

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

SECOND SECTION

CASE OF ÜRKÜT v. TÜRKİYE

(Application no. 17795/22)

JUDGMENT

STRASBOURG

9 June 2026

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Ürküt v. Türkiye,

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

Jovan Ilievski*, President*,
Gediminas Sagatys,
Hugh Mercer*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 17795/22) 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 24 March 2022 by a Turkish national, Mr Ali Ürküt ("the applicant"), who was born in 1959 and lives in Ankara, and was represented by Mr E. Ürküt and Mr M. Özdemir, lawyers practising in Diyarbakır;

the decision to give notice of the complaints under Articles 5, 10, 11 and 18 of the Convention 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, and to declare the remainder of the application inadmissible;

the decision to give priority to the application (Rule 41 of the Rules of Court);

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 19 May 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's initial and continued pre-trial detention on charges of (i) disrupting the unity and territorial integrity of the State and (ii) incitement to commit an offence. It raises issues under Articles 5, 10 and 18 of the Convention.

2. At the time of the events giving rise to the present case, the applicant was a member of the central executive committee of the People's Democratic Party (*Halkların Demokratik Partisi*, "HDP"). On 11 July 2019, he was appointed as a member of the High Council of Radio and Television (*Radyo ve Televizyon Üst Kurulu*, "RTÜK") on behalf of the HDP.

I. BACKGROUND TO THE CASE

3. The events giving rise to the applicant's pre-trial detention, namely the events of 6-8 October 2014, were summarised in *Selahattin Demirtaş v. Türkiye (no. 4)* (no. 13609/20, §§ 4-11, 8 July 2025). In the context of those

events, on 6 October 2014, after a meeting of the HDP central executive committee which the applicant attended, the following three tweets were posted on the official HDP Twitter account, @HDPgenelmerkezi:

> – "Urgent call to our people! Urgent call to our people from the HDP central executive committee, currently in session! The situation in Kobani is extremely dangerous. We urge our people to join and support those protesting in the streets against Daesh attacks and the AKP [Justice and Development Party] government's embargo over Kobani."
>
> – "We call upon all our people, from [ages] 7 to 70, to [go out into] the streets, to [occupy] the streets and to take action against the attempted massacre in Kobani."
>
> – "From now on, everywhere is Kobani. We call for permanent resistance until the end of the siege and brutal aggression in Kobani."

4. On 5, 6 and 7 October 2014 a Twitter account apparently controlled by the PKK ("Workers' Party of Kurdistan", an illegal armed organisation), and an organisation known as the KCK (*Koma Civakên Kurdistan* – "Kurdistan Communities Union", identified as the "urban wing" of the PKK by the Court of Cassation) published statements calling for the people to rise up against the Turkish government.

5. According to the domestic authorities, the violent demonstrations between 6 and 8 October 2014 caused the death of 50 people and injured a further 772, including 331 members of the security forces. No fewer than 1,881 vehicles and 2,558 buildings, including hospitals and schools, suffered damage. In the course of the subsequent criminal investigations by the competent prosecuting authorities, 4,291 people were arrested and 1,105 of them were placed in pre-trial detention.

II. THE APPLICANT'S ARREST AND PRE-TRIAL DETENTION AND THE SUBSEQUENT CRIMINAL PROCEEDINGS

6. On 9 October 2014 the Ankara Chief Public Prosecutor's Office initiated a criminal investigation in respect of all the members of the central executive committee of the HDP concerning the events of 6-8 October 2014.

7. On 26 November 2015 the applicant gave statements to the public prosecutor, who did not request his placement in pre-trial detention.

8. On 3 January 2019 the Ankara 4th Magistrate's Court decided to restrict the applicant's access to the investigation file under Article 153 § 2 of the Code of Criminal Procedure ("the CCP").

9. On 4 December 2019, within the scope of the same investigation, an anonymous witness, who was given the pseudonym "Mahir", stated that members of the PKK had participated in the meeting of the HDP central executive committee, during which the call for the demonstrations had been decided, and that the relevant decision had been taken upon their instructions. He further alleged that individuals affiliated with the PKK and HDP leaders had been aware that such calls had not been intended to promote peaceful demonstrations, but rather to incite violence. He also stated that the youth

structure of the PKK which had led the acts of violence during the events of 6-8 October had been established by D.K., one of the leaders of the PKK within the framework of the PKK's plan to declare autonomy in certain regions of the country.

10. On 7 January 2020 the Ankara public prosecutor's office took statements from witness K.G., a former member of the PKK. K.G. stated that the events of 6-8 October 2014 had been planned by the PKK with the ultimate aim of autonomy in certain regions of the country. He further stated that the acts of violence – which should have been considered uprisings (*serhildan*) – had begun following the calls and statements made by the HDP central executive committee and HDP officials.

11. On various dates the public prosecutor took statements of many other suspects and witnesses. The witnesses stated that they had participated in the demonstrations on 6-8 October 2014 following the above-mentioned call made by the HDP.

12. On 25 September 2020 the applicant was arrested and questioned by the public prosecutor within the scope of the same investigation. He denied the accusations, arguing that the call published by the HDP had not amounted to an incitement to violence.

13. On 29 September 2020 the applicant lodged an objection to the restriction on the access to the investigation file (see paragraph 8 above); his objection was dismissed.

14. On 1 October 2020 the public prosecutor transferred the applicant to the magistrate's court, with a request for his pre-trial detention on charges of several offences, including disrupting the unity and territorial integrity of the State under Article 302 of the Criminal Code ("the CC") and inciting others, within the scope of the activities of a criminal organisation, to (i) murder, (ii) attempted murder under Article 214 of the CC (see, for the wording of these provisions, *Selahattin Demirtaş v. Türkiye (no. 4)*, no. 13609/20, §§ 112 and 111, 8 July 2025), as well as (iii) armed robbery and (iv) false imprisonment.

15. On 2 October 2020 the Ankara 4th Magistrate's Court ordered the applicant's pre-trial detention. As regards the existence of a strong suspicion that the applicant had committed the alleged offences, it stated that, as a result of the HDP's call, many violent demonstrations had been held in 32 cities, during which many roads had been blocked; houses, shops, public buildings and vehicles had been damaged; and many people had been injured and killed. The judge relied on several items of evidence, including statements of victims and suspects, video footage, incident and identification reports, examination reports on the social media post in question, digital evidence, search and seizure reports and emails with content indicating organisational connections. As regards the applicant's detention, the magistrate relied on the following grounds: the fact that the offences – except for the offence of false imprisonment – were catalogue offences, the fact that the investigation had

not yet been completed, the risk of bringing pressure on the witnesses, and the risk of flight in the light of the minimum and maximum sentences of the offences in question.

16. On 16 October 2020 the Ankara 5th Magistrate's Court dismissed an objection to the detention order, lodged by the applicant, on similar grounds, with final effect.

17. On 30 December 2020 the Ankara public prosecutor filed a bill of indictment against a number of persons including the applicant. In support of his accusations against the applicant, he also relied on, in addition to the above-mentioned evidence (see paragraphs 9, 10 and 11 above), the statements of İ.B., who at the material time had been a member of the parliament from the HDP. According to statements he gave on 3 November 2020, the incidents had been planned by the PKK/KCK in order to declare autonomy. On 7 January 2021 the Ankara 22nd Assize Court accepted the bill of indictment.

18. On 16 May 2024 the Ankara 22nd Assize Court sentenced the applicant to 13 years and four months' imprisonment for disrupting the unity and territorial integrity of the State, under Article 302 of the CC, and to three years and nine months' imprisonment for inciting others to commit an offence, under Article 214 of the CC.

III. THE APPLICANT'S INDIVIDUAL APPLICATION TO THE CONSTITUTIONAL COURT

19. On 4 November 2020 the applicant lodged an individual application with the Constitutional Court. He complained that Article 5 §§ 3 and 4 of the Convention had been violated on account of his unlawful detention and his lack of access to the investigation file. He further maintained that Article 10 of the Convention had been violated on account of his detention in connection with the HDP's social media posts. He also complained that his detention had been ordered for political purposes, in breach of Article 18 of the Convention.

20. On 8 February 2024 the Second Section of the Constitutional Court unanimously declared the complaints concerning the applicant's pre-trial detention inadmissible as being manifestly ill-founded. As regards the complaint under Article 5 § 1 (c), it mainly relied on the statements of witnesses "Mahir", K.G. and İ.B., the content of the tweets in question and the context in which they had been published. It also declared inadmissible, as being manifestly ill-founded, the applicant's complaint concerning the restriction of his access to the investigation file.

21. The Constitutional Court does not appear to have examined the applicant's remaining complaints.

IV. COMPLAINTS

22. The applicant complained under (i) Article 5 § 1 of the Convention that there had been no reasonable suspicion that he had committed an offence justifying his pre-trial detention; (ii) Article 5 § 3 that the authorities had failed to provide relevant and sufficient reasons for his continued detention; (iii) Article 5 § 4 that he had not had adequate access to the case file and that the Constitutional Court had failed to review the lawfulness of his detention with the requisite speed; (iv) Articles 10 and 11 that his pre-trial detention on account of the HDP's social media posts had constituted an unjustified interference with his rights to freedom of expression and assembly; and (v) Article 18 of the Convention, taken in conjunction with Articles 5 and 10, that his detention had pursued an ulterior political purpose.

THE COURT'S ASSESSMENT

V. PRELIMINARY QUESTION CONCERNING THE DEROGATION BY TÜRKİYE

23. The Government submitted that in its assessment the Court should take into account a notification of derogation from the Convention under Article 15 of the Convention due to the state of emergency in Türkiye. However, given that the applicant's pre-trial detention had not occurred during the period of the state of emergency which was in force between 20 July 2016 and 18 July 2018, the Court rejects the Government's argument in that regard.

VI. ALLEGED VIOLATION OF ARTICLE 5 OF THE CONVENTION

24. The applicant complained that his initial and continued pre-trial detention had been arbitrary. He contended under Article 5 § 1 of the Convention that there had been no evidence grounding a reasonable suspicion that he had committed a criminal offence necessitating his pre-trial detention. He further complained under Article 5 § 3 of the Convention that the decisions of the domestic courts had lacked relevant and sufficient grounds for his initial and continued detention, and that the length of his pre-trial detention had been excessive, in breach of Article 5 § 3 of the Convention. Lastly, relying on Article 5 § 4 of the Convention, the applicant complained that restrictions on his access to the investigation file had prevented him from effectively challenging his pre-trial detention. He further alleged that the Constitutional Court had failed to review the lawfulness of his pre-trial detention with the required speed.

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

25. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

26. The general principles concerning the requirement of a "reasonable suspicion" under Article 5 § 1 (c) have been summarised in *Selahattin Demirtaş v. Turkey (no. 2)* ([GC], no. 14305/17, §§ 311-21, 22 December 2020).

27. In the present case, the Court observes that the applicant was placed in pre-trial detention on account of his participation in the meeting of the HDP central executive committee, during which the above-mentioned call for demonstrations was allegedly deliberated and adopted.

28. The Court notes that the domestic courts, as well as the Government, argued that at the material time there was sufficient evidence in the investigation file capable of convincing an objective observer that there existed a reasonable suspicion that the applicant had committed the offences with which he was charged. According to the Constitutional Court and the Government, that evidence consisted, in particular, of the statements of certain witnesses, including the anonymous witness using the pseudonym "Mahir", and witnesses K.G. and İ.B., taken in December 2019 and January and November 2020 respectively, and a number of other witnesses who stated that they had participated in the demonstrations following calls made by the HDP (see paragraph 20 above).

29. On the other hand, in its detention order, the Ankara 4th Magistrate's Court enumerated various other items of evidence, such as video footage, incident and identification reports, examination reports on the social media post in issue, digital evidence, search and seizure reports and contents of emails (see paragraph 15 above).

30. The Court already held in *Selahattin Demirtaş (no. 2)* (cited above, §§ 20 and 327-28) that the tweets at issue shared through the social media account of the HDP at the material time remained within the limits of political speech. The Court held that the acts of violence that took place between 6 and 8 October 2014, regrettable though they were, could not be seen as a direct consequence of the tweets in question and could not justify the applicant's pre-trial detention in relation to the offences in question. There is no reason to depart from that approach in the present case. In the Court's view, the applicant's mere participation in the meeting of the HDP central executive committee, during which the call was deliberated, cannot ground a reasonable suspicion that the applicant committed the offences of disrupting the unity and territorial integrity of the State or of inciting others to commit an offence.

31. As regards the statements by witnesses "Mahir" and K.G. regarding the alleged participation of PKK leaders in the relevant meeting, the Court

already examined that evidence in *Selahattin Demirtaş v. Türkiye (no. 4)* (no. 13609/20, §§ 58-59, 238 and 240-42, 8 July 2025). In that regard, the Court notes that one of the witnesses, namely "Mahir", was anonymous and the other, K.G., benefited from the "effective remorse" penalty-reduction regime. The Court acknowledges that statements made by such witnesses who belonged to terrorist organisations may constitute an important tool in the fight against organised crime. However, it reiterates that such statements must be corroborated by objective elements (see *Selahattin Demirtaş (no. 4)*, cited above, § 241; compare *Yaygın v. Turkey* (dec.), no. 12254/20, § 43, 16 February 2021).

32. Even assuming that PKK members gave instructions to various individuals, including the applicant, the evidence in the case file does not support the conclusion that the applicant acted upon them. Furthermore, while it may be argued that, as a member of the executive committee of an influential political party, the applicant could or even should have foreseen the violent consequences of the demonstrations, such a deduction – absent any concrete and direct evidence linking his actions to the ensuing violence – cannot, by itself, justify his pre-trial detention, having regard to the strict requirements of Article 5 § 1 of the Convention (see also *Selahattin Demirtaş (no. 4)*, cited above, § 242).

33. As regards the statements of the witnesses who had participated in the demonstrations (see paragraph 11 above), the remaining evidence enumerated by the domestic courts (see paragraph 15 above) and the contents of the emails in question, the Court notes that they were neither relevant nor contained any elements directly incriminating the applicant. Accordingly, they could not be relied upon as a basis for establishing a reasonable suspicion within the meaning of Article 5 § 1 (c) of the Convention.

34. In the light of the foregoing, the Court considers that the applicant's initial pre-trial detention was ordered in the absence of sufficient evidence capable of demonstrating a reasonable suspicion that he had committed the offences under Articles 214 and 302 of the CC.

35. As regards the applicant's continued pre-trial detention, the Court observes that the lack of sufficient evidence persisted throughout that period. Although the Government submitted that the evidence given by one of the applicant's co-defendants, İ.B., a former member of parliament, had supported the existence of a reasonable suspicion, the Court is not convinced that his statements were specifically relevant to the applicant's situation. Those statements neither directly incriminated the applicant nor were capable of affecting the Court's assessment of the nature of the call of the HDP. In that regard, the Court reiterates its finding that the applicant's mere presence at a meeting of his political party, and his endorsement of a call for demonstrations – which could not be regarded as an incitement to violence – could not be construed as a criminal act. On the contrary, the charges against the applicant related mainly to the exercise by him of his Convention rights

(see also *Kavala v. Turkey*, no. 28749/18, § 157, 10 December 2019, and *Selahattin Demirtaş (no. 2)*, cited above, § 339).

36. The Court therefore concludes that there has been a violation of Article 5 § 1 of the Convention on account of the lack of a reasonable suspicion underpinning the applicant's initial and continued pre-trial detention.

B. Allegedly lack of reasoning in the decisions ordering and extending the applicant's pre-trial detention and allegedly excessive length of his pre-trial detention (Article 5 § 3 of the Convention)

1. Admissibility

37. The Government raised a plea of non-exhaustion of domestic remedies, arguing that the applicant had failed to raise his complaints under Article 5 § 3 before the Constitutional Court.

38. The applicant did not make any comment on the objection raised by the Government.

39. The Court observes from the application form which the applicant submitted to the Constitutional Court that the applicant did not complain of a breach of the "reasonable time" requirement under Article 5 § 3 of the Convention. Therefore, it upholds the Government's objection in that regard and declares the applicant's complaint under Article 5 § 3 of the Convention, in so far as it concerned the length of his pre-trial detention, inadmissible for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention (see *Uzun v. Turkey* (dec.), no. 10755/13, 30 April 2013).

40. As for his remaining complaint under Article 5 § 3, namely the alleged lack of relevant and sufficient grounds in the decisions ordering and extending his pre-trial detention, the Court notes that this part of the applicant's complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and is not inadmissible on any other grounds. It must therefore be declared admissible.

2. Merits

41. 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).

42. 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 his detention and that there was therefore no reasonable suspicion that he had committed an offence.

43. The Court reiterates that the persistence of a reasonable suspicion that the 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). In the absence of such suspicion, the Court 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 v. Türkiye*, no. 71757/17, §§ 120-24, 14 October 2025).

44. In view of the findings above, it is not necessary to ascertain whether the competent national authorities gave relevant and sufficient grounds to justify the applicant's pre-trial detention.

C. Alleged violation of Article 5 § 4 of the Convention

45. Relying on Article 5 § 4 of the Convention, the applicant complained that restrictions on his access to the investigation file had impaired his ability to effectively challenge his detention and that the Constitutional Court had failed to conduct a speedy review of the lawfulness of his detention.

46. Having regard to the facts of the case and in the light of all the material in its possession, as well as its findings under Article 5 §§ 1 and 3 of the Convention above, the Court considers that, since it has examined the main legal questions raised in the present application under Article 5, there is no need to give a separate ruling on the remaining complaints under Article 5 § 4 (see *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, § 228, 11 December 2025, and *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

VII. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

47. The applicant alleged a violation of his rights to freedom of expression and freedom of peaceful assembly, as guaranteed by Articles 10 and 11 of the Convention, on account of his initial and continued pre-trial detention in connection with social media posts made on the HDP's official Twitter account.

48. Being master of the characterisation to be given in law to the facts of the case, the Court will consider these complaints under Article 10 of the Convention (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 114 and 126, 20 March 2018).

49. The Government invited the Court to declare the complaint under Article 10 inadmissible as being incompatible *ratione materiae* with the provisions of the Convention, arguing that the applicant's acts fell within the scope of Article 17 of the Convention. In the alternative, the Government invited the Court to declare the complaint inadmissible as being manifestly ill-founded. The applicant contested these arguments.

50. The Court has already examined and dismissed identical preliminary objections by the Government in *Tuğluk* (cited above, §§ 135-40). Having reviewed the parties' submissions, the Court sees no reason to depart from its findings in that case. The Court further notes that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

51. As to the merits, for the general principles under Article 10 of the Convention concerning the detention of politicians on the basis of political statements they had made, the Court refers to its judgment in *Tuğluk* (cited above, §§ 145-54, and the references cited therein).

52. The Court considers that the applicant's detention on account of the posts made on the HDP's official Twitter account amounted to an interference with the exercise of his freedom of expression.

53. The Court has already found that the tweets shared via the HDP's social media account at the material time fell within the limits of political speech and that the events which took place between 6 and 8 October 2014 could not be regarded as a direct consequence of those tweets. Accordingly, they could not justify the applicant's pre-trial detention (see paragraphs 30 and 35 above).

54. As to whether this interference with the applicant's rights under Article 10 was "prescribed by law", according to the Court's case-law, no deprivation of liberty will be lawful unless it falls within one of the sub-paragraphs (a) to (f) of Article 5 § 1 and a detention measure that is not lawful and that constitutes an interference with one of the freedoms guaranteed by the Convention, such as Article 10, cannot, in principle, be regarded as a restriction of that freedom prescribed by law (compare *Sabuncu and Others v. Turkey*, no. 23199/17, § 230, 10 November 2020, and *Tuğluk*, cited above, § 151).

55. The Court notes that it has already found that the applicant's detention was not based on a reasonable suspicion that he had committed an offence, for the purposes of Article 5 § 1 (c), and that there has therefore been a violation of his right to liberty under Article 5 § 1 (see paragraph 36 above). It follows that the disputed interference with the applicant's right to freedom of expression was not "prescribed by law" within the meaning of Article 10 § 2 of the Convention.

56. Accordingly, there has been a violation of Article 10 of the Convention.

VIII. ALLEGED VIOLATION OF ARTICLE 18 OF THE CONVENTION

57. The applicant maintained that his pre-trial detention had pursued a hidden purpose, namely the elimination of political opposition and the

restriction of political debate. He alleges a violation of Article 18 in conjunction with Article 5 § 1 and 10 of the Convention.

58. The Government denied the allegation.

59. As for the admissibility, the Government submitted that, since Article 18 has no independent existence and they considered that Article 5 § 1 had not been violated, the complaint was incompatible *ratione materiae* with the provisions of the Convention. The Court, having found a violation of Article 5 § 1 of the Convention (see paragraph 36 above), considers that the complaint under Article 18 of the Convention in conjunction with Article 5 § 1 is not incompatible *ratione materiae* with the provisions of the Convention. It therefore dismisses the Government's objection.

60. The Court notes that the complaint under Article 18 in conjunction with Article 5 § 1 is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

61. As to the merits, the general principles concerning the interpretation and application of Article 18 have been summarised in *Merabishvili* (cited above, §§ 287-317), and *Navalnyy v. Russia* ([GC], nos. 29580/12 and 4 others, §§ 164-65, 15 November 2018).

62. The Court notes at the outset that, at the time when the criminal investigations were initiated against him and when he was placed in pre-trial detention, the applicant held an important position within the HDP as a member of the central executive committee of that party. In this capacity, he was one of the party's leading figures and was able to play a prominent role in its political activities and decision-making processes.

63. It further notes that the criminal investigations against the applicant took place at around the same time as those concerning numerous HDP members of parliament, mayors and other party members. The Court observes that those investigations were likewise initiated on the basis of the HDP's impugned social media posts, a factor which has been relied on in a number of comparable cases (see, for example, *Selahattin Demirtaş (no. 2)*, cited above, §§ 20 and 70, and *Yüksekdağ Şenoğlu and Others*, cited above, §§ 6, 7 and 19). In this connection, the Court attaches weight to the similarity in both the factual basis and the timing of the proceedings. It therefore considers that, although the applicant was placed in detention at a relatively late stage of the criminal proceedings against him, the decisions concerning his initial and continued pre-trial detention cannot be regarded as an isolated instance but, on the contrary, appear to form part of a broader and consistent pattern (see, *mutatis mutandis*, *Tuğluk*, cited above, § 170).

64. In the light of its findings above in respect of the complaint under Article 5 § 1 of the Convention, namely that the applicant's detention was not based on a reasonable suspicion that he had committed an offence, and having regard to its assessment in *Selahattin Demirtaş (no. 2)* (cited above, §§ 423-38) and *Tuğluk v. Türkiye*, (cited above, §§ 167-75), which concerned

situations and contexts significantly similar to the present case, the Court finds that the restriction of the applicant's liberty was imposed for purposes other than those prescribed by Article 5 § 1 (c) of the Convention. It concludes that the impugned measures pursued the ulterior purpose of stifling pluralism and limiting freedom of political debate, which lies at the very core of the concept of a democratic society.

65. There has accordingly been a violation of Article 18 of the Convention taken in conjunction with Article 5 § 1.

66. Having regard to the above finding, the Court considers that it is not necessary to examine the complaint under Article 18 of the Convention taken in conjunction with Article 10.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

67. The applicant did not submit a claim for just satisfaction in compliance with the requirements of Rule 60 of the Rules of Court. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 5 § 1 of the Convention and the complaint under Article 5 § 3 of the Convention in so far as it concerns the lack of relevant and sufficient grounds in the detention orders, the complaint under Article 10 of the Convention and the complaint under Article 18 in conjunction with Article 5 § 1 of the Convention admissible, and the complaint concerning the length of the applicant's pre-trial detention under Article 5 § 3 of the Convention inadmissible;

2. *Holds* that there has been a violation of Article 5 § 1 of the Convention on account of the applicant's initial and continued pre-trial detention in the absence of a reasonable suspicion that he had committed the alleged offences;

3. *Holds* that there has been a violation of Article 5 § 3 of the Convention;

4. *Holds* that there is no need to examine the admissibility and merits of the complaints under Article 5 § 4 of the Convention;

5. *Holds* that there has been a violation of Article 10 of the Convention;

6. *Holds* that there has been a violation of Article 18 of the Convention in conjunction with Article 5 § 1;

7. *Holds* that there is no need to examine the merits of the complaints under Article 18 of the Convention in conjunction with Article 10.

Done in English, and notified in writing on 9 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President