

Think, think...



Freedom of Expression Weekly Newsletter (Issue 40/23 - October 13, 2023)

What happened last week?

- President Erdoğan, who was re-elected as the president at his party's congress, targeted LGBTI+ people in his speech and once again gave the message that "we can come suddenly one night" by saying "One state, one flag, one homeland".
- The Constitutional Court (AYM) decided not to examine the applications regarding the right to "trial within a reasonable time". According to this decision, citizens will no longer be able to apply directly to the Constitutional Court 'due to the long duration of the trial' until a new judicial remedy is established. The Constitutional Court justified the decision by stating that "after more than 55,000 violation decisions, these decisions, which only determine the amount of compensation, no longer contribute to the protection and promotion of human rights". Currently, applications for the right to a trial within a reasonable time constitute 52.4 percent of the high court's workload.
- Justice Minister Yılmaz Tunç said that the right of individual application to the Constitutional Court should be restricted.
- 2023 Vaclav Havel Human Rights Award was given to arrested businessman and rights defender Osman Kavala. The Ministry of Foreign Affairs made a statement and said, "The awarding of the prize to a person with a finalized conviction is an extension of attempts to politicize the law."
- Reacting to the unlawfulness in the Gezi and Kobanî trials and the ignoring of the decisions of the Constitutional Court (AYM) and the European Court of Human Rights (ECHR), 15 organizations, platforms and 521 citizens published a text titled "Enough is enough".
- The Parliamentary Assembly of the Council of Europe decided that if Kavala is not released by January 2024, the Turkish delegation will lose its voting rights and that the "Magnitsky Legislation" will be applied to prosecute public officials who unlawfully kept Kavala in prison.
- The Constitutional Court postponed the application of TİP deputy Can Atalay, whose prison sentence in the Gezi Park case was upheld, after a member said that the file was 'not prepared'.
- Anastasia Zoteeva, CEO and Chairman of the Board of Directors of the Akkuyu Nuclear Power Plant (NPP), which is claimed to be the first and only nuclear power plant owned by another country on the territory of a country, said "This nuclear power plant belongs to Russia." Alparslan Bayraktar, Minister of Energy and Natural Resources, said "Akkuyu Nükleer AŞ is a Turkish company... it is a project completely under the control of Turkey."
- "We will never again allow our universities to be associated with bans, pressure, fighting or ideological impositions," Erdoğan said at the 2023-2024 Academic Year Opening Ceremony. Erdoğan also said, "We have increased the number of universities

from 76 to 280 and ensured that every student who wants to attend a university can do so."



Saturday Mothers detained again

Despite the Constitutional Court's decision on the violation of the Constitutional Court's ruling, the ban imposed by the district governor's office on the protests of the Saturday Mothers, which they have been organizing for 28 years to ask for the fate of their relatives who disappeared in detention and for the perpetrators to be tried, continues. The

police attacked the protest this week as well, beating and detaining 18 rights defenders. On the other hand, the Governorate of Van did not let this week go by without a ban on protests to be organized in the city in solidarity with the Saturday Mothers.



Lawsuit against artist İlyas Salman

The trial of film actor İlyas Salman, who was charged with "insulting the President" for saying "I do not consider Erdoğan worthy of the presidency" in an interview with BirGün Newspaper on August 1, 2022, started at Istanbul 2nd Criminal Court of First Instance. The second hearing of the case will be held on February 1.



Lawsuit against journalist İsmail Saymaz

The trial of Sözcü daily columnist İsmail Saymaz, who was charged with "insult" and "targeting people involved in the fight against terrorism" for his articles titled "The wife of the AK Party judge in the Gezi Trial was a FETÖ confessor" and "The wife of the Gezi Park judge turned out to be a FETÖ suspect", started at Istanbul 24th Assize Court. The second

hearing of the case will be held on December 5.



Lawsuit against those detained at Bosphorus protest

The final trial of the case against 6 people including rights defender Aytül Uçar and lawyer Erdoğan Akdoğan, who were detained during the protest in Izmir on February 3, 2021, about the appointment of a trustee rector

to Boğaziçi University, is concluded. Izmir Penal Court of First Instance No 49 acquitted Uçar and Akdoğan and sentenced the other 4 defendants to 5 years in total on the charges of "violating the Law on Meetings and Demonstrations No 2911" and "resisting to prevent duty".



Prison sentences for rights defenders

The trial of 9 members and executives of civil society organizations, including former Van Human Rights Association (IHD) branch chair Ömer Işık, who were charged with "membership in a terrorist organization" for their activities as observers during the resolution process between 2013 and 2015, has concluded. Van 2nd Assize Court sentenced the

rights defenders to prison sentences ranging from 6 years and 3 months to 7 years and 6 months.



Lawsuit against journalist Pinar Gayıp

Pinar Gayıp, editor of the Etkin News Agency (ETHA), who was charged with "illegal organization membership" for sending information via Telegram to cover protests and events in Eskişehir, appeared before the judge at Eskişehir 2nd Assize Court. The trial of the journalist will continue on November 16.



ESP Co-Chair on trial

Şahin Tümüklü, Co-Chair of the Socialist Party of the Oppressed (ESP), was sentenced to 5 months in prison by Istanbul 22nd Criminal Court of First Instance for "praising the crime and the criminal" in a statement he made calling PKK leader Abdullah Öcalan "Mr."



The lawsuit against journalist Fırat Can Arslan

A lawsuit was filed against journalist Fırat Can Arslan, who was arrested for reporting on the transfer of prosecutor Mehmet K., who prepared an indictment against his arrested colleagues, and his wife Seda K., who was a member of the court panel in the trial of journalists. The trial of the journalist accused of

'targeting people who took part in the fight against terrorism' will begin on October 31 at Diyarbakır 4th High Criminal Court.



Journalist Eylül Deniz Yaşar acquitted

The case against Eylül Deniz Yaşar, who was charged with "making illegal organization propaganda" for a protest she covered as a journalist, was concluded with an acquittal at Ankara 4th High Criminal Court.



Students protesting against trustee rector acquitted

Istanbul 49th Criminal Court of First Instance acquitted 52 students from Boğaziçi University who protested against the trustee rector on charges of "violating Law No. 2911 on Meetings and Demonstrations" and "deprivation of liberty".



The lawsuit against writer Ahmet Güneş

The first hearing of the lawsuit filed against Yeni Yaşam newspaper writer Ahmet Güneş due to "making illegal organization propaganda" through his social media posts was held at Istanbul 25th High Criminal Court. Güneş's trial will continue on January 11.



Cases against detained journalists Müftüoğlu and Yılmaz

On May 3, World Press Freedom Day, the court dates of the trials against Dicle Müftüoğlu, co-chair of Dicle Fırat Journalists Association (DFG) and editor of Mezopotamya Agency (MA), and Sedat Yılmaz, editor of Mezopotamya Agency (MA), who were

arrested and have been in prison for more than 5 months, have been announced. Müftüoğlu and Yılmaz will stand trial on charges of "membership in an illegal organization" and "establishing and leading an illegal organization" at Diyarbakır 4th Assize Court on December 7 and December 12, respectively.



HDP executive on trial for Newroz speech acquitted

In 2019, HDP PM member Nihat Akkaya, who was sentenced to 10 months in prison for "making propaganda for an illegal organization" due to his speech at the Newroz

celebration in Antalya, was retried at Antalya 9 Assize Court upon the violation decision of the Constitutional Court.



Prison sentence for drinking photo in mosque

A citizen who was arrested after a social media post showing him drinking in a mosque in Istanbul was sentenced to 7 months and 15 days in prison for "publicly insulting religious values adopted by a section of the public" at the first hearing held at Istanbul Anatolian 3rd Criminal Court of First Instance.



Compensation lawsuit filed by the Ministry against the President of the TMA

The first hearing of the compensation lawsuit filed by the Ministry of National Defense against Şebnem Korur Fincancı, Chair of the Central Council of the Turkish Medical Association (TTB), for her scientific evaluations on the alleged use of chemical weapons by the Turkish Armed Forces in a live broadcast of Medya Haber, was held at Ankara

Dışkapı Courthouse 2nd Civil Court of First Instance. The case was adjourned to January 11.



Women defending the Istanbul Convention acquitted

The lawsuit filed against 3 women, including Labor Party Istanbul Provincial Chair Sema Barbaros, on charges of "opposing the Law No. 2911 on Meetings and Demonstrations" following the forum organized in Beşiktaş, Istanbul on the Istanbul Convention, was concluded with acquittal at Istanbul 47th

Criminal Court of First Instance.



Investigation against the MP

Ankara Chief Public Prosecutor's Office launched an investigation against Green Left Party Muş MP Sezai Temelli on the charge of "denigrating the state" (Article 301 of the Turkish Penal Code) for his statement on the airstrikes carried out by the Turkish Armed Forces (TSK) against Iraq and Syria.



Investigation against the protest

Van Chief Public Prosecutor's Office started an investigation against 9 people, including Democratic Regions Party (DBP) provincial co-chair Şengül Polat, for "inciting or insulting the public to hatred and hostility" after they participated in a press statement to protest the harassment of 2 women in Van.



Police intervention against workers demanding their rights

The police intervened the workers protesting in front of the construction site of the Finance Central Bank in Istanbul where they were working for not receiving their rights and detained 6 people, including Nihat Demir, General Secretary of Dev Yapı İş Union and

Yunus Özgür, General Secretary of İnşaat İş Union.



Police intervention against statements for Öcalan

Police intervened in protests in Istanbul and Diyarbakır to mark the anniversary of PKK leader Abdullah Öcalan's release from Syria. While 73 people were detained in Istanbul and 104 people were detained in Diyarbakır, Democratic Regions Party (DBP) Deputy

Co-Chair Zekiye İlbasan was arrested on charges of "resisting the police".



Police intervention to watch demonstration in Istanbul

The police intervened the citizens who were protesting against urban transformation in Şahintepe neighborhood of Başakşehir district of Istanbul and detained 10 people under beatings.



Police intervene in protests against Turkish Armed Forces operations

Police intervened in protests in Tunceli, Urfa, Van and Muş against the Turkish Armed Forces (TSK) airstrikes in northern and eastern Syria, detaining at least 37 people. Protests organized

in Diyarbakır, Ağrı, Mersin, Kars and Iğdır were also prevented by the police.



Adana Governorate bans Rock Festival

The 6th Çukurova Rock Festival, which was to be held in Adana this year, was banned by the Adana Governorate one day before the event was due to start.



Governorate bans International Women's March

Ankara Governorate banned the Women's March and concert, which was planned to be held for the first time in Turkey with the participation of women from 63 countries. Following the ban, the events planned to be

held in AnıtPark were moved to Doğan Taşdelen Contemporary Arts Center.



Protest bans

Governorates in Şırnak, Diyarbakır, Tunceli, Bingöl, Gaziantep, Hakkari, Bitlis, Ağrı and Siirt banned all demonstrations and events for periods ranging from 1 to 10 days. Istanbul Kağıthane District Governorate also banned all demonstrations and protests around Çağlayan Courthouse where the hearing on the closure

case against Tarlabası Community Center Association will be held.



TRIALS OF FREEDOM OF EXPRESSION

Since 2006, Tarlabası Community Center has been working to solve the social and economic problems of Tarlabası residents and has been the target of smear campaigns that include ethnic discrimination and homophobic hatred...

Court: Istanbul 18th Civil Court of First Instance

Verdict: The next hearing will be held on January 8.

The lawsuit filed against 100 people, including journalist Zilan Azad, who were detained during the demonstration organized in Kadıköy, Istanbul on September 1, World Peace Day in 2022, due to "violating Law No. 2911 on Meetings and Demonstrations"...

Court: Istanbul Anadolu 17th Criminal Court of First Instance

Verdict: The next hearing will be held on December 20.

<p>The lawsuit filed against 11 members of the party's Central Executive Committee at the time due to "insulting the state" for Peoples' Democratic Party's (HDP) April 24, 2021 statement titled "Face the shame of the Armenian Genocide!" ...</p> <p>Court: Ankara 48th Criminal Court of First Instance Verdict: The next hearing will be held on February 13.</p>	<p>The lawsuit filed against the members and executives of the Religious Scholars Assistance and Solidarity Association (DİAYDER) accused of "illegal organization membership" and "aiding the organization" for giving sermons and sermons in Kurdish...</p> <p>Court: Istanbul 14th High Criminal Court Verdict: The next hearing will be held on November 29th.</p>
<p>The retrial of Erdem Gül, former Ankara correspondent of Cumhuriyet newspaper, who was sentenced to 5 years in prison on charges of "disclosing documents related to the security of the state" due to the publication of MIT TIRs footage...</p> <p>Court: Istanbul 14th High Criminal Court Verdict: The next hearing will be held on November 30th.</p>	<p>The lawsuit filed against journalist Hayko Bağdat due to "insulting the President" on the grounds of the statements he made on Bugün TV broadcast in 2015...</p> <p>Court: Istanbul 51st Criminal Court of First Instance Verdict: The court decided to wait for the execution of the arrest warrant against the journalist who lives abroad and adjourned the hearing to April 16.</p>
<p>The retrial of Özgür Gündem Editors-in-Chief on Duty Şebnem Korur Fincancı, Erol Önderoğlu and Ahmet Nesin, whose acquittals were overturned by the Court of Appeal...</p> <p>Court: Istanbul 13th High Criminal Court Verdict: The next hearing will be held on February 20.</p>	<p>The lawsuit filed against the members and executives of the Migration Monitoring Association (GÖÇİZDER), who are accused of "membership of an illegal organization" due to the activities of the association, statements made and reports prepared...</p> <p>Court: Istanbul 26th High Criminal Court Verdict: The next hearing will be held on February 5.</p>

HEARINGS NEXT WEEK

<p>The lawsuit filed against journalists İzel Sezer and Batuhan Batan due to "insult" accusation due to the news published on the website İleri Haber about President Erdoğan's former lawyer Mustafa Doğan İnal, who allegedly negotiated bribes, and the lawsuit filed against journalists İzel Sezer and Batuhan Batan due to the same accusation...</p> <p>October 17, Tuesday, Istanbul 25th Criminal Court of First Instance</p>	<p>The lawsuit filed against journalist Deniz Yücel, accused of "publicly degrading the Turkish nation and the State of the Republic of Turkey" and "insulting the President" due to his articles published in Die Welt newspaper...</p> <p>Tuesday, October 17, Istanbul 2nd Criminal Court of First Instance</p>
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<p>The lawsuit filed in 2015 and 2018 against journalists Haluk Kalafat and Elif Akgül, who were charged with "publicly degrading the Turkish nation" (Article 301 of the Turkish Penal Code) due to their news articles published on bianet about research books on the Armenian Genocide...</p> <p>October 19, Thursday, Istanbul 2nd Criminal Court of First Instance</p>	<p>The lawsuit filed against Istanbul Chamber of Medicine Executive Board members accused of "abuse of office" due to the disciplinary investigation against Kocaeli University Rector Sadettin Hülügü, who dismissed 5 peace academics working at Kocaeli University Faculty of Medicine...</p> <p>October 19, Thursday, Istanbul 27th Criminal Court of First Instance</p>
<p>The lawsuit filed against writer-poet Gökhan Yavuzel due to "making propaganda for a terrorist organization"</p> <p>October 19, Thursday, Şanlıurfa 5th High Criminal Court</p>	<p>The lawsuit filed against journalist Rüstem Batum, who was charged with "insulting the President" for 5 separate social media posts....</p> <p>October 19, Thursday, Istanbul 12th Criminal Court of First Instance</p>
<p>The lawsuit filed against journalist Fırat Bulut, who was charged with "publicly spreading misleading information" due to his social media posts about the earthquakes in Kahramanmaraş...</p> <p>October 19, Thursday, Elbistan (Kahramanmaraş) 2nd Criminal Court of First Instance</p>	<p>The closure lawsuit filed against the Association for Migration and Monitoring (GÖÇİZDER), whose executives and members were arrested due to their activities for the forcibly displaced...</p> <p>Friday, October 20, Bakırköy (Istanbul) 15th Civil Court of First Instance</p>

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