



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

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SECOND SECTION

Application no. 5291/23
Zeynep CALIHAN and Others
against Türkiye
lodged on 13 January 2023
communicated on 22 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the allegations that the applicants were subjected to degrading treatment during the dispersal of a sit-in protest in front of Gebze Prison on 19 April 2019. A video in the case file shows that while the applicants were dispersing, a police officer in plainclothes pushed them several times with a baton and kept on shouting at them.

Following the events in question, the applicants filed a criminal complaint with the public prosecutor and initiated a full remedy action before the administrative courts. The administrative courts rejected the applicants' case, finding that the force employed by the police had not been disproportionate. Similarly, following the criminal investigation, the prosecutor issued a decision not to prosecute any officers on account of lack of sufficient evidence that they had committed an offence. The applicants' objections to those decisions were rejected.

On 6 October 2022 the Constitutional Court delivered a judgment on the applicants' individual application, declaring the applicants' complaint concerning the alleged degrading treatment inadmissible, finding that the minimum level of severity under Article 3 of the Convention had not been met.

Relying on Article 3 of the Convention, the applicants submit that they were subjected to degrading treatment by State agents during the dispersal of

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the protest, and that the investigation into their allegations of ill-treatment was ineffective.

QUESTIONS TO THE PARTIES

1. Were the applicants subjected to degrading treatment, in breach of Article 3 of the Convention, during the dispersal of the sit-in protest in front of Gebze Prison on 19 April 2019 (see *Bouyid v. Belgium* [GC], no. 23380/09, § 101, ECHR 2015, and *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, § 327, 11 December 2025)?

2. Having regard to the procedural protection from inhuman or degrading treatment, was the investigation by the domestic authorities into the applicant's allegations of ill-treatment in the present case in breach of Article 3 of the Convention (see *Bouyid*, cited above, §§ 114-23)?

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APPENDIX

No.	Applicant's Name	Year of birth	Place of residence
1.	Zeynep CALIHAN	1965	Istanbul
2.	Hanife BAYAR	1947	Kocaeli
3.	Zeynep BAYAR	1944	Malatya
4.	Zebide İNCE	1966	Istanbul
5.	Elif KULAK	1972	Istanbul