

Think, think...



Freedom of Expression Weekly Newsletter (Issue 38/23 - September 29, 2023)

What happened last week?

- The Court of Cassation upheld five convictions in the [Gezi Trial](#) and overturned three others. *Details in the bulletin...*
- In the context of the upcoming local elections, President Erdoğan promised young voters mobile phones, internet quota support and financial support for young people getting married. Erdoğan said he would create a new banking sector to encourage young people to get married.
- MHP leader Devlet Bahçeli, the junior partner of the ruling party, 'stood by' former interior minister and AKP deputy Süleyman Soylu, who was linked to arrested criminal organisation leader Ayhan Bora Kaplan, and said, "The Nationalist Movement Party is behind Soylu to the end."
- The Interior Ministry said it was not responsible for the leak of the personal data of citizens registered in the e-Government system and that the organisations with which the data was shared were not responsible for protecting the data.
- Stating that the number of people infected with the Eris variant virus may increase, but this does not mean a serious picture, Health Minister Fahrettin Koca said, "We will not bow to the global Covid vaccine pressure" regarding the current Covid-19 vaccines that protect against new variants. Experts, on the other hand, described Koca's remarks as 'unscientific' and 'dangerous' and called on the authorities to refrain from statements that would create public scepticism about vaccines.
- The Council of Europe once again called on Turkey to fulfil the ECtHR judgements on Osman Kavala and Selahattin Demirtaş. While the Committee did not announce any sanctions plans under the 'infringement procedure' launched last year, it merely reminded Turkey of its obligations.
- Kaos GL Association has cancelled the public service announcement titled "Hand in hand against discrimination, oppression, violence and hatred", which was published for its 29th anniversary, due to insults and death threats against the company that shot the film and the actors in the film. [Details...](#)
- The Grand Chamber of the European Court of Human Rights (ECtHR) ruled that Turkey violated "fair trial", "unlawful punishment" and "freedom of association" in the case brought by teacher Yüksel Yalçınkaya, who was convicted on charges of using ByLock, having a Bank Asya account and the testimony of a secret witness. The judgement sets a direct precedent for 8,500 similar cases on the ECtHR agenda.
- A.E.S., 17, who was arrested for "insulting Atatürk", was sentenced to imprisonment up to 3 years for "publicly insulting Atatürk's memory".
- In the Global Organised Crime Index 2023 report, Turkey ranked as the country with the highest number of crimes committed in Europe. State-linked criminal actors and human trafficking were also included in the findings. Turkey ranked 14th out of 193 countries in the world in the report, which stated that various mafia groups have

established close ties with the government and other politicians to provide protection from the police and judiciary.



Court of Cassation's decision on Gezi Trial

The 3rd Criminal Chamber of the Court of Cassation upheld the life sentences given to Osman Kavala and 18 years each to Can Atalay, Tayfun Kahraman, Çiğdem Mater and Mine Özerden, and overturned the convictions of Mücella Yapıcı, Yiğit Ali Ekmekçi and Hakan Altınay. Yapıcı and Altınay, who are currently under arrest, were released. In the case, which had previously resulted in acquittal

but at the end of the second trial, heavy prison sentences were given even though no new evidence was presented to the file, the Court of Cassation went further than the local court's decision and argued that Atalay and Kahraman, who were convicted of "aiding the attempt to overthrow the government", should be sentenced to "life imprisonment" like Kavala. The court ruled that the actions of the 3 people should be evaluated within the scope of "opposition to the Law on Meetings and Demonstrations", not within the scope of "aiding the attempt to overthrow the government of the Republic of Turkey".



IHD announces rights violations report for 2022

Human Rights Association (IHD) announced the Human Rights Violations in Turkey Report for the year 2022. According to the report, 1452 people were subjected to torture and ill-treatment in detention, 2947 people outside detention centres and 553 people were subjected to torture and ill-treatment during

social demonstrations. Under the heading "Violations against Freedom of Expression", the Association identified 1469 cases against 1475 people. In 342 finalised cases, 269 people were sentenced to a total of 1886 years, 11 months and 22 days in prison and 53 people were fined 650,232 TL. 351 people in 66 cases were acquitted. During the one-year period, 76 new investigations were initiated against 308 people. During 2022, 25 rights defenders, members and executives of associations, were detained, 1 of them was arrested. While 7 lawsuits were filed against rights defenders, the number of ongoing lawsuits against Eren Keskin, co-chair of the association, increased to 125. Law enforcement intervened in 571 meetings and demonstrations throughout the year. 25 separate investigations were opened against 119 people due to peaceful demonstrations, and 1195 people were put in the dock in 59 separate cases. In these cases, 42 people were fined 47,945 TL and 197 people were acquitted in 13 cases.



Censorship at the Golden Orange Film Festival

Director Nejla Demirci's documentary "Kanun Hükümü", about the struggle of two dismissed public employees, was removed from the programme of the 60th Antalya Golden Orange Film Festival on the grounds that "a judicial process is ongoing against one of the people in the documentary". Reminding that the documentary was banned while it was in the

process of production and that the Constitutional Court evaluated the work within the framework of freedom of expression, freedom of science and art and decided to pay compensation, Demirci described the practice as "unlawful" and emphasised that the decision of the festival management was "censorship". On the other hand, the jury members of the festival announced that they would not fulfil their duties if the documentary was not taken back into the selection, stating that "this view and censorship that looks for criminal elements in films is unacceptable". Directors and producers also stood against censorship. 27 films in the programme were withdrawn from the festival. Following the reactions, the festival management took the documentary "Kanun Hükümü" back into the competition selection. Following the withdrawal of the film, the Ministry of Culture and Tourism announced its withdrawal from the festival. Immediately afterwards, the festival management announced that the film was again excluded from the selection.



Saturday Mothers detained again

Despite the Constitutional Court's ruling on the violation of the Constitutional Court's decision, the ban imposed by the district governor's office on the protests of the Saturday Mothers, which they have been organising for 28 years to ask the fate of their relatives who disappeared under custody and to bring the perpetrators to trial, continues. The police attacked the demonstration again this week and

detained 28 rights defenders under beatings. On the other hand, Van Governorate did not let this week go by idle and declared a 2-day protest ban before the protest to be organised in solidarity with the Saturday Mothers.



Former MP Selma Irmak sentenced to prison

In 2015, former Peoples' Democratic Party (HDP) MP Selma Irmak was sentenced to 2 years and 11 months for "insulting the President" and 1 year and 3 months for "publicly humiliating the government", for a total of 4 years and 2 months by Diyarbakır 1st

Criminal Court of First Instance.



Academic retried after appeal decision

The retrial of academician Hifzullah Kutum, who was tried and acquitted on charges of "making illegal organisation propaganda" due to his social media posts containing the words "Kurdish" and "Kurdistan", started at Elazığ 2nd High Criminal Court. The hearing was adjourned to 16 November.



Journalist Gültekin faces imprisonment for "insulting Erdoğan"

The investigation against journalist Levent Gültekin, who was accused of "insulting the President" due to his speech on a television programme, was completed. In the indictment prepared by Istanbul Bakırköy Chief Public Prosecutor's Office, the journalist was asked to be imprisoned for up to 4 years and 8 months.



PSAKD executives on trial

The trial of Pir Sultan Abdal Cultural Association (PSAKD) Sarıyer Branch President Beyhan Gün and Branch Secretary Şimal Deniz, who were detained and arrested in December, was held at Istanbul 14th High Criminal Court. After the hearing, the police attacked the statement organised in front of the courthouse to react to the rejection of the

release demands of the two names, and 8 people, including PSAKD President Cuma Erçe, were detained.



Lawsuit against journalist Gökay Başcan

The lawsuit filed against Birgün newspaper editor Gökay Başcan due to the news article on the law amendment authorising the Environment Agency, established under the auspices of Emine Erdoğan, to transfer coastal areas to private companies, was held at Istanbul 17th Criminal Court of First Instance. The trial

of the journalist charged with "insult" will continue on 28 March.



Journalist Eren Tutel on trial

Eren Tutel, sports editor of BirGün newspaper, who was charged with "insulting a public official" based on his news reports on the Turkish Wushu Federation, was sentenced to a total judicial fine of 8,840 TL at Istanbul 2nd Criminal Court of First Instance. The court deferred the announcement of the judgement.



Women on trial for participating in Feminist Night March acquitted

17 women who were charged with "insulting the President" and "violating the Law on Meetings and Demonstrations No. 2911" for the slogans they chanted during the Feminist Night March in Taksim, Istanbul on 8 March 2021, were acquitted in the case at Istanbul Penal Court of First Instance No 10.



HDP executives sentenced to imprisonment

5 people, including Peoples' Democratic Party (HDP) Bursa former provincial co-chairs Aynur Yılmaz and Mehmet Akbaş and journalist Emrah Çaçan, who were tried and acquitted due to their press statements and social media posts but retried by Bursa 8th Assize Court upon the decision of the Court of Appeal, were

sentenced to 1 year and 6 months each for "making illegal organisation propaganda".



Lawsuit against book on torture

Ayten Öztürk, who was detained in Lebanon in 2018 and was allegedly subjected to torture for 6 months while being interrogated by the National Intelligence Organisation (MIT), was put on trial for her book "Resistance and Victory in the Secret Torture Houses of Fascism". The hearing of the trial held at Istanbul 28th High Criminal Court on the

charge of "making propaganda for an illegal organisation" was adjourned to November.



Investigation against journalist Candemir for "not celebrating the national team"

An investigation was launched against journalist Oktay Candemir for his post about the Turkish Women's National Volleyball Team. The journalist wrote: "When Turkey democratizes by accepting the existence and language of Kurds, then we will congratulate the success of the national volleyball team. But not now... What has changed in this country so that we can say 'Bravo' with a sense of belonging," the journalist is charged with "inciting the public to hatred and hostility".



"Scenario case" against ÇHD President Kozağaçlı concluded with acquittal

The lawsuit filed against Selçuk Kozağaçlı, the chairman of the Progressive Lawyers Association (ÇHD), for being part of the script team of the film "Mahalle" (Neighbourhood), which was screened abroad and focused on urban transformation, ended in acquittal. Kozağaçlı, who was convicted within the scope of the case against ÇHD lawyers and has been imprisoned since 2017, was accused of "making propaganda for a terrorist organisation" within the scope of this case at Ankara 29th High Criminal Court.



Trial of citizens protesting against coastal occupation begins

The first hearing of the lawsuit filed against the citizens in Muğla Akyaka, who protested against the Muğla Service Foundation's operation of the coastal areas for free public use, upon the complaint of the foundation, was held. The trial of 3 people, against whom the foundation filed a criminal complaint claiming that sunbeds were broken during the protests and they were prevented from doing business, will continue on 8 November.



8 people arrested in social media operation

Eight of the 27 people who were detained on 20 September as part of the operation launched against social media accounts "sharing posts about refugees" were arrested on charges of "publicly spreading misleading information" and "publicly inciting people to hatred and hostility". Among those arrested are Batuhan

Çolak, editor-in-chief of Aykırı Haber, Süha Çardaklı, editor of Agency Muhbir, and Furkan Güngör, administrator of the Haber Report page.



Social media operation in Mersin

10 of 12 people, including Mersin Hakkarililer Association President İsa Kurt and Social Freedom Party (TÖP) member Emre Çelik, who were detained in Mersin during house raids due to their social media posts, were arrested due to "making illegal organisation propaganda".



Arrested Grup Yorum members were released,

5 Grup Yorum members who were detained and arrested on 29 September 2022 during a police raid to Idil Cultural Centre where they were working were released at the first hearing held at Istanbul 23rd Assize Court.



Workers dismissed for unionisation detained

The police intervened against Trendyol workers, who were dismissed for being unionised and staged a sit-in protest in front of the company's headquarters in Istanbul. 15 workers, including union executives, were beaten and detained.



Governorate bans artists from performing

Adana Governorate banned Koma Hevra members Yusuf Keleş and Baran Sünbül from performing at an event organised by the Green Left Party on the grounds of "security". While the police tried to prevent Keleş and Sünbül from entering the hall where the event was held, the two artists could not take the stage

with other band members due to the governorate ban.



Van Governorate did not "skip" this week's ban

Van Governorate's ban on demonstrations, which is announced every weekend to prevent the protest to be organised in solidarity with the Saturday Mothers, did not pass this week as well. The Governorate banned all kinds of

statements, demonstrations and events throughout the city for 2 days between 30 September and 1 October, except for the events it deems appropriate.



Access ban on 17 more news articles about Supreme Court of Appeals member

Supreme Court of Appeals member Yüksel Kocaman, who allegedly bought a villa and a car from arrested criminal organisation leader Ayhan Bora Kaplan but denied the allegations, had access to 17 more news articles about him blocked. The 17 content blocked by the Ankara 7th Criminal Judicature of Peace includes

columns by Cumhuriyet columnist Barış Pehlivan and Sözcü columnist İsmail Saymaz, as well as news published in BirGün, Gazete Duvar, T24 and Gazete Pencere. Kocaman had censored 26 online content last week as well.



Constitutional Court decides on violation of freedom of expression

The Constitutional Court (AYM) ruled that the right to engage in political activity and freedom of expression of Aykut Erdoğan, who was tried and sentenced on charges of "insult" and "slander" for his article titled "Her Devrin

Kasası Mehmet Cengiz" published in Evrensel newspaper in 2014 about Mehmet Cengiz, a businessman close to the government, were violated. The high court stated that Erdoğan had stated that the allegations in his article were contained in many official documents, but the local court had not conducted a sufficient research.



TRIALS OF FREEDOM OF EXPRESSION

<p>The lawsuit filed against 35 people, including journalist Buse Söğütlü, who participated in the 8 March 2020 Feminist Night March, due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>Court: Istanbul 58th Criminal Court of First Instance</p> <p>Verdict: The sent the file to the Chief Public Prosecutor's Office for their opinion on the merits. The next hearing will be held on 1 April.</p>	<p>On 30 April 2020, the lawsuit filed against journalist Metin Cihan, accused of "insulting" President Erdoğan's son-in-law Berat Albayrak through his social media post...</p> <p>Court: Istanbul 36th Criminal Court of First Instance</p> <p>Verdict: Due to the excuse of the lawyers, the hearing was adjourned to a later date.</p>
<p>The lawsuit filed against Reyhan Çapan, former Managing Editor of Özgür Gündem newspaper, due to "making illegal organisation propaganda</p>	<p>The lawsuit filed against journalist Sibel Hürtaş, who was prevented from following the demonstration of bar association presidents in</p>

<p>through press" and "printing or publishing statements of terrorist organisations"...</p> <p>Court: Istanbul 2nd Assize Court Verdict: The case against Çapan and three other writers of the newspaper was decided to be dropped due to the statute of limitations.</p>	<p>the garden of the Parliament to protest the Multiple Bar Association Law and was detained after being beaten, due to "resisting to prevent the execution of duty" upon the complaint of the police officers...</p> <p>Court: Ankara 37th Criminal Court of First Instance Verdict: The next hearing will be held on 13 December.</p>
<p>The lawsuit filed against 15 people who were detained as a result of the police intervention against those who wanted to march to Taksim Square in Istanbul on 1 May Labour Day in 2022 due to "violating the Law on Meetings and Demonstrations"...</p> <p>Court: Istanbul 29th Criminal Court of First Instance Verdict: The next hearing will be held on 30 January.</p>	<p>The lawsuit filed against journalist Hayko Bağdat due to "insulting the President" and "public incitement to hatred and hostility"...</p> <p>Court: Istanbul 50th Criminal Court of First Instance Verdict: The next hearing will be held on 21 February.</p>
<p>The lawsuit filed against 42 people who were beaten and detained during the 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 15 November.</p>	<p>The lawsuit filed against more than thirty people, including Fırat Akdeniz, one of the former executives of the Diyarbakır branch of the Human Rights Association, due to "opposition to the Law on Meetings and Demonstrations" for the demonstration organised in Diyarbakır in 2017 to protest the dismissals in the public sector with state of emergency decrees...</p> <p>Court: Diyarbakır 10th Criminal Court of First Instance Verdict: The next hearing will be held on 20 October.</p>
<p>The 25-year-long trial of sociologist Pınar Selek, who was acquitted 4 times during this period, was retried with the demand for aggravated life imprisonment after the Court of Cassation's reversal decision...</p> <p>Court: Istanbul 15th High Criminal Court Verdict: The next hearing will be held on 28 June.</p>	<p>The lawsuit filed against 104 people, who were detained during the press declaration organised in Istanbul on the anniversary of Süruç Massacre in 2022, due to "violating the Law on Meetings and Demonstrations No. 2911"...</p> <p>Court: Istanbul Anatolian 40th Criminal Court of First Instance Verdict: At the time of going to press, the hearing was in progress.</p>

HEARINGS NEXT WEEK

The lawsuit filed against 8 union executives,	The lawsuit filed against Ramazan Ölçen,
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<p>including Health and Social Service Workers' Union (SES) Co-Chair Selma Atabey and former Co-Chair Gönül Erden, due to "illegal organisation membership" and "making illegal organisation propaganda"...</p> <p>2 October Monday, Ankara 22nd High Criminal Court</p>	<p>Concessionaire of the shut down Azadiya Welat newspaper, due to "being an illegal organisation member"...</p> <p>2 October Monday, Diyarbakır 11th Assize Court</p>
<p>The lawsuit filed against documentary director Sibel Tekin due to "illegal organisation membership" after she was reported and arrested while shooting for her documentary "Life Starting in Darkness" about the permanent daylight saving time...</p> <p>3 October Tuesday, Ankara 26th Assize Court</p>	<p>The retrial of journalist Ayşegül Doğan, who was convicted on charges of "illegal organisation membership" in the case she was put on trial for her interviews with Democratic Society Congress (DTK) executives and the events she attended as part of her journalism activities, will be held again after the Court of Appeal's reversal of the verdict...'</p> <p>4 October Wednesday, Diyarbakır 9th Assize Court</p>
<p>The lawsuit filed against the channel's Editor-in-Chief Merdan Yanardağ, who was arrested due to his statements about PKK leader Abdullah Öcalan in the programme "4 Questions 4 Answers" broadcast on TELE1 channel, on charges of "making illegal organisation propaganda" and "praising crime and criminal"...</p> <p>4 October Wednesday, Istanbul 30th Assize Court</p>	<p>The lawsuit filed against 15 people including Democratic Modernity magazine editor Haydar Ergül, journalist Ahmet Birsin, journalist Ahmet Birsin, Jineoloji magazine employee Şeyma Kantarcı who were detained during house raids in İstanbul on 28 July 2017 due to "illegal organisation membership"...</p> <p>4 October Wednesday, Istanbul 22 Assize Court</p>
<p>The lawsuit filed against 17 people, including journalists Eylem Sonbahar, Sema Karakurt and Metin Cihan, who were detained during the protest against the G20 Summit held in Antalya in 2015, due to "resisting to prevent the execution of duty"...</p> <p>4 October Wednesday, Antalya 25th Criminal Court of First Instance</p>	<p>A "non-existence lawsuit" was filed against the Tarlabası Community Centre Association by the Governorship of Istanbul on the grounds that "it has become impossible to realise the purpose of the association" and that the association has ceased to exist...</p> <p>5 October Thursday, Istanbul 8th Civil Court of Peace</p>
<p>The lawsuit filed against journalists Firat Can Arslan and Dilan Babat, who were detained while following the funeral of slain journalist and writer Nagihan Akarsel, on the charge of "targeting people who took part in the fight against terrorism"...</p> <p>5 October Thursday, Konya 4th High Criminal Court</p>	<p>The lawsuit filed against journalist Yağmur Kaya due to "targeting people who took part in the fight against terrorism" upon the complaint of retired lieutenant general Musa Çitil for her interview with Human Rights Association (İHD) Co-Chair Eren Keskin...</p> <p>5 October Thursday, Aydın 2nd Assize Court</p>
<p>The lawsuit filed against journalist Metin Cihan, who was charged with "unlawfully obtaining and</p>	

disseminating personal data" for sharing documents showing the corruption of TÜGVA, of which Erdoğan's family is one of the executives...

6 October Friday, Istanbul 22nd Criminal Court of First Instance