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

IRIS 2004-1:1/4

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In the case of Kizilyaprak v. Turkey, the European Court of Human Rights is of the opinion that the Turkish national authorities did not take sufficient account of the public's right to be informed from different perspectives on the situation in south-east Turkey. The conviction of Kizilyaprak concerned the publication of a book entitled "How we fought against the Kurdish people! A soldier's memoirs". In this book, a Turkish soldier described what he experienced during his military service in south-east Turkey. As the content of the book was considered as disseminating separatist propaganda and incitement to hatred based on ethnic and regional differences (Article 8 of the Prevention of Terrorism Act and Article 312 of the Criminal Code), the owner of the publishing house, Zeynel Abidin Kizilyaprak, was sentenced to six months imprisonment by the National Security Court in 1993. In a crucial consideration the Strasbourg Court is of the opinion that, although some passages in the book painted an extremely negative picture of the Turkish State and the army and reflected a very hostile tone, the content of the book did not constitute an incitement to violence, armed resistance or an uprising. Referring also to the severity of the conviction, the Court unanimously concluded that the Turkish authorities had violated Article 10 of the European Convention on Human Rights.

Arrêt de la Cour européenne des Droits de l'Homme (première section), affaire Kizilyaprak c. Turquie, requête n° 27528/95 du 2 octobre 2003

Judgment by the European Court of Human Rights (First Section), Case of Kizilyaprak v. Turkey, Application no. 27528/95 of 2 October 2003

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