



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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SECOND SECTION

Application no. 3588/19
Bülent ALBAYRAK against Türkiye
and 9 other applications
(see list appended)
communicated on 21 September 2026

SUBJECT MATTER OF THE CASE

The applications concern disciplinary sanctions imposed by the Council of Judges and Prosecutors (the “CJP”) on the applicants – who are judges and a prosecutor – for statements made on various platforms, including social media, on the grounds that their remarks constituted “behaviour undermining the respect and trust inherent in their official status.”

Invoking Article 10 of the Convention, all the applicants allege a violation of their right to freedom of expression. Some maintain that their remarks, made on various platforms, were unrelated to their judicial functions *per se* but concerned matters of general interest. Others argue that their remarks amounted to criticism of the functioning of public institutions, including the judiciary, and therefore fell within the scope of their professional responsibilities, warranting protection under Article 10. The applicants further submit that the decisions of the CJP were insufficiently reasoned, as they failed to provide the necessary clarity regarding how the impugned statements undermined the respect and trust inherent in the status of members of the judiciary. Moreover, they contend that the CJP failed to carry out the requisite balancing exercise between their right to freedom of expression and any legitimate aim pursued.

Relying on Article 6 § 1 (and partly Article 13) of the Convention, the applicants – except for the second, sixth and seventh applicants (see Appendix below) – further complain of a violation of their right of access to

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a court, on the ground that the disciplinary sanctions imposed by the CJP were not amenable to review by a body exercising judicial functions or by an ordinary court.

Moreover, the first, seventh, eighth and tenth applicants raise complaints before the Court under Article 7 of the Convention, arguing that the impugned measures, which were based on section 68(2) (a) of Law no. 2802, were not prescribed by law. In this regard, they argue that the terms used in section 68(2) (a) of Law no. 2802, such as “dignity” and “honour of the profession” and “dignity and personal esteem”, are general and allow multiple interpretations.

Invoking Article 8 of the Convention, the fourth applicant further submits that the disciplinary sanctions imposed on him on account of his statements had also had an adverse impact on his career and his professional and personal development.

Lastly, invoking Article 9 of the Convention, the first and eighth applicants also claim that the impugned sanctions were imposed on them for their thoughts, thereby violating their right to freedom of thought, conscience, and religion.

QUESTIONS TO THE PARTIES

1. In the present cases, with the exception of applications nos. 39951/21, 52850/22 and 2648/23, is Article 6 § 1 of the Convention, under its civil limb, applicable?

If so, has there been a violation of the applicants’ right of access to a court, in view of the national legal framework that precludes the decisions of the Council of Judges and Prosecutors (“CJP”) in relation to disciplinary sanctions from being subject to review by a body exercising judicial functions or by an ordinary court (see *Baka v. Hungary* [GC], no. 20261/12, §§ 120-122, 23 June 2016, and *Eminağaoğlu v. Turkey*, no. 76521/12, §§ 95-105, 9 March 2021)?

2. Has there been an interference with the applicants’ right to freedom of expression within the meaning of Article 10 § 1 of the Convention as a result of the disciplinary sanctions imposed on them by the CJP?

If so, was that interference prescribed by law, and did it pursue a legitimate aim and prove necessary in a democratic society, within the meaning of Article 10 § 2 of the Convention?

In particular, did the domestic authorities, in the impugned decisions, conduct a relevant and sufficient assessment and apply the requisite balancing

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exercise between the applicants' right to freedom of expression and the competing interests at stake, in accordance with the principles established in the Court's case-law under Article 10?

Moreover, as regards the disciplinary sanctions imposed on the applicants related to their exercise of freedom of expression on the internet and social media, was the balancing exercise conducted by the domestic authorities consistent with the criteria developed in the Court's case-law under Article 10 (see *Danileț v. Romania* [GC], no. 16915/21, §§ 149-165, 15 December 2025)?

Furthermore, were the fairness of the proceedings and the procedural guarantees afforded to the applicants in line with the standards set out and applied by the Court in cases concerning freedom of expression (see *Baka*, cited above, §§ 158-167; *Danileț*, cited above, § 165; *Kövesi v. Romania*, no. 3594/19, §§ 203 and 210, 5 May 2020; and *Eminağaoğlu*, cited above, §§ 126 and 149-151)?

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APPENDIX

No.	Application no.	Case name	Lodged on	Applicant	Represented by
1.	3588/19	Albayrak v. Türkiye	27/12/2018	Bülent ALBAYRAK	
2.	39951/21	Temür v. Türkiye	16/07/2021	Taner TEMÜR	Mustafa KARADAĞ
3.	60987/21	Aydın v. Türkiye	10/11/2021	Murat AYDIN	Ertan KARAKÜLAH
4.	38069/22	M.P. v. Türkiye	24/06/2022	M.P.	Serkan CENGİZ
5.	38364/22	Güner v. Türkiye	19/07/2022	Halil GÜNER	
6.	52850/22	Köksal v. Türkiye	13/10/2022	Leyla KÖKSAL	Asım KILIÇ
7.	2648/23	Sarısu Pehlivan v. Türkiye	24/12/2022	Ayşe SARISU PEHLİVAN	Egemen Güvenç PEHLİVAN
8.	26936/23	Çakmak v. Türkiye	22/06/2023	Ahmet ÇAKMAK	
9.	6520/24	Demirci v. Türkiye	07/02/2024	Doğan DEMİRCİ	
10.	26340/24	Demirci v. Türkiye	07/08/2024	Doğan DEMİRCİ	