



Judgments of 24 April 2018

The European Court of Human Rights has today notified in writing 11 judgments¹:

three Chamber judgments are summarised below; separate press releases have been issued for four other Chamber judgments in the cases of *Baydar v. the Netherlands* (application no. 55385/14), *Ovidiu Cristian Stoica v. Romania* (no. 55116/12), *Lozovyye v. Russia* (no. 4587/09), and *Benedik v. Slovenia* (no. 62357/14);

four Committee judgments, concerning issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments below are available only in English.

Fatih Taş v. Turkey (no. 3) (application no. 45281/08)

Fatih Taş v. Turkey (no. 4) (no. 51511/08)

The applicant, Fatih Taş, is a Turkish national who was born in 1979 and lives in Istanbul.

The two cases concerned criminal proceedings brought against Mr Taş when he was the owner and editor-in-chief of a publishing house (Aram Basım ve Yayıncılık), following the publication of three books.

In the first case the book in question consisted of memoirs of 17 members of the PKK (the Kurdistan Workers Party), an illegal organisation in Turkey. The authorities seized copies of the book in September 2003 and Mr Taş was charged with disseminating propaganda in favour of a terrorist organisation. He was subsequently found guilty as charged, the domestic courts holding that certain passages in the book constituted incitement to violence and to terrorism. Ultimately, however, in April 2011 the proceedings were discontinued as time-barred. Mr Taş was not detained or remand, nor did he serve any sentence in the context of the proceedings against him.

In the second case, concerning another book, Mr Taş was again convicted of disseminating propaganda in favour of the PKK. The courts found that as publisher of the book he had been guilty of praising the PKK and its leader in order to attract more sympathisers to the organisation. Similarly however, the proceedings were discontinued in 2012 as time-barred. He was also given another conviction in 2002, upheld in 2003, for aiding and abetting the PKK as regards another book.

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights, Mr Taş alleged in particular that the criminal proceedings brought against him had breached his freedom of expression. In the first case he also alleged under Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention that the length of the proceedings had been excessive and that there had been no effective remedy under Turkish law for him to contest the length of the proceedings.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

- case of ***Fatih Taş v. Turkey (no. 3)***:

No violation of Article 10

Violation of Article 6 § 1

Violation of Article 13

Just satisfaction: 4,500 euros (EUR) (non-pecuniary damage) and EUR 1,000 (costs and expenses)

- case of ***Fatih Taş v. Turkey (no. 4)***:

Violation of Article 10 – in so far as it concerns the criminal proceedings relating to the publication of the book entitled *Tufanda 33 Gün*

Just satisfaction: EUR 2,500 (non-pecuniary damage)

Sadrettin Güler v. Turkey (no. 56237/08)

The applicant, Sadrettin Güler, is a Turkish national who was born in 1962 and lives in Istanbul.

The case concerned Mr Güler's complaint that he had been disciplined for being absent from his job after he had attended a May 1 union demonstration.

Mr Güler, a civil servant, took part in a demonstration organised by the KESK public sector trade union on 1 May 2008. He was given an official warning for being absent from work without leave. His appeals against the decision were dismissed.

Relying in substance on Article 11 (freedom of assembly and association) and Article 13 (right to an effective remedy), Mr Güler complained about the disciplinary sanction imposed on him for taking part in trade union activities.

Violation of Article 11

Violation of Article 13

Just satisfaction: Mr Güler did not submit a claim for just satisfaction.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.