



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

SECOND SECTION

CASE OF KAYA v. TÜRKİYE

(Application no. 17010/21)

JUDGMENT

STRASBOURG

13 October 2026

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

In the case of Kaya v. Türkiye,

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

Jovan Ilievski, *President*,

Oddný Mjöll Arnardóttir,

Stéphane Pisani, *judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 17010/21) against the Republic of Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 16 March 2021 by a Turkish national, Ms Adalet Kaya (“the applicant”), who was born in 1977, lives in Diyarbakır and was represented by Mr G.G. Engin, a lawyer practising in Diyarbakır;

the decision to give notice of the application to the Turkish Government (“the Government”), represented by their Agent, Mr Abdullah Aydın, Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye;

the parties’ observations;

the decision to reject the Government’s objection to the examination of the application by a Committee;

Having deliberated in private on 22 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the pre-trial detention of the applicant, the president of the Rosa Women’s Association, on suspicion of being a member of an armed terrorist organisation under Article 314 § 2 of the Criminal Code. She relied on Article 5 §§ 1, 3 and 4 of the Convention, maintaining that her pre-trial detention had been ordered in the absence of reasonable suspicion that she had committed an offence, that her requests for release had been dismissed without sufficient reasons, that her pre-trial detention was extended at a hearing held in her absence and that the Constitutional Court had not sufficiently reasoned its decision.

2. The applicant is an activist and a political figure, known particularly for her engagement in activities concerning women’s rights. She was elected to the Turkish Parliament in the general elections held in May 2023 as a deputy of the People’s Equality and Democracy Party (*Halkların Eşitlik ve Demokrasi Partisi* – DEM Party), a left-wing pro-Kurdish political party.

3. At the time of her arrest and detention, the applicant was the president of the Rosa Women’s Association based in Diyarbakır, which had been founded in 2018. According to their own description, the purpose of the association was to combat all forms of violence and discrimination against

women; to develop projects to promote gender equality; to act in solidarity with civil society and women's organisations; and to promote and establish a culture of democracy and peace. The applicant submitted a report on the association's activities, which shows that it organised numerous press events and meetings in 2019 to discuss the problems encountered by women living in the region, such as panels on the impact of the conflict on women, femicides and violence against women.

4. On 22 May 2020 the applicant was arrested in Diyarbakır in relation to a criminal investigation initiated by the Diyarbakır chief public prosecutor's office into her alleged links to the activities of an illegal armed organisation – namely the PKK/KCK (Workers' Party of Kurdistan / Kurdistan Communities Union).

5. On 23 May 2020 the Diyarbakır 1st Magistrate's Court ordered that the applicant be placed in pre-trial detention on suspicion of membership of an armed terrorist organisation. The magistrate found that there was a strong suspicion that she had committed the offence in question on the basis of the following considerations.

(i) She held a position within the Rosa Women's Association, which the authorities considered to be an extension of the Free Women's Congress (*Kongreya Jinên Azad* – KJA) and Free Women's Movement (*Tevgera Jinên Azad* – TJA) organisations, which were allegedly linked to the PKK, the KJA having been dissolved by an emergency legislative decree. In making the connection between those organisations and the association, the magistrate relied on an anonymous witness, who had stated that although the association ostensibly addressed women's issues such as femicide and sexual harassment, its "true" purpose was to act in line with the instructions of the PKK leader, Abdullah Öcalan, and to recruit members for the organisation. Following the dissolution of KJA, PKK leaders and representatives had begun seeking new forms of organisation and had continued to establish various new platforms and associations, one such association being the Rosa Women's Association. The witness, who had identified the applicant from a photograph, had further alleged that she acted as a link between the association and Peoples' Democratic Party (*Halkların Demokratik Partisi* – HDP), attending meetings at HDP premises on its behalf, and that she drew her income from the association. The magistrate found these allegations corroborated by banners bearing the abbreviation "TJA" and banned publications found on the premises of the association.

(ii) The items of evidence examined comprised surveillance records relating to the applicant and remarks by the applicant recorded in communication surveillance transcripts, including: "Since 2011 the greatest impact of this war in Kurdistan has been on women". In addition, during a search of her residence, prohibited publications and a piece of cloth, which was yellow, red and green, symbolising the organisation, had been found.

6. During her questioning by the police and before the Magistrate's Court, the applicant acknowledged that she was the president of the association but denied the anonymous witness's allegations. She submitted that the association was a lawfully registered entity with no organic ties to the HDP, that it cooperated with other women's organisations, non-governmental organisations and human-rights defenders in defence of women's rights, and that any contact with HDP officials had taken place in that lawful context. She stated that she worked there on a voluntary, unpaid basis. As to her participation in demonstrations, the speeches she had delivered in some of them and the content of the intercepted telephone calls, the applicant maintained that she had merely been exercising her democratic rights and that this could not be regarded as unlawful activity.

7. The applicant lodged an objection to the detention order, but the objection was rejected by the Diyarbakır 2nd Magistrate's Court on 1 June 2020.

8. On 3 June 2020 the prosecutor filed an indictment accusing the applicant of membership of an armed terrorist organisation, namely the PKK/KCK. The indictment largely repeated the allegations and evidence relied on in support of her pre-trial detention. To establish that the applicant had been a member of the PKK, the prosecutor relied principally on the anonymous witness's statements (see paragraph 5 above); her attendance at, and the speeches she had delivered during, a number of demonstrations, funerals and press events held in Diyarbakır between January 2019 and March 2020 – including events protesting the replacement of elected mayors with government trustees and addressing the effects of military operations in the region – which were said to have been organised in line with the PKK/KCK's instructions; the content of several intercepted telephone conversations, in which the applicant had criticised the military operation known as Operation Peace Spring and which the prosecutor construed as organisational propaganda on behalf of the PKK/KCK; and physical surveillance reports. The indictment further relied on objects seized during searches of the applicant's home and the association's premises, in particular a cloth in the colours yellow, red and green and bearing a star said to symbolise the organisation, banners bearing TJA slogans, magazines that had been subject to confiscation orders, and handwritten notes which the prosecutor described as "organisational" and as indicating that the Rosa Women's Association had been established to continue the activities of the KJA, an organisation linked to the PKK/KCK and dissolved by legislative decree.

9. On 11 June 2020 the Diyarbakır 4th Assize Court accepted the bill of indictment, set the date of the first hearing for 9 July 2020, and decided to continue the applicant's pre-trial detention having regard to the state of the evidence in the case file.

10. On 15 June 2020 that court, having regard to a separate set of criminal proceedings against the applicant pending before the 11th Assize Court, requested consent from the latter to join the two cases, since it considered that the two cases were factually linked to each other.

11. On 3 July 2020 the Diyarbakır 4th Assize Court held the first hearing – six days earlier than the date initially decided on – without the applicant being present. After hearing the prosecutor’s opinion on the matters to be decided on, the 4th Assize Court ruled that the case before it should be joined with the criminal case pending before the Diyarbakır 11th Assize Court on the grounds that there were legal and factual connections between the two cases. Since the 11th Assize Court had not given its consent to the decision to join the cases, it referred the case to the Regional Court of Appeal for its final decision on the matter of their joinder. It further decided to continue the applicant’s pre-trial detention, referring to the available evidence in the case file, the nature and the severity of the alleged offence of membership of an armed terrorist organisation and the fact that that offence was among the “catalogue” offences listed in Article 100 § 3 of the CCP.

12. On 22 July 2020 the applicant lodged an objection to her continued detention. That objection appears to have been rejected on an unknown date.

13. On 28 July 2020 the Diyarbakır Regional Court of Appeal examined the dispute related to the joinder of the criminal cases against the applicant and decided to join the two cases. After that decision, the proceedings continued before the Diyarbakır 11th Assize Court.

14. On 18 August 2020 the 11th Assize Court examined the applicant’s pre-trial detention of its own motion. After considering the length of the applicant’s pre-trial detention, it decided to release her from pre-trial detention.

15. On 16 July 2020, while the criminal proceedings were still pending, the applicant lodged an individual application with the Constitutional Court, complaining of, *inter alia*, a violation of her right to liberty and security (Article 19 of the Constitution) on account of her pre-trial detention in the absence of reasonable suspicion that she had committed an offence, and of the dismissal of her requests for release without sufficient reasons.

16. On 19 November 2020 the Constitutional Court, sitting as a panel of two judges, declared the application inadmissible in a summary decision, finding the complaints concerning the lawfulness of her detention manifestly ill-founded. In dismissing the applicant’s application, it referred to the case of *Zeynep Kaplan* (no. 2015/7311, 22 January 2019), which concerned the pre-trial detention of an applicant on suspicion of committing an offence on behalf of the PKK. The domestic courts had ordered that applicant’s detention, finding there was a strong suspicion that she had committed the alleged offence, as she had participated in unlawful demonstrations following the PKK’s calls, had been actively involved in the PKK’s youth structure, according to various witness and anonymous witness statements, and had

maintained connections with different members of the organisation. In that case, the Constitutional Court had held that, given the nature of the investigation and the evidence cited in the detention order, the finding of strong indications of that applicant's involvement in the offence in question had not been arbitrary or devoid of factual basis. Having regard to the seriousness of the offence in question, the Constitutional Court had found Ms Kaplan's detention neither disproportionate nor unfounded.

17. While the criminal proceedings were ongoing against the applicant before the 11th Assize Court, she was elected as a member of parliament for the DEM Party in the general elections held on 14 May 2023. On 4 March 2024 the 11th Assize Court decided to stay the criminal proceedings against the applicant, since she had started to benefit from parliamentary immunity following her election.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 5 §§ 1 AND 3 OF THE CONVENTION

18. Relying on Article 5 §§ 1 and 3 of the Convention, the applicant complained that she had been placed and kept in pre-trial detention in the absence of a "reasonable suspicion" that she had committed a criminal offence. She further complained that the domestic courts had failed to provide relevant and sufficient reasons justifying the necessity of her continued detention.

A. Admissibility

19. The Government firstly submitted that the applicant had not duly exhausted the domestic remedies, as she had not lodged a compensation claim under Article 141 § 1 (a) of the Code of Criminal Procedure. They further invited the Court to declare the applicant's complaints inadmissible as being manifestly ill-founded. The applicant contested the Government's arguments.

20. As regards the compensation claim under Article 141 of the Code of Criminal Procedure, the Court reiterates that it has already examined and dismissed identical preliminary objections by the Government in *Selahattin Demirtaş v. Turkey (no. 2)* ([GC], no. 14305/17, §§ 205-14, 22 December 2020). Having reviewed the parties' submissions, it sees no reason to depart from its findings in that case. Secondly, the Court considers that the arguments put forward by the Government in support of their assertion that the application was manifestly ill-founded raise issues requiring an examination of the merits of the complaints under Article 5 of the Convention, rather than of their admissibility (compare *Durukan and Birol v. Türkiye*, nos. 14879/20 and 13440/21, § 45, 3 October 2023, with further

references). The Court therefore dismisses the Government's pleas of inadmissibility.

21. Consequently, finding that these complaints are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention, the Court declares them admissible.

B. Merits

22. The applicant submitted that the prosecution and the domestic courts had failed to provide reasonable evidence that she had committed the criminal offence of which she had been suspected. She submitted that she had been detained on account of the press statements, meetings and demonstrations in which she had participated, all of which had been in the nature of the exercise of her rights. The applicant further alleged that the detention orders had lacked relevant and sufficient reasoning.

23. The Government submitted that the applicant had been detained on the basis of concrete evidence sufficient to satisfy an objective observer that she was a member of the PKK/KCK. To demonstrate the Rosa Women's Association's links with the PKK/KCK, they firstly submitted that the Democratic Society Congress (*Demokratik Toplum Kongresi* – DTK) had an organic link to the PKK/KCK organisation. To support that assertion, the Government submitted three decisions delivered by the Court of Cassation (see for further information *Tuğluk v. Türkiye*, no. 71757/17, § 86, 14 October 2025). Secondly, the Government contended that the KJA, which had later been renamed TJA following the KJA's dissolution in 2016, had operated under the umbrella of the DTK. Thirdly, they submitted that the banners, prohibited publications and a handwritten note seized at the premises of the Rosa Women's Association demonstrated that the association was an extension of the KJA and TJA, and therefore had links with the PKK/KCK. They also added that the applicant had taken part in unlawful demonstrations organised on the PKK/KCK's instructions, at which slogans and songs supporting the organisation had been voiced, and submitted that her detention had rested on relevant and sufficient grounds and had not breached Article 5 § 3, given the complexity of the case, the nature of the offence and the risk of her absconding or tampering with evidence.

1. Alleged lack of a reasonable suspicion that the applicant committed a criminal offence (Article 5 § 1 of the Convention)

24. In respect of the general principles established in its case-law concerning the requirement of a "reasonable suspicion" under Article 5 § 1 (c), the Court refers to *Selahattin Demirtaş* (cited above, §§ 311-21).

25. The Court notes that the crux of the matter is whether, at the time of the applicant's detention, there was a reasonable suspicion that she had committed the offence of membership of an armed terrorist organisation

under Article 314 § 2 of the Criminal Code (see, for the wording of that provision, *Selahattin Demirtaş*, cited above, § 143).

26. In the present case, the suspicion against the applicant was based on two main elements: (i) the investigating authorities' assessment that the Rosa Women's Association was an extension of the TJA and KJA, and thus linked to the PKK; and (ii) the activities attributed to the applicant in her capacity as president of the Rosa Women's Association and the demonstrations she had attended, speeches she had delivered in some of them, and the objects found in her possession.

27. As to the first element, the Court notes that the competent judicial authorities who ordered the applicant's detention considered that the Rosa Women's Association's activities, while they appeared "legal" at the outset, pursued an ulterior agenda, namely to further the aims of the PKK/KCK. To demonstrate that connection, they relied on the anonymous witness's statement and the objects found on the premises of the association.

28. In this regard, the Court acknowledges that statements made by anonymous witnesses, notably those who have belonged to terrorist organisations, may constitute an important tool in the fight against organised crime. However, such statements must necessarily be corroborated by objective elements (see *Selahattin Demirtaş v. Türkiye* (no. 4), no. 13609/20, § 241, 8 July 2025). The Court observes in this connection that the anonymous witness's allegations regarding the association's links with the PKK were expressed in abstract and unsubstantiated terms. The witness's allegations did not entail any details concerning the clandestine or "organisational" activities that had allegedly been undertaken by the association to further the aims of the PKK. Furthermore, there appears to be no explanation as to what specific instructions were given to the association by the PKK. Moreover, even assuming the existence of such instructions, the material in the file does not make it possible to establish that the leadership of the association, including the applicant, in fact acted upon them (see *Selahattin Demirtaş* (no. 4), cited above, § 242).

29. As regards the association's alleged links with the KJA and the TJA, the Court is doubtful whether the mere presence of banned publications, a banner bearing the abbreviation "TJA" and the contents of a handwritten note seized on the association's premises are sufficient to demonstrate that the association could be considered the "extension" of these organisations. In this connection, the Court also notes that the investigating authorities in the applicant's case did not bring forward any specific evidence establishing that the KJA or the TJA had engaged in unlawful activities and only pointed out that the KJA had been dissolved by an emergency legislative decree. In any event, the Court considers that the mere existence of ties with associations dissolved by a legislative decree, without any indication that the association itself had engaged in conduct that could be interpreted as inciting violence or otherwise rejecting the foundations of a democratic society, cannot suffice to

indicate criminal conduct (see, *mutatis mutandis*, *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, §§ 390-92, 26 September 2023).

30. The Court observes in this connection that the activities organised by the association concerned matters of political and societal relevance at the time, such as a demonstration on International Women's Day, and protests concerning the military operations conducted by the Turkish armed forces in northern Syria or the appointment of trustees in the place of elected mayors in the south-eastern provinces of Türkiye. The Court notes that the association also organised multiple events on pertinent social issues concerning women's rights, such as femicides and sexual harassment.

31. Having regard to the nature of the activities of the association in question, the Court considers that they constituted an exercise of the right to freedom of association and assembly, as guaranteed by Article 11 of the Convention (compare also *Tuğluk*, cited above, § 113). The Court observes in this regard that the Rosa Women's Association is a lawfully established association, registered with the Ministry of the Interior, and that the material before it discloses no indications that the association engaged in unlawful activities. Additionally, given that the HDP was a lawfully established political party in Türkiye, in the Court's view, the allegation the applicant had acted as a link between the association and the HDP and had attended meetings at HDP premises (see paragraph 5 above) on its behalf cannot be considered as objective elements indicating that the applicant had acted on behalf of the PKK. For these reasons, the Court considers that the allegations regarding the association's links with the PKK/KCK were not supported by sufficiently concrete evidence and therefore cannot be regarded as a relevant factor capable of convincing an objective observer that the applicant committed the criminal offence of membership of an armed terrorist organisation by being the association's president (compare, *mutatis mutandis*, *Tuğluk*, cited above, §§ 100-02).

32. That being said, the Court must further examine whether there was evidence that convincingly demonstrates the applicant's individual involvement in activities raising a reasonable suspicion that she had committed the offence of membership of an armed terrorist organisation (compare *ibid.*, § 103).

33. The Court will therefore turn to the second element, namely the acts attributed to the applicant. In this regard, the Court notes that the national authorities mostly listed the events attended by the applicant and the slogans chanted at them, without providing any reasoning as to how those elements substantiated or reinforced the suspicion against her. Nor did they allege that the applicant had personally chanted allegedly unlawful slogans or discuss her personal involvement in or responsibility for the crowd chanting them. In this regard, the Court reiterates that the criminal liability of individuals cannot be engaged where they did not directly participate in the incriminated acts, did not encourage them and did not show indulgence toward unlawful

conduct (see *Mesut Yıldız and Others v. Turkey*, no. 8157/10, § 34, 18 July 2017, and *Batou v. Switzerland*, no. 30781/22, §§ 70-76, 7 May 2026).

34. As regards the content of the applicant's speeches at several press events and demonstrations and the content of her intercepted telephone conversations, the Court is not persuaded that the statements in question could be regarded as evidence of the applicant's involvement in an illegal armed organisation. In numerous previous judgments, the Court found that similar statements, which did not amount to an incitement to violence, fell within the scope of Article 10 of the Convention and could not be considered sufficient to convince an objective observer that a terrorism-related offence had been committed (see *Selahattin Demirtaş (no. 2)*, cited above, §§ 274-80; *Yüksekdağ Şenoğlu and Others v. Türkiye*, nos. 14332/17 and 12 others, §§ 541-45, 8 November 2022; and *Yüksek v. Türkiye*, no. 4/18, §§ 112-15, 22 October 2024). The Court considers that, taken as a whole, the speeches in question constituted an exercise of the applicant's right to freedom of expression, as guaranteed by Article 10 of the Convention (compare also *Tuğluk*, cited above, § 113).

35. As for the objects (banned publications and a piece of cloth which was yellow, red and green) seized during the searches carried out at the applicant's home and on the premises of the association, on which the judicial authorities also relied to place the applicant in pre-trial detention, the Court considers that they were not such as to give rise to a suspicion that the applicant had committed the offence of membership of a terrorist organisation. In the absence of other elements establishing the criminal nature of those facts and elements, the Court fails to see how they could, by themselves, justify the suspicion in question (see, *mutatis mutandis*, *Yüksek*, cited above, § 118; *Tuğluk*, cited above, § 111; and, *mutatis mutandis*, *Müdür Duman v. Turkey*, no. 15450/03, § 33, 6 October 2015).

36. For the reasons set out above, the Court considers that, in the present case, none of the decisions on the applicant's initial and continued pre-trial detention cited evidence that indicated a clear link between her actions and the offence of membership of a terrorist organisation. Therefore, there was no reasonable suspicion, for the purposes of Article 5 § 1 (c), that the applicant had committed the said offence for which she had been detained. There has accordingly been a violation of Article 5 § 1 of the Convention.

2. *Whether the decisions concerning the applicant's pre-trial detention were sufficiently reasoned (Article 5 § 3 of the Convention)*

37. The Court refers to the general principles under Article 5 § 3 of the Convention concerning the justification of detention, as set out in *Buzadji v. the Republic of Moldova* ([GC], no. 23755/07, §§ 87-91, 5 July 2016) and *Merabishvili v. Georgia* ([GC], no. 72508/13, §§ 222-25, 28 November 2017).

38. In the present case, the Court has already found that no specific facts or information capable of giving rise to a suspicion justifying the applicant's pre-trial detention were put forward by the national courts at any time during her detention, and that there was therefore no reasonable suspicion that she had committed an offence. The persistence of a reasonable suspicion that a detainee has committed an offence is a condition *sine qua non* for the validity of his or her continued detention (see *Merabishvili*, cited above, § 222, with further references). The Court therefore considers that there has also been a violation of Article 5 § 3 of the Convention (compare also *Selahattin Demirtaş* (no. 2), cited above, §§ 353-56, and *Tuğluk*, cited above, §§ 120-24).

II. ALLEGED VIOLATION OF ARTICLE 5 § 4 OF THE CONVENTION

39. Relying on Article 5 § 4 of the Convention, the applicant alleged a breach of the principle of equality of arms on the grounds that during the hearing on 3 July 2020, the Diyarbakır 4th Assize Court had extended her pre-trial detention in her absence but in the presence of the public prosecutor, after hearing the prosecutor's opinion. Secondly, she stated that the Constitutional Court had erred in the classification of her complaints before that court and had not provided adequate reasoning in dismissing her individual application as inadmissible.

A. Extension of the applicant's pre-trial detention in her absence but in the presence of the public prosecutor

40. The Court reiterates that Article 5 § 4 applies to proceedings following a challenge to the lawfulness of detention. Accordingly, this provision is applicable only after an appeal has been lodged against a decision extending detention, and not as soon as such a decision has been taken by the court of its own motion (see *Baş v. Turkey*, no. 66448/17, § 243, 3 March 2020). It is therefore not for the Court to rule, for the purposes of Article 5 § 4 of the Convention, on decisions adopted automatically on the extension of detention (see, among many other authorities, *Hebat Aslan and Firas Aslan v. Turkey*, no. 15048/09, § 60, 28 October 2014).

41. The Court observes that the hearing of 3 July 2020 primarily concerned the possible joinder of the criminal proceedings against the applicant (see paragraphs 10-11 above). The record of that hearing shows that the Diyarbakır 4th Assize Court examined no objection by the applicant to her detention but continued it of its own motion. The Court therefore finds this part of the application incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a). Accordingly, this part of the application must be declared inadmissible pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

B. Alleged lack of reasoning in the Constitutional Court's decision

42. The Court notes that Article 5 § 4 is applicable to proceedings before constitutional courts (see *Mehmet Hasan Altan v. Turkey*, no. 13237/17, § 159, 20 March 2018). It reiterates that while a court examining an appeal against detention need not address every argument raised, a failure to give adequate reasons, or repeated stereotyped decisions providing no answer to the applicant's arguments, may deprive the Article 5 § 4 guarantee of its substance (see *G.B. and Others v. Turkey*, no. 4633/15, § 176, 17 October 2019).

43. In the present case, the Constitutional Court, sitting as a panel of two judges, dismissed the applicant's complaint concerning the lawfulness of her detention as manifestly ill-founded, by reference to its decision in *Zeynep Kaplan* (see paragraph 16 above), a case raising similar though not identical facts and legal questions. The Court considers that the findings in the case to which the Constitutional Court referred were largely transposable to the applicant's situation, so that she was in a position to understand that her complaint had been dismissed on the ground that the evidence gave rise to a strong suspicion against her. Although, for the reasons set out above (see paragraphs 24-36 above), the Court does not endorse that reasoning, it nevertheless considers that the applicant was afforded a sufficient indication of the basis on which her complaint had been rejected (see, *mutatis mutandis*, *Kandemir v. Türkiye*, no. 30906/19, §§ 64-66, 3 February 2026).

44. It follows that this part of the application is manifestly ill-founded and thus inadmissible under Article 35 §§ 3 (a) and 4 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 18 IN CONJUNCTION WITH ARTICLE 5 § 1 OF THE CONVENTION

45. The applicant submitted that her deprivation of liberty in the present case had been carried out for a purpose other than that envisaged by Article 5 of the Convention, in breach of Article 18.

46. The Court observes in this respect that, in the course of its examination of the applicant's complaints under Article 5 § 1 of the Convention, it took sufficient account of the applicant's status as the president of an association and a human rights activist (see paragraphs 30-34 above). It has no reason to find that the complaint under Article 18 represents a fundamental aspect of the case. Having regard to the foregoing, it concludes that there is no need to examine either the admissibility or the merits of this complaint (see, *mutatis mutandis*, *Mehmet Hasan Altan v. Turkey*, no. 13237/17, § 216, 20 March 2018; *Şahin Alpay v. Turkey*, no. 16538/17, § 186, 20 March 2018; *Atilla Taş v. Turkey*, no. 72/17, § 196, 19 January 2021; and *Taner Kılıç v. Turkey* (no. 2), no. 208/18, § 168, 31 May 2022).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

47. The applicant claimed 5,000 euros (EUR) in respect of pecuniary damage and EUR 20,000 in respect of non-pecuniary damage. She also claimed EUR 5,613 for the costs and expenses incurred before the Court.

48. The Government argued that the applicant's claims were unsubstantiated, excessive and did not correspond to the Court's case-law.

49. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. However, ruling on an equitable basis, it awards the applicant EUR 4,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

50. It also awards the sum of EUR 1,000 to the applicant in respect of the costs and expenses in the proceedings before the Court, plus any tax that may be chargeable to her.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints concerning Article 5 §§ 1 and 3 of the Convention admissible and the complaints concerning Article 5 § 4 of the Convention inadmissible;
2. *Holds* that there has been a violation of Article 5 §§ 1 and 3 of the Convention;
3. *Holds* that there is no need to examine separately the admissibility and merits of the applicant's complaint under Article 18 taken in conjunction with Article 5 § 1 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 4,000 (four thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (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;
5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

KAYA v. TÜRKİYE JUDGMENT

Done in English, and notified in writing on 13 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim
Deputy Registrar

Jovan Ilievski
President