European Court of Human Rights: Case of Karkin v. Turkey

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The case of Karkin v. Turkey concerns the conviction of the secretary of a union who was sentenced by the National Security Court in 1997 to one year's imprisonment for making a speech inciting the people to hatred and hostility creating discrimination based on membership of a social class and race, a criminal conviction in application of Article 312 of the Turkish Criminal Code. Although the European Court of Human Rights clearly tion in south-east Turkey and the need for the authorities to be alert to acts capable of fuelling additional violence in the region, the Court did not agree that the conviction and punishment of Karkin was to be considered necessary in a democratic society. The Court was of the opinion that the applicant's speech was "political in nature" and was expressed during a peaceful gathering, far away from the conflict zone. As these circumstances significantly limited the potential impact of the comments on "national security", "public order" or "territorial integrity" and as the penalties imposed on the applicant were severe, the Court unanimously concluded that there was a violation of Article 10 of the European Convention on Human Rights.

Arrêt de la Cour européenne des Droits de l'Homme (quatrième chambre), affaire Karkin c. Turquie, n° 43928/98 du 23 septembre 2003, disponible à l'adresse :

Judgment by the European Court of Human Rights (Fourth Section), Case of Karkin v. Turkey, Application no. 43928/98 of 23 September 2003

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