

1569th meeting, 15-16 September 2026 (DH)

H46-39 Kavala v. Türkiye (Application No. 28749/18)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1569/H46-39

Decisions

The Deputies

1. welcomed the participation of the Deputy Minister of Justice of Türkiye;
2. recalled their previous decisions concerning the *Kavala* and *Kavala (Article 46§4)* judgments, as well as findings of the Grand Chamber of the Court in the *Kavala (No. 2) v. Türkiye* judgment of 25 August 2026, including detailed indications under Article 46 pertaining to the need for the respondent State to secure Mr Kavala's release at the earliest possible date and to eliminate other consequences of the measures taken against him, as well as general measures needed to solve the systemic and structural problems at the origin of the violations in these cases;
3. recalled furthermore the unconditional obligation under Article 46 of the Convention for member States to abide by the judgments of the European Court;

As regards individual measures

4. underlining the exceptional gravity of Mr Kavala's situation and that this case is unique, in terms both of the gravity of the Court's findings, that the proceedings against the applicant were, from start to finish, flagrantly unjust and politically motivated, and in terms of the procedure before the Court and the Committee, with three separate judgments, including one finding Türkiye to be in breach of its obligation to abide by the Court's 2019 judgment by failing to release Mr Kavala;
5. deplored that Mr Kavala remains in detention despite these judgments of the Court, and in particular the most recent *Kavala No. 2* judgment, as well as numerous decisions and resolutions of the Committee calling for his release;
6. urged the Turkish authorities to provide the Committee rapidly and no later than by its 1572nd meeting (14 October) with information on the procedure and on the concrete measures planned or taken to "secure the applicant's release at the earliest possible date";
7. recalling the principle of *restitutio in integrum* and the Court's finding that the applicant's criminal conviction should be regarded, under Convention law, as null and void, and noting that domestic law provides a relevant mechanism for the reopening of proceedings capable of erasing the effects of the impugned conviction, invited the authorities to provide information on the measures taken or foreseen to eliminate the other consequences of the applicant's conviction, for the Committee's (DH) meeting in December 2026;

8. depending on the information to be provided by the authorities, decided to consider taking further action, at the latest, at its December 2026 DH meeting;

As regards general measures

9. recalled that in addition to its previous findings, the Court, in its *Kavala (No. 2)* judgment, identified serious systemic and structural problems, including the instrumentalisation of criminal law leading to the detention and prosecution of political opponents, human-rights defenders and journalists; extensive interpretation of criminal and anti-terror laws; arbitrary detentions; structural shortcomings regarding judicial independence and impartiality; persistent issues relating to the execution of judgments; and the lack of a review mechanism for aggravated life sentences - all requiring comprehensive and coordinated general measures to address the root causes of recurring Convention violations;

10. invited the authorities to thoroughly analyse the general measures indicated by the Court in *Kavala (No. 2)*, taken together with previous indications by the Committee and outstanding recommendations of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO), and on this basis, to determine the appropriate means of giving them effect; in this context, encouraged the authorities to make full use of available Council of Europe expertise and assistance, including through relevant co-operation projects;

11. invited the Turkish authorities to submit a new action plan for the Committee's next examination of general measures at its March 2027 (DH) meeting, detailing concrete and effective steps envisaged to address the systemic and structural shortcomings identified by the Court.