

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF ADIYAMAN v. TURKEY

(Application no. 24211/08)

JUDGMENT

STRASBOURG

9 January 2018

This judgment is final but it may be subject to editorial revision.



In the case of Adıyaman v. Turkey,

The European Court of Human Rights (Second Section), sitting as a Committee composed of:

Ledi Bianku, *President,*
Valeriu Griţco,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having deliberated in private on 5 December 2017,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 24211/08) against the Republic of Turkey lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Turkish national, Mr Aydın Adıyaman ("the applicant"), on 14 May 2008.

2. The applicant was represented by Mr M.E. Adıyaman, a lawyer practising in Istanbul. The Turkish Government ("the Government") were represented by their Agent.

3. On 28 November 2008 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

4. The applicant was born in 1974 and at the time of lodging his application he was serving his prison sentence in the Bolu F-type prison.

5. On 25 January 2008 the applicant wrote a letter to the Ministry of Justice, in which he had praised the imprisoned leader of the PKK, Abdullah Öcalan by using the honorific "sayın", meaning esteemed.

6. Pursuant to the Regulations on the administration of penitentiary institutions and the execution of sentences, the applicant was found guilty of breaching a prison order by the Bolu F-type Prison Disciplinary Board (referred hereafter as "the board").

7. On 1 February 2008 the applicant was sentenced to 11 days' solitary confinement on the orders of the Board, on account of his statements in the above-mentioned letter.

8. On 26 February 2008 the Bolu Enforcement Judge rejected the applicant's objection.

9. On 11 March 2008 the Bolu Assize Court upheld the judgment of 26 February 2008.

II. RELEVANT DOMESTIC LAW

10. A full description of the relevant domestic law at the material time can be found in *Yalçınkaya and Others v. Turkey* (nos. 25764/09 and 18 others, §§ 12-13, 1 October 2013).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

11. The applicant complained that the disciplinary punishment imposed on him for using the honorific "sayın" (esteemed) when referring to the imprisoned leader of the PKK in his letter, had constituted an unjustified interference with his rights to freedom of thought and expression under Articles 9 and 10 of the Convention.

12. The Government contested that argument.

13. The Court considers at the outset that the application should be examined solely under Article 10 of the Convention.

A. Admissibility

14. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

15. The applicant complained that the disciplinary sanction imposed on him, which was based on the Regulations on the administration of penitentiary institutions and the execution of sentences, had infringed his rights under the Convention.

16. The Court has already examined a similar complaint in the case of *Yalçınkaya and Others v. Turkey* (nos. 25764/09 and 18 others, §§ 26-38, 1 October 2013) and found a violation of Article 10 of the Convention. It has also examined the present case and finds no particular circumstances

which would require it to depart from its findings in the above-mentioned judgment.

17. In view of the foregoing, the Court holds that there has been a violation of Article 10 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

18. The applicant did not submit a claim for just satisfaction within the time-limit set by the Court. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 10 of the Convention.

Done in English, and notified in writing on 9 January 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı	Ledi Bianku
Deputy Registrar	President