



STICHTING
DE FACTO JUSTICE

AMENDMENT PROPOSALS

on the 2025 Commission report on Türkiye (2025/2256(INI))
Committee on Foreign Affairs
February 2026

Draft report: PE781.407v01-00
(Rapporteur: Nacho Sánchez Amor)

Suggested Amendments to the 2025 European Parliament Report on Türkiye
For Rule of Law and Fundamental Rights

I. Introduction

This submission is addressed to Turkish Draft Report of European Parliament, concerning continuing systemic violations of fundamental rights in Türkiye following the declaration of the state of emergency in July 2016. The measures adopted under in many ways throughout the last decade, but the most known and active method were emergency decree-laws (KHKs) which have resulted in structural and long-lasting consequences for tens of thousands of individuals.

These measures raise serious concerns under the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the Convention against Torture (CAT), particularly with respect to the principles of legality, proportionality, judicial independence, and effective remedy.¹

II. Consequences of Emergency Decree-Laws (KHKs)

Since 2016, a large number of public servants were dismissed by executive decree without individualized reasoning or sufficient procedural safeguards. Numerous private entities, including associations, foundations, media outlets and educational institutions, were permanently closed without adequate judicial review.

These measures have gravely interfered with the right to work, property rights, freedom of movement, and the right to respect for private and family life, in violation of Articles 6, 12, 17, and 26 ICCPR, Articles 6, 8 and Protocol No. 1 Article 1 ECHR.²

III. Use of Counter-Terrorism Provisions

There remains serious concern regarding the continued application of counter-terrorism provisions against individuals perceived to be associated with the Gülen movement (Hizmet). Criminal convictions have frequently relied on alleged 'association indicators' such as the use of encrypted communication applications, ordinary banking transactions, or lawful organisational affiliations.³

The Grand Chamber judgment of the European Court of Human Rights in *Yalçınkaya v. Türkiye* clarified that such evidentiary approaches may violate the principle of legality (nullum crimen sine lege) and the right to a fair trial under Article 7 and Article 6 ECHR.⁴

IV. Non-Implementation of Binding Judgments

Despite binding obligations under Article 46 ECHR, domestic courts have not consistently aligned their reasoning with the jurisprudence of the European Court of Human Rights or the Turkish Constitutional Court.⁵

The persistent failure of lower courts to comply with Constitutional Court and ECtHR judgments undermines legal certainty and perpetuates systemic violations of the right to a fair trial and effective remedy under Article 2(3) ICCPR and Article 13 ECHR.⁶

V. Lack of Effective Domestic Remedies

The mechanisms established to review measures adopted under KHKs have not provided timely, independent, and effective remedies. Prolonged proceedings and insufficiently reasoned decisions fail to meet international standards of effectiveness.

International law requires that remedies be accessible, independent, capable of providing restitution and adequate compensation, in accordance with Article 2(3) ICCPR and established UN Human Rights Committee jurisprudence.⁷

VI. Targeting of Legal Professionals and Civil Society

Lawyers, judges, academics, and civil society actors perceived as linked to the Gülen movement have reportedly been subjected to criminal proceedings, professional bans, and administrative harassment.

Such practices undermine judicial independence and may engage Articles 6 and 10 ECHR, Articles 14 and 19 ICCPR, and obligations under the Convention against Torture where ill-treatment or coercive detention conditions are reported.⁸

VII. Transnational Repression

Reports of intimidation, coercion, forced returns, and the misuse of international cooperation mechanisms continue to raise serious concerns under international human rights law, in particular under the principle of non-refoulement as protected by Article 3 of the Convention against Torture (CAT) and Article 7 of the ICCPR.⁹

Beyond formal extradition proceedings, credible allegations have emerged concerning instances of extraterritorial abductions and irregular renditions of Turkish nationals from third countries. These operations have reportedly been carried out without transparent judicial procedures, without access to legal safeguards, and in some cases in direct circumvention of domestic court decisions in the host State. Such practices constitute grave violations of international law, including the prohibition of arbitrary detention (Article 9 ICCPR), the prohibition of torture and ill-treatment (Article 7 ICCPR; Article 3 CAT), and the obligation to respect the sovereignty of other States.

According to reporting by Justice Square¹, numerous cases since 2016 document patterns of cross-border targeting of individuals perceived to be affiliated with the Gülen movement (Hizmet). In its published findings, Justice Square notes that several individuals were “forcibly transferred to Türkiye through irregular processes lacking judicial oversight, in circumstances raising serious concerns of enforced disappearance and exposure to torture or ill-treatment upon return.”¹⁰ The report further indicates that such operations were frequently accompanied by diplomatic pressure, intelligence coordination, or informal security arrangements that bypassed established extradition safeguards.

¹ <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>

These allegations engage multiple binding norms of international law. Under Article 3 CAT, States are prohibited from transferring any person to a country where substantial grounds exist for believing that they would be in danger of being subjected to torture. The Human Rights Committee has likewise affirmed that Article 7 ICCPR includes an implicit non-refoulement obligation. Furthermore, enforced disappearance and secret detention practices contravene fundamental jus cogens norms and may give rise to international responsibility.

In addition, the misuse of international mechanisms — including INTERPOL Red Notices, bilateral security agreements, or diplomatic assurances — for politically motivated purposes undermines the integrity of international cooperation frameworks. The European Court of Human Rights has consistently held that removals carried out in disregard of Article 3 ECHR give rise to serious violations, irrespective of the individual’s alleged security profile.

The persistence of such practices contributes to a climate of fear among Turkish nationals abroad and raises profound concerns regarding compliance with international human rights obligations. The submitting party respectfully urges competent international bodies to examine these patterns within the broader framework of transnational repression and to ensure accountability and effective remedies for affected individuals.

VIII. Recommendations

Stichting De Facto Justice respectfully urges the Rapporteurs to amend the report by taking into consideration of the above-mentioned suggestions on Draft Report of the European Parliament on Türkiye and trigger the competent mechanisms to call upon Türkiye to fully and without delay implement the Grand Chamber judgment in *Yalçınkaya v. Türkiye*; ensure comprehensive and non-discriminatory review of convictions; provide effective remedies to all persons affected by KHK measures; and guarantee full compliance with binding ECtHR and Constitutional Court jurisprudence.

Footnotes

1. ICCPR Articles 2, 6, 12, 14, 17, 26; ECHR Articles 6, 7, 8, 13; CAT Articles 2 and 3.
2. ECtHR jurisprudence on property and private life; see also UN Human Rights Committee General Comment No. 27 (Freedom of Movement).
3. Turkish Constitutional Court case-law concerning ByLock-related convictions.
4. ECtHR, *Yalçınkaya v. Türkiye* [GC], Judgment of 26 September 2023.
5. Article 46 ECHR (binding force and execution of judgments).
6. ICCPR Article 2(3); ECHR Article 13 (effective remedy).
7. UN Human Rights Committee, General Comment No. 31.

8. ICCPR Articles 14 and 19; ECHR Articles 6 and 10; CAT obligations regarding ill-treatment.

9. Convention against Torture, Article 3 (non-refoulement).

10. Convention against Torture, Article 3; ICCPR Articles 7 and 9; Human Rights Committee, General Comment No. 31.

11. Justice Square, *Report on Transnational Repression and Forced Returns of Turkish Nationals*, findings on irregular renditions and enforced transfers.