



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

SECOND SECTION

CASE OF DEMİRCİ v. TÜRKİYE

(Application no. 41715/20)

JUDGMENT

STRASBOURG

27 August 2026

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

In the case of Demirci 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 an application against Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 4 September 2020.

2. The applicant was represented by Mr T. Yılmaz, a lawyer practising in Bursa.

3. The Turkish Government (“the Government”) were given notice of the application.

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant complained under Article 3 of the Convention of the inadequate conditions of his detention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

6. The applicant complained of the inadequate conditions of his detention. He relied on Article 3 of the Convention.

7. The Court notes that the applicant was kept in detention in poor conditions. The details of the applicant’s detention are indicated in the appended table. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, ECHR 2016). It reiterates in particular that a serious lack of space in a prison cell weighs heavily as a factor to be taken into account for the purpose of establishing whether the detention conditions described are “degrading” from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see *Muršić*, cited above, §§ 122-41, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-59, 10 January 2012).

8. In the leading case of *İlerde and Others v. Türkiye* (nos. 35614/19 and 10 others, 5 December 2023), 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, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the applicant's conditions of detention were inadequate.

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

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *İlerde and Others*, cited above, and *Kacı and Others v. Türkiye*, [Committee], nos. 9587/19 and 36 others, § 70, 10 June 2025), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that this application discloses a breach of Article 3 of the Convention concerning the inadequate conditions of detention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, 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

DEMİRCİ v. TÜRKİYE JUDGMENT

APPENDIX

Application raising complaints under Article 3 of the Convention
(inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Turkish Constitutional Court Decision	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
41715/20 04/09/2020	Mehmet Ali DEMİRCİ 1991	Tufan Yılmaz Bursa	Konya E Type Closed Prison - Ward C-8 22/09/2017 to 19/12/2017 2 month(s) and 28 day(s)	35 inmate(s) 2.31 m ² 1 toilet(s)	overcrowding	Decision number and date, 2020/11115 08/06/2020,	1,000	250
			Konya E Type Closed Prison - Ward C-6 19/12/2017 to 22/12/2017 4 day(s)	32 inmate(s) 1.69 m ² 1 toilet(s)	overcrowding	Notification date, 15/06/2020		
			Konya E Type Closed Prison - Ward B-6 22/12/2017 to 17/05/2018 4 month(s) and 26 day(s)	36 inmate(s) 2.17 m ² 1 toilet(s)	overcrowding			

¹ Plus any tax that may be chargeable to the applicant.² Plus any tax that may be chargeable to the applicant.