



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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SECOND SECTION

Application no. 23096/25
Günay KÖROĞLU against Türkiye
and 8 other applications
(see list appended)
communicated on 7 September 2026

SUBJECT MATTER OF THE CASE

The applications concern the alleged unfairness of criminal proceedings against several members of the Turkish Armed Forces (“the TAF”), holding various ranks, in connection with their alleged involvement in the attempted coup on the night of 15 July 2016, on account of their deployment to and acts carried out at the Ankara 4th Main Jet Base Command (“the Akıncı base”). According to the domestic courts, the events forming part of the coup attempt at the Akıncı base area, including armed confrontations involving putschist soldiers, security forces and civilians, resulted in the death of a significant number of individuals and caused numerous others to sustain serious injuries.

The applications further pertain to Article 6 § 3 (c) of the Convention on account of the restrictions imposed on the applicants’ right of access to a lawyer stemming, in particular, from Decree Law no. 667, as well as from certain practices adopted by the trial court during the hearings, such as the hanging of microphones from the ceiling above the area where the defendants were seated and the limitations imposed on their contact with their lawyers during the hearings.

Lastly, some of the applications (applications nos. 23096/25, 27166/25 and 34544/25) also concern an alleged breach of Article 5 § 1 (a) of the Convention on account of the alleged lack of impartiality of the presiding judge of the trial court owing to his attitude and the words he uttered during the trial, which, in the applicants’ view, rendered the court’s decision to

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prolong their detention – subsequently incorporated into their conviction – unlawful.

All the applicants were, at the material time, members of the TAF serving in different units and holding various ranks. They were convicted of attempting to subvert the constitutional order by force under Article 309 § 1 of the Criminal Code and sentenced to aggravated life imprisonment (without the possibility of parole). On 18 December 2023 the Court of Cassation upheld that judgment.

On various dates the applicants lodged applications with the Constitutional Court, which ultimately declared them inadmissible in summary decisions.

Relying on Articles 6 §§ 1 and 2 of the Convention, all the applicants complain that, during the trial proceedings, the overall attitude of the presiding judge of the first-instance court breached the principles of judicial independence and impartiality and the presumption of innocence. All the applicants further invoke Article 6 § 3 (c) of the Convention and complain of the restrictions placed on their meetings with their lawyers by virtue of Decree Law no. 667, as well as of limitations on their ability to consult and communicate with their lawyers during the hearings. The applicants in applications nos. 23096/25, 27166/25 and 34544/25 further complain that the court which also decided on the continuation of their detention together with the conviction was not independent and impartial, and that there had therefore been a violation of Article 5 § 1 (a) of the Convention.

QUESTIONS TO THE PARTIES

1. Did the applicants have a fair hearing in the determination of the criminal charge against them, in accordance with Article 6 § 1 of the Convention? In particular:

(a) Having regard to the applicants' allegations concerning the language used, the remarks made and the overall attitude displayed by the presiding judge of the trial court at the hearings, were their doubts as to the independence and impartiality of the trial court objectively justified? If so, did the higher courts remedy this shortcoming (see, for the relevant principles, *Kyprianou v. Cyprus* [GC], no. 73797/01, §§ 118-21, ECHR 2005-XIII)?

(b) Was the applicants' right to have a confidential communication with their lawyers under Article 6 § 3 (c) of the Convention restricted by virtue of the measures provided for by Article 6 of Legislative Decree no. 667 and the practices applied during the trial hearings? If so, what were the compelling reasons for such limitation? Did this restriction deprive the applicants of a

fair hearing (see, for instance, *Sakhnovskiy v. Russia* [GC], no. 21272/03, §§ 97 and 102, 2 November 2010; *S. v. Switzerland*, 28 November 1991, § 48, Series A no. 220; *Brennan v. the United Kingdom*, no. 39846/98, § 58, ECHR 2001-X; *Rybacki v. Poland*, no. 52479/99, § 61, 13 January 2009; and *Khodorkovskiy and Lebedev v. Russia*, nos. 11082/06 and 13772/05, §§ 627-629 and 632-641, 25 July 2013)?

2. Was the presumption of innocence, guaranteed by Article 6 § 2 of the Convention, respected in the present case, having regard to the statements and overall attitude of the presiding judge of the first-instance court during the hearings (see *Nešťák v. Slovakia*, no. 65559/01, § 88, 27 February 2007, with further references)?

3. In respect of applications nos. 23096/25, 27166/25 and 34544/25, did the applicants' convictions result from the order of a court allegedly lacking impartiality on account of the language used, the remarks made and the overall attitude displayed by the presiding judge, and if so, did this render their subsequent detention incompatible with Article 5 § 1 (a) of the Convention (see, for the relevant general principles, *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, § 460, ECHR 2004-VII, and *Willcox and Hurford v. the United Kingdom* (dec.), nos. 43759/10 and 43771/12, § 95, ECHR 2013)?

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APPENDIX

No.	Application no.	Case name	Lodged on	Applicant	Represented by
1.	23096/25	Köroğlu v. Türkiye	21/07/2025	Günay KÖROĞLU	Raziye Rana AKSOY
2.	26443/25	Ayran v. Türkiye	14/08/2025	Oğuz Kaan AYRAN	Kemal İLDEMİR
3.	26476/25	Haktanır v. Türkiye	14/08/2025	Muhammed Osman HAKTANIR	Kemal İLDEMİR
4.	26573/25	Erim v. Türkiye	13/08/2025	Ümit ERİM	Kemal İLDEMİR
5.	26586/25	Vurmaz v. Türkiye	11/08/2025	Emre VURMAZ	Serdar ELDEN
6.	26668/25	Karaduran v. Türkiye	15/08/2025	Hamza KARADURAN	Kemal İLDEMİR
7.	27166/25	Özçelik v. Türkiye	19/08/2025	Semih ÖZÇELİK	Ayşe Nesibe YAZAR
8.	32596/25	Pancar v. Türkiye	06/10/2025	Fatih PANCAR	Kemal İLDEMİR
9.	34544/25	Kuru v. Türkiye	17/10/2025	Burak KURU	Kemal İLDEMİR