

Think, think...



Freedom of Expression Weekly Newsletter (Issue 48/23 - December 8, 2023)

What happened last week?

- The Constitutional Court annulled the article regulating the charge of "committing a crime on behalf of an illegal organization without being a member of the organization" as unconstitutional. The high court justified its decision by stating that "those who are sentenced for this crime are punished with more prison sentences than those who are members of the organization, although it cannot be proven that they are members of the organization" and that it has a strong deterrent effect on fundamental rights such as freedom of expression, the right to organize meetings and demonstrations, or freedom of association or freedom of religion and conscience. The decision will take effect in four months.
 - According to official data, annual inflation rose to 62 percent. The Inflation Research Group (ENAG) calculated annual inflation at 129 percent.
 - The value of 200 liras, the largest banknote on the market, which was worth 135 dollars when it was introduced in 2009, fell below 7 dollars.
 - 79-year-old journalist Nazlı Ilıcak, who was sentenced to 2 years and 6 months in prison for an article she wrote in 2016, went to prison.
 - According to data shared by Utku Çakırözer, a journalist-oriented CHP MP, journalists appeared before judges 144 times in the last two months. 11 journalists were detained and 2 journalists were arrested.
 - The Council of State changed the sentences in only 3 articles in the lawsuit filed by press professional organizations against the Press Advertisement Agency on the lack of a legal basis for the distribution of official announcements and advertisements.
 - The Istanbul Chief Public Prosecutor's Office ruled "no prosecution" on the grounds that there was "no concrete evidence" in the criminal complaint regarding the theft and publication of personal data of citizens registered in the e-Government system.
 - In the 1993 Vartinis Case about the burning massacre of 9 members of the same family in 1993, the court decided to drop the case on the grounds of statute of limitations.
 - According to Bianet data, men killed at least 35 women and 8 children in November, while the deaths of at least 36 women were reported in the press as "suspicious".
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Case against arrested journalist Dicle Müftüoğlu

The trial of Dicle Müftüoğlu, Co-Chair of Dicle Fırat Journalists' Association (DFG), who was arrested for her journalistic activities, on charges of "being an illegal organization member" and "establishing and leading an illegal organization" started at Diyarbakır 5th Assize Court. The release request of the

journalist, who has been under arrest for 8 months, was rejected. The next hearing will be held on January 18.



The case against journalist Gözde Bedeloğlu

The trial of Gözde Bedeloğlu, the writer of BirGün newspaper, who was charged with "insulting a public official for his duty" for her article titled "Those who protect the state from yesterday to today" published on April 9, 2023, started at Istanbul 2nd Criminal Court of First Instance. The second hearing of the lawsuit filed upon the complaint of Nationalist

Movement Party (MHP) Gaziantep MP Sermet Atay will be held on February 22.



Conviction for journalist Yetkin Yıldız

On July 23, 2015, Yetkin Yıldız, the editor-in-chief of the shut-down aktifhaber.com, who was put on trial upon the complaint of then Interior Minister Efkan Ala for the news article titled "Fuat Avni shared striking messages on Twitter about the Suruç explosion", was sentenced to one year in prison by Bakırköy 31st Criminal Court of First Instance on the charge of "defamation". The

court ruled that there was no need for a verdict on the charge of "insult".



Case against protest ends in acquittal

The lawsuit filed against 46 university students and journalists Yağmur Kaya, Nebiye Arı and Hilal Işık, who were beaten and detained after the Governorate banned the protest they wanted to stage in Ankara to draw attention to the housing problem, was concluded with acquittal at Ankara 15th Criminal Court of First Instance.



"Las Tesis" case concluded with acquittal

The case against 24 women who were charged with "insulting the state" (Article 301 of the Turkish Penal Code) and "violating the Law on Meetings and Demonstrations No. 2911" for the demonstration organized in Izmir on December 15, 2019 as part of the "Las Tesis" protests against violence against women, which

started in Chile and spread across the world, ended in acquittal at Izmir 7th Criminal Court of First Instance.



Case against journalist Beritan Canözer dismissed

The Diyarbakır 10th High Criminal Court dismissed the second lawsuit filed against journalist Beritan Canözer for "being a member of an illegal organization", in which she had previously been tried and acquitted, on the grounds that it was a "duplicate trial". The journalist was released after 58 days in pre-trial detention in this second case.



Conviction of journalist Faruk Arhan

Journalist Faruk Arhan was sentenced to 354 days in prison within the scope of "insult" for calling former MP Zehra Taşkesenlioğlu, who came to the agenda with bribery allegations, a "thief" in a post on his social media account. Ankara 25th Criminal Court of First Instance converted the prison sentence into a fine of 7,80 TL.



Convicted filmmaker Özay Şahin's appeal was rejected

The appeal of cinematographer Özay Şahin, who was sentenced to 25 months in prison by the Istanbul 21st High Criminal Court for "terrorist organization propaganda" and "aiding the organization" based on his films and documentaries, was rejected by the 3rd Criminal Chamber of the Istanbul Regional Court of Appeals.



Lawsuit filed against earthquake post under "Censorship Law"

A lawsuit was filed against sociologist Veli Saçılık, who was dismissed from his public job in 2016 with the Decree Law (KHK), for sharing 2 separate videos from the earthquake zone, under the "disinformation law". The prosecutor's office claimed that "from the first moment of the earthquake, the state, hand in hand with the nation, delivered all aid to the

earthquake zone" and accused Saçılık of "publicly spreading misleading information".



Detained journalists

Furkan Karabay, editor of the Gerçek Gündem website, which has been reporting on recent allegations of bribery and corruption in the judiciary and publicizing them on social media, was detained. The journalist, against whom Justice Commission Chairman Bekir Altun, who came to the public agenda with the letter sent by Istanbul Anatolian Chief Public

Prosecutor İsmail Uçar to the High Council of Judges and Prosecutors, filed a complaint for "slander" and "insult", was released by the court on judicial control conditions. On the other hand, journalist İrfan Uçar was also detained due to "illegal organization membership" allegations. The journalist, whose professional activities and meetings with his colleagues were charged as "criminal offenses", was released by the court with a ban on leaving the country.



Investigation against the executive of the Left Party

Two separate investigations were launched against SOL Party Spokesperson Önder İşleyen on charges of "insulting the state" and "insulting the President" based on his writings and speeches.

Blocked news articles

The censorship of news about the bribery ring in the courthouse, which was revealed with the letter of Istanbul Anatolian Chief Public Prosecutor İsmail Uçar to the Council of Judges and Prosecutors, continues. While a total of 664 news articles were banned with 8 different decisions, this week new ones were added to the banned news articles with the

decision of Istanbul 6th Criminal Judgeship of Peace.

Istanbul Anatolian 2nd Criminal Judicature of Peace ordered the names of Binali Yıldırım and his son Erkam Yıldırım to be deleted from social media posts published by journalist Metin Cihan about Erkam Yıldırım's ships making shipments to Israeli ports while Gaza was being bombed.

Istanbul Anatolian Anatolian 2nd Criminal Judicature of Peace decided to remove the name of Abdulkadir Karagöz, the husband of Erdoğan's nephew, from the news reports on the appointment of names including President Erdoğan's relatives, AKP politicians and presidential advisors to the board of trustees of Boğaziçi University Foundation (BÜVAK).



TRIALS OF FREEDOM OF EXPRESSION

<p>The lawsuit filed against journalist Abdurrahman Gök, who was accused of "illegal organization membership" and "making illegal organization propaganda" through his news reports and journalistic activities and the payment of social security premiums from Mezopotamya Agency...</p> <p>Court: Diyarbakır 5th High Criminal Court Verdict: The court ruled for the release of the journalist, who has been under arrest for 225 days, and adjourned the hearing to March 12.</p>	<p>The lawsuit filed against documentary director Sibel Tekin due to "illegal organization membership" after she was reported and arrested while shooting for her documentary "Life Starting in Darkness" about the permanent daylight saving time...</p> <p>Court: Ankara 26th High Criminal Court Verdict: The next hearing will be held on January 16.</p>
<p>The lawsuit filed against journalist-writer Ahmet Altan, who was accused of "insulting" Yalçınkaya, the then Chief Public Prosecutor of the Court of Cassation, on the grounds of his column titled "Preparing for a coup or shutting down Kemalism" published in Taraf newspaper in 2008...</p> <p>Court: Istanbul Anatolia 2nd Criminal Court of First Instance Verdict: The case was dismissed on the grounds that the statute of limitations had expired.</p>	<p>On March 15, 2022, Cumhuriyet newspaper published a news article titled "Criminal complaint against Gaziantep Governorship: Corruption and bribery network revealed" published in Cumhuriyet newspaper on March 2022. The lawsuit filed against reporter Nagihan Yılkin and the newspaper's then Editor-in-Chief Mustafa Büyüksipahi for "insulting a public official"...</p> <p>Court: Istanbul 2nd Criminal Court of First Instance Verdict: The next hearing will be held on February 15.</p>
<p>The lawsuit filed against journalist İsmail Saymaz, who wrote about the allegations against the wife of Murat Bircan, the judge who signed the conviction decisions in the Gezi Trial, due to "insult" and "targeting people involved in the fight against terrorism"...</p>	<p>The lawsuit filed against Editor-in-Chief Julien Serignac, Editor-in-Chief Gerard Biard, Editor-in-Chief Laurent Sourisseau, Editor-in-Chief Laurent Sourisseau and cartoonist Alice Petit for "insulting the President" over the October 28, 2020 issue of the French satirical magazine Charlie Hebdo</p>

<p>Court: Istanbul 24th High Criminal Court Verdict: The prosecutor asked for the journalist to be punished for "targeting" and acquitted of "insult". The hearing was adjourned to January 23.</p>	<p>featuring a cartoon of President Erdoğan...</p> <p>Court: Ankara 2nd Criminal Court of First Instance Verdict: The next hearing will be held on May 23.</p>
<p>The lawsuit filed against former Yeni Yaşam newspaper Managing Editor Osman Akın and columnist Veysi Sarısözen due to "making illegal organization propaganda"...</p> <p>Court: Istanbul 13th High Criminal Court Verdict: The next hearing will be held on April 3.</p>	<p>The lawsuit filed against 16 people who were detained during the commemoration event organized in Istanbul on the anniversary of the Suruç Massacre due to "opposing the Law on Meetings and Demonstrations" and "resisting to prevent the execution of duty"...</p> <p>Court: Istanbul Anatolian 69th Criminal Court of First Instance Verdict: The next hearing will be held on May 23.</p>
<p>The trial, which continues with the merging of 10 lawsuits filed against arrested former HDP Co-Chair Selahattin Demirtaş due to "publicly insulting the government and state organs" through his speeches at rallies and events organized in 2015 and 2016...</p> <p>Court: Mersin 14th Criminal Court of First Instance Verdict: The next hearing will be held on May 15.</p>	

HEARINGS NEXT WEEK

<p>The retrial of Ayşegül Doğan, the Program Coordinator of İMC TV and the host of the "Gündem Müzakere" program, who was convicted on charges of "illegal organization membership" in the case she was tried for her interviews with the executives of the Democratic Society Congress (DTK) and the events she participated in as part of her journalistic activities, after the Court of Appeal's reversal decision...</p> <p>Monday, December 11, Diyarbakır 9th Assize Court</p>	<p>The lawsuit filed against 24 people, including JinNews reporter Öznur Değer, who were detained during the "We Can't Make ends meet" protest organized by Ankara Labor and Democracy Forces in 2021, due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>Monday, December 11, Ankara 18th Criminal Court of First Instance</p>
<p>Immediately after the February 6 earthquake, the lawsuit filed against journalist Hasan Sivri for "publicly disseminating misleading information to the public" after he shared the images he took in Antakya on his social media account with the expressions "Let them take note, these are the ones we took note of with evidence"...</p>	<p>The lawsuit filed against 31 people including Jiyan News Managing Editor Sonya Bayık, who were detained during the press declaration of Peoples' Democratic Party (HDP) Youth Assembly members on June 12, 2019, demanding a halt to the water-holding process of Ilisu Dam which will submerge Hasankeyf, on the charge of "violating the Law on Meetings and Demonstrations"...</p>

<p align="center">Tuesday, December 12, Ankara Criminal Court of First Instance</p>	<p align="center">Tuesday, December 12, Batman 1st Criminal Court of First Instance</p>
<p>On April 30, 2020, the lawsuit filed against journalist Metin Cihan, accused of "insulting" President Erdoğan's son-in-law Berat Albayrak in a social media post....</p> <p align="center">Tuesday, December 12, Istanbul 36th Criminal Court of First Instance</p>	<p>The lawsuit filed against Fırat Bulut, a journalist reporting from the earthquake zone, due to "spreading misleading information to the public" through his social media posts...</p> <p align="center">December 12, Tuesday, Elbistan (Kahramanmaraş) 2nd Criminal Court of First Instance</p>
<p>The lawsuit filed against journalist Sibel Hürtaş, who was prevented from following the demonstration of bar association presidents in the garden of the Parliament to protest the Multiple Bar Association Law and was beaten and detained, due to "resisting to prevent the execution of duty" upon the complaint of the police officers...</p> <p align="center">Wednesday, December 13, Ankara 37th Criminal Court of First Instance</p>	<p>On May 14, the lawsuit filed against journalist Ahmet Kanbal, who was charged with "publicly disseminating misleading information" for his social media post about the ballot box that was not heard from for a while in Mardin during the elections...</p> <p align="center">Wednesday, December 13, Mardin 1st Criminal Court of First Instance</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 align="center">Thursday, December 14, Batman 2nd High Criminal Court</p>	<p>The lawsuit filed against arrested journalist Sedat Yılmaz on charges of "membership in an illegal organization" and "establishing and leading an illegal organization"...</p> <p align="center">Thursday, December 14, Diyarbakır 4th High Criminal Court</p>
<p>The lawsuit filed against Etkin News Agency (ETHA) Editor Pınar Gayıp due to "membership in an illegal organization"...</p> <p align="center">Thursday, December 14, Eskisehir 2nd High Criminal Court</p>	

All news of the week is available at dusun-think.net;
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