

Table of imprisoned journalists and examples of legislative restrictions on freedom of expression and media freedom in Turkey

Office of the OSCE Representative on Freedom of the Media

UPDATED LIST OF IMPRISONED JOURNALISTS IN TURKEY- JULY 2015								
Commissioned by the Office of the OSCE Representative on Freedom of the Media								
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Explanatory notes on the commonly used abbreviations:								
TCK: Türk Ceza Kanunu (Turkish Criminal Code)								
TMK or TMY: Terörle Mücadele Kanunu (Turkish Anti-Terror Law)								
CMK: Ceza Muhakemesi Kanunu (Criminal Procedures Code)								
Law 2911: Law on Public Assembly								
PKK: Kurdistan Workers' Party, listed as a terrorist organization internationally by a number of states and organizations, including Turkey, the United States and the European Union								
KCK: Union of Kurdistan Communities								
BDP: Kurdish Peace and Democracy Party								
MLKP: Marxist Leninist Communist Party								
DHKPC: Party and Revolutionary Front for the Liberation of the People								
TKEP L: Communist Labour Party of Turkey/Leninist								
İBDA-C: The Great Eastern Islamic Raiders' Front								
Paralel Yapı: "Paralel Structure" within the State, allegedly under the control of Gülen's religious community								
Name	Profession	Status	Length of Sentence	Law and Article	Prison	Court	Case	
1	AKYÜZ Seyithan	Azadiya Welat newspaper (published in Kurdish), Adana (Southern Turkey) representative	Convicted on October 16, 2012 Arrested on December 10, 2009 Detained on December 7, 2009	Convicted in 4 different cases, sentenced to 21 years and 9 months in total	Article 7/2 of TMY, Article 314/2 of TCK	Izmir N.1 F Type High Security Closed Prison	Adana 8th Heavy Penal Court	He was convicted to 6 years and 3 months imprisonment for some calendars found in his Adana office; He received a 2 year prison sentence for some copies of "Ulkeye Bakis" newspaper, seized by authorities and found at his office. He was convicted again to 1 year and 6 months imprisonment for selling newspapers in Izmir during "11 May" demonstrations in 2006. This sentence has been confirmed by the Appeals Court. On December 11, 2011, he was sent to prison for "collaborating with the Union of Kurdistan Communities (KCK)". The Adana 8th High Criminal Court has not allowed Akyüz to make his defense in the Kurdish language since December, 10, 2010. His lawyer could not inspect the file nor the evidence for more than one year because of a court decision for secrecy. He was transferred from Adana Kürkcüler T type prison to Iskenderun M Type Prison. On October, 16, 2012, he received in KCK trial 12 years prison for "being a member of KCK" and "spreading propaganda" in the name of the PKK. His lawyer has appealed the sentence. On December, 5, 2013, the 9. section of High Court has confirmed the sentence given in the scope of KCK Adana case.
2	ALGÜL Miktat	Mersin Mezitli FM (radio) and Ulus Newspaper	Convicted Arrested on May 17, 2010	Convicted and sentenced to 60 years and 5 months	Article 220 of TCK	Ankara N.1 F Type High Security Closed Prison	Adana 5th Heavy Penal Court	He is being accused of establishing an organization with the aim of committing a crime; looting for the organization; violating inviolability of domicile; depriving a person of his liberties by means of threat and violence; and collection of cheques and bonds by means of threat. On September 12, 2011, he informed the public that he was transferred from Osmaniye T Type Prison to Adana Kürkcüler F Type Prison. He was suspected for "threatening municipality and businessmen to ask for money" and "blackmailing through radio broadcasts". He was sentenced to 61 years of prison for collaborating with criminal organization. On January 3, he complained to the prosecutor of Ankara against the members of the Adana 7th High Criminal Court who condemned him and against the prosecutor who prepared his indictment. He accuses them and some policemen from Mersin of being at the service of the religious community of Fethullah Gülen and for "conspiracy" against him. On January 7, Ankara prosecutor opened an investigation and provided later the transfer of Algül to Ankara Sincan Prison. According to an observation report released on December, 6, 2013 by a CHP MPs delegation, he is now in Sincan Prison of Ankara. In this report, Algül is complaining to MPs who visited the prison on December 4, about his conviction. He believes he was convicted of belonging to several organizations at once. Following his request, on May 18 2015, he was allowed to meet an Alevi religious representative in the prison.
3	ATAK Sevcan	Özgür Halk newspaper, editor	Convicted on May 26, 2011 Detained on June 18, 2010	Convicted and sentenced to 7 years and 6 months	Article 220 of TCK Article 5 of TMK	Izmir Women's Closed Prison	Diyarbakır 6th Heavy Penal Court (Closed)	She was arrested on June 18, 2010 in Diyarbakır. On May 26, 2011, the Diyarbakır 6th High Criminal Court sentenced Atak to 5 years imprisonment for "helping PKK organization by making its propaganda" and then further increased the sentence to 7 years and 6 months imprisonment, because she was already convicted in the past under the TMY. The case concerns a 15 years old girl (ZK) who fled her family arguing she was subject to violence there and then attended the Özgür Halk and Fırat Distribution Company offices with the desire to work in the press. This girl was taken by Sevcan Atak to the office of Diyarbakır branch of the Association of Human Rights (İHD), where apparently she fled again. Taken into custody with Atak, she claimed at the police that she was forced to win the mountain and participate to PKK militants. According to the lawyer of Law Commission of Diyarbakır branch of İHD, Rehsan Bataray, acquitted in the same case, the sentence against Atak was confirmed by the Supreme Court June 27, 2012. She was transferred from Adana Karataş Women's prison to Izmir Şakran Prison, on April, 27, 2012. An observation report issued by Human Right Association (İHD) on 22 May 2012, notes that Atak and five other women detainees were victims of sexual abuse and bad treatment during this transfer.
4	BARANSU Mehmet	Taraf daily columnist and reporter	Arrested on March 2, 2015 Detained on March 1, 2015	Under investigation Faces 20 years of prison	Article 326/1 and Article 327/1 of TCK	Istanbul Silivri F-Type Prison	Istanbul 5th Office of Magistrates	After being taken several times into custody for insulting the former Head of State and other government representatives, the journalist and columnist of Taraf Daily was arrested on March, 1, 2015, after he wrote an article on January, 20, 2010, on the alleged Balyoz (Sledgehammer) coup plot. He was accusing some top military officers of trying to systematically foment chaos in society through violent acts, among which were planned bomb attacks on the Fatih and Beyazıt mosques in Istanbul. Baransu later submitted the original documents he acquired from an anonymous source to then-Istanbul Chief Public Prosecutor, which became the chief evidence in the Balyoz trials. Balyoz defendants were sentenced to lengthy jail sentences of up to 20 years in 2012 on charges of attempting to overthrowing the government. Baransu is now suspected of "stealing, falsifying or using secrets documents belonging to the state" (article 326/1 of TCK) and "obtaining secrets documents concerning state security" (article 327/1 of TCK). On March, 9, 2015, his lawyers appealed against the Istanbul 5th Peace Court Authorities arrest decision. On March, 16, 2015, the Istanbul 6th, Peace Court Authorities declared "there is no new evidence for ending the detention term" and rejected the demand made by attorney Ahmet Emre Bayrak. On May 9 2015, Baransu was transferred to Silivri highest security prison, and placed in solitary confinement. Baransu is waiting for his indictment.
5	ÇAĞIR Ethem	Özgür Gündem daily columnist	Convicted on October 18, 2012 Arrested on February 21, 2015 Detained on February 20, 2015	Convicted and sentenced to 3 years, 1 month and 15 days	Article 220/6 of TCK	Diyarbakır D Type Closed Prison	Diyarbakır 7th Heavy Penal Court (Closed)	Kurdish journalist and writer known as Özgür Amed, Ethem Çağır, was arrested in Diyarbakır on February, 21, 2015, and sent to Diyarbakır D Type prison after his conviction on October, 18, 2012 by Diyarbakır 7th High Criminal Court. This court has sentenced Amed for attending on 31 December 2011 a demonstration in the city against Roboski massacre, and for "committing an illegal organization crime while not being an illegal organization member". The columnist for Özgür Gündem and Yeni Özgür Politika dailies was sentenced on the basis of article 220/6 of Turkish Criminal Code, despite three police officers who were on duty on the day of the incident said in their testimony to the court that "he was among those dispersing after the demo but was not witnessed assaulting the security forces". His lawyer Keziban Yılmaz brought the case to the Constitutional Court. Many organizations, including Özgür Gazeteciler Cemiyeti and Mazlum-Der Diyarbakır Branch have called for the immediate release of the journalist.
6	ÇAKAR Gurbet	Hevi Jine women magazine, editor in chief	Convicted on January 17, 2013 Arrested on May 20, 2012 Detained on May 18, 2012 Convicted in a different trial on December 30, 2010	Convicted and sentenced to a total of 10 years and 6 months	Article 314 of TCK Article 5 of TMK Article 7 of TMK	Ankara Women's Closed Prison	Van 5th Heavy Penal Court (2013) Diyarbakır 6th High Criminal Court (2010)	On December, 30, 2010, she was sentenced by Diyarbakır 6th High Criminal Court to 3 years of prison as editor-in-chief of women's magazine in Heviya Jine. She was released after nine months of detention. She was convicted on the basis of article 7 of the Anti-Terror Law, for "spreading propaganda in favor of PKK outlawed organization". On May, 18, 2012, she was jailed again, accused on the basis of a witness identity kept secret of belonging to the DYGM youth organization linked to PKK/KONGRA-GEL. According to this witness, Gurbet Çakar, called "Fatma", is contributing to recruiting new members to the organization. On January 17, 2013, Van 5th High Criminal Court convicted her to 7 years and 6 months of prison. On October, 28, 2013, she has complained to a Human Rights Association (İHD) Prisons Commission against guards brutalities.
7	ÇİFTÇİ Ferhat	Azadiya Welat daily, Gaziantep representative	Convicted Arrested on February 16, 2011	Convicted and sentenced to 19 years and 8 months	Article 314 of TCK, Article 5 of TMK, Article 7 of TMK	Gaziantep H Type Closed Prison	Adana 7th Heavy Penal Court	He was arrested on February 16, 2011. On December, 20, 2011, the Adana 6th High Criminal Court sentenced him to 21 years and 8 months prison for "being a member of outlawed Kurdistan Worker's Party (PKK) organization" and "making propaganda" in favor of this organization.

8	DEMİR Sahabettin	DIHA, Van reporter	Convicted Detained on September 5, 2010	Convicted and sentenced to 4 years for propaganda Sentenced to 11 years in another case	Article 7 of TMK Article 5 of TMK	Van Erciş Prison	Van 3rd High Criminal Court	The Court has sentenced him to 4 years prison for "spreading propaganda in favor of PKK organization". The High Appeal Court had confirmed the sentence. He was imprisoned in Bitlis E Type Prison after a violent altercation between him, his two brothers and his cousin. He was transferred on July, 9, 2012 to Giresun E Type Prison. The Heavy Penal Court sentenced Demir to 11 years prison for "attempting murder, assault with a weapon, and trespassing". Yolyapan believes Demir is convicted because of an article that the journalist wrote on the raping of a minor, allegedly perpetrated by four police officers. As the last resort, his lawyer appealed to the Constitutional Court. On November 2012, Demir has launched hunger strike for 28 days with many journalists detained in KCK cases for protesting detention conditions of PKK leader Abdullah Öcalan, and also in recognition of the right of using mother tongue in the courts and education. He stopped it following the government's promises to carry out reforms in favor of the use of the Kurdish language for the defense. Demir was transferred from Giresun F Type Prison to Van Erciş Open Prison.
9	DOĞAN Cengiz	Azadiya Welat daily, employee, Mavi ve Kent (Blue and City) local magazine (closed), former editor-in-chief	Convicted Detained on April 20, 2009	Convicted and sentenced to 17 years and 1 month	Article 314 of TCK Article 7/2 of TMK Article 5 of TMK	Izmir N.1 F Type High Security Closed Prison	Diyarbakır 6th Heavy Penal Court (KCK Şımak) Nusaybin Criminal Court (demonstrating)	He was editor in chief of the local "Mavi ve Kent" (Blue and City) magazine which does not exist anymore. He was sentenced to 1 year, 6 months and 22 days of prison for "propaganda" as responsible of the magazine. He was condemned again to 2 years and 10 days of prison for resisting the military when he was transferred in prison. He was arrested on April, 20, 2009, in his friend's home in Nusaybin, in a scope of an investigation on KCK launched in Şımak region (South-East of Turkey). He is also facing 15 years prison in this file. Nusaybin Prosecutor opened an investigation against him for organizing a picture exhibition held in Mitanni Cultural Center (Nusaybin) in memory of some PKK militants killed during operations. He was also suspected of participating in another demonstration held by MEYA-DER on February 3, 2011. On September 26, 2011, he gave a petition to the prosecutor asking how he could be at this exhibition and in prison at the same time. But a court case was opened against him and 27 others defendants for these allegations. The trial started on October 17, 2012, before Nusaybin Criminal Court. He was transferred from Mardin E type prison to Kırklıklar N.1 F Type Prison.
10	DUMAN Hamit (Dilbahar)	Azadiya Welat daily, columnist	Convicted Arrested on February 13, 2010	Convicted and sentenced to 13 years and 6 months	Article 314/2 of TCK Article 5 of TMK	Erzurum H Type High Security Closed Prison	Erzurum 2nd Heavy Penal Court	He was arrested on February 13, 2010 in the cope of "Ağrı KCK" investigation launched in Patnos, Doğubayazıt ve Diyaradin region (Eastern Turkey), in Van and Muş cities. He is also a Peace and Democracy Party (BDP) Headquarter collaborator. On June 14, 2011, the Erzurum 2th High Criminal Court has sentenced him to 16 years of prison for "being a member of Kurdistan Communities Union (KCK)", linked to Kurdistan Worker's Party (PKK). 11 defendants of the case couldn't make their defense in Kurdish. The president of the Court recorded this demand stating that defendants spoke in an unknown language. Lawyers said that the trial was political and requested the release of their clients. The Court rejected this demand. His lawyer has appealed the sentence.
11	DUMAN Hatice	Atılım newspaper owner and editor-in-chief Former owner and editor-in-chief	Convicted Arrested on April 17, 2003 Detained on April 13, 2003 Convicted in another case on May 4, 2011	Convicted and sentenced to life in prison	Article 146 of former TCK (article 309 of actual TCK) Article 5 and 7/2 of TMK	Istanbul Bakırköy Women's Closed Prison	Istanbul 12nd Heavy Penal Court (Closed)	She faced several court cases in the past based on Article 7 of the Anti-Terror Law ("propaganda") because of articles she published in newspapers. She is on trial since seven years for being a "member of an outlawed/armed organization", the Marxist Leninist Communist Party (MLKP). On May 4, 2011, the Istanbul 9th High Criminal Court convicted her to a life sentence for being one of the heads of the MLKP and "attempting to destroy constitutional order by force". She was found guilty of dropping explosive on July 31, 2001, in Kızıltoprak district of Kadıköy (Istanbul), of having a fake ID in the name of Perihan Özdemir, of armed robbery into a bank (Akbank) branch in Eyüp (Istanbul), robbery against two people for taking their arms. Her lawyers appealed the verdict. On February, 22, 2013, Parliament Prisons Review Commission members visited Gebze Prison. Duman claimed there was no evidence into the indictment.
12	ERHAN Ufuk	Gelecek newspaper	Detained May 26, 2015	Awaiting details.	Awaiting details.	Awaiting details.	Awaiting details.	Awaiting details.
13	GÖK Mustafa	Ekmek and Adalet newspaper, Ankara representative	Convicted Arrested in February 2004	Convicted and sentenced to life in prison	Article 146 of former TCK (abolished on 1st June 2005, but still used in this lawsuit) Article 314 of TCK	Ankara N.1 F-Type High Security Closed Prison	Istanbul 2. State Security Court (Closed)	In 1993, he was arrested and sentenced in first instance to a life sentence for "attempting to change the constitutional order by force". However, he was released in 2001 due to serious health problems. He was sent to jail three years later, when he was found healthy enough to serve the rest of the sentence. Another case has been opened against him, concerning activities he was involved in between 2001 and 2004. He is accused of "belonging to an outlawed organization, the Revolutionary People Liberation Party (DHKPC) and being its Ankara representative.
14	KARACA Hidayet	Samanyolu Editing Group, president	Arrested on December 19, 2014 Detained on December 14, 2014	Under investigation	Article 220/1 of TCK	Istanbul Silivri N.6 L Type Closed Prison	Istanbul 1st Office of Magistrates	Suspected of attempted coup against the government, Samanyolu TV Broadcasting Group Chairman Hidayet Karaca was arrested on December 19, 2014. He refused to testify in Court but was charged with "being a member of an armed terrorist organization" linked to the so-called "Paralel Structure" (Paralel Yapı) allegedly controlled by the Fethullah Gülen movement. He is also suspected of "depriving individuals of their freedom by force or threat" and "making false accusations". Karaca appealed the arrest for various reasons including ill-treatment. His lawyer Fikret Duran has criticized the prosecutor in charge of interrogation for taking account some record of phone conversation allegedly made between his client and Fethullah Gülen in September 2010, on September 28 2013 and October 10, 2013. According to accusation, Karaca is responsible for broadcasting in April 2009 the television series "Tek Türkiye" (One Turkey) with the recommendation of Fethullah Gülen. Duran declared this "open source" element can't have legal value and his client can't be considered as a founder of outlawed organization just for a TV series scenario. On February 10, he asked for the revocation of the judge Bekir Altun for lack of independence and asked for the release of Karaca. The judge rejected these demands on February 12, 2015. The lawyer complained to the High Board of Judges and Prosecutors (HSYK) against Altun and other judges who denied the release of Karaca. Karaca is now in Silivri Prison awaiting indictment.
15	KARAVİL Kenan	Radyo Dünya (Adana) editorial director	Convicted Arrested on December 10, 2009 Detained on December 7, 2009	Convicted and sentenced to 19 years and 9 months	Article 314/2 of TCK Article 5 of TMY Article 7 of TMK	Kırkkale F Type High Security Closed Prison	Adana 8th High Criminal Court Adana 4th Heavy Penal Court	He was the Adana representative of Azadiya Welat from 1997 to 1998. He spent six years in prison from 1999 to 2005 for political activities. From 2007, he started to work for the Adana Radyo Dünya. He was arrested on December 10, 2009, by the Police Directorate Anti-Terror Branch in Adana, in South-Eastern Anatolia on the grounds of alleged connections to the KCK. He stands accused of keeping connections with the Kürdistan İşçi Partisi (PKK) (Kurdistan Workers' Party). The case started on October 22, 2010. The Court did not allow Karavil to make his defense in the Kurdish language, since December, 10, 2010. His lawyer could not inspect the file or the evidence for more than one year because of a court decision for secrecy. When he was in prison, the Adana 6th High Criminal Court condemned him on February 4, 2010, to an additional 10 months imprisonment for "spreading propaganda". On October 16, 2012, Adana 8th High Criminal Court sentenced him to 13 years and 6 months prison for belonging to the Adana structure of KCK and spreading propaganda in favor of this organization. He was transferred from Adana Kırkkale F type prison to Kırkkale F type prison. On December 5, 2013, the 9. section of High Court has confirmed the sentence given in the scope of KCK Adana case.
16	KONAR Ali	Kurdish Azadiya Welat newspaper, Elaziğ representative (Eastern Turkey)	Convicted Arrested on May 27, 2010 Detained on May 24, 2010	Convicted and sentenced to 7 years and 6 months	Article 220 of TCK Article 314.2 of TCK Article 5 of TMY	Malatya E-type Closed Prison	Elaziğ 2. Heavy Penal Court	Detained in an operation launched against the Yurtsever Demokratik Gençlik Meclisi (YDGM) (Patriotic Democratic Youth Assembly), linked to the KCK. Konar was not allowed to speak to his lawyer during the first 24 hours of his custody. His detainment was based on charges of "being a member of a terrorist organization". The Malatya 3rd High Criminal Court sentenced Konar on December 17, 2010, to 7 years and 5 months imprisonment. After the High Appeal Court broke the sentence, he was on trial again and received the same sentence.
17	SAĞALTICI Tahsin	Yürüyüş political magazine	Detained on June 3, 2015	Awaiting details.	Awaiting details.	Awaiting details.	Awaiting details.	Awaiting details.
18	SÜSEM Erdal	Eylül Hapishane Kültür Sanat dergisi (culture and art journal for prisoners), editor	Convicted for life in prison plus one Arrested on February 5, 2010 Detained on February 1, 2010 Stands on trial in a different case	Convicted and sentenced to life in prison Faces additional 15 years imprisonment	Article 146 of former TCK Article 314/2 of TCK Article 7 of TMK	Edirne F-type High Security Closed Prison	Istanbul 12th Heavy Penal Closed Court	On February 24, 2011, the Court of Appeals confirmed the life sentence that the Istanbul 12nd High Criminal Court decided for "attempting to change the constitutional order by force" in link with TIKKO (Turkey Liberation Army of workers and peasants). His lawyer made a final appeal to the High Council of Appeals Court (Yargıtay Ceza Genel Kurulu). His lawyer went to the ECHR in August 2013. Süsem faced several court cases against him for "spreading propaganda" concerning articles and other contents published in the art and literature magazine Eylül (September), since April 1, 2007. Erdal Süsem is also on trial for being a "member of the Maoist Komünist Partisi (MKP) (Maoist Communist Party) organization". He is accused of having connections with members of outlawed organizations. According to the lawyer Gülizar Tuncer, the trial has stopped, as the Istanbul Anatolia 1st High Criminal Court has sent on March 12, 2015, the file (Number 2014/377) to the High Appeal Court for "incompetence". 5th Section of the High Appeal Court will decide whether the trial will be held before this local court or Istanbul 2nd High Criminal Court.
19	TUNCA Sami	Yeni Evrede Mücadele Birliği (Union fight in new stage) political review, editor-in-chief	Convicted in the Adana case On trial in the case of Gezi and Newroz demonstration Arrested on September 19, 2013 Detained on September 17, 2013	Convicted and sentenced to 10 years and 5 months Waiting for indictment for the latest accusation	Article 314 of TCK, Law 2911, Article 7/2 and 5 of TMK	Tekirdağ N.1 F type High Security Closed Prison	Adana 7th Heavy Penal Closed Court (convicted) Istanbul 19th, High Criminal Court Istanbul Anatolia 11th, First Instance Court (acquitted)	He was arrested on September 17, at his home in Tekirdağ. In June, he attended several demonstrations held in Sarıgazi district. During his arrest, the police showed him pictures of protesters, their faces covered, throwing stones or possession of iron bars. "I participated in these events with my identity as a journalist and socialist", he wrote in a letter sent to readers, on October 5, 2013. He is accused for belonging to Labour Party of Turkey/Leninist (TKEPL) outlawed organization, "attending illegal demonstrations", "possessing fake ID", "throwing stones and molotov cocktails" and was released pending trial by Istanbul 19th High Criminal Court on July 18, 2014. Next hearing will take place on October 22, 2015. He is now in Tekirdağ N.1 F Type Prison because of a sentence of 11 years and six months given by Adana 7th High Criminal Court for "membership of an outlawed organization", "propaganda of a terrorist organization", "possession of explosive device" and "violation of Law 2911 on demonstration" in a case open in Gaziantep (File N. 2008/144). In the last case, Istanbul Anatolia 11th First Instance Court acquitted Tunca for attending Newroz (New Year of Kurds) celebration and the Gezi demonstrations in 2013. He was taken into custody in Sancaktepe Police Station.
20	YEŞİL Nuri	Kurdish Azadiya Welat newspaper, Tunceli worker (Eastern Turkey)	Convicted twice Arrested on May 27, 2010 Detained on May 24, 2010	Convicted and sentenced to 12 years and 6 months Faces 22 years and 6 months in a different case	Article 314/2 of TCK Article 7/2 of TMY (2 times)	Elbistan E-type Closed Prison	Malatya 3. Heavy Penal Court	Nuri Yeşil was arrested on November 6, 2008 for distributing Azadiya Welat newspapers at Dogubeyazit (province of Ağrı) and for being involved in protests on October 20, 2008, in Dogubeyazit. He stayed 10 months in the Erzurum H-Type Prison and was charged of being a member of a terrorist organization (PKK). After being acquitted, he was released on July 2, 2009. Since August 2009, he became a representative of the Tunceli offices of Azadiya Welat. In a separate case, he was sentenced to 1 year and 7 months in prison for "propaganda". On May 24, 2010, he was arrested again and sent to prison three days later with Ali Konar. On June 23, 2011, he was sentenced by a High Criminal Court for "membership to a terrorist organization" (Patriotic and Democratic Youth Assembly - YDGM) and "spreading propaganda for a terrorist organization" to 12 years and 6 months in prison. Decision of the High Appeals Court is awaited.
21	ZAVAR Erol	Odak review, former owner and editor-in-chief	Convicted on June 27, 2001 for life in prison Arrested on January 17, 2001 Detained on January 15, 2001	Initially received a death sentence which was then converted to life imprisonment	Article 146/1 of former TCK (abolished on June 1st 2005)	Ankara N.1 F-Type High Security Closed Prison F-type Prison	Ankara 11. Heavy Penal Closed Court	Charged for membership in the illegal organization "Devrimci Halk Kurtuluş Partisi-Cephesi (DHKPC)/Üçüncü Yol Direniş" (Revolutionary People Liberation Party and Front/Third Path Resistance) movement, and attempting to "overthrow the existing constitutional order by force". Prior to his conviction, Zavar was diagnosed with bladder cancer. However, he says that his health has improved compared to previous years. He underwent more than 20 surgeries. In June 2011, a legal report stated that he is in better condition and he can have medical consultations once a year. He was arrested in 2001 due to a complaint of a person who said "he collected money by force in the name of the organization".

COMMENTS TO THE TABLE

Part I: Status of imprisoned journalists

- There are currently 21 journalists in prison in Turkey. The April 2012 version of the study showed 95 journalists behind bars.
- As each year since publication of the first survey in 2011, most journalists are in prison based Articles 5 and 7 of the Anti-Terror Law, and Article 314 of the Criminal Code.
- Journalists often face several trials and are often convicted for multiple offences.
- Several journalists are imprisoned in F-type highest security prisons.
- It is not uncommon to punish journalists with solitary confinement for extended time periods. There are examples of journalists placed in solitary confinement in F-type high security prisons during their pre-trial detention.

Note: in some instances it was not possible to obtain complete information on certain journalists. In cases classified as secret, access to trial documents was not permitted. In some cases articles were classified and therefore unavailable once the journalist was charged. As a result, some details could not be stated with full precision.

Part II: Examples of legislative restrictions which may restrict freedom of expression and media freedom

- Legislative restrictions remain the source of both the most common and the most damaging punishment against journalists and social media users.
- Due to vague wordings in the laws, their implementation by the courts can vary significantly.
- The laws that are most often used to restrict free speech are the following: the Criminal Code; the Anti-Terror Law; the Internet Law; Law 5816, Protecting the Memory of Mustafa Kemal Atatürk; the Penal Procedure Code; the Press Code; and the Intelligence Law.

Law No 5237, the Criminal Code

- Several articles of the Criminal Code, listed below, are used to restrict journalism and criminalize journalistic work.
- Many provisions of the Code stipulate that when an offence is committed through the media, it will be considered as an aggravating circumstance punishable by increased penalty.
- In the implementation of these provisions courts often fail to take into account the public-interest defense criteria.
- There is an increased application of certain Criminal Code provisions that were seldomly applied against journalists and social media users earlier.

- Dozens of reporters, columnists and cartoonists have been recently prosecuted under these articles:
 - Article 106, on threats; examples include journalist and television presenter Sedef Kabaş.
 - Article 125, on insult, including Article 125/3 mostly used in relation to insulting politicians and public officials. Besides criminalizing insult, Article 125 allows for higher protection for public officials. Examples include journalists Mine Bekiroğlu (freelance journalist), Bahadır Barukter and Özen Aydoğan (Penguin magazine), Canan Coşkun (Cumhuriyet daily), Can Dündar (Cumhuriyet), Kemal Göktaş (Milliyet), Barış İnce (Birgün daily), cartoonist Musa Kart (Cumhuriyet), Bülent Keneş (Today's Zaman), journalist and writer Erol Özkoray, Aysun Yazıcı (Taraf).
 - Article 216, on insulting the religious sentiments of a part of the population; examples include Hikmet Çetinkaya and Ceyda Karan (Cumhuriyet).
 - Article 267, on defamation; examples include Rifat Doğan (Sol daily).
 - Article 285, on violating the secrecy of an ongoing investigation; examples include Can Dündar (Cumhuriyet), Mehmet Akif Koşar and Vural Nasuhbeyoğlu (Günlük Evrensel), Barış İnce (Birgün daily), Meriç Şenyüz and Mehmet Demirkaya (Yurt daily), Aysun Yazıcı and Murat Şevki Çoban (Taraf).
 - Article 288, attempt to interfere in a fair trial; examples include Aysun Yazıcı (Taraf);
 - Article 299, insult against the President; examples include Bekir Coşkun (Sözcü Daily), Barış İnce (Birgün Daily), Ender İmrek (Günlük Evrensel), Özgür Mumcu (Cumhuriyet), Barış Pehlivan (Odatv.com).
 - Article 301, on denigrating the Turkish nation; examples include Eren Keskin (Özgür Gündem); although the implementation of the article has decreased, its mere presence continues to chill effect on journalistic work.
 - Other articles remain in the Criminal Code and can have a chilling effect on freedom of expression and media freedom, including Article 305 on “getting benefit by operating against national basic interests”.

Law No 3713, the Anti-Terror Law

- The law, mostly Articles 6/1, 6/2 and 7/2, was often used in the past against pro-Kurdish or Kurdish media outlets.
- Recently, its use was significantly widened, and as a result, thousands of citizens, including many journalists and social media users, face long prison sentences under these articles if convicted.
- Journalists accused of terrorism charges include Cumhuriyet editor-in-chief Can Dündar; journalist and television presenter Sedef Kabas; Dutch journalist Frederike Greendink; and several journalists of the daily Özgür Gündem and the weekly Demokratik Ulus.

Law No 5651, the Internet Law

- Since the enactment of the Internet Law in 2007, access to over 80,000 websites has been reportedly denied, by court orders or by administrative blocking orders issued by the communications regulator, the Telecommunications Communication Presidency (TIB). They include hundreds of news based websites.
- There is an increasing number of fines, prison sentences or suspended sentences against journalists or social media users for their online comments.
- Further restrictions were added to the Internet Law in 2014 and 2015, without public consultations with stakeholders. In March 2015, Parliament passed an article of an omnibus bill focusing on various issues ranging from civil servants' appointment procedures to urban planning. The article grants the right to ministers to instruct TIB to remove online content within four hours without a court order, and altogether it could take up to 72 hours for a court decision to approve or reverse this move. In case the content is not removed, TIB has the power to block access to the entire website.

Further examples of laws that curb freedom of expression and media freedom include:

- ***Law No 5187, Press Code.*** Even though Article 12 protects confidentiality of sources, there are examples when law enforcement can ignore this article and can limit journalists' right to keep their sources confidential.
 - Examples include Ahmet Şik; Nedim Şener (Milliyet and Posta); Ahmet Altan (former columnists in several newspapers and founding editor-in-chief of Taraf); and Yasemin Çongar (former assistant editor at Taraf).
- ***Law No 5271, Penal Procedure Code.*** Article 231 can serve as a tool to encourage self-censorship. Journalists sentenced under this article can not appeal.
 - Examples include Can Dündar (Cumhuriyet) and Kemal Göktaş (Milliyet).
- ***Law No 5816, Protecting the Memory of Mustafa Kemal Atatürk.*** Article 2 of the law poses a threat to those who criticize certain policies or practices during Atatürk's time.
- ***Law No 2937, Intelligence Law.*** Article 27/3 envisages a prison sentence between 3 to 9 years for anyone who reveals information about the functions and activities of intelligence agents. Although the law has not been used thus far to imprison journalists, it can restrict media freedom if implemented.
 - Hüseyin Özkaya (Taraf) was prosecuted under this article.