

T.C. ANKARA 6. SULH CEZA HÂK ML D. . No : 2021/11297 D.

T.C.

ANKARA

6. SULH CEZA HÂK ML

DE K KARAR

DE K NO: 2021/11297 D.

HAK M: Muammer YURTSEVER 139826

KAT P: Kübra KILIÇ 181008

TALEP EDEN : T.C. Ç LER BAKANLI I Emniyet Genel Müdürlü ü

TALEP : Eri imin Engellenmesi Talebi

TALEP TAR H : 08/10/2021 saat 14:46

KARAR TAR H : 09/10/2021 saat 14:19

Talep edenin Hakimli imize getirdi i dilekçesi okundu.

GERE DÜ ÜNÜLDÜ:

Talep eden 08/10/2021 havale tarihli dilekçesi ile özetle;

"...Yazımız ekinde yer alan internet adreslerindeki yayın/payla ımlarında, FETÖ/PDY Terör Örgütü ya da paravan yapılanmasının propagandası niteli inde oldu u; haber içeri inde ise iddetin ve i kence yapıldı ı algısının olu turuldu u, mesnetsiz ve tezvirat temeli içeriklerle Milli stihbarat Te kilatı, Türk Silahlı Kuvvetleri, Adli Makamlar ile Türk Polis Te kilatına ve personeline zarar verebilece i, kamuoyu nezdinde adı geçen kurumlarımızın resmi sıfatının gerektirdi i saygı ve güven duygusunu sarsacak nitelikte oldu u, ayrıca bahse konu payla ımların milli güvenlik düzenini bozabilece i, toplum üzerinde olumsuz etki ve infial olu turabilece i de erlendirildi inden; ayrıca ülkemizin ve milletimizin güvenli i ile kolluk

makamlarını, güvenlik birimlerini, görevli ve sorumlu kamu personellerini kolluk kuvvetlerinin moral ve motivasyonunu olumsuz olarak etkilemek amacıyla yayımlandı nın de erlendirildi inden; ekli listede yer alan üçyüzaltmı bir (361) adet internet sitesi/URL adresi ve ikiyüzotuzbir (231) adet kullanıcı profili olmak üzere toplam be yüzdoksaniki (592) URL adresi/kullanıcı profili hakkında 5651 sayılı Kanunun çerçevesinde gerekli tedbirin uygulama ve bahse konu URL/kullanıcı profillerinin eri iminin engellenmesi hususunu" ekinde talep edilmi olmakla, evraklar incelendi.

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Az yukarıda belirtilen (2) numaralı sırada ki URL adresleri yönünden yapılan inceleme ve de erlendirme de; dosya ve ekleri incelenmi olup güncel Anayasa Mahkemesi kararları 11 inda, eri imin engellenmesi tedbirinin alınmasının haklılı 1, ancak bir görünü te haklılık yahut ilk bakı ta haklılık olması halinde de erlendirilmesi mümkündür. 5651 sayılı Kanunu'nun 9. maddesinde öngörülen usulde, yirmi dört saat içinde duru ma yapmaksızın karar verilmesi, kar 1 tarafın dinlenmemesi, delil toplanmaması, talepte bulunan tarafın delilleri ile yetinilmesi usulü eri imin engellenmesinin ancak istisnai oldu unu göstermektedir. Bu usul ancak ki ilik haklarının apaçık bir ekilde ihlal edildi inin daha ilk bakı ta anlaşıldı ı durumlarda i letilebilir. Ayrıca, eri imin engellenmesi kararı uyu mazlı ı esastan çözen bir karar olmadı ından, ki ilerin haklarını çeki meli yargıda haklarını arayabilmeleri de mümkündür. Bu URL adresleri yönünden talebin reddine karar vermek gerekmi ve a a ıdaki ekilde karar verilmi tir.

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Katip 181008Hakim 139826

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