

2024

Freedom of Expression and Journalism Cases

TRIAL MONITORING PROGRAM REPORT

“Thinking criminalized, detention as punishment”

MLSA

MLSA 2024 Trial Monitoring Program Report

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This report was prepared with the support of the Norwegian Embassy in Ankara
and the Friedrich Naumann Foundation for Freedom.

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About Media and Law Studies Association

Media and Law Studies Association (MLSA) is a non-governmental organisation active in the field of freedom of expression since 2018. It provides legal support to people whose freedom of expression is violated, especially journalists, media members and human rights defenders, and represents them in national and international legal processes.

MLSA carries out advocacy activities through regular submissions to international organisations, particularly the Committee of Ministers of the Council of Europe, and carries out capacity building activities for journalists, lawyers and civil society organisations on rights-based activities, particularly on freedom of expression.

MLSA also monitors internet freedom and censorship in Turkey within the framework of as part of its the Fre-eWeb platform and follows developments in this field. In addition to these activities, it provides legal and institutional support to associations and foundations through its civil society capacity building program. The MLSA website provides a space for independent journalists to publish their articles and publicise their work.

MLSA has been running the largest trial monitoring program in Turkey since 2018 and publishes regular reports. The MLSA Trial Monitoring Program, which has monitored over 2,000 hearings to date, provides resources to many media outlets and rights organisations. The views and data shared in this report are solely those of the Media and Law Studies Association. They in no way represent the views of the Embassy of the Kingdom of Norway in Ankara or the Friedrich Naumann Foundation for Freedom Turkey Office.



Methodology

Turkey's most comprehensive trial monitoring program

This report contains the findings of the Media and Law Studies Association (MLSA)'s Trial Monitoring Program on freedom of expression and press freedom cases, between 1 September 2023 to 20 July 2024.

Freedom of expression, which is one of the cornerstones of a democratic society, has always been a target of the governments and constant effort have been required to protect it. In addition to creating an archive and database, Trial Monitoring work consists of identifying, recording and monitoring the actions of public authorities that violate freedom of expression in order to protect freedom of expression, raise public awareness through civil society, promote legal reforms and instil confidence and courage in both those on trial and the public.

The data used in the report was collected through a 'Trial Monitoring Form' filled in by observers, mostly journalists with training and experience in trial monitoring. The form, which was filled in by the observers after each hearing, was developed with the guidance and recommendations of organisations such as the Organisation for Security and Cooperation in Europe (OSCE), Amnesty International, International Committee for Jurists and Solicitors International Human Rights Group (SIHRG). The findings in this report are the result of analysing the data obtained from the forms.

The aim of this program is to record compliance with national and international standards and possible violations in the context of the right to a fair trial, which is recognised as an inalienable human right by many international conventions and treaties to which Turkey is a party, in particular the 1948 Universal Declaration of Human Rights, the 1950 European Convention on Human Rights (ECHR) and the 1966 United Nations Covenant on Political and Civil Rights, and to reveal the current situation in cases involving the freedoms of the press, assembly and expression.

MLSA's Trial Monitoring Program is the most comprehensive trial monitoring program in Turkey to analyse trial procedures and standards of proceedings.

Preface

Journalists on trial for reporting

This report is based on data from freedom of expression and freedom of the press cases monitored under the MLSA Trial Monitoring Program during the last judicial year (1 September 2023 - 20 July 2024). The report was prepared using the Trial Monitoring form developed in line with the Organisation for Security and Co-operation in Europe (OSCE) standards, and the data obtained from the responses to the form were evaluated. In the 281 cases monitored during this period, 614 hearings were held and a total of 1,856 defendants were put on trial.

Journalists, activists and students constituted the largest groups among those stood trial. Activists constituted the largest group of those on trial with 46.31 per cent, while students and journalists made up 20.25 per cent and 19.71 per cent of those on trial, respectively.

Activists were generally prosecuted for their participation in mass meetings and demonstrations. Journalists, on the other hand, were brought to court as defendants for the news they wrote and comments they made in the course of their profession.

There were fewer trials of groups such as politicians, academics and artists than of journalists, students and activists. Many lawyers were also put on trial during this period. In Diyarbakır, 10 lawyers were prosecuted for 'membership of an illegal organisation' based on the statements of a single witness.

281 cases were monitored



614 hearings were held during this period and a total of 1856 defendants were tried in these cases

Activists

%46,3

Activists constituted the largest group of those on trial, with a rate of 46.31 percent.

Students



Students came in second place among those on trial with 20.25 percent.

Journalists



Journalists are fourth among those on trial, with a rate of 19.71 percent.

Charges

In this period, defendants were charged with terrorism and defamation in connection with freedom of expression. The three most common charges were 'making propaganda for a terrorist organisation', 'being a member of an armed terrorist organisation' and 'violating Law No. 2911 on Meetings and Demonstrations' with a rate of 12.63 percent each.

These were followed by the charge of 'insulting a public official' with 9.69 percent. The accusation of 'publicly disseminating misleading information', which is described by press and professional organisations as 'censorship law', was directed against journalists and rights defenders who write about issues that draw public reaction but which the government does not want to be addressed.

In the cases monitored during this period, journalists were tried on various charges, mainly 'terrorism' and 'insult'.

64.2 percent (120 people) of the 187 defendants charged with 'membership of an armed (terrorist) organisation' and 34.6 percent (56 people) of the

162 defendants charged with 'making propaganda for a terrorist organisation' were journalists. 37.6 percent (38 people) of the 101 defendants charged with 'insulting a public official for his/her duty' were journalists. Activists, including LGBTI+ individuals, people of different age groups, students, workers, human rights defenders, environmentalists, human rights defenders and activists from various occupational and identity groups, were mostly charged with 'opposition to Law No. 2911 on Meetings and Demonstrations'. Activists constituted 63.1 percent (710 people) of the 1125 defendants on trial with this charge. During the monitoring period, verdicts were announced in 108 out of 281 cases, in 74 of which 369 defendants were acquitted. However, in 28 cases, defendants were sentenced to 233 years, 4 months and 14 days in total. In addition, in 5 cases, 5 defendants were ordered to pay a total judicial fine of 88,000 TL. Again in this period, the defendants were ordered to pay a total of 37,500 TL in compensation in cases heard by the civil courts of first instance.

State officials and authority figures as parties in the cases

A distinctive feature of this year's report compared to previous years' reports is that all monitored cases were analysed according to the status of the complainant or plaintiff. In the 107 cases monitored in this period, Turkish President Recep Tayyip Erdoğan and his family, high-profile state officials, members of the judiciary, military and administrative officials such as governors and police officers were the complainants or plaintiffs. Despite ECtHR jurisprudence emphasising that the involvement of state officials and authority figures can undermine the principle of a fair trial, 230 people were brought to court in these 107 cases. Of these defendants, 64 per cent (116) were journalists.

21 journalists still held in prisons

At the start of this monitoring period on 1 September 2023, 30 journalists and media workers in Turkey were in pre-trial detention or imprisonment for their journalistic activities. By the end of the monitoring period on 20 July 2024, three more journalists were arrested and a total of 17 journalists were released. At the time of this report in September, total of 21 journalists were still in pre-trial detention or imprisonment.

Journalists were charged with 'membership of a terrorist organisation', 'making terrorist propaganda', 'targeting people involved in the fight against terrorism' or 'disseminating misleading information to the public', known as 'censorship law'. The detention periods of the journalists ranged from 5 days to 9 years and 3 months.

Data on transparency and fair trials worrisome

Frequent violations of fair trial principles were detected during the hearings monitored. During this period, 68.4 per cent of the hearings started late, physical conditions restricted spectators' access to hearings or prevented observers from attending hearings. In addition, serious violations were reported, including denying defendants the floor, interrupting defences or allowing law enforcement officers into courtrooms. Frequent changes in court panels also raised concerns about the transparency and fairness of trials.

The report showed that the majority of freedom of expression and press freedom cases were brought for criticism of state officials and participation in public demonstrations. The findings reveal continued pressure on journalists, activists and students, particularly through anti-terrorism laws and defamation charges. Violations of the right to a fair trial are among the important factors affecting the outcome of cases.

Imprisoned journalists and media workers

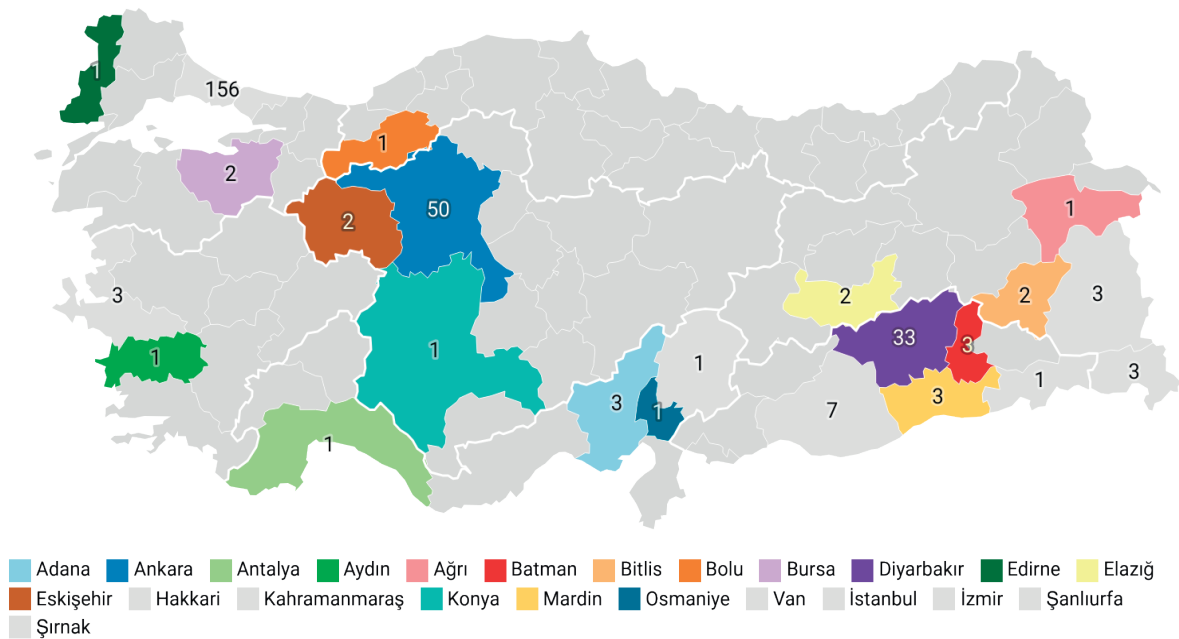
	Name	News outlet	Duty	Date of detention
1	AHMET AYVA		Reporter	26.01.24
2	AHMET UZAN	Sabah Egele Gazetesi	News Manager	
3	ALİ ÜNAL	Zaman Gazetesi	Columnist	16.08.2016
4	BARAN KARADAĞ	Azadiya Welat	Newspaper Distributor	
5	ERDAL SÜSEM	Eylül Dergisi	Editor	1.02.2010
6	EROL ZAVAR	Odak Dergisi	Owner	20.01.2007
7	GÜLTEKİN AVCI	Bugün gazetesi	Columnist	26.08.2016
8	HATİCE DUMAN	Atılım gazetesi	Liabe news manager	1.04.2023
9	HİDAYET KARACA	Samanyolu TV	Publication president	19.12.2014
10	İSMAİL ÇOBAN	Azadiya Welat	Liabe news manager	3.05.2018
11	KENAN KARAVİL	Radyo Dünya	Editor-in-chef	11.12.2009
12	LÜTFİYE BURCU KARA	Mücadele Birliği Gazetesi	Reporter	29.09.2024
13	MEHMET BARANSU	Taraf gazetesi	Reporter	2.03.2015
14	MEHMET GÜNDEM		Journalist/writer	3.08.2022
15	MURAT ÇAPAN	Nokta dergisi	Liabe news manager	27.05.2017
16	MUSTAFA GÖK	Ekmek ve Adalet dergisi	Reporter	1.02.2004
17	OSMAN ÇALIK	Samanyolu Haber ajansı	Editor-in-chef	5.07.2019
18	RECAİ MORKOÇ	Cihan Haber ajansı	Regional Chef	11.01.2022
19	SÜLEYMAN GENÇEL	A3 Haber	Editor-in-chef	2.02.2024
20	ZAFER ÖZCAN	Bugün	Finance editor	7.03.2019
21	ZİYA ATAMAN	DİHA	Reporter	11.04.2016

PART ONE: On the Merits of the Cases

OVERVIEW OF THE CASES

This report is based on the data obtained from 614 hearings held in 281 freedom of expression cases involving 1,856 people in 24 provinces between 1 September 2023 and 20 July 2024, monitored by Media and Law Studies Association (MLSA).

Distribution of cases by city



Map data: © OSM • Created with Datawrapper

Most of the freedom of expression and press freedom cases monitored during this monitoring period were concentrated in big cities such as Istanbul and Ankara. Istanbul saw 55.3 per cent of the 282 cases (156 cases). Ankara ranked second with 17.7 per cent (50 cases) and Diyarbakir ranked third with 11.7 per cent (3 cases).

These three cities saw 84.7 per cent of the total number of cases. Cases in cities such as Urfa, Van, Mardin, Izmir, Hakkari, Batman and Adana accounted for only 10.6 per cent of the total, each with a share ranging from 1 to 2.5 per cent. The remaining 4.7 per cent of cases took place in other provinces at the bottom of the list.

Who are the defendants

In this monitoring period, the data showed that violations of freedom of expression were concentrated on individuals participating in social movements. Activists, students and journalists were the groups most frequently prosecuted in freedom of expression and press freedom cases.

A total of 1,856 defendants were put on trial, with activists taking the first place with a rate of 46.31 per cent. The majority of activists were prosecuted for their participation in meetings and demonstrations. The 860 defendants in this group constituted nearly half of the total number of defendants.

Students were the second most prosecuted with 20.25 per cent; 376 students were prosecuted in total.

Journalists ranked third with a rate of 19.71 per cent; journalists constituted an important group with 366 defendants.

On the other hand, trials of groups such as politicians, lawyers, academics and artists remained relatively low compared to these three groups.

Distribution of those on trial according to their professions

	Total	Ratio
Activist	860	46.31
Student	376	20.25
Journalist	366	19.71
Other	90	4.85
Politician	78	4.2
Lawyer	32	1.72
Artist	8	0.43
Academician	4	0.22
Director/Documentary Filmmaker	3	0.16
Doctor	3	0.16
Author	1	0.05
Legal Entity	1	0.05

Created with Datawrapper

■ Number of Cases ■ Rate (%)

	Number of Cases	Rate (%)
Criminal Court of First Instance	146	52
High Criminal Court	43	15
Civil Court of First Instance	17	6
Commercial Court of First Instance	1	0.4
General Total	281	100

Distribution of cases according to the court type

In this period, 52 per cent of the cases (146 cases) were heard in criminal courts of first instance, which are tasked with hearing cases on charges that carry a prison sentence of 10 years or less. These courts are especially in charge of hearing charges such as 'defamation', 'slander' or 'opposition to Law No. 2911 on Meetings and Demonstrations'.

Fifteen per cent of the cases (43 cases) were heard in the High Criminal Courts, which are tasked with hea-

ring cases on charges of 'terrorism' and other offences that carry a prison sentence of more than 10 years. These courts have a three-judge panel.

During the monitoring period, 6 per cent of the cases (17 cases) were tried in the civil courts of first instance, which are in charge of handling cases concerning property and personal assets. One case was heard in the commercial court of first instance, which is responsible for hearing commercial cases as prescribed by law.

Charges against the defendants



In the 281 cases monitored during this period, the defendants were charged with various allegations under different provisions of the Turkish Criminal Code (TCK) and the Anti-Terror Law (TMK).

The most common charges were 'making propaganda for a terrorist organisation' (43 cases), 'being a member of an armed terrorist organisation' (43 cases), 'violating the Law on Meetings and Demonstrations No. 2911' (43 cases), each with a rate of 12.63 percent. 'Insulting a public official' was also among the most common charges against the defendants with a rate of 9.69 percent (33 cases).

'Insulting the President' was charged in 32 cases (9.41 per cent). In one of the noteworthy judgments of the ECtHR, Vedat Şorli v. Turkey with application number 42048/19, it was stated that this offence, which is regulated under Article 299 of the Turkish Criminal Code, clearly violates Article 10 of the ECHR and, in line with the opinion of the Venice Commission, the abrogation of this article would be a solution.

In this period, 'denigrating the nation, the state and its organs' regulated under Article 301/1 of the TPC was charged in 12 cases (3.52 percent). 'publicly denigrating the military or police organisation of the state' (TCK 301/2), which is regulated under the same article, was charged in 5 cases (1.47 percent) in this period. The ECtHR stated that Article 301 of the TPC "contains overly broad and vague expressions" and ruled that there was a problem of foreseeability.

The accusation of 'publicly disseminating misleading information' under Article 217-a of the Turkish Criminal Code, which press and professional organisations describe as a 'censorship law', was raised in 12 cases (3.52 percent). Furthermore, 'slander' was levelled against the defendants in 12 cases (3.52 percent).

During the monitoring period, 'resistance to a pub-

lic officer' was charged in 14 cases (4.11 percent) and 'simple insult' was charged in 25 cases (7.34 percent).

Again in this period, in 15 cases (4.41 per cent) defendants had to defend themselves on the charge of 'revealing/disseminating the identity of persons who took part in the fight against terrorism or targeting them'.

In this period, 5 cases (1.47 percent) were charged with 'publicly denigrating the military or security organisation of the state', 8 cases (2.35 percent) with 'inciting hatred and hostility among the public' and 4 cases (1.17 percent) with 'establishing/managing an armed terrorist organisation'.

During this monitoring period, a number of other charges, each with a rate of less than one per cent, had been brought. These included 'depriving a person of his/her liberty', 'entering a military restricted area' and 'publicly insulting the National Anthem'.

In this period, lawsuits alleging violation of personal rights or commercial reputation were also filed in the civil courts of first instance or commercial courts of first instance. The allegation of 'violation of personal rights' was brought against the defendants in 17 cases with a rate of 4.99 per cent. 2 trials were held with the allegation of 'damage to commercial reputation'.

On the basis of these data, it was found that terrorism-related charges and defamation charges related to freedom of expression were particularly prominent in this period, while other charges were relatively less common.

Distribution of cases according to charges

Charges	Number of Cases	Rate (%)
Making propaganda for a terrorist organisation (TMK 7/2)	43	13
Being a member of an armed (terrorist) organisation (TCK 314/2)	43	13
Violating Law No. 2911 on Meetings and Demonstrations	43	13
Insult against a public official because of his/her duty (TCK 125/3)	33	10
Insulting the President (TCK 299)	32	9
Insult (TCK 125/1)	25	7
Violation of personality rights (Civil cases)	17	5
Disclosing or publishing the identity of public officials who have taken part in the fight against terrorism or targeting them in this way (TMK 6/1)	15	4
Resisting to a public officer (TCK 265/1)	14	4
Slander (TCK 267/1)	12	4
Publicly disseminating misleading information (Censorship Law) (TCK 217-a)	12	4
Publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State (TCK 301/1)	12	4
Inciting the public to hatred and hostility (TCK 216/1)	8	2
Aiding an armed (terrorist) organisation (TCK 314/3)	5	1
Publicly humiliating the military or police organisation of the state (TCK 301/2)	5	1
Establishing/managing an armed (terrorist) organisation (TCK 314/1)	4	1
Incitement to commit an offence (TCK 214)	3	1
Praising offence and offender (TCK 215)	3	1
Attempting to overthrow the Government of the Republic of Turkey or partially or completely preventing it from performing its duties by using force and violence/ Crime of Violating the Constitution (TCK 309)	3	1
Political or military espionage (TCK 328)	3	1
Damage to commercial reputation (civil)	2	1
Opposition to Law No. 6415 on the Prevention of Financing of Terrorism	2	1
Unlawful acquisition of personal data (TCK 136)	2	1
Publicly insulting religious values adopted by a section of the public (TCK 216)	2	1
Disrupting the unity and territorial integrity of the state (TCK 302)	1	0
Deprivation of liberty (TCK 109)	1	0
Entering military restricted areas (TCK 332)	1	0
Violation of the inviolability of the workplace (TCK 116/2)	1	0
Publicly threatening life, health, body or sexual inviolability or property in order to create anxiety, fear and panic among the public (TCK 213)	1	0
Publicly insulting the National Anthem (TCK 300)	1	0
Insulting the memory of a person (TCK 130/1)	1	0

Charges faced by journalists

In the trials monitored during this period, journalists were charged with various offences, particularly 'terrorism' and 'defamation'. When their proportion in the total number of defendants is analysed, it is clear that journalists were targeted with many accusations.

Journalists were prosecuted particularly on the charge of 'membership of an armed (terrorist) organisation'. Journalists constituted 64.2 percent (120 people) of the 187 defendants charged with this offence. In addition, 77.8 percent (49 people) of journalists were charged with 'establishing/leading an armed (terrorist) organisation'. Another prominent charge was 'making propaganda for a terrorist organisation'. Of the 162 defendants charged with this offence, 34.6 percent (56 people) were journalists.

The rate of journalists charged with 'disrupting the unity and integrity of the state' and 'slander' reached 100 per cent of those charged with the aforementioned offence.

Journalists were also frequently charged with 'insulting the president'. Of the 63 people (38.1 per cent) prosecuted on this charge, 24 (38.1 per cent) were journalists. 37.6 per cent (38 people) of the 101 defendants charged with 'insulting a public official because of his/her po-

sition' were journalists. This was a method frequently used especially against criticism of the government.

The fact that 8 of the 184 people charged with 'resisting to prevent the execution of duty' were journalists revealed that members of the press faced judicial pressure even during the process of reporting in the field. Journalists faced police violence while covering social protests and were detained together with protesters. As will be seen in the following sections of the report, torture reports were included in the files of some cases.

Journalists were prosecuted with high rates charges such as 'revealing the identity of public officials involved in the fight against terrorism and targeting them' and 'publicly denigrating the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State'. Finally, 10 of the 40 defendants charged with 'publicly disseminating misleading information', the so-called 'censorship law', were journalists.

These accusations and lawsuits were mostly brought against journalists for the news articles they wrote and comments they made in the course of their work.

Censorship law threatens not only journalists

During this period, journalists Ruşen Takva, Ahmet Kanbal, Hasan Sivri, Firat Bulut, Rojda Oğuz, Ferit Arslan, Onur Öncü and Tolga Şardan were put on trial on charges of 'publicly disseminating misleading information' under Article 217-a of the Turkish Criminal Code, which was described as a 'censorship law' by press and professional organisations and as a 'disinformation law' by the government partners who drafted the law.

These cases also revealed that issues that the government does not want to be addressed are subject to legal proceedings in a way that puts pressure on freedom of the press. Journalists Ahmet Kanbal and Onur Öncü were sued for their news reports and posts on election corruption allegations. Journalists Hasan Sivri, Firat Bulut and Rojda Oğuz were prosecuted separately for their posts following the 6 February earthquakes that affected ten provinces in total.

Journalist Ferit Aslan was tried for his news report on a judge in Mardin who raided a school with the police and detained three students. Journalist Ruşen Takva was put on trial for writing about the alleged involvement of Nationalist Movement Party (MHP) provincial chair Fatih Özbek in a shooting incident in Hakkari. A lawsuit was filed against journalist Tolga Şardan for a report that allegations of "corruption in the judiciary" were reported by the National Intelligence Agency to the Presidency. Journalists were not the only ones to stand trial under the 'censorship law'. Sociologist-writer Veli Saçılık and climate and energy expert Önder Algedik appeared before a judge for their earthquake posts on their social media accounts. Dr Yusuf Eryazgan, President of Şanlıurfa Family Physicians Association, was put on trial under the 'censorship law' for his statement that the current vaccine stock is insufficient.

Charges	Total Accused	Journalist	Ratio
Being a member of an armed (terrorist) organisation (TCK 314/2)	187	120	64
Disrupting the unity and territorial integrity of the state (TCK 302)	46	46	100
Making propaganda for a terrorist organisation (TMK 7/2)	162	56	35
Establishing/managing an armed (terrorist) organisation (TCK 314/1)	63	49	78
Insult against a public official because of his/her duty (TCK 125/3)	101	38	38
Insult (TCK 125/1)	53	35	66
Insulting the President (TCK 299)	63	24	38
Slander (TCK 267/1)	24	24	100
Disclosing or publishing the identity of public officials who have taken part in the fight against terrorism or targeting them in this way (TMK 6/1)	18	17	94
Violation of personality rights	18	17	94
Publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State (TCK 301/1)	39	14	36
Inciting the public to hatred and hostility (TCK 216/1)	52	14	27
Publicly disseminating misleading information (TCK 217-a)	40	10	25
Resisting to prevent the execution of a duty (TCK 265/1)	184	8	4
Publicly humiliating the military or police organisation of the state (TCK 301/2)	11	8	73
Publicly threatening life, health, body or sexual inviolability or property in order to create anxiety, fear and panic among the public (TCK 213)	30	3	10
Political or military espionage (TCK 328)	7	6	86
Aiding an armed (terrorist) organisation (TCK 314/3)	15	15	100
Entering military restricted areas (TCK 332)	1	1	100
Violation of the inviolability of the workplace (TCK 116/2)	1	1	100
Unlawful acquisition of personal data (TCK 136)	2	2	100
Damage to commercial reputation	4	3	75
Incitement to commit an offence (TCK 214)	13	9	69
Praising offence and offender (TCK 215)	12	9	75
Attempting to overthrow the Government of the Republic of Turkey or partially or completely preventing it from performing its duties by using force and violence/ Crime of Violating the Constitution (TCK 309)	2	2	100
Publicly denigrating religious values adopted by a section of the public (TCK 216)	11	1	9
Violating Law No. 2911 on Meetings and Demonstrations	1,125	28	3

	Charges	Total accused	Activist	Ratio
1.	Violating Law No. 2911 on Meetings and Demonstrations	1125	710	63,10%
2.	Making propaganda for a terrorist organisation (TMK 7/2)	162	84	51,90%
3.	Resisting to a public officer (TCK 265/1)	184	138	75%
4.	Being a member of an armed (terrorist) organisation (TCK 314/2)	187	24	12,80%
5.	Insulting the President (TCK 299)	63	23	36,50%
6.	Insult (TCK 125/1)	53	16	30,20%
7.	Establishing/managing an armed (terrorist) organisation (TCK 314/1)	63	13	20,60%
8.	Insult against a public official because of his/her duty (TCK 125/3)	101	4	4%
9.	Publicly disseminating misleading information (TCK 217-a)	40	1	2,50%
10.	Publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State (TCK 301/1)	39	1	2,60%
11.	Publicly humiliating the military or police organisation of the state (TCK 301/2)	11	1	9,10%

Accusations faced by activists

Among the activists prosecuted during this period were women, LGBTI+ individuals, students, workers, human rights defenders and environmentalists.

Activists were prosecuted mostly on the charge of 'opposing the Law No. 2911 on Meetings and Demonstrations'. Activists constituted 63.1 percent (710 people) of the 1,125 defendants on trial with this charge.

The second most common charge was 'making propaganda for a terrorist organisation'. Of the 162 defendants charged with this charge, 51.9 per cent (84 people) were activists. This data showed that activists faced terrorism charges even for their peaceful actions.

The data also showed that activists often faced obstruction by the police during public demonstrations: 75 per cent (138) of the 184 defendants charged with 'resisting to prevent the execution of their duties' were activists.

Activists were also prosecuted for criticising the government. 23 (36.5 per cent) of the 63 defendants charged with 'insulting the President' were activists.

Among 187 defendants charged with 'membership of a terrorist organisation', 12.8 percent (24 people) were activists. Furthermore, 30.2 percent (16 people) of 53 defendants charged with 'insult' were categorised as activists.

Finally, 13 (20.6 per cent) of the 63 defendants charged with 'establishing/managing an armed (terrorist) organisation' were activists. This reveals that activists are being tried on serious charges and that these charges seriously threaten freedom of expression.

MLSA NEWS

LGBTI+'s targeted again



18 people were put on trial at Eskişehir 4th Criminal Court of First Instance for participating in the '3rd Eskişehir Pride March'.

A lawsuit was filed against 8 people who were detained after the ban on the film screening organised by Science, Aesthetics, Culture and Art Research Foundation (BEKSAV) Cinema Collective for LGBTI+ Pride Month, on the charge of 'violating Law No. 2911 on Meetings and Demonstrations'. The defendant Yakup Dal testified at the second hearing of the lawsuit held at Istanbul Anadolu 45th Criminal Court of First Instance on 30 January 2024 and stated that they were detained by the police officers under torture. A lawsuit was filed against 18 people, who were detained in Eskişehir in July 2023 after the police intervention to ban the '3rd Eskişehir Pride March', on the charge of 'violating the Law No. 2911 on Meetings and Demonstrations'. In the first hearing of the case held

at Eskişehir 4th Criminal Court of First Instance on 14 February 2024, the court imposed audience restrictions without any official decision being obtained.

Press members and observers were not be allowed into the courtroom. Only a group of 10 people were allowed into the courtroom.

The trial of the case against 42 people who were beaten and detained during the '2nd Ankara Pride March' in Ankara in July 2022, on charges of 'violating the Law on Meetings and Demonstrations No. 2911' and 'resisting to prevent the execution of duty' continued in this monitoring period. All defendants were acquitted in the sixth hearing of the case held at Ankara 52nd Criminal Court of First Instance on 3 July 2024.

Police brutality and judicial repression against women continue

Women continued to be targeted again in freedom of expression and press freedom cases against activists. Women were charged with 'resisting the police' even though they were detained by police violence during various protests.

The lawsuit filed against 15 women, who were beaten and detained while protesting the murder of Azra Gülerdam Haytaoğlu and Emine Gökkız in responding to a call from the Istanbul Convention Ankara Campaign Group, on charges of 'opposing the Law on Meetings and Demonstrations No. 2911', 'resisting on officer', and 'simple injury', was concluded at Ankara 66th Criminal Court of First Instance. The judge acquitted 15 defendants and sentenced Buse Üçer and İlay Kadiroğlu on the charge of 'resisting'. The women were accused of chanting slogans such as "Femicides are political," "Try the murderers, not women," and carrying an LGBTI+ flag reading "We will not be the male state's victims of unsolved political murders".

A lawsuit was filed against Zeynep Durgut and 17 women who were detained in Şırnak due to police violence while making a statement on 25 November International Day for the Elimination of Violence against Women, on the allegation of 'violating the Law on Meetings and Demonstrations No 2911'. In the indictment of the lawsuit filed at Şırnak Criminal Court of First Instance, the public prosecutor did not include the assault reports and statements of the detainees showing that they were subjected to police violence. At the second hearing held at Şırnak Criminal Court of First Instance on 27 June 2024, all defendants were acquitted.



Many women participating in the Feminist Night March organised in 2020 were detained by police violence



Criticising the financial crisis, police brutality against protestors demanding justice for the disappeared were reasons for prosecution

The trial of 7 people, including Workers' Party of Turkey (TİP) Adana Provincial Chairman Hakan Çayan, due to 'insulting the President' was held at Adana 35th Criminal Court of First Instance. The slogans "Crisis everywhere, poverty everywhere", "Government resign", "The day will come when AKP will answer to the people", "The people will hold thieves to account!" were used as grounds for the charges.

A case was filed against 76 members of the Workers' Party of Turkey (TİP) who wanted to protest the sale of earthquake tents by the Red Crescent while tents were still needed in the earthquake zone, and against BirGün newspaper reporter Asena Tunca, newspaper employees Ezgican Ceylan and Ahmet Can Sarıkaya, who were detained while they were in the area to follow the news, on

the charge of 'violating 2911 Law on Meetings and Demonstrations'. The first hearing of the lawsuit held at Istanbul Anatolian 14th Criminal Court of First Instance on 8 February 2024 was attended by three plainclothes police officers.

A lawsuit was filed against 20 people, mostly relatives of the disappeared, who participated in the 950th week of the Saturday Mothers/People's gathering despite a Constitutional Court's ruling on 'violation of rights', on the charge of 'violating the Law on Meetings and Demonstrations No. 2911'. The defendant Hasan Karakoç, who is a relative of the disappeared, asked "Should we be the ones who should be tried here or those who banned us from that area?" in the trial held at Istanbul 39th Criminal Court of First Instance on 27 February 2024.

Charges faced by students

The trials against students on various charges continued in this monitoring period. Students were mostly charged with 'violating Law No. 2911 on Meetings and Demonstrations' for participating in social demonstrations. Out of a total of 1,125 defendants on trial on this charge, 352 (31.29 percent) were students.

In a case with 52 defendants, the defendants were charged with 'depriving a person of his/her liberty'. 10 students were charged with 'publicly denigrating religious values adopted by a section of the public'.

In the lawsuits filed on the charge of 'insulting a public officer due to his/her duty', students were among the defendants. In these cases, in which a total of 101 defendants were on trial, 50 students took part. The rate of students in these cases was recorded as 49.50 per cent.

In addition, there were 184 defendants in the cases filed on the charge of 'resisting to prevent the execution of duty'; 11 of them were students. The rate of students in these cases was recorded as 5.98 per cent.

Ten students were charged with 'insulting the President'. The rate of students being prosecuted on this charge was 15.87 percent.

Students accused of depriving rector of his liberty

The lawsuits filed against students due to the protests that started after Prof. Dr. Melih Bulu was appointed as a trustee rector of Boğaziçi University by President Erdoğan continued in this period. The case against 51 students who gathered in front of the rectorate building on 1 February 2021 in order to meet face to face with Bulu to convey their demands, and who were beaten and detained by the police officers who were taken to the campus with Bulu's permission while they were waiting there, was one of these cases.

The 51 students, who were charged with 'deprivation of personal liberty' and 'damaging property' for wanting to meet the rector, were acquitted on 11 October 2023 at the hearing held at Istanbul 49th Criminal Court of First Instance on the grounds that there was "no concrete and convincing evidence that they committed a crime".

Charges	Total accused	Student	Ratio
Violating the Law No. 2911 on Meetings and Demonstrations	1125	352	%31.29
Deprivation of liberty (TCK 109)	52	52	%100.00
Insult against a public official because of his/her duty (TCK 125/3)	101	50	%49.50
Resisting to prevent the execution of a duty (TCK 265/1)	184	11	%5.98
Insulting the President (TCK 299)	63	10	%15.87
Publicly denigrating religious values adopted by a section of the public (TCK 216)	11	10	%90.91
Inciting the public to hatred and hostility (TCK 216/1)	52	7	%13.46
Publicly insulting the national anthem (TCK 300)	3	3	%100.00

Charges faced by lawyers

During this monitoring period, lawyers were among the professional groups that were prosecuted for their freedom of expression. One of the most frequent charges in the lawsuits against lawyers was Article 301 of the Turkish Criminal Code, which the ECtHR, in its *Taner Akçam* judgement with application number 27520/07, ruled that Turkey had violated Article 10 of the ECHR. A total of 11 lawyers were prosecuted for 'publicly denigrating the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the state'. The rate of lawyers in these cases was recorded as 28.21 per cent. In this period, executives of the Diyarbakır Bar Association were put on trial under Article 301 of the Turkish Criminal Code for commemorating the 'Armenian Genocide'.

Another important charge was 'membership of an armed (terrorist) organisation'. During the monitoring period, 10 lawyers were put on trial on this charge.

9 lawyers were charged with 'making propaganda for a terrorist organisation' and 2 lawyers were charged with 'inciting people to hatred and hostility'. 2 lawyers each were tried in the cases filed on the charges of 'incitement to commit crime' and 'praising crime and criminal'.

Defence Counsel on Trial

A case was filed against 10 lawyers during this monitoring period based on the allegations of Ümit Akbıyık, a witness whose testimonies last year led to the detention of more than 150 people and the issuing of arrest warrants for more than 200 people.

The lawyers were charged with 'being an illegal organisation member' due to their relations with their clients.

In the indictments, the lawyers' professional activities, their statements on rights violations in prisons, press releases and Akbıyık's statements were presented as evidence. In the courts, information protected by law as confidential within the framework of the lawyer-client relationship was brought on trial. In these cases, investigations and trials conducted without the permission of the Ministry of Justice were reported as violations of fair trial.

Charges	Total accused	Lawyer	Ratio
Publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the state (TCK 301/1)	39	11	%28.21
Being a member of an armed (terrorist) organisation (TCK 314/2)	187	10	%5.35
Making propaganda for a terrorist organisation (TMK 7/2)	162	9	%5.56
Inciting the public to hatred and hostility (TCK 216/1)	52	2	%3.85
Incitement to Commit Crime (TCK 214)	13	2	%15.38
Praising offence and offender (TCK 215)	12	2	%16.67
Disclosing or publishing the identities of public officials who have taken part in the fight against terrorism or targeting them in this way (TMK 6/1)	18	1	%5.56
Violating the Law No. 2911 on Meetings and Demonstrations	1125	1	%0.09

Charges faced by politicians

A total of 28 politicians were put on trial for 'violating Law No. 2911 on Meetings and Demonstrations'. The rate of this accusation in the total number of defendants stood at 2.49 percent.

While 21 politicians were charged with 'resisting to prevent the execution of duty', it was observed that this accusation had a large proportional share. The rate of politicians among all defendants was 11.41 per cent.

Eleven politicians were charged with 'publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the state', 15 politicians were charged with 'membership of an armed (terrorist) organisation' and 10 politicians were charged with 'insulting a public official for his/her duty'.

The number of politicians charged with 'censorship law', 'political or military espionage' and 'insult' was one each.

14 - year - long case conculed in just 13 days

The final hearing of the case known as the "KCK case", which started in Hakkâri in 2010 as part of an investigation, was held on 5 June 2024 at Hakkâri High Criminal Court No 1. In the case, which has been ongoing for nearly 14 years, the defendants were given only 13 days to make their defence against the prosecutor's opinion on the merits. The defendants had to prepare their final defence in less than two weeks on charges that carry a prison sentence of more than 10 years.

In the final hearing, the court sentenced Mehmet Sıddık Akış to 19 years and 6 months for 'being an illegal organisation leader. Akış was arrested on the grounds of "available evidence" and "strong suspicion of a criminal offence".'

Journalist Hamdiye Çiftçi Öksüz and 2 others were sentenced to 6 years and 3 months and 6 others were sentenced to 8 years and 9 months for 'being an illegal organisation member'. Journalist Öksüz and other defendants were banned to travel abroad until the finalisation of the verdicts. Abdulkali Özbuğanlı and Bahattin Kaya were acquitted; the cases of Emine Akboğa, Fatma Duman and Emrullah Öztürk were separated.

Charges	Total accused	Politician	Ratio
Violating the Law No. 2911 on Meetings and Demonstrations	1125	28	%2.49
Resisting to prevent the execution of a duty (TCK 265/1)	184	21	%11.41
Publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the state (TCK 301/1)	39	11	%28.21
Being a member of an armed (terrorist) organisation (TCK 314/2)	187	15	%8.02
Insult against a public official because of his/her duty (TCK 125/3)	101	10	%9.90
Publicly humiliating the military or police organisation of the state (TCK 301/2)	11	2	%18.18
Establishing/managing an armed (terrorist) organisation (TCK 314/1)	63	1	%1.59
Censorship law (TCK 217-a)	40	1	%2.50
Political or military espionage offence (TCK 328)	7	1	%14.29
Insult (TCK 125/1)	53	1	%1.89

Accusations faced by artists, writers and academics

This year, writers, directors/documentary filmmakers, artists, academics and doctors were also charged with various offences. 2 directors/documentary filmmakers, 2 artists, 2 academicians and 1 doctor were charged with 'making propaganda for a terrorist organisation'. One director/documentary filmmaker and 1 artist appeared before the judge due to 'membership of an armed (terrorist) organisation'. Four artists were charged with 'insulting the President' and 1 artist was charged with 'insult'. One academic was charged with 'violation of personal rights', 1 doctor was charged with 'censorship law', 1 writer was charged with 'publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State'. One artist each was brought to court on the charges of 'inciting the public to hatred and hostility', 'inciting to commit crime' and 'praising crime and criminal'.

Charges	Author	Director / Documentary Filmmaker	Artist	Academician	Doctor
Making terrorist organisation propaganda (TMK 7/2)	2	2	2	-	-
Being a member of an armed (terrorist) organisation (TCK 314/2)	1	1	-	-	-
Violating the Law No. 2911 on Meetings and Demonstrations	-	-	-	-	2
Insulting the President (TCK 299)	-	-	4	-	-
Insult (TCK 125/1)	-	-	1	-	-
Violation of personality rights	-	-	-	-	1
Censorship law (TCK 217-a)	-	-	-	-	1
Publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State (TCK 301/1)	1	-	-	-	-
Inciting the public to hatred and hostility (TCK 216/1)	-	-	1	-	-
Incitement to Commit an Offence (TCK 214)	-	-	-	1	-
Praising offence and offender (TCK 215)	-	-	-	1	-

Documentary filmmaker Sibel Tekin back in court

The sixth hearing of Sibel Tekin's trial on the charge of 'illegal organisation membership' was held on 5 March 2024 at Ankara 26th High Criminal Court. At this hearing, Tekin was acquitted of the charge.

However, the case in which Tekin was on trial in relation to another news item she had followed nine years ago was overturned by the Court of Appeal during this monitoring period. The indictment of the case, which resumed at Ankara 2nd High Criminal Court, stated that Tekin had followed the protest organised by members of the Revolutionary Party in front of the

NTV Ankara Representative Office in November 2015 to protest the G20 summit.

The expert report sent to the court during the trial, stated that Tekin did not enter the building during the protest as claimed in the indictment, and that Tekin's photograph was compared with the photograph of one of the Revolutionary Party members who entered the building. Tekin and 10 others are on trial for 'making propaganda for an illegal organisation' and 'violation of freedom of work and employment'.

EVIDENCE CITED IN THE INDICTMENTS

News reports and social media posts cited most frequently as evidence

In addition to evidence such as news articles, photographs and writings, law enforcement proceedings, police reports, criminal reports, MASAK reports, secret or open witness statements were frequently used as evidence in free speech case

News articles, social media posts, TV speeches or programs and photographs taken by journalists were the most frequently cited as evidence in freedom of expression and press freedom cases against journalists. For example, while news articles and columns were presented as evidence 107 times in these cases, social media posts were presented 86 times, TV speeches and programs 8 times and photographs taken by journalists 4 times.

In addition, documents such as Social Security Institution (SSI) premium payments, hotel and travel records of the organisations where the journalists worked were also presented as evidence. Furthermore, social media accounts followed by journalists were used as evidence against them.

Especially in cases where activists, students or politicians were on trial on various charges such as 'opposing the Law No. 2911 on Meetings and Demonstrations', 'resisting the police', 'preventing the police from performing their duty', law enforcement proceedings, police reports and criminal re-

ports were used more frequently as evidence. In these cases, law enforcement proceedings, search and seizure reports, digital examination reports and criminal reports were presented as evidence 20 times in total.

In terrorism-related accusations, the elements presented as evidence are even more diversified. In addition to evidence such as news articles, photographs and writings, law enforcement proceedings, police reports, criminal reports, MASAK reports, secret or open witness statements were frequently used as evidence in such cases. Protected and open witness statements were presented as evidence 17 times, while witness, suspect or complainant statements were presented as evidence 16 times in these cases.

In another case, a journalist was charged with 'illegal organisation membership' and 'making propaganda for an illegal organisation' at Ankara 15th High Criminal Court after a memory card found in the garbage turned out to contain photographs taken for news reports.

Evidence cited in indictments

■ Times used in indictments ■ Rate (%)

	Times used in indictments	Rate (%)
News/Columns	107	24.4
Social media posts	86	19.6
Meeting/demonstration/march they participated in	32	7.3
Law enforcement proceedings/reports/ search and seizure minutes/ digital examination report/ criminal report	20	4.6
Secret/open witness statement	17	3.9
Witness/suspect/witness statements	16	3.7
Press release	15	3.4
CCTV/camera footage	9	2.1
Criminal records	8	1.8
TV speech/programme	8	1.8
Minutes of technical-physical surveillance	5	1.1
Insurance records of the organisation he/she works for/association/political party membership	5	1.1
Telephone calls (tape recordings)	5	1.1
Photographs taken	4	0.9
Film script/book written	4	0.9
Possession of prohibited publications	2	0.5
Hotel accommodation information, travelling abroad	2	0.5
MASAK reports	2	0.5
Cartoon	1	0.2
Distributing election leaflets	1	0.2
Memory card found in trash	1	0.2
Social media accounts followed	1	0.2

PRE-TRIAL DETENTION OF JOURNALISTS:

A Method of punishment

During the monitoring period, journalists were charged with 'membership of a terrorist organisation', 'making terrorist propaganda', 'targeting people involved in the fight against terrorism' or 'disseminating misleading information to the public', known as the 'censorship law'. While some journalists are still in pre-trial detention, the duration of their pre-trial detention ranged from 5 days to 9 years and 3 months.

At the beginning of this monitoring period on 1 September 2023, 30 journalists and media workers in Turkey were in pre-trial detention or imprisoned after for their journalistic activities. By November 2024, a total of 43 journalists, including convicted journalists, were held behind bars in prisons on various allegations. Some of those arrested were released during this period. In October, when this report was prepared, according to MLSA data, a total of 21 journalists were still being held in prisons on remand or in prison.

Pressure on Kurdish media continues

During this monitoring period, arrests again were used as a method of punishment against journalists.

Kurdish journalist Firat Can Arslan was arrested on 25 July 2023 on charges of 'targeting people who took part in the fight against terrorism' for sharing on his social media account a HSK (Judges and Prosecutors Council) decree in which the prosecutor who prepared the indictment of 16 journalists in Diyarbakır and his wife, who was part of the panel of judges that conducted the trial, were appointed to another city. Arslan was the first journalist to be arrested under this article since 1991, when the law came into force. Arslan was held in solitary confinement in Sincan Prison for 100 days and was released following acquittal verdict at the first

hearing of the case against him at Diyarbakır 4th High Criminal Court on 31 October 2023.

Abdurrahman Gök, another Kurdish journalist, who was detained in an investigation conducted by Diyarbakır Chief Public Prosecutor's Office, was arrested on 27 April 2023 on the charges of 'being an illegal organisation member' and 'making propaganda for an illegal organisation'. Gök was released in the second hearing of the trial held at Diyarbakır High Criminal Court No 5 on 05 December 2023. Gök was kept in Diyarbakır High Security Prison No 1 for 225 days in total. Journalist Mehmet Şah Oruç, who was arrested together with Abdurrahman Gök on 27 April 2023, was charged with 'being an illegal organisation member'. In the hearing held at Bitlis 2nd High Criminal Court on 31 October 2023, Oruç was released on judicial control. Oruç was kept in Diyarbakır T Type Prison for 189 days in total.

Hamdullah Bayram, an employee of Özgürlükçü Demokrasi newspaper, who was imprisoned for 156 days, was released this judicial year. Bayram was released on 23 October 2023. Bayram was arrested on 20 May 2023 on the charge of 'being a member of an armed (terrorist) organisation' and was imprisoned in Sincan F Type High Security Closed Prison No 2.

On 2 September 2023, Celalettin Can, the spokesperson of the 78'ers Initiative, entered prison to execute his 1 year and 3 months prison sentence for serving as editor-in-chief of Özgür Gündem newspaper for one day in solidarity with the newspaper. Can was released from Silivri Prison on 19 December 2023.

Journalist Murat Verim was arrested and sent to Midyat Prison on 15 September 2023 after his prison sentence was upheld. Verim was released from prison on 5 April 2024 after 16 months of imprisonment in the case filed

at Midyat High Criminal Court.

Mezopotamya Agency reporters Esra Solin Dal and Mehmet Aslan and freelance journalist Erdoğan Alayumat, who were detained in an Istanbul based operation, were arrested on 27 April 2024. The three journalists were released after 24 days.

Journalists Melike Aydın, Delal Akyüz and Tolga Güney, who were detained in a house raid in Izmir on 13 February on charges of "illegal organisation membership" and released on "house arrest", were still under house arrest at the time of this report.

Independent journalist face pressure

On the other hand, journalists working in new independent media outlets established outside the mainstream media, coded by the government as 'opposition media', also faced arrests in this judicial year as a practice of punishment.

TELE1 Editor-in-Chief Merdan Yanardağ was arrested on 27 June 2023 on charges of 'making propaganda for a terrorist organisation' and 'praising crime and criminals' due to the remarks about PKK leader Abdullah Öcalan. Yanardağ, who was held in Silivri Criminal Institutions for 101 days, was sentenced to 2 years and 6 months in prison and released on 10 October 2023 at the first hearing of the case held at Istanbul 30th High Criminal Court.

Journalist Barış Pehlivan was arrested on 16 August 2023 in a case against him in 2020 due to 'opposing the National Intelligence Organisation (MİT) Law' in relation to the news reports on the funeral ceremony of a MİT officer who lost his life in Libya, and was sentenced to 3 years and 9 months in prison. Pehlivan was held at Silivri Prison for 3 months and was released on 16 November 2023.

Journalist Furkan Karabay was arrested on 29 December 2023 on charges of 'targeting people involved in the fight against terrorism' and 'insulting a public official' for reporting the minutes of the trial of Barış Saral, a member of the Saral mafia group, on Gerçek Gündem news website. The mention of a prosecutor's name in the report was used as a justification for the accusation. Karabay, who was held in Silivri Prison for 11 days, was released on 8 January 2024 upon the objection of his lawyers. The lawsuit filed against Karabay on this ground continues at Istanbul 24th High Criminal Court.

Journalist Tolga Şardan was arrested on 1 November 2023 on charges of 'publicly disseminating misleading

information' and 'publicly insulting the judicial organs of the state', which press and professional organisations define as 'censorship law', due to his article titled 'What's in the 'judicial report' submitted by MİT to the Presidency' on T24 website. Şardan was held at Silivri Prison for 5 days and released on 6 November 2023. The lawsuit filed against Şardan on this ground continues at Istanbul 2nd Criminal Court of First Instance.

Journalist Lütfiye Burcu Kara was detained during a police raid on the Mücadele Birliği newspaper in Izmir and arrested on 28 September. Kara was asked about the press statements she went to for news, the interviews she conducted and why she travelled to and from the newspaper's representative office.

Journalist Ahmet Ayva was arrested on 28 January 2024. An investigation was opened against Ayva in 2018 on charges of 'insulting the president'. The investigation was changed to 'making propaganda for a terrorist organisation' at the trial stage. Ayva was arrested after his 3.5-year prison sentence was upheld.

A3 News Editor-in-Chief Süleyman Gençel was arrested and sent to prison after being detained at his home in Izmir on 2 February 2024. The reason for Gencel's detention was that the Court of Cassation upheld the 1 year and 2 month sentence he received in the lawsuit filed by former AKP MP and Dokuz Eylül University Rector Nükhet Hotar.

Currently 21 journalists are being held in prison

The following journalists remain in prison: Freelance journalist Ahmet Ayva; Sabah Egele Newspaper Ahmet Uzan; Zaman newspaper columnist Ali Ünal; Azadiya Welat newspaper distributor Baran Karadağ; Eylül magazine editor Erdal Süsem; Odak magazine owner and editor-in-chief Erol Zavar; Bugün newspaper columnist Gültekin Avcı; Atılım newspaper editor-in-chief Hatice Duman; Samanyolu TV broadcasting group president Hidayet Karaca; Azadiya Welat newspaper editor-in-chief İsmail Çoban; Mücadele Birliği newspaper reporter Lütfiye Burcu Kara; Kenan Karavil, editor-in-chief of Radyo Dünya; Mehmet Baransu, reporter for Taraf newspaper; journalist-writer Mehmet Gündem; Murat Çapan, editor-in-chief of Nokta magazine; Mustafa Gök, Ankara representative of Bread and Justice magazine; Murat Verim, reporter for the shut-down Dicle News Agency; Osman Çalık, editorial director of Samanyolu News TV; Recai Morkoç, Antalya regional editor of Cihan News Agency; Süleyman Gençel, editor-in-chief of A3 News; Zafer Özcan, economy editor of Bugün newspaper; Ziya Ataman, reporter for DiHA.

MLSA NEWS

Reports of tortures; violations of the right to a fair trial



Mistreatment, prolonged detention, restrictions on consulting with lawyers and prevention of defence rights of Sedat Yılmaz, editor of Mezopotamya Agency, and Dicle Müftüoğlu, co-chair of Dicle Fırat Journalists Association (DFG), showed that the trials were not conducted impartially and fairly.

Yılmaz and Müftüoğlu were detained in Diyarbakır on 29 April 2023 as part of an investigation launched by the Ankara Chief Public Prosecutor's Office. During searches conducted at the homes of Yılmaz and Müftüoğlu, various digital materials such as computers, mobile phones and books used in their journalistic work were seized as "criminal evidence".

The journalists were first taken to Diyarbakır Security Directorate and then to Ankara in handcuffs on a 15-hour bus journey. Yılmaz stated that a police officer from the Ankara Anti-Terror Branch had used violence against him while he was handcuffed in Diyarbakır and that he had suffered hearing loss as a result. He also stated that he suffered neck and arm injury due to being handcuffed for a long time. Yılmaz stated that at the Anti-Terror Branch police officers, without his lawyer present, had asked him to come to the Anti-Terror Branch "for a chat". He stated that he was taken to an interview room and pressurised to become an informant, and that he was subjected to insults for his opposition.

The journalists were prevented from meeting with

their lawyers for 24 hours and were not provided with any information and documents due to the restriction order imposed on their files. This also limited their right to appeal. Arrested on 3 May World Press Freedom Day, Yılmaz was sent to Sincan F Type Prison No 2 and Müftüoğlu to Sincan Women's Closed Prison.

The two journalists were charged with 'membership of an armed terrorist organisation' and 'establishing and leading an organisation'. The indictments cited phone records, MASAK reports, travel records, hotel accommodation information, witness statements and open source research reports as evidence of the crime. Telephone calls between journalists and their colleagues, money wired to the bank accounts of colleagues, family members or friends via wire transfers, and the existence of insurance records at DİHA and Mezopotamya Agency, which were closed down by the state of emergency decree, were also treated as a criminal offence. Yılmaz was released on 14 December 2023 after 230 days in pre-trial detention and acquitted on 29 February 2024.

During the first hearing of the case at Diyarbakır 5th High Criminal Court on 7 November 2023, the court ruled to continue Müftüoğlu's detention while his lawyers were still presenting their defence against the indictment. Müftüoğlu was released on 29 February 2024, the third hearing of the case, after 306 days in pre-trial detention. The trial process continues.

Imprisoned journalists in 2023-2024

(The list also includes journalists detained during this period)

No	Name	Outlet - Duty	Date of detention	Date of release	Status
1	Abdurrahman Gök	Editor, Mesopotamia News Agency	27 April 2023	05 December 2023	On Trial
2	Ahmet Ayva	Freelance journalist	26 January 2024		Convicted
3	Ali Colak	Editor, Zaman newspaper	9 July 2024	25 July 2024	On Trial
4	Ali Ünal	Columnist, Zaman newspaper	16 August 2016		Convicted
5	Ahmet Uzan	News Manager of Sabah Ege newspaper	24 November 2016		Convicted
6	Baris Pehlivan	Writer, Cumhuriyet Newspaper - Halk TV	16 August 2023	16 November 2023	Execution completed
7	Baran Karadag	Azadiya Welat newspaper distributor	2 June 2011		Convicted
8	Celalettin Can	Spokesperson of 78's Initiative	31 August 2023	19 December 2023	Execution completed
9	Dicle Müftüoğlu	Co-Chair, Dicle Fırat Journalists Association	3.May.23	29 February 2024	On Trial
10	Erdal Süsem	Editor, September magazine	1 February 2010		Convicted
11	Erdoğan Alayumat	Freelance journalist	27 April 2024	21.May.24	On Trial
12	Esra Solin Dal	Mesopotamia Agency reporter	27 April 2024	21.May.24	On Trial
13	Erol Zavar	Magazine owner and editor-in-chief, Odak magazine	20 January 2007		Convicted
14	Furkan Karabay	Reporter, Gerçek Gündem	29 December 2023	8 January 2024	On Trial
15	Fırat Can Arslan	Reporter, Mesopotamia News Agency	25 July 2023	31 October 2023	Acquittal
16	Gültekin Avcı	Columnist, Today newspaper	26 August 2016		Pretrial detention
17	Hamdullah Bayram	Employee, New Life newspaper	20 March 2023	23 October 2023	On Trial
18	Hatice Duman	Managing Editor, Atılım newspaper	1 April 2003		Retrial is being held
19	Hidayet Karaca	Head of Broadcasting Group, Samanyolu TV	19 December 2014		Pretrial detention
20	Ismail Coban	Azadiya Welat Managing Editor	5 March 2018		Convicted
21	Kenan Karavil	Editor-in-Chief, Radio World	11 December 2009		Convicted
22	Lütfiye Burcu Kara	Reporter for the newspaper Mücadele Birliği	29 September 2024		Detainee
23	Mehmet Aslan	Mesopotamia News Agency Reporter	27 April 2024	21.May.24	On Trial
24	Mehmet Baransu	Reporter, Taraf newspaper	2 March 2015		Convicted
25	Mehmet Agenda	Journalist - writer	3 August 2022		Pretrial detention
26	Mehmet Kamis	Deputy Editor-in-Chief, Zaman newspaper	3 November 2023	25 July 2024	On Trial

27	Mehmet Shah Oruc	Reporter, Mesopotamia News Agency	27 April 2023	31 October 2023	On Trial
28	Merdan Yanardag	Editor-in-Chief, Tele1 TV	27 June 2023	10 October 2023	Execution completed
29	Murat Verim	Reporter, DİHA	23 January 2023	5 April 2024	Pretrial detention
30	Murat Çapan	Managing Editor, Nokta magazine	27.May.17		Pretrial detention
31	Mustafa Gok	Ankara Representative, Bread and Justice magazine	1 February 2004		Pretrial detention
32	Nadiye Gürbüz	Editor, Etkin News Agency	4.May.23	12 October 2024	Acquittal
33	Osman Calık	Editorial Director, Samanyolu Haber TV	5 July 2019		Pretrial detention
34	Recai Morkoç	Antalya Regional Editor, Cihan News Agency	11 January 2022		Convicted
35	Sedat Yilmaz	Editor, Mesopotamia News Agency	3.May.23	14 December 2023	Acquittal
36	Sertan Önal	Correspondent, People's Daily	26 February 2018	June 2024	Pretrial detention
38	Süleyman Gençel	A3 News Manager	2 February 2024		Convicted
39	Tolga Şardan	Journalist - writer, T24	1 November 2023	6 November 2023	On Trial
40	Zafer Ozcan	Economy Editor, Bugün newspaper	7 March 2019		Convicted
42	Ziya Ataman	Reporter, DİHA	11 April 2016		Pretrial detention
42	İbrahim Karakas	Employee, New Life newspaper	6 November 2020	29 February 2024	Execution completed
43	İsmail Coban	Managing Editor, Azadiya Welat newspaper	3.May.18		Pretrial detention

Conclude cases: 233 years 4 months 14 days

Courts announced their verdicts in 108 of the 281 cases monitored in this judicial year. In 74 of these cases, a total of 369 defendants were found not guilty and acquitted. In 28 cases, the defendants were sentenced to imprisonment. In these cases, 76 people were sentenced to 233 years, 4 months and 14 days in total. In addition, 5 defendants in 5 cases were sentenced to a total judicial fine of 88,000 TL. In 2 cases involving compensation claims filed in the civil courts of first instance for 'violation of personal rights', the defendants were ordered to pay 37,500 TL compensation.

On the other hand, in 2 cases, the proceedings were suspended after the defendants were elected as MPs and gained 'immunity'. In one case, the proceedings against the defendant were terminated. The courts decided to drop 4 cases and dismiss 9 cases.

Cases with Acquittal Verdicts for the Defendants

Cause of action	Case subject	Number of accused	Court name
Journalism	Ruşen Takva's social media post about Gaziantep MHP provincial chair - Censorship law (TCK 217-a)	1	Hakkari 1st Court of First Instance
Art activity	Lawsuit filed against arrested lawyer Selçuk Kozağaçlı for writing the script of the film 'Neighbourhood' - Making propaganda for an illegal organisation (TMK 7/2)	1	Ankara 29th High Criminal Court
Peaceful demonstration - trustee protest	52 Boğaziçi University students- Boğaziçi 'trustee rector' protest -Opposition to Law No. 2911 on Meetings and Demonstrations / deprivation of liberty (TCK 109)	52	Istanbul 49th Criminal Court of First Instance
Journalism	Lawsuit filed against Eylül Deniz Yaşar for following news reports - Making propaganda for an illegal organisation (TMK 7/2)	1	Ankara 4th High Criminal Court
Peaceful demonstration - trustee protest	13 METU students protest against Boğaziçi 'trustee rector' - Violation of Law No. 2911 on Meetings and Demonstrations	13	Ankara 74th Criminal Court of First Instance
Activist/right defender statement	Lawsuit filed against women's rights activist Didar Gül due to her statement on Minister of Interior Süleyman Soylu - Defamation (TCK 125/1)	1	Izmir 27th Criminal Court of First Instance
Journalism	Lawsuit filed against Fırat Can Aslan for sharing the HSK decree - Targeting people who took part in the fight against terrorism (TMK 6/1)	1	Diyarbakır 4th High Criminal Court
Journalism	Lawsuit filed against Rabia Çetin for retweeting a post on the Twitter account for the 'Deniz Poyraz Case' - Targeting people who took part in the fight against terrorism (TMK 6/1), insulting a public official (TCK 125/3)	1	Istanbul 23rd High Criminal Court
Journalism	Lawsuit filed against Semra Çelebi due to her post on LGBTI+ Pride March - Publicly insulting the signs of sovereignty of the state (TCK 300)	1	Istanbul Anatolia 10th Criminal Court of First Instance
Journalism	Lawsuit filed against Merdan Yanardağ due to his serial columns titled 'Fascism and Islamist Fascism' - Insulting the President (TCK 299)	1	Istanbul 2nd Criminal Court of First Instance
Activist/right defender statement	Lawsuit filed against academician Hifzullah Kutum for using the wired 'Kurdistan' in a past- Making propaganda for an illegal organisation (TMK 7/2)	1	Elazığ 2nd High Criminal Court

Cause of action	Case subject	Number of accused	Court name
Journalism	Lawsuit filed against İsmail Arı due to the news article titled 'Varank's 'cousin' grabbed the land with sea view' - Insulting a public official (TCK 125/3)	1	Istanbul 2nd Criminal Court of First Instance
Journalism	Lawsuit filed against Ahmet Kanbal for his social media post on missing ballot boxes - Censorship law (TCK 217-a)	1	Mardin 1st Criminal Court of First Instance
Journalism	Case against Hasan Sivri's photograph taken in Antakya after the earthquake - Censorship law (TCK 217-a)	1	Ankara 33rd Criminal Court of First Instance
Peaceful demonstration - trustee protest	Lawsuit filed against the Labour and Democracy Forces due to Boğaziçi University protest - Violation of Law No. 2911 on Meetings and Demonstrations	16	Bursa 8th Criminal Court of First Instance
Journalism	Case against Mustafa Büyüksipahi and Mustafa Birol Güger on the complaint of Minister Mustafa Varank - Insulting a public official (TCK 125/3)	2	Istanbul 2nd Criminal Court of First Instance
Journalism	Case against İsmail Saymaz on the complaint of Murat Bircan, one of the judges of the Gezi trial - Insulting a public official (TCK 125/3), targeting a public official who took part in the fight against terrorism (TMK 6/1)	1	Istanbul 24th High Criminal Court
Journalism	Case against Sibel Hürtaş on the complaint of Brigadier General Subutay Adas - Insulting a public official (TCK 125/3)	1	Ankara 19th Criminal Court of First Instance
Journalism	Lawsuit filed against Nurcan Baysal upon the complaint of the General Directorate of Security due to her article on special operations police officers in Cizre - TCK 301	1	Istanbul 54th Criminal Court of First Instance
Activist/right defender statement	Lawsuit filed against the President of the Diyarbakır Bar Association and 10 lawyers who were members of the executive board of the bar association in 2018-2020 due to the commemoration of the Armenian Genocide - TCK 301	10	Diyarbakır 9th High Criminal Court
Activist/right defender statement	Lawsuit filed against climate and energy expert Önder Algedik for his earthquake post - Censorship law (TCK 217-a)	1	Ankara 24th Criminal Court of First Instance
Journalism	Lawsuit filed against Nadiye Gürbüz due to the news published in ETHA news agency - Membership to in armed (terrorist) organisation (TCK 314/2), making propaganda for an illegal organisation (TMK 7/2)	1	Istanbul 25th High Criminal Court

Cause of action	Case subject	Number of accused	Court name
Journalism	Lawsuit filed against Yağmur Kaya upon the complaint of Lieutenant General Musa Çitil, Deputy Commander of Gendarmerie General Command, following her interview with Eren Keskin, Co-Chair of İHD - Targeting a public official (TCK 125/3)	1	Aydın 2nd High Criminal Court
Journalism	Lawsuit filed against Sedat Yılmaz due to news reports published in Mezopotamya News Agency and journalistic activities - Establishing/managing an armed (terrorist) organisation (TCK 314/1), membership of an armed (terrorist) organisation (TCK 314/2)	1	Diyarbakır 4th High Criminal Court
Peaceful demonstration - LGBT+ / Pride Protest	Lawsuit filed against 18 people for participating in the '3rd Eskişehir Pride March' - Violation of Law No. 2911 on Meetings and Demonstrations	18	Eskişehir 4th Criminal Court of First Instance
Peaceful demonstration	Lawsuit filed against 18 people who were detained during 1 May Workers' and Labourers' Day in Istanbul in 2021 - Violation of Law No. 2911 on Meetings and Demonstrations	18	Istanbul 56th Criminal Court of First Instance
Journalism	Lawsuit filed against Faruk Eren and Furkan Karabay on the complaint of Constitutional Court member İrfan Fidan - Targeting people who took part in countest terrorism (TMK 6/1)	2	Ankara 4th High Criminal Court
Art activity	Lawsuit filed against Sibel Tekin due to the documentary 'Life Beginning in Darkness' - Being a member of an armed (terrorist) organisation (TCK 314/2)	1	Ankara 26th High Criminal Court
Journalism	Lawsuit filed against Ayça Söylemez on the complaint of Deputy Minister of Justice Akın Gürlek - Targeting people who took part in the fight against terrorism (TMK 6/1)	1	Istanbul 29th High Criminal Court
Peaceful demonstration	Lawsuit filed against Zilan Azad and 99 people due to the demonstration on 1 September World Peace Day - Violation of Law No. 2911 on Meetings and Demonstrations	100	Istanbul Anatolian 17th Criminal Court of First Instance
Politician/party statement or activity	Lawsuit filed against Çağlar Demirel due to his statement - Insulting the President (TCK 299)	1	Diyarbakır 5th Criminal Court of First Instance
Journalism	Lawsuit filed against Rozerin Gültekin for following the 'March against isolation' protest - Violation of Law No. 2911 on Meetings and Demonstrations	1	Bursa 18th Criminal Court of First Instance
Peaceful demonstration	Lawsuit filed against Halkevleri for the action of presenting a petition to the Ministry of National Education - Violation of Law No. 2911 on Meetings and Demonstrations	6	Ankara 50th Criminal Court of First Instance

Cause of action	Case subject	Number of accused	Court name
Journalism	Lawsuit filed against Gökay Başca due to his news report on Emine Erdoğan - Defamation (TCK 125/1)	1	Istanbul 17th Criminal Court of First Instance
Cases concerning the right of defence	Case against lawyer Özüm Vurgun based on the allegations of informant Ümit Akbıyık - Being a member of an armed (terrorist) organisation (TCK 314/2)	1	Diyarbakır 4th High Criminal Court
Activist/right defender statement	Lawsuit filed against Eren Keskin and Güllistan Yarkin for their statement on the Armenian Genocide - TCK 301	2	Istanbul 51st Criminal Court of First Instance
Journalism	Case against Furkan Karabay on the complaint of Bekir Altun, Chairman of the Justice Commission - Insulting a public official (TCK 125/3)	1	Istanbul 51st Criminal Court of First Instance
Journalism	Lawsuit filed against İdris Yılmaz due to his news report on former Erciş Mayor Fatih Çiftçi - Praising crime and offender (TCK 215)	1	Ankara 6th Criminal Court of First Instance
Journalism	Lawsuit filed against Barış Terkoğlu upon Süheyb Öğüt's complaint - Insult (TCK 125/1)	1	Istanbul Anatolia 27th Criminal Court of First Instance
Journalism	Lawsuit filed against Ferit Arslan for his news report on a school raided in Mardin - Law on Censorship (TCK 217-a)	1	Mardin 2nd Criminal Court of First Instance
Journalism	Lawsuit filed against Akif Beki upon the complaint of Mahmut Ünlü, known as Cübbeli Ahmet Hoca - Insult (TCK 125/1)	1	Anadolu 26th Criminal Court of First Instance
Cases concerning the right of defence	Case against lawyer Şerzan Yelboğa based on the allegations of informant Ümit Akbıyık - Membership to an armed (terrorist) organisation (TCK 314/2)	1	Diyarbakır 4th High Criminal Court
Peaceful demonstration	Adana 2021 Suruç Commemoration Case - Violation of Law No. 2911 on Meetings and Demonstrations	17	Adana 17th Criminal Court of First Instance
Cases concerning the right of defence	Case against lawyer Fırat Taşkın based on the allegations of informant Ümit Akbıyık - Membership to an armed (terrorist) organisation (TCK 314/2)	1	Diyarbakır 4th High Criminal Court
Peaceful demonstration - trustee protest	Lawsuit filed due to the 'trustee rector' protest at Boğaziçi University in Ankara - Violation of Law No. 2911 on Meetings and Demonstrations	13	Ankara 7th Criminal Court of First Instance
Cases concerning the right of defence	Case against lawyer Pirozhan Karali Güler based on the allegations of informant Ümit Akbıyık - Membership to an armed (terrorist) organisation (TCK 314/2)	1	Diyarbakır 4th High Criminal Court

Cause of action	Case subject	Number of accused	Court name
Journalism	Case against journalist Sezgin Kartal for his news reports - Being a member of an armed (terrorist) organisation (TCK 314/2)	1	Istanbul 22nd High Criminal Court
Journalism	Lawsuit filed against Onur Öncü due to his social media post - Insulting the memory of a person (TCK 130/1)	1	Ankara 7th Criminal Court of First Instance
Peaceful demonstration - women's rights action	Lawsuit filed against Zeynep Durgut and 17 women due to the 25 November statement on Violence against Women - Violation of the Law No. 2911 on Meetings and Demonstrations	18	Şırnak Criminal Court of First Instance
Journalism	Lawsuit filed against Elif Akgül due to her social media posts - Organisation propaganda (TMK 7/1)	1	Istanbul 13th High Criminal Court
Journalism	Lawsuit against Onur Öncü for his social media posts on election corruption - Censorship law (TCK 217-a)	1	Küçükçekmece 26th Criminal Court of First Instance
Journalism	Lawsuit filed against Elif Akgül and Haluk Kalafat for their news reports on the Armenian Genocide - TCK310	3	Istanbul 2nd Criminal Court of First Instance
Journalism	Lawsuit filed against Barış Pehlivan and Mustafa Büyüksipahi on the complaint of former HSK member Hamit Kocabey and his lawyer son Nizameddin Kocabey - Insulting a public official (TCK 125/3)	2	Ankara 19th Criminal Court of First Instance
Peaceful demonstration - LGBT+ / Pride Protest	2. Lawsuit filed against 42 people who were detained during the Ankara Pride March - Violation of Law No. 2911 on Meetings and Demonstrations, resisting to prevent a duty, resisting to prevent a duty (TCK 265/1)	42	Ankara 52nd Criminal Court of First Instance

CASES RESULTING IN PRISON

During the monitoring period, many journalists, activists, politicians and artists were sentenced to imprisonment in freedom of expression and press trials. In these cases, news content, social media posts, artistic activities and political content were used as the reason of the punishments. Journalists were generally charged with 'defamation,' 'slander' and 'making illegal organisation propaganda'. Activists received various prison sentences for protest actions and social media posts. Politicians and artists were sentenced to imprisonment for political criticism and artistic activities.

Prison sentences against journalists

Ayan and İlknur's sentences deferred

The verdict was announced at the hearing held on 21 September 2023 in the case against two journalists at Istanbul Criminal Court of First Instance No 2 due to the news article titled 'Isle of Man case is obvious' published in Cumhuriyet newspaper on the complaint of Constitutional Court member İrfan Fidan and Supreme Court of Appeals member Ayan Ayan. The court acquitted Mustafa Birol Güger, one of the journalists on trial. The court acquitted Miyase İlknur on the charge of 'insult' and sentenced Ayan and Güger to 10 months each on the charge of 'defamation'. The announcement of the verdict was deferred for both sentences.

Merdan Yanardağ sentenced to 2 years and 6 months in prison

Journalist Merdan Yanardağ was charged with 'making propaganda for a terrorist organisation' and 'praising crime and criminal' for the remarks he used in a program on TELE1 channel, where he was the editor-in-chief, to express the view that AKP was preparing a new solution process with PKK leader Abdullah Öcalan. The verdict was announced on 4 October 2023 at the first hearing of the case held at Istanbul 30th High Criminal Court. The court sentenced Yanardağ, who had been under arrest for 101 days, to 2 years and 6 months in prison and released him.

Yetkin Yıldız sentenced to 1 year in prison

On 7 December 2023, the verdict was announced in the case against Yetkin Yıldız, the editor-in-chief of the shut-down aktifhaber.com, due to the complaint of then Minister of Interior Efkan Ala for his social media post titled 'Fuat Avni shared striking messages on Twitter about the Suruç explosion'. Bakırköy 31st Criminal Court of First Instance sentenced Yıldız to 1 year imprisonment on the charge of 'defamation'. The court ruled that there is no need to impose a Criminalty on the charge of 'insult'.

Mansur Çelik's six months sentence suspended

Ankara 22nd High Criminal Court held the final hearing on 18 January 2024 in the case filed against journalist Mansur Çelik on the complaint of Deputy Minister of Justice Akın Gürlek, due to the news article published by ANKA News Agency with the title 'The judge who made a mark on Turkey's agenda'. Çelik was sentenced to 6 months in prison on the charge of 'targeting a public official'. The sentence was deferred.

Ramazan Yurttapan given 1 year and 21 months

On 2 February 2024, the Istanbul 30th High Criminal Court issued a verdict in the lawsuit filed due to the articles published in the magazine Demokratik Modernite. The court sentenced Ramazan Yurttapan, Managing Editor of the magazine, to 1 year and 21 months in prison on the charge of 'making propaganda for a terrorist organisation' and acquitted Pakrat Estukyan, Armenian pages editor of Agos Newspaper, and lawyer Emran Emekçi. The cases of writers Mehmet Nimet Sevim and Cihan Doğan, for whom a warrant of arrest was issued, were separated.

Neşe İdil convicted, sentence suspended

The verdict in the case against journalist Neşe İdil, defended by MLSA, for her social media posts on the Kobani offensive was announced on 20 February 2024 by Istanbul 22nd High Criminal Court. İdil was sentenced to 1 year and 3 months in prison for 'making propaganda for an illegal organisation'. The announcement of the verdict was deferred.

İbrahim Karakaş sentenced to 6 years and 10 months in prison

On 29 February 2024, Adana 11th High Criminal Court re-sentenced İbrahim Karakaş, an employee of Yeni Yaşam newspaper, who was retried after the Court of Cassation's reversal decision. Karakaş was sentenced to 6 years and 10 months in prison for 'being an illegal organisation member'; Karakaş was released following the verdict.

Gültekin receives prison sentence; announcement of verdict deferred

Following the reversal of the 9 years and 9 months prison sentence issued to Levent Gültekin by Adana 11th High Criminal Court on 12 August 2021 by the Court of Cassation, the trial resumed on 29 February 2024. On 19 March 2024, Gültekin was sentenced to 11 months and 20 days in prison at Bakırköy 44th Criminal Court of First Instance on the charge of 'insulting the president' due to his remarks in a program on Halk TV. The announcement of the verdict was deferred.

Erdem Avşar sentenced to 1 year and 15 days in prison

On 26 March 2024, Istanbul 2nd Criminal Court of First Instance issued a verdict in the lawsuit filed against Erdem Avşar, Managing Editor of Yeniçağ newspaper, on the grounds of the news report on Sedat Peker's allegations. The court acquitted Avşar on the charge of 'insult' and sentenced him to 1 year and 15 days of imprisonment on the charge of 'slander'.

Pınar Gayyıp's prison sentence deferred

The verdict was announced on 28 March 2024 in the lawsuit filed against Pınar Gayıp, editor and co-owner of Etkin News Agency (ETHA), and Mehmet Acettin, co-owner of the agency, on the criminal complaint filed by lawyer Sezgin Keleş on the grounds of 'making terrorist organisation propaganda under the guise of journalism' about the news published in ETHA News Agency but not related to Keleş, at Istanbul 2nd Criminal Court of First Instance. The court sentenced Pınar Gayıp to 6 months and 7 days of imprisonment on the grounds that she committed the offence of 'denigrating the Turkish nation, the state of the Republic of Turkey and the institutions and organs of the state' in repeatedly. The court postponed the sentence on the grounds that Gayıp would not commit the offence again and decided that she would be subject to 1 year of supervision. Mehmet Acettin was sentenced to 7 months and 15 days for the same charge. It was decided not to postpone the sentence on the grounds that Acettin had more than one conviction for intentional offences.

Uğur Koç sentenced to 11 months and 20 days in prison

On 28 March 2024, the verdict was announced in the lawsuit filed against Uğur Koç for using President Erdoğan's photo in the background of the perpetrator's photo in the news article on sexual assault on a dog. Istanbul 2nd Criminal Court of First Instance sentenced Koç to 11 months and 20 days in prison for 'insulting the President'.

Bariş Terkoğlu sentenced to 2 years in prison

The Istanbul 13th High Criminal Court announced its verdict on 2 May 2024 in the lawsuit filed against Barış Terkoğlu following a complaint by Deputy Minister of Justice Akın Gürlek. Terkoğlu was sentenced to 2 years in prison on the charge of "targeting a person on counterterrorism duty"

Former employees of shuttered newspaper sentenced to prison

On 9 May 2024, the verdict was announced in the retrial following the reversal of the prison sentences and acquittals given to former employees of the shut-down Özgürlükçü Demokrasi newspaper. Istanbul 23rd High Criminal Court sentenced Mehmet Ali Çelebi to 3 years and 9 months, Reyhan Hacıoğlu, İhsan Yaşar, İshak Yasul and Hicran Urun to 3 years 1 month and 15 days on the charge of 'aiding an illegal organisation'.

Furkan Karabay's prison sentence deferred

The final hearing of the lawsuit filed against journalist Furkan Karabay due to 'slander' and 'insult' upon the complaint of President Erdoğan's former lawyer Mustafa Doğan İnal was held at Istanbul 2nd Criminal Court of First Instance on 6 June 2024. The court sentenced Karabay to 1 year and 15 days on the charge of 'slander' and ruled that there is no need for a verdict on the charge of 'insult'. The court postponed the sentence on the grounds of "positive conviction that the defendant will not re-offend".

Eight journalists sentenced to 6 years and 3 months in prison

In the trial of 11 Ankara journalists working for Mezopotamya News Agency (MA) and JinNews, three journalists were acquitted and eight journalists were sentenced to 6 years and 3 months each for 'being an illegal organisation member'. In the final hearing held at Ankara 4th High Criminal Court on 3 July 2024, the court sentenced journalists Diren Yurtsever, Deniz Nazlım, Berivan Altan, Selman Güzelyüz, Hakan Yalçın, Emrullah Acar, Zemo Ağgöz and Öznur Değer to 6 years and 3 months each for 'being an illegal organisation member'. Journalists Habibe Eren, Mehmet Günhan and Ceylan Şahinli were acquitted.

Prison sentences handed to activists



- » The final hearing of the lawsuit filed against Boğaziçi University LGBTI+ Studies Club due to 'insulting the National Anthem' after an email sent to club members in 2019 was shared on social media was held on 20 September 2023 at Istanbul 18th Criminal Court of First Instance. The court acquitted a member of Boğaziçi University LGBTI+ Studies Club on the grounds of 'lack of criminal intent'. The court sentenced the defendant, who allegedly posted on social media, to 10 months each for 'insulting the National Anthem'. The sentence was postponed.



- » The Adana 35th Criminal Court of First Instance announced its verdict on 16 November 2023 against seven TİP members who were on trial for 'insulting the President' due to their press statement drawing attention to the economic crisis. While six of the defendants were acquitted, Hakan Çayan was sentenced to 1 year and 2 months in prison on the grounds of the press statement he read

- » On 30 November 2023, Ankara 66th Criminal Court of First Instance announced the verdict in the case against 15 women, who were beaten and detained while protesting the murder of Azra Gülendamlar Haytaoğlu and Emine Gökkız with the call of the Istanbul Convention Ankara Campaign Group, on charges of 'opposing the Law No. 2911 on Meetings and Demonstrations', 'resisting to prevent the execution of duty' and 'simple injury'. The judge acquitted 15 defendants on the charges of "opposing the Law on Meetings and Demonstrations No. 2911" and "simple injury" and sentenced Buse Üçer and İlay Kadiroğlu on the charge of "resisting".



- » "People's Houses" Chair Nebiye Mertürk was sentenced to 1 year, 2 months and 10 days in prison for "insulting" President Erdoğan and MHP Chair Bahçeli in the lawsuit filed against her due to her social media post after the murder of Aleyna Çakır. The verdict in the case held at Ankara 70th Criminal Court of First Instance was announced on 29 March 2024.



- » On 9 July 2024, the verdict was announced in the case against 24 people including journalist Öznur Değer, who were detained during the "We can't make ends meet" demonstration in Ankara, on charges of 'violating the Law on Meetings and Demonstrations No 2911' and 'resisting to prevent the execution of duty'. 12 people, including Değer, were acquitted. Five people were sentenced to 6 months imprisonment each on the grounds that they committed the offence of 'resisting' under the 'Law on Meetings and Demonstrations'. Seven people were sentenced to 5 months each on the same grounds, while the announcement of the verdict was deferred for seven people.

Prison sentences handed to politicians

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- » The verdict of the case at Ankara 48th Criminal Court of First Instance on March 12, 2024, in which 11 members of the Central Executive Committee (MYK) of the Peoples' Democratic Party (HDP) were charged with 'denigrating the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the state' under Article 301 of the Turkish Criminal Code due to the 'Armenian Genocide' statement in 2021, was announced on March 12, 2024. Alp Altınörs, Celalettin Can, Emin Orhan, Emin Orhan, Hüseyin Taka, Naci Sönmez, Samet Mengüç, Sultan Güneş Özcan, Şaziye Köse and Veli Saçılık were sentenced to 5 months each. A total of 11 defendants were on trial. In the previous hearing, it was decided to separate the case against Tuncer Bakırhan, then MYK member and now Co-Chair of the Peoples' Equality and Democracy Party (DEM Party), due to his election as an MP.
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- » During this monitoring period, the trial in Hakkari, known as the 'KCK case', stood out as one of the most severe cases in terms of both the number of defendants and the amount of sentences imposed. The lawsuit filed against 15 people, including journalist Hamdiye Çiftçi Öksüz, which was used as a justification for the appointment of a trustee to replace Mehmet Siddik Akış, who was elected mayor of Hakkari from DEM Party, ended with a total of 87 years and 69 months in prison for 10 people. At the hearing held at Hakkari First High Criminal Court on 5 June 2024, 11 of the defendants were sentenced. Announcing the verdict, the court sentenced Akış to 19 years and 6 months for 'being an illegal organisation executive'. Akış was arrested on the grounds of "current state of evidence" and "existence of facts indicating the existence of strong criminal suspicion". Three people, including journalist Öksüz, were sentenced to 6 years and 3 months for 'being an illegal organisation member' and six people were sentenced to 8 years and 9 months for the same reason. Journalist Öksüz and the other defendants were banned from travelling abroad until the verdicts are finalised.
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- » The final hearing of the case against journalist Haydar Ergül, editor of Demokratik Modernite magazine, and former Peoples' Democratic Party (HDP) members, publicly known as 'KCK Academy' case, was held on 14 June 2024 at Istanbul High Criminal Court No 22. The court acquitted Haydar Ergül and 12 other defendants. Münevver İlingi was convicted for membership of an illegal organisation.

Prison sentences against artistic activities

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- » The verdict was announced on 16 November 2023 in the case against writer Gökhan Yavuzel on the charge of 'making propaganda for an illegal organisation' due to his statements in his book 'Sahipsiz Şiirler' and his statements in a program. Yavuzel was sentenced to 1 year and 3 months in prison. The court deferred the announcement of the verdict.
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- » On 14 December 2023, Batman 2nd High Criminal Court announced the verdict in the retrial of journalist Ertuğrul Mavioğlu and director Çayan Demirel on the charge of 'making propaganda for an armed terrorist organisation' for the documentary Bakur (Kuzey), which they directed. Demirel and Mavioğlu were sentenced to 1 year and 13 months each..

Table of cases with prison sentences

Type of the case	Case subject	Number of defendants	Number of Convicted	The court	Total sentence
Cases against students	E-mail sent by Boğaziçi University LGBTI+ Studies Club	2	1	Istanbul 18th Criminal Court of First Instance	10 months imprisonment - 'insulting the National Anthem' (TCK 300/2)
Journalism	Case against Miyase İlknur, Mustafa Birol Güger for 'Isle of Man news'	2	1	Istanbul 2nd Criminal Court of First Instance	10 months imprisonment each - 2 times on the charge of 'slander' (TCK 267/1) against two complainants
Journalism	Case against Merdan Yanardağ for his remarks on Öcalan, which led to his detention for 101 days	1	1	Istanbul 30th High Criminal Court	2 years and 6 months imprisonment - 'Making propaganda for an illegal organisation' (TMK 7/1)
Art activity	Trial of Ertuğrul Mavioğlu and Çayan Demirel over Bakur documentary	2	2	Batman 2nd High Criminal Court	1 year and 13 months imprisonment - 2 times each for both defendants on the charge of 'making propaganda for an illegal organisation' (TMK 7/1)
Activist/right defender statement	Case against poet Gökhan Yavuzel for his poetry book and TV speeches	1	1	Şanlıurfa 5th High Criminal Court	1 year and 3 months imprisonment - 'Making propaganda for an illegal organisation' (TMK 7/1)
Peaceful demonstration	Case against TİP Adana Provincial Organisation for the protest 'We can't make ends meet'	7	1	Adana 35th Criminal Court of First Instance	11 months and 20 days imprisonment - One defendant for 'insulting the President' (TCK 299)
Peaceful demonstration - women's rights action	Case against members of the Ankara Platform for Femicide of Women due to their statement on the Azra Gülendamlar Case	15	2	Ankara 66th Criminal Court of First Instance	5 months imprisonment for one defendant on the charge of 'resisting the police' (TCK 265) / 6 months and 7 days imprisonment for one defendant
Journalism	Case against Yetkin Yıldız with the complaint of former Interior Minister Efkân Âlâ	1	1	Bakırköy 31st High Criminal Court	1 year imprisonment - 'Slander' (TCK 267/1)
Journalism	Case against Yeni Yaşam newspaper employee İbrahim Karakaş, who was retried after the Court of Cassation's reversal decision, due to 'being an illegal organisation member'	1	1	Adana 11th High Criminal Court	6 years 10 months imprisonment - 'being an illegal organisation member'

Type of the case	Case subject	Number of defendants	Number of Convicted	The court	Total sentence
Journalism	Case against Mansur Çelik on the complaint of Deputy Minister of Justice Akın Gürlek	1	1	Ankara 22nd High Criminal Court	6 months imprisonment - 'Targeting a public official' (TMK 6/1)
Journalism	Case against Ramazan Yurttapan, Pakrat Estukyan, Emran Emekçi, Mehmet Nimet Sevim and Cihan Doğan due to articles published in Demokratik Modernite Magazine	5	1	Istanbul 30th High Criminal Court	1 year and 12 months imprisonment - One defendant charged with 'making propaganda for an illegal organisation' (TMK 7/1)
Journalism	Case against journalists Ahmet Altan, Nazlı Ilıcak, Fevzi Yazıcı and Yakup Şimşek due to "knowing the 15 July coup attempt in advance"	4	4	Istanbul 26th High Criminal Court	'Knowingly and willingly aiding an illegal organisation without being a member of its hierarchical structure' (TCK 220/6) Nazlı Ilıcak 5 years 3 months imprisonment, Ahmet Altan 6 years 3 months 18 days imprisonment, Fevzi Yazıcı 1 year 13 months imprisonment
Journalism	Case against Neşe İdil due to her social media posts on the Kobani war	1	1	Istanbul 22nd High Criminal Court	1 year and 3 months imprisonment - 'Making propaganda for an illegal organisation' (TMK 7/1)
Journalism	'MIT Trucks case' trial against Erdem Gül	1	1	Istanbul 14th High Criminal Court	5 years imprisonment - 'Knowingly and willingly aiding an organisation without being a member of its hierarchical structure' (TCK 220/7)
Journalism	Case against Levent Gültekin for his remarks in the program 'İki Yorum' on Halk TV	1	1	Bakırköy 44th Criminal Court of First Instance	11 months and 20 days imprisonment - 'insulting the president' (TCK 299)
Politician/party statement or activity	Lawsuit filed against 11 members of HDP's former MKYK due to Armenian Genocide statement	11	10	Ankara 48th Criminal Court of First Instance	5 months each - 10 defendants charged under Article 301 of the Turkish Criminal Code

Type of the case	Case subject	Number of defendants	Number of Convicted	The court	Total sentence
Journalism	Case against Erdem Avşar with the complaint of Serhat Albayrak, Deputy Chairman of the Board of Directors of Turkuvaz Media Group	1	1	Istanbul 2nd Criminal Court of First Instance	1 year and 15 days imprisonment - 'Slander' (TCK 267/1)
Activist/right defender statement	Case against People's Houses Chairperson Nebiye Merttürk due to 'insulting' President Erdoğan and MHP Chair Bahçeli after her posts on the murder of women	1	1	Ankara 70th Criminal Court of First Instance	1 year 2 months and 10 days imprisonment - 'Insulting a public official' (TCK 125/3)
Journalism	Case against Pınar Gayıp and Mehmet Acettin upon the complaint of the lawyer convicted of sexual harassment	2	2	Istanbul 2nd Criminal Court of First Instance	One defendant sentenced to 6 months and 7 days/, one defendant sentenced to 7 months and 15 days imprisonment under Article 301 of the Turkish Criminal Code
Journalism	Case against Uğur Koç due to the fact that the photo of the perpetrator in the news article on the sexual assault on a dog had President Erdoğan's photo in the background	1	1	Istanbul 2nd Criminal Court of First Instance	11 months and 20 days imprisonment - 'Insulting the President' (TCK 299)
Journalism	Case against Barış Terkoğlu as a result of a complaint by Deputy Minister of Justice Akın Gürlek	1	1	Istanbul 13th High Criminal Court	2 years imprisonment - 'targeting people involved in the fight against terrorism' (TMK 6/1)
Journalism	Retrial following the reversal of the prison sentences and acquittals of former employees of the shut-down Özgürlükçü Demokrasi newspaper	7	6	Istanbul 23rd High Criminal Court	3 years 9 years imprisonment for one defendant, 3 years 1 month 15 years imprisonment for four defendants - 'Aiding an armed (terrorist) organisation' (TCK 314/3) (four times)

Type of the case	Case subject	Number of defendants	Number of Convicted	The court	Total sentence
Journalism/ Politician/party statement or activity	Hakkâri KCK Case/Kayyim case: The case against defendants including Hamdiye Çiftçi and the mayor of Hakkari	15	11	Hakkâri 1st High Criminal Court	19 years and 6 months imprisonment - 'Establishing/leading an armed (terrorist) organisation' (TCK 314/1) / 6 years and 3 months imprisonment for 4 defendants and 8 years and 9 months imprisonment for 6 defendants - 'Being a member of an armed (terrorist) organisation' (TCK 314/2)
Journalism	The lawsuit filed against Furkan Karabay upon the complaint of President Erdoğan's former lawyer Mustafa Doğan İnal	1	1	Istanbul 2nd Criminal Court of First Instance	1 year 15 imprisonment - 'Slander' (TCK 267/1)
Journalism	KCK Academy case against defendants including journalists Haydar Ergül, Ahmet Birsin and Şeyma Kantarcı	17	1	Istanbul 22nd High Criminal Court	6 years and 3 months imprisonment for 1 defendant - 'Being a member of an armed (terrorist) organisation' (TCK 314/2)
Journalism	Trial of 11 journalists arrested in Ankara	11	8	Ankara 4th High Criminal Court	6 years and 3 months imprisonment for 6 defendants - 'Being a member of an armed (terrorist) organisation' (TCK 314/2)
Journalism	The lawsuit filed against 23 people, including JinNews reporter Öznur Değer, due to the 'We Can't Make a Living' protest in Ankara	24	12	Ankara 18th Criminal Court of First Instance	6 months imprisonment for 5 defendants and 5 months imprisonment for 7 defendants - 'Resisting the police' (TCK 265)
Journalism	The lawsuit filed against Hayko Bağdat due to his social media posts	1	1	Istanbul 50th Criminal Court of First Instance	1 year 2 months and 17 days imprisonment - 'Insulting the President' (TCK 299)

Two cases decided before key Constitutional Court ruling goes into effect

On 8 December 2023, the Constitutional Court (AYM) annulled the provision in the Turkish Criminal Code (TCK) regulating the crime of 'committing a crime on behalf of an illegal organisation without being a member of the organisation'. The court deemed it appropriate for the decision to enter into force four months later. Despite the high court's annulment, journalist Erdem Gül was sentenced under the same provision on 28 February 2024 within the 'effective period'. Similarly, journalists Ahmet Altan, Nazlı Ilıcak, Fevzi Yazıcı and Yakup Şimşek were sentenced under the same provision on 14 February 2024.

The Constitutional Court's decision published in the Official Gazette, it was emphasised that the concept of 'crime committed on behalf of an illegal organisation' was not clearly defined in paragraph 6 of Article 220 of the TCC regulating the crime of 'committing a crime on behalf of an illegal organisation without being a member of an illegal organisation' and therefore the scope of the crime was unclear. Furthermore, it was stated that the judicial authorities interpreted this concept differently according to the characteristics of each concrete case and this uncertainty could not be eliminated by judicial interpretations. The Constitutional Court unanimously cancelled paragraph 6 of Article 220 of the TCK, stating that the rule was not specific and foreseeable and therefore did not meet the 'legality' requirement. The Court ruled that with this cancellation, the second and third sentences in the same paragraph should also be cancelled.

Accusation	Number of Defendants Sentenced
Being a member of an armed (terrorist) organisation (TCK 314/2)	25
Resisting the police (TCK 265)	21
Denigrating the Turkish Nation, the State of the Republic of Turkey, the institutions and organs of the State (TCK 301)	12
Terrorist organization propaganda (TMK 7/1)	8
Slander (TCK 267/1)	6
Knowingly and willingly aiding the organisation without being a part of the hierarchical structure within the organisation (TCK 220/6)	5
Establishing/managing an armed (terrorist) organisation (TCK 314/1)	4
Insulting the President (TCK 299)	3
Targeting a public official (TMK 6/1)	2
Insulting the National Anthem (TCK 300/2)	1
Insulting a public official (TCK 125/3)	1

Judicial fines

The final hearing "in the trial of" BirGün newspaper sports editor Eren Tutel for 'insulting' Turkish Wushu Federation (TWF) Board Member Abdurrahman Akyüz and his daughter Elif Akyüz, a national athlete, was held at Istanbul 2nd Criminal Court of First Instance on 28 September 2023. Since Abdurrahman Akyüz and Elif Akyüz were considered 'public officials', Tutel was tried and convicted on the charge of 'insulting a public official because of his duty'. Tutel was sentenced to a total judicial fine of 8,840 TL. The announcement of the judgement was deferred.

On 8 November 2023, the Ankara 30th Criminal Court of First Instance ruled in the case against dismissed sociologist and writer Veli Saçılık on charges of 'insulting a public official' upon the complaints of Interior Minister Süleyman Soylu and MHP Leader Devlet Bahçeli. Saçılık was sentenced to a judicial fine of 55,000 TL in total.

The Ankara 37th Criminal Court of First Instance announced its

verdict on 31 December 2023 in the lawsuit filed against Sibel Hürtaş for covering the Multiple Bar System protest in front of the Turkish Grand National Assembly. Journalist Hürtaş, who was beaten and detained by the police in front of the Grand National Assembly of Turkey while covering the protest, was sentenced to 8 months and 10 days in prison on the charge of 'resisting to prevent the execution of her duty'. Hürtaş's prison sentence was converted into a judicial fine of 10,000 TL.

The final trial of the case against journalists Nagihan Yılkin and Mustafa Büyüksipahi, on the grounds of 'insulting a public officer' upon the complaint of Gaziantep Governor Davut Gül, was held on 15 February 2024 at Istanbul Second Criminal Court of First Instance. The court sentenced journalist Nagihan Yılkin to 7,080 TL judicial fine. The court acquitted journalist Mustafa Büyüksipahi on the grounds that 'the charged act is not defined as an offence in the law'.

Judicial fines imposed against journalist

Cause of action	Case subject	Number of accused	Number of defendants	Court name	Total quantity
Journalism	The lawsuit filed against BirGün newspaper sports editor Eren Tutel for 'insulting' Turkish Wushu Federation (TWF) Board Member Abdurrahman Akyüz and his daughter Elif Akyüz, a national athlete	1	1	Istanbul 2nd Criminal Court	8.840 TL
Activist/right defender statement	The lawsuit filed against Veli Saçılık due to insulting Interior Minister Süleyman Soylu and MHP leader Devlet Bahçeli	1	1	Ankara 30th Criminal Court	55000
Gzetecilik	The lawsuit filed against Sibel Hürtaş for watching the Multiple Bar System protest in front of the Grand National Assembly of Turkey	1	1	Ankara 37th Criminal Court	10000
Journalism	The lawsuit filed against Nagihan Yılın, Mustafa Büyüksipahi as a result of the complaint of then Gaziantep Governor Davut Gül	2	1	Istanbul 2nd Criminal Court	7080
Journalism	The lawsuit filed against Dilan Esen upon the complaint of Minister of Culture Ersoy	1	1	Istanbul 2nd Criminal Court	7080

Compensations awarded against journalists

Cause of action	Case subject	Number of accused	Number of defendants	Court name	Total quantity
Journalism	The compensation lawsuit filed against Levent Gültekin by President Erdoğan's son-in-law Selçuk Bayraktar	1	1	Istanbul 23rd Civil Court of First Instance	25.000TL
Journalism	Compensation lawsuit filed by Bekir Altun, Chairman of Istanbul Justice Commission, against Furkan Karabay	1	1	Istanbul Anatolia 27th Civil Court	12.500

Attorney fees imposed on defendants in criminal cases

During the monitoring period, defendants, including journalists, activists, students and politicians, had to pay a total of 757,300 TL in attorney fees as a result of court decisions. This situation resulted in journalists and rights defenders not only being unable to attend court hearings, but also being unable to continue their professional activities, facing prison sentences, and suffering financial losses such as judicial fines and attorney fees.

An attorney's fee is a cost of the proceedings that the party who is found to be in the wrong is obliged to pay to the other party. If the party who participates in the proceedings as a victim is represented by a lawyer, if

the defendant is convicted, the defendant is ordered to pay an attorney's fee to the party participating in the proceedings in addition to the penalty. This fee shall be determined on the basis of the minimum fee tariff for attorneys.

However, in the cases observed during the monitoring period, it is noteworthy that attorney's fees have an increasing effect on the pressure on freedom of expression and lead to a deepening of the material and moral burden of legal proceedings. In this context, the payment of attorney fees is not only a financial burden, but also an additional punishment targeting the struggle for freedom of expression.

ANALYSIS OF PROCEEDINGS BY COMPLAINANT OR PLAINTIFF

In 107 of the 281 freedom of expression cases monitored in this period, the President of Turkey and AKP Chairman Recep Tayyip Erdoğan and his family members, AKP members of parliament, ministers or deputy ministers, members of the judiciary and local authorities were involved as complainants, aggrieved parties or plaintiffs. This situation stood out as an important indicator for reporting on fair trials at an early stage. Therefore, these cases are analysed separately in this section of the report.

In the case-law of the ECtHR, it has been stated that the involvement of authority figures in freedom of expression cases may affect a fair trial and make it difficult to conduct trials in an independent and impartial manner. In particular, it has been pointed out that the objectivity and impartiality of the proceedings may be questionable in cases where state authorities are parties to the proceedings.

In the *Handyside v. United Kingdom* (1976) judgment of the ECtHR, while assessing whether state interventions on freedom of expression are in conformity with the European Convention on Human Rights, it was emphasized that state officials and authority figures being parties to cases may harm the principle of fair trial. Furthermore, in *Lingens v. Austria* (1986), it was stated

that journalists' criticism of state officials should be protected within the scope of freedom of expression and the importance of a fair and impartial assessment of such cases was emphasised.

In *Özdemir v. Turkey* (2016), the ECtHR ruled that Turkey had violated the right to a fair trial in cases brought by state authorities against journalist Ahmet Özdemir for his critical articles. In particular, it was stated that in cases where state authorities were involved as parties in the proceedings, the proceedings were not conducted in an impartial and independent manner and the principle of fair trial was violated.

In these 107 cases, in which there were doubts and concerns about fair, objective and impartial trials, 230 people were brought before the court and various sentences were demanded against them. When calculated from the lowest limit, a total of 448 years and 6 months of imprisonment was demanded in these cases. In addition, in the lawsuits filed in the civil courts of first instance, which are tasked with handling cases related to property and personal property rights arising from accusations such as 'violation of personal rights', the defendants demanded 1 million 960 thousand TL compensation from the plaintiffs, most of whom are journalists.

281 freedom of expression cases monitored

In a period marked by concerns over impartiality and objectivity in the judiciary, 281 cases related to freedom of expression were monitored, involving 230 defendants across 107 trials. Over half of the defendants (64%) were journalists, with a total of 116 journalists standing trial.

448 years and 6 months in prison demanded

In these cases, prosecutors collectively requested sentences totaling 448 years and 6 months, calculated at the minimum sentence thresholds, highlighting the severe penalties sought against defendants, primarily for charges tied to speech and press-related activities.

1.96 million TL in compensation sought

Additionally, civil cases brought to courts for alleged "violations of personal rights" demanded a total of 1.96 million TL in damages, predominantly from journalists. These cases, handled by civil courts, underscore the financial pressures faced by journalists due to defamation and personal rights cases, often brought by public figures.

More than half of those on trial were journalists

More than half (64 per cent) of the 230 defendants in 107 cases, categorized based on complainant or plaintiff, were journalists. In total, 116 journalists were tried as defendants in these cases.

President Erdoğan and his relatives, government and state officials, and members of the judiciary were the most frequent opponents of activists and students; 32 activists and 28 students were put on trial in these cases. Four artists, one lawyer and one academic were also put on trial.

Occupations of the defendants	Number
Journalist	116
Activist	32
Student	28
Artist	4
Lawyer	1
Academician	1
Legal person	1
Total number of accused	230

Charges against the defendants

The most common charge in this category was 'insulting a public official' (TCK 125/3); 30 cases were filed and 46 defendants were put on trial. The second most common charge was 'insulting the president' (TCK 299). In 21 cases based on this charge, 42 defendants were put on trial. In addition, the charge of 'insult' (TCK 125/1) was also frequently levelled; 19 cases were filed and 31 defendants were put on trial.

Fifteen lawsuits were filed on the charge of 'violation of personal rights' and 16 defendants were put on trial. A total of 1 million 960 thousand TL compensation was demanded in the lawsuits for material and moral damages filed in the civil courts of first instance on this ground.

Nine lawsuits were filed on the charge of 'targeting people who took part in the fight against terrorism' (TMK 6/1) and 11 defendants were put on trial in these cases.

The charge of 'resisting to prevent the execution of duty' (TCK 265) was especially brought in cases with a large number of defendants; 7 cases were opened and a total of 53 defendants were put on trial. 48 defendants were put on trial in 5 cases filed with the accusation of 'violating the Law No. 2911 on Meetings and Demonstrations'.

In addition, 10 cases were filed on the charge of 'slander' (TCK 267) and 22 defendants were put on trial. 4

cases were filed on the charge of 'denigrating the Turkish nation, the Republic of Turkey, the institutions and organs of the state' (TCK 301) and 6 defendants were put on trial.

Among the less common charges was 'unlawful acquisition or dissemination of personal data' (TCK 136/1); a case was opened with this accusation and 2 defendants were put on trial. 4 people were put on trial in 1 case with the accusation of 'destroying documents related to the security of the state, using them for purposes other than their intended use, obtaining them by deception, disclosing and obtaining documents related to the security of the state that should remain confidential' (TCK 326).

Finally, 2 lawsuits were filed on the charge of 'damaging commercial reputation' and 3 defendants were put on trial. Furthermore, 2 cases were filed on the charge of 'publicly inciting one section of the public with different characteristics in terms of social class, race, religion, sect or region to hatred and hostility against another section of the public' and 3 defendants were put on trial. 1 case was filed on the charge of 'publicly insulting religious values adopted by a section of the public' (TCK 216/3) and 10 defendants were put on trial. Finally, 1 case was filed on the charge of 'insulting the memory of a person' (TCK 130) and 1 defendant was put on trial.

Status of cases	Number of cases
Concluded cases	47
Cases resulting in conviction	18
Cases with results other than conviction	29
Pending cases	20

Analysis of judgements in criminal cases

Six cases ended in prison sentences, 5 in judicial fines, and 2 in compensation orders. In this period, acquittals were issued in 20 cases, 7 cases were dismissed, one case was dismissed and one case was decided not to proceed to judgement.

The accusations against the defendants varied in the sentenced cases. The most common charge was 'insulting a public official' (TCK 125/3) and 6 defendants were sentenced for this charge.

The second most common charge was 'slander' (TCK 267); 5 defendants were sentenced for this charge.

Two defendants were sentenced on the charge of 'targeting a public official on counterterrorism duty (TMK 6/1). Again 2 defendants were sentenced for 'publicly insulting the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Gover-

nement of the Republic of Turkey and the judicial organs of the State' (TCK 301).

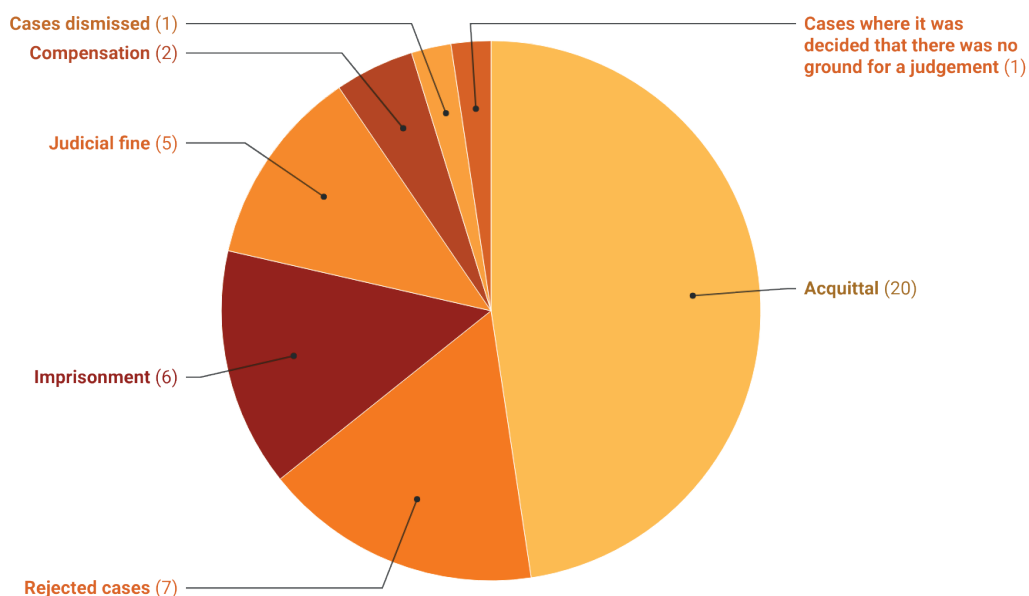
In addition, one defendant was sentenced for 'assault on personal rights' and 'resisting a public officer' (TCK 265/1) in different cases.

Analysing the occupational distribution of the defendants in the sentenced cases, the largest group among the 27 defendants were journalists. A total of 18 journalists and 7 activists were sentenced in these cases.

In these cases, a total of 12 years, 4 months and 12 days imprisonment sentence was given. The total amount of the judicial fine was recorded as 79.223 TL.

The total amount of the compensation imposed at the end of the trials at the civil courts of first instance, which are responsible for the cases filed on the charge of 'violation of personal rights', was 37,500 TL.

Distribution of cases in which a penalty decision was given



Lawsuits filed upon the complaints of Erdoğan, his family and relatives for alleged offences

In 41 of these 107 cases, categorized according to the identity of the complainant, victim or plaintiff, Turkish President and AKP Chairman Recep Tayyip Erdoğan, his wife Emine Erdoğan, his son Bilal Erdoğan, former AKP Minister Berat Albayrak, Baykar Chairman Selçuk Bayraktar, Berat Albayrak's brother and Chairman of the Board of Directors of Turkuvaz Media Group Serhat Albayrak and Mustafa Doğan İnal were named as parties in the indictments.

President Recep Tayyip Erdoğan was the complainant, or aggrieved party in 22 cases. A total of 43 people, including 17 journalists, 12 activists, 10 students, 3 artists and 9 politicians, were put on trial in these cases.

Mustafa Doğan İnal, known as President Erdoğan's former lawyer, was a party to a total of 8 cases in which 17

people were on trial, all of them journalists. Serhat Albayrak, the older brother of Berat Albayrak and CEO of Turkuvaz Media Group, was a party to 4 lawsuits, 7 of which were filed against journalists and one against a legal entity.

Bilal Erdoğan and Berat Albayrak were each a party to two lawsuits and a total of 4 journalists were put on trial in these lawsuits.

President Erdoğan's wife Emine Erdoğan and Selçuk Bayraktar were involved in one case each and one journalist appeared before the judge in each case.

In total, 82 defendants, including 47 journalists, 12 activists, 10 students, 3 artists, 9 politicians and one legal entity, were put on trial in 41 cases.

Distribution of cases filed alleging crimes against the Erdoğan family

Complainant	Number of cases	Number of accused	Journalist	Activist	Student	Artist	Politician	Legal entity
Recep Tayyip Erdoğan	22	43	17	12	10	3	9	
Mustafa Doğan İnal	8	17	17					
Serhat Albayrak	4	8	7					1
Bilal Erdoğan	2	2	2					
Berat Albayrak	2	2	2					
Emine Erdoğan	1	1	1					
Selçuk Bayraktar	1	1	1					
TOTAL	41	82	47	12	10	3	9	1

President Erdoğan seeks 58 years of imprisonment for 58 defendants in 22 cases

In 22 cases in which Turkish President and AKP Chairman Recep Tayyip Erdoğan was the complainant, all 58 defendants were charged with 'insulting the president' (TCK 299). In these cases, which were filed in some cases as a direct complaint made by President Erdoğan through his lawyers, in some cases as a result of a action taken by prosecutors, the total sentence requested was 58 years of imprisonment, calculated at the lower limit of the sentence.

Mustafa Doğan İnal

After President Erdoğan, his ex-lawyer Mustafa Doğan İnal was the party to the most cases. In 8 cases, 17 defendants were charged with 'insult' (TCK 125/1) and 'slander' (TCK 267/1). A total of 16 years and 3 months of imprisonment was demanded for 17 defendants on these charges. In addition, İnal claimed a total of 550 thousand TL in non-pecuniary damages against four journalists in the civil courts of first instance.

Serhat Albayrak

Serhat Albayrak was the complainant or plaintiff against 8 defendants in a total of 4 lawsuits. In 3 lawsuits, 5 defendants were charged with 'insult' (TCK 125/1) and 'slander' (TCK 267/1) and a total of at least 6 years and 3 months imprisonment was requested.

Albayrak also demanded 200.000 TL compensation for 'damaging commercial reputation' in a lawsuit filed at the Commercial Court of First Instance against Evrensel newspaper, its concessionaire Cemal Dursun and the newspaper's writer Ceren Sözeri.

Bilal Erdoğan

Bilal Erdoğan appeared as a complainant or plaintiff against 2 defendants in 2 lawsuits. In the lawsuit filed against a journalist on charges of 'insult' (TCK 125/1) and 'slander' (TCK 267/1), a minimum of 1 year and 3 months imprisonment was demanded. Bilal Erdoğan demanded 250 thousand TL material and immaterial compensation in the lawsuit filed at the civil court of first instance with the claim of 'unjustified attack on personal rights'.

Berat Albayrak

President Recep Tayyip Erdoğan's son-in-law Berat Albayrak, who served in the AKP government as Minister of Energy and Natural Resources between November 2015 and July 2018, and as Minister of Treasury and Finance between July 2018 and November 2020, appeared as a complainant or plaintiff against 2 journalists in 2 lawsuits.

In the lawsuit filed on the charge of 'insulting a public official' under Article 125/3 of the Turkish Criminal Code (TCK) due to the news report on the e-mails allegedly belonging to Berat Albayrak regarding sex toy orders published by the hacker group Redhack in 2016, the lower limit of the requested sentence was 1 year imprisonment.

Berat Albayrak demanded 200 thousand TL compensation for 'unjustified attack on personal rights' in another case in which a journalist was on trial.

Emine Erdoğan

Emine Erdoğan was the complainant in a lawsuit filed with the accusation of 'insult' under Article 125/1 of the Turkish Criminal Code due to a news article about her. When calculated from the lower limit, 3 months imprisonment was requested for the defendant in this case. Another son-in-law of President Erdoğan, Baykar Chairman Selçuk Bayraktar, who is introduced as "the architect of Turkey's first national S/UAV systems and the first national unmanned combat aircraft Bayraktar KIZILELMA" on the website opened in his name, directly sued a journalist during this period. Bayraktar demanded 100.000 TL compensation from the journalist for 'violation of his personal rights' in the lawsuit filed at the Civil Court of First Instance. The court announced its decision in the second hearing of the case and ruled that the journalist should pay 25.000 TL compensation to Bayraktar.

In all these lawsuits in which President Erdoğan and his relatives were parties, a total of 23 years of imprisonment was requested. In the lawsuits filed in the civil courts of first instance with the claim of 'violation of personal rights', 1 million 300 thousand TL compensation was requested.

'The judiciary shows zero tolerance for even mild criticism'



At the end of the lawsuit filed by President Erdoğan's son-in-law Selçuk Bayraktar, journalist Levent Gültekin was ordered to pay TL 25.000 non-pecuniary damages."During the election process, Selçuk Bayraktar had said that the AKP's loss of the election would affect them negatively, and I had criticised this approach by saying 'they have tied the defence industry of the country to one person and



he has tied his fate to his father-in-law, is this a banana republic?' There is neither insult nor slander in my message, and there is no name mentioned. This decision cannot be explained by law, there is a judicial mechanism that does not tolerate even a simple criticism and is a tool for this intolerance. I refer the injustice here to the mercy of society."

Levent Gültekin, 24 November 2023

Evidence in the indictments and petitions

In the indictments of the lawsuits in which Recep Tayyip Erdoğan, his family and relatives were complainants or complainants and in the applications made by them as plaintiffs, the writings, news and publications of journalists were included as evidence. In addition, press releases and social media posts by members of different professional groups were also cited as evidence in these cases.

News articles and writings were the most frequently cited types of evidence in cases against journalists. This type of evidence was used against journalists in 13 cases. In addition, social media posts of journalists were used as evidence in 10 cases. Television speeches were used as evidence in two cases against journalists. In addition, one case was based on cartoons and two cases were based on books.

Social media posts and press releases were most frequently used as evidence in the cases against activists. Social media posts were used as evidence in two cases and press releases in three cases. The press statement was considered as evidence in the lawsuits against the students. Television speeches were used twice as evidence in cases against politicians. In one case against legal entities, a column was used as evidence.

Hayko Bağdat, Hakkı Boltan, Ahmet Sever, Merdan Yanardağ, Barış Pehlivan, Ozan Alper Yurtoğlu, Sedef Kabaş, Baransel Ağca, Rüstem Batum, Levent Gültekin, Uğur Koç, İnan Kızılkaya and İhsan Çaralan were among the journalists charged with insulting President Recep Tayyip Erdoğan. In these cases, criticisms, columns and social media posts made by the defendants through print and visual media were presented as evidence.

The first trial against the foreign press continues: Erdoğan cartoon to blame

The lawsuit filed against the French magazine Charlie Hebdo for its cartoon illustration of President Erdoğan continued in this judicial year. The lawsuit, which started to be held in Ankara on 18 November 2021 due to the cartoon published in the issue of the magazine on 28 October 2020, is the first lawsuit filed against a foreign media organ that does not publish in Turkey.

The case, in which the magazine's editors Julin Serignac, Gerard Biard, Laurent Sourisseau and cartoonist Alice are on trial, is opened in every hearing due to the journalists' presence abroad, and is closed in a few minutes after the file is discussed, with the order to 'take the statements of the defendants'.

Prosecutor 'searched for intent': Prayer without Erdoğan's name found 'insulting the president'

At Ankara University's Faculty of Political Science, known as "Mülkiye," a long-standing tradition known as the "Cow Festival" has come under legal scrutiny. During the 2022 celebration, prosecutors allege that students insulted President Recep Tayyip Erdoğan and openly disrespected religious values embraced by a segment of the population through a satirical performance called the "Cow Prayer." The indictment states that a student, dressed as an imam, delivered the "Ox Prayer," which prosecutors interpret as containing implicit insults toward Erdoğan, despite his name not being men-

tioned explicitly.

President Erdoğan is listed as the aggrieved party in the indictment. Prosecutors have charged the students responsible for writing and reciting the "Cow Prayer" under Article 299 of the Turkish Penal Code (TCK), which criminalizes "insulting the president," as well as under TCK Article 216/3, which penalizes "openly degrading religious values." The case, currently ongoing in Ankara's 68th Criminal Court of First Instance, highlights a contentious intersection between traditional satire, academic freedom, and Turkey's laws surrounding religious and political respect.

Lawsuit filed for Erdoğan 'appearing' in news photograph

During this period, another lawsuit filed with the allegation of 'insulting President Erdoğan' was initiated based on a denunciation made to the Presidential Communication Centre (CİMER). The denunciation alleged that the photograph of sexual abuse suspect V.U. used in the newspaper was "seen" against the background of President Erdoğan's photograph, and that BirGün newspaper was "deliberately" trying to create a perception against Erdoğan.

This photograph was considered as evidence of an offence in the indictment. Journalist Uğur Koç, who was on trial for 'insulting the president' due to a news article unrelated to Erdoğan, was sentenced to 11 months and 20 days in prison at the final hearing held at Istanbul 2nd Criminal Court of First Instance on 28 March 2024. The sentence was postponed.

"It is possible to access the photo in question when the name of the person mentioned in the news is searched on Google images. It is most likely a photo published by the person on his own social media account. The fact that a person has a photo with a guilty person, the publication of those photos does not mean that that person is insulted."

Ali Deniz Ceylan, the lawyer of journalist Uğur Koç, at the verdict hearing on 28 March 2024.

Press releases considered 'evidence of crime'



Gülsüm Elvan, the mother and Sami Elvan, the father of Berkin Elvan, who was seriously injured by a gas canister fired by the police during the Gezi Park protests and died at the age of 15 after being in a coma for 269 days, are among those charged with 'insulting the President'.

Police officer Fatih Dalgı, who is held responsible for the murder of their children, was charged with the murder of Gülsüm and Sami Elvan. Gülsüm and Sami Elvan's criticism against Erdoğan was shown as 'evidence of crime' in the press statement they made after the trial of the police officer Fatih Dalgı at Istanbul 17th High Criminal Court. The trial of the case against the Elvan family is still continuing.

'I am on trial, not those who ordered the murder'

Gülsüm Elvan started her defence at the hearing held at Istanbul 43rd Criminal Court of First Instance on 5 March 2024, saying "I am being tried for insult, but I was insulted". Gülsüm Elvan stated that those who gave the order for the killing of her son Berkin Elvan were not put on trial. Elvan said, "I was victimised, he may be the President, but he cannot kill my child by giving orders".

Evidence from cases filed by the Erdoğan family against journalists

After Emine Erdoğan filed a complaint against journalist Gökay Başcan, a news article published in BirGün newspaper was presented as evidence in the lawsuit filed on the grounds of 'insult'. The news article stated that the authority to award tenders for mapping and buoy tenders covering Turkey's coasts was given to the Environment Agency, which was established under the auspices of Emine Erdoğan.

Upon Emine Erdoğan's request, a total of 66 news articles on this subject were blocked from access by the decision of Istanbul Anatolian 6th Criminal Judicature of Peace. News articles about the access ban on these news articles were also blocked by the decision of Istanbul Anatolian 2nd Criminal Judicature of Peace.

The lawsuit filed against Başcan was first tried with a simple trial procedure and an acquittal decision was taken. Upon the objection of Erdoğan's lawyers, the case was retried. The court acquitted Başcan in the retrial. This result was influenced by the change of the prosecutor. The new prosecutor, who changed the previous prosecutor's opinion on the merits, took into account the case - law of the ECtHR and the Constitutional Court and stated that the expressions in the news article were within the scope of freedom of the press and should be considered as 'heavy criticism'.

Two lawsuits regarding social media posts about Bilal Erdoğan

After Bilal Erdoğan filed a complaint, two separate lawsuits were filed against journalist Furkan Karabay for his social media posts. These posts were presented as evidence in the criminal case filed at Istanbul 47th Criminal Court of First Instance on the grounds of 'insult' and 'slander' and in the compensation case filed at Istanbul 45th Civil Court of First Instance on the grounds of 'unfair attack on personal rights'.

Karabay had shared the petition sent by former Istanbul Anatolian Chief Public Prosecutor İsmail Uçar to the High Council of Judges and Prosecutors (HSK) on his X platform (formerly Twitter) account. Karabay is on trial for using the expression "regular of the court-

house" about Bilal Erdoğan in this post. Chief Public Prosecutor Uçar had claimed that "access blocking and eviction decisions were given in exchange for money" at the courthouse in question.

Albayrak and Bayraktar complain about social media posts

Berat Albayrak filed a complaint against journalist Metin Cihan for a post he made on the X platform (formerly known as Twitter) regarding documents published by the hacker group Redhack, and brought Cihan to trial at the Istanbul 36th Criminal Court of First Instance on the charge of 'insulting a public official for his duty'. Albayrak also filed a lawsuit for 200 thousand TL against journalist Hazal Ocağ for the news article titled 'The groom knows his job' published in Cumhuriyet newspaper, which was about the lands he purchased on the route of the 'Canal Istanbul' project during his term as Minister of Finance and Treasury.

In the lawsuit filed by Bayraktar, journalist Levent Gültekin's social media post was cited as evidence.

On the other hand, in the lawsuit filed against journalists Kürşat Yılmaz and Görkem Kınacı upon Serhat Albayrak's complaint, news articles published in Evrensel newspaper were considered as evidence. These news articles contained allegations by Sedat Peker, who is wanted with a Red Bulletin. Similarly, in the lawsuit filed against Osman Akın and Mehmet Ferhat Çelik on a complaint by Albayrak, Peker allegations published in Yeni Yaşam newspaper were included as evidence. Erdem Avşar, the Managing Editor of Yeniçağ newspaper, was put on trial with Serhat Albayrak's complaint due to the news reports on Peker's allegations and was sentenced to 1 year and 15 days in prison for 'slander'.

Furthermore, in the lawsuit filed by Albayrak for TL 200000 compensation, the article titled 'Who made AKP lose votes?' published in the column of academic Ceren Sözeri in Evrensel newspaper was presented as evidence. The lawsuit against Sözeri has been ongoing for five years.

Court raitings

The courts announced their verdicts in 11 of the 41 cases in which President Erdoğan and his close associates were involved against journalists, activists, students, artists and politicians.

While acquittal verdicts were given in two cases, 3 cases were dismissed. In five of these cases, 5 journalists were sentenced to a total of 5 years and 4 months in prison on different charges. In one case, the defendant journalist was ordered to pay 25 thousand TL compensation.

Journalist Levent Gültekin was sentenced to 11 months and 20 days in prison for 'insulting the president' upon the complaint of President Erdoğan at Bakırköy 44th Criminal Court of First Instance.

People's Houses Chairperson Nebiye Merttürk was charged with 'insulting' President Erdoğan and MHP leader Devlet Bahçeli in the case at Ankara 70th Criminal Court of First Instance. At the end of the hearings, she was sentenced to 1 year, 2 months and 10 days in prison.

Journalist Uğur Koç was charged with 'insulting the president' in the case where President Erdoğan was a participant at Istanbul 2nd Criminal Court of First Instance and was sentenced to 11 months and 20 days in prison. The sentence was postponed.

Journalist Karabay was tried in four different cases based on Mustafa Doğan İnal's complaint and three of these cases were dismissed. In the fourth case at Istanbul 2nd Criminal Court of First Instance, he was sentenced to 1 year and 15 days in prison for 'slander'. The sentence was postponed.

Journalist Erdem Avşar was charged with 'slander' upon Serhat Albayrak's complaint and sentenced to 1 year and 15 days in prison. The sentence was postponed. Journalist Gültekin was sentenced to pay 25 thousand TL compensation in the compensation lawsuit filed by Selçuk Bayraktar at Istanbul 23rd Civil Court of First Instance.

Lawsuits filed by AKP Ministers, Members of Parliament and Advisors to Ministers

During this period, AKP ministers, members of parliament and deputy ministers were named as complainants, aggrieved parties, complainants or defendants in 24 lawsuits filed on charges related to freedom of expression.

In these cases, 21 different AKP figures faced a total of 38 defendants. The data showed that the crackdown on freedom of expression centred mostly on journalists:

A total of 23 journalists were prosecuted in these cases for alleged offences against AKP figures. Other defendants included 10 politicians, four activists and an artist.

In addition to President Erdoğan, former Prime Minister Ahmet Davutoğlu and former Interior Minister Efkan Ala are also named as 'complainants' in a lawsuit against 8 former HDP MPs. Ahmet Davutoğlu, who left the AKP and founded the Future Party, is also a party in another

case with President Erdoğan. In this case, in which journalist Hakkı Boltan is on trial, Erdoğan is a 'party' and Davutoğlu is the aggrieved party.

In particular, Deputy Ministers of Justice Akın Gürlek and Hasan Yılmaz, former Minister of Industry and Technology Mustafa Varank and former Minister of Interior Süleyman Soylu are parties to lawsuits filed against more than one journalist. Akın Gürlek faced 6 journalists in 5 cases, Hasan Yılmaz faced 5 journalists in 3 cases, Mustafa Varank faced 5 journalists in 3 cases and Süleyman Soylu faced 2 journalists and 2 activists in 3 cases.

The following high-level names, who were or are currently serving in the AKP, have been involved in lawsuits against journalists, politicians, activists and artists in cases against freedom of expression and freedom of the press:

- » Binali Yıldırım, former Prime Minister
- » Ahmet Davutoğlu, former Prime Minister
- » Süleyman Soylu, Minister of interior
- » Efkan Ala, former Minister of interior
- » Mehmet Nuri Ersoy, Minister of Tourism
- » Mustafa Varank, former Minister of Industry and Technology and AKP Bursa MP
- » Egemen Bağış, former Minister for EU Affairs, former AKP MP, Ambassador
- » İsmail Demir, President of the Presidency of Defence Industries
- » Korkmaz Karaca, Advisor to the President
- » Mustafa Şentop, former AKP Tekirdağ MP, former Parliament Speaker
- » Zehra Taşkesenlioğlu, former AKP Erzurum MP

- » Ali İhsan Arslan, former AKP Diyarbakır MP
- » Edibe Sözen, former AKP MP
- » İbrahim Halil Yıldız, AKP Şanlıurfa MP
- » Yasin Ekrem Serim, Deputy Minister of Foreign Affairs
- » Akın Gürlek, Deputy Minister of Justice (Akın Gürlek was appointed as Istanbul Chief Public Prosecutor when the report was prepared)
- » Hasan Yılmaz, Deputy Minister of Justice
- » Muhsin Dere, Deputy Minister of National Defence
- » Şuay Alpay, Deputy Minister of National Defence
- » Alpaslan Kavaklıoğlu, Deputy Minister of National Defence
- » Yunus Emre Karaosmanoğlu, Deputy Minister of National Defence

12 lawsuits filed; the most common charge being 'insulting a public official'

In freedom of expression and press freedom cases in which AKP ministers, MPs and deputy ministers were parties, the most common charge was 'insulting a public official' (TCK 125/3); 12 cases were filed and 24 defendants were put on trial.

The second most common accusation was 'attacking personal rights'. A total of 5 defendants were tried in 4 cases based on this accusation. Furthermore, the accusation of 'insult' (TCK 125/1) was also frequently made; 4 cases were filed based on this accusation and a total of 4 defendants were put on trial.

Three lawsuits were filed on the charge of 'targeting people who took part in the fight against terrorism' (TMK 6/1) and 3 defendants were on trial. Two lawsuits were filed on the charge of 'defamation' and 5 defendants were on trial.

In the criminal cases, a total of 54 years and 3 months of imprisonment was requested at the minimum sentencing threshold, while in the proceedings held in the civil courts of first instance with the allegation of 'violation of personal rights', the plaintiff AKP members demanded a total of TL 340 thousand compensation from the plaintiffs.

Writing about the Constitutional Court ruling that Akın Gürlek did not obey grounds for accusation

In this category, Akın Gürlek, who served as Deputy Minister of Justice, was a party in all 3 cases based on the allegation of 'targeting people who took part in the fight against terrorism'. Gürlek, who was appointed as the Chief Public Prosecutor of Istanbul while this report was being prepared, was the president of Istanbul 14th High Criminal Court before being appointed to the Ministry of Justice. He filed a complaint against journalists for the news reports about him.

For example, Mansur Çelik, Editor-in-Chief of ANKA News Agency, was put on trial for publishing a news article titled 'Judge who made a mark on the Turkish

agenda' about Gürlek for not complying with the Constitutional Court's decision on Enis Berberoğlu. Çelik was sentenced to six months in prison for 'targeting people who took part in the fight against terrorism'. The sentence was postponed.

Journalist Ayça Söylemez was prosecuted with Gürlek's complaint due to her article 'Talented Mr. Judge' published in BirGün on 18 February 2020. Söylemez had criticised Gürlek's decisions as the President of the High Criminal Court. Gürlek filed the complaint when he was Deputy Minister of Justice. Söylemez was acquitted at the second hearing of the trial.

Journalist Barış Terkoğlu was put on trial upon Gürlek's complaint for the news article titled 'The same judge always makes the decisions on Turkey's agenda' and the article 'How do I remember the judge who stirred up Turkey'. Terkoğlu was sentenced to two years in prison for 'targeting people who took part in the fight against terrorism' and the sentence was not postponed.

Evidence in the Indictment and Statement of Claim

News articles, columns, social media posts, press releases and books were generally used as evidence against the defendants in the cases.

During this period, MLSA observers monitored two separate lawsuits filed against Emine Şenyaşar¹ for 'insulting' former AKP MP İbrahim Halil Yıldız. In the two lawsuits, Şenyaşar's words against Yıldız during the justice vigil were used as evidence and justification for the accusation.

The lawsuits filed against journalist Ahmet Sever as a result of a complaint filed by AKP members Mustafa Şentop and Mustafa Varank included his book "Behind Closed Doors: Let mi not holid it in, my witnessing" as evidence. Sever, who worked as President Abdullah Gül's press advisor for 12 years, had written his memoirs of this period in his book.

1. Emine Şenyaşar's two sons and her husband were killed in Suruç district of Şanlıurfa in 2018 as a result of an attack by the bodyguards and relatives of İbrahim Halil Yıldız, then AKP Şanlıurfa MP. Şenyaşar started the Justice Watch in front of the Şanlıurfa Courthouse on 9 March 2021, and later moved the vigil to the front of the Ministry of Justice on 26 July 2023.

Verdicts in AKP cases

The court announced its verdict in 17 out of 24 cases filed by AKP ministers, MPs and deputy ministers on charges of insult or slander. In 5 of these cases, 7 defendants were acquitted, while 3 cases involving 4 defendants were dismissed. In 5 cases, 5 journalists were sentenced to 3 years and 6 months in total. The total judicial fine imposed was 62 thousand 80 TL.

- » *Sociologist and writer Veli Saçılık, who was dismissed from public office with the Decree Law (KHK), was put on trial at Ankara 30th Criminal Court of First Instance upon the complaints of former Interior Minister Süleyman Soylu and MHP Chairman Devlet Bahçeli. Saçılık was sentenced to 55 thousand TL judicial fine for 'insulting a public officer'.*
- » *Yetkin Yıldız, the editor-in-chief of the shut-down aktifhaber.com, was put on trial at the Bakırköy 31st Criminal Court of First Instance upon the complaint of then Interior Minister Efkan Ala. Yıldız was sentenced to 1 year imprisonment on the charge of 'slander'. The court ruled that there was no verdict on the charge of 'insult'.*
- » *Journalist Dilan Esen was sentenced to a judicial fine of 7,80 TL at Istanbul 2nd Criminal Court of First Instance on the charge of 'publicly insulting a public official due to his/her duty' upon the complaint of Tourism Minister Mehmet Nuri Ersoy.*
- » *Journalist Mansur Çelik was sentenced to 6 months in prison by Ankara 22nd High Criminal Court on the charge of 'targeting people who took part in the fight against terrorism' upon the complaint of Akın Gürlek. The sentence was postponed.*
- » *Journalist Barış Terkoğlu was sentenced to two years in prison at Istanbul 13th High Criminal Court for 'targeting people who took part in the fight against terrorism' following a complaint by Deputy Minister of Justice Akın Gürlek.*



"How can I be targeting someone I didn't name?" This lawsuit was filed so that no one could criticise Akın Gürlek. I am a journalist, I criticise, that's why I am being unfairly prosecuted."

Barış Terkoğlu, 2 May 2024, Istanbul 13th High Criminal Court

Cases in which government partner MHP was a party

MHP Chairman Devlet Bahçeli was a party to 3 freedom of expression cases during this period. In one of the cases Bahçeli was a complainant with President Erdoğan and in the other with former Minister of Interior Süleyman Soylu.

"People Houses" Chairperson Nebiye Merttürk was sentenced to 1 year, 2 months and 10 days in prison for 'insulting the President' and 'insulting a public official' at Ankara 70th Criminal Court of First Instance. Veli Saçılık was sentenced to a judicial fine of 55 thousand TL at the end of the trial

held at Ankara 30th Criminal Court of First Instance on the charges of 'insulting a public officer'.

The lawsuit filed against journalist Gözde Bedeloğlu due to 'insulting a public official because of his/her duty' upon the complaint of MHP Antep MP Sermet Atay is being held at Istanbul 2nd Criminal Court of First Instance. The indictment of the case against Bedeloğlu, for which a 1-year prison sentence is requested, cites her article titled 'Those who protect the state from yesterday to today' published in BirGün newspaper as evidence.

Defendant name	Profession	Complainant/ / defendant	Decision	Fine amount
Didar Gul	Activist	Süleyman Soylu	Acquittal	
Veli Saçılık	Activist	Devlet Bahçeli, Suleyman Soylu	Sentenced for insulting a public official	55 thousand TL judicial fine
Ismail Bee	Journalist	Mustafa Varank	Acquittal	
Yetkin Yıldız	Journalist	Then Minister of Interior Efkân Ala	Imprisonment for 'slander'	1 year imprisonment
Seyhan Avsar	Journalist	Yasin Ekrem Serim	Case dismissed	
Mustafa Büyüksipahi, M. Birol Güger	Journalist	Mustafa Varank	Acquittal	
Mansur Celik	Journalist	Akin Gurlek	Sentenced for targeting people who took part in the fight against terrorism	6 months imprisonment
Hayri Demir	Journalist	Edibe Sözen	Case dismissed	
Faruk Eren, Furkan Karabay	Journalist	Hasan Yilmaz, Akin Gurlek, Irfan Fidan	Acquittal	
Ayça Söylemez	Journalist	Akin Gurlek	Acquittal	
Dilan Esen	Journalist	Mehmet Nuri Ersoy	Publicly insulting a public official because of his duty	7 thousand 80 TL judicial fine
Baris Terkoglu	Journalist	Akin Gurlek	Sentenced for targeting people who took part in the fight against terrorism	2 years imprisonment
Izel Sezer, Dogan Ergun	Journalist	Ali Ihsan Arslan	Case dismissed	

Lawsuits filed alleging crimes against members of the judiciary

During this monitoring period, members of the judiciary were involved as complainants, aggrieved parties, complainants or defendants in 18 cases filed on charges against freedom of expression. In all of these cases, a total of 25 journalists were put on trial for alleged offences against members of the judiciary.

Constitutional Court member İrfan Fidan was the most frequent member of the judiciary to take sides against journalists in freedom of expression and press freedom cases; Fidan took sides against 7 journalists in different cases. Hamit Kocabey, a former member of the High Council of Judges and Prosecutors (HSK), ranked second and took sides in cases involving 4 journalists.

Istanbul 1st Criminal Judge of Peace B.A., members of the Court of Cassation Ayhan Ayan and Tekmen Savaş Nemli, Deputy Minister of Justice Hasan Yılmaz, 'Gezi trial' Judge Murat Bircan, Istanbul Chief Public Prosecutor Şaban Yılmaz, Istanbul Anatolian Chief Public Prosecutor İsmail Uçar and Istanbul Justice

Commission President Bekir Altun took sides against two journalists each.

Among other members of the judiciary, Izmir Public Prosecutor Caner Ulu, Court of Cassation Judge Ömer Faruk Aydıner, Antalya Deputy Chief Public Prosecutor Yakup Ali Kahveci, Istanbul Justice Commission President Okan Albayrak, Honorary Chief Public Prosecutor of the Court of Cassation Abdurrahman Yalçinkaya and Istanbul Deputy Chief Public Prosecutor Mehmet Yılmaz were named as parties in the indictments of the cases in which one journalist was on trial.

Some of these cases involved more than one member of the judiciary as complainant, complainant or aggrieved party.

Members of the judiciary involved in cases against freedom of expression and freedom of the press:

- İrfan Fidan, member of the Constitutional Court
- Abdurrahman Yalçinkaya, Honorary Chief Public Prosecutor of the Court of Cassation
- Ayhan Ayan, member of the Court of Cassation
- Tekmen Savaş Nemli, member of the Court of Cassation
- Ömer Faruk Aydıner, member of the Court of Cassation
- Hamit Kocabey, former member of the Council of Judges and Prosecutors (HSK)
- Şaban Yılmaz, Istanbul Chief Public Prosecutor
- İsmail Uçar, Istanbul Anatolian Chief Public Prosecutor
- Mehmet Yılmaz, Deputy Chief Public Prosecutor of Istanbul
- Yakup Ali Kahveci, Deputy Chief Public Prosecutor of Antalya
- Okan Albayrak, Chairman of Istanbul Justice Commission
- Bekir Altun, Chairman of the Istanbul Justice Commission
- Caner Ulu, Izmir Public Prosecutor
- Murat Bircan, Judge of Istanbul 13th High Criminal Court
- B. A., Istanbul 1st Criminal Judge of Peace

Accusations

The most common accusation in freedom of expression and press freedom cases involving members of the judiciary was 'insulting a public official' (TCK 125/3). This charge was levelled against 16 defendants in 12 different cases.

The second most common charge was 'targeting public officials involved in the fight against terrorism' (TMK 6/1); this charge was used against 7 defendants in 5 cases.

Furthermore, the charge of 'defamation' (TCK 267) was levelled against 3 defendants in 2 cases and the charge of 'attacking personal rights' was levelled against 2 defendants in 2 cases.

In the criminal cases, the defendants were asked for a total of 26 years of imprisonment when calculated from the lower limit.

In the compensation lawsuits filed in the civil courts of first instance with the allegation of 'attack on personal rights', a total of 200 thousand TL compensation was demanded.

Karabay detained for 11 days for reporting the minutes of trial



Furkan Karabay, who reported on the minutes of the hearing, was one of the journalists charged with both 'insulting a public official' and 'targeting people who took part in the fight against terrorism' in a single case.

Karabay was detained on 28 December 2023 and arrested one day later on the grounds that his news article titled 'Bribery fight in mafia trial in minutes' published on Gerçek Gündem website included statements in the minutes of the trial of Barış Saral of the Sarallar group. Karabay, who was released on 8 January 2024 after his lawyers' second objection to his detention, was arrested for a total of 11 days.

Okan Albayrak, a member of the Court of Cassation, Şaban Yılmaz, Istanbul Chief Public Prosecutor, and Murat Bircan, a member of Istanbul 13th High Criminal Court, were named as "victims" in the indictment.

Journalists sued for reporting on CHP leaflet



A lawsuit was filed against Sezgin Baran Korkmaz, who is being investigated in Turkey and the US on charges of 'money laundering', for 'insulting a public official' due to a column published in Cumhuriyet under the signature of Barış Pehlivan about the brochure titled 'SaBiKa Holding: A Karapara-Siyaset-Yargı Hikâyesi' prepared by CHP.

In the indictment of the case in which journalist Barış Pehlivan and Cumhuriyet newspaper's then Managing Editor Ozan Alper Yurtoğlu are on trial, Constitutional Court Judge İrfan Fidan and Supreme Court of Appeals Judge Tekmen Savaş Nemli, President Erdoğan, former Prime Minister Binali Yıldırım, former Interior Minister Süleyman Soylu, former Ambassador to Prague and former AKP State Minister Egemen Bağış were named as "victims".

Judge files complaint on wife's behalf



Journalist İsmail Saymaz was put on trial based on a complaint of Murat Bircan, former judge of the court that handled the Gezi case and AKP mayoral candidate, for his news report titled 'The wife of the AKP judge in the Gezi trial was a FETÖ informant'.

At the hearing held at Istanbul 24th High Criminal Court on 10 October 2023, Saymaz testified as follows

"When Mr Judge Bey was a candidate for mayor from AKP, he travelled street by street in Bafra and made a statement on behalf of his party. Google is full of his photos. Am I going to erase his past because he suddenly became a judge again when he failed to be elected? Mr Judge claims that I damaged his reputation by calling him 'AKP member', if being an AKP member is so disreputable, you should not have been a candidate. Judge Murat Bircan filed a complaint on behalf of his wife, not himself. This is something that will go down in the history of law. Can you file a complaint on behalf of someone else? Can you file a complaint on behalf of your wife? He filed a complaint just to use his title as a judge to put me on trial in the heavy Criminalty."

Evidence in indictments and court petitions

News articles, columns and social media posts were cited as evidence for the accusations against 25 journalists in 18 cases in which members of the judiciary were involved as complainants, aggrieved parties or defendants. In 14 cases, news articles and columns of journalists were presented as evidence, and in 4 cases, social media posts were presented as evidence and constituted the justification for the cases.

Retweet Litigated

Journalist Rabia Çetin was put on trial for re-sharing (retweeting) a post made from the Twitter account (now X Platform) opened on behalf of Deniz Poyraz, who was killed in the armed attack on the Peoples' Democratic Party (HDP) Izmir Provincial Office on 17 June 2021. Izmir Public Prosecutor Caner Ulu was included as "complainant" in the indictment of the case at Istanbul 23rd High Criminal Court on charges of "targeting people who took part in the fight against terrorism" and "publicly insulting a public officer due to his duty". The prosecutor's name was not mentioned in the social media post that was the subject of the accusation, and a lawsuit filed against Deniz Poyraz's statements to

his father was criticised. Çetin was put on trial for this content, which she had shared without any comment, and was acquitted at the end of the case.

Decisions Taken in Cases

The courts announced a verdict in 9 of 18 cases in which members of the judiciary were party to accusations against freedom of expression. In 6 of these cases, 9 defendants were acquitted. In one case, two defendants were sentenced to imprisonment, in one case one defendant was dismissed due to the statute of limitations, and in one case one defendant was sentenced to compensation.

Journalists Miyase İlknur and Mustafa Birol Güger were charged with 'insulting a public official' and 'slander' in a lawsuit filed on the complaint of Constitutional Court member İrfan Fidan and Supreme Court of Appeals member Ayhan Ayan at Istanbul 2nd Criminal Court of First Instance. At the end of the trial, each of them was sentenced to 10 months imprisonment.

Journalist Furkan Karabay was acquitted in the lawsuit filed by Bekir Altun. However, in another lawsuit filed by Bekir Altun at Istanbul Anatolian 27th Civil Court of First Instance, he was sentenced to pay 12,000 TL compensation on the grounds of 'attacking personal rights'.



"When the client's social media account is analysed, it will be seen that he shared information. He has undertaken the duty of freedom of expression and the press to provide information and has given news. The elements of the offence did not occur in terms of both offences."

MLSA Legal Unit Coordinator, Lawyer Emine Özhasar, 4 November 2023, Istanbul 23rd High Criminal Court, trial of "Rabia Çetin", on charges of targeting an official fighting terrorism

Lawsuits filed by governors, soldiers and police officers for alleged offences

In this period, 16 cases in which governors, soldiers or police officers were the complainant, aggrieved party or plain tiff in freedom of expression cases were held. A total of 80 defendants were put on trial in these cases and 22 politicians, 18 students, 16 activists, 15 journalists and 1 academic were brought before the courts as defendants.

One academic and 4 journalists in two cases filed by the Ministry of National Defence; 3 journalists and 1 politician in one case filed by the Turkish Armed Forces; 1 journalist in one case filed by the Turkish National Police; 2 journalists in one case filed by Davut Gül, the then Governor of Gaziantep; Brigadier General Subutay Adas; 1 journalist in a case filed by former Gendarmerie Deputy Commander Musa Çitil; 3 journalists, 16 activists, 18 students, 21 politicians and 1 lawyer in eight cases filed by 23 police officers.

Accusations Against

In 16 cases where governors, soldiers and police officers filed complaints, defendants were charged with various offences. The most common charge against the defendants was 'resisting to prevent the execution of duty' (TCK 265). A total of 66 defendants were tried in eight cases on this charge.

The second most common charge in terms of the number of defendants was 'opposition to the Law on Meetings and Demonstrations' (Law no. 2911). 48 defendants were put on trial in five cases filed on this charge.

The third charge was 'publicly denigrating the Turkish Nation, the State of the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey and the judicial organs of the State' (TCK 301), which led to the prosecution of 5 defendants in two cases.

In addition, 3 defendants were tried in two cases on the charge of 'insulting a public official' (TCK 125/3).

Four defendants were tried in one case on the charges of 'destroying documents related to the security of the state, misusing them, obtaining them by deception, disclosing and obtaining documents related to the security of the state that should remain confidential' (TCK 327).

One defendant was charged with 'violating personal rights' in one case and one defendant was charged with 'targeting people who took part in the fight against terrorism' (TMK 6/1) in another case.

When the sentences in this category are calculated based on the lower sentencing limit, the defendants faced 99 years and 6 months in prison. The Ministry of National Defence, on the other hand, demanded TL 100 thousand compensation in a lawsuit filed against Dr. Şebnem Korur Fincancı, Chair of the Central Council of the Turkish Medical Association (TTB).

In all these cases, a total of 99 years and 6 months of imprisonment was requested when calculated from the lower limit. In the lawsuits filed in the criminal courts with the allegation of 'violation of personality rights', the plaintiffs demanded a total of TL 100 thousand compensation from the defendants.

Police officers opposed lawyers

In the case known as the "Wishing Lantern" case, 8 police officers from the Istanbul Police Department as 'complainants' appeared against 7 lawyers registered to the Istanbul Bar Association and members of the Contemporary Lawyers' Association (ÇHD).

The lawyers were violently detained on 22 February 2019 while trying to fly a wishing lantern in Beşiktaş to draw attention to the situation of their colleagues on hunger strike in prison. In the tenth hearing of the case held at Istanbul 46th Criminal Court of First Instance in this fair trial year, the court declared its opinion on the merits and demanded sentence for all defendants on the charge of 'participating in unlawful assembly and demonstrations without weapons and not dispersing despite the warning' and acquittal on the charge of 'resisting to prevent the execution of duty'.

Army officers complain about news report

Journalist Yağmur Kaya was put on trial with the complaint of former Deputy Commander of Gendarmerie Musa Çitil for an interview she conducted with İHD Co-Chair lawyer Eren Keskin on the news website Artı Gerçek. Kaya was put on trial on the allegation of 'targeting people who took part in the fight against terrorism' because of her interview with Keskin in which Keskin stated "Musa Çitil and 405 soldiers under his command

were prosecuted for sexually assaulting a young woman named Ş.E.". At the final hearing held at Aydın 2nd High Criminal Court on 27 February 2024, Kaya was acquitted.

Journalist Sibel Hürtaş was charged with 'insulting a public official' upon the complaint of Brigadier General Subutay Adas. Hürtaş's news report on the decisions of the Supreme Military Council held in 2020, in which she brought the allegations about Adas to the agenda, was made the subject of the accusation. Hürtaş was acquitted of the charge at the hearing held at Ankara 19th Cri-

minal Court of First Instance on 24 January 2024.

The Ministry of National Defence filed a lawsuit against Şebnem Korur Fincancı, the chairperson of the Central Council of the Turkish Medical Association (TTB), for non-pecuniary damages amounting to 100 thousand TL on the grounds that she 'damaged the honour and prestige of the Turkish Armed Forces'. Fincancı's statement that "Turkish Armed Forces used chemical weapons in its operations" was also used as a reason for her imprisonment for 2 years, 8 months and 15 days.

Police witnesses admit to signing report they never saw



In the cases monitored, 3 journalists, 16 activists, 18 students, 21 politicians and a lawyer were put on trial in cases where the police were presented as victims or complainants. These cases were filed on charges of 'violating Law No. 2911 on Meetings and Demonstrations,' 'damaging public property' and 'resisting to prevent the execution of duty' on the grounds of participating in the protests. Journalists were detained while covering the protests and were tried either with the protesters or alone.

Bülent Kılıç, a photojournalist who was detained by the police while covering the 19th Istanbul LGBTI+ Pride March for Agence France-Presse (AFP), was one of the journalists charged with 'resisting to prevent the

execution of his duty' and 'publicly insulting a public officer because of his duty'. Kılıç's case is an example of how legal rights can be abused in trials where police officers are complainants and complainants.

At the first hearing of the case held on 26 October 2023 at the Istanbul 19th Criminal Court of First Instance, the complainant police officer S.K. claimed that everything written in the report was true, but responded "I don't remember" to the questions of MLSA Co-Director Lawyer Veysel Ok about the details written in the report. The police officers, who were witnesses of the complainant police officer, also said that they did not remember the events written in the report they signed. Narcotics Branch police officer C.T., who was

heard as a witness, admitted that he "did not see the events" written in the report, saying "there were 35 or 40 metres between us and the place of the incident". To the police officer who said "We signed the report as a group because we were the police group on that street", the judge said, "Why are you signing what you have not seen or heard? This is not how it works! Why are you signing the report of an incident you did not see, saying that we were a group?" the judge asked.

The witness police officer did not answer the judge. During the hearing, an expert report on the footage of Bülent Kılıç being detained by police violence was added to the case file. In the report, it was stated that a police officer put his knee on Kılıç's back and prevented him from getting up, while Kılıç shouted "I can't breathe". It was seen that the expert report contradicts with the crime scene report kept by the police.

Evidenced in the indictment and statement of claim

Evidence shown	Number of cases
1. Police report, police statement of the complainant, crime scene report	8
2. News/column	6
3. TV talk	1

The evidence on which the accusations against the governor, army officers and police officers were based in 16 cases were listed as follows: Police proceedings, statements of the complainant and crime scene reports were used in 8 cases; news reports or columns were used in 6 cases; TV speeches were used in 1 case.

Particularly cases where the police officers were the complainants, the proceedings prepared by the police officers and the crime scene reports were used. A police report is considered to be a part of the investigation process initiated by the order of the public prosecutor's office upon the emergence of suspicions that a crime has been committed. In this process, police personnel are authorized to investigate the incident, collect evidence, listen to witnesses and document the details of the offence and prepare a report.

Decisions taken in cases

The courts announced a verdict in 6 of 15 cases in which governors, soldiers or police officers were involved in accusations against freedom of expression. In 4 of these cases, 17 defendants were acquitted. In two cases, journalists were ordered to pay a judicial fine.

Journalist Sibel Hürtaş was sentenced to 8 months and 10 days in prison at Ankara 37th Criminal Court of First Instance on the charge of 'resisting the police' in

the case where police officers were the complainants. The sentence was converted into a judicial fine of TL 10 thousand. Sibel Hürtaş was acquitted in the case involving Brigadier General Subutay Adas at Ankara 19th Criminal Court of First Instance.

Journalist Nurcan Baysal was put on trial on the complaint of the General Directorate of Security for the news she wrote about sexist expressions written by special operations police officers on the walls of some houses during the operations in Cizre. Istanbul 54th Criminal Court of First Instance sentenced Baysal to 10 months' imprisonment on 24 February 2018 on charges of 'publicly denigrating the Turkish nation, state, parliament, government and judicial organs' under Article 301 of the Turkish Criminal Code. At the end of an eight-year process, Baysal was acquitted of the charges during the period covered by this report.

Journalists Nagihan Yılkin and Mustafa Büyüksipahi were put on trial with the complaint of former Gaziantep Governor Davut Gül due to a news article published in Cumhuriyet newspaper. Istanbul 2nd Criminal Court of First Instance sentenced Nagihan Yılkin to 7,80 TL judicial fine and Mustafa Büyüksipahi to acquittal on the charge of 'insulting a public official'.

Defendant name	Occupation	Complainant	Decision	Fine amount
Sibel Hürtaş	Journalist	Police officers (4 people)	Prison sentence of 8 months and 10 days for 'resisting the police'	Prison sentence commuted to a judicial fine of 10 thousand TL
Sibel Hürtaş	Journalist	Subutay Adas	Acquittal	
Nurcan Baysal	Journalist	General Directorate of Security	Acquittal	7 thousand 80 TL
Nagihan Yılkin, Mustafa Büyüksipahi	Journalist	Davut Gul	Judicial fine against Nagihan Yılkin for 'insulting a public official'	
Yağmur Kaya	Journalist	Musa Çitil	Acquittal	
13 people charged in 'Boğaziçi trustee' protest in Ankara	Journalist/ Student/Lawyer	Police officers (2 people)		

Lawsuits alleging crimes against institutions and individuals

During this monitoring period, 12 lawsuits were filed in which some organizations and individuals were complainants or plaintiffs. A total of 14 defendants, 13 journalists and one politician, were put on trial in these cases. In these cases where freedom of expression and freedom of the press were put on trial, the following organizations and names appeared against journalists and politicians:

- Turkish Youth Foundation (TUGVA), on NGO with ties to the Erdoğan family
- Ministry of Family and Social Services
- Confederation of Civil Servant Unions (MEMUR-SEN)
- Turkish States Martyrs' Relatives and Veterans Foundation
- Demirören Media Group, a media conglomerate with close ties to the government
- Prof. Dr. Mehmet Turan, faculty member at Boğaziçi University, Department of Computer Engineering
- Turkey Wushu Federation (TWF) Board Member Abdurrahman Akyüz, National athlete daughter Elif Akyüz
- R.Y. (a defendant in a child abuse case)
- Nurettin Yıldız, President of Social Doku Foundation
- Ahmet Mahmut Ünlü, known as 'Cübbeli Ahmet', sect leader of an Islamic
- Lawyer Sezgin Keleş
- Pro - gov't Sabah newspaper writer Hilal Kaplan's ex-husband, academic Süheyb Öğüt
- Relatives of murdered Osmanen Germania manager Taner Ay. Osmanen Germania is an extreme right Turkish nationalist gang, with ties to AKP government



Journalist Metin Cihan faces up to 6 years in prison for his TÜGVA post on the X platform...

News, social media posts or statements cited as evidence

One such case was filed against journalist Can Ataklı at Istanbul 5th Criminal Court of First Instance. An ex officio investigation was initiated by the Istanbul Chief Public Prosecutor's Office against Can Ataklı, who criticized the words of the father of a soldier who died in the "Claw - Lock" military operation conducted by the Turkish army: "I do not give my right to Selahattin Demirtaş, Osman Kavala, those who want freedom" in his broadcast on his YouTube channel. In the indictment prepared against Ataklı on the charge of "inciting and insulting the public to hatred and hostility" (TCK 216), the Ministry of Family and Social Services, the Confederation of Civil Servant Unions (Memur-Sen), the Turkish States Martyrs' Relatives and Veterans Foundation, Engin Karakuş and Fatih Karaaslan and Ali Yalçın were included as complainants. Ataklı is demanded to be imprisoned from one to three years.

The trial of journalist Metin Cihan at Istanbul 22nd Criminal Court of First Instance continued in this monitoring period on the grounds that he wrote on his Twitter account (now X platform) documents on the core organisation in the Turkish Youth Foundation (TÜGVA), state appointments, irregular building allocations and transfer of public resources to the foundation. In the indictment, in which TÜGVA is included as the "aggrieved party", Metin Cihan is charged with "unlawfully obtaining or disseminating personal data" in a chain and is asked to be imprisoned from 3 to 6 years.

Journalist Canan Kaya was prosecuted in the lawsuit filed by Demirören Media Group at Istanbul 39th Civil Court of First Instance. The company lawyers claimed that Kaya's article published on Medya Koridoru website on 26 November 2021, titled "Demirören is approaching the end of the road: What did Ziraat Bank

trustees want? We explain with dates! ', claimed that Demirören Medya Yatırımları Ticaret A.Ş.'s 'personal rights and commercial reputation' were damaged. The company demanded that Kaya pay 20 thousand TL in non-pecuniary damages, in addition to the removal of the news article from publication and the publication of the court decision on the Medya Koridoru website together with the two largest national newspapers with the largest circulation.

Journalist Melisa Gülbaş was put on trial at Istanbul 2nd Criminal Court of First Instance upon the complaint of Mehmet Turan, a faculty member at Boğaziçi University Computer Engineering Department. In her news article published on Gerçek Gündem's website, Gülbaş reported that the trustee administration of Boğaziçi University research centre TETAM moved the equipment to an area of 45 square metres by stuffing it into garbage bags and that there were allegations of harassment regarding Mehmet Turan's appointment to the project.

The news story was first banned from access, and then, upon the complaint of Mehmet Turan, a lawsuit was filed against Gülbaş for 'insulting a public official'.

Birgün newspaper sports editor Eren Tütel was charged at Istanbul 2nd Criminal Court of First Instance on the complaint of Turkish Wushu Federation (TWF) Board Member Abdurrahman Akyüz and his daughter Elif Akyüz, a national athlete. In the lawsuit against Tütel, the father-daughter athletes were accused of making a false rumour about the athletes, saying 'A new curtain in Wushu: Their championships were also fake', 'Wushu federation is unrivalled in scandal' were shown as evidence. Since father Abdurrahman and daughter Elif Akyüz are considered 'public officials' in the indictment, Tütel was charged with 'insulting a public official due to his duty' with a minimum one-year prison sentence.

Journalist Zafer Arapkirli was put on trial again this reporting period at Istanbul 32nd Criminal Court of First Instance with the allegation that he 'insulted' Nureddin Yıldız of the Sosyal Doku Foundation, who said "6-year-old children can get married".

As a result of the complaint filed by Mahmut Ünlü, publicly known as 'Robed Ahmet', journalist Akif Beki was charged with 'insult' at Istanbul Anatolian 26th Criminal Court of First Instance, while Berk Alıcı, Adana provincial executive of the Workers' Party of Turkey, was charged with the same offence at Istanbul Anatolian 61st Criminal Court of First Instance. In the case against Beki, a news

article published on the website of Karar newspaper with the title "Cübbeli'nin Diyanet'ile alınamayemeyiği" (Cübbeli'nin'nin Diyanet'da alınamaziği) was used as evidence, while in the case against Alıcı, his social media post was used as evidence.

Journalist Barış Terkoğlu was put on trial at Istanbul Anatolian 27th Criminal Court of First Instance upon the complaint of academic Süheyl Ögüt, the former husband of Sabah newspaper writer Hilal Kaplan. A lawsuit was filed against Terkoğlu for 'insult' due to an interview he gave about 'allegations of a Pelikancı organisation' within the AKP.

Following a criminal complaint filed by lawyer Sezgin Keleş against Etkin News Agency (ETHA) for "making terrorist organisation propaganda under the guise of journalism" in relation to news articles published by the agency but not related to him, Pınar Gayıp, the editor and partner of the agency, and Mehmet Acettin, another partner of the agency, were put on trial at Istanbul 2nd Criminal Court of First Instance. In the indictment, Gayıp and Acettin were charged with 'publicly denigrating the state of the Republic of Turkey' and were asked to be imprisoned for up to 3.5 years.

Journalist Evrim Kepenek, who reported on alleged child abuse, was accused by the defendant of the abuse case. The lawsuit filed against Kepenek due to 'insult' was heard at the Selçuk Criminal Court of First Instance this term.

Journalist Onur Öncü, who posted on his social media account about the videos in which organized crime ring leader Sedat Peker talked about the mafia and deep state relations, was put on trial at Ankara 7th Criminal Court of First Instance due to 'insulting the memory of a person'. The case was filed upon the complaint of the relatives of Taner Ay, who died in a traffic accident in Bulgaria.

Rulings

The courts announced their verdicts in 7 out of 12 cases in which organizations and individuals were parties to accusations against freedom of expression. In 3 of these cases, 3 journalists were acquitted, one case was dismissed, and one case was decided that there was no ground for a verdict. Two journalists were sentenced to prison in one case and one journalist was sentenced to a judicial fine in another case.

75

There was a physical problem in the courtroom during the hearing. The main problem was that the courtrooms were not large enough.

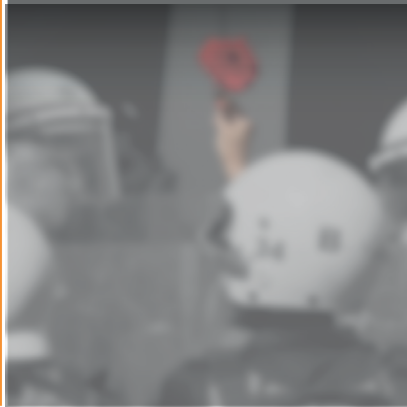


9

Observers were not allowed into the hearing room.

420

The hearing started late



11

Observers were not allowed to take notes on computers or mobile phones during the hearing.

In the first hearing of 37 cases that started this judicial year, the indictment was not read to the faces of the defendants and their defense counsel.

PART TWO: PROCEDURAL

MONITORING FAIR TRIAL



44

There were armed law enforcement officers, either in uniform or plainclothes, at the hearing.



104

The presiding judge, the court panel or the prosecutor changed during the hearing.

35

The court held closed session before making a decision

In the context of violation of the principle of fair trial, 16 hearings were reported where discourteous behaviour towards the defendant took place.

16

Discourteous behaviour towards the defendant at the hearing



'Fair trial principles were not followed and transparency was damaged'

The data obtained from 614 hearings held within the scope of 281 freedom of expression cases during this monitoring period showed that there were violations of Article 6 of the European Convention on Human Rights (ECHR), which guarantees the right of everyone to be tried by an independent and impartial court within a reasonable time, and the norms of the Turkish Criminal Procedure Code (CPC) regulating the right to a fair trial. During the hearings, these rights were not adequately protected, the principles of fair trial were not respected and transparency was damaged.

The data showed that procedural deficiencies, such as trials not starting on time, exclusion of observers and frequent changes in the presiding judge, panel or prosecutor, led to violations of the right to a fair trial.

More than half of the hearings started late

According to the data obtained from the 'Trial Monitoring Form', which was prepared by making use of the guidelines and recommendations of institutions such

as the Organisation for Security and Cooperation in Europe (OSCE), Amnesty International, International Committee for Jurists and Solicitors International Human Rights Group (SIHRG), 68.4 percent of the 614 trials monitored this year started late. In total, 420 hearings were reported to have started late.

Hearings started late mostly due to the 'workload of the courts'. In total, 304 hearings were reported to be delayed for this reason. This reason was followed by the late arrival of the judge, the court panel or the prosecutor; 71 trials in total started late due to this reason. A total of 26 hearings started late because other hearings in the same courtroom were brought forward. Another 19 hearings started late due to technical problems such as the delay of lawyers or SEGBIS connection.

Article 6 of the ECHR guarantees everyone the right to a trial within a 'reasonable time'. Delays in trials due to the workload of the courts or technical reasons may lead to a violation of this right. For example, in *Zimmermann and Steiner v. Switzerland*, the ECtHR emphasised

Questions	Number of cases
Did the hearing start late?	420
Did you experience any physical problems in the courtroom?	75
Were any observers not allowed in the hall?	9
Observers were not allowed to take notes on computers or mobile phones	11
Did the presiding judge, the court panel or the prosecutor change during the hearing?	104
Was the defendant or defence counsel interrupted after the prosecutor's opinion on the merits and before the verdict?	12
Has the accused been treated unkindly by the judges or the prosecutor?	16
Were there uniformed or non-uniformed or armed police or law enforcement officers present in the courtroom?	44
Did the court hold a closed deliberation before passing judgement?	35
No indictment read at the first hearing	37

that the right to a trial within a reasonable time is a fundamental element for the efficiency of the judiciary.

Courtroom conditions not suitable for trial

During the monitoring period, it was observed that the right to a fair trial guaranteed in the ECHR was violated from time to time due to issues such as inadequate physical conditions of the courtrooms or the prevention of the proper conduct of public hearings. In particular, the small size of the courtrooms and the limitation of the participation of observers or spectators in the proceedings led to a weakening of transparency and public scrutiny in judicial processes.

According to data from the 'Trial Monitoring Form', in 75 trials there was a physical problem in the courtroom. The main problem was the insufficient size of the courtrooms. In a total of 50 hearings, it was reported that the hall was too small. The small size of the halls led to stuffiness and physical congestion in hearings with a large number of spectators. Especially lawyers, spectators and observers were often forced to stand during such hearings.

During the monitoring period, it was reported that in 9 hearings observers were not allowed in the courtroom and in 11 hearings observers were not allowed to take notes on computers or mobile phones. Such restrictions undermined the obligation of courts to be open to the public.

In *Riepan v. Austria*, the ECtHR assessed the effects of the physical conditions of the courtroom on the right to a fair trial and held that inadequate physical conditions violated the right to a fair trial.

Defendants silenced, police in courtrooms

Although according to the ECHR and ECtHR judgements, defendants should be granted the right to an effective defense, during this monitoring period, violations of the right to a fair trial were detected in the trial processes. Observations showed that the principles governing the right to a fair trial were not complied with.

Defendants were frequently denied the right to speak in court. In addition, the presence of law enforcement officers in courtrooms was reported as a practice that prevents defendants from having a fair trial. The case law of the ECtHR states that such interventions in courtrooms undermine the defendants' right to defense and their confidence in the court (ECtHR, *Lutsenko v. Ukraine*, No. 6492/11).

During the monitoring period, 104 instances where the presiding judge, panel or prosecutor changed during the hearings were identified. Thirty-five hearings were reported in which courts held closed deliberations before delivering a judgement. The ECtHR stated in *Poitrimol v. France* that such closed deliberations risk undermining the transparency and impartiality of the judicial process (ECtHR, *Poitrimol v. France*, No. 14032/88).

In the first hearing of 37 cases that started in this judicial year, the indictment was not read out to the defendants and their defense counsel. This made it difficult for the defendants to mount an effective defense against the charges. There were 12 hearings in which the defendant or defense counsel was interrupted after the prosecutor's opinion on the merits. In addition, 16 hearings were reported in which incivil behaviour towards the accused was observed in violation of the principle of a fair trial.

Forty-four hearings were observed in which armed law enforcement officers, in or out of uniform, were present in the courtrooms. It has been recognized in the case law of the ECtHR that the feeling of fear and intimidation of defendants and court participants violates the right to a fair trial (ECtHR, *McGlinchey and Others v. the United Kingdom*, No. 50390/99).

Example cases

During the monitoring period, observers frequently reported cases that undermined the rule of law and the right to a fair trial, such as interruptions of the defense rights of defendants and lawyers and violations of the principle of impartiality in courts. This section presents some examples of violations of the right to a fair trial observed in freedom of expression and freedom of the press cases monitored.

Were the accused and his/her lawyers interrupted? Was there any unkind behaviour towards the accused?

● The trial of journalist Sonya Bayık in Batman on charges of 'violating Law No. 2911 on Meetings and Demonstrations' together with 30 other activists for following a press statement in Hasankeyf was held on 12 September 2023. The defendant Mazlum Itmez wanted to tell what he had experienced during his detention. He stated that the police attacked the press statement without prior warning and used rubber bullets, batons and gas bombs. He stated that they were beaten in detention and kept under the sun for hours. The judge warned

İtmez to make a defense against the indictment and said, "There are no crimes committed by the police in the indictment. You can file a complaint." İtmez told the judge, "I will still tell what happened." The judge said, "You are claiming torture, file a complaint. What happened during the incident is important".

- During the hearing of the trial of journalist Beritan Canözer on charges of 'being an illegal organization member' in Diyarbakır on 25 October 2023, the presiding judge did not take the lawyer's oral statement on the merits. Lawyer Muharrem Erbey stated that they would submit a detailed written defense later. The presiding judge stated that oral defense could be made after the written defense was prepared. In the next hearing held on 8 December 2023, the court dismissed the case on the grounds of 'duplicate trial'. Canözer was detained for 58 days due to this case.

- In the first hearing of the lawsuit filed against Dicle Müftüoğlu, Co-Chair of Dicle Firat Journalists' Association (DFG) in Diyarbakır on charges of 'establishing and leading an illegal organisation' and 'being a member of an illegal organisation' with a prison sentence of up to 37.5 years, on 7 December 2023, the court tried to order Müftüoğlu's detention while her lawyers were still defending against the indictment. Although the lawyers objected to this, the court made the same decision at the end of the hearing. During the hearing, the court did not give Müftüoğlu the floor to make a statement against the prosecutor's opinion on the merits.

- Journalist Zeynep Durgut and 17 women, who were detained while following a press statement on violence against women, were charged with 'violating the Law on Meetings and Demonstrations No 2911'. During the hearing of the case held on 22 March 2024, the judge asked questions unrelated to the case. The judge asked Durgut, "Have you ever been subjected to male violence before? I am asking this outside the case". When Durgut said that she did not understand the question, the judge said, "Let me ask again after the hearing is over."

- During the hearing on 2 February 2024 of the trial in which former Diyarbakır Bar Association President Cihan Aydın and 10 lawyers who served as members of the executive board during his term are on trial in Diyarbakır under Article 301 of the Turkish Criminal Code for commemorating the Armenian Genocide, the judge accused some lawyers watching the trial of being provocateurs.

Has any action been taken contrary to the law and case law?

- At the hearing on 15 September 2023 of the case against the organisers of the Newroz event in Diyarbakır in 2021, the defendants were asked about the article on the suspension of the announcement of the verdict (HAGB), which was cancelled by the Constitutional Court. The judge asked the defendants whether they wanted to benefit from this right.

- The trial of Ayşegül Doğan, who was elected as an MP from the Green Left Party in the 14 May 2023 elections, was not suspended despite her right to legislative immunity under Article 83 of the Constitution. The court in Diyarbakır rejected the request for a stay of proceedings and ordered the continuation of her travel ban. The trial was only suspended at the next hearing on 11 December 2023.

- A lawsuit was filed against journalist Onur Öncü for using the application that gives the police the authority to 'virtual patrol', which was cancelled by the Constitutional Court in 2020. Journalist Öncü, who was charged with 'publicly disseminating misleading information', which professional organizations call 'censorship law', for sharing the claim that 'votes for the Green Left Party were counted as MHP' votes in the first round of the Presidential and 28th term Parliamentary General Elections, was acquitted in the first hearing of the trial held on 1 July 2024.

Were any law enforcement officers present in the courtroom, in or out of uniform?

- Violations of fair trial were reported in the trial of journalist Sultan Eylem Keleş, who was detained while covering the protest of workers dismissed from technology retail company BİMEKS. During the hearing held in Istanbul on 19 September 2023, two plainclothes police officers entered the courtroom and observed the hearing.

What are your observations on the condition of the courtroom? Was the courtroom big enough? Did the physical conditions of the room affect the trial?

- During the hearing of TELE1 Editor-in-Chief Merdan Yanardağ, who was arrested on charges of 'terrorist organisation propaganda' and 'praising crime and criminal', on 4 October 2023, there were problems due to the small size of the courtroom. Many journalists and observers were not allowed into the courtroom.

- During the hearing on 9 October 2023 of the lawsuit filed against the Association for Supporting the Tarlabası Community, only five spectators and two members of the press were allowed in due to the insufficiency of the courtroom. Many rights defenders who came to the

courthouse to watch the hearing could not enter the courtroom.

● During the hearing on 11 January 2024 of the lawsuit filed by the Ministry of National Defense against Şebnem Korur Fincancı, the Chair of the Central Council of the Turkish Medical Association, many people, including the

defendant Fincancı and her lawyers, couldn't sit due to the small size of the courtroom. There were only six chairs in the room for the audience, so many people watched the hearing standing. Due to the overcrowding in the hall, the air quality was poor and only two journalists were able to cover the hearing.

Small courtroom and a judge who gets aggressive because he doesn't get to smoke



During the first hearing of the trial of 30 people, 25 of whom were arrested, for the 1 May demonstration in Istanbul, held on 18 July 2024, the trial observer reported the following:

Since the court of first instance was small, the hearing was held in the heavy Criminalty hall. But that room also had a capacity of 10 defendants and 30 spectators. Relatives of the defendants and spectators were not allowed in, because the capacity was not enough. A total of 30 defendants, 25 of whom were arrested, over 20 lawyers and over 20 gendarmerie personnel accompanying the arrested defendants were present at the hearing. Spectators and relatives of the defendants were not allowed into the hall. Only journalists were allowed in the courtroom, and there were only a few of them. The courtroom was extremely hot and stuffy. The conditions were unbearable as the trial lasted eight hours.

At the beginning of the hearing, the judge said that he would take cigarette breaks. While a defendant who had been detained for about 2.5 months was making his defense, the judge made interventions such as "This is not Parliament", "Keep it short", "Wrap it up", "You are making a criticism of the order, how many pages will it take?". The judge was constantly taking cigarette breaks and became aggressive every hour. The courtroom had to be cleared for a cigarette break, everyone had to come back and take their seats, and silence had to be ensured. Each time it took at least half an hour for the trial to start. The prosecutor did not seem to listen to anything.

The constant presence of a large number of gendarmes and plainclothes police in the courtroom was unsettling. A specialised gendarme was scolding and giving orders to the defendants. The same specialized gendarmerie also scolded a lawyer; an argument broke out between the two

Final Word: Legal Evaluation

The scope for exercising the right to freedom of expression is narrowing

In the trials monitored as part of MLSA's trial monitoring program since 2018, journalists, activists, lawyers and citizens faced serious charges for activities that fall under freedom of expression. This justice monitoring report, which we published in 2024 on freedom of expression cases in the courts in Turkey, once again demonstrated, as every year, the narrowing of the space for the exercise of the right to freedom of expression in Turkey.

The report found that in the 2023-2024 judicial year, 1,856 people, including journalists, activists and students, were prosecuted for their expression or opinions. The findings revealed a continued trend of "criminalizing" news articles and social media posts by journalists or peaceful protests by activists. For example, 64.2 per cent of the journalists prosecuted in the cases we monitored during the 2023-2024 judicial year were charged with 'membership of a terrorist organization', while 34.6 per cent were charged with 'making propaganda for a terrorist organisation'. These charges were related to news articles and social media posts, which should only be considered within the scope of freedom of expression.

Similarly, charges of 'opposing the Law on Meetings and Demonstrations' as regulated in Law No. 2911 continued. This year's report showed that 1,125 people were injured for participating in peaceful assemblies. In fact, these people were criminalised for exercising their constitutionally guaranteed right to assemble and demonstrate.

As in previous years, criticism of state officials and authority figures was observed to be used as a tool of pressure on journalists and activists. In 107 cases during the monitoring period, President Erdoğan, high-profile state officials, soldiers and police officers were the complainants or plaintiffs, and the rate of prosecution of journalists in these cases was 64 per cent.

In the light of these findings, it is understood that rights such as freedom of expression, right to assembly and freedom of association, which are protected by the constitution and international law, cannot be effectively exercised in Turkey. As in previous reports, this year's findings show that many writings, peaceful protests, banners, tweets and social media posts, which do not constitute legal evidence, are considered as criminal offences, which constitute an obstacle for journalists, activists, lawyers and all citizens to exercise their right to freedom of expression and pose a threat to democracy.

The most important conclusion of this report and the justice observation activities we have carried out in recent years is that it is necessary to fight together to expand and protect the space for the right to freedom of expression, which cannot be exercised in practice in Turkey; otherwise, there is a risk that these rights may disappear completely in practice.

As in previous years, the 2024 report has once again demonstrated that urgent steps need to be taken towards the independence of the judiciary in Turkey and that it is essential to continue a determined struggle in this regard.

