

Ankara, January 2022

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25 JAN. 2022

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

THE TURKISH AUTHORITIES' SUBMISSION
in response to
THE COMMUNICATION FROM
MEDIA AND LAW STUDIES ASSOCIATION (MLSA) DATED 17/01/2022

and
THE COMMUNICATION FROM
THE FREEDOM OF EXPRESSION ASSOCIATION (İFÖD) DATED 19/01/2022
Öner and Türk Group (51962/12), Altuğ Taner Akçam Group (27520/07), Nedim Şener Group (38270/11), Artun and Güvener Group (75510/01) and Işıkkırık Group (41226/09)

1. The Turkish Authorities would like to make the following explanations in response to the communications of Media and Law Studies Association (MLSA) dated 17 January 2022 and of the freedom of expression association (İFÖD) dated 19 January 2022, submitted to aforementioned group of cases, known as the “freedom of expression group” in general.
2. It should be noted at the outset that the action report of January 2022 was submitted to the Committee in order to demonstrate the progress achieved by Türkiye in cases concerning freedom of expression, notably cases concerning application of certain articles of the Turkish Criminal Law (no. 5237) and of the Anti-Terrorism Law (no. 3713).
3. In the action report submitted, the authorities provided detailed explanation as to interpretation and application of each specific article by the national courts. They explained that several amendments were introduced in view of the European Court’s findings, and that the interpretations of some other articles were improved by the domestic courts in line with the Court’s jurisprudence. They submitted several judgments delivered by the domestic courts to point out that a Convention-compliant implementation has been adopted by the national courts in all provisions in question.
4. The authorities observe that in their communication MLSA and İFÖD raised a number of issues that are either irrelevant to the subject matter of the groups in issue or put into words in a deficient manner.
5. One of the main issues raised is about the alleged failure of the domestic courts to apply the criteria set out by the Court concerning the impugned articles of Turkish Criminal Law and Anti-Terror Law. In the communications it was stated either that there has been no legislative progress achieved with regard to the some of the provisions of the said laws or that the failure of the domestic courts to interpret the new versions of the provisions in accordance with the Court’s findings have rendered the amendments insufficient.
6. The authorities state that as indicated in detail in the action report of January 2022, the impugned provisions of Turkish Criminal Law and Anti-Terror Law were either amended

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so as to ensure the compliance of the Court's findings or started to be interpreted by the domestic courts in a convention-compliant manner.

7. MLSA touches on the part of the action report concerning the detention of "journalists". They claim that the Turkish authorities' statement conveyed an impression that only the ones in possession of a press card might be considered as journalist in Türkiye. As can be seen easily from the action report in issue, this is simply not true. The Turkish authorities, while indicating that no statistical information classifying those who are in prison according to their occupation exists, have only stated that press card is one of the indicators to show the occupation of persons who claim to be journalists
8. MLSA also touches on the explanations of the authorities in respect of N.T., a person who is seen in those reports claiming to show the number of detained journalists in Türkiye. What MLSA did in this part of the communication is mainly to assess the evidence upon which the Turkish courts relied while determining that N.T. had been guilty. The authorities note that this part of the MLSA's communication is manifestly speculative and they thus do not give response in order not to provide credibility in speculative comments.
9. The authorities reiterate that no statistical data showing the number of detained "journalists" exists in Türkiye. The reports and statistics published by different institutions are not based on reliable information. Detailed information on this issue was submitted in the action report of 7 January 2022.
10. Lastly, the Turkish authorities would like to reiterate that in the communications in question there are speculations on issues which are not subject to supervision process. In particular, these communications involve ungrounded statistics, exaggerated comments regarding cases that are not included in the supervision process and political comments. The Turkish authorities firmly reject these comments and claims and would not like to comment on these speculations.

Conclusion

11. The Turkish Government kindly invites the Committee to take into consideration its above-mentioned explanations within the scope of the execution of the judgment in the *Öner and Türk Group* (51962/12), *Altuğ Taner Akçam Group* (27520/07), *Nedim Şener Group* (38270/11), *Artun and Güvener Group* (75510/01) and *Işıkkırık Group* (41226/09).