

Think, think...



Freedom of Expression Weekly Newsletter (Issue 45/23 - November 17, 2023)

What happened last week?

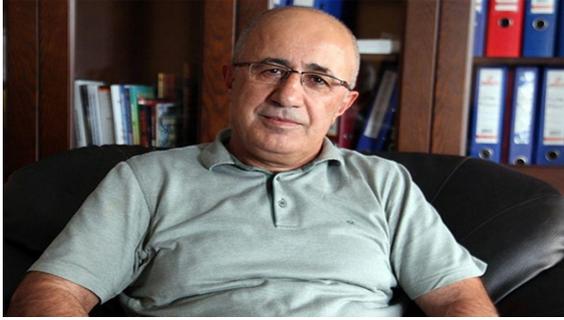
- The government, which does not hesitate to violate the Constitution at every opportunity and targets the Constitutional Court (AYM), turned the "judicial crisis" against the release of TIP MP Can Atalay into an opportunity and again brought up constitutional amendments. Regarding the Supreme Court's move, President Erdoğan said, "We are not a party to the debate, but a referee. If necessary, we will use all methods, including constitutional and legislative amendments, to prevent such a debate from arising again." MHP leader Bahçeli, the junior partner of the government, once again called for the dissolution of the Constitutional Court, saying, "The Constitutional Court is the gall and pain of the legal order."
 - The pro-government media outlet Yeni Şafak targeted Atalay by publishing photos of the Constitutional Court (AYM) members who ruled on his rights violation.
 - President Erdoğan said that the process to lift the immunity of MPs was moving slowly. There are 719 files on the parliamentary agenda, most of them belonging to HEDEP MPs.
 - Hrant Dink assassination assassin Ogün Samast was released on the grounds of "good behavior" after 16 years and 10 months of imprisonment.
 - Saturday Mothers gathered in Galatasaray Square for the first time in 5 years without any intervention and made a statement.
 - Alaattin Çakıcı, the leader of an organized crime organization, whom MHP leader Bahçeli said "He is my litigation friend", threatened HEDEP Kocaeli MP Ömer Faruk Gergerlioğlu.
 - MHP Deputy Chairperson İzzet Ulvi Yönter insulted and threatened journalist Alican Uludağ on social media for his post that he was a witness to the wedding of the daughter of one of the members of the 3rd Criminal Chamber of the Court of Cassation who did not implement the Constitutional Court's Can Atalay decision.
 - It was revealed that 5 of the 36 corruption files of the Istanbul Metropolitan Municipality, which revealed a total of 30 billion liras in public losses, were closed under former Interior Minister Soylu. The municipality administration appealed to the Council of State against the decision of the Ministry of Interior, which was signed by Soylu. The Ministry of Interior is silent on 31 corruption cases despite three years of silence....
 - In Turkey, where 46 percent of the working population earns minimum wage or less and the minimum wage is below the hunger limit, Minister of Labor Vedat Işıkhan claimed that "there are no people living in extreme poverty or below the hunger limit".
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Lawsuit against Istanbul Convention protest

7 women, including journalist Şehriban Alkış, who were beaten and detained for hanging a banner reading "Enough is Enough, Women Want Life Security" at the Istanbul Provincial Directorate of Family and Labor and Social Services in July 2020 to defend the Istanbul Convention, were sentenced to 8 months and 10 days in prison each on charges of "resisting

against duty". Istanbul 23rd Criminal Court of First Instance deferred the announcement of the verdict for 2 people and converted the prison sentences given to 5 people into 5,000 TL judicial fines each. The court acquitted the women on the charges of "violating Law No. 2911 on Meetings and Demonstrations" and "damaging public property".



Lawsuit against rights defender Aktar

The trial of rights defender and former President of the Diyarbakır Bar Association Mehmet Emin Aktar, who accompanied the police search of his detained colleague's office as a lawyer and shared the record of the unlawfulness on his social media account, on the charge of "targeting people who took part in the fight against terrorism" started at

Diyarbakır 5th Assize Court. The next hearing will be held on February 29.



Prosecutor deduces "organization membership" from bar association registration number

An indictment was prepared against S.Ş., one of the 25 lawyers detained in April as part of a Diyarbakır-based investigation, on charges of "being a member of an illegal organization".

S.Ş. is accused of having "organic ties with the organization" through his legal practice. The evidence against S.Ş. includes open witness testimony, his university diploma, bar association registration number and the people he represented. The first hearing of the case will be held at Diyarbakır 5th High Criminal Court on February 15.



Arrested journalist Barış Pehlivan released

In the hearing held at Istanbul 2nd Criminal Court of First Instance, journalist Barış Pehlivan, who was arrested due to a complaint filed against him by a member of the Supreme Court of Appeals based on an article in Cumhuriyet newspaper, had the case dismissed

due to the withdrawal of the complaint. After 3 months in prison, Pehlivan was released.



Lawsuit against journalist Neşe İdil

The trial of journalist Neşe İdil, accused of "making illegal organization propaganda" due to her social media posts, started at Istanbul 22nd Assize Court. The second hearing of the trial will be held on February 20.



The case against journalist Furkan Karabay

"Why did Muhammed Yakut threaten Erdoğan's lawyer Mustafa Doğan İnal?" published on Gerçek Gündem website in April. An indictment was issued in the armed attack with FETÖ Exchange allegations", the trial of journalist Furkan Karabay, who was accused of "slander" and "insult" against President Erdoğan's former lawyer Mustafa Doğan İnal, started at Istanbul 2nd Criminal Court of First

Instance. The second hearing of the case will be held on February 29.



Lawsuit against press statement for "insulting Erdoğan"

In 2021, 7 members of the Workers' Party of Turkey (TİP) were charged with "insulting the President" due to a press statement and slogans about the economic crisis and hikes in Adana. 6 people were acquitted in the case, while Adana 35th Criminal Court of First Instance sentenced Hakan Çayan, the party's Seyhan provincial chair, to 1 year and 2 months in prison on the

grounds of the press text he read. The sentence was postponed.



"Disinformation" case against journalist Candemir ends in acquittal

Van 6th Criminal Court of First Instance acquitted journalist Oktay Candemir of "publicly disseminating untrue information about the country's internal and external security, public order and public health in a manner likely to disrupt public peace" due to

his reporting on the sexual assault that took place in Van's Muradiye district last January, in which public officials were implicated.



Writer Gökhan Yavuzel convicted

Writer-poet Gökhan Yavuzel was convicted of "making propaganda for a terrorist organization" by Şanlıurfa 5th Assize Court. The court decided to defer the announcement of the verdict.



Academician Kutum acquitted for the second time after retrial for her post

Academician Hifzullah Kutum, who was tried and acquitted at Elazığ 2nd High Criminal Court due to "making illegal organization propaganda" for using the word "Kurdistan" in his social media posts, was acquitted again.



Journalist Yanardağ accused of insulting Erdoğan acquitted

The lawsuit filed against journalist Merdan Yanardağ, who was charged with "insulting the President" for his series of articles published in BirGün newspaper with the title "Fascism and Islamist Fascism", was concluded with acquittal at Istanbul 2nd Criminal Court of First Instance.



Artist on trial for a song she sang

Artist Şilan Emine Yüksekaya, who was sentenced to 1 year and 3 months in prison for "making illegal organization propaganda" due to the song she sang at the March 8 rally in Van in 2022, was retried at Van 2nd Assize Court after the Court of Appeal's reversal decision. The hearing was adjourned to January 16.



Court of appeal overturns poet Odabaşı's sentence for "insulting Erdoğan"

"Turkey is going to elections only to ensure that Recep Tayyip Erdoğan can tell the world and his opponents that I am not a dictator, that I was elected by the will of the people. I don't think there is any other reason." Yalova 2nd Criminal Court of First Instance sentenced poet

Yılmaz Odabaşı to 11 months and 20 days in prison on charges of "insulting the President"

for his 2018 social media post in which he said "I don't think there is any other reason." Odabaşı's sentence was overturned by the Court of Appeal on the grounds that the posts were within the scope of freedom of expression. Odabaşı was acquitted.



Court of appeal overturns "illegal organization propaganda" sentence of Chamber of Architects executives

In 2021, Chamber of Architects Ankara Branch Chair Tezcan Karakuş Candan and 4 chamber executives, who were sentenced to 1 year and 8 months in prison each for "making propaganda for an illegal organization" for giving an award to Jin TV for their news on nature destruction, hydroelectric power plants and mines, had their

sentences overturned by the Court of Appeals and were acquitted.



"House arrest" for lawyer who wrote about alleged bribery in judiciary

Lawyer Eyyup Akıncı, who was issued an arrest warrant based on his social media posts about alleged bribery at the courthouse, was sentenced to house arrest by Küçükçekmece 1st Criminal Judicature of Peace on the charge of "publicly disseminating misleading information", which was added to the criminal

code with the "censorship law".



Investigation against those detained during the Trans Pride March concluded with non-prosecution

The investigation against 9 people who were detained during the police attack on the 9th Trans Pride March in Istanbul in June was ruled as non-prosecution.



Protest bans

Bursa Governorate has banned all protests and events across the city for 7 days ahead of a march to draw attention to the isolation of PKK leader Abdullah Öcalan. Entry to the city from outside the province was also restricted. Referring to Bursa Governorate's ban, Diyarbakır Governorate also banned all protests and events related to the march for 4 days. On the other hand, Van Governorate did

not let this weekend pass by, banning all events and protests in the city for two days.



District Governorate bans festival concert

The concert to be held as part of the Cizre Culture and Art Festival was banned by Şırnak Cizre District Governorate. The hall where the concert was to take place was sealed and the children's art workshop organized as part of the festival was also banned by the district governorate.



Access bans

Censorship continues against the news on the "bribery ring in the courthouse", which was revealed by BirGün columnist Timur Soykan and brought to the public agenda with the letter sent by Istanbul Anatolian Chief Public Prosecutor İsmail Uçar to the Council of Judges and Prosecutors. With the decision of Istanbul 4th Criminal Judgship of Peace, 76 more news, articles, videos and posts on the

subject were blocked from access.

Bakırköy 2nd Criminal Judicature of Peace blocked access to news reports on the trial of journalist Barış Pehlivan due to his article about a member of the Supreme Court of Appeals and the alleged closure of the file of the Supreme Court of Appeals member accused of "abuse of office" and "establishing an organization".

News reports and social media posts on the explosion at Tosyalı Iron and Steel Factory, where 13 workers were injured and 1 worker lost his life, were banned from access by Hatay İskenderun 1st and 2nd Criminal Judgships of Peace.

News reports on the allegations of staffing in the Ministry of National Education were banned from access by Diyarbakır 2nd Criminal Judicature of Peace.

News about the bulletin published by the Capital Markets Board (SPK) on individuals/companies fined by the CMB was blocked from access upon the request of Naturel Energy, which was fined by the SPK. Rize Criminal Judicature of Peace claimed that the source of the news, the source of which is the bulletin published by the SPK, is uncertain and there is doubt about its accuracy.



TRIALS OF FREEDOM OF EXPRESSION

<p>The lawsuit filed against Vice News reporters Philip John Pendlebury and Philip Gingell</p>	<p>The lawsuit filed against journalist Sedef Kabaş, who was accused of "insulting the President"</p>
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<p>Hanrahan, their guide and interpreter, and Vice News reporters Philip John Pendlebury and Philip Gingell Hanrahan, who were detained and arrested in Diyarbakır where they had come to shoot a documentary during the curfews, and then deported, on charges of "aiding an illegal organization" and "propaganda"...</p> <p>Court: Diyarbakır 8th High Criminal Court Verdict: The next hearing will be held on February 21.</p>	<p>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>Court: Istanbul Anatolia 2nd Criminal Court of First Instance Verdict: The next hearing will be held on February 8.</p>
<p>The lawsuit filed against Eren Keskin, Reyhan Çapan, Hüseyin Aykol and Ayşe Batumlu Kaya, writers and executives of the shuttered Özgür Gündem newspaper, due to "public incitement to commit crime" and "terrorist organization propaganda"...</p> <p>Court: Istanbul 14th High Criminal Court Verdict: The next hearing will be held on February 20.</p>	<p>The lawsuit filed against 42 people who were beaten and detained during the 2nd Ankara Pride March in 2022 due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>Court: Ankara 52nd Criminal Court of First Instance Verdict: The next hearing will be held on January 31.</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>Court: Istanbul 15th Criminal Court of First Instance Verdict: The next hearing will be held on February 27.</p>	

HEARINGS NEXT WEEK

<p>The lawsuit filed against Ramazan Yurttapan, Managing Editor of Demokratik Modernite magazine, and editor Haydar Ergül, who were charged with "insulting the President" for the article titled "Neo-Ottomanism is the Most Corrupt Form of the Turkish State"...</p> <p>Tuesday, November 21, Istanbul 2nd Criminal Court of First Instance</p>	<p>The lawsuit filed against journalist Ayça Söylemez, accused of "targeting people who took part in the fight against terrorism" due to her article "Talented judge bey" published in Birgün Newspaper in February 2020 about the rise of Akın Gürlek, the then chief of the heavy criminal court and now Deputy Minister of Justice, in the judicial power.</p> <p>Wednesday, November 22, Istanbul 29th High Criminal Court</p>
<p>The lawsuit filed against journalist Rüstem Batum due to "insulting the President" and "inciting the public to hatred and hostility" through 20 Twitter posts he made in 2016 and 2018...</p> <p>Thursday, November 23, Istanbul 5th Criminal Court of First Instance</p>	<p>The lawsuit filed against journalist Baransel Ağca, who was charged with "insulting the President" for two social media posts he made in 2016 and 2021....</p> <p>Thursday, November 23, Istanbul 2nd Criminal Court of First Instance</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"...

Friday, November 24, Bursa 8th 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.**