

Türkiye

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ Action of security forces

Unjustified or/and excessive use of force by security forces during military and police operations. Failure to prepare and supervise operations or to take all the necessary safety measures to reduce any risk to life. Ineffectiveness of investigations and/or serious shortcomings of ensuing criminal proceedings brought against members of security forces.

Erdoğan and Others group (19807/92+)
Judgment final on 13/09/2006

Enhanced supervision

Status of execution

Ineffectiveness of investigations into deaths, torture or ill-treatment and serious shortcomings in subsequent criminal and/or disciplinary proceedings initiated against members of security forces.

Batı and Others group (33097/96+)
Judgment final on 03/09/2004

Enhanced supervision

Status of execution

➔ Detention and other issues

Absence of any review mechanism in Turkish legislation governing the execution of aggravated life sentences that would allow the review of a life sentence after a certain minimum term in order to verify whether legitimate grounds still justified the continuation of the applicant's detention.

Gurban (4947/04)
Judgment final on 15/03/2016

Enhanced supervision

Status of execution

➔ Lawfulness of detention

Unreasonable interpretation and application of the legal provisions by domestic authorities so as to render the applicants' deprivation of liberty unlawful and arbitrary in the absence of concrete evidence capable of providing objective justification for the suspicions, for an ulterior purpose other than those prescribed in the Convention in two of the cases.

Kavala (28749/18)
Judgment final on 11/05/2020

Enhanced supervision

Status of execution

Selahattin Demirtaş (No 2) (14305/17) (Grand Chamber)
Judgment final on 22/12/2020

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Unlawfulness of the applicant's detention and the lack of a reasonable suspicion at the time of his pre-trial detention that he had committed an offence; an extensive interpretation of the concept of discovery in flagrante delicto, negating the procedural safeguards which members of the judiciary were afforded in order to protect them from interference by the executive; lack of a speedy hearing on the applicant's pre-trial detention.

Alparslan Altan (12778/17)
Judgment final on 09/09/2019

Enhanced supervision

Status of execution

Domestic violence

Failure of authorities to react to complaints/warnings of domestic violence and inadequate investigations into resulting killings/ill-treatment; inadequate legal framework and judicial passivity.

Opuz group (33401/02)
Judgment final on 09/09/2009

Enhanced supervision

Status of execution

Functioning of justice

Failure of the national authorities to comply with numerous administrative court decisions, annulling various permits required for the operation of a gold mine, three thermal power plants and a starch factory on grounds of risk to public health and environment.

Genc and Demirgan (34327/06)
Judgment final on 10/10/2017

Enhanced supervision

Status of execution

Failure of the domestic courts to provide adequate and relevant reasons for their decisions.

Deryan (41721/04)
Judgment final on 21/10/2015

Standard supervision

Status of execution

Failure of the national courts to conduct an in-depth, thorough examination of the applicant's arguments and to give reasons for the dismissal of his objections; lack of specification by the employer of the nature of the applicant's activities used as evidence of his links with an illegal structure and a lack of any actual charges explicitly put forward during the domestic proceedings.

Piskin (33399/18)
Judgment final on 19/04/2021

Enhanced supervision

Status of execution

Lack of access to a court, resulting in a judge's inability to have recourse to judicial review of an allegedly unjustified non-consensual transfer decision to a lower ranking judicial district.

Bilgen (1571/07)
Judgment final on 09/06/2021

Enhanced supervision

Status of execution

Freedom of thought, conscience and religion

Unjustified and discriminatory refusal to recognise the faith of the Alevi community as a religious faith, thus excluding it notably from the religious public service offered through the Religious Affairs Department to persons adhering to the majority Sunni branch of Islam.

Izzettin Doğan and Others (62649/10)
Judgment final on 26/04/2016

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Successive convictions and imprisonment of conscientious objectors for refusing to carry out compulsory military service; lack of an effective and accessible procedure to establish conscientious objector status and lack of an alternative to compulsory military service in Turkey.

Ulke group (39437/98)
Judgment final on 24/04/2006

Enhanced supervision

Status of execution

Rigid and prohibitive conditions imposed by legislation on premises for worship belonging to small religious denominations, in particular the Jehovah's Witnesses.

Association for Solidarity with Jehovah's Witnesses and Others (36915/10+)
Judgment final on 17/10/2016

Enhanced supervision

Status of execution

Freedom of expression and information

Interferences with the right to freedom of expression on account of prosecutions/convictions for denigrating "the Turkish Nation, the State of the Turkish Republic or the Organs and Institutions of the State".

Altug Taner Akcam (27520/07)
Judgment final on 25/01/2012

Enhanced supervision

Status of execution

Continued pre-trial detention of investigative journalists, accused of having aided and abetted a criminal organisation because of their involvement in the publication of written material.

Nedim Şener group (38270/11)
Judgment final on 08/10/2014

Enhanced supervision

Status of execution

Court order blocking wholesale access to internet in the context of criminal proceedings brought against third persons.

Ahmet Yildirim group (3111/10)
Judgment final on 18/03/2013

Enhanced supervision

Status of execution

Failure of the authorities to provide protection to journalists faced with threats to life; ineffective investigations and lack of effective remedies right and the right to compensation.

Dink (2668/07)
Judgment final on 14/12/2010

Enhanced supervision

Status of execution

Unjustified and disproportionate interferences with the applicants' freedom of expression on account of criminal proceedings initiated under various articles of the Criminal Code or Anti-Terrorism Law for having expressed opinions that did not incite hatred or violence, and the consequent chilling effect on society as a whole.

Öner and Türk (51962/12)
Judgment final on 30/06/2015

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Unjustified interferences with the applicants' right to freedom of expression on account of their criminal convictions for insulting public officials.

Artun and Güvener (75510/01)
Judgment final on 26/09/2007

Enhanced supervision

Status of execution

Freedom of assembly and association

Prosecution of participants in and/or use of excessive force to disperse peaceful demonstrations; failure to carry out effective investigations into their allegations of ill-treatment or lack of an effective remedy in this respect.

Oya Ataman group (74552/01+)

Judgment final on 05/03/2007

Enhanced supervision

Status of execution

Unforeseeable conviction of a participant in a funeral and a peaceful demonstration as result of an extensive interpretation of the term "membership" in an illegal armed organisation.

Işikirik (41226/09)

Judgment final on 09/04/2018

Enhanced supervision

Status of execution

Discrimination

Education: Refusal to enrol a blind child to music academy despite her success at the competitive entrance exam.

Çam (51500/08)

Judgment final on 23/05/2016

Standard supervision

Status of execution

Interstate and related cases

Interstate case - Violations linked with the situation in the northern part of Cyprus: Lack of effective investigations into the fate of the Greek Cypriot missing after the military intervention in northern Cyprus in 1974, the lack of respect for the homes and properties of displaced persons and problems relating to the living conditions of Greek Cypriots in the Karpas region of the northern part of Cyprus.

Cyprus v. Turkey (25781/94)

Judgment GC (merits) final on 10/05/2001

Judgment GC (just satisfaction) final on 12.05/2014

Enhanced supervision

Status of execution

Significant progress: Reforms adopted have ensured that **civilians can no longer be subjected to the jurisdiction of military courts** and the supervision of this issue has been closed ([CM/ResDH\(2005\)44](#)).

In view of measures adopted the CM has also been able to close a number of aspects of the violations relating to the **living conditions of Greek Cypriots in northern Cyprus**, notably as regards secondary schools, censorship of textbooks and freedom of religion ([CM/ResDH\(2007\)25](#)), as well as peaceful enjoyment of property and effective domestic remedies in this respect ([CM/ResDH\(2020\)185](#)).

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

As regards in particular missing Greek Cypriots: lack of effective investigations into the fate of nine Greek Cypriots who disappeared during the Turkish military operations in Cyprus in 1974.

Varnava group (16064/90)
Judgment final on 18/09/2009

Enhanced supervision

Status of execution

As regards in particular property rights of displaced Greek Cypriots: continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof and, in some cases, also violation of the applicants' right to respect for their homes.

Xenides-Arestis group (46347/99)
Judgments final on 22/03/2006 and on 23/05/2007 (art 41)

Enhanced supervision

Status of execution