

Think, think...



Freedom of Expression Weekly Newsletter (Issue 11/21 - March 19, 2021)

What happened last week?

- The Council of State's Administrative Case Chambers Council reversed the decree that revoked the Ministry of National Education (MEB) regulation, which removed the Student Oath; it will no longer be recited in schools. The crisis of the "Student Oath" was a topic of debate for many years due to its military and chauvinist content; becoming a topic of debate even between the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP). The Nationalist Movement Party blames the Council of Ministers; whereas the Republican People's Party (CHP) and the Good Party blames the Justice and Development Party (AKP) of the decree. Erdoğan keeps his silence.
- It was decided that before the launch of the public monitoring reports prepared by the Court of Accounts, which is the highest rank authority in examinations of "procedure" on public budget expenses, the reports will be "evaluated" among the Court of Accounts auditors and the monitored institution officers. It was never a secret that the Court of Accounts monitoring reports were a cause for discomfort around circles having close relations with the ruling power...
- Since he is not allowed to meet or take phone calls from his lawyers or family since March 2020, Imralı convict Abdullah Öcalan is thought to have "died" and the rumour spread fast on social media. The Öcalan family and his lawyers continue their call to make contact with him.
- Turkey seems to have become "completely exempted" from the conditions of the pandemic! As the number of daily cases exceeded 20 thousand with the new normalisation period, the experts express that the actual number is a lot greater and indicate that the number of tests have to increase and that an extensive lockdown is unavoidable. Erdoğan, on the other hand, continues with his party meetings and congresses without break. The Ordinary General Assembly of the Nationalist Movement Party (MHP) was made despite the conditions of the pandemic.
- People's Democratic Party (HDP) Kocaeli MP and former Association for Human Rights and Solidarity for the Oppressed Chairman Ömer Faruk Gergerlioğlu has lost his seat at the Parliament. Gergerlioğlu had been dismissed from his profession as an MD with a Statutory Decree as well. His prosecution was hurried after a post he retweeted before he was elected as MP and his conviction was approved at the Court of Cassation despite clear provisions of the Constitution. The decree against Gergerlioğlu is now before the Constitutional Court. Gergerlioğlu is not leaving the hall of the GNAT General Assembly... ***Details on our video newsletter...***
- The Chief Public Prosecutor's Office of the Court of Cassation applied to the Constitutional Court with the claim to shut down the People's Democratic Party (HDP). The indictment counts the "party's attitude against Turkey's national issues" among the reasons for the claim. A political ban is claimed against 687 party members... ***Details in the video newsletter...***

- The application of background security investigation and archive research for those to be appointed to public positions was presented to the Grand National Assembly of Turkey (GNAT) once again by the Justice and Development Party (AKP) despite the two decrees of revocation previously issued by the Constitutional Court.



Our weekly video programme, “[COGITO ERGO SUM](#),” in which we track Turkey’s freedom of expression and thought agenda, is on our [YouTube channel](#) every Friday and on [CanTV](#) every Saturday at 22:00...

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



We continue to record violations of freedom of expression in the country with the monthly video conferences we organise together with the Human Rights Association and the Human Rights Foundation of Turkey. [Please click here](#) for our “What’s Goin’ On? February 2021” report...



Protests at Boğaziçi University: 2 arrested students released

The first hearing of the lawsuit filed against 7 students, 2 of whom were arrested and 2 were serving house imprisonment, was held at Istanbul 21st Criminal Court of First Instance due to “public incitement towards resentment and hostility” through the visual of Qaaba and the presence of LGBTI flags on an exhibition

organised within the protests against appointed rector Melih Bulu at Boğaziçi University. The court issued the release of students Selahattin Can uğuzeş and Doğu Demirtaş, who were arrested for 47 days, and revoked the judicial measures against the other students. The next hearing was scheduled for July 5



Journalist convicted of “insulting Erdoğan”

Istanbul 24th Assize Court sentenced sendika.org news website editor Ali Ergin Demirhan to 7 thousand TL judicial fine due to “insulting the President” through the news shared on the website’s social media account between January and March 2018 related to the Afrin Operation.



Imprisonment sentence against journalist Hakan Aygün

Journalist Hakan Aygün was sentenced to 7 months and 15 days of imprisonment due to “denigration of religious values adopted by a part of society” through a tweet he posted on the donation campaign started by the government within the pandemic. Bodrum 3rd

Criminal Court of First Instance deferred the announcement of the verdict. The journalist had been arrested after the related tweet and was released in the first hearing of the lawsuit filed against him. The Constitutional Court has issued a verdict of “rights violation” for the journalist and issued 40 thousand Turkish Liras of compensation to be paid to Aygün.



Bilmediğim ve gitmediğim Perinçek davasından ceza aldım!..

Lawsuit against writer Ahmet Nesin

Journalist and writer Ahmet Nesin was sentenced to 1620 Turkish Liras of judicial fine due to a social media post, in which he criticised Patriotic Party leader Doğu Perinçek after he wanted the People’s Democratic Party to be shut down. Istanbul 23rd Criminal Court of First Instance deferred the announcement of the verdict, which was issued due to “insult.” Nesin announced the sentence against him with an article on artigercek.com and said, “I am

neither informed of the lawsuit, nor have I testified... This is a case that reveals how the justice system works in Turkey.”



Lawsuit against journalist Özgür Boğatekin

Journalist Özgür Boğatekin testified at Gerger Criminal Court of First Instance within the lawsuit filed against him due to the news published in Gerger Fırat Daily on the sexual abuse incident at a religious vocational high school in Adıyaman. The journalist is accused of “insulting” the Confederation of Educational Workers’ Union Adıyaman Chairman with the

news. “The judiciary is taking revenge due to us reporting the sexual abuse at a religious vocational high school,” the journalist stated. The next hearing of the lawsuit was scheduled for April 20 at Adiyaman 3rd Criminal Court of First Instance.



Barış Barıştıran acquitted

Özgür Gün TV worker and journalist Barış Barıştıran was acquitted in the lawsuit filed against him due to “making illegal organisation propaganda” through broadcasting the Democratic Society Congress (DTK) General Assembly in 2016, live. Diyarbakır 8th Assize Court deferred the 1-year, 6-month and 22-day imprisonment sentence issued against the other

defendant of the case, Mustafa Çukur.



Alnak acquitted in one lawsuit filed against him

Writer, activist and politician Mahmut Alnak was acquitted in the lawsuit filed against him due to “insulting the President” through a Facebook post he shared in 2017. Kars 1st Criminal Court of First Instance decided that the contents of Alnak’s post must be evaluated within freedom of expression and thought.



Lawsuit against news article on Sözcü Daily Case’s Prosecutor

Cumhuriyet Daily reporter Seyhan Avcı and Sözcü Daily’s Managing Editor Necdet Önemli were acquitted in the lawsuit filed against them at Istanbul 29th Assize Court due to “targeting a public officer who took part in the fight against terrorism” through a news article.



Investigation against HDP MP

Ankara Chief Public Prosecutor’s Office started an investigation against the People’s Democratic Party (HDP) Ağrı Parliament member Berdan Öztürk due to his statement on the stamps printed by the Iraqi Kurdistan Regional Administration for the visit of Pope Francis. The Parliament member had stated, “*The memory stamp prepared for the visit of the Pope has a map of Kurdistan on it and it is a symbol of the geography of Kurdistan and Mesopotamia.*” Öztürk is charged with making terrorist organisation propaganda.

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Emine Şenyaşar detained over demanding ‘justice’

Emine Şenyaşar was detained due to insulting a public officer. Şenyaşar has been performing a sit-in protest for seven days in front of Şanlıurfa Courthouse and she had previously been detained together with her son due to the sit-in protest she performed in front of the Justice and Development Party (AKP) Urfa Provincial Organisation building with a claim

of “justice.”



Protest bans

Governorates in Van and Hakkari extended the protest bans in the provinces with further 15-day bans. The protest and demonstration ban in Van has been ongoing since 2016 and for many months in Hakkari; and the bans are always based on the COVID-19 outbreak as well as the protection of “national security” and “public order.” Osmaniye Governorate has also

extended the protest ban, that was started on January 14, for another 15 days.



Worker exiled after saying, “Exile is a crime against humanity”

Turkish State Railways 3rd Regional Directorate dispatcher in Izmir, Serdar Urun, was exiled due to the tweets he posted as a reaction against the exile of workers, who were members of the United Transportation Workers’ Union (BTS) of the Confederation of Public Workers’ Unions. Urun, who resides in

Izmir together with his family, was appointed to Van Kapıköy Station that is 1880 kilometers away, at the Iranian border of the Turkish State Railways.

Access bans

Istanbul Anatolian 4th Criminal Judicature of Peace issued an access ban against the news on the lawsuit filed against journalist Pelin Ünker due to the news on the “Paradise Papers” following the complaint of former Minister of Finance and Treasury Berat Albayrak, his brother, Serhat Albayrak and Çalık Holding.



The same decree further banned access from many other news articles involving the name of Serhat Albayrak.



Investigation against academic over dismissal due to translation

The investigation started against Adiyaman University Faculty of Education member Dr Adem Yıldırım was concluded with non-prosecution. Yıldırım had been dismissed from his position at the university due to translating the interview of Rojava People's

Assembly Co-Chair Ebdulselam Ehmed, who came to Ankara in 2014. Yıldırım stated, "My dismissal is due to encouraging the students to think critically, to be suspicious over given values, to use an equalitarian language instead of a sexist and a discriminative one in my classes; and because I am a Kurdish academic."



Rights violation decree for HDP members over arrest due to protesting war

The Constitutional Court (AYM) issued a decree of rights violation for nine People's Democratic Party (HDP) members, who were arrested due to protesting the military operation organised by Turkey against Northern Syria with the name, "Peace Spring Operation." The high court decided that the rights to "personal

freedom and safety" as well as the right to "organising meetings and demonstrations" of the party members, who were arrested on October 15, 2019 and were released five months later, including People's Democratic Party (HDP) Şişli District Co-Chair Mutlu Öztürk, were violated. The applicants will receive 40 thousand Turkish Liras of compensation.



Arif Aslan acquitted

Journalist Arif Aslan was acquitted in the final hearing of the lawsuit filed against him at Van 5th Assize Court with the allegation of "illegal organisation membership" after he was detained in 2017 as he was following news information in Van.



Investigation against singer Aleyna Tilki

Singer Aleyna Tilki answered questions of magazine reporters and stated, "I will not get vaccinated and will not let my mother and sister get vaccinated either, because I don't trust it." "Could it be that people are dying from the

medicine instead of the Coronavirus itself?” Afterwards, Istanbul Chief Public Prosecutor’s Office started an investigation against Aleyna Tilki.



Öztürk Türkdoğan detained

10 people, including the Human Rights Association (IHD) Co-Chair Öztürk Türkdoğan, were detained within the investigation conducted by Ankara Chief Public Prosecutor’s Office. Those detained include People’s Democratic Party (HDP) Eskişehir Provincial Co-Chair, Mamak District Co-Chair, former

Ankara Provincial Co-Chairs, former Çankaya District Chair and former Keçiören District Co-Chair. The Human Rights Association (IHD) was lately targeted by Interior Minister Süleyman Soylu in his speech after the Gara Operation.



TRIALS OF FREEDOM OF EXPRESSION

Case Against News on Train Station Massacre

The lawsuit filed against Cumhuriyet Daily Managing Editor Olcay Büyüктаş and journalist Alican uludağ due to “disclosing the identity of an intelligence officer taking part in the fight against terrorism” through a news article...

Court: Istanbul 32nd Assize Court

Verdict: The next hearing was scheduled for June 15.

Mehmet Özer Case

The lawsuit filed against photographer and poet Mehmet Özer due to “making illegal organisation propaganda” through six Facebook posts he made between the years 2012 and 2015...

Court: Ankara 2nd Assize Court

Verdict: The next hearing was scheduled for June 24.

Case Against Özgürlükçü Demokrasi Daily

The lawsuit filed against journalists Aziz Oruç and Ersin Çaksu due to “denigrating the government” in accordance with Article 301 of the Turkish Criminal Code based on the news articles and columns published in previously shut-down Özgürlükçü Demokrasi Daily between the dates October 21 - November 1, 2016...

Court: Istanbul 2nd Criminal Court of First Instance

Verdict: The court decided to wait for the execution of the warrant against Ersin Çaksu. The next hearing was scheduled for July 13.

Engin Eren Case

The lawsuit filed against Dicle News Agency’s Batman reporter Engin Eren due to “illegal organisation membership,” “aiding and abetting an illegal organisation,” “participating in illegal meetings and demonstrations,” “violating the Law on Military Zones and Security Regions” and “to use force and threat against a public officer with the aim to prevent duty” through following the “human shield” protest organised in Kelhesan Village’s rural area in Sason district of Batman on September 18, 2015 in order to react against the clashes in the region...

Court: Batman 2nd Assize Court

Verdict: The next hearing was scheduled for June 29.

Selahattin Demirtaş Case

The lawsuit filed against former People's Democratic Party (HDP) Co-Chair Selahattin Demirtaş due to "terrorist organization management," "making terrorist organisation propaganda," "violating the Law on Meetings and Demonstrations," "public provocation against resentment and hostility", "provoking people to not abide by the law", "provoking people to commit crimes" and "praising the crime and the criminal"...

Court: Ankara 19th Assize Court

Verdict: Demirtaş stood trial for the first time after the European Court of Human Rights decree for his release and criticised the court for conducting political activity. "You say you don't recognise the Constitution and the ECtHR decree," Demirtaş said. The court demanded for the ECtHR decree to be translated into Turkish and scheduled the next hearing for April 14.

Adil Demirci Case

The lawsuit filed against 22 people, including Etkin News Agency (ETHA) reporter Adil Demirci and other members of the Socialist Party of the Oppressed (ESP) and its youth organisation (SGDF) due to "making illegal organisation propaganda" and "illegal organisation membership"...

Court: Istanbul 25th Assize Court

Verdict: The next hearing was scheduled for September 15.

Case Against News on Unlicensed Construction at the Bosphorus

The lawsuit filed against Cumhuriyet Daily reporter Hazal Ocak, Chief Managing Editor Olcay Büyüктаş, Managing Editor İpek Özbey and photoreporter Vedat Arık following the complaint of Presidential Communications Director Fahrettin Altun due to "targeting those taking part in the fight against terrorism" and "violating private life" through a news article published in the newspaper.

Court: Istanbul 25th Assize Court

Verdict: The court decided to accept the participation of Altun. The next hearing was scheduled for June 24.

HEARINGS NEXT WEEK

Ahmet Sever Case

The lawsuit filed against journalist Ahmet Sever due to "insulting the President" and "insulting public officers" through his book on the period when former President Abdullah Gül was the Chief Press Consultant...

March 23, Tuesday at Istanbul 2nd Criminal Court of First Instance

İbrahim Karakaş Case

The lawsuit filed against arrested Yeni Yaşam Daily worker İbrahim Karakaş due to "illegal organisation membership"...

March 23, Tuesday at Adana 11th Assize Court

Buse Söğütlü Case

The lawsuit filed against journalist Buse Söğütlü due to "targeting those taking part in the fight against terrorism" after she shared the news published in the website of Gazete Yolculuk about the lawsuit filed against the Contemporary Lawyers Association members on March 18, 2019 on social media...

March 24, Wednesday at Istanbul 23rd Assize Court

Taylan Kulaçođlu Case

The lawsuit filed against Taylan Kulaçođlu due to “making illegal organisation propaganda” after he was arrested due to the posts made on the social media group “The Unnamed Movement” and was released in the third hearing of the case last December...

March 24, Wednesday at Balıkesir 3rd Assize Court

Hatice Şahin Case

The lawsuit filed against Yeni Yaşam Daily reporter Hatice Şahin, who was detained in the operation in Diyarbakır on October 9, 2018 and was released, with the allegation of “illegal organisation membership” due to her phone calls with colleagues and news sources, secret witness statements, plane tickets between Diyarbakır and Istanbul as well as her participation in the activities of the Democratic Society Congress (DTK)...

March 24, Wednesday at Diyarbakır 9th Assize Court

Hayri Demir Case

The lawsuit filed against journalist Hayri Demir due to “terrorist organisation membership” and “making terrorist organisation propaganda”...

March 25, Thursday at Ankara 15th Assize Court

Case Against Saturday Mothers

The lawsuit filed against 46 people, including Human Rights Association executives and members, due to “violating the Law on Meetings and Demonstrations No. 2911” after they were detained by the police, who attacked the protest that was banned by the local administration due to the protection of “national security and public order” on August 25, 2018, which is the 700th week of the Saturday Mothers protest that is ongoing every week since 1995 in front of Galatasaray High School with the demand for their missing children to be found...

March 25, Thursday at Istanbul 21st Criminal Court of First Instance