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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

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

Communication from an NGO (Weltanwalte e.V. Association) (18/09/2024) concerning the case of Yuksel Yalcinkaya v. Türkiye (Application No. 15669/20).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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

Communication d'une ONG (Weltanwalte e.V. Association) (18/09/2024) relative à l'affaire Yuksel Yalcinkaya c. Türkiye (requête n° 15669/20) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



DGI
18 SEP. 2024
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Köln, 18.09.2024

Notification Regarding the Non-Compliance of Kayseri 2nd Assize Court with the ECtHR Yalçinkaya Judgment and Turkey's Submitted Action Plan

Dear Sir/Madam,

As **Weltanwälte e.V. Association**, we wish to bring to the attention of the Committee of Ministers of the Council of Europe and the Department for the Execution of Judgments of the ECtHR that the national courts in Turkey are failing to implement the binding judgment of the European Court of Human Rights in the case of **Yüksel Yalçinkaya v. Turkey (application no. 15669/20)**. We also wish to highlight that despite Turkey's **action plan**, the Court's judgment continues to be disregarded.

The European Court of Human Rights, in its judgment of **26 September 2023**, found that the applicant's rights under **Article 7 (no punishment without law)** and **Article 6 (right to a fair trial)** of the European Convention on Human Rights had been violated. The Court clearly established that the use of ByLock, holding an account at Bank Asya, and membership in legally established unions were used to falsely accuse and punish individuals, leading to a **systematic** violation.

Turkey's Submitted Action Plan:

Turkey has submitted an **action plan** outlining steps to be taken in accordance with the ECtHR's Yalçinkaya judgment. However, despite the commitments made in the plan, the

Kayseri 2nd Assize Court has delivered a new ruling that **completely ignored** the ECtHR's decision. On **12 September 2024**, the Kayseri 2nd Assize Court sentenced **Yüksel Yalçinkaya** again, **blatantly disregarding** the binding judgment of the European Court. This decision demonstrates that Turkey has not implemented the promised reforms detailed in its action plan, and instead, the **systematic violations** continue unabated.

Under **Article 46 of the ECHR**, judgments of the ECtHR are binding, and States Parties are obligated to fully and promptly comply with them. The failure of Turkey to implement this binding judgment not only constitutes an individual rights violation but also undermines the authority of the ECtHR and violates the rule of law.

Consequences of This Non-Compliance:

- Individual Rights Violation:** The case of Yüksel Yalçinkaya has been unjustly concluded again, despite the ECtHR's finding of a violation of his right to a fair trial.
- Continuation of Systematic Violation:** The failure to implement the Yalçinkaya judgment indicates that the **systematic** issues affecting thousands of similarly situated individuals remain unaddressed. Despite Turkey's submitted action plan, operations continue based on the same actions that the ECtHR has already deemed to be in violation of human rights.
- Breach of International Obligations:** Turkey's failure to implement the ECtHR judgment highlights its non-compliance with the international obligations under the European Convention on Human Rights, as a State Party.

As the **Weltanwälte e.V. Association**, we request the Committee of Ministers to take note of the **Kayseri 2nd Assize Court's blatant disregard** of the ECtHR's Yalçinkaya judgment and the failure of Turkey to implement its submitted action plan. We urge the Committee to ensure that Turkey fully complies with this judgment immediately and takes the necessary steps to rectify the ongoing violations. The failure to implement ECtHR judgments undermines the rule of law and human rights principles, and it impedes the right to a fair trial for the victims involved.

Yours sincerely,

Mehmet Resat Bozkurt (LL.M. Augsburg)
President, Weltanwälte e.V. Association

