

Freedom of Expression and the Press Agenda

JANUARY - FEBRUARY - MARCH 2024



AGAINST CENSORSHIP PLATFORM!

Contents

From the Editor	3
Press Freedom and Freedom of Expression Environment in Turkey in the 1st Quarter of 2024	5
Legislative and Political Developments	10
8th Judicial Package Passed, Two Provisions Annulled by Constitutional Court Reenacted	
Constitutional Court Issues Reasoned Judgment in Action for Annulment of “Disinformation” Law	
Provision Enabling Access Blocking Decisions Annulled	
Gezi Trial Defendant Can Atalay Stripped of Parliamentary Status	
Judgments by the European Court and Turkish Higher Courts	14
ECtHR Judgments	
Constitutional Court Judgments	
Court of Cassation Judgments	
Judicial Violations	19
Journalism Trials in Numbers: Cases, Sentences, Acquittals	
Detentions and Investigations	
Arrests and Releases	
Highlights from Trials	
Attacks, Threats and Interventions against Journalists	55
Penalties by RTÜK and BİK	58

FROM THE EDITOR

As the Expression Interrupted platform, operating under the Punto24 Platform for Independent Journalism (P24) since 2017, we present the ninth of our quarterly *Freedom of Expression and the Press Agenda* reports. This is the first report of 2024, covering the months of January, February and March.

First launched in 2021, our Freedom of Expression and the Press Agenda reports aim to provide a comprehensive snapshot of the state of press freedom and freedom of expression in Turkey. Journalism trials continue to serve as the most prevalent tool of repression in Turkey targeting press freedom and freedom of expression. Our report contains detailed information as well as statistics about journalism trials that took place in the first quarter of the year. However, repression targeting press freedom and freedom of expression in Turkey is not limited to trials alone. In addition to the restrictive legislation, the actions and attitudes of state institutions and government representatives determine the overall legal and political context regarding press freedom and freedom of expression as well as the public's right to information. While judgments by the Constitutional Court and the European Court of Human Rights set the related case law, regulatory bodies such as the Radio and Television Supreme Council (RTÜK) and the Press Advertisement Agency (BİK) may put financial pressure on media outlets through penalties they impose, forcing the media to align its editorial stance with certain political criteria. On the other hand, police brutality and physical attacks by civilians targeting journalists have turned into a chronic issue that is also affecting the press freedom atmosphere in Turkey. All these topics are covered in detail in our report.

The information provided in this report is based on Expression Interrupted platform's extensive trial monitoring work as

well as our media and open-source information tracking efforts, which can be found in detail on our website. On a related note, we would like to remind that the data provided in this report is limited to information gathered by the Expression Interrupted team and therefore cannot be expected to provide an exhaustive overview of all the relevant developments.

We present this report in the hope that it contributes to other valuable work carried out in this field, and more importantly to a much-needed progress in the enjoyment of the freedom of expression and the press in Turkey, in keeping with the Constitution of the Republic of Turkey and international human rights standards.

PRESS FREEDOM AND FREEDOM OF EXPRESSION ENVIRONMENT IN TURKEY IN THE 1ST QUARTER OF 2024

The first quarter of 2024 was a period in which the years-long deterioration in the field of press freedom and freedom of expression in Turkey continued. In the period covered by the report, journalists in Turkey continued appearing in courts and facing new investigations and court cases on “disseminating misleading information” charges -- the controversial Article 217/A, or commonly referred to as the “disinformation” law, which was added to the Turkish Penal Code (TCK) in 2022.

Expression Interrupted data show that as of the final quarter of 2023, at least 14 journalists were investigated, four journalists detained, three journalists arrested and five journalists were tried on the charge of TCK 217/A, which had been in force for more than a year at the time.

In its reasoned judgment in the action for the annulment of the “disinformation” law issued during the reporting period, the Constitutional Court stated that the legislation “met the criterion of legality” and was “not unconstitutional”

The action filed for the annulment and suspension of Article 217/A, which makes “publicly disseminating misleading information” a crime punishable by one to three years of imprisonment, was rejected by a majority by the Constitutional Court in November 2023. The top court issued its reasoned judgment in writing during the reporting period, stating that the legislation was not unconstitutional because it “met the criterion of legality.”

In the reporting period, there were concerns that the “disinformation” law may be utilized by authorities as a tool to restrict media coverage of topics of public interest, including -- but not limited

to -- the local elections on 31 March 2024, and as grounds for interventions targeting reporters. Indeed, the Istanbul Chief Public Prosecutor's Office launched an investigation against Artı TV news presenter Şükran Ekinci on suspicion of "disseminating misleading information" after Ekinci shared a post on social media about miners who were trapped in a collapse at a gold mine in the İliç district of Erzincan which occurred on 13 February 2024. In the reporting period, three cases previously filed against four journalists on TCK 217/A charges continued while five journalists were investigated, a criminal complaint was filed against one journalist, and two new court cases were filed against two journalists on this charge.

Among other indicators of judicial pressure on journalists, the non-uniform decrease in the number of imprisoned journalists observed throughout 2023 continued during the reporting period, although the number rose periodically with new arrests. The [List of Journalists in Prison](#) compiled by the Expression Interrupted platform using trial monitoring data and open source research findings showed that by 1 January 2024, the beginning of the reporting period, there were 37 imprisoned journalists in Turkey.

During the reporting period, five journalists were jailed while 11 journalists were released from prison (six in January, four in February and one in March). During the same period, Expression Interrupted also obtained information that three other journalists had been released on various dates in 2023. According to the list, regularly updated in light of new information, as of 31 March 2024, the number of imprisoned journalists in Turkey was 29.

However, the decrease in the number of imprisoned journalists and media workers in comparison to the period of state of emergency (OHAL), declared in the aftermath of the attempted coup of 15 July 2016 and lifted in July 2018, cannot be taken as a sign that journalists in Turkey are now facing less judicial pressure. In recent years, journalists in Turkey are increasingly being arrested on charges which would not result in imprisonment sentences. Journalist Furkan Karabay, who was jailed pending trial over a news article in December 2023

and released during the reporting period after spending 10 days in remand, became the second journalist ever to be arrested on the charge of "marking public officials assigned with the fight against terrorism as targets" under Article 6/1 of the Anti-Terror Law (TMK) after Mezopotamya News Agency (MA) reporter Firat Can Arslan, who spent 100 days in remand until he was acquitted at his first hearing. In the reporting period, another journalist was imprisoned after a regional court of appeals upheld the sentence he had been given on the charge of "violating the secrecy of communication" and spent 38 days behind bars before being released on probation. Nazlı Ilıcak was another journalist who was released from prison during the reporting period after being placed in prison in December 2023 upon the finalization of a prison sentence of 2 years and 6 months she had been given in 2022 on the charge of "libel."

In the first quarter of 2024, 210 journalists stood trial in 123 court cases. Thirty-seven of these cases concluded. 15 journalists were sentenced to 35 years and 115 days of imprisonment in total while 4 journalists were ordered to pay fines totaling TL 43,017. At least 10 new cases were filed against journalists and at least 25 journalists were detained

Monthly statistics show that there was no decline in the number of court cases against journalists during the reporting period compared to previous years, which is another indicator that there has been no progress in the field of freedom of the press in Turkey.

Courts of first instance in Turkey heard a total of 123 cases against 210 journalists, of whom three were foreign citizens, in the first quarter of 2024. Among these, 37 cases were concluded in the reporting period. In 16 of the concluded cases, 19 journalists were sentenced: 15 journalists were handed down a combined prison sentence of 35 years, 3 months and 25 days while four journalists were ordered to pay judicial fines or compensation totaling TL 43,017. A total of 10 new cases were filed, nine against journalists and one against a newspaper. At least 16 journalists were detained, and new investigations were launched against at least 25 journalists.

Judicial harassment is only one of the problems journalists in Turkey suffer. During the reporting period, issues such as the prevention of unionization due to employer pressure, threats and assaults against journalists, and practices of impunity for perpetrators continued to be among problems journalists regularly encountered.

In the first quarter of the year, at least four journalists appeared in courts not as defendants but as complainants in cases launched due to violations they had suffered. In two of these cases that concluded during the reporting period, sentences handed down to perpetrators of physical attacks targeting journalists were deferred while a journalist who was a complainant in one of these cases was separately handed down a prison sentence of 2 months and 5 days in a case filed on the allegation that he had “insulted” his attackers.

According to Expression Interrupted data, at least four journalists were threatened on social media during the reporting period. The threats and targeting by officials, some of high rank, result in encouraging ordinary citizens to adopt such an attitude towards journalists. At least 12 journalists were victims of assault by law enforcement/security personnel or civilians during the reporting period. The number of journalists who suffer police violence at demonstrations they cover and are subsequently charged with “resisting to prevent fulfilment of duty” or “violating the Law on Meetings and Demonstrations” also continued to increase in this reporting period.

Judicial pressure targeting human rights defenders and civil society also continued during the first quarter of the year. At the final hearing (February 2024) of the trial of 23 rights defenders, including former and current members and administrators of the Migration Monitoring Association (GÖÇİZDER) and Human Rights Foundation of Turkey (TİHV) social services expert Bilal Yıldız, 22 defendants were acquitted while one defendant was handed down a deferred prison sentence of 1 year and 6 months on the charge of “terrorism propaganda.” The court case filed for shutting down GÖÇİZDER also continued during the reporting period. At the hearing held on 20 March, the Bakırköy 15th Civil Court of First Instance ruled to request publications of the

association from the Bakırköy Chief Public Prosecutor's Office for examination and adjourned the case until June.

The second hearing of a compensation case filed by the Ministry of Defense against Turkish Medical Association (TTB) Central Committee President and rights defender Şebnem Korur Fincancı over her statement that claims that the Turkish Armed Forces (TSK) had used chemical weapons against PKK targets should be investigated was also held during the reporting period. At the hearing held on 11 January, the Ankara 2nd Civil Court of First Instance rejected the request by Fincancı's lawyer for the case to be dismissed on grounds of procedure and adjourned the case until May. In a separate development, in January, the 2nd Criminal Chamber of the Istanbul Regional Court of Justice, acting as a court of appeals, upheld the imprisonment sentence of 2 years, 8 months and 15 days Fincancı was given in 2023 on the charge of "terrorism propaganda" over the same statement.

The trial of Human Rights Association (İHD) co-chair and member of the board of founders of the Human Rights Foundation of Turkey Eren Keskin and İHD Commission against Racism and Discrimination member Güllistan Yarkin on the charge of "publicly degrading the Turkish nation" over a commemoration event the İHD organized on the anniversary of the Armenian Genocide in 2021 began during the reporting period. The first hearing was held in February and at the second hearing held on 26 March, the prosecutor presented their final opinion, requesting sentencing for Keskin and Yarkin.

The retrial of Gezi trial defendants Ayşe Mücella Yapıcı, Ali Hakan Altınay and Ali Ekmekçi on the charge of "violating the Law on Meetings and Demonstrations," ordered by the Court of Cassation, which overturned the 18-year imprisonment sentences they were given in 2022 on the charge of "aiding an attempt to overthrow the government," also began during the reporting period. At the first hearing of the retrial held on 21 February, the court ruled to abide by the Court of Cassation judgment to overturn the sentences and lifted the judicial control measures on Yapıcı, Ekmekçi and Altınay. The case was adjourned until 22 May.

LEGISLATIVE AND POLITICAL DEVELOPMENTS

Contents of the 8th Judicial Package, which was enacted in March, and the “crisis” in the higher judiciary, which escalated in January with the stripping of lawyer and Gezi trial defendant Can Atalay’s parliamentary status despite two Constitutional Court judgments finding rights violations over the finalization of his sentence by the Court of Cassation, were among the hottest topics in Turkey’s legal and political agenda during the reporting period.

8th Judicial Package Passed, Two Provisions Annulled by the Constitutional Court Reenacted

The 8th Judicial Package, which the government proposed under its Judicial Reform Strategy, was passed by the Parliament on 2 March. One of the most controversial items in the package was the reintroduction of the crime of “committing crimes on behalf of an organization without being a member” which was governed by article 220/6 of the TCK that had been [annulled](#) by the Constitutional Court in 2023 for violating the principle of legality. The Constitutional Court had ruled that its decision to annul dated 26 October 2023 would enter into force four months after its publication in the Official Gazette on 8 December 2023. With the 8th Judicial Package, this provision that had been used in many journalism trials in the recent years, most notably the Cumhuriyet trial, the Altans trial and the Sözcü trial, among many others, was reintroduced to the Turkish Penal Code a month before the Constitutional Court’s decision to annul was to enter into force.

Another controversial item in the judicial package was the reintroduction of the “deferment of the announcement of the sentence” practice, which was governed by Article 231 of the Criminal Procedure Code (CMK) that had been [cancelled](#) by the Constitutional Court in 2023. In a related [judgment](#) rendered in March 2023, in which the top court merged some 607 individual

applications filed against the deferment of sentence rulings, the Constitutional Court had ruled that the practice violated the freedom of expression and the right to assembly and demonstration, which led to retrials. The government has reintroduced the deferment of the announcement of sentence practice, with the addition of the possibility of appeal, while the retrials were still underway. You can find details of the legislation introduced by the 8th Judicial Package in [this article](#) on our website.

Constitutional Court Issues Reasoned Judgment in Action for Annulment of “Disinformation” Law

During the reporting period, the Constitutional Court announced its [reasoned judgment](#) in the action filed for the annulment and suspension of Article 217/A of the TCK, commonly referred to as the law on “disinformation.” In its 23 February 2024 announcement, the Constitutional Court stated that with the provision added to the Penal Code through Article 29 of the Law 7418 on Amendments to the Press Law and Some Other Laws, “the material elements and criminal intent for the crime, the nature and quantity of the measures foreseen against the crime and the aggravated forms of the crime had been defined clearly so as not to leave any room for doubt” and that “in its current form, the provision meets the requirement of legality.” The reasoning stated that the said provision “had the legitimate aim of protecting and establishing public order and security” and that the provision “was intended to meet a pressing societal need” and “the limitations it brings does not contradict the principle of proportionality.”

Provision Enabling Access Blocking Decisions Annulled

During the period covered by this report, the Constitutional Court [ruled](#) on two applications requesting the annulment of some articles of the Law No. 5651 on Regulating Internet Publications and Combating Crimes Committed by Means of

Such Publications -- or the "Internet Law" -- which has been used as the basis of many access blocking and/or removal of content decisions.

In its joint assessment of the case for annulment filed by main opposition Republican People's Party (CHP) MPs in 2020 and an objection filed by the Tavşanlı Criminal Court of Peace in 2022 due to their legal affinity, the Constitutional Court ruled that various articles of the Law 5651 were unconstitutional and would be annulled. The Constitutional Court annulled article 9 of the Law 5651 for being unconstitutional and ruled to remove the expressions "removal of content and/or" that was added to the first sentence of paragraph four of article 8 of the law due to it being unconstitutional. The decision underlined that the articles subject to the applications allowed for online publications to have their content removed and/or have access to the publications blocked, which limited the freedom of expression; and that given these publications may be forms of internet journalism, limited the freedom of the press. The Constitutional Court has ruled that its judgment, which was published in the Official Gazette on 10 January 2024, would enter into force nine months later.

Gezi Trial Defendant Can Atalay Stripped of Parliamentary Status

In September 2023, the Court of Cassation upheld the aggravated life imprisonment sentence given in Gezi trial to businessperson and civil society leader Osman Kavala and the 18-year imprisonment sentences given to his four co-defendants, including lawyer Can Atalay, on the charge of "aiding an attempt to overthrow the government." Atalay was elected MP for Hatay from the Workers' Party of Turkey (TİP) in the 2023 General Elections and his lawyers filed two applications with the Constitutional Court, one for the rejection of the stay of trial request resulting in a violation of the right to stand in elections and engage in political activities and one for the rejection of the request for

Atalay's release resulting in a violation of the right to liberty and security. The Constitutional Court ruled for rights violations in both applications filed in 2023. However, the 3rd Criminal Chamber of the Court of Cassation did not abide by the Constitutional Court judgments and sent the upheld conviction to the Parliament for the revocation of Atalay's MP status. The Court of Cassation's judgment regarding Atalay was read out at the plenary on 30 January 2024 and MP status was revoked, leading to renewed controversy over the rule of the law and legal guarantees issues, which have been frequently debated in Turkey over the recent years.

JUDGMENTS BY THE EUROPEAN COURT AND TURKISH HIGHER COURTS

ECTHR Judgments

Unimplemented Judgments: Osman Kavala and Selahattin Demirtaş Cases

The judgments of the European Court of Human Rights (ECTHR) concerning businessperson and civil society leader Osman Kavala, who has been in prison since 2017 and whose aggravated life imprisonment sentence in the Gezi trial was upheld by the Court of Cassation in September 2023, and former Peoples' Democratic Party (HDP) Co-Chair Selahattin Demirtaş, who has been imprisoned since 2016, were not implemented in the first quarter of 2024.

The Committee of Ministers of the Council of Europe, which is charged with supervising the implementation of ECTHR judgments, continued reviewing these cases during the reporting period.

In a [decision](#) issued at its meeting on 12-14 March 2024, the ministers' deputies once more called on Turkish authorities to take all steps in their power to ensure the use of all available judicial or other means to ensure Osman Kavala's immediate release, including the rapid examination of applications on behalf of Kavala pending before the Constitutional Court with full regard to the ECTHR's findings, particularly its reasoning under Articles 18 and 46 of the Convention. The Committee also called on Turkey once more to take all measures to ensure the independence of the judiciary.

In its [decision](#) concerning the Selahattin Demirtaş group of cases which it debated on the same dates, the Committee of Ministers once more called for the applications filed with the Constitutional Court to be examined and finalized in keeping with the findings of the ECTHR in its relevant judgments, as well as ensuring the release of applicants

by researching measures that can present alternatives to remand. The committee decided to continue examining this group of files at its meeting in June 2024 and to prepare a draft interim resolution to be debated should the current situation not have changed by then.

During this reporting period, a second application on behalf of Osman Kavala was filed with the ECtHR on 18 January 2024. The European court decided to fast-track the application and conveyed its questions to the government of Turkey in March, with a request for a response by July 2024.

New Judgments

ECtHR rules for rights violations in journalist Ayşenur Parıldak's

application: During the reporting period, the ECtHR issued its judgment on the application by journalist Ayşenur Parıldak, a former courthouse reporter for the now-defunct Zaman newspaper who was jailed pending trial in 2016. Issuing its judgment on 19 March 2024, the European Court held by a majority that Parıldak's imprisonment pending trial had violated her right to liberty and security and her freedom of expression. The ECtHR ordered Turkey to pay Parıldak 16,000 euros in non-pecuniary damages and 6,000 euros in costs and expenses.

After being detained on 3 August 2016, Parıldak was arrested on suspicion of "membership in an armed terrorist organization" on 11 August 2016 and was sentenced to 7 years and 6 months of imprisonment at the final hearing of her trial in 2017. Parıldak's sentence was upheld by the Court of Cassation in 2018 and became final. After serving for 5 years and 7 months, Parıldak was released from prison on 18 March 2022 upon the completion of her sentence. You can find further information in this [report](#) on our website.

Constitutional Court Judgments

During the reporting period, the Constitutional Court issued its judgments in at least four individual applications on behalf of

journalists or columnists. During this period, the Constitutional Court also announced its judgments on merged applications against blocking of access decisions issued by magistrates.

- The Constitutional Court **ruled** on 61 applications against blocking of access decisions for various news websites filed between 2015 and 2023 under the judgment “Ahmet Alphan Sabancı and Others Application” which it issued on 11 January 2024. The Constitutional Court ruled that there had been a violation of the freedom of expression in all the applications and that its judgment should be conveyed to the courts in question for a retrial.
- The Constitutional Court also merged 502 applications filed against many blocking of access decisions for a **judgment** which it issued in February 2024 in which it found that the right to freedom of expression and the right to effective remedy had been violated. Among the applications which were finalized were those concerning content published on the Diken, Duvar, BirGün, Artı Gerçek, Sendika.org, EngelliWeb, Evrensel websites between 2014 and 2023. Among the applications which were finalized by the Constitutional Court were blocking of access decisions regarding content published on P24's Susma platform, which were filed by our legal department.
- On 10 January 2024, the Constitutional Court debated the application filed on behalf of jailed journalist Mehmet Baransu claiming violations of freedom of expression and the press due to actions falling under the right to personal liberty and security, journalistic activities and the freedom of expression being made reasons for arrest, and voted unanimously to **reject** the application.
- The Constitutional Court delivered its judgment on the application filed on behalf of lawyer and columnist Nurcan Kaya in 2019 on 25 January 2024. The Court **ruled** that the issuing of judicial control measures as part of an investigation against Kaya on suspicion of “inciting hatred and enmity” over a social media post had violated the freedom of expression safeguarded by Article 26 of the Constitution.

- The Constitutional Court debated an application filed on behalf of journalist Barış Terkoğlu in 2021 on 25 January 2024. The court ruled unanimously to find that the application concerning the violation of Terkoğlu's freedom of expression for being ordered to pay a judicial fine on the charge of "violating the secrecy of an investigation" over an article published on the Odatv news portal in 2020 was "inadmissible" due to the expiry of the statute of limitations.
- According to media reports dated 24 February 2024, the Constitutional Court found that the blocking of access to a news article headlined "Milletvekili Gülaçar nitelikli dolandırıcılık mı yapıyor?" ("Is MP Gülaçar engaged in aggravated fraud?" which was published on the Van-based Anadolu Web TV news portal on 25 January 2022, violated the freedom of expression in the application filed on behalf of journalist Yasin İpek.

Court Of Cassation Judgments

- A prison sentence of 3 years and 6 months given to journalist Ahmet Ayva on the charge of "terrorism propaganda" over a number of social media posts he shared since 2016 was upheld by the Court of Cassation, upon which Ayva was arrested and sent to prison on 26 January 2024.
- A prison sentence of 1 year and 2 months given to journalist Süleyman Gençel on the charge of "insult" in a case launched upon a complaint by former AKP MP and Dokuz Eylül University Rector Nükhet Hotar was upheld by the Court of Cassation. A3 Haber news portal Editor-in-Chief Süleyman Gençel was subsequently arrested on 2 February 2024.
- On 2 February 2024, the Court of Cassation upheld a prison sentence of 2 years 4 months and 3 days given to journalist Diren Keser on the charge of "terrorism propaganda" in 2017 over five news items he shared in 2015. Pir News Agency (PİRHA) Mersin correspondent Keser was arrested on 28 February 2024 upon the Court of Cassation approving his sentence.

- According to reports in the media dated 4 March 2024, the 3rd Criminal Chamber of the Court of Cassation upheld an imprisonment sentence of 2 years and 4 months given to journalist Ali Barış Kurt on the charge of “terrorism propaganda” over his social media posts and journalistic activities.
- According to reports in the media dated 19 March 2024, the 3rd Criminal Chamber of the Court of Cassation overturned an imprisonment sentence of 3 years and 15 days given to journalist İsmail Eskin in 2017 on the charge of “terrorism propaganda” over his social media posts on grounds of illegality.

JUDICIAL VIOLATIONS

Trials of Journalists in Numbers: Cases, Sentences and Acquittals

The trials of journalists continued unabated in the first quarter of 2024. A total of 123 cases in which journalists were defendants were held in the first quarter of 2024 and a total of 210 journalists, of whom three were foreign citizens, appeared before courts. Thirty-seven of the cases were concluded. In 16 of cases concluded, 19 journalists were sentenced. Fifteen of these journalists were sentenced to a total of 35 years and 115 days of imprisonment while four journalists were ordered to pay judicial fines or compensation totaling TL 43,017. In 23 cases that concluded, acquittal decisions were rendered for 25 journalists. Two of these journalists were acquitted of one charge but sentenced on another charge at the same trial. Of the three compensation cases concluded during the reporting period, two were dismissed while one journalist was ordered to pay TL 20,000 in damages in one case.

During the reporting period, regional courts of justice ruled on at least five cases against journalists. An imprisonment sentence of 1 year and 8 months given to one journalist and a judicial fine worth TL 7,080 issued to another journalist were approved in these judgments. Regional courts overturned the acquittal of one journalist, an imprisonment sentence for one journalist and judicial fines for two journalists in the same period.

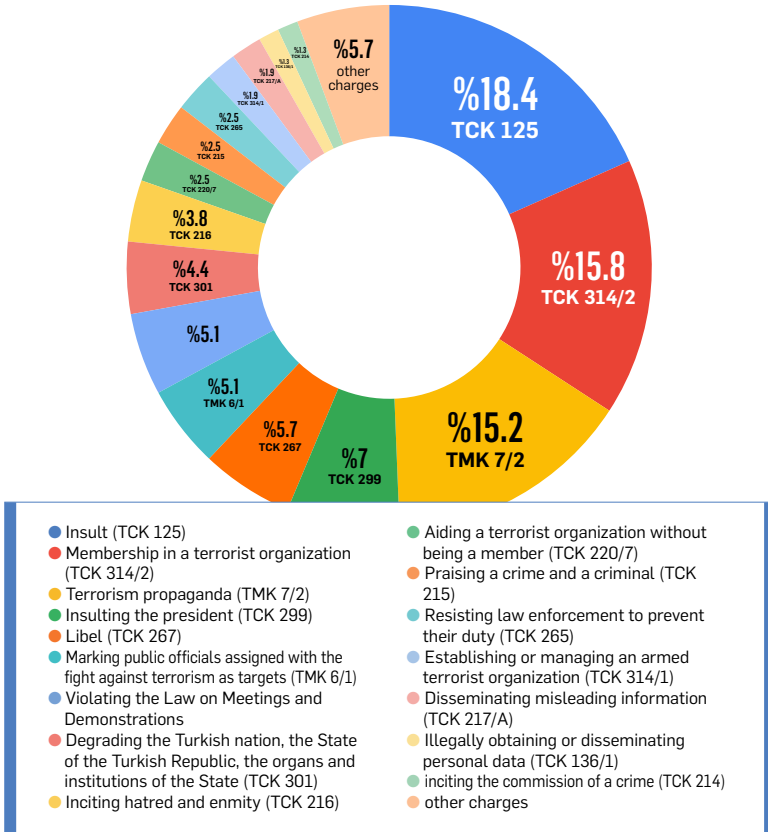
Journalists on trial mostly faced “insult” and “terrorism” charges in this period. According to data obtained from trial monitoring work carried out by Expression Interrupted, the charge most frequently brought against journalists on trial at courts of first instance during the first quarter of 2024 was “insult” (TCK 125), which appeared in 29 different cases. In 17 of these 29 cases, journalists were tried for “insulting a public official due to his/her duty” (TCK 125/3). The second most frequent charge was “membership in a terrorist organization” (TCK 314/2), brought in 25 cases, followed by “terrorism propaganda” (TMK

7/2), brought in 24 cases. While the charge of "insulting the president" (TCK 299) was brought in 11 cases, journalists were charged with "libel" (TCK 267) in nine cases.

Journalists were charged with "marking public officials assigned with the fight against terrorism as targets" (TMK 6/1) in eight cases and "violating the Law 2911 on Meetings and Demonstrations" in eight other cases, while "degrading the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the State" (TCK 301) charge appeared in seven cases. The charge of "inciting hatred and enmity or denigration" (TCK 216) was used in six cases. While the charges of "knowingly and willingly aiding an organization without being a part of its hierarchical structure" (TCK 220/7), "praising a crime and a criminal" (TCK 215) and "resisting [law enforcement] to prevent fulfilment of duty" (TCK 265) appeared in four cases each, journalists were tried on the charge of "establishing or managing a terrorist organization" (TCK 314/1) and "publicly disseminating misleading information" (TCK 217/A) in three cases each. The charges of "illegally obtaining or disseminating personal data" (TCK 136/1) and "inciting the commission of a crime" (TCK 214) were brought in two cases each.

The charges of "attempting to overthrow the Parliament or preventing it from fulfilling its duties" (TCK 311/1), "attempting to overthrow the Government of the Republic of Turkey or preventing it from fulfilling its duties" (TCK 312/1), "attempting to overthrow the Constitutional order" (TCK 309/1), "opposition to the Law on the Prevention of the Financing of Terrorism," "printing or publishing statements by terrorist organizations" (TMK 6/2), "obtaining information that must remain secret for the security of the state or for its domestic and external political interests for purposes of political or military espionage" (TCK 328), "using threats to create fear and panic among the people" (TCK 213), "dissuading the people from military service" (TCK 318) and "entering a military forbidden zone" (TCK 332) were all used in one case each.

Charges most frequently used in journalism trials



In the same period, at least 10 new cases were filed against nine journalists and one newspaper.

Separately, at least four journalists (Sinan Aygül, Beyza Kural, Ardiil Batmaz, Elif Bayburt) appeared before courts as complainants over violations they had suffered.

Monthly statistics regarding cases against journalists are as follows:¹

¹ Discrepancies between quarterly and monthly figures may stem from such factors as a journalist being tried in more than one case, more than one journalist being tried in a single case or there being several hearings of one case during the three-month period covered by the report.

JANUARY 2024

Hearings in 43 court cases against a total of 117 journalists were held in January. Of these cases, 10 were concluded. In six of the 10 concluded cases, a total of eight journalists (Mustafa Büyüksipahi, Birol Güger, Ahmet Güneş, Gökmen Karadağ, Furkan Karabay, İsmail Saymaz, Sibel Hürtaş, Nurcan Baysal) were acquitted and a compensation case against one journalist (Seyhan Avşar) was dismissed. In three cases resulting in sentencing, three journalists (Sinan Aygül, Furkan Karabay, Mansur Çelik) were handed down prison sentences of 1 year, 8 months and 20 days in total.

Six new court cases were filed against four journalists (Barış Pehlivan, Furkan Karabay, Can Ataklı, Zeynep Durgut) and one newspaper (BirGün).

January 2024	
Number of journalists on trial	117
Number of trials	43
Number of concluded trials	10
Number of trials resulting in sentencing	3
Number of trials resulting in acquittal	6
Number of dismissed cases	1
Number of newly filed cases	6

The following judgments were rendered in the cases that concluded in January 2024:

8 January: The Ankara 16th Civil Court of First Instance dismissed a TL 250,000 compensation case filed against journalist Seyhan Avşar over her March 2023 report for Halk TV's news website in which she covered the alleged partnership between casino owner Halil Falyalı, who was murdered in Cyprus, and Deputy Foreign Minister Ekrem Serim.

9 January: Cumhuriyet.com.tr former Editor-in-Chief Mustafa Büyüksipahi and the newspaper's Managing Editor M. Birol Güger were acquitted of "insulting a public official" at the third hearing of

their trial, launched upon a complaint filed by former Minister for Industry and Technology Mustafa Varank.

9 January: Bitlis News Editor-in-Chief and Bitlis Journalists' Association President Sinan Aygül was sentenced to 2 months and 5 days of imprisonment on the charge of "insult" in the court case filed against him on allegations that he had insulted the bodyguards of the mayor of Tatvan who assaulted him. The case was overseen in accordance with the simple trial procedure.

11 January: Yeni Yaşam newspaper columnist Ahmet Güneş was acquitted of the charge of "terrorism propaganda" at the second hearing of his trial over his social media posts.

12 January: Journalist Gökmen Karadağ was acquitted of the charge of "marking public officials assigned with the fight against terrorism as targets" at the final hearing of a case launched upon a complaint by Constitutional Court Judge and former Istanbul Chief Public Prosecutor İrfan Fidan over his comments on the political debate show "Açıkça," broadcasted on Tele 1.

18 January: Anka News Agency Managing Editor Mansur Çelik was sentenced to 6 months of imprisonment at the fifth hearing of his trial on the charge of "marking public officials assigned with the fight against terrorism as targets" over a report concerning Deputy Minister of Justice Akın Gürlek not implementing a Constitutional Court judgment regarding CHP MP Enis Berberoğlu when Gürlek was the presiding judge at the Istanbul 14th High Criminal Court. The sentence was suspended.

18 January: Journalist Furkan Karabay was acquitted of the charge of "insult" but sentenced to 1 year and 15 days of imprisonment on the charge of "libel" at the third hearing of a case launched upon a complaint by President Recep Tayyip Erdoğan's former lawyers Ahmet Özel and Mustafa Doğan İnal. The sentence was suspended.

23 January: Journalist İsmail Saymaz was acquitted of all charges at the third hearing of his trial on charges of “marking public officials assigned with the fight against terrorism as targets” and “insulting a public official,” which was filed over his article headlined “Gezi Davası'ndaki AKP'li hâkimin eşi FETÖ itirafçısıymış” (Spouse of AKP supporter judge in the Gezi trial was a FETÖ confessor), which was published on 26 April 2022.

24 January: Journalist Sibel Hürtaş was acquitted at the seventh hearing of her trial on the charge of “insulting a public official,” launched upon a complaint by Brigadier General Subutay Adaş over an article published on the Artı Gerçek news portal in 2020.

25 January: Journalist and rights defender Nurcan Baysal was acquitted of “degrading the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the State” at the first hearing of her retrial over her article headlined “Cizre'deki evlerin içinden” (From inside homes in Cizre), which was published on the T24 news portal in 2016.

In January a case filed upon a complaint by a journalist also concluded:

- The third and final hearing in the trial of Engin Kaplan and Yücel Baysalı, the local Tatvan Mayor's security guards who assaulted and severely injured Bitlis Journalists Association President Sinan Aygül on 17 June 2023, on charges of “insult” and “willful injury” was held at the Tatvan 1st Criminal Court of First Instance on 25 January 2024. The court sentenced the two defendants to 1 year, 5 months and 15 days of imprisonment each on the charge of “willful injury.” The court deferred the sentence for both defendants.

Court of appeals judgments:

- According to reports in the media on 20 January 2024, the 2nd Criminal Chamber of the Diyarbakır Regional Court of Justice overturned the acquittal judgment delivered for journalist Ayşe

Kara on the charge of “membership in a terrorist organization” by the Diyarbakır 5th High Criminal Court on 9 November 2021. The court of appeals overturned the judgment on grounds of inadequate examination and insufficient inquiry and remanded the case to the court of first instance for a retrial.

- According to reports in the media on 20 January 2024, the 2nd Criminal Chamber of the Diyarbakır Regional Court of Justice overturned a prison sentence of 2 years and 1 month given to journalist Nurcan Yalçın on the charge of “knowingly and willingly aiding a terrorist organization without being a member” by the Diyarbakır 9th High Criminal Court on 22 November 2021. The judgment was overturned on grounds of insufficient inquiry. The case file was remanded to the court of first instance for a retrial.
- A prison sentence of 1 year and 8 months given in 2023 to journalist İdris Özyol on the charge of “violating the privacy of communications” in a court case filed against journalists Özyol and Serap Belovacıklı upon a complaint by the Antalya Journalists Association’s former President Mevlüt Yeni was finalized by the 11th Criminal Chamber of the Antalya Regional Court of Justice, which rejected Özyol’s appeal in January. The Chamber ruled for a retrial for Belovacıklı for the reevaluation of evidence. After his sentence was finalized, Özyol surrendered to the Antalya Courthouse Prosecutor for Executions on 23 January 2024.

Charges faced by journalists in trials:

In the 43 cases heard in January 2024, journalists faced 16 different charges. The most frequent charge brought against journalists in January was “terrorism propaganda,” which was found in eight indictments. The charges of “membership in an armed terrorist organization” and “insult” were jointly in second place and used in seven cases each. The charge of “insulting a public official,” which appeared in six cases, came in third place. The fourth most frequently brought charge against journalists was “marking public officials assigned with the fight against terrorism as targets,” which

was seen in five separate cases. The charges of “violating the Law on Meetings and Demonstrations,” “libel” and “degrading the Turkish nation, the state of the Republic of Turkey, the Parliament, the government and the judicial institutions of the state” were each used in four cases. In three cases, journalists were charged with “resisting to prevent fulfilment of duty.” In two cases, journalists were charged with “establishing or managing an armed organization.” In January, charges of “praising crime and criminals,” “inciting hatred and enmity,” “using threats to cause fear and panic among the people,” “publicly disseminating misleading information,” “publicly degrading the military or security forces of the state” and “dissuading the people from military service” were each used in one case. Hearings in three compensation cases filed against journalists were also held in January.

According to Expression Interrupted data, at least six new court cases were filed against four journalists and one newspaper in January. One of the journalists was the subject of a second court case in one month.

- According to media reports dated 12 January 2024, Demirören Holding filed a compensation case worth TL 100,000 against BirGün newspaper over an article headlined “CNN Türk’ün paralı programları” (Paid programming on CNN Türk), penned by media ombudsman Faruk Bildirici. The article touched on a significant part of Demirören’s debt to Ziraat Bank not having been paid. Lawyers for Demirören Holding also requested that access to the article be blocked, and its content be removed until the lawsuit was completed.
- On 16 January 2024, Cumhuriyet columnist Barış Pehlivan announced on his social media account that Maltepe Mayor Ali Kılıç, a member of the CHP, had filed a compensation case worth TL 1 million against him. Pehlivan said that Kılıç was demanding damages from him due to disclosing a court expert’s report in an investigation against Kılıç in his column.

- Two new indictments were filed against Gerçek Gündem news website editor and journalist Furkan Karabay on charges of “marking public officials assigned with the fight against terrorism as targets” and “insulting a public official” (18 January) and “insulting the president” (24 January). The accusations in the first indictment stemmed from Karabay’s article headlined “Mafya davasında rüşvet kavgası tutanaklarda: Polis nereye bıraktıysa oradan aldı, konuşursam çarşı pazar karışır” (Court minutes show bribery fight in mafia case: Police picked it up right where they dropped it off; What I could tell would cause an uproar), published on Gerçek Gündem on 27 December 2023. Access to the article was blocked and the article was held as the grounds for Karabay’s arrest in late December. The second indictment listed three social media posts dated 8 February 2023, 19 May 2023 and 28 May 2023 as evidence for the accusation against Karabay.
- According to media reports dated 26 January 2024, the Istanbul Chief Public Prosecutor’s Office issued an indictment against journalist Can Ataklı on the charge of “inciting hatred and enmity” over expressions he used concerning the father of a soldier who was killed in Operation Claw-Lock in a video shared on his YouTube channel.
- According to media reports dated 26 January 2024, a case was filed against MA reporter Zeynep Durgut on the charge of “violating the Law on Meetings and Demonstrations.” Durgut was assaulted and detained while covering the police intervention against a press statement planned to be held on the occasion of International Day for the Elimination of Violence Against Women in Şırnak on 25 November 2023.

FEBRUARY 2024

Hearings in 55 court cases against a total of 89 journalists were held in February. Of these cases, 15 were concluded. Nine journalists (Ahmet Kanbal, Pakrat Estukyan, Mustafa Sönmez, Yakup Şimşek, Mustafa Büyüksipahi, Yağmur Kaya, Nadiye Gürbüz, Özgür Boğatekin, Sedat Yılmaz) were acquitted in nine concluded trials.

In eight trials which ended with a conviction, seven journalists (Ramazan Yurttapan, Ahmet Altan, Nazlı Ilıcak, Fevzi Yazıcı, Neşe İdil, Erdem Gül, İbrahim Karakaş) were sentenced to a total of 29 years, 5 months and 18 days of imprisonment, while three journalists (İsmail Saymaz, Zafer Arapkirli, Nagihan Yılkin) were ordered to pay a sum of TL 35,937 in damages and judicial fines. One journalist (İbrahim Karakaş) was released upon judgment.

Two new cases were filed against two journalists (Fatih Altaylı, Tolga Şardan)

FEBRUARY 2024	
Number of journalists on trial	89
Number of trials	55
Number of concluded trials	15
Number of trials resulting in sentencing	8
Number of trials resulting in acquittal	9
Number of dismissed cases	1
Number of newly filed cases	2

The following judgments were rendered in the cases that concluded in February 2024:

- 1 February:** MA reporter Ahmet Kanbal was acquitted in line with the opinion of the prosecution at the second hearing of his trial on the charge of "terrorism propaganda" over a photograph allegedly accompanying a news story the journalist had shared on social media.
- 2 February:** Delivering its judgment at the eighth hearing of the trial of Demokratik Modernite magazine Managing Editor Ramazan Yurttapan, Agos newspaper Armenian pages Editor Pakrat Estukyan and three others on the charge of "terrorism propaganda," the Istanbul 30th High Criminal Court sentenced Yurttapan to 1 year and 21 months of imprisonment and acquitted Estukyan.
- 7 February:** Journalist İsmail Saymaz was ordered to pay TL 20,000 in damages over expressions he used concerning the Türken

Foundation, which the Ensar and TÜRGEV foundations had established in the United States, on a program broadcasted on Halk TV on 30 May 2022.

14 February: Delivering its judgment in the retrial of journalists Ahmet Altan, Nazlı Ilıcak, Zaman newspaper's former design director Fevzi Yazıcı and brand marketing director Yakup Şimşek, whose convictions were overturned by the Court of Cassation, the Istanbul 26th High Criminal Court sentenced Ahmet Altan to 6 years, 3 months and 18 days of imprisonment, Nazlı Ilıcak to 5 years and 3 months and Fevzi Yazıcı to 1 year 13 months of imprisonment on the charge of "knowingly and willingly aiding a terrorist organization without being its member" and acquitted Şimşek of "membership in an armed terrorist organization."

14 February: Journalist and economist Mustafa Sönmez was acquitted of the charge of "insulting the president" in a case where the accusation stemmed from three social media posts he had shared in 2016, 2018 and 2019.

15 February: Journalist Zafer Arapkirli was sentenced to 442 days of imprisonment at the final hearing of his trial on the charge of "insulting a public official" over a social media post which quoted a news item. The sentence was commuted to a judicial fine of TL 8,857. The case against Arapkirli had been filed upon complaints by former Minister of the Interior Süleyman Soylu and Commander of the Gendarmerie General Arif Çetin.

15 February: Concluding the case against Cumhuriyet newspaper reporter Nagihan Yılkin and cumhuriyet.com.tr former Editor-in-Chief Mustafa Büyüksipahi on the charge of "insulting a public official" at the fourth hearing, the Istanbul 2nd Criminal Court of First Instance ordered Yılkin to pay a judicial fine worth TL 7,080 and acquitted Büyüksipahi. The case was filed upon a complaint by Governor Davut Gül.

20 February: Journalist Neşe İdil was sentenced to 1 year and 3 months of imprisonment on the charge of "terrorism propaganda"

over 10 social media posts she had shared, which included links to news items. The sentence was deferred.

22 February: The case against journalist Canan Coşkun on the charge of “marking public officials assigned with the fight against terrorism as targets” on account of her August 2016 report published in Cumhuriyet newspaper was dismissed due to the expiry of the five-year probation period following the deferment of the sentence in the initial trial. The retrial was ordered by the Constitutional Court, which held that the deferral of the sentence in the initial trial had violated Coşkun’s freedom of expression.

27 February: Journalist Yağmur Kaya was acquitted of “marking public officials assigned with the fight against terrorism as targets” in line with the prosecutor’s opinion. The case had been launched over an interview with Human Rights Association (İHD) Co-Chair Eren Keskin, which was published on the Artı Gerçek news website on 20 August 2020.

27 February: Etkin News Agency (ETHA) editor Nadiye Gürbüz was acquitted of “membership in a terrorist organization” and “terrorism propaganda” charges in a court case in which her professional activities were presented as evidence. Gürbüz was arrested on 3 May 2023 and was released pending trial on 12 October 2023 after the indictment against her was accepted.

28 February: Concluding the retrial of Cumhuriyet newspaper’s former Ankara Bureau Chief Erdem Gül over the newspaper’s 2015 “MIT trucks” coverage, the Istanbul 14th High Criminal Court sentenced Gül to five years of imprisonment on the charge of “knowingly and willingly aiding a terrorist organization without being its member.” The retrial was ordered by the Court of Cassation, which overturned the trial court’s 2019 decision to dismiss the case against Gül in 2023.

28 February: Journalist Özgür Boğatekin was acquitted in his retrial on the charge of “libel” over four articles he wrote in 2013 about former District Governor Ömer Bilgin of the Gerger district in Adıyaman. The retrial followed on the heels of a 2023 Constitutional Court judgment

finding rights violations in the sentence of 1 year and 15 days of imprisonment issued against Boğatekin in 2015 and upheld and finalized by the Court of Cassation in 2020.

29 February: MA editor Sedat Yılmaz was acquitted of the charges of “membership in a terrorist organization” and “establishing or managing a terrorist organization” in the second hearing of the trial in which statements by open and secret witnesses, Yılmaz’s travels abroad and stay at hotels, bank account movements, the news agencies he worked for, and social media posts were held as evidence for the charges. Yılmaz was arrested on 3 May 2023 and released under a ban on traveling abroad at his first hearing held on 14 December 2023.

29 February: Yeni Yaşam newspaper staff member İbrahim Karakaş was sentenced to 6 years and 10 months of imprisonment on the charge of “membership in a terrorist organization” in his retrial, which was ordered by the Court of Cassation, which overturned the initial sentence of 9 years and 9 months on the same charge. The court ruled to release Karakaş, who was arrested on 6 November 2020, under judicial control measures.

Court of appeals judgments:

- According to media reports dated 23 February 2024, a judicial fine worth TL 7,080 issued to Die Welt correspondent Deniz Yücel in 2022 on the charge of “insulting a public official” over a social media post was upheld by the 24th Criminal Chamber of the Istanbul Regional Court of Justice.
- The 11th Criminal Chamber of the Antalya Regional Court of Justice vacated a judicial fine worth TL 6,000 journalist Serap Belovacıklı had been ordered to pay for “violating the secrecy of communications” in a case that concluded in 2023. The judicial fine was issued after journalist İdris Özyol disclosed a WhatsApp conversation that contained insults against Belovacıklı by Mevlüt Yeni, former president of the Antalya Journalists’ Association, upon which Yeni filed a complaint against Belovacıklı and Özyol.

The court ruled to acquit Belovacıklı as the act was not defined as a crime in the law.

Two court cases in which journalists were the complainants were also heard in February:

- The retrial of defendant police officers K.A., Y.Ş. and N.D., who were ordered to pay a fine for the “violation of the freedom to work and employment” for attempting to violently detain journalist Beyza Kural as she was covering a demonstration in 2015, continued on 15 February 2024 after the initial judgment was overturned by a regional court of appeals. Presenting their final opinion, the prosecutor requested sentencing for the defendant police officers for the crimes of “violation of the freedom to work and employment” (TCK 117/1) and “preventing work activities through abuse of influence derived from public office” (TCK 119/1-c,e). The trial was adjourned until 12 March 2024.
- The trial of Elazığ Mayor Şahin Şerifoğulları’s security guard police officer on the charge of “actual bodily harm” (TCK 86/1) for assaulting journalist Ardil Batmaz continued on 22 February 2024. Batmaz’s lawyers requested that the mayor be included in the case file as a defendant in line with the new expert report. The lawyers also requested that the person codenamed “Individual 5,” who assaulted Batmaz but could not be identified, should be identified and included in the file and the crime of “violation of the freedom to work and employment” should be added among the charges. The court rejected the request for Mayor Şerifoğulları to be included in the file as a defendant. The trial was adjourned until 27 June 2024.

Charges faced by journalists in trials:

In February, 56 hearings were held in 55 cases against journalists. In these trials, journalists faced a total of 20 different charges. The most frequent charge brought against journalists in February was “membership in a terrorist organization,” which was used in 16 indictments. It was followed by “terrorism propaganda,” which was

used in 14 cases. The third most frequent charge encountered in February was “insulting a public official,” which was encountered in nine cases. The charge of “insulting the president” was used in five cases, while the charges of “knowingly and willingly aiding an organization without being a member,” “publicly degrading the Turkish nation, the state of the Republic of Turkey, the Parliament, the government and the judicial institutions of the state” and “libel” were each used in three cases. The charges “marking public officials assigned with the fight against terrorism as targets,” “inciting to commit crime,” “praising crime and criminals,” “establishing or managing an armed organization,” “inciting hatred and enmity,” “publicly disseminating misleading information” and “illegally obtaining and disseminating personal data” were each used in two cases. The charges “attempting to overthrow the Parliament or preventing it from fulfilling its duties,” “attempting to overthrow the Government of the Republic of Turkey or preventing it from fulfilling its duties” and “attempting to overthrow the constitutional order,” which are listed under Crimes Against the Constitutional Order in the Turkish Penal Code were brought in one case each. The charges “opposition to the Law on the Prevention of the Financing of Terrorism” and “resisting [law enforcement] to prevent fulfilment of duty” were also used in one case each. Additionally, hearings in four compensation cases filed against journalists were held in February.

According to Expression Interrupted data, two new cases were filed against journalists in February:

- On 7 February 2024, the Istanbul Chief Public Prosecutor’s Office filed an indictment against journalist Fatih Altaylı on the charge of “praising crime and criminals” over a social media post he shared on 1 January 2024. The Istanbul 21st Criminal Court of First Instance accepted the indictment and decided to hear the case in accordance with the “simple trial procedure.”
- On 15 February 2024, the Istanbul Chief Public Prosecutor’s Office filed an indictment against T24 columnist Tolga Şardan on charges of “publicly disseminating misleading information” and

“degrading the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the State” over his article headlined “MIT’in Cumhurbaşkanlığı’na sunduğu ‘yargı raporu’nda neler var? (What is the in the National Intelligence Organization report presented to the Presidency?).

MARCH 2024

Hearings in 36 court cases against a total of 37 journalists were held in March. Twenty-four of the cases were adjourned while 12 were concluded. In six of the 12 concluded cases, a total of eight journalists (Faruk Eren, Furkan Karabay, Sibel Tekin, Ayça Söylemez, Zilan Azad, Rozerin Gültekin, Gökay Başcan, Erdem Avşar) were acquitted. In five cases resulting in a conviction, five journalists (Levent Gültekin, Erdem Avşar, Uğur Koç, Pınar Gayıp, Mehmet Acettin) were sentenced to a total of 3 years, 11 months and 77 days of imprisonment, and one journalist (Dilan Esen) was ordered to pay a judicial fine worth TL 7,080.

Two new court cases were filed against two journalists (Abdullah Kaya, Ferit Aslan).

MARCH 2024	
Number of journalists on trial	37
Number of trials	36
Number of concluded trials	12
Number of trials resulting in sentencing	5
Number of trials resulting in acquittal	6
Number of dismissed cases	1
Number of newly filed cases	2

The following judgments were rendered in the cases that concluded in March 2024:

5 March: Gerçek Gündem news website’s Managing Editor Faruk Eren and editor Furkan Karabay were acquitted of “marking public

officials assigned with the fight against terrorism as targets” at the second hearing of their trial, which was launched upon a complaint by Constitutional Court Judge İrfan Fidan. The court ruled to acquit Eren unanimously while the decision to acquit Karabay was taken by a majority vote, with a dissenting opinion by the presiding judge. The case file against Karabay and Eren, on the same charge and based on the same evidence, that was being overseen by the Ankara 22nd High Criminal Court, was merged with the case overseen by the Ankara 4th High Criminal Court at the hearing on 23 January 2024.

5 March: Documentary filmmaker and journalist Sibel Tekin was acquitted of the charge of “membership in a terrorist organization,” in line with the prosecution’s opinion, at the sixth hearing of her trial, which was launched on allegations that Tekin had recorded “footage of police and prison vehicles” for her documentary titled “Karanlıkta Başlayan Hayat.”

7 March: The Istanbul 21st Civil Court of First Instance dismissed a compensation case worth TL 100,000 filed by President Recep Tayyip Erdoğan’s former lawyer Mustafa Doğan İnal against Gerçek Gündem news website editor Furkan Karabay.

19 March: Journalist Ayça Söylemez was acquitted of the charge of “marking public officials assigned with the fight against terrorism as targets” on grounds that elements of the alleged crime were not present in a case that had been filed over her article headlined “Yetenekli Hakim Bey” (The talented his honor the judge), which was published in BirGün newspaper on 18 February 2020.

19 March: Journalist Levent Gültekin was sentenced to 11 months and 20 days of imprisonment on the charge of “insulting the president” over his commentary in an episode of the political debate show “İki Yorum” that was broadcast on Halk TV on 27 September 2022, in line with the opinion of the prosecutor. The sentence was deferred.

20 March: Journalist Zilan Azad, who was assaulted and detained by the police while covering a demonstration, was acquitted of the

charge of “violating the Law on Meetings and Demonstrations,” in her trial with 99 other defendants, in line with the prosecution’s opinion.

21 March: JinNews reporter Rozerin Gültekin, who was detained while covering a demonstration organized in the northwestern Bursa province on 12 June 2022, was acquitted of the charge of “violating the Law on Meetings and Demonstrations” on grounds that the elements of the alleged crime had not formed.

26 March: Yeniçağ newspaper Managing Editor Erdem Avşar was acquitted of “insult” but sentenced to 1 year and 15 days of imprisonment on the charge of “libel” in a case launched upon a complaint by Turkuvaz Media Group Vice President of the Board Serhat Albayrak over the newspaper’s coverage.

26 March: Journalist Dilan Esen was ordered to pay a judicial fine of TL 7,080 on the charge of “insulting a public official” in a case launched upon a complaint by Minister for Culture and Tourism Mehmet Nuri Ersoy over a news article published in BirGün newspaper on 12 August 2022.

28 March: BirGün newspaper editor Gökay Başcan was acquitted of the charge of “insult” in line with the prosecutor’s final opinion in a case launched upon a complaint by First Lady Emine Erdoğan over the newspaper’s coverage of the Environment Agency being given authority to hold tenders for all coastal areas in Turkey and allegations that the agency was connected to Emine Erdoğan. Başcan was acquitted in the initial trial, held in accordance with the simple trial procedure, but the court decided to hold hearings in accordance with general procedures upon an objection by Erdoğan’s lawyers.

28 March: BirGün newspaper Web Service News Coordinator Uğur Koç was sentenced to 11 months and 20 days of imprisonment on the charge of “insulting the president” in a case where the

accusation stemmed from a news photo showing a suspect with a picture of President Erdoğan in its background, published in the 23 July 2020 edition of the newspaper, when Koç was the newspaper's managing editor. The court suspended the sentence.

28 March: The trial of Etkin News Agency (ETHA) editor Pınar Gayıp and Managing Editor Mehmet Acettin on the charge of “publicly degrading the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the State,” launched upon a complaint by lawyer Sezgin Keleş on account of news items published by ETHA, concluded with the court sentencing Gayıp to 6 months and 7 days of imprisonment and deferring the sentence and Acettin to 7 months and 15 days of imprisonment with no deferment of the sentence.

Court of appeals judgments:

- According to media reports dated 7 March 2024, the 24th Criminal Chamber of the Istanbul Regional Court of Justice overturned a TL 3,480 judicial fine issued to journalist İsmail Saymaz on the charge of “insult” by the Istanbul 35th Criminal Court of First Instance in a case filed upon a complaint by the leader of an Islamist group, Büreyde Öncel. Saymaz stood trial for stating during an episode of the show titled “Esas Mesele,” broadcast on Yol TV on 4 September 2020, that Öncel was on trial for child abuse. The court of appeals stated that the news in question was in keeping with the apparent truth, that it was of public interest, that there was an intellectual connection between the expressions used in the program and the incident in question, that the principle of proportionality had not been violated and that the program fell within the freedom of the press and found the sentence unlawful. The court stated that the trial court's judgment could be corrected without the need for a retrial and ruled for the sentencing clause in the judgment of the court of first instance to be replaced with the expression “acquittal due to the elements of the alleged crime of insult not having formed.”

In March, two cases filed upon complaints by journalists were concluded:

- The retrial of defendant police officers K.A., Y.Ş. and N.D., who were ordered to pay a fine for the “violation of the freedom to work and employment” for trying to detain journalist Beyza Kural during a demonstration she was covering in 2015 with handcuffs behind her back was concluded on 12 March 2024 after the initial judgment was overturned. The court ordered the defendant police officers K.A., Y.Ş. and N.D. to pay a judicial fine of TL 9,000 on the charge of “violation of the freedom to work and employment” (TCK 117/1) and deferred the sentences. The court further ruled to file an official complaint with the Istanbul Chief Public Prosecutor’s Office concerning the defendant police officers for “assault” (TCK 86/2) and “prevention of the enjoyment of the right to freedom of thought” (TCK 115) in line with lawyer Meriç Eyüboğlu’s request.
- According to media reports dated 26 March 2024, Taha Hüseyin Karagöz, a reporter for the pro-government Yeni Şafak newspaper, who shared the identity information and photograph of ETHA reporter Elif Bayburt on 9 February 2023 to present her as a target, was ordered to pay Bayburt TL 7,500 in non-pecuniary damages by the Istanbul 18th Civil Court of First Instance.

Charges faced by journalists in trials:

In March 2024, charges most frequently faced by journalists on trial were “insulting the president” and “insult,” which were used in six cases each. They were followed by “violating the Law on Meetings and Demonstrations” which was used in five cases. The charges of “membership in a terrorist organization,” “terrorism propaganda” and “libel” were used in four cases each and are in joint third place for the most frequently used charges. The charges of “insulting a public official due to his/her duty” and “marking public officials assigned with the fight against terrorism as targets” were used in three cases. In March 2024, journalists were charged with “inciting hatred and enmity” in three cases and with “openly degrading the Turkish nation, the state of the Republic

of Turkey, the Parliament, the government of the Republic of Turkey and the judicial institutions of the state," "printing or publishing statements by terrorist organizations," "obtaining information that should remain secret for state security and its domestic and external interests for purposes of political or military espionage," "praising crime and criminals" and "entering military forbidden zones" once each. A hearing for one compensation case filed against journalists was held in February.

Two new cases were filed against two journalists in March:

- According to media reports on 4 March 2024, a new court case on the charge of "illegally obtaining or disseminating personal data" was filed against journalist Abdullah Kaya for reporting on a village guard who tried to cast his vote while armed with a long-barrel gun during the 14 May 2023 elections. The Diyadin Criminal Court of First Instance, which accepted the indictment, has set 18 September 2024 as the date for the first hearing.
- According to media reports dated 13 March 2024, an investigation launched against Medyascope Diyarbakır correspondent Ferit Aslan on suspicion of "publicly disseminating misleading information" resulted in an indictment. The investigation against Aslan was launched in January after he reported on a judge who went to a religious middle school in Mardin after being called by his teacher spouse who got into an argument with students and who had the children detained three days later. Access to Aslan's report was also blocked by the Mardin Criminal Court of Peace.

Detentions and Investigations

At least 16 journalists were detained during the three months covered in this report (Mahmut Altıntaş, Safiye Alağaç, Enver Aysever, Kibriye Evren, Selamet Turan, Semra Turan, Delal Akyüz, Tolga Güney, Melike Aydın, Cihan Başakçioğlu, Fatma Funda Akbulut, Nuray Atmaca, Lokman Gezgin, Oktay Candemir, Arif Aslan, Attila Aşut). A journalist who was detained at the end of December (Hakan Yalçın) was released under judicial control measures in January.

- MA reporter **Hakan Yalçın**, who was detained in a raid on his home in Van on 29 December 2023 as part of an investigation conducted by the Malatya Chief Public Prosecutor's Office, was released on 2 January 2024 under judicial control measures by the Criminal Court of Peace he had been transferred to with a request for his arrest. Reportedly, Yalçın was asked about the activities of an association he had been a member of as a university student in Malatya.
- MA reporter **Mahmut Altıntaş** was detained twice on the same day. Altıntaş was detained by the police in Adıyaman on 27 January 2024 while traveling to report on a story and was released under judicial control measures after giving a statement on suspicion of "terrorism propaganda" over 19 social media posts, including news content. Altıntaş obtained an assault report from the hospital due to being assaulted by police officers as he was being transferred to the courthouse and was detained again by the prosecutor's order and on suspicion of "resisting the police" at the police station to which he went to file a complaint against the police officers in the evening with his lawyer. Altıntaş was held in custody during the night of 27 January and was released the next day under judicial control measures by a magistrate at the Adıyaman Courthouse to which he had been transferred with a request for his arrest.
- JinNews Managing Editor **Safiye Alağaç** was detained on 28 January 2024, when her car was stopped as she was traveling from Siirt to Diyarbakır. Alağaç, who was released on 29 January, was reportedly detained in connection with a case file dated 2011, overseen by the Istanbul 10th High Criminal Court.
- Journalist **Enver Aysever** was detained on 2 February 2024 at Ankara Esenboğa Airport. Aysever was taken to the Çubuk Courthouse, where he appeared before the court and was released after giving a statement. Aysever stated following his release that he had been detained over a court case filed against him by CHP İzmir MP Tuncay Özkan for a broadcast on Tele 1.
- Journalist **Kibriye Evren** was detained during a police raid on her home in Istanbul in the morning of 9 February 2024. Evren was

brought to the Kocaeli Courthouse after three days in custody and was released by the court to which she was transferred with a request for her arrest after providing a statement to the prosecutor on suspicion of "membership in a terrorist organization" and "financing an organization" for sending money to a friend in prison.

- Journalist **Selamet Turan** was detained in a police raid on her home in Şırnak on 9 February 2024 as part of an investigation conducted by the Diyarbakır Chief Public Prosecutor's Office. Turan was first taken to the Şırnak Provincial Directorate of Security and later transferred to Diyarbakır. Turan was transferred to the courthouse on 13 February 2024 and arrested on the charge of "membership in a terrorist organization" by a magistrate.
- MA reporters **Semra Turan, Delal Akyüz ve Tolga Güney**, JinNews reporter **Melike Aydın**, Gazete Duvar reporter **Cihan Başakçioğlu** and DEM Party press unit employee **Fatma Funda Akbulut** were detained in dawn raids on their homes in Izmir on 13 February 2024. The journalists were released by the criminal court of peace on duty at the courthouse where they were transferred on 16 February with a request for their arrest on the charge of "membership in a terrorist organization." The court ruled to release Semra Turan and Cihan Başakçioğlu under judicial control measures and Delal Akyüz, Melike Aydın, Tolga Güney and Fatma Funda Akbulut under house arrest. The journalists were reportedly accused of "membership in a terrorist organization" over their news coverage.
- PİRHA Tunceli reporter **Nuray Atmaca** was called in to provide a statement at the Tunceli Police Department on 15 February 2024. Atmaca was detained after providing a statement and was released the same day after providing a second statement.
- Journalists **Lokman Gezgin, Oktay Candemir** and **Arif Aslan** were detained in police raids on their homes in Van province on 27 February 2024. The journalists' statements were taken at the Counter-Terrorism Branch of the Provincial Police Department on 28 February on suspicion of "opposition to the Law on the

Prevention of the Financing of Terrorism" and they were reportedly questioned about the royalties they received in exchange for news items they dispatched to some media organizations in Europe. After being transferred to the courthouse, all three were released following interrogation by the public prosecutor on 29 February.

- BirGün newspaper columnist **Attila Aşut** was detained by police officers who arrived at his home in Ankara on 20 March 2024. Aşut was reportedly detained on suspicion of "opposition to the Law on the Prevention of the Financing of Terrorism" for sending TL 600 to an inmate. Aşut, who was taken to the Counter-Terrorism Branch of the Police Department, was released later in the day after his statement was taken.

New investigations were launched against at least 25 journalists during the first quarter of 2024 (Osman Çaklı, Fatih Altaylı, Seyhan Avşar, Zeynep Kuray, İsmail Arı, Çiğdem Toker, Fırat Bulut, Semra Turan, Delal Akyüz, Tolga Güney, Melike Aydın, Cihan Başakçioğlu, Fatma Funda Akbulut, Şükran Ekinci, Abdullah Kaya, Furkan Karabay, Kayhan Ayhan, and eight journalists participating in the strike at Sputnik Türkiye). In the same period, public prosecutors dismissed investigations that had been launched against 11 journalists.

1 January: Eight journalists who participated in the strike at the Russian state news agency Sputnik's offices in Turkey were called in to the police station to provide a statement on suspicion of "violating the Law on Meetings and Demonstrations," "violation of the freedom to work and employment" (TCK 117) and "disrupting peace and quiet" (TCK 123) upon the employer filing a criminal complaint against them. Sputnik Türkiye staffers, including 24 unionized journalists who were dismissed by the employer last year, have been striking since August 2024, demanding fair pay, the recognition of their union rights and the reinstatement of the 24 staffers dismissed by the employer.

3 January: Gazete Duvar reporter **Osman Çaklı** was called in to the Beyoğlu District Police Department to provide a statement on suspicion of "terrorism propaganda" over his reporting about the environmental destruction at the Akbelen Forest in the Milas district of Muğla.

- 3 January:** Journalist **Fatih Altaylı** was called in to provide statements as part of two ex-officio investigations by the Istanbul Chief Public Prosecutor's Office on suspicion of "praising crime and criminals" over a social media post and "inciting hatred and enmity" over a video he shared on his YouTube channel on 24 December 2023. Altaylı provided statements at the prosecutor's office on 5 January and was released under judicial control measures.
- 5 January:** Halktv.com.tr editor **Seyhan Avşar** announced that she was facing a new investigation following her reporting on 4 January 2024. Avşar provided a statement to the prosecutor at the Press Crimes Office of the Istanbul Courthouse on 8 January as part of the investigation on suspicion of "insulting a public official," "libel" and "publicly disseminating misleading information."
- 8 January:** Journalist **Zeynep Kuray**, who covered the resistance by locals and activists to tree-felling at Akbelen Forest in Milas, was called in to the Police Department to provide a statement as part of an investigation launched over her social media post about the resistance and the police intervention against the activists.
- 12 January:** BirGün newspaper reporter **İsmail Arı** provided statements under two investigations on suspicion of "insulting a public official" launched upon a complaint filed by Commander of the Gendarmerie General Arif Çetin over the journalist's social media posts.
- 1 February:** Journalist **Çiğdem Toker** went to the Kavaklıdere Police Station to provide a statement as part of an investigation launched by the Ankara Chief Public Prosecutor's Office following a complaint about Toker's on-air commentary during the election night broadcast on Fox TV on 28 May 2023.
- 7 February:** According to media reports dated 7 February, a new investigation was filed against journalist **Fırat Bulut** on suspicion of "publicly disseminating misleading information" over a social media post Bulut shared concerning İYİ Party MP for Gaziantep Mustafa Gürban.

13 February: MA reporters **Semra Turan, Delal Akyüz ve Tolga Güney**, JinNews reporter **Melike Aydın**, Gazete Duvar reporter **Cihan Başakçioğlu** and DEM Party press unit employee **Fatma Funda Akbulut** were detained as part of investigation carried out by the İzmir Chief Public Prosecutor's Office. The six journalists were brought to the courthouse on 16 February and were released by the court under judicial control measures.

14 February: Artı TV news presenter **Şükran Ekinci** was called in to the Police Department to provide a statement as part of an investigation on suspicion of "disseminating misleading information" on account of a social media post she shared concerning the mine collapse in the İliç district of Erzincan on 14 February. Ekinci provided a statement on 15 February.

14 February: Journalist **Abdullah Kaya** was summoned to provide a statement by the Diyadin Chief Public Prosecutor's Office. No information was shared about the investigation against Kaya.

24 February: According to media reports dated 24 February, journalist **Zeynep Kuray** was called in to provide a statement on suspicion of "publicly disseminating misleading information" over her reporting and social media posts on the law enforcement intervention against environmentalists camping in Akbelen Forest to protect the area.

26 February: Gerçek gündem editor **Furkan Karabay** provided a statement as part of two new investigations against him. One of the investigations is on suspicion of "insulting the president" and "insult" over his comments on a broadcast hosted by journalist Mirgün Cabas on his YouTube channel on 19 January 2024 and the second investigation is on suspicion of "degrading the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the State" over his report headlined "Odanın sahibi terör savcısı çıktı! Başsavcılık soruşturma başlattı" (The room's owner turns out to be terrorism prosecutor! Chief prosecutor begins investigation).

7 March: BirGün reporter **İsmail Arı** provided a statement to the Press Crimes Investigation Office of the Istanbul Anadolu Chief Public Prosecutor's Office as part of an investigation on suspicion of "publicly disseminating misleading information" over his reporting and social media posts on 10 March 2023, regarding claims about the connection between the Turkish Red Crescent and the Menzil religious community, upon a complaint by the Red Crescent.

21 March: According to media reports dated 21 March 2024, four separate investigations were launched against BirGün reporter **İsmail Arı** over three news articles published on 19 January 2024, 15 February 2024 and 11 March 2024, and his comments on the "Yakın Takip" program on Artı TV which he attended as a guest, over a complaint filed by Nationalist Movement Party (MHP) MP Levent Uysal. Access to Arı's reports were also blocked upon Uysal's complaint. A separate investigation was launched against Arı upon a complaint by former Justice Minister Abdülhamit Gül over Arı's report headlined "Gül gibi Vurgun," published in BirGün on 16 February 2024.

21 March: BirGün editor **Kayhan Ayhan** provided a statement as part of an investigation launched over his report headlined "Köylülere 2,5 saat şiddet" (Villagers subjected to violence for 2.5 hours) in which he reported on claims of maltreatment of villagers by the gendarmerie.

Decisions not to prosecute:

9 January: According to media reports dated 9 January 2024, the Mardin Chief Public Prosecutor's Office decided not to prosecute MA reporter **Ahmet Kanbal** in an investigation launched on suspicion of "terrorism propaganda" over his live broadcasts following the earthquakes of 6 February 2023, as the elements of the crime had not formed. However, the prosecutor's office stated that "the file may be reevaluated should new evidence be obtained" and decided to file a criminal complaint against Kanbal under Article 217/A of TCK.

- 18 January:** The Diyarbakır Chief Public Prosecutor's Office has decided not to prosecute journalists **Delal Akyüz, Sibel Yüklü, Evrim Kepenek** and **Evrin Deniz**, who were arrested in 2023 for sharing a news item concerning the relocations of the prosecutor who issued the indictment against journalists arrested in Diyarbakır and the prosecutor's spouse, a judge who was on the panel of judges which tried the journalists, in the investigation launched on suspicion of "marking public officials assigned with the fight against terrorism as targets." With this decision not to prosecute, it was revealed that an investigation had also been launched against MA licensed publisher **Ferhat Çelik** on the same grounds and that the prosecutor's office had also decided not to prosecute Çelik.
- 19 January:** The prosecutor's office decided not to prosecute journalist **Eylem Nazlıer** on suspicion of "degrading the Turkish nation, the state of the Republic of Turkey, the institutions and organs of the State" over a criminal complaint filed by a private citizen concerning Nazlıer's social media posts.
- 26 January:** According to media reports dated 26 January 2024, the Şırnak Chief Public Prosecutor's Office decided not to prosecute MA reporter **Ömer Akın** and JinNews reporter **Rozerin Gültekin**, who were among the three journalists who were assaulted and detained by the police while covering a press statement on the occasion of the International Day for the Elimination of Violence Against Women in Şırnak on 25 November 2023.
- 20 February:** The Diyarbakır Chief Public Prosecutor's Office has decided not to prosecute journalist **Yıldız Tar** in the investigation launched on suspicion of "marking public officials assigned with the fight against terrorism as targets." Tar had named the prosecutor running the investigation against five journalists who shared the news regarding the relocations of the prosecutor and the judge who were serving in the trial of arrested journalists in Diyarbakır in their column published on Artı Gerçek.

21 February: The Ankara Chief Public Prosecutor's Office decided not to prosecute journalist **Çiğdem Toker** in an investigation launched upon a complaint concerning the expressions she used on a live TV program she attended on 28 May 2023 on grounds that there was not sufficient evidence to file a case.



Arrests and Releases

Throughout 2023, the number of journalists in prison in Turkey decreased although there were periodic rises with new arrests. The main reason behind this was the release of journalists who had completed their sentences issued in past years.

At the beginning of the period covered in this report, Expression Interrupted data showed that as of 1 January 2024 there were 37 imprisoned journalists in Turkey. Since then, the list has been updated with the release of six journalists from prison in January, four in February and one in March as well as considering new information obtained through a scan of past cases, which showed that three other journalists had been released on different dates in 2023. The updated list shows that there are 29 journalists in prison in Turkey as of 31 March 2024.

Five journalists were imprisoned during the reporting period:

- Journalist **İdris Özyol** surrendered to the Antalya Courthouse Prosecutor for Executions on 23 January 2024, after the court of appeals finalized a prison sentence of 1 year and 8 months he had been given in 2023 on the charge of “violation of privacy of communications.”
- Journalist **Ahmet Ayva** was detained on the evening of 25 January 2024, arrested and placed in prison on 26 January after the Court of Cassation upheld a prison sentence of 3 years and 6 months the journalist had been given on the charge of “terrorism propaganda” in a case where the accusation stemmed from several social media posts he had shared since 2016.
- A3 Haber Editor-in-Chief **Süleyman Gençel** was detained in İzmir on 2 February 2024, arrested and placed in prison after the Court of Cassation upheld a prison sentence of 1 year and 2 months he had been given on the charge of “insult” in a case filed upon Dokuz Eylül University Rector and former AKP MP Nükhet Hotar’s complaint.
- Journalist **Selamet Turan**, who was detained in the Cizre district of Şırnak on 9 February 2024, was arrested by a criminal court of peace in Diyarbakır to which she was transferred with a request for her arrest on the charge of “membership in a terrorist organization” on 13 February.

- PİRHA Mersin reporter **Diren Keser** was arrested and placed in prison on 28 February 2024 after the Court of Cassation upheld his conviction on 2 February 2024. Keser was given a prison sentence of 2 years, 4 months and 3 days in 2017 on the charge of “terrorism propaganda” on account of five news items he had shared on social media in 2015.

11 journalists were released from prison during the reporting period:

- 3 January: **Süha Çardaklı** and **Serkan Kafkas**, administrators of the social media account named “Ajans Muhbir,” who were arrested in 2023 as part of an investigation being conducted by the Ankara Chief Public Prosecutor’s Office for sharing news items containing hate speech against refugees were released pending trial at the first hearing held at the Ankara 7th Criminal Court of First Instance. Çardaklı and Kafkas are on trial on charges of “inciting hatred and enmity,” “publicly disseminating misleading information” and “using threats to cause fear and panic among the people” along with 28 other defendants.
- 4 January: **Ferhat Çiftçi**, former Gaziantep correspondent for the Azadiya Welat newspaper, which was shut down under a statutory decree (KHK), was released from Tekirdağ No. 1 Type F Closed Prison after 12 years, 10 months and 19 days of imprisonment. Çiftçi, who was sentenced to 19 years and 8 months of in prison on the charge of “committing crimes on behalf of a terrorist organization without being a member” and “terrorism propaganda” by the Adana 6th High Criminal Court on 16 February 2011, was released upon the Constitutional Court annulling the provision for “committing crimes on behalf of an organization” on 8 December 2023.
- 8 January: Journalist **Furkan Karabay**, who was arrested on 29 December 2023 as part of an investigation on suspicion of “marking public officials assigned with the fight against terrorism as targets” over a news article he penned in December 2023 was released by a ruling of a criminal court of first instance upon the objection against Karabay’s arrest by his lawyers.

- 26 January: Yeni Demokrasi newspaper employee **Ertan Çıta**, who was detained in a home raid in Tunceli and arrested on charges of “membership in a terrorist organization” and “opposition to the Law on the Prevention of the Financing of Terrorism” on 5 October 2023, was released at the interim hearing held on 26 January 2024.
- 28 January: Journalist **Nazlı Ilıcak**, who was placed in prison in December upon a regional court of appeals finalizing her sentence of 2 years and 6 months on the charge of “libel,” was released on probation. Ilıcak had been sentenced in 2022 in a case filed upon a complaint by a public prosecutor over an article she wrote in 2016 for the Özgür Düşünce newspaper, which was shut down under a statutory decree.
- 15 February: Yeni Yaşam newspaper’s Batman distributor **Selahattin Kaygusuz**, who was arrested on the charge of “membership in a terrorist organization” on 24 October 2023 based on witness testimony, was released at his first hearing at the Batman 2nd High Criminal Court due to long duration of remand.
- 19 February: Serhat News website Editor-in-Chief **Siddik Güler**, who was placed in prison on 18 December 2023 after the 3rd Criminal Chamber of the Court of Cassation approved a prison sentence of 2 years and 4 months he had been given on the charge of “terrorism propaganda” over his social media posts, was released on probation.
- 29 February: Yeni Yaşam newspaper employee **İbrahim Karakaş**, who was arrested in Adana on 6 November 2020 and whose imprisonment sentence of 9 years and 9 months on the charge of “membership in a terrorist organization” was overturned by the Court of Cassation, was sentenced to 6 years and 10 months of imprisonment in his retrial on the same charge by the Adana 11th High Criminal Court and was released under judicial control measures.
- 29 February: Journalist and Dicle Fırat Journalists Association Co-Chair **Dicle Müftüoğlu**, who was detained as part of an Ankara-based investigation on 29 April 2023 and arrested on 3

May 2023, was released by the Diyarbakır 5th High Criminal Court at the third hearing of her trial on charges of “membership in a terrorist organization” and “establishing or managing a terrorist organization” under a ban on traveling abroad.

- 1 March: Journalist **İdris Özyol**, who was placed in prison in January after a regional court of appeals finalized his conviction on the charge of “violation of privacy of communications,” was released on probation on 1 March 2024, after having spent 38 days in prison.

Highlights from Trials

Some of the significant developments in cases heard by courts of first instance during the reporting period were as follows:

Trial against three journalists who were assaulted and detained begins in Ankara: The first hearing of the trial of journalists Deniz Nazlım, Sibel Yüklér and Yıldız Tar on the charge of “attending illegal meetings and demonstrations unarmed and not dispersing voluntarily despite warnings” was held at the Ankara 71st Criminal Court of First Instance on 9 January 2024. The court adjourned the trial until 25 April 2024 after hearing defense statements.

Nazlım, Yüklér and Tar were assaulted and detained with handcuffs behind their backs as they were on their way to join a press statement in Ankara on 5 July 2022 held for 16 journalists arrested in Diyarbakır at the time. The Ankara Chief Public Prosecutor’s Office, which dismissed the complaint filed by the journalists against the police officers who violently detained them, instead filed an indictment against the three journalists in June 2023.

Trial of journalists protesting operations against colleagues begins: The first hearing of the trial of journalists Serpil Ünal, Yedigâr Aygün, Pınar Gayıp, Eylem Nazlıer, Zeynep Kuray and Esra Soybir, who gathered in Kadıköy, İstanbul on 29 April 2023 to protest operations against press members in Diyarbakır on the charge of

“violating the Law on Meetings and Demonstrations” was held at the Anadolu 22nd Criminal Court of First Instance on 10 January 2024.

Lawyers for the journalists requested that footage of detentions and the governorate’s decision to ban the demonstration to be added to the case file. The court accepted the requests and adjourned the trial until 16 April 2024.

Court rules for non-competence in “disinformation” case against Firat Bulut: The fourth hearing in the trial of journalist Firat Bulut on the charge of “publicly disseminating misleading information” for reporting on a fire started by inmates in the Elbistan Type E Prison, which was damaged in the earthquakes of 6 February 2023, was held at the Elbistan 2nd Criminal Court of First Instance on 22 February 2024. Due to lack of jurisdiction, the court ruled to send the case file to the Bingöl Criminal Court of First Instance on grounds that the last permanent address of Bulut, who now resides abroad, was registered in Bingöl.

Bulut was detained on 10 March 2023 as part of an investigation launched by the Bingöl Chief Public Prosecutor’s Office and was released two days later after providing a statement. The Bingöl Chief Public Prosecutor’s Office then ruled for non-competence, conveyed the case file to Elbistan and the Elbistan Chief Public Prosecutor’s Office filed charges against Bulut.

Court issues arrest warrant for Baransel Ağca: The fifth hearing in the trial of journalist Baransel Ağca on the charge of “illegally obtaining personal data” was held at the Elazığ 8th Criminal Court of First Instance on 29 February 2024. At the hearing, which Ağca and his lawyer did not attend, the court ruled in line with the prosecutor’s request to issue an order for Ağca’s arrest and adjourned the trial until 2 July 2024.

Ağca is on trial for publishing the autopsy report on journalism student Yeldana Kaharman, who was found dead under suspicious circumstances at her home in Elazığ.

Number of journalists on trial upon İnal's complaint rises to eight:

The eighth hearing in the trial of journalists Can Bursalı, Barış Terkoğlu, Barış Pehlivan and Independent Türkçe Editor-in-Chief Nevzat Çiçek on charges of "insult" and "libel" over a complaint filed by President Erdoğan's former lawyer Mustafa Doğan İnal was held at the Istanbul 2nd Criminal Court of First Instance on 29 February 2024.

The judge announced that the cases against journalists Doğan Akin and Gökmen Karadağ had been merged with the present case in between hearings. The court ruled to invite journalists Can Özçelik and Fatih Portakal, whose cases had also been merged with the present file, to make their statements and adjourned the trial until 4 July 2024.

In their book *Metastaz 2: Cendere*, co-authors Barış Pehlivan and Barış Terkoğlu had presented claims that Erdoğan's former lawyer İnal had received TL 15 million in representation fees from the Istanbul Metropolitan Municipality, while Bursalı had reported on the claim for Independent Türkçe. The indictment argues that the claim against İnal harmed his "honor, dignity and social standing."

Zeynep Durgut, who was assaulted and detained, appears before court:

The first hearing in the trial of MA reporter Zeynep Durgut, who was assaulted and detained along with 17 other women while covering a press statement on the occasion of the International Day for the Elimination of Violence Against Women in Şirnak on 25 November 2023, on the charge of "violating the Law on Meetings and Demonstrations" was held at the Şirnak Criminal Court of First Instance on 22 March 2024.

Delivering her defense statement, Durgut recounted the incident as follows: "I was one of the three journalists at the square. A day before the incident, members of the AKP held a march with no problems, despite the governorate's ban. But on 25 November, the police tried to confiscate our video cameras, although they knew we were journalists. As a journalist, I have the right to

record what happened there. Two male officers handcuffed me behind my back. They broke my video camera and tripod. Afterwards, they detained the protesting women by assaulting them. We were made to wait for hours in the detention vehicle, and we were insulted. The public's right to be informed was obstructed." The court ruled to issue instructions to receive defense statements from defendants who had not provided one and adjourned the trial until 27 June 2024.

Prosecution changes its opinion in Ahmet Sever's retrial: The second hearing in the trial of journalist and former press advisor to 11th President Abdullah Gül Ahmet Sever on the charge of "insult" upon a complaint filed by former Minister Mustafa Varank was held at the Istanbul 2nd Criminal Court of First Instance on 29 March 2024. The prosecutor, who had requested Sever's acquittal in their opinion presented at the first hearing, amended their final opinion to request sentencing. The trial was adjourned until 13 September 2024.

The initial case was filed after Sever said in an interview that the group known as "AK trolls" were being directed by Varank, who was at the time chief advisor to President Recep Tayyip Erdoğan. Sever was ordered to pay a fine of TL 10,620 in December 2016 and the court deferred the sentence. Sever's application to the Constitutional Court against the deferment of the sentence decision was merged with similar applications, and the Constitutional Court found a violation of the freedom of expression. Sever's retrial then began on 23 February 2024.

ATTACKS, THREATS AND INTERVENTIONS AGAINST JOURNALISTS

Journalists continued being subject to attacks, threats and interventions in the first quarter of 2024. According to data compiled by Expression Interrupted using information available in open sources, journalists were targeted in at least 17 physical attacks, violent police interventions and/or threats in the reporting period.

- 11 January: MA reporter **Ferhat Sezgin** was assaulted by the police and knocked on the ground while trying to cover the police intervention against relatives of prisoners holding a press statement outside Metris Type T Closed Prison.
- 12 January: Rudaw TV Diyarbakır correspondent **Maşallah Dekak** and camera operator **Mehmet Kanevi**, who were covering DEVA Party Chairperson Ali Babacan's visit to Diyarbakır, were assaulted verbally and physically on camera by perpetrator M.K.
- 15 January: Journalist **Altan Sancar** announced that had been threatened through a social media account which sent him a photo of a bullet. Sancar said that the threats began four years ago, his car was waylaid in Diyarbakır two years ago and there was no progress in the criminal complaints he has filed over both incidents.
- 27 January: MA reporter **Mahmut Altıntaş** was assaulted by five police officers while being transferred to the Adıyaman Courthouse after being detained. Altıntaş, who obtained a medical report from the hospital, went to the police station with his lawyer the same day to file a complaint against the officers, but was detained again by order of the prosecutor on suspicion of "resisting the police."

- 27 January: In a post on her social media account, journalist **Sema Kızılarşlan** said that she had been receiving death threats by phone and text messages for a week.
- 28 January: BirGün columnist **Ozan Gündoğdu** was targeted by Nationalist Hearths Deputy Chair Abdulaziz Sekban on social media after criticizing the meetings between pupils and representatives of the Nationalist Hearths held at schools in a live TV broadcast.
- 31 January: Journalist **Fatih Altaylı** was insulted and targeted on social media by Presidential Chief Advisor Oktay Saral over his comments during a broadcast on his YouTube channel.
- 24 February: JinNews reporter **Dilan Babat**, MA reporter **Zeynep Durgut** and journalist **Medine Mamedoğlu** were assaulted by the police as they were covering the DEM Party's public meeting in Şirnak.
- 17 March: Journalists covering the Newroz event in Yenikapı Square in Istanbul were assaulted by the police. AFP reporter **Eylül Deniz Yaşar** was assaulted and detained at the police checkpoint and was subjected to verbal and physical violence by the police both during detention and six hours in custody. Bianet reporters **Tuççe Yılmaz**, **Ali Dinç** and news in Kurdish editor **Aren Yıldırım** were subjected to violence by the police, who attempted to detain them. Yılmaz was blocked by the police from taking photos of people being detained. Despite stating she was a journalist, Yılmaz was forced on the ground, with officers stepping on her neck and handcuffing her behind her back. The police also attacked Dinç and tried to detain Yıldırım.
- 18 March: Journalist **Bilal Güldem** announced that AKP Youth Organization members had tried to attack him in Batman State Hospital as he accompanied his father for treatment.
- 27 March: Journalist **Mahmut Bozarşlan** announced that he had been denied accreditation to cover President Recep Tayyip Erdoğan's visit to Diyarbakır.

- 31 March: The Supreme Election Council banned journalists from obtaining images during the vote count in local elections. Upon the decision, some reporters were removed from polling stations and prevented from obtaining images by the police.
- 31 March: Journalists covering elections in the Sur district of Diyarbakır came under armed attack during a fight between candidates in Ağaçlıdere Neighborhood. A bullet hit the vehicle used by **Anadolu Agency**.
- 31 March: Journalist and video-activist **Kazım Kızıl** announced that the police had prevented him from obtaining images in a polling station despite producing his press card.
- 31 March: AK Party candidate for Mayor of Eskişehir Metropolitan Municipality Nebi Hatipoğlu did not allow **Eskişehir Haber** and **Es TV** reporters from obtaining images as he left the polling station and asked them to turn off their cameras.
- 31 March: Journalists who wanted to travel to the scene of an armed fight in Pınardüzü neighborhood in the Sur district of Diyarbakır reportedly came under armed attack.
- 31 March: Journalists who wanted to record footage of objections that irregular voting was not prevented by poll officials and no reports were prepared in Ejmanuk neighborhood in Muş were reportedly threatened.

PENALTIES BY RTÜK AND BİK

The Radio and Television Supreme Council (RTÜK) and the Press Advertising Institution (BİK) continued to serve as tools of political pressure on opposition media outlets in the reporting period. Evrensel newspaper's objection to the BİK's decision to permanently revoke the newspaper's right to publish public ads and announcements was rejected by a regional administrative court in this period, which also saw BİK's public ad embargo on Yeni Asya newspaper enter its fifth year.

RTÜK Penalties

During the three-month period covered in this report, which preceded the local elections on 31 March 2024, there were concerns that the public broadcaster TRT's partisan attitude would intensify and that the pro-government approach by RTÜK would serve to increase pressure on pro-opposition broadcasters in the run up to the elections.

Ahead of the elections, RTÜK members elected from the main opposition CHP quota İlhan Taşcı and Tuncay Keser requested the Council to launch an investigation into the TRT's programming on grounds that it was broadcasting one-sidedly and to the advantage of candidates of the ruling AKP and its allies. According to media reports dated 27 March 2024, RTÜK voted on Taşcı and Keser's proposal at a meeting that was not attended by President Ebubekir Şahin. Four members voted for and four other members voted against the proposal to launch an investigation into the TRT's election broadcasts, which was eventually not added to the Council's agenda because there was no quorum.

The majority of penalties issued by RTÜK during the first quarter of 2024 targeted pro-opposition media outlets. RTÜK issued the following penalties on broadcasters during this period:

- At its 21 February 2024 meeting, RTÜK issued an administrative fine worth 2 percent of revenue to Tele 1 on account of comments

made by guests during the political debate show "Gerçeğin İzinde," which aired on 14 December 2023. The Council decided that commentary by guests who stated that the AKP was polarizing the society violated the principle "broadcasting services must be based on the principles of neutrality, truth and reality and not prevent the free formation of opinions within society" in Article 8 of the Law 6112.

- At the same meeting, RTÜK decided that the comments by guest Özdemir İnce concerning the Arabic language skills of students at religious schools on the "Forum Hafta Sonu" program broadcast on Tele 1 on 6 January 2024 had violated the principle "broadcasting services cannot be in breach of the national and spiritual values of society" and ordered Tele 1 to pay an administrative fine of 2 percent of revenue.
- Also at the same meeting, RTÜK issued an administrative fine of 3 percent of revenue to Flash Haber TV and ordered the broadcast of the program "Serbest Kürsü" to be suspended three times. RTÜK found that the expression used by DEM Party MP Ali Bozan on the 18 December 2023 episode of the show had violated the principle "broadcasting services cannot be in breach of the existence and independence of the State of the Republic of Turkey, the indivisible union of the State with the country and the nation and the principles and revolutions of Atatürk."
- RTÜK ordered Fox TV to pay an administrative fine worth 2 percent of revenue over a news piece headlined "Çökmeköy," which was featured on the evening news show broadcast on 15 January 2024. RTÜK found the claim that Presidential Chief Advisor Mehmet Uçum was among the lawyers representing persons claiming rights over a plot of land in Çekmeköy, Istanbul, to have violated the principle "broadcasting services must be based on the principles of neutrality, truth and reality and not prevent the free formation of opinions within society; news items which may be investigated within the framework of professional press ethics may not be broadcast without investigation and confirmation."

- RTÜK ordered Fox TV to pay an administrative fine worth 2 percent of revenue over the expressions used in the program “Merve Yıldırım ile Benden Söylemesi,” which was broadcast on 28 January 2024. RTÜK found that the expressions had violated the principle “broadcasting services must be based on the principles of neutrality, truth and reality and not prevent the free formation of opinions within society; news items which may be investigated within the framework of professional press ethics may not be broadcast without investigation and confirmation.”
- RTÜK ordered TGRT Haber to pay an administrative fine worth 2 percent of revenue on grounds that the presenter on the 7 February 2024 episode of the program “Cem Küçük ile Günaydın Türkiye” violated the broadcast ban on the armed attack in Çağlayan, Istanbul, which took place on 6 February.
- RTÜK ordered TV 52 to pay an administrative fine worth 3 percent of revenue over the expressions used on the 31 January 2024 episode of the program “Yeni Gün,” which it found to have violated the principle “broadcasting services may not include expressions which go beyond the limits of criticism and are humiliating, degrading or defamatory” in Article 8 of the Law 6112.
- On 13 March 2024, RTÜK ordered Flash Haber TV to pay an administrative fine worth 3 percent of revenue over the expressions about old age pensioners voting for the governing party used on the program “Başkentte Gündem,” which was broadcast on 1 March 2024. RTÜK found that the expressions had violated the principle “broadcasting services may not include discrimination or denigration of individuals or encourage such actions based on race, skin color, language, religion, nationality, sex, disability, political or philosophical opinion, religious sect or similar reasons.”

Two penalties imposed on two TV channels by RTÜK in 2023 were also implemented in the reporting period:

- The five-time program suspension penalty imposed on Halk TV on 4 October 2023 began to be implemented on 5 January 2024.

RTÜK had fined Halk TV the maximum amount possible and suspended the broadcast of the relevant program for five times over the expressions used concerning the PKK attack outside the Directorate-General of Security in Ankara in October 2023, which it found to have violated the provision “Broadcasting services may not present terrorist actions, perpetrators or victims of terrorism in a manner resulting in consequences serving the ends of terrorism.”

- According to information shared on social media by RTÜK member İlhan Taşçı on 8 January 2024, a regional administrative court, reviewing an objection by Fox TV to a two-time broadcast suspension and an additional 3 percent administrative fine issued to the network on account of its drama series “Kızıl Goncalar,” approved RTÜK’s decision. The penalty was issued in December 2023 for “violating the national and spiritual values of society.” Consequently, the series’ broadcast was suspended on 8 January and 15 January.

BİK Penalties

The Press Advertising Institution (BİK) Board of Directors held six regular meetings in the first quarter of 2024 and issued a number of suspension of public ads and announcements sanctions to periodical publications. According to the decisions published on BİK’s official website, the institution issued sanctions of varying periods to newspapers based in Afyonkarahisar, Antalya, Aydın, Balıkesir, Batman, Bingöl, Çanakkale, Çankırı, Çorum, Diyarbakır, Edirne, Erzurum, Eskişehir, Giresun, Gümüşhane, Karabük, Kayseri, Kırklareli, Konya, Nevşehir, Niğde, Tokat, Trabzon, Tunceli and Şırnak and a news website based in Çanakkale. The sanctions were issued for reasons including obligation to deliver, printing principles, content and page design, bookkeeping, violations of copyright tags and staffing obligations, erroneous or untimely printing of issued public ads.

Case filed by Evrensel dismissed by administrative court

Evrensel newspaper, whose right to publish public ads and announcements was permanently canceled by BİK in 2022, reported

on 26 January 2024 that the case it filed against the BİK's decision was dismissed by the Istanbul 2nd Administrative Court. Accepting the justification provided by BİK for the cancellation that "bulk buying" of the newspaper was "a crime" and that "a total of 359 copies were delivered to various political parties and companies," the court held that the "condition of minimum number of sales was not met" and dismissed the case.

BİK had suspended Evrensel's right to run public advertisements and announcements in September 2019 and fully revoked the newspaper's right to run public ads on 22 August 2022 on grounds that readers were purchasing more than one copy of the newspaper from sales points, issues with corporate subscriptions and irregular records.

Public ad embargo on Yeni Asya enters its fifth year

After the Yeni Asya newspaper took legal action over the BİK's decision to suspend the newspaper's right to publish public ads and announcements, an administrative court cancelled the BİK's decision in 2023. However, according to Editor-in-Chief Kazım Güleçyüz, the BİK then imposed another suspension of public ads on grounds that "intellectual workers declared to be on the newspaper staff not having adequate numbers of or any news items in the newspaper." As of January 2024, the public ad embargo imposed by BİK on Yeni Asya newspaper entered its fifth year. The latest ban was still in effect at the time of the drafting of this report.

P24 and Expression Interrupted teams are unable to control content provided through links to other websites in this document and cannot be held responsible for external content. P24 and Expression Interrupted teams are not responsible for consequences arising from any content quoted from this report.