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Date: 0709/2026

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Meeting: 1569th meeting (September 2026) (DH)

Communication from the applicant (01/09/2026) in the case of Karslı and Others v. Türkiye (Application No. 18693/20) (in respect of applicant Laçın (Application n° 38736/22) (Yüksel Yalcinkaya group)

Information made available under Rule 9.1 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 : 1569^e réunion (septembre 2026) (DH)

Communication du requérant (01/09/2026) relative à l'affaire Karslı et autres c. Türkiye (Requête n° 18693/20) (en ce qui concerne le requérant Laçın (Requête n° 38736/22) (Groupe Yüksel Yalcinkaya)
[anglais uniquement]

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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From: Fatih Topal <av.fatih.t@hotmail.com>

Sent: mardi 1 septembre 2026 08:45

To: DGI-Execution <DGI-Execution@coe.int>

Subject: Ynt: EXEC - Acknowledgment of receipt - Karlı and Others v. Türkiye (No 18693/20), in respect of the application Laçın v. Türkiye (No 38736/22)

I. SUBJECT OF THE COMMUNICATION

Failure of the domestic authorities of the Republic of Türkiye to execute the individual measures (*restitutio in integrum*) required by the judgment of the European Court of Human Rights (ECtHR) in the case of **Karlı and Others v. Türkiye** (Application no. 18693/20 and others).

II. INFORMATION CONCERNING THE APPLICANT

- **Name of the Applicant:** Ömer LAÇIN (Application no. 38736/22)
- **Status:** Applicant under the group case of *Karlı and Others v. Türkiye*
- **Legal Representative:** Fatih TOPAL

III. FACTUAL BACKGROUND AND THE NON-EXECUTION OF THE JUDGMENT

1. The ECtHR delivered its judgment in the case of **Karlı and Others v. Türkiye**, finding a violation of the Applicant's rights protected under the European Convention on Human Rights. Under Article 46 of the Convention, the respondent State is under an obligation to adopt individual measures to achieve *restitutio in integrum* (restoration of the original situation) for the Applicant.
2. In order to rectify the violation established by the ECtHR and to ensure a fair trial, the Applicant filed an application for the reopening of domestic criminal proceedings (*yargılamanın yenilenmesi*) before the local court, pursuant to Article 311 of the Turkish Code of Criminal Procedure (CMK).
3. However, the **Ağrı 2nd High Criminal Court** (*Ağrı 2. Ağır Ceza Mahkemesi*) rejected the Applicant's request for the reopening of the trial. The court strictly based its rejection on the formalistic ground that the request allegedly "*did not comply with the conditions laid down in Article 311 of the CMK*", thereby completely disregarding the binding nature of the ECtHR judgment.
4. The Applicant duly filed an objection against this dismissal. On appeal, the **Ağrı 3rd High Criminal Court** (*Ağrı 3. Ağır Ceza Mahkemesi*) rejected the objection, rendering the dismissal of the reopening request final at the ordinary judicial level.

5. Currently, the Applicant is preparing to file an individual application before the Constitutional Court of Türkiye (*Anayasa Mahkemesi*) against this final rejection.

IV. LEGAL ASSESSMENT AND CONCLUSION

6. The dynamic resistance of the local courts (*Ağrı 2nd and 3rd High Criminal Courts*) directly violates Article 46 § 1 of the Convention, which stipulates that the High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
7. By dismissing the reopening of the trial on formalistic criteria under Article 311 CMK, the domestic courts have effectively nullified the essence of the ECtHR's judgment. This practice constitutes a systemic failure in the execution of individual measures regarding Turkish cases involving the reopening of proceedings.

V. REQUESTS TO THE COMMITTEE OF MINISTERS

In light of the above-mentioned facts, the Applicant respectfully requests the Committee of Ministers to:

- **Bring the Applicant's specific situation** to the attention of the Committee during its human rights supervision meetings concerning the *Karslı and Others* group cases.
- **Urge the Government of Türkiye** to ensure that domestic courts interpret Article 311 of the CMK in conformity with the binding principles of Article 46 of the Convention.
- **Request the respondent State** to take all necessary measures to ensure the reopening of the Applicant's trial without formalistic obstacles, in order to guarantee *restitutio in integrum*.

Respectfully submitted,

Av. Fatih TOPAL

REPUBLIC OF TÜRKİYE
AĞRI 2ND HIGH CRIMINAL COURT

SUPPLEMENTARY DECISION

CASE NO.: 2018/1130 (Merits)
DECISION NO.: 2020/25
PUBLIC PROSECUTOR'S CASE NO.: 2018/2740

PRESIDING JUDGE: Zeynep ERSİN TÜRKAY - 234202
MEMBER JUDGE: Hatice ERDOĞAN - 234835
MEMBER JUDGE: Furkan ÇETİNKAYA - 272688
COURT CLERK: Gülcan TURAN - 223351

DEFENDANT: ÖMER LAÇIN,

DEFENCE COUNSEL: FATİH TOPAL

OFFENCE: Membership of an Armed Terrorist Organisation

DATE OF ORIGINAL JUDGMENT: 10 January 2020
DATE OF SUPPLEMENTARY DECISION: 20 January 2026
TYPE OF SUPPLEMENTARY DECISION: Renewal of Proceedings

The case file was examined in connection with the petition dated 2 January 2026 submitted by Attorney Fatih TOPAL, defence counsel for the defendant Ömer LAÇIN, in respect of this Court's case file no. 2018/1130 (Merits) and decision no. 2020/25.

THE COURT'S CONSIDERATION

It has been established that the defendant Ömer LAÇIN was tried in this Court's case file no. 2018/1130 (Merits) and decision no. 2020/25 for the offence of Membership of an Armed Terrorist Organisation, and that he was sentenced to imprisonment by the judgment of this Court dated 10 January 2020. It has further been established that the said judgment became final on 23 March 2021 by virtue of a judgment of the Court of Cassation.

In his opinion, the Public Prosecutor requested that the application for the renewal of proceedings submitted by defence counsel be dismissed on the ground that the statutory conditions for the renewal of proceedings had not been satisfied.

Upon examination and assessment of the entire case file, it is noted that Article 311 of the Code of Criminal Procedure No. 5271 regulates the renewal of proceedings and sets out the conditions thereof. Accordingly:

“A case which has been concluded by a final judgment shall be retried, by way of renewal of proceedings, in favour of the convicted person in the following circumstances:

- a) Where it is established that a document used at the trial and affecting the judgment was forged;
- b) Where it is established that a witness or expert who was heard under oath gave false testimony or rendered a false opinion, intentionally or negligently, to the detriment of the convicted person in a manner capable of affecting the judgment;
- c) Where one of the judges who participated in the judgment, other than as a result of any fault

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attributable to the convicted person, has committed a fault in the performance of his or her duties in such a manner as to require criminal prosecution or conviction to the detriment of the convicted person;

d) Where the criminal judgment was based on a judgment of a civil court and that judgment has been set aside by another final judgment;

e) Where new facts or new evidence are presented which, either on their own or together with evidence previously submitted, are of such a nature as to require the acquittal of the defendant or the application of a provision of law providing for a lighter sentence;

f) Where it has been established by a final judgment of the European Court of Human Rights that the criminal judgment was rendered in violation of the Convention for the Protection of Human Rights and Fundamental Freedoms or the Protocols thereto, and that the judgment was based on such violation. In such a case, renewal of proceedings may be requested within one year from the date on which the judgment of the European Court of Human Rights became final.

(2) The provisions of paragraph (1)(f) shall apply to final judgments of the European Court of Human Rights rendered on or after 4 February 2003 and to judgments to be rendered following applications lodged with the European Court of Human Rights after 4 February 2003."

Accordingly, it has been understood that the conviction rendered against the defendant in the proceedings before this Court became final by virtue of the appellate judgment on 22 June 2021; that, subsequent to this stage, no new evidence warranting the renewal of proceedings has emerged; that no admissible evidence capable of affecting the case has been put forward; and that provisions concerning the exercise of judicial discretion cannot constitute grounds for renewal of proceedings.

It has therefore been concluded that the exhaustive conditions prescribed under Article 311 of the Code of Criminal Procedure for the legal remedy of renewal of proceedings have not been satisfied, and that the convicted person's application must accordingly be dismissed.

ORDER

1. The application for the renewal of proceedings submitted by Attorney Fatih TOPAL, defence counsel for the defendant Ömer LAÇIN, is hereby DISMISSED, on the ground that the statutory conditions for the renewal of proceedings have not been satisfied.

2. A copy of this decision shall be SERVED on the defendant's defence counsel.

Following examination of the case file on the basis of the documents without holding a hearing, it is hereby ruled that an objection may be lodged before the Ağrı 3rd High Criminal Court within two weeks from the date of service, which is the statutory time limit.

The decision was read aloud and duly explained in accordance with the applicable procedure.

20 January 2026

PRESIDING JUDGE

234202

Electronically signed

MEMBER JUDGE

234835

Electronically signed

MEMBER JUDGE

272688

Electronically signed

COURT CLERK
223351
Electronically signed

TRANSLATION NOTE

This English translation has been prepared on the basis of the Turkish court decision supplied by the applicant. The content, legal terminology and structure of the source decision have been preserved as far as reasonably possible. No substantive correction or reconciliation has been made to the source document.

REPUBLIC OF TÜRKİYE
AĞRI 3RD HIGH CRIMINAL COURT

MISCELLANEOUS DECISION

MISCELLANEOUS CASE NO.: 2026/48 D.İş

PRESIDING JUDGE: Hatice ATAŞ - 211813

MEMBER JUDGE: Mürsel YÖNTEN - 286517

MEMBER JUDGE: Murat Kemal TAŞ - 301279

COURT CLERK: Mehtap POLAT - 181506

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It has been established that the documents relating to the objection lodged by Attorney Fatih TOPAL, defence counsel for the defendant Ömer LAÇİN, against the supplementary decision of the Ağrı 2nd High Criminal Court dated 20 January 2026, case no. 2018/1130 (Merits) and decision no. 2020/25, dismissing the defendant's application for the renewal of proceedings, were registered under the above-mentioned miscellaneous case number for the purpose of ruling on the objection.

In her opinion, the Public Prosecutor requested and submitted, on behalf of the public, that the objection be dismissed, stating that the supplementary decision was in compliance with procedural and statutory provisions.

The case file was examined.

THE COURT'S CONSIDERATION

It has been understood that, by the supplementary decision of the Ağrı 2nd High Criminal Court dated 20 January 2026, case no. 2018/1130 (Merits) and decision no. 2020/25, the defendant's application for the renewal of proceedings was dismissed on the ground that the statutory conditions had not been satisfied.

Upon examination of the documents concerning the objection, although Attorney Fatih TOPAL, defence counsel for the defendant, lodged an objection against the supplementary decision of the Ağrı 2nd High Criminal Court dated 20 January 2026, case no. 2018/1130 (Merits) and decision no. 2020/25, dismissing the application for the renewal of proceedings, it has been established that the grounds for renewal of proceedings in favour of the defendant are exhaustively enumerated in Article 311 of the Code of Criminal Procedure; that the grounds relied upon in the objection petition concern the merits of the case and are matters that should have been taken into consideration at the stages of appeal and cassation; and that the case file has passed through the available stages of legal remedy and has become final.

In other words, it has been considered that none of the grounds enumerated in Article 311 of the Code of Criminal Procedure is present in the objection petition. Accordingly, it has been understood that the supplementary decision rendered by the Ağrı 2nd High Criminal Court complies with procedural and statutory provisions, and the following decision has therefore been rendered dismissing the objection lodged by defence counsel.

ORDER: For the reasons set out above:

1. The objection lodged by Attorney Fatih TOPAL, defence counsel for the defendant Ömer LAÇİN, against the supplementary decision of the Ağrı 2nd High Criminal Court dated 20 January 2026, case no. 2018/1130 (Merits) and decision no. 2020/25, is hereby DISMISSED.
2. A copy of the decision shall be SERVED upon the person lodging the objection by the competent court.

3. The decision and the documents forming the subject matter of the objection shall be FORWARDED to the Ağrı 2nd High Criminal Court for the necessary action.

Following examination of the case file without a hearing, it was unanimously decided, in accordance with the Public Prosecutor's opinion, and this decision is FINAL.

Presiding Judge
211813
Electronically signed

Member Judge
286517
Electronically signed

Member Judge
301279
Electronically signed

Court Clerk
181506
Electronically signed

TRANSLATION NOTE

This English translation has been prepared on the basis of the Turkish court decision supplied by the applicant. The legal terminology, structure and substantive meaning of the source decision have been preserved as far as reasonably possible. No substantive correction, supplementation or reconciliation has been made to the source document.