

2025-2026

INSULT CASES REPORT

REPORT

**ARTICLE 299 OF THE TURKISH PENAL
CODE AND CASES INVOLVING INSULTING
PUBLIC OFFICIALS**

When a news report is deemed defamation:

Article 299 of the Turkish Penal Code and insulting a public official cases:

2025–2026 Trial Monitoring Report

120 Total hearings	53 Article 299 hearings	41 Insulting a public official	74 Journalist defendants recorded
45 Social media evidence	45 News report content as evidence	12 Convictions	80 Province monitored: Istanbul

1. Introduction and background

Article 299 of the Turkish Penal Code (TCK), which criminalizes insulting the president, has remained a consistent feature of Turkey’s judicial agenda since 2014. According to data from the Justice Ministry, the number of decisions issued under Article 299 increased nearly **fivefold** between 2014, when Recep Tayyip Erdoğan was elected president, and 2015. In 2021 alone, courts issued 12,443 decisions under this offense. By comparison, only 365 decisions were issued under Article 300 and 1,126 under Article 301 that year, underscoring how Article 299 has become a particularly prominent legal tool. A similar pattern is evident in cases brought under Articles 125 and 266 of the Turkish Penal Code, which govern the offense of insulting a public official. Members of the judiciary and security forces have, at times, chosen to pursue legal action as complainants against journalists whose professional reporting or criticism has targeted them.

The Media and Law Studies Association (MLSA) monitored and documented **120 hearings** involving defamation-related charges during the 2025–2026 period. This report categorizes the monitored cases by offense, the defendant’s profession, the types of evidence presented, and trial outcomes, with the aim of illustrating the systemic nature of defamation prosecutions brought against journalists in Turkey.

2. Metodology

This report is based on primary data collected through standardized monitoring forms completed in person by MLSA trial observers in courtrooms between January 2025 and May 2026. From a database of 736 records, hearings involving defamation-related offenses were identified and extracted. The cases were then classified across four dimensions: the defendant's profession, the legal basis of the charge, the type of evidence presented, and the outcome of the proceedings.

The offenses included in the analysis are **Article 299** of the Turkish Penal Code (insulting the president), **Articles 125 and 266** (insulting a public official), and combined charges of defamation and slander. Defendants' professional profiles were coded based on information entered by trial observers into the monitoring forms. Multiple hearings involving the same individual were recorded as separate entries; therefore, the total number of hearings monitored differs from the number of individual defendants.

3. Key findings

3.1 Distribution by offense

The table below shows the distribution of the 120 monitored hearings by offense type. A single hearing may involve more than one charge; therefore, the totals may exceed the total number of hearings monitored.

Offense / Legal basis	Number of hearings	Percentage
Article 299 — Insulting the president	53	%44,2
Articles 125/266 — Insulting a public official	41	%34,2
Defamation + slander (combined charges)	14	%11,7
Defamation + other charges (resisting law enforcement, etc.)	12	%10,0
TOTAL	120	%100

Article 299 accounted for **nearly half** of the defamation cases monitored. Notably, in cases involving charges of insulting a public official (Articles 125 and 266), the majority of complainants were prosecutors, judges, and members of the security forces. This pattern reinforces the chilling effect that such prosecutions can have on journalistic work that scrutinizes or criticizes the judiciary and law enforcement.

3.2 Professional profile of defendants

According to records compiled by MLSA trial observers, the professional distribution of defendants appearing in the monitored hearings was as follows:

Professional category	Hearing records	Percentage
Journalist / reporter / media worker	74	%61,7
Politician / political party member	11	%9,2
Artist / cartoonist	4	%3,3
Lawyer / legal professional	2	%1,7
Activist / civil society	2	%1,7
Other / not specified	27	%22,5

Journalists and other media professionals accounted for 61.7% of all defendants. This proportion clearly indicates that defamation prosecutions in Turkey have become a direct press freedom issue. In the vast majority of cases, journalists were prosecuted over news reports they produced as part of their professional work or for their social media posts. During the same period, prosecutions involving politicians accounted for 9.2% of the monitored cases, making them the second-largest group of defendants, while artists and cartoonists represented 3.3%.

3.3 Types of evidence: What were defendants prosecuted over?

The types of evidence used in defamation cases confirm that a significant share of these prosecutions stemmed from journalistic activities and the use of social media.

Type of evidence	Number of hearings	Notes
Social media posts (tweets, posts, etc.)	45	Primarily X (formerly Twitter) and Facebook
News report content (articles, photographs, reporting notes)	45	Journalistic work
Public meetings, demonstrations, or press statements	26	Public expression
Complainant statements	31	Alleged verbal statements
Police reports, MOBESE footage, or incident reports	22	Evidence originating from detention or police action
CİMER complaints or broadcast recordings	2	Public complaint mechanism

Social media posts and news report content accounted for an equal share of the evidence and together made up the largest portion of the evidentiary basis in these cases. This finding indicates that the prosecutions directly target journalists' routine professional activities. The use of complaints submitted through CİMER (the Presidency's Communication Center) as evidence in two cases also demonstrates that individual complaint mechanisms can become part of the prosecution process.

3.4 Complainant profile: Who files complaints in Article 299 cases?

An examination of the complainants recorded in Article 299 cases shows that the overwhelming majority of complaints were filed through the Presidency.

Complainant category	Hearing records	Percentage
President (Recep Tayyip Erdoğan)	52	%43,3
Judicial or security officials (prosecutors, judges, police officers)	24	%20,0
Public officials / ministers / administrators	13	%10,8
Politicians (members of parliament, etc.)	1	%0,8
Other / not specified	30	%25,0

In 43% of the monitored cases, President Recep Tayyip Erdoğan was the complainant. In many cases, the same indictment also listed members of Erdoğan's family—including Bilal Erdoğan, Ahmet Burak Erdoğan, and Necmeddin Bilal Erdoğan—as complainants alongside the president. Cases in which members of the judiciary and security forces themselves acted as complainants (20%) provide concrete evidence of the systematic prosecution of journalism that scrutinizes or criticizes the exercise of public authority.

4. Period analysis: 2025–2026

4.1 Annual distribution

Period	Number of hearings monitored	Notes
2025 (full year)	92	Full 12-month coverage
January–May 2026	28	Five-month coverage

The 28 hearings monitored during the first five months of 2026 indicate that the pace of prosecutions remained high when compared with the 2025 monthly average of 7.6 hearings.

4.2 Monthly distribution (2025)

Jan.	Feb.	March	April	May	June
11	13	7	13	6	9
July	Aug.	Sept.	Oct.	Nov.	Dec.
7	—	4	6	9	7

February and April 2025 recorded the highest number of monitored hearings. No data is available for August because of a gap in the monitoring period.

5. Special findings

5.1 Repeat defendants and parallel prosecutions

One of the most notable findings of the monitoring data is that the same journalists are required to face multiple—and in some cases dozens of—criminal proceedings simultaneously. **Furkan Karabay** appeared as a defendant in 15 of the 120 hearings monitored during the 2025–2026 period and is being prosecuted under both Article 299 and combined defamation-and-slander charges. **Barış Terkoğlu and Barış Pehlivan** also appeared repeatedly in separate proceedings. **Rüstem Batum**, meanwhile, faced a series of hearings under Article 299 over his social media posts. **Sedef Kabaş's** case was monitored in both February 2025 and February 2026, illustrating how the length of criminal proceedings can itself serve as a significant deterrent.

5.2 International journalist case: Kaj Joakim Medin

At a hearing held on April 30, 2025, **Swedish journalist Kaj Joakim Medin** stood trial on a charge of insulting the president under Article 299 of the Turkish Penal Code, with President Recep Tayyip Erdoğan listed as the complainant. News report content and social media posts were presented as evidence. Because the defendant was a foreign journalist, the case attracted significant international attention and illustrates the broad interpretation of Article 299.

5.3 Prosecutors and judges as complainant

A notable pattern in cases involving charges of insulting a public official is that prosecutors and judges frequently appear as complainants. **Can Dündar** stood trial on June 17, 2025, following a complaint filed by **Bekir Altun**, the former judge of Istanbul's 1st Criminal Judgeship of Peace. **Barış Terkoğlu** was tried on June 19, 2025, and again on April 28, 2026, following a complaint by **Hadi Salihoğlu**, the former chief public prosecutor of the Istanbul Regional Court of Justice. The case against **İbrahim Aydın, Uğur Koç, and Yaşar Gökdemir** involved a prosecution in which Istanbul Chief Public Prosecutor **Akın Gürlek** appeared as the complainant. This pattern reflects the systematic targeting of investigative journalism focused on members of the judiciary.

5.4 Judicial control measures

In a number of the monitored cases, defendants who were not held in pretrial detention were nevertheless subjected to judicial control measures. **Travel bans** imposed under Article 109(a) of the Code of Criminal Procedure were observed in the cases of numerous journalists, particularly from September through November 2025. These included **Sedef Kabaş** (Article 299; November 2025 and February 2026), cartoonist **Doğan Pehlivan** (November 2025 and March 2026), and **Zeynep Kuray, Mahsum Sağlam, and Pelin Laçin** (December 2025). **Cem Aydın** was also tried while subject to an overseas travel ban at his February 2026 hearing. MLSA systematically monitors the use of judicial control measures, which it considers mechanisms for maintaining pressure on journalists without resorting to pretrial detention.

5.5 Trial outcomes

The outcomes of the 32 hearings in which a verdict was issued are summarized below:

Type of decision	Number	Percentage
Conviction	12	%37,5
Acquittal	11	%34,4
Conviction with partial acquittal (mixed outcome)	5	%15,6
Suspension of the announcement of the verdict (HAGB)	9	Applied in a portion of the conviction cases
Dismissal	2	%6,3

The conviction rate in cases where a verdict was issued (37.5%) is consistent with the Justice Ministry's long-term statistics. The application of suspended announcements of verdicts (HAGB) in nine cases indicates an intermediate legal outcome in which a conviction is imposed but its formal announcement is deferred. This continues to subject journalists to legal uncertainty. Convictions handed down against defendants including **İlyas Salman** and **Kaj Joakim Medin** received extensive media coverage.

5.6 Geographic distribution

The overwhelming majority of hearings were held in courts in Istanbul:

Province	Number of hearings	Percentage
İstanbul	82	%68,3
Ankara	10	%8,3
Diyarbakır	7	%5,8
Other provinces (including Silvan, Tatvan, and İzmir)	21	%17,5

The concentration of cases in Istanbul reflects the city's role as the geographic center of Turkey's national media. It also illustrates the heavy workload of Istanbul's courts and the extent to which Article 299 prosecutions involve major national media organizations.

6. Sample cases

The table below presents selected cases representing different categories of prosecutions:

Date	Defendant	Charge	Evidence	Outcome
30.04.2025	Kaj Joakim Medin (Swedish journalist)	Article 299	News report + social media	Convicted
25.02.2025	Sedef Kabaş (journalist)	Article 299	Social media	Ongoing
19.06.2025	Furkan Karabay (journalist)	Article 299	Social media	Ongoing
17.06.2025	Can Dündar (journalist)	Article 125/266	News report	Ongoing
19.06.2025	Bariş Terkoğlu (journalist)	Article 125/266	News report	Ongoing

18.11.2025	Doğan Pehlivan (cartoonist)	Article 299	Karikatür / paylaşım	Ongoing (under judicial supervision)
22.04.2025	İlyas Salman (actor)	Defamation	Social media	Convicted
11.03.2025	Metin Cihan (journalist)	Article 125/266	Social media	Convicted
11.07.2025	Furkan Karabay (journalist)	Article 299	Social media	Convicted
25.02.2025	Levent Gültekin (journalist)	Article 299	CİMER complaint	Acquitted
16.01.2025	Bülent Kılıç (photojournalist)	Article 125/266	Police report	Acquitted
08.05.2025	B. Pehlivan, O.A. Yurtoğlu (journalists)	Article 299 + 125	News report	Acquitted

7. Assessment and conclusion

MLSA's court monitoring data for 2025–2026 show that criminal defamation prosecutions have, in practice, become a press freedom issue in Turkey. More than 61% of defendants in the monitored cases were media professionals, most of the evidence consisted of news reporting or social media activity, and nearly half of the monitored proceedings involved prosecutions under Article 299 of the Turkish Penal Code, in which President Recep Tayyip Erdoğan was the complainant. Together, these findings point to a systematic pattern.

The case law of both the U.N. Human Rights Committee and the European Court of Human Rights (ECHR) is based on the principle that heads of state and other public officials must tolerate a greater degree of public scrutiny than private individuals when assessing whether criminal provisions protecting presidents from insult are compatible with freedom of expression. Consistent with that principle, the ECHR has repeatedly found that convictions under Article 299 of the Turkish Penal Code violate Article 10 of the European Convention on Human Rights, which guarantees freedom of expression. Despite those rulings, however, prosecutions have continued at a high rate, as confirmed by MLSA's monitoring data.

In its Oct. 19, 2021 judgment in *Vedat Şorli v. Turkey* (Application No. 42048/19), the ECHR held that both the prison sentence imposed for insulting the president under Article 299 of the Turkish Penal Code and the decision to suspend the pronouncement of the judgment violated the applicant's right to freedom of expression. The court emphasized that special criminal provisions affording heads of state greater protection than other individuals are incompatible with the requirements of a democratic society. It concluded that Article 299 should be brought into compliance with Article 10 of the European Convention on Human Rights.

In addition, the offense of insulting the president was first introduced into Turkish criminal law under the former Turkish Penal Code (Law No. 765), enacted in 1961. The provision was drafted within the constitutional framework of the time, which was based on the concept of a neutral and nonpartisan head of state. Article 95 of the 1961 Constitution explicitly required anyone elected president to sever ties with any political party. However, following the 2017 constitutional referendum, Turkey adopted the Presidential System of Government, under which the president serves as head of the executive branch and may retain membership in a political party. As a result, the application of Article 299 of the Turkish Penal Code—originally

designed to protect a politically neutral head of state—to a president who actively engages in politics and may simultaneously serve as leader of a political party has given rise to new constitutional debates concerning freedom of expression and the right to political criticism.

The systematic use of judicial supervision measures against journalists—particularly travel bans imposed from the second half of 2025 onward—also indicates that an additional mechanism restricting individual liberty, short of pretrial detention, has increasingly been employed.

MLSA continues to monitor the human rights implications of these judicial supervision measures through proceedings before the European Court of Human Rights (ECHR) and the Turkish Constitutional Court.

In Istanbul and many other cities across Turkey, recurring prosecutions have forced journalists to defend themselves in multiple criminal proceedings simultaneously. This has contributed to a pattern commonly described as judicial harassment, in which repeated legal actions drain financial and professional resources while imposing significant psychological pressure.

8. Appendices

8.1 Methodological notes

- Hearing data were compiled from standardized court monitoring forms completed by MLSA trial observers.
- A single case may include multiple hearings; each hearing was recorded as a separate entry.
- Defendants' occupations were coded based on the descriptions entered by court observers. In some cases, no occupation was specified.
- Where multiple types of evidence were presented in a single case, each type was included in the analysis.
- No data were available for August 2025.

8.2 Legal references

Provision	Description
Turkish Penal Code Article 299	Insulting the president — punishable by 1 to 4 years' imprisonment, with an increased penalty if committed through the press or other media.
Turkish Penal Code Article 125	Defamation/insult — punishable by 3 months to 2 years' imprisonment or a judicial fine.
Turkish Penal Code Article 266	Insulting a public official — subject to an enhanced penalty under Article 125.
Turkish Penal Code Article 267	False accusation.
Criminal Procedure Code Article 109/a	Travel ban as a judicial supervision measure.
HAGB (Suspension of the	A mechanism under which the court postpones the formal pronouncement of a conviction subject to certain statutory conditions.

pronouncement of the judgment)	
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