

Think, think...



Freedom of Expression Weekly Newsletter (Issue 46/23 - November 24, 2023)

What happened last week?

- A prosecutor has been assigned to examine the criminal complaint filed by the 3rd Criminal Chamber of the Court of Cassation against the members of the Constitutional Court (AYM) who issued a violation verdict against arrested MP Can Atalay. After the process, the criminal complaint petition will be submitted to the Constitutional Court in accordance with the legislation, and this decision of the Constitutional Court, which will decide on itself, will be a first.
 - While the government, which does not hesitate to violate the Constitution at every opportunity and targets the Constitutional Court, turns the "judicial crisis" against the release of TİP MP Can Atalay into an opportunity and brings up the constitutional amendment, Minister of Justice Yılmaz Tunç said, "It is essential that the current Constitution, which was prepared during the coup period, is renewed within the framework of rights and freedoms with an understanding based on the rule of law." Tunç argued that the Constitution, which he emphasized that 184 amendments have been made with 19 amendment packages so far, "has become a patched bundle".
 - President Erdoğan demanded that the 50+1 percent requirement in presidential elections be changed and that the candidate with the majority be elected.
 - Istanbul Anatolian Anatolian 4th Criminal Judge of Peace Sidar Demiroğlu was dismissed amid allegations of bribery in the judiciary. Demiroğlu, who was accused of issuing access blocking orders in exchange for bribes, had censored 1,896 news articles related to the allegations against him with 11 separate decisions of the Criminal Judgeship of Peace.
 - The Central Bank of the Republic of Turkey raised its policy rate by 500 basis points to 40 percent.
 - Erdoğan argued that the process of depreciation of the Turkish Lira has come to an end.
 - It was revealed that the Ministry of Justice requested Interpol to issue a 'red notice' against artist Ferhat Tunç.
 - A new indictment was prepared against Ogün Samast, the perpetrator of the Hrant Dink murder, who was released last week, with the allegation of "committing a crime on behalf of an organization". However, the file is under the statute of limitations.
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Lawsuit against journalist Ayça Söylemez

The first hearing of journalist Ayça Söylemez, who was charged with "targeting people who took part in the fight against terrorism" due to her article "Mr. Talented Judge" published in BirGün newspaper in February 2020 about the rise of Akın Gürlek, then the head of the heavy criminal court and now Deputy Minister of Justice, in the judicial power, was held at

Istanbul 29th Assize Court. The trial of journalist Canan Coşkun, CHP Istanbul Provincial Chair Canan Kaftancıoğlu, former HDP Co-Chair Selahattin Demirtaş, Turkish Medical Association (TTB) President Şebnem Korur Fincancı, Contemporary Lawyers Association (ÇHD) member lawyers, Peace Academics, Sözcü newspaper executives, writers and employees will continue on March 19.



The lawsuit against journalist Mustafa Sönmez

A lawsuit was filed against journalist and economist Mustafa Sönmez due to "insulting the President" through three separate social media posts from 2016, 2018 and 2019. The fifth lawsuit filed against Sönmez due to "insulting Erdoğan" through his social media posts will start on February 13 at Istanbul

Anadolu 30th Criminal Court of First Instance.



Retrial of journalist Canan Coşkun begins

In 2016, journalist Canan Coşkun, who was tried and convicted on charges of "targeting people who took part in the fight against terrorism" for her news article titled "Türkü Söylediler Tutuklandılar" published in Cumhuriyet newspaper, started to be tried again at Istanbul 14th High Criminal Court following the Constitutional Court's decision on the

violation of freedom of expression. The next hearing will be held on February 22.



Case against Boğaziçi protest

Emine Akbaba and İrem Çelikbaş, who were detained during the demonstration in Izmir on February 3, 2021 to protest the trustee rector appointed to Boğaziçi University, and who were tried and convicted on the charge of "insulting the President", were retried by Izmir Penal Court of First Instance No 41 after the

reversal of the Court of Appeal's decision and were sentenced to 10 months each on the same charge. Their sentences were postponed.



Convicted environmental defenders' appeal rejected

The appeal against the convictions of rights defenders Gülören Demir and Füsün Ergün for "resisting the gendarmerie" and "insulting the gendarmerie" for their struggle against the destruction of trees in Akbelen Forest in İkizköy in Muğla's Milas district for the expansion of the lignite mine site that provides

fuel for the thermal power plant by LİMAK, which, according to World Bank data, ranks first among the companies that receive the most public tenders in their country, was rejected by the 10th Criminal Chamber of the Izmir Regional Court of Appeals.



Lawsuit against citizen who commented on the news

A citizen named Önder Öner, who commented on the news article titled "AKP's former deputy Muhammed Murtaza Yetiş's salary from Kızılay to AKP's former deputy!" published in BirGün newspaper in 2021, saying "If we get rid of the hose men, we will be prosperous" on social media, was sentenced to a judicial fine of

1,740 TL on the charge of "insult". The court deferred the announcement of the verdict.



The lawsuit against writer Gökhan Yavuzel

In 2021, the trial of writer Gökhan Yavuzel, who was charged with "inciting the public to hatred and hostility" for his article titled "The relationship between art and power" published on the website gazetedavul.com, started at Şanlıurfa 4th Criminal Court of First Instance. The second hearing of the case will be held on February 23.



Lawsuit against fashion shoot in a mosque

Ankara 2nd Criminal Court of First Instance acquitted the director and model who were charged with "publicly insulting the religious values embraced by a section of the public" for their fashion shoot at Ankara Kocatepe Mosque.



The lawsuit filed against the news on the bribery allegation

Özgür Boğatekin, News and Intelligence Director of Gerger Fırat Newspaper, and Hacı Boğatekin, the writer of the newspaper, who were on trial due to the news report on the allegations of bribery of a judge in Gerger district of Adıyaman, were convicted. Gerger Criminal Court of First Instance sentenced Hacı Boğatekin to 1 year and 6 months in prison for

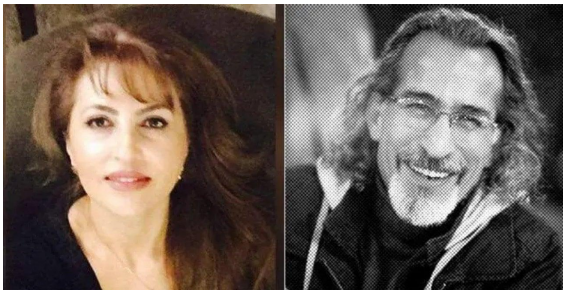
"slander" while Özgür Boğatekin was sentenced to a judicial fine for 87 days for "insult".



Investigation against journalist Yıldız Tar

Diyarbakır Chief Public Prosecutor's Office launched an investigation against Kaos GL editor Yıldız Tar on charges of "targeting people who took part in the fight against terrorism" for her article titled "The hometown of judges and prosecutors who want to be famous" in which she criticized the detention of journalists who reported on the transfer of the prosecutor who prepared the indictment against

18 journalists in Diyarbakır and the judge of the case in which these journalists were on trial.



Poet Fadıl Öztürk and his wife Berrin Bicek detained

Poet and writer Fadıl Öztürk and his wife Berrin Bicek Öztürk were detained in a police raid at their home in Tire district of Izmir. The couple, who were detained due to their social media posts, were released with a travel ban.



"Vahdettin" investigation against Tunç Soyer

The Interior Ministry launched an investigation against Izmir Metropolitan Mayor Tunç Soyer for allegedly insulting the Ottoman Empire and the last sultan Vahdettin in his speech at the liberation ceremonies of Izmir on September 9. The ministry claimed that the mayor, who was targeted by Erdoğan after his speech, targeted

the Ottoman Empire and its rulers and committed the crimes of insulting the memory of a person and inciting the public to hatred and hostility.



Police intervention against marches for Öcalan

The police intervened the marches in Istanbul, Izmir, Diyarbakır, Van and Urfa demanding an end to the isolation of PKK leader Abdullah Öcalan. 164 people were detained in 5 cities.



Protest bans

In 3 cities, all kinds of protests and events have been banned by the governorates. The bans were announced for 7 days in Şırnak, 4 days in Van and 2 days in Bitlis.



Access barriers

Deutsche Welle (DW) Turkish, which was banned from access in 2022 upon the request of the Radio and Television Supreme Council (RTÜK) for opposing the imposition of a license, was once again banned from access upon the request of RTÜK and the decision of the Ankara 9th Criminal Judicature of Peace.

News articles, columns and social media posts about Halkbank's alleged 700 million TL unsecured loan to Ayhan Bora Kaplan, who is under arrest on charges of "being the leader of a criminal organization", were blocked from access by Istanbul Anadolu 2nd Criminal Judicature of Peace upon the bank's request.

News articles on allegations against Eyyüp Gümüş, former Undersecretary of the Ministry of Health, were banned from access by the Istanbul 10th Criminal Judicature of Peace.



RTÜK fines

The Radio and Television Supreme Council (RTÜK) fined Tele1, Halk TV, Flash News and KRT channels. The Council imposed two fines of 3 percent and one fine of 5 percent for journalist Merdan Yanardağ's statements on TELE1's "18 Minutes" program; two fines of 3 percent on Halk TV for journalist Timur Soykan's comments on "Sinan Ateş's murder" on the "Kayda Geçsin" program and journalist

Bahadır Özgür's comments on ISIS on the "How Will It Happen" program; KRT was imposed two 3 percent administrative fines for Zafer Arapkırlı's evaluations on "bridge and highway hikes" and "Fidan-Blinken handshake" in the program "Medya Terapi"; and Flash

News was imposed 3 percent administrative fines for Fatih Ertürk's evaluations on "5 thousand TL retirement bonus" in the program "Başkente Gündem".



TRIALS OF FREEDOM OF EXPRESSION

<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>Court: Istanbul 2nd Criminal Court of First Instance Verdict: The next hearing will be held on April 18.</p>	<p>In 2021, the lawsuit filed against journalists Barış Pehlivan and Mustafa Büyüksipahi, who were charged with "insulting a public official" with the complaint of Hamit Kocabey, a member of the Council of Judges and Prosecutors (HSK) who resigned due to the article titled "What's on Bahçeli's head?" published in Cumhuriyet newspaper...</p> <p>Court: Ankara 19th Criminal Court of First Instance Verdict: The next hearing will be held on December 7th.</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>Court: Istanbul 5th Criminal Court of First Instance Verdict: The next hearing will be held on March 21.</p>	

HEARINGS NEXT WEEK

<p>The lawsuit filed against journalist İsmail Arı, who was charged with "insulting a public official" due to the news article published in Birgün newspaper titled "Varank's 'cousin' snatched the land with a sea view!" about the treasury land in Bodrum where the cousin of Minister of Industry and Technology Mustafa Varank won the tender for the huge state land with a sea view...</p> <p>Tuesday, November 28, Istanbul 2nd Criminal Court of First Instance</p>	<p>The retrial of journalist Zafer Arapkirli, who was tried and acquitted on charges of "insult" for reacting to theologian Nurettin Yıldız, who said "6-year-old children can get married" on social media, took place after the court of appeal's reversal decision....</p> <p>Wednesday, November 29, Istanbul 32nd Criminal Court of First Instance</p>
<p>The lawsuit filed for the dismissal of Turkish Medical Association (TTB) Central Council President Şebnem Korur Fincancı and Central Council members...</p> <p>Thursday, November 30, Ankara 31st Civil Court of First Instance</p>	<p>The lawsuit filed for the dismissal of Turkish Medical Association (TTB) Central Council President Şebnem Korur Fincancı and Central Council members...</p> <p>Thursday, November 30, Ankara 31st Civil Court of First Instance</p>

The lawsuit filed against 7 students due to "inciting public hatred and hostility" on the grounds of the Kaaba image and LGBTI+ flags in an exhibition organized as part of the protests against the trustee rector appointed to Boğaziçi University...

Friday, December 1, Istanbul 21st Criminal Court of First Instance

The lawsuit filed against Ramazan Yurttapan, Managing Editor of the magazine, Pakrat Estukyan, Agos newspaper Armenian pages Editor Pakrat Estukyan, lawyer Emran Emekçi, Mehmet Nimet Sevim and Cihan Doğan on charges of "making propaganda for a terrorist organization" based on articles in the 36th issue of Demokratik Modernite magazine...

Friday, December 1, Istanbul 30th High Criminal Court

**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.**