



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Information Note on the Court's case-law No. 156

October 2012

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***Rujak v. Croatia (dec.) - 57942/10***

Decision 2.10.2012 [Section I]

**Article 10**

**Article 10-1**

**Freedom of expression**

Conviction for swearing at fellow army officers: *inadmissible*

*Facts* – The applicant, a soldier in the Croatian Army, was given a suspended prison sentence for tarnishing the reputation of the Republic (an offence under Article 151 of the Croatian Criminal Code). His conviction followed incidents in which he had sworn at fellow recruits and his superiors. In his application to the European Court, he complained of a violation of his right to freedom of expression.

*Law* – Article 10: Certain classes of speech, such as lewd and obscene speech had no essential role in the expression of ideas. An offensive statement could fall outside the protection of freedom of expression where the sole intent of the offensive statement was to insult. In view of the fact that the applicant's statements mostly concerned vulgar and offensive language, the Court was not persuaded that he had been trying to "impart information or ideas". Rather, from the context in which they were made, his statements appeared to have been made with the sole intention of insulting his fellow soldiers and his superiors and amounted to wanton denigration. They thus fell outside the protection of Article 10, which was not applicable.

*Conclusion*: inadmissible (incompatible *ratione materiae*).

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