



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

SECOND SECTION

CASE OF ALP AND OTHERS v. TURKEY

*(Applications nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07,
24664/07 and 44938/08)*

JUDGMENT

STRASBOURG

7 December 2010

FINAL

07/03/2011

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Alp and others v. Turkey,

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

Ireneu Cabral Barreto, *President*,

Danutė Jočienė,

Dragoljub Popović,

Nona Tsotsoria,

Işıl Karakaş,

Kristina Pardalos,

Guido Raimondi, *judges*,

and Stanley Naismith, *Section Registrar*,

Having deliberated in private on 16 November 2010,

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

PROCEDURE

1. The case originated in seven applications (nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07, 24664/07, and 44938/08) against the Republic of Turkey lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by eight Turkish nationals, Bülent Alp, Fahri Önder, Serpil Cabadan, Hüseyin Durmaz, Abdulmecit Öztürk, Heval Öztürk, Metin Sarıgül, and Metin Karaman born in 1977, 1982, 1978, 1969, 1979, 1974, 1973, and 1974 respectively. The dates of introduction of the applications are indicated in the appended table.

2. The applicants in applications nos. 34396/05 and 8753/06 were represented by Mr M. Filorinalı, while the applicants in applications nos. 37432/06 and 37435/06 were represented by Ms E. Erkaslan, lawyers practising in İstanbul. The applicants in applications nos. 2873/07, 24664/07 and 44938/08 were represented by Mr M. Erbil, Ms S. Epçeli and Ms Y. Yeşilyurt Karakoç, lawyers practising in İstanbul, respectively. The Turkish Government (“the Government”) were represented by their Agent.

3. On 9 June 2009 the Court decided to declare the applications partly inadmissible and to communicate the complaints concerning the length of pre-trial detention brought by all the applicants except Heval Öztürk in application no. 2873/07 and the lack of a remedy to challenge the lawfulness of the applicants’ pre-trial detention brought by Abdulmecit Öztürk in application no. 2873/07 and Metin Sarıgül in application no. 24664/07, the lack of an enforceable right to compensation for an allegedly lengthy pre-trial detention brought by Abdulmecit Öztürk in application no. 2873/07, the length of the criminal proceedings brought by the applicants in applications

nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07, and 44938/08 and the lack of an effective remedy in respect of this complaint brought by the applicants in application no. 2873/07 to the Government.

4. On the same day the Court decided that, in the view of the similarity of the cases, the present applications should be joined to application no. 26853/06 against the same respondent State raising similar complaints (Rule 42 § 1). On 20 October 2010 the Court decided to disjoin the application no. 26853/06 from the present applications joined pursuant to Rule 42 § 1 of the Rules of Court and to strike it out of the list of cases.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicants are Turkish nationals who were arrested and subsequently detained pending judicial proceedings. They were released on various dates except for the applicants in applications nos. 37432/06 and 37435/06, who are still in detention pending trial. The details of the dates of the arrests, the dates of the orders for the applicants' pre-trial detention, the dates of the indictments, the dates of the domestic court decisions, the total period of pre-trial detention, the total period of the criminal proceedings where relevant, the dates of release and the grounds for continued detention are set out in the appendix hereto.

II. RELEVANT DOMESTIC LAW AND PRACTICE

A. Judicial review of pre-trial detention

6. A description of the relevant domestic law and practice prior to the entry into force of the new Code of Criminal Procedure ("the new CCP") (Law no. 5271) on 1 June 2005 may be found in *Çobanoğlu and Budak v. Turkey* (no. 45977/99, §§ 29-31, 30 January 2007). The current practice under the new CCP is outlined in *Şayık and Others v. Turkey* (nos. 1966/07, 9965/07, 35245/07, 35250/07, 36561/07, 36591/07, and 40928/07, §§ 13-15, 8 December 2009).

B. Compensation for unlawful detention

7. The relevant domestic law and current practice may be found in *Şahap Doğan v. Turkey* (no. 29361/07, §§ 18-19, 27 May 2010).

THE LAW

I. ALLEGED VIOLATIONS OF ARTICLE 5 OF THE CONVENTION

8. The applicants except the applicant Heval Öztürk (no. 2873/07), complained under Article 5 § 3 of the Convention that the length of their pre-trial detention had been excessive. The applicants Abdülmecit Öztürk and Metin Sarıgül in applications nos. 2873/07 and 24664/07 respectively further complained under Article 5 § 4 of the Convention that there had been no effective remedy to challenge the lawfulness of the length of their pre-trial detention. The applicant Abdülmecit Öztürk (no. 2873/07) further maintained under Article 5 § 5 of the Convention that he had had no right to compensation in domestic law for the alleged violation of Article 5 § 3 of the Convention.

9. The Government contested these arguments.

A. Admissibility

10. The Government put forward various preliminary objections concerning exhaustion of domestic remedies and the victim status of the applicants and asked the Court to dismiss the complaints under Article 5 §§ 3 and 4 of the Convention, as required by Article 35 § 1 of the Convention.

11. The Court notes that it has already examined similar submissions made by the respondent Government in other cases (see, for example, *Ari and Şen v. Turkey*, no. 33746/02, § 19, 2 October 2007; *Koştı and Others v. Turkey*, no. 74321/01, §§ 19-24, 3 May 2007; and *Şayık and Others v. Turkey*, cited above, §§ 28-32).

12. The Government have not submitted any arguments which could lead the Court to reach a different conclusion in the instant case. Consequently, the Court rejects the Government's preliminary objections.

13. The Court notes that these complaints are not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

1. Article 5 § 3 of the Convention

14. The Government maintained that the applicants' detention had been based on the existence of reasonable grounds of suspicion of them having committed an offence, and that their detention had been reviewed periodically

by a competent authority, with special diligence, in accordance with the requirements laid down by the applicable law. They pointed out that the offences with which the applicants had been charged had been of a serious nature, and that their continued remand in custody had been necessary to prevent crime and to preserve public order.

15. The Court notes that the shortest duration of pre-trial detention in the present case is already over four years and six months (see appended table).

16. The Court has frequently found violations of Article 5 § 3 of the Convention in cases disclosing comparable lengthy periods of pre-trial detention (see, for example, *Gökçe and Demirel v. Turkey*, no. 51839/99, § 44, 22 June 2006; *Tutar v. Turkey*, no. 11798/03, § 20, 10 October 2006; and *Cahit Demirel v. Turkey*, no. 18623/03, § 28, 7 July 2009). Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case. Having regard to its case-law on the subject and the length of the applicants' pre-trial detention in the present case (see appended table) the Court finds that in the instant case the length of the applicants' pre-trial detention was excessive.

17. There has accordingly been a violation of Article 5 § 3 of the Convention in respect of all the applicants except Heval Öztürk (no. 2873/07).

2. Article 5 § 4 of the Convention

18. In respect of application no. 24664/07 the Government submitted that the applicant had in fact had the possibility of challenging his pre-trial detention by lodging objections pursuant to Article 297 and following articles of the former CCP or under Article 104 (2) of the new CCP. They further contended that it had been possible to challenge the lawfulness of pre-trial detention pursuant to Article 101 (5) of the new CCP.

19. In respect of the applicant Abdülmecit Öztürk in application no. 2873/07 the Government maintained that Article 263, 267, 268, and 271 of the new CCP provide the possibility to challenge the lawfulness of pre-trial detention and that the applicant had unsuccessfully availed himself of some of these.

20. The applicants maintained their allegations.

21. The Court has already examined the possibility of challenging the lawfulness of pre-trial detention in Turkey in other cases and concluded that the Government had failed to show that the above-mentioned remedies provided for a procedure that was genuinely adversarial for the accused (see, for example, *Koşti and Others v. Turkey*, cited above, §§ 19-24; *Şayık and Others v. Turkey*, cited above, §§ 28-32; and *Yiğitdoğan v. Turkey*, no. 20827/08, §§ 28-31, 16 March 2010).

22. As regards the remedy provided under Article 263 of the new CCP, the Court notes that the Government failed to submit examples of cases

demonstrating that this remedy provides a possibility to challenge the lawfulness of the pre-trial detention.

23. The Court notes that the Government have not put forward any argument or material in the instant case which would require the Court to depart from its previous findings.

24. In the light of the foregoing the Court concludes that there has been a breach of Article 5 § 4 of the Convention in respect of Abdulmecit Öztürk (no. 2873/07) and Metin Sarıgül (no. 24664/07).

3. Article 5 § 5 of the Convention

25. The Government argued that Turkish law afforded the applicant an enforceable right to compensation, contrary to his allegations. They maintained in this regard that the applicant could have sought compensation under Article 141 of the new CCP following its entry into force on 1 June 2005.

26. As for the remedy envisaged under Article 141 § 1 (d) of the new CCP, the Court notes that this provision introduces a mechanism whereby a person who has been lawfully detained but whose pre-trial detention exceeds a reasonable time may request compensation from the State. The Court also notes, however, that according to Article 142 § 1 of the same Code, such a request may only be made after the relevant criminal proceedings have come to an end. This remedy is therefore not available in circumstances where the domestic proceedings are still pending, as in the instant case (see *Kürüm v. Turkey*, no. 56493/07, §§ 18-21, 26 January 2010). It follows that the new CCP also fails to provide an enforceable right to compensation for the applicant's deprivation of liberty in breach of Article 5 § 3 of the Convention, as required by Article 5 § 5.

27. The Court therefore concludes that there has been a violation of Article 5 § 5 of the Convention in respect of Abdulmecit Öztürk (no. 2873/07).

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

28. The applicants in applications nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07 and 44938/08 complained that the length of criminal proceedings against them had been incompatible with the reasonable time requirement, laid down in Article 6 § 1 of the Convention. The Government disputed this allegation.

A. Admissibility

29. The Government asked the Court to dismiss the complaints under Article 6 § 1 of the Convention for failure to exhaust domestic remedies, as

required by Article 35 § 1 of the Convention. The Government maintained that the applicants could have filed a case for misconduct under Article 257 of the Turkish Criminal Code (“the TCC”) for failure of the authorities to conduct a trial within a reasonable time. The Government further maintained that the applicants could seek compensation under Articles 141 and 142 of the CCP following its entry into force on 1 June 2005.

30. As regards the remedy under Article 257 of the TCC, the Court considers this remedy would not make it possible to end the allegedly excessive length of the proceedings within the meaning of Article 6 § 1 of the Convention (see, *mutadis mutandis*, *Barış v. Turkey*, no. 26170/03, §17, 31 March 2009). In any case, the Government failed to demonstrate that the remedy referred was an effective one for the applicants’ grievance under Article 6 § 1 within the meaning of Article 35 § 1 of the Convention. The Court, therefore, dismisses this part of the Government’s objection.

31. As for the remedy envisaged under Articles 141 and 142 of the CCP, the Court reiterates that it has already examined this objection in the case of *Tunçe and others v. Turkey* (nos. 2422/06, 3712/08, 3714/08, 3715/08, 3717/08, 3718/08, 3719/08, 3724/08, 3725/08, 3728/08, 3730/08, 3731/08, 3733/08, 3734/08, 3735/08, 3737/08, 3739/08, 3740/08, 3745/08, and 3746/08, §§ 35-37, 13 October 2009) and found it to be ineffective. The Court finds no particular circumstances in the instant case which would require it to depart from its findings in the above-mentioned application. It therefore rejects the Government’s objection, and finds that this part of the application is admissible.

B. Merits

32. The Government submitted that the length of the proceedings could not be considered to be unreasonable in view of the complexity of the cases, the number of the accused and the nature of the offences with which the applicants were charged.

33. The Court notes that the shortest duration of the criminal proceedings in the present case is already over nine years (see appended table).

34. The Court has frequently found violations of Article 6 § 1 of the Convention in applications raising issues similar to the one in the present case (see *Bahçeli v. Turkey*, no. 35257/04, § 26, 6 October 2009, and *Er v. Turkey*, no. 21377/04, § 23, 27 October 2009). Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case. The Court therefore considers that the length of the proceedings was excessive and failed to meet the “reasonable time” requirement. There has accordingly been a breach of Article 6 § 1 of the Convention in respect of the applicants in applications nos. 34396/05, 8753/06, 37432/06, 37435/06, 2873/07 and 44938/08.

III. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

35. The applicants in application no. 2873/07 further claimed that there had been no effective remedy in domestic law whereby they could challenge the excessive length of the proceedings in dispute. They relied on Article 13 of the Convention.

36. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

37. The Court has examined similar cases in previous applications and has found violations of Article 13 of the Convention in respect of the lack of an effective remedy under Turkish law whereby the applicants could have contested the length of the proceedings at issue (see *Daneshpayeh v. Turkey*, no. 21086/04, §§ 35-38, 16 July 2009).

38. It finds no reason to depart from that conclusion in the present case. There had accordingly been a violation of Article 13 of the Convention in respect of the applicants in application no 2873/07.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

39. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

40. The applicants in applications nos. 34396/05 and 8753/06 claimed EUR 15,000 each in respect of non-pecuniary damage.

41. The applicants in applications nos. 37432/06 and 37435/06 claimed 39,500 Turkish Liras (TRY)¹ each in respect of pecuniary damage. They further claimed TRY 25,000² each for non-pecuniary damage.

42. In respect of application no. 2873/07, Abdulmecit Öztürk claimed EUR 20,000, whereas Heval Öztürk claimed EUR 15,000 for non-pecuniary damage.

43. The applicant in application no. 24664/07 claimed EUR 19,738 for pecuniary damage and EUR 10,000 for non-pecuniary damage.

44. The applicant in application no. 44938/08 stated that he had incurred pecuniary and non-pecuniary damage, without indicating any amount.

1. Approximately EUR 20,460

2. Approximately EUR 12,950

45. The Government contested these claims.

46. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects the relevant claims. However, the Court considers that the applicants must have sustained non-pecuniary damage.

47. In the light of the Court's jurisprudence and ruling on an equitable basis, it makes the following awards under this head in respect of the applicants' non-pecuniary damage:

- EUR 10, 500 to the applicant in application no. 34396/05;
- EUR 7,800 to the applicant in application no. 8753/06;
- EUR 12,950 each to the applicants in applications nos. 37432/06 and 37435/06;
- EUR 13,000 to Abdulmecit Öztürk and EUR 8, 400 to Heval Öztürk in application no. 2873/07;
- EUR 7,000 to the applicant in application no. 24664/07;
- EUR 19,200 to the applicant in application no. 44938/08.

48. Furthermore, according to the information submitted by the parties, the criminal proceedings against the applicants in applications nos. 8753/06, 37432/06, 37435/06, and 2873/07 are still pending and the applicants Serpil Cabadan and Hüseyin Durmaz in applications nos. 37432/06 and 37435/06 respectively are still detained. In these circumstances, the Court considers that an appropriate means for putting an end to the violations which it has found would be to conclude the criminal proceedings at issue as speedily as possible, while taking into account the requirements of the proper administration of justice (see *Yakışan v. Turkey*, no. 11339/03, § 49, 6 March 2007, and *Batmaz v. Turkey* (dec.), no. 34997/06, 1 April 2008).

B. Costs and expenses

49. The applicants in applications nos. 34396/05 and 8753/06 claimed EUR 5,500 each for cost and expenses in support of their claims they submitted time-sheets prepared by their lawyer.

50. The applicants in applications nos. 37432/06 and 37435/06 claimed that costs and expenses and legal fees should be reimbursed by the respondent Government, without indicating any amount.

51. The applicants in application no. 2873/07 claimed TRY 1,750 for costs and expenses. He also claimed TRY 5,900 in respect of their lawyer's fee. In support of their claims they submitted a legal fee agreement and a table for costs and expenses.

52. The applicant in application no. 24664/07 claimed EUR 52 for costs and expenses and EUR 3,186 in respect of legal fees. In support of his claims the applicant submitted a legal fee agreement and invoices for postal expenses and for the legal fees paid.

53. The applicant in application no. 44938/08 did not claim any costs and expenses.

54. The Government contested these claims.

55. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and were reasonable as to quantum. Regard being had to the documents in its possession and the above criteria the Court makes the following awards under this head:

- EUR 500 each to the applicants in applications nos. 34396/05 and 8753/06;
- EUR 500 each to the applicants in application no. 2873/07;
- EUR 1,000 to the applicant in application no. 24664/07;

56. In applications nos. 37432/06 and 37435/06, the Court rejects the claim for costs and expenses as the applicants did not produce any document in support of their claims. For application no. 44938/08 the Court does not make any award as the applicant did not claim any costs and expenses.

C. Default interest

57. The Court considers it appropriate that default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the applications admissible;
2. *Holds* that there has been a violation of Article 5 § 3 of the Convention in respect of all the applicants except Heval Öztürk in application no. 2873/07;
3. *Holds* that there has been a violation of Article 5 § 4 of the Convention in respect of the applicants Abdulmecit Öztürk (application no. 2873/07) and Mustafa Sarıgül (application no. 24664/07);
4. *Holds* that there has been a violation of Article 5 § 5 of the Convention in respect of the applicant Abdulmecit Öztürk (application no. 2873/07);
5. *Holds* that there has been a violation of Article 6 § 1 of the Convention in respect of the applicants Bülent Alp (application no. 34396/05), Fahri Önder (application no. 8753/06), Serpil Cabadan

(application no. 37432/06), Hüseyin Durmaz (application no. 37435/06), Abdulmecit Öztürk (application no. 2873/07), Heval Öztürk (application no. 2873/07), and Metin Karaman (application no. 44938/08);

6. *Holds* that there has been a violation of Article 13 of the Convention in respect of the applicants Abdulmecit Öztürk and Heval Öztürk (application no. 2873/07);

7. *Holds*

(a) that the respondent State is to pay the applicants, 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 Turkish liras at the rate applicable on the date of settlement, plus any tax that may be chargeable:

(i) to Mr Bülent Alp, EUR 10,500 (ten thousand five hundred euros) for non-pecuniary damage and EUR 500 (five hundred) for costs and expenses;

(ii) to Mr Fahri Önder, EUR 7,800 (seven thousand eight hundred euros) for non-pecuniary damage and EUR 500 (five hundred) for costs and expenses;

(iii) to Ms Serpil Cabadan, EUR 12,950 (twelve thousand nine hundred and fifty euros) for non-pecuniary damage;

(iv) to Mr Hüseyin Durmaz, EUR 12,950 (twelve thousand nine hundred and fifty euros) for non-pecuniary damage;

(v) to Mr Abdulmecit Öztürk, EUR 13,000 (thirteen thousand euros) for non-pecuniary damage and EUR 500 (five hundred euros) for costs and expenses;

(vi) to Mr Heval Öztürk, EUR 8,400 (eight thousand four hundred euros) for non-pecuniary damage and EUR 500 (five hundred euros) for costs and expenses;

(vii) to Mr Metin Sarıgül, EUR 7,000 (seven thousand euros) for non-pecuniary damage and EUR 1,000 (one thousand euros) for costs and expenses;

(iv) to Mr Metin Karaman, EUR 19,200 (nineteen thousand two hundred) for non-pecuniary damage;

(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;

8. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 7 December 2010, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Ireneu Cabral Barreto
President

APPENDIX

Information concerning the application	Date of the arrest	Date of the pre-trial detention order	Date of the indictment	Date of the judgments of the first-instance court	Date of the decisions of the Court of Cassation	Date of release of the applicant where applicable	Total period of pre-trial detention (on the basis of the information in the case file)	Grounds for continued detention
1 - 34396/05 introduced on 21 September 2005 by Bülent ALP represented by Metin Filorinalı	22/03/1999	26/03/1999	12/04/1999	İstanbul Assize Court -12/06/2008 (E: 1999/128, K: 2008/148)	11/02/2010 (E: 2009/1946, K: 2010/1795) (upheld)	01/11/2005	6 years and 7 months (pre-trial detention) 10 years and 10 months (proceedings)	- the state of the evidence - the content of the case file - the nature of the offence - the overall period of pre-trial detention

Information concerning the application	Date of the arrest	Date of the pre-trial detention order	Date of the indictment	Date of the judgments of the first-instance court	Date of the decisions of the Court of Cassation	Date of release of the applicant where applicable	Total period of pre-trial detention (on the basis of the information in the case file)	Grounds for continued detention
2 - 8753/06 introduced on 13 February 2006 by Fahri ÖNDER represented by Metin Filorinalı	06/01/2001	12/01/2001	16/01/2001	1. İstanbul State Security Court – 07/11/2002 (E: 2001/22, K: 2002/228) 2. İstanbul Assize Court -15/12/2005 (E: 2003/131, K: 2005/394) 3. İstanbul Assize Court – 8/05/2007 (E: 2006/361, K: 2007/95)	1. 27/03/2003 (E: 2003/202, K: 2003/404) (set aside) 2. 16/10/ 2006 (E: 2006/2710, K: 2006/5319) (set aside) 3. Pending	15/12/2005	4 years and 6 months (length of pre-trial detention) 9 years and 10 months (length of the proceedings)	Record of hearing not submitted by the parties

Information concerning the application	Date of the arrest	Date of the pre-trial detention order	Date of the indictment	Date of the judgments of the first-instance court	Date of the decisions of the Court of Cassation	Date of release of the applicant where applicable	Total period of pre-trial detention (on the basis of the information in the case file)	Grounds for continued detention
3 - 37432/06 introduced on 19 September 2006 by Serpil CABADAN represented by Eylem Erkaslan	24/09/1998	01/10/1998	19/11/1998	1. İstanbul State Security Court – 22/06/2001 (E: 1998/413, K: 2001/167) 2. İstanbul State Security Court – 17/07/2003 (E: 2002/109, K: 2003/186) 3. Pending before the İstanbul Assize Court (E: 2004/19)	1. 7/03/2002 (E: 2001/2999, K: 2002/439) (set aside) 2. 28/01/2004 (E:2003/2262, K: 2004/258) (set aside)		10 years and 9 months (pre-trial detention) 12 years (proceedings)	- the state of the evidence - the nature of the offence -strong suspicion of having committed the offence in issue

Information concerning the application	Date of the arrest	Date of the pre-trial detention order	Date of the indictment	Date of the judgments of the first-instance court	Date of the decisions of the Court of Cassation	Date of release of the applicant where applicable	Total period of pre-trial detention (on the basis of the information in the case file)	Grounds for continued detention
4 – 37435/06 introduced on 19 September 2006 by Hüseyin DURMAZ represented by Eylem Erkaslan	Same as above	Same as above	Same as above	Same as above	Same as above		Same as above	Same as above
5 - 2873/07 introduced on 8 December 2006 by Abdumecit ÖZTÜRK and Heval ÖZTÜRK represented by Mehmet Erbil	14/08/1998	18/08/1998 for Abdumecit Öztürk 20/08/1998 for Heval Öztürk	22/12/1998	1. İstanbul Assize Court - 8/06/2006 (E:1998/518, K:2006/111) 2. İstanbul Assize Court - 23/05/2008 (E: 2007/357, K: 2008/143) 3. Pending before İstanbul Assize Court (E:2010/273)	1. 17/04/2007 (E: 2007/2209, K: 2007/3375) (set aside) 2. Set aside on an unspecified date	24/12/2003 for Heval Öztürk 01/10/2007 for Abdumecit Öztürk	5 years and 4 months for Heval Öztürk 8 years and 3 months for Abdumecit Öztürk 12 years and a month (proceedings)	Record of hearings not submitted by the parties

Information concerning the application	Date of the arrest	Date of the pre-trial detention order	Date of the indictment	Date of the judgments of the first-instance court	Date of the decisions of the Court of Cassation	Date of release of the applicant where applicable	Total period of pre-trial detention (on the basis of the information in the case file)	Grounds for continued detention
6 - 24664/07 introduced on 6 June 2007 by Metin SARIGÜL represented by Sevgi Epçeli	27/03/2001	30/03/2001	03/04/2001	1. İstanbul Assize Court - 07/06/2007 (E: 2001/108, K: 2007/161) 2. Pending before the İstanbul Assize Court (E: 2010/107)	18/02/2010 (E: 2008/15775, K: 2010/2211) (set aside)	25/12/2006	5 years and 9 months (pre-trial detention)	- the state of the evidence - stage of the trial (<i>dosyanın geldiği aşama</i>) - the content of the case file - the overall period of pre-trial detention - persistence of the grounds for continued detention indicated in Article 100 of the new CCP - strong suspicion of having committed the offence in issue
7 - 44938/08 introduced on 29 August 2008 by Metin KARAMAN represented by Yeşinil Yeşilyurt Karakoç	29/11/1995	08/12/1995	09/05/1996	İstanbul Assize Court - 01/06/2010 (E:2008/187, K: 2010/102)	Pending	29/02/2008	12 years and 3 months (pre-trial detention) 14 years and 8 months (proceedings)	Record of hearings not submitted by the parties