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I. Kitap ve Makaleler

- Ainoko Aduku Abdul, "The Margin of Appreciation Doctrine and the European Court of Human Rights: The Inconsistent Application in the Interpretation of the Right to Freedom of Expression and the Right to Freedom of Thought, Conscience and Religion", *Strathclyde Law Review*, C. 5, S. 1, 2022, 91-111.
- Akbulut Olgun, "Criteria Developed by the European Court of Human Rights on the Dissolution of Political Parties", *Fordham International Law Journal*, C. 34, S. 1, 2010, 46-77.
- Akçalı Nazif, *Siyaset Bilimine Giriş*, İzmir 1991.
- Akermark Sia Spiliopoulou, "The Limits of Pluralism –Recent Jurisprudence of the European Court of Human Rights with Regard to Minorities: Does the Prohibition of Discrimination Add Anything?", *Journal of Ethnopolitics and Minority Issues in Europe*, S. 3, 2002, 1-24.
- Alexander Larry, "Law and Politics: What is Their Relation?", *Harvard Journal of Law and Public Policy*, C. 41, No. 1, 2017, 355-363.
- Aliefendioğlu Yılmaz, "Siyasi Partiler ve Sivil Toplum Örgütleri", *Anayasa Yargısı Dergisi*, C. 16, Ankara 1999, 95-115.
- Almond Gabriel A. ve James S. Coleman, *The Politics of the Developing Areas*, Princeton University Press, 1960.
- Arai-Takahashi Yutaka, *The Margin of Appreciation Doctrine and the Principle of Proportionality in the Jurisprudence of the ECHR*, Intersentia, Antwerpen/Oxford 2002.
- Arslan Zühtü, *Anayasa Teorisi*, Seçkin Yayınları, Ankara 2005.
- Avnon Dan, "Parties Laws in Democratic Systems of Government", *The Journal of Legislative Studies*, C. 1, S. 2, 1995, 283-300.
- Ayres Thomas, "Batasuna Banned: The Dissolution of Political Parties under the European Convention of Human Rights", *Boston College International and Comparative Law Review*, C. 27, 2004, 99-113.
- Bale Tim, "Are Bans on Political Parties Bound to Turn Out Badly? A Comparative Investigation of Three 'Intolerant' Democracies: Turkey, Spain, and Belgium", *Comparative European Politics*, C. 5, 2007, 141-157.
- Barak Aharon, "Foreword: A Judge on Judging: The Role of a Supreme Court in a Democracy", *Harvard Law Review*, C. 116, 2002, 19-162.

- Beetham David, *Demokrasi ve İnsan Hakları*, Çev. Bilal Canatan, Liberte Yayınları, 2. Baskı, Ankara 2014.
- Benvenisti Eyal, "Margin of Appreciation, Consensus, and Universal Standards", *International Law and Politics*, C. 31, 1999, 843-854.
- Berkes Niyazi, *Siyasi Partiler*, İstanbul 1946.
- Bligh Gur, "Defending Democracy: A New Understanding of the Party-Banning Phenomenon", *Vanderbilt Journal of Transnational Law*, C. 46, S. 5, 2013, 1321-1379.
- Born Gary, Danielle Morris ve Stephanie Forrest, "'A Margin of Appreciation': Appreciating Its Irrelevance in International Law", *Harvard International Law Journal*, C. 61, S. 1, 2020, 65-134.
- Bourne Angela K., "Democratization and the Illegalization of Political Parties in Europe", *Democratization*, C. 19, S. 6, 2012, 1065-1085,
- Bourne Angela K., *Democratic Dilemmas: Why Democracies Ban Political Parties*, Routledge, New York 2018.
- Brems Eva, "The Margin of Appreciation Doctrine in the Case-Law of the European Court of Human Rights", *Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht*, 1996, 240-314.
- Brems Eva, "Positive Subsidiarity and Its Implications for the Margin of Appreciation Doctrine", *Netherlands Quarterly of Human Rights*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3431162, 2019, 1-23, s. 2, erişim 5.03.2023.
- Bressler Robert J., *Freedom of Association*, ABC-CLIO Press, Santa Barbara 2004.
- Carozza Paolo G., "Subsidiarity as a Structural Principle of International Human Rights Law", *The American Journal of International Human Rights Law*, C. 97, S. 1, 2003, 38-79.
- Casal-Bértoa Fernando, Daniela Romée Piccio ve Ekaterina R. Rashkova, "Party Law in Comparative Perspective", *The Legal Regulation of Political Parties Working Paper* 16, March 2012, 1-27.
- Cerar Miro, "The Relationship Between Law and Politics", *Annual Survey of International and Comparative Law*, C: 15, S. 1, 2009, 19-41.
- Christoffersen Jonas, *Fair Balance: Proportionality, Subsidiarity and Primarity in the European Convention on Human Rights*, *International Studies in Human Rights*, V. 99, 2009.

- Çağlar Bakır, “Avrupa Yeni Mekânında Kurumsallaşma: Hukuk ve Demokrasi”, Anayasa Yargısı Dergisi, C. 10, 1993, 233-282.
- Çakmak Cenap, “The Role of the Political Parties in the United States: Are They Becoming Obsolete?”, Ç. Ü. Sosyal Bilimler Enstitüsü Dergisi, C. 16, S. 1, 2007, 163-184.
- Dahl Robert, Polyarchy: Participation and Opposition. Yale University Press, New Haven 1971.
- Dahl Robert A., Demokrasi ve Eleştirileri, Çev. Levent Köker, Yetkin Yayınları, Ankara 1993.
- Daver Bülent, “Anayasa Mahkemesi Kararları Açısından Siyasi Partiler: Birkaç Örnek Olay”, Anayasa Yargısı Dergisi, C. 2, 1985, 93-140.
- Didinmez Mehmet Alp, “Avrupa İnsan Hakları Mahkemesi’nin Üç Aşamalı Testi”, KHM, C. 1, S. 1, 2021, 149-174.
- Downs Anthony, An Economic Theory of Democracy, Harper & Brothers, New York 1957.
- Durmuş Betül, “Bireysel Başvuru Kararlarında Demokratik Toplumda Gereklik Ölçütü”, <https://anayasatakip.ku.edu.tr/wp-content/uploads/sites/34/2017/08/Betu%CC%88l-Durmus%CC%A7-Bireysel-Bas%CC%A7vuru-Kararlar%C4%B1nda-Demokratik-Toplumda-Gereklik-O%CC%88lc%CC%A7u%CC%88tu%CC%88.pdf>, erişim 1.04.2023.
- Duverger Maurice, Political Parties: Their Organization and Activity in the Modern State, Methuen and Co. LTD., London 1959.
- Duymaz Erkan, “Avrupa İnsan Hakları Mahkemesi Kararlarında Hukukun Üstünlüğü İlkesi”, Kamu Hukukçuları Platformu, İstanbul 21-23 Nisan 2018.
- Dworkin Ronald, Taking Rights Seriously, Harvard University Press, Cambridge 1977-1978.
- Dworkin Ronald, “Siyasal Anayasanın Ahlaki Temelleri”, Anayasa Yargısı Dergisi, C. 28, 2011, 27-39.
- Elklit Jorgen ve Palle Svensson, “The Rise of Election Monitoring: What Makes Elections Free and Fair?”, Journal of Democracy, C. 8, S. 3, 1997, 32-46.
- Emerson Thomas I., “Freedom of Association and Freedom of Expression”, The Yale Law Journal, C. 74, S. 1, 1964, 1-35.

- Epstein Leon D., *Political Parties in Western Democracies*, New York 1967.
- Erdoğan Mustafa, *Türkiye’de Anayasalar ve Siyaset*, Liberte Yayınları, 8. Baskı, Ankara 2008.
- Frantziou Eleni, “The Margin of Appreciation Doctrine in European Human Rights Law”, UCL Policy Briefing, October 2014.
- Friedlander Robert A., “Power, Politics and the Rule of Law”, *De Paul Law Review*, C. 24, 1975, 836-852.
- Friedman Lawrence M., “Roads to Democracy”, *Syracuse J. Int’l L. And Com.*, C. 33, S. 1, 2005, 51-69.
- Gerards Janneke, “How to Improve the Necessity Test of the European Court of Human Rights”, *I-CON*, C. 11, S. 2, 2013, 466-490.
- Ghantous Marie, “Freedom of Expression and the ‘Margin of Appreciation’ or ‘Margin of Discretion’ Doctrine”, *Revue québécoise de droit international*, C. 31, S. 1, 2018, 221-241.
- Gökçe Ali Fuat, “Siyasi Partilerde Parti İçi Demokrasi ve Disiplin Algısı: Türkiye”, *Akademik Araştırmalar ve Çalışmalar Dergisi*, C. 5, S. 9, 2013, 65-79.
- Gözler Kemal, *Türk Anayasa Hukuku*, Ekin Yayınları, 3. Baskı, Bursa 2019.
- Gready Paul, “The Politics of Human Rights”, *Third World Quarterly*, C. 24, S. 1, 745-757.
- Greer Steven, *The Margin of Appreciation: Interpretation and Discretion under the European Convention on Human Rights*, Council of Europe Publishing, Strasbourg 2000.
- Greer Steven, *The European Convention on Human Rights*, Cambridge University Press, Cambridge 2006.
- Griffin James, *On Human Rights*, Oxford University Press, Oxford ve New York 2008.
- Harris D. J., M. O’Boyle, E. P. Bates ve C. M. Buckley, *Avrupa İnsan Hakları Sözleşmesi Hukuku*, Çev. Mehveş Bingöllü Kılıcı ve Ulaş Karan, Şen Matbaa, Ankara 2013.
- Harutyunyan Armen, “The Future of the European Court of Human Rights in the Era of Radical Democracy”, *European Convention on Human Rights Law Review*, C. 2, 2021, 20-26.

- Hazan Reuven Y. ve Gideon Rahat, *Democracy within Parties*, Oxford University Press, Oxford 2010.
- Helfer Laurence R., “Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime”, *The European Journal of International Law*, C. 19, S. 1, 2008, 125-159.
- Helms Ludger, “Studying Parliamentary Opposition in Old and New Democracies: Issues and Perspectives”, Routledge, London 2009.
- Heywood Andrew, *Political Theory: An Introduction*, 4. Baskı, Red Globe Press, London 2015.
- Heywood Andrew, *Siyaset*, Çev. Fahri Bakırcı, BB101 Yayınları, 19. Baskı, Ankara 2018.
- Holfmeister Wilhelm and Karsten Grabow, *Political Parties*, Konrad Adenauer Stiftung, Singapore 2011.
- Holmer Oskar, “Decoding the Margin of Appreciation Doctrine in Its Use by the European Court of Human Rights”, *Juridiska Institutionen Stockholms Universitet*, Stockholm 2013.
- Hough Jerry F., *The Soviet Prefects: The Local Party Organs in Industrial Decision-making*, Harvard University Press, Cambridge 1969.
- Issacharoff Sam, “Fragile Democracies”, *Harvard Law Review*, C. 120, S. 6, 2007, 1405-1467.
- İnceoğlu Sibel, “İnsan Hakları Avrupa Mahkemesi Kararlarında Çoğulculuk”, içinde *Çoğulcu Demokrasi Çoğunlukçu Demokrasi İkilemi ve İnsan Hakları Toplantısı*, Yay. Haz. Ece Göztepe, Türkiye Barolar Birliği Yayınları, Ankara 2010, 83-129.
- İnceoğlu Sibel, “Hukuk Devletinin İnsan Hakları Avrupa Mahkemesi ve Türk Anayasa Mahkemesi Kararlarında Tezahürü: Karşılaştırmalı Bir Çalışma”, *Anayasa Hukuku Dergisi*, C. 4, S. 7, 2015.
- Jestaed Matthias, “Disiplin Olarak Anayasa Teorisi”, Çev. Hilal Kafkas, içinde *Anayasa Teorisi*, Ed. Otto Depenheuer ve Christoph Grabenwarter, Lale Yayıncılık, İstanbul 2014, 21-66.
- Kapani Münci, *Kamu Hürriyetleri*, Ankara Üniversitesi Hukuk Fakültesi Yayınları, 6. Baskı, Ankara 1981.
- Kapani Münci, *Politika Bilimine Giriş*, Bilgi Yayınevi, 23. Baskı, 1987.

- Kempen Bernhard, “Anayasa ve Siyaset”, Çev. İsmet Macit, içinde Anayasa Teorisi, Ed. Otto Deneheuer ve Christoph Grabenwarter, Lale Yayıncılık, İstanbul 2014, 941-964.
- Keyman Fuat, Tarhan Erdem ve Bekir Ağır, “Türkiye’nin Demokratikleşmesi İçin Kapsamlı Bir Siyasi Parti ve Seçim Sistemi Önerisi”, İPM-IPC, Aralık 2013, 1-36.
- Kratochvil Jan, “The Inflation of the Margin of Appreciation by the European Court of Human Rights”, Netherlands Quarterly of Human Rights, C. 29, S. 3, 2011, 324-357.
- Kuzu Burhan, “1961 ve 1982 Anayasalarında ve Bunlara İlişkin Siyasi Parti Kanunlarında Siyasi Parti Kavramı, Kuruluşu ve Kapatma Rejimi(Karşılaştırmalı Bir İnceleme)”, İstanbul Üniversitesi Hukuk Fakültesi Mecmuası, Ord. Prof. Dr. Sulhi Dönmezer’e Armağan, C. 52, S. 1-4, İstanbul 1986-1987.
- La Palombara Joseph ve Myron Weiner, “The Origin and Development of Political Parties”, Political Parties and Political Development, ed. J. La Palombara ve M. Weiner, Princeton University Press, New Jersey 1966.
- Letsas George, “Two Concepts of the Margin of Appreciation”, Oxford Journal of Legal Studies, C. 26, S. 4, 2006, 705-732.
- Letsas George, “The ECHR as a Living Instrument: Its Meaning and Legitimacy”, içinde Constituting Europe, Ed. Andreas Follesdal, Bright Peters ve Geir Ulfstein, Cambridge University Press, Cambridge 2013, 106-141.
- Lijphart Arend, Demokrasi Modelleri, Çev. Güneş Ayas ve Utku Umut Bulsun, İthaki Yayınları, İstanbul 2014.
- Linz Juan J., Totaliter ve Otoriter Rejimler, Çev. Ergun Özbudun, Liberte Yayınları, 4. Baskı, Ankara 2017.
- Lipson Leslie, Demokratik Uygarlık, Çev. Haldun Gülalp ve Türker Alkan, Türkiye İş Bankası Yayınları, Ankara 1984.
- Lipsitz Lewis ve M. David Speak, American Democracy, 2. Edition, St. Martins Press, New York 1989.
- Loewenstein Karl, “Militant Democracy and Fundamental Rights II”, The American Political Science Review, C. 31, S. 4, 1937, 638-658.
- Loughlin Martin, Sword and Scales: An Examination of the Relationship between Law and Politics, Hart Publishing, Oxford 2000.

- Marochini Maša, "The Interpretation of the European Convention on Human Rights", Zbornik radova Pravnog fakulteta u Splitu, C. 51, S. 1, 2014, 63-84.
- Mayo B. Henry, Demokratik Teoriye Giriş, Çev. Emre Kongar, Ankara 1964.
- Merkel Wolfgang, "Embedded and Defective Democracies", Democratization, C. 11, S. 5, 2004, 33-58.
- Mersel Yigal, "The Dissolution of Political Parties: The Problem of Internal Democracy", Int'l J. Con. Law, C. 4, S. 1, 2006, 84-113.
- Mill John Stuart, On Liberty, John Dent and Sons, London 1972.
- Miller Seumas, "Joint Political Rights and Obligations", Phenomenology and Mind, S. 9, 2015, 138-146.
- Minkenberg Michael, "Repression and Reaction: Militant Democracy and the Radical Right in Germany and France", Patterns of Prejudice, C. 40, S. 1, 2006, 25-44.
- Molier Gelijn ve Bastiaan Rijpkema, "Germany's New Militant Democracy Regime: National Democratic Party II and the German Federal Constitutional Court's 'Potentiality' Criterion for Party Bans", EuConst, C. 14, 2018, 394-409.
- Morree Paulien de, Rights and Wrongs under the ECHR, Intersentia, 2016.
- Moss Jeremy ve Joe-Cheong Tham, "Freedom of Association, Political Parties and Party Funding", içinde Electoral Democracy, Melbourne University Press, Ed. Joe-Cheong Tham, Brian Costar ve Graeme Orr, Melbourne 2011, 175-188.
- Nieuwenhuis Aernout, "The Concept of Pluralism in the Case-Law of the European Court of Human Rights", EuConst, C. 3, 2007, 367-384.
- Norton Philip, "Making Sense of Opposition", The Journal of Legislative Studies, C. 14, 2008, 236-250.
- Odyakmaz Zehra, "Siyasi Partilerin Kapatılması İle İlgili Hükümlerde Uyumsuzluklar ve Uygulamadaki Güçlükler", Anayasa Yargısı Dergisi, C. 13, Ankara 1996, 231-245.
- Oğurlu Yücel, "AİHM Kararları ve Türk İdare Hukukunda Temel Hak ve Özgürlüklerin Sınırlandırılmasında Bir Yargısal Denetim Ölçütü Olarak 'Ölçülülük İlkesi'", Prof. Dr. Tufan Yüce'ye Armağan, İzmir 2001, 485-522.
- Öz Esat, Otoriterizm ve Siyaset, Yetkin Yayınları, Ankara 1996.

- Özbudun Ergun, Siyasal Partiler, Ankara Üniversitesi Hukuk Fakültesi Yayınları, Ankara 1977.
- Özbudun Ergun, Anayasalcılık ve Demokrasi, İstanbul Bilgi Üniversitesi Yayınları, İstanbul 2015.
- Özcan Hüseyin ve Murat Yanık, Siyasi Partiler Hukuku, Der Yayınları, 2. Baskı, İstanbul 2011.
- Parras Francisco Javier Mena, "Democracy, Diversity and the Margin of Appreciation: A Theoretical Analysis from the Perspective of the International and Constitutional Functions of the European Court of Human Rights", Revista Electronica de Estudios Internacionales, C. 20, 2015, 1-18.
- Parsons Talcott, "On the Concept of Political Power", Proceedings of the American Philosophical Society, C. 107, S. 3, 1963, 232-262.
- Peter Fabienne, "The Human Right to Political Participation", Journal of Ethics and Social Philosophy, C. 7, S. 1, 2013, 1-16.
- Pomper M. Gerald, Passions and Interest (Political Party Concept of American Democracy), University Press of Kansas, 1992.
- Posner Richard A., "The Rise and Fall of Judicial Self-Restraint", California Law Review, C. 100, S. 3, 2012, 519-556.
- Prothro James W. ve Charles M. Grigg, "Fundamental Principles of Democracy: Bases of Agreement and Disagreement", The Journal of Politics, C. 22, S. 2, 1960, 276-294.
- Przeworski Adam, Democracy and the Market, Cambridge University Press, Cambridge 1992.
- Rawls John, Political Liberalism, Columbia University Press, New York 1996.
- Repetto Giorgio, "The ECHR and the European Constitutional Landscape: Reassessing Paradigms", içinde The Constitutional Relevance of the ECHR in Domestic and European Law: An Italian Perspective, Ed. Giorgio Repetto, Intersentia, Cambridge 2013, 1-22.
- Roellecke Gerd, "Anayasa Teorisinin Gözlemi", Çev. Atilla Erkal, içinde Anayasa Teorisi, Ed. Otto Depenheuer ve Christoph Grabenwarter, Lale Yayıncılık, İstanbul 2014, 67-80.
- Rosenblum Nancy L., "Banning Parties: Religious and Ethnic Partisanship in Multicultural Democracies", Law and Ethics of Human Rights, C. 1, S. 1, 2007, 1-59.

- Rye Danny, Political Parties and the Concept of Power: A Theoretical Framework, Palgrave Macmillan, New York 2014.
- Sartori Giovanni, Parties and Party Systems, Cambridge University Press, Cambridge 1976.
- Sartori Giovanni, Demokrasi Teorisine Geri Dönüş, Çev. Tuncer Karamustafaoğlu ve Mehmet Turhan, Yetkin Yayınları, Ankara 2007.
- Schabas William A., The European Convention on Human Rights: A Commentary, Oxford University Press, Oxford 2015.
- Schyff Gerhard van der, "The Concept of Democracy as an Element of the European Convention", CILSA, C. XXXVIII, 2005, 355-372.
- Schwartz Herman, "The Internationalization of Constitutional Law", Human Rights Brief, C. 10, S. 2, 2003, 10-12.
- Shefter Martin, Political Parties and the State: The American Historical Experience, Princeton University Press, Princeton ve New Jersey 1994.
- Sokes S. C., "Political Parties and Democracy", Annu. Rev. Polit. Sci., C. 2, 1999, 243-267, s. 263.
- Stokes S. C., "Political Parties and Democracy", Annu. Rev. Polit. Science, C. 2, 1999, 243-267.
- Suchocka Hanna, "Vennice Commission Standards in the Field of the Establishment of Political Parties", içinde Political Parties, 18-19 October 2013, Bucharest Romania, 22-29.
- Telli Kutlay, İnsan Hakları Avrupa Sözleşmesi Bağlamında Siyasi Partiler Rejimi, Seçkin Yayınları, Ankara 2012.
- Tezcan Durmuş, Mustafa Ruhan Erdem, Oğuz Sancakdar ve Rifat Murat Önok, İnsan Hakları El Kitabı, Seçkin Yayınları, 9. Baskı, Ankara 2021.
- Teziç Erdoğan, 100 Soruda Siyasi Partiler, Gerçek Yayınevi, İstanbul 1976.
- Tıkveş Özkan, "Siyasi Partiler ve Anayasa Yargısı", İstanbul Üniversitesi Hukuk Fakültesi Mecmuası, C. 36, S. 1-4, 1970, 145-166.
- Tumay Murat, "The Subsidiary Protection of European Convention on Human Rights", Selçuk Üniversitesi Hukuk Fakültesi Dergisi, C. 17, S. 1, 2009, 185-214.
- Tunaya Tarık Zafer, Siyasi Kurumlar ve Anayasa Hukuku, İstanbul 1982.
- Turan İlter, Siyasal Sistem ve Siyasal Davranış, İstanbul Üniversitesi Yayınları, İstanbul 1977.

- Turano Leslie, "Spain: Banning Political Parties as a Rspnse to Basque Terrorism", *International Journal of Constitutional Law*, C. 1, S: 4, 2003, 730-740.
- Turhan Mehmet, "Hukukta 'Özgürlükçü' Yorum ve Refah Partisi Kapatma Davaları", *HFSA*, C. 17, Yıl Yok, 73-96.
- Turhan Mehmet, *Siyasi Elitler*, Gündoğan Yayınları, Ankara 1991.
- Uygun Oktay, "Siyasi Partilerin Kapatılması Rejiminin Avurpa İnsan Hakları Sözleşmesi Çerçevesinde Değerlendirilmesi", *Anayasa Yargısı Dergisi*, C. 17, 2000, 256-273.
- Vila Marisa Iglesias, "Subsidiarity, Margin of Appreciation and International Adjudication within a Cooperative Conception of Human Rights", *I-CON*, C. 15, S. 2, 2017, 393-413.
- Yıldız Hüseyin, *Anayasa Dogmatığı ve Anayasa Kuramı*, Yetkin Yayınları, Ankara 2016.
- Yourow Howard Charles, *The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence*, Kluwer, The Hague 1996.
- Zand Joseph, "The Concept of Democracy and the Euorpean Convention on Human Rights", *University of Baltimore Journal of International Law*, C. 5, S. 2, 2017, 195-227.
- Weber Max, *Sosyoloji Yazıları*, Çev. Taha Parla, Hürriyet Vakfı Yayınları, İstanbul 1986.
- Wise Judith, "Dissent and the Militant Democracy: The German Constitution and Banning of the Free German Workers Party", *The University of Chicago Law School Roundtable*, C. 5, S. 1, 1998, 301-343.
- Wood Tim, "Reinforcing Participatory Governance Through International Human Rights Obligations of Political Parties", *Harvard Human Rights Journal*, C. 28, 2015, 147-203.

II. Avrupa İnsan Hakları Mahkemesi Kararları

- Case of Ireland v. the United Kingdom, , Application No. 5310/71, 18 January 1978.
- Case of Zdanoka v. Latvia, Application No. 58278/00, 2006.
- Case of Gorzelik and Others v. Poland, Application No. 44158/98, 17 February 2004.

Case of Lingens v. Austria, Application No. 8 July 1986.

Case of Palomo Sánchez and Others v. Spain [GC], Application No. 28955/06, 28957/06, 28959/06, and 28964/06, 2011.

Case of Handyside v. the United Kingdom, 7 December 1976.

Case of Karataş v. Turkey [GC], Application No. 23168/94, 8 July 1999.

Case of Mouvement raëlien suisse v. Switzerland, Application No. 16354/06, 13 January 2011.

Case of Fatullayev v. Azerbaijan, Application No. 40984/07, 22 April 2010.

Case of Altuğ Taner Akçam v. Turkey, Application No. 27520/07, 25 October 2011.

Case of Refah Partisi and Others v. Turkey, [GC] Application No. 41340/98, 41342/98 and 41344/98, 13 February 2003.

Case of United Communist Party of Turkey and Others v. Turkey, Application No. 133/1996/752/951, 30 January 1998.

Case of Stankov and the United Macdonian Organisation Ilinden v. Bulgaria, Application No. 29221/95 and 29225/95, 2 October 2001.

Case of Gündüz v. Turkey, Application No. 35071/97.

Case of Zana v. Turkey, Application No. 69/1996/688/880, 25 November 1997.

Case of Lawless v. Ireland, Application No. 332/57, 1 July 1961.

Case of Dicle for the Democratic Party (DEP) of Turkey v. Turkey, Application No. 25141/94, 10 December 2002.

Case of Gözel ve Özer v. Turkey, Application No. 43453/04, 31098/05, 6 July 2010.

Purcell and Other v. Ireland, Application No. 15404/89, 16 April 1999.

The Welfare Party) and Others v. Turkey, [GC], Application No. 41340/ 98, 41342/98, 41343/98, and 41344/98, 2003.

Case of Staatkundig Gereformeerde Partij v. the Netherlands, Application No. 58369/10.

Case of Bączkowski and Others v. Poland, Application No. 1543/06, 3 May 2007.

Case of Ouranio Toxo and Others v. Greece, Application No. 74989/01.

Case of Chassagnou and Others v. France [GC], Application No. 25088/95 and 28443/95.

Case of Gorzelik and Others v. Poland [GC], Application No. 44158/98.

Case of Herri Batasuna and Batasuna v. Spain, Application No. 25803/04, 25817/04, 30 June 2009.

Case of Oya Ataman v. Turkey, Application No. 74552/01, 5 December 2006.

Case of Barankevich v. Russia, Application No. 10519/03, 26 July 2007.

Case of Ezelin v. France, Application No. 11800/85, 26 April 1991.

Case of Herri Batasuna and Batasuna v. Spain, Application No. 25803/04 and 25817/04.

Case of Refah Partisi (the Welfare Party) and Others v. Turkey [GC], Application No. 41340/98, 41342/98, 41343/98, and 41344/98.

Case of Mathieu-Mohin and Clerfayt v. Belgium, Application No. 9267/81, 2 March 1987.

Case of Sitaropoulos and Giakoumopoulos v. Greece [GC], Application No. 42202/07, 15 March 2012.

Case of Scoppola v. Italy (no. 3) [GC], Application No. 126/05, 22 May 2012.

Case of Ždanoka v. Latvia [GC], Application No. 58278/00, 16 March 2006.

Case of Malone v. The United Kingdom, Application No. 8691/79, 2 August 1984.

Case of Leyla Şahin v. Turkey, Application No. 44774/98, 10 November 2005.

Case of The Sunday Times v. The United Kingdom, Application No. 6538/74, 26 April 1979.

Case of Kruslin v. France, Application No. 11801/85, 24 April 1990.

Case of Al-Nashif v. Bulgaria, Application No. 50963/99, 20 June 2002.

Case of Ahmet Yıldırım, Application No. 3111/10, 18 December 2012.

Case of Junta Rectora Del Ertzainen Nazional Elkartasuna (E.R.N.E.) v. Spain, Application No. 45892/09, 21 April 2015.

Case of Funke v. France, Application No. 10828/84, 25 February 1993.

Case of Open Door and Dublin Well Woman v. Ireland, Application No. 14234/88, 29 October 1992.

Case of Handyside v. United Kingdom, Application No. 5493/72, 7 December 1976.

Case of Andreas Wabl v. Avutria, Application no. 24773/94, 21 March 2000.

Case of The Sunday Times v. The United Kingdom, Application No. 6538/74, 26 April 1979.

Case of Silver and Others v. The United Kingdom, Application No. 5947/72; 6205/73; 7052/75; 7061/75; 7107/75; 7113/75, 25 March 1983.

Case of Z v. Finland, Application No. 22009/93, 25 February 1997.

Case of Ouranio Toxo and Others v. Greece, Application No. 74989/01, 20 October 2005.

Case of Zhechev v. Bulgaria, Application No. 57045/00, 21 June 2007.

Case of Wilson, National Union of Journalists and Other v. The United Kingdom, Application No. 30668/96, 30671/96 ve 30678/96, 2 July 2002.

Case of Sorensen and Rasmussen v. Denmark, Application No. 52562/99 ve 52620/99, 11 January 2006.

Case of Young, James and Webster v. The United Kingdom, Application No. 7601/76 ve 7806/77, 13 August 1981.

Plattform ‘Ärzte für das Leben’ v. Austria, Application No. 10126/ 82, 21 June 1988.

Case of Bączkowski and Others v. Poland, Application No. 1543/06, 3 May 2007.

Case of Ouranio Toxo and Others v. Greece, Application No. 74989/01, 20 October 2005.

Case of Christian Democratic People’s Party v. Moldova, Application No. 28793/02, 14 February 2006.

Case of Stankov and The United Macedonian Organisation Ilinden v. Bulgaria, Application No. 29221/95, 2 October 2001.

Case of German Communist Party v. Germany, Application No. 250/57, 20 July 1957.

Case of Linkov v. Czech Republic, Application No. 10504/03, 7 December 2006.

Case of Association of Citizens Radko and Paunkovski v. The Former Yugoslav Republic of Macedonia, Application No. 74651/01, 15 January 2009.

Case of Yazar and Others v. Turkey, Application No. 22723/93, 22724/93 ve 22725/93, 9 April 2002.

Case of Zhechev v. Bulgaria, Application No. 57045/00, 21 June 2007.

Case of M.S.S. v. Belgium and Greece (Grand Chamber), Application No. 30696/09, 21 January 2011.

Case of Đorđević v. Croatia, Application No. 41526/10, 24 July 2012.

Case of Vučković and Others v. Serbia, Application No. 17153/11, 28 August 2012.

Case of Ananyev v. Russia, Application No. 20292/04, 30 July 2009.

Case of A. and Others v. the United Kingdom, [GC], Application No. 3455/05, 19 February 2009.

Case of Artemov v. Russia, Application No. 4945/03, 3 April 2014.

Case of El Masri v. ‘the former Yugoslav Republic of Macedonia’, [GC], Application No. 39630/09.

Case of Finogenov and Others v. Russia, Application No. 18299/03 and 27311/03, 20 December 2011.

Case of O’Keeffe v. Ireland [GC], Application No. 35810/09, Joint Partly Dissenting Opinion of Judges Zupančič, Gyulumyan, Kalaydjieva, De Gaetano, and Wojtyczek, 19, 28 January 2014.

Case of Sindicatul ‘Păstorul cel Bun’ v. Romania [GC], Application No. 2330/09, Concurring Opinion of Judge Wojtyczek, 28 January 2014.

Case of Gäfgen v. Germany [GC], Application No. 22978/05, Joint Partly Concurring Opinion of Judges Tulkens, Ziemele, and Bianku, 1 June 2010.

Case of Freedom and Democracy Party (ÖZDEP) v. Turkey, Application No. 23885/94, 8 December 1999.

Case of Socialist Party and Others v. Turkey, Application No. 20/1997/804/1007, 25 May 1998.

Case of Party For A Democratic Society (DTP) and Others v. Turkey, Application No. 3840/10 3870/10 3878/10 15616/10 21919/10 37272/10 39118/10, 12.01.2016.

Case of Vogt v. Germany, Application No. 17851/91, 26 September 1995.