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Date: 31/10/2024

DH-DD(2024)1255

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Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Report (30/10/2024)

Communication from Türkiye concerning the case of Alici and Others v. Turkey (Application No. 70098/12)

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Réunion : 1514^e réunion (décembre 2024) (DH)

Référence du point : Bilan d'action (30/10/2024)

Communication de la Türkiye concernant l'affaire Alici et autres c. Turquie (requête n° 70098/12) (**anglais uniquement**)

ACTION REPORT

Alıcı and Others v. Türkiye (no. 70098/12)

Judgment of 24 May 2022 and final on 10 October 2022

Repetitive to

Oya Ataman v. Türkiye (no. 74552/01, final on 5 March 2007)

I. CASE DESCRIPTION

1. The case concerns a violation of the applicants' rights to liberty and security and freedom of assembly on account of their conveyance to the police station and being kept therein for about nine hours for having refused to disclose their identities when they were stopped by the police while travelling by bus to take part in a demonstration (Articles 5 § 1 and 11).

2. On 27 March 2012 a group of persons, including the applicants, took a bus from Adana to Ankara to participate in a demonstration organised by certain trade unions. On the motorway leaving Adana, their bus was stopped, at midnight, by police officers who informed them that the demonstrations scheduled to take place in Ankara on 28 and 29 March 2012 had been disallowed for reasons of security and public order. The officers asked them to return home. On refusing to return home or identify themselves, the applicants were conveyed by the officers to the police station to have their identities ascertained and their statements taken. Necessary procedures were completed and the applicants were released around 2.50 p.m. Later on, the applicants were issued a sum of administrative fine pursuant to Article 40 of the Misdemeanours Act (Law no. 5326) for having refused to disclose their identities. The applicants' objections against the impugned administrative fines were dismissed by the Adana Magistrate Judgeship on various dates between May and September 2012 (§§ 4-9 of the judgment).

3. The Court considered that the main reason for conveying the applicants to the police station and keeping them therein for about nine hours had been to prevent them from travelling to Ankara and thus from participating in the demonstrations which had been declared unlawful. Therefore, there had been an interference with the applicants' rights to liberty and freedom of assembly. According to the Court, the interference had pursued the legitimate aims of prevention of disorder and protection of the rights of others. However, the interference which, in result, prevented the applicants to travel to Ankara, had been disproportionate to the legitimate aim pursued in breach of Articles 5 § 1 and 11 of the Convention (§§ 34-42 and 45-53 of the judgment).

II. INDIVIDUAL MEASURES

Just Satisfaction

4. Considering that the applicants had not lodged their claims for just satisfaction within the time allowed, the Court determined that no award should be made under that head (§§ 58-59 of the judgment).

Other Measures

5. The authorities first indicate that, as also noted by the Court in its judgment (§ 6 of the judgment), the applicants were released on 28 March 2012.

6. The authorities further note that the applicants were entitled to request reopening of the proceedings in relation to the impugned administrative fines imposed on them. However, they did not avail themselves of this opportunity.

Conclusion on Individual Measures

7. In the light of the information submitted above, the authorities take the view that no further individual measures are required.

III. GENERAL MEASURES

8. The authorities recall that the issue of violations of the right to freedom of peaceful assembly and liberty and security including imposition of administrative fines, arrest/detention, prosecution/conviction of participants to demonstrations, continues to be examined under the *Oya Ataman* group of cases.

9. The authorities will keep, within the context of the supervision of *Oya Ataman*, the Committee of Ministers informed on the general measures taken/envisaged.

Publication and Dissemination Measures

10. The judgment was translated into Turkish and published on the Court's official website.

11. In addition, the Turkish authorities ensured that the translated text of the judgment, with an explanatory note, was circulated to the relevant public prosecutor's offices and first-instance

courts, the Court of Cassation, the Constitutional Court, the Human Rights and Equality Institution of Türkiye and the Ombudsman Institution.

IV. CONCLUSION

12. The Turkish authorities consider that no further individual measures are required in the present case. They therefore would like to invite the Committee of Ministers to close the supervision of this case in respect of individual measures.

13. Concerning general measures, the Turkish authorities will maintain submitting further information under the *Oya Ataman* group.