

Think, think...



Freedom of Expression Weekly Newsletter (Issue 12/24, March 22, 2024)

What happened last week?

- Acting President Kadir Özkaya was elected to replace the outgoing President of the Constitutional Court Zühtü Arslan. Özkaya received 9 votes out of 15 members, while the other candidate Yusuf Şevki Hakyemez received 6 votes. Özkaya, who did not graduate from law school, was appointed as a member of the Constitutional Court by Erdoğan in 2014. [Özkaya had voted](#) in favor of the controversial Academics for Peace and Censorship Law, and in favor of the Can Talay decision.
- The final Newroz celebrations, which took place in many provinces throughout the week, were held in Diyarbakır. More than 1 million people are estimated to have participated in the celebrations, where demands for "lasting peace and solution" came to the fore.
- The final hearing of the Kobani trial, in which 108 politicians, including former HDP co-chairs and members of the Central Executive Committee (MYK) are on trial, will be held on April 17.
- Ahead of the local elections, President Erdoğan and his entire cabinet are campaigning from city to city using public resources. After Erdoğan's last public speech in which he said "this is my last election", MHP leader Devlet Bahçeli addressed Erdoğan at his party's general assembly with the words "You cannot leave, you cannot leave the Turkish nation alone". Many members of the bureaucracy are trying to keep the discussions and possibilities of Constitutional amendments and early elections on the public agenda as they go to local elections.



Impunity in Kulp case

The decision to acquit General Yavuz Ertürk, the sole defendant in the case of the disappearance of 11 people in Diyarbakır's Kulp district, was overturned by the 1st Criminal Chamber of the Court of Cassation. The case was dismissed due to statute of limitations.

Eleven people who were gathered from villages and detained in the hamlets of Diyarbakır's Kulp district between October 8 and October 25, 1993 during a military operation conducted by the Bolu Brigade under the command of General Yavuz Ertürk were never heard from again. The families, who did not get any result from the criminal complaint filed with the prosecutor's office, took the case to the ECHR. On May 31, 2001, the ECHR concluded the case and convicted Turkey of violating Article 2 of the European Convention on Human Rights on the right to life, Article 3 on the prohibition of torture and Article 5 on the right to liberty and security for being responsible for the deaths and for not conducting an effective investigation.



A judicial decision against arbitrary administrative bans

The administrative lawsuit filed against the decision of Beyoğlu District Governorate and Istanbul Governorate to ban the Feminist Night March 2022 was finalized. Following the application of lawyer Esma Yaşar, a member of the Association of Lawyers for

Freedom, the Istanbul Regional Administrative Court 10th Administrative Case Chamber ruled that the banning decision constituted an interference with the right to assembly and demonstration, and was a disproportionate and disproportionate measure, and decided to cancel the administrative action.



Ayça Söylemez acquitted

The verdict was announced in the lawsuit filed against journalist Ayça Söylemez due to her article "Mr. Talented Judge" published in Birgün Newspaper in February 2020 about the rise of Akın Gürlek, then chief of the heavy criminal court and now Deputy

Minister of Justice, in the judicial power. Istanbul 29th High Criminal Court acquitted the journalist on charges of "targeting people who took part in the fight against terrorism".



Detentions and obstructions at Newroz celebrations

During the week-long Newroz celebrations, many people were detained in different cities; journalists covering the events and citizens participating in the celebrations were subjected to police obstructions and harassment. At least 70 people were detained

during the celebrations in the Yenikapı event area in Istanbul, at least 30 people were detained in Batman and more than 200 people, including 39 children, were detained in Diyarbakır. After the celebrations in Cizre, Şırnak, footage was released of police officers torturing children in the dispersing crowd. AFP reporter Eylül Deniz Yaşar was beaten and detained while covering the Istanbul celebrations; Bianet reporters Tuğçe Yılmaz, Ali Dinç and Kurdish news editor Aren Yıldırım were beaten by police officers.



10 HDP executives sentenced

The verdict was announced in the lawsuit filed against 11 members of the party's Central Executive Committee (MYK) on charges of "denigrating the state" (Article 301 of the Turkish Penal Code) for HDP's April 24, 2021 statement titled "Face the shame of the Armenian Genocide!". Ankara 48th Criminal Court of First Instance sentenced 10 defendants to 5 months prison

sentences each and postponed their execution. The trial of DEM Party Co-Chair and MP Tuncer Bakırhan was previously suspended.



Çağlar Demirel acquitted

The verdict was announced in the lawsuit filed against Çağlar Demirel, then HDP Parliamentary Group Deputy Chairperson, who said "we return all of what he said back to him" in his speech at a rally organized in Diyarbakır in 2016 in response to Erdoğan's remarks targeting his party, on charges of

"insulting the President". Diyarbakır 5th Criminal Court of First Instance acquitted Çağlar Demirel.



Can Ataklı appeared before the judge

Journalist Can Ataklı appeared before the judge in the lawsuit filed against him due to "inciting or insulting the public to hatred and hostility" over his remarks about the father of a soldier who lost his life in the clash in the Claw-Kilit Operation region. In the first hearing held at Istanbul 5th Criminal Court of First Instance, the judicial control request

against the journalist was lifted, while the requests of the Ministry of Family and Social Services and the Turkish States Martyrs' Relatives and Veterans Foundation to intervene in the case were accepted. The next hearing will be held on September 10.



Suspended prison sentence for Levent Gültekin

The verdict was announced in the second hearing of the lawsuit filed against journalist Levent Gültekin for "insulting the president" due to his statements in the program "Two Commentaries with Levent Gültekin and Murat Sabuncu" broadcast on Halk TV. Bakırköy 44th Criminal Court of First

Instance sentenced the journalist to 11 months and 20 days in prison and postponed the execution of the sentence.



TRIALS OF FREEDOM OF EXPRESSION

Lawsuit Against Evrensel Newspaper

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 based on 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...

Court: Istanbul 2nd Criminal Court of First Instance

Hearing outcome: The trial will continue on April 25.

Serife Oruç Case

The lawsuit filed against Dicle News Agency (DIHA) reporter Şerife Oruç due to "illegal organization membership"...

Court: Batman 2nd Assize Court

Hearing outcome: The court decided to await the execution of the arrest warrant issued against Oruç and set the next hearing for June 26.

<p style="text-align: center;"><u>Ali Duran Topuz Case</u></p> <p>The lawsuit filed against Artı Gerçek Editor-in-Chief Ali Duran Topuz due to the news article titled "The prosecutor who investigated journalists and the judge who arrested them were appointed" with the allegation of "targeting a public officer involved in the fight against terrorism"...</p> <p>Court: Diyarbakır 5th Assize Court Hearing outcome: The next hearing will be held on June 27, when the prosecutor will present his final opinion.</p>	<p style="text-align: center;"><u>Case Against Bosphorus Protests</u></p> <p>The lawsuit filed against 51 students and journalist Yağmur Kaya, who were detained at Çağlayan Courthouse where they gathered for their friends who were detained for carrying the rainbow flag at Boğaziçi University...</p> <p>Court: Istanbul 17th Criminal Court of First Instance Hearing outcome: The trial will continue on July 5.</p>
<p style="text-align: center;"><u>The trial of Zeynep Durgut and 17 women</u></p> <p>The lawsuit filed against journalist Zeynep Durgut and 17 women, who were beaten and detained while following the statement on the Day for the Elimination of Violence against Women, due to "opposition to meetings and demonstrations"...</p> <p style="text-align: center;">Court: Şırnak Criminal Court of First Instance Hearing outcome: The trial will continue on June 27.</p>	

HEARINGS NEXT WEEK

<p style="text-align: center;"><u>Eren Keskin & Gülistan Yarkın Trial</u></p> <p>The lawsuit filed against Eren Keskin, Co-Chair of IHD/Founders of HRFT, and Güllistan Yarkın, member of IHD Commission against Racism & Discrimination, for the Armenian Genocide commemoration organized in 2021...</p> <p>Tuesday, March 26; Istanbul 51st Criminal Court of First Instance</p>	<p style="text-align: center;"><u>Journalist Dilan Esen Trial</u></p> <p>The lawsuit filed against journalist Dilan Esen due to "insulting a public official" upon the complaint of Minister of Culture and Tourism Mehmet Nuri Ersoy...</p> <p>Tuesday, March 26; Istanbul 2nd Criminal Court of First Instance</p>
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