



FLASH NEWS

18/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 19/11 TO 30/11/2018

TR / GÜNANA AND OTHERS vs. TURKEY

Freedom of expression - Right to a fair trial - Seizure of manuscripts containing information related to a terrorist organisation

Violation of Article 10 (freedom of expression) of the ECHR, with regard to the three applicants.

Violation of Article 6 § 1 (right to a fair trial) of the ECHR, with regard to one of them.

The case concerns the seizure by prison authorities of manuscripts belonging to the applicants held in various prisons, on the ground, inter alia, that they contained information related to a terrorist organisation. The oppositions filed by the applicants having been rejected by the domestic courts, the applicants complained of an interference with their freedom of expression. In addition, an applicant also complained of an infringement of his right to a fair trial.

Judgment of 20.11.2018 (application nos. 70934/10, 6560/11, 23599/12, 39367/12 and 66687/12) ([FR](#))
Press release ([FR](#) / [EN](#))

TR / SELAHATTİN DEMİRTAŞ c. TURKEY (No. 2)

Right to be brought before a judge - Right to free elections - Temporary detention of a political opponent

Violation of Article 5 § 3 (right to be brought before a judge immediately) of the ECHR.

Violation of Article 3 of Protocol No. 1 (right to free elections) to the ECHR. **Violation** of Article 18 (limitation of the use of restrictions on rights), combined with Article 5 § 3 of the ECHR.

The applicant, a Turkish national who was formerly co-President of a pro-Kurdish political party, complained, inter alia, that he had been placed and kept in temporary detention, considering this as arbitrary. He also complained that he had been detained for expressing views critical of the political power, alleging that the purpose of the detention was to silence him.

Judgment of 20.11.2018 (application no. 14305/17) ([FR](#) / [EN](#))
Press release ([FR](#) / [EN](#))

TR / SOYTEMİZ vs. TURKEY

Right to a fair trial - Right to have the assistance of a defence lawyer - Disqualification of a defence lawyer during an interrogation

Violation of Article 6 §§ 1 and 3 (c) (right to a fair trial / right to have the assistance of a defence lawyer) of the ECHR.

The applicant, a Turkish national, held that the police had unlawfully dismissed his assigned lawyer during his interrogation, when the lawyer reminded him of his right to remain silent and advised him not to answer a certain question. He further alleged that the police had forced him to make self-incriminating statements in the absence of the lawyer, which the trial court used to convict him.

Judgment of 27.11.2018 (application no. 57837/09) ([EN](#))
Press release ([FR](#) / [EN](#))

OTHER INFORMATION

Cancellation of the case BERLUSCONI vs. ITALY

After Mr Berlusconi announced his intention not to continue his application, the Grand Chamber of the ECtHR decided, by a majority, to de-list the Berlusconi case.

For the record, the applicant, Silvio Berlusconi, who was dismissed in November 2013 by the Senate of the Italian Republic, from his tenure as a senator on account of his conviction for tax evasion, alleged in particular the violation of Articles 7 (no punishment without law) and 13 (right to an effective remedy) of the ECHR and Article 3 of Protocol No. 1 (right to free elections) to the ECHR.

Decision communicated on 27.11.2018 (application no. 58428/13) ([FR](#) / [EN](#))
Press release ([FR/EN](#))
See News Flash Nos. 2/17 and 4/17