

European Court of Human Rights: Friendly Settlement in Altan v. Turkey

IRIS 2002-7:1/2

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Since 1998, the European Court of Human Rights has come to the conclusion that there has been a violation of freedom of (political) expression in Turkey in more than 15 cases. All of these cases concerned the criminal convictions of journalists, editors, publishers, writers, lawyers, politicians or human rights activists for infringement of Articles 159 or 312 of the Criminal Code or of Articles 6-8 of the Prevention of Terrorism Act, nr. 3712. In all of these cases, the applicants were convicted in Turkey for inciting the people to hatred and hostility based on distinctions of race or religion, or for undermining territorial integrity and the unity of the nation. The Strasbourg Court, however, considered these convictions to be violations of Article 10 of the European Convention, as they failed to give due recognition to the importance of freedom of critical and political speech in a democratic society (see IRIS 1999-8: 4, IRIS 2000-4: 2, IRIS 2000-7: 2, IRIS 2000-8: 2, IRIS 2000-10: 3 and IRIS 2002-3: 2). On several occasions, the Committee of Ministers has requested the Turkish authorities to bring their legislation and jurisprudence into conformity with the case-law of the European Court of Human Rights.

In a judgment of 14 May 2002, the Court has now enacted a friendly settlement between a Turkish applicant and the Turkish Government in a case in which freedom of political expression was also at stake. Ahmet Hüsrev Altan, who is a writer and journalist for the national daily, Milliyet, was given a suspended sentence of one year and eight months' imprisonment and a fine of TRL 500,000 by the National Security Court in 1995, for incitement to hatred and hostility on the basis of a distinction based on membership of a race or a religion. Relying on Article 10, he complained in Strasbourg of an infringement of his right to freedom of expression. The Turkish authorities have now recognised that steps have to be taken at the domestic level in order to guarantee freedom of expression according to Article 10 of the Convention. Before the Court, the Turkish Government made the following statement: "The Court's rulings against Turkey in cases involving prosecutions under Article 312 of the Penal Code or under the provisions of the Prevention of Terrorism Act clearly show that Turkish law and practice urgently need to be brought into line with the Convention's requirements under Article 10 of the Convention. This is also reflected in the interference underlying the facts of the present case. The Government undertake to this end to implement all necessary reform of domestic law and practice in this area, as

already outlined in the National Programme of 24 March 2001."

Referring to this commitment, the Court has decided to strike out the case following the friendly settlement in which the applicant is to be paid EUR 4,573.47 for any pecuniary damages and for costs and expenses incurred.

Arrêt (arrangement amiable) de la Cour européenne des Droits de l'Homme (ancienne première section), Affaire Altan c. Turquie, Affaire n° 32985/96 du 14 mai 2002

Judgment (Friendly settlement) of the European Court of Human Rights (Former First Section), Case of Altan v. Turkey, Application no. 32985/96 of 14 May 2002

<https://hudoc.echr.coe.int/eng?i=001-60456>

