

## Last Two Weeks in Turkey...

15-31 October, 2023

### 15 October 2023

#### **Ankara Chief Public Prosecutor's Office detained four people who attended the Green Left Party Congress.**

Ankara Chief Public Prosecutor's Office announced that four people were detained after the 4th Ordinary Congress of the Green Left Party [the name of the party was changed to Peoples' Equality and Democracy Party (HEDEP)] held in Ankara Sports Hall.

Ankara Governorate stated that "[...] in relation to the acts of shouting slogans in favour of the separatist terrorist organisation and unfurling the poster of its ringleader at the congress, four people were detained in line with the instructions of the Ankara Chief Public Prosecutor's Office and judicial investigations were initiated against them."

Ankara Valiliği (Twitter)-<https://x.com/AnkaraValiligi/status/1713558609617997971?s=20>

Rûdaw-<https://www.rudaw.net/turkish/middleeast/turkey/1510202311>

Anadolu Ajansı-<https://www.aa.com.tr/tr/gundem/yesil-sol-parti-kongresinde-teror-orgutu-elebasinin-posterini-acan-4-kisi-gozaltina-alindi/3020956>

### 17 October 2023

#### **Tunceli Prosecutor's Office launched an investigation against singer Şevin for her lyrics and the song she sang on stage at the Munzur Festival**

An investigation was launched against musician Şevin, who gave a concert at the Munzur Culture and Nature Festival, for the song "Şervano" she sang and for her critical speech on stage regarding the stage ban on Grup Yorum.

Tunceli Governorate had banned Grup Yorum, Grup İsyân Ateşi and Veradardz Folk Band from performing at the 21st Munzur Culture and Nature Festival between 3 August and 6 August 2023.

Regarding the investigation against her for "praising crime and criminals" and "making propaganda for a terrorist organisation", Şevin stated that the police raided her registered residence address and that all her social media posts were included in the investigation file. Şevin also added that the song Şervano, which was attributed as a criminal offence by the investigation authority, was composed by Syrian artists in relation to ISIS attacks, and that it was not the first time she had sung the song, which was also performed by many artists, on stage.

Gazete Duvar-<https://www.gazeteduvar.com.tr/munzur-festivaline-katilan-sevine-sorusturma-haber-1642713>

Sanat Özgürlüğünü İzleme Platformu-<https://www.reportare.com/soz/munzur-festivaline-katilan-sevine-sorusturma/>

**20 October 2023**

### **Tunceli Governorate bans all social activities in Dersim for five days**

In Dersim, press statements, meetings and demonstrations, commemorations, sit-ins and similar vigils, opening stands, distributing leaflets, hanging banners and posters, conferences, concerts and similar activities were subject to the permission of the local administrative chief for five days from 20 October until midnight on 24 October.

The previous similar ban initiated by the Governorate on 12 October 2023 had ended five days earlier, at midnight on 15 October 2023.

In its official statement, the Tunceli Governor's Office, in line with some decisions taken on the grounds of "ensuring public security in the city", banned "all actions and activities such as press releases, meetings and demonstrations, rallies, open-door meetings, protests, sit-ins, commemorations, hunger strikes, opening stands, signature campaigns, concerts, festivals, distributing leaflets, distributing brochures, opening banners, posters, lighting and carrying torches, conferences, cinevision screenings, etc.[n. .]" and stated that only the events approved by the governorships and district governorships can be organised in the province.

Tunceli Valiliği - <http://www.tunceli.gov.tr/kurumlar/tunceli.gov.tr/Duyurular/2023/duyuru.pdf>

TRT Haber - <https://www.trthaber.com/haber/guncel/tuncelide-basin-aciklamalari-ve-etkinlikler-5-gun-sureyle-izne-baglandi-805641.html>

### **Ankara Criminal Judicature of Peace on Duty to arrest TRT reporter Elif Akkuş**

Journalist Elif Akkuş, who was detained on 17 October 2023 for allegedly leaking information to a "social media account" that posts about alleged irregularities at TRT, was arrested by the Ankara Criminal Judicature of Peace on Duty.

Akkuş had been suspended from her job at TRT for three months in May 2023 without justification. Ankara Chief Public Prosecutor's Office launched an investigation against Akkuş, a 25-year war correspondent at TRT, on charges of "unlawful acquisition or dissemination of personal data", "threat", "blackmail" and "slander".

After being taken into custody on 17 October, Akkuş was hospitalised due to ill health; her statement was taken while she was being treated in hospital. Akkuş's lawyer Hüseyin Ersöz announced on her social media account that the prosecutor terminated the detention order after the statement procedures, but later decided to take Akkuş to the courthouse in police custody.

The Ankara Chief Public Prosecutor's Office wrote to the hospital administration and the Ankara Police Department to "ensure her transfer to the courthouse when she is discharged". Lawyer Ersöz stated that her client, who was taken to the courthouse accompanied by the police, "has a stent in her brain, there is a danger of embolism, and her blood pressure values are high".

Akkuş was referred to Ankara Criminal Judicature of Peace on Duty "with a request for her arrest" and a detention warrant was issued for her. Akkuş was taken to Sincan Women's Closed Penal Institution.

According to the information provided by Ersöz, "Elif Akkuş is accused of giving this information to an X account that shared allegations of 'Nepotism and Misuse of Public Resources' about TRT executives." Ersöz also stated that the owner of the account that made the posts is not under arrest.

Birgün-<https://www.birgun.net/haber/gozaltina-alinan-trt-haber-muhabiri-elif-akkus-tutuklandi-477404>

Avukat Hüseyin Ersöz-<https://twitter.com/ersozhuseyin/status/1717190979952734661>

Dokuz8 Haber-<https://twitter.com/dokuz8haber/status/1715271197535993906>

Cumhuriyet-<https://www.cumhuriyet.com.tr/turkiye/elif-akkus-neden-tutuklandi-trt-muhabiri-elif-akkus-kimdir-2131097>

T24-<https://t24.com.tr/haber/gazeteci-elif-akkus-tutuklandi.1135319>

Gazete Duvar-<https://www.gazeteduvar.com.tr/trt-muhabiri-elif-akkus-sedyeyle-girdigi-durumda-tutuklandi-haber-1643340>

## 21 October 2023

### Police prevented the 969th week of Saturday Mothers' protest and detained 26 people

Despite the "violation" decision of the Constitutional Court (AYM), the 969th weekly sit-in of the Saturday Mothers in Galatasaray Square was prevented by the police.

The Constitutional Court's decision was taken after the legal struggle following the police attack that took place after the Istanbul Beyoğlu District Governorate banned the 700th gathering of the Saturday Mothers on 25 August 2018, claiming that "no notification was made." The police attacked Saturday Mothers gathering at Galatasaray Square and detained 23 people. Afterwards, 46 people were charged with "opposing the Law on Meetings and Demonstrations."

Maside Ocak, one of the Saturday Mothers, filed a criminal complaint against law enforcement officers and the chief of police. However, when the Chief Public Prosecutor's Office decided that there were no grounds for an investigation and the Istanbul Criminal Judgeship of Peace rejected the appeal, Maside Ocak took the case to the Constitutional Court.

The high court ruled in February that "the right to organise meetings and demonstrations" regulated in Article 34 of the Constitution had been violated. Maside Ocak was awarded 13,500 TL in non-pecuniary damages.

The Constitutional Court then ruled that the police officers who attacked the Saturday People's demonstration and beat Sebla Arcan violated the prohibition of ill-treatment and torture. The Constitutional Court ruled that the officers should be prosecuted and Arcan should be paid 50 thousand TL non-pecuniary damages.

Despite these two Constitutional Court decisions, rights defenders are prevented from holding a press statement in Galatasaray by police violence.

Citing the "ban" decision of Beyoğlu District Governorate, the police detained 26 people from Saturday Mothers and rights defenders.

The police detained Mikail Kırbayır, Gülseren Yoleri, Besna Tosun, Ali Newroz, Tosun İrfan, Bilgin Maside Ocak, Eren Keskin, Hasan Karakoç, Leman Yurtsever, Oya Ersoy, İkbâl Eren, Taylan Bekin, Nazım Dikbaş, Ayşegül Devocioğlu, Ümit Efe, İsmail Yücel, Davut Arslan, Begali Kurnaz, Doğan Özkan, İrem Gerkuş, Seher Kalkan, Ezgi Karakuş, Evrim Gürenin, Nazlı Evrim Şerifoğlu, Fatma Akaltun and Sevim Sancaktar were released after about five hours.

Cumartesi Anneleri (Twitter)-<https://x.com/CmrtesiAnneleri/status/1715675702421344482?s=20>

T24-<https://t24.com.tr/video/cumartesi-anneleri-969-uncu-haftada-da-gozaltina-alindi-elimizde-cicek-kolumuzda-kelepce.57343>

**22 October 2023**

**Eskişehir Chief Public Prosecutor's Office detained two wedding singers and 21 people who accompanied their songs**

Law enforcement officers of Eskişehir Provincial Gendarmerie Command conducted an operation in Kireç Neighbourhood of Odunpazarı district of Eskişehir based on the intelligence that a wedding party was making "illegal organisation propaganda." As part of the investigation launched on the allegation that four songs sung by two wedding singers contained lyrics containing "illegal organisation propaganda", the wedding singers and 21 people who were said to have accompanied the songs were detained.

Social Freedom Party (TÖP) Spokesperson Board Member and Mersin MP Perihan Koca shared details about the incident. Koca stated that the wedding in the village, located 20 kilometres from the city centre and inhabited by Kurds who migrated after the 1970s, took place one and a half months ago, and that the detention and statement-taking procedures within the scope of the investigation were carried out this week.

According to Koca, the police raided the wedding hall as well as the houses of the villagers. The records of the wedding were seized. The 23 people, two of whom were wedding musicians, were released after being held at the anti-terror branch for about 9 hours.

Mezopotamya Ajansı-<http://mezopotamyaajansi35.com/tum-haberler/content/view/221953?page=1>

Sanat Özgürlüğünü İzleme Platformu-<https://www.reportare.com/soz/soylenen-sarki-nedeniyle-dugune-operasyon-23-gozalti/>

NTV-<https://www.ntv.com.tr/turkiye/eskisehirde-dugunde-teror-orgutu-propagandasina-23-gozalti.dFr-TkPhrJK3RIRBVDJ8Hg>

Rûdaw-<https://www.rudaw.net/turkish/middleeast/turkey/2210202311>

**25 OCTOBER 2023, Wednesday**

**The court did not release Gültan Kışanak, whose maximum detention period has expired**

Gültan Kışanak, MP for the 23rd and 24th terms and elected [Co-]Mayor of Diyarbakır Metropolitan Municipality, whose trial continues at Ankara 22nd High Criminal Court, completed seven years of detention on 25 October 2023, exceeding the "long detention period" specified in the law. The court did not order Kışanak's release, despite an appeal by her lawyers.

Gültan Kışanak was detained on 25 October 2016, two years after taking office, when she returned home after learning of the investigation against her while abroad. Although she had returned after being informed of the investigation, she was arrested on 30 October on the grounds of "suspicion of flight." Fırat Anlı, co-mayor of Diyarbakır Metropolitan Municipality, was arrested together with Kışanak in the same investigation. He was released on 14 July 2018 at the third hearing of the case held at Diyarbakır 8th High Criminal Court. Diyarbakır Chief Public Prosecutor's Office objected to the release decision. Diyarbakır 9th Assize Court overturned the release decision. A warrant was issued for Anlı.

On 1 November 2016, two days after Kışanak's arrest, the Ministry of Interior appointed Etimesgut district governor as a trustee to the Diyarbakır Metropolitan Municipality Mayor's office with a decree with the force of law.

Kışanak was charged with "leading an illegal organisation" in the lawsuit filed at Malatya High Criminal Court. The court sentenced Kışanak to 14 years in prison. Upon the objection of the lawyers, Antep Regional Court of Appeals overturned the verdict and a retrial began.

During the retrial process, an arrest warrant was also issued for Kışanak in the Kobanê investigation launched in 2020 against 108 Kurdish politicians, including HDP Co-Chairs and Central Executive Committee (MYK) members. Thus, Kışanak was arrested while already under arrest.

According to Article 102/2 of the Code of Criminal Procedure (CPC) on the duration of detention, Kışanak has already completed the seven-year maximum period of detention as of 25 October 2023.

In the 30 March 2014 local elections, Gültan Kışanak, a candidate of the Peace and Democracy Party (BDP), was elected [Co-]Mayor of Diyarbakır Metropolitan Municipality with 55 per cent of the vote. Having won 97 municipalities in these elections, BDP changed its name to Democratic Regions Party (DBP) on 11 July 2014. In June 2014, the MPs of the BDP, which had been founded in 2008, had switched to the Peoples' Democratic Party (HDP), which had been founded in 2012.

On 15 July 2016, during the State of Emergency declared following the coup attempt, Decree Law No. 674 introduced significant changes in local governments and the practice of appointing "trustees" to mayorships began. The Ministry of Interior started the practice of appointing trustees to municipalities towards the end of 2016, and the relevant municipalities were administered by the appointed trustees until the local elections of 31 March 2019. During this period, trustees were appointed to a total of 33 municipalities, three metropolitan and four provincial municipalities, which were under the administration of the BDP, which had won a total of 90 municipalities in the 2014 elections. The activities of four district municipalities were subject to the authorisation of district governorships.

The Ministry of Interior continued to appoint trustees after the local elections held on 31 March 2019. The Ministry reappointed trustees to almost all municipalities to which trustees were appointed in the previous period.

Evrensel-<https://www.evrensel.net/haber/502367/yasa-acik-sure-doldu-ancak-gultan-kisanak-tahliye-edilmiyor-bu-hukuka-karsi-hiledir>

Gazete Duvar-<https://www.gazeteduvar.com.tr/uzun-tutukluluk-suresi-dolan-gultan-kisanak-tahliye-edilmiyor-haber-1644258>

Milliyet-<https://www.milliyet.com.tr/siyaset/dbpnin-kazandigi-106-belediyeden-33une-kayyum-atandi-2346505>

## 27 October 2023

### Police prevented a march of Dicle University students protesting a sexual harassment case

Dicle University students staged a sit-in protest in front of the Student Affairs to protest the death of Zeren Ertaş in the elevator that fell on the night of 25 October at Güzelhisar Girls' Dormitory in Efeler district of Aydın and also a sexual harassment incident at their university on 26 October. Many students participated in the protest.

After an hour-long sit-in protest, the students wanted to march to the Rectorate. The police rejected this demand on the grounds that "the group was getting out of control and manipulation was taking place" and intervened the students who decided to march to the rectorate.

After the students refused to leave the area, Diyarbakır Provincial Director of the Ministry of Youth and Sports Muammer Uslu, Diyarbakır Metropolitan Municipality Head of Transport Department and university administrators met with the students during the sit-in protest. The officials promised to solve the problems in dormitories, university cafeteria and transport, but were booed and left the area in the face of the reactions of the students.

Gazete Duvar-<https://www.gazeteduvar.com.tr/dicle-universitesinde-zeren-ertas-ve-taciz-protostosuna-polis-saldirisi-haber-1644482>

Evrensel-<https://www.evrensel.net/haber/502158/dicle-universitesi-ogrencilerinden-oturma-eylemi>

## **Governorate of Van banned marches and open-air meetings for two days**

The Governorate of Van has been imposing bans for 15-day periods every month for the last few months, but in the past few months the bans have been imposed on weekend days.

In its relevant statement, the Governorate stated that the conditions for restriction and prohibition stipulated in the constitution and laws are directly and explicitly present and that the ban "aims to ensure the security of life and property of the public, to eliminate the plans of terrorist organisations, to protect national security, fundamental rights and freedoms, to ensure the maintenance of general public order and to prevent the spread of violent incidents."

As stated in the statement, "[...] Except for the events to be approved by the Governorate and District Governorate authorities, demonstration marches and open-air meetings to be held for two days on 28 and 29 October in accordance with the provisions of the Law No. 2911 on Meetings and Demonstration Marches, press statements, sit-ins and surveys, setting up tents and stands, organising signature campaigns, distributing leaflets, brochures and flyers in accordance with the relevant provisions of the Law No. 2911, press statements, sit-ins and surveys, setting up tents and stands, organising signature campaigns, distributing leaflets, brochures and flyers in accordance with Article 11 (a) and (c) of the Provincial Administration Law No. 5442. (a) and (c) paragraphs of Article 11 of Provincial Administration Law No. 5442[...] were banned.

Van Valiliği-<http://www.van.gov.tr/27102023-tarihli-yasaklama-karari>

Serhat News-<https://www.serhatnews.com/vanda-2-gunluk-yasak-karari-yineleni>

Vanmed-<https://www.vanmed.net/haber/vanda-eylem-ve-etkinlikler-2-gun-yasak-26939>

## **28 October 2023**

### **The police prevented the 970th week of Saturday Mothers' demonstration by using force; 27 people were detained**

In the 970th week of Saturday Mothers' sit-in, which they started in 1995 to ask for the fate and accountability of their relatives who disappeared after being taken away by law enforcement forces or while in official custody and were never heard from again or who were found dead after a while, and to demand the prosecution of the perpetrators, and which they have been steadfastly continuing without giving up despite all kinds of pressure and violence, the police prevented them again. The police detained 27 people, including the Saturday Mothers and rights defenders who supported the sit-ins.

The police again prevented the Saturday Mothers, who wanted to march to Galatasaray Square with carnations in their hands, on the grounds of the "ban" decision of the Beyoğlu District Governorate, despite the "violation" decisions of the Constitutional Court (AYM).

These Constitutional Court decisions were taken after the legal struggle following the police attack that took place after the Istanbul Beyoğlu District Governorate banned the 700th gathering of the Saturday Mothers on 25 August 2018, claiming that "no notification was made." The police attacked Saturday Mothers gathering at Galatasaray Square and detained 23 people. Afterwards, 46 people were charged with "opposing the Law on Meetings and Demonstrations."

Maside Ocak, one of the Saturday Mothers, filed a criminal complaint against law enforcement officers and the chief of police. However, when the Chief Public Prosecutor's Office decided that there were no grounds for an investigation and the Istanbul Criminal Judgeship of Peace rejected the appeal, Maside Ocak took the case to the Constitutional Court.

The high court ruled in February that "the right to organise meetings and demonstrations" regulated in Article 34 of the Constitution had been violated. Maside Ocak was awarded 13,500 TL in non-pecuniary damages.

The Constitutional Court then ruled that the police officers who attacked the Saturday People's demonstration and beat Sebla Arcan violated the prohibition of ill-treatment and torture. The Constitutional Court ruled that the officers should be prosecuted and Arcan should be paid 50 thousand TL non-pecuniary damages.

Despite these two Constitutional Court decisions, rights defenders were prevented from holding a press statement in Galatasaray by police violence.

The 27 people detained are İkbal Eren, Ali Ocak, Besna Tosun, İrfan Bilgin, Hüseyin Ocak, Gülseren Yoleri, Oya Ersoy, Lemar Yurtsever, Ümit Efe, Nazım Dikbaş, Ayşegül Devocioğlu, Murat Çelik, İsmail Yücel, Davut Arslan, Doğan Özkan, Seyit Doğan, Salim Derelioğlu, Hüseyin Aygöl, Taylan Bekin, Sevim Sancaktar, Begali Kurnaz, Selim Kara, Mikail Kara, Salih Zeki Tombak, Bedahet Tosun, Hüseyin Doğan and Arda İlald were released after about five hours.

Cumartesi Anneleri (Twitter)-<https://x.com/CmrtesiAnneleri/status/1718212711744507995?s=20>

Mezopotamya Ajansı-<http://mezopotamyaajansi35.com/GUNCEL/content/view/222611>

Sözcü-<https://www.sozcu.com.tr/2023/gundem/aym-hukmune-karsin-cumartesi-annelerine-yine-mudahale-27-kisi-gozaltinda-7844486/>

## 29 October 2023

### Police detained a teacher who made a speech critical of Antalya during Republic Day celebrations

Speaking at the 100th Anniversary of the Republic events in Antalya, Emine Karakaş, a teacher of Turkish Language and Literature at a private school, made a critical speech about the definition of "Turkish Century" used by the government as a propaganda discourse, which attracted great attention on social media. People close to the government, who were disturbed by Emine Karakaş's speech, targeted her on social media.

The same night, at around 22.00, the Security Branch of the Antalya Security Directorate detained Emine Karakaş from her home. Karakaş was charged with "inciting the public to hatred and hostility" and released on 30 October on judicial control conditions.

Sözcü-<https://www.sozcu.com.tr/2023/gundem/emine-ogretmen-turkiye-yuzyili-konusmasi-nedeniyle-gozaltina-alindi-7847103/>

Gazete Duvar-<https://www.gazeteduvar.com.tr/okulda-yaptigi-konusma-ile-hedef-gosterilen-ogretmen-serbest-birakildi-haber-1645032>

## 30 OCTOBER 2023

### Judicial authorities continue to refuse to release elected MP Can Atalay

Istanbul 13th High Criminal Court did not implement the Constitutional Court's ruling on the violation of the rights of Can Atalay, Hatay MP of the Workers' Party of Turkey (TİP), and sent the decision to the 3rd Criminal Chamber of the Court of Cassation. The court argued that the violation stemmed from the decision of the Court of Cassation and claimed that the Court of Cassation is the authority that should decide.

Lawyer Can Atalay was elected as Hatay MP in the general elections of 14 May 2023 as a TİP candidate. Atalay was one of the eight defendants on trial together with Osman Kavala in the Gezi trial at the time he was nominated as a candidate and elected as an MP. On 26 April 2022, Istanbul 13th High Criminal Court sentenced Osman Kavala to aggravated life imprisonment for "attempting to overthrow the government" and seven defendants, including Can Atalay, to 18 years in prison for aiding the coup attempt. The court also ordered the arrest of seven defendants including Atalay. The court's previous acquittal decision in the same case was overturned by the Court of Cassation and the trial was restarted.

Can Atalay was elected as an MP for Hatay from TİP in the 14 May elections held while he was imprisoned. However, the 3rd Criminal Chamber of the Court of Cassation rejected Atalay's request for a stay of proceedings and his release on the grounds that he had legislative immunity. On 28 September 2023, the Chamber also upheld the sentences of Osman Kavala, Can Atalay, Mine Özerden, Çiğdem Mater and Tayfun Kahraman.

Upon this, Can Atalay filed an individual application to the Constitutional Court. The Constitutional Court discussed the application on 25 October and ruled that the right to be elected and to engage in political activity and the right to personal liberty and security were violated. The Constitutional Court also ordered Atalay to pay 50 thousand TL compensation and sent a copy of the decision to Istanbul 13th Criminal Court in order to eliminate the consequences of the violation.

The Constitutional Court had specifically asked the 13th High Criminal Court to order a retrial, to suspend the execution of Can Atalay, to order his release and to order a stay of proceedings.

As of 25 October, the local court was expected to implement the Can Atalay verdict. Istanbul 13th High Criminal Court delivered its verdict in the evening hours of 30 October. The court did not implement the Constitutional Court's violation decision on Atalay and ruled that the file be sent to the 3rd Criminal Chamber of the Court of Cassation. In the justification of the decision, the court stated: "Considering the aforementioned regulations, the violation decision subject to the individual application issued by the Constitutional Court is not related to the



decision of our Court, but to the decision of the relevant Criminal Chamber of the Court of Cassation to reject the release request, the applicant was elected as an MP while the file was before the relevant Chamber and the violation subject to the individual application arose from the decision of this Chamber, in addition, after the individual application was made, the file was examined and decided on the merits by the relevant Criminal Chamber, therefore, a new evaluation should be made by the 3rd Criminal Chamber of the Court of Cassation in the face of the new legal situation. Criminal Chamber of the Court of Cassation in view of the new legal situation, the file has been sent to your Chief Public Prosecutor's Office."

When the 13th High Criminal Court's justification text was published in the press, it was revealed that the document was signed only by the presiding judge Mesut Özdemir, not the court panel, and that the date of the decision was written as 13 October instead of 30 October. The Constitutional Court's decision on the determination of violation in response to the relevant application was taken on 25 October.

Mesut Özdemir, the president of the court, explained that the reason for the single signature was that one member of the three-member panel was on leave and one member had a three-day medical report. It turned out that the member who took leave was AKP parliamentary candidate Murat Bircan. The court also wrote another letter dated 30 October, arguing that the date had been made "by mistake."

This decision of the local court will prolong Can Atalay's release process. The Court of Cassation will be expected to discuss the Constitutional Court's violation judgement and make a decision. There is also a possibility that the 3rd Criminal Chamber of the Court of Cassation will send the file back to the local court. Moreover, if the violation decision is not implemented, Can Atalay will have to make an individual application to the Constitutional Court again.

BBC Türkçe-<https://www.bbc.com/turkce/articles/cd1jq15070xo>

DW Türkçe-<https://www.dw.com/tr/can-atalay-karari-yargitay-ucuncu-daireye-havale/a-67259666>

VOA Türkiye-<https://www.voaturkce.com/a/aym-nin-can-atalay-kararina-uymayan-istanbul-agir-ceza-mahkemesi-topu-yargitay-a-atti/7333468.html>

Medyascope-<https://medyascope.tv/2023/10/30/can-atalay-hala-tahliye-edilmedi-dosyaya-gecici-hakim-bakacak/>

Tele 1-<https://tele1.com.tr/mahkeme-aymin-can-atalay-kararina-uyyadi-heyet-adaleti-yargitaya-pasladi-942141/>

## **Ministry of Family and Social Services issued an access blocking order on the news about the Yazidi girl kidnapped by ISIS**

The Ministry of Family and Social Services applied to Ankara 10th Criminal Judicature of Peace to block access to Hale Gönültaş's news article published on 25 October 2023 in Artı Gerçek with the title "A first in Turkey: ISIS kidnapper of Yazidi child to be tried for human trafficking." With the decision dated 30 October 2023 and numbered 2023/8505, Ankara 10th Criminal Judicature of Peace ruled to block access to both the news published in Artı Gerçek and the news referencing the news in Artı Gerçek on the internet.

Hale Gönültaş published the continuation of the news article on 26 October 2023 with the title "The Ministry of Family delivered the Yazidi child to the ISIS family who kidnapped him and 'put him up for sale.'" In this news article, Gönültaş included the document proving that the Yazidi girl was handed over to the ISIS family with a "delivery report" by Pursaklar Sevgi Evi officials on 21 June 2022 with the approval of the Ministry of Family and Social Policies after the "protection order" was lifted.

The trial process started with the rescue of a Yazidi girl in Ankara in February 2021, when police and intelligence teams conducted an operation in a cell house of the Islamic State of Iraq and the Levant (ISIL). After the operation, the information that the child had previously been put up for "sale" on the deep internet by ISIS members was also reflected in the press.

Following the ISIS cell house operation in Ankara, the statements of Iraqi citizens A.V., N.H.R. and S.A O. were taken regarding the suspicion that they had kidnapped the Yazidi girl and held her hostage in their house. A.V. and N.H.R. were released on judicial control conditions on 27 February after statement procedures and interrogations at the prosecutor's office; S.A O. was arrested and put into Sincan F-Type Closed Penal Institution. (F-type penal execution institutions hold those who committed crimes against society, the state and organs of the state, and those who committed drug sales and smuggling crimes).

On 8 March 2021, the prosecutor's indictment was accepted and charged all three ISIS members with "membership of the Daesh terrorist organisation" and "taking part in its leadership." According to the indictment, ISIS member S.A.O. went to Ankara Provincial Migration Administration in 2018 with his brother's wife and applied for an identity card for a Yazidi girl. In the application, he stated that the child was the child of his brother and his wife, but they were delayed in issuing an identity card. The child was issued an identity card with her brother's name and the number 990....6990.

It was revealed that S. A. O., who was on trial with the allegation of committing the offence of "international human trafficking" based on the information that he kidnapped the Yazidi girl and brought her to Turkey illegally, was released in August 2021.

Artı Gerçek-<https://artigercek.com/guncel/aile-bakanligi-ezidi-kiz-cocugu-haberine-erisim-engeli-karari-aldirdi-271152h>

Hale Gönültaş (Twitter)-[https://twitter.com/hale\\_gonultas/status/1719415153081434449](https://twitter.com/hale_gonultas/status/1719415153081434449)

Artı Gerçek-<https://artigercek.com/guncel/turkiyede-bir-ilk-ezidi-cocugu-kaciran-isisli-insan-ticaretinden-yargilanacak-270416h>

Artı Gerçek-<https://artigercek.com/guncel/aile-bakanligi-kacirilarak-satisa-cikarilan-ezidi-kiz-cocugunu-isisli-aileye-270452h>

İfade Özgürlüğü Derneği (İFÖD)-<https://ifade.org.tr/engelliweb/devlet-korumasina-alinan-ezidi-cocugun-kendisini-kaciranlara-teslim-edilmesiyle-ilgili-haberler/>

## 31 October 2023

### Trial begins on charges relating to the screening and viewing of the film Pride

Members of the Cinema Collective of the Science, Aesthetics, Culture and Art Research Foundation (BEKSAV) appeared before the judge for the first time as part of the lawsuit against them for screening the film.

BEKSAV Cinema Collective was to screen the film "Pride" at Bahar Bahça in Kadıköy, Istanbul on the evening of 7 June 2023 as part of Pride Month activities. However, Kadıköy District Governorate banned the screening of the film. Upon BEKSAV's announcement that they did not recognise the ban, the police surrounded the BEKSAV building at the time of the screening and detained four BEKSAV members who went outside to negotiate with the police, as well as four audience members who came to the screening.

A lawsuit was filed against the detainees on 14 September. The first hearing of the case against eight people on charges of "violating Law No. 2911 on Meetings and Demonstrations" was held at the 45th Criminal Court of First Instance at Kartal Anadolu Courthouse. In their defence statements, BEKSAV members stated that "they

were beaten and detained while negotiating with the police", "BEKSAV produces socialist art. In this context, they were screening a film." Other defendants who had come to watch the film stated that "they had gone to BEKSAV to watch the film but were prevented by the police", "they were not notified of a ban order" and "they were detained under torture." The lawyers stated that the activity was a fundamental right and demanded the acquittal of their clients. The court adjourned the trial until 30 January 2024.

Director Matthew Warchus' film *Pride* tells the story of LGBTI+ activists' decision to support the strike of the National Union of Mineworkers in 1984 in the UK during the prime ministership of the conservative Thatcher, and the struggle of two opposing social segments together.

Susma 24-<https://susma24.com/beksav-uyeleri-hakim-karsisinda/>

DW Türkçe-[https://twitter.com/dw\\_turkce/status/1719392537025400972](https://twitter.com/dw_turkce/status/1719392537025400972)

### **Access ban on news on the "Operation Kaldırım" case in which Sedat Bucak, who was involved in the Susurluk scandal, is on trial**

News reports on the "Operation Pavement" case published in 2007 were blocked from access by the Siverek Criminal Judgeship of Peace on 31 October 2023 with the decision numbered 2023/2588, within the scope of the right to be forgotten.

In 2007, the Ankara Police had organised a raid called "Operation Kaldırım" (Operation Pavement) in the Çankaya district of Ankara against individuals alleged to have profited from threatening the owners and employees of luxury restaurants, bars and workplaces with guns. Operation Kaldırım, in which Sedat Bucak and 16 people, mostly from the Bucak clan, were detained, was carried out on 18 June 2007, during the election campaign. The Court of Cassation's decision on the approval of Sedat Bucak was issued on the same days. Sedat Bucak was acquitted in the Operation Kaldırım Case on 16 March 2010. The case involved 20 people whose files were merged after the operation; 10 people, including Sedat Bucak, were acquitted, eight people were sentenced for various offences, and the files of two fugitives were separated.

Bucak, who was a member of parliament from Şanlıurfa for the True Path Party, was injured in a car accident on the Balıkesir-Bursa highway at the Susurluk Çatalceviz locality on the evening of 3 November 1996. The other three people who died in the same car were police chief Hüseyin Kocadağ, mafia leader Abdullah Çatlı and his companion Gonca Us, who were wearing fake ID cards.

During the judgement process that started after the accident, which revealed traces of state-police-mafia relations. Sedat Bucak's immunity was lifted. The Ankara Chief Public Prosecutor's Office issued an indictment against Bucak on charges of hiding Abdullah Çatlı, who was wanted with an arrest warrant in absentia, by not informing the competent authorities, forming an organisation for the purpose of committing crimes and possessing weapons of grave quality. In the case known as the Susurluk Case, he was charged with 11 to 20 years of imprisonment. However, the trial could only begin after Bucak failed to be elected as an MP in 2002.

Bucak was acquitted in the Susurluk Case, but the Court of Cassation overturned the acquittal. In the retrial, Bucak submitted to the court certain information and documents that were not made public on the grounds of "state secrets." When the 8th Criminal Chamber of the Court of Cassation upheld his sentence of 1 year and 15 days in prison, Sedat Bucak was nominated as the Democratic Party's candidate for Şanlıurfa 1st place in the 22 July 2007 general elections. Bucak, a prominent member of the Bucak clan, one of the largest clans in Şanlıurfa, had a great voting potential in the city, but he could not enter the parliament because the Democratic

Party could not pass the election threshold. The chairman of the Democratic Party at the time was Mehmet Açar, who was the Minister of Interior at the time of the Susurluk scandal and had to resign after the scandal.

İfade Özgürlüğü Derneği (İFÖD)-<https://ifade.org.tr/engelliweb/kaldirim-operasyonu-davasi-hakkindaki-haberler/>

Hürriyet-<https://www.hurriyet.com.tr/gundem/sedat-bucaka-kaldirim-operasyonundan-beraat-14129267>

BirGün-<https://www.birgun.net/haber/jitem-kimlikli-ankara-cetesi-34280>

Cumhuriyet-<https://www.cumhuriyet.com.tr/haber/kaldirim-operasyonu-davasi-34510>

BBC Türkçe-<https://www.bbc.com/turkce/haberler-turkiye-57230730>

Haber 7-<https://www.haber7.com/guncel/haber/494799-kaldirim-operasyonu-davasinda-karar>

### **Kocaeli Governor's Office bans a march demanding that Kurdish be a compulsory subject and official language**

A ban was imposed on the Kocaeli leg of the march organised by the Kurdish Language Movement Association from Istanbul to Ankara to demand that Kurdish be a compulsory subject and be made an official language.

In a statement made by Kocaeli Governorate, it was stated that it was seen that there were posts on social media accounts that the president and members of the Kurdish Language Movement Association would march to Ankara starting from the provincial borders in order to draw attention to the "Kurdish language rights demands."

In this context, it was stated in the statement that some decisions were taken in order to "ensure national security, protect public order and security and general public order", and the following were recorded:

"In accordance with paragraphs (a) and (c) of Article 11 of the Provincial Administration Law No. 5442 and Article 17 of the Law No. 2911 on Meetings and Demonstrations. In accordance with the provisions of Article 17 of the Law No. 2911 on Meetings and Demonstrations, all kinds of actions/activities (marches, open and closed meetings, press statements, sit-ins, opening stands, signature campaigns, setting up tents, torch lighting, distributing flyers/ leaflets, brochures, protest actions and similar) to be held within the provincial borders of Kocaeli and the entry of vehicles and individuals coming to support these actions into the provincial borders are banned for 7 days from 00.01 on 31 October until 23.59 on 6 November."

Kocaeli Valiliği-<http://www.kocaeli.gov.tr/yuruyus-yasagi>

Gazete Duvar- <https://www.gazeteduvar.com.tr/kocaeli-valiliginden-kurtce-onlemi-7-gunluk-yasak-karari-alindi-haber-1645059>

Artı Gerçek-<https://artigercek.com/guncel/kocaeli-valiliginden-kurt-dili-hareketi-derneginin-yuruyusune-yasak-271134h>

### **Police detained students who wanted to draw attention to student suicides in Eskişehir**

In Eskişehir, students wanted to march to the KYK dormitory where Anadolu University student S.N.R., who committed suicide on 23 October 2023, was staying to draw attention to youth suicides. The police did not allow the march. When the students were determined to march to the dormitory, the police intervened. Four students were detained.

BirGün-<https://www.birgun.net/haber/eskisehir-de-kyk-ye-yurumek-isteyen-ogrencilere-polis-mudahalesi-gozaltilar-var-480132>

Evrensel-<https://www.evrensel.net/haber/502486/eskisehirde-kykye-yurumek-isteyen-ogrencilere-mudahale-4-ogrenci-gozaltina-alindi>

## Conditional release postponements and cancellations

Article 18, Paragraph 3 of the Law No. 7242 on the Amendment of the Law on the Execution of Criminal and Security Measures and Certain Laws, which entered into force on 15 April 2020, introduced an amendment to Article 89, Paragraph 5 of the Law No. 5275 on the Execution of Criminal and Security Measures regarding good behaviour and the evaluation of the attitude and behaviour of convicts.

This amendment has been implemented as of 1 January 2021, following the Regulation on Observation and Classification Centres and Evaluation of Convicts, which entered into force on 29 December 2020. According to the relevant amendment, the administrative and observation boards of penal execution institutions -prisons- evaluate convicts every six months and decide whether they are in good behaviour. The public prosecutor chairs the board, which evaluates those sentenced to ten years or more imprisonment and those convicted of terrorism offences, crimes of establishing, leading or being a member of an organisation, and crimes committed within the scope of the activities of an organisation.

Article 3 of the Regulation on Observation and Classification Centres and Evaluation of Convicts defines "good behaviour" as one of the conditions for conditional release, while paragraph (i) of the article states that the Administration and Observation Board shall evaluate the convict's "remorse for the crime committed".

### \* **Prosecutor did not recognise the cancellation decision; 30-year prisoner's parole decision revoked**

Mehmet Şirin Gümüş, a 68 years old convict in Izmir Şakran F-Type High Security Prison No. 2 with a 30-year prison sentence, was not released on the grounds of his previous solitary confinement sentences.

Gümüş had been arrested one week after being detained in a raid on his house in Izmir on 9 August 1993 on the basis of witness statements. In the trial conducted by the State Security Court (DGM), he had been sentenced to life imprisonment on the grounds that he had committed the offence of "attempting to separate a part of the territory under the sovereignty of the state from the state administration."

The prosecutor's office of the penal execution institution did not implement Gümüş's parole decision on 9 August, when he was supposed to be released on the completion of the execution period of the sentence, on the grounds that he had been sentenced to solitary confinement. Accordingly, Gümüş will remain in prison for six more years.

Gümüş's lawyer Abdülhadi Çetin filed objections to the Karşıyaka Chief Public Prosecutor's Office regarding eight separate solitary confinement sentences given to his client on different dates. As a result of these appeals, four solitary confinement sentences were cancelled, one of the remaining four sentences was executed, and the appeals process for the other three sentences is ongoing.

On 23 June 2023, lawyer Çetin made a new application to Karşıyaka 2nd Execution Judgeship for his client's conditional release based on his "good behaviour" after the decision to revoke his conditional release. The Execution Judgeship, which evaluated the application, accepted this request as a result of the examination.

Lawyer Çetin stated that the prison prosecutor's office did not recognise the decision of the Execution Judgeship.

Evrensel-<https://www.evrensel.net/haber/501243/30-yillik-mahpusun-infazi-yakildi-savci-iptal-kararini-tanimadi>

Mezopotamya Ajansı-<http://mezopotamyaajansi35.com/tum-haberler/content/view/221424?page=3>

**\* Yozgat T Type Closed Prison No. 2 revoked Ali Şen's conditional release decision for the second time**

The conditional release decision of Ali Şen, a 30-year prisoner in Yozgat T Type Closed Penal Institution No. 2, was revoked for the second time with the report of the Administration and Observation Board. Şen was expected to be released on 26 October.

Reacting to the postponement of his father's execution, İsmail Şen argued that the board had asked his father questions such as "Do you consider the PKK a terrorist organisation?" and "Do you regret it?" and that the conditional release decision was withdrawn in connection with this questioning.

Şen was detained and arrested in Mersin in 1993 and sentenced to life imprisonment by the State Security Court (DGM) on charges of "being a member of an illegal organisation" and "disrupting the unity and integrity of the state." Şen was imprisoned in Malatya, Yozgat, Konya, Eskişehir and Tarsus prisons and is currently in Yozgat Prison.

Ali Şen was expected to be released on 12 July 2023. His family living in Mersin learnt that Ali Şen's parole was revoked when they went to Yozgat and waited in front of the prison.

Mezopotamya Ajansı-<http://mezopotamyaajansi35.com/GUNCEL/content/view/222559?page=3>

Evrensel-<https://www.evrensel.net/haber/494547/30-yillik-tutuklu-ali-senin-tahliyesi-ertelendi>

**\* The Board of Administration and Observation of the Penal Execution Institution revoked the parole of Abdurrahim Yazol on the grounds that he did not show "remorse"**

People's Democratic Party (HDP) Esenler district organisation executive Abdurrahim Yazol, who was arrested in Istanbul's Esenler district in 2018 after being detained on charges of "being an illegal organisation member", was sentenced to seven years in prison.

Yazol, who was held in Manisa Akhisar T Type Closed Prison, was due to be sentenced on 6 October 2023.

T-type penal execution institutions hold those who are arrested or convicted for crimes such as organisation crimes, murder, fraud and theft.

The Manisa Akhisar T Type Closed Penal Institution Administration and Observation Board (İGK) revoked Yazol's conditional release decision on the grounds that he did not show "remorse." Yazol will be held for nine more months.

Mezopotamya Ajansı-<http://mezopotamyaajansi35.com/GUNCEL/content/view/222590?page=2>

Artı Gerçek-<https://artigercek.com/guncel/hdpli-yoneticinin-tahliyesi-dokuz-ay-ertelendi-pismanlik-dayatmasi-270748h>

**\* Yozgat Penal Institution did not release Sinan Sütpek for the third time on the grounds of "not being in good behaviour"**

Sinan Sütpek, who was arrested on 3 May 1993 and sentenced to life imprisonment in the case against him, is not released from prison despite completing his execution.

30 years and 6 months in prison and completed his execution on 3 May, Sütpek's sentence was extended by three months by the Yozgat Prison administration because the Administration and Observation Board of the

Penal Execution Institution did not issue a "not in good behaviour" report. In August, he was once again denied release on the same grounds and his sentence was extended by three months.

Sütpak was expected to be released on 29 October 2023. However, he was once again denied release on the grounds of "not being in good behaviour."

The reasons for the postponement of his release were listed as follows in the report of the Administration and Observation Board of the Penal Execution Institution:

"In case of his release from prison, his life energy is low, he has not severed his connection with the organisation after entering prison, he has not confessed, he has not renounced his radical thoughts, he has not explicitly described the organisation as a 'terrorist organisation', he has no statement of regret, he has a tendency to commit crimes..."

Mezopotamya Ajansı-<http://mezopotamyaajansi35.com/GUNCEL/content/view/222717?page=5>

Artı Gerçek-<https://artigercek.com/guncel/30-yillik-tutuklunun-ucuncu-kez-tahliyesine-itirafci-olmadi-engeli-270904h>

## **Notes from the monitored court hearings:**

### **Onur Hamzaoğlu and Others Case (19 October 2023)**

Peoples' Democratic Congress (HDK) co-spokesperson and peace academic Onur Hamzaoğlu, Socialist Party of the Oppressed (ESP) Deputy Chairperson and Socialist Women's Assembly (SKM) Spokesperson Fadime Çelebi, Socialist Re-Liberation Party (SYKP) Co-Chair Ahmet Kaya, Peoples' Democratic Party (HDP) former Co-Chair Serpil Kemalbay, HDK Co-Spokesperson Gülistan Kılıç Koçyiğit, The 12th hearing of the lawsuit filed against Democratic Regions Party (DBP) Deputy Co-Chair Hacer Özdemir, Socialist Solidarity Platform (SODAP) Co-Spokesperson Kezban Konukçu Kok, Greens and Left Future Party Co-Chairs Naci Sönmez and Özlem Eylem Tuncaeli, Socialist Refoundation Party (SYKP) Co-Chair Tülay Hatimoğulları and Revolutionary Party Chair and HDP Istanbul MP Musa Piroğlu for inciting people to hatred and hostility and making terrorist organisation propaganda was held on 19 October 2023 at Ankara 29th Assize Court. The 12th hearing was held on 19 October 2023 at Ankara 29th Assize Court. In his final opinion, the prosecutor stated that the file of Kezban Konukçu Kok, who was elected as an MP in the general elections on 14 May 2023, should be separated, and that the elements of the crime in terms of making terrorist organisation propaganda did not occur for the other defendants, but that they should be punished in terms of inciting the public to hatred and hostility. The trial will continue with 13 hearings on 10 January 2024 at 10.00 am.

### **Cem Sarısülük and Others Case (19 October 2023)**

A case against 84 people including members of Human Rights Association (IHD) and Cem Sarısülük, for making a press declaration in front of Ankara Courthouse, protesting the trial process of police officers who killed Ethem Sarısülük, on Ankara Penal Court of First Instance No. 28 for violating the Law on Meetings and Demonstrations. The first trial was held on 22 January 2018 and the case has been going on for 27 hearings. At the 27th hearing held on 19 October; it was decided to send the case to the Public Prosecutor's Office for a final opinion. The trial will continue with the 28th hearing on 5 December 2023 at 13.45.

### **Van Peace Mothers Trial (20 October 2023)**

The second trial of the retrial phase of the case against nine "Peace Mothers", families of prisoners on hunger strike and death fast, who gathered at Van High Security Prison entrance on April 30, 2019. The final hearing of the retrial phase of the case, in which nine "Mothers of Peace" were on trial at Van Heavy Penal Court No. 4 on charges of violating the Law on Meetings and Demonstrations and committing a crime on behalf of a terrorist organisation for making an unauthorised press statement, was held on 23 December 2022. The court acquitted the defendants on the charges of violating the Law on Meetings and Demonstrations No. 2911 and sentenced them to 2 years and 1 month each on the charge of "knowingly and willingly aiding an armed terrorist organisation without being a member of the organisation." The sentences were postponed. The verdict was reversed on appeal and retrial process started. The first hearing of the retrial was held on 8 June 2023. In the second hearing on 20 October 2023, the prosecutor decided to drop the case against one of the defendants who died during the trial and demanded that the other defendants be sentenced separately for the crimes they were charged with. The hearing was adjourned to 18 January 2024 for the defence counsels to prepare their defences.

### **Fırat Akdeniz Case - Diyarbakır (20 October 2023)**

Diyarbakır Penal Court of First Instance No. 10 held a hearing on 20 October and acquitted all defendants in the case against more than 30 people, including Fırat Akdeniz, former executive of IHD Diyarbakır branch, who staged a sit-in protest on 17 July 2017 to protest dismissals in public sector by decrees with the force of law. The court also decided to file a criminal complaint against two defendants under Articles 32/1 and 32/2 of Law No. 2911 when the verdict is finalised.

According to Articles 32/1, 32/2 of the Law No. 2911 on Meetings and Demonstrations, "Participants in unlawful meetings or demonstrations who insist on not dispersing despite warnings and use of force shall be sentenced to imprisonment from 6 months to 3 years. If this offence is committed by the organisers of the assembly or demonstration march, the penalty to be imposed according to the provision of this paragraph shall be increased by half.

In case of resistance against law enforcement officers by using force or threat despite the warning and use of force, a penalty shall also be imposed for the offence defined in Article 265 of the Turkish Penal Code No. 5237 dated 26/9/2004."

### **Adalet Kaya Case - Diyarbakır (25 October 2023)**

At the hearing of the lawsuit filed against Adalet Kaya, former president of Rosa Women's Association, due to illegal organisation membership through her activities within the scope of the association, held at Diyarbakır Heavy Penal Court No. 11 on October 25, it was decided to send the request of the defendant lawyers to the prosecutor's office for a stay of proceedings and to reject the request for lifting judicial control. The trial will continue on 4 March 2024.

In the hearing held on 12 June 2023, it was decided to request the documents related to Adalet Kaya's election as YSP MP for the 28th term in the 14 May general elections from the Diyarbakır Provincial Election Board and the Secretariat of the Grand National Assembly of Turkey, and the hearing was adjourned to 25 October 2023.