

Think, think...

Freedom of Expression Weekly Newsletter (Issue 8/22 - February 25, 2022)

What happened last week?

- The decision of Russian President Vladimir Putin to recognize the Donetsk People's Republic and the Lugansk People's Republic, established by the separatists in the eastern Ukraine, further increased the tension in the region; the Turkish Foreign Ministry called the decision "unacceptable".
- After the Ukraine crisis turned into a hot conflict with Russia entering Donbass, the USDTRY parity exceeded the level of 14 TRY for the first time in 2 months, and gold prices climbed to the highest level since the beginning of 2021.
- On his return flight from Abu Dhabi, the President was asked about the social media regulation. The President stated, "Our Presidential Communications Department has completed its technical work. Then, our Justice and Development Party (AKP) group in the Parliament worked on improvements. Our friends held meetings on the resulting text under the chairmanship of Fuat Oktay. Our Interior Minister, Minister of Justice, Head of Communications and executives of our relevant institutions also took part in the meetings. Hopefully, the last meeting will be held on Monday. We can say that the work has come to an end. Afterwards, this process will go to the Parliament and will be completed there." The constitutional legislature, which is the Turkish Grand National Assembly, was neglected once again.
- Journalist Güngör Arslan, owner and Editor-in-Chief of Kocaeli Ses Daily, died in an armed attack in his office. While 7 people were arrested together with the murderer, questions about why Arslan, whose newspaper and himself were the target of attacks many times before, was killed, are still unanswered...
- The "Gezi Park Case" and the "Çarşı Case", which were combined, were separated again after 5 hearings. Osman Kavala, the only arrested defendant in the Gezi Park Case, whose situation was turned into a puzzle, was not released again. The ECtHR gave the parties until April 19 to present their opinions to discuss the violation process against Turkey regarding Kavala.
- The details of the "dilution application" initiated by the Ministry of Interior against refugees have become clear. Steps have been taken to send immigrants to different places from the districts where they are concentrated. Within this scope, 800 neighborhoods in 16 provinces and 52 provinces were closed to all foreigners of any status. Emphasizing that the practice is in violation of the Geneva Convention, Migration Research Center Chairman Metin Çorabatır stated that migrants displaced by the 'dilution' project will experience economic and social problems.
- Deutsche Welle and America's Voice, three of the international broadcasting companies, which the Radio and Television Supreme Council (RTÜK) allowed 72 hours by asking them to apply for a license to continue their broadcasts, announced that they would not bow to censorship. Broadcasting organizations threatened by RTÜK with access bans will carry the matter to the judiciary.

- Korkusuz Daily writer Memduh Bayraktaroğlu, who was threatened by Gray Wolves President Ahmet Yiğit Yıldırım, said that a group raided his house and they wanted to break into the house by kicking the doors. Bayraktaroğlu, who said he was suspicious of the nationalists, also filed a criminal complaint against Nationalist Movement Party (MHP) leader Devlet Bahçeli.
- Arif Kocabıyık, who broadcast his street interviews on the YouTube channel "İlave TV", was attacked by a group of 8-10 people, who introduced themselves as nationalists.
- On the occasion of February 21, World Mother Language Day, events and statements held in many cities demanded that the pressure on mother tongues in Turkey be lifted. According to the UNESCO World Atlas of Endangered Languages, 3 languages have completely disappeared in Turkey, and 18 languages, 1 of which has almost disappeared, are under threat.
- In the "2022 Transformation Index", in which the Germany-based Bertelsmann Foundation analyzed 137 countries, it was determined that the number of autocratic states was more than democratic regimes for the first time since 2004. There was no change in the assessment of Turkey, which was first described as an "autocracy" in the 2020 report. According to the report, Turkey is the country where the biggest decline in the political field has been experienced in the last 10 years.
- In Freedom House's "Freedoms in the World 2022" report, Turkey was again ranked among "not-free countries". *You may find details in the newsletter...*



Our weekly video program "<u>COGITO ERGO SUM</u>", in which we follow the agenda of freedom of thought and expression, is on our <u>YouTube channel</u> every week...

<u>Click here</u> to access all our video newsletters...



Journalist Güngör Arslan killed in armed attack

Journalist Güngör Arslan, owner and editor-in-chief of Kocaeli Ses Daily, was attacked in his office and lost his life. The journalist, who has been the target of attacks before as well and was prosecuted for his articles, wrote in his recent articles about the allegations regarding a dubious tender opened by Kocaeli Metropolitan Municipality and the detainment of Migros workers, who resisted for their rights. While 21-year-old R.Ö, the perpetrator of the murder, was caught, 7 people were arrested in connection with the attack. However, questions about why Arslan was killed are still unanswered...



Lawsuit against IHD Co-Chair

The trial of rights advocate Öztürk Türkdoğan, who was charged with "terrorist organization membership" due to the statements he made as the Co-Chair of the Human Rights Association (IHD), started at the Ankara 19th Assize Court. The court adjourned the hearing to April 19, deciding to continue the travel ban on Türkdoğan. Türkdoğan is on trial in 3 separate

cases due to his association activities and rights advocacy...



Another lawsuit filed against writer Gökhan Yavuzel

Another lawsuit was filed against writer Gökhan Yavuzel on the charge of "insulting the President". Regarding Deniz Poyraz who was killed in the attack against the Peoples' Democratic Party (HDP) Izmir Provincial building, Yavuzel wrote on Twitter, / "Poyraz's gunman is Devlet Bahçeli, and his instigator is Erdoğan. Erdoğan has turned his gang state into

a mafia state." / The first hearing of the case, filed due to the Twitter post, will be held on May 10 at the Şanlıurfa 4th Criminal Court of First Instance.



Lawsuit against Boğaziçi protest

6 of those detained in the press statement made on February 3, 2021 in Izmir in support of the trustee-rector protests at Boğaziçi University were charged with "violating the Law on Meetings and Demonstrations No. 2911", "insulting" and "resisting to prevent duty" in the lawsuit filed against them at the Izmir 49th Criminal Court of First Instance. There is another lawsuit against 3 of the names to be

prosecuted on the charge of "insulting the President" for the same protest. In addition, one of the people who were sued was Erdoğan Akdoğdu, a member of the Contemporary Lawyers Association (ÇHD), who followed the detainment procedures that day.



Lawsuit against academic over post containing word "Kurdistan"

The trial of academic Hifzullah Kutum, who was charged with "making propaganda for a terrorist organization" on the grounds of his social media posts, began at the Elazığ 2nd Assize Court. Within the scope of the lawsuit, an administrative investigation was launched and the academic was dismissed in November; his posts containing the words "Kurd" and

"Kurdistan" were shown as evidence of "crime". Then, the targeted academic was arrested on November 6 and was released 4 days later after the indictment prepared against him was accepted. The prosecutor, who presented his opinion at the first hearing, demanded that the academic be penalized. The next hearing was scheduled for March 3.



Journalist Durket Süren convicted of "terrorist organisation propaganda"

Journalist Durket Süren, who was prosecuted on the grounds of his phone calls with news sources, his social media posts and his membership in the previously shut-down Free Journalists' Association, was sentenced to 1 year, 6 months and 22 days in prison for "making propaganda for a terrorist

organization". The Diyarbakır 11th Assize Court, which deferred the sentence, acquitted the journalist on the charge of "aiding a terrorist organization".



Demonstrations", will be held on June 27.



Lawsuit against call for May 1

41 people, including trade union and political party leaders, who were detained in the press release held in Istanbul last year to call for May 1, stood trial at the Istanbul Anatolian 53rd Criminal Court of First Instance. The next hearing of the case, which was filed on the charge of "violating the Law on Meetings and

Former Diyarbakır Bar Association administration acquitted

11 lawyers, who were on trial at the Diyarbakır 13th Assize Court due to the statements made by the Diyarbakır Bar Association in 2017 and 2018, were acquitted. The lawyers were accused of "insulting the state" and "public incitement to resentment and hostility".



Lawsuit against lawyers

Six lawyers, who faced lawsuits for singing Kurdish anthems and chanting slogans in Kurdish, were acquitted in the lawsuit filed against them due to the press statement they held in Taksim, Istanbul on September 15, 2015, to end the conflicts that started again in

Kurdish provinces after the resolution process was over. Within the scope of the case at the Istanbul 36th Assize Court, the lawyers were charged with "making propaganda for a terrorist organization" and "violating the Law on Meetings and Demonstrations".





Demirtaş's appeal denied

The appeal of former Peoples' Democratic Party (HDP) Co-Chair Selahattin Demirtaş, who was sentenced to 3 years and 6 months in prison for "insulting the President" due to the statement he made at Atatürk Airport in 2015, was denied by the 2nd Criminal Chamber of the Istanbul Regional Court of Justice.

Lack of press card becomes basis for life imprisonment against journalist

Diyarbakır 8th Assize Court announced its reasoned decision regarding Geli Kurdistan TV's cameraman Rojhat Doğru, who was sentenced to life imprisonment for allegedly participating in the protests, for which he followed news information on. The court

considered it a crime for the journalist, who was convicted of "disrupting the unity and the territorial integrity of the state", "terrorist organization membership" and "making propaganda for a terrorist organization", to follow the Kobani protests. Claiming that Doğru did not follow the protests as a journalist, the court cited his lack of a press card issued by the Presidential Communications Directorate as a basis.



Investigation against photo on Roboski Massacre

An investigation has been launched against former People's Democratic Party (HDP) Cizre Co-Chair Güler Tunç for her social media posts. Tunç is accused of "making propaganda for a terrorist organization" because of the photographs she shared on social media, one on the anniversary of the Roboski Massacre and

another on the anniversary of the murder of 3 people by gunfire from an armored vehicle in Silopi in 2016.



Migros workers detained

MIGROS Warehouse workers, who were fired after the protest they started to improve their working conditions, wanted to make a press statement in front of the company owner Tuncay Özilhan's villa. Nearly 100 workers, as well as trade union members, were detained. The workers were released after testifying, and

their protests for their demands resulted in success. Warehouse Port Shipyard and Marine Workers Union announced that an agreement has been reached between the employees and the company.



Doku Family detained over asking where their daughter is

Munzur University student Gülistan Doku disappeared on January 5, 2020. Her mother, Bedriye Doku, her father Halit Doku and older sister Aygül Doku came to the Ministry of Justice and made a press statement. When their request to meet with Minister of Justice Bekir Bozdağ was rejected on the grounds that he

was "not available", the family, who started a vigil in front of the Ministry, was detained.



15-day protest ban in Bitlis

Bitlis Governorate has issued another protest ban throughout the city for 15 days. The reason for the decree was the protection of "national security, public order" as well as measures against the Coronavirus pandemic. Until March 8, any protest to be organized in the city was

made subject to civil administration permission, provided that the notice is made at least forty-eight hours beforehand.



Access bans

News on Deputy Minister of Health Şuayip Birinci being among the double-paid bureaucrats was banned from access by Ankara 1st Criminal Judicature of Peace on the grounds that "It damaged the reputation and prestige of Birinci". It was revealed that in

addition to being the deputy minister, he also served as a member of the TÜRKSAT Board of Directors.





Izmir 5th Criminal Judicature of Peace.



Access bans

Ankara 2nd Criminal Judicature of Peace issued an access ban against the news about Metin Özkan, the former press advisor of Nationalist Movement Party (MHP) Chairman Devlet Bahçeli, who allegedly stole money from a woman's purse at the restaurant he went to.

Access bans

Izmir 4th Criminal Judicature of Peace has ruled that the news and social media posts about Assize Court judge Hacım Çiftçi's violence against his wife and non-compliance with the judicial verdicts about him, should be deleted. The news in question was previously banned from access with a decree issued by the

Tuncel acquitted after appeal court decree

Sebahat Tuncel, the imprisoned former Co-Chair of the Democratic Regions Party (DBP), who was sentenced to 11 months and 20 days in prison for "insulting the President" for saying "Erdoğan is an enemy of women and Kurds" in the protest against trustee operations on Peoples' Democratic Party (HDP)

municipalities in 2016. The case, in which she was tried again at the Diyarbakir 10th Criminal Court of First Instance after the reversal decree of the court of appeal, resulted in acquittal.



LGBTQ+ Rights Report

Kaos GL Association has published the annual Human Rights Report of LGBTQ+s. According to the report, which reveals the state of LGBTQ+ rights in 2021, the summary of the year was violations in every category. While 2021 was a year in which the right to freedom of expression was heavily violated for

LGBTQ+s, nearly 30 percent of all violations were violations of freedom of expression. Kaos GL reported 8 hate crimes in 2021. However, this number is thought to be much higher due to not having been reflected in the media. As state officials continue to target LGBTQ+s, torture against LGBTQ+ activists has increased, and impunity continues as a widespread and systematic state practice. In addition, administrative pressure on LGBTQ+ associations

intensified. The biggest perpetrator of the violations is the state, as always! <u>Please click here</u> for the full report.



Constitutional Court decree

The Constitutional Court ruled that the right to meetings and demonstrations of union leader Ilhan Yiğit, who was detained during a statement held by the Confederation of Public Employees' Unions' (KESK) on the collective bargaining agreement in 2015, was violated. The police, who attacked the union members

wanting to march to the Ministry of Labor and Social Security with the delegation to participate in the collective bargaining negotiations on the grounds that the protest was "outside the areas determined by the governorate", detained 3 union members, including Yiğit. The Constitutional Court stated, "interpretation of the law by the organs exercising public power in such a way as to make the exercise of the right significantly difficult cannot justify the violation."



Nol-pros in investigation against journalist Çelik

The investigation opened by the Gaziantep Chief Public Prosecutor's Office against Ferhat Çelik, the Editor-in-Chief of the Mesopotamia Agency, on the charge of "making propaganda for a terrorist organization", resulted in non-prosecution. The journalist, who was detained in Istanbul on January 4 as part of the

investigation and was released by the court one day later, was charged with 16 news stories published by the agency between August and September 2020.



Another investigation against Emine Şenyaşar

Another investigation was launched against Emine Şenyaşar on charges of "insult", whose husband and two sons were murdered by the bodyguard and relatives of Justice and Development Party (AKP) Parliament Member İbrahim Halil Yıldız in 2018 and who has been on a vigil in front of the Urfa courthouse for

months for justice. The number of investigations opened against the grieving mother, who started the Justice Watch in front of the Urfa Courthouse on March 9, and continued on the 354th day, has increased to 14.

FREEDOM IN THE WORLD 202	EVENIO	in ADALE
Turkey	32	n!
NOT FREE Political Rights	/100 16 /40	
Civil Liberties	16 /60 32 /100 🕒 Not Free	
Global freedom statuses are calculated on a methodology.	a weighted scale. See the	

Freedom House Report: Turkey ranked among not-free countries once again

The US-based think tank Freedom House has released its "Freedom in the World 2022" index. The report, titled, "The Global Expansion of Authoritarian Rule" reveals that freedoms have been decreasing globally for 16 consecutive years. According to the report, in which 195 countries were evaluated, the

Case Against News on Economy

number of "not-free" countries doubled compared to 2020, reaching 56. Nearly 38 percent of the world's population lives in "not-free" countries, the highest rate since 1997. Turkey, which is listed in the category of "not-free countries" in the report this year, is the least free country in Europe and has regressed by 31 points in the last 10 years. Turkey is the third country with the highest amount of decline, after Mali and the Central Republic of Africa.

<u>Please click here</u> for the full report.

Please click here for the Turkey section of the report.

Gezi Park Case



TRIALS OF FREEDOM OF EXPRESSION

<u>Otzi i ai k Cast</u>	Case Against News on Economy
The retrial after the lawsuit filed against 16 people, including arrested businessman Osman Kavala, on the Gezi Park protests, at the Istanbul 30th Assize Court on the Gezi Park protests was combined with the lawsuit filed against 35 Çarşı fan group members, who participated in the Gezi Park protests	The lawsuit filed against Bloomberg reporters Kerim Karakaya and Fercan Yalınkılıç, charged with "damaging the economy" due to the news they reported on the devaluation of the Turkish Lira, as well as against 38 others, including journalists and economists, who shared the news article on Twitter
Court: Istanbul 13th Assize Court Verdict: The "Gezi Park Case" and "Çarşı Daily Case", which were merged, were separated once again. The court decided for Osman Kavala, who is arrested for 1574 days, to remain under arrest and adjourned the hearing to March 21.	Court: Istanbul 3rd Criminal Court of First Instance Verdict: The hearing was adjourned to April 27.
<u>Boğaziçi Protests Case</u>	Izmir Rights Advocates Case
The lawsuit filed against 52 Boğaziçi University students on charges of "violating the Law on Meetings and Demonstrations" and "depriving one of their freedom" Court: Istanbul 49th Criminal Court of First	The lawsuit filed against 3 human rights advocates, who were detained during the press statement organised in Izmir on February 3, 2021 to support the trustee rector protests at Boğaziçi University, on the charge of "insulting the President"
Instance	the resident
Verdict: The hearing was adjourned to July 4.	Court: Izmir 41st Criminal Court of First

	Verdict: The hearing was adjourned without being held.
<u>Gökhan Yavuzel Case</u>	<u>Yetkin Yıldız Case</u>
 The lawsuit filed against writer Gökhan Yavuzel on the charge of "insulting the President" because he used the expression, "you will fall," during a statement he made regarding the death threats he received on social media Court: Urfa 4th Criminal Court of First Instance 	The lawsuit filed against previously shut-down aktifhaber.com website's Editor-In-Chief Yetkin Yıldız on charges of "insult" and "slander" against Efkan Ala Court: Bakırköy 31st Criminal Court of First Instance
Verdict: The court decided to wait for the execution of the warrant issued against the writer, who resides abroad, and adjourned the hearing to September 27.	Verdict: The court decided to wait for the other lawsuit filed against her, together with 6 other journalists, to end and adjourned the hearing to June 28.
DIAYDER Case	<u>Özgür Gündem Case</u>
The lawsuit filed against Religious Scholars Aid and Solidarity Association (DIAYDER) members and executives on charges of "terrorist organisation membership" and "aiding a terrorist organisation", which was made a basis for a "special inspection" against Istanbul Metropolitan Municipality (IBB) workers Court: Istanbul 14th Assize Court Verdict: The hearing was adjourned to March 18.	The lawsuit filed against journalists Reyhan Çapan, Hüseyin Aykol, Hasan Başak and Kemal Yakut on charges of "making terrorist organsiation propaganda," "praising the crime and the criminal" and "public incitement to commit a crime" Court: Istanbul 13th Assize Court Verdict: The lawyers were excused from the hearing, so the case was adjourned.
<u>KCK Press Case</u>	<u>Kibriye Evren Case</u>
The lawsuit filed against 46 journalists and media workers in 2012 on the charge of "terrorist organisation membership" Court: Istanbul 3rd Assize Court Verdict: The hearing was adjourned to June 9.	The lawsuit filed against Jinnews reporter Kibriye Evren on charges of "terrorist organisation membership" and "making terrorist organisation propaganda" Court: Diyarbakır 5th Assize Court Verdict: The lawsuit was merged with another case filed against the journalist in Mersin on the same charges
<u>Case Against Vice News Reporters</u>	<u>Uğur Dündar Case</u>
The lawsuit filed against Jake Hanrahan, Philip Penlebury, Mohammed Ismael Rasool on charges of "violating the Law on the Prevention of Financing of Terrorism", "wilfully aiding and abetting a terrorist organisation", "making terrorist organisation propaganda"	The retrial of journalist Uğur Dündar, who was convicted of insulting Minister of Transportation Binali Yıldırım due to a column he wrote in 2014, after the Court of Cassation's reversal of the decree against him
Court: Diyarbakır 8th Assize Court	Court: Istanbul Küçükçekmece 2nd Criminal Court of First Instance

Verdict: The court decided to wait for an answer to the letter written to England for the journalists to testify through rogatory, adjourning the hearing to May 26.	Verdict: The Prosecutor's Office claimed that Yıldırım's honour and dignity were damaged and that he was insulted through the expression used by Uğur Dündar, claiming an imprisonment sentence against the journalist for up to 2 years and 4 months.
<u>Ismail Saymaz Case</u>	<u>Fatma Gültekin Case</u>
The second lawsuit filed against journalist Ismail Saymaz due to his statements regarding another lawsuit filed against him on the charge of "insulting" Büreyde Öncel through his article on child abuse	The lawsuit filed against Rosa Women's Association founding member Fatma Gültekin on the charge of "terrorist organisation membership"
Court: Istanbul 16th Criminal Court of First Instance Verdict: The hearing was adjourned to April 15.	Court: Diyarbakır 10th Assize Court Verdict: The Prosecutor's Office claimed an imprisonment sentence against Gültekin for up to 15 years. The hearing was adjourned to May 13.
Kadıköy Boğaziçi Support Case	<u>Sadiye Eser Case</u>
The lawsuit filed against 23 people, who participated in the support protest for the Boğaziçi Resistance that was organised in Kadıköy on February 2, on charges of "violating the Law on Meetings and Demonstrations" and "resisting to prevent duty"	The lawsuit filed against 34 people, including journalist Sadiye Eser, on charges of "terrorist organisation membership," "making terrorist organisation propaganda" and "damaging property" Court: Istanbul 6th Assize Court
Court: Istanbul 38th Anatolian Criminal Court of First Instance Verdict: The hearing was adjourned to May 12.	Verdict: The hearing was adjourned to June 15.

HEARINGS NEXT WEEK

<u>Cihan Ölmez Case</u>	Feminist Night March Case
 The lawsuit filed against journalist Cihan Ölmez on the charge of "making terrorist organisation propaganda" based on the speeches he gave to the press during the curfew applied in Cizre in 2015 March 1, Tuesday at Diyarbakır 5th Assize Court 	The lawsuit filed against 17 women on charges of "insulting the President" and "participating in unlawful meetings and demonstrations" due to the slogans they chanted during the Feminist Night March organised in Taksim, Istanbul on March 8, 2021 March 1, Tuesday at Istanbul 10th Criminal Court of First Instance
<u>M. Şirin Tunç Case</u>	<u>Cem Bahtiyar Case</u>
The lawsuit filed against Kurdish politician Mehmet Şirin Tunç within the investigation against the Democratic Society Congress (DTK)	The lawsuit filed against journalist Cem Bahtiyar on the charge of "making terrorist organisation propaganda" due to his social media posts between the years 2015 and 2018

March 1, Tuesday at Diyarbakır 8th Assize Court	March 1, Tuesday at Balıkesir 3rd Assize Court
<u>Ahmet Kanbal Case</u>	<u>Elif Tirenç İpek Ulaş Case</u>
The lawsuit filed against journalist Ahmet Kanbal on charges of "targeting those taking part in the fight against terrorism" and "insulting a public official"	The lawsuit filed against Rosa Women's Association's Founding member and lawyer Elif Tirenç İpek Ulaş on the charge of "terrorist organisation membership" due to her association activities
March 2, Wednesday at Aydın 3rd Assize Court	March 3, Thursday at Diyarbakır 8th Assize Court
<u>Namık Koçak Case</u>	<u>Hifzullah Kutum Case</u>
The lawsuit filed against journalist Namık Koçak on the charge of "terrorist organisation propaganda" due to the tweets he posted since 2015, mostly on the consequences of the coup attempt in 2016	The lawsuit filed against academic Hifzullah Kutum on the charge of "making propaganda for a terrorist organisation" due to his social media post on the "September Revolution" as well as a visual of Mele Mustafa Barzani
March 3, Thursday at Istanbul 22nd Assize Court	March 3, Thursday at Elazığ 2nd Assize Court
<u>Özgür Gündem Case</u>	<u>Newspaper Distributors Case</u>
The lawsuit filed against previously shut-down Özgür Gündem Daily's Editors-In-Chief Hüseyin Aykol, Zana Kaya, Managing Editor İnan Kızılkaya and Kurdish politician Hatip Dicle	The lawsuit filed against Özgürlükçü Demokrasi and Azadiya Welat Daily distributors Mikail Tunçdemir and Ferhat Tuman on the charge of "wilfully aiding a terrorist orgasanition" and "making propaganda for a terrorist organisation"
March 3, Thursday at Istanbul 2nd Criminal Court of First Instance	March 3, Thursday at Van 5th Assize Court
<u>Rüstem Batum Case</u>	Taraf Daily Case
The lawsuit filed against journalist Rüstem Batum on the charge of "publicly denigrating the military and security organisation of the state" due to his speech on a show on IMC TV	The lawsuit filed against Taraf Daily reporter Mehmet Baransu and executives Ahmet Altan, Yasemin Çongar and Yıldıray Oğur
in 2015	March 4, Friday at Istanbul 13th Assize Court
March 4, Friday at Istanbul 43rd Criminal Court of First Instance	