

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 28/22 - July 22, 2022)

### What happened last week?

\* Due to the eid holiday, the newsletter contains two weeks of data...

- Iraq complained about Turkey to the UN after the mortar attack on the Zakho district of Duhok, which killed 9 people and injured 31; calling on Turkey to withdraw all its military personnel from the border. The Turkish Ministry of Foreign Affairs claimed that the attack was not carried out by Turkey.
- The Council of State made the "expected" decision, finding it "lawful" to withdraw from the Istanbul Convention at midnight with a Presidential decree signed by President Erdoğan, rejecting the request for reversal of the annulment of the convention, which is a joint document of the international achievements of women and LGBTQI+s fighting for their rights and lives. Thus, a new ring was added to the chain of lawlessness in the country. While women all over the country emphasized that they would uphold the Istanbul Convention, many institutions, from women's organizations to political parties, from bar associations to professional chambers, pointed out that the decision was unlawful.
- The Grand Chamber of the European Court of Human Rights (ECHR) announced its final decree on the Osman Kavala case, within the scope of the violation procedure initiated by the Committee of Ministers of the Council of Europe after the court's 2019 violation decision was not implemented. The ECtHR Grand Chamber ruled that Turkey did not fulfill its obligations and violated Article 46 of the European Convention on Human Rights. While the decision was taken with 16 votes against 1, the only dissenting vote came from the Turkish judge of the court.
- The 4th hearing of the case against Onur Gencer, who carried out an armed attack against the Peoples' Democratic Party (HDP) Izmir Provincial Building and murdered Deniz Poyraz, was held at the Izmir 6th Assize Court. Killer Gencer did not answer the questions directed to him, turned to the lawyers and made a 'throat cut' gesture. The case was adjourned to October 12. On the other hand, before the hearing, a person attempted an armed attack against the participants in the Deniz Poyraz trial. The police did not intervene until the person who tried to enter the courthouse by saying "I will kill all of you" came to the door of the courthouse. When the participants of the hearing reacted to this situation, the police intervened.
- While the whole world continues to experience the effects of global climate change deeply, Turkey's test continues with both wildfires and natural destruction. The wild cutting, which has been going on for months in the natural forest lands in the Şırnak region, continues despite the reactions of nature defenders and citizens.
- The debate on scholarship repayments with astronomical interest rates for students who benefited from KYK scholarships during their undergraduate education continues. After the opposition called on the newly graduated students to "not pay them", Erdoğan gave the good news (!) that only the "principal money will be

collected" after the decision of the Council of Ministers. However, experts and students state that the interest payment is added to the principal amount in the calculations of the debt to be collected. It is underlined that it is not possible for young people who have just graduated and have not started working yet to make these payments.

- İbrahim Kaboğlu, The Republican People's Party (CHP) Spokesperson of the Parliamentary Constitutional Commission, prepared a balance sheet of the Presidential Government System, which came into effect on July 9, 2018. Defining the system as an "exploitative practice", Kaboğlu made the assessment that "One man left a pile of debris in every area". Indicating that a total of 6,530 articles came into force with 384 normative regulations in the legal system during this period, Kaboğlu stated that 105 of these regulations were Presidential decrees and they included 2,692 articles.
- The documents of the claim that the Information Technologies Authority (BTK) requested the data of all internet users from service providers, which was first brought to the agenda by the Peoples' Democratic Party (CHP) Deputy Chairman Onursal Adıgüzel, has been published. The Information Technologies Authority (BTK) accesses the internet usage information of all users, including mobile service providers, on a user-specific basis, without anonymizing the information.
- Citizens continue to pay Erdoğan's economic theory of "interest is the cause, inflation is the result" (!). The Central Bank Money Markets Board kept the policy rate unchanged at 14%. However, exchange rates and inflation continue to rise.
- The Ministry of Justice made an amendment to the "Regulation on Detainment and Testimonies" and made it compulsory for all kinds of interventions and statements of the suspect's lawyer to be recorded in the minutes.
- The "Justice Watch" in front of the Urfa Courthouse organized by the Şenyaşar Family, three of whose members were killed by the guards and relatives of a Justice and Development Party (AKP) Parliament Member, left its 500th day behind. A fifth lawsuit was filed against mother Şenyaşar. *Details in the newsletter...*
- For the third time, the Forensic Medicine Institute has given a report for former Parliament Member Aysel Tuğluk, who was diagnosed with dementia, to "stay in prison". Lawyers announced that Tuğluk's health condition has reached a critical stage.
- In the narcotic drug operation in Konya, it turned out that the courier was a police officer. The head of the organization was determined to be the Public Prosecutor.



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

Another lawsuit has been filed against Emine Şenyaşar, whose husband and two sons were murdered by the bodyguards and relatives of Justice and Development Party (AKP) Parliament Member İbrahim Halil Yıldız and who have been demanding "justice" in front of the Urfa Courthouse since March 9, 2021. Şenyaşar is accused of "insulting the state" (in

accordance with Article 301 of the Turkish Penal Code - TCK) due to her speech in front of the Urfa Courthouse on April 1, 2021, within the scope of the file, 5 of which were filed during the "Justice Watch", which she continued for more than 500 days.



## Lawsuit against news on case against journalists

Another lawsuit was filed against İleri Haber's former Editor-in-Chief Doğan Ergün and current Editor-in-Chief İzel Sezer, who was also the Responsible Manager of the time, due to a news article published on the website regarding the lawsuit filed against them on another news article regarding former lawyer of

President Erdoğan, Mustafa Doğan İnal, and the bribery allegations against him. The first hearing of the lawsuit will be held on December 27 at the Istanbul 25th Criminal Court of First Instance. In the case, Sezer and the current Managing Editor Batuhan Batan will stand trial on the charge of "insult".



## Investigation against JinNews reporter

Mardin Chief Public Prosecutor's Office launched an investigation against JINNEWS reporter Öznur Değer with the allegation of "making propaganda for a terrorist organization". In the photos that the journalist took at the Democratic Regions Party's congress held in Ankara on February 27 and the Newroz celebrations in Van's Erciş district,

which she shared on her social media account; yellow, red, green colors were considered "criminal elements".



## BIA Media Monitoring Report: April-May-June 2022

The Independent Communication Network (BIA) has published the April-May-June 2022 Media Monitoring Report. According to the report, at least 17 journalists, 16 of whom were in Diyarbakır, were arrested in a three-month period. In the same period, at least 17 journalists and media representatives were detained. Nine of the detained journalists lost their freedom while reporting on social

protests. At least 19 media representatives were attacked and 12 of them were targeted by the security forces. At least 102 journalists and media workers stood trial; three of them were sentenced to 1 year, 6 months, 22 days in prison and a judicial fine of 25,000 TL on the charge of "making propaganda for a terrorist organization". At least 13 journalists and cartoonists were accused of "insulting the President" and at least 21 journalists were prosecuted on the charge of "insulting". Deutsche Welle and Voice of America (VOA) news websites were banned, access to at least 45 online news and journalistic content that raised or criticized allegations of corruption, bribery, and favoritism were also blocked. The Radio and Television Supreme Council (RTÜK) fined TV channels 37 times, totaling 1 million 430

thousand 85 TL, for broadcasting news and programs in the three-month period. [Please click here](#) for details.



### **Investigation against Diyarbakır Bar Association**

The Diyarbakır Chief Public Prosecutor's Office launched an investigation against the Diyarbakır Bar Association due to their statements regarding the attack in the Zaho district of the Duhok province of the Iraqi Kurdistan Regional Government. In the post shared on the social media account of the Diyarbakır Bar Association, it was stated,

*"With the bombardment of the Turkish Armed Forces in the Zaho district of the Kurdistan Federal Region, civilians, including children, lost their lives. As in Roboski, the humanitarian law becomes worthless when it comes to Kurds. We offer our condolences. The Diyarbakır Bar Association will make the necessary criminal complaints to identify and penalize those responsible for these attacks that cost the lives of civilians, and will follow an effective legal process."*



### **Governorate bans Munzur Festival**

The Tunceli Governorate banned the activities in Munzur Culture and Nature Festival, which has not been held for the last two years due to the pandemic and was going to be held for the 20th time this year. Concerts of music bands Grup Yorum and Grup İsyân Ateşi, as well as marches to be made within the scope of the festival, which was organized between July 21st and 24th, was banned by the Governorate

due to 'not having been considered appropriate'. The request of the Festival Organizing Committee to open the dormitories to guests and to use the stadium for concerts was denied 3 days before the festival. Members of music bands Grup İsyân Ateşi and Grup Yorum were not allowed to enter the city. The organizing committee stated that "the Governorate has turned the city into an area of state of emergency and the festival cannot be held under these conditions," and announced that the Munzur Culture and Nature Festival has been canceled.



### **Many detained during Suruç Commemorations in Istanbul, Izmir and Ankara**

Police intervened in the commemoration marches held in Istanbul, Izmir and Ankara on the 7th anniversary of the Suruç Massacre. The Istanbul Governorate announced that 106 people were detained during the

commemoration. In the press statement held in front of the İzmir Alsancak Türkan Saylan

Cultural Center, 19 people, and at least 20 people at the commemoration in Ankara, were beaten and detained.



### **Koç University workers detained**

The gendarmerie attacked the subcontracted cleaning workers and university students supporting the workers at Koç University, who started a resistance in front of the campus to protest their exile after starting a petition for the payment of holiday bonuses. 20 people were detained.



### **Apolas Lermi concert banned**

The concert of musician Apolas Lermi within the “Ağaçbaşı Otçu Festival” held in the Güce district of Giresun has been banned by the Governorate. The concert that the artist was going to give in Sakarya was also canceled by the municipality on the grounds of racist news in the press.



### **Protest bans ongoing in Van, Hakkari, Mardin**

All kinds of protests and events such as demonstrations, marches, concerts, theater performances, announcements and leaflet distributions throughout the city were banned by the Hakkari Governorate for 15 days until August 1, and the reason is always the same:

“the protection of the indivisibility of the state, national security and public order”, “prevention of the spread of the COVID-19 pandemic”! The Mardin Governorate announced that all kinds of protests and events such as open-air and closed meetings, marches, press releases, protest demonstrations, announcements and leaflets were banned throughout the province, as well as those who come to participate in these events were prohibited from entering the province for 17 days as of July 18, 2022. Thus, the protest and demonstration ban, which has been ongoing uninterruptedly in Mardin since October 17, 2019, has reached 1019 days. The Van Governorate issued another ban against protests and demonstrations, which was declared for the first time during the state of emergency (OHAL) and has been ongoing since 2016. The Governorate announced that the immediate surroundings of the buildings of public institutions and organizations and some parks and streets were determined as "places where press statements cannot be made" and made it mandatory to declare all press statements, protests, leaflet distributions, petitions to the civil administration at least 24 hours in advance. The governorate also announced that "provisions regarding the restrictions taken in the past, apart from this decision regarding press statements", continue to remain in effect.



### **Access blocks**

Diyarbakir 5th Criminal Court of Peace imposed an access block on the website of Etkin News Agency on the grounds of "protection of national security and public safety". Thus, the agency's website was censored for the 43rd time. An access block

decree was also issued against the news regarding the access block on news about granting the Environment Agency Directorate, which was established under the auspices of Emine Erdoğan, the authority to issue tenders for eyebolts and buoys. Among the 24 news stories censored by the Istanbul Anatolian 2nd Criminal Judicature of Peace, there were also critical statements made by the Republican People's Party (CHP) Deputy Chairman Veli Ağbaba about the first access block decree. Cumhuriyet Daily columnist Barış Terkoğlu's column about Muhsin Kara, the winner of the "world call to prayer contest", who had a photo taken with President Erdoğan, and the news related to the subject were blocked by the Sivas Şarkışla Criminal Judicature of Peace on the grounds of violation of personal rights. The news about the death of a patient at Izmir Medicana International Hospital was blocked by the Izmir 6th Criminal Court of Peace on the grounds of "violation of personal rights" and "public incitement to hatred and enmity".



### **Constitutional Court: Distributing leaflets and holding protests are Constitutional rights**

In two separate decrees, the Constitutional Court ruled that the right to assembly and demonstration, and the principle of legality of crime and punishment, were violated, and fines

were unlawful. Within the scope of the re-employment protests in Ankara's Yüksel Street, the police intervened in the setting of an iftar table with the slogan "Yüksel Resistance Meets at the People's Table" on May 29, 2019 and an administrative fine of 320 TL was imposed each against protesters İpek Moral and Nuriye Gülmen in accordance with Article 32 of the Law of Misdemeanor No. 5326. Objecting separately against the administrative fines, the requests of Moral and Gülmen were denied by the Ankara Criminal Judicature of Peace. After the incident was brought to the Constitutional Court, the Constitutional Court decided that the right to hold meetings and demonstrations, which is guaranteed in Article 34 of the Constitution, was violated, and for Gülmen to be paid a proxy fee of 4,500 TL. The high court also ruled that "the principle of legality of crimes and penalties has been violated" in the application of Fırat Can Kara, a member of the Community Centers, who was fined 153 TL for distributing a leaflet on the economic crisis in Ankara in February 2019.



### **Prisoner relatives in Justice Watch detained once again**

The police intervened once again in the 'Justice Watch' held every week in front of the Istanbul Çağlayan Courthouse in order to draw attention to the problems experienced in prisons by the

relatives of the prisoners. At least 8 people were detained. In the previous week, which was the week of the Eid, the Justice Watch protest was intervened, again on the grounds of the ban decree issued by the Kağıthane District Governorate, and 6 people have been detained.



### **Two books pulled off shelves during Munzur book festival**

During the Munzur Book Days held with the initiative of Tunceli Municipality and Publishers Cooperative, the books "Another Oil Lamp Forty Years Ago... Forty Years Later" by Tekin Publishing and "Kurdistan Freedom

Movement From Rebellion to Build" by Dipnot Publications were pulled off shelves and were collected by the police based on the ban decree issued against the books in 2017. The publishing houses were not notified of the ban decree issued against the books.



### **Police intervention against festival in Hatay**

The police intervened against a booth opened in the area where the Evvel July Festival was held in the Samandağ district of Hatay, on the grounds of the poster of İbrahim Kaypakkaya, one of the revolutionary youth leaders of the 68th generation. 24 people were detained.



### **Governorate to not issue permission to investigate torture**

No permission was given to investigate the Adana Police Chiefs, who heavily intervened against the press statement organized by Furkan Foundation members on March 20, before it even started. The Prosecutor's request for an investigation against Security Branch Director Ali Abdullah Baytok on the charge of "abuse of office" was denied by the Adana

Governorate.



### **Constitutional Court issues violation decrees for Yüksekdağ and Demirtaş**

The Constitutional Court (AYM) decided that former Peoples' Democratic Party (HDP) Co-Chair Figen Yüksekdağ's right to freedom of thought and expression, as well as the right to be elected and to engage in political activities, was violated. Yüksekdağ's trial has continued after she was elected as a Parliament Member and her Parliamentary immunity was

lifted due to this lawsuit. The high court decided that it is also a violation of rights to file a

lawsuit against former Peoples' Democratic Party (HDP) Co-Chair Selahattin Demirtaş because of the slogans chanted in a protest that took place in 2011.



### **Detainment during leaflet distribution**

The police intervened in those who distributed leaflets about the Suruç Massacre in the Sultangazi district of Istanbul, and detained 4 people.



## **TRIALS OF FREEDOM OF EXPRESSION**

<b><u>Case Against Survival Protest</u></b>	<b><u>Sibel Bekiroğlu Case</u></b>
<p>The lawsuit against 10 people, including journalist Hıdır Yıldız, on the charge of “violating the Law No. 2911” and “resisting to prevent duty” due to their participation in the “We Can’t Survive” protest...</p> <p><b>Court:</b> Tunceli 1st Criminal Court of First Instance <b>Verdict:</b> The next hearing was scheduled for October 11.</p>	<p>The lawsuit filed against Middle East Technical University Faculty of Sociology research member Sibel Bekiroğlu on the charge of “terrorist organisation membership” after she was suspended on June 14 by the trustee rector of the university without any reason...</p> <p><b>Court:</b> Ankara 22nd Assize Court <b>Verdict:</b> The next hearing was scheduled for December 8.</p>

### **HEARINGS NEXT WEEK**

\* There are no hearings for the cases we are following next week due to the judicial recess.