
1531st meeting, 10-12 June 2025 (DH)

H46-41 Yüksel Yalçinkaya v. Türkiye (Application No. 15669/20)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1531/H46-41

Decisions

The Deputies

1. recalled that the present case concerns the applicant's conviction, in the absence of adequate procedural safeguards, for membership of a terrorist organisation based decisively on the use of encrypted messaging application ByLock, and the unforeseeable extension of the scope of the offence when relying on membership of a trade union and association considered as affiliated with the terrorist organisation, to corroborate the conviction;

As regards individual measures

2. invited the authorities to ensure that the reopened proceedings are completed in line with the Convention standards, and to keep the Committee informed;

As regards general measures

3. concerning cases pending before the domestic courts, welcomed the examples demonstrating Convention-compliant practice of the domestic courts, particularly the Court of Cassation, in establishing the presence of material and mental elements of the offence of membership of an armed terrorist organisation; invited the authorities to provide further examples of domestic courts' practice, particularly first instance courts' decisions regarding the offence in question, demonstrating that they take due account of the relevant Convention standards in similar cases, as interpreted and applied in the present judgment;

4. as regards similar cases which have been concluded by a final decision at the domestic level, noted that national legislation provides in principle for an effective remedy in such cases, namely an individual application procedure before the Constitutional Court and that the applicants can apply or could have applied to the European Court if they deem that the consequences of the violation were not eliminated at domestic level;

5. as concerns the considerable number of repetitive applications pending before the Court, invited the authorities to consider the adoption of specific measures to avoid the Court having to establish similar violations in numerous cases in the future; encouraged them to involve the Secretariat in their reflexion on such measures;

6. invited the authorities to provide information on the above issues by the end of June 2026.