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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: 1577th meeting (December 2026) (DH)

Communication from the applicant (13/10/2026) in the case of Cali and Others v. Türkiye (Application No. 21763/20) (in respect of the applicant Aydoğan (Application No. 43082/22)) (Yüksel Yalcinkaya group) - *The appendices in Turkish are available upon request to the Secretariat.*

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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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1577^e réunion (décembre 2026) (DH)

Communication du requérant (13/10/2026) relative à l'affaire Cali et autres c. Türkiye (Requête n° 21763/20) (en ce qui concerne le requérant Aydoğan (Requête n° 43082/22)) (Groupe Yüksel Yalcinkaya) **[anglais uniquement]** - *Les annexes en turc sont disponibles sur demande au Secrétariat.*

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.

DGI

13 OCT. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

TO THE COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

**DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF THE EUROPEAN COURT OF
HUMAN RIGHTS**

**Subject: Submission concerning the adequacy of individual measures in the
execution of an ECtHR judgment – Previous conviction upheld following reopening
of proceedings – ECtHR Application No. 43082/22 – Judgment dated 23 June 2026**

Dear Sir or Madam,

This submission is made for the purpose of bringing to the attention of the Committee of Ministers developments concerning the adequacy of the individual measures taken in respect of me in the execution of the judgment of the European Court of Human Rights referred to above, in particular the fact that my previous conviction was upheld following the reopening of the proceedings.

1. Information concerning the conviction

By a judgment dated 9 April 2018, the Balıkesir 3rd Assize Court convicted me of the offence of “membership of an armed terrorist organisation” and sentenced me to eight years and nine months of imprisonment.

The conviction was based primarily on allegations of using ByLock, transactions involving Bank Asya accounts, membership of associations and trade unions closed by emergency decree, employment at institutions subsequently closed, donation activities, witness and repentant offender statements, and similar circumstances.

However, I consider that these circumstances were not subjected to a sufficiently thorough and individualised assessment as to whether I knowingly and intentionally acted with awareness of the nature of the organisation of which I was accused of being a member, my position within the alleged organisational hierarchy, and whether the material and mental elements of the offence were established in my particular case.

I therefore consider that the reliability and lawfulness of the evidence underlying my conviction, as well as whether such evidence sufficiently established the constituent elements of the offence in respect of me, should have been effectively examined.

2. The European Court of Human Rights judgment and the need to remedy the violations

Following the exhaustion of domestic remedies, proceedings were brought before the European Court of Human Rights. The judgment dated 23 June 2026 in ECtHR Application No. 43082/22 forms the basis of this submission.

The violations identified by the ECtHR must be effectively remedied at the domestic level. This obligation should not be limited to formally taking note of the judgment;

rather, appropriate individual measures must be adopted to eliminate the consequences of the violations in respect of the applicant.

In this regard, it is important that the domestic courts, in the course of the reopened proceedings, specifically address the legal deficiencies identified in the ECtHR judgment, assess the evidence underlying the conviction in a manner consistent with the rights of the defence, and subject the constituent elements of the alleged offence to an individualised examination in my case.

I consider that the execution of the ECtHR judgment should be assessed not merely on the basis of whether the proceedings were formally reopened, but rather on whether the consequences of the violations identified by the Court have genuinely been remedied.

3. Previous conviction upheld following the reopening of the proceedings

Following the ECtHR judgment, proceedings for the reopening of the case were conducted pursuant to Article 311(1)(f) of the Turkish Code of Criminal Procedure (Law No. 5271).

The Balıkesir 3rd Assize Court conducted the reopened proceedings on 7 October 2026. In the operative part of its decision, the Court stated as follows:

“Although the reopening of the proceedings was ordered in respect of the convicted person Kasım Aydoğan, following the retrial, his request was found to be unfounded and, pursuant to Article 323(1) of the Code of Criminal Procedure, the JUDGMENT of our Court dated 2018, rendered in Case No. 2017/412 and Decision No. 2018/236, is hereby UPHELD.”

As a result of this decision, my previous conviction and sentence of eight years and nine months of imprisonment were maintained.

The operative part of the decision communicated to me contains no detailed explanation identifying the specific grounds on which the violations established by the ECtHR were considered to have been remedied, or explaining how the impact of those violations on my conviction was assessed.

The mere fact that a retrial has taken place does not, in itself, demonstrate that the violations identified by the ECtHR have been remedied. What matters is whether the issues giving rise to the violations were genuinely examined during the reopened proceedings and whether effective legal redress capable of eliminating their consequences was provided.

I therefore consider it necessary for the reasoning of the decision dated 7 October 2026 and the proceedings as a whole to be assessed in order to determine whether the violations identified in the ECtHR judgment have been effectively remedied in my case.

I respectfully request that the Committee of Ministers assess the extent to which the reasons for upholding the previous judgment are compatible with the specific findings of the ECtHR judgment, and whether sufficient individual measures have been adopted to remedy the violations.

4. Effective redress for the violations and consideration of acquittal

In view of the fact that my previous conviction was upheld following the reopening of the proceedings, I consider that the consequences of the violations identified by the ECtHR continue to affect me.

My request is not merely for the proceedings to be formally reopened, but for an effective and genuine judicial examination to be carried out in accordance with the guarantees of a fair trial, and for the consequences of the violations identified to be eliminated.

In this context, I request that the lawfulness and reliability of the evidence underlying my conviction, together with the question of whether the material and mental elements of the offence were established in my particular case, be assessed in accordance with the requirements of the ECtHR judgment.

Having regard to the nature of the violations and the outcome of the reopened proceedings, I consider that, where the competent domestic authorities determine that the necessary legal conditions have been met, effective redress should also be capable of resulting in my acquittal.

I am not requesting the Committee of Ministers to issue an acquittal decision directly. Rather, I respectfully request that the Committee supervise whether the individual measures necessary for the effective execution of the ECtHR judgment have been adopted and, where appropriate, seek clarification of these matters from the relevant authorities.

5. Requests to the Committee of Ministers

For the reasons set out above, I respectfully request that the Committee of Ministers, within the framework of its supervision of the execution of judgments of the European Court of Human Rights:

1. Take into consideration the reopening of the proceedings in my case and the fact that my previous conviction was upheld by the decision dated 7 October 2026.
2. Assess whether the individual measures adopted by the authorities of the Republic of Türkiye have effectively remedied, in my particular case, the violations identified by the ECtHR.
3. Examine the reasoning underlying the decision to uphold the previous judgment in light of the findings set out in the ECtHR judgment.

4. Where considered necessary to remedy the consequences of the violations, address the need for additional individual measures, including a genuine and effective reassessment of my case in accordance with the requirements of the ECtHR judgment.
5. Where deemed necessary, request further information from the Government of the Republic of Türkiye concerning the reopened proceedings, the domestic court's reasoning, and the manner in which the violations have been remedied in my case.
6. Take this submission into account in the ongoing supervision of the execution of the relevant ECtHR judgment.

In conclusion, since my previous conviction was upheld despite the reopening of the proceedings, I respectfully request that the Committee of Ministers assess whether the violations identified by the ECtHR have been effectively remedied in my case and ensure that the necessary individual measures are adopted.

This submission is respectfully presented for consideration within the framework of the supervision of the execution of the relevant ECtHR judgment.

Yours faithfully,

Kasım Aydoğan

Applicant

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