

**Law No: 5187**  
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### **Aim and Scope**

**Article 1** – The aim of the Press Law is to arrange freedom of the press and the implementation of this freedom.

The Press Law covers the printing and publication of printed matter.

### **Definitions**

**Article 2** – The implementation of the Press Law includes the following:

- a) Printed matter: All articles, images and similar material as well as publications of news agencies printed using printing equipment or copied with other equipment with the aim of publication.
- b) The act of publication: The presentation of a published work to the public.
- c) Periodicals: Regularly published printed matter such as newspapers and magazines and the releases of news agencies.
- d) Nationwide periodicals: Periodicals published by a single press organization in at least 70% of the country, that is, in at least one province in each geographical region, and the publications of news agencies.
- e) Regional periodicals: Periodicals printed by a single press organization and published in at least three neighboring provinces or in at least one geographical region,
- f) Local periodicals: Periodicals published in a single settlement, and nationwide or regional periodicals published on a weekly basis or at longer intervals,
- g) The form of the publication: It must be indicated whether these periodicals are nationwide, regional or local.
- h) Non-periodicals: Printed matter such as books, presents which are not published at regular intervals.
- i) Owner of the material: The individual who writes the news or the text which forms the content of the periodical or the non-periodical, the translator or the person who produces the image or the cartoon.
- j) Publisher: The real or corporate body that prepares and publishes printed matter.
- k) Printer: The real or corporate body that prints the matter with printing equipment or copies it with other equipment.
- l) Authorized representative of the corporate body: If the owner of the publication or the publisher is a corporate body, the authorized organ will designate a real person from among the managers, or the public institutions and organizations will designate a real person.

### **Freedom of the Press**

**Article 3** – The press is free. This freedom includes the right to acquire and disseminate information, and to criticize, interpret and create works.

The exercise of this freedom may be restricted in accordance with the requirements of a democratic society to protect the reputation and rights of others as well as public health and public morality, national security, and public order and public safety; to safeguard the

indivisible integrity of its territory; to prevent crime; to withhold information duly classified as state secrets; and to ensure the authority and impartial functioning of the judiciary.

### **Required Information**

**Article 4** – All printed matter must include the following information: the printing location and date, names of the printing facility and publisher if he/she exists, their commercial titles if they exist, and their office addresses. This provision does not apply to notices, timetables, circulars and similar material.

Every form of periodical except the publications of news agencies shall also include the names of the management, its owner, its representative if he/she exists, responsible editor, and its assistant if he/she exists.

### **Responsible Editor**

**Article 5** – Every periodical has a responsible editor. If there is more than one responsible editor, then their responsibilities shall be described separately.

Individuals with the following qualifications are eligible for the position of responsible editor:

- a) At least 18 years of age,
- b) Resides in or is permanently settled in Turkey,
- c) A graduate of at least secondary school or its equivalent,
- d) Not restricted or banned from public services.
- e) Not to be convicted of defamatory offenses,
- f) For non-Turkish citizens, the principle of reciprocity applies.

If the responsible editor is a member of the Turkish Grand National Assembly (TGNA), an assistant editor shall be appointed to assume the position of responsible editor. The same provisions shall also apply for the assistant editor.

### **Owner of the Periodical**

**Article 6** – Real and corporate bodies as well as public institutions and organizations may own periodicals.

If the owner of a periodical is below 18 years of age or restricted, paragraph 2 of Article 5 shall apply for the legal representative, and if the owner is a corporate body, it shall also apply to the authorized representative.

### **Submitting the Declaration**

**Article 7** – In order to publish a newspaper or other periodicals, a declaration shall be recorded and submitted to the Office of the local Chief Prosecutor. Records to this office shall be public.

The declaration submitted bearing the signature of the owner of the publication and the representative of the owner if he/she is below 18 or a corporate body and the responsible editor shall include the following information: the name of the publication and its contents; in which periods it shall be published; the headquarters of the management; and the names and addresses of the owner, the representative if he/she exists, responsible editor, and the assistant editor if he/she exists; and the form of the publication.

If the owner of the publication is a corporate body, documents which demonstrate that the conditions laid down in Articles 5 and 6 exist and one copy of the regulations or principle agreement or the settlement deed shall be added to the declaration.

Upon receipt of the declaration and its additions, the Office of the Chief Prosecutor shall present a notice of delivery to the publication.

### **Examination of the Declaration**

**Article 8** – If the declaration and its annexes fail to include the necessary and accurate information, or the owner or his/her representative or responsible editor or his/her assistant fails to meet the conditions prescribed by Articles 5 and 6, the Office of the Prosecutor shall order that the owner of the publication complete all the necessary information or correct untrue information within two weeks after submission of the declaration. If this order is not fulfilled within two weeks after its notification, the Office of the Prosecutor will petition the Criminal Court of First Instance to order that the publication be stopped. The Criminal Court of First Instance shall then reach a verdict within two weeks at the latest. This verdict can be appealed through request for an emergency stay order.

The same authority shall be notified of changes to be made in the declaration within two weeks through a new declaration along with the necessary documents.

The first paragraph shall also apply to new declarations.

If the responsible editor or his/her assistant resigns, the responsibility shall fall on the owner of the publication or on his/her representative until a new responsible editor is assigned.

### **Revocation of the Rights of the Owner of a Periodical**

**Article 9** – If a periodical is not published within the space of one year or if not published for a period of three years after submission of its declaration, the declaration shall be considered null and void and consequently the rights entailed revoked.

The provisions of the Decree with the Power of Law concerning the Protection of Brand Names No. 556 are reserved. However, publishers who publish periodicals in accordance with Press Law No. 5680 on the date when this law went into effect cannot be prevented from publishing in line with Decree No. 556 on the Power of Law Protecting Brands.

### **Responsibility for Delivery of the Periodical**

**Article 10** – The publisher is required to submit two copies of each publication to the local office of the Chief Prosecutor on the same day the periodical is published or distributed.

This requirement is also valid for identical issues and future issues of the publication which include changes in format and content.

A notice of delivery shall be presented to the publisher once this requirement is fulfilled.

### **Penal Liability**

**Article 11** – Crimes committed by way of printed matter occur upon their publication.

The owner of the publication shall be held responsible for crimes committed through periodicals and non-periodicals.

If the owner of a periodical is not specified or he/she does not hold penal liability during the publication or he/she cannot be tried by Turkish courts due to he/she being abroad during the publication process or if the punishment to be imposed does not influence another punishment previously imposed due to other crimes he/she committed, the responsible editor and the

editor working beneath him/her, editor-in-chief, editor, press advisor shall be held responsible. However, if the publication is published despite the objection of the responsible editor and the editor working beneath him/her, the responsibility shall fall on the person who made the matter published.

If the owner of a non-periodical is not specified or he/she does not hold penal liability during the publication or cannot be tried by the Turkish courts or he/she is abroad during the publication process or if the punishment to be imposed upon him/her does not affect another punishment he/she was given due to other crimes committed, the publisher shall be held responsible. If the publisher is not specified or if he/she does not have penal liability during the printing if he/she cannot be tried in Turkey due to he/she being abroad during the publishing, then the printer shall be held responsible.

The above provisions shall also be applied to all publications which violate the provisions related to periodicals and non-periodicals.

### **News Source**

**Article 12** – The owner of the periodical, responsible editor, and owner of the publication cannot be forced to either disclose their news sources or to legally testify on this issue.

### **Judicial Liability**

**Article 13** – If material or moral damages are incurred due to the publishing of a periodical, the owner of the periodical and his/her representative if he/she exists shall be held responsible. In non-periodicals, the publisher and the owner of the publication or the printer if the publisher is not specified shall be held jointly and severally responsible.

This article is applied to the owners of both periodical and non-periodical publications, owners of brands or licenses, renters, operators or publishers under any title and real or corporate persons who act as publishers. If the corporate body is a company, the chairman of the board of directors in joint stock companies, and for others, the highest-level administrator is responsible jointly and severally with the company.

After the activity which causes damage is carried out, if the publication is handed over in any way, or it joins with another publication or its owner – real or corporate person – is changed, the real and corporate person who takes over the publication, merges and acts as the owner of the publication and in joint stock companies, the chairman of the board of directors, and for others, the high-level administrator is responsible jointly and severally with those stated in the first and second paragraphs.

### **Correction and Reply**

**Article 14** – In cases where the reputation of an individual or his/her honor are slandered or in cases of unfounded allegations, the responsible editor of the periodical shall be obliged to publish a correction and a reply sent by the person slandered within two months after the publication date of the article in question. The correction and reply, which shall neither include any element of crime nor contradict the interests of third parties protected by the law, shall be published without any additions or modifications within three days at the latest from the receipt of the correction and reply in daily periodicals; while in other periodicals, it shall be published in the first issue three days after receipt of the correction and reply. The correction and reply shall be on the same page and column as the original offending article, and shall be in the same font and format, in compliance with the guidelines for writing.

The article in question shall be specified in the correction and in the reply. The correction and reply cannot be longer than the article in question. If the article in question is shorter than 20 lines or is an image or a cartoon, the correction and reply cannot be longer than 30 lines.

If the periodical is published in more than one place, the correction and reply shall be published in all copies which included the offending article.

If the correction and reply is not published within the periods specified in the afore-mentioned paragraph 1, the person seeking the correction and reply may apply to a local criminal judge to deliver a verdict on the publication of the correction and reply in accordance with the provisions prescribed by the law, as soon as the predetermined period for the publishing of the correction and reply has passed. If the correction and reply contradicts the provisions of the same paragraph, the person seeking the correction and reply shall have the same right within 15 days from the date of publication. The criminal judge shall render a verdict on this request within three days without any hearing.

The verdict of the judge may be appealed through immediate objection. The decision made within three days by the authority to whom the objection is submitted shall be considered final.

If the judge rules that a reply and correction must be published, the time periods stated in paragraph 1 begin with the date when the verdict becomes final, provided no appeal is filed against the judge's ruling. If an appeal is filed, the period begins with the announcement of the official verdict.

If an individual who has the right of reply and correction dies, this right can be exercised by one of his/her survivors. In this case one month can be added to two-month period of correction and reply specified in paragraph 1.

### **Failure to Supply Required Information**

**Article 15** – If information stipulated in Article 4 to be supplied in printed matter is not supplied or supplied untruly, the responsible editor, and the editor working beneath him/her, the publisher or the printer, who does not disclose his name or address or else discloses his name and address incorrectly, shall be sentenced to pay a major fine ranging from 500 million to 20 billion TL. This fine cannot total less than 2 billion TL for regional periodicals or 5 billion TL for nationwide periodicals.

### **Resuming a Suspended Publication**

**Article 16** – If a publication ordered suspended by a court verdict in line with Article 8 resumes publication without submitting an appropriate declaration or notifying of changes made, the owner of the publication and responsible editor and the editor working beneath him/her shall be sentenced to pay a major fine ranging from 1 billion to 15 billion TL. This fine cannot total less than 5 billion TL for regional periodicals and 10 billion TL for nationwide periodicals.

### **Failure to Fulfill the Obligation to Deliver the Publication**

**Article 17** – Any printer who does not fulfill the obligation stipulated in Article 10 shall be sentenced to pay a major fine ranging from 300 million to 1 billion TL.

### **Failure to Publish Reply and Correction**

**Article 18** – A responsible editor and the editor working beneath him/her who fails to comply with a judge’s order to carry a reply and correction shall be sentenced to pay a major fine ranging from 10 billion to 150 billion TL. This fine cannot total less than 20 billion TL for regional periodicals and 50 billion TL for nationwide periodicals.

The owner of the publication and the responsible editor and the editor working beneath him/her shall be jointly and severally responsible for fines imposed on the responsible editor or assistant editor.

If the reply and correction are not published or are published without complying with the conditions stipulated in paragraph 1 of Article 14, the judge shall decide on its publication through an announcement made by the Press Notification Institution in the two newspapers, the circulations of which are over 100,000, the expenses for which shall be met by the owner of the offending publication.

### **Compromising the Judicial Process**

**Article 19** – In a period beginning with preparatory inquiry to nol pros, or to open public lawsuit, a person who publishes material about the proceedings of the Republican prosecutor, judge or court or content of documents regarding the inquiry shall be sentenced to pay a major fine ranging from 2 billion to 50 billion TL. This fine cannot total less than 10 billion TL for regional periodicals and 20 billion TL for nationwide periodicals.

Any individual who publishes comments about the judge or court proceedings before the case concludes with a final verdict shall be punished as under paragraph 1 above.

### **Encouraging Sexual Assault, Murder or Suicide**

**Article 20** – Those who publish articles and images which can encourage sexual assault, murder or suicide beyond the limits of furnishing information on such activities shall be sentenced to pay a major fine ranging from 1 billion to 20 billion TL. This fine cannot total less than 2 billion TL for regional periodicals and 10 billion TL for nationwide periodicals.

### **Illicit Disclosure of Identities**

**Article 21** – In periodicals, persons who disclose the identities of the following individuals shall be sentenced to pay a major fine ranging from 1 billion to 20 billion TL (not less than 2 billion TL for regional periodicals and 10 billion TL for nationwide periodicals):

- a) News about sexual acts between individuals prohibited from marrying under Turkish Civil Code No. 4721 dated 22.11.2001.
- b) Victims who appear in the news regarding crimes mentioned in Articles 414, 415, 416, 421, 423, 429, 430, 435 and 436 of Turkish Penal Code No. 765 dated 01.03.1926.
- c) Victims or perpetrators of crimes under the age of 18.

### **Mutilation or Obstruction of Printed Matter**

**Article 22** – Any individual who mutilates a legally printed publication with the aim of preventing its publication, distribution or sale shall be sentenced to serve a prison term of a maximum of one year as well as pay a major fine ranging from 1 billion to 5 billion TL, providing that the act does not constitute a more serious crime.

Any individual who blocks the printing, publication, distribution or sale of periodicals and non-periodicals, though they comply with the conditions of the law, by resorting to force or

threats shall be sentenced to serve a prison term of a maximum of two years and to pay a major fine ranging from 2 billion to 10 billion TL, providing that this act does not constitute a more serious crime.

If the acts enumerated above are committed by more than one individual congregating around a printing house or places of public sales or distribution, then the punishment shall be increased by half.

### **Distribution of Periodicals**

**Article 23** – Individuals who distribute periodicals are obliged to distribute them in return for a certain amount of money which shall not exceed the price of the distribution determined according to the circulation, the number of pages, and the sale price of other publications also distributed by them. Those who act in violation of this regulation shall be sentenced to pay 10 times the total price of the publication which they failed to distribute.

Real or corporate bodies that retail periodicals may make contracts with as many distribution companies and sell as many publications as they desire. No one may oblige these bodies not to sell the rival publications or cause actions requiring the non-sale of these publications or bring about this result.

### **Re-publication**

**Article 24** – Individuals who re-publish news, articles or photographs previously printed in a periodical without disclosing their source shall be sentenced to pay a major fine ranging from 5 billion to 10 billion TL.

Even though the right to re-publish is reserved, those who publish such printed matter without providing due acknowledgement of the owner of the periodical shall be sentenced to pay a major fine ranging from 20 billion to 40 billion TL.

### **Confiscation and Prohibition of Distribution and Sale**

**Article 25** – The state prosecutor may confiscate three copies for examination at most of all printed matter. If inconvenience results from delays in the examination, police may confiscate the printed matter.

So long as an examination or investigation is launched, all printed matter may be confiscated through a judge's order under Law Concerning Crimes Committed Against Atatürk's Principles No. 5816 dated 25.07.1951, the Reform Laws stated in Article 174 of the Constitution, paragraph 2 of Article 146, paragraphs 1 and 4 of Article 153, Article 155, paragraphs 1 and 2 of Article 311, paragraphs 2 and 4 of Article 312, paragraph (a) of Article 312 of Turkish Penal Code No. 765 and paragraphs 2 and 5 of Article 7 of Anti-Terror Law No. 3713 dated 12.04.1991.

Notwithstanding their language of publication, if there is strong evidence that periodicals and non-periodicals published outside of Turkey entail crimes stated in the afore-mentioned paragraph 2, their distribution or sale in Turkey may be prohibited upon the order of the Office of the State Chief Prosecutor through the verdict of the local criminal judge. If inconvenience results from delays in the examination, a decision of the State Chief Prosecutor will suffice. This order shall be presented for judicial approval within 24 hours at the latest. If a judge does not approve within 48 hours, the Chief Prosecutor shall consider the decision null and void.

Those who intentionally distribute or sell publications or newspapers prohibited under the preceding paragraph shall be as responsible for the offense as the owner of the publication.

## **Trial Periods**

**Article 26** – It is essential that cases of crimes entailing the use of printed matter or other crimes mentioned in this law should be opened within a period of two months for daily periodicals and six months for other printed matter.

This period begins with the delivery of the printed matter to the Office of the State Chief Prosecutor. If the material is not submitted, the beginning date of the above-mentioned periods is the date when the Office of the State Chief Prosecutor ascertains the action which constitutes the crime. However, these periods cannot exceed the periods stipulated by Article 102 of the Turkish Penal Code.

The period for the case to be opened against individuals who had material published despite the objection of the responsible editor and the editor working beneath him/her begins when the decision acquitting the responsible editor and the editor working beneath him/her becomes final.

If the responsible editor discloses the identity of the owner of the publication, the period for the case to be opened against the owner of the publication begins with the date when the disclosure is made.

The period to open a case concerning crimes the legal proceedings of which are based on complaints begins when the date the crime is committed is ascertained, provided that the prescription envisaged by the law is not exceeded.

Regarding crimes for which permission or a decision to open a public case is needed, the period to open a case ends when the application is made. This process cannot exceed two months.

## **Responsible Courts and Method of Trial**

**Article 27** – For cases opened involving crimes committed by printed matter or other crimes envisaged in this law, and those involving major penalties shall be tried by the High Criminal Court, with others to be handled by Courts of First Instance.

If there is more than one department in a High Criminal Court or a Court of First Instance in one area, the cases shall be handled by Court No. 2.

Cases regarding crimes committed by way of printed matter or other crimes stipulated in this law shall be considered urgent.

## **Prohibition of Conversion into Punishments Restricting Freedom**

**Article 28** – Fines stipulated in this law for crimes not under Articles 18 and 22 cannot be converted into punishments restricting freedom.

## **Notification**

**Article 29** – For notification proceedings, the administrative headquarters of the periodical is regarded as the legal residence of the owner and the representative of the publication and also that of the responsible editor for so long as their duties continue.

## **Annulled Sentences**

**Article 30** – Press Law No. 5680 dated 15 July 1950 and its amendments are hereby annulled.



**Provisional Article 1** – The owner, responsible editor of periodicals published prior to the date when this Law goes into effect shall, within 30 days after the law goes into effect, notify the Office of the State Chief Prosecutor at its headquarters as to the form of the publication. If this obligation is not fulfilled, the owner, the responsible editor of the publication shall be sentenced to pay a major fine amounting from 500 million to 20 billion TL. This fine cannot total less than 2 billion TL for regional periodicals and 5 billion TL for nationwide periodicals.

**Provisional Article 2** – Representatives and responsible editors of periodicals published by public institutions and organizations prior to the date when this Law goes into effect shall change the publication and printing of the periodical in line with the provisions envisaged by this Law within six months as from the enactment of this Law.

### **Date of Effectiveness**

**Article 31** – This law goes into effect upon its publication.

### **Implementation**

**Article 32** – The Council of Ministers shall implement provisions stipulated in this law.