



Grand Chamber to examine case concerning FETÖ/PDY trial in Turkey

The Chamber of the European Court of Human Rights to which the case **Yalçinkaya v. Turkey** (application no. 15669/20) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

The case concerns the trial and conviction of Mr Yalçinkaya for membership of the FETÖ/PDY. The trial took place in the aftermath of the attempted coup d'état of 15 July 2016.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

Yalçinkaya c. Turquie (application no. 15669/20)

Principal facts

The applicant, Yüksel Yalçinkaya, is a Turkish national who was born in 1966 and lives in Kayseri.

In 2016 Mr Yalçinkaya, then a teacher, was arrested on suspicion of membership an organisation described by the Turkish authorities as the "Fetullahist Terrorist Organisation / Parallel State Structure" (*Fetullahçı Terör Örgütü / Paralel Devlet Yapılanması – "FETÖ/PDY"*). Following placement in pre-trial detention, a bill of indictment was lodged in 2017, which cited, among other things, use of the ByLock telephone application, banking activity, union activity, and an anonymous informant.

The case went to trial, with Mr Yalçinkaya being found guilty and sentenced to six years and three months' imprisonment, with the use of ByLock, suspicious banking activity, and membership of a trade union and association affiliated with the FETÖ/PDY being cited in particular by the first-instance court.

Subsequently the Ankara Regional Appeal Court and the Court of Cassation upheld Mr Yalçinkaya's conviction. The Constitutional Court rejected as inadmissible an application lodged by him in this case.

The events in question took place against the background of the attempted coup d'état of 15 July 2016 (see [Ahmet Hüsrev Altan v. Turkey](#) (no. 13252/17) for more details)

Complaints and procedure

Relying on Article 6 §§ 1 and 3 (right to a fair trial) of the European Convention of Human Rights, the applicant complains, in particular, that the courts that tried him were not independent and impartial, alleging in particular that the security of tenure of judges had been eroded in the aftermath of the coup attempt; that he was convicted on the basis of unlawfully obtained evidence, to which he did not have access, and which was not directly examined by the domestic courts, which relied exclusively on the assessment of the prosecution and other public officials of that evidence, in violation of the principle of equality of arms and adversarial proceedings; that the appeal courts failed to provide sufficient reasons for their decisions; and that he was denied the right to effective legal assistance owing to the restrictions imposed on his communication with his lawyer.

¹ Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

Relying on Articles 7 (no punishment without law), 8 (right to respect for private and family life) and 11 (freedom of assembly and association), the applicant complains that he was convicted on the basis of acts that did not constitute a crime, owing to an extensive and arbitrary interpretation of the relevant laws; that IT information used in the case against him was retained and disclosed unlawfully in violation of his right to private life; and that membership of a trade union and an association was used as evidence for his conviction in violation of his right to freedom of association.

The application was lodged with the European Court of Human Rights on 17 March 2020.

On 19 February 2021 the Turkish Government were given notice² of the application, with questions from the Court. A [statement of facts](#) submitted to the Government is available only in English on the Court's website.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 3 May 2022.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.