Think, think...



Freedom of Expression Weekly Newsletter (Issue 9/22 - March 4, 2022)

What happened last week?

- The war in Ukraine continues with sanctions and bombs, leaving its first week behind. Foreign Minister Mevlüt Çavuşoğlu announced that Ankara has decided that what is happening is a war. "We are implementing the Montreux Treaty in this direction," he said. According to UN data, at least 227 civilians lost their lives, over 1.2 million people were forced to leave Ukraine. As the war destroys humanity with blood, tears and pain in Ukraine, every bomb that explodes also destroys freedoms around the world. A witch hunt has begun against the opponents of war in Russia, and against Russians in every field from art to sports in the West. While the Moscow administration closed the radio and television channels criticizing the war, a Dostoyevsky lecture at a university in Italy was canceled. The European Union has banned Russian media outlets. Twitter tagged Sputnik employee journalists by adding the phrase "media affiliated with the Russian state" to their personal accounts.
- The Republican People's Party (CHP), Good Party, Felicity Party, Democrat Party, DEVA and Future Party announced to the public the "Strengthened Parliamentary System" work that they have been carrying out for months at a press conference with broad participation in Ankara. Leaders of the 6 parties signed the "memorandum of convention" with an emphasis on "strong assembly", "independent judiciary" and "fundamental rights and freedoms". On the other hand, rights advocates and non-governmental organizations drew attention to the deficiencies in the text.
- The Parliamentary immunity of Peoples' Democratic Party (HDP) Diyarbakır MP Semra Güzel has been lifted. HDP MP Ömer Faruk Gergerlioğlu announced that despite his immunity, an illegal investigation was launched against him and a travel ban was imposed on him. On the other hand, this week, 13 new memoranda came to the Parliament against 11 MPs from the Peoples' Democratic Party (HDP), Republican People's Party (CHP) and Turkish Workers' Party (TIP).
- Health Minister Fahrettin Koca announced that all pandemic measures, including mask requirements, have been lifted. In the event of a COVID-19 case in schools, the practice of 'canceling classes' has also been abolished. The music ban, which came under the pretext of the pandemic, continues for some reason. This is enough to prove how scientific (!?) the steps taken are. Reacting to the Minister, who said, "After two years of persistent and planned struggle, it is now time to remove the pandemic from the agenda of our lives," the Medical Association criticized the high death numbers and low vaccination rates, and described the decisions as "allowing free movement for the virus". Last month, an average of 251 deaths occurred each day in Turkey, while a total of 7 thousand 29 deaths occurred due to COVID-19. The number of cases detected only last month is over 2.4 million.
- The Chief Public Prosecutor's Office of the Council of State expressed its opinion that the decision to withdraw from the contract was "unlawful" in the opinion of the

Diyarbakır Bar Association regarding the annulment of the Istanbul Convention, which was terminated with a Presidential decree. Council of State Chief Prosecutor's Office stated that the Istanbul Convention cannot be terminated without the decision of the Grand National Assembly of Turkey and requested that President Erdoğan's decree be annulled.

- The Constitutional Court did not find any rights violations on the 5-year duration of the trial, which was concluded with a judicial fine of 15,200 TL against police officer Ahmet Şahbaz, who shot and killed Ethem Sarısülük in Ankara during the Gezi Park protests. The decree was <u>opposed</u> by 6 members, including the President of the Constitutional Court, Zühtü Arslan.
- According to the data of the We Will Stop Femicides Platform; at least 23 women were killed in February, 21 women were found suspiciously dead. On the other hand, speaking at the KADEM General Assembly, Erdoğan claimed that "Turkey is ahead of Europe in violence against women". Erdoğan <u>stated that</u> the reform on violence against women will be submitted to the Turkish Grand National Assembly as soon as possible.
- According to the data of the Turkish Statistical Institute (TUIK), inflation rose to 54.44 percent in February. Thus, while official inflation exceeded 50 percent for the first time in 20 years, this figure is 123.80 percent according to the inflation calculation made by the Inflation Research Group (ENAG).
- According to Turkish Statistical Institute (TUIK) data, the Turkish economy grew by 11 percent in 2021. While the share of labor payments in gross domestic product decreased, a significant increase was recorded in the share of capital. Turkey, whose per capita income has been declared as 9 thousand 539 dollars by TUIK, has seen many workers' protests in recent months.
- Minister of Agriculture and Forestry Bekir Pakdemirli also joined the caravan of those "who demanded his pardon" from the President; Vahit Kirişçi was appointed as the 22nd Term Parliament Member.
- According to the results of the press screening we conducted throughout February; the police intervened in at least 8 protests and demonstrations, protests were banned in 5 provinces for 15 days. At least 133 people were detained during peaceful meetings and demonstrations. While new investigations were launched against 8 people due to "violating the Law on Meetings and Demonstrations", 192 people were acquitted in the resulting cases. An investigation was launched against at least 1 person, 1 person was sued for "insulting the President", 2 people were acquitted, and 1 person was sentenced to 2 years, 2 months and 7 days in prison. At least 148 news websites were banned, and at least 13 news websites were censored.

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

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



1-year 3-month imprisonment against journalist Ahmet Kanbal

Journalist Ahmet Kanbal was sentenced to 1 year and three months in prison on the charge of "targeting those taking part in the fight against terrorism" following the complaint of Gendarmerie Deputy Commander-In-Chief Lieutenant Musa Çitil due to sharing a news

story about him on social media. Within the scope of the case at the Aydın 3rd Assize Court, the journalist was prosecuted for sharing a section of an interview with Human Rights Association (IHD) Co-Chair Eren Keskin about Musa Çitil.



"Cost of news" February 2022...

The February 2022 report prepared within the scope of the <u>Cost of News</u> project, carried out with the support of the Journalists' Association, has been launched. At least 108 journalists and media workers were tried with claims of imprisonment for up to 1485 years in 39 separate hearings held over a one-month

period. In the resulting cases, 5 journalists were sentenced to 15 years, 8 months and 22 days in prison and a fine of 7,080 TL. A journalist was also ordered to pay 12,500 TL for non-pecuniary damages. Attacks and threats increased as well in February. A journalist lost his life as a result of an attack against him. Eight journalists faced threats, attacks and beatings. 3 journalists were arrested and 6 journalists were detained in one month.



Lawsuits against Tarlabaşı Social Center

Two separate lawsuits have been filed against the Tarlabaşı Community Center, which has been working to resolve the social and economic problems of the residents of Tarlabaşı since 2006, but has recently been the target of ethnic discrimination and anti-LGBTQ+ smear campaigns. The Istanbul Chief Public Prosecutor's Office filed a lawsuit

at the Istanbul 18th Civil Court of First Instance for the closure of the association, which was targeted in pro-government media outlets, on the grounds of "opposing law and morality". The first hearing of the case, in which the Prosecutor's Office's request for an injunction was accepted, will be held on May 18. In addition, a lawsuit was filed against the association by the Istanbul Governorate at the 8th Civil Court of Peace, demanding that it be determined that the association was automatically terminated on the grounds that "the realization of the purpose of the association has become impossible". The first hearing of this case will be held on April 14.





Lawsuit against Feminist Night Walk

17 women stood trial on charges of "insulting the President" and "participating in illegal meetings and demonstrations" due to the slogans they chanted during the Feminist Night Walk held in Taksim district of Istanbul on March 8, 2021. The case at the Istanbul 10th Criminal Court of First Instance was adjourned to September 23.

Imprisonment sentence against HDP Chairman over "insulting Erdoğan"

People's Liberation Party (HKP) Chairman Nurullah Ankut Efe, who was sentenced to 4 years and 8 months in prison for "insulting the President" because of the books he wrote, was also convicted in the lawsuit filed against him due to his defense in court. The Istanbul 48th Criminal Court of First Instance sentenced Efe

to 2 years, 2 months and 7 days in prison on charges of "successively insulting the President".



Journalist Namık Koçak acquitted

Journalist Namik Koçak was acquitted in the lawsuit filed against him at the Istanbul 22nd Assize Court for his social media posts. Within the scope of the file, the journalist was charged with "making propaganda for a terrorist organization" due to his Twitter posts, most of which included his evaluations of the consequences of the coup attempt in 2016.



Lawsuit against protests for shelter

A lawsuit was filed against 7 university students due to the statement made by them in Izmir on September 28, who organized protests across the country by saying "We cannot find shelter" due to high rent prices and insufficient number of dormitories. The students are charged with 'violating the Law on Meetings

and Demonstrations No. 2911' and 'damaging public property by acting in unison of ideas and actions'. Their trial will begin on April 29 at the Izmir 52nd Criminal Court of First Instance.



Lawsuit against social media posts

The indictment prepared by Mardin Chief Public Prosecutor's Office against a citizen named Zilan Ö. on the charge of "making propaganda for a terrorist organization" due to a photograph and a drawing shared on their social media account was accepted by the Mardin 2nd Assize Court. In the shared

photograph, which is the subject of the accusation, a Yazidi woman is seen with a gun on her back and a child in her arms; in the drawing, a Mexican native woman is depicted with a gun on her back and a Molotov cocktail in her hand. The prosecutor's office claimed that both of the posts "represented militant PKK members".



ECTHR decree on Vedat Şorli finalised

The Grand Chamber of the European Court of Human Rights rejected the government's objection to the <u>decree</u> stating the sentence for "insulting the president" violated freedom of expression. Thus, the decree was finalized. In the application of Vedat Şorli, who was sentenced to 11 months and 20 days in prison

for 'insulting the President' for his Facebook posts in 2014, the ECtHR stated that Article 299 of the Turkish Criminal Code, which regulates the charge of insulting the President, is incompatible - neither with the European Convention on Human Rights nor with freedom of expression. The court had further stated, "the state cannot develop a special privilege for the President when it aims to defend the President's reputation." The supreme court further demanded that the relevant regulation be amended in accordance with the European Convention on Human Rights and the ECtHR's jurisprudence on freedom of expression.



Investigation against journalist over reporting neglect

An investigation has been launched against journalist Ferhat Parlak for his article, titled, "A child returned from death in Silvan", which he wrote about the injury of a child by falling into a sewer pit without a cover in the Silvan district of Diyarbakır. The journalist is accused of

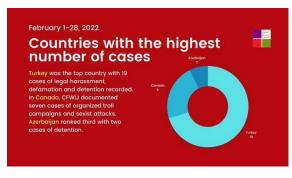
"insulting" and "targeting" within the scope of the investigation launched upon the complaint of Murat Öztürk, who was appointed as a trustee to the Silvan Municipality.



Closure case against DIAYDER

A lawsuit of closure has been filed against the Religious Scholars Aid and Solidarity Association (DIAYDER), whose members and administrators were previously arrested for giving sermons in Kurdish, on charges of "terrorist organization membership" and "aiding a terrorist organization". Claiming the

closure of the association, the Prosecutor claimed that the executives of the association wrote "columns encouraging to disrupt the indivisible integrity of Turkey" and cited the columns as a reason for the association's closure.



CFWIJ: 19 women in Turkey exposed to violence in one month

In February, the Coalition for Women in Journalism (CFWIJ) published its report, which compiled rights violations against female journalists. According to the report; last month, 33 female journalists around the world were subjected to violence, intimidation or

harassment. According to the report, at least 19 female journalists have been subjected to violence and harassment regarding their professional activities in Turkey, which is ranked first among the countries with the highest number of cases.



Lawsuti against former MP Altan Tan

Ankara Chief Public Prosecutor's Office filed a lawsuit against former Peoples' Democratic Party (HDP) Parliament Member Altan Tan for "making propaganda for a terrorist organization", demanding up to five years in prison. In the indictment, which was accepted by the Ankara 21st Assize Court, Tan is

charged for speaking in a television program he attended on March 22, 2021.



Lawsuit against sharing cartoon on social media

A lawsuit was filed against Republican People's Party (CHP) Diyarbakır Provincial Deputy Chairman Mahmut Aziz Uysal for allegedly 'insulting the President' due to a cartoon he shared on his social media account in 2018. Uysal had shared on his social media account, "The three strongest mustaches in history - made millions laugh, killed millions, took millions".



President Tahir Elçi.





press releases and distribution of leaflets administration.

Investigation against journalist Rabia Öncer

Hakkari Yüksekova Chief Public Prosecutor's Office launched an investigation against JinNews reporter journalist Rabia Önver. Within the scope of the file, the journalist is accused for her social media posts, including the Roboski massacre and the commemoration of the assassinated Diyarbakır Bar Association

Journalist Cem Şimşek's appeal denied

The appeal of Evrensel Daily Editor-in-Chief Cem Şimşek, who was sentenced to 11 months and 20 days in prison for "insulting Erdoğan" due to the news, titled, "German cartoonists drew Erdoğan so bad" published in 2015, was denied.

Protest bans continue in Van

The protest ban implemented in Van since 2016 is maintained by the Governorate. Van Governorate declared another decree on the pretext of "providing national security". Demonstrations and open-air gatherings were prohibited for 15 days starting on February 28; and all kinds of protests and activities such as were also subject to permission by the civil

Access ban against news on district governor

The Izmir 6th Criminal Court of Peace imposed an access ban against the news, which alleged that Izmir Karaburun District Governor Serap Özmen Çetin allowed the "agricultural area" land she purchased to be opened for construction, on the grounds of 'violation of personal rights'. Among the 154 news articles

banned from access, there are the news on the Izmir Governorate making a statement on the subject as well as the website of Republican People's Party (CHP) Izmir MP Murat Bakan.





Police intervention against protest for making a living

The police intervened against university students, who protested against the cost of living in Taksim district of Istanbul, saying "we can't make a living". 26 students were detained.

Prevention against Furkan Foundation event

The conference that the Furkan Foundation wanted to organize in Mersin on the day of Miraj was banned by the local administration, and the police attacked the group, which gathered for the conference.



Access ban against ETHA

The website of Etkin News Agency (ETHA) has been banned from access with a decree of the Diyarbakır 3rd Criminal Court of Peace. The websites of the agency, which was blocked for the fifth time in the first two months of 2022, were previously censored on January

7-12-24 and February 4.



Health workers prohibited from speaking up on problems!

With a circular sent to the governorates of 81 provinces, the Ministry of Health demanded the implementation of the provisions of the disciplinary legislation regarding the health workers, who protested for their personal rights

and against low wages. The Turkish Medical Association (TTB) and medical chambers will be going on strike on March 14-15 as part of the program, titled, "Our Labour, Our Word".

Governorate defends torture based on "one time"

In the defense statement sent to the Constitutional Court regarding 4 villagers who were detained and tortured in Gevaş district of Van in 2017, the Van Governorate said that "it is not torture if it happened once". Defending the torture as "simple injury that can be cured



with a simple treatment for one time", the Governorate claimed that what happened was not of the nature to be considered as torture and ill-treatment.



Nol-pros for torture despite Constitutional Court decree

In the investigation on the case of M.B., who said that he was detained in 2014 as a result of a fight in Fatih district of Istanbul, that he was given electricity and was tortured at the police station, a verdict of non-prosecution was issued for the second time, despite a Constitutional

Court (AYM) decree on the matter. After M.B.'s criminal complaint, the Prosecutor's Office decided that there was no place for prosecution, and the high court ruled that "the ban on ill-treatment was violated" in the file that was transferred to the Constitutional Court, and decided that the Prosecutor's Office did not collect sufficient evidence and should re-investigate the incident. In the reopened investigation against the 3 police officers, the Istanbul Chief Public Prosecutor's Office Public Officer Crimes and Investigation Bureau once again decided that "no further evidence has been obtained" and that "there is no place for prosecution". The Prosecutor's Office cited the Police Duties and Powers Law as the basis for its decision.



Lawsuit against students protesting trustee rector

After Boğaziçi University's trustee rector, Naci Inci, took a precautionary decision against the students protesting him by taking advantage of the protection measures in the Law No. 6284 on the Protection of the Family and the Prevention of Violence Against Women, 8

students protested him with the banner, 'The murdered women are our riot, did you think Law No. 6284 was yours?' A lawsuit was filed against the 8 protester students and the first hearing was held at the Istanbul 60th Criminal Court of First Instance on the charge of "violating the Law on Meetings and Demonstrations No. 2911". The trial will continue on May 25.



Imprisonment sentence against lawyer Ruşen Seydaoğlu

Lawyer Ruşen Seydaoğlu was sentenced to 6 years and 3 months in prison in the lawsuit filed against her at the Diyarbakır 8th Assize Court on the charge of "terrorist organization membership" due to their Democratic Society Congress activities and social media posts. The

court further sentenced Seydaoğlu to 1 year and 3 months in prison on the charge of "making propaganda for a terrorist organization" and deferred the announcement of the verdict.



Acquittal decree in lawsuit on insulting Soylu

Commenting on the news image, on which that Interior Minister Süleyman Soylu said "he looks like a space creature" for Republican People's Party (CHP) leader Kemal Kılıçdaroğlu, H.T. wrote on social media, "he

must be speaking to the mirror." The citizen was acquitted at the Istanbul Anatolian 7th Criminal Court of First Instance on charges of "insulting a public official" and "insulting a public official".



İntikamın intikamının intikamı

Savaş dışındaki her seçeneği elinin tersiyle itenler istiyorlar ki, intikamların intikamı alınsın diye daha fazla beden düşsün yere. Barış isteyenlere yüksek perdeden yapılan tehditler, herkesi bu tuzağa düşürme gayesinin ötesi değil.

12 Aralık Pazartesi 2016 Saat: 00:00

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Imprisonment sentence for post for "peace"

Kader Duman, who was on trial for sharing the article titled "Revenge of revenge of revenge", in which journalist Irfan Aktan highlighted his demand for peace after the bomb attack in Istanbul in 2016, was sentenced to 8 months and 10 years by the Adana 36th Criminal Court of First Instance for "praising the crime and the criminal".



Dicle Firat Journalists Association launches February 2022 Report

Dicle Firat Journalists Association launched the "<u>Report on Rights Violations Against</u> <u>Journalists for February 2022</u>". In the report, 8 journalists were investigated, 9 were prosecuted, 5 journalists were sentenced to 16

years, 4 months, 22 days in prison and a fine of 7 thousand TL. It was further recorded that the trials of 119 journalists are ongoing from 39 files. The Radio and Television Supreme Council (RTÜK) fined 10 press organizations 16 times. 7 books, 10 separate issues of Jineoloji, Tükenmez and Demokrat Modernite magazines, and 21 issues of Xwebûn and Yeni Yaşam Daily were withdrawn from shelves and a publication ban was issued on articles related to 11 incidents. 2 websites were shut down, access to 169 news and 38 social media content was banned.



Journalists sentenced in Sovereign Operation Plan case

The court announced the final decree in the lawsuit filed against former Taraf Daily reporter Mehmet Baransu and the newspaper's former directors Ahmet Altan, Yasemin Çongar and Yıldıray Oğur at the Istanbul 13th .assize Court on the allegation that they published the "Sovereign Operation Plan" belonging to the General Staff. Correspondent Mehmet Baransu was sentenced to 6 years in prison for "providing documents related to the security of the state" and 7 years for "disclosure of information regarding the security and political benefits of the state". The court further sentenced Yasemin Çongar, Ahmet Altan and Yıldıray Oğur to 3 years and 4 months in prison each for "obtaining documents related to the security of the state".



TRIALS OF FREEDOM OF EXPRESSION

<u>Cihan Ölmez Case</u>	<u>Cem Bahtiyar Case</u>
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	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
Court: Diyarbakır 5th Assize Court Verdict: The court decided to wait for the execution of the warrant issued against the journalist and adjourned the case to June 7.	Court: Balıkesir 3rd Assize Court Verdict: The court adjourned the case to June 2 for the Prosecutor's Office to prepare an opinion on the merits.
<u>Özgür Gündem Case</u>	<u>Hifzullah Kutum 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 Court: Istanbul 2nd Criminal Court of First Instance Verdict: The case was adjourned to June 16.	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 Court: Elazığ 2nd Assize Court Verdict: The court adjourned the case to March 17 for the excused absence of court members.
<u>M. Şirin Tunç Case</u>	<u>Elif Tirenç İpek Ulaş Case</u>
The lawsuit filed against Kurdish politician Mehmet Şirin Tunç within the investigation against the Democratic Society Congress (DTK)	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
Court: Diyarbakır 8th Assize Court Verdict: The case was adjourned June 14.	Court: Diyarbakır 8th Assize Court Verdict: The case was adjourned to June 14.

Newspaper Distributors Case

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"...

Court: Van 5th Assize Court **Verdict:** The case was adjourned to April 28.

<u>Rüstem Batum Case</u>

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 in 2015...

Court: Istanbul 43rd Criminal Court of First Instance

Verdict: The court decided to wait for the execution of the warrant issued against the journalist, who resides abroad, and adjourned the case to June 24.

HEARINGS NEXT WEEK

<u>Adalet Kaya Case</u>	<u>Roboski Commemoration Case</u>
The ongoing trial with the combined file of other lawsuits filed against Rosa Women's Association President Adalet Kaya due to the allegation on her Democratic Society Congress (DTK9 delegation, her participation in a statement of the association she was the head of, as well as certain social media posts she made	The lawsuit filed against 16 people on the charge of "making terrorist organisation propaganda" for commemorating 34 people, who were killed in Roboski March 7, monday at Şırnak 2nd Assize Court
March 7, Monday at Diyarbakır 11th Assize Court	
Case Against Trustee Protest	Ankara Bar Association Case
 The lawsuit filed against 38 people, including journalists Taylan Öztaş and Tunahan Turhan, on the charge of "violating the Law on Meetings and Demonstrations" for protesting trustees appointed to municipalities March 8, Tuesday at Istanbul 13th Criminal Court of First Instance 	The lawsuit filed against Ankara Bar Association Chairman and Executive Board members, who reacted to President of Religious Affairs Ali Erbaş after he targeted LGBTQ+s with hate speech during a Friday sermon on April 24, 2020, on the charge of "insulting a public official because of his duty in relations of their faith, thoughts and opinions"
	March 9, Wednesday at Ankara 16th Assize Court
2021 Istanbul Pride Pride Case The lawsuit filed against 7 people, who participated in the 2021 Istanbul LGBTQ+ Pride March on the charge of "violating the Law on Meetings and Demonstrations No. 2911"	Madımak Protest Case The lawsuit filed against seven citizens, who were detained as they were protesting the Madımak Massacre in 2020 on the charge of "violating the Law on Meetings and

March 9, Wednesday at Istanbul 18th Criminal Court of First Instance	Demonstrations" and "resisting law enforcement"	
	March 9, Wednesday at Ankara 2nd Criminal Court of First Instance	
<u>Azad Zal Case</u>	<u>Genco Erkal Case</u>	
The lawsuit filed against poet, writer and journalist Azad Zal on the charge of "terrorist organisation membership"	The lawsuit filed against artist Genco Erkal on the charge of "insulting the President " due to his Twitter posts	
March 10, Thursday at Diyarbakır 8th Assize Court	March 11, Friday at Istanbul 16th Criminal Court of First Instance	
<u>Sedef Kabaş Case</u>		
The lawsuit filed against arrested journalist Sedef Kabaş on charges of "insulting the President" and insulting a public officer because of his duty" due to a speech she gave on a TV show		

March 11, Friday at Istanbul 36th Criminal Court of First Instance