

Think, think...



Freedom of Expression Weekly Newsletter (Issue 42/23 - October 27, 2023)

What happened last week?

- The Constitutional Court (AYM) ruled that the "right to be elected" and "personal liberty and security" rights of Can Atalay, Hatay MP of the Workers' Party of Turkey (TİP), who was arrested after being sentenced to 18 years in prison in the Gezi Trial, were violated. While the Constitutional Court also ruled for a retrial, Atalay is still in prison...
- Relations between Turkey and Israel, which had recently shown signs of softening, became tense again after President Erdoğan's statement that " Hamas is not a terrorist organization, but a group of liberation and mujahideen fighting to protect their lands and citizens". While Erdoğan spoke in a similar manner to his rhetoric when he called Israel a 'terrorist state', he did not abandon the restrained language he used after the 'normalization' of relations.
- LGBTI+ persons remained in Erdoğan's crosshairs this week; "Family is a sacred structure and we cannot stain this sacred structure. We will not allow this," Erdoğan said, adding that "the biggest threat targeting the family in recent times is the desexualization policies promoted by global power centers"...
- The Protocol on Sweden's Accession to NATO was signed by President Erdoğan and sent to the Turkish Grand National Assembly. If the Protocol is approved in the General Assembly, the parliamentary process will be completed. Sweden's accession to the alliance has been approved by all members except Turkey and Hungary.
- The dollar rate exceeded 28 TL. The Central Bank increased the interest rate by 5 points from 30 percent to 35 percent.
- As local elections are approaching, the issue of 'transported voters' is back on the agenda. It is learned that in Savur district of Mardin, where HDP won the municipality by a margin of 764 votes in 2019 local elections, 600 soldiers and police officers were registered as residents at an address claimed to be a "guesthouse".
- The Constitutional Court (AYM) defended the transfer of murdered journalist Jamal Khashoggi's case to Saudi Arabia by saying "The defendants were sentenced as a result of Turkey's efforts", arguing that Turkey met all criteria required by the obligation to conduct effective criminal investigations within the scope of the right to life.
- The Media Freedom Rapid Response (MFRR) project, which monitors violations of press and media freedom in European Union member states and candidate countries, published its Media and Press Freedom Violations Monitoring Report for the first six months of 2023. According to the report, which identified 136 press freedom violations involving 172 individuals or media outlets in Turkey, Turkey, where "insulting public officials", "insulting the president" and "public incitement to hatred and hostility" are frequently used in trumped-up charges against journalists, was one

of the two countries, along with Ukraine, with the most severe press freedom violations...

- The Information and Communication Technologies Authority (BTK), which was found to have unconstitutionally monitored internet traffic in 2020, continued to monitor citizens' internet traffic despite a court ruling that the monitoring was unlawful.
- Human Rights Watch said Turkey's attacks on Rojava between October 5 and 10 damaged critical infrastructure and caused millions of people to suffer water and electricity cuts, adding that Turkey's attacks deepened the humanitarian crisis in the region.



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 to bring the perpetrators to trial, has been in effect for 28 weeks without interruption. The

police attacked the demonstration again this week, beating and detaining 26 rights defenders, while journalists covering the demonstration were also subjected to police violence. On the other hand, the Governorate of Van did not let this week go by idle, again declaring a protest ban before the protest to be organized in the city in solidarity with the Saturday Mothers.



Atilla Taş sentenced to 2 years and 2 months in prison

Singer Atilla Taş, who was convicted of "aiding the organization" within the scope of the case known in the public as "Gülen sect media structuring" but his sentence was overturned by the Court of Cassation, was sentenced to a total of 2 years, 2 months and 25 days in prison by Istanbul 25th High Criminal Court in a retrial on charges of "insulting a public officer

because of his duty" and "insulting the military and security organization of the State" (Article 301 of the Turkish Penal Code).



The case against journalist Beritan Canözer

The trial of JinNews reporter Beritan Canözer, who was detained and arrested during an operation against journalists in April and released after 2 months, started with the accusation of "being a member of an illegal organization" by citing her news reports and

journalistic activities as "evidence of a crime". In the first hearing held at Diyarbakır 10th Assize Court, the prosecutor presented his final opinion on the case and demanded the journalist to be sentenced. The hearing was adjourned to December 8.



The lawsuit against journalist Bülent Kılıç

In 2021, the first hearing of the lawsuit filed against Agence France-Presse (AFP) photojournalist Bülent Kılıç, who was detained under torture while covering the Istanbul Pride March, due to "resisting to prevent the execution of his duty" and "insulting a public officer for his duty" was held at Istanbul 19th Criminal Court of First Instance. The trial of the journalist will continue on February 15.



Lawsuit against journalist Fırat Bulut

The first hearing of the lawsuit filed against journalist Fırat Bulut for "publicly disseminating misleading information" after he went to the Elbistan Penal Institution, where a fire was said to have broken out during the earthquake in Kahramanmaraş, and shared the footage on his social media account, was held at Elbistan 2nd Criminal Court of First Instance. The trial of the journalist will

continue on December 12.



Investigation against journalist Oktay Candemir

An investigation was launched against journalist Oktay Candemir for criticizing Interior Minister Ali Yerlikaya for sharing footage of police raids in Van, saying "They violate the presumption of innocence".



Munzur Festival investigation against artist Şevin

At the 21st Munzur Culture and Nature Festival, an investigation was launched against singer Şevin for "praising crime and criminal" and "making propaganda for a terrorist organization" after she reacted to the stage ban imposed on Grup Yorum by the governor's office during a concert she gave at the festival

and performed "Şervano".



Case against Boğaziçi protest ends in acquittal

The case against 13 Middle East Technical University (METU) students who were detained in the protest in Ankara on January 8, 2021, about trustee rector appointed to Boğaziçi University, on the charge of "violating the Law on Meetings and Demonstrations No 2911", is concluded with acquittal at Ankara Penal Court of First Instance No 74.



Case against Municipality Assembly member concluded with acquittal

The lawsuit filed against Birsen Güneş, who was elected as a municipal council member from the Peoples' Democratic Party (HDP) in Sur district of Diyarbakır and was dismissed after the appointment of a trustee, on charges of "being a member of an illegal organization" due to her participation in her party's protests,

events and election campaigns, was concluded with an acquittal at Diyarbakır 5th Assize Court.



Application to the International Criminal Court penalized for "insulting Erdoğan"

In 2014, Nurullah Efe, the chairman of the People's Liberation Party (HKP), who filed an application to the International Criminal Court (ICC) against the ruling government executives of the time with the allegation that they committed "war crimes" after the weapons seized in MIT trucks in Adana and Hatay, was

sentenced to 1 year and 9 months in prison for "insulting the President" by Ankara 5th Criminal Court of First Instance; the sentence was postponed.



23 people detained over Kurdish songs sung at wedding

23 people, including 2 musicians who performed at a wedding in Eskişehir, were detained for "making illegal organization propaganda" due to Kurdish songs sung at a wedding.



Hilal Kaplan continues to censor news about her

FreeWebTurkey reported that TRT Board Member Hilal Kaplan had censorship orders issued for 396 news articles about her in 2 months, and 251 more online content, including the news article published on our website titled "Access to news about Hilal Kaplan blocked", was blocked by the Istanbul Anatolian 10th

Criminal Judicature of Peace upon Kaplan's request.



"Blood and Courage in High School" book declared obscene

The Ministry of Family and Social Services has declared the book 'Blood and Courage in High School', written by Kathy Acker and translated into Turkish by Süha Sertabiboğlu, which has been on sale since 2012, to be obscene.



TRIALS OF FREEDOM OF EXPRESSION

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| <p>The lawsuit filed against then Diyarbakır Bar Association President Cihan Aydın and 10 board member lawyers, who were charged with "denigrating the state" (Article 301 of the Turkish Penal Code) due to the statement they made on the anniversary of the April 24 Armenian Genocide in 2020....</p> <p>Court: Diyarbakır 9th Assize Court Verdict: The next hearing will be held on December 22nd.</p> | <p>The lawsuit filed against BirGün newspaper reporter İsmail Arı, who was charged with "insulting a public official" for reporting on the state tender awarded to the cousin of Minister of Industry and Technology Mustafa Varank...</p> <p>Court: Istanbul 2nd Criminal Court of First Instance Verdict: The next hearing will be held on November 28.</p> |
| <p>The retrial of journalist Hayri Demir, who was sentenced to 2 years, 9 months and 22 days in prison for "making illegal organization propaganda" due to a song and a documentary he shared on his social media account...</p> <p>Court: Ankara 15th High Criminal Court Verdict: The next hearing will be held on January 24.</p> | <p>The lawsuit filed against journalists Pınar Gayıp and Mehmet Acettin, accused of "degrading the state" (Article 301 of the Turkish Penal Code) due to the news published by Etkin News Agency (ETHA)...</p> <p>Court: Istanbul 2nd Criminal Court of First Instance Verdict: The next hearing will be held on February 8.</p> |

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| <p>The lawsuit filed against Adalet Kaya, President of Rosa Women's Association, due to her alleged delegation to the Democratic Society Congress (DTK), her participation in a statement of the association she heads and her social media posts....</p> <p>Court: Diyarbakır 11th Assize Court Verdict: The court did not suspend the trial despite the receipt of documents indicating Kaya's election as an MP, rejected the request to lift the judicial control conditions on Kaya and adjourned the hearing to March 4.</p> | <p>The retrial of journalist Hakkı Boltan, who was convicted of "insulting the President" and "insulting a public official for his duty" due to a statement he made in 2016 about the murdered journalist Rohat Aktaş...</p> <p>Court: Diyarbakır 12th Criminal Court of First Instance Verdict: The judge issued a summons for Boltan, who was late for the hearing, on the grounds that he "did not attend the hearing". The hearing was adjourned to March 5.</p> |
| <p>The retrial of "Bakur" film directors Çayan Demirel and Ertuğrul Mavioğlu, who were sentenced to 4 years and 6 months in prison for "terrorist organization propaganda" after the Court of Appeal decision...</p> <p>Court: Batman 2nd Assize Court Verdict: The prosecutor repeated his final opinion and asked for penalties for Demirel and Mavioğlu. The hearing was adjourned to December 14.</p> | <p>The retrial of journalists Ahmet Altan, Nazlı Ilıcak, Fevzi Yazıcı and Yakup Şimşek, who were tried and convicted on the allegation that they "knew about the July 15 coup attempt in advance", took place...</p> <p>Court: Istanbul 26th High Criminal Court Verdict: The next hearing will be held on February 14.</p> |
| <p>The lawsuit filed against 12 journalists, 10 of them arrested, working for Mezopotamya News Agency and JinNews, due to "membership in a terrorist organization"...</p> <p>Court: Ankara 4th High Criminal Court The next hearing will be held on January 18.</p> | |

HEARINGS NEXT WEEK

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| <p>The lawsuit filed against arrested journalist Mehmet Şah Oruç, accused of "illegal organization membership" and "making illegal organization propaganda" based on 35 news reports and social media posts...</p> <p>Tuesday, October 31, Bitlis 2nd Assize Court</p> | <p>The lawsuit filed against journalist Fırat Can Arslan, who was charged with "targeting a public officer involved in the fight against terrorism" for sharing on social media the HSK decree on the transfers of the prosecutor who prepared an indictment against his arrested colleagues and his wife, who was part of the committee hearing the case...</p> <p>Tuesday, October 31, Diyarbakır 4th Assize Court</p> |
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| <p>On January 10, Working Journalists' Day, the lawsuit filed against journalist Sezgin Kartal, who was detained by breaking down the door of his house and arrested due to "illegal organization membership" and released after 160 days...</p> <p>Tuesday, October 31, Istanbul 22nd High Criminal Court</p> | <p>The KCK Press Trial, in which 46 journalists and media workers have been on trial since 2012 on charges of "illegal organization membership" based on their journalistic activities such as interviews they conducted, photographs they took, press releases they followed, news notes, etc...</p> <p>Tuesday, October 31, Istanbul 3rd Assize Court</p> |
| <p>The lawsuit filed against 24 women on charges of violating Article 301 of the Turkish Penal Code and Law No. 2911 on Meetings and Demonstrations due to the demonstration organized in Izmir on December 15, 2019 as part of the "Las Tesis" protests against violence against women that started in Chile and spread across the world...</p> <p>Tuesday, October 31, Izmir 7th Criminal Court of First Instance</p> | <p>The retrial of 91 people who were convicted of "violating the Law No. 2911 on Meetings and Demonstrations" due to the education in mother tongue demonstration organized in Izmir in 2015 with the call of Education and Science Workers' Union (Eğitim Sen) and Alevi associations...</p> <p>Wednesday, November 1, Izmir 2nd Criminal Court of First Instance</p> |
| <p>The retrial of journalists İhsan Yaşar, İshak Yasul, Mehmet Ali Çelebi, Mizgin Fendik, Pınar Tarlak, Reyhan Hacıoğlu and Hicran Urun on charges of "illegal organization membership", "printing or publishing the publications of terrorist organizations", "inciting the public to hatred and hostility", "making illegal organization propaganda" and "praising the crime and the criminal"...</p> <p>Wednesday, November 1, Istanbul 23rd High Criminal Court</p> | <p>Constitutional Court member İrfan Fidan's social media posts about his meetings with Nuri Gökhan Bozkır, a suspect in the assassination of Assoc. Prof. Dr. Necip Hablemitoğlu, when he was Deputy Chief Public Prosecutor of Istanbul Public Prosecutor</p> <p>The lawsuit filed against journalist Furkan Karabay on charges of "targeting a public official who took part in the fight against terrorism"...</p> <p>Thursday, November 2, Ankara 4th High Criminal Court</p> |
| <p>The lawsuit filed against 2 journalists and Independent Turkish Editor-in-Chief Nevzat Çiçek, accused of "insulting" and "slander" President Erdoğan's former lawyer Mustafa Doğan İnal due to an interview conducted by journalist Can Bursalı about the allegations in the book "Metastaz 2: Cendere" written by journalist Barış Terkoğlu and published on Independent Turkish website on December 3, 2020...</p> <p>November 2, Thursday, Istanbul 2nd Criminal Court of First Instance</p> | <p>The lawsuit filed against Abdullah Kaya, Ağrı correspondent of the shut-down Dicle News Agency (DİHA), due to "illegal organization membership" and "propaganda" on the grounds of his journalistic activities and social media posts...</p> <p>Thursday, November 2, Ağrı 2nd High Criminal Court</p> |

The lawsuit filed against 40 women, who were detained by the police in front of the ferry pier in Kadıköy while trying to go to the Istanbul Feminist Night March organized in 2022, due to "violating the Law No. 2911 on Meetings and Demonstrations"...

Friday, November 3, Istanbul Anatolian 13th Criminal Court of First Instance

The lawsuit filed against 71 students due to "violating Law No. 2911 on Meetings and Demonstrations" in connection with the protests against the trustee rector at Boğaziçi University...

Friday, November 3, Istanbul 27th Criminal Court of First Instance

**All news of the week is available at dusun-think.net;
You can also access the pdf format of the bulletin at dusun-think.net/bultenler.**