

Think, think...



Freedom of Expression Weekly Newsletter (Issue 43/23 - November 3, 2023)

What happened last week?

- Detained MP Can Atalay, whose "rights violation" was ruled by the Constitutional Court, has still not been released. While the Istanbul 13th High Criminal Court sent the case to the Court of Cassation, the Istanbul Bar Association filed a complaint against the president of the court to the Council of Judges and Prosecutors for 'crime of duty' and 'deprivation of liberty through the use of legitimate means'.
- Constitutional Court President Zühtü Arslan said that confusion of interpretation is unacceptable in democratic states of law and when this occurs, there may be a problem of different laws being applied to different people, and emphasized that there is no hesitation in the Constitutional Court's decisions being binding on everyone and every institution.
- This week, an investigation was launched against six journalists for 'publicly disseminating misleading information'. Among the journalists, T24 writer Tolga Şardan was arrested.
- Former HDP MP Hüda Kaya was arrested after being detained at the airport for the Kobani investigation.
- The retrial of the Hrant Dink murder case, which was overturned by the Court of Cassation, started. The request of the Presidency to participate in the case on the grounds that there is a possibility of damage in terms of the crime of "violating the Constitution" was accepted. The hearing was adjourned to January 10.
- The Central Bank (CBRT) increased its year-end inflation forecast from 58 percent to 65 percent and from 33 percent to 36 percent for the end of 2024. CBRT Governor Hafize Gaye Erkan announced that inflation is expected to peak at 74 percent in May next year.
- According to Türk-İş data, the hunger limit for a family of four rose to 13,684 liras and the poverty line to 44,573 liras. The cost of living of a single worker rose to 17 thousand 803 liras per month. It was determined that food inflation reached a six-month peak with 84.29 percent.
- According to bianet's data, men killed at least 21 women and one child in October, and the deaths of at least 25 women were reported in the press as "suspicious".



Saturday Mothers detained again

Despite the Constitutional Court's ruling 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, has been in effect for 29 weeks without interruption. The police attacked the demonstration again this week, beating and detaining 27 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.



Journalist Tolga Şardan detained

T24 columnist Tolga Şardan was arrested on charges of "publicly disseminating misleading information" for his article titled "What's in the MIT's judicial report to the Presidency?". In the article in question, the journalist had reported on the National Intelligence Organization (MIT) report on the scandalous decisions,

procedures and practices in courthouses in major cities.



Detained journalist acquitted at first hearing

Mezopotamia Agency (MA) reporter Firat Can Arslan, who was arrested on charges of "targeting a public official involved in the fight against terrorism" for sharing on social media the HSK decree on the transfers of the prosecutor who prepared the indictment against his arrested colleagues and his wife, who was part of the panel that heard the case, was

acquitted in the first hearing held at Diyarbakır 4th Assize Court. Arslan, who was the first journalist to be arrested under Article 6 of the Anti-Terror Law, which came into force in 1991, had been held in isolation in Sincan Prison for 100 days.



The lawsuit filed against actress Hazal Kaya accused of "insulting" the perpetrator of rape

Ankara 9th Criminal Court of First Instance ruled that there was "no room for punishment" in the lawsuit filed against actress Hazal Kaya, who posted on social media to support her colleague Ezgi Mola, who was on trial for insulting Musa Orhan, the specialist sergeant

who raped 18-year-old İpek Er in Batman and drove her to suicide.



"Pride" movie case against BEKSAV

The trial of 8 people who were detained during the screening of the film "Pride" organized by the Science Aesthetics Culture Arts Research Foundation (BEKSAV) as part of Pride Month events, but banned by the District Governorate, on charges of "violating the Law on Meetings and Demonstrations No. 2911" started at

Istanbul Anadolu 45th Criminal Court of First Instance. The next hearing will be held on January 30.



Dilşah Kocakaya in solidarity with Özgür Gündem arrested

Writer Dilşah Kocakaya, who was sentenced to 1 year and 3 months in prison on charges of "terrorist organization propaganda" for an article she wrote in solidarity with Özgür Gündem newspaper, which was shut down by a decree with the force of law (KHK), was arrested after the Supreme Court of Appeals upheld the sentence.



Journalist Dinçer Gökçe detained

Dinçer Gökçe, Managing Editor of halktv.com.tr, was detained on charges of "publicly disseminating misleading information" due to the news article titled "Release decision for Turhan Döner and Emirhan Döner, accused of being gang leaders".



Teacher detained in Antalya

E.K., a literature teacher at a private educational institution, who said in his speech at the Republic Day ceremony in Antalya that the Republic was being tried to be destroyed and "those who are trying to make everyone believe in the fairy tale of the Turkish Century...", was detained on charges of "inciting and insulting the public to hatred and

hostility".



Leyla Güven's trial concluded with acquittal

The lawsuit filed against arrested Democratic Society Congress (DTK) Co-Chair Leyla Güven at Silopi Criminal Court of First Instance due to "inciting hatred and hostility among the public" for her speech at the commemoration of Taybet İnan, who was murdered during the curfew in Silopi district of Şırnak in 2015, ended in acquittal.



Investigations against journalists for "disinformation"

Istanbul Chief Public Prosecutor's Office launched an investigation against Bianet editor Evrim Kepenek for "publicly disseminating misleading information" and "inciting people to hatred and hostility" due to a social post about the earthquake. Ankara Chief Public Prosecutor's Office launched an investigation

against the newspaper's Editorial Coordinator Berkant Gültekin, Managing Editor Uğur Koç, and reporters İsmail Arı and Uğur Şahin on charges of "publicly spreading misleading information" due to the news articles published on BirGün newspaper's website with the headlines "Decision that will upset Erdogan: brake on looting" and "Billions of profits for AKP member's wife".



Free Web Turkey "2022 Internet Censorship Report"

Free Web Turkey's Internet Censorship report, which includes data for 2022, has been published. According to the data of the report; last year, access blocking decisions were made for at least 40 thousand 536 URLs, including 35 thousand 66 domain names, 3 thousand 196 news, 2 thousand 90 social media posts and 184 social media accounts. One thousand 770

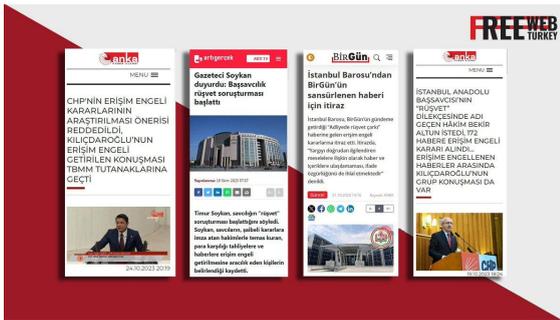
of the censored news items included allegations of irregularities against President Erdoğan and his family. In terms of domain name blocking, access bans imposed on opposition online newspapers on the grounds of "protecting national security" came to the fore.

Ulaşmaya çalıştığınız içerik, yargı kararıyla erişime engellenmiştir



Access ban on the article justifying journalist Şardan's arrest

Journalist Tolga Şardan's news report "What's in the 'judicial report' submitted by MİT to the Presidency?", which was used as grounds for his arrest, was blocked from access by Istanbul 1st Criminal Judicature of Peace upon the request of Istanbul Chief Public Prosecutor's Office.



News on "bribery ring" in the courthouse censored once again

News about the "bribery ring" allegations, which came to the agenda with the complaint filed by the Istanbul Anatolian Chief Public Prosecutor to the Council of Judges and Prosecutors about judicial officials issuing eviction and access blocking decisions in exchange for money, was once again blocked

from access. While a total of 248 news items were previously censored by the Istanbul 1st and 4th Criminal Judgeships of Peace, 162 more news items were blocked by the Istanbul 3rd Criminal Judgeship of Peace after the chief prosecutor's office launched an investigation into the allegations, the Istanbul Bar Association objected to the access ban decisions and Kılıçdaroğlu made a statement on the issue.



Ministry censored news on kidnapped child

News on the Ministry of Family Affairs handing over a Yazidi child to an ISIS family who had kidnapped him and put him up for sale, as well as censorship of various news reports on the issue, were blocked from access by the Ankara 4th Criminal Judgeship of Peace upon the request of the Ministry.



Protest ban in Kocaeli

Kocaeli Governorate banned all protests and events such as marches, press statements, leaflet distributions, etc. within the scope of the Ankara march organized by the Kurdish Language Movement Association to draw attention to the demands for Kurdish language rights for 7 days on the grounds of "ensuring national security, protecting public order and security and general public order".



TRIALS OF FREEDOM OF EXPRESSION

<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>Court: Bitlis 2nd Assize Court Verdict: The court ruled for the release of the journalist, who has been under arrest since April, on judicial control conditions and adjourned the hearing to February 6.</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>Court: Istanbul 3rd Assize Court Verdict: The next hearing will be held on January 30.</p>
<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>Court: Istanbul 22nd High Criminal Court Verdict: The next hearing will be held on January 25.</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>Court: Izmir 7th Criminal Court of First Instance Verdict: The next hearing will be held on December 6.</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>Court: Istanbul 23rd High Criminal Court Verdict: The next hearing will be held on February 12.</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>Court: Istanbul 2nd Criminal Court of First Instance Verdict: The next hearing will be held on February 29.</p>

<p>The lawsuit filed against 70 people, including a journalist, who were detained under torture during the Pride March organized at Boğaziçi University in 2022, on charges of "violating Law No. 2911 on Meetings and Demonstrations" and "resisting the police"</p> <p>Court: Istanbul 58th Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on February 23rd.</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>Court: Ağrı 2nd High Criminal Court</p> <p>Verdict: The next hearing will be held on December 19.</p>
<p>The lawsuit filed against 46 people who were detained during the 700th week meeting of Saturday Mothers demanding justice by staging sit-in protests at Galatasaray Square since 1995, due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>Court: Istanbul 21st Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on April 5.</p>	

HEARINGS NEXT WEEK

<p>The lawsuit filed against journalist Rabia Çetin, who was charged with "targeting people who took part in the fight against terrorism" and "insulting a public official" for sharing a tweet announcing that the father of Deniz Poyraz, who was murdered in the attack on HDP's Izmir office, was sued...</p> <p>Monday, November 6, Istanbul 23rd High Criminal Court</p>	<p>2020 Istanbul LGBTI+ Pride Week, the lawsuit filed against Gazete Kadıköy Managing Editor Semra Çelebi, who shared a rainbow flag on her social media account, due to "publicly insulting the signs of state sovereignty"...</p> <p>Monday, November 6, Istanbul Anatolia 10th Criminal Court of First Instance</p>
<p>The lawsuit filed against Cumhuriyet newspaper's Editor-in-Chief Mustafa Büyüksipahi and the newspaper's Managing Editor Mustafa Birol Güger, who were charged with "insulting a public official" due to the news on the awarding of the tender for state land in Bodrum to the company of Sedat Varank, the cousin of Minister of Industry and Technology Mustafa Varank...</p> <p>Tuesday, November 7, Istanbul 2nd Criminal Court of First Instance</p>	<p>The lawsuit filed against 22 people in total, including 20 journalists, 16 of whom were arrested during an operation in Diyarbakır in June, on charges of "illegal organization membership"...</p> <p>Thursday, November 9, Diyarbakır 4th High Criminal Court</p>
<p>The lawsuit filed against journalist Safiye Alağaç on charges of "terrorist organization", citing the news she wrote and JinNews' editorial policy as "evidence"...</p>	<p>The retrial of journalist Perihan Kaya, who was sentenced to 1 year and 3 months in prison for "making illegal organization propaganda" on the grounds of her social media posts, her</p>

<p>Thursday, November 9, Diyarbakır 5th Assize Court</p>	<p>membership to the Free Journalists Association, which was shut down by the State of Emergency Decree Law, her meetings with her colleagues and secret witness statements...</p> <p>Friday, November 10, Diyarbakır 10th High Criminal Court</p>
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