



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

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SECOND SECTION

Application no. 47941/22
Nuray ZENCİR
against Türkiye
lodged on 23 September 2022
communicated on 21 September 2026

SUBJECT MATTER OF THE CASE

The application concerns an alleged violation of the applicant's right to freedom of peaceful assembly due to the disproportionate use of force by law enforcement authorities in dispersing a demonstration.

On 13 February 2015 the applicant took part in a public demonstration held in İzmir, organised by several non-governmental organisations advocating for “secular, scientific, and mother-tongue education”. The law enforcement officers intervened to disperse the crowd before any public statement could be made, employing water cannons and tear gas. As a result of the police intervention, the applicant sustained injuries requiring treatment beyond simple medical care.

On 8 May 2015 the applicant lodged a criminal complaint against the police officers involved. On 1 June 2017 the İzmir Public Prosecutor issued a decision of non-prosecution, concluding that the legal elements of the offence of intentional injury by excessive use of force had not been established. On 27 October 2017 the İzmir Third Magistrates' Court dismissed the applicant's objection.

The applicant subsequently lodged an individual application with the Constitutional Court, alleging a breach of Articles 3 and 11 of the Convention. On 2 February 2022 the Constitutional Court found a violation of both the substantive and procedural limbs of Article 3 of the Convention but held that it was not necessary to examine the applicant's complaint

regarding the right to freedom of peaceful assembly (file no. 2018/3087). The Constitutional Court’s decision was served on the applicant on 25 May 2022.

Invoking Article 11 of the Convention, the applicant argues that the disproportionate use of force by the police during the demonstration amounted to a violation of her right to freedom of peaceful assembly and complains that the Constitutional Court has not examined her complaints under Article 11.

QUESTIONS TO THE PARTIES

1. Having regard to the police intervention in the demonstration on 13 February 2015 and to the injuries sustained by the applicant, as established by the Constitutional Court in its judgment in the present case (§§ 43-50 and 58-59), has there been an interference with the applicant’s right to freedom of assembly within the meaning of Article 11 § 1 of the Convention (see *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 428- 29, 11 December 2025; *Disk and Kesk v. Turkey*, no. 38676/08, § 22, 27 November 2012; and *İzci v. Turkey*, no. 42606/05, § 82, 23 July 2013)?

2. If so, was that interference prescribed by law and necessary within the meaning of Article 11 § 2, in light of the Court’s case-law on dispersals of public assemblies (see, among other authorities, *Tsaava and Others*, cited above, § 435; *İzci*, cited above, §§ 85-90; *Eğitim ve Bilim Emekçileri Sendikası and Others v. Turkey*, no. 20347/07, §§ 91-98 and 104-108, 5 July 2016; and *Geylani and Others v. Türkiye*, no. 10443/12, §§ 109-28, 12 September 2023)?

3. In view of the Constitutional Court’s finding of a violation of Article 3 and its decision not to examine the complaint under Article 11 separately (see that court’s judgment in the present case, §§ 50, 59 and 61), can the domestic courts be regarded as having carried out a sufficient examination of the substance of the applicant’s Article 11 complaint and notably of the proportionality of the interference with the rights under Article 11, giving relevant and sufficient reasons for the interference in the light of the criteria set out by the Court (see, in particular, *Tsaava and Others*, cited above, § 227; and *Öğrü and Others v. Turkey*, nos. 60087/10 and 2 others, §§ 67-70, 19 December 2017)?