



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Unit  
Unité de la Presse

## Press country profile Fiche pays pour la presse

Last updated: September 2019

# Turkey

## Ratified the European Convention on Human Rights in 1954

### National Judge: Saadet Yüksel

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Kemel Fikret Arik (1959-1965), Suat Bilge (1966-1972), Ali Bozer (1973-1977), Feyyaz Gölcüklü (1977-1998), Rıza Türmen (1998-2008), Işıl Karakaş (2008-2019)

[List of judges of the Court since 1959](#)

The Court dealt with 7,109 applications concerning Turkey in 2018, of which 6,789 were declared inadmissible or struck out. It delivered 146 judgments (concerning 320 applications), 140 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	25938	6700	3406
Communicated to the Government	1005	805	829
Applications decided:	31053	7109	2738
- Declared inadmissible or struck out (Single Judge)	29556	5669	2276
- Declared inadmissible or struck out (Committee)	424	1086	251
- Declared inadmissible or struck out (Chamber)	83	34	49
- Decided by judgment	990	320	162

\* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).  
Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	8530
Applications pending before a judicial formation:	7730
Single Judge	625
Committee (3 Judges)	4199
Chamber (7 Judges)	2905
Grand Chamber (17 Judges)	1

\*including applications for which completed application forms have not yet been received

## Turkey and ...

### the Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

## Noteworthy cases, judgments delivered

---

### Grand Chamber

#### Cyprus v. Turkey

10.05.2001 (principal judgment)<sup>1</sup>

Inter-State application lodged by Cyprus in 1994, concerning the situation in northern Cyprus since the division of the territory.

Continuing violation of Articles 2 (right to life), 5 (right to liberty and security), and 3 (prohibition of inhuman or degrading treatment) concerning Greek-Cypriot missing persons and their relatives

Continuing violation of Article 8 (right to respect for private and family life, home and correspondence) and Article 1 of Protocol No. 1 (protection of property) in conjunction with Article 13 (right to an effective remedy), concerning the homes and property of displaced persons

Violation of Article 9 (freedom of thought, conscience and religion), Article 10 (freedom of expression), Article 2 of Protocol No. 1 (right to education), Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy) and continuing violation of Article 1 of Protocol No. 1 (protection of property), concerning the living conditions of Greek Cypriots in the Karpas region of northern Cyprus

Violation of Article 6 (right to a fair hearing) on account of the practice, at the time, of authorising military courts to try Turkish civilians in northern Cyprus

---

<sup>1</sup> See also, with regard to the same case, the Grand Chamber [judgment](#) of 12 May 2014 on the question of just satisfaction. In this judgment, the Court held that the passage of time since the delivery of the principal judgment on 10 May 2001 did not preclude it from examining the Cypriot Government's just satisfaction claims. It concluded that Turkey was to pay Cyprus 30,000,000 euros (EUR) in respect of the non-pecuniary damage suffered by the relatives of the missing persons, and EUR 60,000,000 in respect of the non-pecuniary damage suffered by the enclaved Greek-Cypriot residents of the Karpas peninsula. These amounts, said the Court, are to be distributed by the Cypriot Government to the individual victims under the supervision of the Committee of Ministers of the Council of Europe.

#### Öneryıldız v. Turkey

30.11.2004

Homes located near a rubbish tip in a shanty town outside Istanbul buried following a methane explosion.

Violation of Article 2 (right to life) in respect of the deaths of nine of the applicant's family members

Violation of Article 1 of Protocol No. 1 (protection of property)

Violation of Article 13 (right to an effective remedy)

#### Mamatkulov and Askarov v. Turkey

04.02.2005

Extradition to Uzbekistan in 1999 of two members of the ERK opposition party

Violation of Article 34 (right of individual petition)

By failing to comply with the interim measures indicated by the Court under Rule 39 of the Rules of Court (interim measures), asking it not to extradite the applicants until further notice, Turkey was in breach of its obligations under Article 34 of the Convention

#### Öcalan v. Turkey

12.05.2005

Conditions of transfer to Turkey and detention of a man sentenced to death for activities designed to bring about the secession of part of Turkey's territory.

Several violations, including a violation of Article 3, the death penalty having been pronounced following an unfair trial

#### Leyla Sahin v. Turkey

10.11.2005

Disciplinary penalties for wearing the Islamic headscarf at university.

No violation of Article 9 (freedom of thought, conscience and religion)

No violation of Article 2 of Protocol No. 1 (right to education)

No violation of Article 8 (right to respect for private and family life)

No violation of Article 10 (freedom of expression)

No violation of Article 14 (prohibition of discrimination)

#### Yumak and Sadak v. Turkey

08.07.2008

Electoral threshold of 10% imposed for parliamentary elections.

No violation of Article 3 of Protocol No. 1 (right to free elections), in view of the State's margin of appreciation and the absence of a European standard

#### **Demir et Baykara v. Turkey**

12.11.2008

Annulment with retrospective effect of a collective agreement entered into by a trade union / prohibition on forming trade unions.

Violation of Article 11 (freedom of assembly and association) on account of interference with the exercise by the applicants, municipal civil servants, of their right to form trade unions

Violation of Article 11 of the Convention on account of the annulment, with retrospective effect, of a collective agreement between the trade union Tüm Bel Sen and the employing authority that had been the result of collective bargaining.

#### **Salduz v. Turkey**

27.11.2008

Restriction on applicant's right of access to a lawyer while in police custody for an offence falling under the jurisdiction of the state security courts, in spite of his age.

Violation of Article 6 § 3 (c) (right to defend oneself through legal assistance of one's own choosing) in conjunction with Article 6 § 1 (right to a fair trial)

#### **Varnava and Others v. Turkey**

18.09.2009

Disappearance of nine Cypriot nationals after they were arrested and detained by the Turkish army during military operations in northern Cyprus in 1974.

Continuing violation of Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment)

Continuing violation of Article 5 (right to liberty and security) in respect of two missing men

No violation of Article 5 in respect of the other seven missing men

#### **Kart v. Turkey**

03.12.2009

Allegation by the applicant that he had been unable to defend his case in criminal proceedings against him because of his parliamentary immunity

No violation of Article 6 § 1 (right to a fair trial)

#### **Serife Yiğit v. Turkey**

02.11.2010

Refusal to award the applicant social-security benefits based on the entitlements of her deceased partner, with whom she had contracted a religious but not a civil marriage.

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property). No violation of Article 8 (right to respect for family life)

#### **Sabri Güneş v. Turkey**

24.05.2011

In this judgment, the Court defined compliance with the six-month time limit (Article 35 § 1 of the Convention), that was to say the starting date and the expiry date of the time-limit. It stated that the variable approach saw in its case-law was based on the principle that the six-month rule was autonomous and had to be construed and applied in each individual case in such a way as to ensure the effective exercise of the right to individual petition. On several occasions the Court confirmed the principle that compliance with the six-month time-limit was calculated in accordance with the Convention criteria and not on the basis of the conditions laid down by the domestic law of each respondent State.

The Court was unable to examine the merits of the case.

#### **Nejdet Şahin and Perihan Şahin v. Turkey**

20.10.2011

Divergence between the case-law of the ordinary administrative courts and that of the Supreme Military Administrative Court in cases about requests for supplementary pensions.

No violation of Article 6 § 1 (right to a fair trial). Discrepancy in case-law between two supreme courts of the same State does not breach Convention.

#### **Aksu v. Turkey**

15.03.2012

Allegation that passages in a book about Roma and definitions in two dictionaries were offensive and discriminatory.

No violation of Article 8 (right to respect for private and family life)

**Mustafa Tunç and Fecire Tunç v. Turkey**

14.04.2015

Death of a young man, Cihan Tunç, during his military service, while assigned to a site belonging to a private oil company for which the national gendarmerie was providing security services.

[No violation of Article 2 \(right to life\)](#)

**İzzettin Doğan and Others v. Turkey**

26.04.2016

The case concerned the domestic authorities' refusal to provide the applicants, who are followers of the Alevi faith (the country's second-largest faith in terms of the number of followers), with the public religious service which, in the applicants' assertion, is provided exclusively to citizens adhering to the Sunni understanding of Islam.

[Violation of Article 9 \(right to freedom of religion\)](#)

[Violation of Article 14 \(prohibition of discrimination\) taken in conjunction with Article 9](#)

**Güzelyurtlu and Others v. Cyprus and Turkey**

29.01.2019

The case concerned the investigation into the killing of three Cypriot nationals of Turkish Cypriot origin in the Cypriot-Government controlled area of Cyprus in 2005. The killers fled back to the "Turkish Republic of Northern Cyprus" (the "TRNC"). Parallel investigations into the murders were conducted by the authorities of the Cypriot Government and the Turkish Government, including those of the "TRNC". Both investigations reached an impasse in 2008.

[No violation of Article 2 by Cyprus](#)

[Violation of Article 2 by Turkey](#)

---

**Noteworthy cases, judgments and decisions delivered**

---

**Chamber**

Cases concerning  
the right to life  
(Article 2)

**Violations of Article 2**

**Öneryıldız v. Turkey**

30.11.2004

Grand Chamber Judgment (see page 3)

**Isaak v. Turkey** and **Solomou v. Turkey**

24.06.2008

Death of the applicants' kin during a Greek-Cypriot demonstration and protest in the United Nations buffer zone east of Nicosia.

**Opuz v. Turkey**

09.06.2009

Assaults and injuries inflicted by a man on his wife and mother-in-law over several years, culminating in the murder of the mother-in-law, despite a number of complaints by the victims and the institution of several sets of criminal proceedings by the prosecution authorities.

[The Court found its first violation of Article 14 in a case concerning domestic violence and held that the violence suffered by the applicant and her mother had been gender-based, amounting to a form of discrimination against women.](#)

**Beyazgül v. Turkey**

15.09.2009

Death of a 21-year-old man who fled in the face of warning shots fired by gendarmes on mission in the border area with Iran. (with reference, in particular, to the law on operations by security forces in border zones)

**Oyal v. Turkey**

23.03.2010

Refusal of the authorities to provide lifelong health care to a teenage boy infected with HIV as a result of blood transfusions at birth.

**Dink v. Turkey**

20.09.2010

See below, under freedom of expression.

**İsmail Altun v. Turkey**

21.09.2010

Applicant wounded by firearm during an operation to put a stop to a hunger strike by 83 detainees (on 19 December 2000, the date on which the security forces intervened simultaneously in 20 Turkish prisons where detainees had staged hunger strikes in protest against a plan for "F-type" prisons).

**Çoşelav v. Turkey**

09.10.2012

Juvenile's suicide in adult prison.

**Aydan v. Turkey**

12.03.2013

Accidental death of a passer-by who was shot by a gendarme on the fringes of a violent demonstration.

**Mehmet Sentürk and Bekir Sentürk v. Turkey**

09.04.2013

Death of a pregnant woman following a series of misjudgments by medical staff at different hospitals and the subsequent failure to provide her with emergency medical treatment when her condition was known to be critical.

**Ataykaya v. Turkey**

22.07.2014

Death of Mr Ataykaya's son, caused by a tear-gas grenade fired by the police during an illegal demonstration.

**Asiye Genç v. Turkey**

27.01.2015

Prematurely born baby's death in an ambulance, a few hours after birth, following the baby's transfer between hospitals without being admitted for treatment.

**Altuğ and Others v. Turkey**

30.06.2015

Death of Ms Keşoğlu at the age of 74 as the result of a violent allergic reaction to a penicillin derivative administered by intravenous injection in a private hospital.

**Özel and Others v. Turkey**

17.11.2015

Deaths of the applicants' family members, who were buried alive under buildings that collapsed in the town of Çınarcık in an earthquake on 17 August 1999, one of the deadliest earthquakes ever recorded in Turkey.

**Civek v. Turkey**

23.02.2016

The case concerned the murder of the applicants' mother, Selma Civek, by their father.

**Halime Kılıç v. Turkey**

28.06.2016

The case concerned the death of Ms Kılıç's daughter, Fatma Babatlı, who was killed by her husband despite having lodged four complaints and obtained three protection orders and injunctions.

**Aydoğdu v. Turkey**

30.08.2016

The case concerned the allegation by Mr and Mrs Aydoğdu that the death of their daughter – who had been born prematurely and suffered from a respiratory disorder – had been caused by professional negligence on the part of the staff of the hospital where she had been treated.

**Karataş and Others v. Turkey**

12.09.2017

The case concerned an armed incident in south-eastern Turkey in September 2007. The applicants complained that soldiers had killed their relative Bülent Karataş and had severely injured one of the applicants, Rıza Çiçek, in the same incident; they maintained that the authorities had failed to conduct an effective investigation into the events.

**No violations of Article 2**

**Horoz v. Turkey**

31.03.2010

Death of a prisoner taking part in a hunger strike in protest against "F-type" prisons.

**Berü v. Turkey**

11.01.2011

Death of a child in an attack by stray dogs, which were already known to be dangerous.



### [Cavit Tınarlıoğlu v. Turkey](#)

02.02.2016

The case concerned an accident at sea in which Mr Tınarlıoğlu was injured while on holiday at an activity centre, and the ensuing proceedings.

### [Sarihan v. Turkey](#)

06.12.2016

The case concerned the explosion of an anti-personnel mine resulting in serious injuries to a young shepherd.

### [Cases concerning suicides of conscripts during their military service](#)

#### [Kılınç and Others v. Turkey](#)

07.06.2005

#### [Abdullah Yılmaz v. Turkey](#)

17.06.2008

#### [Lütfi Demirci and Others v. Turkey](#)

02.03.2010

#### [Servet Gündüz and Others v. Turkey](#)

11.01.2011

#### [Hüseyin Kaplan v. Turkey](#)

15.10.2013

The Court declared inadmissible the applications [Zeki Köşebaşı and Others v. Turkey](#) and [Yeşilyurt v. Turkey](#).

### [Death in pre-trial detention](#)

#### [Yurtsever and Others v. Turkey](#)

08.07.2014

### Inadmissible applications

#### [Elçi v. Turkey](#)

#### [Ahmet Tunç and Others v. Turkey and Tunç and Yerbasan v. Turkey](#)

07.02.2019

The applications concerned events in the south-eastern Turkish town of Cizre, where a round-the-clock curfew was imposed on 14 December 2015 following clashes between the military and armed groups affiliated with the PKK (the Workers' Party of Kurdistan), an illegal armed organisation. Applications declared inadmissible as manifestly ill-founded

The Court essentially found that the applicants in these two cases had not exhausted domestic remedies, either because the Turkish Constitutional Court

was still considering applications about the same circumstances, or because no application at all had been made to that or other courts.

## Cases concerning inhuman and degrading treatment (Article 3)

### Violations of Article 3

#### [Öcalan v. Turkey](#)

12.05.2005

Grand Chamber judgment (see page 3)

#### [Öcalan v. Turkey](#)

18.03.2014

Complaint of Mr Öcalan - the founder of the Kurdistan Workers' Party (PKK), an illegal organisation) - about the irreducible nature of his sentence to life imprisonment and about the conditions of his detention (in particular his social isolation and the restrictions on his communication with members of his family and his lawyers).

### Inadmissible applications

#### [Öcalan v. Turkey](#)

06.07.2010

Conviction of the applicant for activities aimed at bringing about the secession of part of Turkey's territory, and for training and leading a gang of armed terrorists.

In a [judgment](#) of 12 May 2005 the Court held that the proceedings before the State Security Court failed to meet the requirements of Article 6.

The Court declared Mr Ocalan's new application inadmissible, considering that the Turkish authorities' refusal to reopen criminal proceedings did not affect the execution of the judgment of the European Court of Human Rights, supervision of which was the task of the Committee of Ministers.

#### [Öcalan v. Turkey](#)

27.09.2018

The application mainly concerned allegations by Abdullah Öcalan that he was subjected to ill-treatment in 2008 during a search of his cell.

Application declared inadmissible as manifestly ill-founded.

**Camdereli v. Turkey**

17.07.2008

Ill-treatment inflicted by gendarmes and inadequacy of the criminal proceedings.

**Opuz v. Turkey**

09.06.2009

(see above under the right to life)

**Abdolkhani and Karimnia v. Turkey**

22.09.2009

Risk of ill-treatment of former members of the People's Mujahidin Organisation in the event of their deportation to Iran or Iraq.

**Abdolkhani and Karimnia v. Turkey (no. 2)**

27.07.2010

Detention of refugees in the basement of a police building for three months.

**Gülizar Tuncer v. Turkey**

21.09.2010

Use of force against the applicant by security forces dispersing a demonstration outside a post office in Istanbul in which she was taking part to send postcards to women detained in "F-type" prisons.

**Üzer v. Turkey**

21.09.2010

Ill-treatment of three young men, two of whom were minors, while in police custody, and subsequent police cover-up.

**Ebcin v. Turkey**

01.02.2011

Attack on the applicant in the street in the course of which acid was thrown in her face, and question of the authorities' obligation to protect people and diligence in the proceedings following the attack.

**Yazgül Yılmaz v. Turkey**

01.02.2011

Gynaecological examination to which the applicant, a minor, was subjected while she was in police custody – in order to ensure, according to the authorities, that she had not been assaulted – and failure to prosecute the doctors who had carried it out.

**Saçılık and Others v. Turkey**

05.07.2011

Complaint brought by Veli Saçılık and 24 other Turkish nationals, formerly detainees in Burdur Prison (Turkey), about a

large-scale security operation carried out in the prison on 5 July 2000.

**Ali Güneş v. Turkey**

10.04.2012

Complaint by a high-school teacher who took part in a demonstration against the 2004 NATO summit in Istanbul that the police had ill-treated him, including by spraying tear gas on him.

The Court found in particular that:

- 1) the authorities had been unable to justify the use of tear gas against Mr Güneş after he had already been apprehended by the police; and,
- 2) no effective investigation had been carried out into his related complaints.

**X v. Turkey (no. 24626/09)**

09.10.2012

A homosexual prisoner who, after complaining about acts of intimidation and bullying by his fellow inmates, was placed in solitary confinement for over 8 months in total.

**Necati Yılmaz v. Turkey**

12.02.2013

Injuries sustained by the applicant at the hands of the bodyguards for having allegedly publicly insulted the Turkish Prime Minister at a road-opening ceremony.

**Gülây Çetin v. Turkey**

05.03.2013

The applicant complained that she had been kept in prison, initially pending trial and later following her conviction for murder, despite suffering from advanced cancer.

**İzci v. Turkey**

23.07.2013

Ms Izci complained that she had been attacked by the police following her participation in a peaceful demonstration to celebrate Women's Day in Istanbul and that such police brutality in Turkey was tolerated and often went unpunished.

The Court reiterated that a great number of applications against Turkey concerning the right to freedom of assembly and/or excessive use of force by law enforcement officials during demonstrations were currently pending. Considering the systemic aspect of the problem, it therefore requested the Turkish authorities to adopt general measures, in accordance with their

obligations under Article 46 of the Convention, in order to prevent further similar violations in the future.

**Gülizar Tuncer Günes v. Turkey**

11.02.2014

Allegations by the applicant that she had been assaulted by police officers during her arrest in 2000.

**Tüfekçi v. Turkey**

22.07.2014

Applicant's complaint that the police used force against him during a demonstration.

**Alpar v. Turkey**

26.01.2016

The applicants allege having been ill-treated during an identity check and during subsequent questioning at a police station.

**Enver Aydemir v. Turkey**

07.06.2016

The case concerned Mr Aydemir's refusal to perform military service because of his religious beliefs, and also the subsequent proceedings against him, and his alleged ill-treatment on account of his refusal.

**A.Ş. v. Turkey (no. 58271/10)**

13.09.2016

The case concerned the sexual assault and physical violence to which the applicant was subjected while in pre-trial detention in Maltepe young offenders' prison in Istanbul, and the lawfulness and duration of that detention.

**G.U. v. Turkey (no. 16143/10)**

18.10.2016

The case concerned a complaint by a young woman (G.U.), a minor at the relevant time, alleging that she had been raped and sexually assaulted by her step-father (M.S.), then aged 62.

**Ebru Dinçer v. Turkey**

29.01.2019

The case concerned an operation conducted by the security forces in Bayrampaşa Prison (Istanbul) in December 2000, during which Ms Dinçer suffered serious burns to various parts of her body, including her face, owing to a fire which broke out in the women's dormitory.

**Gömi v. Turkey**

19.02.2019

The case concerned the continued detention of the applicant, who has suffered from a psychotic illness since 2003.

**Cases concerning the expulsion of former members of illegal organisations**

**Violations of Article 3**

**Charahili v. Turkey, Keshmiri v. Turkey, Ranjbar and Others v. Turkey and Tehrani and Others v. Turkey**

13.04.2010

In its judgments of 13.04.2010 the Court held that Turkey should release or refrain from placing in detention certain applicants.

**Alipour and Hosseinzadgan v. Turkey**

13.07.2010

**Cases dealing with domestic violence**

**Violations of Article 3**

**M.G. v. Turkey (no. 646/10)**

22.03.2016

The case concerned the domestic violence experienced by M.G. during her marriage, the threats made against her following her divorce and the subsequent proceedings.

**Inadmissible application**

**İldem and Others v. Turkey**

15.02.2018

The case concerned allegations of ill-treatment by the police during an arrest. **Application declared inadmissible as were manifestly ill-founded.**

**Cases concerning the right to liberty and security (Article 5)**

**Violations of Article 5**

**Pulatli v. Turkey**

26.04.2011

Disciplinary sanction depriving the applicant, a Turkish serviceman, of his



liberty, without any examination of his case by a judicial body.

The Court found that the most appropriate form of redress would be for Turkey to introduce a mechanism to ensure that disciplinary sanctions involving deprivation of liberty were imposed or reviewed in proceedings before a judicial body.

#### [Altınok v. Turkey](#)

29.11.2011

Failure to provide detainees or their lawyer with a copy of the public prosecutor's opinion during the examination of an objection to their continued detention and the total lack of any compensatory remedy. Turkey must resolve **systemic legal problem** so that continued detention can be challenged.

#### [Agit Demir v. Turkey](#)

27.02.2018

The case concerned the placement in pre-trial detention of Mr Demir, who was a minor at the time, for participating in a demonstration and throwing stones at the security forces.

#### [Tarak and Depe v. Turkey](#)

09.04.2019

The case concerned the detention of an eight-year-old child, Birtan Sinan Depe. He was taken to a police station following a search carried out at the home of neighbour to whom his mother had entrusted him. He was detained alone in the station for at least one day.

Cases concerning arrests targeting the criminal organisation Ergenekon

#### [Nedim Sener v. Turkey and Sik v. Turkey](#)

08.07.2014

Continued pre-trial detention of investigative journalists accused of aiding and abetting the criminal organisation Ergenekon, whose members were convicted in 2013 of fomenting a *coup d'état*.

#### [Mergen and Others v. Turkey and Ayşe Yüksel and Others](#)

31.05.2016

The cases concerned the arrest, placement in police custody and pre-trial detention of members of the Association for Supporting Contemporary Life (*Çağdaş Yaşamı Destekleme Derneği* – ÇYDD – an

association that awards grants to students, especially with the aim of promoting education for girls) on suspicion of belonging to a criminal organisation called Ergenekon, whose presumed members were accused of having engaged in activities aimed at overthrowing the Government by force and violence, and of planning a military coup.

#### [Erarslan and Others v. Turkey](#)

19.06.2018

The case concerned the applicants being held in police custody in the framework of a criminal investigation into a criminal organisation known as *Ergenekon*, whose presumed members had been suspected of carrying out activities geared to overthrowing the Government by force and violence.

Cases dealing with the arrest and the pre-trial detention of two journalists following the attempted military coup in July 2016

#### [Mehmet Hasan Altan v. Turkey](#) [Sahin Alpay v. Turkey](#)

20.03.2018

Violation of Article 5 § 1  
No violation of Article 5 § 4

Detention following the attempted coup of 15 July 2016

#### [Alparslan Altan v. Turkey](#)

16.04.2019

The case concerned the detention of a Turkish Constitutional Court judge following the attempted coup of 15 July 2016.

Violation of Article 5 § 1 on account of the unlawfulness of the applicant's initial pre-trial detention, and

Violation of Article 5 § 1 on account of the lack of reasonable suspicion, at the time of the applicant's initial pre-trial detention, that he had committed an offence

#### Inadmissible applications

#### [Benli v. Turkey](#)

22.03.2018

The case concerned the lawfulness of the successive periods of detention imposed on Mr Benli.

Application declared inadmissible.

## Cases concerning Article 6

### Right to a fair trial

#### Violations of Article 6

##### Göçmen v. Turkey

17.10.2006

Use at the applicant's trial of statements obtained through torture.

##### Mehmet and Suna Yigit v. Turkey

17.07.2007

Refusal to grant legal aid in civil proceedings because the applicants were represented by a lawyer.

##### Fazli Aslaner v. Turkey

04.03.2014

Administrative proceedings in which certain judges at the Turkish Supreme Administrative Court were involved on more than one occasion, in the context of successive appeals on points of law.

##### Balta and Demir v. Turkey

23.06.2015

Applicants' conviction for membership of an illegal organisation, on the basis of statements by an anonymous witness whom the applicants were unable to question at any stage of the proceedings.

##### Bursa Barosu Başkanlığı and Others v. Turkey

19.06.2018

The case concerned the failure to enforce numerous judicial rulings setting aside administrative decisions authorising the construction and operation of a starch factory on farmland in Orhangazi (a district of Bursa) by a US company (Cargill).

The Court declared the application admissible for only six of the applicants.

##### Hülya Ebru Demirel v. Turkey

19.06.2018

The case concerned the applicant's allegation of sexual discrimination because she was denied a job as a security officer at a state-run regional electricity distribution company.

##### Kursun v. Turkey

30.10.2018

The case concerned the applicant's claims for compensation following an oil explosion which damaged his property. He alleged that the State, in its handling of the situation, had failed to give him a fair trial and had violated his right to property.

#### No violations of Article 6

##### Eker v. Turkey

24.10.2017

This case concerned the requirement for a newspaper publisher (Mr Eker) to print a reply correcting an article which he had written and published in his newspaper. The reply was written by the Sinop journalists' association in response to criticisms made by Mr Eker in his article.

#### Inadmissible applications

##### Öcalan v. Turkey

06.07.2010

Conviction of the applicant for activities aimed at bringing about the secession of part of Turkey's territory, and for training and leading a gang of armed terrorists.

In a [judgment](#) of 12 May 2005 the Court held that the proceedings before the State Security Court failed to meet the requirements of Article 6.

In its decision of 06.07.2010 it declared Mr Ocalan's new application inadmissible, considering that the Turkish authorities' refusal to reopen criminal proceedings did not affect the execution of the judgment of the European Court of Human Rights, supervision of which was the task of the Committee of Ministers.

### Right of access to a court

#### Inadmissible application

##### Bıdık v. Turkey

15.12.2016

The case concerned the termination of Ms Bıdık's employment as headteacher following the entry into force of a law.

Application declared inadmissible for failure to exhaust domestic remedies (Article 35 §§ 1 and 4 of the Convention).

Right to legal assistance of own choosing

**Violations of Article 6**

Cases concerning access to a lawyer while in police custody

**Salduz v. Turkey**

27.11.2008

Grand Chamber judgment (see page 1)

**Dayanan v. Turkey**

13.10.2009

Also concerning the right to remain silent

**Gökbulut v. Turkey**

29.03.2016

The case concerned the inability of Mr Gökbulut, who was convicted of membership of an illegal organisation, to examine or have examined witnesses whose statements were relied on for his conviction, and the lack of legal assistance when he was held in police custody.

**Akdağ v. Turkey**

17.09.2019

The case concerned access to a lawyer in police custody. The applicant alleged that she had confessed to being a member of an illegal organisation after being threatened and ill-treated by the police, without access to a lawyer.

Right to the assistance of an interpreter

**Violation of Article 6**

**Baytar v. Turkey**

14.10.2014

Questioning in police custody, without the assistance of an interpreter, of an individual who did not have a sufficient command of the national language.

Right to a fair hearing within a reasonable time

**Violations of Article 6**

**Göçmen v. Turkey**

17.10.2006

(see case under 'the right to a fair trial/hearing')

**Alkin v. Turkey**

13.10.2009

Length of compensation proceedings in the case of an applicant whose leg was amputated when she was 11 years old after she stepped on a landmine while playing with other children near the village of Ortabağ.

**Ümmühan Kaplan v. Turkey**

20.03.2012 (pilot judgment)<sup>2</sup>

Proceedings instituted in 1970 by the applicant's father, since deceased, in relation to some plots of land.

The Court held that with regard to all cases raising the same general problem of length of judicial proceedings:

- Turkey had to put in place, within one year, an effective remedy affording adequate and sufficient redress, as concerned pending applications and those lodged between now and 22 September 2012;

- The following would be adjourned for one year: pending applications not yet communicated to the Turkish Government (2,373 applications as of 31 December 2011) and all those lodged between now and 22 September 2012

- The Court reserved the right to continue to examine under the normal procedure the 330 pending applications already communicated.

**Behçet Taş v. Turkey**

10.03.2015

Damage sustained by the applicant as a result of the explosion of an antipersonnel mine, and the fairness and length of the compensation proceedings instituted by him.

---

<sup>2</sup> Since 2004 and in response to the large number of cases deriving from systemic or structural problems in certain countries the Court has developed a pilot-judgment procedure. This consists in identifying in a single judgment systemic problems underlying a violation of the European Convention on Human Rights and indicating in that judgment the remedial measures required to resolve such situations. The pilot-judgment procedure is not only intended to facilitate effective implementation by respondent states of individual and general measures necessary to comply with the Court's judgments, but also induces the respondent State to resolve large numbers of individual cases arising from the same structural problem at domestic level, thus reinforcing the principle of subsidiarity which underpins the Convention system.

**Mehmet Günay et Güllü Günay v. Turkey**

20.02.2018

The case concerned allegations of medical negligence in relation to the death of Mr and Mrs Günay's daughter ten days after a hospital operation.

**Yılmaz v. Turkey**

04.06.2019

The case concerned the refusal by the Ministry of Education to appoint Mr Yılmaz to a teaching post abroad even though he had passed a competitive examination. Mr Yılmaz contended that his appointment had been refused for reasons relating to his and his wife's private life.

**Inadmissible application**

**Müdür Turgut and Others v. Turkey**

26.03.2013 (decision on the admissibility)

The applicants were arrested in Istanbul on grounds of their suspected links with a terrorist organisation.

The Court held in this case that Law no. 6384 was a direct and practical consequence of the pilot-judgment procedure applied in Ümmühan Kaplan v. Turkey (no. 24240/07) of 20 March 2012, designed to remedy complaints relating to the excessive length of proceedings.

Although that Law was not in force when the applicants lodged their application, the Court declared that it was not in a position to state at the present stage of the proceedings that the remedy currently available was not effective and accessible. It followed that the complaint had to be rejected for failure to exhaust domestic remedies.

**Right to a fair hearing and equality of arms**

**No violation of Article 6**

**Diriöz v. Turkey**

31.05.2012

Complaint by an accused that there had been an infringement of the principle of equality of arms in so far as the prosecutor stood on a raised platform whereas he and his lawyer had been placed, as was the rule, at a lower level in the courtroom.

**Cases concerning the right to respect for family and private life (Article 8)**

**Violations of Article 8**

**Mentes and Others v. Turkey**

28.11.1997<sup>3</sup>

Houses burned during an operation by the security forces in June 1993 in the context of the conflict in south-east Turkey between the security forces and members of the PKK (Workers' Party of Kurdistan), an illegal party.

**Y.F. v. Turkey (no. 24209/94)**

22.07.2003

Forced gynaecological examination of a detainee in police custody on suspicion of aiding and abetting the illegal PKK party.

**Fazil Ahmet Tamer v. Turkey**

05.12.2006

Censorship of prisoners' correspondence.

**Güzel Erdagöz v. Turkey**

21.10.2008

Refusal of the courts to allow an application to correct the spelling of a forename as it was a "regional word" not found in the dictionary published by the Turkish Language Institute.

**Mustafa and Armagan Akin v. Turkey**

06.04.2010

Brother and sister separated following their parents' divorce (father awarded custody of son and mother custody of daughter).

**Perisan and Others v. Turkey**

20.05.2010

Detainees injured or killed during an operation of the security forces on 24 September 1996 at Diyarbakir prison.

**Özpınar v. Turkey**

19.10.2010

Dismissal of a judge by the Judicial Service Commission for reasons relating to her private life (allegations, for example, of a personal relationship with a lawyer and of her wearing unsuitable attire and makeup).

---

<sup>3</sup> In the same case, in its [judgment](#) of 24 July 1998, the Court decided on the question of just satisfaction.

**Mehmet Nuri Özen and Others v. Turkey**

11.01.2011

Refusal to dispatch prisoners' letters written in a language other than Turkish because their content was incomprehensible and therefore impossible to check.

**Aydemir v. Turkey**

24.05.2011

Search conducted in 2001 at the applicants' home, and at 48 neighbouring addresses, all situated in the vicinity of Aydın Prison. The searches were intended to prevent any assistance being provided to escaping prisoners via a tunnel. During the search of their home a relative of the applicants died.

**Cengiz Kılıç c.Turquie**

06.12.2011

Excessive length of divorce proceedings involving the issues of parental responsibility and contact for the parent not living with the child.

**Alkaya v. Turkey**

09.10.2012

Disclosure by the press of the home address of a Turkish actress whose apartment had been burgled.

**Nusret Kaya and Others v. Turkey**

22.04.2014

Concerned the fact that Turkish prisoners were not allowed to use the Kurdish language in their telephone conversations with their relatives.

**Gözüm v. Turkey**

20.01.2015

Refusal of Ms Gözüm's request, as a single adoptive mother, to have her own forename entered on the personal documents for her adopted son E. in place of the name of the child's biological mother.

**Y. Y. v. Turkey (no. 14793/08)**

10.03.2015

Refusal by the Turkish authorities to grant authorisation for gender reassignment surgery on the grounds that the person requesting it, a transsexual, was not permanently unable to procreate.

**Bremner v. Turkey**

13.10.2015

The case concerned the broadcasting of a television documentary in which the applicant, Mr Bremner, who was shown

promoting his evangelical Christian beliefs, was described as a "foreign pedlar of religion" engaged in covert activities in Turkey.

**Sodan v. Turkey**

02.02.2016

The case concerned the applicant's transfer from his senior post within the governor's office in the capital to a similar post in the provinces following a report on his conduct pointing out that his wife wore an Islamic veil and that he himself had an introverted personality.

**Karabeyoğlu v. Turkey**

07.06.2016

The case concerned a telephone surveillance operation in respect of Mr Karabeyoğlu, a public prosecutor, during a criminal investigation into an illegal organisation known as *Ergenekon*, and the use of the information thus obtained in the context of a separate disciplinary investigation.

No violation of Article 8 as regards the telephone tapping in connection with the criminal investigation

Violation of Article 8 as regards the use in disciplinary proceedings of the information obtained by means of telephone tapping

Violation of Article 13 (right to an effective remedy)

**Eylem Kaya v. Turkey**

13.12.2016

The case concerned, in particular, the prison authorities' systematic monitoring of a prisoner's correspondence with her lawyer.

**Erdinç Kurt and Others v. Turkey**

06.06.2017

The case concerned two high-risk operations performed on a patient which left her with severe neurological damage (92% disability).

**Gülbahar Özer and Yusuf Özer v. Turkey**

29.05.2018

The case concerned the refusal of the national authorities to allow the Özers to bury the bodies of their two children, who were killed by soldiers in January 2005 in southeast Turkey.



The applicants complained about the refusal to allow them to bury the bodies of their children where they wanted.

**Kaboğlu and Oran v. Turkey**

30.10.2018

The case concerned newspaper articles containing threats and hate speech against the applicants, attacking them for the ideas they had presented in a report addressed to the government regarding questions of minority and cultural rights. The applicants lost their cases before the domestic courts, which took the view that the offending articles fell within legislation protecting freedom of expression.

**Yılmaz v. Turkey**

04.06.2019

The case concerned the refusal by the Ministry of Education to appoint Mr Yılmaz to a teaching post abroad even though he had passed a competitive examination. Mr Yılmaz contended that his appointment had been refused for reasons relating to his and his wife's private life.

**Ulusoy v. Turkey**

25.06.2019

In this case Mr and Ms Ulusoy attributed their son's permanent and irreversible disability to medical negligence during the prenatal and delivery phases of Ms Ulusoy's pregnancy. They also complained about the lack of an effective investigation into their allegations.

**No violations of Article 8**

**Kemal Taşkın and Others v. Turkey**

02.02.2010

Ban in official documents on names spelt with letters not found in the official Turkish alphabet.

**Küçük v. Turkey and Switzerland**

17.05.2011

International abduction of a child by his mother. The father complained in his own name and on behalf of his son that Turkey (their country) and Switzerland (where the child had been sighted) had not taken the necessary steps to secure the child's prompt return. Once the father had eventually recovered the child, the two were detained for several hours at

Esenboğa Airport while travelling back to Turkey.

**Inadmissible application**

**S.A. v. Turkey (no. 62299/09)**

15.02.2018

The case concerned the applicant's claim that his son had sustained physical harm as a result of an allegedly botched circumcision.

*Application declared inadmissible*

**Ahunbay and Others v. Turkey**

21.02.2019

In this application, five applicants complained that the planned construction of the Ilisu dam threatened the Hasankeyf archaeological site, a place of archaeological and cultural interest dating back more than 12,000 years.

*The Court declared the application inadmissible, finding that the complaints were incompatible *ratione materiae* with the provisions of the Convention (Article 35 §§ 3 (a) and 4).*

**Cases concerning freedom of  
thought, conscience and  
religion  
(Article 9)**

**Violations of Article 9**

**Leyla Sahin v. Turkey**

10.11.2005 (Grand Chamber)

Grand Chamber judgment (see page 3)

**Sinan Isik v. Turkey**

02.02.2010

Rejection of the applicant's request to have the word "Islam", indicating his faith on his identity card, changed to "Alevi".

**Arslan and Others v. Turkey**

23.02.2010

Criminal conviction of members of a religious group for displaying their religious beliefs by wearing clothing peculiar to their faith.

**Güler and Uğur v. Turkey**

02.12.2014

Applicants' conviction for propaganda promoting a terrorist organisation on

account of their participation in a religious service organised on the premises of a political party in memory of three members of an illegal organisation (the PKK) who had been killed by security forces.

**[Association for Solidarity with Jehovah Witnesses and Others v. Turkey](#)**

24.05.2016

The case concerned the inability of the Mersin and İzmir Jehovah's Witnesses to obtain an appropriate place in order to engage in worship.

**Cases concerning conscientious objection**

**[Ülke v. Turkey](#)**

24.01.2006

Mr Ülke refused to do his military service, on the ground that he had firm pacifist beliefs, and publicly burned his call-up papers at a press conference. He was initially convicted of inciting conscripts to evade military service and, having been transferred to a military regiment, repeatedly convicted for his refusals to wear a military uniform. He served almost two years in prison and later hid from the authorities.

Violation of Article 3 (prohibition of inhuman and degrading treatment)

**[Ercep v. Turkey](#)**

22.11.2011

Refusal by the applicant, a Jehovah's Witness and conscientious objector, to perform military service for reasons of conscience.

Violation of Article 9

Violation of Article 6 (right to a fair trial)  
Turkey invited to enact legislation concerning conscientious objectors and to introduce an alternative form of service.

**[Savda v. Turkey](#)**

12.06.2012

Failure to recognise the right to conscientious objection, which would enable refusals to carry out military service to be legitimised in Turkey.

Violations of Article 3 (prohibition of degrading treatment) and 9

Violation of Article 6 § 1 on account of the lack of independence and impartiality of the military court

Cases concerning freedom of expression  
(Article 10)

**Violations of Article 10**

**[Falakaoglu and Saygili v. Turkey](#)**

19.12.2006

Criminal conviction of the applicants under the Prevention of Terrorism Act for publishing articles in the press designating State agents as targets for terrorist organisations.

**[Ulusoy and Others v. Turkey](#)**

03.05.2007

Prohibition on performing a play in Kurdish in municipal theatres.

**[Asan v. Turkey](#)**

27.11.2007

Seizure of a book by the applicant, for disseminating separatist propaganda.

**[Nur Radyo Ve Televizyon Yayıncılığı A.Ş. v. Turkey](#)**

27.11.2007

**[Nur Radyo Ve Televizyon Yayıncılığı A.Ş. v. Turkey \(n° 2\)](#)**

12.10.2010

Ban imposed on broadcaster for airing religious programmes.

**[Sorguç v. Turkey](#)**

23.06.2009

University professor ordered to pay damages for distributing a paper at a scientific conference criticising the recruitment and promotion procedure for assistant professors and at the same time denigrating a colleague.

**[Cox v. Turkey](#)**

20.05.2010

American academic barred from Turkey for voicing her opinions on Kurdish and Armenian issues.

**[Bingöl v. Turkey](#)**

22.06.2010

Conviction of a member of DEHAP (the Democratic People's Party) for comments criticising the Turkish State's handling of the Kurdish question.

### **Gözel and Özer v. Turkey**

06.07.2010

In its judgment, the Court pointed out that it had found violations of Article 10 in numerous cases against Turkey where media professionals had been convicted for publishing statements made by terrorist organisations, without proper analysis by the courts. It considered this virtually automatic repression incompatible with the freedom to receive and impart information or ideas.

### **Dink v. Turkey**

20.09.2010

Murder of a journalist convicted of "denigrating the Turkish identity".

### **Fatih Tas v. Turkey**

05.04.2011

Publication of a book describing the anti-terrorist activities of the Turkish security forces, attributing murders to them and disclosing the names of officials directly involved.

### **Altuğ Taner Akçam v. Turkey**

25.10.2011

The applicant alleged that the fear of prosecution for his views on the Armenian issue had caused him considerable stress and anxiety and had even made him stop writing on the subject.

### **Ahmet Yıldırım v. Turkey**

18.12.2012

Court decision to block access to Google Sites, which hosted an Internet site whose owner was facing criminal proceedings for insulting the memory of Atatürk. As a result of the decision, access to all other sites hosted by the service was blocked.

### **Cumhuriyet Vakfı and Others v. Turkey**

08.10.2013

Injunction issued in May 2007 against the daily national newspaper, *Cumhuriyet* ("the Republic"), preventing further publication of a political advertisement allegedly quoting an interview given by the current Turkish President, Mr Abdullah Gül, to *The Guardian* newspaper in 1995. The paper's publisher, its owner and two of its journalists complained that the injunction was a violation of their right to freedom of expression.

### **Dilipak and Karakaya v. Turkey**

04.03.2014

Judgment against two journalists, after hearings in their absence, for having written articles that were considered offensive towards a high-ranking dignitary of the army.

### **Mustafa Erdoğan and Others v. Turkey**

27.05.2014

Complaint by a law professor, editor and publisher that they were ordered by the Turkish courts to pay damages to three judges of the Constitutional Court for insulting them in a journal article which reported on a decision dissolving a political party. The article was published in a quarterly law journal in 2001.

### **Murat Vural v. Turkey**

21.10.2014

Mr Vural's complained about the lengthy prison sentence he had to serve for pouring paint over statues of Mustafa Kemal Atatürk, the founder of the Republic of Turkey, as a political protest.

### **Müdür Duman v. Turkey**

06.10.2015

The case dealt with the complaint by a local leader of a political party that his conviction on account of illegal pictures and publications found in the office of his party had amounted to an unjustified interference with his right to freedom of expression.

### **Belek and Velioğlu v. Turkey**

06.10.2015

Applicants' conviction by a State Security Court for publishing an article in a daily newspaper containing a statement by an illegal armed organisation.

### **Cengiz and Others v. Turkey**

01.12.2015

The case concerned the blocking of access to YouTube, a website enabling users to send, view and share videos, from 5 May 2008 to 30 October 2010.

### **Görmüş and Others v. Turkey**

19.01.2016

The case concerned three different aspects of freedom of expression, namely the protection of journalistic sources, the disclosure of confidential information and the protection of whistle-blowers.

### **Erdener v. Turkey**

02.02.2016

The case concerned the upholding of a civil defamation claim against Ms Erdener, who at the time was a Member of the Turkish Parliament, on account of her remarks, reported in the press, criticising the medical care given to the Prime Minister, Bülent Ecevit, in a private university hospital.

### **Bilen and Çoruk v. Turkey**

08.03.2016

The case concerned the conviction of two members of the Youth Movement of the Labour Party (*Emek Partisi*), who were fined for distributing the party's leaflets without prior authorisation.

### **Semir Güzel v. Turkey**

13.09.2016

The case concerned the prosecution of a politician because he had permitted participants at a congress of his political party to speak in Kurdish.

### **Savda v. Turkey (no. 2)**

15.11.2016

The case concerned Mr Savda's criminal conviction for having read out a statement to the press entitled "*We are in solidarity with the Israeli conscientious objectors*".

### **Kaos GL v. Turkey**

22.11.2016

The case concerned the seizure of all the copies of a magazine published by Kaos GL, a cultural research and solidarity association for gays and lesbians.

### **Sarıgül v. Turkey**

23.05.2017

The case concerned the seizure, by the prison authorities, of a draft novel that Mr Sarıgül had written in prison, and the seizure of a letter he wanted to send to his lawyer.

### **Ali Çetin v. Turkey**

19.06.2017

The case concerned the criminal conviction of an accountant (Mr Çetin) for insulting a civil servant, as a result of comments made by Mr Çetin in a letter relating to a professional conflict. Mr Çetin accused the civil servant in question of having launched

a "fatwa"<sup>4</sup>, displaying the mentality of a *Bekçi Murtaza*<sup>5</sup>" when drawing up a tax audit report on the foundation which had employed Mr Çetin.

### **Aydoğan and Dara Radyo Televizyon Yayıncılık Anonim Şirketi v. Turkey**

13.02.2018

The case concerned administrative proceedings following an application for a national security clearance certificate for the shareholders and directors of "Aydoğan and Dara Radyo Televizyon Yayıncılık Anonim Şirketi", a television company whose main purpose was to broadcast programmes in the Kurdish language.

### **Kula v. Turkey**

19.06.2018

The case concerned a disciplinary sanction (reprimand) imposed on Mr Kula, a university professor, for taking part in a television programme in a town other than that in which he resided without his university's authorisation.

### **Fatih Taş v. Turkey (5)**

04.09.2018

The case concerned the criminal proceedings instituted against the owner of a publishing company (Mr Taş) for denigrating the Republic of Turkey on account of the publication of a book concerning the disappearance of a journalist in south-east Turkey in 1994.

### **Ali Gürbüz v. Turkey**

12.03.2019

The case concerned seven sets of criminal proceedings brought against Mr Gürbüz for publishing, in his daily newspaper *Ülkede Özgür Gündem*, statements by the leaders of organisations characterized as terrorist under Turkish law. He was acquitted after proceedings which had lasted between five and over seven years, without having been remanded in custody.

---

<sup>4</sup> A "fatwa" is a decision issued by a competent religious authority, setting out the solution to a question concerning Islamic law.

<sup>5</sup> *Bekçi Murtaza* is a fictional character in Turkish literature, who is viewed as placing his own principles and truths above everything else and seeking to impose them on others.

### [Mart and Others v. Turkey](#)

19.03.2019

The case concerned the conviction of the three applicants in criminal proceedings for disseminating propaganda in favour of an illegal organisation (the MKLP, the Marxist-Leninist Communist Party).

### [Selahattin Demirtaş v. Turkey \(no. 3\)](#)

09.07.2019

The case concerned Mr Demirtaş's criminal conviction for statements made during a television broadcast.

The Court held that the criminal proceedings instituted against the applicant on charges of disseminating propaganda in favour of a terrorist organisation had not met a pressing social need, had not been proportionate to the legitimate aims pursued and had consequently not been necessary in a democratic society.

**No violation of Article 10**

### [Poyraz v. Turkey](#)

07.12.2010

Civil judgment against the applicant for defamation on the basis of a report which he had compiled as chief inspector of the Ministry of Justice and which had been leaked to the press, concerning allegations of professional misconduct on the part of a senior judge.

**Inadmissible applications**

### [Demirbaş and Others v. Turkey](#)

09.11.2010

Question of the standing before the European Court of Human Rights of a municipal authority represented by individuals, namely, members constituting the municipal council, who complained, relying on Article 10, of the municipal council's dissolution following publications in Kurdish.

Application inadmissible: local authorities did not have standing to lodge an application under Article 34.

### [Akdeniz v. Turkey](#)

11.03.2014

Blocking of access to two websites on the grounds that they streamed music without respecting copyright legislation.

Application inadmissible: the Court noted that the two music streaming websites had been blocked because they operated in breach of copyright law.

Cases dealing with the arrest and the pre-trial detention of two journalists following the attempted military coup in July 2016

**Violations of Article 10**

### [Mehmet Hasan Altan v. Turkey](#) [Şahin Alp v. Turkey](#)

20.03.2018

Seizure of publications and conviction of the publishers

**Violations of Article 10**

### [Akdas v. Turkey](#)

16.02.2010

Turkish edition of an erotic novel by Guillaume Apollinaire

### [Şapan v. Turkey](#)

08.06.2010

Book about the singer Tarkan

Examples of cases concerning the suspension of newspapers

**Violations of Article 10**

### [Ürper and Others v. Turkey](#)

20.10.2009

### [Saygılı and Bilgic v. Turkey](#)

20.05.2010

### [Turgay and Others v. Turkey](#)

15.06.2010



## Cases concerning freedom of assembly and association (Article 11)

### Violation of Article 11

#### [Demir et Baykara v. Turkey](#)

12.11.2008

Grand Chamber judgment (see page 3)

#### [Enerji Yapi-Yol Sen v. Turkey](#)

21.04.2009

Disciplinary sanctions against civil servants for taking part in a national one-day strike to secure the right to a collective-bargaining agreement.

#### [Saime Özcan v. Turkey](#)

#### [Kaya et Seyhan v. Turkey](#)

15.09.2009

Penalties against teachers for taking part in national strikes organised by their trade union.

#### [HADEP and Demir v. Turkey](#)

14.12.2010

Dissolution of the People's Democracy Party, "HADEP", by a decision of the Turkish Constitutional Court in 2003 (it concluded that it had become a centre of illegal activities which included aiding and abetting the PKK – the illegal Workers Party of Kurdistan).

#### [Gazioğlu and Others v. Turkey and Akgöl and Göl v. Turkey](#)

17.05.2011

Intervention by the police in demonstrations in which the applicants participated.

#### [Eğitim Ve Bilim Emekçileri Sendikası v. Turkey](#)

25.09.2012

Proceedings to dissolve a teachers' union one section of whose statutes expressed the aim to defend the right to be taught "in one's mother tongue".

#### [İsmail Sezer v. Turkey](#)

24.03.2015

A disciplinary measure taken against a teacher, who held office in a union, for taking part in a panel discussion organised by a political party.

#### [Party for a Democratic Society \(DTP\) and Others v. Turkey](#)

12.01.2016

The case concerned the dissolution of the Party for a Democratic Society ("the DTP", *Demokratik Toplum Partisi*), part of the pro-Kurdish left-wing political movement, and the forfeiture of the parliamentary mandates of certain of its members of parliament, including those of its co-presidents.

#### [Gülcü v. Turkey](#)

19.01.2016

The case concerned in particular the conviction and detention of a minor for two years for membership of the PKK (Kurdish Workers' Party), an illegal armed organisation, after he participated in a demonstration held in Diyarbakır in July 2008 and threw stones at police officers. He was also convicted of disseminating propaganda in support of a terrorist organisation and resistance to the police.

#### [Cumhuriyet Halk Partisi v. Turkey](#)

26.04.2016

The case concerned the confiscation of a substantial part of the assets of Turkey's main opposition party, Cumhuriyet Halk Partisi, by the Constitutional Court following an inspection of its accounts for the years 2007 to 2009.

#### [Işıkırık v. Turkey](#)

14.11.2017

The case concerned the applicant's criminal conviction of membership in an illegal organisation, after having participated in a funeral of four members of the PKK (Kurdish Workers' Party, an illegal organisation) and in a demonstration.

#### [Aqit Demir v. Turkey](#)

27.02.2018

The case concerned the placement in pre-trial detention of Mr Demir, who was a minor at the time, for participating in a demonstration and throwing stones at the security forces.

#### [Bakır and Others v. Turkey](#) [İmret v. Turkey \(no. 2\)](#)

10.07.2018

The cases concerned complaints brought by 13 Turkish nationals about their criminal convictions for participating in demonstrations in 2005/2006. Five of the

applicants were convicted of membership of illegal armed organisations, while the other eight were convicted of disseminating terrorist propaganda. They all served prison sentences, ranging between one year and eight months and seven years.

#### **No violation of Article 11**

#### **Zehra Foundation and Others v. Turkey**

10.07.2018

The case concerned the foundation *Zehra Eğitim Vakfı*, which was dissolved in 2005 and remained inactive until 2013, on the grounds that its covert aim was to disseminate the vision of the theologian Said Nursi, namely the creation of a Kurdish State based on Sharia.

#### **MİHR Foundation v. Turkey**

07.05.2019

The case concerned the dissolution of the MİHR Foundation (*Medeniyet, İrfan, Hayır, Refah Vakfı* – foundation of civilisation, knowledge, welfare and prosperity) on the ground that its financial resources were insufficient to cover its expenses and to fulfil its registered aims.

### Cases on prohibition of discrimination (Article 14)

#### **Violations of Article 14 taken together with Article 8 (right to respect for private and family life)**

#### **Ünal Tekeli v. Turkey**

16.11.2004

Impossibility for the applicant to use only her maiden name after getting married.

#### **Emel Boyraz v. Turkey**

02.12.2014

Dismissal of Ms Boyraz from public sector employment on grounds of gender.

#### **Hülya Ebru Demirel v. Turkey**

19.06.2018

The case concerned the applicant's allegation of sexual discrimination because she was denied a job as a security officer at a state-run regional electricity distribution company.

#### **Violations of Article 14 taken together with Article 9 (freedom of thought, conscience and religion)**

#### **Cumhuriyetçi Eğitim Ve Kültür Merkezi Vakfı v. Turkey**

02.12.2014

Possibility under Turkish law for places of worship to be granted an exemption from paying electricity bills and the refusal to grant this privilege to the applicant foundation.

#### **Violations of Article 14 taken together with Article 2 of Protocol No. 1 (right to education)**

#### **Cam v. Turkey**

23.02.2016

The case concerned a refusal to enrol Ms Çam as a student at the Turkish National Music Academy because she was blind.

#### **Enver Şahin v. Turkey**

30.01.2018

The case concerned the impossibility for a paraplegic person (Mr Şahin) to gain access to the university buildings for the purpose of his studies owing to the lack of suitable facilities.

### Exhaustion of domestic remedies (Article 35 § 1)

#### **Inadmissible application**

#### **Hasan Uzun v. Turkey**

30.04.2013

In its decision the Court reiterated that the rule of the exhaustion of domestic remedies was an indispensable part of the functioning of the Convention mechanism. Having examined the main aspects of the new remedy before the Turkish Constitutional Court, the Court found that the Turkish Parliament had entrusted that court with powers that enabled it to provide, in principle, direct and speedy redress for violations of the rights and freedoms protected by the Convention.

**Application declared inadmissible for  
non-exhaustion of domestic remedies.**

## Cases concerning the protection of property (Article 1 of Protocol No. 1)

### Violations of Article 1 of Protocol No. 1

#### [N.A. and Others v. Turkey](#)

(no. 37451/97)

11.10.2005

#### [FenerRum Erkek Lisesi Vakfi v. Turkey](#)

09.01.2007

Annulment with final effect of title to property belonging to a foundation set up in accordance with Turkish law by a religious minority with legal personality.

#### [Turgut and Others v. Turkey](#)

08.07.2008

Annulment without compensation of title to land forming part of the coastline or the State forest.

#### [Uzan and Others v. Turkey](#)

05.03.2019

The case concerned attachment measures which had been ordered against the property of the applicants (Jasmin Paris Uzan, Renç Emre Uzan, Ayla Uzan-Ashaboğlu, Nimet Hülya Talu and Bilge Doğru) on the grounds that their relatives, or their managers in some cases, were being prosecuted for the misuse of public funds in a case concerning the activities of the bank Türkiye İmar Bankası, which had been controlled since 1984 by the Uzan group and whose banking licence had been withdrawn after it had registered a loss of several billion euros.

#### [Kamoy Radyo Televizyon Yayıncılık ve Organizasyon A.Ş. v. Turkey](#)

16.04.2019

The case concerned the applicant company's proceedings to protect a trademark, which led to the domestic courts applying a piece of legislation retroactively and its action being rejected.

#### [Kaynar and Others v. Turkey](#)

07.05.2019

The case concerned civil proceedings dealing with claims in respect of the ownership of land purchased by the applicants and classified as a "natural site". The domestic courts decided to register the

land in the name of the Treasury on the basis of a new law which came into force during the proceedings. The applicants did not receive any compensation.

### Inadmissible applications

#### [Uzan and Others v. Turkey](#)

29.03.2011

The applicants, the founder of the Rumeli Elektrik company and three Turkish companies (Rumeli Elektrik A.Ş., ÇEAŞ and KEPEZ A.Ş) complained about the transfer to the State of electricity distribution sites without any compensation.

Application declared inadmissible as manifestly ill-founded.

#### [Arioğlu and Others v. Turkey](#)

06.11.2012

The applicants complained about the loss of their property rights without payment of compensation.

Application declared inadmissible for non-exhaustion of domestic remedies.

#### [Yeşil and Others v. Turkey and Danyanikli v. Turkey](#)

27.09.2018

The applicants owned land in a region known for its major tourist attractions and which is listed as a mountain pasture area. The case concerned proceedings to have their title deeds annulled.

Applications declared inadmissible as manifestly ill-founded.

### Expropriations: a structural problem

#### Violations of article 1 of Protocol No. 1

#### [Sarica and Dilaver v. Turkey](#)

27.05.2010

Occupation of plots of land for years on end without any formal expropriation decision being taken.

The Court considered that the practice of *de facto* expropriation represented a structural problem in Turkey

#### [Yetis and Others v. Turkey](#)

06.07.2010

The Court found that there was a structural problem in the expropriation procedure in Turkey

## Cases concerning the right to education (Article 2 of Protocol No. 1)

### Violations of Article 2 of Protocol No. 1

#### Zengin v. Turkey

09.10.2007

Refusal to exempt a State school pupil from compulsory lessons in "religious culture and ethics" with emphasis on knowledge of the Sunni branch of Islam.

#### Temel and Others v. Turkey

03.03.2009

Suspension of eighteen students from university for two terms for requesting the introduction of optional Kurdish language classes.

#### Mansur Yalçın and Others v. Turkey

16.09.2014

The applicants, who are adherents of the Alevi faith, an unorthodox minority branch of Islam, complained that the content of the compulsory classes in religion and ethics in schools was based on the Sunni understanding of Islam.

#### Mehmet Resit Arslan and Orhan Bingöl v. Turkey

18.06.2019

The case concerned the right to education of two convicted prisoners.

## Cases concerning the right to free elections (Article 3 of Protocol No. 1)

### Violations of Article 3 of Protocol No. 1

#### Söyler v. Turkey

17.09.2013

Complaint brought by a businessman convicted for unpaid cheques that he was not allowed to vote in the 2007 Turkish general elections while he was being detained in prison or in the 2011 general elections after his conditional release.

The Court found in particular that the ban on convicted prisoners' voting rights in Turkey was automatic and indiscriminate and did not take into account the nature or gravity of the offence, the length of the

prison sentence or the prisoner's individual conduct or circumstances. The application of such a harsh measure on a vitally important Convention right had to be seen as falling outside of any acceptable room for manoeuvre of a State to decide on such matters as the electoral rights of convicted prisoners.

#### Murat Vural v. Turkey

21.10.2014

(see cases concerning Article 10 among others)

### No violation of Article 3 of Protocol No. 1

#### Özgürlük ve Dayanışma Partisi v. Turkey

10.05.2012

Refusal to grant direct public financing, provided for by the Turkish Constitution, to a political party, the ÖDP, which did not meet the minimum representativeness criterion.

The Court found in particular that the difference in treatment between the ÖDP and the parties which received funding was reasonably proportionate to the legitimate aim of strengthening democratic pluralism while avoiding fragmentation of the candidate lists.

### Inadmissible application

#### Cumhuriyet Halk Partisi v. Turkey

30.11.2017

The case concerned a complaint by a Turkish opposition party about the referendum held on 16 April 2017, on the modification and repeal of constitutional provisions dealing with presidential powers. The Court found that the applicants' complaint was incompatible *ratione materiae* with the provisions of the Convention; therefore it declared the application inadmissible.

## Cases concerning the situation in northern Cyprus

### [Loizidou v. Turkey](#)

18.12.1996

(First ECHR judgment concerning Turkey): no access to property in northern Cyprus for the owner, a Cypriot national.

Violation of Article 1 of Protocol No. 1 (protection of property)

No violation of Article 8 (right to respect for private and family life)

Similar applications have been lodged and the same violations found by the Court<sup>6</sup>:

### [Xenides-Arestis v. Turkey](#)

22.12.2005<sup>7</sup>

No possibility since 1974 for the applicant, a Cypriot national, to gain access to her home in northern Cyprus.

Unlike the applicant in *Loizidou*, Mrs Xenides-Arestis had her home in northern Cyprus and lived there.

Violation of Article 8 (right to respect for the applicant's home)

Violation of Article 1 of Protocol No. 1 (protection of property)

### [Isaak v. Turkey](#) and [Solomou v. Turkey](#)

24.06.2008

(see above under the right to life)

## Inadmissible applications

### [Demopoulos and seven other applications](#)

05.03.2010

In these applications, the Court found that the law as amended afforded an accessible, effective remedy for Greek Cypriots deprived of their property in northern Cyprus.

---

<sup>6</sup> 27.01.09: *Evagorou Christou* (18403/91), *Ioannou* (18364/91), *Kyriacou* (18407/91), *Michael* (18361/91), *Nicola* (18404/91), *Sophia Andreou* (18360/91); 20.01.09: *Gavriel* (41355/98), *Orphanides* (36705/97)

<sup>7</sup> In the same case, in its Chamber [judgment](#) of 7 December 2006, the Court decided on the question of just satisfaction.

## Cases concerning the measures taken after the attempted *coup d'état* on 15 July 2016

### [Mercan v. Turkey](#)

17.11.2016

The case concerned the pre-trial detention of a judge who was dismissed from office following the attempted *coup d'état*.

Application declared inadmissible for failure to exhaust domestic remedies.

Press release in [Turkish](#).

### [Zihni v. Turkey](#)

08.12.2016

The case concerned the dismissal of a teacher from his duties by a legislative decree issued by the Council of Ministers in the context of the state of emergency introduced after the attempted *coup d'état*.

Application declared inadmissible for failure to exhaust domestic remedies (Article 35 §§ 1 and 4 of the Convention).

Press release in [Turkish](#).

### [Catal v. Turkey](#)

10.03.2017

Dismissal of a judge by the Supreme Council of Judges, pursuant to a legislative decree adopted during the state of emergency, as one of a number of measures taken after the attempted *coup d'état*.

Press release in [Turkish](#).

### [Köksal v. Turkey](#)

23.06.2017

The case concerned Mr Köksal's dismissal by legislative decree in the context of measures taken after the attempted *coup d'état*.

Application declared inadmissible for failure to exhaust domestic remedies.

Press release in [Turkish](#).

## Other noteworthy cases, judgments and decisions delivered

### [Tendik and Others v. Turkey](#)

22.12.2005

Lack of a remedy in respect of the length of judicial proceedings.



## [Violation of Article 13 \(right to an effective remedy\)](#)

### **Inadmissible applications**

#### Applications concerning the compensation procedure for victims of terrorism in Turkey

##### [İcyer v. Turkey](#)

12.01.2006

The Court examined a newly established remedy - Law on compensation for losses sustained as a result of terrorism or the fight against terrorism which came into force on 27 July 2004 - and held that it was "accessible" and afforded "reasonable prospects of success". On that basis, 800 applications pending before the Court were declared inadmissible.

##### [Akbayır and Others v. Turkey, Fidanten and Others v. Turkey, Bingölbali and 54 Others v. Turkey and Boğuş and 91 other applications v. Turkey](#)

08.07.2011

## [Noteworthy pending cases](#)

---

### Grand Chamber

#### **Selahattin Demirtaş v. Turkey (no. 2) (no. 14305/17)**

The case concerns the arrest and pretrial detention of Mr Selahattin Demirtaş, who at the time of the events was one of the co-chairs of the Peoples' Democratic Party (HDP), a left-wing pro-Kurdish political party.

Relying on Article 5 §§ 1 and 3 (right to liberty and security and right to trial within a reasonable time or release pending trial) of the Convention, the applicant complains that his initial pre-trial detention and its continuation were arbitrary; that the duration of his pre-trial detention has been excessive; and that the relevant judicial decisions contained no reasons other than mere citation of the grounds for detention provided for by law and were worded in abstract, repetitive and formulaic terms. Relying on Article 5 § 4 (right to speedy review of the lawfulness of detention), the applicant complains that his lack of access to the investigation file prevented him from effectively challenging the order for his pre-trial detention. He submits that the

proceedings before the Constitutional Court did not comply with the Convention requirement of "speediness". In addition, he complains that his pre-trial detention amounts to a violation of Article 3 of Protocol No. 1 (right to free elections) to the Convention. Relying on Article 18 (limitation on use of restrictions on rights) in conjunction with Article 5 § 3, he contends that he was detained for expressing critical opinions about the political authorities and argues in that regard that the purpose of his pre-trial detention was to silence him. The applicant also alleges a violation of Article 10 (freedom of expression) and Article 34 (right of individual petition).

In its Chamber [judgment](#) of 20 November 2018, the Court held, unanimously, that there had been no violation of Article 5 § 1 (right to liberty and security), a violation of Article 5 § 3 (right to be brought promptly before a judge) of the Convention, and no violation of Article 5 § 4 (right to a speedy review of the lawfulness of detention) of the Convention. The Chamber accepted in particular that Mr Demirtaş had been arrested and detained on "reasonable suspicion" of having committed a criminal offence. However, having regard to the reasons given by the national courts, it found that the judicial authorities had extended Mr Demirtaş's detention on grounds that could not be regarded as "sufficient" to justify its duration.

The Chamber further held, unanimously, that there had been a violation of Article 3 of Protocol No. 1 (right to free elections) to the Convention. Although Mr Demirtaş had retained his status as a member of parliament throughout his term of office, it found that his inability to take part in the activities of the National Assembly as a result of his pre-trial detention had constituted an unjustified interference with the free expression of the opinion of the people and with his right to be elected and to sit in Parliament.

The Chamber also held, by six votes to one, that there had been a violation of Article 18 (limitation on use of restrictions on rights) in conjunction with Article 5 § 3. It found that it had been established beyond reasonable doubt that the extensions of Mr Demirtaş's detention, especially during two crucial campaigns, namely the referendum and the presidential election,

had pursued the predominant ulterior purpose of stifling pluralism and limiting freedom of political debate, which was at the very core of the concept of a democratic society.

Having regard to all the findings it had reached, the Chamber, unanimously, considered it unnecessary to rule separately on either the admissibility or the merits of the complaint under Article 10 (freedom of expression).

The Chamber also found, unanimously, that the respondent State had not breached its obligations under Article 34 (right of individual petition).

Lastly, under Article 46 (binding force and execution of judgments), the Chamber held, unanimously, that the respondent State was to take all necessary measures to put an end to the applicant's pre-trial detention.

Case [referred to the Grand Chamber](#) on 18 March 2019

Grand Chamber [hearing](#) on 18 September 2019

## Chamber

### Cases communicated cases in 2011 (non-exhaustive list)

Cases concerning persons arrested in the context of the operation against the criminal organisation Ergenekon

**Ahmet Tuncay Özkan v. Turkey** (no. 15869/09 - [Decision on the admissibility](#) on 13.12.2011)

**Levent Gökteş v. Turkey** (no. 59374/10 - [Decision on the admissibility](#) on 13.12.2011)

### Cases communicated cases in 2012 (non-exhaustive list)

Death in pre-trial detention

**Sozen and Others v. Turkey** (no. 65578/10 - [Communicated](#) on 26.06.2012)

### Cases communicated cases in 2015 (non-exhaustive list)

Cases concerning the arrests carried out as part of the 2007 operation targeting the criminal organisation Ergenekon

**Okyaltırık v. Turkey**

(no. 56274/09 - [Communicated](#) on 12.03.2015)

Cases concerning the applicants' detention in an administrative detention centre with a view to their expulsion

**Bimurzaeva and Others v. Turkey**

(no. 4633/15 - [Communicated](#) on 27.05.2015)

### Cases communicated cases in 2017 (non-exhaustive list)

Cases concerning the measures taken after the attempted *coup d'état* on 15 July 2016

Journalists:

[Sabuncu and Others v. Turkey](#) (no. 23199/17)

[Taş v. Turkey](#) (no. 72/17)

[Aksoy v. Turkey](#) (no. 80/17)

[İlicak v. Turkey](#) (no. 1210/17)

[Ahmet Altan v. Turkey](#) (no. 13252/17)

[Bulaç v. Turkey](#) (no. 25939/17)

[Yucel v. Turkey](#) (no. 27684/17)

[Şık v. Turkey](#) (no. 36493/17)

Députés:

**Yüksekdağ Şenoğlu v. Turkey** (no. 14332/17)

**Baluken v. Turkey** (no. 24585/17)

**Konca v. Turkey** (no. 25445/17)

**Zeydan v. Turkey** (no. 25453/17)

**Akdoğan v. Turkey** (no. 25462/17)

**Irmak v. Turkey** (no. 25463/17)

**Encu v. Turkey** (no. 25464/17)

**Yıldırım v. Turkey** (no. 31033/17)

**Aydoğan v. Turkey** (no. 36268/17)

**Demirel v. Turkey** (no. 39732/17)

**Bilgen v. Turkey** (no. 41087/17)

Cases [communicated](#) in June 2017

Enseignants:

[Gülmen v. Turkey \(no. 46171/17\)](#) and  
[Özakça v. Turkey \(no. 45940/17\)](#)

**Cases communicated cases in 2018  
(non-exhaustive list)**

Cases concerning the measures taken after  
the attempted *coup d'état* on 15 July 2016

[Kavala v. Turkey](#) (no. 28749/18)  
[Özdemir v. Turkey](#) (no. 14606/18)  
[Bas v. Turkey](#) (no. 66448/17)  
[Güler v. Turkey](#) (no. 62170/17)  
[Kiliç v. Turkey](#) (no. 43979/17)  
[Ablak v. Turkey](#) (no. 28566/17)

**Cases communicated cases in 2019  
(non-exhaustive list)**

Cases concerning, in particular, the  
provisional detention of members of the  
legal service following the attempted coup  
*d'état* of 15 July 2016

[Altun v. Turkey \(no. 60065/16\)](#) and  
545 other applications

---

**ECHR Press Contact:  
+33 3 90 21 42 08**