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Contact: Ireneusz Kondak
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Date: 20/11/2026

DH-DD(2026)1576

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

Communication from the applicant (17/11/2026) in the case of Seyhan and Others v. Türkiye (Application No. 57837/19) (in respect of the applicant Ferhat Güngör (Application No. 27983/22)) - *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 : 1577e réunion (décembre 2026) (DH)

Communication du requérant (17/11/2026) relative à l'affaire Seyhan et autres c. Türkiye (Requête n° 57837/19) (concernant le requérant Ferhat Güngör (Requête n° 27983/22)) ***[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.

DH-DD(2026)1576: Rule 9.1 Communication from the applicant in Seyhan and Others v. Türkiye
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17 NOV. 2026
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

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

Date: 17 November 2026

TO: Secretariat of the Committee of Ministers, Department for the Execution of Judgments of the European Court of Human Rights

SUBJECT: COMMUNICATION UNDER RULE 9(1) – FAILURE TO IMPLEMENT EFFECTIVE INDIVIDUAL MEASURES FOLLOWING AN ECtHR JUDGMENT: REOPENING OF PROCEEDINGS WITHOUT EFFECTIVELY REMEDYING THE ESTABLISHED VIOLATION

CASE: *Seyhan and Others v. Türkiye* (Application No. 57837/19 and 851 other applications; judgment of 16 December 2025)

APPLICANT: Ferhat GÜNGÖR (Individual Application No. 27983/22, Appendix No. 639 – *Güngör v. Türkiye*)

Dear Sir/Madam,

Pursuant to 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, I hereby submit this communication in my capacity as an applicant and injured party in the above-mentioned case.

The purpose of this communication is to bring to the attention of the Committee of Ministers serious concerns regarding the effectiveness of the individual measures adopted by the domestic authorities following the judgment of the European Court of Human Rights (ECtHR), particularly in light of the subsequent confirmation of my previous criminal conviction following the reopening of the proceedings.

1. BACKGROUND AND DOMESTIC PROCEEDINGS

By a judgment dated 22 November 2017, the Istanbul 23rd Assize Court (Case No. 2016/37 E., Decision No. 2017/104 K.) convicted me of membership of an armed terrorist organisation and sentenced me to seven years and six months' imprisonment.

The conviction was essentially based on circumstantial elements, including the alleged use of the ByLock messaging application, my employment at an educational institution subsequently closed by decree-law (Anafen Dershanesi), and a statement made to the police by a co-defendant.

However, these elements were not subjected to a sufficiently individualised assessment establishing my actual position within the alleged organisational hierarchy or demonstrating the constituent elements of the offence, including the required mental element (*mens rea*). In

particular, the domestic courts failed to provide an adequate assessment of the evidence and its reliability in relation to my individual circumstances.

After exhausting the ordinary domestic remedies, I lodged an individual application with the Constitutional Court of Türkiye. My application was declared inadmissible on 5 January 2022.

2. FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS

I subsequently lodged an application with the European Court of Human Rights under Application No. 27983/22.

My application was examined together with 851 other applications in the case of *Seyhan and Others v. Türkiye* (Application No. 57837/19 and 851 other applications, judgment of 16 December 2025). My name appears in the appendix to that judgment at No. 639, under the case name *Güngör v. Türkiye*.

In its judgment, the ECtHR unanimously held that there had been a violation of Article 6 § 1 of the European Convention on Human Rights.

More specifically, the Court declared admissible the applicants' complaints concerning the fairness of their trials and convictions, particularly with regard to the rights of the defence in respect of the evidence underlying their convictions, and subsequently found a violation of Article 6 § 1.

Of particular importance to the present communication is paragraph 18 of the judgment. The Court expressly noted that the applicants had the possibility of requesting the reopening of their domestic proceedings under Article 311 § 1 (f) of the Turkish Code of Criminal Procedure.

The Court further emphasised that reopening the proceedings in a manner compatible with the "conclusions and spirit" of its judgment would, in principle, constitute the most appropriate form of redress, should the applicants so request.

This observation is particularly relevant to my individual case, as the domestic authorities subsequently reopened my criminal proceedings.

3. REOPENING OF THE PROCEEDINGS AND CONCERNS REGARDING THE EFFECTIVENESS OF INDIVIDUAL MEASURES

Following the ECtHR judgment, the criminal proceedings concerning my conviction were reopened before the Istanbul 23rd Assize Court under Case No. 2026/145 E.

However, at the second hearing held on 16 November 2026, the Istanbul 23rd Assize Court decided, pursuant to Article 323 § 1 of the Code of Criminal Procedure, to confirm its previous conviction judgment dated 22 November 2017.

According to the information and proceedings available to me, the court's decision once again relied on essentially the same circumstantial elements underlying the original conviction, namely:

- The alleged use of the ByLock messaging application;
- My previous employment at Anafen Dershanesi, an educational institution subsequently closed by decree-law;
- The police statement of a co-defendant.

The confirmation of my previous conviction following the reopening of proceedings raises serious concerns as to whether the deficiencies identified by the ECtHR have been genuinely and effectively remedied.

In particular, the central issue is whether the domestic court has adequately addressed the requirements of a fair trial, especially the effective exercise of the rights of the defence in relation to the evidence underlying the conviction.

As the reasoned judgment has not yet been issued or served on me, I am not currently in a position to assess the full reasoning of the domestic court or determine whether it has adequately addressed all the deficiencies identified by the ECtHR.

Nevertheless, the confirmation of the previous conviction, based on the information and evidence addressed during the hearing, raises serious concerns as to whether the reopening proceedings have genuinely and effectively remedied the violation established by the Court.

I respectfully submit that the effectiveness of individual measures should not be assessed merely by reference to the formal reopening of proceedings. It should also be examined whether the deficiencies identified by the ECtHR have been substantively addressed in the domestic court's decision.

Consequently, I respectfully invite the Committee of Ministers to examine whether the individual measures adopted in my case are genuinely compatible with the conclusions and spirit of the ECtHR judgment, particularly paragraph 18.

4. PENDING DOMESTIC APPEAL PROCEEDINGS AND RESERVATION OF THE RIGHT TO SUBMIT SUPPLEMENTARY INFORMATION

Following the decision of the Istanbul 23rd Assize Court dated 16 November 2026, I lodged a time-limit-preserving appeal petition (*süre tutum dilekçesi*) before the Istanbul Regional Court of Appeal.

As of the date of this communication, the reasoned judgment of the first-instance court has not yet been issued or served on me. Consequently, I am currently awaiting the reasoned judgment in order to submit my detailed grounds of appeal within the applicable legal time limit.

I wish to emphasise that this communication does not seek to bypass or replace the pending domestic appeal proceedings. Rather, it concerns the separate issue of whether the individual measures adopted by the respondent State following the ECtHR judgment have been effective and consistent with the Court's findings.

I consider it important to bring the present situation to the attention of the Committee of Ministers without unnecessary delay.

I therefore submit this communication on the basis of the information and judicial documents currently available to me, expressly reserving my right to provide the reasoned judgment, detailed grounds of appeal and any subsequent appellate decisions as supplementary information.

I undertake to provide the reasoned judgment and any further relevant information to the Committee of Ministers as soon as they become available.

5. REQUEST TO THE COMMITTEE OF MINISTERS

In light of the foregoing, I respectfully request the Committee of Ministers, within the framework of its supervision of the execution of the judgment in *Seyhan and Others v. Türkiye* under Rule 9(1), to:

1. Take note that the reopening of my criminal proceedings has not, in my view, effectively remedied the violation of Article 6 § 1 established by the ECtHR.
2. Examine whether the individual measures adopted by the respondent State in my case genuinely comply with the conclusions and spirit of the ECtHR judgment, particularly paragraph 18.
3. Request the respondent State to provide information and explanations concerning the substantive measures taken to remedy the violation in my individual case.
4. Ensure that the respondent State takes appropriate and effective individual measures capable of providing genuine redress for the violation established by the Court, rather than relying solely on the formal reopening of proceedings.
5. Continue to take my individual situation into account in the supervision of the execution of the judgment in *Seyhan and Others v. Türkiye*.

I respectfully submit that the purpose of the execution process should not be limited to the formal reopening of domestic proceedings. It must also ensure that the consequences of the established violation are effectively remedied in practice.

The fact that the same conviction has been confirmed following the reopening of proceedings raises serious concerns regarding the implementation of the Court's judgment at the individual level.

I therefore respectfully request the Committee of Ministers to examine this communication and take the necessary steps within its supervisory mandate.

DH-DD(2026)1576: Rule 9.1 Communication from the applicant in Seyhan and Others v. Türkiye
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6. REQUEST FOR CONFIDENTIALITY UNDER RULE 8 §§ 2 AND 3

Pursuant to Rule 8 §§ 2 and 3 (a) of the Rules of the Committee of Ministers, I respectfully request that my personal contact details, particularly my e-mail address, be treated as confidential and not be made publicly accessible in connection with this communication.

My e-mail address is provided solely for administrative correspondence with the Secretariat of the Committee of Ministers. Its public disclosure is not necessary for the examination of the present communication.

I therefore request that my contact details be withheld from public publication, while allowing the communication itself and my identity as the applicant to be processed for the purposes of the execution supervision procedure.

Yours faithfully,



Ferhat GÜNGÖR

Capacity: Applicant / Injured Party

ECtHR Application No.: 27983/22

Case: *Güngör v. Türkiye* – Appendix No. 639 in *Seyhan and Others v. Türkiye*

ANNEXES

Annex 1: Copy of the ECtHR judgment in *Seyhan and Others v. Türkiye*, dated 16 December 2025, including the relevant appendix entry identifying me as applicant No. 639 (Application No. 27983/22), and paragraph 18 concerning individual redress through the reopening of domestic proceedings.

Annex 2: Copy of the hearing minutes dated 16 November 2026, including the operative decision of the Istanbul 23rd Assize Court in Case No. 2026/145 E.

Annex 3: Copy of the time-limit-preserving appeal petition (*süre tutum dilekçesi*) submitted before the Istanbul Regional Court of Appeal, together with proof of submission.