

2026

CENSORSHIP LAW CASES

PUBLICLY SPREADING MISLEADING INFORMATION (ARTICLE 217/A)
AND ITS IMPACT ON FREEDOM OF EXPRESSION | 2024–2026

HEINRICH BÖLL STIFTUNG
DERNEĞİ TÜRKİYE TEMSİLCİLİĞİ



ABOUT MLSA

The Media and Law Studies Association (MLSA) is a civil society organization that has been working in the field of freedom of expression since 2018. It provides legal support to individuals whose freedom of expression has been violated — primarily journalists, media professionals, and human rights defenders — and represents them in national and international legal proceedings.

MLSA conducts advocacy activities by submitting regular communications to international bodies, foremost the Committee of Ministers of the Council of Europe, and carries out capacity building work for journalists, lawyers, and civil society organizations on rights-based activities.

MLSA also monitors internet freedom and censorship in Turkey through the FreeWeb platform, and provides legal and institutional support to associations and foundations through its civil society capacity building programme. MLSA's website creates a space where independent journalists can publish their articles and publicize their work.

MLSA has been running Turkey's most comprehensive trial monitoring programme since 2018 and publishes regular reports. MLSA's Trial Monitoring Programme, which has followed over 3,000 hearings to date, serves as a resource for numerous media organizations and rights groups.

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EXECUTIVE SUMMARY

The offence of 'publicly spreading misleading information' (Article 217/A), commonly known as the 'censorship law', entered into force on 18 October 2022. This report analyses the implementation of the law based on data from the trial monitoring programme conducted by the Media and Law Studies Association (MLSA). The report has been prepared with the support of Heinrich Böll Stiftung Turkey Representation.



MLSA's 39 monitored hearings reveal the following picture:

- The vast majority of cases (over 72%) target journalists, reporters, and media workers.
- In all concluded cases involving journalist defendants, outcomes have been acquittal or ongoing proceedings. No journalist has received a final prison sentence under this provision.
- Among non-journalist defendants (sociologists, activists, business figures, lawyers), conviction rates are higher; the majority of convictions have resulted in deferred sentences (HAGB — deferral of announcement of verdict).
- The law has been concentrated in politically sensitive periods and subjects: the 6 February 2023 earthquakes, election processes, and judicial reporting.
- Having initially targeted journalists, over three years the law has expanded to cover business representatives (TÜSİAD executives), bar association officials, healthcare workers, and social media users.
- The prolonged trial process, high legal costs, and risk of pretrial detention create a significant chilling effect even when prosecutions end in acquittal.

LEGAL FRAMEWORK

ENACTMENT PROCESS

The offence of 'publicly spreading misleading information' came onto the agenda as part of a package referred to in public discourse as the 'disinformation law'. The regulation generated controversy in terms of journalism for two reasons: first, the criticism that concepts such as 'false information' and 'public order' were open to interpretation; and second, the concern that the threat of imprisonment would create a chilling effect on news-gathering activities.

The legislative process began on 26 May 2022 according to TBMM records. The 'Proposal for Law Amending the Press Law and Certain Laws' was submitted to Parliament under reference number 2/4471. The regulation added protection of the Press Law to internet news sites, while also inserting the offence publicly known as the 'censorship law' — 'publicly spreading misleading information' — into the Turkish Criminal Code as Article 217/A.

The proposal was examined in committees including the TBMM Justice Committee. It then came to the General Assembly plenary and was adopted on 13 October 2022 as Law No. 7418. The regulation was published in the Official Gazette dated 18 October 2022 and entered into force.

Journalism professional organizations argued from the very first days that the 'combating disinformation' justification had been transformed into a framework that could increase pressure on journalism in practice. The Turkish Journalists' Union described the proposal as 'censorship' in its statement of 27 May 2022 and called for its withdrawal. The Contemporary Journalists' Association stated on the same date that a regulation prepared without consulting press organizations could not 'remedy disinformation'.

As the October 2022 vote approached, criticism became more visible. The Turkish Journalists' Association shared the view that the law would make it more difficult for citizens to access news and would restrict press freedom. Some joint statements argued that the package — not only through its criminal provision but also through topics such as internet news sites, official advertising, and administrative sanctions — could increase economic and administrative pressure on the media sector.

International press freedom organizations also raised similar concerns. The Committee to Protect Journalists called in October 2022 for the bill not to be approved prior to the parliamentary vote and emphasized that the 'false information' provision carried a risk of criminalization. The International Federation of Journalists and Reporters Without Borders also argued in joint statements that the regulation increased the risk of comprehensive online censorship and the criminalization of journalism.

The OSCE Representative on Freedom of the Media announced in a statement dated 10 October 2022 that the proposal criminalized the spread of disinformation in the online sphere and contained a threat of up to three years' imprisonment, calling for the text to be reviewed by Teresa Ribeiro in terms of 'compliance with commitments'.

The Ministry of Justice side argued, against the criticisms, that the provision did not target 'every post'. Then-Justice Minister Bekir Bozdağ stated that the regulation would apply to situations aimed 'not at the individual but at disrupting social peace' and cited incidents such as Gezi, Kobani, and Hendek as examples.

CONSTITUTIONAL COURT REJECTED ANNULMENT REQUEST

The Constitutional Court did not annul the offence of 'publicly spreading misleading information' (Article 217/A), commonly discussed as the 'disinformation provision'. The Court held by majority in Case No.

E.2022/129, K.2023/189 that the regulation was not contrary to the Constitution. The decision is dated 8 November 2023; it was published in the Official Gazette on 23 February 2024.

The annulment case was brought by TBMM members Engin Altay, Özgür Özel and Engin Özkoç together with 132 members of parliament. The application argued that the regulation would place severe pressure on freedom of expression and the press, that the concepts in the provision were 'vague', and that this would open the door to arbitrary applications.

The Court majority proceeded from the view that 'the elements of the offence and its sanction are clear'. According to the decision, the rule was not considered vague because it was regulated in a manner that left 'no room for doubt' with regard to its material and intentional elements, the limits of the penalty, and aggravating circumstances.

The decision emphasized that a single condition was not sufficient for the offence to be established. Accordingly, the information must be 'false'; it must relate to the country's internal and external security, public order, or general health; it must be spread publicly in a manner 'liable to disrupt public peace'; and the perpetrator must act 'with the sole intent of creating anxiety, fear, or panic'. The Court stated that the offence would not arise if any of these conditions was missing.

The dissenting opinions presented a markedly different picture. The dissents signed by Court President Zühtü Arslan argued that the provision could inevitably expand a state oversight debate about 'which information is true', potentially creating a 'monopoly on truth' at odds with pluralism. The common concern in the dissents was that the safeguards were found not in the text of the law but in an expectation of good-faith interpretation.

VENICE COMMISSION REPORT: UNFORESEEABLE

The Venice Commission warned in its assessment of the Turkish regulation aimed at introducing the offence of 'publicly spreading misleading information' that the text could have a 'chilling effect' on freedom of expression. The Commission emphasized that such a definition of an offence, particularly during election periods, carried the risk of increasing self-censorship among journalists and citizens.

The Commission's report titled 'urgent joint opinion' was published in Strasbourg on 7 October 2022. It was prepared at the request of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE); the Commission noted that because it could not travel to Turkey, it conducted online meetings with political parties and civil society representatives.

The Commission's main criticism was that the crime definition was broad and vague. The report notes that expressions such as 'misleading/false information', 'publicly spreading', 'disrupting public peace', 'general health', and 'within the scope of an organization's activity' are open to very different interpretations and increase the risk of arbitrary application. According to the Commission, this vagueness creates problems for the requirement of 'prescribed by law'; the text needed to be more precise for citizens to be able to foresee their own conduct.

The Commission also concluded that a convincing 'pressing social necessity' for creating a new offence when existing legal frameworks already existed could not be demonstrated. In its conclusion section, the Commission noted that the provision envisaged a severe penalty of 1-3 years' imprisonment and stated that this could not be considered 'proportionate' in a democratic society, inviting Turkey not to enact Article 217/A.

ARTICLE 19: LAW FAILS LEGALITY CRITERIA

The international freedom of expression organization ARTICLE 19 published a comprehensive 'expert opinion' for the Sinan Aygül file, cited as one of the first cases in which the offence of 'publicly spreading misleading information' (Article 217/A) was applied in Turkey. The London-based text was prepared when the file was before the 8th Criminal Chamber of the Court of Cassation and argued that the conviction of Aygül was contrary to international freedom of expression standards.

According to the opinion, the problem is not just a single trial but Article 217/A itself. ARTICLE 19 states that the provision fails to meet the freedom of expression standards guaranteed under both Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights, and that it should therefore be repealed.

The backbone of the expert opinion is the 'three-part test' used for restrictions on freedom of expression: that the interference be prescribed by law, pursue a legitimate aim, and be necessary and proportionate in a democratic society. ARTICLE 19 says that 217/A stumbles particularly on the 'legality' leg: there is no set of criteria for determining what information is to be considered 'false', while concepts such as 'anxiety, fear, or panic' remain extremely subjective. According to the text, this vagueness creates a chilling effect by pushing people toward self-censorship to avoid criminal sanctions.

ARTICLE 19 approaches the 'disinformation' debate from a more fundamental angle: in the opinion, 'information being false' alone is not considered a legitimate reason for restricting freedom of expression. The organization argues that states should resort to less restrictive means rather than criminal law in combating false information.

MLSA TAKES THE CENSORSHIP LAW TO THE ECTHR

In its application on behalf of Sinan Aygül, the first journalist detained under Article 217/A, MLSA's Legal Unit stated that the decision to detain him pursuant to the Article 217/A provision, which did not satisfy the legality criterion, violated the legality criterion. MLSA's application stated that the type of offence described as 'publicly spreading misleading information' did not regulate how false information was to be determined, thereby creating an information monopoly for the administration and judiciary. MLSA's Legal Unit, noting that the regulation was vague and unforeseeable, argued that Sinan Aygül's right to liberty and security and his freedom of expression had been violated.

The application also notes that compensation proceedings for unjustified protective measures do not provide an effective remedy for press and freedom of expression. The application emphasizes that it may be of a nature to create precedent in terms of assessing the compliance of the Censorship Law with ECtHR criteria.

Sinan Aygül, whose advocacy MLSA took on and who became the first journalist detained under the censorship law (Article 217/A), was the President of the Bitlis Journalists' Association. After being acquitted following a Court of Cassation reversal, Aygül's acquittal became final in 2024. MLSA's earlier report 'Freedom of Expression Under the Shadow of the Censorship Law' (February 2025) found that investigations were opened against 4,590 people in the first two years of the law's application, and that at least 65 journalists faced 93 investigations from enactment through February 2025.

DATA ANALYSIS

METHODOLOGY

The data used in this report was obtained from systematic records kept by MLSA's trial monitoring programme between 2024 and 2026. Hearing monitoring forms cover: defendant information, charges, court decisions, information regarding pretrial detention, and procedural issues. Cases relating to Article 217/A were identified through the keywords 'misleading information', 'disinformation', and '217'.

Of over 1,060 hearing records monitored by MLSA in total, 39 hearing records were identified as falling under Article 217/A; these hearings cover more than 21 separate cases. Since the monitoring period began at the end of 2024, some early-period cases may be under-represented in the records.

OVERVIEW OF CASES

According to MLSA's monitoring data, defendants in Article 217/A cases fall into the following categories:

- Journalists and reporters: Evrim Kepenek, Yüstra Batıhan, Sinan Aygül, Furkan Karabay, Tolga Şardan, Merdan Yanardağ, Ozan Balık, Zafer Arapkırlı, Timur Soykan, Barış Pehlivan, Şule Aydın, Murat Ağirel, Dinçer Gökçe, Nilay Can, Veysi Dündar, Ahmet Kanbal and others.
- Activists and social media users: Veli Saçılık (sociologist-writer), Feyza Nur Çalikoğlu, and numerous anonymous users.
- Business community representatives: Former TÜSİAD (Turkish Industry and Business Association) executives Ömer Aras and Orhan Turan.
- Legal professionals: Istanbul Bar Association President İbrahim Kaboğlu and 10 board members, lawyer İrem Çiçek.
- Healthcare workers: Dr. Yusuf Eryazgan.
- Political advisors: Necati Özkan in the Antalya case.

TRIAL OUTCOMES

✓ ACQUITTAL

9 persons

Sinan Aygül
Evrım Kepenek
Batuhan Çolak
Eray Ertürk
Nilay Can
Dinçer Gökçe
Veysi Dündar
Feyza Nur Çalikoğlu
İbrahim Kaboğlu + 10 (Istanbul Bar)

⚠ DEFERRED (HAGB)

7 persons

Veli Saçılık – 10 months
Yüstra Batıhan – 10 months
Nasuh Mahruki – 11 months 20 days
Süha Çardaklı – 1 yr 11 mo 12 days
Serkan Kafkas – 1 yr 11 mo 12 days
İrem Çiçek – 10 months
Ö. Aras, O. Turan (TÜSİAD) – 1 yr 3 mo 18 days

🕒 ONGOING

15+ cases

Tolga Şardan
Furkan Karabay
Merdan Yanardağ
Ahmet Kanbal
Timur Soykan
Barış Pehlivan and others

Note: HAGB (Deferral of Announcement of Verdict / Hükümün Açıklanmasının Geri Bırakılması) means that the conviction is not entered on the criminal record provided the defendant does not commit a new offence during a 5-year supervision period. This mechanism keeps the defendant under de facto ongoing pressure.

The picture that emerges from concluded cases shows that the law functions not as a tool for 'conviction' but as one where the trial process itself is the punishment:

- Acquittals: Sinan Aygül (following Court of Cassation reversal), Evrim Kepenek (February 2025), Ajans Muhbir defendants Batuhan Çolak and Eray Ertürk, Yenidoğan case journalists Nilay Can, Dinçer Gökçe and Veysi Dünder (January 2026), Feyza Nur Çalikoğlu – Removal Centre reporting (February 2026), İbrahim Kaboğlu and 10 members (Istanbul Bar Association) (January 2026).
- Convictions resulting in deferred sentences: Veli Saçılık – 10 months, Yüstra Batihan – 10 months, Nasuh Mahruki – 11 months 20 days, Süha Çardaklı and Serkan Kafkas – 1 year 11 months 12 days each, lawyer İrem Çiçek – 10 months (January 2026), TÜSİAD executives Ömer Aras and Orhan Turan – 1 year 3 months 18 days each (March 2026).
- Ongoing cases: Tolga Şardan, Merdan Yanardağ, Ahmet Kanbal, Furkan Karabay (217/A case), Timur Soykan, Barış Pehlivan and many other defendants.

PRETRIAL DETENTION

The most serious pretrial detention case among those monitored by MLSA is journalist Furkan Karabay. Karabay was detained on 15 May 2025; he spent 201 days in Silivri Prison before being released on 2 December 2025. It is important to note that this lengthy pretrial detention originated not from the case containing the Article 217/A charge but from a separate case covering charges of 'insulting the President', 'targeting persons who have served in counter-terrorism' and 'insulting a public official'. The Istanbul 25th Heavy Criminal Court sentenced Karabay to 4 years and 3 months' imprisonment in that case, but credited the time served and ordered his release. The prosecution appealed and the file was sent to the Istanbul 26th Heavy Criminal Court. On 23 January 2026 Karabay was again taken into custody due to his reporting on an IBB (Istanbul Metropolitan Municipality) investigation and was released under house arrest; this second detention was directly based on the Article 217/A charge.

Nasuh Mahruki was detained on 20 November 2024 on account of his social media posts regarding the Supreme Electoral Council (YSK) President's statements on electronic voting; he was released on 5 December 2024. Sinan Aygül, as the first journalist detained under Article 217/A, remained in pretrial detention between 14–22 December 2022.

CONCENTRATION IN CRISIS PERIODS

- 6 February 2023 earthquakes: Evrim Kepenek (her reporting on aid distribution), Yüstra Batihan (earthquake reporting), Ahmet Kanbal (AFAD criticism), Veli Saçılık (earthquake social media posts). This cluster of cases provides the clearest evidence that the law has been instrumentalized to suppress crisis reporting.
- Election process: Nasuh Mahruki was targeted during the election period because of his objection to the YSK President's electronic voting statements.
- Judicial reporting: Tolga Şardan (T24 journalist who reported on the MİT judiciary report), Yenidoğan case journalists, Furkan Karabay (IBB investigation) are being tried under Article 217/A due to their reporting on judicial processes.

CASE TABLE

Article 217/A cases derived from MLSA trial monitoring data are summarized below:

Defendant	Court	Subject	Outcome
Sinan Aygöl (journalist)	Tatvan Magistrate	2nd Sharing sexual abuse report on social media – first journalist detained under 217/A	Acquitted (2024)
Evrım Kepenek (journalist)	Istanbul Magistrate	13th AFAD reporting on earthquake aid distribution	Acquitted (Feb 2025)
Yüsrü Batıhan (journalist)	Ankara Magistrate	75th 6 February earthquake reporting	10 months deferred (HAGB)
Furkan Karabay (journalist)	Istanbul Heavy Criminal	22nd Esenyurt and IMM investigation reporting; 201 days in pretrial detention	Ongoing
Tolga Şardan (journalist)	Istanbul Magistrate	2nd MİT judiciary report (T24)	Ongoing
Merdan Yanardağ (journalist)	Istanbul Magistrate	35th Prosecution under Art. 217/A	Ongoing
Ahmet Kanbal (reporter)	Adıyaman Magistrate	5th Broadcast criticizing AFAD earthquake response	Ongoing
Timur Soykan, Barış Pehlivan, Şule Aydın, Murat Ağirel	Bakırköy Magistrate	34th Misleading information + insulting religious values	Ongoing
Ozan Balık (journalist)	Antalya Magistrate	26th Prosecution under Art. 217/A	Ongoing
Zafer Arapkirli (journalist)	Istanbul Magistrate	23rd Incitement to hatred + spreading misleading information	Ongoing
Nilay Can, Dinçer Gökçe, Veysi Dündar (journalists)	Bakırköy Magistrate	2nd Reporting on alleged interference in Yenidoğan case prosecutor	Acquitted (Jan 2026)
İrem Çiçek (lawyer)	Bakırköy Magistrate	2nd Posts regarding the Yenidoğan case	10 months deferred (Jan 2026)
Veli Saçılık (sociologist)	Ankara Magistrate	10th 6 February earthquake social media posts	10 months deferred (HAGB)
Nasuh Mahruki (former AKUT president)	Istanbul Magistrate	15th Objection to YSK electronic voting statement – detained	11 months 20 days deferred (HAGB)
Ömer Aras, Orhan Turan (TÜSİAD)	Istanbul Magistrate	28th Misleading information + influencing judiciary	1 year 3 months 18 days deferred (HAGB, Mar 2026)
İbrahim Kaboğlu + 10 members (Istanbul Bar)	Istanbul Heavy Criminal	26th Organization propaganda + spreading misleading information	Acquitted (Jan 2026)

Yusuf Eryazgan (doctor)	Istanbul Magistrate	32nd	Spreading misleading information	Acquitted (Jan 2025)
Feyza Nur Çalikoğlu	Istanbul Magistrate	2nd	Spreading misleading information	Acquitted (Feb 2026)
Süha Çardaklı, Serkan Kafkas (Ajans Muhbir)	Ankara Magistrate	7th	Incitement to hatred + spreading misleading information (Zafer Party case)	HAGB – 1 year 11 months 12 days
Batuhan Çolak, Eray Ertürk (Ajans Muhbir)	Ankara Magistrate	7th	Same case, journalist defendants	Acquitted
Can Uğur	Istanbul Magistrate	2nd	Anti-Disinformation Law	Ongoing

SUMMARY OF SENTENCES

Cases in which a conviction has been handed down for the Article 217/A offence in the cases monitored by MLSA, and the sentences given, are listed below. All convictions have been applied through the HAGB mechanism; there is no final and enforced prison sentence.

Defendant	Court	Sentence	Charge	Status
Veli Saçılık	Ankara Magistrate	10th	Spreading misleading information	Deferred – HAGB (2024)
Yüstra Batıhan	Ankara Magistrate	75th	Spreading misleading information	Deferred – HAGB (2025)
Nasuh Mahruki	Istanbul Magistrate	15th	Spreading misleading information	Deferred – HAGB (2025)
Süha Çardaklı	Ankara Magistrate	7th	Incitement to hatred + misinformation	Deferred – HAGB (2025)
Serkan Kafkas	Ankara Magistrate	7th	Incitement to hatred + misinformation	Deferred – HAGB (2025)
İrem Çiçek (lawyer)	Bakırköy Magistrate	2nd	Spreading misleading information	Deferred – HAGB (2026)
Ömer Aras, Orhan Turan	Istanbul Magistrate	28th	Misinformation + influencing judiciary	Deferred – HAGB (2026)
TOTAL (7 defendants)		8 years 2 days	All deferred (HAGB) — none enforced	

Note: The sentences in the Ajans Muhbir case (Süha Çardaklı, Serkan Kafkas) are predominantly based on the offence of 'incitement of the public to hatred and enmity'; Article 217/A is not the sole primary ground. Journalist defendants Batuhan Çolak and Eray Ertürk were acquitted in the same case.

ANALYSIS AND PATTERNS

PROCESS AS PUNISHMENT: ACQUITTAL IS NOT ENOUGH

The most critical finding that MLSA data reveals is this: the chilling effect intended in the application of Article 217/A is achieved not through conviction but through the trial process itself. Even when journalists win acquittals, the trial process lasting months, the risk of pretrial detention, legal costs, media stigmatization, and professional uncertainty leave lasting marks.

The Furkan Karabay case is the most striking reflection of this pattern: the journalist, who was released after 201 days in prison, was again taken into custody less than a month later and released under house arrest. Sinan Aygöl, meanwhile, was tried for approximately three years before obtaining an acquittal decision; his detention was taken to the ECtHR.

DIVERGENCE BETWEEN JOURNALISTS AND NON-JOURNALISTS

The cases monitored by MLSA point to a significant divergence in outcomes between journalist defendants and non-journalist defendants. All concluded cases involving journalist defendants proceed with acquittal or ongoing processes. In contrast, non-journalist defendants such as Veli Saçılık (sociologist), İrem Çiçek (lawyer), and the two defendants in the Ajans Muhbir case who were not working as journalists have received deferred sentence (HAGB) decisions.

EXPANSION OF THE LAW'S SCOPE

When Article 217/A was first applied, it targeted journalists. Three years on, the law is now applied in a way that covers a much wider group: business community representatives (TÜSİAD executives), legal professionals (Istanbul Bar Association management, lawyers), healthcare workers (doctors), activists, and social media users. This expansion reveals that the law functions as a general instrument suppressing not just the media but public discourse as a whole.

THE CHILLING FUNCTION OF HAGB

The HAGB mechanism makes the announcement of a conviction conditional on a five-year probationary period. This mechanism, which ostensibly offers a 'second chance', in practice keeps defendants in prolonged uncertainty; it causes them to avoid similar behaviour in order to fulfil the condition of the verdict not being announced. For the journalist or activist who has received an HAGB decision, the ruling functions like a suspended sentence that may be announced in the future.

NON-COMPLIANCE WITH INTERNATIONAL STANDARDS

The application of Article 217/A has materialized the risks foreseen by international organizations. The Venice Commission's warning of 'unforeseeable' has been confirmed by the extremely inconsistent verdicts of courts across different cases. ARTICLE 19's warning of 'conviction without proving a concrete public order threat' was realized in the Aygöl case. MLSA's ECtHR application is still pending and may result in a precedent-setting decision.

POLICY RECOMMENDATIONS

TO THE LEGISLATURE

- That Article 217/A either be repealed or fundamentally amended to introduce concrete and foreseeable definitions for expressions such as 'false information', 'public peace', and 'anxiety-fear-panic'.
- That the offence be made applicable only when a concrete and individualized public order threat is proven; the 'abstract danger' model should be abandoned.
- That an exemption be enacted that explicitly excludes journalism activities (news-gathering, social media sharing, commentary on matters of public interest) from scope.
- That an approach be adopted in which imprisonment is a last resort rather than the first recourse; priority should be given to less restrictive mechanisms over criminal law.

TO THE JUDICIARY

- That concrete demonstration of a public order threat be required before conviction decisions.
- That Article 10 ECHR and Article 19 ICCPR be applied with calibrated assessment in each case; explicit reasoning rather than implicit reference to international standards.
- That pretrial detention be treated as exceptional and a last resort; priority should be given to alternatives such as judicial supervision in cases based on journalism activities.

TO INTERNATIONAL ACTORS

- That MLSA's ECtHR application (Sinan Aygül v. Turkey) be monitored and, should a decision be issued, widely publicized.
- That monitoring work on cases in which Article 217/A is being instrumentalized against journalists and human rights defenders be continued.

METHODOLOGY AND LIMITATIONS

This report is based on data from the systematic trial monitoring programme that MLSA conducted between 2024 and 2026. Monitoring observers followed hearings in person and collected structured data through standardized forms. Article 217/A cases were identified through the following keywords: 'misleading information', 'disinformation', and '217/A'.

Limitations: (1) Monitoring began at the end of 2024; earlier case records may therefore be incomplete. (2) Some Article 217/A cases may not have come to public attention or entered official records due to their political sensitivity. (3) The actual number of defendants is maintained at the level of cases monitored by MLSA; this figure does not reflect unrecorded investigations. (4) Gaps in decision data stem from the fact that outcomes remain undisclosed in some cases.

CONCLUSION

The application of Article 217/A has laid bare the fact that the law is being instrumentalized not to 'combat disinformation' but to restrain reporting, commentary, and criticism on politically sensitive matters of public interest.

MLSA's monitoring data shows that the law's application targets not only journalists but an increasingly broad segment of civil society. Article 217/A functions not as a 'legal instrument' that convicts individuals but as a mechanism of pressure and deterrence.

In light of these findings, MLSA submits the following core recommendation: Article 217/A should either be repealed or fundamentally reformed in accordance with the comprehensive reforms foreseen by the Venice Commission, ARTICLE 19, and international human rights standards.

MEDIA AND LAW STUDIES ASSOCIATION (MLSA)

The Media and Law Studies Association (MLSA) is an independent civil society organization that has been working in the field of freedom of expression since 2018. It provides free legal support to individuals whose freedom of expression has been violated — primarily journalists, media professionals, and human rights defenders — monitors hearings nationally through its trial monitoring programme, and publishes research reports. MLSA, which runs Turkey's most comprehensive trial monitoring programme, has monitored over 3,000 hearings to date.

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