# European Court of Human Rights: Case of Tatlav v. Turkey

**IRIS 2006-7:1/2**

*Dirk Voorhoof*
*Human Rights Centre, Ghent University and Legal Human Academy*

In 1992, Erdoğan Aydin Tatlav, a journalist living in Istanbul, published a five volume book under the title *Islamiyet Gerçeği* (The Reality of Islam). In the first volume of the book he criticised Islam as a religion legitimising social injustice by portraying it as "God's will". Following a complaint on the occasion of the fifth edition of the book in 1996, the journalist was prosecuted for publishing a work intended to defile one of the religions (Art. 175 of the Criminal Code). He was sentenced to one year's imprisonment, which was reduced to a fine.

Tatlav complained before the European Court of Human Rights that this conviction was in breach of Article 10 of the Convention, referring to the right of freedom of expression "without interference by public authority". Essentially, the Court assessed whether the interference in the applicant's right in view of protecting the morals and the rights of others could be legitimised as "necessary in a democratic society". The Court is of the opinion that certain passages of the book contained strong criticism of religion in a socio-political context, but that these passages had no insulting tone and did not contain an abusive attack on Muslims or on sacred symbols of Muslim religion (see IRIS 2005-10: 3). The Court did not exclude that Muslims could nonetheless feel offended by the caustic commentary on their religion, but this was not considered to be a sufficient reason to justify the criminal conviction of the author of the book. The Court also took account of the fact that although the book had first been published in 1992, no proceedings had been instituted until 1996, when the fifth edition was published. It was only following a complaint by an individual that proceedings had been brought against the journalist. With regard the punishment imposed on Tatlav, the Court is of the opinion that a criminal conviction involving, moreover, the risk of a custodial sentence, could have the effect of discouraging authors and editors from publishing opinions about religion that are non-conformist and could impede the protection of pluralism, which is indispensable for the healthy development of a democratic society. Taking into consideration all these elements of the case, the Strasbourg Court considers the interference by the Turkish authorities disproportionate to the aims pursued. Consequently, the Court holds unanimously that there has been a violation of Article 10 of the Convention (see IRIS 2006-4: 2).

© European Audiovisual Observatory (Council of Europe) 2026

***Arrêt de la Cour européenne des Droits de l'Homme (deuxième section), affaire Aydin Tatlav c. Turquie, n° 50692/99, 2 mai 2006***

*Judgment by the European Court of Human Rights (Second Section), case of Aydin Tatlav v. Turkey, n. 50692/99, 2 May 2006*

https://hudoc.echr.coe.int/eng?i=001-75277

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026