

# Think, think...



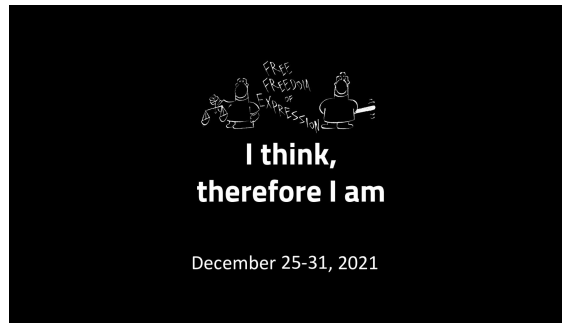
## Freedom of Expression Weekly Newsletter (Issue 51/21 - December 31, 2021)

### What happened last week?

- After the record-breaking depreciation of the Turkish lira, exchange rates have returned to normal a little after the Turkish-type economic model and the implicit interest increase announced by the government. However, the exchange rates started increasing this week. President Erdoğan said, “We made the incident, called currency speculation, disappear in only an hour. I am an economist, this is my job.” However, after seeing the 10-lira band, the U.S. dollar went above 13 Turkish Liras by the end of this week.
- A child was heavily injured in the attack of two dogs in the garden of an estate in Gaziantep. Afterwards, President Erdoğan targeted our animal friends and “white Turks”! After Erdoğan's statement, many AKP municipalities started collecting stray animals.
- Interior Minister Süleyman Soylu claimed that among the municipal personnel recruited during the budget negotiations at the Grand National Assembly, there were “those with ties to terrorist organizations” and targeted the Istanbul Metropolitan Municipality. Afterwards, President Erdoğan gave the signal, and the Interior Minister started a special inspection against the Istanbul Metropolitan Municipality.
- Onur Gencer, who carried out an armed attack against the Peoples' Democratic Party Izmir Provincial Building and murdered Deniz Poyraz, stood trial for the first time. Attacker Onur Gencer cursed Deniz Poyraz's brother and walked threateningly towards the family, passing the gendarmerie. The court adjourned the hearing to January 24, 2022, citing the brawl that broke out in the courtroom. One day before the trial, an armed attack was carried out against the People’s Democratic Party (HDP) building in Bahçelievler district of Istanbul. The attacker’s gun did not work during the attack, so he injured someone with a knife. Afterwards, the attacker was detained.
- Despite the high scores they received in the Public Personnel Selection Examination, teacher candidates were eliminated in the interview stage. The teacher candidates reacted against the situation on social media with the hashtag #NoToInterview. Republican People’s Party (CHP) leader Kemal Kılıçdaroğlu arrived at the Ministry of National Education to discuss the situation, whereas he was prevented from entering the building with a chain on the door. In the statement made by the Ministry regarding allegations of unfair discrimination, it was argued that the oral exams were held objectively within the framework of the legislation and that there was no unfair practice.
- Yeni Şafak writer Hayrettin Karaman, who is publicly known as the “Palace Theologian”, launched a fatwa that the “currency-protected deposit account”, which economists have summarized as a disguised interest increase, was halal; claiming that the exchange difference payment was a “grant of the state”. However, he did not

clarify who obtained the consent of the citizens who paid the taxes, which is the most important source of income of the state! According to Islamic belief, "interest gain" is among the absolute prohibitions.

- The number of cases started to rapidly increase once again within the pandemic, the number of daily cases increasing to over 30 thousand. Reminding that the scientific information and data of the Turkovac vaccine were not shared sufficiently and that no article on phase-3 studies has been published in scientific journals, the Medical Association said that the Emergency Use Approval issued by the Turkish Medical Devices and Pharmaceuticals Agency lacked scientific freedom and administrative autonomy, and would therefore cause scientific reservations.
- It has been 10 years since the massacre in [Roboski](#) village of Uludere district in Şırnak, in which 34 civilians have died due to the bombardment of warcraft belonging to the Turkish Armed Forces on December 28, 2011. In those 10 years, neither the perpetrators were identified nor a lawsuit was filed. Furthermore, during this period, the victim families of Roboski, who were expecting justice, had their share of detainments, investigations and lawsuits.
- The Human Rights Association (IHD) has launched a [report](#) on the incidents of testifying, accusations of espionage and kidnappings in 2021 through pressure and threats. IHD Co-Chair Öztürk Türkdoğan stated that the practices in the report became a policy of oppression by the ruling power with the implementation of the State of Emergency (OHAL) declared following the July 15 Coup Attempt, and said that at least 144 people were kidnapped, accused of espionage and threatened in 2021.



*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...*

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### **Investigation claim against HDP MYK in accordance with TCK Article 301**

The Ankara Chief Public Prosecutor's Office prepared a report in order to conduct an investigation against the People's Democratic Party Central Executive Board members in accordance with Article 301 of the Turkish Criminal Code (TCK), on the grounds that they

used the term "Armenian genocide" in their statement on April 24. In the report requesting permission from Minister of Justice Abdülhamit Gül for investigation, it was claimed that according to the UN Convention dated 1948, "the term 'genocide' cannot be used for the tragic events that took place before this date. According to the law, investigations to be opened under Article 301 of the Turkish Criminal Code (TCK) are subject to permission. In case the Minister of Justice issues the permission, an investigation will be carried out against 26 Peoples' Democratic Party (HDP) executives on the grounds that they have publicly insulted the Turkish nation and the Republic of Turkey.



### **Another lawsuit against Emine Şenyaşar**

Another lawsuit was filed against Emine Şenyaşar, who lost her husband and two sons in 2018 as a result of the attacks of Justice and Development Party (AKP) Parliament Member İbrahim Halil Yıldız's bodyguards and relatives, and who has been on watch in front of the Urfa courthouse for months. The lawsuit

filed against her was based on "insulting a public official". In the indictment accepted at the Ankara Western Criminal Court of First Instance, Emine Şenyaşar cried out to the court decree by saying, "They killed my child", after the hearing held in Urfa on October 2, 2020, and her action was defined as a crime with the allegation that she "insulted" Justice and Development Party (AKP) Parliament Member İbrahim Halil Yıldız.



### **RTUK penalizes Halk TV, Fox TV and TELE1**

Halk TV, Fox TV and TELE1 were penalized in the last Radio and Television Supreme Council meeting of the year. The Council fined Halk TV for denigrating former Minister of Treasury and Finance Berat Albayrak, and Fox TV for denigrating the Energy Market Regulatory Authority. The reason for the penalty against TELE1, on the other hand, was

shown as the statements of retired admiral Türker Ertürk, who was a guest of the Democracy Arena show hosted by Uğur Dündar. The channels will pay a penalty of 2% from their advertising revenue.



### **Lawsuit filed against news on "abusive father"**

A lawsuit was filed against Bianet editor Evrim Kepenek upon the complaint of Refik Y., who was arrested for abusing his 6-year-old child and was later released with judicial measures. The journalist had announced the incident to

the public with the news that said, "The court gave the child to the 'abusive' father", "The

father who 'abused' his child has been arrested" and "The father who 'abused' his child was released under judicial measures." Kepenek will be tried on the charge of "insulting" within the scope of the case.



### **DIAYDER indictment accepted**

The indictment prepared against the members of the Religious Scholars Association (DIAYDER), for which Interior Minister Süleyman Soylu used as a basis to initiate a 'special inspection' against Istanbul Metropolitan Municipality (IBB) employees, was accepted by the Istanbul 14th Assize Court. Within the scope of the trial, the first hearing of which will be held on February 18,

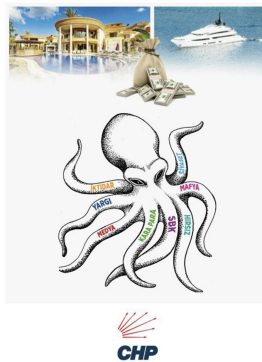
the survey organized by the association on its website regarding the Kurdish Question, the statements made by the association since 2013 as well as the protests the association members had participated in, have been the subject of accusations.



### **British Alevi Federation's former chairman detained**

British Federation of Alevi Associations former chairman Israfil Erbil, who was detained after the Maraş Massacre commemoration he attended last year, was also detained after attending the commemoration this year. Erbil was charged with insulting the prosecutor, who filed a lawsuit against him because of his speeches about not allowing and banning

commemorations for those who lost their lives in the Maraş Massacre, was released after testifying.



### **Kaftancıoğlu testified due to party leaflet**

Republican People's Party (CHP) Istanbul Provincial Chair Canan Kaftancıoğlu testified due to her social media post about the leaflets prepared by the Republican People's Party (CHP) on the ties between Sezgin Baran Korkmaz and the ruling power. The party members, who distributed the leaflets in question, were detained on October 15 and an investigation was launched against them on the

charge of "insulting the President".





## **BDDK files criminal complaint against criticisms**

Banking Regulation and Supervision Agency filed a criminal complaint against 26 people, including IYI Party Deputy Chairman and former Central Bank Chairman Durmuş Yılmaz, Republican People's Party (CHP) Adana Parliament Member Burhanettin Bulut,

as well as against journalists and economists due to their assessments about the depreciation of the Turkish Lira against the U.S. dollar.



## **Can Candan's reason for dismissal clear after five months**

The reason for the investigation opened against academici Can Candan, who was dismissed from Boğaziçi University with a decree of the trustee rectorate and banned from entering the Boğaziçi University campus, became clear five months later. It turned out that the reason for

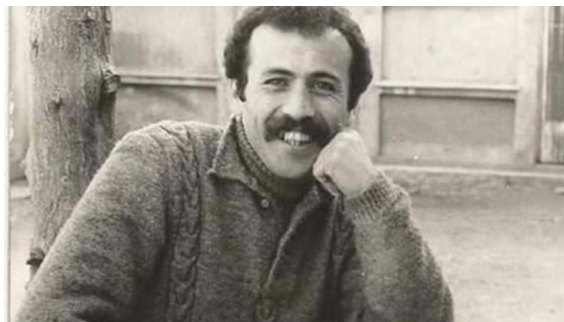
Candan's dismissal was that he shared the tweet of Workers' Party of Turkey (TIP) Chairman Erkan Baş on social media.



## **Investigation over calling defendant 'murderer'**

Izmir Chief Public Prosecutor's Office launched an investigation against Peoples' Democratic Party (HDP) Co-Chair Pervin Buldan, who told the court to "treat the murderer like a murderer" during the prosecution of Onur Gencer, who murdered

Deniz Poyraz.



## **Investigation against Leftist Party District Chair**

An investigation was launched against Leftist Party Ankara Keçiören District President Murat Güzel after he shared a photo of Hıdır Aslan, who was executed on October 25, 1984 after the military coup of September 12, 1984 and who was the last person to be executed in

Turkey, on charges of "making propaganda for a terrorist organization".



## Protest ban in Van ongoing without break

The protest and demonstration ban in Van has been ongoing for 2 thousand days with decrees being renewed every 15 days for the last 5 years, and the Governor's Office extended the ban for another 15 days as of December 30.



## Imprisonment sentence against student upon criticising trustee rector

Middle East Technical University (METU) student Tunahan Gözlüğü was sentenced to 8 months and 22 days in prison for a social media post, in which he criticized the trustee rector of the Middle East Technical University (METU), Verşan Kök. The sentence against Gözlüğü was deferred for a year. The student

had previously faced an investigation by the school administration as well as a one-week suspension from school.



## 5 journalists sentenced to imprisonment in RedHack case

The latest hearing of the lawsuit filed against journalists Tunca Öğreten, Mahir Kanaat, Derya Okatan, Ömer Çelik, Eray Sargın and Metin Yoksu was held at the Istanbul 29th Assize Court on charges of "making propaganda for a terrorist organization", "blocking or disrupting informatics system,

destroying or changing data", "acting on behalf of a terrorist organization without membership" and "terrorist organisation membership" due to their coverage of news regarding the emails belonging to former Minister of Energy and Natural Resources Berat Albayrak, after they were leaked by RedHack. The court issued the acquittal of the journalists of the charges of making propaganda for a terrorist organization, whereas sentenced BirGün Daily worker Mahir Kanaat, former Diken editor Tunca Öğreten, previously shut-down Dicle News Agency's News Director Ömer Çelik, reporter Metin Yoksu, Yolculuk Daily's Editor-In-Chief Eray Sargın to 1 year and eight months of imprisonment on the charge of "illegally obtaining data". The imprisonment sentences were deferred, whereas the court ordered for the journalists to be subject to judicial supervision for two years.



### **Governorate ban against CHP poster**

A poster was hung on the Republican People's Party (CHP) Provincial Building in Eskişehir with the writing, "The interest holder will win, the nation will pay. Tax on bread, guaranteed interest in dollars for interest holders" in response to the recent exchange-protected Turkish Lira deposit account application. The

poster was removed by the police upon Governorate decree.



### **Constitutional Court rules violation in police violence**

The Constitutional Court ruled for violation of rights and issued a compensation decree for two people who were beaten by the police during the raid against the Nâzım Hikmet Cultural Center in Ankara on June 2, 2013 with

tear gas. Attacking the press release held by the Union of Chambers of Turkish Engineers and Architects (TMMOB) in Kızılay district on June 2, 2013, the police broke into the Piraye Cafe, which is within the Nâzım Hikmet Cultural Center, using tear gas and inflicting physical and verbal violence against the people in the cafe. In the investigation launched following the criminal complaint made by Alper Tunga Kuru, who was a university student at the time, and Özcan Kaya Güvenç, a former Union of Chambers of Turkish Engineers and Architects (TMMOB) Chairman and Honorary Board Member, after they were exposed to police violence, the Prosecutor's Office issued a verdict of non-prosecution, claiming that the police did not exceed the limit of their authority. The Constitutional Court ruled that the prohibition of ill-treatment, which is guaranteed in Article 17 of the Turkish Constitution, was violated. The court also ruled for the investigation on the incident to be re-opened.



### **Constitutional Court rules violation of freedom of expression in dismissal from work due to criticism**

The Constitutional Court considered the termination of a municipality employee's employment contract because of her words about the mayor's wife, as a violation of

freedom of expression. The applicant, who worked as a sociologist in Bursa Nilüfer Municipality and requested not to shut down the women's shelter, which was on the agenda due to the shelter's physical inadequacies, was fired on the grounds that she used defamatory statements on the municipality after she shared on social media that the shutdown of the shelter was caused by the wife of the mayor and that the contracted workers there were also left unemployed. The Constitutional Court ruled that the applicant's dismissal due to her social media post was an interference with her freedom of expression.





## TRIALS OF FREEDOM OF EXPRESSION

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| <p style="text-align: center;"><b><u>Deniz Yücel Case</u></b></p> <p>The lawsuit filed against Die Welt reporter Deniz Yücel on charges of "publicly insulting a public official" based on a tweet he shared on February 20, 2019 regarding the "Gezi Park Indictment"...</p> <p><b>Court:</b> Istanbul 24th Criminal Court of First Instance</p> <p><b>Verdict:</b> The next hearing was scheduled for February 8.</p>  | <p style="text-align: center;"><b><u>Feminist Night Walk Case</u></b></p> <p>The lawsuit filed against 35 people, including journalist Buse Söğütü, who participated in the March 8, 2020 Feminist Night Parade, on charges of "violating the Law on Meetings and Demonstrations No. 2911" and "resisting to prevent duty"...</p> <p><b>Court:</b> Istanbul 58th Criminal Court of First Instance</p> <p><b>Verdict:</b> The next hearing was scheduled for April 28.</p> |
| <p style="text-align: center;"><b><u>MIT Trucks Case</u></b></p> <p>The lawsuit filed against journalist Can Dündar on charges of "obtaining confidential information regarding the state for the purpose of espionage" and "aiding a terrorist organization" due to the news on trucks belonging to the Turkish National Intelligence Agency (MIT)...</p> <p><b>Court:</b> Istanbul 14th Assize Court</p> <p><b>Verdict:</b> Dündar's lawyers were absent from the hearing with an excuse and the case was adjourned.</p> |   |

## HEARINGS NEXT WEEK

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| <p style="text-align: center;"><b><u>Selçuk Kozagaçlı Case</u></b></p> <p>The lawsuit filed against Contemporary Lawyers Association Chairman Atty. Selçuk Kozagaçlı on the charge of "terrorist organisation membership"...</p> <p><b>January 5, Wednesday at Istanbul 18th Assize Court</b></p>  | <p style="text-align: center;"><b><u>Case Against News on Torture</u></b></p> <p>The lawsuit filed against journalists Adnan Bilen, Cemil Uğur, Şehirban Abi, Nazan Sala and Zeynep Durgut on charges of "terrorist organization membership" and "propaganda" after they covered the news on two citizens in Van being severely injured as a result of torture, resulting in one death...</p> <p><b>January 6, Thursday at Van 5th Assize Court</b></p> |
| <p style="text-align: center;"><b><u>Caner Taşpınar Case</u></b></p> <p>The lawsuit filed against OdaTV Editor Caner Taşpınar on charges of "insulting" former Speaker of the Grand National Assembly of Turkey İsmail Kahraman and AKP Deputy Ali İhsan Arslan for his book "The Bridegroom: Fethullahists' Father-in-laws from AKP"...</p> <p><b>January 6, Thursday at Istanbul 11th Criminal Court of First Instance</b></p> | <p style="text-align: center;"><b><u>Rojhat Doğru Case</u></b></p> <p>The lawsuit filed against Rojhat Doğru, a former cameraman of Geli Kurdistan TV, on charges of "disrupting the unity and the territorial integrity of the state", "terrorist organization membership" and "making propaganda for a terrorist organization"...</p> <p><b>January 6, Thursday at Diyarbakır 8th Assize Court</b></p>  |



**Ahlat Kobani Case**

The lawsuit filed against 63 people, including the then-HDP executives, on charges of "violating the Law on Meetings and Demonstrations" due to the Kobani protests organised in 2014 in the Ahlat district of Bitlis...

**January 6, Thursday at Ahlat (Bitlis)  
Criminal Court of First Instance**

**Boğaziçi University Case**

The lawsuit filed against 14 Boğaziçi University students, including Berke Gök and Perit Özen, who were arrested after being detained during the protest demonstrations organised against appointed rector Prof. Naci İnci, on charges such as "participating in unlawful meetings and marches", "resisting to prevent duty"...

**January 7, Friday at Istanbul Criminal  
Court of First Instance**