



### **Third Party Opinion Submitted to the Application of the Applicant A.K.**

1. A.K. was prosecuted for "*Insulting the President*" pursuant to Article 299 of the Turkish Criminal Code due to a post he shared about President Erdogan in his Facebook account. At the end of the trial, the Diyarbakır 8th Criminal Court of First Instance acquitted the applicant on the grounds that "*...the limits of criticism directed at a politician are wider than the limits of criticism directed at an ordinary person, the politician should be more tolerant of these criticisms ...*". Upon the appeal request of the Public Prosecutor's Office, the 10th Criminal Chamber of Diyarbakır Regional Court of Appeals, with its decision dated 15.09.2021, overturned the acquittal decision of the local court, and decided to postpone the announcement of the verdict. The applicant's appeal against this decision was dismissed. The applicant made an individual application to the Constitutional Court on 01.11.2021 against this final decision.
2. İFÖD submitted a third-party opinion in this individual application pending before the Constitutional Court on 05.01.2023. In its 13-page submission, İFÖD presented its evaluations on whether the criminal proceedings conducted against the applicant due to his statements in his Facebook post and the decision to suspend the announcement of the verdict violated the applicant's freedom of expression. In this view; the provision of increased protection to the President by means of a special law on insults was evaluated within the framework of the case-law of the European Court of Human Rights, the opinions and recommendations of the Council of Europe and the United Nations organs. Subsequently, the criteria determined by the ECtHR and the Constitutional Court on how to establish a balance between freedom of expression and protecting the honor and reputation of politicians were explained.