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Subject : Freedom of expression, Right to respect for one's honour and reputation, Media, statement, false, retraction / Publication, time-limit.

Headnotes:

In accordance with Article 32.2 of the Constitution "If a retraction or apology is not published, the judge will decide, at least within seven days from appeal by the person concerned, whether or not this publication is required".

For the purpose of informing people about the retraction before the effects of the publication or broadcasting have been forgotten, the law may determine a time-limit that is shorter than seven days.

Summary:

The Ankara 11 Peace Court brought an action before the Constitutional Court in order to annul Article 19.3 of the Law on the Press. According to this provision, the peace judge shall decide within two days whether the rectification or retraction is related to the publication, and whether it conforms to the forms and conditions stipulated by law. The Peace Court alleged that the sentence "within two days" is contrary to Article 32.2 of the Constitution.

The Constitutional Court noted that according to Article 32.1 of the Constitution "The right of rectification and retraction shall be accorded only in cases where one's personal reputation and honour is attacked or in cases of an unfounded allegation and shall be regulated by law". If the rectification or retraction is not published, the judge shall decide at least within seven days.

The media should supply news and information in an accurate way. While performing their duties, they have an obligation to respect the reputation and honour of others. According to the Constitutional Court, the time-limit provided by Article 32.2 of the Constitution is the maximum time limit. Since seven days is the maximum time-limit, the parliament may determine a time-limit that is shorter than seven days.

Therefore, the Constitutional Court concluded that the challenged provision is not contrary to the Constitution, and the application was unanimously rejected.