applications were concluded, only 14,911 of them were given a decision of violation of rights. 62.5 percent of the violation decisions are related to the right to a fair trial, 19.1 percent to property rights, and 4.2 percent to freedom of expression.
 - The State of Emergency (OHAL) Procedures Investigation Commission concluded 118,415 out of 126,758 applications regarding some institutions and organizations that were dismissed or closed down by Statutory Decrees (KHK). The Commission, which the ECHR accepted as an "effective domestic remedy"(!), made an admission decision in only 15 thousand 50 applications.
 - The Kobani case, which was filed against 108 politicians, 21 of whom were imprisoned, including Selahattin Demirtaş, was heard at the Ankara 22nd Assize Court. The defendants' requests for release were denied once again. The court board argued that the European Court of Human Rights decree for Demirtaş had nothing to do with the trial. The next hearing will be held on November 8.
 - Naci İnci, the appointed rector of Boğaziçi University, broke new ground and ordered an injunction against 14 students as "a victim of persistent stalking" in accordance with the Law No. 6284. Within the scope of the measure, which will be effective for one month, students will be sentenced to prison in case they break the rule. The purpose of Law No. 6284, which includes measures to be taken to protect women, children and family members who have been subjected to violence or who are at risk of violence, and to prevent violence; is to prevent physical, sexual, economic and psychological violence. While women's organizations emphasized many times that femicides could not be prevented because the applications of women who requested measures under the said law were not accepted, the fact that the law, which was not implemented effectively for women, was implemented quite effectively for Naci İnci summarizes the state of the country. According to the data of the We Will Stop Femicides Platform, 293 women were murdered by men in 2021.
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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 week..

[Please click here](#) for all video newsletters...



Lawsuit against Boğaziçi protests

The first hearing of the lawsuit filed against 97 students, who were detained during the protest demonstrations held on February 1 against the trustees appointed to Boğaziçi University, was held at the Istanbul 32nd Criminal Court of First Instance. The students are charged with "violating the Law on Meetings and Demonstrations" and the next hearing was

scheduled for January 10.



Lawsuit against Leftist Party executives

A lawsuit was filed against the executives of the SOL Party, who participated in the press release held in Istanbul on May 28 regarding the state-mafia-politics relationship. Within the lawsuit, whose first hearing will be held at the Istanbul Anatolian 54th Criminal Court of First Instance on January 11, Leftist Party Istanbul

Provincial Director Atty. Damla Atalay and Leftist Party Central Executive Board Member Atty. Deniz Demirdöğen are charged with 'insulting the President'.



93-year imprisonment against 15 people over participating in Gezi Park protests

The lawsuit filed on the Gezi Park protests in Erzincan was concluded after 8 years. Erzincan 2nd Criminal Court of First Instance sentenced 15 citizens to imprisonment for a total of 93 years and 10 months on charges of "violating

the Law on Meetings and Demonstrations No. 2911" and "resisting to prevent duty".



Appeal Court increases sentence against journalist

Gaziantep Regional Court of Justice 3rd Penal Chamber overturned the 3-year prison sentence given to Çetin Kurşun, a reporter for Azadiya Welat Newspaper, which was previously shut down with a Statutory Decree (KHK), and demanded that the journalist be punished on the charge of "terrorist organisation membership."



Medical Chamber President and TIHV Representative detained in Van

The statement that healthcare professionals wanted to make in Van regarding the death of doctor Rümeyşa Berin Şen, who lost her life in a traffic accident on her way home after a 36-hour shift in the Çankaya district of Ankara, was prevented. Citing the governor's ban on

action, the police detained Van-Hakkari Medical Chamber President Hüseyin Yaviç and Human Rights Foundation of Turkey (TIHV) Representative Sevim Çiçek.



Protest ban in Dersim under 'pandemic' pretext

Tunceli Governorate banned all protests and activities such as meetings and demonstration marches, rallies, concerts, leaflet distributions for 15 days on the pretext of the COVID-19 outbreak. Within the scope of the ban, which will last until November 8, all kinds of press releases are also subject to the permission of

the local administration. In other words, as a result of the application to be made 48 hours beforehand, a press release can be made if the governorate "deems appropriate".



Sentence against social media post over "insulting President"

Lawyer Sedat Ata, who was on trial for "insulting the President" for a video he shared on social media, was sentenced to 11 months and 20 days in prison. Bursa Orhangazi 3rd Criminal Court of First Instance commuted his prison sentence into a judicial fine of 7 thousand Turkish Liras.



Investigation against journalist Barış Pehlivan

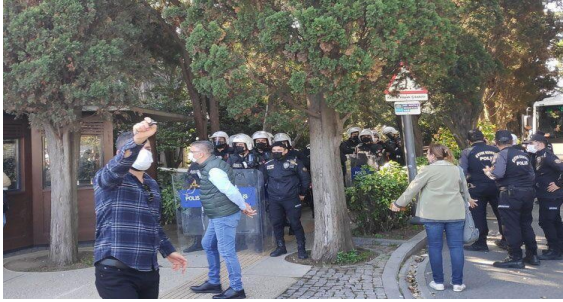
An investigation has been launched against journalist Barış Pehlivan, who covered the allegations of sect organization within the Turkish Armed Forces in his article published in Cumhuriyet newspaper. The journalist is charged with "insult" within the scope of the

investigation opened upon a complaint by the Gendarmerie General Command.



Investigation against journalist Pinar Gayıp

An investigation was launched against journalist Pinar Gayıp on charges of "targeting those involved in the fight against terrorism", citing her news story about expert sergeant Musa Orhan, who raped a young woman named İpek Er and caused her suicide.



Boğaziçi protests

The police attacked university students, who set up tents in front of the rectorate building at Boğaziçi University South Campus. While 45 students were detained, 42 of them were released at night. All 3 students who were referred to the court were released on the condition of 'judicial measures.



Compensation sentence against Tekin Publishing and writer

Tekin Publishing House and writer Hamide Yiğit's compensation lawsuit filed by the Human Rights and Freedoms Humanitarian Aid Foundation (IHH) for her book "ISIS As A Whole" has been concluded. Istanbul 20th Civil Court of First Instance sentenced the publisher

and the author to 10 thousand TL in non-pecuniary damages.



Avesta Publications prevented from participating in fairs

Avesta Publications announced that their applications to municipalities and relevant units to participate in some book fairs were not answered and their participation in the fairs was prevented. In the statement made on the

Twitter account of the publishing house, it was written, "Book fairs started. Readers are asking us but unfortunately we can't participate in any of these fairs... why are we being prevented?"



Disciplinary investigation against students over protests for right to shelter

Istanbul Technical University (ITU) Rectorate launched a disciplinary investigation against students, who protested for their right to shelter in the Central Classroom Building on October 18. In the letter sent to the students on the subject; the reason for the investigation was

cited as hanging banners, shouting slogans and "occupying" the classroom building without permission.



Refugees to be deported over sharing 'banana eating' videos

In a street interview, a Turkish citizen targeted a Syrian student and said, "You are more comfortable than me. I can't eat bananas, you buy many kilograms of bananas from the markets". Afterwards, "banana eating" videos were shared on social media; The General

Directorate of Migration Management of the Ministry of Interior announced that seven asylum seekers would be deported, citing the videos.



Theater play canceled in Hatay over "obscenity"

The one-man theater play "Dandelion", which was expected to be staged yesterday in Antakya, was canceled by the Hatay Governorate, 4 hours before its staging, due to having been deemed "not appropriate". Actor Sertaç Demir stated that the play was canceled

because of the word 'testicle' in the screenplay.

		
1.118 medya çalışanı mesleki etkinlikleri nedeniyle gözaltına alındı	170 yayın kuruluşu kanun hükümlerinde kararnameyle kapatıldı	5 gazeteci siyasi cinayetlerde öldürüldü
		
4.684 kişi sosyal medya paylaşımları nedeniyle gözaltına alındı	2.357 kişi sosyal medya paylaşımları nedeniyle tutuklandı	727 kişiyse çeşitli ifadelerden ötürü 27.448 ay hapis cezası verildi

TIHV launches “Silencing Criticism” report

The Human Rights Foundation of Turkey (TIHV) reported the violations of freedom of expression and media freedom in the 5-year period between 2015-2019 with the title of “Silencing Criticism”. According to the report, there were 2,779 violations of freedom of expression in 5 years. As a result of these violations, 6 thousand 479 people were detained, 2 thousand 801 people were arrested.

In 1372 lawsuits, 727 people were sentenced to 27,448 months in prison. "Making illegal organisation propaganda" and "insulting the President" constituted a very important part of the accusations presented as grounds for violations of freedom of expression. During this period, a total of 1,118 media workers were detained as a result of at least 287 police raids and 146 police interventions; 281 media workers were arrested and 311 media workers were sentenced to a total of 1,592 years and 7 months in prison on various grounds. On the other hand, at least 4,684 social media users were detained. At least 2,357 people were arrested for their social media posts. [Please click here](#) for the full report.



RTÜK penalties

The Radio and Television Supreme Council (RTÜK) fined Halk TV, which reported on the documents regarding the staffing of the Turkish Youth Foundation (TÜGVA) within the state. The Council claimed that the channel denigrated and slandered the Foundation with its broadcasts. The Council imposed a second

fine on Halk TV upon the complaint of the Press Ad Institute. The reason for the second penalty was that it was said that the Press Ad Institute and the Radio and Television Supreme Council were making pressure on the press! On the other hand, TELE 1 was also fined due to the criticisms of Emre Kongar and Merdan Yanardağ regarding the evaluations of former Speaker of the Grand National Assembly of Turkey İsmail Karaman on the first four articles of the Constitution.



Access bans

The news regarding the Parliamentary question submitted by the Turkish Workers Party Parliament Member Ahmet Şık to the Vice President Fuat Oktay regarding Ziraat Bank Bosnia and Herzegovina subsidiary, was banned from access by the Ankara 4th Criminal Court of Peace on the grounds of violation of

personal rights. The news about the tenders that Gaziantep Şahinbey Mayor Mehmet Tahmazoğlu's son-in-law received from Gaziantep Metropolitan Municipality was banned

from access by the Gaziantep 3rd Criminal Court of Peace on the grounds of violation of personal rights. The news about the plagiarism of Nedim Malkoç, the Secretary General appointed by Naci İnci, who himself is the appointed rector of Boğaziçi University, in his master's and doctoral theses, was banned from access by the Istanbul 4th Criminal Judicature of Peace on the grounds of violation of personal rights. The article written by journalist Mehmet Kızılmaz with the title, "Tender goes to the son of a friend" about Batman Gercüş Mayor awarding the cobblestone tender of the municipality to the son of his friend, with whom he was imprisoned due to the crime of smuggling oil from the pipeline, has been banned from access by the Gercüş Criminal Judicature of Peace. Journalist Timur Soykan's article on the staffing of the Turkish Youth Foundation (TÜGVA) in the state, published in the Birgün newspaper, and the news about this article were banned from access by the Ankara 7th Criminal Court of Peace on the grounds of violation of personal rights.



TRIALS OF FREEDOM OF EXPRESSION

Ramazan Akoğlu Case

The lawsuit filed against former Dicle News Agency (DIHA) reporter Ramazan Akoğul due to following the news on the road blockage demonstration performed in Diyarbakır in 2014...

Court: Diyarbakır 4th Assize Court

Verdict: The court decided to wait for the investigation file, which has been ongoing for five years and is expected to be sent to the court by the Dicle Chief Public Prosecutor's Office for three years, and adjourned the case to January 25.

Osman Akın - Veysi Sarısözen Case

The lawsuit filed against Yeni Yaşam Daily's former Managing Editor Osman Akın and columnist Veysi Sarısözen on the charge of "making illegal organisation propaganda"...

Court: Istanbul 13th Assize Court

Verdict: The court decided to wait for the execution of the arrest warrants against the two names and to take action to take the statement of Sarısözen, who lives abroad, by rogatory, and adjourned the case to February 2.

Media-"FETO" membership Case (Retrial)

The retrial of Ahmet Memiş, Ali Akkuş, Atilla Taş, Cemal Azmi Kalyoncu, Gökçe Fırat Çulhaoğlu, Ünal Tanık, Yakup Çetin and Yetkin Yıldız on the charges of "aiding an illegal organisation," "insulting the President" and "publicly denigrating the institutions and bodies of the state"...

Court: Istanbul 25th Assize Court

Verdict: The court adjourned the case to 17 February, deciding to translate the ECtHR decree for Atilla Taş and to lift the judicial control measures against the defendants, except for Taş.

Caner Taşpınar Case

The lawsuit filed against OdaTV editor Caner Taşpınar due to "insulting" former GNAT Chairman İsmail Kahraman and AKP MP Ali İhsan Arslan through his book, "The Son-In-Law: AKP-member father-in-laws of Fethullah supporters"...

Court: Istanbul 11th Criminal Court of First Instance

Verdict: The case was adjourned to January 6.

Case Against Nuclear Plant Protest

The lawsuit filed against 17 Mersin Anti-Nuclear Platform members on charges of "violating the Law on Meetings and Demonstrations No. 2911" due to the statement attempted to be made at Mersin Akkuyu Nuclear Power Plant on the anniversary of the Fukushima nuclear disaster, which was prevented by the police...

Court: Gülnar Criminal Court of First Instance

Verdict: At the time of publication of the newsletter, we have not yet received information on the outcome of the hearing.

Turgut Öker Case

The lawsuit filed against Confederation of European Alevi Unions Founding Chairman Turgut Öker due to his speech during the protest rally organised in Germany against President Tayyip Erdoğan in 2015...

Court: Istanbul Anatolian 10th Criminal Court of First Instance

Verdict: The court decided to combine the case file with the other case in which Öker was tried at the Istanbul Anatolian 21st Criminal Court of First Instance, and the hearing was adjourned to March 15.

TV10 Workers Case

The lawsuit filed against previously shut-down TV10 cameraman Kemal Demir and worker Kemal Karagöz on the charge of "illegal organisation membership"...

Court: Istanbul 28th Assize Court

Verdict: The Prosecutor's Office demanded that Demir be punished for "aiding a terrorist organization" and that Karagöz be acquitted. The court adjourned the hearing to December 16 for the defense statements to be prepared.

HEARINGS NEXT WEEK

Case Against Pride March

The lawsuit filed against 8 people detained during the 2021 Istanbul Pride Parade, which was banned by the Beyoğlu District Governor's Office, on the charge of "violating the Law on Meetings and Demonstrations No. 2911"...

November 2, Tuesday at Istanbul 16th Criminal Court of First Instance

Yetkin Yıldız Case

The lawsuit filed against the Editor-In-Chief of the previously shut-down Aktifhaber.com news website, Yetkin Yıldız, on charges of "insulting" and "slander" against Efan Ala...

November 2, Tuesday at Istanbul Bakırköy 31st Criminal Court of First Instance

Özgür Gündem Case

The lawsuit filed against previously shut-down Özgür Gündem Daily's Co-Editors-In-Chief Hüseyin Aykol and Eren Keskin as well as the newspaper's Managing Editor Reyhan Çapan on charges of "insulting the President" and "propagandizing for a terrorist organization" due to the news titled "The Palace is Crazy" published in the closed newspaper on September 8, 2015 ...

November 3, Wednesday at Istanbul 13th Assize Court

Yılmaz Odabaşı Case

The lawsuit filed against poet and writer Yılmaz Odabaşı on the charge of "insulting the President" due to a Twitter post in 2018...

November 3, Wednesday at Yalova 2nd Criminal Court of First Instance

Erdal Yıldırım Case

The lawsuit filed against writer Erdal Yıldırım, the former director of the Pir Sultan Abdal Cultural Association, on the charge of "propagandizing for a terrorist organization" due to his social media posts between 2015 and 2018...

November 4, Thursday at Istanbul 14th Assize Court