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Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 30/10/2026

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Meeting: 1577th meeting (December 2026) (DH)

Communication from the applicants' representative (27/10/2026) in the cases of Demirhan and Others v. Türkiye (Application No. 1595/20) (in respect of the applications Topuz v. Türkiye (Application No. 41563/22), Keyik v. Türkiye (Application No. 13515/23), İslamoğlu v. Türkiye (Application No. 41735/22), Özdemir v. Türkiye (Application No. 54095/22), Özcan v. Türkiye (Application No. 18984/22), Demirbilek v. Türkiye (Application No. 16496/22)) and Bozyokus and Others v. Türkiye (Application No. 39586/20) (in respect of the application Hakan v. Türkiye (Application No. 18226/21)) (Yuksel Yalcinkaya group) - *appendices in Turkish are available at the Secretariat upon request*

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

Communication du représentant des requérants (27/10/2026) relative aux affaires Demirhan et autres c. Türkiye (Requête n° 1595/20) (en ce qui concerne les requérants Topuz c. Türkiye (Requête n° 41563/22), Keyik c. Türkiye (Requête n° 13515/23), İslamoğlu c. Türkiye (Requête n° 41735/22), Özdemir c. Türkiye (Requête n° 54095/22), Özcan c. Türkiye (Requête n° 18984/22), Demirbilek c. Türkiye (Requête n° 16496/22)) et Bozyokus et autres c. Türkiye (Requête n° 39586/20) (en ce qui concerne le requérant Hakan c. Türkiye (Requête n° 18226/21)) (Groupe Yuksel Yalcinkaya) **[anglais uniquement]** - *des annexes en turc sont disponibles auprès du Secrétariat sur demande*

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

27 OCT. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

27.10.2026

COUNCIL OF EUROPE

**DGI – DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF THE EUROPEAN
COURT OF HUMAN RIGHTS**

F-67075 Strasbourg Cedex

France

dgi-execution@coe.int

Subject: Notification by the representative attorney pursuant to Article 9(2) of the Internal Rules of Procedure of the Committee of Ministers regarding the implementation and complaint of the European Court of Human Rights judgment in the case of Yüksel Yalçinkaya v. Turkey (Application No. 15669/20)

1- Clients:

- Ayşegül Topuz (Mat), Ali İhsan Keyik, Abdullah İslamoğlu, Özdemir Özdemir, Musa Özcan, and Murat Demirbilek in the case of *Demirhan and Others v. Turkey* (Application No. 1595/20 et seq.),
- Regarding Servet Hakan in the case of *Bozyokus and Others v. Turkey* (Application No. 39586/20 and 131 others et seq.), (Article 7) The complaint that the conviction was based on the allegation of ByLock usage—which was taken as the basis for accepting that the material and moral elements of the crime had been established—relied on a broad interpretation of Article 314 of the Turkish Penal Code, and that as a result, the applicant was sentenced to imprisonment in violation of Article 7 of the Convention; and (Article 6) The Court accepted the complaints that the applicant was unable to effectively challenge the evidence regarding the use of ByLock—on which the conviction was based—in accordance with the safeguards set forth in Article 6(1) of the Convention, and that there was no opportunity to effectively contest the ByLock data or mount a defense against it, and ruled that these rights had been violated.

Following the findings of violation, applications were filed with the first-instance High Criminal Courts where the clients were tried, requesting a retrial, and the retrial proceedings have commenced.

- 2- In cases where the European Court of Human Rights (ECHR) has ruled that there was a violation of Article 7 of the European Convention on Human Rights (ECHR), conducting an investigation into new evidence against the convicted person as part of a retrial would not only fail to remedy the violation and its consequences but would also amount to applying the procedure for retrial—which is intended to benefit the convicted person—against the convicted person.
- 3- With regard to the proceedings at issue in the complaint, in the context of a retrial conducted due to a violation of Article 7 of the ECHR, the mere allegation that the ByLock application was used, account transaction records held by a bank operating under

a license granted by the State and under the State's supervision and control; sending one's child to educational institutions operating under a license granted by the State and under the State's supervision and control—which were subsequently assessed as having ties to a terrorist organization; employment records at institutions assessed to be in the same situation; existing HTS records involving individuals tried for the same crime; Efforts are being made to generate new evidence based on such materials as the testimony of individuals listed in Bylock reports, the re-examination of individuals who have benefited from the "effective repentance" provision as witnesses, and other similar evidence. **The court transcripts of the hearings held in the High Criminal Courts for the clients mentioned above are attached hereto. (ATTACHMENT 1) As can be seen from these transcripts, information that was not included in the initial trial was added to the case file following the decision to grant a retrial. Consequently, it cannot be said that the ECHR ruling was implemented, given that requests to take witness testimony, to include new Bylock reports in the case file, and to examine raw Bylock data were rejected during the retrial process.**

- 4- For all these reasons, I respectfully request that the Committee monitor whether the necessary individual measures have been taken to ensure the effective implementation of the ECtHR's decision and, where appropriate, request clarification from the relevant authorities on these matters.

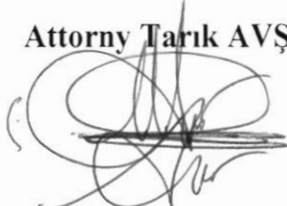
REQUEST TO THE COMMITTEE OF MINISTERS

For the reasons stated above, the Committee of Ministers is requested, within the framework of monitoring the implementation of European Court of Human Rights judgments:

- 5- Assess whether the individual measures taken by the authorities of the Republic of Turkey have effectively remedied the violations identified by the ECHR in the Applicants' cases,
6- Where deemed necessary to remedy the consequences of the violations, take additional individual measures, including the genuine and effective re-examination of the cases in accordance with the requirements of the ECHR judgment,
7- Where deemed necessary, to request additional information from the Government of the Republic of Turkey regarding the reopened case, the reasoning of the domestic court, and how the violations in the cases subject to the complaint were remedied,
8- To take this petition into account as part of the ongoing monitoring of the implementation of the relevant ECHR judgment,
9- We request that it examine this matter within the framework of the extended procedure and during the relevant meetings, and that it keep the follow-up on this case on the agenda of every human rights meeting.

This petition is respectfully submitted for consideration within the framework of the monitoring of the implementation of the relevant ECHR judgment.

Sincerely Yours,

Attorney Tarık AVŞAR


Annexes: Court Transcripts from the Applicants' Criminal Case Files