



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

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SECOND SECTION

Application no. 30809/23
Binefş SİLİK and Others
against Türkiye
lodged on 26 July 2023
communicated on 22 September 2026

SUBJECT MATTER OF THE CASE

The applicants are the heirs of Mr Ahmet Sılık. The application concerns the rejection of Mr Sılık's requests for release from prison on health grounds.

In 2012 the Diyarbakır Assize Court convicted Mr Sılık of aiding an armed terrorist organisation, the PKK (Workers' Party of Kurdistan). He was sentenced to six years and six months' imprisonment. He began serving his sentence on 10 March 2018, at the age of 74.

Shortly after his incarceration, Mr Sılık was referred to İzmir Katip Çelebi University Atatürk Training and Research Hospital for a medical assessment. Medical reports issued in May and June 2018 documented cognitive decline, memory loss, and several other health issues. In August 2018 he was transferred to Menemen R-Type Prison, a rehabilitation-type detention facility with in-house health personnel.

On 16 November 2018 the Forensic Medicine Institute drew up a medical report in respect of the applicant upon the public prosecutor's request. It noted that, despite certain preserved functions, dementia-related symptoms were present and that Mr Sılık could not maintain his life independently. It concluded therefore that his condition fell within the scope of Article 16(6) of Law no. 5275 on the postponement of execution of prison sentence on health grounds. Notwithstanding that finding, on 15 March 2019 the public prosecutor refused to postpone the execution of Mr Sılık's sentence, relying on a police intelligence report which found that his release would pose a risk

to public safety. The report stated that Mr Sılık's family members were sympathetic to the terrorist organisation and that his release would provide moral support to his family members and encourage them to engage in actions within the organisation. An objection against that decision was dismissed by the Diyarbakır Assize Court on 26 June 2019. Mr Sılık then lodged an individual application with the Constitutional Court, requesting his release by way of an interim measure, as well as alleging that his detention was incompatible with his state of health. On 4 November 2019 the Constitutional Court rejected this interim measure request, finding that he had access to sufficient medical care in prison.

A further medical report dated 16 December 2019 noted decline in Mr Sılık's cognitive and functional skills. The report stated that, although his situation was not life-threatening, he would have difficulty sustaining life independently in prison conditions. An additional medical report by the Forensic Medicine Institute drawn up on 25 December 2019 concluded that he could maintain his life independently and did not meet the statutory criteria for postponement of execution under Article 16(6) of Law no. 5275.

Mr Sılık remained in detention until his release under supervision on 6 May 2021. He died on 2 December 2022. Following his death, the Constitutional Court continued its examination of the application, as his heirs (the applicants in the present case) expressed their wish to pursue the case.

On 1 February 2023 the Constitutional Court dismissed the applicants' individual application, finding that Mr Sılık's continued detention did not amount to ill-treatment. The Constitutional Court acknowledged the medical evidence indicating that he would have difficulty maintaining his life independently but noted that his condition was not considered life-threatening, that he had been transferred to an R-type rehabilitation prison suited to inmates with health needs, and that he had had regular access to medical care, including hospital referrals and inpatient treatment. The Constitutional Court's decision was served on the applicant on 3 April 2023.

Relying on Articles 2 and 3 of the Convention, the applicants allege that the authorities' refusal to release Mr Sılık on health grounds, despite the existence of several medical reports including the Forensic Medicine Institute's report of 16 November 2018, which demonstrated that he could not sustain his life on his own in prison, violated his right to life and the prohibition of ill-treatment.

QUESTIONS TO THE PARTIES

1. Can the applicants claim to be a victim of a violation of the Convention, within the meaning of Article 34 (see, *mutatis mutandis*, *Boacă and Others v. Romania*, no. 40355/11, § 46, 12 January 2016, and *Karpylenko v. Ukraine*, no. 15509/12, §§ 104, 105, 11 February 2016)?

2. Was the applicant's detention compatible with his state of health, within the meaning of Article 3 of the Convention (see *Rooman v. Belgium* [GC], no. 18052/11, §§ 141-148, 31 January 2019, and *Gülay Çetin v. Turkey*, no. 44084/10, §§ 100-103, 5 March 2013)?

APPENDIX

No.	Applicant's Name	Year of birth
1.	Binefş SILIK	1947
2.	Fatma DÜNDAR	1984
3.	Gülistan KUMSAL	1988
4.	Ayşe SILIK	1972
5.	Beşir SILIK	1967
6.	Galip SILIK	1984
7.	Hacı SILIK	1980
8.	Lokman SILIK	1974
9.	Mahfuz SILIK	1977
10.	Yaşar SILIK	1969