

Resolution CM/ResDH(2024)327

Execution of the judgments of the European Court of Human Rights

Three cases against Türkiye

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
8130/19+	SİL AND OTHERS	06/02/2024	06/02/2024
64140/19+	TOPLA AND OTHERS	19/03/2024	19/03/2024
37629/21+	SUBAŞI AND KARACA	19/03/2024	19/03/2024

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”),

Having regard to the final judgments transmitted by the Court to the Committee in these cases and to the violations of Article 8 of the Convention established on account of the electronic recording and storage, without legal basis, of the applicants' private correspondence in the computer system of the National Judicial Network (UYAP) by the prison authorities during their detention;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action reports provided by the government indicating the individual measures adopted to execute the judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see documents DH-DD(2024)890 and DH-DD(2024)929);

Considering that the question of individual measures was resolved, given that the just satisfaction awarded by the Court have been paid to the applicants, all of the applicants have been released from detention, and that all of the applicants' recorded correspondence has been deleted from the UYAP system;

Recalling that the question of general measures required in response to the shortcomings found by the Court in these judgments continues to be examined within the framework of the *Eylem Kaya* (26623/07) group and *Nuh Uzun and Others* (49341/18) case, also in the light of the Court's findings in these cases, and that the closure of these cases therefore in no way prejudices the Committee's evaluation of the general measures required;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures concerning electronic recording and storage of the prisoners' private correspondence by the prison authorities in the UYAP system in the *Eylem Kaya* (26623/07) group and *Nuh Uzun and Others* (49341/18) case;

DECIDES to close the examination of these cases.