

22.11.2001, E.1997/2, K.1999/1

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Subject : Banning of political parties, Indivisibility of the territory, Prohibition, Limits and restrictions, Freedom of association, Political party, dissolution / Political party, programme / Minority, language.

Headnotes:

Including the promotion, protection or dissemination of languages or cultures other than Turkish in a political party's programme runs counter to national unity and the indivisibility of the state, and is contrary to Article 78/a-b of the Law on Political Parties and the Constitution.

Summary:

The Chief Public Prosecutor brought an action against the Democratic People's Party to dissolve the party under different provisions of the Law on Political Parties and of the Constitution. After completing the necessary prosecutions the Constitutional Court dissolved the party because of the following reasoning.

According to the Constitution and the Law on Political Parties, the word "Turkish" includes all individuals having Turkish citizenship without considering his or her ethnic origin. The defendant party rejected the concept of a modern nation. The program of the party depended on racial and regional discrimination. It was clear that this kind of conception could corrupt the state order, which depends on territorial and national unity. Therefore, it was found contrary to the provisions of Article 78/a-b of the Law on Political Parties to make any discrimination between Turks and Kurds in the Party's manifesto and to assert that there is an ethnically Kurdish nation which is subjected to assimilation.

Under Article 81/a-b of the Law on Political Parties it may not be claimed that there are minorities depending on national, religious and linguistic discrimination in the territory of the Turkish Republic. It is illegal to try to corrupt national unity by promoting cultures and languages other than Turkish and Turkish culture. In the party's manifesto, it is written that there are minorities depending on cultural, racial and language differences in the territory of the Turkish Republic. Thus, it was found that the party aimed to create minorities by protecting, by promoting and by disseminating languages and cultures other than Turkish and Turkish culture. Since the Party manifesto contradicts Article 81/a-b of the Law on Political Parties, the Democratic People's Party needed to be dissolved.

The President, Mr M. Sezer, and the members, Mr H. K yl c, Mr Y. Acarg n, Mr S. Adal  and Ms F. Kantarc yoglu, had dissenting opinions on different points.