

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Zoë Bryanston-Cross
Tel: 03.90.21.59.62

Date: 30/01/2023

DH-DD(2023)121

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1459th meeting (March 2023) (DH)

Communication from an NGO (Media and Law Studies Association (MLSA)) (19/01/2023) in the cases of Altug Taner Akcam, Nedim Sener, Isikirik, Oner and Turk & Artun and Guvener v. Turkey (Applications No. 27520/07, 38270/11, 41226/09, 51962/12, 75510/01).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1459^e réunion (mars 2023) (DH)

Communication d'une ONG (Media and Law Studies Association (MLSA)) (19/01/2023) dans les affaires Altug Taner Akcam, Nedim Sener, Isikirik, Oner et Turk & Artun et Guvener c. Turquie (requêtes n° 27520/07, 38270/11, 41226/09, 51962/12, 75510/01) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



DGI Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the ECtHR

F-67075

Strasbourg Cedex FRANCE

Email: DGI-Execution@coe.int

19.01.2023

Rule 9.2 Submission

for the 1459th meeting of the Committee of Ministers in the

Öner and Türk Group of cases (Appl. No. 51962/12)

Nedim Şener Group of cases (Appl. No. 38270/11)

Altuğ Taner Akçam Group of cases (Appl. No. 27520/07)

Artun and Güvener Group of cases (Appl. No. 75510/01)

Işıkırık Group of Cases (Appl. No. 41226/09)

January 2023



Media and Law Studies Association
Medya ve Hukuk alıřmaları Derneđi

About MLSA

The Media and Law Studies Association (MLSA) is an İstanbul based non-profit organisation (registered as Medya ve Hukuk alıřmaları Derneđi) founded in December 2017. With our work, we aim to respond to an urgent yet growing need for defending freedom of expression, freedom of the press and the right to information. We provide a holistic response to threats to media freedoms by combining legal support and advocacy work for mainly journalists but also academics, activists, lawyers and other professional groups, regardless of their popularity level or ideology.

Our core activities are combined with the following specific projects:

- judicial monitoring programme focused on freedom of expression trials
- human rights training for lawyers
- professional journalism workshops
- creating of writing opportunities for independent journalists
- monitoring of internet censorship and speaking up for internet freedoms



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

INDEX

I. INTRODUCTION	4
II. GROUP CASES	4
III. EXECUTIVE SUMMARY	5
IV. LEGAL EVALUATION AND DATA ON LEGAL PRACTICES REGARDING THE ARTICLES CONCERNED IN THE GROUPS OF CASES	7
A. The Öner and Türk Group of cases (Appl. No. 51962/12)	7
1. Article 6/2 of the Anti-Terror Law	7
<i>Conclusions and recommendations regarding Article 6 of the Anti-Terror Law</i>	11
2. Article 7/2 of the Anti-Terror Law	12
<i>Conclusions and recommendations regarding Article 7/2 of the Anti-Terror Law</i>	15
3. Article 215 of the Turkish Penal Code	15
<i>Conclusions and recommendations regarding Article 215 of the Penal Code</i>	16
4. Article 216 of the Turkish Penal Code	17
<i>Conclusions and recommendations regarding Article 216 of the Penal Code</i>	20
B. Nedim Şener Group of cases (Appl. No. 38270/11)	20
<i>Conclusions and recommendations regarding the Nedim Şener Group</i>	21
C. Altuğ Taner Akçam Group of cases (Appl. No. 27520/07)	22
<i>Conclusions and recommendations regarding Article 301 of the Penal Code</i>	25
D. Artun and Güvener Group of cases (Appl. No. 75510/01)	25
1. Article 125 of the Turkish Penal Code	25
<i>Conclusions and recommendations regarding Article 125 of the Penal Code</i>	27
2. Article 299 of the Turkish Penal Code	28
<i>Conclusions and recommendations regarding Article 299 of the Penal Code</i>	30
E. Işıkırık Group of Cases (Appl. No. 41226/09)	30
1. Article 220/6 of the Turkish Penal Code	30
2. Article 220/7 of the Turkish Penal Code	32
<i>Conclusions and recommendations regarding Article 220 of the Penal Code</i>	33
F. Appeal to the Court of Cassation	34



Media and Law Studies Association
Medya ve Hukuk alıřmaları Derneđi

G. High Level Political Messages	35
V. EXPLANATIONS ON MLSA’S DATA	37
VI. CONCLUSIONS AND RECOMMENDATIONS	38
APPENDIX	36



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

I. INTRODUCTION

1. This communication is submitted for the 1459th meeting of the Committee of Ministers in March 2023 according to Rule 9.2 of the Rules of the Committee of Ministers (“the Committee”). The Media and Law Studies Association (MLSA) addresses the growing concerns regarding violations of freedom of expression and freedom of the press in relation to the respective groups of cases. It argues on why the Committee should continue the supervision of the execution of the Öner and Türk, Nedim Şener, Altug Taner Akçam, Artun and Güvener, and Işıkırık groups of cases v. Turkey.
1. In the present communication, MLSA replies to the Turkish Government’s submission dated 5 January 2023.¹ Furthermore, MLSA aims to inform the Committee of Ministers about developments since the 1428th meeting with regards to the aforementioned interim resolution.
2. The reason for the submission of this communication is the persistent failure of the authorities to fully and effectively implement the judgments in the aforementioned groups of cases which amounts to a non-compliance with the previous decisions and resolutions issued by the Committee of Ministers. MLSA aims to prove through data gathered first-hand that the systematic violations which gave way to the European Court of Human Rights (“ECtHR” or “the Court”) rulings with regards to these groups of cases persist.

II. GROUP CASES

3. The groups of cases mainly concern unjustified and disproportionate interferences with freedom of expression on account of criminal proceedings initiated against the applicants under various articles of the Turkish Penal Code or Anti-Terror Law for having expressed opinions that did not incite hatred or violence, and the consequent chilling effect on society as a whole (violations of Article 10).²
4. The **Öner and Türk Group of cases (Appl. No. 51962/12)** concerns unjustified convictions based on Article 6/2 (printing of statements made by a terrorist organization) and 7/2 (propaganda in favour of an illegal organization) of the Anti-Terror Law No. 3713, Article 215 (praising an offence or an offender), and Article 216 (provoking the public to hatred, hostility, denigrating a section of the public) of Turkish Penal Code No. 5237.
5. The **Nedim Şener Group of cases (Appl. No. 38270/11)** concerns pre-trial

¹ Communication from Türkiye concerning the group of cases ALTUG TANER AKCAM v. Turkey, ARTUN AND GUVENER v. Turkey, Işıkırık v. Turkey, NEDİM SENER v. Turkey, ONER AND TURK v. Turkey (Application No. 27520/07, 75510/01, 41226/09, 38270/11, 51962/12) [anglais uniquement]

² Department for the Execution of Judgments of the ECtHR, Oner and Turk v. Turkey, <https://hudoc.exec.coe.int/eng/?i=004-36806>



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

detention of journalists on serious charges without relevant and sufficient reasons based on Articles 309-314 (offences against the Constitutional order and its functioning) and 220 (establishing organisations for the purpose of committing crimes) of the Turkish Penal Code No. 5237. It further concerns violations of the right to liberty and the right to freedom of expression due to applicants' unlawful pre-trial detention.

6. The **Altuğ Taner Akçam Group of cases (Appl. No. 27520/07)** concerns prosecutions based on Article 301 (degrading the Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State) of Turkish Penal Code No. 5237, which the Court found not to meet the "quality of law" requirement in view of its "unacceptably broad terms."
7. The **Artun and Güvener Group of cases (Appl. No. 75510/01)** concerns unjustified interferences with the applicants' right to freedom of expression on account of their criminal convictions based on Articles 125 (insulting) and 299 (insulting the President) of Turkish Penal Code No. 5237.
8. The **Işıkırık Group of Cases (Appl. No. 41226/09)** concerns criminal sanctions imposed on the applicants on account of the exercise of their right to freedom of expression or assembly based on Article 220/6 (committing an offence on behalf of an organisation without being a member) and 220/7 (aiding and abetting an organisation without belonging to its structure) of the Turkish Penal Code.
9. In its 1428th meeting, the Committee strongly urged the authorities to provide detailed statistical information covering the last five years for the offences in all these groups of cases, invited the authorities to submit an updated and consolidated action plan on all of the outstanding questions in these groups of cases and decided to continue the supervision of these groups

III. EXECUTIVE SUMMARY

10. The data presented in this communication, which is based on MLSA's annual trial monitoring report, shows that individuals and especially journalists, politicians, activists, artists and lawyers continue to be charged with and sentenced based on the articles of Anti-Terror Law and Turkish Penal Code relevant to these groups of cases.
11. Despite amendments introduced to individual articles, i.e. Article 6/2 and 7/2 Anti-Terror Law, Articles 215, 220/6, 220/7 and 301 Turkish Penal Code, with the alleged aim to narrow their interpretation and to ensure that freedom of expression and freedom of the press are respected, prosecutors and judges in practice continue to interpret the articles widely and do not respect the criteria for application. Contrary to the claims of the authorities, continuing violations of freedom of expression in



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

Turkey³ show that the source of the violations is the law articles relevant to these groups of cases.

12. A worrying development concerning the Öner and Türk Group of cases (Appl. No. 51962/12) has taken place since the Committee's last meeting. 25 journalists have been arrested over the suspicion of "membership in a terrorist organization (Article 314 of the Turkish Penal Code)" merely in 5 months and they continue to be held in pre-trial detention without majority of them being formally charged.⁴
13. There are no effective remedies against the violation of fundamental rights and freedoms, or the impartiality and independence of these remedy bodies is doubtful. This situation has not changed despite the possibility to appeal to the Court of Cassation, which is cited by the authorities as safeguarding mechanism regarding Articles 6/2 and 7/2 of the Anti-Terror Law and Articles 125, 215, 220/6 and 220/7, 299, 301 of the Turkish Penal Code. In fact, it prolongs the procedure for individuals to reach effective remedies even further.
14. The forward-looking statements and recent activities of the authorities, given the current situation in Turkey, do not reflect a real and sincere effort to bring forward significant changes needed for the implementation of these groups of cases. The President of the Turkish Constitutional Court has once more⁵⁶ pointed out that "Turkey has a right to a fair trial problem which must be solved." The President of the Constitutional Court stated that 70% of the Court's judgments concern the violations of the right to a fair trial while 8,9% of these judgments concern the violations of freedom of expression. Considering this statement along with the data provided in this submission, we want to underline the necessity to continue the supervision on these groups of cases on a more frequent basis and under enhanced procedure as systematic violations concerning these articles in Turkey persist.
15. Credible high level political messages that would promote the respect of freedom of expression have still not been issued by the authorities. On the contrary, the authorities on the highest level defy the norms and practices set by international treaties and bodies. Empowered by the open defiance of the ECtHR judgments by the head of state himself, local courts insist on not complying with the rulings of the

³ Violations by Article and by State, European Court of Human Rights -

https://www.echr.coe.int/Documents/Stats_violation_1959_2021_ENG.pdf (Accessed on 9 January 2023)

⁴ MLSA's report concerning the arrest of 9 journalists in Ankara, MLSA - <https://www.mlsaturkey.com/en/mlsas-report-concerning-the-arrest-of-9-journalists-in-ankara/> (Accessed 04 January 2023); 16 journalists arrested in Diyarbakir: How and why?, MLSA - <https://www.mlsaturkey.com/en/16-journalists-arrested-in-diyarbakir-how-and-why/> (Accessed 04 January 2023)

⁵ Bianet, 23 September 2022, AYM Başkanı Arslan | 'Türkiye'de çözülmesi gereken bir adil yargılanma sorunu var' [Constitutional Court President Arslan | 'There is a problem of the right to fair trial in Turkey that needs to be solved'], <https://m.bianet.org/bianet/siyaset/267576-aym-baskani-arслан-türkiye-de-cozulmesi-gereken-bir-adil-yargılanma-sorunu-var> (Accessed on 9 January 2023)

⁶ Bianet, 10 January 2022, Turkey has a problem with the right to a fair trial, Constitutional Court president admits, <https://bianet.org/english/law/256029-turkey-has-a-problems-with-the-right-to-a-fair-trial-constitutional-court-president-admits> (Accessed on 9 January 2023)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

ECtHR.

IV. LEGAL EVALUATION AND DATA ON LEGAL PRACTICES REGARDING THE ARTICLES CONCERNED IN THE GROUPS OF CASES

A. The Öner and Türk Group of cases (Appl. No. 51962/12)

1. Article 6/2 of the Anti-Terror Law

16. In their latest Action Plan (05/01/2023) the authorities noted that Article 6/2 of the Anti-Terror Law No. 3713 (printing or publishing declarations or announcements of terrorist organisations) was amended in 2013 by Law No. 6459. The authorities claim that per these amendments the margin for interpretation has been narrowed down. The act of printing and publishing leaflets is no longer considered an offence unless they praise or incite terrorist organization's methods and involve elements of violence, force or threat.
17. MLSA would like to note that there has been no progress since our last submission⁷ regarding this article. In practice, judges and prosecutors continue to interpret Article 6/2 widely and do not respect the criteria for application in accordance with the amendments when launching an investigation, opening a case, or handing down a verdict.
18. In the latest statistical data provided by the authorities (Action Plan 05/01/2023) on the cases pertaining to Law No. 3713, they do not provide a detailed breakdown on prosecutions and decisions based on individual articles, including Article 6/2. Furthermore, information on the duration of the cases are lacking. Even cases ending with acquittal may have detrimental effects on the defendants, when they are extended over long periods and take the form of Strategic Lawsuits Against Public Participation (SLAPPs). The authorities' again failed to prove that the applicability of Article 6/2 of the Anti-Terror Law has been narrowed down and that a coherent legal practice respecting freedom of expression has been ensured.
19. MLSA would like to present data on the use of Article 6 Anti-Terror Law gathered through the method of trial monitoring. The data provided below shows that Article 6 in its entirety remains to be a problem for freedom of expression and the press. Regardless of the amendments, it is still applied against journalists in SLAPPs.
20. Among 210 freedom of expression trials monitored between 1 September 2021 and 20 July 2022, defendants, the majority of whom were journalists, activists, politicians

⁷ Communication from an NGO (Media and Law Studies Association (Medya ve Hukuk Çalışmaları Derneği - MLSA) (17/01/2022) in the Altug Taner Akcam, Nedim Sener, Isikirik, Oner and Turk and Artun and Guvener groups v. Turkey (Applications No. 27520/07, 38270/11, 41226/09, 51962/12, 75510/01) and reply from the authorities (25/01/2022) [anglais uniquement], <https://rm.coe.int/0900001680a54c72>

and rights defenders, faced these charges in 90 cases.⁸ This testifies to the consistent tendency of the authorities to charge individuals based on articles which concern this group of cases.

21. In the period between 1 September 2021 - 20 July 2022, **6%** of the terrorism-related charges were based on Article 6 of the Anti-Terror Law.⁹
22. In six cases, in which a total of 11 were defendants, the charges were based on Article 6/1 (“disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets”) MLSA notes that this article has been put to use more and more against journalists.
 - a. Journalists Canan Coşkun, Can Uğur and Ali Açar stood trial on this charge for their news report on the investigation of the murder of Berkin Elvan.¹⁰ The journalists were accused of disclosing the identity of a police officer who was a suspect in the investigation. Journalists were eventually acquitted.¹¹ In its reasoned judgment¹², the İstanbul 34th High Criminal Court stated that “the mere mentioning of a name is not sufficient enough for the elements of this offence to be constituted.”
 - b. The trial of journalists Hazal Ocak, Olcay Büyüктаş Akça, İpek Özbey and Vedat Arık on this charge for their news report in which they uncovered the illegal constructions by Presidency’s Communications Director Fahrettin Altun in their article published in *Cumhuriyet* continues.¹³ On 24 June 2021, the prosecutor presented his final opinion as to the accusations and requested imprisonment for journalists.¹⁴
 - c. Journalist Buse Söğütlü stood trial on the same charge for her tweet criticizing judge Akın Gürlek which presided over İstanbul 37th High Criminal Court at the time where most of the prominent political trials were heard and concluded recently. Journalist Söğütlü was eventually

⁸ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.8 [ANNEX 1]

⁹ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.8 [ANNEX 1]

¹⁰ Case File Number: 2019/188

¹¹ Berkin Elvan haberleri yüzünden yargılanan gazeteciler beraat etti [Journalists who were tried over the Belkin Elvan news report are acquitted] , MLSA - <https://www.mlsaturkey.com/tr/berkin-elvan-haberleri-yuzunden-yargilanan-gazeteciler-beraat-etti/> (Accessed on 9 January 2023)

¹² Judgment Number: 2021/309

¹³Boğaz'da Kaçak Var' haberine açılan dava mütalaa için ertelendi [The trial brought against journalists for 'Illegal construction at the Bosphorus' news report is adjourned for the final opinion], MLSA - <https://www.mlsaturkey.com/tr/bogazda-kacak-var-haberine-acilan-dava-mutalaa-icin-ertelendi/> (Accessed on 9 January 2023)

¹⁴ Case File Number: 2020/240

acquitted.¹⁵ In its reasoned judgment¹⁶, the İstanbul 23rd High Criminal Court stated that the name of the judge in question is already well-known by the public and therefore the elements of the offence Söğütü was charged with did not occur.

- d. Journalist Ahmet Kanbal stood trial on the same charge upon complaint by General Musa Çitil for his tweet in which he quoted a news article about specialist sergeant Musa Orhan who has been sentenced to 10 years in prison for sexually assaulting 18-years old İ. E. and drove her to suicide and recalled Musa Çitil's involvement in a similar case in the 1990s.¹⁷ The Aydın 3rd High Criminal Court sentenced journalist Kanbal to 1 year and 3 months in prison for "disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets."¹⁸
- e. Journalist İnci Aydın stood trial on the same charge upon complaint by General Musa Çitil for an article published in the Kadın [Woman] supplement of the Yeni Yaşam daily on 15 December 2021. The Aydın 2nd High Criminal Court acquitted journalist Aydın.¹⁹ The court reasoned that "the offence was committed by someone else," referring to the fact that the article was written by politician Ayşe Acar Başaran.
- f. Journalist Alican Uludağ was sentenced to 10 months in prison²⁰ for his tweet in which he criticized former Ankara Chief Public Prosecutor Yüksel Kocaman and his wife's visit to President Erdoğan after their wedding. The appeals proceedings still continue and at the last appeals hearing held on 23 November 2022, the prosecutor requested that Uludağ's request for appeals be rejected on the grounds that the prison sentence imposed by the first instance court was lawful.²¹

¹⁵ Gazeteci Buse Söğütü, Akın Gürlek'in şikayeti ile yargılandığı davada beraat etti [Journalist Buse Söğütü is acquitted in the trial brought against her upon complaint by Akın Gürlek], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-buse-soqutlu-akin-gurlekin-sikayeti-ile-yargilandiği-davada-beraat-etti/> (Accessed on 9 January 2023)

¹⁶ Judgment Number: 2022/41

¹⁷ Case of Aydın v. Turkey (57/1996/676/866), <https://hudoc.echr.coe.int/eng?i=001-58371>

¹⁸ Musa Çitil'in şikayeti ile yargılanan gazeteci Ahmet Kanbal'a 1 yıl 3 ay hapis cezası [1 year and 3 months prison sentence for journalist Ahmet Kanbal in the trial brought against him upon complaint by Musa Çitil], MLSA - <https://www.mlsaturkey.com/tr/musa-citil-in-sikayeti-ile-yargilanan-gazeteci-ahmet-kanbala-1-yil-3-ay-hapis-cezasi/> (Accessed on 9 January 2023)

¹⁹ Musa Çitil'in şikayeti üzerine yargılanan gazeteci İnci Aydın beraat etti [Journalist İnci Aydın who stood trial upon complaint by Musa Çitil, is acquitted], MLSA - <https://www.mlsaturkey.com/tr/musa-citil-in-sikayeti-uzerine-yargilanan-gazeteci-inci-aydin-beraat-etti/> (Accessed on 9 January 2023)

²⁰ Gazeteci Alican Uludağ'a 10 ay hapis cezası [10 months prison sentence for journalist Alican Uludağ], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-alican-uludaga-10-ay-hapis-cezasi/> (Accessed on 10 January 2023)

²¹ 'Hapis cezası hukuka uygun': Savcı, Uludağ'ın istinaf başvurusunun esastan reddini talep etti [Appeals prosecutor requested that Uludağ's appeal be rejected], MLSA - <https://www.mlsaturkey.com/tr/istinaf-savcisi-uludagin-basvurusunun-esastan-reddini-talep-etti/> (Accessed on 10 January 2023)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

23. In their latest submission (05/01/2023), referring to Article 6/2 the authorities claimed that “there has not been a new violation in the application of the said Article” (para. 446). MLSA would like to note that this claim does not reflect the reality.
24. **1,7%** of the charges based on Article 6 of the Anti-Terror Law were “printing or publishing declarations or announcements of terrorist organisations (Article 6/2).”
- Journalists Reyhan Çapan²² and Can Dündar²³ continue to stand trial over “printing or publishing declarations or announcements of terrorist organisations” charges.
 - The trial of Çapan, who also faces “propaganda in favour of an illegal organization (Article 7/2)” charges in this case after 18 indictments against the journalist were merged, has been going on since 2014. Çapan has been charged on the grounds of some articles published in Özgür Gündem daily of which she was the managing editor.
 - During this period, Çapan was also retried²⁴ after the Court of Cassation overturned her conviction for “propaganda in favour of an illegal organization (Article 7/2)” and sent back the case file to the first instance court on the grounds that Çapan should have been sentenced for “printing or publishing declarations or announcements of terrorist organisations.” On 18 May 2022, the İstanbul 13th High Criminal Court sentenced Çapan to 1 year and 6 months for “printing or publishing declarations or announcements of terrorist organisations.”²⁵
 - The trial of journalist Can Dündar has been going on since 2016. Dündar has been charged on the grounds of an article published in Özgür Gündem daily on 22 June 2016; the day in which Dündar served as the daily’s executive editor to show solidarity with the daily prior to its closure.

Conclusions and recommendations regarding Article 6 of the Anti-Terror Law

25. The aforementioned examples show that Article 6 continues to be used against journalists, in particular in the form of SLAPPs. This article is used specifically to create a chilling effect on investigative journalism.
26. Even though, as seen in the data, charges based on Article 6/2 are becoming rarer, they are - in contrast to the stated aim of the 2013 amendment - still employed under wide interpretation and with political motivations thanks to the flaws inherent to the article.

²² Case File Number: 2014/277

²³ Case File Number: 2016/85

²⁴ Case File Number: 2022/12

²⁵ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.31 [ANNEX 1]



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

27. In light of the discrepancy between the consistent statements of the authorities, which claim a coherent, narrow application of Article 6 in line with freedom of expression, and justice monitoring data, which shows a continued use of Article 6 against journalists for political motivations, MLSA suggests that the Committee request once more detailed statistical data from the government on the lengths of trials, number of prosecutions and convictions on the grounds of Article 6 Anti-Terror Law.
28. MLSA recommends the Committee to take a holistic approach on cases in which individuals, especially journalists, are tried on charges defined by Article 6, meaning to consider the legal practice with regards to both Article 6/1 and 6/2.
29. MLSA further recommends that the Committee continue its supervision of Öner and Türk Group of cases (Appl. No. 51962/12), which include cases with this article.
30. Furthermore, MLSA recommends the Committee to urge the authorities to amend the Article 6 of Anti-Terror Law so that its clauses cannot be used interchangeably to intimidate journalists.

2. Article 7/2 of the Anti-Terror Law

31. In their latest Action Plan (05/01/2023), the authorities noted an amendment to Article 7/2 of the Anti-Terror Law introduced with Law No. 6459 in 2013. The authorities stated that as per the amendment, the act of making propaganda for a terrorist organization by justifying, praising or inciting its methods, is not recognized as an offence if it does not contain violence, force or threat. The authorities underlined that as per the sentence added to the article in 2019, expressions of opinion constituting criticism or not exceeding the limits of reporting, will not constitute a crime.
32. MLSA would like to note that despite the amendments to Article 7/2 of the Anti-Terror Law No. 3713, in practice judges and prosecutors continue to interpret Article 7/2 widely and do not respect the criteria for application of the law when launching an investigation, opening a case, or giving a verdict.
33. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of terrorism-related charges in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **38%**. The Article 7/2 charges which were among the charges leveled against individuals in **62 cases**, constituted **54% of the terrorism-related charges** in this period.²⁶ MLSA recorded that in 46 out of 62 cases, journalists were on trial.²⁷

²⁶ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.8 [ANNEX 1]

²⁷ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.8 [ANNEX 1]

34. In 35 out of 62 cases, **social media posts**; in 28 out of 62 cases **news reports, articles or other publications** were cited by prosecutors as evidence for the charges of “propaganda in favour of an illegal organization.”²⁸
35. In 19 cases adjudicated during the monitoring period, the following defendants received prison sentences based on Article 7/2:
- Lawyer Nurcan Kaya: 1 year 3 months²⁹
 - Author Meral Şimşek: 1 year 3 months³⁰
 - Artist Mehmet Özer: 1 year 3 months³¹
 - Journalist Vedat Özüç: 1 year 6 months and 22 days³²
 - Journalist Nurcan Yalçın: 1 year 6 months and 22 days³³
 - Author Erdal Yıldırım: 1 year 6 months and 22 days³⁴
 - Journalist Gülşen Koçuk: 1 year 10 months and 15 days³⁵
 - Journalist Rojhat Doğru: 1 year 3 months³⁶

²⁸ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.19 [ANNEX 1]

²⁹ Court sentences Nurcan Kaya to 1 year 3 months in prison over Kobanê tweet, MLSA - <https://www.mlsaturkey.com/en/court-sentences-nurcan-kaya-to-1-year-3-months-in-prison-over-kobane-tweet/> (Accessed 04 January 2023) (Case file no. 2020/277)

³⁰ Yazar Meral Şimşek'e 1 yıl 3 ay hapis cezası verildi [Author Meral Şimşek is sentenced to 1 year 3 months in prison], MLSA - <https://www.mlsaturkey.com/tr/yazar-meral-simseke-1-yil-3-ay-hapis-cezasi-verildi/> (Accessed 04 January 2023) (Case file no. 2021/59)

³¹ Mahkeme, fotoğraf sanatçısı Mehmet Özer'e 1 yıl 3 ay ceza verdi [The court sentenced photograph artist Mehmet Özer is sentenced to 1 year 3 months in prison], MLSA - <https://www.mlsaturkey.com/tr/mahkeme-fotograf-sanatcisi-mehmet-ozere-1-yil-3-ay-ceza-verdi/> (Accessed 04 January 2023) (Case file no. 2020/311)

³² Journalist Vedat Özüç is sentenced to prison on 'terrorist propaganda' charges, MLSA- <https://www.mlsaturkey.com/en/journalist-vedat-oruc-is-sentenced-to-prison-on-terrorist-propaganda-charges/> (Accessed 04 January 2023) (Case file no. 2019/399)

³³ Gazeteci Nurcan Yalçın, 3 yıl 7 ay 22 gün hapis cezasına çarptırıldı , MLSA - <https://www.mlsaturkey.com/tr/gazeteci-nurcan-yalcin-3-yil-7-ay-22-gun-hapis-cezasina-carptirildi/> (Accessed 04 January 2023) (Case file no. 2020/279)

³⁴ Yazar Erdal Yıldırım'a 1 yıl 6 ay 22 gün hapis cezası [1 year 6 months and 22 days prison sentence for author Erdal Yıldırım], MLSA - <https://www.mlsaturkey.com/tr/yazar-erdal-yildirima-1-yil-6-ay-22-gun-hapis-cezasi/> (Accessed 04 January 2023) (Case file no. 2021/59)

³⁵ Gazeteci Gülşen Koçuk, sosyal medya paylaşımları yüzünden yargılandığı davada hapis cezasına çarptırıldı [Journalist Gülşen Koçuk is sentenced to prison over social media posts] , MLSA - <https://www.mlsaturkey.com/tr/gazeteci-gulsen-kocuk-sosyal-medya-paylasimlari-yuzunden-yargilandiği-davada-hapis-cezasina-carptirildi/> (Accessed 04 January 2023) (Case file no. 2021/240)

³⁶ Gazeteci Rojhat Doğru'ya müebbet ve 10 yıl 10 ay hapis cezası verildi [Life in prison and 10 years 10 months prison sentence for journalist Rojhat Doğru], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-rojhat-dogruya-muebbet-ve-10-yil-10-ay-hapis-cezasi-verildi/> (Accessed 04 January 2023) (Case file no. 2018/536)

- i. Journalist Nazan Sala: 1 year 3 months³⁷
- j. Activist Serkan Zorlu: 10 months³⁸
- k. Politician Ramazan Güney: 2 years 1 month³⁹
- l. Journalist Selda Manduz: 1 year 6 months and 22 days⁴⁰
- m. Journalist Durket Süren: 1 year 6 months and 22 days⁴¹
- n. Journalist Zekine Türkeri: 1 year 6 months and 22 days⁴²
- o. Journalist Çetin Yılmaz: 1 year 6 months and 22 days⁴³
- p. Author Yavuz Ekinci: 1 year 6 months and 22 days⁴⁴
- q. Newspaper distributor Ercan Yeltaş: 7 months 15 days
- r. Newspaper distributor Veysi Altın: 7 months 15 days⁴⁵
- s. HDP Press Consultant Vedat Dağ: 1 year 6 months and 22 days⁴⁶

³⁷ 'Helikopter işkencesi' davasında yargılanan gazeteciler beraat etti [Journalists tried in the 'Helicopter Torture Case' are acquitted], MLSA - <https://www.mlsaturkey.com/tr/helikopter-iskencesi-davasinda-yargilanan-gazeteciler-beraat-etti/> (Accessed 04 January 2023) (Case file no. 2021/48)

³⁸ Gazeteci Meşale Tolu, sekiz ay tutuklu kaldığı davada beraat etti [Journalist Meşale Tolu is acquitted in the case for which she spent eight months in pre-trial detention], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-mesale-tolu-sekiz-ay-tutuklu-kaldigi-davada-beraat-etti/> (Accessed 04 January 2023) (Case file no. 2017/322)

³⁹ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.27 [ANNEX 1] (Case file no. 2017/322)

⁴⁰ Gazeteci Selda Manduz, ilk duruşmada 1 yıl 6 ay hapis cezasına çarptırıldı [Journalist Selda Manduz is sentenced to 1 year 6 months in prison at the first hearing], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-selda-manduz-ilk-durusmada-1-yil-6-ay-hapis-cezasina-carptirildi/> (Accessed 04 January 2023) (Case file no. 2021/147)

⁴¹ Gazeteci Durket Süren, 1 yıl 6 ay hapis cezasına çarptırıldı [Journalist Selda Manduz is sentenced to 1 year 6 months in prison], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-durket-suren-1-yil-6-ay-hapis-cezasina-carptirildi/> (Accessed 04 January 2023) (Case file no. 2019/413)

⁴² Journalist and author Zekine Türkeri is sentenced to 1 year 6 months 22 days in prison, MLSA - <https://www.mlsaturkey.com/en/journalist-and-author-zekine-turkeri-is-sentenced-to-1-year-6-months-22-days-in-prison/> (Accessed 04 January 2023) (Case file no. 2021/261)

⁴³ Journalist Çetin Yılmaz is sentenced to 1 year 6 months in prison over social media posts, MLSA - <https://www.mlsaturkey.com/en/journalist-cetin-yilmaz-is-sentenced-to-1-year-6-months-in-prison-over-social-media-posts/> (Accessed 04 January 2023) (Case file no. 2021/276)

⁴⁴ Yazar Yavuz Ekinci'ye 'propaganda' suçlamasından 1 yıl 6 ay hapis cezası verildi [Author Yavuz Ekinci is sentenced to 1 year 6 months in prison over 'propaganda' charges], MLSA - <https://www.mlsaturkey.com/tr/yazar-yavuz-ekinciye-propaganda-suclamasindan-1-yil-6-ay-hapis-cezasi-verildi/> (Accessed 04 January 2023) (Case file no. 2021/106)

⁴⁵ Gazete dağıtıcıları Yeltaş ve Altın'a 7 ay 15 gün hapis cezası [7 months 15 days prison sentences for newspaper distributors Yeltaş and Altın], MLSA - <https://www.mlsaturkey.com/tr/gazete-dagiticilari-yeltas-ve-altina-7-ay-15-gun-hapis-cezasi/> (Accessed 04 January 2023) (Case file no. 2021/158)

⁴⁶ HDP basın çalışanı Vedat Dağ'a üç ayrı suçlamadan 10 yıl 3 ay hapis [10 years 3 months prison sentence for HDP press employee Vedat Dağ over three separate charges], MLSA - <https://www.mlsaturkey.com/tr/hdp-basin-calisani-vedat-daga-uc-ayri-suclamadan-10-yil-3-ay-hapis/> (Accessed 04 January 2023) (Case file no. 2019/313)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

t. Journalist Abdurrahman Gök: 1 year 6 months and 22 days⁴⁷

Conclusions and recommendations regarding Article 7/2 of the Anti-Terror Law

36. Contrary to the claims of the authorities, Article 7/2 of the Anti-Terror Law continues to be a source of violations as the Court found in cases examined under this group. As can be seen in MLSA's data, journalists are increasingly targeted with this article.
37. MLSA recommends that the Committee continue its supervision of Öner and Türk Group of cases (Appl. No. 51962/12), which include cases with this article.
38. MLSA recommends the Committee to urge the authorities to share detailed statistics concerning Article 7/2 of the Anti-Terror Law.
39. Furthermore, MLSA recommends the Committee to urge the authorities to amend the Article 7/2 of Anti-Terror Law so that its clauses cannot be used interchangeably to restrict freedom of expression.

3. Article 215 of the Turkish Penal Code

40. In their latest Action Plan (05/01/2023), the authorities noted an amendment to Article 215 of the Turkish Penal Code introduced with Law No. 6459 in 2013. The authorities stated that as per the amendment, a person can be convicted of "praising the crime and the criminal" only "provided that there emerges an imminent and clear danger to the public order". The authorities claimed that this amendment ensured the compliance with the European Convention of Human Rights and respect of the Court's case law.
41. The aforementioned amendment did not lead to the results claimed by the government. In cases tried in local courts, practices contrary to the aforementioned provision can be observed. People continue to be at risk of being sentenced for "praising the crime and the criminal" in lack of compliance with the provision.
42. In the Turkish Penal Code, "praising the crime and the criminal (Article 215)" is listed under "Offences against public peace."
43. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in "offences against public peace" in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **11%**.⁴⁸ The charge of "praising the crime and the criminal (Article 215)" constituted **9%** of the charges in this category.

⁴⁷ Kemal Kurkut cinayetini belgeleyen gazeteci Abdurrahman Gök'e 1 yıl 6 ay 22 gün hapis [1 year 6 months and 22 days prison sentence for journalist Abdurrahman Gök who documented the Kemal Kurkut murder], MLSA - <https://www.mlsaturkey.com/tr/kemal-kurkut-cinayetini-belgeleyen-gazeteci-abdurrahman-goke-1-yil-6-ay-22-gun-hapis/> (Accessed 04 January 2023) (Case file no. 2020/335)

⁴⁸ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

- a. The retrial of the Turkish Medical Association (TTB) Central Council President Şebnem Korur Fincancı, RSF Turkey Representative Erol Önderoğlu and journalist Ahmet Nesin who served as the Özgür Gündem daily's executive editor on watch to show solidarity with the daily prior to its closure on "praising the crime and the criminal" charge among others still continues.⁴⁹
- b. The trial of journalist Cengiz Çandar on "praising the crime and the criminal" charge because of a 2017 tweet still continues.⁵⁰
- c. Activist Kemal Işıktaş who stood trial with journalist Cengiz Çandar until the hearing held on 22 November 2022 was sentenced to **7 months and 15 days in prison** for "praising the crime and the criminal" on the grounds of his tweet in 2017 and in which he reacted to the death of Ayşe Deniz Karacagil who was reportedly died while fighting against ISIS.⁵¹
- d. The trial of since shuttered Özgür Gündem daily's former Co-Editor-in-Chief Hüseyin Aykol, former Managing Editor Reyhan Çapan, columnists Hasan Başak and Kemal Yakut on "praising the crime and the criminal" charge among others still continues.⁵²

Conclusions and recommendations regarding Article 215 of the Penal Code

44. Contrary to the claims of the authorities (para. 488), violations stemming from Article 215 still occur.
45. MLSA recommends that the Committee continue its supervision of Öner and Türk Group of cases (Appl. No. 51962/12), which include cases with this article.
46. MLSA recommends that the Committee urge the authorities to amend Article 215 which the Court found that its broad application makes it "unforeseeable."⁵³

4. Article 216 of the Turkish Penal Code

47. MLSA would like to draw the Committee's attention to the fact that in their latest Action Plan (05/01/2023), the authorities failed to inform the Committee regarding

⁴⁹ Özgür Gündem Dayanışma davasında reddi hakim talebi üst mahkemeye gönderildi [The recusal requests have been sent to an upper court in the Özgür Gündem Solidarity Trial], MLSA - <https://www.mlsaturkey.com/tr/ozgur-gundem-dayanisma-davasinda-reddi-hakim-talebi-ust-mahkemeye-gonderildi/> (Accessed 04 January 2023) (Case file no. 2020/284)

⁵⁰ The court ruled to separate the case file of journalist Cengiz Çandar, MLSA - <https://www.mlsaturkey.com/en/the-court-ruled-to-separate-the-case-file-of-journalist-cengiz-candar/> (Accessed 04 January 2023) (New Case file no: 2022/645)

⁵¹ Aktivist Kemal Işıktaş, sosyal medya paylaşımı nedeniyle yargılandığı davada hapis cezasına çarptırıldı [Activist Kemal Işıktaş is sentenced to prison over a social media post], MLSA - <https://www.mlsaturkey.com/tr/aktivist-kemal-isktas-sosyal-medya-paylasimi-nedeniyle-yargilandi-gi-davada-hapis-cezasina-carptirildi/> (Accessed 04 January 2023) (Case file no.: 2020/236)

⁵² Case File Number: 2016/106

⁵³ Affaire Yasin Özdemir v. Türkiye, <https://hudoc.echr.coe.int/eng?i=001-213773>

Article 216. Such failure on the part of the authorities should be noted especially considering the fact that Article 216 is increasingly instrumentalized to restrict freedom of expression.

48. In the Turkish Penal Code, “provoking the public to hatred, hostility, denigrating a section of the public (Article 216)” is listed under “Offences against public peace.”
49. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in “offences against public peace” in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **11%**.⁵⁴ The charge of “provoking the public to hatred, hostility, denigrating a section of the public (Article 216)” constituted **28%** of the charges in the category of “offences against public peace.”
50. During the monitoring period, lawyers, students, politicians and journalists stood trial on this charge:
 - a. The former Chair of the Diyarbakır Bar Association Ahmet Özmen and former Executive Board members Sertaç Buluttekin, Serhat Eren, Nahit Eren, Mahsum Batı, Nuşin Uysal Ekinci, Cihan Ülsen, Muhammet Neşet Girasun, İmran Gökdere, Velat Alan and Ahmet Dağ stood trial on “provoking the public to hatred, hostility, denigrating a section of the public” charge in addition to the charge of “degrading the Turkish nation, state of the Turkish republic, the organs and institutions of the state” which is brought against each bar president and board members. The lawyers were eventually acquitted.⁵⁵
 - b. The trial of 7 Boğaziçi University students still continues.⁵⁶ The students face “provoking the public to hatred, hostility, denigrating a section of the public” on the grounds of a work of art which included the Kaaba and which was displayed in an on-campus protest exhibition against the appointed rector Melih Bulu. The prosecution requests imprisonment on the grounds that the Kaaba was displayed together with a basilisk figure and LGBTI+ flags and that both the figure and the LGBTI+ symbols are unacceptable as they represent things forbidden by Islam.⁵⁷
 - c. Four politicians, including the Co-chair of the Peoples’ Democratic Party (HDP) in Van Fikret Doğan stood trial on “openly provoking the public to

⁵⁴ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]

⁵⁵ Diyarbakır Barosu eski Başkanı ve Yönetim Kurulu üyeleri beraat etti [The former chair of the Diyarbakır Bar Association and the Board Members are acquitted], MLSA - <https://www.mlsaturkey.com/tr/diyarbakir-barosu-eski-baskani-ve-yonetim-kurulu-uyeleri-beraat-etti/> (Accessed 04 January 2023) (Case File Number: 2020/3)

⁵⁶ Boğaziçi Sergi Davası mütalaa için ertelendi [The Boğaziçi Exhibition Case is adjourned for the prosecutor's final opinion], MLSA - <https://www.mlsaturkey.com/tr/bogazici-sergi-davasi-mutalaa-icin-ertelendi/> (Accessed 04 January 2023) (Case File Number: 2021/178)

⁵⁷ Indictment number: 2021/6387



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

hatred, hostility, denigrating a section of the public” charge because of a banner which was hung up on the İpekyolu, Van office of the HDP to protest the racially motivated murder of seven members of the Dedeoğlu family in Konya. The court sentenced 3 politicians to **10 months in prison** each and imposed a **judicial fine of 6.000 Turkish Liras** on 1 politician.⁵⁸

51. MLSA would like to share with the Committee a recent development regarding Article 216 of the Turkish Penal Code as it shows that the problems pointed out by the Venice Commission namely “its interpretation and application by domestic courts and law enforcement agencies”⁵⁹ have now become acute.

a. On 25 August 2022, singer Gülşen was arrested over the suspicion of committing the offense of “provoking the public to hatred, hostility” because of a joke about religious schools known as “İmam Hatip schools.”⁶⁰ The judge who ruled for Gülşen’s arrest reasoned that there is an “explicit and imminent danger to public security” because the video of the joke which was recorded 4 months ago was “shared by many accounts and groups with negative comments.”⁶¹ The singer was held in pre-trial detention for 4 days and was released to house arrest which lasted until 12 September 2022. The singer was subsequently charged with “openly provoking the public to hatred, hostility (Article 216/1).”⁶² In the indictment, the prosecutor widely interpreted the concept of “social class” mentioned in the relevant law article and argued that since they have specific place in secondary education “there is no doubt that [students and alumni of] İmam-Hatip schools also constitute a social class.” The trial of the singer in which she faces the possibility of up to 3 years in prison still continues.⁶³

52. However, whereas Article 216 is applied against all those who are deemed to be opposing the policies and values of the government, the authorities fail to follow

⁵⁸ Dedeoğulları ailesinin katledilmesinin protesto edildiği pankart için HDP’li siyasetçilere ceza [Prison sentences for HDP politicians over a banner in which the massacre of the Dedeoğulları family was protested], MLSA - <https://www.mlsaturkey.com/tr/dedeoqullari-ailesinin-katledilmesinin-protesto-edildigi-pankart-icin-hdpli-siyasetcilere-ceza/> (Accessed 04 January 2023) (Case File Number: 2022/60)

⁵⁹ Opinion on Articles 216, 299, 301 and 314, Venice Commission - [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)002-e), para. 40 and 48 (Accessed 04 January 2023)

⁶⁰ Turkish singer Gulsen arrested over religious schools joke, BBC - <https://www.bbc.com/news/world-europe-62693078> (Accessed 04 January 2023)

⁶¹ Interrogation number: 2022/785

⁶² Indictment number: 2022/22349

⁶³ Gülşen Davası: ‘Sanık, sesinden çok kıyafetleri ve doğal olmayan cinsel yönelimleri ile gündemde’ [the Gülşen Case: ‘The defendant is known for her clothing and unnatural sexual inclinations’], MLSA - <https://www.mlsaturkey.com/tr/gulsen-davasi-sanik-sesinden-cok-kiyafetleri-ve-dogal-olmayan-cinsel-yonelimleri-ile-gundemde/> (Accessed 04 January 2023) (Case File Number: 2022/316)

this suit in cases in which the article should be applied⁶⁴ that is, in the possibility of a clear danger to public order. MLSA would like to share with the Committee that no criminal proceedings have been initiated against:

- a. A former New Welfare Party executive Ömer Yıldız who called for Gülşen's death "because it is necessary"⁶⁵,
- b. Theologian Ebubekir Sifil who declared that "those who do not perform prayer can be killed"⁶⁶,
- c. Imam Halil Konakçı who declared that "those who do not fast can be clubbed."⁶⁷

Conclusions and recommendations regarding Article 216 of the Penal Code

53. MLSA recommends that the Committee continue its supervision of Öner and Türk Group of cases (Appl. No. 51962/12), which include cases with this article.
54. MLSA further recommends that the Committee urge authorities to amend the article in line with the opinion of the Venice Commission to curtail the article to be interpreted broadly and applied selectively.

B. Nedim Şener Group of cases (Appl. No. 38270/11)

55. In their latest Action Report (05/01/2023), the authorities claim that "journalism activities cannot be per se subject to an investigation in Türkiye" (para. 491). The authorities also reiterate their claim that "nobody is held in the penitentiary institutions due to their journalistic activities but because of their criminal activities." (para. 492)
56. MLSA would like to point out that all defendants tried in the cases that were presented as examples in this and our previous communications are in majority journalists tried because of their journalistic activities. It can be seen in our annual

⁶⁴ Opinion on Articles 216, 299, 301 and 314, Venice Commission - [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)002-e), para. 48 (Accessed 04 January 2023)

⁶⁵ Yeniden Refah Partisi: Gülşen'e 'katli vaciptir' diyen eski ilçe başkanının partiyle ilişkisi yoktur [New Welfare Party: Former district chair who said 'Gülşen's death is necessary' is not affiliated with the party], EuroNews - <https://tr.euronews.com/2022/08/26/yeniden-refah-partisi-gulsene-katli-vaciptir-diyen-eski-ilce-baskanini-ihrac-edecek> (Accessed on 14 January 2023)

⁶⁶ Ebubekir Sifil, namaz kılmayanları hedef gösterdi: Öldürülebilir [Ebubekir Sifil pointed those who do not perform prayer: They can be killed], Duvar - <https://www.gazeteduvar.com.tr/ebubekir-sifil-namaz-kilmayanlari-hedef-gosterdi-oldurulebilir-haber-1578625> (Accessed on 14 January 2023)

⁶⁷ Hilafet çağrısı yapan imam Halil Konakçı, 'oruç tutmayanların sopolanmasını' savundu [Imam Halil Konakçı who called for a caliphate defended that 'those who do not fast should be clubbed'], Cumhuriyet - <https://www.cumhuriyet.com.tr/turkiye/hilafet-cagrisi-yapan-imam-halil-konakci-oruc-tutmayanlarin-sopalanmasini-savundu-1973194> (Accessed on 14 January 2023)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

trial monitoring report that only in a year, **381 journalists** had to appear before the courts in trials based on their journalistic activities.⁶⁸

57. With regards to the authorities' statement that no journalist is imprisoned in Turkey, MLSA would like to point out that currently, at least **66 journalists and media employees remain imprisoned in Turkey**.⁶⁹
58. On this note, MLSA would like to share with the Committee some troubling developments since the last DH meeting. **Between 16 June 2022 and 29 October 2022, 25 journalists have been arrested in Turkey**. As of writing of this submission, the journalists are still held in pre-trial detention without being indicted.
59. On 16 June 2022, journalists Aziz Oruç, Safiye Alagaş, Serdar Altan, Mehmet Ali Ertaş, Ömer Çelik, Neşe Toprak, Mehmet Şahin, Zeynel Abidin Bulut, Elif Üngör, Remziye Temel, Suat Doğuhan, Lezgin Akdeniz, İbrahim Koyuncu, Abdurrahman Öncü, Ramazan Geciken and Mazlum Güler were arrested in Diyarbakır over the suspicion of "membership in a terrorist organization."
60. During their interrogation by the Diyarbakır Chief Public Prosecutor's Office, journalists were asked about their news articles, the programs they produced, the language they used in their news reports and programs, their social media posts, their phone conversations with news sources.⁷⁰
61. On 29 October 2022, journalists Diren Yurtsever, Deniz Nazlım, Berivan Altan, Selman Güzelyüz, Hakan Yalçın, Emrullah Acar, Ceylan Şahinli, Habibe Eren and Öznur Değer were arrested in Ankara over the suspicion of "membership in a terrorist organization."
62. Similar to the situation in Diyarbakır, during their interrogation by the Ankara Chief Public Prosecutor's Office, journalists were asked about their news articles, the royalty payments they received for their news articles and their membership in the Dicle Fırat Journalists' Association.⁷¹
63. MLSA would like to share with the Committee that the pre-trial detention of journalists is prolonged via ready-made decisions by Criminal Judgeships of Peace who often do not hear the suspects as per Article 108 of the Code of Criminal Procedures.

⁶⁸ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.6 [ANNEX 1]

⁶⁹ Imprisoned Journalists and Media Employees in Turkey, MLSA - <https://www.mlsaturkey.com/en/imprisoned-journalists-and-media-employees-in-turkey/> (Accessed 04 January 2023)

⁷⁰ 16 journalists arrested in Diyarbakır: How and why?, MLSA - <https://www.mlsaturkey.com/en/16-journalists-arrested-in-diyarbakir-how-and-why/> (Accessed 04 January 2023)

⁷¹ MLSA's report concerning the arrest of 9 journalists in Ankara, MLSA - <https://www.mlsaturkey.com/en/mlsas-report-concerning-the-arrest-of-9-journalists-in-ankara/> (Accessed 04 January 2023)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

Conclusions and recommendations regarding the Nedim Şener Group

64. MLSA recommends that the Committee continue its supervision of Nedim Şener Group of cases (Appl. No. 38270/11) as grave rights violations similar to those the ECtHR found in this group of cases continue.
65. MLSA further recommends that the Committee to urge the authorities to amend the Article 100 of the Code of Criminal Procedures which gives way for individuals to be deprived of their liberties with subjective evaluations (e.g. Article 100/2-b of the Code of Criminal Procedures lists “the behavior of the suspect or the defendant” as a ground for their arrest).
66. MLSA requests that the Committee ask information from the authorities regarding the ongoing imprisonment of 25 journalists in Diyarbakır and Ankara and specifically regarding the absence of indictments against the journalists and the legal basis of periodically taken decisions to continue the journalists' detention.
67. MLSA further requests that the Committee request information from the authorities about the reasons why prosecutors and first instance courts in the case of arrested journalists in Diyarbakır and Ankara refuse to implement the positive Cemil Uğur judgment⁷² of the Constitutional Court in which the Court ruled that the right to liberty and security of journalist Cemil Uğur who was arrested in connection with a criminal investigation in Van which is almost identical to those in Diyarbakır and Ankara.

C. Altuğ Taner Akçam Group of cases (Appl. No. 27520/07)

68. In their latest Action Report (05/01/2023), the authorities noted that Article 301 of the Turkish Penal Code Law No. 5237 was amended in 2008. In that context, they argued that concerns raised in the Altuğ Taner Akçam case about implementation problems have been eliminated through effective implementation of the provision.
69. MLSA would like to point out that the amendments made to Article 301 of the Turkish Penal Code are not sufficient and that ambiguous expressions remain in the article. Despite the regulation that “expressions of an opinion for the purpose of criticism do not constitute a crime” in paragraph 3, MLSA’s trial monitoring data shows that prosecutors continue to resort to Article 301 of the Turkish Penal Code to prevent all kinds of criticism against the government and state institutions and first instance courts continue to try and even sentence those who exercised their freedom of expression.
70. In the Turkish Penal Code, “Degrading the Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State (Article 301)” is listed under

⁷²Cemil Uğur judgment (Application Number: 2020/35635) - <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2020/35635>

“Offences against the symbols of state sovereignty and the reputation of its organs.”

71. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in “offences against the symbols of state sovereignty and the reputation of its organs” in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **14%**.⁷³ The charge of “degrading the Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State (Article 301)” constituted **27%** of the charges in this category.⁷⁴
72. During the monitoring period **25 people**, including lawyers, journalists and politicians stood trial on this charge.
73. MLSA would like to point out that the evidence cited for the charges based on Article 301 are **remarks on a television show** (Rüstem Batum) and **an interview** (İlyas Salman)⁷⁵, **news articles** published in *Özgürlükçü Demokrasi* (Aziz Oruç, Ersin Çaksu), *Özgür Gündem* (Hüseyin Aykol, Zana Kaya, İnan Kizilkaya, politician Hatip Dicle), *Die Welt* (Deniz Yücel)⁷⁶, the words “**Ermeni Soykırımı [Armenian Genocide]**”⁷⁷ and “**Kürdistan**” in statements and a report published by the Diyarbakır Bar Association on the use of military drones in military operations in the region.
74. MLSA would like to share with the Committee that the tendency to charge and sentence individuals over Article 301 in politically motivated cases continues. In their latest Action Report (05/01/2023), the authorities claimed that “the authorisation of the Minister of Justice to conduct an investigation into an offence regarding Article 301 was adopted as a filtering measure.” (para.498) However, the intended effect of the 2008 amendment to Article 301 is not achieved as the filtering is determined by political motivations. In this regard, MLSA would like to share with the Committee two striking examples:

⁷³ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]

⁷⁴ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.11 [ANNEX 1]

⁷⁵ İlyas Salman’ın TCK 301 suçlaması ile yargılandığı dava görülmeye başlandı [The trial of İlyas Salman over Article 301 begins], MLSA - <https://www.mlsaturkey.com/tr/ilyas-salmanin-tck-301-suclamasi-ile-yargilandiği-dava-gorulmeye-baslandi/> (Accessed 05 January 2023) (Case file no.: 2021/837)

⁷⁶ Journalist Deniz Yücel faces up to 2 years in prison for “degrading the Turkish State”, MLSA - <https://www.mlsaturkey.com/en/journalist-deniz-yucel-faces-up-to-2-years-in-prison-for-degrading-the-turkish-state/> (Accessed 11 January 2023) (Case file no. 2021/218)

⁷⁷ 24 Nisan / Büyük Felaket : Ermeni Halkının Acısını Paylaşıyoruz [April 24 /the Great Catastrophe: We share the grief of the Armenian people], Diyarbakır Barosu - <https://www.diyarbakirbarosu.org.tr/haberler/24-nisan-buyuk-felaket-ermeni-halkinin-acisini-paylasiyoruz> ; Ermeni Halkının Dinmeyen Büyük Acısını Paylaşıyoruz [We share the great unmitigated pain of the Armenian People], Diyarbakır Barosu - <https://www.diyarbakirbarosu.org.tr/haberler/ermeni-halkinin-dinmeyen-buyuk-acisini-paylasiyoruz> (Accessed 11 January 2023)

- a. The former MP of the Peoples' Democratic Party (HDP) Sırrı Süreyya Önder was sentenced to **5 months in prison** for “degrading the Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State (Article 301).”⁷⁸ The court ruled to convict Önder on the grounds of his remarks on 5 November 2016 in which he protested the mass arrests of HDP politicians including Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ. Önder was a member of the parliament at the time of the speech and therefore had parliamentary immunity as per Article 83 of the Constitution.
- b. The Diyarbakır Bar Association is repeatedly charged with “degrading the Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State (Article 301)” on the grounds of the Association’s annual press statements on the Armenian Genocide. Only in 2022, two separate lawsuits on Article 301 charges have been brought against the former Chair of the Diyarbakır Bar Association Cihan Aydın and the Association’s former board members Muhlis Oğurgül, Ahmet Dağ, Erhan AYTEKİN, Fırat ÜGER, Gazal Bayram Koluman, Mehmet Akbaş, Serdar Çelebi, Tefik Karahan, Ömer Şeran and Özgür Yılmaz Biçen. On 17 October 2022, the lawyers were acquitted in the case brought against them on the grounds of the 2019 press statement on Armenian Genocide ⁷⁹. However, the lawyers will be tried in another case which has been brought against them on the grounds of the 2020 press statement on the Armenian Genocide.⁸⁰ The example of the Diyarbakır Bar Association clearly demonstrates that the “filtering measure” in Article 301 cases do not work also considering the fact that criminal investigations⁸¹ against lawyers and prosecution⁸² of lawyers require separate authorizations by the Ministry of Justice in addition to the one required for criminal investigations and prosecutions on Article 301.

⁷⁸ Sırrı Süreyya Önder, TCK 301’den yargılandığı davada 5 ay hapis cezasına çarptırıldı [Sırrı Süreyya Önder is sentenced to 5 months in prison over Article 301], MLSA - <https://www.mlsaturkey.com/tr/sirri-sureyya-onder-tck-301den-yargilandi-gi-davada-5-ay-hapis-cezasina-carptirildi/> (Accessed 05 January 2023) (Case file no. 2021/1170)

⁷⁹ Diyarbakır Barosu, TCK 301’den bir kez daha beraat etti: Rahatsız edici olsa bile ifade özgürlüğü kapsamında [the Diyarbakır Bar Association is once again acquitted of Article 301: It is within the confines of freedom of expression even though it is disturbing], MLSA - <https://www.mlsaturkey.com/tr/diyarbakir-barosu-tck-301den-bir-kez-daha-beraat-etti-rahatsiz-edici-olsa-bile-ifade-ozgurlugu-kapsaminda/> (Accessed 05 January 2023) (Case file no. 2022/215)

⁸⁰ Beraat kararının mürekkebi kurumadan Diyarbakır Barosu’na bir TCK 301 davası daha [Before the ink in the acquittal dried another lawsuit over Article 301 has been brought against the Diyarbakır Bar Association], MLSA - <https://www.mlsaturkey.com/tr/beraat-kararinin-murekkebi-kurumadan-diyarbakir-barosuna-bir-tck-301-davasi-daha/> (Accessed 05 January 2023) (Case file no. 2022/285)

⁸¹ Article 58 of the Law no. 1136 on Attorneyship

⁸² Article 59 the Law no. 1136 on Attorneyship

Conclusions and recommendations regarding Article 301 of the Penal Code

75. MLSA recommends that the Committee continue its supervision of the Altuğ Taner Akçam Group of cases (Appl. No. 27520/07) as rights violations which stem from the article itself continue.
76. MLSA kindly invites the Committee to ask the authorities the legal reasoning behind the lawsuits insistently brought against the Diyarbakır Bar Association which run contrary to their claims.

D. Artun and Güvener Group of cases (Appl. No. 75510/01)

1. Article 125 of the Turkish Penal Code

77. In the Turkish Penal Code, “insult (Article 125/1 of the Turkish Penal Code)” and “insulting a public official (Article 125/3a of the Turkish Penal Code)” are listed under “offences against dignity.”
78. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in “offences against dignity” in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **10%**.⁸³ The charge of “insult (Article 125/1 of the Turkish Penal Code)” constituted **24%** of the charges in the category of “offences against dignity”⁸⁴ whereas the charge of “insulting a public official (Article 125/3a of the Turkish Penal Code)” constituted **76%**. MLSA recorded that during the monitoring period **73 people**, including journalists, lawyers, activists and politicians stood trial on these charges.⁸⁵
79. In their latest Action Plan (05/01/2023) the authorities claimed that (para. 573) “a Convention compliant attitude has been adopted in implementation of Article 125 (3) (a) of the Criminal Code.”
80. MLSA would like to note that the tendency to use this article to suppress freedom of expression and especially that of journalists, lawyers and politicians continues:
- Journalist Ahmet Kanbal stood trial in two separate lawsuits on this charge brought against him upon complaint by General Musa Çitil⁸⁶ and Interior Minister Süleyman Soylu. Kanbal is acquitted of insulting Süleyman Soylu⁸⁷

⁸³The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]

⁸⁴The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.11 [ANNEX 1]

⁸⁵ The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.14 [ANNEX 1]

⁸⁶ Case File Number: 2021/148

⁸⁷ Gazeteci Ahmet Kanbal, Soylu'ya 'hakaret' davasının ilk duruşmada beraat etti [Journalist Ahmet Kanbal is acquitted at the first hearing of 'insulting Soylu' case], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-ahmet-kanbal-soyluya-hakaret-davasinin-ilk-durusmada-beraat-etti/> (Accessed 06 January 2023) (Case File Number: 2021/1556)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

as the social media post cited against Kanbal did not even mention Soylu's name. In the Musa Çitil case, Kanbal also faced the charge of "disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets (Article 6/1 of Anti-Terror Law)". As per Article 44 of the Turkish Penal Code the court ruled to sentence Kanbal on Article 6/1 of the Anti-Terror Law instead of "insulting a public official" as the former stipulated heavier penalty.

- b. The trial of journalist Eren Tutel on "insulting a public official" charges on two accounts continues. Tutel faces the possibility of imprisonment for having exposed corruption at the Wushu Federation of Turkey.⁸⁸
- c. During the monitoring period, two journalists were sentenced for "insulting a public official: Zelal Tunç (11 months 20 days in prison)⁸⁹ and Deniz Yücel (a judicial fine of 7.080 Turkish Liras).⁹⁰

81. MLSA would like to inform the Committee that Article 125/3a of the Turkish Penal Code is used for politically-motivated cases as well:

- a. The trial of the former Chair and former Executive Board Members of the Ankara Bar Association on "insulting a public official because of his religious beliefs, thoughts and convictions" charges upon complaint by the President of Religious Affairs Ali Erbaş continues.⁹¹ The lawyers stand trial for having criticized Erbaş's hateful sermon on 24 April 2021 in which he "condemned" LGBTI+ and "those having extra-marital affairs."
- b. The İstanbul Chair of the Republican People's Party Canan Kaftancıoğlu stood trial on "insulting a public official" charge in a case in which she also faced the charge of "insulting the president."⁹² The İstanbul Chief Public Prosecutor's Office cited the brochure distributed by the party as evidence for the charges.⁹³ Kaftancıoğlu was acquitted of the charges at the first hearing.⁹⁴

⁸⁸ Savcı, Wushu Federasyonu skandallarını haberleştiren gazeteci Eren Tutel için ceza talep etti [The prosecutor requested imprisonment for journalist Eren Tutel who had reported the scandals at the Wushu Federation], MLSA - <https://www.mlsaturkey.com/tr/savci-wushu-federasyonu-skandallarini-haberlestiren-gazeteci-eren-tutel-icin-ceza-talep-etti/> (Accessed 06 January 2023) (Case File Number: 2021/242)

⁸⁹ Gazeteci Tunç'a 11 ay 20 gün hapis cezası [11 months and 20 days imprisonment for journalist Zelal Tunç], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-tunca-11-ay-20-gun-hapis-cezasi/> (Accessed 06 January 2023) (Case file no.: 2021/779)

⁹⁰ Journalist Deniz Yücel's been fined for 'insulting a public official', MLSA - <https://www.mlsaturkey.com/en/journalist-deniz-yucels-been-fined-for-insulting-a-public-official/> (Accessed 06 January 2023) (Case file no: 2019/342)

⁹¹ Case File Number: 2021/201

⁹² Case File Number: 2022/128

⁹³ Indictment Number: 2022/4570

⁹⁴ Canan Kaftancıoğlu, Erdoğan ve Soylu'ya 'hakaret' suçlamasıyla yargılandığı davada beraat etti [Canan Kaftancıoğlu is acquitted in the case in which she faced insulting Erdoğan and Soylu charges], MLSA -

- c. İstanbul Mayor Ekrem İmamoğlu stood trial for “insulting public officials who work as part of a committee because of their duties.”⁹⁵ The court sentenced İmamoğlu to **2 years 7 months in prison**.⁹⁶ In its verdict, the court ignored the fact that İmamoğlu’s remarks, which were cited as evidence for the charges, were directed at Minister of Interior Süleyman Soylu who had called İmamoğlu “a fool.” In its reasoned judgment⁹⁷, the court stated that the sentence imposed upon İmamoğlu was not mitigated as per Article 62 of the Turkish Penal Code because “he did not take the trial seriously” citing his statements to the press. In the event that the verdict is upheld, a political ban will be imposed upon İmamoğlu until he serves his sentence.

Conclusions and recommendations regarding Article 125 of the Penal Code

82. MLSA recommends that the Committee continue its supervision of the Altuğ Taner Akçam Group of cases (Appl. No. 27520/07) as rights violations which stem from the article itself continue.
83. MLSA further recommends that the Committee reiterate its call for the amendment of Article 125/3-a.

2. Article 299 of the Turkish Penal Code

84. In their latest Action Plan (05/01/2023), the authorities claimed that “the authorisation of the Minister of Justice to conduct an investigation into an offence regarding Article 299 was adopted as a filtering measure” and that “implementation of the mechanism in practice has improved in the recent years” and thereby eliminated the concerns regarding this article (para. 534).
85. MLSA would like to note that there is no progress regarding Article 299 and the article continues to be a source of Article 10 violations.
86. In the Turkish Penal Code, “Insulting the president (Article 299)” is listed under “offences against the symbols of state sovereignty and the reputation of its organs.”
87. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in “offences against the symbols of state sovereignty and the reputation of its organs” in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **14%**.⁹⁸ The charge

<https://www.mlsaturkey.com/tr/canan-kaftancioglu-erdogan-ve-soyluya-hakaret-suclamasiyla-yargilandigi-davada-beraat-etti/> (Accessed 06 January 2023)

⁹⁵ Case File Number: 2021/418

⁹⁶ İBB Başkanı Ekrem İmamoğlu’na hapis cezası ve siyasi yasak [Prison sentence and political ban for İstanbul Mayor Ekrem İmamoğlu], MLSA <https://www.mlsaturkey.com/tr/ibb-baskani-ekrem-imamoglu-na-hapis-cezasi-ve-siyasi-yasak/> (Accessed 06 January 2023)

⁹⁷ Judgment Number: 2022/616

⁹⁸The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]

of “insulting the president (Article 299)” constituted **71%** of the charges in this category.⁹⁹ 34 people, including journalists, activists and politicians tried in 29 separate cases were accused of insulting President Recep Tayyip Erdoğan. The majority of the evidence cited for these charges were **social media posts, news articles and various publications**.¹⁰⁰

88. Ignoring the *Vedat Şorli vs. Turkey (42048/19)* judgment of the ECtHR, first instance courts continued to sentence individuals for “insulting the president”:

- a. Author Yılmaz Odabaşı: 11 months 20 days¹⁰¹
- b. Journalist Oktay İnce: 1 year 2 months and 17 days¹⁰²
- c. Journalist Sedef Kabaş: 2 years 4 months¹⁰³
- d. Mehmet Yıldırım¹⁰⁴: 1 year 2 months and 17 days¹⁰⁵
- e. Guerilla artist İzinsiz: 1 year 2 months and 27 days¹⁰⁶
- f. Politician Sırrı Süreyya Önder: 10 months¹⁰⁷

89. Contrary to the “improvement” claims of the authorities, Article 299 also gives way to Article 5 violations of the Convention.

⁹⁹The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.11 [ANNEX 1]

¹⁰⁰The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.21 [ANNEX 1]

¹⁰¹ Şair ve yazar Yılmaz Odabaşı'na 11 ay 20 gün hapis cezası [11 months 20 days prison sentence for poet and author Yılmaz Odabaşı], MLSA - <https://www.mlsaturkey.com/tr/sair-ve-yazar-yilmaz-odabasina-11-ay-20-gun-hapis-cezasi/> (Accessed 06 January 2023)

¹⁰² Video aktivist ve belgeselci Oktay İnce'ye 'cumhurbaşkanına hakaret' suçundan 1 yıl 2 ay 17 gün hapis cezası [1 year 2 months and 17 days prison sentence for video activist and documentarist Oktay İnce over 'insulting the president'], MLSA - <https://www.mlsaturkey.com/tr/video-aktivist-ve-belgeselci-oktay-inceye-cumhurbaskanina-hakaret-sucundan-1-yil-2-ay-17-gun-hapis-cezasi/> (Accessed 06 January 2023)

¹⁰³ Sedef Kabaş için tahliye kararı [Sedef Kabaş released], MLSA - <https://www.mlsaturkey.com/tr/sedef-kabas-icin-tahliye-karari/> (Accessed 06 January 2023)

¹⁰⁴ Brother of Medeni Yıldırım who was one of the eight people who lost their lives because of security forces' excessive use of force during the Gezi Park Protests.

¹⁰⁵ Medeni Yıldırım adına açılan hesaptaki paylaşımlardan dolayı kardeşine 'cumhurbaşkanına hakaret' cezası [Prison sentence for 'insulting the president' for the brother over social media posts from an account in Medeni Yıldırım's name], MLSA - <https://www.mlsaturkey.com/tr/medeni-yildirim-adina-acilan-hesaptaki-paylasimlardan-dolayi-kardesine-cumhurbaskanina-hakaret-cezasi/> (Accessed 06 January 2023)

¹⁰⁶ Gerilla sanatçı İzinsiz'e 'cumhurbaşkanına hakaret' cezası [Prison sentence for guerilla artist İzinsiz for 'insulting the president'], MLSA - <https://www.mlsaturkey.com/tr/gerilla-sanatci-izinsize-cumhurbaskanina-hakaret-cezasi/> (Accessed 06 January 2023)

¹⁰⁷ Cumhurbaşkanı Erdoğan hakkında 'şaibe' ifadesini kullanan Sırrı Süreyya Önder'e 10 ay hapis [10 months prison sentence for Sırrı Süreyya Önder for using the word 'shady' about President Erdoğan], MLSA - <https://www.mlsaturkey.com/tr/cumhurbaskani-erdogan-hakinda-saibe-ifadesini-kullanan-sirri-sureyya-ondere-10-ay-hapis/> (Accessed 06 January 2023)

- a. On 22 January 2022, journalist Sedef Kabaş was arrested for “insulting the president”¹⁰⁸ after citing a proverb. Kabaş was held in pre-trial detention for 49 days until the first hearing of the trial held on 11 March 2022.
 - b. On 14 March 2023, a 70 years old man was arrested for “insulting the president” after having shared the remarks of journalist Sedef Kabaş. The Küçükçekmece 1st Criminal Judgeship of Peace ruled for arrest despite the fact that the 70 years old man has health problems.¹⁰⁹
 - c. On 11 November 2022, Cihan Kolivar, the president of the Turkish Union of Bread Producers was arrested for “insulting the president” after he was taken into custody over “degrading the Turkish nation” for saying “Bread is the staple food for stupid societies. Since our society is fed with bread, such rulers have been ruling it for 20 years.”¹¹⁰
90. Lastly, MLSA would like to specifically reply to the claims of the authorities in paragraph 536 as it may mislead the Committee. There is in fact an ongoing trial against 17 women who had attended the Feminist Night March held on 8 March 2021. 17 women have been charged with “insulting the president” and “directing, attending or organizing illegal demonstrations and marches (Article 28/1 of the Law no. 2911 on Demonstrations and Assemblies)”¹¹¹ Citing the slogans “**Tayyip run women are coming**” and “**Jump jump; if you don't jump you are Tayyip**” allegedly shouted by the protestors, the prosecutor requests imprisonment for each defendant.¹¹²

Conclusions and recommendations regarding Article 299 of the Penal Code

91. MLSA recommends that the Committee continue its supervision of Artun and Güvener Group of cases (Appl. No. 75510/01) as grave rights violations which stem from articles in this group continue.
92. MLSA further recommends that the Committee reiterate its call for the abolition of Article 299.

¹⁰⁸ The number of the arrest order of the İstanbul 10th Criminal Judgeship of Peace: 2022/131

¹⁰⁹ Kabaş'ın sözlerini paylaştı, cezaevine gönderildi [He shared Kabaş's remarks and was sent to prison], Deutsche Welle - <https://www.dw.com/tr/sedef-kaba%C5%9F%C4%B1n-s%C3%B6zlerini-payla%C5%9F%C4%B1-cezaevine-g%C3%B6nderildi/a-61183967> (Accessed 12 January 2023)

¹¹⁰ Since our society feeds with bread, such rulers have been ruling it for 20 years, Hürriyet Daily, <https://www.hurriyetdailynews.com/bakers-union-head-arrested-for-bread-remarks-178398> (Accessed 06 January 2023)

¹¹¹ Indictment number: 2021/21238

¹¹² 'Zıplamayan Tayyip' Davası: Feminist Gece Yürüyüşü'ne katılan kadınların yargılanmasına Mayıs'ta devam edilecek [If you don't jump, you are Tayyip Case: The trial of the women who attended the Feminist Night March will continue in May], MLSA - <https://www.mlsaturkey.com/tr/ziplamayan-tayyip-davasi-feminist-gece-yuruyusune-katilan-kadınların-yargılanmasına-mayista-devam-edilecek/> (Accessed 12 January 2023) (Case file no.: 2021/427)

E. Işıkrık Group of Cases (Appl. No. 41226/09)

1. Article 220/6 of the Turkish Penal Code

93. In their latest Action Plan (05/01/2023), the authorities claimed that the problems emanating from “the broad application” of Article 220/6 have been resolved through the 2013 amendment. (para. 587)
94. In the Turkish Penal Code, “committing an offence on behalf of an organisation without being a member (Article 220/6)” is listed under “offences against public peace.”
95. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in “offences against public peace” in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **11%**.¹¹³ The charge of “committing an offence on behalf of an organisation without being a member (Article 220/6)” constituted **9%** of the charges in the category of “offences against public peace.”
96. Contrary to the claims of the authorities, MLSA recorded that the article is still broadly applied and individuals are still charged with and sentenced on this article.
- Journalist Ruşen Takva was charged¹¹⁴ with “organizing or directing an illegal demonstration or march or attending such illegal events (Article 28/1 of the Law no. 2911)”, “failing to disperse despite being warned (Article 32/1 of the Law no. 2911)” and “committing an offense on behalf of a terrorist organization without belonging to the hierarchical structure of that organization (Article 220/6 of the Turkish Penal Code)” for having covered a march organized by the Democratic Union Party and the Peoples’ Democratic Party on 8 January 2021. The prosecutor presented Takva’s presence at the march as evidence for the charges. Adjudicating the case on 12 October 2021, the Van 2nd High Criminal Court acquitted the journalist, reasoning that there is no evidence to support the charges.¹¹⁵
 - The trial of journalists İrfan Tunççelik, Ümit Turhan Çoşkun and 11 Peace Mothers on “committing an offense on behalf of an organization without being a member of the organization” and “defying the Law no. 2911 on Assemblies and Demonstration” charges continues.¹¹⁶ Citing the protest held by the Peace Mothers on 10 May 2019 in front of the Bakırköy

¹¹³The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]

¹¹⁴ Indictment number: 2021/333

¹¹⁵ Gazeteci Ruşen Takva beraat etti [Journalist Ruşen Takva is acquitted], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-rusen-takva-beraat-etti/> (Accessed on 8 January 2022)

¹¹⁶ 11 Barış Annesi ve iki gazetecinin yargılandığı dava Şubat’a ertelendi [The trial of 11 Peace Mothers and two journalists adjourned until February], MLSA - <https://www.mlsaturkey.com/tr/11-baris-annesi-ve-iki-gazetecinin-yargilandiği-dava-subata-ertelendi/> (Accessed on 8 January 2022)

Women's Prison in order to draw attention to the hunger strikes in prisons at that time, the prosecutor argues that "the suspects gathered upon calls from the KCK/PKK terrorist organization."¹¹⁷

97. During the monitoring period, an İstanbul court imposed prison sentences based on this article:
- a. Activist Deniz Havuç: 3 years 1 month and 15 days¹¹⁸
 - b. Activist Serkan Okatan: 3 years 1 month and 15 days¹¹⁹
98. MLSA would like to share with the Committee that on 10/06/2021, the Constitutional Court ruled that Article 220/6 of the Turkish Penal Code does not satisfy the principle of legality and issued a pilot judgment. The Constitutional Court referred the relevant article to the Parliament so that "the structural problem" emanating from the article itself could be solved.¹²⁰ Despite the fact that the Constitutional Court gave the Parliament 1 year to solve the structural problem, there has not been any initiative in the Parliament in this regard. During the 1 year period, the Constitutional Court ceased being an effective remedy as individuals' applications were not taken up by the Constitutional Court due to the procedure of pilot judgment.

2. Article 220/7 of the Turkish Penal Code

99. In their latest Action Plan (05/01/2023), the authorities claim that with the amendment of Article 220/7 (aiding and abetting an organisation without belonging to its structure) in 2012 by Law no. 6352, the problem underlined by the European Court in the judgments has been eliminated." (para. 594)
100. In the Turkish Penal Code, "aiding and abetting an organization willingly and knowingly without belonging to its structure (Article 220/7)" is listed under "Offences against public peace."
101. In our Annual Trial Monitoring Report published in December 2022, MLSA recorded that the share of the charges grouped in "offences against public peace" in 210 freedom of expression trials monitored between 1 September 2021 - 20 July 2022 was **11%**.¹²¹ The charge of "aiding and abetting an organization willingly and knowingly without belonging to its structure (Article 220/7)" constituted 38% of the charges in the category of "offences against public peace."

¹¹⁷ Indictment number: 2021/11248

¹¹⁸ Case file number: 2017/322

¹¹⁹ Case file number: 2017/322

¹²⁰ Hamit Yakut judgment (Application number: 2014/6548), <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2014/6548>

¹²¹The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.7 [ANNEX 1]

102. During the monitoring period, 58 activists, 38 journalists and 13 politicians were tried on Article 220/7 charges.¹²²
103. As the lawsuits brought on Article 220/7 continue, first instance courts continue to sentence individuals on this article:
- Journalists Cihat Ünal (6 years 3 months), Ömer Özdemir (6 years 3 months), Osman Yakut (6 years 3 months), Olgun Matur (3 years 1 month 15 days)¹²³
 - Media employee Kemal Demir: 3 years 9 months¹²⁴
 - Journalist Nurcan Yalçın: 2 years 6 months¹²⁵
104. Articles 220/6 and 220/7 of the Turkish Penal Code are used interchangeably with Articles 7/1 and 7/2 of the Anti-Terror Law to stifle freedom of expression. MLSA would like to share with the Committee recent examples in this regard:
- In another case, journalist Nurcan Yalçın was initially charged with Articles 7/1 and 7/2 Anti-Terror Law for her visits to Rosa Womens' Association and her journalistic activities at JinNews.¹²⁶ The prosecution, however, not only failed to take into account the fact that Yalçın was a reporter at JINHA News Agency, but also the fact that Rosa Womens' Association is a legal and registered association. At the sixth hearing of the trial, the court sentenced journalist Yalçın on Article 220/7 arguing that her activities constitute the crime of "willingly and knowingly aiding an illegal organization without belonging to the hierarchical structure of the organization."
 - On 27 October 2022, the Turkish Medical Association (TTB) Central Council President Şebnem Korur Fincancı was arrested over the suspicion of "propaganda in favour of an illegal organization (Article 7/2 of Anti-Terror Law)" after she was targeted for her remarks on October 19th broadcast of a television show in which she stated that allegations of chemical weapon use by the Turkish army must be investigated at the scene by an impartial committee as per the Minnesota Protocol of the United Nations. On 9 November 2022, Korur Fincancı was indicted with "propaganda in favour of

¹²² The Cost of Freedom of Expression in Turkey: 299 years, 2 months, 24 days - Annual Trial Monitoring Report , p.13 [ANNEX 1]

¹²³ 'Antalya FETÖ/PDY Medya Yapılanması' davası karara bağlandı ['Antalya FETÖ/PDY Media Structure' Case is adjudicated], MLSA - <https://www.mlsaturkey.com/tr/antalya-feto-pdy-medya-yapilanmasi-davasi-karara-baglandi/> (Accessed on 12 January 2022) (Case file no.: 2018/216)

¹²⁴ TV10 çalışanlarından Kemal Demir'e 3 yıl 9 ay hapis cezası verildi [TV10 employee Kemal Demir is sentenced to 3 years 9 months in prison], MLSA - <https://www.mlsaturkey.com/tr/tv10-calisanlarindan-kemal-demire-hapis-cezasi-verildi/> (Accessed on 12 January 2022) (Case file no.: 2019/53)

¹²⁵ Gazeteci Nurcan Yalçın'a 2 yıl 6 ay hapis cezası [2 years 6 months prison sentence for journalist Nurcan Yalçın], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-nurcan-yalcina-2-yil-6-ay-hapis-cezasi/> (Accessed on 12 January 2022) (Case file no.: 2022/80)

¹²⁶ Gazeteci Nurcan Yalçın, 3 yıl 7 ay 22 gün hapis cezasına çarptırıldı [Journalist Nurcan Yalçın is sentenced to 3 years 7 months and 22 days in prison], MLSA - <https://www.mlsaturkey.com/tr/gazeteci-nurcan-yalcin-3-yil-7-ay-22-gun-hapis-cezasina-carptirildi/> (Accessed on 12 January 2022) (Case file no.: 2020/279)

an illegal organization (Article 7/2 of Anti-Terror Law).¹²⁷ On 11 January 2022, after being held in pre-trial detention for 75 days¹²⁸, Korur Fincancı was sentenced to 2 years 8 months 15 days in prison for “propaganda in favour of an illegal organization (Article 7/2 of Anti-Terror Law).”¹²⁹

- c. On 22 October 2022, during her speech at the election of Izmir Bar Association lawyer Aryen Turan called for the allegations of chemical weapon use by the Turkish army to be investigated as per the international conventions. After being targeted by pro-Islamist and pro-government newspapers, Turan was taken into custody on 3 November 2022 as she was leaving her office and held in police custody for a day.¹³⁰ On 7 November 2022, Turan was charged with “aiding and abetting an organisation without belonging to its structure.”¹³¹

Conclusions and recommendations regarding Article 220 of the Penal Code

105. MLSA recommends that the Committee continue its supervision of the Işıkırık Group of Cases (Appl. No. 41226/09) as rights violations stemming from the articles themselves continue.
106. MLSA further recommends that the Committee call upon the authorities to abolish Articles 220/6 and 220/7 of the Turkish Penal Code.

F. Appeal to the Court of Cassation

107. In their Action Plan (05/01/2023), the authorities noted an amendment that was introduced with Law No. 7188 which entered into force on 17 October 2019. The authorities stated that with Law No. 7188, convictions under certain crimes, including Articles 6/2 and 7/2 of the Anti-Terror Law and Articles 125, 215, 220/6 and 220/7, 299, 301 of the Turkish Penal Code, which previously could only be appealed before the district appellate courts, can be appealed before the Court of Cassation following the completion of proceedings by the District Court of Appeals. They argued that this provision will further ensure the conformity of the case-law in similar cases.
108. Although the aforementioned amendment seems to have extended the possibility of individuals to seek and claim their rights, it actually has rendered

¹²⁷ Indictment Number: 2022/8895

¹²⁸ Turkey: Arbitrary detention of Şebnem Korur Fincancı, FIDH - <https://www.fidh.org/en/issues/human-rights-defenders/turkey-arbitrary-detention-of-sebnem-korur-fincanci> (Accessed on 12 January 2022)

¹²⁹ Şebnem Korur Fincancı sentenced to prison, Frontline Defenders - <https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-sebnem-korur-fincanci-sentenced-imprisonment-granted-release-prison> (Accessed on 12 January 2022)

¹³⁰ Lawyer detained over 'chemical weapons' remark, Duvar English - <https://www.duvarenglish.com/lawyer-detained-over-chemical-weapons-remark-news-61499> (Accessed on 12 January 2022) (Case file no.: 2022/434)

¹³¹ Indictment Number: 2022/6350



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

hundreds of applications before the Constitutional Court and the European Court of Human Rights futile. The provision, which is allegedly supposed to ensure legal certainty to individuals, in practice has moved individuals further away from the access to the right to a fair trial by adding an additional stage before the fulfillment of the exhaustion of domestic remedies necessary for the application to the Constitutional Court and the European Court of Human Rights. The provision gives rise to violations of the right to be tried within a reasonable time, which is one of the requirements of the right to a fair trial.

109. The authorities deny that the provision prolonged the procedure with regards to the individual's right to legal remedies. On the contrary, they argue that the provision ensured a coherent legal practice with respect to cases involving freedom of expression. MLSA would like to point out that the authorities failed to present any tangible and statistical data to prove this claim.
110. In addition, MLSA would like to highlight that according to the latest numerical data provided by the Court of Cassation for 2021, it takes on average **389 days** for a case at the Penal Chambers of the Court of Cassation to be finalized.¹³² This means that the procedure of being able to access the Constitutional Court or the European Court of Human Rights is also prolonged on average by 389 days. This is considerably crucial for those who are imprisoned and are seeking domestic remedies. Those kinds of periods mean a serious violation of the right to a fair trial.
111. MLSA suggests requesting the authorities to explain what developments have taken place in the judiciary as a result of the provisions introduced with Law No. 7188. In line with this, MLSA would like to recommend the Committee to ask the authorities to provide concrete data, in particular statistical data, on the coherent legal practice that it claims to have been ensured by the amendments introduced with Law No. 7188.

G. High Level Political Messages

112. In their Action Plan (05/01/2023), the authorities claimed that "high level political messages have been uttered by the high level politicians in order to develop the freedom of expression in general in the country." (para. 696)
113. MLSA would like to point out that the statements cited by the authorities were neither sufficient nor credible in light of other high level political messages given in which Turkey's disrespect of ECtHR judgments was expressed and in light of the ongoing legal practices violating the case law of the ECtHR.

¹³² 2021 Yılı Ortalama Görülme Süresi, Republic of Turkey Court of Cassation, <https://www.yargitay.gov.tr/documents/2021YiliOrtalamaKararSureleri.xlsx> (Accessed on 14 January 2023)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

114. As a matter of fact, MLSA would like to share with the Committee some examples in which high level politicians actively undermined freedom of expression:

- a. As shared with the Committee above (para. 83a), journalist Sedef Kabaş was arrested for “insulting the president” after citing a proverb and was held in pre-trial detention for 49 days. Prior to the journalist's arrest, high level politicians, including the Presidency’s Spokesperson İbrahim Kalın, the Presidency’s Communication Director Fahrettin Altun and Minister of Interior Süleyman Soylu issued statements “condemning” the journalist.¹³³ Kabaş was arrested hours after the statement of Minister of Justice Abdülhamit Gül who said “I curse the ugly and impudent words that target our president, who was elected by the votes of our nation. These presuming and unlawful expressions arising from jealousy and hatred will find the response they deserve in the conscience of the nation and before justice.”¹³⁴
- b. As shared with the Committee above (para. 51a), singer Gülşen was arrested over a joke for “provoking the public to hatred, hostility, denigrating a section of the public” after a similar process. Prior to the singer’s arrest on 25 August 2022, high level politicians, including the Spokesperson of the governing Justice and Development Party (AKP) Ömer Çelik and the AKP Deputy Chair Numan Kurtulmuş accused the singer of “hate crime.”¹³⁵ The singer was arrested a couple of hours after the statement of Minister of Justice Bekir Bozdağ who “condemned” the singer and accused her of having a “backward mentality.”¹³⁶

115. MLSA would also like to share with the Committee that the practice of defying the judgments of the European Court of Human Rights at the highest level continued.

- a. On 2 February 2022, the Committee referred Osman Kavala’s case back to the European Court of Human Rights for the Court to decide if Turkey has violated Article 46/1 of the European Convention on Human Rights after insistently failing to implement the Court’s judgment. On 3 February 2022, President Recep Tayyip Erdoğan commented on the Committee’s decision and said “I am telling it simple and clear: We will not recognize those that

¹³³ Gazeteci Sedef Kabaş'ın açıklamasına tepkiler [Reactions to the statements of journalist Sedef Kabaş], DHA - <https://www.dha.com.tr/politika/gazeteci-sedef-kabasin-aciklamasina-tepkiler-1874384> (Accessed on 14 January 2023)

¹³⁴ Arrested journalist Sedef Kabaş files criminal complaint against justice minister, BiaNet - <https://m.bianet.org/bianet/law/256929-arrested-journalist-sedef-kabas-files-criminal-complaint-against-justice-minister>

¹³⁵ AK Parti'den şarkıcı Gülşen'e tepki [Reactions from the AK Party to singer Gülşen], Cnn Turk - <https://www.cnntrk.com/turkiye/ak-parti-sozcusu-celikten-sarkici-gulsene-tepki> (Accessed on 14 January 2023)

¹³⁶ Turkish popstar arrested over remarks about Islamic Imam Hatip schools, Duvar English - <https://www.duvarenglish.com/turkish-popstar-gulsen-arrested-over-remarks-about-islamic-imam-hatip-schools-news-61172> (Accessed on 14 January 2023)



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

do not recognize our own courts. There is a decision handed down by our courts; in this case, it does not concern us what the ECHR or the Council of Europe say. We expect that they respect our courts. If they do not show respect to our courts, we won't respect theirs as well.”¹³⁷

- b. On 28 April 2022, three days after Mr. Kavala was sentenced to aggravated life in prison on the same evidence that the European Court of Human Rights deemed to be insufficient to support the charges, President Erdoğan claimed that the Kavala case is “no longer the ECtHR's business.”¹³⁸

116. We would like to bring to the attention of the Committee that those statements damage the citizens' trust in the justice system and create political pressure on the judiciary.

V. EXPLANATIONS ON MLSA'S DATA

117. With regards to the data presented in our previous communication dated 16 January 2022, and the present communication, we would like to reply to claims by the authorities. In their submission dated 25 January 2022, the authorities claimed that our previous communications included speculations, ungrounded statistics, exaggerated and political comments.

118. The authorities failed to provide any hard data to support this allegation. The information presented in our communication dated 16 January 2022 and in the present communication, relies on concrete and up-to-date data resulting from trial monitoring. The statistical data we present is reliable and can be confirmed by the Ministry of Justice.

119. The trial monitoring follows a fixed, transparent methodology. Court monitors gather information in trial hearings according to a standardized trial monitoring form. The form is prepared in light of the guides and advice shared by several organizations such as the Organization for Security and Co-operation in Europe (OSCE)¹³⁹, Amnesty International¹⁴⁰, International Commission for Jurists

¹³⁷ Turkey will not respect Council of Europe's ruling on Osman Kavala, says Erdoğan, Duvar English - <https://www.duvarenglish.com/turkey-will-not-respect-council-of-europes-ruling-on-osman-kavala-says-erdogan-news-60291> (Accessed on 15 January 2023)

¹³⁸ Kavala case no longer ECtHR's business after Gezi verdict, says Erdoğan, BiaNet - <https://m.bianet.org/english/politics/261201-kavala-case-no-longer-ecthr-s-business-after-gezi-verdict-says-erdogan> (Accessed on 15 January 2023)

¹³⁹ Organization for Security and Co-operation in Europe, Trial Monitoring: A Reference Manual for Practitioners (2012) <https://www.osce.org/odihr/94216>

¹⁴⁰ Amnesty International, Fair Trial Manual – Second Edition (2014), <https://www.amnesty.org/en/documents/pol30/002/2014/en/>



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

(ICJ)¹⁴¹ and Solicitors International Human Rights Group (SIHRG)¹⁴². The monitors who fill in this form are almost exclusively court reporters who are not only well versed in the legal jargon but are also trained for monitoring trials. The standardized method of data collection allows for reliable observation of fair trial indicators and results that can be compared over different time periods. As of September 2022, MLSA monitored 1042 hearings of 582 trials and has thus built reliable experience and know-how in justice monitoring. MLSA live-tweets and publishes an article following every monitored hearing to guarantee the transparency of its data. The data is prepared and published in regular trial monitoring reports.

120. Despite our trial monitoring data being limited in scope since it is not possible to monitor all freedom of expression trials, it shows that people are prosecuted and tried on the accusations which concern these groups of cases. Though for some articles conviction rates may be low, they are nonetheless continued to be employed to intimidate journalists, politicians, activists and stifle freedoms of expression and the press. Journalists are continually harrassed through lawsuits for their news reports and even social media posts. Especially in the case of Article 299 of Turkish Penal Code, prosecutors and local courts do not abide by the ruling of the European Court of Human Rights (*Vedat Şorli vs. Turkey*) as they continue to prosecute and convict individuals for statements which are well within the confines of freedom of expression.

VI. CONCLUSIONS AND RECOMMENDATIONS

121. The mentioned issues provide a general framework regarding the group of cases requested to be closed and the problems they point to. The problem remains general, current and beyond the specific circumstances of these cases and despite few positive judgments by first instance courts.
122. Though in their Action Plan, the authorities portray that acute problems regarding these groups of cases are about the application of these articles, it is clear that articles themselves are the sources of ongoing problems.
123. Given the arguments set out above, MLSA kindly requests the Committee to:
- continue the supervision on the execution of the Öner and Türk, Şener, Akçam, Artun and Güvener, Işıkırık groups of cases under enhanced procedure.

¹⁴¹ International Commission for Jurists, Trial Observation Manual for Criminal Proceedings (2009), <https://www.icj.org/wp-content/uploads/2009/07/trial-observation-manual-Human-Rights-Rule-of-Law-series-2009-eng.pdf>

¹⁴² Solicitors' International Human Rights Group, A Straightforward Guide for Criminal Court Trial Observers (2017), <https://drive.google.com/file/d/0B5isV6AyVcS3aFJaS1hCVUo2R1k/view?usp=sharing>



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği

- b. re-examine these groups of cases at a future CM-DH agenda and more frequently.
- c. request the authorities to revise their action plan so that they address structural problems arising from the legislative frameworks as identified by the ECtHR in these groups of cases.
- d. follow the development of legal amendments with regards Article 301 of Turkish Penal Code and constantly monitor the actions of the authorities in that regard.
- e. reiterate its demands for amendments to Article 125 of the Turkish Penal Code and the abolition of Articles 220/6, 220/7 and 299 of the Turkish Penal Code.
- f. urge the authorities to consider amending Article 6 of Anti-Terror Law so that it cannot be employed to intimidate investigative journalism.
- g. examine the relevant legislative changes and the judicial practices in Turkey in these areas frequently and regularly, considering the importance of freedom of expression and the press for a democratic society. In doing so, the supervision mechanism will be strengthened.
- h. persistently request the authorities to provide up-to-date and detailed statistics on criminal investigations and prosecutions related to freedom of expression and the press, and to provide comments on these statistics. In particular, we recommend requesting detailed data on the lengths of trials, numbers of investigations and prosecutions under Articles 6/2 and 7/2 of the Anti-Terror Law.
- i. reiterate its call for strong high-level political messages from the authorities in which they express that they respect and stand behind the decisions of higher courts, underline the value of freedom of expression, and call on and appraise judges and prosecutors on the application of criminal law in compliance with the right to freedom of expression.
- j. considering the absence of progress in the implementation of these groups of cases, as well as the repeated and extensive use of these legal provisions in order to target journalists, media employees and other persons exercising freedom of speech, the Chair of the Committee should send a letter to the Minister of Justice of Turkey regarding the non-implementation of these groups of cases.

APPENDIX

ANNEX 1: MLSA Annual Trial Monitoring Report

THE COST OF FREEDOM OF EXPRESSION IN TURKEY: **299 YEARS, 2 MONTHS AND 24 DAYS**

1 September 2021 – 20 July 2022
Trial Monitoring Report

DGI

19 JAN. 2023

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH



Norwegian Ministry
of Foreign Affairs

M|SA

Media and Law Studies Association
Medya ve Hukuk alıřmaları Derneđi



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.

Turkey

TABLE OF CONTENTS

Introduction 1

Executive Summary 2

Overview of the Trials 4

 1.1. Cities where the hearings were held 4

 1.2. Courts hearing the cases 4

 1.3. Trials by the number of defendants 5

 1.4. Defendants by occupation 6

 1.5. Charges leveled against the defendants. 7

 1.6. Evidence cited for the charges. 16

Cases Adjudicated 23

 2.1. Prison sentences 23

 2.2. Judicial fines. 33

 2.3. Compensation lawsuits 33

 2.4. Acquittal decisions. 34

 2.5. Joinder and separation decisions. 49

 2.6. Dismissal decisions 49

 2.7. Lack of jurisdiction decisions 49

Additional Notes by Trial Monitors Concerning the Right to a Fair Trial 50

 3.1. Punctuality of the hearings 50

 3.2. Court monitors’ access to the courtroom. 52

 3.3. Changes of judges. 53

 3.4. Changes in the panels of judges 53

 3.5. Pre-trial detention 54

 3.6. The right to be present at hearings 55

 3.7. Judicial control and protection measures 57

 3.8. Hearing notes of court monitors concerning the right to a fair trial 59

 3.8.1. The manner of judges 59

 3.8.2. Presence of police officers in the courtroom 62

 3.8.3. Unlawful evidence 64

 3.8.4. Lengthy trials 64

 3.8.5. Irregularities in the prosecutors’ final opinions. 65

 3.8.6. The Gezi Trial. 66

The hearings monitored between September 1 2021 – July 20 2022 68

About MLSA

Founded as a non-profit in December 2017, the Media and Law Studies Association (MLSA) defends and promotes freedom of expression, freedom of the press and the right to information in Turkey. MLSA combines legal support and advocacy work for mainly journalists but also rights defenders, academics, activists, lawyers and other professional groups, regardless of their popularity level or ideology. Our core activities are combined with the implementation of professional trainings for lawyers, mentorship programs for journalists, the creation of writing opportunities for independent and unemployed journalists, and the monitoring of internet censorship. Last but not least, MLSA conducts Turkey's most extensive trial monitoring program in which trials concerning freedom of expression and assembly are systematically monitored. The data presented in this report is the result of the monitoring period from September 2021 to July 2022.

Trial monitoring coordinator & author: Mümtaz Murat Kök

Regular trial monitor İstanbul: Eylem Sonbahar

Regular trial monitor Diyarbakır: Deniz Tekin

MLSA trial monitors: Ali Haydar Gözlü, Barış Kop, Çiçek Tahaoğlu, Dilara Açıkıldız, Dilşen Kilim, Eda Narin, Elif Akgül, Engin Korkmaz, Erdem Dayser, Esra Koçak Mayda, Ferhat Parlak, Mahkum Abi, Seda Taşkın, Şenol Balı, Sevda Aydın, Sibel Yükler, Yasin Kobulan, Zeki Dara

Trial monitoring is a team effort. It would not be possible without our pool of trial monitors who at times shoulder long travels to courthouses, hours of waiting for delayed hearings, burdensome security procedures in the courthouse, tight hearing schedules and many more challenges coming along with this activity.



Norwegian Ministry
of Foreign Affairs



Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği



FRIEDRICH NAUMANN
FOUNDATION For Freedom.

Turkey

This report has been published with support by the Royal Norwegian Ministry of Foreign Affairs and the Turkey Office of the Friedrich Naumann Foundation for Freedom. The views expressed here are solely those of the Media and Law Studies Association and therefore do not in any way represent the views of the Royal Norwegian Ministry of Foreign Affairs or the Friedrich Naumann Foundation for Freedom.

Introduction



The Media and Law Studies Association (MLSA) has been running its freedom of expression trial monitoring program since June 2018 in cooperation with numerous international partners. As of September 2022, MLSA has monitored a total of **1042 hearings of 582 trials**.

The aim of the program is to record the compliance of domestic courts with the right to a fair trial in cases concerning freedom of expression, the press and the right to assembly. The right to a fair trial has been determined to be an indispensable human right and guaranteed not only by the Constitution of Turkey but also by international covenants and treaties such as the Universal Declaration of Human Rights, the European Convention of Human Rights and the International Covenant on Civil and Political Rights.

The data used in this report were gathered through a standardized trial monitoring form which court monitors fill out following every hearing. The form was prepared in light of the guides and advice shared by several organizations such as the Organization for Security and Co-operation in Europe (OSCE), Amnesty International, the International Commission of Jurists (ICJ) and the Solicitors International Human Rights Group (SIHRG). The monitors whom MLSA cooperates with are court reporters who are not only well versed in the legal jargon, but are also trained and well experienced in monitoring hearings.

Between September 1, 2021 and July 20, 2022, the trial monitoring program was supported by **the Royal Norwegian Ministry of Foreign Affairs and the Turkey Office of the Friedrich Naumann Foundation for Freedom**.

Executive Summary

Between September 1, 2021 and July 20, 2022¹, MLSA, which has been running the most extensive trial monitoring program in Turkey since 2018, has monitored more hearings than in any previous monitoring period. Providing a comprehensive overview of this busy period, the present report conclusively shows that the systematic violations of the exercise of freedom of expression in Turkey continue. The findings of the report can be summarized as follows:

- **446 hearings** of **210 trials** held in 23 different cities were monitored by 22 court monitors. **1398 people stood trial** in the cases monitored.

**September 1, 2021 –
July 20, 2022**

210 Trials 1398 People
22 Court Monitors
446 Hearings
23 Different Cities

- Many individuals, most of whom are activists, students, journalists and politicians continue to be tried and sentenced on the grounds of law articles which the European Court of Human Rights found to be the source of systematic rights violations in its judgments under the *Öner & Türk v. Türkiye*, *Nedim Şener v. Türkiye*, *Altuğ Taner Akçam v. Türkiye* and *Artuğ & Güvener v. Türkiye* groups of cases.

- As it was the case in previous monitoring periods, terrorism-related charges constituted the majority of the charges in this period as well. Journalists were the only defendants in 46 out of 62 cases in which “making propaganda for a terrorist organization” was among the charges leveled. Also, in 38 out of 44 cases in which “membership in a terrorist organization” was among the charges leveled, journalists were the only defendants.

- **News reports, articles, and photographs** taken by the defendants as well as **statements and social media posts** of the defendants constituted the majority of the evidence cited against the defendants during this period.

- **The right to peaceful assembly and demonstration without prior permission**, which is guaranteed by the Constitution and international conventions, **has been increasingly criminalized** via lawsuits in which charges stipulated in the **Law no. 2911 on Demonstrations and Assemblies** are leveled against individuals. In the majority of these cases, demonstration bans previously imposed by the authorities “for national security, public order, to prevent crimes being committed, to protect public health and public morals or the rights and liberties of others” as per Articles 17 and 19 of the Law no. 2911, were cited as evidence against the defendants. The bans imposed for the prevention of the spread of COVID-19 were also cited as evidence.

- A radical increase has been recorded in the prison sentences handed down during this period. This illustrates the pressures on freedom of expression and the will of the courts to punish those who exercise this freedom in line with the changing political conjuncture. **67 people tried in 41 trials were sentenced to a total of 299 years, 2 months and 24 days in prison.** What is not reflected in this number is the life sentence given to journalist **Rojhat Dođru** and the aggravated life sentence given to human rights defender **Osman Kavala**.²

- An increase has been recorded in the acquittals handed down during this period. **226 people were acquitted in 51 of the monitored cases.** While a high rate of acquittals is of course to be evaluated positively, at the same time it shows that criminal investigations concerning freedom of expression are turned into lawsuits too easily. Defendants who are acquitted eventually nevertheless have to burden the regularly lengthy trial process and the entailing risk of a sentence.

¹The monitoring period follows the judicial calendar which is marked by judicial holidays in summer.

²Turkish law does not stipulate an equivalent in terms of years for life sentences in prison; therefore, these two sentences could not be reflected in the calculation of total prison years to which defendants were sentenced in freedom of expression cases in this monitoring period.

• The data presented in this report show that judicial control measures imposed upon defendants during this period were arbitrary and disproportionate when evaluated against the criteria set out in the Criminal Procedure Code. In almost identical cases in which defendants faced similar charges, courts rendered opposite decisions in terms of judicial control measures. In many cases in which courts ruled to continue the judicial control measures imposed on defendants, they failed to take into account the need for these measures to be proportionate.

• As in the Gezi Trial, which attracted a lot of public attention, judges and prosecutors in many cases acted in a manner which constituted a violation of the right to a fair trial. It has been observed that at times, judges handed down controversial rulings ignoring the precedents set by other courts, including the Constitutional Court and the European Court of Human Rights. In many cases, prosecutors requested sentences in their final opinions in which they disregarded evidence in favor of the defendants.

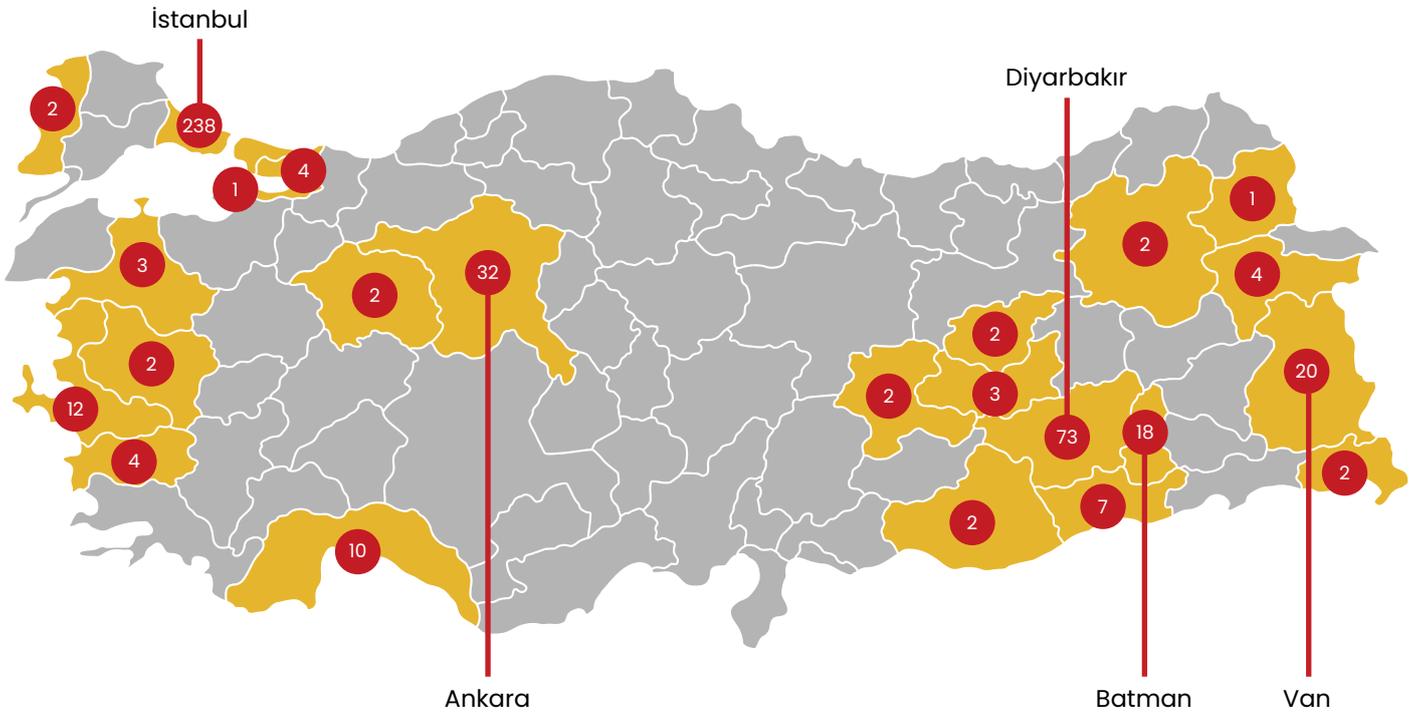
Indicators	June - December 2018	February 2019 - March 2020	June - December 2020	January - July 2021	September 2021 - July 2022
Imprisoned journalists and media employees	148	95	66	60	59
Number of trials monitored	71	169	132	98	210
Number of hearings monitored	82	319	195	147	446
Number of defendants in pre-trial detention	44	53	6	3	12
Number of journalists tried	70	98	277	225	318
The overall ratio of terrorism-related charges	%72	%61	%46	%58	%38
The ratio of TPC Article 125 charge	-	%7	%5	%17	%7
The ratio of TPC Article 299 charge	%7	%10	%10	%25	%10
The ratio of TPC Article 301 charge	-	-	%0,5	%1	%4
The ratio of TPC Article 216 charge	-	-	%5	%3	%3
Total prison sentences (year)	-	18	52	21	299
The number of cases ended with acquittal	12	6	17	16	51

*TPC stands for the Turkish Penal Code

1. Overview of the Trials

1.1. Cities where the hearings were held

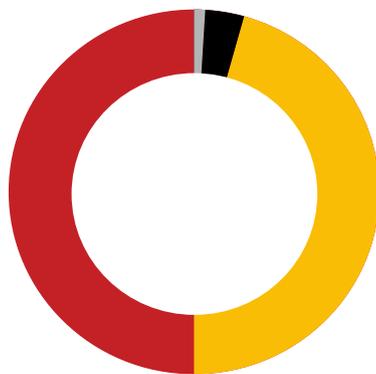
22 MLSA observers monitored 446 hearings of 210 trials in 23 different cities. In 55 out of the 210 trials, first hearings were held during this period.



1.2. Courts hearing the cases

102 out of the 210 trials monitored were held in High criminal courts which are tasked as per Law no. 5235 on the Establishment, Duties and Jurisdiction of First Instance Judicial Courts and Regional Courts of Justice to hear "cases which involve

crimes stipulating an aggravated life sentence, life sentence and prison sentences of more than 10 years." In 66 out of the 102 cases heard by high criminal courts, journalists were on trial. 103 trials were held in criminal courts of first instance.



- Criminal court of first instance (49%)
- High criminal court (48,6%)
- Civil court of first instance (1,9%)
- Commercial court of first instance (0,5%)

Distribution of the courts hearing the cases

1.3. Trials by the number of defendants

1398 people stood trial in the 210 trials monitored during this period.

The trial with the most defendants was the trial of 97 students who were taken into police custody during a protest organized under the hashtag #bundansonrasıbizde [We got this] in support of their friends who were taken into police custody during a previous protest organized after President Recep Tayyip Erdoğan appointed Melih Bulu as the rector of the Boğaziçi University. The 97 students stood trial for “defying the Law no. 2911 on Demonstrations and Assemblies.”

Number of defendants	Number of trials
1 defendant	120
2 and more defendants	31
5 and more defendants	19
10 and more defendants	8
15 and more defendants	12
20 and more defendants	8
30 and more defendants	7
40 and more defendants	4
75 and more defendants	1
Total	210

Table 1: Trials by the number of defendants

In **3 trials**, the courts have ruled to separate the case files of **37 defendants** from the case files of the trials monitored. As the reason for their decision, the courts cited the current stage of the trial with respect to those defendants whose files were separated.³

³In the calculation of the number of defendants, the defendant numbers of the cases before the separation decision were taken as the basis because either the new cases were not monitored after the separation of their files or no hearings of the new cases were held during this monitoring period.

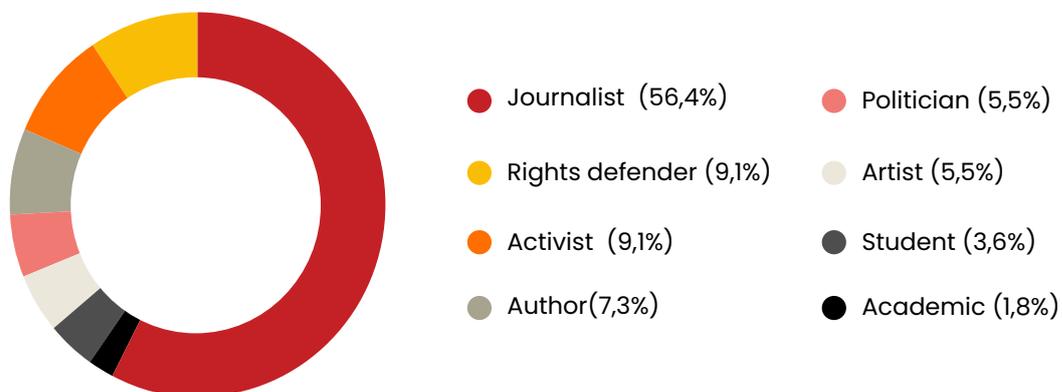
1.4. Defendants by occupation

Activists, journalists and students constituted the majority of the people tried in cases monitored during his period.

Occupation	Number of defendants
Physician	2
Academic	6
Media employee	6
Artist	16
Rights defender	21
Author	23
Unemployed	25
Lawyer	39
Politician	124
Other	135
Student	292
Journalist	318
Activist	391
Total	1398

Table 2: Defendants by occupation

In **31** out of the 55 cases whose trial process began during this period, a total of **47** journalists stood trial.



Distribution of the occupation of those against whom a lawsuit was brought during the monitoring period

“

Considering that the freedom of political debate is ‘the essential principle of all democratic systems’, it is especially imperative to accord a special importance to freedom of political speech like the ones in the application in question which criticize political policies and politicians, which take up political policies and statements in a critical manner compared to other forms of expression.

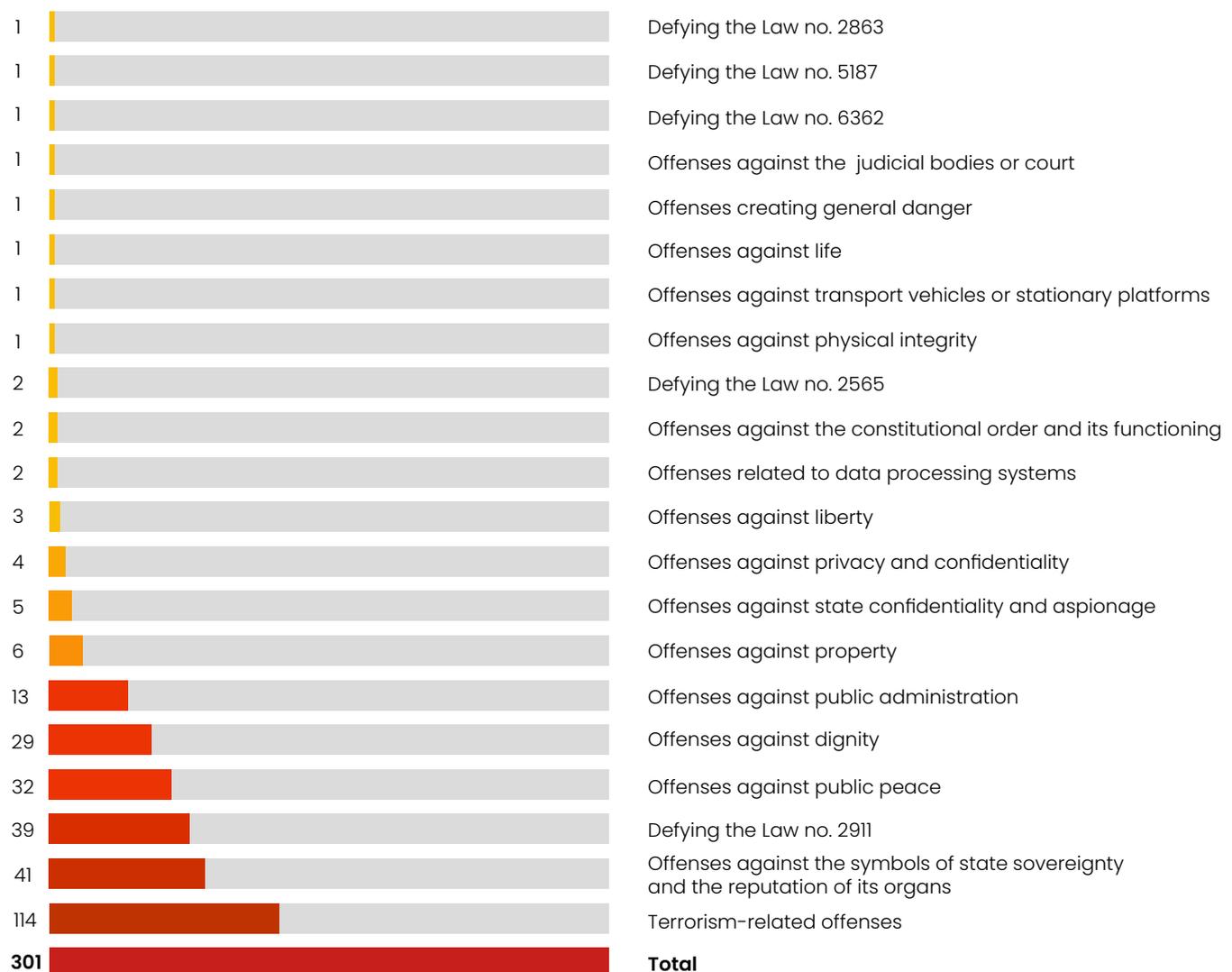
”

As it can be seen in the *Tansel Çölaşan* (quoted on the left) and *Bekir Çoşkun* judgments of the Constitutional Court, political speech has a distinct significance in terms of freedom of expression. In its *Lingens v. Austria*, (Application no No: 9815/82, 08.07.1986, § 41-42) and *Jerusalem v. Austria* (Application No: 26958/95, 27.02.2001) judgments, the European Court of Human Rights dictates minimally invasive interventions when it comes to political speech and stipulates tighter supervision of states in the application of such interventions. Despite the case law of the European Court of Human Rights and the Constitutional Court, 124 politicians were tried in cases monitored during this period. Politicians, like journalists, were mostly tried in high criminal courts.

1.5. Charges leveled against the defendants

Aside from 5 so-called “Strategic Lawsuits against Public Participation” (SLAPPs)⁴ of which hearings were held during this period, **301 charges in 22 different categories** were leveled against 1393 people tried in 205 separate cases.

Number of charges according to the categories



⁴ SLAPPs are excluded in the calculation of charges because in the traditional sense of the concept, SLAPPs are often heard in civil or commercial courts in Turkey. The cases are initiated upon the petition of the plaintiffs in which the plaintiffs present their claims, complaints and compensation requests to the court. These claims and complaints are not considered as charges even if the court decides to hear the parties. In fact, the distinction is so clear that in some cases civil or commercial courts inquire if there is a criminal case against the libellee and may choose to wait for the finalization of the criminal case.

Terrorism-related charges were among the charges leveled against defendants in **90 separate trials** monitored during this period. With a ratio of **38%** and accounting for **114** out of 301 charges leveled during this period, terrorism-related charges made up the largest category of charges.



- Making propaganda for a terrorist organization (53,9%)
- Membership in a terrorist organization (39,1%)
- Disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets (4,3%)
- Printing or publishing the leaflets and declarations of terrorist organizations (1,7%)
- Defying the Law on the Prevention of the Financing of Terrorism (0,9%)

Distribution of terrorism-related charges

The charge of “making propaganda for a terrorist organization” as stipulated in Article 220/8 of the Turkish Penal Code and Article 7/2 of the Anti-Terror Law no. 3713, was among the charges leveled against defendants in **62** cases. In **46** out of these 62 trials, journalists were on trial.

Occupation	Number of defendants
Academic	1
Artist	4
Media employee	5
Author	5
Lawyer	9
Other	9
Rights defender	10
Politician	30
Activist	94
Journalist	143
Total	310

Among those who faced the charge of “making propaganda for a terrorist organization” were also:

- The Co-Chair of the Human Rights Association (İHD) **Eren Keskin** because she had tweeted to wish well for Amedspor FC player Deniz Naki, who was assaulted by armed assailants in 2018, and because of her statements in a speech she gave at the panel titled “Law, Human Rights and Dersim” in 2019.
- Lawyer and human rights defender **Nurcan Kaya** because of her tweets between 2016 and 2019.

Table 3: The occupations of those who faced the “propaganda” charge

The charge of “membership in a terrorist organization” as stipulated in Articles 220/2 and 314/2 of the Turkish Penal Code and Article 7/1 of the Anti-Terror Law no. 3713, was among the charges leveled against individuals tried in 44 cases. In **38** out of these **44** trials, journalists were on trial.

Occupation	Number of defendants
Rights defender	1
Artist	1
Media employee	2
Author	3
Lawyer	9
Other	10
Politician	46
Activist	94
Journalist	132
Total	298

Table 4: The occupations of those who faced the “membership” charge

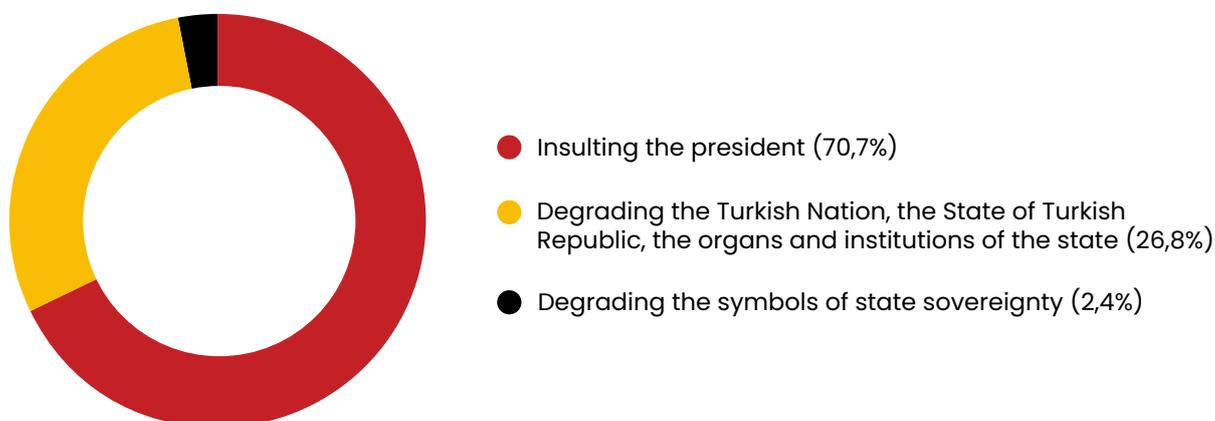
Among those who faced the charge of “membership in a terrorist organization” during this period were also:

- The Co-Chair of the Human Rights Association (İHD) **Öztürk Türkdoğan** because of his activities as a human rights defender and eight news articles which mentioned him and were published in ANF between 2015 and 2020.
- Exiled musician **Ferhat Tunç** because of his social media posts about “the Operation Olive Branch”; a 2018 military operation carried out by Turkey in Syria.
- Author and poet **Meral Şimşek** because of her poems which she had shared on social media, numerous writings found on her computer, and awards on which congratulatory messages in Kurdish were inscribed.

In **5 separate cases, 10 journalists** appeared before court facing the charge of “disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets” stipulated in Article 6/1 of the Anti-Terror Law no. 3713:

- Citing their news articles about the murder investigation of Berkin Elvan who was killed by the police during the Gezi Park protests, the prosecution claimed that journalists **Canan Coşkun, Ali Açar** and **Cansever Uğur** pointed the witness police officer Emin Yıldız as “a target for numerous leftist terrorist organizations,” notably the Revolutionary People’s Liberation Party/Front [DHKP-C]). The journalists were acquitted on October 7, 2021.
- Citing the social media post in which journalist **Buse Söğütlü** criticized the Presiding Judge of the İstanbul 37th High criminal court Akin Gürlek because of his attitude towards the lawyers of the Progressive Lawyers Association (ÇHD) and the People’s Legal Office (HHB) who were on trial in his court, the prosecution claimed that journalist Söğütlü pointed judge Gürlek “as a target for the DHKP-C terrorist organization and many other marginal leftist organizations.” Different from the other Article 6/1 cases during this period, the prosecutor who had indicted journalist Söğütlü referred to Article 314/2 of the Anti-Terror Law and requested that she be sentenced as “a member of the organization” even though “membership in a terrorist organization” was not among the charges leveled against her. At the seventh hearing of the trial held on February 3, 2022, Söğütlü was acquitted. However, the İstanbul 23rd High criminal court, which heard the case, decided to file a criminal complaint against Söğütlü for “insulting a public official.”
- Citing the news article published on Cumhuriyet daily on April 14, 2020 and titled “Boğaz’da Kaçak Var [Illegal construction at the Bosphorus],” the prosecution claimed that journalists **Hazal Ocak, Olcay Büyüктаş Akça, İpek Özbey** and **Vedat Arık** pointed the Presidency’s Head of Communications Fahrettin Altun as “a target of the activities of the terrorist organizations” by “taking the photo of an area where Altun’s home also is and by publishing his open address without permission.” The court has yet to accept the defense’s request for the court to issue a writ to the Ministry of Internal Affairs so that the status of Fahrettin Altun in the fight against terrorism can be determined. The prosecutor, however, did not wait for this request to be fulfilled and presented his final opinion as to the accusations. The prosecutor requested that the journalists be sentenced for the offense they have been charged with arguing that “Considering his statements against terrorist organizations, it has been understood that Fahrettin Altun takes part in the fight against terrorism.” The case which was brought upon Fahrettin Altun’s complaint still goes on.
- Citing a tweet journalist **Ahmet Kanbal** had shared on his personal account and in which Kanbal, with a reference to General Musa Çitil, quoted a news article about specialized sergeant Musa Orhan who has been sentenced to 10 years in prison for sexually assaulting 18-year old İpek Er and driving her to suicide, the prosecution claimed that Kanbal pointed Çitil “who took part in the operations carried out in Diyarbakır’s Sur district against the armed activities of the PKK/KCK armed terrorist organization” as a target. In the indictment, the prosecutor also reminded that Musa Çitil was tried in a case similar to Musa Orhan’s but was acquitted. At the third hearing held on March 2, 2022, the court sentenced journalist Kanbal to 1 year 3 months in prison.
- Citing the December 15, 2021 article published in the Kadın [Woman] supplement of the Yeni Yaşam daily, the prosecutor claimed that the former editor-in-chief **İnci Aydın** pointed General Musa Çitil as “a target for the PKK/KCK terrorist organization.” In the indictment which was prepared after a criminal complaint by Çitil, the prosecutor argues that because of his duties Çitil “has always been subjected to accusations and slander by the PKK and its sympathizers” and claims that journalist Aydın committed the offense she has been charged with by allowing the publication of the article written by the Batman MP and Women’s Assembly Spokesperson of the Peoples’ Democratic Party (HDP) Ayşe Acar Başaran. Başaran wrote about the case of Garibe Gezer who had lost her life in prison under suspicious circumstances after officially reporting that she was tortured and raped by prison guards. In the article Başaran argued that prison rape has come to be used as a method of special warfare ever since the Musa Çitil case.

Following terrorism-related charges, “offenses against the symbols of state sovereignty and the reputation of its organs” was the second largest category of charges with a ratio of **14%**. Individuals tried in **37 separate cases** faced **41 charges** in this category.



Distribution of the charges in the ‘offenses against the symbols of state sovereignty and the reputation of its organs’ category

The “insulting the president” charge stipulated in Article 299 of the Turkish Penal Code which, in its *Vedat Şorli v. Türkiye* (App. no. 42048/19) judgment, the European Court of Human Rights found to be “incompatible with the spirit of the Convention” constituted the majority of the charges in this category. **34** people tried in **29 separate cases** were accused of insulting President Recep Tayyip Erdoğan. 18 among them were journalists.

Occupation	Number of defendants
Author	3
Artist	4
Politician	4
Activist	5
Journalist	18
Total	34

Table 5: The occupations of those who faced the “insulting the president” charge

25 people appeared before courts in **10 separate trials** for “degrading the Turkish Nation, the State of the Republic of Turkey, the organs and institutions of the state.” It is relevant to note that in its *Altuğ Taner Akçam v. Türkiye* (App. no. 27520/07) judgment, the European Court of Human Rights found the relevant Article 301 of the Turkish Penal Code to be lacking the “quality of law” because of its “unacceptably broad terms” which “result in a lack of foreseeability as to its effects.”

Occupation	Number of defendants
Rights defender	1
Artist	2
Politician	2
Journalist	9
Lawyer	11
Total	25

Table 6: Occupational distribution of defendants tried on the grounds of Article 301

Among those who faced the charge of “degrading the Turkish Nation, the State of the Republic of Turkey, the organs and institutions of the state” during this period were also:

- The former President of the Diyarbakır Bar Association **Ahmet Özmen** and the former Board Members **Sertaç Buluttekin, Serhat Eren, Nahit Eren, Mahsum Batı, Nuşin Uysal İkinci, Cihan Ülsen, Muhammet Neşet Gırasun, İmran Gökdere, Velat Alan** and **Ahmet Dağ** because of the association’s activities and because of the words “Kürdistan” and “Armenian Genocide” in rights violations reports and press statements of the association,
- **Actor İlyas Salman** because of his remarks in an interview published on the YouTube channel of YolTV on January 23, 2021,
- The Secretary of the Diyarbakır Provincial Coordination Board of the Union of Chambers of Turkish Engineers and Architects (TMMOB) **Doğan Hatun** because of his remarks during a press statement made on July 14, 2020 against the decision to open public lands for further development.

In the case in which he faced the charge of “insulting the president”, guerilla artist **İzinsiz** also faced the charge of “degrading the Turkish flag” because of his February 2020 intervention to the İstanbul painting of artist Devrim Erbil which was displayed in a construction site in Kabataş, İstanbul. At the seventh hearing of the trial held on June 15, 2022, İzinsiz was acquitted of this charge after an expert’s report determined that his intervention did not constitute an offense.

The third largest category of charges was with **13%** “defying the Law no. 2911.” **800 defendants** faced this charge in **39 separate trials**. In **22** out of these 39 trials, individuals faced only the charge of “defying the Law no. 2911 on Demonstrations and Assemblies.”

Occupation	Number of defendants
Author	1
Academic	2
Doctor	2
Artist	2
Rights defender	6
Lawyer	8
Unemployed	25
Journalist	29
Politician	51
Student	61
Activist	285
Activist	328
Total	800

Table 7: Occupational distribution of defendants facing the charge of “defying the Law no. 2911”

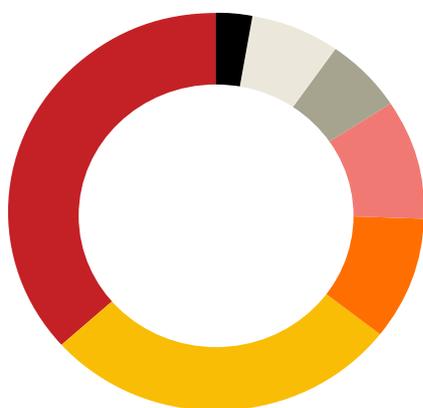
Article 34 of the Constitution guarantees that “Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.” Despite this, **328 activists in 39 separate trials, 285 students in 17 separate trials, and 51 politicians in 10 separate trials** were charged with Article 32/1 of the Law no. 2911 on Demonstrations and Assemblies which stipulates prison sentences for “attending illegal assemblies and marches unarmed and failing to disperse after being warned.”

9 out of the 17 cases in which 285 students appeared before courts were opened against those who attended the protests started after President Recep

Tayyip Erdoğan’s appointment of a new rector to the Istanbul Boğaziçi University

The only charge falling into the category of “offenses against public administration” was “prevention of duty” which is stipulated in Article 265 of the Turkish Penal Code. This charge was leveled against **187** people tried in **13** separate cases. In **9** out of these 13 cases, the defendants were also charged with “attending illegal assemblies and marches unarmed and failing to disperse after being warned.”

Charges falling into the category of “offenses against public peace” were leveled against **275 people** tried in **28 separate cases**.



Distribution of the charges in the ‘offenses against public peace’ category

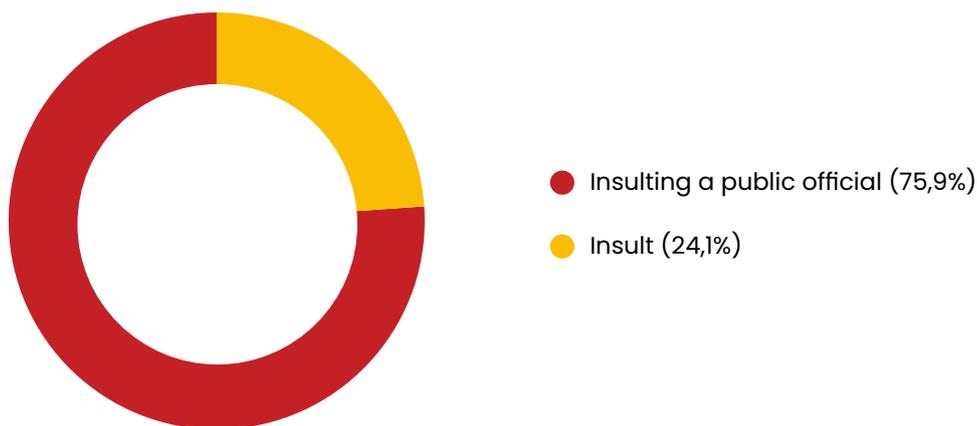
- Aiding and abetting an organization willingly and knowingly (37,5%)
- Inciting the public to hatred and hostility (28,1%)
- Praising an offense and offender (9,4%)
- Committing an offense on behalf of an organization without being a member of the organization (9,4%)
- Provoking to commit an offense (6,3%)
- Publicly degrading a section of the public (6,3%)
- Establishing an organisation for the purpose of committing crimes (3,1%)

The most commonly leveled charge in the category of “offenses against public peace” was “aiding and abetting an organization knowingly and willingly without belonging to its hierarchical structure” (Article 220/7 of the Turkish Penal Code). The European Court of Human Rights found this article to be a source of violation of the principle of legality as it is interpreted extensively by domestic courts and thus lacks foreseeability (*Imret v. Türkiye* Application no. 57316/10; *Bakır and others v. Türkiye* Application no. 46713/10). This charge was leveled against **58 activists, 38 journalists and 13 politicians** in **12 separate** cases.

Occupation	Number of defendants
Artist	1
Media employee	4
Rights defender	4
Student	7
Author	12
Lawyer	13
Other	16
Politician	28
Journalist	62
Activist	128
Total	275

Table 8: Occupational distribution of defendants charged with “offenses against public peace”

The only charges in the category of “offenses against dignity,” which constituted 10% of all accusations, were “insult” and “insulting a public official” which are both stipulated in Article 125 of the Turkish Penal Code. These charges were leveled against individuals in **29 separate cases**.



Distribution of the charges in the ‘offenses against dignity’ category

The majority of those who faced the charges under this category were journalists. A total of **46 journalists** were tried on “insult” charges in **7 separate cases** and for “insulting a public official” in **13 separate cases**.

Occupation	Number of defendants
Artist	1
Author	1
Rights defender	2
Politician	5
Activist	8
Lawyer	10
Journalist	46
Total	73

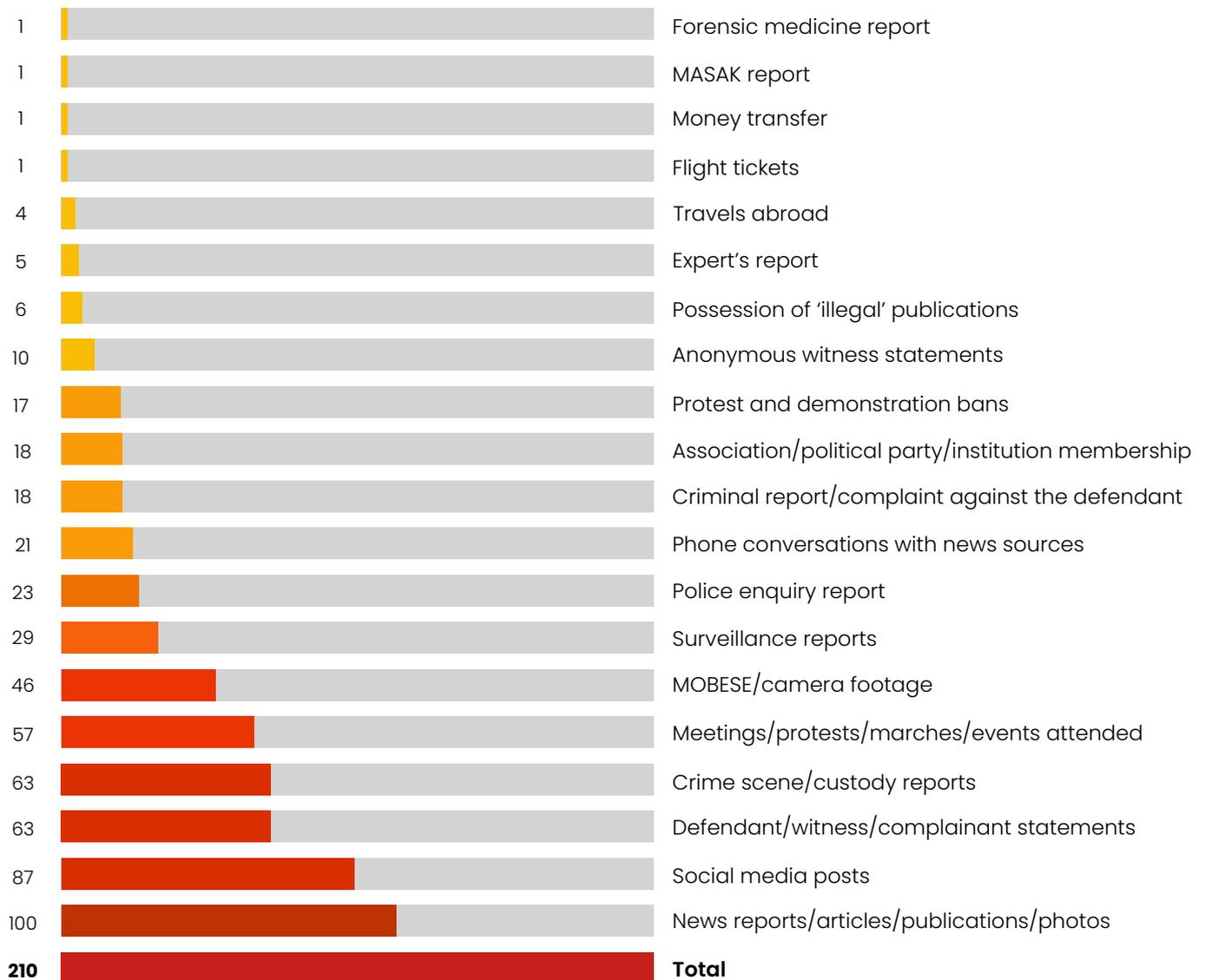
Table 9: Occupational distribution of defendants charged with “offenses against dignity”

The hearings of **5** Strategic Lawsuits Against Public Participation (SLAPP) were held during this period. Four out of the five SLAPPs targeted journalists.

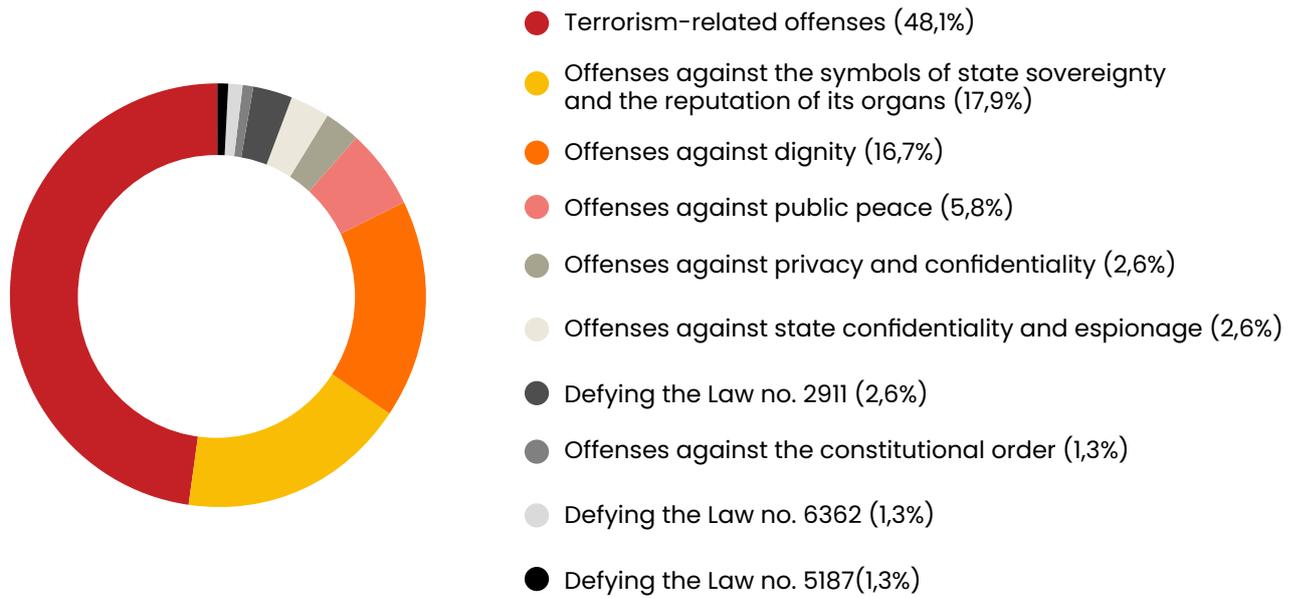
- The Turkish Technology Team (T3) Foundation, of which President Recep Tayyip Erdoğan’s son-in-law Selçuk Bayraktar is the Chairman of the Board of Trustees, brought a compensation lawsuit of 80.000 Turkish Liras against journalist **Çiğdem Toker**. The foundation’s lawyers claimed that Toker’s article titled “Service Report of the İstanbul Metropolitan Municipality to Foundations” published in Sözcü daily on January 28, 2019 “defamed” and “violated the personal rights of the foundation.”
- The Demirören Media Group brought a compensation lawsuit of 20.000 Turkish Liras against the proprietor of Medya Koridoru **Canan Kaya**. The lawyers of the group claim that Canan Kaya “damaged the business reputation” of the group and “violated the group’s personal rights” for publishing the article titled “End of the Road for Demirören. What did the Ziraat Bank trustees want? We are announcing it!” on Medya Koridoru on November 26, 2021.
- The compensation lawsuit of 200.000 Turkish Liras brought against journalist **Hazal Ocak** by President Recep Tayyip Erdoğan’s son-in-law and former Minister of Treasury and Finance Berat Albayrak continued during this period. Albayrak claims that Hazal Ocak “insulted” him and “damaged his personal rights” through the article titled “The Son-in-law knows the deal” published in Cumhuriyet daily on January 20, 2020. The court waits for the finalization of the acquittal decision handed down in the case in which Ocak faced “insulting a public official” charge upon complaint by Albayrak.
- Recep Tayyip Erdoğan’s son-in-law and the CTO of Baykar Defense Selçuk Bayraktar brought a compensation lawsuit of 150.000 Turkish Liras against Yeni Yaşam daily and journalist **Sedat Yılmaz**. Bayraktar claims that “his personal rights were violated” through the article titled “Erdoğan ailesi ve devlet Bayraktar’ın satış mümessili gibi: Aile boyu savaş ticareti [The Erdoğan family and the state are like the salespeople for Bayraktar: War commerce for the whole family] published in the daily on November 23, 2021 and the article titled “Bayraktar SiHA’lar hangi ülkeye nasıl satılıyor? [How and to which countries Bayraktar armed drones are sold?]” published on the website of the daily on November 22, 2021.
- The compensation lawsuit of 200.000 Turkish Liras brought against author and academic **Ceren Sözeri** and Evrensel daily by the CEO of Turkuvaz Media Group continued during this period. The lawyers of the group claim that Sözeri and Evrensel daily “damaged the business reputation” and “violated the personal rights” of Serhat Albayrak via the article titled “AKP’ye kim oy kaybettirdi? [Who cost the AKP the votes?]” published on April 7, 2019.

1.6. Evidence cited for the charges

582 pieces of evidence were cited for the charges leveled against the 1398 defendants tried in 210 trials monitored during this period.

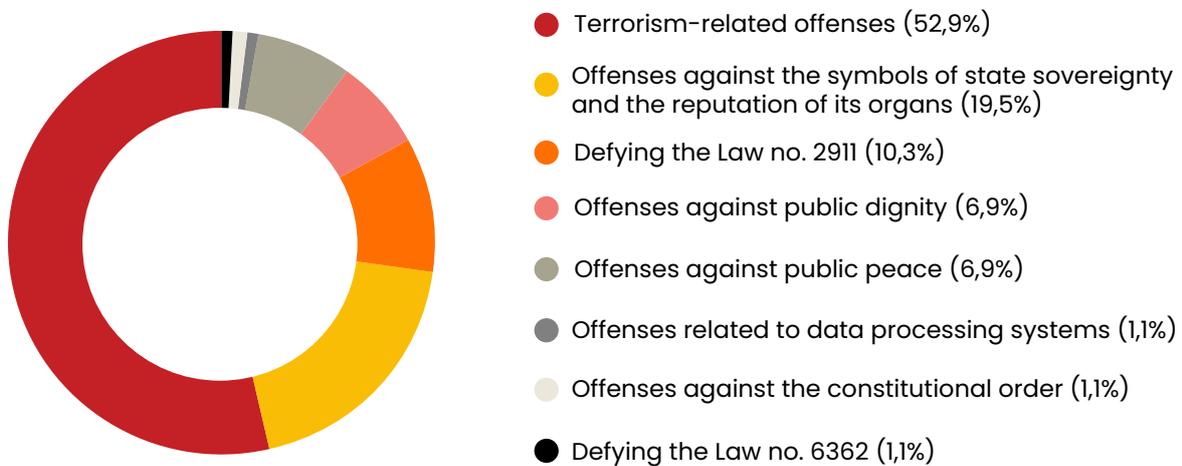


The most frequently cited evidence was news reports and articles written by journalists, articles and publications of authors, photographs taken by journalists, and works of artists. This kind of evidence was brought forward against defendants in **100** separate trials



Distribution of the charges for which news reports, articles, publications and photos were cited as evidence

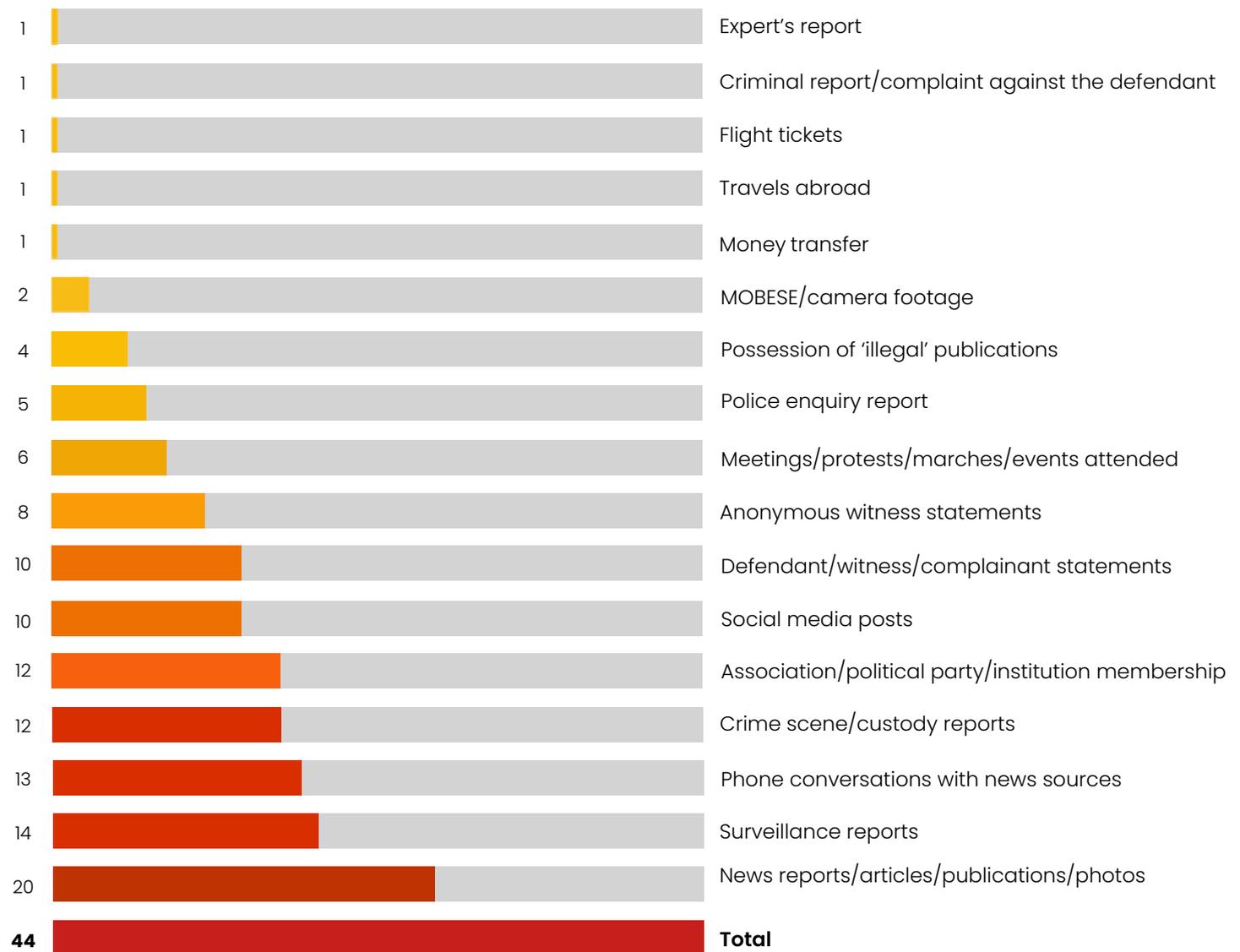
The evidence included in this category was cited in **55 separate trials** in which the defendants faced terrorism-related offenses.



Distribution of charges for which social media posts were cited as evidence

Social media posts shared on different platforms were cited as evidence in **46 separate trials** in which the defendants faced terrorism-related offenses.

Evidence cited for the 'membership in a terrorist organization' charge



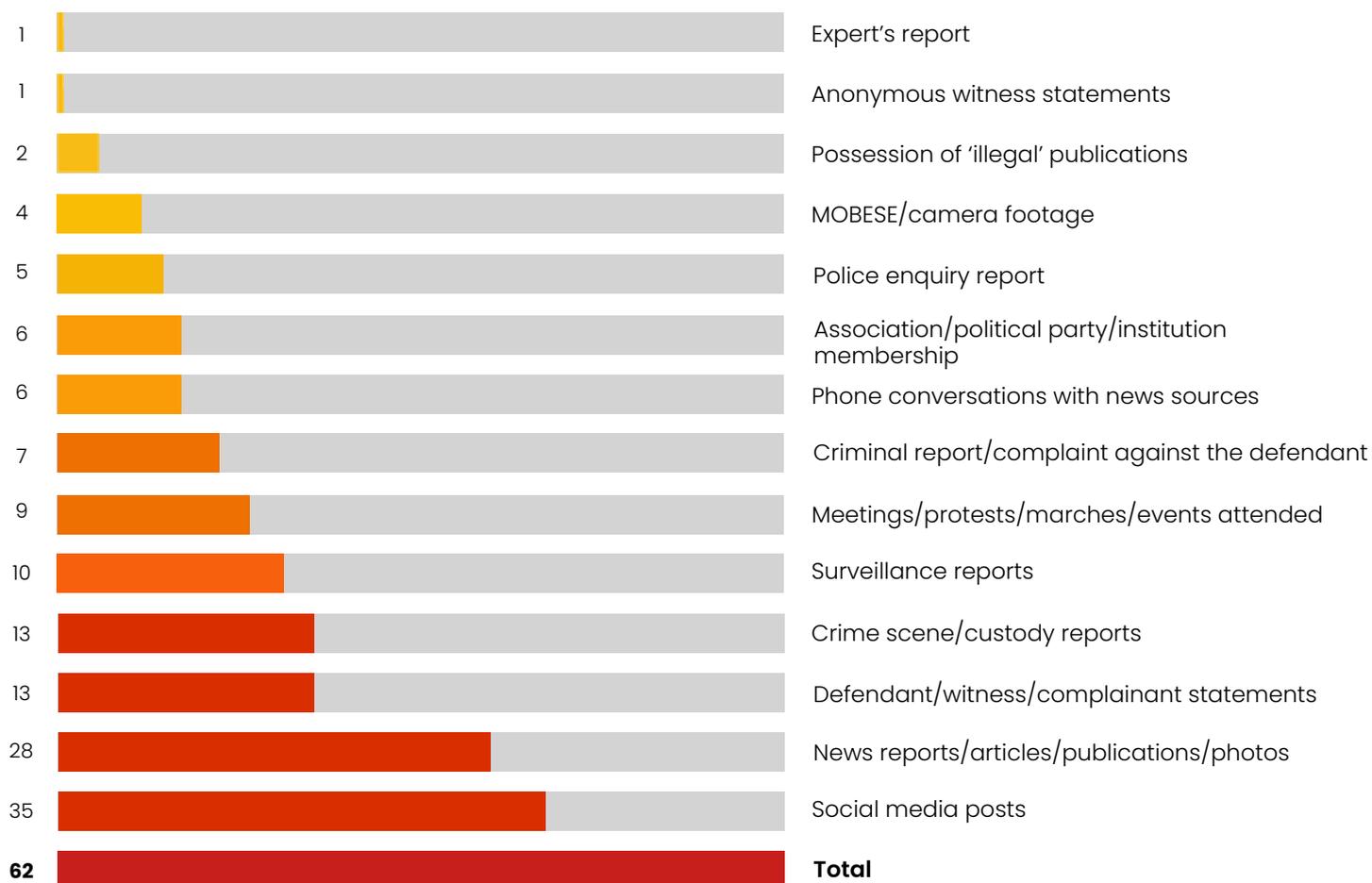
In **20** out of 44 separate trials in which the charge of membership in a terrorist organization" was among the charges leveled against the defendants, news reports, articles, publications and photos by the defendants were cited as evidence:

- Poet and author **Meral Şimşek's** poems and essays which the prosecution presented as the proof of her "membership in the organization,"
- The news reports by Mesopotamia News Agency reporter **Mehmet Aslan** to whom the prosecution referred as "so-called reporter" in the indictment,
- The news report by journalist **Dindar Karataş** which the prosecutor claimed to have been written "to portray the military operations carried out in the region in a way that as if the so-called people of the region are persecuted and tortured" were among the evidence cited for this charge.

Some peculiar evidence falling into different categories was also cited for the charges of “membership in a terrorist organization”:

- The prosecution cited the closure of Azadiya Welat daily via a state of emergency executive order as evidence for the membership charge leveled against the daily’s proprietor **Ramazan Ölçen** claiming that Ölçen “belongs to the hierarchy of the terrorist organization by owning a legal-looking newspaper and acted in accordance with the aims and the operations of the organization,”
- The 1000 Turkish Lira money transfer journalist **Rojhat Doğru** made to two people in prison from whom he had borrowed money while in prison and which the prosecution claims to have been made “upon orders from the organization,”
- The documents which included the name of journalist **Roza Metina** and which were confiscated during October 9, 2018 and June 26, 2020 in police raids to the building of Democratic Society Congress,
- Author and publisher **Azad Zal’s** membership in the Democratic Society Congress, his membership in the Kurdish Language Research and Improvement Association (KURDİDER) which was closed down via a state of emergency executive order, his membership in the Association of Kurdish Authors, his efforts to find a guest speaker for a television show and his acceptance of condolences after the death of his sister who was a member of the PKK, were among the evidence cited for the charge of “membership in a terrorist organization.”

Evidence cited for the ‘making propaganda for a terrorist organization’ charge

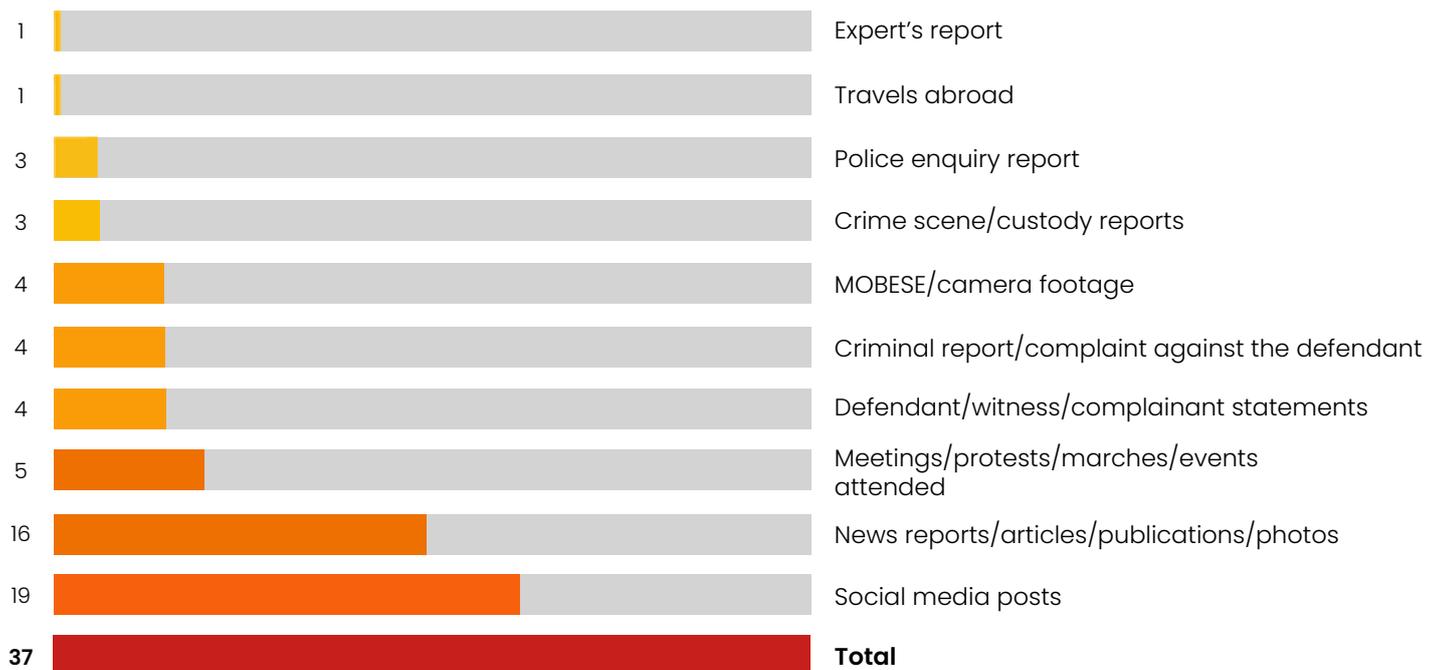


Social media posts were the most cited evidence for the charge of “making propaganda for a terrorist organization”. In **35** out of 62 cases in which this charge was leveled against the defendants, social media posts were cited as evidence.

- Social media posts of author, human rights defender and lawyer **Nurcan Kaya** which included the message of solidarity with the people of Kobanê who were fighting the ISIS,
- Social media posts of author **Yavuz Ekinci** which he had shared between 2013 and 2014 and which included posts celebrating Newroz and message of solidarity with Kobanê,
- Social media posts shared on the official accounts of Etkin News Agency (ETHA) during the time journalist **Derya Okatan** was the managing editor of the agency,
- Social media posts of SOL Party Keçiören District President **Murat Güzel** which included the photos of revolutionaries Mustafa Özenç, İlyas Has who were executed by the military junta established after the September 12th Coup d’Etat and the photo of Hidir Aslan who was the last person to be executed in Turkey,
- Social media posts which do not belong to journalist **Beritan Canözer** but were nonetheless cited as evidence against Canözer,
- Social media posts of academic **Hifzullah Kutum** which included the words “Kürt” and “Kürdistan” were among the social media posts cited as evidence for “making propaganda for a terrorist organization” charge.

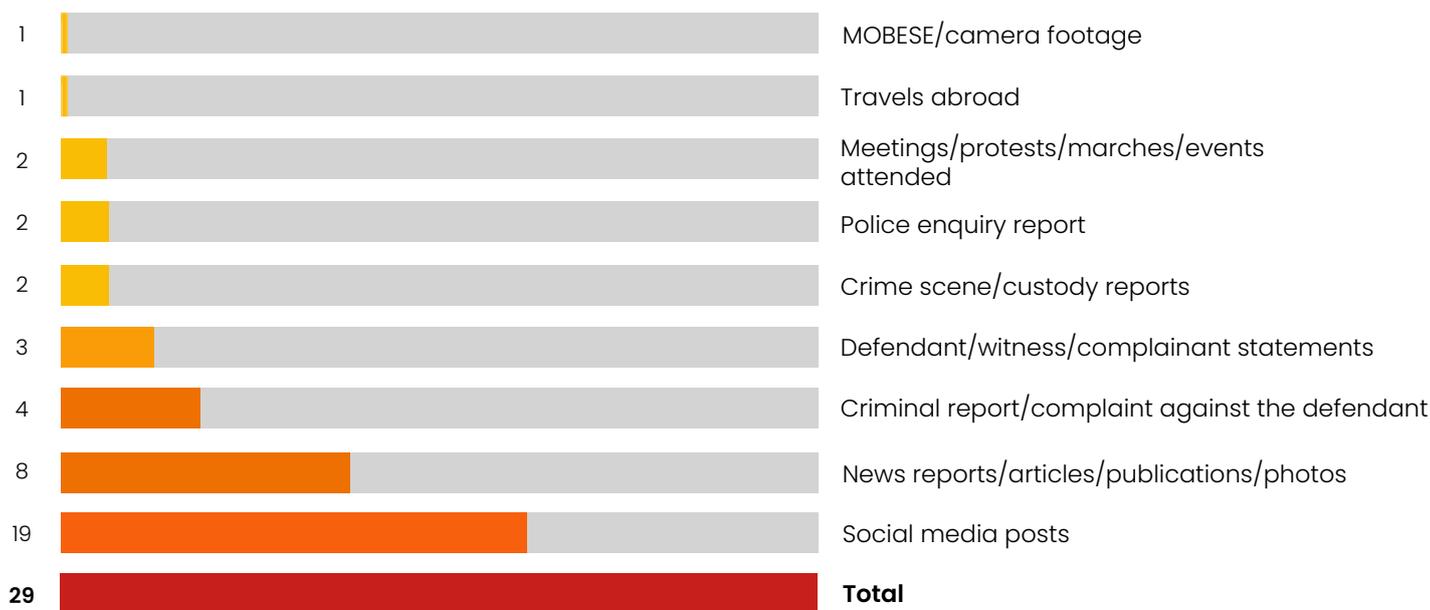
In 46 out of the 62 cases in which the defendants faced the charge of “making propaganda for a terrorist organization,” journalists appeared before the courts. In **28** out of the 46 cases, the news reports, articles and the photographs taken by journalists were cited as evidence for the propaganda charge.

Evidence cited for the ‘offenses against the symbols of state sovereignty and the reputation of its organs’ category



Social media posts were the most cited evidence against individuals who faced charges of “insulting the president,” “degrading the symbols of state sovereignty” and “degrading the Turkish Nation, the State of the Republic of Turkey, the organs and institutions of the state” in 37 separate trials. Social media posts were cited as evidence in **19 separate trials** and in all of these cases, the defendants were tried for “insulting the president.”

Evidence cited for the ‘insulting the president’ charge

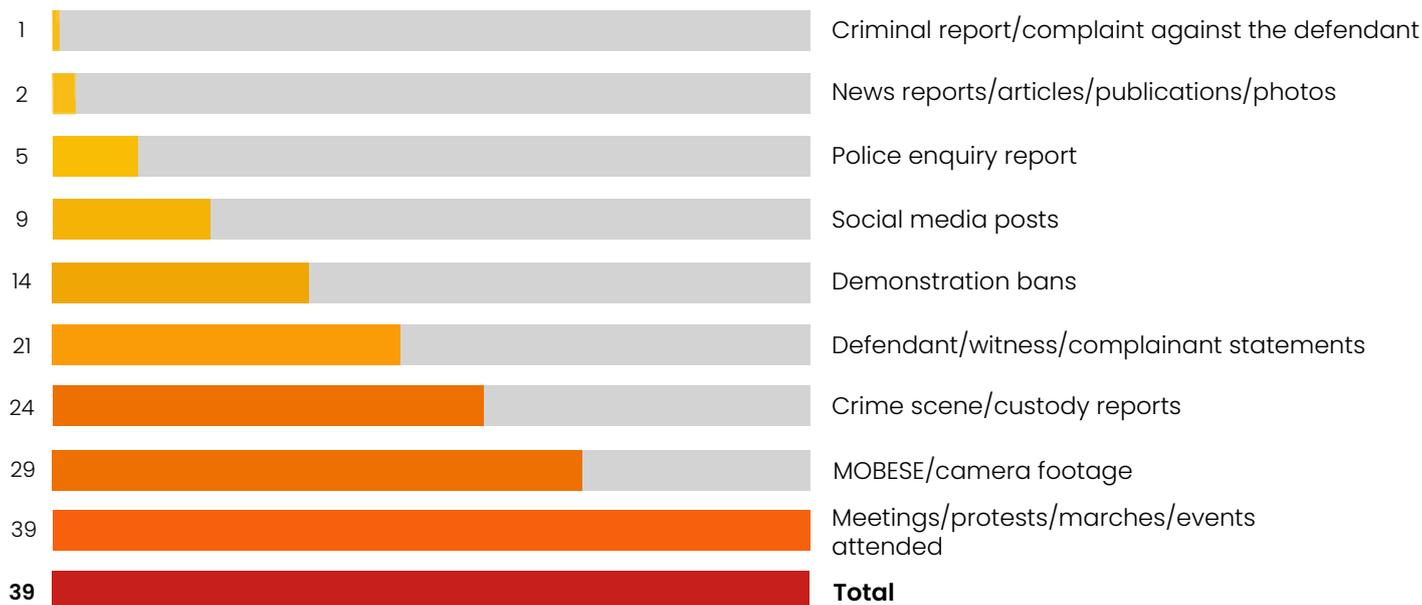


In the indictments of **5** cases, it was claimed that the social media posts which were cited as evidence for the charge of “insulting the president” were gathered during investigations initiated after a criminal report. In three cases, the “crimes” were reported by the lawyers of President Recep Tayyip Erdoğan, while in two cases, the authorities were informed by anonymous persons. In the indictments of **14** cases, however, it was stated that the social media posts in question were gathered via the method called “open source investigation/virtual patrol.”

6 indictments out of 14 were filed before the Constitutional Court’s decision no. 2020/10. In its decision taken on February 19, 2020, the Court revoked the 18th additional paragraph added to the additional Article 6th of the Law No. 2559 on the Duties and Discretion of the Police which granted the police the authority “to conduct intelligence activities in the cyber environment.” However, in these indictments the prosecution failed to include any explanation as to the suspicion based on which the personal accounts of the defendants were investigated by law enforcement.

8 indictments in which individuals were charged with “insulting the president” as per Article 299 of Turkish Penal Code included social media posts that were cited as evidence and had been gathered via “open source investigation/virtual patrol” despite the fact that these indictments were filed after the Constitutional Court’s Decision no. 2020/10. However, except for the indictment against stage actor Genco Erkal, the prosecutors failed to specify in other indictments that the social media posts were gathered via a method which the highest court in Turkey found unconstitutional. It should be noted that in these cases illegally obtained evidence was cited in support of a charge stipulated in a law article which the European Court of Human Rights found to be “incompatible with the spirit of the Convention and the Court’s case-law.” (Vedat Şorli v. Türkiye Application no. 42048/19)

Evidence cited for the 'defying the Law on Demonstrations and Assemblies' charge



The most cited evidence for the charge of “defying the Law no. 2911 on Demonstrations and Assemblies” which was leveled in 39 separate trials, were the meetings, protests, marches and events themselves. City surveillance camera (MOBESE) and police camera footage of these demonstrations and assemblies were also frequently cited as evidence for this charge.

Demonstration bans by district governorships and provincial governorships were cited as evidence in **14 separate cases**. A tendency of the authorities to use the COVID-19 pandemic as an excuse to limit the right to peaceful assembly has been observed during this period. Despite the warnings of UN Special Rapporteur on Freedom of Association and Peaceful Assembly Clément Nyaletsossi Voule⁵ and prominent rights organizations⁶ demonstration bans by Provincial Public Health Boards on the grounds of “public health” were cited as evidence for the charge of “defying the Law no. 2911” in **11 cases**.

⁵ “States responses to Covid 19 threat should not halt freedom of assembly and association”, (<https://www.ohchr.org/en/statements/2020/04/states-responses-covid-19-threat-should-not-halt-freedoms-assembly-and-association>)

⁶ “Covid-19 triggers wave of free speech abuse”, Human Rights Watch, (<https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>); “Covid-19 Global attack on freedom of expression”, Amnesty International, (<https://www.amnesty.org/en/latest/news/2021/10/covid-19-global-attack-on-freedom-of-expression-is-having-a-dangerous-impact-on-public-health-crisis/>)

2. Cases Adjudicated

2.1. Prison sentences

In **41 trials** monitored between September 1, 2021 and July 20, 2022, **67 people** were sentenced to **299 years 2 months and 24 days** in prison. 36 people among those sentenced were tried in separate cases based on law articles which the European Court of Human Rights determined in many of its judgments to be sources of systematic rights violations, namely Articles 220/6, 220/7, 299 of the Turkish Penal Code and Articles 6/2 and 7/2 of the Anti-Terror Law.

In **3 trials** monitored in September 2021, courts sentenced **6 people** to **23 years, 6 months and 15 days** in prison.

Case File no	Defendant	Sentence	Offense	Occupation
2018/216	Cihat Ünal	6 years 3 months	Knowingly and willingly aiding and abetting an organization	Journalist
2018/216	Ömer Özdemir	6 years 3 months	Knowingly and willingly aiding and abetting an organization	Journalist
2018/216	Osman Yakut	6 years 3 months	Knowingly and willingly aiding and abetting an organization	Journalist
2018/216	Olgun Matur	3 years 1 month 15 day	Knowingly and willingly aiding and abetting an organization	Journalist
2019/1076	Yelda Çiçek	5 months*	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist
2020/277	Nurcan Kaya	1 year 3 months*	Making propaganda for a terrorist organization	Lawyer

- The courts deferred the announcement of the prison sentences imposed upon journalist **Yelda Çiçek** and human rights defender **Nurcan Kaya**.

In 3 trials monitored in October 2021, courts sentenced **3 people to 4 years 3 months and 22 days** in prison.

Case File no	Defendant	Sentence	Offense	Occupation
2021/59	Meral Şimşek	1 year 3 months	Making propaganda for a terrorist organization	Author, poet
2020/311	Mehmet Özer	1 year 6 months*	Making propaganda for a terrorist organization	Artist
2019/399	Vedat Örüç	1 year 6 months 22 days*	Making propaganda for a terrorist organization	Artist

- Reasoning that she has “a personal tendency to commit offenses,” the court did not defer the announcement of the prison sentence imposed upon **Meral Şimşek**.
- The courts deferred the announcement of the prison sentences imposed upon artist **Mehmet Özer** and journalist **Vedat Örüç**.

In **4** trials monitored in November 2021, courts sentenced **4 people to 7 years 4 months and 21 days** in prison.

Case File no	Defendant	Sentence	Offense	Occupation
2020/279	Nurcan Yalçın	2 years 1 month	Knowingly and willingly aiding and abetting an organization	Journalist
2020/279	Nurcan Yalçın	1 year 6 months 22 days	Making propaganda for a terrorist organization	Journalist
2021/59	Erdal Yıldırım	1 year 6 months 22 days	Making propaganda for a terrorist organization	Author
2021/371	Yılmaz Odabaşı	11 months 20 days	Insulting the president	Author
2019/550	Oktay İnce	1 year 2 months 17 days	Insulting the president	Journalist

- The court did not defer the announcement of the prison sentence imposed upon journalist **Nurcan Yalçın**.
- The court did not suspend the prison sentence imposed upon author **Erdal Yıldırım**, reasoning that he has “a personal tendency to commit offenses.” The court cited an ongoing criminal investigation against Yıldırım for its reasoning.
- The court did not suspend the prison sentence imposed upon author and poet **Yılmaz Odabaşı**, reasoning that Odabaşı has “a repeating criminal record.”

In **3 trials** monitored in December 2021, courts sentenced **7 people** to **13 years 11 months and 15 days** in prison.

Case File no	Defendant	Sentence	Offense	Occupation
2019/53	Kemal Demir	3 year 9 months	Knowingly and willingly aiding and abetting an organization	Journalist
2017/102	Metin Yoksu	1 year 8 months	Illegally obtaining or giving personal data	Journalist
2017/102	Ömer Çelik	1 year 8 months	Illegally obtaining or giving personal data	Journalist
2017/102	Eray Sargın	1 year 8 months	Illegally obtaining or giving personal data	Journalist
2017/102	Tunca Öğreten	1 year 8 months	Illegally obtaining or giving personal data	Journalist
2017/102	Mahir Kanaat	1 year 8 months	Illegally obtaining or giving personal data	Journalist
2021/240	Gülşen Koçuk	1 year 10 months 15 days*	Making propaganda for a terrorist organization	Journalist

- In the “RedHack Case,” the court suspended the prison sentences imposed upon journalists **Metin Yoksu, Ömer Çelik, Eray Sargın, Tunca Öğreten** and **Mahir Kanaat** but imposed a 2-year probation upon journalists
- The court deferred the announcement of the prison sentence imposed upon journalist **Gülşen Koçuk**.

In **4 trials** monitored in January 2022, courts sentenced **9 people** to **42 years 11 months** in prison.

Among those sentenced is award-winning journalist **Rojhat Dođru**, on whom a high criminal court in Diyarbakır imposed a life sentence for “disrupting the unity and integrity of the state.” In its reasoned judgment, the court justified one of the Penal Code’s harshest sentences it imposed upon Dođru with the argument that Dođru covered the Kobanê protests between 6-8 October 2014 without holding a turquoise press card issued by the Presidency. A further justification cited by the court was the statement of a complainant who claimed to have seen Dođru as “holding a camera in one hand and a gun in another.” The court took the testimony of the complainant - who also asserted that Dođru had wounded him - into account although it was previously refuted by an expert’s report.⁷

Case file no	Defendant	Sentence	Offense	Occupation
2018/536	Rojhat Dođru	Life in prison	Disrupting the unity and integrity of the state	Journalist
2018/536	Rojhat Dođru	10 years 10 months	Attempted murder	Journalist
2018/536	Rojhat Dođru	1 year 3 months*	Making propaganda for a terrorist organization	Journalist
2021/48	Nazan Sala	1 year 3 months*	Making propaganda for a terrorist organization	Journalist
2017/322	Ali Aykul	1 year 3 months*	Making propaganda for a terrorist organization	Politician
2017/322	Deniz Havu	3 years 1 month 15 days	Committing an offense on behalf of an armed terrorist organization	Activist
2017/322	Deniz Havu	3 years 4 months	Concealing one’s face completely or partially in order to hide one’s identity in meetings and demonstrations which has become the propaganda of terrorist organizations	Activist
2017/322	Serkan Okatan	3 years 1 month 15 days	Committing an offense on behalf of an armed terrorist organization	Activist
2017/322	Serkan Okatan	3 years 4 months	Concealing one’s face completely or partially in order to hide one’s identity in meetings and demonstrations which has become the propaganda of terrorist organizations	Activist

⁷ “Gazeteci Rojhat Dođru’ya verilen müebbet hapis cezasının gerekçesi: Turkuaz basın kartı yok [Justification of the life sentence imposed upon journalist Rojhat Dođru: He did not hold a turquoise press card],” Deniz Tekin, (<https://www.mlsaturkey.com/tr/gazeteci-rojhat-dogruya-verilen-muebbet-hapis-cezasinin-gerekcesi-turkuaz-basin-karti-yok/>)

2017/322	Serkan Zorlu	10 months*	Making propaganda for a terrorist organization	Activist
2017/64	Mehmet Baytekin	6 years 3 months	Membership in a terrorist organization	Politician
2017/64	Ramazan Daysey	2 years 1 month	Making propaganda for a terrorist organization	Politician
2017/64	Üsküdar Yumuş	6 years 3 months	Membership in a terrorist organization	Politician

- The court ruled to defer the announcement of the prison sentence for journalist **Rojhat Doğru** who was convicted of “making propaganda for a terrorist organization” and was sentenced to 1 years 3 months in prison.
- The court ruled to defer the announcement of the verdict for journalist **Nazan Sala** who was convicted of “making propaganda for a terrorist organization” and was sentenced to 1 years 3 months in prison.
- The court suspended the 10 month prison sentence of activist **Serkan Zorlu** for “making propaganda for a terrorist organization” and imposed one year probation.

In **3 trials** monitored in February 2022, courts sentenced **3 people** to **9 years 4 months and 14 days** in prison.

Case File no	Defendant	Sentence	Offense	Occupation
2021/147	Selda Manduz	1 year 6 months 22 days*	Making propaganda for a terrorist organization	Journalist
2019/342	Durket Süren	1 year 6 months 22 days*	Making propaganda for a terrorist organization	Journalist
2018/439	Mehmet Şahin	6 years 3 months	Membership in an armed terrorist organization	Author

- The court suspended the prison sentence imposed upon journalist **Selda Manduz** who was retried after a court of appeals overturned her acquittal.
- The court deferred the announcement of the prison sentence imposed upon journalist **Durket Süren**.

In **8 trials** monitored in March 2022, courts sentenced **12 people** to **38 years 9 months and 6 days** in prison.

Case file no	Defendant	Sentence	Offense	Occupation
2021/148	Ahmet Kanbal	1 year 3 months	Disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets	Journalist
2020/208	Azad Zal	6 years 3 months	Membership in an armed terrorist organization	Author
2022/100	Sedef Kabaş	2 years 4 months	Insulting the president	Journalist
2021/261	Zekine Türkeri	1 year 6 months 22 days	Making propaganda for a terrorist organization	Journalist
2021/276	Çetin Yılmaz	1 year 6 months 22 days	Making propaganda for a terrorist organization	Journalist
2021/106	Yavuz Ekinci	1 year 6 months 22 days	Making propaganda for a terrorist organization	Author
2021/158	Ercan Yeltaş	7 months 15 days*	Making propaganda for a terrorist organization	Media employee
2021/158	Veysi Altın	7 months 15 days*	Making propaganda for a terrorist organization	Media employee
2016/218	Mehmet Baransu	6 years	Procuring documents related to the security of the state	Journalist
2016/218	Mehmet Baransu	7 years	Disclosing information related to the security and political interests of the state	Journalist
2016/218	Ahmet Altan	3 years 4 months	Procuring documents related to the security of the state	Author
2016/218	Yasemin Çongar	3 years 4 months	Procuring documents related to the security of the state	Journalist
2016/218	Yıldıray Oğur	3 years 4 months	Procuring documents related to the security of the state	Author

- In the case which was brought against journalist **Ahmet Kanbal** upon complaint by Musa Çi̇til, the court did not suspend the prison sentence imposed upon Kanbal. In its judgment, the court stated that “because of his personality characteristics,” it had not formed a good opinion about the prospect that Kanbal “would refrain from committing offenses in the future.”
- The court did not defer the announcement of the prison sentence imposed upon journalist **Zekine Türkeri** as she did not accept the deferment of the announcement of the verdict.
- The court deferred the announcement of the prison sentence imposed upon journalist **Çetin Yılmaz**.
- The court suspended the prison sentence imposed upon author **Yavuz Ekinci**. The court reasoned that “considering his behavior after he had committed the offense,” a good opinion was formed in the eyes of the court that Ekinci “will not commit an offense again.”
- The court deferred the announcement of the prison sentences imposed upon newspaper distributors **Ercan Yeltaş** and **Veysi Altın**.
- The court did not decrease the 13-year prison sentence imposed upon journalist **Mehmet Baransu**, reasoning that Baransu “showed no effective remorse.”

In **2 trials** monitored in April 2022, courts sentenced **9 people to 136 years 3 months and 22 days** in prison. Also in this month, a high criminal court in İstanbul sentenced human rights defender Osman Kavala to aggravated life in prison for “attempting by the use of force and violence, to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties.” The court imposed the harshest possible sentence stipulated in the Turkish Penal Code despite the finalized judgment of the European Court of Human Rights regarding Osman Kavala and despite the fact Kavala was acquitted of the same charge in 2020.

Cas file no.	Defendant	Sentence	Offence	Occupation
2021/178	Osman Kavala	Aggravated life in prison*	Attempting by the use of force and violence, to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties	Human rights defender, business person
2021/178	Mücella Yapıcı	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence”	Architect
2021/178	Çiğdem Mater Utku	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence”	Film producer, journalist

2021/178	Ali Hakan Altınay	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence"	Human rights defender
2021/178	Mine Özerden	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence"	Filmmaker, human rights defender
2021/178	Şerafettin Can Atalay	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence"	Attorney
2021/178	Tayfun Kahraman	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence"	Academic
2021/178	Yiğit Ali Ekmekçi	18 years*	Aiding an attempt to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties by the use of force and violence"	Human rights defender
2019/313	Vedat Dağ	6 years 3 months	Membership in a terrorist organization	Media employee
2019/313	Vedat Dağ	1 year 6 months 22 days*	Making propaganda for a terrorist organization	Media employee
2019/313	Vedat Dağ	2 years 6 months*	Threat by taking advantage of the power to invoke fear derived from a criminal organization which exists, or is assumed to exist	Media employee

- Sentencing **Osman Kavala** to aggravated life in prison, the court decided that there was no need to sentence Kavala for "damage to property," "qualified damage to property," "possession or exchange of hazardous substances without permission," "damage to places of worship and cemeteries," "defying the Law no. 6139 on Firearms, Knives and Other Tools," "qualified robbery," "qualified assault" and "defying the Law no. 2863 on the Conservation of Cultural and Natural Property." The court reasoned that Article 312 of Turkish Penal Code over which Kavala was sentenced includes these offenses.
- The court did not increase the aggravated life sentence given to Kavala as per Article 5/1 of the Anti-Terror Law on the grounds that "it will not change the final sentence."
- The court ruled not to decrease the aggravated life sentence given to Osman Kavala on the grounds that Kavala's "attitudes and behavior during the trial and the way he committed the offense" did not merit such a decision.

- The court ruled Osman Kavala’s immediate arrest after announcing the verdict.
- Sentencing **Mücella Yapıcı, Çiğdem Mater Utku, Ali Hakan Altınay, Mine Özerden, Şerafettin Can Atalay, Tayfun Kahraman** and **Yiğit Ali Ekmekçi** to aggravated life in prison as per Article 312/1 of the Turkish Penal Code, the court reasoned that their actions were limited to “assistance” and ruled to reduce their sentences as per Article 39 of the Turkish Penal Code.
- After announcing its verdict, the court ruled for Mücella Yapıcı, Çiğdem Mater Utku, Ali Hakan Altınay, Mine Özerden, Şerafettin Can Atalay, Tayfun Kahraman and Yiğit Ali Ekmekçi’s immediate arrest in the courtroom.
- Sentencing **Vedat Dağ** to prison for “propaganda” and “threat” charges, the court decided not to defer the announcement of the verdict or suspend the sentence on the grounds that “Dağ’s personality reflected in the case file, his behavior and attitudes during the hearings” did not give the court the impression that “he will not commit an offense in the future.”

In **2 trials** monitored in May 2022, courts sentenced **2 people** to **2 years 5 months and 20 days** in prison.

Case file no.	Defendant	Sentence	Offense	Occupation
2022/12	Reyhan Çapan	1 year 6 months*	Printing or publishing the declarations and leaflets of terrorist organizations	Journalist
2021/779	Zelal Tunç	11 months 20 days*	Insulting a public official	Journalist

- Unanimously sentencing journalist **Reyhan Çapan** to 1 year and 6 months in prison, the İstanbul 13th High Criminal Court ruled not to increase or mitigate the sentence. The court also ruled not to defer the announcement of the verdict citing Çapan’s “personal tendency to commit crimes” as the reason.
- Hearing the case after the prison sentence of 8 months 22 days given to journalist **Zelal Tunç** via “simple trial procedure” was contested, the Van Muradiye Criminal Court of First Instance, convicted journalist Tunç at the first hearing and in the absence of Tunç and her lawyer. The court ruled to defer the announcement of the verdict.

In **6 trials** monitored in June 2022, courts sentenced **12 people** to **20 years 2 months and 9 days** in prison.

Case file no	Defendant	Sentence	Offense	Occupation
2021/275	7 defendants in the Boğaziçi Students' Collective Case	5 months*	Defying the Law no. 2911 on Demonstrations and Assemblies	Student, activist
2021/275	1 defendant in the Boğaziçi Students' Collective Case	5 months*	Prevention of public duty	Activist
2021/2072	Mehmet Yıldırım	1 year 2 months 17 days*	Insulting the president	Other
2020/205	izinsiz	1 year 2 months 27 days*	Insulting the president	Artist
2022/179	Devrim Ayık	12 years	Membership in a terrorist organization	Journalist
2021/1145	Sırrı Süreyya Önder	10 months*	Insulting the president	Politician
2020/335	Abdurrahman Gök	1 year 6 months 22 days*	Making propaganda for a terrorist organization	Journalist

- The court deferred the announcement of the prison sentences imposed upon 2 defendants out of 7 who were tried in the **Boğaziçi Students'** Collective Case. The court ruled to convert the 5-months prison sentence imposed upon one defendant who did not accept the deferment of the announcement of the verdict into a judicial fine of 3.000 Turkish Liras.
- In the **Boğaziçi Students'** Collective Case, the court ruled to convert the 5-months prison sentence imposed upon one defendant who was convicted for "prevention of public duty" because of allegedly "biting a policeman's finger" and who did not accept the deferment of the announcement of the verdict into a judicial fine of 3.000 Turkish Liras
- The court deferred the announcement of the prison sentence imposed upon **Mehmet Yıldırım**, the brother of Medeni Yıldırım who was killed by the military during a protest against the construction of a border outpost in Lice.
- The court deferred the announcement of the prison sentence imposed upon guerilla artist **izinsiz**.
- Citing Ayık's "social relations, violations of judicial control measures and lack of signs of effective remorse," the court did not decrease the prison sentence imposed upon journalist **Devrim Ayık** despite the fact that he is gravely ill.
- The court deferred the announcement of the prison sentence imposed upon former HDP MP **Sırrı Süreyya Önder**.
- The court deferred the announcement of the prison sentence imposed upon journalist **Abdurrahman Gök**.

2.2. Judicial fines

Case file no.	Defendant	Sentence	Offense	Occupation	Sentencing date
2019/342	Deniz Yücel	7080 Turkish Liras	Insulting a public official	Journalist	08/02/2022
2021/273	Eren Keskin	12500 Turkish Liras	Disclosing the identities of victims or perpetrators of crimes under the age of 18	Rights defender	24/05/2022
2021/273	Reyhan Çapan	12500 Turkish Liras	Disclosing the identities of victims or perpetrators of crimes under the age of 18	Journalist	24/05/2022
2021/395	İsmail Saymaz	3480 Turkish Liras	Insult	Journalist	15/06/2022

2.3. Compensation lawsuits

- At the eighth hearing of the compensation lawsuit brought against journalist **Çiğdem Toker** by the Turkish Technology Team (T3) Foundation, the Küçükçekmece 10th Civil Court of First Instance ruled to partially accept the lawsuit and ordered journalist Toker to pay 30.000 Turkish Liras for damages.
- The Bakırköy 18th Civil Court of First Instance dismissed the compensation lawsuit of 150.000 Turkish Liras brought against journalist **Sedat Yılmaz** and Yeni Yaşam daily by President Erdoğan's son-in-law and the CTO of Baykar Defense Selçuk Bayraktar.

2.4. Acquittal decisions

In **51 trials** monitored between September 1, 2021 and July 20, 2022, **226 people** were acquitted of the charges leveled against them.

In **1 trial** monitored in September 2021, **1 person** was acquitted of the charges against him.

Case file	Defendant	Charges	Occupation
2021/174	Mahmut Oral	Knowingly and willingly aiding and abetting an organization	Journalist

In **5 trials** monitored in October 2021, **11 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2021/59	Meral Şimşek	Membership in a terrorist organization	Author, poet
2019/188	Canan Coşkun	Disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets	Journalist
2019/188	Ali Açar	Disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets	Journalist
2019/188	Can Uğur	Disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets	Journalist
2021/24	Roza Metina	Membership in a terrorist organization	Journalist
2021/109	Ruşen Takva	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist
2021/109	Ruşen Takva	Committing an offense on behalf of an armed terrorist organization	Journalist

2020/1737	Ahmet Kanbal	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist
2020/1737	Mehmet Şah Oruç	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist
2020/1737	Rojda Aydın	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist
2020/1737	Nurcan Yalçın	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist
2020/1737	Halime Parlak	Defying the Law no. 2911 on Demonstrations and Assemblies	Journalist

In **3 trials** monitored in November 2021, **3 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2021/72	Ayşe Kara	Membership in an armed terrorist organization	Journalist
2020/241	Fatih Gönül	Making propaganda for a terrorist organization	Journalist
2020/241	Fatih Gönül	Membership in an armed terrorist organization	Journalist
2020/403	Dindar Karataş	Membership in an armed terrorist organization	Journalist

In **4 trials** monitored in December 2021, **30 people** were acquitted of the charges leveled against them.

Case file no	Defendant	Charges	Occupation
2019/53	Kemal Karagöz	Membership in a terrorist organization	Journalist
2021/100	Mehmet Aslan	Membership in a terrorist organization	Journalist
2017/102	Derya Okatan	Illegally obtaining or giving personal data	Journalist
2017/102	Derya Okatan	Making propaganda for a terrorist organization	Journalist
2017/102	Metin Yoksü	Making propaganda for a terrorist organization	Journalist
2017/102	Ömer Çelik	Making propaganda for a terrorist organization	Journalist
2017/102	Eray Sargin	Making propaganda for a terrorist organization	Journalist
2017/102	Tunca Öğreten	Making propaganda for a terrorist organization	Journalist
2017/102	Mahir Kanaat	Making propaganda for a terrorist organization	Journalist
2017/408	Amine Demirkıran	Prevention of public duty	Journalist
2017/408	Amine Demirkıran	Insulting a public official	Journalist
2017/408	Bayram Balcı	Prevention of public duty	Journalist
2017/408	Bayram Balcı	Insulting a public official	Journalist
2017/408	Burcu Özkaya	Prevention of public duty	Journalist
2017/408	Burcu Özkaya	Insulting a public official	Journalist
2017/408	Davut Uçar	Prevention of public duty	Journalist

2017/408	Davut Uçar	Insulting a public official	Journalist
2017/408	Doğan Güzel	Insulting a public official	Journalist
2017/408	Doğan Güzel	Prevention of public duty	Journalist
2017/408	Elif Aydoğmuş	Insulting a public official	Journalist
2017/408	Elif Aydoğmuş	Prevention of public duty	Journalist
2017/408	Ersin Çaksu	Insulting a public official	Journalist
2017/408	Ersin Çaksu	Prevention of public duty	Journalist
2017/408	Fırat Yeşilçınar	Insulting a public official	Journalist
2017/408	Fırat Yeşilçınar	Prevention of public duty	Journalist
2017/408	Gökhan Çetin	Insulting a public official	Journalist
2017/408	Gökhan Çetin	Prevention of public duty	Journalist
2017/408	Gülfem Karataş	Insulting a public official	Journalist
2017/408	Gülfem Karataş	Prevention of public duty	Journalist
2017/408	Daysay Aksoy	Insulting a public official	Journalist
2017/408	Daysay Aksoy	Prevention of public duty	Journalist
2017/408	Hüseyin Daysdüz	Insulting a public official	Journalist
2017/408	Hüseyin Daysdüz	Prevention of public duty	Journalist
2017/408	Kemal Bozkurt	Insulting a public official	Journalist
2017/408	Kemal Bozkurt	Prevention of public duty	Journalist

2017/408	Mesut Kaynar	Insulting a public official	Journalist
2017/408	Mesut Kaynar	Prevention of public duty	Journalist
2017/408	M. Ender Öneş	Insulting a public official	Journalist
2017/408	M. Ender Öneş	Prevention of public duty	Journalist
2017/408	Önder Elaldı	Insulting a public official	Journalist
2017/408	Önder Elaldı	Prevention of public duty	Journalist
2017/408	Özgür Paksoy	Insulting a public official	Journalist
2017/408	Özgür Paksoy	Prevention of public duty	Journalist
2017/408	Reyhan Hacıoğlu	Insulting a public official	Journalist
2017/408	Reyhan Hacıoğlu	Prevention of public duty	Journalist
2017/408	Sevdiye Ergürbüz	Insulting a public official	Journalist
2017/408	Sevdiye Ergürbüz	Prevention of public duty	Journalist
2017/408	Sinan Balık	Insulting a public official	Journalist
2017/408	Sinan Balık	Prevention of public duty	Journalist
2017/408	Yılmaz Bozkurt	Insulting a public official	Journalist
2017/408	Yılmaz Bozkurt	Prevention of public duty	Journalist
2017/408	Zeki Erden	Insulting a public official	Journalist
2017/408	Zeki Erden	Prevention of public duty	Journalist

In **2 trials** monitored in January 2022, **25 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2017/322	Ali Aykul	Membership in a terrorist organization	Politician
2017/322	Ali Aykul	Concealing one's face completely or partially in order to hide one's identity in meetings and demonstrations which has become the propaganda of terrorist organizations	Politician
2017/322	Bilal Ateş Kaymak	Membership in a terrorist organization	Activist
2017/322	Bilal Ateş Kaymak	Making propaganda for a terrorist organization	Activist
2017/322	Birol Kurt	Membership in a terrorist organization	Activist
2017/322	Birol Kurt	Making propaganda for a terrorist organization	Activist
2017/322	Ceren Çoban	Membership in a terrorist organization	Activist
2017/322	Ceren Çoban	Making propaganda for a terrorist organization	Activist
2017/322	Deniz Havuç	Defying the Law on Assemblies and Demonstrations no. 2911	Activist
2017/322	Deniz Havuç	Making propaganda for a terrorist organization	Activist
2017/322	Fatma Çiftçi	Membership in a terrorist organization	Activist
2017/322	Fatma Çiftçi	Making propaganda for a terrorist organization	Activist
2017/322	Fırat Çağla	Membership in a terrorist organization	Activist
2017/322	Fırat Çağla	Making propaganda for a terrorist organization	Activist

2017/322	Levent Akhan	Membership in a terrorist organization	Politician
2017/322	Levent Akhan	Making propaganda for a terrorist organization	Politician
2017/322	Meşale Tolu	Membership in a terrorist organization	Journalist
2017/322	Meşale Tolu	Making propaganda for a terrorist organization	Journalist
2017/322	Mukaddes Erdoğan Çelik	Membership in a terrorist organization	Politician
2017/322	Mukaddes Erdoğan Çelik	Making propaganda for a terrorist organization	Politician
2017/322	Mustafa Tezel	Membership in a terrorist organization	Activist
2017/322	Mustafa Tezel	Making propaganda for a terrorist organization	Activist
2017/322	Neriman Şaşmaz İlhan	Membership in a terrorist organization	Politician
2017/322	Neriman Şaşmaz İlhan	Making propaganda for a terrorist organization	Politician
2017/322	Osman Tunç	Membership in a terrorist organization	Activist
2017/322	Osman Tunç	Making propaganda for a terrorist organization	Activist
2017/322	Ömer Sezgin	Membership in a terrorist organization	Journalist
2017/322	Ömer Sezgin	Making propaganda for a terrorist organization	Journalist
2017/322	Özge Gür	Membership in a terrorist organization	Politician
2017/322	Özge Gür	Making propaganda for a terrorist organization	Politician
2017/322	Serkan Okatan	Making propaganda for a terrorist organization	Activist
2017/322	Serkan Zorlu	Making propaganda for a terrorist organization	Activist

2017/322	Serkan Zorlu	Defying the Law on Assemblies and Demonstrations no. 2911	Activist
2017/322	Sinan Aktaş	Membership in a terrorist organization	Activist
2017/322	Sinan Aktaş	Making propaganda for a terrorist organization	Activist
2017/322	Suat Çorlu	Membership in a terrorist organization	Politician
2017/322	Suat Çorlu	Making propaganda for a terrorist organization	Politician
2017/322	Umut Aktaş	Membership in a terrorist organization	Activist
2017/322	Umut Aktaş	Making propaganda for a terrorist organization	Activist
2017/322	Yağmur Emekdar	Membership in a terrorist organization	Activist
2017/322	Yağmur Emekdar	Making propaganda for a terrorist organization	Activist
2017/322	Yavuz Kılıç	Membership in a terrorist organization	Activist
2017/322	Yavuz Kılıç	Making propaganda for a terrorist organization	Activist
2017/64	Hamdusana Yıldırım	Membership in a terrorist organization	Politician
2017/64	Hande Kaya	Membership in a terrorist organization	Politician
2017/64	Kenan Kırkaya	Membership in a terrorist organization	Journalist

In **10 trials** monitored in February 2022, **45 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2021/193	Eren Keskin	Making propaganda for a terrorist organization	Rights defender
2021/221	Aslı Erdoğan	Making propaganda for a terrorist organization	Author
2021/450	Gökhan Biçici	Insulting the president	Journalist
2020/114	Buse Söğütü	Disclosing or publishing the identity of officials on anti-terrorist duties, or identifying such persons as targets	Journalist
2019/238	Ömer Ağin	Membership in a terrorist organization	Author
2019/413	Durket Süren	Aiding and abetting an armed terrorist organization willingly and knowingly	Journalist
2020/29	Ruken Demir	Membership in a terrorist organization	Journalist
2021/897	8 LGBTIQ+ Rights defender	Defying the Law on Assemblies and Demonstrations no. 2911	Activist
2020/3	Ahmet Özmen	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Ahmet Özmen	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Sertaç Buluttekın	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Sertaç Buluttekın	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Serhat Eren	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Serhat Eren	Inciting the public to hatred and hostility or degrading	Lawyer

2020/3	Nahit Eren	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Nahit Eren	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Mahsum Batı	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Mahsum Batı	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Nuşin Uysal Ekinci	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Nuşin Uysal Ekinci	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Cihan Ülsen	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Cihan Ülsen	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Muhammet Neşet Girasun	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Muhammet Neşet Girasun	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	İmran Gökdere	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	İmran Gökdere	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Velat Alan	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer
2020/3	Velat Alan	Inciting the public to hatred and hostility or degrading	Lawyer
2020/3	Ahmet Dağ	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Lawyer

2020/3	Ahmet Dağ	Inciting the public to hatred and hostility or degrading	Lawyer
2018/110	Eylem Sonbahar	Defying the Law on Assemblies and Demonstrations no. 2911	Journalist
2018/110	Sema Karakurt	Defying the Law on Assemblies and Demonstrations no. 2911	Journalist
2018/110	Sultan Uçar	Defying the Law on Assemblies and Demonstrations no. 2911	Journalist
2018/110	10 other defendants who were tried in the Antalya 2015 G20 Leaders' Summit protests trial	Defying the Law on Assemblies and Demonstrations no. 2911	Activist

In **8 trials** monitored in March 2022, **22 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2021/148	Ahmet Kanbal	Insulting a public official	Journalist
2021/272	Namık Koçak	Making propaganda for a terrorist organization	Journalist
2022/100	Sedef Kabaş	Insulting a public official (twice)	Journalist
2021/1556	Ahmet Kanbal	Insulting a public official	Journalist
2021/400	Hifzullah Kutum	Making propaganda for a terrorist organization	Academic
2021/536	3 people tried in the 2nd Cihangir Case	Defying the Law on Assemblies and Demonstrations no. 2911	Activist

2016/218	Mehmet Baransu	Procuring documents concerning the security of the state with other intentions than damaging; procuring or stealing or using	Journalist
2016/218	Ahmet Altan	Procuring documents concerning the security of the state with other intentions than damaging; procuring or stealing or using	Author
2016/218	Yasemin Çongar	Procuring documents concerning the security of the state with other intentions than damaging; procuring or stealing or using	Journalist
2016/218	Yıldırım Oğur	Procuring documents concerning the security of the state with other intentions than damaging; procuring or stealing or using	Author
2016/218	Ahmet Altan	Disclosing information related to the security and political interests of the state	Author
2016/218	Yasemin Çongar	Disclosing information related to the security and political interests of the state	Journalist
2016/218	Yıldırım Oğur	Disclosing information related to the security and political interests of the state	Author
2021/215	7 women tried in Van for calling for the İstanbul Convention march	Defying the Law on Assemblies and Demonstrations no. 2911	Activist, Politician

.In **7 trials** monitored in April 2022, **59 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2021/564	Hasan Cemal	Insulting the president	Journalist
2021/922	Genco Erkal	Insulting the president	Artist
2016/327	Rüstem Batum	Insulting the president	Journalist
2021/1917	16 LGBTI+ rights defenders (Eskişehir)	Defying the Law on Assemblies and Demonstrations no. 2911	Activist
2021/280	Öztürk Türkdoğan	Membership in a terrorist organization	Lawyer, human rights defender
2019/616	Kerim Karakaya	Defying the Law no.6362 on Capital Market	Journalist
2019/616	Fercan Yalınkılıç	Defying the Law no.6362 on Capital Market	Journalist
2019/616	Mustafa Sönmez	Defying the Law no.6362 on Capital Market	Journalist
2019/616	Sedef Kabaş	Defying the Law no.6362 on Capital Market	Journalist
2019/616	Merdan Yanardağ	Defying the Law no.6362 on Capital Market	Journalist
2019/616	Orhan Kalkan	Defying the Law no.6362 on Capital Market	Journalist
2019/616	The other 32 defendants in "the economic coup d'état attempt" case	Defying the Law no.6362 on Capital Market	Other
2021/178	Osman Kavala	Political or military espionage*	Business person, human rights defender

- At the sentencing hearing of the Gezi Trial held on April 25th, 2022, Osman Kavala was acquitted of “political or military espionage” (Article 328 of the Turkish Penal Code) on the grounds that there is no “definite and sufficient evidence.” Kavala was arrested on March 9th, 2020 and was held in prison for 2 years 1 month and 16 days on this charge.

In **5 trials** monitored in May 2022, **23 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2021/589	Olaf Boelo Koens	Defying the Law no. 2565 on Military Forbidden Zones and Security Zones	Journalist
2021/589	Pepijn Nagtzaam	Defying the Law no. 2565 on Military Forbidden Zones and Security Zones	Journalist
2019/300	17 Peace Mothers and 1 other defendant	Defying the Law on Assemblies and Demonstrations no. 2911	Activist
2021/340	Yılmaz Odabaşı	Inciting the public to hatred and hostility	Author
2021/340	Yılmaz Odabaşı	Publicly degrading a section of the public	Author
2022/48	Murat Güzel	Making propaganda for a terrorist organization	Politician
2019/442	Derya Okatan	Insult	Journalist

In **4 trials** monitored in June 2022, **5 people** were acquitted of the charges against them

Case file no	Defendant	Charges	Occupation
2022/128	Canan Kaftancıoğlu	Insulting the president	Politician
2022/128	Canan Kaftancıoğlu	Insulting a public official	Politician
2021/635	Doğan Hatun	Degrading the Turkish nation, the State of the Republic of Turkey, the organs and institutions of the state	Rights defender
2020/205	İzinsiz	Publicly degrading the Turkish flag	Artist
2022/23	Öztürk Türkdoğan	Insulting a public official	Rights defender
2020/335	Abdurrahman Gök	Membership in a terrorist organization	Journalist

In **2 trials** monitored in July 2022, **2 people** were acquitted of the charges against them.

Case file no	Defendant	Charges	Occupation
2020/862	Vedat Örüç	Defying the Law on Assemblies and Demonstrations no. 2911	Journalist
2020/862	Vedat Örüç	Insulting a public official	Journalist
2022/164	Ali Ergin Demirhan	Insulting the president	Journalist

2.5. Joinder and separation decisions

- On February 24, 2022, at the 15th hearing of the trial in which journalist **Kibriye Evren** faced charges of “membership in a terrorist organization” and “making propaganda for a terrorist organization,” the Diyarbakır 5th High Criminal Court ruled to merge the case file with the case file in Mersin in which journalist Evren faces the same charges. The Diyarbakır court reasoned that there are “actual and legal connections” between the case files. However, the Diyarbakır court took the joinder decision without waiting for the reply to the consent writ issued to the Mersin 2nd High Criminal Court.
- On March 17, 2022, at the first hearing of the trial in which journalist **Çetin Kurşun** faced the charge of “making propaganda for a terrorist organization,” the Mardin 2nd High Criminal Court ruled to merge the case file with the file of a case in which Kurşun stands trial on the charge of “membership in a terrorist organization” after a court of appeal overturned his acquittal.
- On March 4, 2022, at the 39th hearing of the Taraf Daily Case, the İstanbul 13th High Criminal Court ruled to separate the case file of **Tuncay Opçin** on the grounds that the arrest warrant issued against him could not be executed.
- On April 1, 2022, at the 28th hearing of the trial in which 76 people, including since-shuttered Dicle News Agency’s (DİHA) reporter **Engin Eren** face charges of “membership in a terrorist organization,” “defying the Law no. 2911 on Assemblies and Demonstrations” and “defying Law no. 2565 on the Military Restricted Zones and Security Zones,” the Batman 2nd High Criminal Court decided to separate the case files of nine defendants from the main case file (case no. 2015/294). The court ruled for separation on the grounds that there are two separate indictments prepared against two defendants and that there are ongoing criminal investigations against seven defendants.
- On February 22 2022, at the fifth hearing of the **Gezi Trial**, the İstanbul 13th High Criminal Court ruled to separate the file of 35 Çarşı Case defendants. The court ruled to separate the case file of the Çarşı Trial which had been previously unlawfully merged with the Gezi Trial, on the grounds that “there is a defendant in pre-trial detention” in the Gezi case file, that “the statements of some defendants are yet to be taken” and that “the matters which the Court of Cassation instructed to be investigated in its remitter are yet to be investigated.”
- On April 25, 2022, at the sentencing hearing of the **Gezi Trial**, the İstanbul 13th High Criminal Court decided to separate the case files of nine defendants from the main case file (case no. 2021/178) on the grounds that arrest warrants issued against these defendants could not be executed.

2.6. Dismissal decisions

- At the sentencing hearing of the Taraf Daily Case held on March 4, 2022, the İstanbul 13th High Criminal Court ruled to dismiss the case brought against journalist **Mehmet Baransu** for “membership in an armed terrorist organization” on the grounds that Baransu was already tried and convicted in a similar case heard by a Mersin court.

2.7. Lack of jurisdiction decisions

- On January 11, 2022, at the first hearing of the trial in which journalist **İskender Kahraman** faced the charge of “making propaganda for a terrorist organization,” the Hakkari 2nd High Criminal Court ruled for lack of jurisdiction on the grounds that Kahraman was in Ankara at the time when he allegedly committed the offense he was charged with and pointed out the Ankara 22nd High Criminal Court as the competent court. The Hakkari court sent the case file to the Court of Jurisdictional Disputes.

3. Additional Notes by Trial Monitors Concerning the Right to a Fair Trial

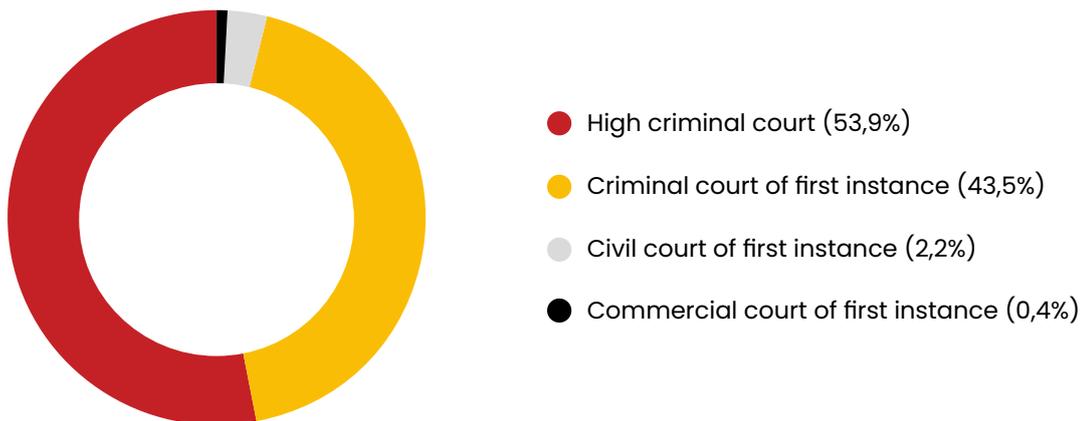
3.1. Punctuality of the hearings

269 out of 446 hearings (60 %) monitored between September 1, 2021 and July 20, 2022 started late. 16 hearings started earlier than scheduled while **161** hearings started on time. On average, the hearings were delayed by **40 minutes**.

131 out of 238 hearings (55 %) monitored in İstanbul and 43 out of 73 hearings (59 %) monitored in Diyarbakır started late. Ankara and Batman were the cities where defendants, lawyers and monitors had to wait the most. 26 out of 32 hearings (81 %) monitored in Ankara and 15 out of 18 hearings (18 %) monitored in Batman started late.

2 hearings in Kocaeli and **2** hearings in İstanbul were postponed. The judges postponed the hearings in Kocaeli as both the defendants and their lawyers failed to attend the hearings. The hearings in İstanbul, on the other hand, were postponed because the judges were on leave.

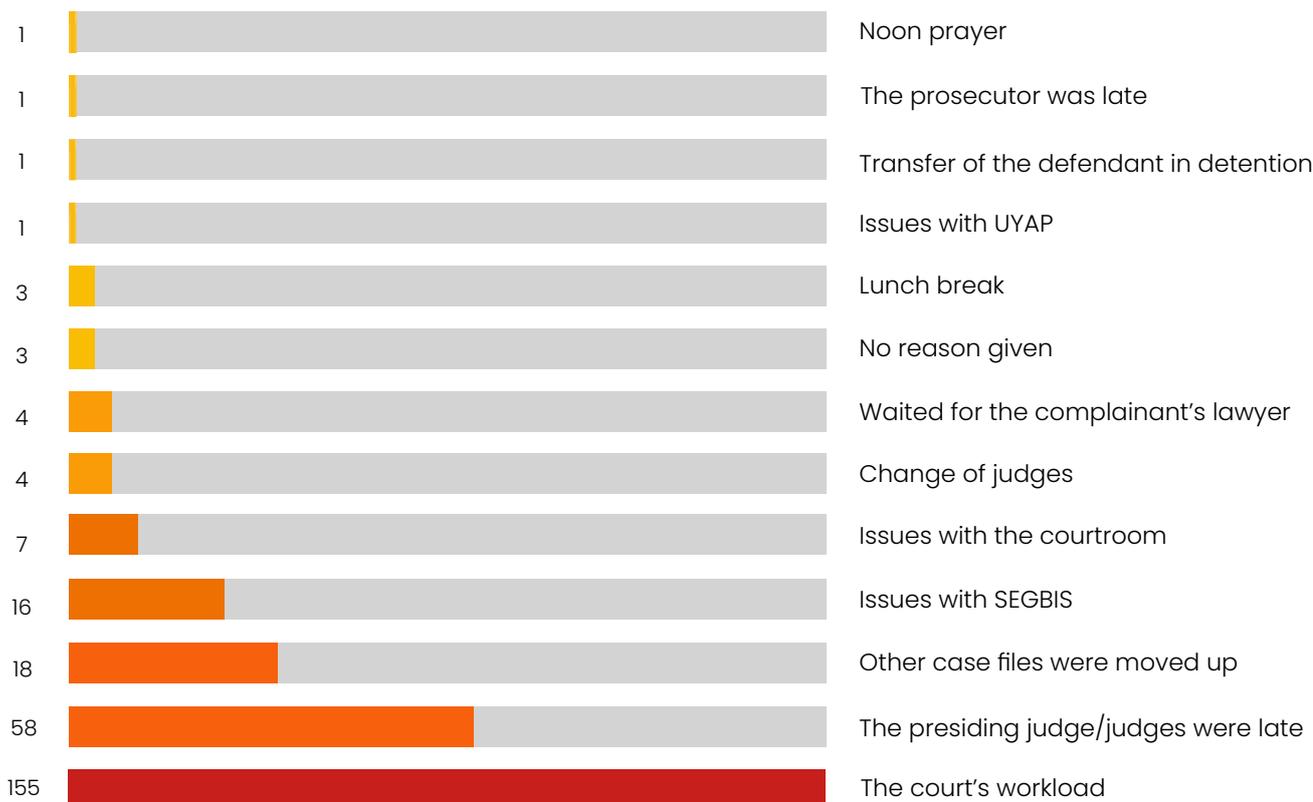
The hearings of **3** trials planned to be monitored during this period were not properly held. The courts held these hearings on paper because the defendants live abroad and the arrest warrants against them are yet to be executed. The courts did not get the statements of defense lawyers in these hearings.



Distribution of the courts in which hearings started late

145 hearings held in high criminal courts, **117** hearings held in criminal courts of first instance, **6** hearings held in civil courts of first instance and 1 hearing held in a commercial court of first instance started late.

Reasons why hearings were delayed



155 hearings started late because of the workload of the court hearing the cases

58 hearings started late because either the presiding judge and/or judges in the court panel were late to the hearing. However, aside from two hearings, no reason was specified about the lateness of the judges.

- The 20th hearing of the trial of journalist **Reyhan Çapan** which was held on November 30, 2021 started late because one of the judges on the panel of the İstanbul 2nd High Criminal Court was drinking tea.
- The second hearing of the SOL Party Keçiören District President **Murat Güzel** which was held on May 27, 2022 started late because the presiding judge of the Ankara 27th High Criminal Court was on the phone.

16 hearings started late because of issues with the audio-visual information system (SEGBIS).

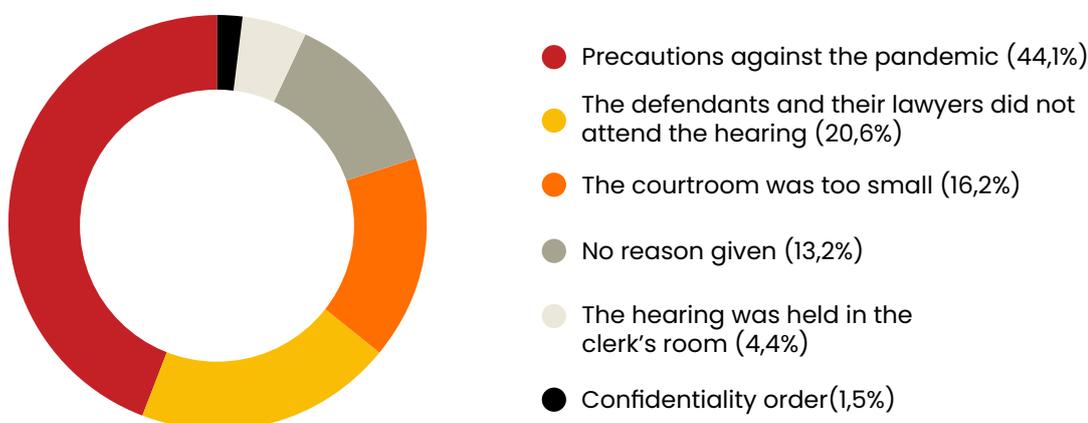
- The sixth hearing of the trial of the former Co-Chair of the Democratic Regions Party (DBP) **Sebahat Tuncel** on September 7, 2021 started late because of mistakes made with SEGBIS. The Batman 1st Criminal Court of First Instance managed to connect to the Sincan Prison Complex where Tuncel is held after trying three other prisons.

4 hearings started late because the courts waited for the complainants' lawyers who were late to the hearing. In all these instances, the lawyers whom the courts waited for were those of President Recep Tayyip Erdoğan.

The second hearing of the TÜGVA Papers trial held on April 15, 2022 in which journalist **Metin Cihan** stands trial with his alleged news source started late because the lawyers of the Turkey Youth Foundation (TÜGVA) and the lawyer of defendant Ramazan Aydoğdu requested to perform noon prayer. The court accepted the request and the hearing began after the lawyers' prayer

3.2. Court monitors' access to the courtroom

MLSA trial monitors recorded that no audience was allowed into the courtroom at **68** hearings. They were, however, able to access the courtroom at **18** out of these 68 hearings by identifying themselves as members of the press.

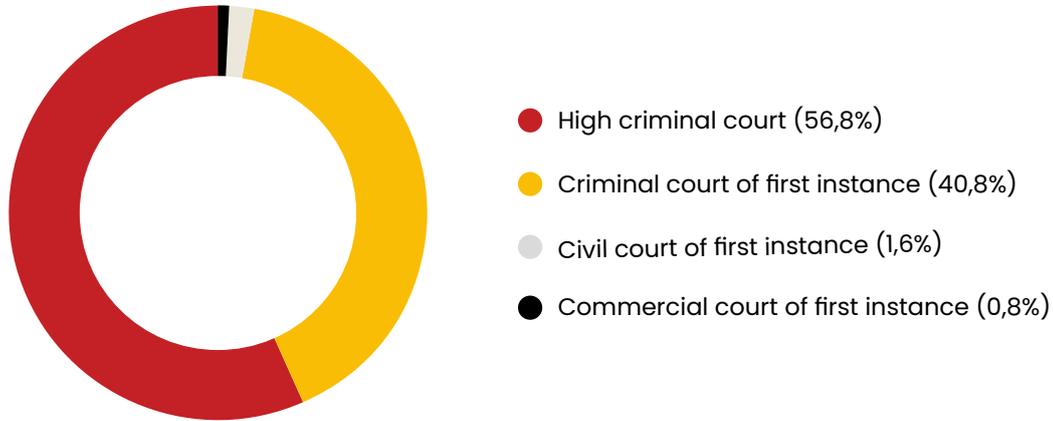


Distribution of the reasons given for denying the monitors access to courtrooms

MLSA monitors were denied access to **30** hearings under the pretext of the precautions against the pandemic. The monitors observed that the precautions are often employed to hold closed hearings in a way that constitutes an open defiance to the right to a public hearing. Confirming these observations, the monitors and the press were denied access to 3 hearings despite the fact that the measures against the COVID-19 pandemic were officially removed on April 9, 2022 with the Circular no. 2022/2.

3.3. Changes of judges

MLSA monitors recorded that there was a change of judges in **123** cases monitored during this period.



Distribution of the courts in which there was a change of judge

The presiding judges of **71** high criminal courts and the judges of **50** criminal courts of first instance were changed. The **2** judges of the civil courts of first instance hearing the compensation lawsuits against journalists Çiğdem Toker and Hazal Ocak and the judge of the commercial court of first instance hearing the compensation lawsuit against academic and author Ceren Sözeri were also changed.

3.4. Changes in the panels of judges

102 out of 210 cases monitored during this period were heard in courts with a panel of judges. MLSA monitors recorded that in **76** out of those 102 cases, there was a change in the panel of judges. It was also recorded that these changes were more frequent in İstanbul and Diyarbakır courts.

- On April 5, 2022, the seventh hearing of the trial in which the Co-Chair of the Peoples' Democratic Party (HDP) **Tayip Temel**, HDP Mardin MP **Pero DüNDAR** and 36 others face the charge of "founding and managing an organization" was held. The panel of judges has so far been changed five times during the trial.

3.5. Pre-trial detention

As per Articles 100 and 101 of the Criminal Procedure Code, **12** people were tried in the cases monitored between September 1, 2021 and July 20, 2022 while being held in pre-trial detention.

Case file no	Defendant	Arrested on	Released on	Detention period*	Imprisoned in	Occupation
2021/178	Osman Kavala	01.11.2017	-	1795 days	Silivri Prison	Human rights defender, business person
2016/218	Mehmet Baransu	02.03.2015	-	2770 days	Silivri Prison	Journalist
2021/552	Caner Perit Özen	06.10.2021	07.01.2022	94 days	Silivri Prison	Student
2021/695	Ersin Berke Gök	06.10.2021	07.01.2022	94 days	Silivri Prison	Student
2021/695	Caner Perit Özen	06.10.2021	07.01.2022	94 days	Silivri Prison	Student
2019/616	Sedef Kabaş	22.01.2022	11.03.2022	49 days	Bakırköy Women's Prison	Journalist
2020/559	V.U.	-	-	-	Edirne Type-F High Security Prison	Activist
2019/1202	R. D. T	-	-	-	Silivri Prison	Politician
2019/1202	C.Y.	-	-	-	Silivri Prison	Activist
2022/100	Sedef Kabaş	22.01.2022	11.03.2022	49 days	Bakırköy Women's Prison	Journalist
2016/33	Devrim Ayık	12.01.2021	-	628 days	Eskişehir Type-H Prison	Journalist
2022/128	Ramazan Aydoğdu	24.11.2021	11.05.2022	168 days	İstanbul Paşakapısı Prison	Other

2021/273	Figen Yüksekdağ	04.11.2016	-	2157 days	Kocaeli Type- F Prison	Politician
2021/273	İdris Baluken	04.11.2016	-	2157 days	Sincan Type- F Prison	Politician
2022/179	Devrim Ayık	12.01.2021	-	628 days	Eskişehir TypeL Prison	Journalist
2020/96	Sebahat Tuncel	06.11.2016	-	2155 days	Sincan Type- L Prison	Politician

** The detention periods for those who are still being held in pre-trial detention were counted from the start of their detention until October 1, 2022.*

- On April 25, 2022, at the sentencing hearing of the Gezi Trial, **Osman Kavala** was acquitted of “political or military espionage” on the grounds that there is no “definite and sufficient evidence.” The court ordered Osman Kavala’s release who was held in prison for 2 years 1 month and 16 days over this charge. However, the court also ruled for the immediate arrest of Osman Kavala after sentencing him to aggravated life in prison for “attempting by the use of force and violence, to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties.”
- On March 4, 2022, at the 39th hearing of the Taraf Daily Case, the court ruled to continue the detention of journalist **Mehmet Baransu** after having sentenced him to 13 years in prison. On Baransu’s 2559th day in detention, the court ruled to continue his detention reasoning that “judicial control measures will not be sufficient.”
- On June 17, 2022, the court sentenced journalist **Devrim Ayık** to 12 years in prison for “membership in a terrorist organization” and ruled to continue his detention despite the fact that Ayık is gravely ill. The court reasoned that “judicial control measures will not be sufficient.”

3.6. The right to be present at hearings

In some of the monitored trials, it has been recorded that the defendants’ right to be present at hearings guaranteed by Article 14/3-d of the International Covenant on Civil and Political Rights, Article 6/3-c of the European Convention on Human Rights and Article 36 of the Constitution has been violated.

September 2021

- The former Co-Chair of the Democratic Regions Party (DPB) **Sebahat Tuncel** was not brought to the September 7, 2021 hearing of the trial in which she is tried with 27 people in Batman. Tuncel attended the hearing via the audio-visual information system (SEGBIS).

November 2021

- The former Co-Chair of the Democratic Regions Party (DPB) **Sebahat Tuncel** was not brought to the November 9, 2021 hearing of the trial in which she is tried with 27 people in Batman. Tuncel attended the hearing via SEGBIS. As she was not served the case file, Tuncel had refused to defend herself in the previous hearing despite the insistence of the judge. Tuncel defended herself in this hearing via SEGBIS however, her 10 minute long argument was not recorded reportedly due to issues with SEGBIS. The court proceeded to record the summary of her arguments in the minutes. In the minutes of the hearing, Tuncel's defense was only half-page long
- **Osman Kavala** was not brought to the November 26, 2021 hearing of the Gezi Trial. On October 18, 2021, the Embassies of Germany, USA, Denmark, Finland, France, the Netherlands, Sweden, Canada, Norway and New Zealand published a joint statement calling for the immediate release of Osman Kavala in line with the judgment of the European Court of Human Rights. On October 21, 2021, President Recep Tayyip Erdoğan responded, declaring that he found the joint statement unacceptable. In his response, Erdoğan also insulted Kavala by calling him "Soros artığı [Soros trash]." On October 22, 2021, Osman Kavala issued a statement in which he said Erdoğan's remarks prove that there cannot be a fair trial and thus he would not be attending the hearings anymore. Therefore Kavala did not attend the hearing held on November 26, 2021 via SEGBIS either

January 2022

- Human rights defender **Osman Kavala** was not brought to the January 17, 2022 hearing of the Gezi Trial. Kavala did not attend the hearing via SEGBIS either as per his decision following President Erdoğan's remarks.
- Boğaziçi University students **Berke Gök** and **Caner Perit Özen** were not brought to the January 7, 2022 hearing of the trial in which they are tried together with 10 Boğaziçi University students. No reason was given as to why the students were not brought to the first hearing of the trial. Gök and Özen were released after the hearing with judicial control measures imposed upon them.

February 2022

- Human rights defender **Osman Kavala** was not brought to the February 21, 2022 hearing of the Gezi Trial. Kavala did not attend the hearing via SEGBIS either as per his decision following President Erdoğan's remarks.
- Journalist **Sedef Kabaş** who was being held in pre-trial detention for allegedly "insulting the president" and "insulting a public official" (Case File no. 2022/100) was not brought to the February 22, 2022 hearing of the "Economic Coup d'Etat Attempt Trial" (Case File no. 2019/616) in which she stands trial with 37 people.

March 2022

- Human rights defender **Osman Kavala** was not brought to the March 21, 2022 hearing of the Gezi Trial. Kavala attended the hearing via SEGBİS.
- The former Co-Chair of the Peoples' Democratic Party (HDP) **Figen Yüksekdağ** and former HDP MP **İdris Baluken** were not brought to the March 16, 2022 hearing of the trial in which they are tried together with six other HDP politicians. While Baluken could attend the hearing via SEGBİS, Yüksekdağ could not attend the hearing via SEGBİS because the prison where she is being held did not respond to the writ issued by the court.
- Defendants R. D. T. and C. Y. were not brought to the March 8, 2022 hearing of the trial in which they are tried with 36 people who were taken into police custody in Kadıköy, İstanbul on August 20, 2019 at the protests against the appointment of trustees to Diyarbakır, Van and Mardin Metropolitan Municipalities. The defendants could not attend the hearing via SEGBİS either due to issues with SEGBİS reportedly caused by busyness in the system.

April 2022

- Human rights defender **Osman Kavala** was neither brought to the eighth hearing held on April 22 nor the sentencing hearing of the Gezi Trial held on April 25, 2022. Kavala attended both hearings via SEGBİS. However, at the sentencing hearing, Kavala could not see the courtroom for an extended period, nor could he be seen in the courtroom reportedly due to issues with SEGBİS.

May 2022

- Ramazan Aydoğdu who stands trial together with journalist **Metin Cihan** in the TÜGVA Papers Case for allegedly being the news source of Cihan, was not brought to the May 11, 2022 hearing of the trial. After the hearing, Aydoğdu was released with judicial control measures imposed upon him.

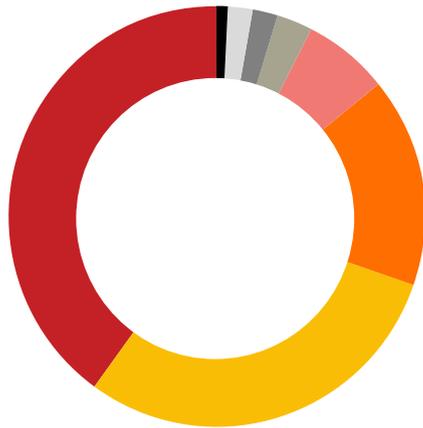
June 2022

- The former Co-Chair of the Peoples' Democratic Party (HDP) **Figen Yüksekdağ** and former HDP MP **İdris Baluken** were not brought to the June 15, 2022 hearing of the trial in which they still stand trial together with six other HDP politicians. Yüksekdağ did not attend the hearing via SEGBİS either. The prison administration notified the court that Yüksekdağ was taken to a dentistry hospital.

3.7. Judicial control and protection measures

In **49** out of 210 trials monitored during this period, judicial control measures in the form of international travel bans, house arrest or the obligation to check in regularly with the authorities were imposed upon **358** people.

As part of the judicial control measures imposed upon defendants in this monitoring period, **315** people, including **104 students, 81 activists** and **69 journalists**, were prohibited from leaving the country. The majority of individuals upon whom international travel bans were imposed faced terrorism-related charges.



Distribution of the charges leveled against individuals upon whom international travel bans were imposed

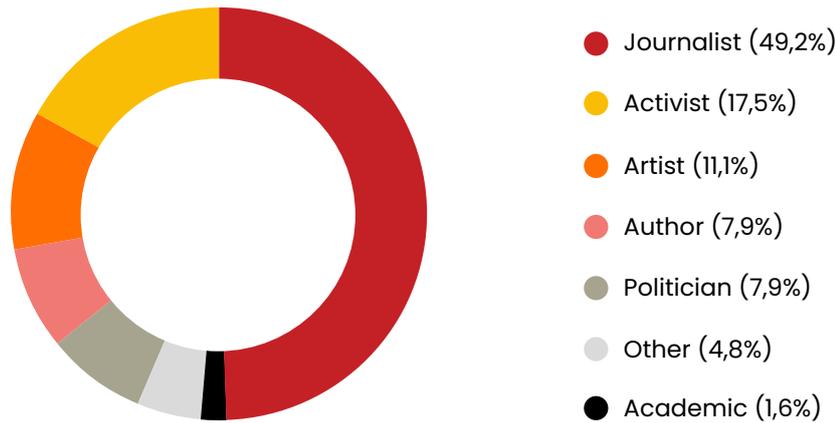
- Terrorism-related charges (41,9%)
- Defying the Law no. 2911 (31,1%)
- Offenses against the constitutional order (16,8%)
- Offenses against the public peace (6,7%)
- Offenses against property (1,3%)
- Offenses against the public administration (1%)
- Offenses related to data processing systems (1%)
- Offenses against the symbols of state sovereignty and the reputation of its organs (0,3%)

The international travel bans imposed in trials monitored during this period were in force longer than the periods stipulated in Article 110/A of the Criminal Procedure Code (Added on: 8/7/2021-7331/17 Art.) which went into force on April 1, 2022. In many cases that were adjudicated during this monitoring period, the imposed international travel bans had been in force for five years.

- The international travel bans imposed upon eight individuals who were tried together with 35 other defendants who attempted to prevent the military operations in Batman's Sason district in 2015, have been in force for **7 years**. The trial as well as the international travel bans imposed upon these individuals still continue.

42 people who were tried in **7** separate cases were obligated to check in with the authorities on a regular basis as per Article 109/3b of the Criminal Procedure Code. This judicial control measure was imposed upon 28 people who were tried on terrorism-related charges in 6 separate cases and upon 14 people who were tried on "defying the Law no. 2911 on Demonstrations and Assemblies" in 1 case.

An individual who faced terrorism-related charges has been placed under house arrest as per Article 109/3-j of the Criminal Procedure Code. At the 17th hearing of the trial held on February 15, 2022, the lawyer of the respective defendant requested that her client be released as she works with refugees in the border region. The court, however, ruled to continue the house arrest. In doing so, it disregarded the Constitutional Court's *Esra Özkan Özakça* (Application No: 2017/32052) judgment in which the high court found prolonged house arrest to be in violation of one's right to liberty and personal security.



Distribution of the occupations against whom an arrest warrant has been issued

The courts have issued arrest warrants against **63 people** who were tried in **42** separate cases. These **63 people included 31 journalists, 11 activists, 7 artists and 5 politicians.**

3.8. Hearing notes of court monitors concerning the right to a fair trial

3.8.1. . The manner of the judges

In some hearings monitored during this period, it was recorded that judges adopted and exhibited manners which can be interpreted as violations of the right to a fair trial. Court monitors recorded that in numerous hearings, judges disregarded the relevant judgements of the Constitutional Court and the European Court of Human Rights. Through biased evaluations some judges conveyed the impression of a will to sentence defendants. MLSA monitors also recorded rude behavior of judges towards the defendants and their lawyers.

- On September 22 2021, exiled musician **Ferhat Tunç** submitted his written statement to the court at the 10th hearing of the trial in which he faces the charge of “inciting the public to hatred and hostility”. However, the judge of the Büyükçekmece 4th Criminal Court of First Instance not only disregarded Tunç’s written statement, but also the request of his lawyer for the court to rule in the absence of Tunç. The judge ruled to continue the arrest warrant issued against Tunç and decided to wait for its execution.
- The sentencing hearing of the trial in which journalist **Yelda Çiçek** faced charges of “defying the Law no. 2911 on Demonstrations and Assemblies” was held on September 22, 2021. Çiçek had been taken into police custody while covering the protests against the appointment of trustees to the municipalities won by the Peoples’ Democratic Party (HDP). The Diyarbakır 4th Criminal Court of First Instance sentenced Çiçek to 5 months in prison, thereby disregarding the fact that Çiçek was covering the protests as a journalist and thus also ignoring the *Erdal İmrek* (Application no: 2015/4206) and *Beyza Kural Yılancı* (Application no: 2016/78497) judgments of the Constitutional Court.
- The sentencing hearing of the trial in which human rights defender, author and lawyer **Nurcan Kaya** faced the charge of “making propaganda for a terrorist organization” because of her social media posts which included a post about Kobanê, was held on September 27, 2021. Sentencing Kaya to 1 year and 3 months in prison, the Diyarbakır 9th High Criminal Court disregarded the fact that at the time when the social media post was shared, Turkey did not consider PYD as a terrorist organization.
- On October 14, 2021, at the 10th hearing of the trial in which Xwebûn daily author, Kurdish linguist and journalist **Mehmet Şahin** faces the charge

of “founding and managing an organization,” the Diyarbakır 5th High Criminal Court decided to hear the anonymous witnesses again. However, in a manner which restricts the right to defense of both Şahin and his lawyer, the court decided to hear the anonymous witness in their absence. The court instructed Şahin and his lawyer to submit their questions to the anonymous witness in writing.

- On November 9, 2021, at the sentencing hearing of the trial in which journalist **Ayşe Kara** faced the charge of “membership in a terrorist organization,” the presiding judge of the Diyarbakır 5th High Criminal Court interrupted the arguments of Kara’s lawyer against the final opinion of the prosecution. The presiding judge warned Kara’s lawyer “to keep it short.”
- On November 24, 2021 at the third hearing of the **Saturday Mothers/People** 700th Gathering Trial, the judge rejected the defense lawyers’ request for the court to file a criminal complaint against the police officers who brutally dispersed the 700th gathering of the Saturday Mothers/People without providing any reasoning and in line with the prosecutor’s opinion. Likewise in line with the prosecutor’s opinion and without providing any reasoning, the judge rejected the requests for the postponement of the hearing which was held in a small courtroom during the pandemic so that it can be held in a bigger courtroom. After the judge also rejected the defense’s request for immediate acquittal, the defense lawyers requested that the judge recuse himself. In line with the prosecutor’s opinion, the judge dismissed the lawyers’ request without providing any valid reasoning.
- On September 30, 2021, at the third hearing of the trial in which journalist **Abdurrahman Gök** faced charges of “membership in a terrorist organization” and “making propaganda for a terrorist organization,” the court had decided to file a criminal complaint against Gök because of several social media posts which were not included in the indictment. Following the criminal complaint by the court, Gök was indicted with “making propaganda for a terrorist organization” on January 12, 2022 and this lawsuit was merged with the original case. At the January 20 hearing of the trial, the judges pressured Gök to provide his arguments against the new indictment which at that time had not even been served to the defendant or his lawyer. The insistence of the judges amounts to a violation of Article 6/3(b) of the European Convention of Human Rights.
- On January 27, 2022, at the second hearing of the trial in which journalist **Çetin Kurşun** faces the charge of “membership in a terrorist organization,” the Mardin 2nd High Criminal Court filed a repeating criminal complaint against journalist Kurşun for “making propaganda for a terrorist organization.” The complaint was filed despite the fact that a second lawsuit was already opened against Kurşun on the same charge following a criminal complaint the court had filed at the first hearing.
- On January 6, 2022, at the sentencing hearing of the trial in which journalist **Rojhat Doğru** faced charges of “disrupting the unity and integrity of the state,” “attempted murder,” “membership in a terrorist organization” and “making propaganda for a terrorist organization,” the Diyarbakır 8th Criminal Court sentenced Doğru to life in prison for “disrupting the unity and integrity of the state,” to 10 years and 10 months in prison for “attempted murder” and to 1 year 3 months in prison for “making propaganda for a terrorist organization” in line with the prosecutor’s final opinion. The court ignored the evidence in favor of Doğru.
- On February 2, 2022, at the second hearing of the trial in which journalist **Ahmet Kanbal** faced charges of “identifying the identity of officials on anti-terrorist duties as targets” and “insulting a public official,” the Aydın 3rd High Criminal Court rejected the request of Kanbal and his lawyers to rule for lack of jurisdiction. The court made its decision without offering any legal recourse for appeal. Disregarding judgments of the appeals courts, the Constitutional Court and the European Court of Human Rights for similar cases, the court also rejected the request of Kanbal and his lawyer for the expansion of the prosecution.
- On February 8, 2022, at the seventh hearing of the trial in which journalist **Deniz Yücel** faced the charge of “insulting a public official,” the İstanbul 24th Criminal Court of First Instance rejected the request of Yücel’s lawyers for the expansion of the prosecution without any valid reasoning. The court also disregarded the independent expert reports submitted by Yücel’s lawyers about the indictments prepared by the prosecutor who was a complainant in the case.
- On February 8, 2022, at the sentencing hearing of the trial in which journalist and author **Ömer Ağin** faced the charge of “membership in a terrorist organization,” the presiding judge of the Diyarbakır 5th High

Criminal Court interrupted the arguments of Ađın’s lawyer twice and warned him “to keep it short.”

- On March 21 2022, at the second hearing of the trial in which **14 students of Bođaziđi University** face charges of “defying the Law no. 2911 on Demonstrations and Assemblies,” “deprivation of liberty,” “prevention of public duty” and “hijacking or seizure of transport vehicles,” a defense lawyer asked the court why Mehmet Naci inci who claims to be the injured party is not attending the hearings and demanded that he be brought to the hearings. Ignoring the lawyer’s question and demand, the judge proceeded to give the floor to other defendants. Upon the objection of all defense lawyers, an argument broke out between the judge and the respective lawyer. Giving a formal warning to the lawyer, the judge invited police and security guards into the courtroom with the purpose to remove the lawyer from the courtroom. As police officers and security guards tried to remove the lawyer, a brawl broke out during which the judge left the courtroom. After all the defense lawyers were removed from the courtroom, the judge announced via the bailiff to only allow the defendants into the courtroom. Upon the defendants’ lawyers’ objection noting that their clients’ statements cannot be taken in their absence, the judge postponed the hearing.

“

After all the defense lawyers were removed from the courtroom, the judge announced via the bailiff to only allow the defendants into the courtroom. Upon the defendants’ lawyers’ objection noting that their clients’ statements cannot be taken in their absence, the judge postponed the hearing.

”

- On March 10 2022, at the sentencing hearing of the trial in which poet, author and journalist **Azad Zal** faces the charge of “membership in a terrorist organization,” the court rejected the request of Zal’s attorney to hear a witness with regards to the phone conversation that the prosecutor had cited as grounds for the sentence requested in his final opinion. In its verdict, the court also ignored the fact that the events, which Zal had attended in line with the requirements of his profession and which the court grounded its verdict upon, were all legal events.
- On March 31, 2022, at the fifth hearing of the trial in which journalist **Abdurrahman Gök** faced charges of “membership in a terrorist organization” and “making propaganda for a terrorist organization,” the court notified Gök and his lawyer that there was change in the panel of judges and that the panel was temporarily assigned. However, despite being temporarily assigned to the case file, the presiding judge of the Diyarbakır 5th High Criminal Court told Gök to provide his arguments against the final opinion in order to hand down a verdict.
- On March 2 2022, the Aydın 3rd High Criminal Court convicted journalist **Ahmet Kanbal** for “identifying officials on anti-terrorist duties as targets,” ignoring the judgments of other local courts, the Constitutional Court and the European Court of Human Rights (ECtHR) in similar cases. In addition to handing down such a sentence, at each stage of the trial, the court rejected the requests of Kanbal and his lawyer for the expansion of the prosecution without providing any tangible reason.
- The second hearing of the trial in which journalist **Rüstem Batum** faces the charge of “insulting the president” was held on March 24, 2022. Before the hearing, Batum’s lawyers submitted to the court the European Court of Human Rights’ *Vedat Şorli v. Türkiye* (Application no. 42048/19) judgment. The judge, however, ignored the ECtHR judgment.
- On March 22 2022, the Diyarbakır 5th High Criminal Court sentenced newspaper distributors **Veysi Altın** and **Ercan Yeltaş** each to 7 months and 15 days in prison. However, in its verdict, the court disregarded the fact that at the time when the newspapers’ were confiscated, there was no court decision banning the newspapers.
- On March 4 2022, the İstanbul 13th High Criminal Court which heard the Taraf Daily case unexpectedly handed down its verdict without hearing the final arguments of journalist **Mehmet Baransu** and his lawyer. The presiding judge gave up on his previous decision for further evidence to be collected.
- On March 7, 2022, the trial of 16 **LGBTI+ rights defenders** who were taken into police custody before the 1st Eskişehir Pride March began to be heard by the Eskişehir 8th Criminal Court of First Instance. During the statements, one of

the defendants argued that she attended the march as per her constitutional rights to which the judge replied “Never mind the constitutional rights now.”

“

“Never mind the constitutional rights now.”

”

- On April 13 2022, the Diyarbakır 11th High Criminal Court convicted the press consultant of the Diyarbakır Branch of the Peoples’ Democratic Party **Vedat Dağ** disregarding the case law of the Court of Cassation concerning similar cases. Sentencing Dağ to 2 years 6 months in prison for “threat,” the court took the statement of the complainant as the only legal ground of its verdict.
- On May 17, 2022, at the 14th hearing of the trial in which 9 people including EHA reporter **Ali Sönmez Kayar** face the charge of “membership in a terrorist organization,” the presiding judge scolded a defendant, who is at the same time a lawyer, during her arguments. The defendant could not continue with her defense. The presiding judge continued to display the same attitude towards the defendant after the hearing was concluded. Reflecting his bias, the judge referred to the defendant saying “You should not have been involved with these people. How come I am not here on trial or my child is not here on trial?”
- On June 16 2022, the trial of journalist **İnci Aydın** who faces the charge of “identifying officials on anti-terrorist duties as targets” upon complaint by Musa Çitil began to be heard by the Aydın 2nd High Criminal Court. The presiding judge insisted on calling complainant Musa Çitil “our lieutenant general” and “our general.”
- On June, 21 2022, the fifth hearing of the SLAPP brought against journalist **Hazal Ocak** by Recep Tayyip Erdoğan’s son-in-law and former Minister of Treasury and Finance Berat Albayrak was held at the İstanbul 8th Civil Court of First Instance. However, Ocak’s lawyer was not notified about the start of the hearing and thus the hearing was held in the absence of Ocak’s lawyer. The judge dismissed all objections and refused to provide the minutes, telling Ocak’s lawyer to “get it from UYAP” (i.e. the online portal of the Ministry of Justice).
- On June 21 2022, at the sentencing hearing of the trial in which the former MP of the Peoples’ Democratic Party **Sırrı Süreyya Önder** faced the charge of “insulting the president,” the Diyarbakır 12th Criminal Court of First Instance convicted the politician disregarding the European Court of Human Rights’ *Vedat Şorli v. Türkiye* (Application no. 42048/19) judgment as well as the decision of an appeals court acquitting the former Co-President of the Peoples’ Democratic Party Figen Yüksekdağ of the same charge leveled against her in an identical case.
- On June 30 2022, the Diyarbakır 5th High Criminal Court sentenced journalist **Abdurrahman Gök** to 1 year 6 months and 22 days in prison for “making propaganda for a terrorist organization” because of several social media posts. The court ignored the evidence and statements of Gök which proved that he had shared those posts with the intention of informing the public. The court thereby ignored the 2019 amendment made to Article 7/2 of the Anti-Terror Law.

3.8.2. Presence of police officers in the courtroom

- On December 14, 2022, at the 12th hearing of the trial in which journalist **Rojhat Doğru** faced charges of “disrupting the unity and integrity of the state,” “membership in a terrorist organization,” “making propaganda for a terrorist organization” and “attempted murder,” MLSA monitors recorded that there were police officers in civilian clothing in the courtroom.
- On January 20, 2022, after the fourth hearing of the trial of journalist **Abdurrahman Gök**, MLSA monitors observed that police officers in civilian clothing were informed about the hearing by the court officials.
- On January 26, 2022, at the seventh hearing of the trial in which journalist **Hatice Şahin** faced the charge of “membership in a terrorist organization,” MLSA monitors recorded that riot police were following the hearing at the defendant’s stand.
- On January 25 2022, after the hearing of the retrial in which journalist **Ramazan Akoğul** faces the charge of “membership in a terrorist organization,” MLSA monitors observed that police officers in civilian clothing were informed about the hearing and the date of the next hearing by the bailiff.

- On February 2 2022, at the eighth hearing of the trial in which journalist **Ramazan Ölçen** faces the charge of “membership in a terrorist organization,” MLSA monitors recorded that there were police officers in the courtroom. The monitors also observed that the police officers asked for information about the hearing.
 - On February 3 2022, after the 11th hearing of the trial in which author and linguist **Mehmet Şahin** faced the charge of “founding and/or managing an illegal organization,” MLSA monitors observed that police officers were informed about the hearing by the court officials.
 - On March 16 2022, at the 11th hearing of the trial in which the press consultant of the Diyarbakir Branch of the Peoples’ Democratic Party **Vedat Dağ** faced charges of “threat,” “membership in a terrorist organization” and “making propaganda for a terrorist organization,” the complainant C.B. was escorted to the courtroom by numerous police officers in a manner which may have created the impression that Dağ was “dangerous” or “criminal.” The police officers who escorted the complainant stayed in the courtroom throughout the hearing.
 - On April 5 2022, at the seventh hearing of the retrial in which 38 people, including the Co-Chair of the Peoples’ Democratic Party (HDP) **Tayyip Temel** and the HDP Mardin MP **Pero Dündar** face the charge of “founding and managing an illegal organization,” MLSA monitors recorded that there were numerous riot police and police officers in civilian clothing in the courtroom. The monitors learned that the police presence was requested by the court.
 - On April 13 2022, at the sentencing hearing of the trial in which the press consultant of the Diyarbakir Branch of the Peoples’ Democratic Party **Vedat Dağ** faced charges of “threat,” “membership in a terrorist organization” and “making propaganda for a terrorist organization,” MLSA monitors recorded that there were numerous police officers in the courtroom despite the fact that the court did not request it. Dağ’s lawyer requested that the police officers in the courtroom be removed as their presence might create pressure upon the judges. The judge rejected the lawyer’s request citing “security” reasons.
 - On April 22 2022, at the first hearing of the “Tent Trial” in which 45 **students of Boğaziçi University** face the charge of “defying the Law no. 2911 on Demonstrations and Assemblies,” MLSA monitors recorded that there were numerous police officers in civilian clothing waiting outside the courtroom. The monitors learned that the court did not request their presence.
 - On April 25 2022, at the second hearing of the trial in which the Secretary of the Diyarbakir Provincial Coordination Board of the Union of Chambers of Turkish Engineers and Architects (TMMOB) **Doğan Hatun** faced charges based on Article 301, MLSA monitors recorded that there were numerous police officers in the courtroom.
 - On May 11, 2022, at the ninth hearing of the trial in which journalist **Hatice Şahin** faced the charge of “membership in a terrorist organization,” MLSA monitors recorded that there were numerous police officers in the courtroom despite the fact that there was no security threat.
- “
- MLSA monitors recorded that there were numerous police officers in the courtroom despite the fact that there was no security threat.
- ”
- On May 18, 2022, at the first hearing of the trial in which 16 people who were taken into police custody during the February 3, 2022 protest by the **Solidarity with the Imprisoned Initiative** face the charge of “defying the Law no. 2911 on Demonstrations and Assemblies,” MLSA monitors recorded a heavy police presence outside the courtroom. The monitors also recorded that two police officers followed the hearing.
 - On June 1, 2022, at the fifth hearing of the trial in which the Mayor of the İstanbul Metropolitan Municipality **Ekrem İmamoğlu** faces the charge of “insulting a public official,” MLSA monitors recorded that there was heavy police presence in the courtroom.
 - On June 3, 2022, at the 30th hearing of the trial in which 76 people, including the reporter of the since-shuttered Dicle News Agency **Engin Eren**, face numerous charges, MLSA monitors recorded that there were numerous police officers both inside and outside of the courtroom. The court monitors learned that the Batman 2nd High Criminal Court did not specifically request the presence of police officers.

- On July 19, 2022, at the second hearing of the trial in which 10 people who were taken into police custody during a **protest in the Seyit Rıza Square** on December 17, 2022 called by the Dersim Labor and Democracy Forces face the charge of “defying the Law no. 2911 on Demonstrations and Assemblies,” MLSA monitors observed that the complainant police officer attended the hearing in his uniform.

3.8.3. Unlawful evidence

- On February 21 2022, at the ninth hearing of the trial in which journalist **Durket Süren** faced charges of “aiding and abetting an organization willingly and knowingly” and “making propaganda for a terrorist organization,” the Diyarbakır 11th High Criminal Court convicted Süren because of the social media posts cited as evidence against her. However, in its verdict, the court ignored the Constitutional Court’s Decision no. 2020/10 in which the high court revoked the law article which gave the police the authority to conduct “virtual patrol,” a method used to gather the social media posts cited against journalist Süren. The court also ignored the 2019 amendment made to Article 7/2 of the Anti-Terror Law which stipulates that expressions intended to inform the public should not be considered as an offense in the context of this law.
- On April 28 2022, at the fifth hearing of the trial in which 35 people who were taken into police custody during the 2020 **Feminist Night March** face numerous charges, it was revealed that at least one of the crime scene reports was written by a police officer who was not on the scene that day.

“

It was revealed that at least one of the crime scene reports was written by a police officer who was not on the scene that day

”

- On April 7 2022, at the seventh hearing of the trial of **nine people which include students of Boğaziçi University** who were taken into police custody during a protest against the appointment of Melih Bulu as the university’s rector, it was revealed that the expert’s report cited as evidence against the defendants was prepared by a police officer. However, at the same hearing, the prosecutor presented his final

opinion as to the accusations and requested that the defendants be sentenced disregarding the fact that the expert’s report was prepared by a police officer. The judge dismissed the objections of the defense lawyers to the expert’s report.

- On June 14 2022, the Diyarbakır 4th Criminal Court of First Instance convicted **Mehmet Yıldırım**, the brother of Medeni Yıldırım who was killed by the military during a protest against the construction of a border outpost in Lice, for “insulting the president” citing several social media posts. However, in its verdict, the court ignored the Constitutional Court’s Decision no. 2020/10 in which the high court revoked the law article which gave the police the authority to conduct “virtual patrol,” a method used to gather the social media posts cited against Yıldırım.

3.8.4. Lengthy trials

- The October 11, 2022 and January 25, 2022 hearings of the trial in which journalist **Hatice Şahin** faced the charge of “membership in a terrorist organization,” were adjourned because the Diyarbakır Chief Public Prosecutor’s Office failed to respond to the issue writ upon request by the court. The court had issued the writ upon request by the prosecutor who had requested the court to ask for the sample of the testimony of a person who was a suspect in another criminal investigation.
- In the retrial of the since-shuttered Dicle News Agency, reporter **Ramazan Akoğul** who faces the charge of “membership in a terrorist organization,” the court continues to wait for the response to a writ issued to the Dicle Chief Public Prosecutor’s Office. On January 25, 2022, at the tenth hearing of the trial, the Diyarbakır 4th High Criminal Court issued another writ to the Dicle Chief Public Prosecutor’s Office to conclude the criminal investigation against Akoğul over the suspicion of “disrupting the unity and integrity of the state” and sent the case file with a joinder request in the event that Akoğul is indicted. On May 10, 2022, at the 11th hearing of the trial, the court adjourned the trial once more as the Dicle Public Prosecutor’s Office failed to respond to the writ.

- In the trial of journalist **Kibriye Evren** over charges of “membership in a terrorist organization” and “making propaganda for a terrorist organization,” the court waited for 15 hearings for the conclusion of the criminal

investigation carried out against Evren in Mersin and for the response to the consent writ issued to Mersin for the merging of the case files. On November 11, 2021, at the 14th hearing of the trial, it was revealed that the Diyarbakır court failed to attach the indictment to the consent writ issued to the Mersin 2nd High Criminal Court and thus the trial was adjourned once again. At the 15th hearing of the trial on February 24, 2022, the Diyarbakır court ruled to merge the case files without waiting for the consent of the Mersin 2nd High Criminal Court and sent the case file to Mersin.

- In the trial of Vice News reporter **Jake Hanrahan**, cameraman **Philip Pendlebury** and two other people accompanying the journalists when they were detained, the Diyarbakır 8th High Criminal Court has been waiting for the response by the Ministry of Justice to the rogatory letters issued abroad in 2016 so that the deported journalists' statements can be taken.
- In the trial of the since-shuttered Dicle News Agency's reporter **Şerife Oruç** over the charge of "membership in a terrorist organization," the Batman 2nd High Criminal Court still waits for the responses to the writs issued. At the 19th hearing of the trial, the court had decided to ask for the file of the criminal investigation against Oruç initiated by the Batman Chief Public Prosecutor's Office, which had resulted in a lack of jurisdiction decision and which was sent to the Diyarbakır Chief Public Prosecutor's Office. After 19 hearings, the Batman 2nd High Criminal Court gave up on its decision to hear the witness whose testimony led to Oruç being arrested because the witness could not be found.
- In the trial of 76 people, including the since-shuttered Dicle News Agency's reporter **Engin Eren**, the prosecutor presented his final opinion as to the accusations at the 30th hearing. The trial has been going on since 2015.

3.8.5. Irregularities in the prosecutors' final opinions

- On September 29 2021, at the fifth hearing of the trial in which journalist **Nurcan Yalçın** faced charges of "membership in a terrorist organization" and "making propaganda for a terrorist organization," the prosecution presented their final opinion as to the accusations. The prosecutor who for the most part repeated the indictment, requested that Yalçın be sentenced for both offenses up to 22 years and 6 months in prison. In his final opinion, the prosecutor ignored the fact Yalçın had shared the social media posts cited as evidence for the propaganda charge to inform the public. The prosecutor also ignored the fact that Rosa Womens' Association is a legally operating NGO. Yalçın's membership to the association was cited as evidence for the membership charge.
- On September 14 2021, at the 10th hearing of the trial in which Xwebûn daily author, Kurdish linguist and journalist **Mehmet Şahin** faced the charge of "founding and managing an illegal organization," the prosecutor repeated his final opinion which he submitted to the court at the seventh hearing and requested that Şahin be sentenced up to 15 years in prison. At the 11th hearing of the trial held on February 3, 2022, the Diyarbakır 5th High Criminal Court gave up on its decision to hear the anonymous witnesses again as the latter could not be reached. The prosecutor, however, repeated his final opinion and requested imprisonment for Şahin citing the statements of anonymous witnesses. In doing so, the prosecutor ignored the fact that the court had previously found discrepancies in the statements of the anonymous witnesses. The prosecutor also insistently ignored the fact that the investigation report expected from the Forensic Medicine Institute was yet to be submitted to the case file.
- On January 6 2022, at the sentencing hearing of the trial in which journalist **Rojhat Doğru** faced charges of "disrupting the unity and integrity of the state," "attempted murder," "membership in a terrorist organization" and "making propaganda for a terrorist organization," the prosecutor repeated his final opinion as to the accusations which he had submitted to the court at previous hearings. Ignoring the expert's report in favor of Doğru which refuted the statements of the complainant and several other pieces of evidence in favor of Doğru, the prosecutor requested once again that Doğru be sentenced.

- On February 22 2022, at the first hearing of the trial in which academic **Hifzullah Kutum** faced the charge of “making propaganda for a terrorist organization,” the prosecutor presented his final opinion as to the accusations immediately after Kutum’s arguments. Ignoring Kutum’s defense, the prosecutor requested that Kutum be sentenced.
- The fifth hearing of the trial in which journalist **Abdurrahman Gök** faced charges of “membership in a terrorist organization” and “making propaganda for a terrorist organization” was held on March 31, 2022. At the hearing, journalist Gök defended himself against the new indictment. Ignoring the arguments of Gök, the prosecutor presented his final opinion as to the accusations. Following the hearing, the prosecutor gave the clerk his final opinion which he prepared before on a USB stick and made the clerk copy-paste the opinion into the minutes of the hearing. The prosecutor ignored the evidence in favor of Gök and the fact that the social media posts by Gök that were cited as evidence against him were intended to inform the public.
- On May 17 2022, at the first hearing of the trial in which journalist **Nurcan Yalçın** faced the charge of “aiding and abetting an organization willingly and knowingly without belonging to the hierarchical structure of the organization,”
- On July 6 2022, at the fourth hearing of the trial in which the Peoples’ Democratic Party’s former MP **Sırrı Süreyya Önder** faced Article 301 charges, the prosecutor presented his final opinion and requested that Önder be sentenced. However, in his final opinion which consisted of five lines, the prosecutor failed to specify which expressions uttered by Önder actually constituted the offense for which he requested Önder to be sentenced.

“

However, in his final opinion which consisted of five lines, the prosecutor failed to specify which expressions uttered by Önder actually constituted the offense for which he requested Önder to be sentenced.

”

3.8.6. The Gezi Trial

The Gezi Trial in which 17 people, including imprisoned rights defender **Osman Kavala**, faced numerous charges has been a process in which there were numerous grave violations of national and international fundamental rules and principles of law. In this case, also known as the “**third Gezi Trial**,” even one of the most fundamental rights, namely “the right not to be tried or punished twice,” which is guaranteed by Article 4 of the Protocol No. 7 of the European Convention on Human Rights and the 7th clause of Article 14 of the International Covenant on Civil and Political Rights, has been blatantly violated. Considering the fact that there are serious and comprehensive violations in this case, the notes below will only include the violations of the right to a fair trial recorded during the April 22 and April 25, 2022 hearings of the case.

- The presiding judge, who never allowed any discussion on the evidence cited against the defendants, was impatient with the statements of the defendants and their lawyers. In previous hearings, the presiding judge frequently interrupted the defendants and their lawyers. At the April 22nd hearing of the trial, the presiding judge interrupted Hakan Altınay’s lawyer Tora
- Pekin who was giving his defense against the prosecutor’s final opinion by saying “It’s been 48 minutes already.” After the attorney of Altınay and other defense lawyers protested, the judge proceeded to record in the hearing minutes that “10 more minutes will be granted” with a reference to Article 6th of the European Convention of Human Rights.

- At the April 22nd hearing, the presiding judge interrupted Can Atalay, who was giving his defense against the prosecutor's final opinion, by saying "Will you wrap it up?" Atalay replied to the judge by stating "You must hear me. I am facing aggravated life in prison." The judge in turn replied to Atalay and said "So are others."
- At the April 22nd hearing, defendants and lawyers had to warn the judges several times as the latter were not listening to them as they provided their defense against the prosecutor's final opinion.
- At the April 25th hearing, the judges were more interested in their phones and the computers in front of them than in the hearing. In addition to the warnings by the defendants and their lawyers, a member of the audience protested the judges who were not paying attention to the statements of the defense.
- At the April 25th hearing, Can Atalay and Tayfun Kahraman's lawyer Evren İşler revealed that one of the judges, Murat Bircan was a prospective candidate of Recep Tayyip Erdoğan's party for the 2018 elections. Attorney İşler shared with the court the praising statements of Murat Bircan about Recep Tayyip Erdoğan. After this revelation, defense lawyers, including Osman Kavala's lawyers, demanded that judge Murat Bircan, whose impartiality is clearly doubtful, recuse himself. The presiding judge dismissed the demands of the defense lawyers even though lawyers of imprisoned Osman Kavala were among them on the grounds that the demands were allegedly made "to prolong the trial." Judge Murat Bircan voted in favor of the harsh sentences handed down.



Courtesy of Murat Başol

4. The hearings monitored between September 1 2021 – July 20 2022

Case file no	Date of the hearing	Celse no.	City	Court
2017/194	07.09.2021	12	Van	High criminal court
2020/403	07.09.2021	3	Erzurum	High criminal court
2020/96	07.09.2021	6	Batman	Criminal court of first instance
2021/12	09.09.2021	2	İstanbul	High criminal court
2018/122	09.09.2021	12	Van	High criminal court
2018/269x	09.09.2021	8	İstanbul	High criminal court
2018/270	09.09.2021	8	İstanbul	Criminal court of first instance
2019/342	09.09.2021	4	İstanbul	Criminal court of first instance
2019/40	09.09.2021	7	İstanbul	Criminal court of first instance
2019/53	09.09.2021	9	İstanbul	High criminal court
2021/106	09.09.2021	1	İstanbul	High criminal court
2017/859	14.09.2021	11	İstanbul	Criminal court of first instance
2020/114	14.09.2021	5	İstanbul	High criminal court
2021/174	14.09.2021	1	Diyarbakır	High criminal court
2021/24	14.09.2021	2	Diyarbakır	High criminal court
2018/269	15.09.2021	11	İstanbul	High criminal court
2017/322	16.09.2021	15	İstanbul	High criminal court
2019/413	20.09.2021	7	Diyarbakır	High criminal court
2017/57	21.09.2021	10	Antalya	High criminal court
2018/536	21.09.2021	11	Diyarbakır	High criminal court
2019/401	21.09.2021	5	İstanbul	Criminal court of first instance

2020/33	21.09.2021	5	İstanbul	High criminal court
2020/67	21.09.2021	5	Diyarbakır	High criminal court
2021/59	21.09.2021	7	Malatya	High criminal court
2018/136	22.09.2021	7	Diyarbakır	High criminal court
2018/59	22.09.2021	10	İstanbul	Criminal court of first instance
2019/1076	22.09.2021	10	Diyarbakır	Criminal court of first instance
2020/236	23.09.2021	3	İstanbul	Criminal court of first instance
2021/130	23.09.2021	2	Van	High criminal court
2020/277	27.09.2021	4	Diyarbakır	High criminal court
2017/64	28.09.2021	15	Ankara	High criminal court
2020/279	29.09.2021	5	Diyarbakır	High criminal court
2019/1202	30.09.2021	4	İstanbul	Criminal court of first instance
2020/284	30.09.2021	2	İstanbul	High criminal court
2020/335	30.09.2021	3	Diyarbakır	High criminal court
2021/242	30.09.2021	1	İstanbul	Criminal court of first instance
2020/29	05.10.2021	7	İzmir	High criminal court
2019/313	06.10.2021	9	Diyarbakır	High criminal court
2020/131	06.10.2021	2	İstanbul	High criminal court
2018/534	07.10.2021	8	Van	High criminal court
2018/57	07.10.2021	12	İstanbul	High criminal court
2019/188	07.10.2021	6	İstanbul	High criminal court
2021/59	07.10.2021	8	Malatya	High criminal court
2015/294	08.10.2021	25	Batman	High criminal court
2019/281	08.10.2021	6	İstanbul	High criminal court

2019/805	08.10.2021	7	Ankara	Criminal court of first instance
2020/311	08.10.2021	4	Ankara	High criminal court
2021/178x	08.10.2021	2	İstanbul	High criminal court
2020/294	11.10.2021	6	Diyarbakır	High criminal court
2018/89	12.10.2021	15	İstanbul	High criminal court
2019/292	12.10.2021	9	Ankara	High criminal court
2020/41	12.10.2021	4	Van	High criminal court
2021/109	12.10.2021	2	Van	High criminal court
2021/24	12.10.2021	3	Diyarbakır	High criminal court
2020/1737	13.10.2021	2	Mardin	Criminal court of first instance
2021/137	13.10.2021	1	Ankara	High criminal court
2018/439	14.10.2021	10	Diyarbakır	High criminal court
2019/360	14.10.2021	7	İstanbul	High criminal court
2020/1769	14.10.2021	3	Batman	Criminal court of first instance
2020/205	14.10.2021	4	İstanbul	Criminal court of first instance
2020/327	14.10.2021	3	İstanbul	Civil court of first instance
2021/100	14.10.2021	2	İstanbul	High criminal court
2016/218	18.10.2021	36	İstanbul	High criminal court
2019/399	20.10.2021	7	Kocaeli	High criminal court
2019/684	20.10.2021	5	İstanbul	Criminal court of first instance
2020/1737	20.10.2021	3	Mardin	Criminal court of first instance
2016/327	21.10.2021	14	İstanbul	Criminal court of first instance

2019/174	21.10.2021	4	İstanbul	Criminal court of first instance
2021/48	21.10.2021	3	Van	High criminal court
2018/949	26.10.2021	9	Diyarbakır	High criminal court
2019/82	26.10.2021	8	İstanbul	High criminal court
2020/117	26.10.2021	3	İstanbul	High criminal court
2020/289	27.10.2021	3	İstanbul	Criminal court of first instance
2019/53	28.10.2021	10	İstanbul	High criminal court
2016/166	02.11.2021	18	İstanbul	Criminal court of first instance
2016/34x	02.11.2021	19	İstanbul	Criminal court of first instance
2020/208	02.11.2021	5	Diyarbakır	High criminal court
2016/106	03.11.2021	21	İstanbul	High criminal court
2021/186	03.11.2021	1	İstanbul	High criminal court
2021/371	03.11.2021	2	Yalova	Criminal court of first instance
2021/59x	04.11.2021	2	İstanbul	High criminal court
2018/185	09.11.2021	14	İstanbul	High criminal court
2020/241	09.11.2021	4	Ankara	High criminal court
2020/96	09.11.2021	7	Batman	Criminal court of first instance
2021/540	09.11.2021	1	Ankara	Criminal court of first instance
2021/72	09.11.2021	2	Diyarbakır	High criminal court
2017/230	11.11.2021	18	Batman	High criminal court
2018/827	11.11.2021	14	Diyarbakır	High criminal court
2016/218	12.11.2021	37	İstanbul	High criminal court
2016/325	12.11.2021	15	İstanbul	Criminal court of first instance

2016/162	16.11.2021	20	İstanbul	Criminal court of first instance
2020/403	16.11.2021	4	Erzurum	High criminal court
2020/3	17.11.2021	6	Diyarbakır	High criminal court
2021/178	17.11.2021	3	İstanbul	Criminal court of first instance
2019/616	18.11.2021	7	İstanbul	Criminal court of first instance
2020/111	18.11.2021	6	İstanbul	Criminal court of first instance
2020/33	18.11.2021	6	İstanbul	High criminal court
2015/294	19.11.2021	26	Batman	High criminal court
2020/279	22.11.2021	6	Diyarbakır	High criminal court
2014/139	23.11.2021	23	İstanbul	High criminal court
2016/34	23.11.2021	12	Diyarbakır	High criminal court
2017/408	23.11.2021	11	İstanbul	Criminal court of first instance
2019/550	23.11.2021	2	İzmir	Criminal court of first instance
2021/212	23.11.2021	2	Kocaeli	Criminal court of first instance
2020/559	24.11.2021	3	İstanbul	Criminal court of first instance
2020/241	25.11.2021	5	Ankara	High criminal court
2021/ 922	25.11.2021	1	İstanbul	Criminal court of first instance
2021/218	25.11.2021	2	İstanbul	Criminal court of first instance
2021/552	25.11.2021	3	İstanbul	Criminal court of first instance
2021/ 413	26.11.2021	4	İstanbul	Criminal court of first instance
2021/178x	26.11.2021	2	İstanbul	High criminal court

2021/552	29.11.2021	4	İstanbul	Criminal court of first instance
2014/277	30.11.2021	20	İstanbul	High criminal court
2019/342	30.11.2021	5	İstanbul	Criminal court of first instance
2019/550	30.11.2021	8	İzmir	Criminal court of first instance
2019/647	30.11.2021	7	İstanbul	Criminal court of first instance
2020/240	01.12.2021	4	İstanbul	High criminal court
2018/122	02.12.2021	13	Van	High criminal court
2021/261	02.12.2021	1	İstanbul	High criminal court
2016/589	07.12.2021	13	Antalya	Criminal court of first instance
2017/64	07.12.2021	17	Ankara	High criminal court
2021/120	07.12.2021	2	Diyarbakır	High criminal court
2021/702	07.12.2021	1	Ankara	Criminal court of first instance
2020/192	08.12.2021	6	Ağrı	High criminal court
2021/240	08.12.2021	1	Diyarbakır	High criminal court
2017/102	09.12.2021	13	İstanbul	High criminal court
2021/247	09.12.2021	1	Mardin	High criminal court
2021/76	09.12.2021	3	Balıkesir	High criminal court
2021/148	10.12.2021	1	Aydın	High criminal court
2021/897	10.12.2021	2	İstanbul	Criminal court of first instance
2019/413	13.12.2021	8	Diyarbakır	High criminal court
2018/536	14.12.2021	12	Diyarbakır	High criminal court
2021/158	14.12.2021	2	Diyarbakır	High criminal court
2019/237	15.12.2021	6	Antalya	Criminal court of first instance

2019/313	15.12.2021	10	Diyarbakır	High criminal court
2021/201	15.12.2021	1	Ankara	High criminal court
2019/442	16.12.2021	5	İstanbul	Criminal court of first instance
2019/53	16.12.2021	11	İstanbul	High criminal court
2021/100	16.12.2021	3	İstanbul	High criminal court
2021/221	16.12.2021	1	İstanbul	High criminal court
2021/272	17.12.2021	1	İstanbul	High criminal court
2017/408	21.12.2021	12	İstanbul	Criminal court of first instance
2019/292	21.12.2021	10	Ankara	High criminal court
2016/85	23.12.2021	15	İstanbul	High criminal court
2018/269x	23.12.2021	6	İstanbul	Criminal court of first instance
2018/270	23.12.2021	6	İstanbul	Criminal court of first instance
2019/40	23.12.2021	5	İstanbul	Criminal court of first instance
2019/58	23.12.2021	7	Diyarbakır	High criminal court
2020/67	23.12.2021	6	Diyarbakır	High criminal court
2021/273	23.12.2021	3	İstanbul	Criminal court of first instance
2021/477	23.12.2021	1	İstanbul	Criminal court of first instance
2017/322	24.12.2021	17	İstanbul	High criminal court
2019/342	28.12.2021	6	İstanbul	Criminal court of first instance
2020/131	29.12.2021	3	İstanbul	High criminal court
2020/500	29.12.2021	2	İstanbul	Criminal court of first instance
2017/102	31.12.2021	14	İstanbul	High criminal court
2018/536	06.01.2022	13	Diyarbakır	High criminal court

2020/289	06.01.2022	4	İstanbul	Criminal court of first instance
2021/48	06.01.2022	4	Van	High criminal court
2021/695	07.01.2022	1	İstanbul	Criminal court of first instance
2021/230	10.01.2022	3	İstanbul	Criminal court of first instance
2021/12	11.01.2022	4	İstanbul	High criminal court
2016/327	11.01.2022	15	İstanbul	Criminal court of first instance
2017/194	11.01.2022	13	Van	High criminal court
2018/110	11.01.2022	12	Antalya	Criminal court of first instance
2020/33	11.01.2022	7	İstanbul	High criminal court
2021/106	11.01.2022	2	İstanbul	High criminal court
2021/224	11.01.2022	1	Hakkari	High criminal court
2021/298	11.01.2022	1	Diyarbakır	High criminal court
2019/271	12.01.2022	8	İstanbul	High criminal court
2020/29	12.01.2022	8	İzmir	High criminal court
2020/205	13.01.2022	5	İstanbul	Criminal court of first instance
2020/41	13.01.2022	5	Van	High criminal court
2017/322	17.01.2022	18	İstanbul	High criminal court
2021/178x	17.01.2022	4	İstanbul	High criminal court
2017/29	20.01.2022	17	Ağrı	High criminal court
2017/64	20.01.2022	18	Ankara	High criminal court
2019/401	20.01.2022	6	İstanbul	Criminal court of first instance
2020/335	20.01.2022	4	Diyarbakır	High criminal court
2015/294	21.01.2022	26	Batman	High criminal court

2016/218	21.01.2022	38	İstanbul	High criminal court
2020/862	21.01.2022	3	İstanbul	Criminal court of first instance
2018/949	25.01.2022	10	Diyarbakır	High criminal court
2019/237	26.01.2022	7	Antalya	Criminal court of first instance
2020/294	26.01.2022	7	Diyarbakır	High criminal court
2021/137	26.01.2022	2	Ankara	High criminal court
2019/360	27.01.2022	7	İstanbul	High criminal court
2020/114	27.01.2022	6	İstanbul	High criminal court
2021/247	27.01.2022	2	Mardin	High criminal court
2021/273	27.01.2022	4	İstanbul	Criminal court of first instance
2021/540x	27.01.2022	1	Diyarbakır	Criminal court of first instance
2017/64	28.01.2022	19	Ankara	High criminal court
2021/276	28.01.2022	2	Manisa	High criminal court
2020/284	01.02.2022	3	İstanbul	High criminal court
2021/183	01.02.2022	7	İstanbul	Civil court of first instance
2021/242	01.02.2022	2	İstanbul	Criminal court of first instance
2018/136	02.02.2022	8	Diyarbakır	High criminal court
2018/59	02.02.2022	11	İstanbul	Criminal court of first instance
2019/82	02.02.2022	9	İstanbul	High criminal court
2021/148	02.02.2022	2	Aydın	High criminal court
2016/587	03.02.2022	12	İstanbul	Criminal court of first instance
2018/439	03.02.2022	11	Diyarbakır	High criminal court
2018/534	03.02.2022	9	Van	High criminal court

2020/114	03.02.2022	7	İstanbul	High criminal court
2019/238	08.02.2022	8	Diyarbakır	High criminal court
2019/342	08.02.2022	7	İstanbul	Criminal court of first instance
2020/236	08.02.2022	4	İstanbul	Criminal court of first instance
2020/327	08.02.2022	4	İstanbul	Civil court of first instance
2020/96	08.02.2022	9	Batman	Criminal court of first instance
2021/147	08.02.2022	1	Kars	High criminal court
2021/259	08.02.2022	2	İstanbul	Criminal court of first instance
2021/897	08.02.2022	3	İstanbul	Criminal court of first instance
2020/29	09.02.2022	9	İzmir	High criminal court
2021/178	09.02.2022	4	İstanbul	Criminal court of first instance
2018/439	10.02.2022	12	Diyarbakır	High criminal court
2018/57	10.02.2022	13	İstanbul	High criminal court
2020/1769	10.02.2022	4	Batman	Criminal court of first instance
2020/208	10.02.2022	6	Diyarbakır	High criminal court
2021/221	10.02.2022	2	İstanbul	High criminal court
2018/110	15.02.2022	13	Antalya	Criminal court of first instance
2018/89	15.02.2022	17	İstanbul	High criminal court
2020/289	15.02.2022	5	İstanbul	Criminal court of first instance
2019/684	16.02.2022	6	İstanbul	Criminal court of first instance
2017/230	17.02.2022	19	Batman	High criminal court
2020/117	17.02.2022	4	İstanbul	High criminal court

2021/186	17.02.2022	2	İstanbul	High criminal court
2021/193	17.02.2022	1	Tunceli	High criminal court
2021/298	17.02.2022	2	Diyarbakır	High criminal court
2021/450	17.02.2022	2	İstanbul	Criminal court of first instance
2020/3	21.02.2022	7	Diyarbakır	High criminal court
2019/413	21.02.2022	9	Diyarbakır	High criminal court
2021/178x	21.02.2022	5	İstanbul	High criminal court
2021/552	21.02.2022	5	İstanbul	Criminal court of first instance
2014/139	22.02.2022	24	İstanbul	High criminal court
2016/34x	22.02.2022	20	İstanbul	Criminal court of first instance
2019/616	22.02.2022	8	İstanbul	Criminal court of first instance
2021/280	22.02.2022	1	Ankara	High criminal court
2021/314	22.02.2022	2	Şanlıurfa	Criminal court of first instance
2021/400	22.02.2022	1	Elazığ	High criminal court
2016/106	23.02.2022	22	İstanbul	High criminal court
2016/34	24.02.2022	13	Diyarbakır	High criminal court
2018/827	24.02.2022	15	Diyarbakır	High criminal court
2021/413	25.02.2022	5	İstanbul	Criminal court of first instance
2021/120	01.03.2022	3	Diyarbakır	High criminal court
2021/76	01.03.2022	4	Balıkesir	High criminal court
2021/148	02.03.2022	3	Aydın	High criminal court
2016/162	03.03.2022	21	İstanbul	Criminal court of first instance
2018/122	03.03.2022	14	Van	High criminal court

2021/272	03.03.2022	2	İstanbul	High criminal court
2021/400	03.03.2022	2	Elazığ	High criminal court
2016/218	04.03.2022	39	İstanbul	High criminal court
2016/325	04.03.2022	16	İstanbul	Criminal court of first instance
2021/1917	07.03.2022	1	Eskişehir	Criminal court of first instance
2019/1202	08.03.2022	5	İstanbul	Criminal court of first instance
2021/261x	08.03.2022	3	İstanbul	Criminal court of first instance
2020/192	09.03.2022	7	Ağrı	High criminal court
2021/201	09.03.2022	2	Ankara	High criminal court
2021/948	09.03.2022	1	İstanbul	Criminal court of first instance
2020/208	10.03.2022	7	Diyarbakır	High criminal court
2021/1556	10.03.2022	1	Mardin	Criminal court of first instance
2022/100	11.03.2022	1	İstanbul	Criminal court of first instance
2021/261	15.03.2022	2	İstanbul	High criminal court
2014/277	16.03.2022	21	İstanbul	High criminal court
2019/313	16.03.2022	11	Diyarbakır	High criminal court
2019/174	17.03.2022	5	İstanbul	Criminal court of first instance
2021/215	17.03.2022	2	Van	Criminal court of first instance
2021/336	17.03.2022	1	Mardin	High criminal court
2021/400	17.03.2022	3	Elazığ	High criminal court
2021/443	17.03.2022	3	İstanbul	Criminal court of first instance
2021/589	17.03.2022	1	Edirne	Criminal court of first instance

2021/702	17.03.2022	2	Ankara	Criminal court of first instance
2021/178x	21.03.2022	5	İstanbul	High criminal court
2021/695	21.03.2022	3	İstanbul	Criminal court of first instance
2021/158	22.03.2022	3	Diyarbakır	High criminal court
2021/837	22.03.2022	1	İstanbul	Criminal court of first instance
2020/559	23.03.2022	6	İstanbul	Criminal court of first instance
2021/129	23.03.2022	3	Ankara	Criminal court of first instance
2016/166	24.03.2022	19	İstanbul	Criminal court of first instance
2017/230	24.03.2022	20	Batman	High criminal court
2018/185	24.03.2022	17	İstanbul	High criminal court
2019/647	24.03.2022	8	İstanbul	Criminal court of first instance
2021/451	24.03.2022	2	İstanbul	Criminal court of first instance
2016/589	29.03.2022	14	Antalya	Criminal court of first instance
2019/401	29.03.2022	7	İstanbul	Criminal court of first instance
2021/178	30.03.2022	5	İstanbul	Criminal court of first instance
2021/276	30.03.2022	4	Manisa	High criminal court
2020/240	31.03.2022	5	İstanbul	High criminal court
2020/335	31.03.2022	5	Diyarbakır	High criminal court
2021/106	31.03.2022	3	İstanbul	High criminal court
2021/183	31.03.2022	8	İstanbul	Civil court of first instance
2021/536	31.03.2022	1	İstanbul	Criminal court of first instance

2022/51	31.03.2022	1	Diyarbakır	High criminal court
2015/294	01.04.2022	28	Batman	High criminal court
2016/327	05.04.2022	16	İstanbul	Criminal court of first instance
2020/67	05.04.2022	7	Diyarbakır	High criminal court
2021/12	07.04.2022	6	İstanbul	High criminal court
2021/186	07.04.2022	3	İstanbul	High criminal court
2021/275	07.04.2022	7	İstanbul	Criminal court of first instance
2016/33	08.04.2022	8	İzmir	High criminal court
2018/269	08.04.2022	12	İstanbul	High criminal court
2021/218	12.04.2022	3	İstanbul	Criminal court of first instance
2021/540	12.04.2022	2	Ankara	Criminal court of first instance
2021/564	12.04.2022	1	İstanbul	Criminal court of first instance
2019/313	13.04.2022	12	Diyarbakır	High criminal court
2019/445	13.04.2022	6	İstanbul	Commercial court of first instance
2018/270	14.04.2022	10	İstanbul	Criminal court of first instance
2021/ 922	14.04.2022	2	İstanbul	Criminal court of first instance
2022/128	15.04.2022	2	İstanbul	Criminal court of first instance
2022/129	15.04.2022	1	İzmir	Criminal court of first instance
2020/294	18.04.2022	8	Diyarbakır	High criminal court
2018/269x	19.04.2022	10	İstanbul	Criminal court of first instance
2019/292	19.04.2022	11	Ankara	High criminal court

2020/111	19.04.2022	7	İstanbul	Criminal court of first instance
2020/236	19.04.2022	5	İstanbul	Criminal court of first instance
2021/280	19.04.2022	2	Ankara	High criminal court
2016/327	20.04.2022	17	İstanbul	Criminal court of first instance
2019/40	21.04.2022	9	İstanbul	Criminal court of first instance
2020/41	21.04.2022	6	Van	High criminal court
2021/137	21.04.2022	3	Ankara	High criminal court
2021/212	21.04.2022	4	Kocaeli	Criminal court of first instance
2021/178x	22.04.2022	8	İstanbul	High criminal court
2022/71	22.04.2022	1	İstanbul	Criminal court of first instance
2021/178x	25.04.2022	9	İstanbul	High criminal court
2021/635	25.04.2022	2	Diyarbakır	Criminal court of first instance
2021/1917	26.04.2022	2	Eskişehir	Criminal court of first instance
2019/616	27.04.2022	9	İstanbul	Criminal court of first instance
2018/122	28.04.2022	15	Van	High criminal court
2020/500	28.04.2022	5	İstanbul	Criminal court of first instance
2022/5186	28.04.2022	1	İstanbul	Criminal court of first instance
2019/281	29.04.2022	7	İstanbul	High criminal court
2019/616	29.04.2022	10	İstanbul	Criminal court of first instance
2016/106	10.05.2022	23	İstanbul	High criminal court
2018/949	10.05.2022	11	Diyarbakır	High criminal court

2019/58	10.05.2022	8	Diyarbakır	High criminal court
2022/294	10.05.2022	1	Şanlıurfa	Criminal court of first instance
2022/48	10.05.2022	1	Ankara	High criminal court
2022/99x	10.05.2022	2	Hakkari	High criminal court
2019/271	11.05.2022	9	İstanbul	High criminal court
2020/294	11.05.2022	9	Diyarbakır	High criminal court
2022/128	11.05.2022	3	İstanbul	Criminal court of first instance
2022/23	11.05.2022	2	Ankara	Criminal court of first instance
2020/33	12.05.2022	8	İstanbul	High criminal court
2021/247	12.05.2022	3	Mardin	High criminal court
2021/340	12.05.2022	2	Antalya	Criminal court of first instance
2021/413	12.05.2022	6	İstanbul	Criminal court of first instance
2021/479	12.05.2022	2	İstanbul	Criminal court of first instance
2021/589	12.05.2022	2	Edirne	Criminal court of first instance
2019/237	13.05.2022	8	Antalya	Criminal court of first instance
2021/431	13.05.2022	3	İzmir	Criminal court of first instance
2022/27	13.05.2022	1	İstanbul	Criminal court of first instance
2022/3	16.05.2022	1	İstanbul	Civil court of first instance
2018/57	17.05.2022	14	İstanbul	High criminal court
2022/80	17.05.2022	1	Diyarbakır	High criminal court
2022/12	18.05.2022	2	İstanbul	High criminal court
2019/300	18.05.2022	7	İstanbul	Criminal court of first instance

2022/137	18.05.2022	1	İstanbul	Criminal court of first instance
2015/294	20.05.2022	29	Batman	High criminal court
2021/242	24.05.2022	3	İstanbul	Criminal court of first instance
2021/273	24.05.2022	5	İstanbul	Criminal court of first instance
2021/298	24.05.2022	3	Diyarbakır	High criminal court
2021/340	24.05.2022	3	Antalya	Criminal court of first instance
2022/85	24.05.2022	1	İstanbul	High criminal court
2016/34	26.05.2022	14	Diyarbakır	High criminal court
2018/185	26.05.2022	18	İstanbul	High criminal court
2020/174	26.05.2022	5	İstanbul	High criminal court
2020/205	26.05.2022	6	İstanbul	Criminal court of first instance
2022/145	26.05.2022	1	Van	Criminal court of first instance
2022/62	26.05.2022	1	Batman	High criminal court
2022/48	27.05.2022	2	Ankara	High criminal court
2018/136	30.05.2022	9	Diyarbakır	High criminal court
2016/85	31.05.2022	16	İstanbul	High criminal court
2019/442	31.05.2022	6	İstanbul	Criminal court of first instance
2021/540x	31.05.2022	2	Diyarbakır	Criminal court of first instance
2021/779	31.05.2022	1	Van (Muradiye)	Criminal court of first instance
2019/684	01.06.2022	7	İstanbul	Criminal court of first instance
2021/178	01.06.2022	6	İstanbul	Criminal court of first instance

2021/230	01.06.2022	6	İstanbul	Criminal court of first instance
2021/274	01.06.2022	2	Ankara	Criminal court of first instance
2021/418	01.06.2022	5	İstanbul	Criminal court of first instance
2018/89	02.06.2022	18	İstanbul	High criminal court
2019/360	02.06.2022	9	İstanbul	High criminal court
2020/96	02.06.2022	10	Batman	Criminal court of first instance
2021/76	02.06.2022	5	Balıkesir	High criminal court
2022/128x	02.06.2022	1	İstanbul	Criminal court of first instance
2015/294	03.06.2022	30	Batman	High criminal court
2016/33	03.06.2022	35	İzmir	High criminal court
2020/192	03.06.2022	8	Ağrı	High criminal court
2021/120	07.06.2022	4	Diyarbakır	High criminal court
2021/259	07.06.2022	3	İstanbul	Criminal court of first instance
2021/275	07.06.2022	8	İstanbul	Criminal court of first instance
2021/292	07.06.2022	1	İstanbul	Civil court of first instance
2014/139	09.06.2022	25	İstanbul	High criminal court
2021/261x	09.06.2022	4	İstanbul	Criminal court of first instance
2021/635	13.06.2022	3	Diyarbakır	Criminal court of first instance
2017/859	14.06.2022	13	İstanbul	Criminal court of first instance
2019/401	14.06.2022	8	İstanbul	Criminal court of first instance
2020/284	14.06.2022	4	İstanbul	High criminal court

2021/186	14.06.2022	4	İstanbul	High criminal court
2021/2072	14.06.2022	3	Diyarbakır	Criminal court of first instance
2020/205	15.06.2022	7	İstanbul	Criminal court of first instance
2021/395	15.06.2022	4	İstanbul	Criminal court of first instance
2021/723	15.06.2022	2	Diyarbakır (Silvan)	Criminal court of first instance
2022/564	15.06.2022	1	İstanbul	Criminal court of first instance
2016/162	16.06.2022	22	İstanbul	Criminal court of first instance
2020/236	16.06.2022	6	İstanbul	Criminal court of first instance
2022/152	16.06.2022	1	Aydın	High criminal court
2022/42	16.06.2022	2	İstanbul	Criminal court of first instance
2022/179	17.06.2022	1	İzmir	High criminal court
2020/327	21.06.2022	5	İstanbul	Civil court of first instance
2021/1145	21.06.2022	3	Diyarbakır	Criminal court of first instance
2021/1263	21.06.2022	2	İzmir	Criminal court of first instance
2021/269	21.06.2022	6	İstanbul	Criminal court of first instance
2022/51	21.06.2022	2	Diyarbakır	High criminal court
2021/201	22.06.2022	3	Ankara	High criminal court
2017/230	23.06.2022	21	Batman	High criminal court
2020/117	23.06.2022	5	İstanbul	High criminal court
2020/131	23.06.2022	4	İstanbul	High criminal court
2021/212	23.06.2022	5	Kocaeli	Criminal court of first instance

2022/99	23.06.2022	1	Ankara	High criminal court
2016/325	24.06.2022	17	İstanbul	Criminal court of first instance
2022/128	24.06.2022	4	İstanbul	Criminal court of first instance
2022/129	24.06.2022	2	İzmir	Criminal court of first instance
2022/3	27.06.2022	2	İstanbul	Civil court of first instance
2021/695	27.06.2022	4	İstanbul	Criminal court of first instance
2022/23	27.06.2022	3	Ankara	Criminal court of first instance
2021/12	28.06.2022	7	İstanbul	High criminal court
2016/34x	28.06.2022	21	İstanbul	Criminal court of first instance
2020/1769	28.06.2022	5	Batman	Criminal court of first instance
2021/380	28.06.2022	2	İstanbul	High criminal court
2021/666	28.06.2022	2	İstanbul	Criminal court of first instance
2021/702	28.06.2022	3	Ankara	Criminal court of first instance
2022/038	28.06.2022	1	Diyarbakır	Criminal court of first instance
2022/74	28.06.2022	1	İstanbul	Criminal court of first instance
2016/587	29.06.2022	13	İstanbul	Criminal court of first instance
2018/59	29.06.2022	12	İstanbul	Criminal court of first instance
2019/292	29.06.2022	12	Ankara	High criminal court
2018/122	30.06.2022	16	Van	High criminal court
2020/335	30.06.2022	6	Diyarbakır	High criminal court

2021/383	30.06.2022	6	İstanbul	Criminal court of first instance
2020/862	01.07.2022	4	İstanbul	Criminal court of first instance
2021/552	04.07.2022	6	İstanbul	Criminal court of first instance
2022/164	04.07.2022	3	İstanbul	Criminal court of first instance
2022/80	05.07.2022	2	Diyarbakır	High criminal court
2021/1170	06.07.2022	4	Diyarbakır	Civil court of first instance
2022/60	07.07.2022	2	Van	Criminal court of first instance
2022/76	19.07.2022	2	Tunceli	Criminal court of first instance

MISA

Media and Law Studies Association
Medya ve Hukuk alıřmaları Derneęi

1 September 2021 – 20 July 2022
Trial Monitoring Report

www.mlsatourkey.com

