

Think, think...



Freedom of Expression Weekly Newsletter (Issue 50/23 - December 22, 2023)

What happened last week?

- Constitutional Court President Zühtü Arslan said that the main function of the judiciary and the law is to secure the rights and freedoms of the individual and emphasized that "there can be no remote-controlled judiciary or judges."
 - The Constitutional Court, whose ruling on the "violation of rights" and release of imprisoned MP Can Atalay was not recognized by the Court of Cassation, issued a second violation of rights verdict against Atalay. Following the second ruling, Istanbul 13th High Criminal Court announced that it would wait for the reasoned verdict on Atalay's release application.
 - "We do not find the claim that our country is far behind in the rule of law index to be true... Currently, there is no one in our prisons due to their journalistic activities," Minister of Justice Yılmaz Tunç said, arguing that they have implemented regulations to strengthen freedom of expression. However, the data contradicts the minister; according to the Journalists' Union of Turkey (TGS), 13 journalists are currently imprisoned in Turkey. According to the Media and Law Studies Association (MLSA), 37 journalists and media workers are in prison, including at least 13 convicts. According to the Dicle Fırat Journalists Association (DFG), the number is 62.
 - The Information and Communication Technologies Authority (BTK) blocked access to 16 VPN services, including Proton, TunnelBear, Hotspot Shield and Zen, without any judicial decision.
 - Within the scope of the ÇEDES project signed between the Ministry of National Education, the Ministry of Religious Affairs and the Ministry of Youth and Sports, religious officials assigned as 'spiritual counselors' provided 'values education' to all students, including pre-school students, and "etiquette" and "family in Turkish social life" courses were added to secondary education curricula.
 - The Central Bank of the Republic of Turkey raised its policy rate by 250 basis points from 40 percent to 42.5 percent.
 - Celalettin Can, the spokesperson of the 78'ers Initiative, journalist and writer Celalettin Can, who was convicted and imprisoned for publishing a daily editorial in solidarity with Özgür Gündem Newspaper, was released after 110 days. Can's right to probation had been usurped during his imprisonment and his health condition had become increasingly serious.
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The case against Emine Şenyaşar for demanding justice

Emine Şenyaşar, whose husband and two sons were murdered by the bodyguards and relatives of AKP MP İbrahim Halil Yıldız, was sentenced to a fine of 1,700 TL at Urfa 3rd Criminal Court of First Instance for insulting Yıldız. The court deferred the announcement of

the verdict. Since March 9, 2021, when Şenyaşar started the Justice Watch for her murdered husband and children, 31 investigations have been initiated against her on similar charges, 10 of which have turned into lawsuits.



The lawsuit against the "Cow Feast"

Ankara 68th Criminal Court of First Instance started the trial of 10 students who took part in the 2022 organization of the "Cow Feast", a tradition of Ankara University Faculty of Political Sciences (Mülkiye) for nearly 90 years, and who became a representative "imam" to recite the "Cow Prayer", on charges of "publicly insulting religious values adopted by a section of the public" and "insulting the

President". The second hearing of the case will be held on May 14.



The case against journalist Hasan Sivri

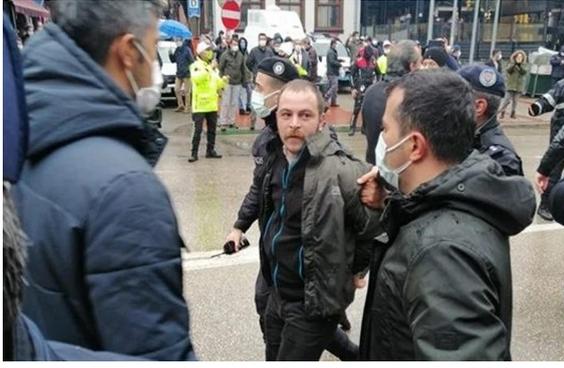
Immediately after the February 6 earthquake, journalist Hasan Sivri shared the footage he took in Antakya on his social media account with the phrase "Let them take note of it, these are the ones we took note of with evidence." The lawsuit filed against journalist Hasan Sivri at Ankara 33rd Criminal Court of First Instance on charges of "publicly disseminating misleading information to the public" ended in

acquittal at the first hearing.



Journalist Suat Toktaş on trial

Ankara 39th Criminal Court of First Instance acquitted former Halk TV Editor-in-Chief Suat Toktaş, who was charged with "insulting a public official" due to news reports on Hamit Kocabey, a former member of the Council of Judges and Prosecutors (HSK) who allegedly resigned on the instructions of MHP leader Devlet Bahçeli.



Case against Bosphorus protest

The trial of 16 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", is concluded with acquittal at Bursa Penal Court of First Instance No 8.



Lawsuit against artist Pınar Aydınlar

The case against folk music singer Pınar Aydınlar, who was charged with "making propaganda for an illegal organization" due to the folk songs she sang at the 10th Munzur Culture and Nature Festival in 2010 and her speech about İbrahim Kaypakkaya, was concluded with an acquittal at Tunceli 2nd Assize Court.



Lawyer who mentioned Akın Gürlek in his letter sentenced to 15 months in prison

Edirne 2nd Criminal Court of First Instance sentenced lawyer Aytaç Ünsal, who is currently in Edirne F Type Prison due to his 10 year and 6 month prison sentence in the Contemporary Lawyers Association case, to 15 months in prison on the charge of "insulting a public official for his duty" for mentioning Akın Gürlek, who presided the court in the case he

was on trial and was later appointed Deputy Minister of Justice, in his letters to his wife and a colleague in other prisons.



Berat Albayrak sues T24 for compensation

Berat Albayrak, President Erdoğan's son-in-law and former Minister of Treasury and Finance, filed a lawsuit against Mehmet Yakup Yılmaz's article "Berat Bey's friends won, we lost" published on T24. Albayrak had previously blocked access to the article, which was about oil shipments from the Iraqi Kurdistan Regional Government for which Turkey was sentenced to 1.5 billion dollars in

compensation, on the grounds that it "violated his personal rights".



MKM's 32nd anniversary concert banned

Istanbul Küçükçekmece District Governorate banned the concert organized by the Mesopotamia Cultural Center (MKM) for its 32nd anniversary on the grounds of "public order". Thus, events organized on the anniversary of MKM's foundation have been banned for the last three years without

interruption.



Homophobic censorship of "My Child" documentary

The screening of the documentary "Benim Çocuğum" (My Child) by Boğaziçi University Cinema Club (BÜSK) on December 19, which tells the story of parents whose children are LGBTI+ and is directed by Can Candan, an academic who was prevented from lecturing at Boğaziçi University, was prevented by the university administration. The screening of the

documentary was also prevented in 2022, the club was banned from operating for a month on the grounds that it "violated the rules for organizing events" and the club's board of directors was dismissed.



2022 Twitter Access Block Report

Freeweb Turkey published the ["2022 Twitter Access Ban Report"](#) was published. According to the report; in 2022, access to at least 4,427 Twitter content, including 487 Twitter accounts and 3,940 tweets, was blocked by 393 court orders. Mostly tweets containing allegations of irregularities against public officials and criticisms against them were censored, while three out of every four tweets were blocked on the grounds of "violation of personal rights". On the other hand, 1,31 tweets were censored on the grounds of "protection of national security and public order".



Access block to our news

The news published on our website about the censorship of the news on the tenders received by the company owned by businessman Kamil Biçici from the state by the decision of Batman 2nd Criminal Judgeship of Peace, "Access to the news on the tenders received by the

company known to be close to the Menzil Community" was blocked from access by the same criminal judgship of peace.



Access ban on Susurluk Report

Media mogul Turgay Ciner has obtained an access blocking order for 200 news articles in which his name is mentioned, including allegations of irregularities against him. The content censored by the Istanbul 7th Criminal Judgship of Peace includes the "Susurluk

Report" prepared by the Prime Ministry.



MLSA 2023 Case Monitoring Report

The Media and Law Studies Association (MLSA) has compiled data from 233 freedom of expression and freedom of the press trials in 20 provinces in the last year. 655 students, 329 activists, 314 journalists, 241 politicians and 314 journalists were sentenced to 217 years, 8 months and 20 days of imprisonment in 32 of these cases, including 23 journalists and 116

defendants. In 6 cases, 12 defendants were sentenced to a judicial fine of 75,126 TL, while in 59 cases the defendants were acquitted. Click [here](#) for the full text of the report...



TRIALS OF FREEDOM OF EXPRESSION

<p>The lawsuit filed against Democratic Modernity magazine editor Haydar Ergül and 21 Kurdish politicians due to "terrorist organization membership"...</p> <p>Court: Istanbul 22nd High Criminal Court Verdict: The next hearing will be held on March 14.</p>	<p>The lawsuit filed against artist Ferhat Tunç, who was accused of "insulting" then Prime Minister Binali Yıldırım for his social media posts in 2016...</p> <p>Court: Büyükçekmece (Istanbul) 16th Criminal Court of First Instance Verdict: The next hearing will be held on April 3.</p>
<p>The lawsuit filed against Abdullah Kaya, Ağrı correspondent of the shut-down Dicle News Agency (DIHA), 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 Verdict: The next hearing will be held on December 28.</p>	<p>The lawsuit filed against Halkevleri Chair Nebiye Merttürk, who was charged with "insulting the President" for her social media post...</p> <p>Court: Ankara 70th Criminal Court of First Instance Verdict: The next hearing will be held on March 28.</p>

<p>The lawsuit filed in 2015 against journalist Rüstem Batum, who was charged with "publicly denigrating the military and security organization of the state" (Article 302 of the Turkish Penal Code) based on his speech in a program on İMC TV...</p> <p>Court: Istanbul 43rd Criminal Court of First Instance</p> <p>Verdict: The next hearing will be held on May 7.</p>	<p>The lawsuit filed against the members and executives of the Religious Scholars Assistance and Solidarity Association (DİAYDER) for giving sermons and sermons in Kurdish on charges of "illegal organization membership" and "aiding the organization"...</p> <p>Court: Istanbul 14th High Criminal Court</p> <p>Verdict: The next hearing will be held on March 7.</p>
<p>The lawsuit filed against 8 union executives, including Health and Social Service Workers' Union (SES) Co-Chair Selma Atabey and former Co-Chair Gönül Erden, due to "illegal organization membership" and "making illegal organization propaganda"...</p> <p>Court: Ankara 22nd High Criminal Court</p> <p>Verdict: The next hearing will be held on April 18.</p>	

HEARINGS NEXT WEEK

<p>The lawsuit filed against Mehmet Göçekli, Editor-in-Chief and Concessionaire of the news portal, who was charged with "making illegal organization propaganda" based on his social media posts and news published on the website Demokrat Haber...</p> <p>Tuesday, December 26, Istanbul 27th High Criminal Court</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, December 28, Ağrı 2nd High Criminal Court</p>
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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.