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Meeting: 1369th meeting (March 2020) (DH)

Communication from a NGO (The Freedom of Expression Association (İfade Özgürlüğü Derneği - IFÖD)) (22/01/2020) in the cases of Altug Taner Akcam v. Turkey (27520/07), Nedim Sener v. Turkey (38270/11) and Oner and Turk v. Turkey (51962/12) and response from the Turkish authorities (30/01/2020) (appendices in Turkish are available at the Secretariat upon request)

Information made available under Rules 9.2 and 9.6 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1369^e réunion (mars 2020) (DH)

Communication d'une ONG (The Freedom of Expression Association (İfade Özgürlüğü Derneği - IFÖD)) (22/01/2020) relative aux affaires Altug Taner Akcam c. Turquie (27520/07), Nedim Sener c. Turquie (38270/11) et Oner and Turk c. Turquie (51962/12) et réponse des autorités turques (30/01/2020) (des annexes en turc sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**

Informations mises à disposition en vertu des Règles 9.2 et 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



DGI

22 JAN. 2020

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

RULE 9.2 COMMUNICATION

in the Öner and Türk Group of Cases (no. 51962/12); Akçam Group of Cases (no. 27520/07) and Şener Group of Cases (no. 38270/11) v. Turkey

by

İFADE ÖZGÜRLÜĞÜ DERNEĞİ (İFÖD)

22 January 2020

An independent non-governmental organization in defending and promoting freedom of expression



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22.01.2020

Rule 9.2 Communication from İFÖD in the Öner and Türk Group of Cases (no. 51962/12); Akçam Group of Cases (no. 27520/07) and Şener Group of Cases v. Turkey (no. 38270/11).

1. The aim of this submission is to update the Committee of Ministers concerning the legislative and executive developments with respect to the ongoing lack of full and effective implementation of general measures in Öner and Türk group cases (no. 51962/12). Despite the amendments made in relevant provisions and some positive developments in judicial practice, structural problems observed in this group of cases by the European Court are still continuing. The submission is prepared by İfade Özgürlüğü Derneği (İFÖD – Freedom of Expression Association), a non-profit and non-governmental organization aims to protect and foster the right to freedom of opinion and expression in Turkey.

Background

2. In 2018 the Committee of Ministers decided to continue examination of the problems in the context of a new group dealing with certain criminal law aspects which impact on freedom of expression, under the cases of Bayar (no. 55060/07), Güler and Uğur (no. 31706/10 ve 33088/10), Öner and Türk (no. 51962/12), Döner and Others (no. 29994/02), and Müdür Duman (no. 15450/03), in addition to the Nedim Şener and Altug Taner Akçam groups.¹
3. The Committee of Ministers decision is spot on, as freedom of expression problem in Turkey requires a holistic approach. As the Court's jurisprudence illustrates, amelioration of certain provisions has not solved the structural problems in the Turkish law relating to freedom of expression. The judicial authorities have replaced the amended or abolished provisions with new ones to punish peaceful expression of ideas. Therefore, an amendment and results following such amendment in law might be misleading when considered in isolation. It is therefore necessary to examine the practice of the Turkish authorities concerning different provisions to assess whether the amendments in reality and in practice produced positive results.
4. **The Öner and Türk group** of cases (no. 51962/12) comprise of 32 cases² involving unjustified interferences with freedom of expression, in particular through criminal proceedings, and the consequent chilling effect. The Committee, in its 1324th meeting in September 2018, recalled that the question of the general measures required in response to the shortcomings found by the Court in the Incal group of cases will be continued to be examined within the framework of the Öner and Türk group and decided to close the cases examined under Incal group, where the individual measures were taken.³
5. The **Akçam group** of cases comprise of 14 judgements structural and complex problems concerning violations of the applicants' right to liberty and security and right to freedom of expression (violations of Articles 5 and 10, of the Convention) on account of prosecutions/convictions or the real risk of prosecution under the Turkish Criminal Code (in its Akçam judgment under Article 301, former Article 159 of the TCC). In *Dink v. Turkey* the Court concluded that Article 301 lacked the “**quality of law**” requirement in view of its “**unacceptably broad terms**” which “**still resulted in a lack of foreseeability as to its effects**”. The government

¹ CM/Del/Dec(2018)1324/22, 20 September 2018

² See classification of new judgments, 1331st meeting, 4-6 December 2018; 1340th meeting, 12-14 March 2019; 1348th meeting, 4-6 June 2019 and 1362nd meeting, 3-5 December 2019.

³ See Resolution, CM/ResDH(2018)356, 1324th meeting.



informed the Committee of Ministers that due to legal amendments following the Dink case uncertainty of the provision had been remedied.⁴

6. In its 1324th meeting on September 2018, the Committee of Ministers, finding these amendments inadequate and application of these measures disproportionate to the strict exigencies of the situation by reference to the Mehmet Altan and Şahin Alpay cases, invited the Turkish authorities to consider further legislative amendments in line with the Court's judgment notably in the *Akçam* case.
7. In its most recent submission,⁵ the Government reiterated its previous claims relating to the amendments made in Article 301 of the Criminal Code. In addition, the government stated that a new procedural right had been introduced by Law No. 7188. Under this provision, regardless of its duration, convictions under certain crimes including Article 301 of the TCC could be appealed before the Court of Cassation following the completion of the proceedings by the District Court of Appeals.⁶ The Government also reported that due to an amendment made in the Criminal Procedural Law in 2017, public prosecutors should issue a non-prosecution decision without commencing a criminal investigation if convinced that the complaint lodged has no basis.⁷ It is obvious that these procedural amendments are not directly related to Article 301 and should not be regarded as part of "further legislative amendments" asked by the Committee of Ministers. Furthermore, the government did not provide specific statistics in relation to Article 301 in relation to the application of the Article 158 of the Code of Criminal Code with regards to "non prosecution decisions" and ignored the Committee's request to provide further sample decisions to demonstrate that public prosecutors examine the content of the complaint at hand before finding it unsubstantiated.
8. The **Şener group** comprises of 3⁸ judgements concerning violations of the applicants' right to liberty and security and right to freedom of expression on account of detention on remand of the applicant investigative journalists, charged under Articles 314 and 220/7 of the Turkish Criminal Code with aiding and abetting a criminal organization by having been involved in the production of publications criticizing the government and/or serving as propaganda for a criminal organization.
9. In its 1324th meeting on September 2018, the Committee of Ministers stated that the common feature of these two cases was a structural problem that constituted chilling effect on the applicants' and other journalists' willingness to express their views on matters of public interest with disproportionate custodial measures violating Articles 5 and 10 of the Convention.
10. The Government informed the Committee of Ministers about the developments relating to this case in June 2018.⁹ No legal amendment affecting these cases was reported by the government. The Government submitted that various educational programs aimed at raising awareness in judiciary and four decisions delivered by the Constitutional Court in which the Strasbourg criteria applied were sufficient to fully implement the Şener group of cases.
11. By taking into account the serious and continuing nature of the problems in the area of freedom of expression in Turkey, the Committee decided to continue to examine the Şener group of cases.

Legislative developments: Akçam Group

12. In its decision relating to the Akçam group, the Committee of Ministers noted that the amendments made in Article 301 had not removed the concerns raised by the Court in the Akçam and other judgments listed in this group. In response, the Government claimed that the

⁴ DH-DD(2017)699, 20.6.2017.

⁵ DH-DD(2020)36, 16.01.2020.

⁶ DH-DD(2020)36, 16.1.2020, para. 40.

⁷ Ibid, para. 38.

⁸ The case of Mehmet Hasan Altan (no. 13237/17) was added to the Şener Group with the classification of new judgments procedure on the Committee's 1331st meeting, 4-6 December 2018.

⁹ DH-DD(2018)669, 27.6.2018.



authorization power given to the Minister of Justice under the provision had produced positive results and investigations concerning Article 301 sharply dropped due to this new condition. As noted above, the Government alleged that two general amendments made in the Criminal Procedural Law would also reduce the number of investigations and convictions brought under Article 301.

13. It is submitted that **filtering measures presented by the government fail to guarantee the full enjoyment of freedom of speech** and Article 301 still creates a climate of self-censorship whereas remains a threat to become subject to detention and criminal prosecution.
14. The Government presented different sets of statistics in its 2017 (DH-DD(2017)699) and 2020 (DH-DD(2020)36) Action Plans. Indeed, 2017 Action Plan provides non-prosecution and convictions/acquittals data, whilst 2020 Action Plan only presents percentage of the authorization given by the Minister of Justice under Article 301. In other words, the actual numbers are not provided by the government to assess further its claims. Furthermore, the Ministry of Justice does not reveal the total number of investigation requests as well as how much of these requests were approved or not even subject to freedom of information requests subject to Law No. 4982 (see **Annex I**).
15. This is not surprising, considering the rising numbers of new prosecutions and convictions brought under this provision. As can be observed in the statistics provided (see **Annex II**), in 2018 public prosecutors initiated 9555 article 301 investigations compared to 1983 in 2014. Since the Akçam case was decided in 2012, a total of 29.695 article 301 investigations were initiated and only in 12.005 investigations “non-prosecution” decisions were issued. Furthermore, while only 207 prosecutions took place in 2014, 915 prosecutions took place in 2018, almost quadrupling in 4 years. Conviction rates have also increased significantly. In 2014, only 16 people were convicted whilst conviction of 22 others were suspended (HAGB). In 2018, 216 people were convicted and 256 other convictions were suspended.
16. There is no doubt that unlike what the government suggests, prosecutors have invoked Article 301 more than ever to silence critiques against the government and state institutions increasingly since 2014.
17. It should also be noted that **the Constitutional Court has not delivered any decisions concerning Article 301 so far**. This is partly due to the recent Legislative Reform amendment presented by the Government as a positive development. Following the introduction of court of appeals in July 2016, the Criminal Procedural Law provided that convictions that were less than five years imprisonment should not be taken to Court of Cassation. As convictions rendered under Article 301 fell within this category, convictions finalized at court of appeals were taken to the Constitutional Court. However, with Law No. 7188 the right to appeal to the Court of Cassation was recognized retroactively. Following this development, applications pending before the Constitutional Court for more than 3 years have been found inadmissible by the Constitutional Court on the ground that these applications did not exhaust all available remedies. Since all cases pending before the Constitutional Court have been sent back to the Court of Cassation, it will take few more years before the Constitutional Court has the “opportunity” to introduce its standards concerning Article 301.

Nedim Şener Group

18. Nedim Şener and Ahmet Şık were imprisoned under Article 220, paragraph 7 and Article 314 of the Turkish Criminal Code on the ground that they had aided and abetted terrorist organisations. The Court concluded that Article 220, paragraph 7 of the Turkish Criminal Code does not meet the quality of law requirement of Article 10 in Daş (no. 36909/07) and Article 11 in Bakır and Others (no. 46713/10), Imret (2) (no. 57316/10) and judgments. IFÖD submitted a separate Rule 9 submission discussing the implementation of these judgments. Therefore, **this submission will only deal with prosecution of journalists in general**. For specific information about the legality



of Article 220/7, IFÖD's submission relating to Işıklı Group should be examined (See **Annex III**).

19. Despite the Committee of Ministers' request and the Court's judgments, there have been no fundamental legislative developments concerning Articles 220 and 314 of the Criminal Code. There has been a total of 1.232.304 criminal investigations regarding Article 314 between the years 2014 and 2018 according to the Judicial Statistics of the Ministry of Justice (See **Annex II**). Individuals that have been indicted under Article 314 of the Turkish Criminal Code reached its peak in 2017. Over 1 million individuals (1.056.779) were subjected to a criminal investigation between 2016-2018 and 830.521 were prosecuted. Over 600.000 prosecutions are either continuing or pending while the 2019 statistical data is not available yet. The same is true for those charged for terrorist propaganda. Between 2010-2018, a total of 123.390 terror propaganda cases were completed. 33.083 persons received criminal sentences and a separate 8016 received suspended sentences, with 61.490 receiving various other penalties. 20.801 (16%) persons were found not guilty.
20. The Government provided a comparative table of imprisoned journalists in its 2016 Action Plan.¹⁰ However, 2018 Action Report does not provide a similar list.¹¹ This is due to tremendous rise in the number of imprisoned journalists in Turkey.
21. As widely observed by interstate institutions as well as international NGOs, freedom of expression and freedom of media have been one of the most affected areas within the last five years in Turkey. In 2016, Reporters Without Borders (RSF) ranked Turkey 151st of 180 countries in their World Press Freedom Index. In 2017, Turkey ranked 155th following 157th in 2018 and 2019. Similarly, Freedom House classified Turkey as a 'partly free' country ranking it 156th in its 2016 media freedom index with a 20-point decrease in score compared to 2010. In April 2017, it was announced that Turkey had fallen to 163rd in the global index. In January 2018, Turkey was ranked 154th and classified as 'not free' for the first time. Finally, in the most recent Freedom in The World 2019 Report, Turkey's total score was 31 out of 100 points and continued to be in the "not free" category.¹²
22. The deepening human rights crisis with an erosion of rule of law and democracy framework was established by the Human Rights Watch's World Report 2020. The Report, in relation to Turkey, stated that "executive control and political influence over the judiciary has led to courts systematically accepting bogus indictments, detaining and convicting without compelling evidence of criminal activity individuals and groups the government regards as political opponents."¹³ It was also emphasised that an estimated 119 journalists and media workers are in pretrial detention or serving sentences for offences such as "spreading terrorist propaganda" and "membership of a terrorist organization" crimes whereas great numbers of journalists who are also facing similar criminal charges are not detained or yet in prison.
23. The problem relating to freedom of expression is evident not only in reports published by NGOs but also in reports issued by interstate oversight mechanisms.¹⁴ In particular, the CoE Commissioner for Human Rights' *Memorandum on Freedom of Expression and Media Freedom in Turkey* published in February 2017, stated that "journalists have been among the most affected

¹⁰ DH-DD(2016)1024, 26.9.2016.

¹¹ DH-DD(2018)669, 27.6.2018.

¹² <https://freedomhouse.org/report/freedom-world/2019/turkey>

¹³ <https://www.hrw.org/world-report/2020/country-chapters/turkey>

¹⁴ See in particular the Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his ¹⁵visit to Turkey, 14-18 November 2016: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20891> and The Council of Europe's platform to promote the protection of journalism noted that Turkey has the highest number of alerts and that a large part of these involve imprisonment of journalists. Of the 626 alerts provided in the database, 123 involve Turkey and 69 are classified as Level 1 alerts. Platform to promote the protection of journalism and safety of journalists: <http://www.coe.int/en/web/media-freedom/all-charts>



by the various forms of judicial harassment” and also that “detention is the most visible and chilling form that this harassment has taken.”¹⁵ The Memorandum also noted that “the exceptional nature of remands in custody, and the need to provide clear legal reasoning in cases where they are necessary are not embedded in the practice of the Turkish judiciary.” It goes on to say that **many Turkish judges still continue to use the list of catalogue crimes in the Code of Criminal Procedure as grounds for detention without a careful examination of the remaining conditions of detention.** Similarly, the Venice Commission noted that without individualized decisions, and without the possibility of timely judicial review, “membership” of terrorist organizations charges and arrests without relevant and sufficient reasons, instead of restoring democracy may further undermine it.¹⁶

24. Although all sectors of the society have been affected from these developments, generally the journalist but particularly the Kurdish media has received one of the largest blows. Although the total number of jailed journalists varies according to different reports, there is no doubt that Turkey is “the world’s largest prison for journalists”. According to the Council of Europe’s Platform to promote the protection of journalism and safety of journalists, **currently 105 journalists are in detention.**
25. According to data collected by İFÖD from different sources, **at least 100 journalists have been on trial either for being a member of PKK or for making its propaganda** (see Annex IV). Out of 100 individuals, 92 of them have been detained at pre-trial stage. At least 79 of those individuals have been charged merely due to the institution they worked for. 14 journalists from daily Azadiya Welat and 22 journalists from Dicle News Agency (DİHA) were charged with membership to terrorist organisation or terror propaganda on the ground that they had worked for these institutions, apart from other evidence. Amongst 100 those who have been convicted (29) so far received varied prison sentences from 1 year 2 months to aggravated life imprisonment with only one receiving “not guilty” verdict.
26. Finally, not only permanent staff of the Kurdish media but also those who acted in solidarity with them have been the victim of these draconian measures. The 38 Editors-in-Chief on Watch for Özgür Gündem have been facing charges of terror propaganda and publishing and spreading statements of terrorist organizations subject to articles 7(2) and 6(2) of the Anti-Terror Law No. 3713 since 2016.

Öner and Türk group of cases:

27. The latest action plan of the Turkish Government concerning the Öner and Türk group of cases was submitted in January 2020. This particular group mainly concern Articles 215 and 216 of the Turkish Criminal Code and Articles 6/2 and 7/2 of Anti-Terrorism Act. The Government noted in its action plan that amendments had been made in relevant provisions to bring them in line with the Convention standards. The Government also provided various statistics, claiming that prosecutions under these provisions have been reduced in recent years.
28. However, the statistics provided in the government’s action plan do not include exact number of prosecutions and convictions, but only percentages. This method is misleading for several reasons explained below. Firstly, while the total number of prosecutions and convictions considerably increase, their percentage might decrease depending on the total number of prosecutions and convictions in each year. As can be observed from the list provided by İFÖD, this is what has happened in recent years. For instance, while only 669 persons were convicted under Article 7/2 of Anti-Terror Law in 2014, 6.162 persons were convicted in 2017. If explained in percentages, increase in convictions are close to 1000%, which is not included in the Government’s Action Plan.

¹⁵ CommDH (2017)5, para. 79.

¹⁶ Venice Commission, CDL-AD (2017)007.



29. Another critical problem is that the percentage of freedom of expression-based conviction rendered under one legal provision may seem to decrease, whereas the conviction rate of another provision may reach its peak in passing years. The crimes that the prosecutors rely on for prosecuting speech related cases vary considerably for example compared to pre 15 July, 2016 Coup Attempt period and after. Therefore, a holistic approach is required to assess further the government's claims. The reason behind is that the interference on freedom of expression on account of prosecutions/convictions are prescribed under various provisions of the Criminal Code and Anti-Terrorism Act which lack foreseeability and precision. For example, while prosecutions brought under Article 215 of the Criminal Code decreased, a substantial increase has taken place in prosecutions based on terror propaganda and membership charges since 15 July, 2016. Therefore, various terrorism provisions are continuously used to create a hostile environment for journalists.

Constitutional Court: An Effective Remedy in Journalists' Cases?

30. As in other action plans, in Öner and Türk, Akçam and Şener Action Plans, the Government presents individual application to the Constitutional Court as an effective remedy to implement the Strasbourg standards. The Committee itself also cautiously welcomed the Constitutional Court's judgments in Şahin Alpay and Mehmet Hasan Altan cases.¹⁷
31. However, a closer examination shows that the Constitutional Court's jurisprudence concerning journalists is not consistent and in most cases in contradiction with the Strasbourg case law. For instance, although Mehmet Hasan Altan and his brother Ahmet Altan jointly applied to the Constitutional Court in relation to the same dossier that they were detained, the Constitutional Court separated their applications without any explanation and delivered its decision in relation to Ahmet Altan's application almost one and a half years later. The same can be said for the Nazlı Ilıcak application to the Constitutional Court. Although the facts were almost identical in all three cases, the Court only found violation in Mehmet Altan's application, while finding no violation in Ahmet Altan and Ilıcak applications. It is also worth noting that during the one and a half years period the European Court also did not issue judgments in relation to Ahmet Altan and Nazlı Ilıcak. In fact while the European Court is yet to issue any applications involving journalists since the Mehmet Altan and Şahin Alpay decisions, the Court did not also explain in its Mehmet Altan decision why his application was separated from his brother, Ahmet Altan's application which was lodged jointly.
32. According to a list prepared by İFÖD (see **Annex V**), the Constitutional Court has delivered decisions in 34 applications brought by journalists who were deprived of liberty due to terror charges. Out of 34 decisions it found violations only in 9 cases. It found 12 applications inadmissible and found no violations in 13 others.
33. It is therefore submitted that the effectiveness of the Constitutional Court in journalists' cases can only be evaluated after a comprehensive analysis of its case law and whether the lower courts follow its decisions or not.

Conclusions and Recommendations

34. There has been **no progress achieved** with regard to the provision of an adequate legislative framework that enables the protection of Article 10 and full and effective implementation of Öner and Türk; Şener and Akçam group of cases.
35. As noted above, since the last meeting in which the current groups of cases were reviewed by the Committee of Ministers, no noticeable amendment has been made in relevant provisions. Previous amendments introduced **have not produced the results suggested by the Government** either.

¹⁷ 1324th meeting (18-20 September 2018) – Notes



- İFÖD considers that structural problems observed by the Court and the Committee of Ministers remain and has not been properly addressed by the Turkish authorities.
36. Recent amendments made in the Turkish Criminal Code and Anti-Terror Law **do not meet the Committee of Ministers' requirement** of fully aligning with the Court's case law in terms of foreseeability and necessity in a democratic society standard.
 37. The Government **should be asked to provide detailed data** about the implementation of relevant provisions of the Criminal Code and Anti-Terror Law. As the government arbitrarily changes the methodology of collecting statistics in each and every action plan, it becomes impossible to detect the real effect of measures. It should also be noted that **the Ministry of Justice stopped publishing detailed statistics involving speech related crimes** in this submission through its Judicial Statistics since 2017. It is considered, therefore, that the Committee of Ministers **should request regular updates and detailed data** on the judicial practice of freedom of expression-based investigations, prosecutions and convictions.
 38. The **government should also be asked to provide examples** where persons have been convicted under the relevant provisions. The government provides some examples of best practice whilst in thousands of other examples peaceful expression of ideas are sanctioned. Without a comparative analysis, examples of best practice could be misleading.
 39. The same observation can be made about the jurisprudence of the Constitutional Court. As noted, the Constitutional Court, in majority of the cases concerning journalists, has not found violation. **A comprehensive analysis of these cases is necessary** to decide whether the Constitutional Court can provide remedy in those cases.
 40. The Öner and Türk; Şener and Akçam group of cases **should remain under enhanced procedure** and given the close connection between freedom of expression and media as foundational pillars of a democratic society, the Committee of Ministers should review the Öner and Türk; Şener and Akçam group of cases in frequent and regular intervals concerning the legislative general measures.
 41. The Committee of Ministers should also carefully examine the introduction of retrogressive measures under Judicial Reform.

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İfade Özgürlüğü Derneği (İFÖD) has been set up formally in August 2017 protect and foster the right to freedom of opinion and expression. The Association envisions a society in which everyone enjoys freedom of opinion and expression and the right to access and disseminate information and knowledge.

Annex II

Statistics*

TCC 301						
Year	Public Prosecution	Conviction	Acquittal	Suspension of the pronouncement of the judgment	Others	Total
2014	207	16	45	22	55	138
2015	317	28	26	32	47	133
2016	561	91	59	73	70	293
2017	834	166	79	139	179	563
2018	915	216	138	256	214	824

TCC 301

Year	Investigation	Non-prosecution
2010	1110	575
2011	714	382
2012	1459	894
2013	1256	578
2014	1983	924
2015	2210	1085
2016	7106	2562
2017	6126	2198
2018	9555	3764
Total	31519	12962

TCC 314						
Year	Public Prosecution	Conviction	Acquittal	Suspension of the pronouncement of the judgment	Others	Total
2014	5362	1641	1118	123	17110	19992
2015	13409	3336	2437	162	4945	10880
2016	34595	4049	3036	338	6798	14221
2017	133505	36927	6096	692	24471	68186
2018	85888	108412	23970	4455	43165	180002

TCC 314

Year	Investigation	Non- prosecution
2010	16532	2298
2011	17869	2065
2012	28513	6140
2013	21128	5953
2014	55058	7081
2015	36425	7443
2016	155014	15531
2017	457423	65308
2018	444342	145419
Total	1232304	257238

*These statistics were obtained from Judicial Statistics of the Ministry of Justice

Annex IV

Name/Surname	Media Association	Alleged Crime	Pre Trial Detention	Conviction	Sentence
Cebraıl Parılı	Anadolu Ajansı	Membership to PKK/KCK Terror Organisation	Detained		
Perihan Kara	ANF		Not Detained		
Ali Aşık	Azadiya Welat	Committing Crimes on behalf of a Terrorist Organisation	Detained		
Ali Konar	Azadiya Welat	Membership to PKK/KCK Terror Organisation	Detained	Convicted	7 Years and 15 Days
Arap Turan	Azadiya Welat	Membership to PKK/KCK Terror Organisation	Detained		
Ferhat Çiftçi	Azadiya Welat	Membership to PKK/KCK Terror Organisation	Detained	Convicted	
Hamit Dilbahar	Azadiya Welat	Membership to PKK/KCK Terror Organisation	Detained	Convicted	
Hayati Yıldız	Azadiya Welat	Membership to PKK/KCK Terror Organisation	Detained		
İlker İlkan	Azadiya Welat	Membership to PKK/KCK Terror Organisation	Detained		
İsmail Çoban	Azadiya Welat	Terror Propaganda	Detained	Convicted	5 Years
Nuri Yeşil	Azadiya Welat		Detained	Convicted	1 Year and 7 months
Seyithan Akyüz	Azadiya Welat	Managing an armed terrorist organisation - PKK/KCK		Convicted	12 Years
			Detained		
Şirin Çoban	Azadiya Welat	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Zeynel Abidin Bulut	Azadiya Welat		Detained		
Ferit Toprak	Azadiya Welat-Özgür Gündem	Membership to PKK/KCK Terror Organisation	Detained		
Nizamettin Yılmaz	Azadiya Welat-Özgür Gündem	Membership to PKK/KCK Terror Organisation	Detained		
Serkan Aydemir	Bitlis Aktüel Gazetesi	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Ahmet Şık	Cumhuriyet	Terror Propaganda and Aiding and Assisting a Terror Organisation	Detained		
Can Dündar	Cumhuriyet	Various Alleged Crimes	Search and Detention Order		
Haydar Ergül	Demokratik Modernite	Membership to PKK/KCK Terror Organisation	Detained		
Arafat Dayan	Demokratik Ulus	Terror Propaganda	Detained		
Ergin Doğru	Dersim	Membership to PKK/KCK Terror Organisation	Detained	Convicted	10 Years
Deniz Yücel	Die Welt	Terror Propaganda	Detained		
Ömer Çelik	DİHA	Terror Propaganda	Detained		
Nedim Türfent	DİHA	Membership to PKK/KCK Terror Organisation	Detained	Convicted	8 years and 9 Months
Abdulkadir Turay	DİHA	Membership to PKK/KCK Terror Organisation	Detained	Convicted	9 Years
Abdullah Kaya	DİHA	Aiding and Assisting a Terror Organisation	Detained		
Erdem Mühirci	DİHA	Membership to PKK/KCK Terror Organisation	Detained		
İdris Sayılğan	DİHA	Membership to PKK/KCK Terror Organisation	Detained	Convicted	7 Years and 15 Months
İdris Yılmaz	DİHA	Terror Propaganda	Detained		
Kamuran Sunbat	DİHA	Membership to PKK/KCK Terror Organisation	Detained	Convicted	12 Years
Mazlum Dolan	DİHA	Membership to PKK/KCK Terror Organisation	Detained		
Mehmet Güleş	DİHA	Membership to PKK/KCK Terror Organisation and Terror Propaganda		Convicted	9 Years and 4 Months
			Detained		
Şahabettin Demir	DİHA	Terror Propaganda	Detained		4 Years
Serhat Yaruk	DİHA		Detained		
Şerife Oruç	DİHA	Membership to PKK/KCK Terror Organisation	Detained		
Uğur Akgül	DİHA	Terror Propaganda	Detained	Convicted	2 Years and 6 Months
Ziya Ataman	DİHA	Membership to PKK/KCK Terror Organisation	Detained	Convicted	14 Years and 3 Months
Berivan Altan	DİHA	Terror Propaganda	Not Detained		
Gökhan Öner	DİHA	Membership to PKK/KCK Terror Organisation and Terror Propaganda			10 Months
			Detained		
Meltem Oktay	DİHA	Terror Propaganda	Detained	Convicted	2 Years and 4 Months
Sıddık Damar	DİHA	Terror Propaganda	Detained		2 Years and 6 Months
Arif Aslan	DİHA	Membership to PKK/KCK Terror Organisation	Detained		
Selman Keleş	DİHA	Membership to PKK/KCK Terror Organisation	Detained		
Erdoğan Alayumat	DİHA	Membership to PKK/KCK Terror Organisation	Detained	Not Guilty	

Sezgin Kartal	Sosyalist Dayanışma Dergisi	Terror Propaganda	Detained		1 Year and 6 Months
Adil Demirci	ETHA	Terror Propaganda and Membership to MLKP-ESP Terror Organisation	Detained		
Ali Sönmez Kayar	ETHA	Membership to MLKP-ESP Terror Organisation	Detained		
Havva Cuştan	ETHA	Membership to MLKP-ESP Terror Organisation	Detained		
İsminaz Temel	ETHA	Membership to MLKP-ESP Terror Organisation	Detained		
Meşale Tolu	ETHA	Terror Propaganda and Membership to MLKP-ESP Terror Organisation	Detained		
Pınar Gayıp	ETHA	Terror Propaganda and Membership to MLKP-ESP Terror Organisation	Detained	Convicted	
Semiha Şahin	ETHA	Terror Propaganda and Membership to MLKP-ESP Terror Organisation	Detained	Convicted	
Ulaş Sezgin	ETHA	Terror Propaganda and Membership to MLKP-ESP Terror Organisation	Detained		
Mehmet Anıl	ETHA	Membership to MLKP-ESP Terror Organisation	Detained		
Yusuf Karataş	Evrensel	Founding or managing an armed terrorist organisation	Detained		
Kemal Özer	Evrensel	Membership to a Terror Organisation	Detained		
Erdal Süsem	Eylül Dergisi	Membership to TKP/ML Terror Organisation	Detained	Convicted	Life Imprisonment
Loup Bureau	Freelance	Membership to YPG Terror Organisation	Detained	Not Guilty	
Çağdaş Erdoğan	Freelance	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Mehmet Dursun	Freelance	Membership to PKK/KCK Terror Organisation	Detained		
Ahmet Altan	Haberdar	Crimes Against the Government	Detained	Convicted	Aggravated Life Imprisonment
İshak Karakaş	Halkın Nabızı Gazetesi	Terror Propaganda	Detained		
Ceren Taşkın	Hatay Ses	Terror Propaganda	Detained		
Gurbet Çakar	Hevi Kadın	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Not Detained	Convicted	
Aysel Işık	Jinha	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Zehra Doğan	Jinha	Terror Propaganda	Not Detained	Convicted	2 Years and 9 Months
Mehmet Çakmakçı	Medyascope	Membership to PKK/KCK Terror Organisation	Detained		
Fatma Ölmez	Mersin Radyo Ses	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Berzan Güneş	Mezopotamya	Terror Propaganda	Detained		
Seda Taşkın	Mezopotamya	Terror Propaganda and Aiding and Assisting a Terror Organisation	Detained		7 Years and 6 Months
Erol Zavar	Odak	Anayasal Düzeni Yıkma Teşebbüs	Detained	Convicted	Life Imprisonment
Mizgin Çay	Radyo Karacadağ	Membership to PKK/KCK Terror Organisation	Detained		
Sadık Demir	Radyo Karacadağ	Membership to PKK/KCK Terror Organisation	Detained		
Salih Erbekler	Radyo Karacadağ	Membership to PKK/KCK Terror Organisation	Detained		
Salih Turan	Sputnik	Terror Propaganda	Detained	Convicted	1 Year and 2 Months
Kemal Demir	TV 10	Membership to PKK/KCK Terror Organisation	Detained		
Veli Büyüksahin	TV 10	Membership to PKK/KCK Terror Organisation	Detained		
Veli Haydar Güleç	TV 10	Membership to PKK/KCK Terror Organisation	Detained		
İbrahim Uygur	Urfada Bugün	Terror Propaganda	Detained		
Hülya Emeç	DİHA	Denigrating and Publicly Defaming the Turkish Nation	Not Detained	Convicted	6 Months
Ayhan Demir	Van-Çaldıran	Membership to PKK/KCK Terror Organisation	Detained		
Aslı Ceren Aslan	Özgür Gelecek	Membership to PKK/KCK Terror Organisation	Detained	Convicted	6 Years and 10 Months
Togay Okay	Özgür Gelecek	Membership to PKK/KCK Terror Organisation	Detained		
Ayşe Düzkan	Özgür Gündem	Terror Propaganda	Detained	Convicted	18 Months

İnan Kızılkaya	Özgür Gündem	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Kemal Sancılı	Özgür Gündem	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Murat Çelikkán	Özgür Gündem	Terror Propaganda	Not Detained	Convicted	18 Months
Reyhan Çapan	Özgür Gündem	Terror Propaganda	Not Detained	Convicted	18 Months
Hüseyin Aykol	Özgür Gündem	Terror Propaganda	Detained	Convicted	3 Years and 9 Months
Hülya Karakaya	Özgür Halk	Membership to PKK/KCK Terror Organisation	Detained		
Rabia Özkaya	Özgür Halk	Terror Propaganda	Detained		
Fahrettin Kılıç	Özgür Toplum	Membership to PKK/KCK Terror Organisation	Detained		
Hicran Urun	Özgürlükçü Demokrasi	Aiding and Assisting a Terror Organisation	Detained	Convicted	3 Years and 1 Month
İshak Yasul	Özgürlükçü Demokrasi	Aiding and Assisting a Terror Organisation	Detained	Convicted	3 Years and 1 Month
Reyhan Hacıoğlu	Özgürlükçü Demokrasi	Aiding and Assisting a Terror Organisation	Detained	Convicted	3 Years and 1 Month
Mehmet Ali Çelebi	Özgürlükçü Demokrasi	Aiding and Assisting a Terror Organisation	Detained	Convicted	3 Years and 9 Months
Semiha Mete	Özgürlükçü Demokrasi	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Serkan Erdoğan	Özgürlükçü Demokrasi	Membership to PKK/KCK Terror Organisation and Terror Propaganda	Detained		
Sedat Sur	Özgürüz	Terror Propaganda	Detained	Convicted	11 Months and 20 Days

Detained Journalist's Name	Article	Individual Application Number to the Constitutional Court	Date	Court's Ruling
Ahmet Hüsrev Altan	TCC 220, 309, 311, 314 and ATA 1, 2, 3	2016/23668	3.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Ahmet Kadri Gürsel	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50978	2.05.2019	Violation of the Article 19, 26, 28 of the Constitution
Ahmet Şık	TCC 220, 311, 312, 314 and ATA 1, 2	2017/5375	2.05.2019	Inadmissability (Article 19, 26, 28 of the Constitution)
Akın Atalay	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50970	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Ali Bulaç	TCC 220, 311, 312, 314 and ATA 1, 2	2017/6592	3.05.2019	Violation of the Article 19, 26, 28 of the Constitution
Atilla Taş	TCC 220	2016/30220	29.05.2019	Violation of the Article 19 and non-violation Article 26, 18 of the Constitution
Ayşe Nazlı Ilıcak	TCC 220, 311, 312, 314 and ATA 1, 2	2016/24616	3.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Ayşenur Parıldak	TCC 314 and ATA 3, 5	2017/15375	28.11.2018	Inadmissability (Article 19, 26, 28 of the Constitution)
Bayram Kaya	TCC 314 and ATA 5	2017/26981	28.11.2017	Inadmissability (Article 19, 26, 28 of the Constitution)
Bülent Utku	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50971	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Can Dündar	TCC 220, 314, 328, 330	2015/18567	4.12.2016	Violation of the Article 19, 26, 28 of the Constitution
Deniz Yücel	TCC 216 and ATA 7	2017/16589	28.05.2019	Violation of the Article 19, 26, 28 of the Constitution
Erdem Gül	TCC 220, 314, 328, 330	2015/18567	4.12.2016	Violation of the Article 19, 26, 28 of the Constitution
Gültekin Avcı	TCC 220, 314 and ATA 7	2015/17921	10.01.2019	Non-violation of the Article 19 and inadmissability of the Article 26, 28 of the Constitution
Güray Tekin Öz	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50971	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Hacı Musa Kart	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50971	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Hakan Karasinir	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50971	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Hidayet Karaca	TCC 314 and ATA 7	2015/144	14.07.2015	Inadmissability (Article 19, 26, 28 of the Constitution)
Hidayet Karaca	TCC 312	2015/7254	12.12.2018	Inadmissability (Article 19 of the Constitution)
Hidayet Karaca	TCC 309, 312, 314	2016/6966	10.01.2016	Inadmissability (Article 19 of the Constitution)
Kenan Baş	TCC 314 ATA 3, 5	2017/17411	29.11.2018	Inadmissability (Article 19, 26, 28 of the Constitution)
Mahir Kanaat	TCC 314 and ATA 3, 5	2017/12653	30.10.2018	Inadmissability (Article 19, 26, 28 of the Constitution)
Mehmet Baransu	TCC 220, 326, 327, 329	2015/7231	17.05.2016	Non-violation of the Article 19, 26, 28 of the Constitution
Mehmet Baransu	TCC 314, 326, 327, 329 and ATA 3, 5	2016/11380	26.12.2018	Inadmissability (Article 19, 26, 28 of the Constitution)
Mehmet Murat Sabuncu	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50969	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Mümtazer Türköne	TCC 314	2017/17839	27.11.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Murat Aksoy	TCC 220, 311, 312, 314 and ATA 1, 2	2016/30112	2.05.2019	Violation of the Article 19, 26, 28 of the Constitution
Mustafa Kemal Güngör	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50971	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Mustafa Ünal	TCC 314 and ATA 3, 5	2017/21149	28.11.2018	Inadmissability (Article 19, 26, 28 of the Constitution)
Önder Çelik	TCC 220, 311, 312, 314 and ATA 1, 2	2016/50971	2.05.2019	Non-violation of the Article 19, 26, 28 of the Constitution
Şahin Alpay	TCC 220, 309, 311, 312, 314 and ATA 1, 2, 3, 4	2016/16092	11.11.2018	Violation of the Article 19, 26, 28 of the Constitution
Şahin Alpay	TCC 220, 309, 311, 312, 314 and ATA 1, 2, 3, 4	2018/3007	15.03.2018	Violation of the Article 19 of the Constitution
Vahit Yazgan	TCC 314/2	2016/65902	15.11.2018	Inadmissability (Article 19 of the Constitution)
Yakup Şimşek	TCC 312 and ATA 1, 2, 3, 5	2017/36064	25.12.2018	Inadmissability (Article 19, 26, 28 of the Constitution)