European Court of Human Rights: Friendly Settlements in Freedom of Expression Cases (Turkey)

IRIS 2004-1:1/5

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In three cases involving Turkey concerning freedom of expression, an agreement was reached between the applicant's widower, Mr. Zarakolu, and the Turkish Government. All three cases concern the seizures of several books because of separatist propaganda. The Court, in its judgments of 2 October 2003, took notice of the friendly settlements, referring to the declaration from the Turkish Government in which it is recognised that the (former) Court's rulings against Turkey in cases involving prosecutions under the provisions of the Prevention of Terrorism Act relating to freedom of expression, and also the facts underlying the present cases, "show that Turkish law and practice urgently need to be brought into line with the Convention's requirements under Article 10 of the Convention". In all three cases the Court took note of the agreement reached between the parties. The Court expresses its satisfaction that the settlement is based on respect for human rights as defined in the Convention and its Protocols. It is ordered that the cases be struck out of the list.

It is to be emphasised that recent modifications in Turkish law, as part of the 6 and 7 reform packages of July and August 2003 (see IRIS 2003-9: 15), are significant steps forward with a view to ensuring compliance with Article 10 of the European Convention on Human Rights. The abrogation of Article 8 of the Prevention of Terrorism Act and the amendments to Articles 159 and 312 of the Criminal Code are of particular relevance in this context. Also, a comprehensive reform of the Turkish Press Law is announced and will be discussed in Parliament in December 2003.

Friendly Settlements in the cases Zarakolu (no. 1-3) v. Turkey (Third Section), Application nos. 37059/97, 37061/97 and 37062/97 of 2 October 2003

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