

Geneva, January 5, 2026

**Open Letter to All States Members of the United
Nations Human Rights Council and to All United
Nations Member States**

***Systemic and continuing violations of fair-trial and legality guarantees in Türkiye, as confirmed by
the European Court of Human Rights***

Your Excellencies,

1. In my capacity as president of the International Association for Human Rights Advocacy in Geneva, I have the honour to address you to draw urgent attention to a situation of exceptional gravity concerning the continued and systemic collapse of fundamental rule-of-law guarantees in Türkiye, as authoritatively and repeatedly confirmed by the European Court of Human Rights (ECtHR).

2. On 16 December 2025, the ECtHR delivered **three group judgments** continuing the Grand Chamber's ***Yüksel Yalçinkaya (15669/20) and Demirhan 1595/20 and others*** line of case-law. In these judgments, the Court found new violations of Article 6 (right to a fair trial) and Article 7 (principle of legality) of the European Convention on Human Rights in respect of 2,420 applicants. As a result, the *Yalçinkaya* and *Demirhan* group judgments now concern **2,659 individuals** whose criminal convictions have been found to be incompatible with the most fundamental Convention standards.

3. These findings do not concern isolated judicial errors, exceptional cases, or transitional irregularities. On the contrary, the ECtHR has consistently and explicitly characterized the violations at issue as **systemic**. In its landmark *Yüksel Yalçinkaya v. Türkiye* judgment, the Court stated in unequivocal terms:

“The situation that led to a finding of violations was not prompted by an isolated incident, but stemmed from a systemic problem, which has affected — and remains capable of affecting — a great number of persons” (para. 114).

4. The scope of this systemic failure is without precedent in the contemporary European human-rights system. According to the Ministry of Justice's data analyzed by independent experts, since the attempted coup of July 2016, approximately **3,093,084 individuals**, nearly four per cent of Türkiye's population, have been subjected to terrorism-related accusations. Such a scale of criminalization cannot be reconciled with any credible understanding of necessity, proportionality, or democratic rule-of-law governance.

5. The ECtHR's jurisprudence confirms this assessment. To date, the Court has delivered **55 judgments** finding violations related to unlawful and arbitrary detention, concerning **3,967 applicants, 1,239 of whom were judges and prosecutors**. The targeting of members of the judiciary on this scale has had a devastating and enduring impact on judicial independence, legal certainty, and public confidence in the administration of justice.

6. At present, **more than 10,000 applications** raising similar complaints remain **pending** before the ECtHR. Of these, approximately **9,800 cases** have already been **communicated to the Turkish Government** without any request for observations on the merits, clearly indicating that the Court considers the underlying legal issues to be settled by its established case-law. Nevertheless, thousands of individuals **remain imprisoned** on the basis of convictions that the Court has already found to be

contrary to **Articles 6 and 7** of the Convention. It should not be overlooked that these figures do not represent abstract statistics, but thousands of individual criminal cases in which terrorism-related charges, arising from the application of broadly framed anti-terrorism provisions, have resulted in long-term deprivation of liberty, professional exclusion, and severe and enduring consequences for family life, affecting tens of thousands of individuals beyond the applicants themselves.

7. Most alarmingly, despite the ECtHR's clarity and consistency, **arrests, prosecutions, and convictions continue on a daily basis in Türkiye** under the same legal framework, the same evidentiary standards, and the same judicial practices that the Court has repeatedly declared incompatible with the Convention. This persistence can no longer be characterized as legal error, interpretative divergence, or delayed reform. It constitutes the conscious continuation of a system of violations, carried out in full knowledge of its incompatibility with binding international human-rights obligations.

8. These findings are not confined to the regional European human-rights system. The findings of the **United Nations Working Group on Arbitrary Detention** further demonstrate that the pattern of violations in Türkiye extends far beyond isolated cases and amounts to a widespread and systematic practice of arbitrary detention. Since 2016, the Working Group has **issued 32 Opinions** concerning Türkiye, finding arbitrary detention in all cases examined, **26** of which relate to individuals detained on the basis of their alleged or perceived **affiliation with the Hizmet (also known as Gülen) Movement**. Across these cases, the Working Group identified a recurring pattern whereby individuals were deprived of their liberty on a mass scale without individualized evidence of criminal conduct, on the basis of vague and expansive interpretations of anti-terrorism legislation, guilt by association, and the criminalization of lawful activities. The consistency, volume, and repetition of these findings confirm the existence of a structural practice of arbitrary detention incompatible with fundamental guarantees under international human rights law.

9. The individuals concerned are not subjected to terrorism-related charges on the basis of any involvement in violent acts or the advocacy of violence. Rather, they are targeted solely because of their alleged or perceived affiliation with the Hizmet Movement, a social movement drawing individuals from all segments of society, which the Turkish authorities have designated as a terrorist organization despite serious and well-documented concerns expressed by United Nations mandate holders (See, for example, *AL TUR 13/2020*, *AL TUR 5/2024* and *TUR 09/2025*) regarding the legality and due process of such designation. As repeatedly underscored by UN Special Procedures, the application of counter-terrorism legislation in these cases **is not grounded in individualized criminal conduct**, but in **guilt by association**, resulting in the criminalization of lawful activities and the **arbitrary deprivation of liberty**.

8. In this context, the continued operation of such a judicial system raises profound concerns not only for the protection of individual rights, but also for **the credibility of the international human-rights framework** as a whole. Where authoritative judicial findings of **systemic unlawfulness** are met with continued enforcement of the very practices condemned, the risk arises that international judgments and decisions are rendered ineffective, and that violations become **normalized through inertia or silence**.

9. I therefore respectfully submit that Members of the United Nations Human Rights Council, and all United Nations Member States, now face a moment of institutional responsibility. The situation described above calls for immediate, principled and coordinated attention, consistent with States' obligations under the United Nations Charter and international human-rights law, including the duty to cooperate in good faith to promote universal respect for human rights and fundamental freedoms.

10. I respectfully invite your Excellencies to consider all appropriate measures to:

(a) Support sustained monitoring and follow-up by relevant Special Procedures and other United Nations human-rights mechanisms with respect to the systemic violations identified by the European Court of Human Rights;

- (b) Encourage constructive dialogue and cooperation with the authorities concerned, aimed at securing effective implementation of binding international human-rights obligations;
- (c) Take steps, within the Council's preventive and protective functions, to avert further irreparable harm to individuals and families arising from the continued application of legal frameworks already declared incompatible with fundamental human-rights standards

11. In the context described above, continued inaction cannot reasonably be perceived as neutrality, but rather risks being experienced as an extension of the harm already recognized by the Court.

12. In this spirit, I respectfully invite Your Excellencies to consider, within the preventive, protective and follow-up functions of the Human Rights Council, whether the gravity, scale and continuing nature of the violations warrant enhanced attention, with a view to preventing further harm and ensuring effective compliance with international human-rights obligations.

Please accept, Excellencies, the assurances of my highest consideration.

Ali Furat,
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Human Rights Advocacy in Geneva
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