



Amsterdam, 17 January 2024

**Honourable Judge Siofra O' Leary, President of the Court,**

We, the undersigned non-governmental organizations operating across various European countries, extend our consideration and appreciation to the European Court of Human Rights for its crucial role in safeguarding and advancing human rights and freedoms. As organizations committed to human rights advocacy and legal support, we wish to bring to Your Honour's attention our concerns regarding the increasing number of administrative refusals, particularly in cases originating from Turkey, where effective access to the Convention's protection mechanism is especially vital.

Upon receiving numerous letters from victims in Turkey, we have observed a significant rise in the issuance of '*administrative refusals*' by the European Court of Human Rights citing non-compliance with Article 47 of the Rules of Court.

Attached herewith is a document containing the names of approximately ninety individuals affected by these administrative refusals. We have observed cases where experienced human rights attorneys have seen their applications rejected due to the absence of certain documents, most notably the *inadmissibility decision of the Turkish Constitutional Court*. The applicants maintain that they had diligently attached all relevant documents to their individual application forms.

While we acknowledge the necessity for a supranational court, covering a vast geographic area and serving 46 countries, to impose certain norms and formats on submitted applications, we wish to express our concerns regarding the strict application of Rule 47. Similarly, we acknowledge that the Court's workload is increasing each year.

However, considering that administrative refusals are final and therefore cannot be appealed, the strict implementation of Rule 47 in certain cases may impose an undue and unjust burden on the victims of grave human rights violations.

Court statistics from 2021 reveal that 67% of the 16,400 administratively concluded applications were disposed of due to non-compliance with Article 47. This percentage is notably high, particularly in Turkey compared to other countries.

It is imperative to consider the practical challenges faced by applicants, particularly in Turkey, where issues with postal distribution and mailbox conditions are prevalent, leading to the possibility that letters from the ECtHR may not reach their intended recipients.

In cases where applications submitted near deadline do not comply with Article 47, the rejection can make it nearly impossible to renew the application within the four-month time limit, as the process is considered terminated rather than interrupted. Especially after the reduction of the time limit from six months to four, it has become almost impossible to correct the refusal on grounds of strict application.

Given the alarming increase in rights violations, particularly since the 2016 attempted coup in Turkey, we believe that the Court should interpret its formal rules of admissibility in a manner that prioritizes victims' access to the Convention's protection mechanisms. Trivial omissions should not irreparably deprive individuals of their right to access the Court.

As the Court rightly pointed out in *Yalçınkaya v. Turkey* (15669/20), there are hundreds of thousands of cases pending in Turkey based on violations of the principle of "*no crime and punishment without law*" in Article 7 of the Convention. Over 8,000 cases pending before the Court demonstrate that real or alleged members of the Gülen Movement in particular have been deprived of judicial protection throughout the domestic proceedings.

These people see the ECHR system as their only hope and remedy for redressing the violations of their rights caused by these unlawful convictions, which carry a severe penalty of imprisonment and will affect them for the rest of their lives. It is crucial to note that an accepted application to the ECtHR based on such complaints could potentially reopen criminal proceedings, underscoring the importance of allowing for corrections to simple deficiencies in the application forms.

In this sense, as signatory NGOs, we would like to state that we are doing our part to address this problem by being actively engaged in various professional training initiatives aimed at mitigating shortcomings and errors that may impede victims' access to justice before the Court.

Precisely for this purpose, we would like to draw the Court's attention to both the recent extraordinary increase in the number of administrative refusals and the growing suspicions and complaints among the victims in Turkey about the aforementioned practice. In this context, we respectfully urge the Court to reconsider the procedures related to administrative refusals, with the goal of minimizing any undue victimization experienced by the applicants.

In light of the foregoing, we respectfully urge the Court to consider the following measures:

- Interpreting the grounds for administrative refusal in a way that prioritises applicants' access to the protection of the Convention,
- Taking measures, within the Court's effective capacity, to notify the applicants of any deficiencies as soon as possible, such as sending the relevant information by email;
- Giving a short deadline notice to the applicants to correct the shortcomings in cases where the deficiency detected in the application form can be corrected by a simple

action such as sending the missing document to the Court (e.g. in cases of missing documents such as a Constitutional Court decision, Court of Cassation/Council of State decision);

- Taking new and more stringent measures (including an internal investigation if necessary) to address the doubts that have recently arisen in the Turkish public opinion concerning the recent most frequent reason for administrative refusals, that is, “a document was missing from the application file.”

As signatory non-governmental organizations, we convey our sincere appreciation for the Court's extraordinary mission, safeguarding and promoting human rights and freedoms, as well as its dedicated efforts in identifying and remedying human rights violations committed by States Parties. We express our unwavering belief in the positive approach and cooperative spirit of the Court's administration in addressing the issues raised in this communication.

Yours sincerely,



**Mustafa ÖZMEN**

**Chairman of the Justice Square Foundation**

On behalf of all co-signatories

**Co-signatories:**

- **Justice Square Foundation** (Netherlands)
- **Italian Federation for Human Rights** (Rome)
- **Cross Border Jurists Association** (Germany)
- **The Arrested Lawyers Initiative** (Belgium)
- **Solidarity with OTHERS** (Belgium)

**APPENDIX:**

List of some applications rejected under Rule 47