

**P E N  
N O R W A Y**

Criminal sanctions for every comment!

**Another barrier for journalism:  
“The Disinformation law”**

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# Criminal sanctions for every comment!

## Another barrier for journalism: “The Disinformation law”

Initially reported in the media as the “censorship law” and often referred to in shorthand as the disinformation law, namely Article 217/A of the Turkish Penal Code (TPC), which criminalizes the act of “publicly disseminating misleading information”, was enacted through Article 29 of Law No. 7418, on 13 October, 2022.

This law paves the way for journalists and, more broadly, all individuals engaging in public discourse, including social media users, to be subjected to criminal sanctions for every statement they make.

In a report it published two years ago regarding the meaning of disinformation, the Anadolu Agency, the mouthpiece of the ruling power, explained the possible ramifications of the concept as follows: “Disinformation is a frequently employed method for shaping public opinion or inciting chaos through distorted and false information. Disinformation activities typically begin with minor bits of information being spread among society by certain individuals and groups, gradually escalating to a level that can provoke public outrage. Unverified information, whether unintentionally or deliberately amplified by social media users, swiftly manipulates the masses and exacerbates disorder on a larger scale.”

Commenting on the debate surrounding such news and the law which—the government claims—was introduced “to combat

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disinformation and fake news”, Mahir Ünal, the Deputy Chair for the Parliamentary Group of AKP stated that the legislation did not amount to “censorship”:

*“Article 218 of the Turkish Penal Code is clear. Expressions of thought intended as criticism and remaining within the bounds of reporting do not constitute a criminal offense. Full stop... Disinformation does not simply mean an insult. Disinformation does not simply mean the act of spreading false information. Disinformation is the deliberate, coordinated dissemination of such content over a specific period, aimed at achieving a particular objective. It will be up to the courts to determine whether a given piece of information or news is misleading... Someone predicting that the dollar will rise to 40 lira or a scientist sharing earthquake forecasts does not fall within the scope of this crime. If you read the law, you will see this clearly.”*

“ It is noteworthy that Ünal used the dollar as an example, given that researcher and author Erol Mütercimler was taken to court over a prediction he made in 2016 on a television program regarding the U.S. dollar exchange rate—he had stated it would reach 10 lira. By the time his trial concluded, the dollar had already climbed to 19 lira. ”

It is noteworthy that Ünal used the dollar as an example, given that researcher and author Erol Mütercimler was taken to court over a prediction he made in 2016 on a television program regarding the U.S. dollar exchange rate—he had stated it would reach 10 lira. By the time his trial concluded, the dollar had already climbed to 19 lira. Mütercimler was not the only person to face prosecution over such predictions.

In short, the implementation of this regulation did not unfold as Mahir Ünal had described. Not only journalists but also numerous social media users found themselves before the courts facing these charges.

### 33 arrested, 12 sentenced

In November of last year, Nurettin Alan, AKP MP and Justice Committee member shared the statistical data by the Ministry of Justice regarding the regulation, which enforces prison terms of up to three years.

According to data recorded in parliamentary proceedings and reported by MLSA, in the two years between October 18, 2022, and October 10, 2024, a total of 4,590 individuals were investigated on charges of “publicly spreading misleading information.”

In 2022, a total of 216 individuals were listed as suspects in 139 investigation files opened under this charge. In 2023, the number rose to 2,515 suspects across 2,381 investigation files. By October 10, 2024, 1,859 individuals had been named as suspects in 1,668 investigations.

The data shows that 223 and 161 investigations proceeded to trial in 2023 and 2024, respectively. Among the cases filed in 2023, five resulted in convictions, 72 in acquittals, and 15 in rulings of Suspension of the Pronouncement of the Judgement (SPJ). In 2024, seven cases ended in convictions, 77 resulted in acquittals, and 16 in SPJ.

Due to this law, a total of 33 people were arrested—3 in 2022, 24 in 2023, and 6 in 2024. However, no official figures have been disclosed regarding the number of individuals placed in detention.

## 66 investigations against 56 journalists and writers

According to MLSA data, at least 56 journalists, writers, website administrators, and webpage owners faced 66 different investigations on charges of “publicly disseminating misleading information” prescribed under Article 217/A of the Turkish Penal Code, on the grounds of the news reports, commentary, and social media posts they published.

Journalist Ahmet Kanbal was subjected to four separate investigations, meanwhile other journalists İsmail Arı and Gökhan Özbek each faced three. Meanwhile, Medine Mamedoğlu, Oktay Candemir, Fırat Bulut, Dinçer Gökçe, and Zübeyde Sarı were the subjects of two investigations each.

### Seven journalists arrested

Journalists Mehmet Güleş, Fırat Bulut, Serdar Akinan, İlknur Bilir, Dinçer Gökçe (twice), Cengiz Erdinç, Sinan Aygül, Ali İmat, İbrahim İmat, Nilay Can, Gökhan Özbek, Furkan Karabay, and Tolga Şardan were detained under this charge. Sinan Aygül, Ali İmat, İbrahim İmat and Tolga Şardan were arrested.

This accusation was particularly applied in cases against journalists reporting on the February 6, 2024 earthquakes, the mining disaster in İliç, Elazığ, and election coverage.

According to data from the Journalists’ Union of Turkey (JUT), between October 2022 and April 2024, a total of 46 investigations were launched against 40 journalists under this charge, leading to the detention of 10 journalists and the arrest of four. These investigations resulted in 14 court cases, five of which concluded with acquittals. One trial resulted in a 10-month prison sentence, while trials are still ongoing in eight others. (The JUT report also states that 13 journalists and media workers are currently imprisoned on various charges, while hundreds of journalists continue to face prosecution.)

### Investigations and trials on each and every issue

Due to the vague wording of the regulation and the ambiguous nature of the crime’s elements, virtually any news report can become the subject of legal proceedings.

For instance, Halktv.com.tr’s Editor-in-chief Dinçer Gökçe and Gazete Pencere’s Editor-in-chief Nilay Can were detained on charges of “publicly disseminating misleading information” as part of an investigation launched over news reports stating that the prosecutor who dismantled the “Neonatal Care Gang” had been removed from the case. As part of the same investigation, 23 news websites and 13 social media accounts were also examined. The two journalists were later released under judicial control measures.

In December 2024, the Chief Public Prosecutor’s Office of İstanbul launched an ex officio investigation against journalist Özlem Gürses on suspicion of “publicly disseminating misleading information” due to remarks she made about the Turkish Armed Forces in a video published on her YouTube channel. Gürses was detained and later released on

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December 21 under judicial supervision measures, including house arrest and a travel ban. Until February 12, when the judicial restrictions were lifted, she continued hosting her TV program from home.

Another investigation was initiated against journalist Furkan Karabay over his news reports and social media posts concerning the legal process involving Ahmet Özer, the Esenyurt mayor who had been replaced by a government-appointed trustee. Karabay was detained on November 8, 2024, and arrested on November 9. He remained in prison for nine days.

Journalist Ruşen Takva became the subject of an investigation by the Chief Public Prosecutor's Office of Van on suspicion of "publicly disseminating misleading information" due to a post he shared on December 3, 2024, concerning Turkey's policy toward the Kurds in Syria.

Likewise, on December 21, 2024, the Investigation Bureau for Terrorism Offences of the Chief Public Prosecutor's Office of Istanbul launched an investigation into the T24 news website and Gerçek Gündem's Editor-in-Chief, journalist Seyhan Avşar. The basis of the investigation was the suspicion that they were "conducting terrorist propaganda" and "disseminating misleading information to the public" through their reporting and social media commentary regarding the deaths of journalists Cihan Bilgin and Nazım Daştan in Syria.

In other words, journalists have faced investigations—and, in some cases, detention and arrests—over a wide range of news reports and analyses. Even when their reports are based on accurate information and relevant documents are presented to the courts, the legal proceedings do not cease.

## **Constitutional Court rejects appeal**

Legal objections to the law were dismissed by the High Court as well.

The Constitutional Court, in its ruling on the annulment request, emphasized that "the speed at which information spreads has significantly increased due to technological advancements" and stated that "the replacement of truth with falsehoods adversely affects individuals' capacity to develop independent opinions."

In its session on November 8, 2023, the Constitutional Court rejected the annulment request, ruling by a vote of 7 to 5 that the provision was not unconstitutional. In its reasoned judgement, the Court maintained that the provision fulfilled the principle of legality, asserting that the material and moral elements of the crime, the severity and type of sanctions imposed, and the aggravated forms of the offense were all explicitly and unequivocally outlined. Therefore, it claimed that the provision was neither vague nor unpredictable.

As a result, objections asserting that the vague wording of the law grants the judiciary excessive discretionary powers and violates freedom of expression and press were not upheld by the High Court.

## **"Yet another weapon": Agents of Influence Law**

While investigations and lawsuits against journalists under this law continue, the arrest of talent agent Ayşe Barım—based on the proposed but not yet enacted provision on the "agents of influence"—indicates that the judiciary has crossed another critical threshold.

The Journalists' Association of Turkey's assessment of the "agents of influence" provision, which has so far only been approved at the parliamentary committee stage, underscores the gravity of the situation: "This provision will make it impossible to determine who or what will be punished. It will serve as a tool to suppress information and opinions that cause public outrage, shock, or discomfort. The regulation is vague and lacks clarity in defining what it criminalizes. It is neither explicit nor comprehensible. This provision will harm press freedom and freedom of thought and expression, potentially becoming yet another weapon wielded against journalists."