

Think, think...



Freedom of Expression Weekly Newsletter (Issue 37/23 - September 22, 2023)

What happened last week?

- President Erdoğan, who travelled to the US for the 78th UN General Assembly, criticised the European Parliament's report on Turkey on the plane and said "we will break ties with the EU if necessary". In the panel he attended in New York, he said that instead of the threat of breaking off relations, "a window of opportunity to revitalise relations" had opened.
- In his speech at the UN General Assembly, Erdoğan said that the Security Council had "ceased to be the guarantor of world security". Repeating his "the world is bigger than five" rhetoric but thinking that everyone and everything is smaller than himself, Erdoğan claimed that only they are the source of "solutions" to the "problems" experienced by all countries except Turkey.
- Speaking to the American PBS channel, Erdoğan responded to the presenter's question about Kavala and Demirtaş by saying, "Why does this concern you? Turkey is a state of law," he replied. Upon the interruption of the presenter by reminding the ECHR judgement, he said, "You have to respect. You have no right to interrupt. You will not interrupt," Erdoğan said, once again labelling Demirtaş as a "terrorist" and Kavala as the "financier of the Gezi protests".
- MHP leader Devlet Bahçeli, the junior partner of the ruling party, targeted CHP deputy Sezgin Tanrikulu, saying "this rotten person should be stripped of his parliamentary seat and the way to court should be opened wide open". Also targeting the EU, Bahçeli said, "...It is time to put an end to the Brussels adventure... For us, the EU is over."
- The hate rally titled "Ban LGBT Propaganda in Turkey", called by the Grand Family Platform and supported by the government, was held in Istanbul. While the rally targeted LGBTI+'s rights to organise and advocate for their rights and associations, LGBTI+ organisations made an online live broadcast titled ["Big Life Meeting"](#) against homophobic hatred. Saying "Give voice to life, not hate", politicians, academics, journalists, mental health experts came together to discuss LGBTI+ rights.
- "Without an independent and impartial judiciary, there can be no state, let alone a state of law," said Zühtü Arslan, President of the Constitutional Court, emphasising that if the judiciary is under the control of other state powers, it will be the end of rights and freedoms; legislative, executive and administrative authorities must implement court decisions without changing or delaying them.
- The application of the Saturday Mothers, whose weekly protests were prevented despite the "violation" judgement of the Constitutional Court, to the Administrative Court for a stay of execution against the banning of Galatasaray Square for protests was rejected.
- According to the data shared by the Human Rights Foundation of Turkey, a total of 4819 individuals, 16 associations, 5 professional organisations and 1 foundation were

targeted, subjected to judicial and/or administrative harassment due to their rights advocacy activities in Turkey throughout 2022. *Details are in the bulletin...*

- BirGün newspaper reporter İsmail Arı was threatened with death by members of the Menzil Community. The prosecutor's office did not take any action against Arı for death threats such as "your death has come and you will die". Although Arı filed a complaint on the charge of "threatening", a decision of non-prosecution was issued on the grounds that "there was no insult".
 - According to data shared by Expression Interrupted, which compiles the fines imposed by the Radio and Television Supreme Council (RTÜK), a total of 443 billion 178 million 623 thousand 54 TL fines were imposed on 3487 media organisations with 15 thousand 678 decisions in the last ten years. While a significant portion of the fines were imposed on "opposition" media organisations, in 6 months of 2023, 5 channels known for their oppositional broadcasting line were fined 20 million. Details...
 - The Public Officials Ethics Board ruled that RTÜK President Ebubekir Şahin's membership in the board of directors of TÜRKSAT, which has a business relationship with RTÜK, violates the principle of 'avoiding conflict of interest'. Commenting on the decision, Media Ombudsman Faruk Bildirici said, "Şahin's RTÜK membership should be cancelled."
 - Arrested journalist Barış Pehlivan's request for probation was rejected. The journalist will remain in prison for 8 months in total.
 - The Central Bank raised the policy rate by 500 basis points to 30 percent.
 - The share of labour payments in Gross Domestic Product declined to 23.6 percent in 2022. In the last three years, workers have lost 1 lira for every 4 lira they received from national income, and their share of national income has fallen to its lowest level since 2009. On the contrary, the share of the bosses increased to its highest level in 2022.
 - In the 2022 report of the Court of Accounts, it was determined that the budget expenditures of public institutions did not comply with the legislation. 131 institutions concealed their sources such as loans and donations. Moreover, 234 public institutions refrained from providing accurate information to the Court of Accounts and did not explain the reason for the difference between budget targets and realisations.
 - The second hearing of the new trial in which 11 instigators and security officers are charged with "violating the constitution" and "committing crimes on behalf of an illegal organisation" in the murder of slain journalist Hrant Dink was held. Istanbul 14th High Criminal Court released Adem Sağlam, the only arrested defendant, who was then in charge of Trabzon Anti-Terror Branch Directorate. The hearing was adjourned to 6 December.
 - The defendant police officers did not attend the first hearing of the lawsuit filed against the torture of a 14-year-old boy in Diyarbakır Lice. The arrest requests of the police officers, who were revealed to have said "Let's all give the same statement" in whatsapp conversations after the incident, were rejected. The next hearing will be held on 24 January.
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Saturday Mothers detained again

Despite the Constitutional Court's ruling on the violation of the Constitutional Court's decision, the ban imposed by the district governor's office on the protests of the Saturday Mothers, which they have been organising for 28 years to ask the fate of their relatives who disappeared under custody and to bring the perpetrators to trial, continues. The police attacked the demonstration again this week and

detained 41 rights defenders under beatings. On the other hand, Van Governorate declared another protest ban before the protest to be organised in the city in solidarity with the Saturday Mothers.



Journalist Sinan Aygül sentenced to 6 months in prison

Sinan Aygül, President of Bitlis Journalists Association and Editor-in-Chief of Bitlis News, was sentenced to 6 months in prison for "trespassing to workplace" in Tatvan 2nd Criminal Court of First Instance for his news report "Red Crescent meat is in the hotel of AKP MP Cemal Taşar" published in 2020

about the allegations that the meat prepared by the Red Crescent for distribution to the poor was used in the hotel owned by Red Crescent Tatvan Branch Chairman Battal Taşar and AKP Bitlis MP Cemal Taşar.



Lawsuit against rights defender Didar Gül

The trial of Didar Gül, a member of Purple Solidarity, who was charged with "insulting a public official" for saying "Minister of Interior Süleyman Soylu will also be tried" in the statement she made after the trial of Onur Gencer, who organised an armed attack on HDP İzmir provincial office and murdered Deniz Poyraz, started at İzmir 27th Criminal

Court of First Instance. The second hearing of the case will be held on 27 October.



Lawsuit against trade unionists criticising TÜİK

The first hearing of the lawsuit filed against 5 executives of United Public Labour Confederation (Birleşik Kamu İş) who were detained during a demonstration in front of Turkish Statistical Institute (TÜİK) in June

2022 to protest inflation rates was held at Ankara 34th Criminal Court of First Instance. The trial of the trade unionists charged with "violating the Law on Meetings and Demonstrations" will continue on 22 February.



The case against Emine Şenyaşar for demanding justice

The first hearing of the lawsuit filed against Emine Şenyaşar, whose husband and two sons were murdered by the bodyguards and relatives of AKP MP İbrahim Halil Yıldız, was held at Urfa 5th Criminal Court of First Instance. Şenyaşar could not attend the hearing due to

health problems and it was adjourned to 30 November.



LGBTI+ activist student sentenced to 10 months in prison

The lawsuit filed against 2 university students who were accused of "publicly insulting the National Anthem" for changing the words of the "National Anthem" with queer expressions in an e-mail sent to the members of Boğaziçi University LGBTI+ Studies Club was

concluded. Istanbul 18th Criminal Court of First Instance acquitted one of the students and sentenced the student who allegedly posted on social media to 10 months in prison. The sentence was postponed.



Rape perpetrator files another lawsuit against actress Farah Zeynep Abdullah

Actress Farah Zeynep Abdullah, who was sentenced to a judicial fine for posting in support of her colleague Ezgi Mola, who was convicted for reacting on social media against specialised sergeant Musa Orhan, who raped 18-year-old İpek Er in Batman and drove her to

suicide, was subjected to another lawsuit. Within the scope of the lawsuit, the actress, who is accused of "insult" due to her post announcing that Orhan also filed a compensation lawsuit against her, is asked to be imprisoned for up to 2 years and 4 months.



Journalist Miyase İlknur sentenced to prison

Journalist Miyase İlknur, who was put on trial upon the complaint of İrfan Fidan, then Istanbul Chief Public Prosecutor and member of the Constitutional Court, and Ayhan Ayan, then Istanbul Justice Commission President and member of the Court of Cassation, for her column titled "Isle of Man case is obvious"

published in Cumhuriyet newspaper, was convicted. Istanbul 2nd Criminal Court of First Instance sentenced the journalist, who was acquitted on the charge of "insult", to 10 months imprisonment each on the charge of "defamation". The announcement of the verdict was deferred for both sentences. Birol Gülger, responsible manager of the newspaper's website, who was on trial with İlknur, was acquitted of all charges.



Rights defenders acquitted

The case against Hüseyin Yaviç, former President of Van-Hakkari Medical Chamber, and Sevim Çiçek, HRFT Van Representative, who were detained for their statement on the death of a doctor in a traffic accident on his way home after a 36-hour shift, was concluded with acquittal at Van 4th Criminal Court of First Instance on the charge of "opposing the Law No 2911 on Meetings and Demonstrations".



Lawsuit against detainees at Suruç Massacre commemoration

The trial of 36 people, who were detained during the press declaration organised in Izmir on the anniversary of Suruç Massacre in 2022, started at Izmir 19th Criminal Court of First Instance due to "opposing the Law on Meetings and Demonstrations". The second hearing of the trial will be held on 21 December.



Lawsuit against journalist Fatih Altaylı

A lawsuit was filed against journalist Fatih Altaylı, who reacted to the Diyanet's statement that "no marriage barrier arises between the adopter and the adopted child" on social media, on the grounds that he called the chairman and 15 members of the Supreme Board of Religious Affairs of the Presidency of Religious Affairs

"perverts". The journalist will be tried at Ankara 61st Criminal Court of First Instance on the charge of "insult".



Journalist Pınar Gayıp acquitted

The lawsuit filed against Etkin News Agency (ETHA) editor Pınar Gayıp, who was accused of "targeting people who took part in the fight against terrorism" with the complaint of former deputy gendarmerie general commander Musa Çitil due to her social media posts, was

concluded with acquittal at Istanbul 25th Assize Court.



Journalist detained for posts on earthquakes

An investigation was launched against journalist İlknur Bilir due to "publicly disseminating misleading information" through her social media posts about the earthquake. The journalist, who lives in Germany, was detained at Sabiha Gökçen Airport.



27 detained for "inciting hatred and hostility" on social media accounts

As part of the investigation initiated by Ankara Chief Public Prosecutor's Office, 27 people, including executives of the websites and social media accounts Aykırı Haber, Muhbir and Haber Report, were detained on charges of

"public incitement to hatred and hostility" and "publicly spreading misleading information".



Protests banned in Hakkari and Şırnak

Governorates in Hakkari and Şırnak banned all kinds of demonstrations and events, except those "deemed appropriate" by the local administration, on the grounds of "indivisible integrity of the state and nation, national security and public order". The right to assembly and demonstration was suspended for 10 days in Şırnak and 1 week in Hakkari.



Izmir Governorate bans anti-hate events

Izmir Governorate banned the "We Speak Out Against LGBTI+ Phobic State Organs!" events on the grounds that they would "undermine the protection of public health and public morality".



Agrobay Greenhouse workers detained

The gendarmerie intervened the protest of workers who were dismissed from their jobs at Agrobay Seracılık in Bergama, Izmir. 14 people, including union leaders, photojournalist Berkcan Zengin and journalist Zeynep Kuray, who were following the protest, were detained.



Participants in Deniz Gezmiş commemoration detained

24 people, including executives of trade unions, political parties and non-governmental organisations, who participated in the commemoration held in Antalya on the anniversary of the death of Deniz Gezmiş, Yusuf Aslan and Hüseyin İnan, the revolutionary youth leaders of the 68

generation who were executed, were detained in police raids.



Governorate bans workers' solidarity concert

The solidarity concert organised for the workers of FEDAŞ (Firat Electricity Distribution Co.) resisting for their rights in Tunceli was banned by the governorate on the grounds that it was "not deemed appropriate".



Workers detained for demanding their rights

The police intervened in the protest of Trendyol workers, who were dismissed from their jobs after organising in PTT-Sen and DGD Union against harsh working conditions, in front of the company's headquarters in Istanbul and many workers were detained.



Police intervened in the protest in Taksim

The police intervened the protest organised in Istanbul Taksim against the attacks in the Federated Kurdistan Region by the Kurdistan Democratic Party, 41 people were detained. The police also intervened the protests organised in Izmir and Hakkari Yüksekova

regarding the attacks in Iraq, many people were beaten and detained.



Supreme Court member censored news about allegations against him

Ankara 10th Criminal Judgeship of Peace blocked access to 26 online content, including 17 news articles, on allegations that Ayhan Bora Kaplan, the leader of a criminal organisation allegedly close to former Interior

Minister and AKP MP Süleyman Soylu, who was recently detained and arrested, bought a villa and a car for Supreme Court of Appeals Judge Yüksel Kocaman. Among the content censored upon Kocaman's request is an interview in which she denies the allegations and says that she met Kaplan for a few minutes in a restaurant.



Access ban on news about the mine poisoning the environment

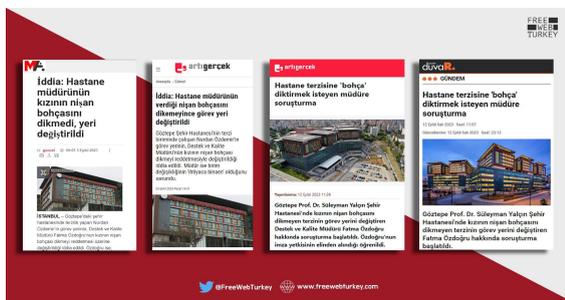
Kastamonu Criminal Judicature of Peace blocked access to 37 online content, including 20 news articles, about the continued operation of Acacia Madeni İşletmeleri A.Ş. in Kastamonu, despite the fact that it has been documented to poison the environment with its chemical wastes.



Access ban on corruption news

Erciş (Van) Criminal Judicature of Peace blocked news reports on the corruption allegations that led to the arrest of Şahin Yağar, a contractor and MHP candidate for parliament, on the grounds of "presumption of innocence". Among the censored news items is the news on the attack on journalist İdris Yılmaz, who was investigating the municipality's coastal road project in Van, by Yağar's relatives.

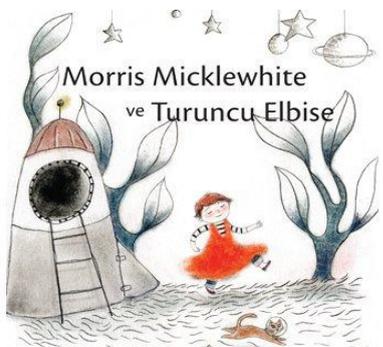
investigating the municipality's coastal road project in Van, by Yağar's relatives.



Access blocked news

With the decision of Ürgüp (Nevşehir) Criminal Judicature of Peace, access to 12 online content, including 10 news articles, related to the allegation that Nurdan Özdemir, who works in the tailoring shop of Göztepe Prof. Dr. Süleyman Yalçın City Hospital in Istanbul, was replaced because she did not sew the engagement bundle of the hospital director's daughter, was blocked.

the engagement bundle of the hospital director's daughter, was blocked.



Children's book targeted for hate speech labelled obscene

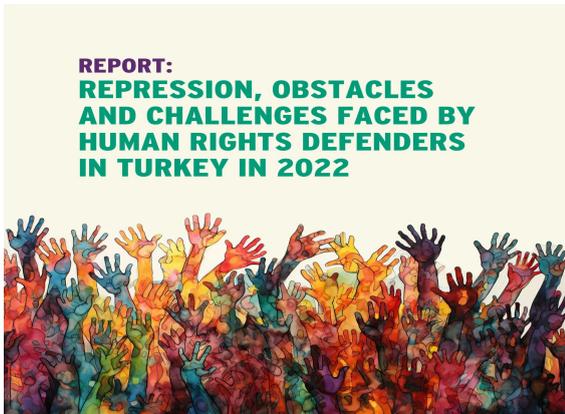
The Ministry of Family and Social Services declared the children's book Morris Micklewhite and the Orange Dress, translated and published by Güldünya Publishing in 2018 and targeted by pro-government newspapers with homophobic hate speech, as a mischievous publication.



No prosecution against the police officer who insulted the bar association president and assaulted the lawyer

The investigation initiated by Diyarbakır Public Prosecutor's Office against the police officer who insulted Diyarbakır Bar Association chair Nahit Eren and beat bar association executive Seyit Rıza Karakaş during a clash after the order of the presiding judge to remove lawyers

from the courtroom at a trial held in September 2021, resulted in impunity.



HRFT reports violations against rights defenders

The Human Rights Foundation of Turkey (HRFT) published a report on the violations that human rights defenders in Turkey were subjected to in 2022 under the title [Repression, Obstacles and Challenges Faced by Human Rights Defenders in Turkey in 2022](#). According to the data shared by the Foundation, between 1 January 2022 and 31 December 2022, a total of 4819 individuals, 16 associations, 5

professional organisations and 1 foundation were directly or indirectly targeted, subjected to judicial and/or administrative harassment due to their rights advocacy activities. 1143 rights defenders appeared before judges in 105 different criminal cases filed against them on charges of "violating the Law on Meetings and Demonstrations", "membership of an illegal organisation and propaganda" and "insulting the state". While 245 rights defenders were acquitted in 35 cases, 34 rights defenders were sentenced to 266 years, 5 months and 10 days in 18 cases. While 87 people were detained for their advocacy activities, 44 people were arrested. 1420 people were subjected to physical violence due to their advocacy activities, at least 14 rights defenders and at least 4 rights organisations were targeted. On the other hand, the right to assembly and demonstration was banned 42 times in total by local administrative authorities in 14 cities in a one-year period. A total of 311 events were prevented in 34 different cities, while 1411 out of 1916 people detained during these peaceful protests were subjected to physical violence by the security forces.



TRIALS OF FREEDOM OF EXPRESSION

<p>The lawsuit filed against former HDP MP and Honorary President of European Alevi Unions Turgut Öker, who was charged with "insulting the President" due to his speech at the commemoration of the 37th anniversary of the Maraş Massacre...</p> <p>Court: Istanbul Anatolian 10th Criminal Court of First Instance</p> <p>Verdict: The court decided to wait for the other cases in which Öker was tried and sentenced with the same allegation and adjourned the hearing to 19 March.</p>	<p>"Istanbul' detail in the 'Antalya' operation in the judiciary: What are the appointed prosecutors indicative of?", the lawsuit filed against journalist Furkan Karabay, who was charged with "insult" and "slander" upon the complaint of President Erdoğan's lawyers Ahmet Özel and Mustafa Doğan İnal...</p> <p>Court: Istanbul 2nd Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on 18 January.</p>
<p>The lawsuit filed against Abdullah Kaya, Ağrı correspondent of the shut-down Dicle News Agency (DİHA), on charges of "illegal organisation membership" and "propaganda" due to his journalistic activities and social media posts...</p> <p>Court: Ağrı 2nd Assize Court</p> <p>Verdict: The next hearing will be held on 2 November.</p>	<p>The lawsuit filed against Dicle News Agency (DİHA) reporter Şerife Oruç due to "illegal organisation membership"...</p> <p>Court: Batman 2nd Assize Court</p> <p>Verdict: The next hearing will be held on 19 December.</p>
<p>The lawsuit filed against Yeni Yaşam newspaper's Editor-in-Chief Mehmet Ferhat Çelik and Managing Editor Osman Akın due to "insult" and "slander" through the news articles titled "Sedat Peker'den işşalar" (Revelations from Sedat Peker), "Peker published bribery documents" (Peker published bribery documents) and "Albayraks are involved" (Albayraks are also involved), published on the bribery and corruption allegations that came to the agenda with the revelations of mafia leader Sedat Peker...</p> <p>Court: Istanbul 2nd Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on 30 January.</p>	<p>In 2020, the lawsuit filed against journalist Sultan Eylem Keleş, who was prevented and detained by the police while covering a protest organised in Istanbul by BİMEKS workers who could not get their rights, along with 4 other workers, on charges of "resisting to prevent the execution of duty" and "insult"...</p> <p>Court: Istanbul 56th Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on 25 January.</p>
<p>The lawsuit filed against 46 university students and journalists Yağmur Kaya, Nebiye Arı and Hilal Işık, who were beaten and detained after the protest they wanted to organise in Ankara to draw attention to the housing problem was banned by the Governorate, due to "violating the Law No. 2911 on Meetings and Demonstrations"...</p> <p>Court: Ankara 15th Criminal Court of First Instance</p>	<p>The lawsuit filed against artist Ferhat Tunç, who was charged with "inciting the public to hatred and hostility" due to his social media post criticising the referendum in 2017...</p> <p>Court: Istanbul Büyükçekmece 4th Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on 7 February.</p>

<p>Verdict: The next hearing will be held on 6 December.</p>	
<p>The lawsuit filed against 20 people, including 18 women, who were detained during the police intervention against the 8 March International Women's Day march held in Urfa in 2017, due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>Court: Urfa 2nd Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on 15 February.</p>	<p>The lawsuit filed against Ramazan Yurttapan, Managing Editor, Haydar Ergül, editor Haydar Ergül and writers Cihan Doğan, Musa Şanak and Zülal Nazan Üstündağ, accused of "denigrating the Turkish Nation, the State of the Republic of Turkey, the institutions and organs of the state" (Article 301 of the Turkish Penal Code) due to the articles in the 37th issue of the magazine Demokratik Modernite...</p> <p>Court: Istanbul 2nd Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on 4 January.</p>
<p>The lawsuit filed against Ramazan Yurttapan, Managing Editor of the magazine, Pakrat Estukyan, Agos newspaper Armenian pages Editor Pakrat Estukyan, lawyer Emran Emekçi, Mehmet Nimet Sevim and Cihan Doğan on charges of "making propaganda for a terrorist organisation" based on the articles in the 36th issue of the quarterly thought and theory magazine Demokratik Modernite...</p> <p>Court: Istanbul 30th High Criminal Court</p> <p>Verdict: The next hearing will be held on 1 December.</p>	

HEARINGS NEXT WEEK

<p>The trial of the case against 19 people including 3 journalists who were detained in the press declaration held in Bursa on February 12, 2021, to protest the trustee rector appointed to Boğaziçi University, on the charge of "violating the Law on Meetings and Demonstrations No 2911"...</p> <p>26 September Tuesday, Bursa 8th Criminal Court of First Instance</p>	<p>The lawsuit filed against 35 people, including journalist Buse Söğütlü, who participated in the 8 March 2020 Feminist Night March, due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>26 September Tuesday, Istanbul 58th Criminal Court of First Instance</p>
<p>On 30 April 2020, the lawsuit filed against journalist Metin Cihan, accused of "insulting" President Erdoğan's son-in-law Berat Albayrak through his social media post...</p> <p>26 September Tuesday, Istanbul 36th Criminal Court of First Instance</p>	<p>The lawsuit filed against Reyhan Çapan, former Managing Editor of Özgür Gündem newspaper, due to "making illegal organisation propaganda through press" and "printing or publishing statements of terrorist organisations"...</p> <p>26 September Tuesday, Istanbul 2nd Assize Court</p>
<p>The lawsuit filed against journalist Sibel Hürtaş, who was prevented from following the demonstration of bar association presidents in the garden of the Parliament to protest the</p>	<p>The lawsuit filed against journalist Can Dündar due to "printing or publishing statements of terrorist organisations" for participating in the</p>

<p>Multiple Bar Association Law and was detained after being beaten, due to "resisting to prevent the execution of duty" upon the complaint of the police officers...</p> <p>26 September Tuesday, Ankara 37th Criminal Court of First Instance</p>	<p>Özgür Gündem Editor-in-Chief on Watch campaign in 2016...</p> <p>26 September Tuesday, Istanbul 22nd High Criminal Court</p>
<p>The lawsuit filed against journalist Hayko Baghdad due to "insulting the President" and "public incitement to hatred and hostility"...</p> <p>27 September Wednesday, Istanbul 50th Criminal Court of First Instance</p>	<p>The lawsuit filed against BirGün newspaper's sports editor Eren Tutel, who was charged with "insulting a public official" due to his news reports on the Turkish Wushu Federation...</p> <p>28 September Thursday, Istanbul 2nd Criminal Court of First Instance</p>
<p>The 25-year-long trial of sociologist Pinar Selek, who was acquitted 4 times during this period, was retried with the demand for aggravated life imprisonment after the Court of Cassation's reversal decision...</p> <p>29 September Friday, Istanbul 15th High Criminal Court</p>	

All news of the week is available at dusun-think.net;
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