

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 44/23 - November 10, 2023)

### What happened last week?

- The Court of Cassation did not recognize the ruling of the Constitutional Court (AYM), which issued a violation verdict against Can Atalay, a detainee in the Gezi Park case who was elected as an MP, and filed a criminal complaint against the AYM members. It also decided to send a letter to the Grand National Assembly of Turkey (TBMM) to initiate the procedures for Atalay to be stripped of his parliamentary seat. While lawyers and the Bar Association described the decision as "an open rebellion against the constitutional order", the ruling front declared the Supreme Court of Appeals a "national judiciary"; Erdoğan's "chief lawyer" Mehmet Uçum said, "The Supreme Court of Appeals is a national judiciary and will be defended".
- The Constitutional Court rejected the application for the annulment of the so-called "Law on Combating Disinformation", but known to the public as the "Censorship Law". While the Constitutional Court found the regulation, which provides for imprisonment for the crime of "publicly disseminating misleading information", to be in accordance with the Constitution, press organizations said, "The law will swing over the press like the sword of Damocles. The Constitutional Court has confirmed that the separation of powers has been concentrated in a single hand.
- T24 writer Tolga Şardan, who was arrested on charges of "disinformation" due to his article on the MİT judiciary report, was released after his lawyers' appeal was accepted.
- In the annual report of the European Commission, it was emphasized that there are serious deficiencies in the functioning of Turkey's democratic institutions and it was stated that "Turkey continues to regress in the field of democratization". Reacting to the report, the Ministry of Foreign Affairs said, "We completely reject the baseless allegations and unfair criticisms, especially in the political criteria and the Judiciary and Fundamental Rights chapter... Making unfair allegations against our country on many issues in the field of fundamental rights, which are controversial even among member states, is a manifestation of the EU's insincere and double-standard approach."
- In the 2023 report of the International Institute for Democracy and Electoral Assistance, Turkey ranked 148th among 173 countries in the "rule of law" category. According to the report, Turkey is one of the four "undemocratic" countries in Europe, along with Azerbaijan, Belarus and Russia.
- At the CHP's 38th Ordinary Congress, Özgür Özel, who ran as a candidate against Kılıçdaroğlu, who has been the leader of the party for 13 years, was elected as the party's 8th chairman.
- According to official data; October inflation was announced as 61.36%, while according to the Inflation Research Group (ENAG) inflation was recorded as 126.18% in October.

- The price of 200 grams of bread in Istanbul increased by 23 percent to 8 liras.
- According to official data, a total of 4 million 643 thousand 986 migrants, 3 million 254 thousand 904 of whom are Syrians under temporary protection, live in Turkey.



### **Saturday Mothers' statement prevented again**

The ban imposed by the district governor's office on the protests of the Saturday Mothers for 28 years to ask the fate of their relatives who disappeared under custody and to bring the perpetrators to trial, despite the violation decision of the Constitutional Court, has been in effect for 29 weeks without interruption. The police prevented the press statement to be held this week as well. Relatives of the disappeared

were not detained this week and left carnations at Galatasaray Square. The police also prevented journalists and those observing on behalf of rights organizations. On the other hand, Van Governorate did not let this week go by without a ban on protests in the city in solidarity with the Saturday Mothers.



### **Lawsuit against journalists Faruk Eren and Furkan Karabay**

The trial of journalists Faruk Eren and Furkan Karabay, charged with "targeting people involved in the fight against terrorism" for a news article published on the Gerçek Gündem news website with the headline "Complained to the Constitutional Court Days Before: Presidential Candidate İrfan Fidan's 'Justice' Record", the trial of journalists Faruk Eren and

Furkan Karabay charged with "targeting people who took part in the fight against terrorism" started at Ankara 22nd Assize Court. The second hearing of the trial will be held on March 5.



### **Emine Ayna sentenced to prison**

Emine Ayna, former Co-Chair of the Democratic Regions Party (DBP) and former Diyarbakır MP, who was on trial for her speeches at protests and events between 2013 and 2016, was sentenced to 2 years and 6 months in prison by Diyarbakır 4th Assize Court on the charge of "making propaganda for an illegal organization".



### **"Insulting Erdoğan" lawsuit against petition**

A lawsuit was filed against 4 party members who distributed a leaflet prepared by the Left Party during the elections held in Bolu last May due to "insulting the President".



### **Lawsuit against journalist Barış Terkoğlu**

The trial of journalist Barış Terkoğlu, who was charged with "insulting a public official" due to his news articles and columns titled "How well-connected Fetöçüler are saved" and "Mr. Prosecutor, I'm coming, add this article" published in Cumhuriyet newspaper, started at Istanbul 2nd Criminal Court of First Instance.

The second hearing of the case will be held on February 22.



### **The case against journalist Ahmet Kanbal**

A lawsuit was filed against Mezopotamya Agency (MA) reporter Ahmet Kanbal, who was detained during house raids in Mardin on October 6, on charges of "making propaganda for an illegal organization" for sharing a news article published in Mezopotamya Agency.



### **Listened songs considered as evidence of crime**

A lawsuit was filed against 11 members and executives of Peoples' Democratic Party (HDP), 7 of whom are arrested, who were detained in Mersin in May, due to "illegal organization membership" on the grounds of

actions and events they attended as part of party activities, condolences they attended and social media posts. In the indictment accepted by Mersin 2nd High Criminal Court, Kurdish songs listened to were also accused.



### **Lawsuit against protest for murdered woman**

The first hearing of the lawsuit filed against 12 people, 10 of them women, including Pakistan's family, due to "violating Law No. 2911 on Meetings and Demonstrations" after the murder of a woman named Pakistan Demir in Dargeçit district of Mardin by Mehmet Emin

Öner, to whom she was married to an imam and against whom a restraining order had been issued several times, on the grounds of "removing her headscarf" was held at Dargeçit Criminal Court of First Instance. The case was adjourned to February 21.



### **Sentence against journalists upheld on appeal**

The appeal of journalists Ferhat Çelik and İdris Yayla, who were convicted on charges of "targeting people who took part in the fight against terrorism" due to the news article published in 2020 by Mezopotamya Agency (MA) with the title "The same prosecutor ordered the detention of journalists", which was published in 2020, about the prosecutor who

investigated the allegation that two citizens were thrown out of a helicopter in Çatak district of Van, also conducted the investigation against journalists who reported on this allegation, was rejected by the 2nd Criminal Chamber of Van Regional Court of Appeals.



### **Journalist Rabia Çetin acquitted**

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 İzmir office, was charged with "targeting people who took part in the fight against terrorism" and "insulting a public official", was

concluded with acquittal at Istanbul 23rd High Criminal Court.



### **Journalist Semra Çelebi acquitted**

2020 Istanbul LGBTI+ Pride Week, Gazete Kadıköy Managing Editor Semra Çelebi, who shared a rainbow flag on her social media account, was charged with "publicly insulting the signs of sovereignty of the state" at Istanbul Anadolu 10th Criminal Court of First Instance.



### **Journalist Sertaç Kayar acquitted**

The case against journalist Sertaç Kayar, who was charged with "insult" for his news report on corruption in rehabilitation centers in Diyarbakır, concluded with an acquittal at Erzincan 2nd Criminal Court of First Instance.



### **Ayten Öztürk acquitted**

The case against Ayten Öztürk, who was accused of "making propaganda for an illegal organization" on the grounds of her book "Resistance and Victory in Fascism's Secret Torture Houses" in which she described the torture she experienced, was concluded with an acquittal at Istanbul 28th High Criminal Court.



### **Compensation lawsuit against journalist Canan Kaya dismissed**

Media Corridor Concessionaire and Editor-in-Chief Canan Kaya was asked, "Demirören is nearing the end of the road: What did Ziraat Bank 'trustees' want? We explain with dates!", the lawsuit filed by Demirören Media Group against Kaya claiming

that her "commercial reputation was damaged and her personal rights were violated" was dismissed by Istanbul 39th Civil Court of First Instance.



### **Aysel Tuğluk detained**

Kurdish politician Aysel Tuğluk, who suffers from dementia, was detained on the grounds of an investigation against her on charges of "making propaganda for a terrorist organization" for her speech at a rally in Hakkari in 2012.



### **Investigation against Mahmut Alnak**

Kars Public Prosecutor's Office launched an investigation against Kurdish politician and rights defender Mahmut Alnak for "inciting people to hatred and hostility" and "making illegal organization propaganda" through his social media posts, including a post about his new novel "Immortal Love in Kurdistan".



### **District Governor's ban on environmentalists**

The signature campaign launched by Alaplı and Ereğli Environmental Volunteers, who reacted to the establishment of a slag plant by Kılıçlar Mining in Zonguldak, to have slag deemed as "hazardous waste" in line with the decision of

TÜBİTAK, was banned by the Ereğli District Governorate on the grounds that it was against public health, public security and the continuity of public order.



**'Violation of rights' ruling for access block**

The Constitutional Court (AYM) ruled that the ban on access to the news article titled "Response to 'mortar shell' from the police station: We are firing mortar shells as a test", the Constitutional Court ruled that the access ban imposed by the Ankara 5th Criminal Judgeship of Peace on the news article was a

violation of freedom of expression and press freedom.



**Access ban on news on MIT Director**

Upon Kalın's request, Istanbul 4th Criminal Judicature of Peace blocked access to 479 news articles containing allegations against İbrahim Kalın, the head of the National Intelligence Organization (MIT), including the claim that he is one of the sources in Turkey for a company that provides consultancy services to the Pentagon and the CIA.



**TRIALS OF FREEDOM OF EXPRESSION**

<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><b>Court:</b> Istanbul 2nd Criminal Court of First Instance  <b>Verdict:</b> The next hearing will be held on January 9th.</p>	<p>The lawsuit filed against 38 executives and members of the Federation of Law Solidarity Associations of Prisoners' Families (TUHAD-FED) and 11 lawyers from the Association of Lawyers for Freedom (ÖHD) due to their professional activities, association activities and press statements...</p> <p><b>Court:</b> Istanbul 14th High Criminal Court  <b>Verdict:</b> The next hearing will be held on February 8.</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><b>Court:</b> Diyarbakır 5th Assize Court</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><b>Verdict:</b> The next hearing will be held on February 22.</p>	<p><b>Court:</b> Diyarbakır 4th High Criminal Court <b>Verdict:</b> The next hearing will be held on February 1.</p>
<p>The lawsuit filed against arrested journalist Barış Pehlivan due to "publicly insulting a public officer" for his article titled "Nauseating story" published in Cumhuriyet newspaper in November 2022, which led to his probation being revoked and his imprisonment...</p> <p><b>Court:</b> Istanbul 2nd Criminal Court of First Instance <b>Verdict:</b> The final hearing will be held on November 16th.</p>	<p>The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters İsmi naz Temel and Havva Cuştan, Law Office of the Oppressed (EHB) lawyers Sezin Uçar and Özlem Gümüşt aş and Socialist Party of the Oppressed (ESP) members, on charges of "membership to an armed terrorist organization" and "making propaganda for an illegal organization"...</p> <p><b>Court:</b> Istanbul 27th Assize Court <b>Verdict:</b> The next hearing will be held on January 11th.</p>

## HEARINGS NEXT WEEK

<p>The lawsuit filed against journalist Merdan Yanardağ, accused of "insulting the President" due to his series of articles published in BirGün newspaper with the title "Fascism and Islamist Fascism"...</p> <p><b>Tuesday, November 14, Istanbul 2nd Criminal Court of First Instance</b></p>	<p>The lawsuit filed against Vice News reporters Philip John Pendlebury and Philip Gingell Hanrahan, who were detained in Diyarbakır in September 2015 and later deported, on charges of "aiding an illegal organization" and "propaganda"...</p> <p><b>Tuesday, November 14, Diyarbakır 8th High Criminal Court</b></p>
<p>The lawsuit filed against journalists Barış Pehlivan and Ozan Alper Yurtoğlu due to "insulting the President" and "insulting a public officer"...</p> <p><b>Thursday, November 16, Istanbul 15th Criminal Court of First Instance</b></p>	<p>The lawsuit filed against journalist Sedef Kabaş, who was accused of "insulting the President" due to her criticism of the vaccination policy during the pandemic and 25 tweets including the question "Where is the 128 billion dollars?"...</p> <p><b>Thursday, November 16, Istanbul Anatolia 2nd Criminal Court of First Instance</b></p>
<p>The lawsuit filed against Etkin News Agency (ETHA) editor Pınar Gayıp, who is accused of "illegal organization membership" due to her news reports...</p> <p><b>Thursday, November 16, Eskisehir 2nd Assize Court</b></p>	<p>The lawsuit filed against writer-poet Gökhan Yavuzel due to "making terrorist organization propaganda"...</p> <p><b>Thursday, November 16, Şanlıurfa 5th High Criminal Court</b></p>

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