

# Think, think...



## Freedom of Expression Weekly Newsletter (Issue 8/24, February 23, 2024)

### What happened last week?

- The reasoned decision of the Constitutional Court in the case filed for the annulment of the law on "publicly disseminating misleading information" defined in Article 217, paragraph A of the Turkish Penal Code, known in the public as the "censorship law", which was rejected, has been announced. In the decision, which was not attended by the president and four members of the Constitutional Court, it was stated in summary that "it is understood that it has a legitimate purpose to protect and ensure public order and security".
- Lawyer Feyza Altun was detained in a police operation at her home due to her social media posts containing "anti-Sharia" and "slang expressions". The lawyer was referred to the court for arrest on the charge of "publicly denigrating religious values embraced by a section of the public" and was released on "judicial control".
- In the case of the 1993 Vartinis (Altınova) massacre in Muş, in which 9 members of the same family were burned to death, the court announced the reasoning behind the statute of limitations. The court claimed that there was insufficient evidence that would make it possible to consider the massacre as a "crime against humanity".
- Contemporary Lawyers Association Antalya Branch executive lawyer Şüheda Ronahi Çiftçi was arrested for her professional activities.
- Search and rescue efforts for 9 workers trapped under a pile of toxic waste in the Erzincan İliç gold mine have been suspended due to "risk of landslides".



### Journalist Tolga Şardan to face 5 years in prison

The investigation against T24 columnist Tolga Şardan, who was detained for five days due to his article on alleged corruption and bribery in the Turkish judicial system, has been completed. The Istanbul Chief Public Prosecutor's Office sent the indictment to the Istanbul 2nd Criminal Court of First Instance, demanding up to five

years in prison for "publicly disseminating misleading information" and "denigrating the judicial organs of the state".



### **Journalists under house arrest and banned from leaving the country**

Detained on February 13th Cihan Başakçioğlu, Gazete Duvar reporter Cihan Başakçioğlu, Mezopotamya Agency (MA) reporters Semra Turan, Delal Akyüz and Tolga Güney, JINNEWS reporter Melike Aydın and DEM Party press worker Fatma Funda Akbulut, who were detained from their homes in İzmir on February 13th, were

released from the Criminal Court of Peace with "judicial control and house arrest" conditions. Criminal Judgship of Peace issued a signature requirement and a ban on leaving the country for Cihan Başakçioğlu and Semra Turan, while Tolga Güney, Melike Aydın, Delal Akyüz and Funda Akbulut were released on house arrest and a ban on leaving the country.



### **Another ban on King and Travis from Istanbul**

İstanbul Şişli District Governorate banned the play "Qral û Travis" staged by Şano Ar Theater one hour before its staging. The play was also banned by the Patnos (Ağrı) District Governorate one day before its staging.

The play "Qral û Travis" (The King and Travis), translated into Kurdish and staged by Batman-based Şano Ar Theater, is about Travis Pine, an unemployed and grumpy man living in America in the 1950s, who writes letters to the American president, whom he sees as responsible for the crises and corruption in the country, and the events that follow.



### **Anti-mining environmental activist banned from entering his village**

Sedat Cezayirlioğlu, an activist known for his struggle against the gold mine in İliç, Erzincan, who was detained last week for "publicly disseminating misleading information", has been banned from entering within 3 km of the mine site, including his village.



### **Citizen detained for demanding Kurdish service at airports**

Memduh Çalışan, a citizen who criticized the lack of "Kurdish" service at Istanbul Airport with a video he shot after his non-Turkish

speaking mother's departure was delayed, was detained.

### **Religious Affairs staff Yusuf Kılıç exiled**



Yusuf Kılıç, the imam who refused to carry his congregation to President Erdoğan's rally in Izmir in the run-up to the general elections against the instructions of the AKP Buca District Chairman, announced that he was exiled from his duty station in Izmir after an investigation and threats against him.

### **Journalist Pelin Özkaptan appeared before the judge**



The first hearing of the lawsuit filed against journalist Pelin Özkaptan due to "making propaganda for a terrorist organization" through two posts she made on her Twitter (X) account on June 27, 2019 and June 27, 2022 was held at Istanbul 13th Assize Court. The trial of the case against the journalist for her posts about Eylem Ataş, who lost her life in the fight against ISIS, will continue on

May 28.

### **Ankara Queerfest banned**



Ankara Governor's Office announced that "for the protection of public order, public health and morals, and the rights and freedoms of others" The 12th Pink Life Queerfest, scheduled to be held between February 23-25, has notified the venues that it has banned all events to be held within the scope of the 12th Pink Life Queerfest.



## TRIALS OF FREEDOM OF EXPRESSION

<p><b><u>Özgür Gündem // Eren Keskin, Hüseyin Aykol, Reyhan Çapan</u></b></p> <p>The lawsuit filed against Özgür Gündem newspaper, which was shut down by the Decree Law (KHK) and whose defendants include Eren Keskin, Hüseyin Aykol, Reyhan Çapan, Ayşe Batumlu and Hasan Başak...</p> <p><b>Court:</b> Istanbul 14th High Criminal Court <b>Hearing outcome:</b> The trial will continue on June 6th.</p>	<p><b><u>Lawsuit Against Journalists</u></b></p> <p>The lawsuit filed in 2015 and 2018 against journalists Haluk Kalafat and Elif Akgül, who were charged with "publicly degrading the Turkish nation" (Article 301 of the Turkish Penal Code) due to their news articles published on Bianet about research books on the Armenian Genocide...</p> <p><b>Court:</b> Istanbul 2nd Criminal Court of First Instance <b>Hearing outcome:</b> The trial will continue on May 9th.</p>
<p><b><u>Gezi Trial (Partial retrial)</u></b></p> <p>The retrial of Ali Hakan Altınay, Yiğit Ali Ekmekçi and Ayşe Mücella Yapıcı, whose sentences of 18 years each in the Gezi Trial were overturned by the 3rd Criminal Chamber of the Court of Cassation, at Istanbul 13th Assize Court...</p> <p><b>Court:</b> Istanbul 13th High Criminal Court <b>Hearing outcome:</b> The trial will continue on May 22.</p>	<p><b><u>Vice News Case</u></b></p> <p>The 2015 lawsuit filed against ViceNews reporters Jake Hanrahan, Philip Pendlebury and Mohammed Ismael Rasool, who were arrested in Diyarbakır in 2015 and subsequently deported, on charges of "violating the Law on the Prevention of Financing of Terrorism", "knowingly and willingly aiding and abetting a terrorist organization" and "making terrorist propaganda"...</p> <p><b>Court:</b> Diyarbakır 8th Assize Court <b>Hearing outcome:</b> The trial will continue on June 26.</p>
<p><b><u>Hayko Bağdat Trial</u></b></p> <p>The lawsuit filed against journalist Hayko Bağdat due to "insulting the President" and "public incitement to hatred and hostility"...</p> <p><b>Court:</b> Istanbul 50th Criminal Court of First Instance <b>Trial result:</b> The prosecutor asked for Baghdad to be sentenced for "insulting the President" and "insulting a public official" and acquitted of "public incitement to hatred and hostility". The trial will continue on July 10.</p>	<p><b><u>Mehmet Kilic Case</u></b></p> <p>The lawsuit filed against former German MP Memet Kılıç due to "insulting the President"...</p> <p><b>Court:</b> Ankara 36th Criminal Court of First Instance <b>Hearing outcome:</b> The court decided to wait for the arrest warrant issued against Kılıç and set April 17 for the next hearing.</p>

<p style="text-align: center;"><b><u>Pınar Gayıp Case</u></b></p> <p>The lawsuit filed against ETHA editor Pınar Gayıp due to "illegal organization membership"...</p> <p><b>Court:</b> Istanbul 26th High Criminal Court  <b>Hearing outcome:</b> The trial will continue on June 6.</p>	<p style="text-align: center;"><b><u>Hayri Demir Case</u></b></p> <p>The lawsuit filed against journalist Hayri Demir due to "membership to a terrorist organization" and "terrorist organization propaganda" on the grounds of his journalistic activity in northern Syria...</p> <p><b>Court:</b> Ankara 15th High Criminal Court  <b>Hearing outcome:</b> The trial will continue on May 15.</p>
<p style="text-align: center;"><b><u>Pehlivan &amp; Üçok Case</u></b></p> <p>The lawsuit filed against journalist Barış Terkoğlu and former IYI Party Deputy Chairman Ahmet Zeki Üçok due to "insulting a public officer in a chain"...</p> <p><b>Court:</b> Istanbul 2nd Criminal Court of First Instance  <b>Hearing outcome:</b> The trial will continue on May 30th.</p>	<p style="text-align: center;"><b><u>Journalist Firat Bulut Trial</u></b></p> <p>On February 6, the lawsuit filed against journalist Firat Bulut on charges of "publicly disseminating misleading information" due to his social media posts about the earthquakes...</p> <p><b>Court:</b> Elbistan 2nd Criminal Court of First Instance  <b>Hearing outcome:</b> Deciding on lack of jurisdiction, the court decided to send the file to Bingöl Criminal Court of First Instance, the last place of residence of the journalist, who is abroad.</p>
<p style="text-align: center;"><b><u>Gözde Bedeloğlu Case</u></b></p> <p>Istanbul 2nd Criminal Court of First Instance  The lawsuit filed against BirGün Newspaper columnist due to "insulting a public officer for his duty" upon the complaint of MHP MP Sermet Atay...</p> <p><b>Court:</b> Istanbul 2nd Criminal Court of First Instance  <b>Hearing outcome:</b> The prosecutor presented his final opinion and asked for Bedeloğlu to be sentenced. The trial will continue on May 23rd.</p>	<p style="text-align: center;"><b><u>Case Against Bosphorus Pride March</u></b></p> <p>The lawsuit filed against 70 students, who were beaten and detained by the police during the Pride March organized at Boğaziçi University in 2022, due to "violating Law No. 2911 on Meetings and Demonstrations"...</p> <p><b>Court:</b> Istanbul 58th Criminal Court of First Instance  <b>Hearing outcome:</b> It was decided to issue a compulsory appearance warrant for three defendants and an arrest warrant for two defendants, and the hearing was adjourned to April 5, 2024.</p>
<p style="text-align: center;"><b><u>Burhan Ekinci Trial</u></b></p> <p>The lawsuit filed against journalist Burhan Ekinci on charges of "making illegal organization propaganda" based on his Twitter posts...</p> <p><b>Court:</b> Istanbul 30th High Criminal Court  <b>Hearing outcome:</b> The court ruled to await the execution of the arrest warrant issued against</p>	<p style="text-align: center;"><b><u>Emine Şenyavaşar Trial</u></b></p> <p>The lawsuit filed against Emine Şenyavaşar, whose two sons and husband were killed in the incidents in Suruç district of Urfa before the 2018 general elections, due to "publicly degrading the government, judicial organs of the state, military or security organization"...</p> <p><b>Court:</b> Şanlıurfa 5th Criminal Court of First Instance</p>

Ekinci. The trial was adjourned to September 3rd.	<b>Hearing outcome:</b> The trial will continue on April 25.
<b><u>Safiye Alağaç Case</u></b>	
The lawsuit filed against journalist Safiye Alağaç on charges of "terrorist organization", citing the news she wrote and JinNews' editorial policy as "evidence"...	
<b>Court:</b> Diyarbakır 5th High Criminal Court	
<b>Hearing outcome:</b> The court decided to continue the ban on leaving the country and adjourned the trial to June 11.	

## HEARINGS NEXT WEEK

<b><u>The Case Against Saturday Mothers</u></b>	<b><u>Eren Keskin &amp; Gülistan Yarkın Trial</u></b>
The lawsuit filed against those detained during the Saturday Mothers' sit-in protest on the day of the UEFA final match in Istanbul...	The lawsuit filed against Eren Keskin, Co-Chair of IHD/Founders of HRFT, and Gülistan Yarkın, member of IHD Commission against Racism & Discrimination, for the Armenian Genocide commemoration organized in 2021...
<b>Tuesday, February 27;</b> Istanbul 39th Criminal Court of First Instance	<b>Tuesday, February 27;</b> Istanbul 51st Criminal Court of First Instance
<b><u>Yağmur Kaya Case</u></b>	<b><u>Dicle Müftüoğlu, Zekeriya Güzüpek (DİHA) Case</u></b>
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...	Dicle News Agency reporters Dicle Müftüoğlu and Zekeriya Güzüpek on trial for alleged membership in a terrorist organization...
<b>Tuesday, February 27;</b> Aydın 2nd Assize Court	<b>Thursday, February 29;</b> Diyarbakır 5th High Criminal Court
<b><u>Case Against Eskişehir Pride March</u></b>	
The lawsuit filed against 8 people who were beaten and detained during 2022 Eskişehir Pride March due to "violating the Law on Meetings and Demonstrations No. 2911"...	
<b>Friday, March 1;</b> Eskişehir 4th Criminal Court of First Instance	

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You can also access the pdf format of the bulletin at [dusun-think.net/bultenler](http://dusun-think.net/bultenler).