

Think, think...



Freedom of Expression Weekly Newsletter (Issue 36/24, September 27, 2024)

What happened last week?

- Mustafa Aydın, Deputy Chairman of the Banking Regulation and Supervision Agency (BRSA), invited the general managers of banks, owners and managers of private financial institutions to his wedding. Representatives of the institutions under the supervision of the BRSA lined up to receive jewelry at the wedding.
- In its defense to the Council of Europe, the government, which did not implement the European Court of Human Rights' rights violation ruling against Osman Kavala, who was sentenced to aggravated life imprisonment in the Gezi trial, claimed that the disciplinary proceedings against some members of the court that had previously acquitted him and the presence of a judge who was a member of the AKP in the panel that issued the conviction did not prevent the independence and impartiality of the court and that the President's statements about Kavala had no effect on the trial.
- For the first time in the US, an indictment has been prepared to prosecute a sitting mayor. New York City Mayor Eric Adams allegedly colluded with the Turkish government to receive illegal campaign donations. Adams was accused of accepting free airfare and lodging to open Turkey's new Consulate General in New York without the necessary inspections in time for President Erdogan's visit in September 2021, as well as accepting free airfare and lodging in the city to act in accordance with the consulate's wishes.
- The Human Rights Association, the Human Rights Foundation of Turkey, the Association of Contemporary Lawyers and the Association of Lawyers for Freedom emphasized that the suspect, who was taken into custody after killing a police officer and referred to the courthouse, was subjected to acts that flagrantly violate basic human rights in violation of human dignity and that torture cannot be justified under any circumstances.
- According to the data of the United Public Workers Union (Birleşik Kamu-İş), hunger has exceeded the minimum wage by 4 thousand liras and the lowest pension by 8 thousand 500 liras. The poverty line rose to 65 thousand 873 liras.





Lawsuit against street interview

The first hearing of the lawsuit filed against Dilruba Kayserilioğlu, who was arrested and convicted of “publicly insulting a section of the public” due to her remarks in a street interview in Izmir, was held at Izmir 62nd Criminal Court of First Instance. Journalists and observers were not allowed to attend the hearing, which was adjourned until October 31.



Lawsuit against journalist Evrim Kepenek

On February 6, the trial of journalist Evrim Kepenek, who was charged with “publicly disseminating misleading information” for her post about the gendarmerie's seizure of aid sent to Pazarcık after the Maraş earthquakes, started at Istanbul 13th Criminal Court of First Instance. The second hearing of the trial will be held on February 24.



Journalist Aygül acquitted in “disinformation” case

Sinan Aygül, the first journalist to be sentenced to imprisonment on charges of “publicly disseminating misleading information” for bringing to light a child abuse allegation in Tatvan, Bitlis, was acquitted in a retrial following a reversal by the Court of Cassation.



Acquittal for Cow Feast

Ankara 68th Criminal Court of First Instance acquitted 10 students who were charged with “publicly insulting religious values adopted by a section of the public” and “insulting the President” due to the humorous prayer they recited at Ankara University's 90-year-old tradition 'Cow Feast'.



Retried journalist İsmail Eskin acquitted

Journalist İsmail Eskin, who was sentenced to 3 years, 1 month and 15 days in prison on charges of “making illegal organization propaganda” due to his social media posts, was acquitted in the retrial at Diyarbakır 4th High Criminal Court following the Supreme Court of Appeals' reversal.



The case against journalist İsmail Arı

The trial of journalist İsmail Arı, who was charged with “insult” and “slander” with the complaint of MHP MP Levent Uysal due to 3 separate news articles published in BirGün newspaper and his statements in a TV program he attended as a guest, started at Istanbul 2nd Criminal Court of First Instance. The next hearing will be held on February 6.



The case against journalist İdris Yılmaz

A lawsuit was filed against journalist İdris Yılmaz, who was charged with “inciting the public to disobey the law” and “inciting the public to hatred and hostility” for his social media post about the police beating citizens during the protests in the city after Van Metropolitan Municipality Mayor Abdullah Zeydan was denied his mazbat. The first

hearing of the case will be held at Erciş (Van) 4th Criminal Court of First Instance on November 14.



Lawsuit against Pride March

A lawsuit was filed against 10 people who participated in the Pride March organized in Eskişehir in June and were detained by police intervention before they could make a press statement, on charges of 'participating in unlawful assembly and march'. The first hearing of the case will be held on February 18 at Eskişehir 16th Criminal Court of First Instance.



Lawsuit against lawyer for 'insulting prosecutor'

In 2022, a lawsuit was filed against lawyer Ümit Büyükdağ for “insulting a public officer for his duty” after he called the prosecutor “dishonest” for not recording the statements of his colleague who was detained within the scope of the investigation against Binevş Culture and Art Association in Adana due to “illegal organization membership” and

“carrying out activities on behalf of an illegal organization”. The second hearing of the lawsuit will be held on December 13 at Adana 14th High Criminal Court.



Lawsuit against rights defender Adnan Vural

A lawsuit was filed against Adnan Vural, former member of Human Rights Association Central Executive Board, for participating in the press declaration organized by the White Flag Initiative on 4 February 2016 in Ankara to draw attention to the curfews. The first hearing of the case was held at Ankara Heavy Penal Court No 2. The trial of Vural, who is charged

with “membership of an illegal organization” and “making propaganda for an illegal organization”, will continue on November 28.



Lawsuit against rights defender Fatin Kanat

A lawsuit was filed against former Human Rights Association (IHD) Ankara Branch President Fatin Kanat for his statement titled 'Enough! Stop Denigration', a lawsuit was filed against former branch chair Fatin Kanat. The rights defender, who was charged with “publicly denigrating the state” (Article 301 of the Turkish Penal Code), was acquitted in the first hearing held at Ankara 56th Criminal

Court of First Instance.



Case against journalists

The trial of journalists Doğan Ergün and İzel Sezer, who were sentenced to 1 year and 8 months in prison each for reporting on allegations of bribery negotiations by President Erdoğan's former lawyer Mustafa Doğan İnal, resumed after the Court of Appeal's reversal. In

the trial held at Istanbul 33rd Criminal Court of First Instance, the journalists, who were previously acquitted of the charges of “slander” and “insult”, were acquitted of the charge of “disclosure”.



Investigation against journalist Ahmet Kanbal

Mardin Chief Public Prosecutor's Office opened a third investigation against Mezopotamya Agency (MA) reporter Ahmet Kanbal for a news story for which it had previously issued two non-prosecution decisions. While two previous investigations opened against Kanbal due to “illegal organization membership”, “illegal organization propaganda” and “publicly disseminating misleading information” for the news on the killing of HPG member Musa Kahraman and his uncle Lokman Görgün, a father of 8 children, in Mardin in April 2023 ended in non-prosecution, the journalist is once again accused of “publicly disseminating misleading information” in the third investigation.



AKP deputy files complaint against journalist who criticized him

AKP Çorum MP Yusuf Ahlatcı filed a criminal complaint to Çorum Public Prosecutor's Office against journalist Elvan Yılmaz, claiming that his reputation was damaged and public opinion was humiliated with the news article titled “Were Çorum people fooled again?” published on Rota Çorum News website. Yılmaz had criticized the lack of high speed train to Çorum in the news article in question and stated that there was no service to Çorum due to Ahlatcı's incompetence.



Investigation into speech at a protest in support of Palestine

An investigation was launched against Kuban Kural for “denigrating the state” (Article 301 of the Turkish Penal Code) after he criticized the ongoing commercial and military cooperation between Israel and Turkey in his speech at a demonstration in support of Palestine in Eskişehir, emphasizing that these relations support the genocide in Palestine.



Raids on language associations in Diyarbakır

The Mesopotamia Language and Culture Research Association (MED-DER), Anka Language and Art Education Cooperative and Payız Pirtuk bookstore were raided as part of an investigation by Diyarbakır Chief Public Prosecutor's Office. 409 books, 144 magazines, Yeni Yaşam and Xwebûn newspapers and

Kurdish language education books were seized even though there was no recall order against them. 30 people were detained as part of the investigation. The prosecutor issued a “confidentiality” order on the file.



TRIALS OF FREEDOM OF EXPRESSION

<p><u>Cinema Collective Trial</u></p> <p>The lawsuit filed against 8 people who were detained after Cinema Collective was prevented from showing the LGBTI+ Pride Month film at BEKSAV in Kadıköy...</p> <p>Court: Istanbul Anadolu 45th Criminal Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on November 19.</p>	<p><u>Şebnem Korur Fincancı Trial</u></p> <p>The 100 thousand TL non-pecuniary damages lawsuit filed by the Ministry of National Defence against Şebnem Korur Fincancı, former President of the Central Council of the Turkish Medical Association (TTB), for her statement that ‘it is necessary to investigate the allegations that the Turkish Armed Forces used chemical weapons’...</p> <p>Court: Ankara 2nd Civil Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on October 17.</p>
<p><u>Gülen Community Media Trial</u></p> <p>The retrial of journalists Ahmet Memiş, Ali Akkuş, Cemal Azmi Kalyoncu, Gökçe Fırat Çulhaoğlu, Ünal Tanık, Yakup Çetin, Yetkin Yıldız on charges of ‘aiding an illegal organisation’, ‘insulting the President’, ‘insulting the institutions and organs of the state’...</p> <p>Court: Istanbul 25th High Criminal Court</p> <p>Hearing outcome: The next hearing will be held on December 17.</p>	<p><u>Lawsuit against Amasra commemoration</u></p> <p>The lawsuit filed against 26 people, who were detained in Amasra while commemorating the mining disaster in which 41 miners lost their lives, due to ‘opposing the Law on Meetings and Demonstrations’...</p> <p>Court: Ankara 65th Criminal Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on January 23.</p>

<p><u>Case Against Massacre Commemoration</u></p> <p>The lawsuit filed against 17 people who were detained on their way to a commemoration event in front of Ankara Train Station on October 10, 2015, on the seventh anniversary of the massacre in which 103 people were killed, due to “violating Law No. 2911 on Meetings and Demonstrations”...</p> <p>Court: Ankara 33rd Criminal Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on January 16.</p>	<p><u>Pehlivan and Yurtoğlu Case</u></p> <p>The lawsuit filed against Cumhuriyet daily writer Barış Pehlivan and former Managing Editor of the newspaper Ozan Alper Yurtoğlu due to ‘insulting the President’ and ‘insulting a public officer’...</p> <p>Court: Istanbul 15th Criminal Court of First Instance</p> <p>Hearing outcome: Bir sonraki duruşma 21 Kasım’da görülecek.</p>
<p><u>Mehmet Shah Oruc Case</u></p> <p>The lawsuit filed against journalist Mehmet Şah Oruç, who was detained and arrested on 25 April within the scope of an investigation conducted by Diyarbakır Chief Public Prosecutor’s Office, due to ‘being an illegal organisation member’...</p> <p>Court: Bitlis 2nd Assize Court</p> <p>Hearing outcome: The next hearing will be held on January 30.</p>	<p><u>Cartoonist Zehra Ömeroğlu Trial</u></p> <p>The lawsuit filed against Zehra Ömeroğlu on charges of ‘obscenity’ due to a cartoon on Covid effects published in Lemn magazine...</p> <p>Court: Istanbul 1st Criminal Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on February 6.</p>
<p><u>Case Against Bosphorus Protests</u></p> <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 organised as part of the protests against Melih Bulu, who was appointed rector of Boğaziçi University...</p> <p>Court: Istanbul 21st Criminal Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on February 21.</p>	<p><u>Evrin Kepenek Case</u></p> <p>The lawsuit filed against journalist Evrin Kepenek due to “violating the confidentiality of the investigation” after she reported on the alleged death of a two-year-old child due to sexual abuse in Beylikdüzü, Istanbul...</p> <p>Court: Büyükçekmece (Istanbul) 9th Criminal Court of First Instance</p> <p>Hearing outcome: The next hearing will be held on January 24.</p>
<p><u>Cihan Kolivar Case</u></p> <p>The President of the Bread Producers' Union, Cihan Kolivar, during a discussion on the price hikes in bread prices on a television programme, said: ‘Bread is the staple food of stupid societies. Since our society is saturated with bread, such rulers have been in charge for 20 years.’ The lawsuit filed against him for “insulting the President”, “publicly insulting a section of the public” and “publicly insulting the Turkish nation”</p> <p>Court: Istanbul 17th Criminal Court of First Instance</p> <p>Hearing outcome: Cihan Kolivar passed away on September 4, 2024. His case was dropped due to his death. We extend our condolences to the family of Kolivar, who was detained for a while and spent the last years of his life in the courthouses due to this case.</p>	

HEARINGS NEXT WEEK

<p style="text-align: center;"><u>Ercan Aktaş Case</u></p> <p>Conscientious objector Ercan Aktaş was charged with “ha</p> <p>The case against him on charges of “discouraging people from military service”, “insulting the state and state leaders” and “making propaganda for an illegal organization”...</p> <p>October 2, Wednesday, Istanbul Bakırköy 2nd Assize Court</p>	<p style="text-align: center;"><u>KCK Press Trial</u></p> <p>The KCK Press Trial, in which 46 journalists and media workers have been on trial since 2012 on charges of “illegal organization membership” based on their journalistic activities such as interviews they conducted, photographs they took, press releases they followed, news notes, etc...</p> <p>October 3, Thursday, Istanbul 3rd High Criminal Court</p>
<p style="text-align: center;"><u>Case Against Bosphorus Pride March</u></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 the Law No. 2911 on Meetings and Demonstrations”...</p> <p>October 4, Friday, Istanbul 58th Criminal Court of First Instance</p>	<p style="text-align: center;"><u>The Case Against Saturday Mothers</u></p> <p>The lawsuit filed against those detained during the Saturday Mothers' sit-in on the day of the UEFA final match in Istanbul...</p> <p>October 4, Friday, Istanbul 39th Criminal Court of First Instance</p>