

Think, think...



Freedom of Expression Weekly Newsletter (Issue 2/24, January 12, 2024)

What happened last week?

- The Constitutional Court [ruled](#) that the decision of the President of the Information and Communication Technologies Authority (BTK) to block access and/or remove content on the internet and the decision to block access/remove content in general is unconstitutional and ordered the annulment of Article 8, subparagraph 4 and Article 9 of Law No. 5651 (Regulation of publications on the internet). In its decision, the Constitutional Court ruled that Article 8/4 of the relevant law violates the "presumption of innocence" and Article 9 violates the rights to freedom of expression and freedom of the press by claiming to "protect personal rights".
 - Lawyers gathered at Çağlayan Courthouse with the call of the Union of Chambers of Turkish Bar Associations (TBB) and Istanbul Bar Association (İstanbul Bar Association) for Can Atalay, the Workers' Party of Turkey (TİP) Hatay deputy Can Atalay, who is being held in prison despite the Constitutional Court's verdicts of violation.
 - The 4th Criminal Chamber of the Court of Cassation, which evaluated the objection of arrested MP Can Atalay's lawyers to the decision of the 3rd Criminal Chamber of the Court of Cassation, which ruled not to comply with the Constitutional Court's decision, [also ruled](#) "not to comply with the release decision". The court ruled with 3 votes against 2.
 - For the March 31 local elections, the candidates of political parties have started to be finalized. In Istanbul and Ankara, the Republican People's Party has decided to continue with the "current mayors". In Hatay, which was devastated by the February earthquakes, the nomination of Lütfü Savaş, who has been mayor since 2014, as CHP's candidate again is being debated. A similar debate is going on about Murat Kurum, the former Minister of Urbanization and Climate Change, who was nominated as the AK Party's candidate for Istanbul Metropolitan Municipality.
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Two journalists accused of insulting a public official acquitted

Cumhuriyet newspaper's Editor-in-Chief Mustafa Büyüksipahi and the newspaper's Managing Editor Mustafa Birol Güger, who were charged with "insulting a public official", were acquitted at Istanbul 2nd Criminal Court of First Instance.

They were on trial for a news report on the awarding of a tender for state-owned land in Bodrum to the company of Sedat Varank, the cousin of Minister of Industry

and Technology Mustafa Varank.



Journalists protesting the arrest of their colleagues stand trial

Journalists Pınar Gayıp, Zeynep Kuray, Eylem Nazlıer, Serpil Ünal, Esra Soybir and Yedigözü Aygün appeared before the judge for the first time in the case against them on charges of "violating the Law on Meetings and Demonstrations". Istanbul Anatolian Anatolian 22nd Criminal Court of First Instance set April 16 for the second hearing of the case.

The prosecutor's office had asked for 6 months to 3 years in prison for the journalists, who were detained while trying to make a press statement in Kadıköy, Istanbul for their colleagues who were detained and arrested in Diyarbakır and Ankara based operations.



Trial of Akif Beki begins

The first hearing of the lawsuit filed against journalist Akif Beki upon the complaint of Ahmet Mahmut Ünlü, one of the leaders of the İsmailağa Community, was held at Istanbul Anadolu 26th Criminal Court of First Instance. Beki's lawyer was present and the trial will continue on May 21. Journalist Beki is on trial for his article titled "Cübbeli's dispute with the Diyanet".

Journalist Ahmet Güneş acquitted



Journalist Ahmet Güneş, who was on trial at Istanbul 25th Assize Court on charges of “making propaganda for a terrorist organization” based on his social media posts, was acquitted.

The court stated in its verdict that “the actions subject to the accusation” are not defined as “crime” in the law.

Prisoners' relatives detained



Relatives of political prisoners who gathered in front of Metris Prison in Esenler, Istanbul to protest the isolation of Abdullah Öcalan were detained. Mezopotamya News Agency reporter Ferhat Sezgin was also beaten during the police intervention.



TRIALS OF FREEDOM OF EXPRESSION

Insult case against HSK member

The lawsuit filed against journalist Barış Pehlivan and former Cumhuriyet Editorial Coordinator Mustafa Büyüksipahi for "insulting a public official" due to their news reports on Hamit Kocabey, a member of the High Council of Judges and Prosecutors...

Court: Ankara 19th Criminal Court of First Instance

Hearing Outcome: The trial will continue on

Closure Case Against Tarlabası Community Center

Since 2006, Tarlabası Community Center has been working to solve the social and economic problems of Tarlabası residents and has been the target of smear campaigns that include ethnic discrimination and homophobic hatred...

Court: Istanbul 18th Civil Court of First Instance

Hearing Result: The lawyers of the Ministry of

<p>February 7th.</p>	<p>Family requested the hearing of Özlem Doğan, a reporter for Milat Newspaper, who targeted the association. The trial will continue on May 6.</p>
<p><u>Journalist Yağmur Kaya Case</u></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>Court: Aydın 2nd Assize Court Hearing Outcome: The trial will continue on February 27.</p>	<p><u>Journalist Emre Orman Case</u></p> <p>The lawsuit filed against journalist Emre Orman on the allegation of "resisting the police to prevent them from doing their duty" during the commemoration of the Madımak Massacre in Sancaktepe in 2023...</p> <p>Court: Istanbul Anatolian 20th Criminal Court of First Instance Hearing Outcome: The trial will continue on May 21.</p>
<p><u>Case against detained journalists</u></p> <p>The lawsuit filed against journalists Sibel Yükler, Deniz Nazlım and Yıldız Tar, who were detained while protesting the arrest of their colleagues, due to "violating Law No. 2911 on Meetings and Demonstrations"...</p> <p>Court: Ankara 71st Criminal Court of First Instance Hearing Result: The trial will continue on April 25.</p>	<p><u>Ercan Aktaş Case</u></p> <p>The lawsuit filed against conscientious objector Ercan Aktaş on charges of "discouraging people from military service", "insulting the state and state leaders" and "making illegal organization propaganda" due to his social media posts...</p> <p>Court: Istanbul Bakırköy 2nd Assize Court Hearing Result: The court decided to await the outcome of the order for the defense of Aktaş, who is abroad, and will continue the trial on May 8.</p>
<p><u>Compensation Lawsuit Against Evrensel Newspaper</u></p> <p>The 200 thousand TL compensation lawsuit filed by Turturkuvaz Media Group official Serhat Albayrak against Evrensel newspaper and its writer Ceren Sözeri for the article "Who made AKP lose votes?"...</p> <p>Court: Istanbul 2nd Commercial Court of First Instance Hearing Outcome: The trial will continue on September 11.</p>	<p><u>Özgür Gündem Case</u></p> <p>The lawsuit filed against the Co-Editor-in-Chief Hüseyin Aykol and Managing Editor Reyhan Çapan due to "making illegal organization propaganda" and "praising crime and criminals" through news articles published in the shut-down Özgür Gündem newspaper...</p> <p>Court: Istanbul 13th High Criminal Court Hearing Outcome: The trial will continue on April 18.</p>
<p><u>ETHA Reporters Case</u></p> <p>The lawsuit filed against 23 people, including Etkin News Agency (ETHA) reporters İsmi naz Temel and Havva Cuştan, Law Office of the</p>	<p><u>Gülen Movement Media Organization Trial</u></p> <p>The retrial of journalists Ahmet Memiş, Ali Akkuş, Cemal Azmi Kalyoncu, Gökçe Fırat Çulhaoğlu, Ünal Tanık, Yakup Çetin, Yetkin</p>

<p>Oppressed (EHB) lawyers Sezin Uçar and Özlem Gümüştaş and Socialist Party of the Oppressed (ESP) members, on charges of "membership to an armed terrorist organization" and "making propaganda for an illegal organization"...</p> <p>Court: Istanbul 27th Assize Court Trial Result: The prosecution requested prison sentences for 23 people on charges of "illegal organization membership" and "making propaganda for an illegal organization". The trial will continue on April 4.</p>	<p>Yıldız on charges of "aiding an illegal organization", "insulting the President", "insulting the institutions and organs of the state"...</p> <p>Court: Istanbul 25th High Criminal Court Trial Conclusion: After the hearing of the witnesses, the court sent the file to the prosecutor's office to prepare its final opinion on the case.</p>
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Şebnem Korur Fincancı Case

A lawsuit filed by the Ministry of National Defense against Şebnem Korur Fincancı, Chairperson of the Central Council of the Turkish Medical Association (TTB), for 100,000 Turkish Liras in non-pecuniary damages due to her statement that "it is necessary to investigate the allegations that the Turkish Armed Forces used chemical weapons".

Court: Ankara 2nd Civil Court of First Instance

Hearing Result: The court rejected Fincancı's lawyers' request for "dismissal of the case" and set a new date for May 7.

HEARINGS NEXT WEEK

<p style="text-align: center;"><u>Lawsuit Against Evrensel Newspaper</u></p> <p>The lawsuit filed against Evrensel newspaper's Managing Editor Görkem Kınacı and Publisher Kürşat Yılmaz due to "insult" and "slander" for the news article titled "The bribery network in the stock exchange extended to the palace" and the article titled "Peker revelations reaching to the palace cannot be cleaned with a brave prosecutor" published in Evrensel newspaper about the bribery and corruption allegations that came to the agenda with the revelations of mafia leader Sedat Peker...</p> <p>Tuesday, January 16; Istanbul 2nd Criminal Court of First Instance</p>	<p style="text-align: center;"><u>Sibel Tekin Case</u></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>Tuesday, January 16; Ankara 26th High Criminal Court</p>
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<p><u>Dicle Müftüođlu, Zekeriya Güzüpek Case</u> The lawsuit filed against Dicle News Agency reporters Dicle Müftüođlu and Zekeriya Güzüpek due to terrorist organization membership...</p> <p>Thursday, January 18; Diyarbakır 5th High Criminal Court</p>	<p><u>Furkan Karabay Case</u> "Istanbul' detail in the 'Antalya' operation in the judiciary: What do the appointed prosecutors indicate?", the lawsuit filed against journalist Furkan Karabay, who was charged with "insult" and "slander" upon the complaint of President Erdoğan's lawyers Ahmet Özel and Mustafa Dođan İnal...</p> <p>Thursday, January 18; İstanbul 2nd Criminal Court of First Instance</p>
<p><u>Lawsuit Against Journalists</u> The lawsuit filed against 12 journalists, including 9 journalists arrested in the operation against Mezopotamya Agency and JinNews, on charges of "illegal organization membership" based on 149 news articles published in Mezopotamya Agency, the protests they followed and their social media posts...</p> <p>Thursday, January 18; Ankara 4th High Criminal Court</p>	<p><u>Mansur Celik Case</u> The lawsuit filed against Mansur Çelik, Managing Editor of ANKA News Agency, due to "targeting people who have taken part in the fight against terrorism" upon Akın Gürlek's complaint...</p> <p>Thursday, January 18; Ankara 22nd High Criminal Court</p>
<p><u>Rozerin Gültekin and Ergin Çađlar Case</u> The lawsuit filed against JinNews reporter Rozerin Gültekin and Mezopotamya Agency reporter Ergin Çađlar, who were detained during the Gemlik March to protest the, visit ban imposed on Abdullah Öcalan...</p> <p>Thursday, January 18; Bursa 18th Criminal Court of First Instance</p>	

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