



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 22 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Democracy
Human Rights Rights of Migrants

Bologna, Donostia, Düsseldorf, Vienna, 29/11/2023

Our Colleagues should be acquitted: Peaceful protest shall not be criminalized as terrorism propaganda!

The European Lawyers for Democracy and Human Rights (ELDH) with members in 22 European countries, is gravely concerned at the probable outcome of the hearing at the Istanbul 13th Heavy Criminal Court which is due to take place on 30 November 2023.

On October 10, 2015, a bomb attack organized by ISIS targeted the Labor, Peace, and Democracy rally held in the capital city of Turkey, Ankara. As a result, 103 people lost their lives. This massacre led to protest events across Turkey. Labor unions and confederations called for a general strike on October 12 and 13, 2015. In Istanbul, lawyers, including two member associations of ELDH, ÖHD, and ÇHD, supported the general strike call, and did not attend hearings on October 12. Instead, they organized a protest inside the Çağlayan Courthouse.

A total of 17 colleagues, 7 from ÖHD and 7 from ÇHD, faced legal proceedings in the Istanbul 13th Heavy Penal Court due to their participation in this protest. They have been charged under the Anti-Terror Law Article 7/2 for terrorism propaganda, along with violations of the Law on Meetings and Demonstrations.

At a recent hearing, the prosecutor demanded that the lawyers, our colleagues, must be sentenced, arguing that their participation in the protest amounted to terrorism propaganda. A judgment regarding our colleagues is expected to be made in the hearing scheduled for November 30, 2023.

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Article 7/2 of Law No. 3713 of Turkey reads: *“Any person who disseminates propaganda in favour of a terrorist organisation by justifying, praising or encouraging the use of methods constituting coercion, violence or threats shall be liable to a term of imprisonment of 1 to 5 years.”* The words from “justifying” to “intimidation” were introduced by way of an amendment on April 30 2013, as concrete elements to identify the crime of “propaganda” in accordance with the principles of freedom of expression as outlined in the case-law of ECtHR and, in particular, with regard to Turkey. Therefore, Article 7/2 must be applied in line with the principles of freedom of expression, right to assembly and to demonstrate as elaborated by the ECtHR.

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It is evident even from the indictment that the protest carried out by our colleagues was peaceful and did not contain any calls for violence. ELDH once again calls on the Turkish authorities to respect fundamental rights and freedoms, put an end to the arbitrary restrictions on rights and freedoms, and refrain from categorizing any dissenting views incompatible with the government as terrorism propaganda. This case against our colleagues should be immediately concluded with an acquittal.