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A.P. V. CROATIA (26388/23)

Art. 5;5-1-f;P4-2;P4-2-1 – right to liberty – unlawful detention pending extradition; right to liberty – excessive precautionary measures restricting freedom of movement

SUBJECT MATTER OF THE CASE

The case concerns the applicant's detention in Croatia with a view to his extradition to the Russian Federation.

The applicant is an Armenian national permanently residing in Italy.

In October 2021 he was arrested in Croatia based on an international arrest warrant issued by the Russian Federation. He was placed in detention pending the extradition proceedings. On 31 January 2023 the competent Croatian court ordered bail which could replace the detention, subject to the applicant complying with several precautionary measures (ban on leaving the city of Zagreb without special authorisation and reporting regularly to the police). After this decision became final on 13 February 2023, the applicant was released on bail on 17 February 2023. On 5 April 2023 the Croatian courts finally dismissed the extradition request. On 20 April 2023 the bail and the precautionary measures were terminated.

In the meantime, by a decision of 7 February 2023, served on the applicant on 22 February 2023, the Constitutional Court found that the applicant's detention from 19 November 2021 until 31 January 2023 was unlawful and breached Article 5 § 1 of the Convention. It awarded the applicant 4,884 euros in compensation for non-pecuniary damage.

Further to this, by a decision of 25 April 2023, served on the applicant on 3 May 2023, the Constitutional Court quashed the decisions of 31 January and 13 February 2023 setting the bail and remitted the case to the first - instance court. It declared inadmissible the applicant's constitutional complaint against the latter decisions in the part ordering precautionary measures, holding that these were not amenable to constitutional review.

Before the Court, relying on Article 5 of the Convention, the applicant complains about the unlawfulness of his detention from 19 November 2021 to 17 February 2023. He points out that the Constitutional Court only found a violation of his right to liberty for the period up to 31 January 2023, when the competent court ordered bail. However, he was released on bail only on 17 February 2023. He further states that the compensation awarded to him by the Constitutional Court for the period up to 31 January 2023 was insufficient, having regard to the seriousness of the violation and the suffering he endured.

The applicant also complains that the domestic courts' decisions ordering the precautionary measures, which restricted his freedom of movement and prevented him from leaving Zagreb for a period of two months and three days, likewise breached Article 5 of the Convention.

QUESTIONS TO THE PARTIES

1. Can the applicant still be considered as a victim of the alleged violation of Article 5 § 1 of the Convention for the period of his detention from 19 November 2021 to 31 January 2023, within the meaning of Article 34 thereof, in view of the Constitutional Court's decision of 7 February 2023, and in particular having regard to the amount of compensation awarded to him for non-pecuniary damage (see, for example, *Hadžić and Suljić v. Bosnia and Herzegovina*, nos. 39446/06 and 33849/08, §§ 33-35, 7 June 2011)?
2. If the applicant can still be considered as a victim of the alleged violation, was the applicant's detention from 19 November 2021 to 31 January 2023 in breach Article 5 § 1 of the Convention?
3. Was the applicant's detention from 1 to 17 February 2023, when he was released on bail, in breach Article 5 § 1 of the Convention?
4. Were the measures prohibiting the applicant to leave the City of Zagreb and obliging him to report regularly to the police lawful, necessary and justified by the public interest, within the meaning of Article 2 of Protocol No. 4?

A.H. C. FRANCE (28658/25)

Art. 3;4;4-2;8;8-1;13 – effective investigation – failure to prosecute all individuals involved in sexual exploitation and trafficking; positive obligations, right to private life - preventing the dissemination of videos depicting her during the alleged events

SUBJECT MATTER OF THE CASE

The request concerns the investigation and prosecution in a criminal case involving the sexual exploitation of the applicant, as well as approximately fifty other victims, by a network operating within the rape pornography industry.

On October 17, 2020, a judicial investigation was opened at the Paris Judicial Court following the discovery of a network recruiting young women in a highly vulnerable emotional and economic situation. These women were lured using schemes developed through fake female profiles on Facebook and subsequently sexually exploited by producers of amateur rape pornography videos. The videos of these particularly violent and degrading sexual acts, often accompanied by sexist or racist insults, were disseminated to a wide audience by pornographic platforms that offered subscribers, for a fee, the opportunity to participate in filming and receive sexual services.

The applicant filed a civil suit on February 2, 2022. During the preliminary investigation, she asked the investigating judge to question and indict all those involved in the filming. Her requests were rejected by the investigating judge on the grounds that the purpose of the proceedings was to identify only those individuals who might have been aware of the recruitment system set up by the fake female profile on Facebook.

On February 6, 2025, the investigating chamber of the Paris Court of Appeal ordered the indictment of sixteen people before the departmental criminal court, the separation of proceedings, and the referral of two defendants to the correctional court. Regarding the acts reported by the applicant, the Court of Appeal upheld the charges of aggravated rape, dissemination of recordings of images relating to the commission of an intentional assault, and undeclared work, but dismissed the charges of human trafficking [1] and aggravated pimping. Furthermore, the Court of Appeal dismissed the charges of aggravated rape against one of the directors, G.F., noting in particular that the plaintiff "had not justified her submission other than by the fact that she had been conditioned her entire life to accept being raped." It also dismissed the charge of complicity in gang rape against J.D., the user of the fake female Facebook profile, because the investigation failed to demonstrate that he had remained in contact with the plaintiff during filming. The plaintiff appealed to the Court of Cassation, along with several other civil parties.

On May 14, 2025, the Court of Cassation dismissed the applicant's arguments challenging the dismissal of charges of human trafficking by an organized group against J.D., certain directors, and actors, as well as the dismissal of charges of gang rape against G.F. On these points, the judgment of February 6, 2025, became final. However, the Court of Cassation partially overturned the Court of Appeal's judgment, particularly the provisions that dismissed the aggravating circumstance of sexism

and racism and those stating that there was no case to answer against anyone on the charge of aggravated pimping. It referred the case back to the investigating chamber of the Paris Court of Appeal, to be heard by a different panel of judges.

To date, the criminal proceedings are pending. These proceedings are not part of the applicant's challenges before the Court.

Invoking Article 4 of the Convention, the applicant complains of the Court of Appeal's refusal to consider the charges of pimping and human trafficking by an organized group with regard to the acts she reports. She also criticizes the domestic investigators and courts for failing to conduct a thorough investigation into all the reported acts and for limiting the scope of the investigation to certain perpetrators.

With regard to Articles 3 and 8 of the Convention, the applicant denounces the inadequacy of the domestic legal framework for the prosecution of sexual violence and the shortcomings of the criminal procedure, in particular the lack of prosecution for rape against G.F., the failure of the domestic courts to take into account the circumstances surrounding her "consent" and her particular vulnerability, and the deficiencies in the assessment of evidence. She further argues that the dissemination of the pornographic videos constitutes an infringement of her right to respect for her private life and results in secondary victimization.

Invoking Articles 3 and 8, in conjunction with Article 13 of the Convention, the applicant argues that she did not have access to an effective domestic remedy to obtain a genuine sanction for the violations she complained of, and criticizes the domestic courts for failing to consider all the documents she submitted to the investigating judge.

QUESTIONS TO THE PARTIES

1. Do the facts alleged in this case by the applicant fall within the scope of Article 4 of the Convention (S.M. v. Croatia [GC], no. 60561/14, §§ 279-297, 25 June 2020)?

If so, has the respondent State fulfilled its positive obligations under Article 4 of the Convention regarding the fight against trafficking in human beings and forced prostitution, given the decision by the domestic authorities to limit the scope of the investigations to certain perpetrators and the absence of criminal proceedings for trafficking in human beings concerning the acts reported by the applicant (Rantsev v. Cyprus and Russia, no. 25965/04, §§ 284-288, ECHR 2010 (extracts), S.M. v. Croatia, cited above, § 306, and B.B. v. Slovakia, no. 48587/21, §§ 77-82 and 89-101, 24 October 2024)?

2. In the circumstances of this case, has the respondent State complied with its positive obligations under Articles 3 and 8 of the Convention to adopt criminal provisions that effectively punish non-consensual sexual acts such as rape, including when the victim has not offered physical resistance (M.C. v. Bulgaria, no. 39272/98, §§ 153 and 166, ECHR 2003-XII, and L. and Others v. France, nos. 46949/21 and 2 others, § 195, 24 April 2025), and to apply them in practice through effective investigation and prosecution, given the alleged failure of the domestic courts to take into account

the surrounding circumstances and the applicant's particular vulnerability when assessing her consent to the sexual acts she denounces (E.A. and European Association Against Violence Against Women) (Women at Work v. France, no. 30556/22, §§ 140-143, 4 September 2025)?

Did the domestic authorities take all necessary, appropriate, and effective measures to protect the dignity, integrity, and privacy of the applicant—the alleged victim of sexual violence—in particular by preventing the dissemination of videos depicting her during the alleged events (M.Ş.D. v. Romania, no. 28935/21, §§ 118-121, 3 December 2024, and X v. Cyprus, no. 40733/22, § 89, 27 February 2025)?

The parties are invited to submit any new court decisions that may be rendered in the ongoing domestic criminal proceedings.

[1] The Court of Appeal's judgment of February 6, 2025 contains contradictory statements regarding the possible indictment of one of the directors (M.L.) for the acts of human trafficking in relation to the applicant.

ISUFI V. GREECE (23206/24)

Art. 1;2;2-1;3 – inhuman treatment – conditions of detention and lack of medical care during hunger strike; effective remedy – absence of means to challenge medical treatment

SUBJECT MATTER OF THE CASE

The applicant is detained in Domokos Prison. On 18 July 2024, he started a hunger strike as a protest against the conditions of detention prevailing in that prison, and the announced amendments to the Penitentiary Code. The applicant's hunger strike ended on 19 August 2024.

Relying on Article 3 of the Convention, the applicant complains of the conditions of his detention, and of the lack of medical care and supervision during his hunger strike. He alleges that the authorities did not show any interest in his health condition while on hunger strike and did not perform any medical examination.

Further, the applicant complains that he has no effective remedy at his disposal to complain of his medical state in the context of his hunger strike and of the conditions of his detention.

QUESTIONS TO THE PARTIES

1. Do the conditions of the applicant's detention in Domokos Prison amount to inhuman or degrading treatment in breach of Article 3 of the Convention (see *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, 20 October 2016)?
2. Does the applicant have at his disposal an effective domestic remedy regarding his complaint about the conditions of detention, as required by Article 13 of the Convention? In particular, can the domestic remedy enshrined in Article 6A of the Penitentiary Code (Law No. 2776/1999) be considered effective in this regard?
3. Has there been a breach of Article 3 of the Convention on account of the alleged lack of adequate medical care of the applicant while on hunger strike, having particular regard to the applicant's allegation that no due diligence was shown by the prison authorities (see *Yakovlyev v. Ukraine* , no. 42010/18, § 43, 8 December 2022, with further references)? In light of the applicant's state of health, have the respondent Government fulfilled their obligation under Article 3 of the Convention to ensure that that the applicant's health and well-being were adequately protected, including through the provision of the requisite medical assistance during the hunger strike and the follow-up treatment (see *McGlinchey and Others v. the United Kingdom* , no. 50390/99, § 46, ECHR 2003-V)?

The parties are requested to provide further evidence related to the applicant's medical treatment, such as copies of his complaints to the domestic authorities, responses to such complaints and a copy of his medical file maintained at Domokos Prison.

4. Does the applicant have at his disposal an effective domestic remedy regarding his complaint about the lack of adequate medical care in the context of his detention including, in particular, during the period of his hunger strike, as required by Article 13 of the Convention? Can the domestic remedies

enshrined in Articles 6 and 6A of the Penitentiary Code (Law No. 2776/1999) and 567 (former Article 572) of the Code of Criminal Procedure (Law No. 4620/2019) be considered effective in this regard (see also *Vaden v. Greece* , no. 35115/03, §§ 30-33, 29 March 2007, with further references, *Tsivis v. Greece* , no. 11553/05, §§ 18-20, 6 December 2007, with further references)?

The Government are requested to provide examples of the relevant domestic case-law in application of the remedies provided by virtue of Articles 6 and 6A of Law No. 2776/1999 and Article 567 of Law No. 4620/2019.

X C. ITALY (12414/25)

Art. 3;13 – effective remedy – impossibility to challenge expulsion order; inhuman treatment – risk of torture upon repatriation; fair trial – lack of judicial oversight in expulsion process

SUBJECT MATTER OF THE CASE

In 2022, the applicant, an Egyptian national, obtained a residence permit for special protection, as defined in Article 32, paragraph 3, of Decree-Law No. 25 of 2008, due in particular to the risk he faced of being subjected to treatment contrary to Article 3 of the Convention in the event of repatriation.

On 30 November 2023, the National Commission for Asylum Law revoked the applicant's permit, given his dangerousness and the suspicions against him of belonging to a terrorist organization. On 7 April 2024, the applicant appealed this decision to the Trieste Court.

In the meantime, he was sentenced to six years' imprisonment for conspiracy to commit a terrorist act.

An expulsion order was issued against him on 22 April 2025.

On 24 April 2025, the applicant filed a request with the Court for an interim measure under Rules 39 seeking a stay of execution of his expulsion, given, in particular, the risk of being subjected to treatment contrary to Article 3 of the Convention upon his return to Egypt.

That same evening, the duty judge decided to suspend his expulsion. However, the applicant had already been repatriated by plane at 2:41 p.m. that same day.

The applicant complains of a violation of Article 13 of the Convention, read in conjunction with Article 3, due to the impossibility of obtaining an effective remedy against the expulsion order.

The applicant also complains of a violation of Article 3 of the Convention because his expulsion exposed him to a high risk of torture and inhuman and degrading treatment. He emphasizes that he was escorted to Egypt by police officers and that the Egyptian authorities were therefore aware of his conviction for conspiracy to commit a terrorist act. Finally, he highlights the poor conditions of detention in Egyptian prisons, relying in this regard on several reports from non-governmental organizations.

QUESTIONS TO THE PARTIES

1. In light of the applicant's complaints and the documents submitted, should it be considered that, at the time of the execution of the expulsion order, he was at risk of being subjected to treatment contrary to Article 3 of the Convention (see *Saadi v. Italy* [GC], no. 37201/06, §§ 124-136, ECHR 2008)?

2. Before deciding on the applicant's expulsion, did the national authorities consider his complaint that he would be at risk of being subjected to inhuman treatment contrary to Article 3 of the Convention if returned to Egypt (see *K.I. v. France*, no. 5560/19, §§ 117-125, 15 April 2021 and *W v. France*, no. 1348/21, §§ 64-67, 30 August 2022)?

3. Did the applicant have access, as required by Article 13 of the Convention, to an effective domestic remedy through which he could have raised his complaint of a violation of Article 3 of the Convention and obtained a stay of execution of his expulsion?

CASAMONICA V. ITALY (21483/20)

Art. P1-1;P1-1-1;P4-2;P4-2-1 – freedom of movement – placement under special police supervision and compulsory residence order; property rights – confiscation of assets

SUBJECT MATTER OF THE CASE

The application concerns the applicant's placement under special police supervision and the imposition of a compulsory residence order requiring him to reside in the Municipality of Rome by the competent domestic court pursuant to Article 6 of Legislative Decree No. 159 of 6 September 2011 (Codice delle leggi antimafia e delle misure di prevenzione , "Decree No. 159/2011"), as well as the confiscation of assets belonging to the applicant pursuant to Article 24 of the same Decree.

The applicant was declared socially dangerous pursuant to Article 1 § 1 (a) and (b) of Decree No. 159/2011 (pericolosità generica , or "ordinary dangerousness") as a person who, based on factual evidence, may be regarded as a habitual offender and who habitually lives off the proceeds of crime.

The applicant challenged the measures before the competent domestic courts, contesting the finding of social dangerousness and asserting the lawful origin of the resources used for certain purchases. Respectively on 23 January 2018 and on 22 October 2019, the Rome Court of Appeal and the Court of Cassation dismissed the applicant's appeals, holding that the domestic courts had sufficiently established the applicant's social dangerousness and confirmed the imposition of the special police supervision and the confiscation, finding that the assets had presumably been acquired through the proceeds of prior criminal activity.

Relying on Article 1 of Protocol No. 1 to the Convention, the applicant complains of the alleged lack of clarity and foreseeability of the legal basis of the confiscation of his assets, and of the domestic courts' failure to provide sufficient evidence demonstrating that the assets had been acquired through the proceeds of crime. He further alleges that the measure was disproportionate and highlights the significant lapse of time between the alleged criminal conduct generating illicit proceeds, the purchases subject to confiscation and the related proceedings within which the preventive measure was issued.

Under Article 2 of Protocol No. 4 to the Convention, the applicant complains of an alleged lack of clarity and foreseeability of the legal basis regarding the individuals to whom special police supervision may be applied.

QUESTIONS TO THE PARTIES

1. Was the interference with the applicant's right to the peaceful enjoyment of his possessions in accordance with Article 1 of Protocol No. 1 to the Convention? In particular:

(a) Was the interference provided for by law? Specifically, were provisions (a) and/or (b) of Article 1 § 1 of Decree no. 159/2011 sufficiently precise and clear, foreseeable in their application and

consequences, and compatible with the rule of law, in respect of the applicant (see *De Tommaso v. Italy* [GC], no. 43395/09, § 126, 23 February 2017), as clarified by the Constitutional Court's judgment no. 24 of 27 February 2019?

(b) Was the interference proportionate to the aim pursued?

In answering this question, the parties are invited to address, in particular:

(i) whether the nature of the crimes justified the presumption that the applicant's assets were proceeds of unlawful activities (compare *Bongiorno and Others v. Italy*, no. 4514/07, § 45, 5 January 2010; *Gogitidze and Others v. Georgia*, no. 36862/05, § 107, 12 May 2015; *Telbis and Viziteu v. Romania*, no. 47911/15, §§ 74 and 77, 26 June 2018; and *Balsamo v. San Marino*, nos. 20319/17 and 21414/17, § 91, 8 October 2019);

(ii) whether the domestic authorities showed that the confiscated assets could have been the proceeds of crimes in a reasoned manner, on basis of an objective assessment of the factual evidence and without relying on a mere suspicion, also in light of the date of their acquisition (see *Todorov and Others v. Bulgaria*, nos. 50705/11 and 6 others, §§ 212 and 215, 13 July 2021).

2. Was the interference with the applicant's right to liberty of movement and freedom to choose his residence in accordance with the law, as required by Article 2 of Protocol No. 4 to the Convention? In particular, were provisions (a) and/or (b) of Article 1 § 1 of Legislative Decree No. 159/2011 sufficiently precise, clear and foreseeable in their application and consequences, and compatible with the rule of law, with respect to the applicant (*De Tommaso*, cited above, §§ 117-18 and 126)?

MASLUHINA V. LATVIA AND 1 OTHER APPLICATION (25414/25;26441/25)

Art. 10;10-1 – freedom of expression – fines for glorifying totalitarian regime on Facebook; fair trial – dismissal of complaints in administrative-offence proceedings

SUBJECT MATTER OF THE CASE

The case concerns the applicants' complaints that monetary fines imposed on them in administrative-offence proceedings breached their freedom of expression.

The first applicant, in the context of administrative-offence proceedings, was subject to a monetary fine (EUR 50) for having posted a symbol on Facebook on 9 May 2024 glorifying a totalitarian regime (application no. 25414/25). The second applicant was subject to a monetary fine (EUR 30) for a similar administrative offence that also took place on 9 May 2024 (application no. 26441/25).

By final decisions of 7 May 2025 (case no. 15550008523924.1) in respect of the first applicant (application no. 25414/25) and 8 May 2025 (case no. 15550008429224.1) in respect of the second applicant (application no. 26441/25), the applicants' complaints about them being held administratively liable were dismissed by the respective regional courts.

The applicants rely on Article 6 and Article 10 of the Convention.

QUESTIONS TO THE PARTIES

1. In view of the scope of their complaints, have the applicants exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?
 2. Has there been an interference with the applicants' freedom of expression on account of their administrative punishment for symbols posted on Facebook on 9 May 2024, within the meaning of Article 10 § 1 of the Convention?
- If so, was that interference prescribed by law and necessary in terms of Article 10 § 2?

G.C.A. V. THE NETHERLANDS AND 8 OTHER APPLICATIONS (21040/23;13310/24;13311/24;13315/24;13654/24;13747/24;13751/24;19531/24;18971/25)

Art. 8;8-1; 10; 11 – privacy rights – retention and processing of DNA data following criminal convictions; fair trial – dismissal of objections to DNA sampling orders; freedom of expression

SUBJECT MATTER OF THE CASE

The applications concern the taking, processing and retention of the applicants' DNA data following their criminal convictions under the DNA Testing of Convicted Persons Act ('Wet DNA onderzoek bij veroordeelden').

Application no. 21040/23 : The applicant (see appended list) was subjected to a community service order following a final penalty order issued by the Public Prosecution Service (strafbeschikking) on 28 June 2022, due to her use of forged documents in civil proceedings. She did not contest the penalty decision.

Application nos. 13310/24, 13311/24, 13315/24, 13654/24, 13747/24 and 13751/24 : The applicants (see appended list) are associated with Extinction Rebellion (XR), an international activist movement organising protests aimed at prompting governmental action on climate change. On 2 August 2023, they were convicted, at first instance, by the Regional Court of The Hague and sentenced to community service orders for repeatedly inciting, online, participation in a demonstration during which a motorway was blocked, thereby seriously disrupting public order. Applicants 4 and 5 were additionally convicted of damaging public property by painting slogans on such property.

Application no. 19531/24 : The applicant (see appended list) was convicted by the Regional Court of Amsterdam on 16 November 2023 and sentenced to a term of imprisonment for the use of a false identity document.

Application no. 18971/25 : The applicant (see appended list) was convicted on 30 August 2024 by the Central Netherlands Regional Court of unlawful trespass and occupation of property (squatting) and was sentenced to a community service order. On appeal, the Arnhem-Leeuwarden Court of Appeal, on 14 May 2025, commuted that sentence to a fully suspended fine.

Following their convictions at first instance, all applicants were ordered, pursuant to section 2 (1) of the DNA Testing of Convicted Persons Act, to provide DNA samples, which were to be processed and retained. The applicants objected to those orders, arguing, inter alia , that they fell within the scope of the exception contained in section 2 (1) (b) of that Act. Under that provision, DNA sampling and processing do not take place where, having regard to the nature of the offence or the particular circumstances in which it was committed, it may reasonably be assumed that such measures will not be of relevance to the prevention, detection, prosecution or adjudication of further criminal offences by the person concerned. All the applicants argued that, given the nature of the offences for which they had been convicted, and/or the particular circumstances in which they were committed, DNA

evidence would not be of significance in the prevention of further offending by the applicants. The applicants' objections were dismissed in various decisions of the Regional Courts.

In respect of the applicant in application no. [21040/23](#) (see appended list), the Procurator General to the Supreme Court lodged an appeal in cassation in the interest of the law (an extraordinary remedy) with a view to clarifying the scope of section 2 (1) (b) of the Act, which had given rise to divergent interpretations in the case-law of the Regional Courts. In a judgment of 19 November 2024, the Supreme Court held that the exception relating to the nature of the offence was to be applied only where DNA evidence could not be of any relevance for the detection of further criminal offences.

The applicants complained that the taking, processing and retention of their DNA data had violated their right to respect for their private life under Article 8 of the Convention as it had not been lawful and/or necessary. The applicants in application nos. [13310/24](#), [13311/24](#), [13315/24](#), [13654/24](#), [13747/24](#) and [13751/24](#) further relied on Articles 10 and 11 of the Convention to make the same complaint.

COMMON QUESTION TO THE PARTIES

Has there been a violation of the applicants' right to respect for their private life, contrary to Article 8 of the Convention, arising from the taking, processing and retention of their DNA data, taking into account the Court's judgments in *Van der Velden v. the Netherlands* ((dec.) no. [29514/05](#), ECHR 2006-XV); *W. v. the Netherlands* ((dec.) no. [20689/08](#), ECHR 2008); *S. and Marper v. the United Kingdom* ([GC], nos. [30562/04](#) and [30566/04](#), ECHR 2008); *Aycaguer v. France* (no. [8806/12](#), 22 June 2017); *Gaughran v. the United Kingdom* (no. [45245/15](#), 13 February 2020); and *Trajkovski and Chipovski v. North Macedonia* (nos. [53205/13](#) and [63320/13](#), 13 February 2020).

CASE SPECIFIC QUESTION TO THE PARTIES

Applications nos. [13310/24](#), [13311/24](#), [13315/24](#), [13654/24](#), [13747/24](#) and [13751/24](#): Has there been a violation of the applicants' right to freedom of expression and peaceful assembly, contrary to Articles 10 and 11 of the Convention, arising from the taking, processing and retention of their DNA data (see *mutatis mutandis*, *Catt v. the United Kingdom* (no. [43514/15](#), 24 January 2019); *Glukhin v. Russia* (no. [11519/20](#), 4 July 2023); and *Selishcheva and Others v. Russia* (nos. [39056/22](#) and 9 others, 27 May 2025))?

APPENDIX

No.	Application No.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	21040/23	G.C.A. v. the Netherlands	25/05/2023	1967 Dutch	Th.O.M. DIEBEN
2.	13310/24	De Graaf v. the Netherlands	08/05/2024	Jelle DE GRAAF 1989 Amsterdam Dutch	Willem Hendrik JEBBINK
3.	13311/24	Hofstede v. the Netherlands	08/05/2024	Tessel HOFSTEDE 1975 Olst Dutch	Willem Hendrik JEBBINK
4.	13315/24	Sloot v. the Netherlands	08/05/2024	Sieger Gerjan SLOOT 1977 Amsterdam Dutch	Willem Hendrik JEBBINK
5.	13654/24	Winnips v. the Netherlands	08/05/2024	Lucas Pieter Adriaan WINNIPS 1975 Castricum Dutch	Willem Hendrik JEBBINK
6.	13747/24	Hendriksen v. the Netherlands	08/05/2024	Paul Johan HENDRIKSEN 1967 Olst Dutch	Willem Hendrik JEBBINK
7.	13751/24	Hofstede v. the Netherlands	08/05/2024	Anne Petra HOFSTEDE 1973 Groenlo Dutch	Willem Hendrik JEBBINK
8.	19531/24	Ikegwuri v. the Netherlands	04/07/2024	Samuel Achinike IKEGWURI 1997 Amsterdam Nigerian	Willem Hendrik JEBBINK
9.	18971/25	Richardson v. the Netherlands	18/06/2025	Kathleen Clare RICHARDSON 1995 Amsterdam American	Willem Hendrik JEBBINK

BACAKLIOĞLU V. TÜRKİYE AND 153 OTHER APPLICATIONS

(16047/18;17014/19;57774/19;2197/20;2484/20;26034/20;28930/20;36123/20;8962/21;9671/21;10308/21;16143/21;18478/21;45400/21;1450/22;14078/22;20509/22;22879/22;39018/22;42189/22;43854/22;49904/22;53230/22;10041/23;13231/23;14275/23;19820/23;20791/23;20815/23;26302/23;27072/23;27500/23;32929/23;35723/23;42835/23;3061/24;11322/24;25829/24;25958/24;26986/24;28024/24;28796/24;31283/24;34478/24;34675/24;35236/24;37068/24;10/25;155/25;331/25;397/25;612/25;681/25;1260/25;1265/25;1349/25;1769/25;1798/25;1830/25;2241/25;2553/25;3166/25;3564/25;3775/25;3930/25;4047/25;4504/25;4670/25;4675/25;5306/25;5504/25;6090/25;6649/25;6708/25;6730/25;6863/25;7556/25;8284/25;8473/25;8576/25;8951/25;9039/25;9435/25;10034/25;10041/25;10595/25;11444/25;11506/25;12014/25;13378/25;13601/25;13700/25;13749/25;13936/25;14064/25;14563/25;15547/25;15913/25;16045/25;16602/25;16604/25;16683/25;16713/25;16994/25;17214/25;18059/25;18672/25;18775/25;19160/25;19630/25;22013/25;22292/25;22358/25;22972/25;23402/25;24241/25;24880/25;26088/25;28709/25;30048/25;30590/25;31001/25;31516/25;32344/25;32775/25;33266/25;33922/25;34627/25;34745/25;35271/25;35302/25;35617/25;36184/25;36266/25;36582/25;36676/25;36705/25;38313/25;38491/25;38515/25;38763/25;39045/25;39259/25;39551/25;191/26;451/26;508/26;979/26;1013/26;1833/26;2419/26;4059/26;5466/26;7272/26)

Art. 5;5-1;5-2;5-3;5-4 – right to liberty – unlawful pre-trial detention; lack of sufficient justification for detention; excessive length of detention; inadequate legal assistance

SUBJECT MATTER OF THE CASE

The applications mainly concern the applicants' arrest and pre-trial detention, on suspicion of membership of FETÖ/PDY (an organisation described by the Turkish authorities as "Fetullahist Terror Organisation / Parallel State Structure"), in the aftermath of the attempted coup d'état which took place on 15 July 2016.

The applicants complain of a violation of Article 5 of the Convention on the basis of the following allegations (see the appended table for detailed information as to the specific complaints raised by each applicant):

- They were detained in the absence of any suspicion that they committed an offence;

- There were no relevant and sufficient reasons to justify their initial and/or continued pre-trial detention;
- The length of their pre-trial detention was excessive;
- The reviews of detention took place without a hearing, and they were not notified of the opinion of the public prosecutor on those reviews;
- Their access to the investigation files was restricted;
- The objections to their pre-trial detention or their requests for release during pre-trial period were not examined or examined belatedly;
- The decisions extending their pre-trial detention were not notified to them, or were notified with a delay, which prevented them from appealing against those decisions;
- They did not benefit from effective legal assistance and facilities to challenge their detention, having particular regard to the fact that their communication with their lawyers was monitored by the prison authorities;
- The time taken by the Constitutional Court to conduct its examination of their individual applications was excessive;
- The objections to their detention after conviction or their requests for release during the post-conviction period were not examined or examined belatedly by the appeal courts or the Court of Cassation.

QUESTIONS TO THE PARTIES

On the basis of the complaints communicated in accordance with the list in the Appendix

1. Can the applicants be considered to have been detained on the basis of “a reasonable suspicion”, for the purposes of Article 5 § 1 (c) of the Convention, that they had committed an offence (see, in particular, *Fox, Campbell and Hartley v. the United Kingdom*, 30 August 1990, § 32, Series A No. 182), taking into account, in particular, Article 100 of the Code of Criminal Procedure, which requires “concrete evidence demonstrating the existence of strong suspicions” as to the commission of the offence?

Moreover, has the Constitutional Court based the existence of reasonable suspicion on evidence discovered after the decisions had been taken to detain the applicants (see, in particular, *Baş v. Turkey*, no. [66448/17](#), § 185, 3 March 2020)?

2. Was the applicants’ pre-trial detention compatible with the requirements of Article 5 § 3 of the Convention? In particular:

i. Did the judges, who ordered the applicants’ initial pre-trial detention and the prolongation of their detention, and who examined the objections lodged against those decisions, fulfil their obligation to provide relevant and sufficient grounds for the deprivation of liberty in question (see, in particular, *Buzadji v. the Republic of Moldova* [GC], no. [23755/07](#), § 102, 5 July 2016)?

ii. Was the length of the applicants' pre-trial detention in breach of the "reasonable time" requirement under Article 5 § 3 of the Convention?

3. Did the applicants have at their disposal an effective remedy by which they could challenge the lawfulness of their deprivation of liberty, as required by Article 5 § 4 of the Convention? In particular, the Government are invited to respond to the following complaints made by the applicants (to the extent that they concern remedies already sought at the time of the lodging of the complaints, as relevant):

i. the principle of equality of arms had not been respected, as the decisions to extend their detention and their objections to those decisions had been examined without a hearing and the prosecutors' opinions had not been communicated to them (see, in particular, *Baş*, cited above, §§ 212-214, and *Kocamış and Kurt v. Turkey*, no. [227/13](#), §§ 34-35, 25 January 2022);

ii. they had been unable to challenge their detention in an effective manner because of the restriction imposed on their access to the investigation file (see, *inter alia*, *Yüksekdağ Şenoğlu and Others v. Türkiye*, nos. [14332/17](#) and 12 others, §§ 573-83, 8 November 2022);

iii. their objections to their detention had not been examined or had been examined belatedly (see, for example, *Shannon v. Latvia*, no. [32214/03](#), §§ 67-74, 24 November 2009);

iv. the decisions to extend their detention had not been notified to them or had been notified with a delay, which had prevented them from lodging objections against those decisions (compare, for example, *Voskuil v. the Netherlands*, no. [64752/01](#), § 83, 22 November 2007);

v. they had had no effective legal assistance or facilities to challenge their detention, having particular regard to the fact that their communication with their lawyers had been monitored (see, *mutatis mutandis*, *Černák v. Slovakia*, no. [36997/08](#), § 78, 17 December 2013);

vi. the time taken by the Constitutional Court to examine their individual applications had been excessive (compare for the relevant principles *Kavala v. Turkey*, no. [28749/18](#), §§ 181-184, 10 December 2019);

vii. their objections to their post-conviction detention had not been examined or had been examined belatedly (see, for example, *Stollenwerk v. Germany*, no. [8844/12](#), § 36, 7 September 2017; *Filat v. the Republic of Moldova*, no. [11657/16](#), §§ 23-36, 7 December 2021; and *Yılmaz Aydemir v. Türkiye*, no. [61808/19](#), §§ 36-37, 23 May 2023).

4. Did the compensation remedy provided under Article 141 of the Code of Criminal Procedure constitute an effective remedy, within the meaning of Article 5 § 4 of the Convention, in respect of any of the applicants' complaints?

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
1.	16047/18	Bacaklıoğlu v. Türkiye	27/03/2018	Hayri BACAKLIOĞLU 1978 Karabük Turkish	Elif BACAKLIOĞLU	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
2.	17014/19	Erol v. Türkiye	08/03/2019	Seyhan EROL 1971 İzmir Turkish	Ahmet Sinan SÜRÜCÜ	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
3.	57774/19	Ceyhan v. Türkiye	16/10/2019	Abdullah CEYHAN 1991 Samsun Turkish	İnan UZUN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
4.	2197/20	Kaya v. Türkiye	25/12/2019	İsa KAYA 1989 Niğde Turkish	Özcan AKINCI	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
5.	2484/20	Madran v. Türkiye	24/12/2019	Sakin MADRAN 1978 İstanbul Turkish	Emre AKARYILDIZ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Lack of hearing during the detention review Failure/Delay in examining requests for

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						release/objection during pre-trial detention
6.	26034/20	Şen v. Türkiye	25/06/2020	Hüseyin ŞEN 1985 Osmaniye Turkish	Hanifi BAYRI	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Delay in examination by the Constitutional Court
7.	28930/20	Gördes v. Türkiye	06/07/2020	İsmail GÖRDES 1972 Ankara Turkish	İrem DANACIOĞLU GÜNEŞ	Lack of reasonable suspicion
8.	36123/20	Aydoğan v. Türkiye	07/08/2020	Ahmet AYDOĞAN 1968 Samsun Turkish	Betül Nur KOCADEMİR	Failure/delay in examining requests for release/objection during post-conviction detention
9.	8962/21	Soyaslan v. Türkiye	16/12/2020	Yunus SOYASLAN 1974 Ankara Turkish	Lale KARADAŞ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
10.	9671/21	Taşkın v. Türkiye	29/01/2021	Süleyman TAŞKIN 1977 Ankara Turkish	Sinan ŞAHİN	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
11.	10308/21	Katar v. Türkiye	02/02/2021	Fatih Kasım KATAR 1997 İstanbul Turkish	Emre AKARYILDIZ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Failure/Delay to communicate decisions relating to detention Failure/Delay in examining requests for release/objection during pre-trial detention Lack/Difficulties of legal assistance/other facilities
12.	16143/21	Kır v. Türkiye	04/03/2021	İbrahim KIR 1964 Ankara Turkish	Emir Han KIR	Failure/delay in examining requests for release/objection during post-conviction detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
13.	18478/21	Turna v. Türkiye	18/03/2021	Şuayip TURNA 1981 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
14.	45400/21	Sakarya v. Türkiye	09/08/2021	Emre SAKARYA 1989 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
15.	1450/22	Yetim v. Türkiye	21/12/2021	Coşkun YETİM 1986 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
16.	14078/22	Bariner v. Türkiye	03/02/2022	Mehmet BARINER 1988 Ankara Turkish	Özlem BARINER	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
17.	20509/22	Kuyrukcu v. Türkiye	08/04/2022	Mustafa KUYRUKCU 1985 Ankara Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
18.	22879/22	Yıldırım v. Türkiye	28/04/2022	Ejder YILDIRIM 1974 Antalya Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
19.	39018/22	Dursun v. Türkiye	20/07/2022	Fatih DURSUN 1985 Ankara Turkish	Celalettin DURSUN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Lack of hearing during the detention review
20.	42189/22	Bingül v. Türkiye	19/08/2022	Aysel BİNGÜL 1990 Ankara Turkish	Kamile ÖZBULUT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
21.	43854/22	Düzgün v. Türkiye	26/08/2022	Abdurrahman DÜZGÜN 1991 Mardin Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
22.	49904/22	Bektaş v. Türkiye	10/10/2022	Abdulaziz BEKTAŞ 1974 Trabzon Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
23.	53230/22	Demirhan v. Türkiye	12/10/2022	Erol DEMİRHAN 1970 İstanbul Turkish	Kübra GÜLAÇTI	Length of pre-trial detention Lack of relevant and sufficient reasons for detention
24.	10041/23	Erdağ v. Türkiye	24/02/2023	Veysel ERDAĞ 1985 İstanbul Turkish	Ahmet EROL	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
25.	13231/23	Altuntaş v. Türkiye	09/02/2023	Abdullah ALTUNTAŞ 1985 Ankara Turkish	Mevhibe ESEN ALTUNTAŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Lack of hearing during the detention review
26.	14275/23	Söylemez v. Türkiye	07/03/2023	Halit SÖYLEMEZ 1986 Adana Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
27.	19820/23	Karakurt v. Türkiye	03/05/2023	Ahmet Sinan KARAKURT 1981 İstanbul Turkish	Büşra Nur KALE EKİNCİ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
28.	20791/23	Mehmetoğlu v. Türkiye	12/05/2023	Enes MEHMETOĞLU 1976 Balıkesir Azerbaijani, Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
29.	20815/23	Özuzma v. Türkiye	08/05/2023	Ayhan ÖZUZMA 1974 Eskişehir Turkish	İlyas ÖZKAN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
30.	26302/23	Şahan v. Türkiye	09/05/2020	Mehmet ŞAHAN 1974 Kocaeli Turkish	Fatma ŞAHAN	Length of pre-trial detention Lack of relevant and sufficient reasons for detention
31.	27072/23	Çolak v. Türkiye	05/07/2023	Salih ÇOLAK 1993	Kadir ÖZTÜRK	Lack of reasonable suspicion Length of pre-trial detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				İzmir Turkish		Lack of relevant and sufficient reasons for detention
32.	27500/23	Yıldız v. Türkiye	16/06/2023	Hıdır YILDIZ 1974 Isparta Turkish		Length of pre-trial detention Lack of relevant and sufficient reasons for detention
33.	32929/23	Arabacı v. Türkiye	19/07/2023	İbrahim ARABACI 1979 Manisa Turkish	Kadir ÖZTÜRK	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
34.	35723/23	Şanverdi v. Türkiye	19/09/2023	Ömer ŞANVERDİ 1988 Hatay Turkish	Naciye Refia ÇOKER	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
35.	42835/23	Şeker v. Türkiye	11/12/2023	Mehmet ŞEKER 1979 Düzce Turkish	Kamile ÖZBULUT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
36.	3061/24	Sancılı v. Türkiye	22/01/2024	Ömer SANCILI 1986 Tokat Turkish	Emre AKARYILDIZ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
37.	11322/24	İlhan v. Türkiye	26/03/2024	Mehmet Faysal İLHAN 1970	Muhammed Said İLHAN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				Istanbul Turkish		Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
38.	25829/24	Karakaya v. Türkiye	22/08/2024	Mustafa KARAKAYA 1991 Konya Turkish	Ayşe Sümeyra KARAKAYA	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
39.	25958/24	Aygün v. Türkiye	27/08/2024	Oktay AYGÜN 1974 Kocaeli Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
40.	26986/24	Erdoğan v. Türkiye	28/08/2024	Sinan ERDOĞAN 1976 Ankara Turkish	Fatih DÖNMEZ	Length of pre-trial detention Lack of relevant and sufficient reasons for detention
41.	28024/24	Durmuş v. Türkiye	17/09/2024	Abdullah Alper DURMUŞ 1967 Ankara Turkish	Ahmet Serdar GÜNEŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
42.	28796/24	Gülen v. Türkiye	04/09/2024	Selman GÜLEN 1980 İzmir Turkish	Fatma Vildan YIRMİBEŞOĞLU	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
43.	31283/24	Kuzu v. Türkiye	02/10/2024	Yunus Emre KUZU 1994 Ankara Turkish	Osman ÖZATA	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention Delay in examination by the Constitutional Court
44.	34478/24	Kara v. Türkiye	19/11/2024	Abdullah KARA 1986 Ankara Turkish	Hamdi Kenan SEVİNÇ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
45.	34675/24	Baydoğan v. Türkiye	20/11/2024	Ünal BAYDOĞAN 1988 Adıyaman Turkish	Kamile ÖZBULUT	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
46.	35236/24	Gültekin v. Türkiye	19/11/2024	Şevket GÜLTEKİN 1990 Istanbul Turkish	Tarık Said GÜLDİBİ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
47.	37068/24	Samast v. Türkiye	25/11/2024	Sinan SAMAST 1989 Istanbul Turkish	Aslı ELMAS SAMAST	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Lack of hearing during the detention review Failure to communicate the prosecutor's opinion
48.	10/25	Öz v. Türkiye	16/12/2024	Hasan ÖZ 1989 Kayseri Turkish	Ahmet Etkü GÜNEYİSİ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
49.	155/25	Şahin v. Türkiye	25/12/2024	Seyfettin ŞAHİN 1972	Ahmet EROL	Lack of reasonable suspicion Length of pre-trial detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				Istanbul Turkish		Lack of relevant and sufficient reasons for detention
50.	331/25	Ünaldı v. Türkiye	19/12/2024	Hayrullah ÜNALDI 1985 Konya Turkish	Adem BAYRAKTU TAR	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
51.	397/25	Özen v. Türkiye	30/12/2024	Yasin ÖZEN 1991 Konya Turkish	Kamile ÖZBULUT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
52.	612/25	Yaşar v. Türkiye	04/12/2024	Hakan YAŞAR 1980 İzmir Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
53.	681/25	Şanlı v. Türkiye	17/12/2024	Hanife ŞANLI 1990 Bursa Turkish	Tarık Said GÜLDİBİ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
54.	1260/25	Işık v. Türkiye	31/12/2024	Sevcan IŞIK 1982 Ankara Turkish	Hamide Nur ALKAÇ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
55.	1265/25	Akçiçek v. Türkiye	31/12/2024	Recep AKÇİÇEK 1979 Ankara Turkish	Hamide Nur ALKAÇ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
56.	1349/25	Atasever v. Türkiye	23/12/2024	Kerim ATASEVER 2001 Bursa Turkish	Mesut Enes AKBULUT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
57.	1769/25	Öztürk v. Türkiye	09/01/2025	Akın ÖZTÜRK 1952 Ankara Turkish	Özlem BARINER	Failure/delay in examining requests for release/objection during post-conviction detention
58.	1798/25	Sevinç v. Türkiye	16/12/2024	Mehmet Sait SEVİNÇ 1990 Kırıkkale Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
59.	1830/25	Yıldırım v. Türkiye	24/12/2024	Barış YILDIRIM 1989 Istanbul Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
60.	2241/25	Çiftçi v. Türkiye	08/01/2025	Veyssel ÇİFTÇİ 1987 Istanbul Turkish	Ayşe DURMUŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Lack of hearing during the detention review
61.	2553/25	Çalışkan v. Türkiye	06/01/2025	Cumhur ÇALIŞKAN 1971 Antalya Turkish	Kamile KILDAN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
62.	3166/25	Topel v. Türkiye	27/12/2024	Hakan TOPEL 1992 Isparta Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
63.	3564/25	Çelik v. Türkiye	20/01/2025	Mehmet ÇELİK 1987 Ankara Turkish	Ayşe Nesibe YAZAR	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
64.	3775/25	Taşkan v. Türkiye	16/01/2025	Çiğdem TAŞKAN 1993 Ankara Turkish	Emine Pınar TEKİNŞEN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
65.	3930/25	Bingöl v. Türkiye	02/01/2025	Murat BİNGÖL 1998 Diyarbakır Turkish	Lezgin Ahmet BAYBAŞIN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
66.	4047/25	Yılmaz v. Türkiye	27/01/2025	Ayla YILMAZ 1975 Ankara Turkish	Fatma Rabia GÜRDAL	Length of pre-trial detention Lack of relevant and sufficient reasons for detention
67.	4504/25	Şahin v. Türkiye	03/02/2025	Bilal ŞAHİN 1968 Kayseri Turkish	Zehra KARAKULAK BOZDAĞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
68.	4670/25	Arslan v. Türkiye	22/01/2025	Bülent ARSLAN 1992 Manisa Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
69.	4675/25	Akdemir v. Türkiye	21/01/2025	Orhan AKDEMİR 1982 Konya Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
70.	5306/25	Katar v. Türkiye	04/02/2025	Emine KATAR 1986 Isparta Turkish	Bilge Kağan TOPTAŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
71.	5504/25	Bakar v. Türkiye	11/02/2025	Osman BAKAR 1983 Ankara Turkish	Kamile ÖZBULUT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
72.	6090/25	Çomak v. Türkiye	10/02/2025	Yeşim ÇOMAK 1992 İzmir Turkish	Üsame İNAN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
73.	6649/25	Gülen v. Türkiye	17/02/2025	Şamil GÜLEN 1981 Manisa Turkish	Emrullah POLAT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
74.	6708/25	Seker v. Türkiye	18/02/2025	Mehmet Akif SEKER 1989 Konya Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
75.	6730/25	Günaydın v. Türkiye	20/02/2025	Oktay GÜNAYDIN 1972 Ankara Turkish		Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
76.	6863/25	Gülen v. Türkiye	17/02/2025	Tavus Bin Keysan GÜLEN 1977 Sakarya Turkish	Emrullah POLAT	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
77.	7556/25	Sarıgül v. Türkiye	27/02/2025	Feride SARIGÜL 2025 Kayseri Turkish	Selma AĞAR TUNÇ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
78.	8284/25	Demir v. Türkiye	03/03/2025	Kenan DEMİR 1983 Ağrı Turkish	Atıl KARADUMAN	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
79.	8473/25	Akkaya v. Türkiye	25/02/2025	Zeki AKKAYA 1982 Kırıkkale Turkish		Length of pre-trial detention Lack of relevant and sufficient reasons for detention
80.	8576/25	Demir v. Türkiye	26/02/2025	Enes DEMİR 1990 İstanbul Turkish	Erkam DEMİR	Length of pre-trial detention Lack of relevant and sufficient reasons for detention Failure/delay in examining requests for release/objection during post-conviction detention
81.	8951/25	Şanlı v. Türkiye	27/02/2025	Doğan Müzdat ŞANLI 1990 Edirne Turkish	Zeynep Rana EKİNCİ KOÇ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
82.	9039/25	Arabacı v. Türkiye	10/03/2025	İbrahim ARABACI 1979 Manisa Turkish	Kadir ÖZTÜRK	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						assistance/other facilities Lack of hearing during the detention review
83.	9435/25	Yalim v. Türkiye	04/03/2025	Ahmet Yusuf YALIM 1983 Edirne Turkish	Ayşegül BUĞAÇAYIR	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
84.	10034/25	Önel v. Türkiye	10/03/2025	Tarık ÖNEL 1991 Ankara Turkish	Mustafa Onur ASLAY	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
85.	10041/25	Okuducu v. Türkiye	12/03/2025	Kürşat OKUDUCU 1978 Manisa Turkish	Kübra GÜLAÇTI	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
86.	10595/25	Karaca v. Türkiye	19/03/2025	Emel KARACA 1976 Kayseri Turkish	Zehra KARAKULA K BOZDAĞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
87.	11444/25	Yolacar v. Türkiye	17/03/2025	Hakki YOLACAR 1992	Nevzat YOLAÇAR	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				Istanbul Turkish		conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
88.	11506/25	Özkan v. Türkiye	08/04/2025	Alper ÖZKAN 1989 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
89.	12014/25	Tatar v. Türkiye	28/03/2025	Aysun TATAR 1983 Yozgat Turkish	Latife Nazlı GÜVEN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
90.	13378/25	Türkçil v. Türkiye	11/04/2025	Ahmet Turan TÜRKÇİL 1980 Ankara Turkish	Ekrem Bahadır MERCANTAŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
91.	13601/25	Altun v. Türkiye	08/04/2025	Hasan Mutlu ALTUN 1974 Ankara Turkish	Ömer Furkan DAĞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
92.	13700/25	Eren v. Türkiye	17/04/2025	Münire EREN 1970 Denizli Turkish	Özlem BARINER	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
93.	13749/25	Er v. Türkiye	14/04/2025	Selçuk ER 1983 Ankara Turkish	Fatma Rabia GÜRDAL	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
94.	13936/25	Karataş v. Türkiye	11/04/2025	Halil KARATAŞ 1977 Uşak Turkish		Failure to communicate the prosecutor's opinion
95.	14064/25	Gülen v. Türkiye	11/04/2025	Mehmet Mezher GÜLEN 1967 İzmir Turkish		Length of pre-trial detention Lack of relevant and sufficient reasons for detention
96.	14563/25	Parpar v. Türkiye	18/04/2025	Şakir PARPAR 1983 Antalya Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
97.	15547/25	Açar v. Türkiye	25/04/2025	Mustafa AÇAR 1995 İstanbul Turkish		Length of pre-trial detention Lack of relevant and sufficient reasons for detention
98.	15913/25	Utuş v. Türkiye	25/04/2025	Kenan UTUŞ 1987 Antalya Turkish		Length of pre-trial detention
99.	16045/25	Uçan v. Türkiye	06/05/2025	Şadi UÇAN 1978	Mehmet ARSLAN	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				Eskişehir Turkish		conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
100.	16602/25	Anıl v. Türkiye	12/05/2025	Ergün ANIL 1971 Ankara Turkish	Nilgün ANIL	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
101.	16604/25	Kabaağaç v. Türkiye	30/04/2025	Zülfiye KABAAĞAÇ 1978 Kütahya Turkish	Bilge Kağan TOPTAŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
102.	16683/25	Çetinkaya v. Türkiye	29/04/2025	Doğan ÇETINKAYA 1973 İstanbul Turkish	Gamze AKSOY	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
103.	16713/25	Kabaağaç v. Türkiye	06/05/2025	Mustafa KABAAĞAÇ 1975 Kütahya Turkish	Bilge Kağan TOPTAŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Lack of hearing during the detention review
104.	16994/25	Özkip v. Türkiye	15/05/2025	Evren ÖZKİP 1980 Ankara Turkish	Hasan TOK	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
105.	17214/25	Yıldıran v. Türkiye	08/05/2025	Mustafa YILDIRAN 1981 Istanbul Turkish	Yadigar GÖNÜLLÜ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
106.	18059/25	Ulu v. Türkiye	09/05/2025	Fendiye ULU 1979 Kırıkkale Turkish	Yadigar GÖNÜLLÜ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
107.	18672/25	Kılıçgil v. Türkiye	29/05/2025	Sultan KILIÇGİL 1987 Ankara Turkish	Pelin EMENİR ABAZOĞLU	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
108.	18775/25	Alaca v. Türkiye	23/05/2025	Ömer ALACA 1982 Istanbul Turkish	Ayşe DURMUŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
109.	19160/25	Bakırcı v. Türkiye	23/05/2025	Yasin BAKIRCI 1976 Ankara Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
110.	19630/25	Kaplan v. Türkiye	03/06/2025	Yaşar KAPLAN 1978 Zonguldak Turkish	Gülhis YÖRÜK	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
111.	22013/25	Yılmaz v. Türkiye	03/07/2025	Abdullah YILMAZ 1984 Istanbul Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
112.	22292/25	Selvi v. Türkiye	16/07/2025	İsmail SELVİ 1976 Erzurum Turkish	Zeynep UZUNALI	Failure/delay in examining requests for release/objection during post-conviction detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
113.	22358/25	Bağcı v. Türkiye	09/07/2025	Ahmet BAĞCI 1984 Ankara Turkish	Hilal Tuğba YAVUZ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
114.	22972/25	Özmen v. Türkiye	11/07/2025	Veysel ÖZMEN 1977 Antalya Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
115.	23402/25	Özdemir v. Türkiye	11/07/2025	Ahmet ÖZDEMİR 1984 Bursa Turkish		Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
116.	24241/25	Çetin v. Türkiye	07/07/2025	Gökhan ÇETİN 1989 Van Turkish	Nursema ÇETİN	Failure/delay in examining requests for release/objection during post-conviction detention
117.	24880/25	Aydın v. Türkiye	25/07/2025	Oğuz AYDIN 1975 Ankara Turkish	Numan ZEMHERİ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						assistance/other facilities Lack of hearing during the detention review
118.	26088/25	Erdoğan v. Türkiye	06/08/2025	Metin ERDOĞAN 1980 Istanbul Turkish	Ayşe DURMUŞ	Lack of reasonable suspicion Failure/delay in examining requests for release/objection during post-conviction detention Restriction of access to the investigation file Lack/difficulties of legal assistance/other facilities Lack of hearing during the detention review
119.	28709/25	Koç v. Türkiye	19/08/2025	Fatih KOÇ 1978 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
120.	30048/25	Erol v. Türkiye	29/08/2025	Mehmet EROL 1975 Erzurum Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
121.	30590/25	Yılmaz v. Türkiye	19/09/2025	Özay YILMAZ 1973 Van Turkish	Nihal GÜREŞÇİ	Failure/delay in examining requests for release/objection during post-conviction detention
122.	31001/25	Durak v. Türkiye	25/09/2025	Velican DURAK 1997 Istanbul Turkish	Safiyye Nur SABUNCU KARAKURT	Failure/delay in examining requests for release/objection during post-conviction detention Failure to communicate the prosecutor's opinion

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
123.	31516/25	Semizer v. Türkiye	24/09/2025	Turan SEMİZER 1964 Ankara Turkish	İbrahim SEMİZER	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
124.	32344/25	Canpolat v. Türkiye	26/09/2025	Kadir CANPOLAT 1969 İzmir Turkish	Zeynep UZUNALI	Failure/delay in examining requests for release/objection during post-conviction detention
125.	32775/25	Sönmez v. Türkiye	30/09/2025	Fevzi SÖNMEZ 1990 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
126.	33266/25	Arcan Sözüer v. Türkiye	01/10/2025	Fikriye ARCAN SÖZÜER 1965 Aydın Turkish	Levent MAZILIGÜNEY	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention Failure to communicate the prosecutor's opinion Lack of hearing during the detention review
127.	33922/25	Koltarla v. Türkiye	13/10/2025	Osman KOLTARLA 1976		Failure/delay in examining requests for release/objection during post-conviction detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				Ankara Turkish		
128.	34627/25	Işık v. Türkiye	21/10/2025	Yücel IŞIK 1960 Denizli Turkish	Süeda KADIOĞLU	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
129.	34745/25	Akgün v. Türkiye	14/10/2025	Ahmet AKGÜN 1966 Ankara Turkish	Elif Nurbanu OR	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
130.	35271/25	Çiftçi v. Türkiye	20/10/2025	Zafer ÇİFTÇİ 1981 Antalya Turkish	Refia ATALAY ÇOKER	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
131.	35302/25	Işık v. Türkiye	21/10/2025	Huzeyfe IŞIK 1989 Denizli Turkish	Süeda KADIOĞLU	Lack of reasonable suspicion

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
132.	35617/25	Aydin v. Türkiye	24/10/2025	Cengiz AYDIN 1964 SEE REP. ADDRESS Turkish	Nur Seda AYDIN TEKIN	Failure/delay in examining requests for release/objection during post-conviction detention
133.	36184/25	Karaca v. Türkiye	27/10/2025	Gökhan KARACA 1974 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
134.	36266/25	Şahin v. Türkiye	30/10/2025	Erol ŞAHİN 1987 Samsun Turkish	Raziye Rana AKSOY	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention
135.	36582/25	Turan v. Türkiye	07/11/2025	Enes TURAN 1993 Malatya Turkish	Mehmet Ali ATAK	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention Restriction of access to the investigation file
136.	36676/25	Danacı v. Türkiye	03/11/2025	Fatih DANACI 1994 Çorum Turkish	Tarık AVŞAR	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
137.	36705/25	Kayır v. Türkiye	31/10/2025	Huseyin KAYIR 1977 Erzurum Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
138.	38313/25	Yavuzarslan v. Türkiye	04/11/2025	Hüseyin Avni YAVUZARSLAN 1980 Ankara Turkish	Elif Nurbanu OR	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
139.	38491/25	Polat v. Türkiye	10/11/2025	Ömer POLAT 1990 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
140.	38515/25	Dayanır v. Türkiye	11/11/2025	Nihat DAYANIR 1982 Uşak Turkish	Tuğba AYGUR	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention Failure to communicate the prosecutor's opinion
141.	38763/25	Dayanır v. Türkiye	11/11/2025	Nagihan DAYANIR 1984 Uşak Turkish	Tuğba AYGUR	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
						Failure to communicate the prosecutor's opinion
142.	39045/25	Karaahmet oğlu v. Türkiye	18/11/2025	Ali KARA AHMETOĞLU 1989 Ankara Turkish		Failure/delay in examining requests for release/objection during post-conviction detention
143.	39259/25	Serttaş v. Türkiye	21/11/2025	Nuriye SERTTAŞ 1964 Hatay Turkish	Dudu ERTUNÇ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Failure to communicate the prosecutor's opinion Lack of hearing during the detention review Failure/Delay to communicate decisions relating to detention
144.	39551/25	Eraslan v. Türkiye	27/11/2025	Harun ERASLAN 1985 Ankara Turkish		Length of pre-trial detention Lack of relevant and sufficient reasons for detention
145.	191/26	Coban v. Türkiye	26/11/2025	Hilal COBAN 1988 Ankara Turkish	Emine Pınar TEKİNŞEN	Lack of reasonable suspicion Lack of relevant and sufficient reasons for detention
146.	451/26	Kahraman v. Türkiye	05/12/2025	Fatih KAHRAMAN	İbrahim AKSOY	Lack of reasonable suspicion Length of pre-trial detention

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
				1982 Istanbul Turkish		Lack of relevant and sufficient reasons for detention
147.	508/26	Kocaman v. Türkiye	28/11/2025	Fatma Betül KOCAMAN 1987 Ankara Turkish	Levent KOCAMAN	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Failure to communicate the prosecutor's opinion Lack of hearing during the detention review
148.	979/26	Yağcı v. Türkiye	06/11/2025	Ertekin YAĞCI 1978 Kocaeli Turkish	Elvan BAĞCANBAZ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Restriction of access to the investigation file
149.	1013/26	Atlı v. Türkiye	31/10/2025	Yakup ATLI 1978 İzmir Turkish	İlknur ATLI	Failure/delay in examining requests for release/objection during post-conviction detention
150.	1833/26	Bozdemir v. Türkiye	05/12/2025	Süleyman BOZDEMİR 1983 Istanbul Turkish	Enes Malik KILIÇ	Lack of reasonable suspicion

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Complaints
151.	2419/26	Şahin v. Türkiye	22/12/2025	Mustafa ŞAHİN 1980 Konya Turkish		Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Failure/delay in examining requests for release/objection during post-conviction detention
152.	4059/26	Akgün v. Türkiye	19/12/2025	Ahmet AKGÜN 1966 Ankara Turkish	Zehra KARAKULAK BOZDAĞ	Lack of reasonable suspicion Length of pre-trial detention Lack of relevant and sufficient reasons for detention Failure to communicate the prosecutor's opinion Lack of hearing during the detention review Restriction of access to the investigation file
153.	5466/26	Demir v. Türkiye	11/12/2025	Betül Fatma DEMİR 1981 Denizli Turkish	Furkan GÜLER	Lack of reasonable suspicion
154.	7272/26	Altınsoy v. Türkiye	13/01/2026	Bünyamin ALTINSOY 1981 Turkish	Yadigar GÖNÜLLÜ	Lack of reasonable suspicion

ATALAR V. TÜRKİYE AND 7 OTHER APPLICATIONS

(19263/23;19865/23;37462/23;5272/24;5273/24;22311/24;10122/25;11898/25)

Art. 10;10-1 – freedom of expression – disciplinary sanctions for social media posts; right to a fair trial – excessive length of administrative proceedings

SUBJECT MATTER OF THE CASE

The applications concern disciplinary sanctions imposed on the applicants, civil servants at the material time, on account of their social media posts and/or public statements (for details regarding the nature of and reasons given for the sanctions, see the Appendix).

The domestic authorities considered that the impugned posts and statements of the applicants exceeded the boundaries of permissible criticism and that the disciplinary sanctions were appropriate and necessary given the duties incumbent upon the applicants by virtue of their civil servant status.

The applicants complained under Article 10 of the Convention that the disciplinary sanctions constituted a breach of their right to freedom of expression. In addition, invoking Article 6 § 1 of the Convention, the applicant in application no. 22311/24 complained about the length of the proceedings before the administrative courts, which lasted more than seven years and three months at two levels of jurisdiction.

QUESTIONS TO THE PARTIES

Questions for all applications

1. Has there been an interference with the applicants' right to freedom of expression, within the meaning of Article 10 § 1 of the Convention, on account of the disciplinary sanctions imposed upon them?
2. If so, was that interference prescribed by law and necessary in a democratic society within the meaning of Article 10 § 2 (see, for the general principles, *Baka v. Hungary* [GC], no. 20261/12, § 162, 23 June 2016)?
3. In particular, having regard to the content of the applicants' impugned posts and statements, the context in which they were expressed, and the circumstances of each case, did the national courts, in their decisions, carry out a sufficient examination and a proper balancing of the interests at stake in the light of the criteria set out by the Court in cases concerning freedom of expression (*Kula v. Turkey* , no. 20233/06, §§ 44-52, 19 June 2018)?

Additional questions for application no. 22311/24

4. Did the applicant exhaust domestic remedies, as required by Article 35 § 1 of the Convention, as regards his complaint about the length of the proceedings?

5. If domestic remedies were exhausted, were the judicial proceedings brought by the applicant challenging his dismissal concluded within a “reasonable time” in accordance with Article 6 § 1 of the Convention (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Ümmühan Kaplan v. Turkey* , no. 24240/07, § 45, 20 March 2012; and *Polyakh and Others v. Ukraine* , nos. 58812/15 and 4 others, §§ 171-93, 17 October 2019)?

APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Sanctions Imposed	Alleged acts for which sanctions were imposed
1.	19263/23	Atalar v. Türkiye	20/04/2023	Ömer ATALAR 1972 Ankara Turkish	Kerem ALTIPAR MAK	Suspension of grade advancement for three years	Sharing and reposting political content on his social media account
2.	19865/23	Aktaş v. Türkiye	18/04/2023	Hatice Deniz AKTAŞ 1983 Gaziantep Turkish	Bedia BORAN BULUT	Dismissal from civil service	Posts on social media, re-postings of news by national and regional media outlets, concerning “Hendek Operations”
3.	37462/23	Çavuşoğlu v. Türkiye	06/09/2023	Hamit ÇAVUŞOĞLU 1972 Ankara Turkish		1/30 of salary deduction	Alleged defamatory statements made against the then Prime Minister
4.	5272/24	Ok v. Türkiye	31/01/2024	Serap OK 1975 Şırnak Turkish	Bedia BORAN BULUT	Suspension of grade advancement for one year	Wearing attire during the “Newruz” celebrations, considered to symbolise the PKK and posting photographs in such clothing on Facebook
5.	5273/24	Kaplan v. Türkiye	31/01/2024	Nizam KAPLAN 1977 Şırnak Turkish	Bedia BORAN BULUT	Suspension of grade advancement for one year	Wearing attire during the “Newruz” celebrations, considered to symbolise the PKK and posting photographs in such clothing on Facebook

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Sanctions Imposed	Alleged acts for which sanctions were imposed
6.	22311/24	Üzümcü v. Türkiye	29/07/2024	Levent ÜZÜMCÜ 1972 Istanbul Turkish	Pınar GÜRSOY KILINÇ	Dismissal from civil service	Alleged defamatory statements made against the then Prime Minister, insulting a part of the population
7.	10122/25	Kara v. Türkiye	10/03/2025	Mehmet KARA 1985 Şırnak Turkish	Gürşin BABAT	Dismissal from civil service	Sharing and reposting political content on his social media account
8.	11898/25	Kaval v. Türkiye	21/03/2025	Halil İbrahim KAVAL 1985 Diyarbakır Turkish	Öztürk TÜRKDOĞAN	Dismissal from civil service	Sharing and reposting political content on his social media account

TAMUR V. TÜRKİYE (23333/25)

Art. 6;6-1;8;8-1 – right to private and family life – rejection of request to reacquire citizenship leading to statelessness; fair trial – lack of consideration of implications of statelessness in judicial decisions

SUBJECT MATTER OF THE CASE

The application concerns the domestic authorities' refusal of the applicant's request to reacquire Turkish citizenship which he was stripped of seventeen years before.

On 17 March 2004 the applicant lost his Turkish citizenship on the grounds that he had not completed his compulsory military service, in accordance with Article 25(d) of the former Law on Turkish Citizenship (Law no. 403).

On 29 April 2021 the applicant lodged an application with the Ministry of the Interior to be regranted Turkish citizenship. He alleges before the Court that he had not been aware of the deprivation of his citizenship until then, as he had been in prison, and that he had lodged the application following his release.

On 14 December 2021 the applicant's application was rejected.

On 18 March 2022 the applicant initiated administrative proceedings seeking the annulment of the rejection decision. The applicant argued that he should not have lost Turkish citizenship in the first place, as he had never left the country to evade his compulsory military service, which was a precondition for the deprivation of Turkish citizenship under Article 25 (d) of Law no.403. He further submitted that the loss of his Turkish citizenship had rendered him stateless, in breach of international law.

On 23 June 2022 the Ankara Administrative Court dismissed the case on the grounds that the security investigation conducted in respect of the applicant had revealed that he had been convicted on 30 April 2012 of the offence of producing or trading in narcotic drugs or psychotropic substances and sentenced to twelve years' imprisonment.

On 7 December 2022 the Ankara Regional Court of Appeals upheld the decision.

On 16 May 2025 the Constitutional Court declared the applicant's complaints under Article 8 of the Convention inadmissible as manifestly ill - founded.

Invoking Article 8 and Article 6 of the Convention, the applicant complains, respectively, about the domestic judicial authorities' rejection of his request to reacquire Turkish citizenship and the reasoning of their decisions. He argues, in particular, that the domestic authorities failed to give due consideration, in their decisions, to his statelessness and its implications for his private and family life.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to respect for his private and family life, contrary to Article 8 of the Convention, as a result of the domestic authorities' rejection of his request to reacquire Turkish citizenship?

In particular, while rejecting the applicant's request to reacquire Turkish citizenship, did the domestic authorities take into consideration in their decisions that the applicant had become stateless following the revocation of his Turkish citizenship in 2004 (see, *mutatis mutandis*, *Emin Huseynov v. Azerbaijan* (no. 2), no. 1/16, §§ 50-64, 13 July 2023)?

BÜYÜKKAYA C. TÜRKİYE ET 17 AUTRES AFFAIRES

(30206/19;30280/19;30535/19;31931/19;39063/19;50846/19;2637/20;3731/20;4237/20;14598/20;14899/20;15150/20;16249/20;16982/20;18645/20;40949/20;52255/20;3979/23)

Art. 6;6-1;8;8-1;13 – fair trial – lack of thorough examination in dismissal of applicants (following the coup attempt) working in strategic sectors under employment contracts; the principle of equality of arms and the right to adversarial proceedings; right to private life

SUBJECT MATTER OF THE CASE

The applications concern the dismissal of the applicants – a list of whom is set out in the annex – who, at the time of the events, were working in institutions operating in strategic sectors under employment contracts governed by the Labour Code (Law No 4857).

Following the attempted coup d'état of 15 July 2016 and on various dates thereafter, the said institutions informed the applicants of their dismissal. In most of the letters of notification, it was stated that the applicants' employment contracts had been terminated without compensation, on valid grounds, pursuant to Article 25 of the Labour Code.

On various dates, the claimants brought proceedings before the labour courts for unfair dismissal, seeking primarily the annulment of the decision to terminate their contracts.

On various dates between 24 November 2016 and 28 February 2019, the labour courts dismissed the claimants' claims, relying in particular on the exceptional circumstances following the attempted coup d'état of 15 July 2016 and on the strategic and confidential nature of the duties carried out by the institutions in which the claimants had been employed. In most of the judgements, the courts held that the applicants' dismissal constituted termination on reasonable grounds based on suspicion.

These judgements were subsequently upheld by the regional courts of appeal. In some judgements, the courts of appeal held that the applicants' employment contracts had been terminated on the basis of the emergency decree-laws. Others based their reasoning on the criminal proceedings brought against the applicants at the time of, or following, the termination of their employment contracts.

In some cases, the judgments became final following confirmation by the Court of Cassation. In the judgments handed down in cases Nos. 30206/19 and 39063/19, the Court of Cassation clarified that the terminations had not been based on the emergency decree-laws but on the provisions of the Labour Code.

In decisions handed down between 3 December 2018 and 13 September 2022, the Constitutional Court dismissed the individual appeals lodged by the applicants. In accordance with the grounds

raised by each applicant in their individual application, the Court declared, in brief judgments, that the grounds relating to the right to a reasoned decision and the right to privacy were manifestly unfounded; those relating to the overall fairness of the fourth-instance proceedings; and those relating to the right to work were incompatible *ratione materiae* with the provisions of the Constitution.

Relying on Article 6 § 1 and/or other articles of the Convention, the applicants complain that they did not receive a fair trial in the proceedings before the domestic courts. They essentially consider that the domestic courts failed to conduct a thorough examination of the cases before them, in that they did not carry out a sufficient examination of the grounds on which their employment contracts were terminated. Some applicants also point out that they were not given the opportunity to defend themselves or to challenge the facts underlying their dismissal (applications nos 30206/19, 50846/19, 2637/20, 3731/20, 4237/20, 14598/20, 14899/20, and 3979/23).

In applications Nos 30206/19, 30535/19, 31931/19, 39063/19, 18645/20, 40949/20, and 3979/23, the applicants allege a violation of Article 8 of the Convention (the applicant in application No. 40949/20 further invokes Article 6 § 2 of the Convention and Article 1 of Protocol No. 1 to the Convention in this regard). The applicants in applications Nos 31931/19, 18645/20, 40949/20 and 3979/23 complain, *inter alia*, that the grounds for the termination of their employment contracts were linked to the exercise of their right to respect for their private and family life. They further contend that their dismissal had serious consequences for their professional and social reputation. The applicants in applications Nos 30206/19, 30535/19 and 39063/19 complain that their dismissal constituted a violation of their right to the protection and development of their physical and moral integrity and of their right to work.

QUESTIONS TO THE PARTIES

Questions common to all applications

1. Did the applicants refer the matter to the mediator with a view to obtaining severance pay and length-of-service pay under the mandatory mediation procedure provided for in Article 3 of Law No 7036 of 12 October 2017 on labour courts? If so, did they reach a mediation agreement with their employers? What were the content and terms of these agreements, where applicable?

2. Was there a violation of the right to a fair trial, within the meaning of Article 6 of the Convention, in so far as the applicants contend that the domestic courts failed to carry out an effective judicial review of their employer's decision to terminate their employment contracts on various grounds (see, *mutatis mutandis*, *Pişkin v. Turkey*, no. 33399/18, §§ 130–153, 15 December 2020, and *Onat and Others v. Türkiye*, nos. 61590/19 and 6 others, §§ 69–74, 25 March 2025)?

(a) In particular, what were the grounds which, according to the domestic courts, formed the basis for the termination of the applicants' employment contracts? The Government is invited to answer this question in detail for each applicant.

b) Can the reasoning followed by the domestic courts be regarded as arbitrary or manifestly unreasonable? More specifically, did the domestic courts provide sufficient grounds for their judgments and address the applicants' arguments (*Pişkin*, cited above, §§ 141–153, and *Onat and Others*, cited above, §§ 69–74)?

Questions common to applications Nos. 30206/19, 50846/19, 2637/20, 3731/20, 4237/20, 14598/20, 14899/20 and 3979/23

3. Given the applicants' allegations that they were not given the opportunity to defend themselves or to challenge the facts underlying their dismissals, were the principle of equality of arms and the right to adversarial proceedings respected (see, *mutatis mutandis*, *Pişkin*, cited above, § 134)?

Questions common to applications nos. 30206/19, 30535/19, 31931/19, 39063/19, 18645/20, 40949/20 and 3979/23

4. (a) Having regard to the Court's case-law on the matter (see, for the relevant principles, *Denisov v. Ukraine* [GC], no. 76639/11, §§ 95–117, 25 September 2018, and *Pişkin*, cited above, §§ 172–188 and 200–229), the alleged grounds and consequences of the applicants' dismissals, and the manner in which the applicants have formulated their complaints, can it be considered that Article 8 of the Convention is applicable to the present cases and, if so, was there an interference with the applicants' right to respect for their private and family life, within the meaning of that provision, as a result of the termination of their employment contracts?

b) If so, was the interference with the applicants' exercise of that right prescribed by law and necessary, within the meaning of Article 8 § 2 of the Convention?

c) Furthermore, in so far as the applicants complain that they were dismissed without effective judicial review, can it be considered that the decision-making process followed in this case provided sufficient safeguards against arbitrariness (see, *mutatis mutandis*, *Smith and Grady v. the United Kingdom*, nos. 33985/96 and 33986/96, §§ 87–89, ECHR 1999-VI, *Al-Nashif v. Bulgaria*, no. 50963/99, §§ 123–124, 20 June 2002, *Özpınar v. Turkey*, no. 20999/04, § 78, 19 October 2010, *Liou v. Russia* (no. 2), no. 29157/09, §§ 85–87, 26 July 2011, and *Pişkin*, cited above, §§ 211–215)?

The Government is requested to produce copies of all documents in the files relating to the judicial proceedings referred to in the above questions, as well as to the criminal proceedings brought against the applicants in applications Nos. 15150/20, 16249/20, 52255/20 and 3979/23.

APPENDIX

No.	Applicatio n no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Employer of the applicants at the time of the events
1.	30206/19	Büyükkaya v. Türkiye	22/05/2019	Elif BÜYÜKKAYA 1989 Ankara Turkish	Kaya Dincer	TÜBİTAK (Institute for Scientific and Technical Research)
2.	30280/19	Özer c. Türkiye	23/05/2019	Onur Samet ÖZER 1987 Istanbul Turkish	Abdullah TIKMAN	TÜBİTAK
3.	30535/19	Help c. Türkiye	30/05/2019	Fatih YARDIM 1981 Kocaeli Turkish	Murat ÖZVERİ	TÜBİTAK
4.	31931/19	Lightning c. Türkiye	27/05/2019	Eyup ŞİMŞEK 1981 Istanbul Turkish		TÜBİTAK
5.	39063/19	Senel c. Türkiye	18/07/2019	Yavuz ŞENEL 1985 Istanbul Turkish	Mehmet BAGLARS	TÜBİTAK
6.	50846/19	AG c. Türkiye	23/09/2019	Alperen GÜÇLÜ 1985 Istanbul Turkish		ASELSAN (Military electronics industry)
7.	2637/20	Ince c. Türkiye	18/12/2019	Onur İNCE 1983 Istanbul Turkish	Ayhan TARHAN	TÜBİTAK
8.	3731/20	Oğraş c. Türkiye	27/12/2019	Mustafa İsmet OĞRAŞ 1973Ankara	Ilker KOÇ	TÜBİTAK

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Employer of the applicants at the time of the events
				Turkish		
9.	4237/20	Guard c. Türkiye	02/01/2019	Doğan BEKÇİ 1989 Ankara Turkish		TÜBİTAK
10.	14598/20	Aslan c. Türkiye	10/03/2020	Murat Şamil ASLAN 1979 Kırşehir Turkish	Ilker KOÇ	TÜBİTAK
11.	14899/20	Ataç c. Türkiye	10/03/2020	Şenol ATAÇ 1989 Ankara Turkish	Ilker KOÇ	TÜBİTAK
12.	15150/20	Türer c. Türkiye	12/03/2020	Selçuk TÜRER 1978 Ankara Turkish		ASELSAN
13.	16249/20	Uğurel c. Türkiye	18/03/2020	Türker UĞUREL 1973 Istanbul Turkish	Esen ERKAYA	PETKİM (Petrochemical public limited company)
14.	16982/20	Kara c. Türkiye	02/04/2020	Mehmet KARA 1970 Kocaeli Turkish	Murat ÖZVERİ	TÜBİTAK
15.	18645/20	Sen c. Türkiye	14/04/2020	Serpil ŞEN 1982 Ankara Turkish	Selen KILIÇ	TÜBİTAK
16.	40949/20	Akyol c. Türkiye	28/08/2020	Alican AKYOL 1990 Istanbul Turkish	Abdullah TIKMAN	TÜBİTAK

No.	Applicatio n no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Employer of the applicants at the time of the events
17.	52255/20	Akin c. Türkiye	18/11/2020	Maksude AKIN 1987 Ankara Turkish	Ayhan ADSIZ	ASELSAN
18.	3979/23	Ezgin c. Türkiye	06/01/2023	Hüseyin EZGİN 1988 Ankara Turkish		TÜBİTAK

Art. 6;6-1;8;8-1;13 – right to reputation – rejection of request to block online content infringing personality rights; balancing the applicant’s right to respect for private life and the opposing party’s right to freedom of expression; effective remedy – lack of adequate judicial protection

SUBJECT MATTER OF THE CASE

The application concerns the authorities’ rejection of a request by the applicant to block access to content published on the internet which, in his view, constituted an infringement of his personality rights.

After taking part in a television game show and giving the wrong answer to a question, the applicant became the subject of severe criticism in numerous pieces of content published on the internet.

The applicant therefore lodged a request to block access to this content in accordance with Article 9 of Law No 5651 on the regulation of online publications and the combating of offences committed through such publications.

The national authorities, in rejecting the applicant’s request, considered that the disputed publications were not such as to infringe the applicant’s personality rights beyond the limits of the right to criticise and that they were consistent with the apparent reality.

The applicant lodged an individual appeal with the Constitutional Court concerning the rejection of his application to block access. In a judgment delivered on 25 January 2024 and served on the applicant on 24 May 2024, the Constitutional Court found a violation of the applicant’s right to an effective remedy in conjunction with his right to reputation.

It first recalled its established case-law, according to which a decision to block access to content under Article 9 of Law No. 5651 was possible only in cases where the infringement of personality rights was evident at first glance and where it was essential to remedy the harm swiftly.

It added that, in other cases, the most effective and appropriate remedy was a civil action for damages before the civil courts. It noted, however, that the Court of Cassation had not followed this case-law in most of its recent judgments, which called into question the effectiveness of civil proceedings in this area.

The high court thus found that there was no effective remedy for examining applications by the persons concerned seeking to block access to online publications infringing their personality rights.

Consequently, it considered that the reopening of the proceedings could not constitute adequate redress and decided to award the applicant the sum of 10,000 Turkish lira (equivalent to approximately 303 euros at the exchange rate on the date of the decision) for non-pecuniary damage.

Relying on Articles 6 § 1, 8 and 13 of the Convention, the applicant alleges that the rejection of his application to block access to the content in question infringes his rights to a fair trial, to respect for his private life and to an effective remedy.

QUESTIONS TO THE PARTIES

1. Can the applicant still claim to be a victim of a violation of the Convention, within the meaning of Article 34, given that compensation was awarded by the Constitutional Court (*Murat Aksoy v. Turkey*, no. 80/17, §§ 80–91, 13 April 2021, *Bulaç v. Turkey*, no. [25939/17](#), §§ 44–54, 8 June 2021, and *İlker Deniz Yücel v. Turkey*, no. [27684/17](#), §§ 63–74, 25 January 2022; see also, *mutatis mutandis*, *Wikimedia Foundation, Inc. v. Turkey* (dec.), no. [25479/19](#), §§ 34–51, 1 March 2022)?

2. Has there been a violation of the applicant's right to respect for his private life within the meaning of Article 8 § 1 of the Convention (*Von Hannover v. Germany*, no. [59320/00](#), §§ 56–60, ECHR 2004-VI, *Pfeifer v. Austria*, no. [12556/03](#), § 35, 15 November 2007, *A. v. Norway*, no. [28070/06](#), §§ 63–66, 9 April 2009, and *Petrie v. Italy*, no. [25322/12](#), §§ 39–45, 18 May 2017), in relation to the online publications in question?

In particular, did the domestic courts, in their decisions, carry out an adequate balancing of interests, in accordance with the criteria established by the Court's case-law, between the applicant's right to respect for private life and the opposing party's right to freedom of expression (see, *inter alia*, *Axel Springer AG v. Germany* [GC], no. [39954/08](#), §§ 78–95, 7 February 2012, and *Von Hannover v. Germany* (No. 2) [GC], nos. [40660/08](#) and [60641/08](#), §§ 95–113, ECHR 2012)?

3. In light of the judgments in *Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others* (no. 2018/14884, 27 October 2021) and *İ.D. and Others* (no. 2016/14513, 28 December 2022) of the Constitutional Court, did the applicant have at his disposal an effective remedy within the meaning of Article 13 of the Convention through which he could have sought to block access to the disputed internet content which, in his view, infringed his personality rights?

The Government is invited to inform the Court of any legislative amendments made to implement the judgments of the Constitutional Court.

IRMAK C. TÜRKİYE ET 1 AUTRE AFFAIRE (26767/23;30267/23)

Art. 3;11;11-1 – freedom of assembly – dispersal of demonstration and excessive use of force; prohibition of ill-treatment – ineffective investigation into injuries

SUBJECT MATTER OF THE CASE

The applications concern alleged violations of the right to freedom of assembly, arising from the dispersal of a demonstration and the use of force, as well as the prohibition of ill-treatment, arising from the decision to dismiss the case – which is alleged to have resulted in these acts going unpunished – and the alleged ineffectiveness of the investigation into the applicants' injuries.

The first applicant, Selma Irmak, and the second applicant, Abdullah Zeydan, were elected as Members of Parliament for the Hakkâri constituency for the Peoples' Democratic Party (*Halkların Demokratik Partisi* (HDP)) following the parliamentary elections of 7 June and 1 November 2015. On 11 November 2015, they took part in a public demonstration organised in Hakkâri by a students' association, attended by around a hundred people, to protest against the curfew imposed in Silvan. After ordering the demonstrators to disperse, the police intervened using force to disperse the crowd.

The applicants lodged criminal complaints against the police officers involved, alleging excessive use of force and ill-treatment during the dispersal of the demonstration. The first applicant claimed that she had been struck in the ear by a plastic projectile during the intervention. The second applicant alleged that he had been deliberately targeted and struck by a tear gas canister or a plastic bullet fired from a police vehicle, resulting in a fracture to his hand and bruising to his abdomen. Both applicants received medical treatment on the day of the events. Medical reports noted slight swelling and grazes to the first applicant's ear, which were considered to be treatable with simple medical care. The second applicant suffered a fracture and a laceration to his hand, which were assessed as requiring medical treatment beyond minor first aid.

The public prosecutor's office opened a criminal investigation, collected the available CCTV footage and other video evidence, and commissioned forensic examinations. However, the forensic experts stated that the video footage was insufficient to conclusively identify individuals or establish how the applicants had been injured. Police line-ups were also shown to the applicants for identification purposes, but neither of them was able to identify the officers involved.

Statements were taken from several police officers, who confirmed that force had been used to disperse the unlawful assembly but denied any excessive or unlawful conduct, stating that physical contact had occurred as a result of the general commotion during the operation. The public prosecutor's office eventually closed the investigation, concluding that the use of force had been lawful, necessary and proportionate given the violent nature of the demonstration, which had involved attacks on police officers using stones and other projectiles. Subsequently, the Hakkâri Court

of First Instance dismissed the applicants' objections, finding no procedural or substantive errors in the public prosecutor's decision.

On 8 February 2023, the Constitutional Court, to which the applicants had referred the matter, found, with regard to the complaint under Article 3 of the Convention, that the applicants had been injured during the dispersal of an unlawful assembly which had given rise to violent behaviour on the part of certain demonstrators. It noted that, according to the decision to dismiss the case following the investigation conducted by the public prosecutor, the use of force by the police had been deemed necessary and proportionate, and therefore no elements constituting an offence had been established. It was stated therein that the intervention was based on a legitimate ground and that the force used had not exceeded the threshold required to restore order.

It also considered that the investigation had been swift, thorough and sufficient to identify any suspects, but that no evidence of ill-treatment or excessive use of force had emerged. It emphasised that the investigating authorities had concluded that the intervention was necessary, and that the applicants had not demonstrated in what way it might have been unjustified. Consequently, the Constitutional Court ruled that there had been no breach of the prohibition on ill-treatment.

With regard to Article 11 of the Convention, the Constitutional Court observed that the demonstration had taken place in a highly sensitive context, given the persistent threat of armed clashes and widespread urban violence. It noted that the assembly had been organised without complying with the required legal procedures and that slogans and banners legitimising violence had been used, which, in the Court's view, could indirectly encourage the use of armed force. It further noted that the police had previously asked the participants to disperse, explaining the reasons for this order, but that the group had refused to comply and that some demonstrators had attacked the police with dangerous objects. Consequently, the intervention was aimed at preventing the violence from continuing or escalating. The Constitutional Court thus ruled that the authorities' action pursued a legitimate aim of protecting public order and that it had been necessary and proportionate. Consequently, it found no violation of the right to freedom of assembly.

The Constitutional Court delivered its judgment by three votes to two. In their dissenting opinions, two judges expressed their disagreement, considering that the investigation had been flawed and conducted without due diligence.

Before the Court, relying on Article 3 of the Convention, the applicants complained of ill-treatment inflicted during the demonstration as a result of a disproportionate use of force, despite the absence of violence on the part of the demonstrators. Under the same article – and, in the case of the first applicant, also under Article 6 of the Convention – they further criticised the lack of an effective and prompt investigation into the events, as well as the failure to identify those responsible.

Relying on Article 11 of the Convention, they argue that the dispersal of a peaceful assembly through the disproportionate use of force constitutes a violation of their right to freedom of assembly. Recalling that they had taken part in this demonstration following a decision by their political party,

the second applicant considers that this right must also be examined in the light of Article 10 of the Convention.

QUESTIONS TO THE PARTIES

1. In view of the harm suffered by the applicants during the heavy-handed intervention by the police, were the applicants subjected to inhuman or degrading treatment in breach of Article 3 of the Convention (*Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 326–330, 11 December 2025, *İşik v. Türkiye*, no. [42202/20](#), §§ 48–50, 52–53, 57–62, 8 October 2024, *Süleyman Çelebi and Others v. Turkey*, nos. [37273/10](#) and 17 others, §§ 78–79, 24 May 2016, and *Abdullah Yaşa and Others v. Turkey*, no. [44827/08](#), §§ 37–50, 16 July 2013)? More specifically, was the use of physical force against them rendered strictly necessary by their behaviour or indispensable for the suppression of mass disturbances (see *İşik*, cited above, §§ 50 and 53)? Furthermore, what types of weapons were used by the security forces during the operation to disperse the demonstrators, and by what types of weapons were the applicants injured (see, *mutatis mutandis*, *Tsaava and Others*, cited above, §§ 331 et seq.)?

2. Having regard to the procedural safeguards against inhuman or degrading treatment (see, *Bouyid v. Belgium* [GC], no. [23380/09](#), §§ 114–123, ECHR 2015, *Labita v. Italy* [GC], no. [26772/95](#), § 131, ECHR 2000-IV, and *Süleyman Çelebi and Others*, cited above, §§ 85–86, 91 and 95–99) and in light of the decision to dismiss the case taken by the public prosecutor’s office and upheld by the domestic courts, did the investigation conducted in the present case by the domestic authorities satisfy the requirements of Article 3 of the Convention? More specifically, was an investigation carried out into the types of weapons used in the police operation and into their use in accordance with the relevant regulatory framework (see *Tsaava and Others*, §§ 296 and 338–342 and the case-law cited)?

3. In the light of the general principles emerging from the Court’s case-law concerning the right to freedom of peaceful assembly, as set out in its judgment in *Tsaava and Others* (cited above, §§ 435–445) and in the light, inter alia, of the judgments in *Kudrevičius and Others v. Lithuania* ([GC], no. [37553/05](#), §§ 91 et seq., ECHR 2015), *Çiçek and Others v. Türkiye* (nos. [48694/10](#) and 4 others, §§ 131–141, 22 November 2022), *Süleyman Çelebi and Others v. Türkiye* (No. 2), (nos. [22729/08](#) and [10581/09](#), §§ 46–56, 12 December 2017), *Eğitim ve Bilim Emekçileri Sendikası and Others v. Turkey* (no. [20347/07](#), §§ 91–108, 5 July 2016), and having regard to the dispersal of the participants by the police and the harm allegedly suffered by the applicants during the police intervention, was there a violation of the applicants’ rights to freedom of peaceful assembly and freedom of expression, as guaranteed by Article 11 of the Convention, read in the light of Article 10 of the Convention?

a. In particular, can the gathering be characterised as a peaceful assembly within the meaning of Article 11 of the Convention (*Tsaava and Others*, cited above, §§ 415–418, *Kudrevičius and Others*, cited above, §§ 92–99, ECHR 2015, *Laurijsen and Others v. the Netherlands*, nos. [56896/17](#) and 4 others, §§ 47–51, 21 November 2023, *Çiçek and Others*, cited above, §§ 131–141, *Primov and Others v. Russia*, no. [17391/06](#), § 155, 12 June 2014, and *Schwabe and M.G. v. Germany*, nos. [8080/08](#) and [8577/08](#), § 103, ECHR 2011 (extracts))?

b. If so, was the interference prescribed by law and necessary within the meaning of Article 11 § 2 of the Convention (*Lütfiye Zengin and Others v. Turkey*, no. [36443/06](#), §§ 45–58, 14 April 2015, *Süleyman Çelebi and Others*, cited above, §§ 107–17, *İzci v. Turkey*, no. [42606/05](#), §§ 87–90, 23 July 2013, and *Oya Ataman v. Turkey*, no. [74552/01](#), §§ 35–43, ECHR 2006-XIV)?

EYÜBOĞLU C. TÜRKİYE (36369/20)

Art. 3;10;10-1;11;11-2 – inhuman treatment – excessive use of force during arrest; freedom of expression – criminal prosecution for participation in peaceful demonstration

SUBJECT MATTER OF THE CASE

The application concerns allegations of the use of force during the arrest of the applicant, a lawyer by training and a women's rights activist, whilst she was taking part in a demonstration at Istanbul Airport in October 2014, organised by *the Women's Platform Against War (Savaş Karşı Kadın Platformu)* to protest against *Daesh* (Islamic State in Iraq and the Levant), which was alleged to have committed acts of violence in Kobanî (Ayn al-Arab) in Syria, particularly against women, and to criticise the Government's policies.

On 9 October 2014, the applicant and a group of around 30 to 40 women took part in a peaceful demonstration in the international terminal of Atatürk Airport to denounce the violence committed by *Daesh* in Kobanî and the alleged inaction of the Turkish authorities. As the group was preparing to unfurl a banner and chant slogans, the police and private security guards intervened and put an end to the protest. The applicant was arrested and held in police custody for approximately 5 to 6 hours.

According to CCTV footage viewed by the police the day after the incident, a group of 30 to 40 women removed some of their clothing and attempted to unfurl banners and chant slogans printed on the T-shirts they were wearing underneath their clothes, but the officers gradually intervened and used force. The report stated that the demonstration began at 6.58 pm. It was noted that the group had been dispersed by the police between 7.03 pm and 7.11 pm.

Medical reports drawn up on the same day at two different hospitals, both before and after her detention, and the following day at the Türkiye Human Rights Foundation, noted several visible bruises on her arms, grazes on her neck, and swelling and pain in the applicant's right arm, consistent with blunt force trauma.

On the same day, the applicant lodged a complaint with the public prosecutor's office alleging disproportionate use of force and verbal abuse ("whore" (*orospu*) and 'bitch' (*kaltak*)) which the police officers and private security guards were alleged to have directed at her, but the case was dismissed on 28 May 2015 on the grounds that there was no evidence of abuse in the use of force. Her appeal was dismissed by the magistrate on 10 August 2015, without either she or the officers in question having been heard.

Meanwhile, on 16 February 2015, the Bakırköy Public Prosecutor's Office brought proceedings against the applicant and the other demonstrators for taking part in an unlawful demonstration and refusing to disperse despite warnings, pursuant to Law No. 2911. On 26 September 2018, the Criminal Court acquitted her, along with forty-six other women, on the grounds that the elements constituting the offence of participating in an unlawful assembly had not been established, and that, as the police had

not issued a prior warning before intervening, the offence of failing to disperse despite a warning could not be upheld.

In her individual application to the Constitutional Court, the applicant claimed to have been insulted and assaulted by the police and complained of a breach of the prohibition on torture and ill-treatment, as well as the absence of an effective investigation, since neither she nor the police officers implicated had been interviewed. She also complained of a breach of her rights to freedom of assembly and freedom of expression. Finally, she criticised the public prosecutor's office and the justice of the peace for having issued decisions without stating reasons and, for these reasons, considered that her right to a fair trial had been violated.

On 8 January 2020, the Constitutional Court declared the applicant's complaints regarding ill-treatment and the right to freedom of assembly admissible, but ruled that there had been no violation. Regarding the prohibition of torture and ill-treatment, it found that the medical findings were consistent with the applicant's account, according to which she had been held firmly by the arms and neck in order to be removed from the terminal, noting that the applicant had also stated that she had fallen to the ground due to panic and confusion. On this basis, the force used was deemed to have been limited to removing the applicant from the building, and the injuries, described as minor, were deemed to have occurred at that time. The Constitutional Court concluded that the physical force used was not disproportionate. As regards the effectiveness of the investigation, it noted that the investigation had been completed within a reasonable timeframe of approximately ten months, and that it was not necessary to conduct a separate analysis of the State's procedural obligation. As for the applicant's allegation that she had been insulted by the police officers, the Constitutional Court found that the public prosecutor's office had dismissed the case on this point, that no evidence, documents or witness statements had been produced in support of this allegation during the proceedings, and that there was nothing to suggest that the matter went beyond mere suspicion.

With regard to the right to freedom of assembly, the Constitutional Court noted that police intervention could be justified even during a peaceful demonstration and that the absence of prior warning did not render the operation unlawful, in so far as the group's action had begun suddenly and had left no time for a formal warning to be issued. It added that the applicant had been held in police custody for five to six hours but had ultimately been acquitted, as no offence had been committed since the assembly had not actually begun before the intervention. It concluded that this acquittal demonstrated that the interference with the freedom of assembly had been proportionate.

The Constitutional Court's decision was notified to the applicant on 11 February 2020.

Relying on Article 3 of the Convention, the applicant complains that she was subjected to a brutal and disproportionate police intervention, without prior warning, whilst she was seeking to peacefully exercise a constitutional right. She claims to have been struck and dragged, and to have been subjected to sexist insults by police officers and private security guards. She maintains that this violence constituted torture and inhuman and degrading treatment, which was not justified by her behaviour, as she offered no resistance.

The applicant also complains, under Article 3 in its procedural aspect as well as under Articles 6 and 13 of the Convention, of the total absence of an effective investigation and of an effective domestic remedy in respect of the ill-treatment she suffered. She states that the authorities neither collected evidence, nor interviewed the officers involved, nor even took her own statement, and that the decision to close the case without further action was taken without sufficient justification.

Relying on Articles 10 and 11 of the Convention, the applicant complains that she was unable to exercise her freedom of expression or her right to peaceful assembly. She maintains that the police intervention took place within a matter of seconds, even before the demonstration could begin, and that several participants were injured or arrested without valid grounds.

QUESTIONS TO THE PARTIES

1. In view of the injuries sustained as a result of the physical intervention by the police and the verbal abuse which the applicant claims she was subjected to in that context, was she subjected to treatment contrary to Article 3 of the Convention (*Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 326–330, 11 December 2025, *Karatepe and Ulaş v. Turkey*, no. 29766/03, §§ 27–34, 17 June 2008, *İşik v. Türkiye*, no. 42202/20, §§ 48–54, 8 October 2024, and *Panayotopoulos and Others v. Greece*, no. [44758/20](#), §§ 119–136, 21 January 2025)?

2. Having regard to the procedural safeguards against treatment contrary to Article 3 of the Convention (see *Bouyid v. Belgium* [GC], no. [23380/09](#), §§ 114–123, ECHR 2015, *Labita v. Italy* [GC], no. [26772/95](#), § 131, ECHR 2000-IV, and *Süleyman Çelebi and Others v. Turkey*, nos. [37273/10](#) and 17 others, §§ 85–99, 24 May 2016), did the investigation conducted in this case by the domestic authorities satisfy the requirements of that article?

3. a. In the light of the general principles emerging from the Court’s case-law concerning the right to freedom of peaceful assembly, as set out in its judgment *Kudrevičius and Others v. Lithuania* ([GC], no. [37553/05](#), §§ 91–101, ECHR 2015) and in the light of, amongst others, the judgments in *Oya Ataman v. Turkey* (no. [74552/01](#), § 30, ECHR 2006–XIV), *Lütfiye Zengin and Others v. Turkey* (no. [36443/06](#), §§ 35 and 44–58, 14 April 2015), and *Ecodefence and Others v. Russia* (nos. [9988/13](#) and 60 others, § 72, 14 June 2022), and having regard to the dispersal of the participants by the police and the injuries sustained by the applicant during the police intervention, was there an interference with the applicant’s right to freedom of peaceful assembly and freedom of expression, as guaranteed by Article 11 of the Convention, read in the light of Article 10 of the Convention?

3. b. If so, was this interference prescribed by law and necessary, within the meaning of Article 11 § 2 of the Convention (*Kudrevičius and Others*, cited above, §§ 142–60, *Oya Ataman*, cited above, §§ 30 and 35–43; *İzci v. Turkey*, no. [42606/05](#), §§ 85–90, 23 July 2013, *Lütfiye Zengin and Others*, cited above, §§ 45–58, and *Süleyman Çelebi and Others*, cited above, §§ 108 and 115–17)?

PLATT V. TÜRKİYE AND 2 OTHER APPLICATIONS (39038/21;27662/25;27663/25)

Art. 8;8-1;9;9-1;14 – discrimination – prohibited re-entry based on religious grounds; freedom of religion – restrictions on residence permits for religious reasons

SUBJECT MATTER OF THE CASE

The applicants are foreign nationals who self-identify as adherents of the Protestant faith. They have lawfully resided in Türkiye for different durations, holding residence permits (see Column Z of the appended table for specific durations).

On 8 May 2019 the first applicant was denied re-entry into Türkiye and was notified that an entry ban had been imposed against him.

On 10 March 2020 the second and third applicants' applications for the extension of their residence permits were refused. They were subsequently served with an order to leave Türkiye within ten days (see Column Q of the appended table for the impugned measures).

The applicants challenged these measures before the domestic courts. In the course of the domestic proceedings, it was established that these measures stemmed from the imposition of specific travel restrictions on the applicants (see Column Y of the appended table for the N-82 or the G-82 restriction codes). These codes had been issued on the basis of undisclosed information obtained from the National Intelligence Agency (*Millî İstihbarat Teşkilatı*).

The applicants' subsequent judicial appeals were unsuccessful at all instances, culminating in the dismissal of their individual applications by the Constitutional Court through summary decisions rendered on various dates.

The first applicant complains under Article 8, read in conjunction with Article 13 of the Convention, that the restrictions imposed on him disrupted his settled presence and family life in Türkiye and that no effective domestic remedies were available for these complaints. The second and third applicants invoke Article 1 of Protocol No. 7 to the Convention, contending that the domestic authorities did not comply with their procedural obligations for the expulsion of residents lawfully present within their territory. Finally, all applicants maintain, under Article 9 taken alone and in conjunction with Articles 13 and 14, that the measures were motivated by their religious identity, thereby constituting an unjustified interference with their right to freedom of religion and a form of prohibited discrimination under the Convention and that no effective domestic remedies were available for these complaints.

QUESTIONS TO THE PARTIES

1. Did the restrictions imposed on the first applicant constitute an interference with his right to respect for his private and family life within the meaning of Article 8 § 1 of the Convention (see *Savran v. Denmark* [GC], no. [57467/15](#), §§ 172-79, 7 December 2021)? If so, was that

interference in accordance with the law and necessary in terms of Article 8 § 2 of the Convention (see, *mutatis mutandis*, *Üner v. the Netherlands* [GC], no. [46410/99](#), §§ 54-67, ECHR 2006-XII; *Maslov v. Austria* [GC], no. [1638/03](#), §§ 61-101, ECHR 2008; *Nolan and K. v. Russia*, no. [2512/04](#), §§ 83-89, 12 February 2009; and *Dzhurayev and Shalkova v. Russia*, no. [1056/15](#), §§ 30-45, 25 October 2016)?

2. a. Were the second and third applicants lawfully resident in Türkiye? If so, did the restrictions imposed on them amount to expulsions within the meaning of Article 1 of Protocol No. 7 to the Convention (compare *Yildirim v. Romania* (dec.), no. [21186/02](#), 20 September 2007; *Nolan and K. v. Russia*, cited above, §§ 109-113; and *Ljatifi v. the former Yugoslav Republic of Macedonia*, no. [19017/16](#), §§ 19-23, 17 May 2018)?

b. Did the decisions to expel the second and third applicants – as aliens who were lawfully resident in the territory of the respondent State – comply with the procedural requirements of Article 1 of Protocol No. 7 (see *Muhammad and Muhammad v. Romania* [GC], no. [80982/12](#), §§ 114-24, 15 October 2020, and *Demirci v. Hungary*, no. [48302/21](#), §§ 37-62, 6 May 2025)?

3. Did the restrictions imposed on the applicants constitute an interference with the applicants' right to freedom of religion within the meaning of Article 9 § 1 of the Convention? If so, was that interference in accordance with the law, did it pursue a legitimate aim and was it necessary in a democratic society in terms of Article 9 § 2 of the Convention (see, *mutatis mutandis*, *Perry v. Latvia*, no. [30273/03](#), §§ 62-66, 8 November 2007; *Nolan and K.*, cited above, §§ 61-75; and *Corley and Others v. Russia*, nos. [292/06](#) and [43490/06](#), §§ 77-89, 23 November 2021)?

4. Did the applicants have at their disposal an effective domestic remedy for their complaints under Article 8 (in respect of the first applicant) and Article 9 (in respect of all applicants), as required by Article 13 of the Convention (see, *mutatis mutandis*, *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, no. [71156/01](#), §§ 126-37, 3 May 2007, and *Liu v. Russia* (no. 2), no. [29157/09](#), § 99, 26 July 2011)? In particular

i. What was the scope of review of the administrative courts and the Turkish Constitutional Court which examined the applicants' complaints in connection with the restrictions imposed? Was the judicial review limited to ascertaining that the restrictions had been imposed in accordance with the procedure prescribed by law and, in particular, that the materials which formed the basis for the restrictions had been issued within the administrative competence of the National Intelligence Agency? In this respect, did the domestic courts conduct a balancing exercise between the need to protect national security and the applicants' rights under Articles 8 and/or 9 of the Convention and/or Article 1 of Protocol No. 7?

ii. Were the classified materials from the National Intelligence Agency disclosed to the applicants or their representatives? Were the applicants given a fair and reasonable opportunity to refute the facts and findings contained in those materials? In particular, did the courts examine other pieces of evidence to confirm or refute the allegations against the applicants?

5. In their exercise of the freedoms protected under Article 9 of the Convention, were the applicants victims of discrimination on grounds of their religion, in breach of Article 14 of the Convention read in conjunction with Article 9 (see, *mutatis mutandis*, *Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia*, no. [37477/11](#), §§ 35-44, 23 November 2021, and *Ossewaarde v. Russia*, no. [27227/17](#), §§ 48-57, 7 March 2023)?

APPENDIX

No.	Application no.	Case title	Nationality	Impugned measure (Q)	Applicable restriction code (Y)	Duration of residence in Türkiye (Z)	Date of Introduction of the Application
1	39038/21	Platt v. Türkiye	United States of America	Prohibited re-entry into Türkiye	G-82	Since 2001	29 July 2021
2	27662/25	Coombs v. Türkiye	United Kingdom	Requirement of prior authorisation for re-entry into Türkiye and non-renewal of existing residence permit	N-82	Since 2019	15 August 2025
3	27663/25	Coombs v. Türkiye	United States of America	Requirement of prior authorisation for re-entry into Türkiye and non-renewal of existing residence permit	N-82	Since 2019	15 August 2025

HADJIKYRIACOS AND OTHERS V. TÜRKİYE AND 7 OTHER APPLICATIONS

(64938/17;64984/17;40972/19;48123/19;14021/24;23314/24;23377/24;26279/24)

SUBJECT MATTER OF THE CASE

The The applications concern the non-enforcement of the decisions delivered by the Immovable Property Commission (“IPC”), established in 2005 to examine the Greek Cypriots’ property claims in the “Turkish Republic of Northern Cyprus” (“TRNC”). The IPC ordered to pay the applicants awards for the loss of their property as a result of the events of 1974 (see details in the Appendix below); the enforcement proceedings are still pending.

The applicants complain, relying on Articles 6, 13 and 14 of the Convention and Article 1 of Protocol No. 1 to the Convention, about the non-enforcement of the IPC awards and the lack of effective remedies in that respect. In particular, the applicants allege that no statutory interest is payable on the IPC awards, and that it is not possible to enforce the IPC award until a special form is signed to that effect at a moment determined by the “TRNC” authorities.

QUESTIONS TO THE PARTIES

1. Having regard to the prolonged non-enforcement of the IPC awards, has there been a breach of the applicants’ rights under Article 6 § 1 of the Convention and/or Article 1 of Protocol No. 1 to the Convention, taken alone and in conjunction with Article 14 of the Convention (see *Tunç v. Turkey*, no. [54040/00](#), §§ 22-39, 24 May 2005; *Amat-G Ltd and Mebaghishvili v. Georgia*, no. [2507/03](#), §§ 45-50 and §§ 55-63, ECHR 2005-VIII; *Kuzu v. Turkey*, no. [13062/03](#), §§ 14-20, 17 January 2006; and *Joannou v. Turkey*, no. [53240/14](#), §§ 56-106, 12 December 2017)?

2. Did the applicants have at their disposal an effective remedy for their complaints about the non-enforcement of the IPC awards under Article 6 § 1 of the Convention and/or Article 1 of Protocol No. 1 to the Convention (either alone or taken in conjunction with Article 14 of the Convention), as required by Article 13 of the Convention (see *Burdov v. Russia* (no. 2), no. [33509/04](#), §§ 96-117, ECHR 2009; *Bara and Kola v. Albania*, nos. [43391/18](#) and [17766/19](#), §§ 98-124, 12 October 2021; and *Joannou*, *ibid.*)?

APPENDIX

No.	Application no. Case name Introduction date	Applicant Year of Birth Place of Residence Nationality	Represented by	Summary of facts
1.	64938/17 Hadjikyriacos and Others v. Türkiye 21/07/2017	Ioannis HADJIKYRIACOS 1957 Nicosia (Cyprus)	Murat Metin HAKKI Lefkoşa	The applicants applied to the IPC on 1 July 2011. The “TRNC” authorities proposed payment of compensation and the applicants accepted the

No.	Application no. Case name Introduction date	Applicant Year of Birth Place of Residence Nationality	Represented by	Summary of facts
		Cypriot Ioannis FLORENTIADES 1941 Nicosia (Cyprus) Cypriot Ermios HADJIKYRIAKOS 1943 Nicosia (Cyprus) Cypriot Lala NICOLAIDES 1947 Nicosia (Cyprus) Cypriot		proposal. On 24 September 2014, by decision no. 747, the IPC awarded the applicants GBP 1,800,000. This decision remains unenforced to date.
2.	64984/17 Makris v. Türkiye 21/07/2017	Panayiotis MAKRIS 1948 Nicosia (Cyprus) Cypriot	Murat Metin HAKKI Lefkoşa	The applicant applied to the IPC on 13 November 2011. The “TRNC” authorities proposed payment of compensation and the applicant accepted the proposal. On 27 June 2014, by decision no. 726, the IPC awarded the applicant GBP 852,410. This decision remains unenforced to date.
3.	40972/19 ETAIPEIA AKINHTON v. Türkiye 02/07/2019	ETAIPEIA AKINHTON 1965 Nicosia (Cyprus) Cypriot	Murat Metin HAKKI Lefkoşa	The applicant applied to the IPC on 11 March 2011. The “TRNC” authorities proposed payment of compensation and the applicant accepted the proposal. On 26 June 2018, by decision no. 1191, the IPC awarded the applicant GBP 6,049,650. This decision remains unenforced to date.

No.	Application no. Case name Introduction date	Applicant Year of Birth Place of Residence Nationality	Represented by	Summary of facts
4.	48123/19 Stylianou and Stypia Tourist Development CO. Ltd v. Türkiye 06/09/2019	Christopher STYLIANOU 1950 Paphos (Cyprus) Cypriot STYPIA TOURIST DEVELOPMENT CO. LTD 1972 Paphos (Cyprus) Cypriot	Murat Metin HAKKI Lefkoşa	The applicants applied to the IPC on 22 December 2011 and 10 July 2014. The “TRNC” authorities proposed payment of compensation and the applicants accepted the proposal. On 22 June 2017, by decision no. 1089, the IPC awarded the applicants GBP 578,700 and GBP 240,400. This decision remains unenforced to date. The applicants lodged a complaint before the “TRNC” High Administrative Court which they subsequently withdrew (no. 153/2017). On 5 April 2018 they lodged a new complaint, the relevant proceedings are pending as of the date of lodging the application (no. 51/2018).
5.	14021/24 Kyriakides v. Türkiye 30/04/2024	John KYRIAKIDES 1966 Luzern, Switzerland Cypriot Costas KYRIAKIDES 1964 Mernda, Australia Cypriot Martha KYRIAKIDES 1974 Templestowe, Australia Cypriot	Achilleas DEMETRIADES Nicosia	The applicants applied to the IPC on 30 September 2011. The “TRNC” authorities proposed payment of compensation and the applicants accepted the proposal. On 8 November 2017, by decision no. 1112, the IPC awarded the applicants GBP 183,950. This decision remains unenforced to date.
6.	23314/24 Regaena Agricultural Co. Limited v. Türkiye 07/08/2024	REGAENA AGRICULTURAL CO. LIMITED 1959 Nicosia (Cyprus) Cypriot	Achilleas DEMETRIADES Nicosia	The applicant applied to the IPC on 16 December 2011. The “TRNC” authorities proposed payment of compensation and the applicant accepted the proposal. On 29 December 2022, by decision no. 1531,

No.	Application no. Case name Introduction date	Applicant Year of Birth Place of Residence Nationality	Represented by	Summary of facts
				the IPC awarded the applicant GBP 5,643,880. This decision remains unenforced to date.
7.	23377/24 Medcon Enterprises Limited v. Türkiye 07/08/2024	MEDCON ENTERPRISES LIMITED 1966 Nicosia (Cyprus) Cypriot	Achilleas DEMETRIADES Nicosia	The applicant applied to the IPC on 12 December 2011. The “TRNC” authorities proposed payment of compensation and the applicant accepted the proposal. On 30 June 2022, by decision no. 1470, the IPC awarded the applicant GBP 361,500. This decision remains unenforced to date.
8.	26279/24 Zivanari and Kyriakidou Christofidou v. Türkiye 13/09/2024	Despina ZIVANARI 1963 Nicosia (Cyprus) Cypriot Athina KYRIAKIDOU CHRISTOFIDOU 1970 Limassol (Cyprus) Cypriot	Achilleas DEMETRIADES Nicosia	The applicants applied to the IPC on 8 June 2011. The “TRNC” authorities proposed payment of compensation and the applicants accepted the proposal. On 30 June 2022, by decision no. 1469, the IPC awarded the applicants GBP 3,179,840. This decision remains unenforced to date.

DOS SANTOS MOURINHO FELIX V. TÜRKİYE (9497/25)

Art. 6;6-1;10;10-1 – fair trial – lack of impartial tribunal in sports disciplinary proceedings; freedom of expression – sanctions for unsportsmanlike conduct and press statements

SUBJECT MATTER OF THE CASE

The application concerns disciplinary sanctions imposed on the applicant by the Professional Football Disciplinary Committee (“PFDK”) of the Turkish Football Federation (“TFF”).

The applicant is a Portuguese national and a well-known football coach. At the material time, he was the technical director of Fenerbahçe Sports Club.

On 7 November 2024 the PFDK imposed on the applicant a one-match ban from entering the dressing room and the bench area, as well as a fine of 58,500 Turkish liras (approximately 1,590 euros (EUR)) for unsportsmanlike conduct towards the supporters of the rival team during a match played on 3 November 2024. The Disciplinary Committee also imposed an additional fine of 900,000 Turkish liras (EUR 24,550) for his statements made to the press following that match, on the grounds that they were unsportsmanlike, contrary to fair play, discredited the TFF and cast doubt on the impartiality of football referees and officials.

The applicant challenged the PFDK’s decision before the Arbitration Committee of the TFF. On 8 November 2024 the Arbitration Committee upheld the PFDK’s decision, while revising the fine of 900,000 Turkish liras to 600,000 Turkish liras (EUR 16,260).

Relying on Article 6 § 1 of the Convention, the applicant complains that the dispute in question had not been determined by an independent and impartial tribunal. In this respect, he argued that the amendments made to the relevant regulations concerning the Arbitration Committee of the Turkish Football Federation, following the Court’s findings in *Ali Rıza and Others v. Turkey* (nos. [30226/10](#) and 4 others, §§ 201–223, 28 January 2020), were not effectively implemented in practice, and that the members of the Arbitration Committee continued to be dependent on the President of the Turkish Football Federation or its Board of Directors.

Under the same Article, the applicant further alleged a violation of his right to a reasoned decision, arguing that the reasoned decision of the Arbitration Committee had not been notified to him.

Relying on Article 10 of the Convention, the applicant further complains that his right to freedom of expression was infringed by the sanctions imposed.

QUESTIONS TO THE PARTIES

1. Was Article 6 § 1 of the Convention, in its civil or criminal limb, applicable to the proceedings before the TFF (see *Ali Rıza and Others v. Turkey*, nos. [30226/10](#) and 4 others, §§ 150 et seq., 28 January 2020)?

2. If so, were the Disciplinary Committee and the Arbitration Committee of the TFF, which heard the applicant's case, independent and impartial, as required by Article 6 § 1 of the Convention (see *Ali Rıza and Others v. Turkey*, nos. [30226/10](#) and 4 others, §§ 150-61 and 194-222, 28 January 2020; *Sedat Doğan v. Turkey*, no. [48909/14](#), §§ 20-21 and 27, 18 May 2021; *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey*, no. [48924/16](#), § 26, 18 May 2021; and *İbrahim Tokmak v. Turkey*, no. [54540/16](#), § 22, 18 May 2021)? Additionally, did the modifications to the statutes of the TFF adopted on 16 June 2022 provide sufficient guarantees of the independence and impartiality of both the Disciplinary Committee and the Arbitration Committee?

3. Did the proceedings before the committees of the TFF meet the conditions of a fair trial, as required by Article 6 § 1 of the Convention? In particular, has the Arbitration Committee's failure to issue the reasoned decision violated the applicant's right of access to a court and/or to a reasoned decision as guaranteed by Article 6 § 1 of the Convention (*Moreira Ferreira v. Portugal (no. 2)* [GC], no. [19867/12](#), §§ 83-4, 11 July 2017)?

4. Has there been an interference with the applicant's right to freedom of expression, and in particular his right to impart information or ideas, within the meaning of Article 10 § 1 of the Convention?

5. If so, was this interference prescribed by law and necessary within the meaning of Article 10 § 2 (*Sedat Doğan* , cited above, §§ 35-43; *Naki and AMED Sportif Faaliyetler Kulübü Derneği* , cited above, §§ 32-38; and *İbrahim Tokmak* , cited above, §§ 30-37)?

In particular, did the national authorities perform proper balancing between the applicant's right to freedom of expression and other interests at stake in the light of the criteria set out and applied by the Court in cases concerning freedom of expression?

CHERKASYGAZINVEST, TOV V. UKRAINE (23350/20)

Art. P1-1 – property rights – lawfulness and proportionality of tax penalty for late submission of excise invoices; clarity and foreseeability of legal framework

SUBJECT MATTER OF THE CASE

The application concerns the lawfulness and proportionality of a tax penalty.

The applicant company is a petrol retailer. In March 2019 the tax authorities imposed on it a penalty of 463,938.77 Ukrainian hryvnias (equivalent to over 15,300 euros) for the late submission of 69 excise invoices (« акцизні накладні »), special reports on fuel turnover. This decision was adopted pursuant to Article 120 2 of the Tax Code, which established liability of excise duty payers for the late submission of excise invoices. The amount of fine was calculated based on the applicable excise duty rates, the volume of sold petrol and the length of each delay.

Arguing, inter alia, that, as a fuel retailer, it was not liable to pay excise duty and therefore it could not be held responsible under Article 120 2 of the Tax Code, the applicant company challenged the fine before domestic courts. It also argued that the fine had been disproportionate. On 26 November 2019 the Sixth Appeal Administrative Court dismissed the applicant company's claim and upheld the fine. While the court admitted that the applicant company had not been liable to pay excise duty, it held that under domestic law it was still considered an excise duty payer and, as such, Article 120 2 of the Tax Code applied. On 21 January 2020 the Supreme Court refused to open cassation proceedings due to triviality of the dispute.

The applicant company complains that the imposed penalty was in breach of Article 1 of Protocol No. 1 to the Convention as the domestic legal framework concerning the liability of petrol retailers for the late submission of excise invoices lacked clarity and foreseeability. It further argues that the imposed penalty was disproportionate.

QUESTIONS TO THE PARTIES

1. Did the penalty imposed on the applicant company constitute an interference with the peaceful enjoyment of its possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention?
2. Has that interference been in the public interest, and in accordance with the conditions provided for by law, and, if so, did it impose an excessive individual burden on the applicant company (see *Shchokin v. Ukraine*, nos. 23759/03 and 37943/06, §§ 50-52, 14 October 2010; *DELTA PEKÁRNY a.s. v. the Czech Republic*, no. 97/11, §§ 125-26, 2 October 2014; *S.C. Zorina International S.R.L. v. Romania*, no. 15553/15, §§ 40-44, 27 June 2023) ?

KOBAL V. UKRAINE (26911/23)

Art. 6;6-1;8;8-1;13 – access to court – refusal to entertain complaint against Ethics Council decision; private life – negative information publication without remedy

SUBJECT MATTER OF THE CASE

The application concerns refusal of domestic courts to entertain the applicant's complaint against a decision of the Ethics Council in the selection process to the position of a member of the High Council of Justice, as well as inability to challenge publication of the findings of the Ethnic Council which contain negative information about the applicant on the website of the High Council of Justice. It raises issues of access to court under Article 6 § 1 of the Convention and of interference with the applicant's private life and lack of remedies in that respect under Articles 8 and 13 of the Convention.

QUESTIONS TO THE PARTIES

1. Was Article 6 § 1 of the Convention under its civil head applicable to the proceedings in the applicant's case?
2. If so, did the applicant have access to a court for the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention?
3. Has there been an interference with the applicant's right to respect for his private life, within the meaning of Article 8 § 1 of the Convention?
4. If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?
5. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 8, as required by Article 13 of the Convention? Did he exhaust that remedy?

BUBELA V. UKRAINE (31781/21)

Art. 6;6-1;P1-1 – property rights – refusal to correct judicial error affecting land allocation; fair trial – lack of access to effective remedy

SUBJECT MATTER OF THE CASE

The application concern refusals of the domestic courts to correct a mistake in a judicial decision allocating a land plot to the applicant. That mistake renders the judicial decision unenforceable in part and prevents the applicant from enjoying her property rights to the land plot in question. The application raises issues under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

QUESTIONS TO THE PARTIES

1. Was the applicant's right to a court violated in the present case, given that she cannot obtain a rectification of the judgment of the Lviv Regional Court of Appeal of 11 April 2011? Does an incorrect information as to the measurements of the land plot awarded to the applicant render the aforesaid judgment unenforceable in that part?
2. Was Article 6 § 1 of the Convention under its civil head applicable to the proceedings which the applicant undertook to correct a mistake of the land plot measurement in the judgment of the Lviv Regional Court of Appeal of 11 April 2011?
3. If so, did the applicant have access to a court for the determination of her civil rights and obligations, in accordance with Article 6 § 1 of the Convention?
4. If so, did the applicant have a fair hearing in the determination of her civil rights and obligations, in accordance with Article 6 § 1 of the Convention?
5. Has there been an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1?
6. If so, was that interference necessary to control the use of property in accordance with the general interest?

SAĞIR V. TÜRKİYE AND 14 OTHER APPLICATIONS

(10937/23;11015/23;11182/23;11872/23;11877/23;11888/23;11972/23;11979/23;11990/23;12023/23;12389/23;13737/23;14542/23;24382/23;18092/24)

Art. 6;6-1;7;7-1 – fair trial – insufficient reasoning in judgments; legality of punishment – failure to establish legal basis for convictions for aiding and abetting an attempt to subvert the constitutional order; access to court – inadmissibility of complaints by Constitutional Court

SUBJECT MATTER OF THE CASE

The applications concern the alleged unfairness of criminal proceedings and punishments without law applied against certain members of the Armed Forces for their alleged involvement in the attempted coup on the night of 15 July 2016 on account of their acts in Kars, a city in the east of Türkiye.

All the applicants were, at the material time, serving with various low ranks in the 1 st Tank Battalion, in the 14 th Mechanised Infantry Battalion Command in Kars.

The trial court initially acquitted some of the applicants and imposed no penalties on the others. The judgments were subsequently quashed on appeal, and the applicants were convicted of aiding and abetting an attempt to subvert the constitutional order under Articles 309 § 1 and 39 of the Criminal Code. They were sentenced to terms of imprisonment of either thirteen years and four months or twelve years and six months.

On various dates the applicants lodged several applications with the Constitutional Court, which ultimately declared them inadmissible in summary decisions.

The applicants complain, under Article 6 § 1 of the Convention, of the domestic courts' failure to provide sufficient reasons in their judgments. They further complain, under Article 7 of the Convention, that their convictions were incompatible with the requirements of that provision in that the domestic courts had failed to duly establish the constituent elements of Articles 309 § 1 and 39 of the Criminal Code. The applicants in applications nos. 10937/23 and 11015/23 further complain that their right of access to a court under Article 6 § 1 of the Convention was breached in that the Constitutional Court did not examine their complaints under Article 7 of the Convention with reference to the provisions under which they had been convicted.

QUESTIONS TO THE PARTIES

1. Did the applicants have a fair hearing in the determination of the criminal charges against them, in accordance with Article 6 § 1 of the Convention? In particular, did the domestic courts provide sufficient reasons for their decision to convict the applicants of aiding and abetting an attempt to subvert the constitutional order under Articles 309 § 1 and 39 of the Criminal Code (see, for the relevant principles, *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, §§ 83 and 84, 11 July 2017, and *Ayetullah Ay v. Turkey*, nos. 29084/07 and 1191/08, §§ 127-28 and 191, 27 October 2020)?

2. Were the applicants' convictions for aiding and abetting an attempt to subvert the constitutional order compatible with the requirements of Article 7 of the Convention? In particular:

What are the elements of the offence of attempting to subvert the constitutional order set out in Article 309 § 1 of the Criminal Code, and of aiding and abetting in Article 39 of the Criminal Code, and were those elements present in the applicants' cases? In particular, did the domestic courts duly establish whether the mental element of the relevant offence, as laid down in the case-law of the Court of Cassation, had materialised in the applicants' cases, as required by Article 7 of the Convention (see, for instance, *G.I.E.M. S.R.L. and Others v. Italy* [GC], nos. 1828/06 and 2 others, §§ 242 and 246, 28 June 2018, and *K.-H.W. v. Germany* ([GC], no. 37201/97, § 45, ECHR 2001 - II (extracts))?

3. In respect of applications nos. 10937/23 and 11015/23, did the Constitutional Court's allegedly erroneous assessment of the applicants' complaints under Article 7 of the Convention breach their right of access to a court under Article 6 § 1 of the Convention (see, for the general principles, *Zubac v. Croatia* [GC], no. 40160/12, §§ 76-79, 5 April 2018)?

CHTENAS C. GRÈCE (35290/22;18827/24)

Art. 6;6-1;6-2;6-3-d;7;7-1 – access to court – rejection of mitigating circumstances due to legislative change; effective remedy – lack of remedy for sentencing issues; no punishment without law – disregard for retroactive application of favorable law

SUBJECT MATTER OF THE CASE

The applications concern the dismissal by the criminal courts, on the grounds of inadmissibility, of the applicants' respective requests for the recognition of the mitigating circumstance based on the unreasonable length of the criminal proceedings, which was introduced into the Criminal Code on 1 July 2019 (Article 84(3) of the Criminal Code), and which, prior to that date, constituted a factor that could be taken into account by the court as a mitigating factor in the calculation of the sentence imposed (*επιμέτρηση*) (for details, see the attached table).

Relying on Article 6 of the Convention, the applicants allege that, by so deciding, the domestic courts failed to respect their right of access to a court.

The applicant in application no. [18827/24](#) also complains, under Article 13 of the Convention, of a violation of his right to an effective remedy.

Relying on Article 7 of the Convention, the applicants contend that, by failing to take into account the mitigating circumstance in question, the domestic courts failed to observe the principle of the retroactive application of a more favourable criminal law.

QUESTIONS TO THE PARTIES

1. Was there a violation of the applicants' right of access to a court within the meaning of Article 6 § 1 of the Convention, in so far as the domestic courts dismissed as inadmissible their respective applications seeking recognition of the mitigating circumstance arising from the unreasonable length of the criminal proceedings?

2. Is Article 7 of the Convention applicable in the present case?

If so, by rejecting the applicants' aforementioned claims, did the domestic courts fail to observe the principle of the retroactive application of more favourable criminal law as derived from Article 7(1) of the Convention (see, *mutatis mutandis*, *Gouarré Patte v. Andorra*, no. [33427/10](#), §§ 28–36, 12 January 2016)?

APPENDIX

No	Application No.	Lodged on	Applicant Date of birth Place of residence Nationality	Domestic judicial proceedings	Final decision

1.	35290/22	11/07/2022	Andreas CHTENAS 1957 Incarcerated in Greek Domokos Prison	By judgment No. 73/2018 of the Thracian Criminal Court of Appeal (Μικτό Ορκωτό Εφετείο Θράκης) ('Court of Appeal'), the applicant was found guilty of murders committed on 16 June 2001 and 27 July 2002. On 2 December 2019, the applicant lodged an appeal to the Court of Cassation. By judgment No. 1311 of 26 November 2020, the Court of Cassation upheld the Court of Appeal's judgment in respect of the applicant's conviction but quashed it in respect of the calculation of the sentence to be served. By judgment No. 18/2021, the Court of Appeal, hearing the case on referral from the Court of Cassation, dismissed as inadmissible the applicant's request for the recognition of the mitigating circumstance arising from the unreasonable length of the criminal proceedings, as introduced into the Criminal Code on 1 July 2019 (Article 84(3)), on the grounds that the possible recognition of mitigating circumstances was not included within	On 19 April 2021, the applicant lodged an appeal to the Court of Cassation. Relying on case law derived, inter alia, from judgments Nos. 712, 711/2021, 750/2020, 714/2020 and 1615/2005 of the Court of Cassation, he argued in particular that, by rejecting his application for recognition of the mitigating circumstance in question, the judgment No. 18/2021 of the Court of Appeal, to which the case had been referred by the Court of Cassation, had failed to exercise its jurisdiction, thereby misinterpreting the principle of the retroactive application of the more favourable criminal law. He added that the mitigating circumstance in question had been introduced into the new Criminal Code (which came into force on 1 July 2019) after the Court of Appeal's conviction judgment No 73/2018. By judgment No. 539/2022 of 8 April 2022, the Court of Cassation upheld the findings of the Court of Appeal's judgment No. 18/2021 and dismissed the applicant's appeal to the Court of Cassation.
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				the scope of the Court of Cassation's referral.	
2.	18827/24	20/06/2024	Nikolaos AMANATIDIS 1966 Imprisoned in Greek Larissa Prison	By judgment No. 81–82 of 5 March 2019 of the Thessaloniki Criminal Court of Appeal (Μικτό Ορκωτό Εφετείο Θεσσαλονίκης) ('Court of Appeal'), the applicant was found guilty, amongst other things, of manslaughter. On 8 January 2020, the applicant lodged an appeal to the Court of Cassation. By judgment No. 100/2022, the Court of Cassation upheld the Court of Appeal's judgment in respect of the applicant's conviction but quashed it in respect of the calculation of the sentence to be served, on the grounds that provisions introducing more lenient penalties had come into force in the meantime. By judgment No 28/2023, the Court of Appeal, to which the case had been referred by the Court of Cassation, dismissed as inadmissible the applicant's request for the recognition of the mitigating circumstance based on the unreasonable length of the criminal proceedings,	On 19 May 2023, the applicant lodged an appeal to the Court of Cassation. Relying on case-law derived, inter alia, from judgments Nos. 753/2022, 712, 711 and 710/2021 of the Court of Cassation, he argued in particular that, by rejecting his application for recognition of the mitigating circumstance in question, the judgment No. 28/2023 of the Court of Appeal, to which the case had been referred by the Court of Cassation, had failed to exercise its jurisdiction, thereby breaching the principle of retroactivity of the more favourable criminal law. He added that the mitigating circumstance in question had been introduced into the new Criminal Code (which came into force on 1 July 2019) after the Court of Appeal's conviction judgment No 81–82 of 5 March 2019. By judgment No 1463/2023 of 29 November 2023, the Court of Cassation found that, in its judgment No. 28/2023, the Court of Appeal had taken into account – just as in the Court of Appeal's judgment No. 81–82/2019 – the fact that the proceedings had exceeded a reasonable timeframe as a mitigating factor in the calculation of the sentence imposed (επιμέτρηση). Consequently, the judgment in

				as introduced into the Criminal Code on 1 July 2019 (Article 84(3)), on the grounds that the possible recognition of mitigating circumstances was not included within the scope of the Court of Cassation's referral.	question did not increase the sentence imposed on the applicant. Furthermore, it confirmed the findings of the Court of Appeal's judgment No 28/2023, according to which the possible recognition of mitigating circumstances was not within the scope of the Court of Cassation's referral.
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SIBIRLIOĞLU V. TÜRKİYE AND 16 OTHER APPLICATIONS

(10533/24;10616/24;13020/24;7942/25;7953/25;7969/25;7971/25;7975/25;7980/25;8292/25;8298/25;8365/25;8608/25;8648/25;8780/25;8782/25;8785/25)

Art. 6;6-1;6-3-c;7;7-1 – fair trial – lack of reasoned judgments convicting the applicants (Air Force Academy cadets and three privates from military high school) of attempting to subvert the constitutional order; fair trial – restrictions on lawyer meetings; legality – ambiguous interpretation of criminal offences

SUBJECT MATTER OF THE CASE

The applications concern the alleged unfairness of criminal proceedings against certain members of the Armed Forces for their alleged involvement in the attempted coup on the night of 15 July 2016 on account of their deployment to and acts on the Bosphorus Bridge [1] where the domestic courts concluded that the clashes between the putschist soldiers and the civilians and police officers claimed the lives of 34 individuals and caused injury to 318 others.

The applicants were Air Force Academy cadets and three privates from the Kuleli Military High School.

All the applicants were convicted of attempting to subvert the constitutional order by force under Article 309 § 1 of the Criminal Code and sentenced to aggravated life imprisonment (without the possibility of parole), while some of them were also convicted of murder and attempted murder, including multiple counts, and were sentenced to aggravated life imprisonment for each count.

The applicants mainly complain, under Article 6 § 1 of the Convention, of the domestic courts' failure to deliver a reasoned judgment, of the Istanbul Regional Court of Appeal's failure to address their request for a hearing (except for the applicant in application no. 13020/24), and, under Article 6 § 3 (c) of the Convention, of the restrictions placed on their meetings with their lawyers by virtue of Decree Law no. 667. The applicants in applications nos. 10533/24, 10616/24, 8780/25 and 8608/25 further complain that the domestic courts' unjustified rejection of their requests for the collection of further evidence entailed a breach of the principles of equality of arms and of an adversarial trial. Lastly, the applicant in application no. 13020/24 complained that the domestic courts failed to address a decisive defence argument, thereby breaching his right to a fair trial.

Some of the applicants (in applications nos. 7953/25, 7969/25, 7971/25, 7975/25, 7980/25, 8365/25, 8648/25, 8782/25 and 8785/25) further complained of a breach of Article 7 of the Convention on the basis of the following three grounds. First, they argued that the domestic courts had interpreted the elements of the offence under Article 309 § 1 of the Criminal Code in an unforeseeable and ambiguous manner. Second, they submitted that the domestic courts' interpretation of the offence of attempting to subvert the constitutional order, as well as of the provisions on complicity, ran counter to the essence of those concepts and was, in any event, unduly extensive to their detriment. Third,

the applicants contended that the domestic courts had convicted them without properly assessing the mental element of the offence.

QUESTIONS TO THE PARTIES

1. Did the applicants have a fair hearing in the determination of the criminal charge against them, in accordance with Article 6 § 1 of the Convention? In particular, did the domestic courts provide sufficient reasons for their decision to convict the applicants of attempting to subvert the constitutional order under Article 309 § 1 of the Criminal Code, and to convict some of the applicants of murder and attempted murder? Did the trial court's reasoned decision contain an individualised assessment in respect of the applicants (*Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, §§ 83 and 84, 11 July 2017, and *Ayetullah Ay v. Turkey* , nos. 29084/07 and 1191/08, §§ 127-28 and 191, 27 October 2020)?
2. Has there been a violation of Article 6 § 1 of the Convention (except for the applicant in application no. 13020/24) owing to the Regional Court of Appeal's alleged failure to address the applicants' request for a hearing before it (see *Deliktaş v. Türkiye* , no. 25852/18, §§ 40-55, 12 December 2023, and compare *Mahmut Onur Uçar v. Türkiye* (dec.), no. 32565/23, §§ 70-74, 26 November 2024)?
3. Was the applicants' right to have a confidential communication with their lawyers under Article 6 § 3 (c) of the Convention restricted by virtue of the measures provided for by Article 6 of Legislative Decree no. 667? If so, what were the compelling reasons for such limitation? Did this restriction deprive the applicant of a fair hearing (see, for instance, *Sakhnovskiy v. Russia* [GC], no. 21272/03, §§ 97 and 102, 2 November 2010; *S. v. Switzerland* , 28 November 1991, § 48, Series A no. 220; *Brennan v. the United Kingdom* , no. 39846/98, § 58, ECHR 2001 - X; *Rybacki v. Poland* , no. 52479/99, § 61, 13 January 2009; and *Khodorkovskiy and Lebedev v. Russia* , nos. 11082/06 and 13772/05, §§ 627-629 and 632-641, 25 July 2013)?
4. In respect of application no. 13020/24, did the domestic courts establish the relevant facts forming part of the applicant's conviction after a proper examination of his submissions, arguments and the evidence adduced? In that connection, did they address the applicant's specific arguments concerning the offences of murder and attempted murder, namely that he had fired three bullets into the air and had handed over the remaining bullets in the magazine of his rifle to the police, before convicting him of six counts of murder and thirty-seven counts of attempted murder (*Moreira Ferreira* , cited above, §§ 83 and 84, and *Ayetullah Ay* , cited above, §§ 127-28 and 191)?
5. In respect of applications nos. 10533/24, 10616/24, 8780/25 and 8608/25, has there been a breach of the principles of equality of arms and of an adversarial trial on account of the trial court's refusal of the requests for the collection of further evidence, such as the requests that medical reports concerning the deceased and injured victims be sent to Istanbul University's Forensic Medicine Institute or a similar institution in order to determine the nature of the injuries and the type of firearm from which the bullets were fired; the requests for an investigation into the type of ammunition and bullets used by the police that night; and the requests for expert opinions to be obtained on the circumstances of the injuries and deaths (see, for the relevant general principles,

Murtazaliyeva v. Russia [GC], no. 36658/05, §§ 139-68, 18 December 2018, and Gülağacı v. Turkey (dec.), no. 40259/07, §§ 35-40, 13 April 2021)?

6. In respect of applications nos. 7953/25, 7969/25, 7971/25, 7975/25, 7980/25, 8365/25, 8648/25, 8782/25 and 8785/25, what are the elements of the offence of attempting to subvert the constitutional order set out in Article 309 of the Criminal Code, and were those elements present in the applicants' cases? In particular, did the domestic courts duly establish whether the material and mental elements of the relevant offence, as laid down in the case-law of the Court of Cassation, had been present in the applicants' cases, as required by Article 7 of the Convention (see, for the relevant principles, K.-H.W. v. Germany ([GC], no. 37201/97, § 45, ECHR 2001 - II (extracts)))?

The Government are further requested to submit the decisions of the Court of Cassation in which that court examined the restrictions imposed under Legislative Decree no. 667 on the fundamental right of suspects or accused persons to consult with their lawyers, including in particular those decisions in which the Court of Cassation quashed the judgments of the lower courts on that basis. In the same vein, the Government are invited to provide the relevant case-law of the Constitutional Court that has addressed the same issue under Article 6 of the Convention, including, in particular, the plenary judgment delivered in the case of Orhan Patarya (application no. 2019/42695), or any other judgment in which that court found a violation of the applicants' right to a fair trial on account of the restrictions introduced by Decree Law no. 667.

Moreover, the Government are requested to submit to the Court the relevant domestic legal provisions or practice directions governing the principles and procedure by which requests for a hearing before the Regional Courts of Appeal and the Court of Cassation are examined, including for cases in which such requests result in a hearing being held by those courts.

APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Nationality	Represented by
1.	10533/24	Sibirlioğlu v. Türkiye	01/04/2024	Abdullah SİBİRLİOĞLU 1995 Turkish	Tarık Said GÜLDİBİ
2.	10616/24	Karaduran v. Türkiye	01/04/2024	Enes KARADURAN 1995 Turkish	Tarık Said GÜLDİBİ
3.	13020/24	Tam v. Türkiye	18/04/2024	Murat TAM 1995 Turkish	Özge KARTAL
4.	7942/25	Erceylan v. Türkiye	05/03/2025	Fethullah ERCEYLAN 1996 Turkish	Özge KARTAL

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Nationality	Represented by
5.	7953/25	Soydeğer v. Türkiye	05/03/2025	Muhammet SOYDEĞER 1994 Turkish	Özge KARTAL
6.	7969/25	Karalı v. Türkiye	05/03/2025	Hasan Alperen KARALI 1995 Turkish	Özge KARTAL
7.	7971/25	Karataş v. Türkiye	05/03/2025	İsa KARATAŞ 1996 Turkish	Özge KARTAL
8.	7975/25	Çelik v. Türkiye	05/03/2025	Seyhan ÇELİK 1994 Turkish	Özge KARTAL
9.	7980/25	Yılmaz v. Türkiye	05/03/2025	Vahit Samed YILMAZ 1995 Turkish	Özge KARTAL
10.	8292/25	Göknar v. Türkiye	24/02/2025	Ekrem GÖKNAR 1995 Turkish	Tarık Said GÜLDİBİ
11.	8298/25	Yavuz v. Türkiye	05/03/2025	Mehmet Furkan YAVUZ 1995 Turkish	Özge KARTAL
12.	8365/25	Özen v. Türkiye	05/03/2025	Abdullah ÖZEN 1995 Turkish	Özge KARTAL
13.	8608/25	Gençel v. Türkiye	06/03/2025	Faruk GENÇEL 1996 Turkish	Özge KARTAL
14.	8648/25	Tepe v. Türkiye	06/03/2025	Muhammet Furkan TEPE 1996 Turkish	Özge KARTAL
15.	8780/25	Dizer v. Türkiye	07/03/2025	Ozan Tarık DİZER 1996 Turkish	Özge KARTAL
16.	8782/25	Şahin v. Türkiye	07/03/2025	Uğur ŞAHİN 1996 Turkish	Özge KARTAL

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Nationality	Represented by
17.	8785/25	Tokmak v. Türkiye	07/03/2025	Mahmut TOKMAK 1994 Turkish	Özge KARTAL

[1] By a decision dated 25 July 2016, the Council of Ministers changed the name of the Bosphorus Bridge to “15 July Martyrs’ Bridge”.

LOMBARD C. FRANCE (15240/25)

Art. 6;6-1;7;7-1 – fair trial – lack of effective remedy regarding constitutional challenge to harassment law interpretation

SUBJECT MATTER OF THE CASE

The application concerns the conviction of a former Chief Executive Officer of France Télécom for institutional harassment, pursuant to Article 222-33-2 of the Criminal Code (judgment of the Paris Criminal Court of 20 December 2019; judgment of the Paris Court of Appeal of 30 September 2022; judgment of the Court of Cassation of 21 January 2025).

In the version applicable at the time of the events, Article 222-33-2 of the Criminal Code was worded as follows: “Harassing another person through repeated acts intended to, or having the effect of, deteriorating their working conditions in a manner likely to infringe upon their rights and dignity, to impair their physical or mental health, or to jeopardise their professional future, is punishable by one year’s imprisonment and a fine of 15,000 euros”.

In the proceedings before the Court of Cassation, the applicant had requested that the following priority constitutionality question be referred to the Constitutional Council: ‘Are the provisions of Article 222-33-2 of the Criminal Code, as interpreted by the Court of Cassation, contrary to the freedom to conduct business, guaranteed by Article 4 of the 1789 Declaration [of the Rights of Man and of the Citizen], in that they criminalise any company policy which merely results in a deterioration in the working conditions of others, provided that such deterioration is capable of infringing upon their rights and dignity, impairing their physical or mental health, or jeopardising their professional future?’ The Court of Cassation had ruled, in a judgment of September 2023, that there was no need to refer this question to the Constitutional Council, considering that it was moot since ‘there [was] not, as things stand, any established case-law interpretation of the said legislative provision leading to the criminalisation of a company policy having the effect of deteriorating the working conditions of others, which is likely to infringe upon employees’ rights and dignity, impair their physical or mental health, or jeopardise their professional future”.

In its judgment of 21 January 2025 on the appeal, the Court of Cassation ruled, inter alia, that ‘acts falling within the scope of Article 222-33-2 of the Criminal Code (...) and capable of constituting a situation of institutional psychological harassment include acts aimed at deliberately devising and implementing, a company policy whose purpose is to deteriorate the working conditions of all or some of the employees in order to achieve a reduction in the workforce or to attain any other objective, whether managerial, economic or financial, or which has the effect of such a deterioration, liable to infringe upon the rights and dignity of those employees, to impair their physical or mental health or to jeopardise their professional future”.

Relying on Article 6 § 1 of the Convention, the applicant complains of a violation of his right to an effective remedy before the Court of Cassation and the Constitutional Court, resulting from the Court of Cassation's decision not to refer to the Constitutional Council the priority preliminary ruling on constitutionality which he had raised.

Relying on Article 7 of the Convention, the applicant considers that he was convicted under Article 222-33-2 of the Criminal Code for acts not covered by that provision, and in breach of the requirement that criminal law be accessible and foreseeable.

QUESTIONS TO THE PARTIES

1. Is Article 6 § 1 applicable to the circumstances alleged by the applicant? If so, has there been a violation of that provision?
2. Is the applicant justified in arguing that his conviction under Article 222-33-2 of the Criminal Code constitutes a violation of Article 7 of the Convention?

MUTUELLE CENTRALE DE REASSURANCE (MCR) C. FRANCE (6659/25)

Art. 6;6-1;P1-1;P1-1-1 – access to court – denial of compensation for damages linked to state conduct in international relations

SUBJECT MATTER OF THE CASE

The application concerns the right of access to a court to obtain redress for damages resulting from a decision that is inseparable from the conduct of a State's international relations, characterized as an act of government.

The applicant is a mutual insurance company reconstituted in Paris after the dissolution of the Caisse centrale de réassurance des mutuelles agricoles (CCRMA), established in 1907 in Algeria to insure farmers against risks that may arise on their farms and to provide guarantees to individuals of retirement age. Following Algeria's independence in 1962, the financial assets of the CCRMA were nationalized and its real estate expropriated by the Algerian State.

On April 25, 2019, the applicant brought an action before the Paris Administrative Court (TA) seeking to have France ordered to compensate for the harm allegedly caused by the refusal of the French authorities to grant her the benefit of diplomatic protection, with a view to obtaining compensation for the damages she claims to have suffered due to the expropriation and nationalization measures that took place in Algeria in 1963 and 1964.

By a judgment dated February 5, 2021, the TA rejected her application on the grounds that the damages suffered by the applicant, which resulted from expropriations and nationalizations carried out by the Algerian State in 1963 and 1964, did not have their direct origin in the actions of the French State.

The precise reasons for the decision were as follows:

“2. While the State's liability for fault cannot be engaged due to its refusal to grant diplomatic protection, as this relates to the conduct of France's external relations, the administrative jurisdiction is competent to hear claims against the State based on the equality of citizens before public burdens, even when this arises from an act of government.

3. The applicant challenges the State's liability for breach of the equality of citizens before public burdens. However, the damages suffered by the Mutual Central Reinsurance, which result from expropriations and nationalizations carried out by the Algerian State in 1963 and 1964, do not have their direct origin in the actions of the French State. Consequently, they cannot engage the liability of the French State based on the equality of citizens before public burdens. Furthermore, in light of what was stated in point 2, the State's liability cannot be engaged for a fault constituted by the refusal to undertake amicable steps or to grant diplomatic protection, as these relate to the conduct of France's external relations. Finally, the fact that the French State could have, without the agreement of the Algerian State, brought the matter before the International Court of Justice, has no

bearing on the absence of liability of the French State for the damages alleged by the Mutual Central Reinsurance.”

By a ruling dated April 19, 2022, the Paris Administrative Court of Appeal (CAA) annulled this judgment and rejected the application as brought before a court lacking jurisdiction to hear it, the refusal of diplomatic protection being inseparable from the conduct of international relations.

The precise reasons for the ruling were as follows:

“2. The implicit refusal by the Minister of Foreign Affairs to the request of the MCR for the Government of the Republic to exercise diplomatic protection on its behalf before the International Court of Justice in The Hague is not separable from the exercise of governmental powers in the conduct of diplomatic relations. Consequently, the conclusions whereby the MCR seeks, in accordance with its prior compensation request of December 24, 2018, ‘the compensation for the damage suffered due to this refusal’ raise questions that are not, by their nature, susceptible to being brought before the administrative jurisdiction. Therefore, it is incorrect that the first judges rejected the conclusions of the application as unfounded. It is necessary, on the one hand, to annul the contested judgment in so far as it rejects said conclusions and, on the other hand, to reject these conclusions as brought before a court lacking jurisdiction to hear them.”

On June 20, 2023, the applicant lodged an appeal in cassation with the Council of State (CE).

By a decision dated October 24, 2024, the CE annulled the ruling of April 19, 2022 for the following reasons:

“2. The exercise of diplomatic protection is a decision inseparable from the conduct of France's international relations. Actions seeking the annulment of such a decision, as well as those seeking, on the grounds of State liability for fault, compensation for damages it may have caused, raise questions that are not, by their nature, susceptible to being brought before the administrative jurisdiction.

3. The administrative jurisdiction is, on the other hand, competent to hear claims for compensation seeking to engage the State's liability without fault, based on the equality of citizens before public burdens, due to decisions inseparable from the conduct of France's international relations. Consequently, the MCR is justified in arguing that by rejecting as brought before a court lacking jurisdiction to hear its conclusions seeking, on this basis, compensation for the damage it claims to have suffered due to the refusal of the Minister responsible for foreign affairs to exercise diplomatic protection, the Paris Administrative Court of Appeal has tainted its ruling with a legal error.”

Thus, the CE recognized its competence to hear claims for compensation seeking to engage the State's liability without fault, based on the equality of citizens before public burdens, due to an act of government and specified the conditions for engaging this liability. It rejected the applicant's request on the grounds that this liability regime could not benefit individuals whose situation was itself governed by the act of government. It ruled that:

“6. The State's liability without fault due to decisions inseparable from the conduct of international relations may be engaged with respect to individuals under its jurisdiction based on the equality of citizens before public burdens. However, this liability regime cannot, even indirectly, interfere with the objectives or implementation of France's foreign policy.

7. When the conditions for engaging such an action for State liability are met, it can only be upheld when the claimant bears a special and particularly severe burden, out of proportion to the obligations that may be involved in conducting France's foreign policy. This liability cannot, in principle, be engaged for the benefit of individuals whose decision inseparable from the conduct of international relations is itself intended to govern or affect the situation, either individually or collectively.

8. Finally, this liability cannot be engaged when the damage for which compensation is sought has its direct origin in the actions of a foreign State or in acts of war. It cannot be further engaged if there is a special compensation regime.

Regarding the MCR's application:

9. Contrary to what the Paris Administrative Court held, the MCR's request did not seek compensation for damages resulting from expropriations and nationalizations carried out by the Algerian State, but for the damage arising from the lost opportunity to obtain compensation from the Algerian authorities due to the refusal of diplomatic protection that had been opposed to it. However, as stated in point 7, the State's liability without fault based on the equality before public burdens due to a decision inseparable from the conduct of France's international relations cannot be engaged with respect to individuals for whom this decision is itself intended to govern the situation. The MCR's claims for compensation seeking, on this basis, to obtain redress for the damage it believes it has suffered due to the refusal of the French authorities to exercise diplomatic protection can therefore only be rejected."

Invoking Article 6 § 1, the applicant argues that by unjustifiably and unpredictably excluding the possibility of an appeal on the grounds that the act of government in dispute was itself intended to govern her situation, the Council of State has disproportionately infringed her right of access to a judge.

Invoking Article 1 of Protocol No. 1, the applicant contends that the French authorities have failed to respect their positive obligations to take the necessary measures to ensure respect for her property and to guarantee her compensation for her damages.

QUESTIONS TO THE PARTIES

1. Was Article 6 § 1 of the Convention applicable to the proceedings in this case? If so, was there a violation of the right of access to a court in that, while ruling that "the exercise of diplomatic protection is a decision inseparable from the conduct of France's international relations" and that "actions seeking the annulment of such a decision, as well as those seeking, on the grounds of State liability for fault, compensation for damages it may have caused, raise questions that are not, by their nature, susceptible to being brought before the administrative jurisdiction," the Council of State rejected the request presented by the applicant on the distinct basis of the State's liability without fault on the grounds that such liability was "not susceptible of being engaged with respect to individuals for whom this decision is itself intended to govern the situation"? In these circumstances, does this limitation of the right of access to court, excluding from the right to appeal "individuals for whom a decision inseparable from the conduct of international relations is itself intended to govern or affect the situation, either individually or collectively," constitute a legitimate and reasonable

restriction on the right to a court (Markovic and Others v. Italy [GC], no. 1398/03, ECHR 2006-XIV, Tamazount v. France, nos. 17131/19 and 4 others, §§ 121, 124 and 126, April 4, 2024)?

2. Is the complaint under Article 1 of Protocol No. 1 compatible *ratione temporis* with the provisions of this Protocol, within the meaning of Article 35 § 3 (a) of the Convention? If so, has there been an infringement of the applicant's right to respect for her property, within the meaning of Article 1 of Protocol No. 1 to the Convention? Was the contested interference provided for by law, did it serve a legitimate public (or general) interest, and did it impose an excessive burden on the applicant?

PONTONNIER C. FRANCE ET 1 AUTRE AFFAIRE (7094/26;8368/26)

Art. 2;2-2;3 – right to life – injuries caused by police use of tear gas during protest; fair trial – acquittal of police officer for injuries sustained by protesters

SUBJECT MATTER OF THE CASE

The applications relate to injuries sustained on 24 November 2018 by two protesters when a GLI-F4-type tear gas grenade was thrown during ‘Act II’ of the so-called ‘Yellow Vests’ movement. Gabriel Pontonnier (‘the first applicant’) had three fingers on his left hand amputated, whilst his brother, Florian Pontonnier (‘the second applicant’), suffered injuries to his feet and legs from shrapnel.

On 29 November 2018, the Paris Public Prosecutor’s Office opened an investigation into the causes of the injuries, which it entrusted to the General Inspectorate of the National Police (IGPN). Major D. was identified and admitted to having thrown the grenade.

On 6 December 2019, the public prosecutor closed the case without further action, considering that there was insufficient evidence to establish the offence.

On 10 January 2020, the two applicants lodged a complaint, bringing a civil action, and a judicial investigation was opened on 18 June 2020 on charges of aggravated intentional violence and endangering the lives of others. Following the investigations, Major D. was referred to the Criminal Court on charges of causing unintentional injury to the two applicants.

At the hearing on 17 October 2025, he was acquitted. The relevant passage from the judgment reads as follows:

‘(...) the court could not fail to note the tragic outcome of this grenade explosion for the Pontonnier family during that second major demonstration known as the “Yellow Vests” on 24 November 2018, and the human tragedy that ensued, particularly for Gabriel PONTONNIER, who has since been deprived of the use of part of his hand and has suffered profound physical and psychological trauma as a result of this event.

It follows from the provisions of Article 121-3 of the Criminal Code that, with regard to direct causation – which is not disputed in this case – as D.’s throwing of the grenade and its explosion directly caused the injuries sustained by Gabriel PONTONNIER and Florent PONTONNIER, a simple fault of imprudence, negligence or a breach of a duty of care or safety laid down by law or regulation is sufficient to establish his liability.

The court therefore examined whether the GLI 4-type grenade had been used by Police Major D. in accordance with the legal and regulatory framework in force at the time of the events and whether the defendant had, in the course of his actions, acted imprudently, inattentively or negligently, or breached a duty of safety or care.

It is undisputed, first of all, that the GLI 4 instant tear gas grenade used by Major D. had been in use since 2011 in law enforcement operations and was still in use on 24 November 2018 at the time of the events.

It is also undisputed that Major D. had been authorised to use this type of grenade since 3 July 2018.

It should also be noted that on the day of the incident, the defendant had been authorised to use this type of grenade. In view of the severely deteriorating situation at the demonstration, the Paris Police Prefect had therefore authorised the mobile police units to use GLI 4 instant tear gas grenades from 3.55 pm onwards.

D. has consistently maintained – and his account is corroborated by all his superiors who were also heard – that, faced with a situation bordering on insurrection and having run out of ammunition, he threw a GLI-4 grenade shortly before 6.00 pm to defend the ground he was occupying and protect his men, in order to repel the demonstrators who were occupying the Place du Rond-Point.

The legal framework governing the use of this type of grenade is set out in Article L211-9 of the Internal Security Code, which provides that *‘a gathering, within the meaning of Article 431-3 of the Criminal Code, may be dispersed by the police after two warnings to disperse have gone unheeded, issued, whilst wearing their official insignia, by (...) 3o any judicial police officer responsible for public safety, or any other judicial police officer. These warnings shall be issued in a manner designed to inform those taking part in the gathering of their obligation to disperse without delay.’*

(...)

Whilst the above provisions do not specify the timeframe for these warnings prior to the throwing of a grenade, it should be noted that Article L211-9 of the Internal Security Code adds that *“law enforcement officers called upon to disperse a gathering may make direct use of force if violence or assault is directed against them or if they are unable to defend the ground they occupy by any other means”*.

Consequently, in the present case, it is irrelevant to ascertain what warnings may have been issued and at what time they were given, given that numerous witness statements indicate that, at the moment the grenade in question was thrown, the section (...) commanded by Major D. was the target of projectiles thrown by demonstrators and was at the heart of a demonstration that had turned very violent, having run out of conventional tear-gas grenades to defend the ground it occupied, whilst, moreover, the orders being issued at that time by the command centre of the Paris Police Prefecture were to strike the demonstrators with great force.

Consequently, in such circumstances, Major D. was legally entitled to make direct use of force by deploying a GLI4-type instant tear-gas grenade, without issuing a warning.

As regards the conditions under which the grenade in question was used, it should be noted that at the time it was thrown, it was dark, smoke was present and, consequently, the visibility conditions faced by Major D. were not optimal. The officer in question stated during the judicial investigation and the court proceedings that these conditions were not ideal but were real and that he could not alter them. In view of the context in which he found himself, the highly volatile nature of the demonstration and the danger to which he and his men were exposed, the court considers that his action was appropriate and proportionate in throwing a GLI4-type grenade into the area between himself and the demonstrators.

Furthermore, with regard to the procedures for using the grenade in question, it follows from Annex VI of Joint Instruction DGPN-DGGN No. 4585A of 2 August 2017 that its use *“is subject to the presence of a team consisting of a supervisor and one or more launchers. The supervisor’s role is to assess the overall situation and the movements of the demonstrators, to ensure that the user(s) of the GLI understand the orders, and to warn of environmental conditions that could render the shot ineffective or dangerous. It is therefore the launcher’s responsibility to assess the grenade’s trajectory and to anticipate the point of explosion or impact”*.

It is undisputed that on the day of the events, this dual requirement for the presence of a supervisor and a launcher was not met within the section (...) commanded by Major D.

However, first and foremost, it should be emphasised that Article 121-3 of the Criminal Code refers to *‘a breach of a duty of safety or care imposed by law or regulation’*, whereas prior to the entry into force of Act No. 2000-647 of 10 July 2000, which amended it, it referred to *‘regulations’*, and that the concept of a regulation must be interpreted strictly, in accordance with the letter and spirit of the text, which cannot therefore relate to a recommendation for use that is, by its nature, below the level of a regulation.

Furthermore, secondly, it is apparent from the evidence in the file and the proceedings that when he was trained in the use of this type of GLI4 grenade in 2018, Major D. did not receive comprehensive training. His trainer confirmed that he had not discussed with Major D. the precaution regarding the use of the supervisor-launcher pair referred to in the 2017 instruction, nor had he used the *ad hoc* training pack, as his unit had not received it.

In view of these facts, the court considers that Major D. cannot be held responsible for failing to comply with an operational recommendation that is, by its nature, below regulatory level and on which he had not been trained.

Consequently, when he threw the grenade – the direct cause of the injuries sustained by Gabriel PONTONNIER and Florent PONTONNIER – [Major] D. acted with due diligence, given the nature of his duties, his role, his skills, and the authority and resources at his disposal at the precise moment of the throw. The use of force through the deployment of a GLI4-type instant-detonation logistics grenade constituted a necessary and proportionate response to the violence and assault directed against the police, who were at that time being targeted by projectiles.

Consequently, having committed no act of clumsiness, recklessness, inattention, negligence or breach of any duty of safety or care imposed by law or regulation, Major D. must be acquitted of the charges of causing unintentional injury to Gabriel PONTONNIER and Florent PONTONNIER (...)

As the Public Prosecutor’s Office did not appeal, this judgment became final.

In parallel with these criminal proceedings, the first applicant sought compensation for his loss from the Guarantee Fund for Victims of Acts of Terrorism and Other Offences. By a judgment of 20 April 2023, the Paris Court of Appeal ordered a stay of proceedings pending the outcome of the criminal proceedings. It appears that the case was never re-entered on the Court of Appeal’s docket due to the acquittal handed down on 17 October 2025.

Relying on Article 3 of the Convention, the applicants contend that they were victims of an act of violence which must be regarded as constituting inhuman and degrading treatment.

QUESTION TO THE PARTIES

In the light of the principles and requirements set out, in particular, in the judgments in *Fraisie and Others v. France* (nos. [47626/21](#) and [22525/21](#), 27 February 2025) and *Tsaava and Others v. Georgia* ([GC], nos. [13186/20](#) and 4 others, §§ 327 and 332, 11 December 2025), were the applicants subjected, during the demonstration on 24 November 2018, to treatment contrary to Article 3 of the Convention?

J.K. V. HUNGARY (25501/24)

Art. 3 – inhuman treatment – alleged assault by prison guards; effective investigation – delays and lack of involvement of applicant's representative

SUBJECT MATTER OF THE CASE

The application concerns the alleged assault of a 50-year-old prisoner with a psycho-social disability by the prison guards and the subsequent criminal investigation into the circumstances of the assault.

On 25 June 2022, the applicant was allegedly assaulted by several prison guards, who allegedly hit and kicked him repeatedly, in the sanitary facility of the Tiszaörs Prison.

On 27 June 2022 the applicant's partner submitted a complaint to the relevant supervisory department of the Office of the Attorney General. On 15 July 2022 the Debrecen Regional Prosecutor's Office opened an investigation into the applicant's alleged assault by the prison guards. On 15 July 2022 the investigating authority requested the prison to forward information concerning the applicant's placement and state of health, as well as the video recording made on the day of the incident along with its analysis. Furthermore, after receiving authorisation from the investigating authority on 11 February 2026, the applicant submitted his written statement to that authority. Finally, between 17 February and 5 March 2026 the police interviewed five former cellmates of the applicant as witnesses, allegedly without informing the applicant's representative. The investigation is still ongoing.

Relying on Article 3 of the Convention, the applicant complains that he was ill-treated by the prison guards and that the investigation into the alleged assault has not been effective because of the delays, inactivity and the involvement of the Tiszaörs prison authorities in the investigative measures.

QUESTIONS TO THE PARTIES

1. Was the applicant subjected to inhuman and degrading treatment contrary to Article 3 of the Convention in the Tiszaörs Prison (see *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-88 and 100-101, ECHR 2015)?
2. Having regard to the procedural protection from inhuman or degrading treatment, has the investigation in the present case complied with the requirements of Article 3 of the Convention (see *Labita v. Italy* [GC], no. 26772/95, § 131, ECHR 2000-IV, and *Bouyid*, cited above, §§ 118-20, 122 and 123)? Did the authorities investigate promptly and with reasonable expedition (see *Bouyid*, cited above, § 121, and *Baranin and Vukčević v. Montenegro*, nos. 24655/18 and 24656/18, § 136, 11 March 2021)?
3. The Government are invited to submit factual information on the status of the criminal investigation and the investigative measures taken with respect to the applicant's allegations by the authorities so far.

MURTAZAYEV AND OTHERS V. RUSSIA AND UKRAINE (23943/14)

Art. 3;5;5-1-b;5-2;5-3;5-4;5-5;8;8-1;9;9-1;13;34 – inhuman treatment – conditions of detention in pre-trial facility and court; right to family life – denial of family visit requests; fair trial – lack of access to legal counsel and pressure on statements

SUBJECT MATTER OF THE CASE

The application was lodged by Mr S. Murtazayev and his family members, namely his wife, Ms A. Murtazayeva, and his son, Mr A. Murtazayev. It concerns issues relating to, and arising from Mr S. Murtazayev's detention in Crimea in October 2013, which continued after the Russian Federation asserted its jurisdiction over the peninsula in February 2014.

The facts of the case, as submitted by the applicants, may be summarised as follows.

On 25 October 2013 Mr S. Murtazayev was arrested by the Ukrainian investigative authorities in Crimea on suspicion of unlawful production, purchase and storage of narcotic drugs. On 28 October 2013 the Kyiv District Court of Simferopol ordered his pre-trial detention, which was subsequently extended. The latest decision taken by the Ukrainian court extended the applicant's detention until 23 March 2014. The applicant was held in the Simferopol pre-trial detention centre ("the Simferopol SIZO").

Mr S. Murtazayev described the conditions of his detention as follows: approximately 2,5 sq. m of personal space; poor sanitary conditions; low temperatures; lack of furniture and ventilation; absence of hot water in the cells; insufficient food; and daily outdoor exercise limited to one hour. He also alleged that the conditions at the Kyiv District Court of Simferopol on the days of the hearings held on 21 November and 25 December 2013 were inadequate, as he had no access to food or water for six to seven hours, the available space was limited to approximately 3 sq. m per person, and that there was no access to a toilet or ventilation.

Following his arrest, Mr S. Murtazayev and his wife and son requested authorisation for family visits on 11 and 13 November 2013. However, their requests were rejected by the investigator with reference to Section 12 of the Pre-Trial Detention Act. Mr S. Murtazayev also requested a meeting with a mullah, which was likewise refused on the same grounds.

In a letter dated 14 February 2014, the applicant informed his defence lawyer that he did not wish to lodge an application with the Court, as he considered that his rights under the Convention had not been violated. However, the applicant's representative later submitted that this statement had been made under pressure from the Simferopol SIZO administration.

Following the assertion of jurisdiction by the Russian Federation over Crimea, on 20 March 2014 the "Belgorodskiy District Court of the Republic of Crimea" ordered the extension of the applicant's pre-trial detention until 20 May 2014.

On 20 May 2014 the Russian investigative authorities instituted new criminal proceedings against the applicant in respect of the same events, but under Russian criminal law. On the same day the

“Kievskiy District Court of Simferopol” ordered his pre-trial detention until 20 July 2014. That detention was subsequently extended on several occasions. The applicant challenged those decisions, but without success.

On 20 March 2015 the applicant was convicted and sentenced to six years of imprisonment by the “Belogorodskiy District Court of the Republic of Crimea”. That judgment was upheld by the higher courts.

- COMPLAINTS

Relying on Article 3 of the Convention, Mr S. Murtazayev complains against Ukraine about the conditions of his detention in the Simferopol SIZO and at the Kyiv District Court of Simferopol on the days of the hearings. He further alleges that he did not have at his disposal an effective domestic remedy in respect of those complaints, in breach of Article 13 taken in conjunction with Article 3 of the Convention. He also complains under Article 34 of the Convention that he was subjected to pressure by the Simferopol SIZO administration in connection with his intended recourse to the Court.

All three applicants complain under Article 8 of the Convention against Ukraine, about the restrictions on family visits imposed during Mr S. Murtazayev’s detention. Additionally, Mr S. Murtazayev complains under Article 9 of the Convention that his freedom of religion was breached as a result of the refusal to authorise a meeting with a mullah during his pre-trial detention. In this connection, all applicants argue that Section 12 of the Pre-Trial Detention Act, as in force at the relevant time, did not indicate with sufficient clarity the scope and manner of the discretion conferred on the public authorities in regulating visits of detainees by their relatives or other persons.

Lastly, Mr S. Murtazayev complains against Russia that his detention, as ordered on 20 March 2014 by the “Belogorodskiy District Court of the Republic of Crimea” and on 20 May 2014 by the “Kievskiy District Court of Simferopol”, and as subsequently extended, was in breach of Article 5 §§ 1, 3, 4 and 5 of the Convention.

QUESTIONS TO THE APPLICANTS AND THE UKRAINIAN GOVERNMENT

1. Have the applicants, in their applications against Ukraine, complied with the admissibility requirements set out in Article 35 § 1 of the Convention in respect of their complaints below?

2. Has there been any hindrance by the respondent State to the effective exercise of Mr S. Murtazayev’s right of individual application, as guaranteed by Article 34 of the Convention (see *Sergey Antonov v. Ukraine*, no. [40512/13](#), §§ 105-10, 22 October 2015)?

3. Did the conditions of Mr S. Murtazayev’s detention in the Simferopol SIZO and the Kyiv District Court of Simferopol amount to inhuman or degrading treatment, in breach of Article 3 of the Convention? If so, did the applicant have at his disposal an effective domestic remedy in respect of that complaint, as required by Article 13 of the Convention (see *Melnik v. Ukraine*, no. [72286/01](#), 28 March 2006, and *Sukachov v. Ukraine*, no. [14057/17](#), 30 January 2020)?

4. Has there been an interference with the applicants’ right to respect for their family life, within the meaning of Article 8 of the Convention, on account of the refusal to allow meetings during Mr S.

Murtazayev's detention? If so, was that interference justified under Article 8 § 2 of the Convention (see *Shalimov v. Ukraine*, no. [20808/02](#), §§ 84-91, 4 March 2010, and *Feldman v. Ukraine (no.2)*, no. [42921/09](#), §§ 22-29, 12 January 2012)?

5. Has there been an interference with Mr S. Murtazayev's right to freedom of religion, within the meaning of Article 9 § 1 of the Convention, on account of the refusal to allow him to meet with a mullah? If so, was that interference justified under Article 9 § 2 of the Convention (see *Poltoratskiy v. Ukraine*, no. [38812/97](#), § 167, ECHR 2003-V)?

QUESTIONS TO THE APPLICANTS AND THE RUSSIAN GOVERNMENT

1. Has Mr S. Murtazayev, in his application against the Russian Federation, complied with the admissibility requirements set out in Article 35 § 1 of the Convention in respect of his complaints below?

2. Was Mr S. Murtazayev deprived of his liberty in breach of Article 5 § 1 of the Convention? If so, was his detention "in accordance with a procedure prescribed by law" (see *Ukraine v. Russia (re Crimea)* [GC], nos. [20958/14](#) and [38334/18](#), §§ 943-46 and 998, 25 June 2024)?

3. Having regard to the requirements of Article 5 § 5 and Article 13 in conjunction with Article 5 § 1 of the Convention, has Mr S. Murtazayev had at his disposal an effective and enforceable remedy to claim compensation for his detention allegedly in breach of Article 5 § 1 of the Convention?

APPENDIX

List of applicants:

No.	Applicant's Name	Year of birth	Nationality	Represented by
1.	Server Talyatovych MURTAZAYEV	1962	Ukrainian	Sergiy Sergiyovych PONOMARYOV
2.	Asan Serverovych MURTAZAYEV	1990	Ukrainian	
3.	Aliye Makhmudivna MURTAZAYEVA	1964	Ukrainian	

TARASOV V. RUSSIA (25763/23)

Art. 3;5;5-1;10;10-1;11;11-1;13 – inhuman treatment – torture and ill-treatment during detention; right to liberty – arbitrary detention without legal basis; freedom of expression – persecution for pro-Ukrainian activism; effective remedy – lack of domestic remedies for complaints

SUBJECT MATTER OF THE CASE

The application concerns the applicant's alleged abduction, ill - treatment, including torture, and arbitrary detention by Russian forces in Kherson and Crimea between March 2022 and February 2023 during the full-scale invasion of Ukraine. The applicant, a Ukrainian journalist and activist, alleges that he was apprehended on 7 March 2022 following the organisation of pro-Ukrainian protests in Kherson.

According to the applicant, he was subjected to severe ill-treatment, including the application of electric shocks and suspension by his wrists, and interrogated about his contacts with Ukrainian authorities. He further alleges that, under threats against his family, he was forced to record a video stating that the protests in Kherson had been organised by the Security Service of Ukraine.

The applicant submits that he was transferred to Crimea on 16 March 2022, where he was subjected to further torture and detained in inhuman conditions.

He was released on 14 February 2023 and relocated to Germany on 18 March 2023.

Relying on Article 3 of the Convention, the applicant complains that he was subjected to torture while under the control of Russian forces, including beatings, electric shocks, threats of execution and harm to his family, prolonged handcuffing, hooding, psychological abuse and deprivation of food, water and heating. He further alleges that no effective investigation was carried out in that regard.

Relying on Article 5 of the Convention, the applicant complains that he was arbitrarily detained from 7 March 2022 to 14 February 2023, without a legal basis, judicial oversight or any realistic prospect of release, and that no investigation was conducted into his alleged unlawful deprivation of liberty.

Relying on Articles 10 and Article 11 of the Convention, the applicant submits that his detention and ill-treatment were motivated by his pro-Ukrainian activism and his involvement in organising demonstrations in Kherson.

Finally, the applicant complains under Article 13 of the Convention that he did not have at his disposal effective domestic remedies in respect of his complaints under Articles 3, 5, 10 and 11 of the Convention.

QUESTIONS TO THE PARTIES

1. Has the applicant complied with the admissibility requirements set forth in Article 35 § 1 of the Convention?
2. Has the applicant been subjected to treatment contrary to Article 3 of the Convention, in particular torture or inhuman or degrading treatment (see *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, §§ 1076, 1079-80, and 1082-83, 9 July 2025)?

Has an effective investigation been carried out into the applicant's allegations of treatment contrary to Article 3 of the Convention, as required by that provision?

3. Has the applicant been deprived of his liberty in breach of Article 5 § 1 of the Convention (see *Ukraine and the Netherlands v. Russia* , cited above, §§ 910, 913, 1111-13, 1117, 1121 and 1123-24)?

Has an effective investigation been carried out into the applicant's allegations of unlawful deprivation of liberty, as required by Article 5 of the Convention (see *El-Masri v. "the former Yugoslav Republic of Macedonia"* [GC], no. 39630/09, §§ 242-43, 13 December 2012)?

4. Has there been an interference with the applicant's right to freedom of expression and his right to freedom of peaceful assembly, within the meaning of Articles 10 § 1 and 11 § 1 of the Convention, on account of his alleged detention, coercion and ill-treatment linked to his participation in pro-Ukrainian protests (see, *mutatis mutandis*, *Ukraine and the Netherlands v. Russia* , cited above, § 1336)?

If so, was that interference justified under Articles 10 § 2 and 11 § 2 of the Convention?

5. Did the applicant have at his disposal an effective domestic remedy in respect of his complaints under Articles 3, 5, 10 and 11 of the Convention, as required by Article 13 (see *Ukraine and the Netherlands v. Russia* , cited above, § 1622)?

CARMINATI V. SLOVENIA (21659/25)

Art. 6;6-1;P1-1 – fair trial – lack of impartiality and reasoned judgment in civil proceedings; property rights – arbitrary interpretation of domestic law affecting possession

SUBJECT MATTER OF THE CASE

The application concerns the alleged unfair civil trial against the applicant. The applicant instituted civil proceedings against the opposing party, seeking payment of approximately 2,000,000 euros (EUR). By a judgment of 20 April 2022, the Ljubljana District Court dismissed his claim in its entirety. In the reasoning of its judgment, the court copy-pasted, including the grammatical mistakes made by the opposing party, from the opposing party's pleadings.

The applicant appealed, arguing, inter alia, that the extensive reproduction of the opposing party's submissions gave rise to doubts as to the trial court's impartiality, undermined the principle of equality of arms, and failed to meet the requirement of a reasoned judgment.

On appeal, the Ljubljana Higher Court acknowledged that such a drafting technique might be inappropriate, but found that it did not disclose a violation of the applicant's rights. The court held that no procedural rules were violated by drafting the judgment in this manner, and that this technique, in itself, does not affect the judgment's correctness or lawfulness. The applicant subsequently lodged an appeal on points of law and a constitutional complaint, which were dismissed by the Supreme Court and the Constitutional Court, respectively.

Relying on Article 6 § 1 of the Convention, the applicant complains that the extensive literal reproduction of the opposing party's submissions cast doubt on the impartiality of the court, infringed the principle of equality of arms, and resulted in a failure to provide a properly reasoned judgment, thereby violating his right to a fair trial. The applicant further invokes Article 1 of the Protocol No. 1 to the Convention and alleges that the domestic court interpreted the domestic law in an arbitrary manner which resulted in the loss of his possession.

QUESTIONS TO THE PARTIES

1. Did the applicant have a fair hearing in the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention? In particular, were the principle of impartiality, the principle of equality of arms and the applicant's right to a reasoned judgment respected given that the reasoning of the first-instance court's judgment appears to be in large part a literal transcription of the opposing party's claims?
2. Has there been a violation of the applicant's right to peaceful enjoyment of his possessions, contrary to Article 1 of Protocol No. 1 to the Convention?

MORENES MARIATEGUI V. SPAIN (11655/25)

Art. 6;6-1;P1-1;P1-1-1 – property rights – refusal of expropriation for land in national park; fair trial – lack of effective remedy for compensation claim

SUBJECT MATTER OF THE CASE

The applicant was the owner of a property in the Doñana National Park. He requested the expropriation of the land in 1994,

The applicant was the owner of a property in the *Doñana* National Park. He requested the expropriation of the land in 1994, for which he was entitled by the Law no. [91/78](#) on the National Park of *Doñana*. The request was refused by the Administration, but this decision was finally overturned by the Supreme Court by a judgement of 24 February 2003, which granted the owner's right to get his land expropriated by the State.

In August 2003 an administrative decision was issued by the public entity *Organismo Autónomo Parques Nacionales* ordering to initiate the expropriation proceedings. The applicant brought a procedural incident for the execution of the judgement before the Superior Court of Madrid. According to the documents submitted, the request received no answer until 2013. In 2013 that court found that the competence of the expropriation had been transferred from the State to the Autonomous Community of Andalucía. On 10 February 2014 the latter ordered to initiate the execution proceedings. As there was no agreement about the fair price (*justiprecio*) for the purchase, on 20 December 2019 the administration decided finally on an amount of 360.675,76 euros (EUR), in accordance with the criteria established in the Land Law no. 7/2015.

The applicant challenged this decision before the Superior Court of Andalucía on the grounds that the determination of the compensation should have been done according to the method provided in the Land Law no. 8/2007 (previous to the Land Law no. 7/2015 and which, had it been applied, would presumably had set a higher compensation). The court upheld the approach of the Administration according to which the determination of the fair price of the property should be done according to the law in force at the moment of the beginning of the proceedings to determine the compensation, which took place once the new Land Law 7/2015 had already come into force.

The applicant lodged an appeal on points of law with the Supreme Court on the same grounds, which was declared inadmissible for lack of cassational interest.

The applicant's *amparo* appeal was declared inadmissible by the Constitutional court for lack of constitutional interest by a decision summoned on 12 December 2024.

Relying on **Article 6 of the Convention**, the applicant complains of the infringement of the right to a decision within a reasonable time. He claims that he has suffered a "judicial odyssey" as he, among other owners, first requested the expropriation of his land in 1994. He alleges that the Administration has repeatedly failed to execute the judgement of 24 February 2003 and it was only thirteen years later when execution proceedings were initiated.

The applicant further relies on **Article 1 of Protocol No. 1** on the grounds that the delay in the execution proceedings has amounted to an inferior fair value of the property. The applicant raises the breach of the principle of fair balance that informs Article 1 of Protocol No.1.

QUESTIONS TO THE PARTIES

1. Was the length of the administrative proceedings in the present case in breach of the “reasonable time” requirement of Article 6 § 1 of the Convention?
2. Has there been an interference with the applicant’s peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1?

If so, did that interference impose an excessive individual burden on the applicant (see *Immobiliare Saffi v. Italy*, [GC], no. [22774/93](#), § 59, ECHR 1999-V?

B C. RÉPUBLIQUE TCHÈQUE (24217/25)

Art. 3;8;8-1 – victim's rights – inadequate response to sexual violence; fair trial – lack of involvement in appeal proceedings; effective remedy – insufficient redress for grievances

SUBJECT MATTER OF THE CASE

The application concerns various sexual offences of which the applicant was a victim between 2019 and 2022, whilst she was still a minor. As the offender admitted the offences, he was initially sentenced to three years' imprisonment without parole, which the Court of Appeal, after reassessing the facts, converted into a suspended sentence.

The Supreme Court subsequently granted an extraordinary appeal lodged by the Minister of Justice; whilst unable to quash the decision handed down on appeal, it found that that decision was marred by a number of shortcomings.

The applicant lodged a constitutional appeal in which she invoked her rights to integrity and dignity, the prohibition on being subjected to degrading treatment, and the authorities' obligation to conduct an effective investigation. In particular, she complained that she had not been informed of the appeal hearing, that the Court of Appeal had reached its decision on the basis of erroneous facts which were hurtful and offensive to her, and that the imposition of a suspended sentence on the perpetrator infringed her rights as a victim of a criminal offence.

In its judgment delivered in plenary session on 19 March 2025 (notified on 27 March 2025), the Constitutional Court found that the Court of Appeal's judgment had infringed the applicant's right guaranteed by Article 3 of the Convention in its procedural aspect, which requires the authorities to respond appropriately to acts of sexual violence and to provide proper reasons for the decision to impose a suspended sentence. Emphasising the principle of legal certainty and considering that the finding of a violation constituted at least a partial redress of the applicant's complaints and opened up the possibility for her to obtain damages, the Constitutional Court decided not to quash the Court of Appeal's judgment.

The applicant alleges, in particular, that the imposition of a suspended sentence on her attacker infringes the rights guaranteed to her under Articles 3 and 8 of the Convention, and that the Constitutional Court should have quashed the judgment in question.

Invoking her right to a fair trial guaranteed by Article 6 of the Convention, the applicant complains that she was not sufficiently involved in the proceedings and that she was unable to have this complaint redressed before the Constitutional Court.

QUESTIONS TO THE PARTIES

Has the respondent State, in the present case, fulfilled its positive obligation, inherent in Articles 3 and 8 of the Convention, to effectively investigate and punish the sexual offences of which the applicant was a victim (see, for example, *Sabalić v. Croatia*, no. [50231/13](#), 14 January 2021, *R.B. v. Estonia*, no. [22597/16](#), 22 June 2021, and *M.G. v. Lithuania*, no. [6406/21](#), 20 February 2024)?

- In particular, was the Constitutional Court's decision not to quash the Court of Appeal's judgment, despite the shortcomings identified, compatible with this positive obligation?

- Furthermore, was the applicant sufficiently involved in the proceedings, and was her particular vulnerability duly taken into account?

GUERCHOUH V. THE NETHERLANDS AND 1 OTHER APPLICATION (36723/25;37539/25)

Art. 34 – right of individual application – hindrance due to restriction on legal representation of detainees held in the maximum-security institution

SUBJECT MATTER OF THE CASE

The applications concern the alleged hindrance of the right of individual application.

The applicants are detainees held in the maximum-security institution (*Extra Beveiligde Inrichting* – “the EBI”) in Vught. On 1 November 2025, Article 40a of the Prisons Act (*Penitenciaire beginselenwet*) entered into force, limiting the EBI detainees to a maximum of two legal counsels, with the aim of preventing the continuation of criminal activities from detention. Following the entry into force of this provision, the applicants’ requests to have their representative recognised as additional counsel representing them before this Court were refused. The domestic authorities considered that it had not been demonstrated that the applicants’ cases had been declared admissible by the Court and therefore found no obligation to allow such representation. They also found that no exceptional circumstances justified confidential contact with an additional lawyer. Consequently, privileged communication was denied and correspondence with the representative was blocked.

The applicants complain under Article 34 of the Convention that the restriction limiting the EBI detainees to a maximum of two legal representatives has a direct and obstructive impact on their ability to submit and pursue an application before the Court.

QUESTION TO THE PARTIES

In light of the recent introduction of section 40a of the Prisons Act (*Penitenciaire beginselenwet*), and given that the applicants’ representative is reportedly unable to communicate with them regarding their cases pending before the Court as he is not registered as one of the two legal representatives authorized to access them, has this situation affected the effective exercise of the applicants’ right of individual application, as guaranteed by Article 34 of the Convention (see *Zakharkin v. Russia*, no. [1555/04](#), §§ 155-56, 10 June 2010; *Mehmet Ali Ayhan and Others v. Turkey*, nos. [4536/06](#) and [53282/07](#), §§ 37-41 and 43, 4 June 2019; and *Shirkhanyan v. Armenia*, no. [54547/16](#), §§ 191-94, 22 February 2022)?

M.P. V. THE NETHERLANDS AND 1 OTHER APPLICATION (55342/20;34571/23)

Art. 3 – inhuman treatment – police ill-treatment during arrest; effective remedy – ineffectiveness of investigation into police conduct

SUBJECT MATTER OF THE CASE

The applications concern the alleged ill-treatment of the applicant by five police officers and the ineffectiveness of the investigation into his allegations.

In 2017 the applicant was arrested and questioned in connection with the disappearance of Ms X. At the time it was unclear if she was still alive. During arrest and questioning, the officers subjected the applicant to physical force and psychological pressure to obtain information about her whereabouts. As a result, the applicant suffered, *inter alia*, a fractured shoulder.

The Regional Court (in 2018) and Court of Appeal (in 2019) convicted the applicant for, *inter alia*, the rape and manslaughter of Ms X. He was sentenced to 28 years' imprisonment followed by placement at the disposal of the Government with confinement in a custodial clinic (*terbeschikkingstelling met bevel tot verpleging van overheidswege* – "TBS"). The courts acknowledged that the applicant had been subjected to inhuman treatment in breach of Article 3 of the Convention, but they found no grounds to reduce the sentence because his treatment had not resulted in a breach of the right to a fair trial.

On 23 June 2020 the Supreme Court upheld the applicant's conviction. Referring to the manner in which he had been arrested, questioned and injured, it reduced the sentence to 27 years and 8 months' imprisonment followed by TBS.

In the meantime, on 18 January 2018, the applicant had pressed charges against the police officers involved in his arrest and questioning.

On 17 July 2019 the Court of Appeal upheld the applicant's complaint under Article 12 of the Code of Criminal Procedure against the prosecutor's decision not to prosecute the police officers, and it ordered the investigation and prosecution of the officers for making threats and (aggravated) assault.

On 4 July 2024, following further investigation, the Court of Appeal granted the prosecutor's request under Article 243 § 5 of the Code of Criminal Procedure to acquiesce (*bewilligen*) in the prosecutor's decision not to prosecute the involved officers, considering that the criminal courts would not arrive at a conviction and/or prosecution would not be in the public interest (*opportuun*).

Under the substantive and procedural limb of Article 3 of the Convention the applicant complains that he had been subjected to torture, for which he did not receive appropriate and sufficient redress because the four-month sentence reduction was insufficient and the (further) investigation into his

treatment by the involved police officers did not comply with the requirements under the Convention.

QUESTIONS TO THE PARTIES

1. Has the applicant been subjected to torture or to inhuman or degrading treatment or punishment in breach of the substantive limb of Article 3 of the Convention (see *Bouyid v. Belgium* [GC], no. [23380/09](#), §§ 81-91, ECHR 2015, and *Gäfgen v. Germany* [GC], no. [22978/05](#), §§ 87-90, ECHR 2010).
2. If the previous question is answered in the affirmative, did the domestic authorities acknowledge that violation, either expressly or in substance (see *Gäfgen*, cited above, § 115)?
3. If the previous questions are both answered in the affirmative, was the applicant offered appropriate and sufficient redress for that violation (see *Gäfgen*, cited above, §§ 116-19)? In particular:
 - (a) Did the four-month sentence reduction in the applicant's criminal case constitute appropriate and sufficient compensation?
 - (b) Did the criminal investigation into the five police officers comply with the requirements under the procedural limb of Article 3 of the Convention?

KOZHOKAR AND OTHERS V. UKRAINE (47091/20)

Art. 8;8-1 – fair trial – lengthy and ineffective criminal investigation; right to respect for private life – refusal to hear witness testimony

SUBJECT MATTER OF THE CASE

The application concerns the applicants' complaints concerning domestic authorities' investigation into allegations of harassment raised by the fourth applicant and the decision-making process regarding visiting rights of the father of the second and third applicants (Article 8 of the Convention).

The first applicant is the mother of the second, third and fourth applicants. The second and third applicants are the first applicant's children from her marriage with K. The fourth applicant is the first applicant's daughter from her previous marriage.

In 2018 the applicant and K. were divorced.

On 27 February 2018 the Chernivtsi City Council established that K. could spend time with the second and third applicants every Saturday in the presence of the first applicant.

Subsequently, K. instituted proceedings before the Pershotravnevy District Court of Chernivtsi against the first applicant requesting the court to allow him to exercise contact with his children without the first applicant's presence. In the course of those proceedings, the first applicant requested the court to obtain a medical certificate from a hospital proving that the third applicant had started having psychological problems after he had talked to K. She also sought to adduce a certificate proving that K.'s apartment was dangerous for the children. These requests were dismissed by the court.

On 25 June 2019 the Pershotravnevy District Court ordered that K. be allowed to spend time with his children without the first applicant's presence, specifying the days of the week and the duration of such contact.

The first applicant appealed on her own behalf to the Chernivtsi Regional Court of Appeal.

On an unspecified date at the end of August 2019 the fourth applicant told the first applicant that K. had sexually harassed her.

On 22 August 2019 the first applicant requested that the Chernivtsi Regional Court of Appeal hear the fourth applicant as a witness. On 30 August 2019 the Court of Appeal refused that request on the ground that the first applicant had not previously sought to have the fourth applicant questioned by the Pershotravnevy District Court.

On 3 September 2019 the first applicant lodged a complaint with the police requesting the opening of a criminal investigation into the allegations of harassment. An investigation was initiated shortly afterwards.

On 1 October 2019 the Chernivtsi Regional Court of Appeal upheld the decision of the first instance court and modified the days of the week on which K. could see the children in the first applicant's absence.

On 20 December 2019 the Supreme Court rejected the first applicant's appeal on points of law.

On 9 December 2025 the first applicant's lawyer learned that the criminal investigation into the allegations of harassment of the fourth applicant had been discontinued on 10 December 2021 due to the expiration of the statutory time-limit allowed for a pre-trial investigation. The lawyer appealed against that decision.

On 24 December 2025 the Chernivtsi Court found that the investigation had been superficial and that the investigators had failed to take all necessary measures to elucidate the facts. The court, however, noted that according to the legislation, the period allowed for a pre-trial investigation could not be extended, and rejected the first applicant's appeal against the decision of 10 December 2021.

On 5 January 2026 the Chernivtsi Court of Appeal upheld that decision. No further remedies were available to the applicants.

The applicants complain, under Articles 6 and 8 of the Convention, that the criminal investigation into the allegations of harassment was lengthy and inefficient. They further complain that the courts did not take those allegations into account and refused to hear the fourth applicant as a witness in connection with them.

QUESTIONS TO THE PARTIES

1. Did the State comply with its positive obligations under Article 8 of the Convention as regards the allegations of child sexual abuse in the present case (see *M.S. v. Ukraine*, no. [2091/13](#), § 68, 11 July 2017)?
2. Was the judicial decision-making process in establishing the procedure for K.'s access to the children in conformity with the applicants' right to respect for family life under Article 8 of the Convention (see *M.S. v. Ukraine*, cited above, § 86)?

APPENDIX

Application no. [47091/20](#)

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
1.	Tetyana Dmytrivna KOZHOKAR	1972	Ukrainian	Chernivtsi
2.	Amina Georgiyivna KOZHOKAR	2014	Ukrainian	Chernivtsi

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
3.	Samuyil Georgiyovych KOZHOKAR	2011	Ukrainian	Chernivtsi
4.	Olga Ivanivna LEVCHUK	2002	Ukrainian	Chernivtsi

SHKURYNSKYY V. UKRAINE (11906/23)

Art. P4-2;P4-2-1 – freedom of movement – disproportionate and lengthy restriction during criminal proceedings

SUBJECT MATTER OF THE CASE

The application concerns an allegedly disproportionate and lengthy restriction on the applicant's freedom of movement in the context of criminal proceedings against him. It raises issue under Article 2 of Protocol No. 4 to the Convention.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to liberty of movement, contrary to Article 2 of Protocol No. 4?

The Government are requested to submit procedural documents concerning criminal proceedings No. 54-2540 against the applicant, in particular decisions of the investigator on the imposition on the applicant of the obligation not to abscond.