



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

SECOND SECTION

CASE OF MACİT AND OTHERS v. TÜRKİYE

*(Applications nos. 41386/17 and 7 others –
see appended list)*

JUDGMENT

STRASBOURG

27 August 2026

This judgment is final but it may be subject to editorial revision.

In the case of Macit and Others v. Türkiye,

The European Court of Human Rights (Second Section), sitting as a Committee composed of:

Stéphane Pisani, *President*,

Juha Lavapuro,

Hugh Mercer, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 2 July 2026,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Turkish Government (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of their pre-trial detention. Some applicants also raised other complaints under the provisions of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

6. The applicants complained principally that their pre-trial detention had been unreasonably long, and that their detention was ordered and extended without relevant and sufficient reasons. They relied on Article 5 § 3 of the Convention.

7. The Court observes that the general principles regarding the right to trial within a reasonable time or to release pending trial, as guaranteed by Article 5 § 3 of the Convention, have been stated in a number of its previous judgments (see, among many other authorities, *Kudła v. Poland* [GC], no. 30210/96, § 110, ECHR 2000-XI, and *McKay v. the United Kingdom* [GC], no. 543/03, §§ 41-44, ECHR 2006-X, with further references).

8. In the leading cases of *Cahit Demirel v. Turkey* (no. 18623/03, 7 July 2009), *Galip Doğru v. Turkey* (no. 36001/06, 28 April 2015) and *Tercan v. Turkey* (no. 6158/18, 29 June 2021), the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, and having considered the Government's objections, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility (see, for instance, *Selahattin Demirtaş v. Turkey* (no. 2) [GC], no. 14305/17, §§ 212-14, 22 December 2020; *Baş v. Turkey*, no. 66448/17, §§ 118-21, 3 March 2020; *Alparslan Altan v. Turkey*, no. 12778/17, §§ 84-85, 16 April 2019; and *Turan and Others v. Turkey*, nos. 75805/16 and 426 others, §§ 57-64, 23 November 2021) and merits of these complaints.

10. These complaints are therefore admissible and disclose a breach of Article 5 § 3 of the Convention.

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. Some applicants also complained under Article 5 § 4 of the Convention that they had not had at their disposal an effective remedy by which to challenge the lawfulness of their detention (see the appended table for the specific complaints raised). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Altınok v. Turkey* (no. 31610/08, § 67, 29 November 2011); *Ceviz v. Turkey* (no. 8140/08, § 59, 17 July 2012); *Ragıp Zarakolu v. Turkey* (no. 15064/12, § 53, 15 September 2020); *Kavala v. Turkey* (no. 28749/18, § 195, 10 December 2019); *Mooren v. Germany* [GC] (no. 11364/03, §§ 124-25, 9 July 2009); and *Baş* (cited above).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Cahit Demirel*, *Galip Doğru* and *Tercan*, cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 5 § 3 of the Convention concerning the unreasonably lengthy pre-trial detention;
4. *Holds* that there has been a violation of Article 5 § 4 the Convention in respect of other complaints raised under the well-established case-law of the Court (see appended table);
5. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 27 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Stéphane Pisani
President

APPENDIX

List of applications raising complaints under Article 5 § 3 of the Convention
(excessive length of pre-trial detention and/or lack of relevant and sufficient reasons for detention)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Period of detention	Name of the competent court	Length of detention	Specific defects	Grounds for detention	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	41386/17 27/04/2017	Ramazan MACİT 1972	Erşan Canseven Ankara	04/04/2016 to 28/12/2017	Çorum Magistrates Court; Sungurlu Magistrates' Court; Çorum 1st and 2nd Assize Courts	1 year, 8 months and 25 days	collective detention orders (<i>Tercan</i> <i>v. Turkey</i> , no. 6158/18, § 180, 29 June 2021); fragility and repetitiveness of the reasoning employed by the courts (<i>Tercan</i> <i>v. Turkey</i> , no. 6158/18, § 183, 29 June 2021); authorities' failure to consider alternative measures (<i>Lütfiye</i> <i>Zengin and Others</i> <i>v. Turkey</i> , no. 36443/06, § 81, 14 April 2015)	maximum limits of the potential sentences; risk of absconding or tampering with evidence or bringing pressure on victims; importance of the matter; entire scope of the case	Art. 5 (4) - deficiencies in proceedings for review of the lawfulness of detention The applicant complains that Article 5 § 4 of the Convention was also violated on account of (i) lack of a hearing during the review of his detention, in particular the reviews conducted throughout the state of emergency, and (ii) the restriction of access to the investigation file.	2,400	250
2.	35666/18 12/07/2018	Ahmet Ümit SEÇGİN 1974	Neslihan Seçgin Ankara	07/01/2016 to 22/01/2020	Ankara Assize Court	4 years and 16 days	fragility and repetitiveness of the reasoning employed by the courts (<i>Tercan</i> <i>v. Turkey</i> , no. 6158/18, § 183, 29 June 2021)	nature of the alleged offence; strong suspicion that he had committed the offence in question; severity of the potential sentence and seriousness of the offences in question; the fact that the offences were among those listed in	Art. 5 (4) - deficiencies in proceedings for review of the lawfulness of detention The applicant also complains of a violation of Article 5 § 4 due to non-communication of the orders	4,600	-

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								Article 100 § 3 of the Code of Criminal Procedure; risk of putting pressure on victims	extending his detention. He also complains that the magistrate's court, in prolonging the applicant's detention, did not communicate the prosecutor's opinions in this regard to the applicant.		
3.	22888/19 22/04/2019	Osman Nihat ŞEN 1972	Hikmet Şen Ankara	21/01/2015 to 22/02/2018	Ankara Gölbaşı Magistrates' Court; Ankara 2nd Assize Court	3 years, 1 month and 2 days	failure to examine the possibility of applying other measures of restraint; collective detention orders (<i>Tercan v. Turkey</i> , no. 6158/18, § 180, 29 June 2021); persistent reliance on the nature of the charges (<i>Tuncer Bakırhan v. Turkey</i> , no. 31417/19, § 43, 14 September 2021); fragility and repetitiveness of the reasoning employed by the courts (<i>Tercan v. Turkey</i> , no. 6158/18, § 183, 29 June 2021)	state of evidence; nature of the offence; risk of absconding due to the gravity of the sentences; the fact that the offences were among the "catalogue offences"	Art. 5 (4) - deficiencies in proceedings for review of the lawfulness of detention The applicant alleges under Article 5 § 4 that all the decisions regarding his objections to the decisions prolonging his detention were not notified to him.	3,700	-
4.	58121/19 25/10/2019	Yaşar ŞEKER 1975	İrem Güneş Danacıoğlu Ankara	27/04/2016 to 13/12/2017	Yozgat Magistrates' Court	1 year, 7 months and 17 days	fragility of the reasons employed by the courts; failure to examine the possibility of applying other measures of restraint; use of assumptions, in the absence of any evidentiary basis, risks	nature of the alleged offence; strong suspicion that he had committed the offence in question which was one of the offences prescribed by Article 100 § 3 of the Code of Criminal Procedure;	Art. 5 (4) - excessive length of judicial review of detention Under Article 5 § 4, the applicant complains of the length of the proceedings before	2,300	250

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							of absconding or obstructing justice	the fact that some items of evidence had not yet been collected and that there were many acts and perpetrators	the Constitutional Court, namely 3 years (27/06/2016-22/04/2019).		
5.	29347/20 14/02/2020	Erkan ÜNAL 1983		19/08/2014 to 16/12/2020	Istanbul 14th Assize Court; Istanbul 15th Assize Court	6 years, 3 months and 28 days	fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, risks of absconding or obstructing justice; fragility and repetitiveness of the reasoning employed by the courts as the case progressed; failure to conduct the proceedings diligently leading to excessive length of detention on remand; collective detention orders (<i>Tercan v. Turkey</i> , no. 6158/18, § 180, 29 June 2021)	strong suspicion that the applicant committed an offence; number of defendants, gravity of the acts attributed to them; nature of the offence; scope of the case; the fact that certain offences with which they were charged were among “the catalogue offences”; minimum and maximum limits of the sentences; the fact that submissions of certain defendants had not yet been heard; the fact that the reasons and conditions leading to their detention still stood.		5,000	-
6.	40677/20 07/08/2020	Kürşat DURMUŞ 1977	Ayşe Arıkan Bursa	12/08/2014 to 16/12/2020	Istanbul 1st and 2nd Magistrate's Courts; Istanbul 14th and 15th Assize Courts	6 years, 4 months and 5 days	fragility and repetitiveness of the reasoning employed by the courts (<i>Tercan v. Turkey</i> , no. 6158/18, § 183, 29 June 2021)	severity of the potential sentence; the fact that the offence in question was among those listed in Article 100 § 3 of the Code of Criminal Procedure (catalogue offences); risk of absconding		5,000	-

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7.	40815/20 20/08/2020	Halil Hilmi MÜFTÜOĞLU 1965	Hacı İbrahim Tokan Istanbul	19/07/2018 to 11/01/2021	Istanbul Magistrate Courts and Istanbul Assize Court	2 years, 5 months and 24 days	fragility and repetitiveness of the reasoning employed by the courts (<i>Tercan v. Turkey</i> , no. 6158/18, § 183, 29 June 2021)	strong suspicion against the applicant; nature of the alleged offence and the fact that it was among the offences listed in Article 100 § 3 of the Code of Criminal Procedure; severity of the potential sentence and risk of absconding and of damage to evidence	Art. 5 (4) - deficiencies in proceedings for review of the lawfulness of detention The applicant complains that Article 5 § 4 was also violated on account of (i) lack of a hearing during the review of his detention between 19/07/2018 and 15/01/2019, and (ii) restriction of access to the investigation file.	3,100	250
8.	50588/20 03/11/2020	İrfan YÜNCÜLER 1964	Kamil Burak Bozdemir Izmir	22/04/2019 to 04/02/2020	Menemen Magistrate's Court; Karşıyaka 2nd Assize Court	9 months and 14 days	fragility and repetitiveness of the reasoning employed by the courts (<i>Tercan v. Turkey</i> , no. 6158/18, § 183, 29 June 2021)	severity of the potential sentence; the fact that the evidence had not yet been fully collected; risk of tampering with evidence; the fact that the offence was among those listed in Article 100 § 3 of the Code of Criminal Procedure (catalogue offences); nature of the offence; state of evidence		1,000	250

¹ Plus any tax that may be chargeable to the applicants.

² Plus any tax that may be chargeable to the applicants.