

## **Third party intervention by the Commissioner for Human Rights of the Council of Europe**

under Article 36, paragraph 3, of the European Convention on Human Rights

**Application no. 2170/24**  
KAVALA v Türkiye (no.2)

## Introduction

1. On 28 January 2026, the Council of Europe Commissioner for Human Rights (hereinafter: ‘the Commissioner’) informed the European Court of Human Rights (hereinafter: ‘the Court’) of his decision to intervene as a third party in the Court’s proceedings, in accordance with Article 36, paragraph 3 of the European Convention on Human Rights (hereinafter: ‘the Convention’), and to submit written observations concerning the case of *Kavala v. Türkiye (no.2)*. This case concerns the detention of Mr. Kavala after the judgment of the Court delivered on 10 December 2019 (see *Kavala v. Turkey*, no. 28749/18) and the criminal proceedings which resulted in his conviction to aggravated life imprisonment.
2. According to his mandate, the Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the Convention; identifies possible shortcomings in the law and practice concerning human rights; and provides advice and information regarding the protection of human rights across the region. The Commissioner has a specific role with regard to human rights defenders further to the adoption of a Declaration by the Council of Europe Committee of Ministers on 6 February 2008, inviting the Commissioner to strengthen the role and capacity of his Office to protect human rights defenders, notably by continuing to meet with a broad range of defenders during his country visits and to report publicly on their situation.<sup>1</sup> As stated by the Explanatory Report to Protocol No. 14 to the Convention, his experience may help enlighten the Court on certain questions, particularly in cases that highlight structural or systemic weaknesses in the respondent or other High Contracting Parties.<sup>2</sup>
3. The present intervention is based on the Commissioner’s work on Türkiye, including a country visit from 1-5 December 2025.<sup>3</sup> The submission also draws on his continuous monitoring of the human rights situation in the country. Section I of the present written submission focuses on elements of the broader human rights situation in Türkiye; Section II contains observations on aspects of the administration of justice and the protection of human rights within the justice system. These sections are followed by the Commissioner’s conclusions.

### I. Selected aspects of the human rights situation in Türkiye

4. The Commissioner considers that the present case should be considered in the context of the pressure on dissenting voices, including human rights defenders, civil society organisations, lawyers, journalists, and opposition politicians, in Türkiye. The Commissioner’s predecessors, several other Council of Europe bodies and UN mechanisms have expressed concerns in this regard.<sup>4</sup> Against this background, the Commissioner notes that the protection and role of human rights defenders and non-governmental organisations were examined by the Court in *Kavala v Turkey*, and that the non-execution of the general measures required in the case facilitates the continuation of these broader concerns.

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<sup>1</sup> Committee of Ministers, [Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities](#), 6 February 2008.

<sup>2</sup> Explanatory Report to Protocol No. 14 to the Convention, 13 May 2004, para. 87.

<sup>3</sup> On 24 March 2025, the Commissioner also issued a statement, see Commissioner for Human Rights, [Turkish authorities should uphold the right to freedom of assembly and expression in the context of ongoing protests](#).

<sup>4</sup> See, for example, Commissioner for Human Rights, [Country memorandum](#), March 2024; Council of Europe Congress of Regional and Local Authorities, [Congress statements and concrete action: Political Situation and Developments in Türkiye](#), [PACE monitors express serious concern about ‘the future of democracy in Türkiye’](#); UN Human Rights Committee, [Concluding observations on the second periodic report of Türkiye](#), 28 November 2024.

5. Since taking up his mandate in April 2024, the Commissioner has engaged with the Turkish authorities on these issues. In November 2024, the Commissioner visited Mr Kavala in prison and raised with the authorities the implementation of the two Court judgements in his case.
6. In March 2025, the Commissioner published a statement in relation to the protests in major cities across the country following the arrest of the mayor of Istanbul.<sup>5</sup> He expressed his concern over reports about disproportionate use of force by the police and restrictions of the right to receive and impart information in Türkiye in the context of the protests. The Commissioner asked the Turkish authorities to uphold their human rights obligations with regard to respect for freedom of peaceful assembly, freedom of expression and media freedom. In August 2025, the Commissioner expressed concern over the arrest and detention of Enes Hocaoğulları, a former youth delegate from Türkiye to the Council of Europe Congress of Local and Regional Authorities (following the delegate's intervention during a Congress plenary in March of the same year).<sup>6</sup> He called for Mr Hocaoğulları's immediate release and for the protection of freedom of expression and human rights work. Although Mr Hocaoğulları was released from detention in September 2025, he remains subject to judicial control measures and the criminal proceedings against him are pending.
7. The Commissioner considers that these actions of the Turkish authorities indicate persisting problems regarding the rights to freedom of expression, association and peaceful assembly, identified in several judgements of the Court which are currently pending execution before the Committee of Ministers. These include the *Öner and Türk*, *Altuğ Taner Akçam*, *Artun and Güvener*, *Işıkırık*, and *Nedim Şener* groups of cases,<sup>7</sup> regarding unjustified and disproportionate interferences with the applicants' freedom of expression on account of criminal proceedings for having expressed opinions that did not incite hatred or violence, and the consequent chilling effect on society as a whole. With regard to freedom of peaceful assembly, the Commissioner refers to the *Oya Ataman* group of cases concerning violations of the right to freedom of peaceful assembly, including the prosecution of participants, imposition of administrative fines and/or the use of excessive force to disperse peaceful demonstrations.<sup>8</sup> He notes that the execution of general measures in these groups remain pending before the Committee of Ministers.
8. In December 2025, the Commissioner undertook a country visit to Türkiye, during which he was informed about continuing pressure on civil society, human rights defenders, lawyers, journalists, and opposition politicians. Interlocutors reported disproportionate restrictions to freedom of expression, peaceful assembly and association, continued misuse of criminal and anti-terrorism provisions, and issues with regard to the independence and impartiality of the judiciary, among others.<sup>9</sup>
9. The Commissioner received information indicating that beyond the March 2025 protests, demonstrations and assemblies were regularly restricted, including prolonged and sweeping bans, often justified by grounds such as "public order" or "general morality", disproportionately affecting certain groups. Peaceful protests continued to be criminalised as "unauthorised", and police sometimes intervened unnecessarily and without warning, using excessive force, plastic bullets and tear gas. Protestors were sometimes confined within security cordons to prevent documentation of

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<sup>5</sup> Commissioner for Human Rights, [Turkish authorities should uphold the right to freedom of assembly and expression in the context of ongoing protests](#), 24 March 2025.

<sup>6</sup> Commissioner for Human Rights on X: ["I am concerned about the arrest and detention of Enes Hocaoğulları"](#), 6 August 2025.

<sup>7</sup> *Oner and Turk v Turkey* (Application no. 51962/12), judgment of 31 March 2015; *Altuğ Taner Akçam v Turkey* (Application no. 51962/12), judgment of 25 October 2011; *Artun and Güvener v Turkey* (Application no. 75510/01), judgment of 26 June 2007; *Işıkırık v Turkey* (Application no. 41226/09), judgment of 14 November 2017; and *Nedim Şener v Turkey* (Application no. 38270/11), judgment of 8 July 2014.

<sup>8</sup> *Oya Ataman v Turkey* (Application no. 74552/01), judgment of 5 December 2006.

<sup>9</sup> Commissioner for Human Rights, [Türkiye: Authorities should ensure the implementation of human rights standards on freedom of expression, peaceful assembly and association](#), 9 December 2025.

abuses, while journalists, independent observers, and immediate legal assistance were obstructed. For example, as in previous years, several Pride Week events were prevented,<sup>10</sup> with dozens of people who defied the bans facing arrest and criminal proceedings for violating Law No. 2911 on Meetings and Demonstrations, and/or resisting law enforcement and/or not dispersing despite a warning.<sup>11</sup> Demonstrations on International Women's Day and the Day for Elimination of Violence Against Women,<sup>12</sup> as well as student protests were also subject to restrictions and judicial action.<sup>13</sup>

10. In relation to freedom of expression, interlocutors told the Commissioner that journalists, opposition politicians, lawyers, and ordinary citizens continued to experience pressure and criminal investigations for speaking out publicly. For example, in connection with the March 2025 protests, at least 15 journalists who covered the events were arrested, some of whom were detained and later released.<sup>14</sup> Hundreds of blocking orders were imposed on the social media accounts of journalists, media outlets, civil society organisations and human rights defenders.<sup>15</sup> Ordinary citizens were subject to access-blocking decisions for criticising the detention of opposition mayors, and "bandwidth throttling" and localised internet shutdowns were reported in Istanbul and Ankara.<sup>16</sup>
11. The Commissioner was concerned about pressure faced by bar associations and members of the legal profession. During his visit in December 2025, the Commissioner met with the leadership of the Istanbul Bar Association and was informed about the criminal charges against them for terrorist propaganda and disseminating misleading information.<sup>17</sup> In his statement following the visit, the Commissioner noted that bar associations played a crucial role in upholding the rule of law and safeguarding human rights and must be able to operate independently and without fear of retaliation. The Commissioner notes that the acquittal judgement against the leadership of the Istanbul Bar Association from January 2026 was appealed by the prosecutor, and the criminal proceedings remain ongoing. He also notes the arrest and detention of Fırat Epözdemir, a member of the Executive Board of the Istanbul Bar Association, in January 2025 on charges of "membership of and propaganda for a terrorist organisation". In January 2026, Mr. Epözdemir was acquitted of the charges at first instance but the prosecutor has appealed the decision.
12. The Commissioner was informed that associations and foundations working on human rights issues face a combination of legal, administrative, and judicial pressure that undermine their effective functioning. This includes allegedly arbitrary audits and repeated inspections, disproportionate documentation requests, administrative and financial fines, and scrutiny linked to funding and compliance frameworks. The Commissioner was told that these restrictions were often combined with the launch of criminal proceedings in which legitimate human rights advocacy, professional legal activities and civil society work protected under Articles 10 and 11 ECHR, were cited as evidence of criminal wrongdoing.

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<sup>10</sup> See also ILGA Europe, [Turkey Pride Monitor](#), 25 July 2025.

<sup>11</sup> AP News, [Over 50 people detained at Istanbul Pride march](#), 29 June 2025.

<sup>12</sup> AP News, [International Women's Day: global protests demand equal rights](#) 8 March 2025; Bianet, [25 Kasım'a katılanların davası 8 Nisan'a bırakıldı](#), 8 January 2026.

<sup>13</sup> Evrensel [Hacettepe'de eyleme katılan en az 14 öğrenci yurttan atıldı](#) 20 August 2025; Reuters, [Turkish police detain 97 students over university protest](#), 14 May 2025; BBC News Türkçe, [Öğrenci eylemleri, polis baskınları: ODTÜ'de neler yaşandı?](#) 28 March 2025.

<sup>14</sup> İnsan Hakları Derneği, [Bilgi Notu: 19-26 Mart 2025 Tarihleri Arasında Yaşanan Hak İhlalleri](#) and BBC, [BBC reporter arrested and deported from Turkey](#), 27 March 2025.

<sup>15</sup> Human Rights Watch, [Türkiye: Ensure Peaceful Assembly, Free Speech During Protests](#), 27 March 2025.

<sup>16</sup> ARTICLE 19, Freedom of Expression Association (İFÖD), Human Rights Watch [Joint Open Letter to Social Media Companies on Censorship in Türkiye](#), 8 May 2025.

<sup>17</sup> The statement was issued by the Istanbul Bar Association on 21 December 2024 and called for an independent investigation into the deaths of journalists Nazım Daştan and Cihan Bilgin, who were killed in northern Syria on 19 December 2024. The statement highlighted concerns regarding the targeting of journalists in conflict zones and underscored the need for accountability under international humanitarian law.

## II. Administration of justice and the protection of human rights in the justice system

13. The issues described above are closely intertwined with the operation of administration of justice and the protection of human rights within the justice system in Türkiye. The Commissioner notes that aspects of the functioning of the justice system in Türkiye were examined by this Court in the *Kavala v Turkey* case and that the Committee of Ministers examines issues concerning the independence and impartiality of the judiciary in Türkiye as part of the general measures in the case.

### 2.1 Independence and impartiality of the judiciary and judges

14. The Commissioner observes that problems have been facilitated by several constitutional and legislative amendments altering the composition and selection procedure of the Council of Judges and Prosecutors (CJP), the main self-governing body of the judiciary, most recently in 2017. This situation persists despite concerns voiced by international human rights and expert bodies about the negative effect of these changes on judicial independence, including Opinions of the Venice Commission from 2017 and 2024.<sup>18</sup> CJP members are either elected by the Parliament or appointed by the President, while the Minister and Deputy Minister of Justice remain *ex officio* members. Some of the key parameters identified by the Venice Commission as conditions for guaranteeing the independence and impartiality of judicial and prosecutorial councils include that at least a significant amount of judicial council members must be elected by their peers, and that *ex officio* membership is generally discouraged. The Court has referred to these considerations also in the cases of *Selahattin Demirtas v Turkey (no.2)* and *Yüksekdağ Şenoğlu and others v Turkey*.<sup>19</sup>

15. The Commissioner notes reports which suggest that the CJP's powers regarding recruitment, promotions, transfers and disciplinary proceedings have been exercised in breach of Law no.2802 on Judges and Prosecutors, and the Court's case-law,<sup>20</sup> particularly in politically sensitive cases. The Commissioner was informed of several such examples, including the case of the applicant, in which the CJP promptly launched disciplinary proceedings against the three judges who decided to acquit Mr Kavala and his eight co-defendants in the Gezi Park case, citing flaws in their judgment; he also notes that the judge who refused to implement the Court's judgment in *Kavala v Turkey* had been appointed to his position shortly before, despite failing to meet a four-year seniority requirement.<sup>21</sup>

### 2.2 Fair trial guarantees, including equality of arms

16. Concerns were raised with the Commissioner about aspects of prosecutorial practice, including occasional overly long indictments, running into thousands of pages; or indictments lacking sound legal analysis connecting pieces of evidence to the accusation. Relatedly, the quality of evidence is reportedly often insufficient to prove the alleged crime and indictments list as evidence conduct which is protected under the Convention. The Commissioner was also informed that the use of

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<sup>18</sup> Venice Commission, [Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017](#), adopted by the Venice Commission at its 110<sup>th</sup> Plenary Session (Venice, 10-11 March 2017), paras 114 - 119; Venice Commission, [Opinion on the Composition of the Council of Judges and Prosecutors and the Election of its Members](#), adopted by the Venice Commission at its 141<sup>st</sup> Plenary Session (Venice, 6-7 December 2024).

<sup>19</sup> *Selahattin Demirtas v. Turkey (No. 2)*, (Application no. 14305/17), judgment of 22 December 2020, para. 434 and *Yüksekdağ Şenoğlu and others v Turkey* (Application no. 14332/17), judgment of 8 November 2022, paras. 637-638.

<sup>20</sup> In *Bilgen v Turkey* (Application no. 1571/07), judgment of 9 March 2021, the Court observed that for the selection, appointment and promotion of judges, objective criteria accompanied by a transparent process are regarded as the standard for the safeguards of judicial independence and autonomy, to avoid arbitrary interference or the improper use of discretion.

<sup>21</sup> Yetkin Report, [Turkish Bar Associations head: "Judges and Prosecutors are in fear"](#)

secret witnesses has reduced transparency in the judicial system and affects the fairness of proceedings since defendants are sometimes not allowed to examine or challenge them.

17. A further aspect relates to the increasing complexity and length of proceedings as prosecutors and judges frequently initiate multiple, overlapping criminal charges and cases based on identical or similar facts and legal grounds, including in the Kavala case. The Commissioner observes that such practices raise concerns regarding legal certainty and foreseeability and that they prolong trials unreasonably. Additionally, in several cases, including the one concerning the applicant, judicial authorities issued release orders that were not executed because new arrest and detention orders were issued simultaneously. The Commissioner considers that such practices raise questions with regard to the legal process, particularly when they circumvent decisions by higher national courts or this Court.
18. During his visit, the Commissioner received reports that the principle of equality of arms is undermined by restrictions to lawyers' professional activities: these include obstructions to access their clients for prolonged periods, sometimes being granted access only after critical procedural steps have already been taken; heavy police control of courthouse corridors; denial of access to the investigation file of suspects; and lawyers attempting to observe proceedings being denied entry or being physically removed from judicial premises.

### *2.3 Use of pre-trial detention*

19. The Commissioner notes the frequent use of pre-trial detention in criminal proceedings; he points equally to several judgments of this Court in relation to arbitrary or prolonged pretrial detention in Türkiye, notably concerning journalists and civil society figures.<sup>22</sup> International standards indicate that pretrial detention should be an exceptional measure, subject to strict safeguards and judicial oversight. He further observes that there are reportedly deficiencies in the review procedures concerning the continuation of detentions, and in relation to its length.

### *2.4 Broad use of criminal law and anti-terrorism provisions*

20. The Commissioner considers that the present case is illustrative of reported patterns of criminal proceedings initiated on the basis of overly broad interpretations of criminal offences, often without sufficient and adequate reasoning, contrary to the Court's case-law.<sup>23</sup>
21. The Commissioner recalls concerns expressed in his statement about the broad use of criminal law provisions including Articles 217/A, 299, and 301 of the Turkish Penal Code, as well as some provisions of the Anti-Terrorism Law.<sup>24</sup> He also notes reports that other provisions of the Turkish Penal Code, such as Articles 125, 216, 220, 312 and 314, have been interpreted in an overly broad way. He refers to the 2016 Venice Commission Opinion which has identified some of these articles as lacking sufficient clarity and foreseeability, and allowing for an overly broad application, concluding that they permitted "excessive sanctions and had been applied too widely, penalising conduct protected under the ECHR".<sup>25</sup> The Committee of Ministers, in its supervision of the

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<sup>22</sup> See, for example, [Mehmet Hasan Altan v. Turkey](#) (Application no. 13237/17), judgment of 20 March 2018; [Taner Kılıç v. Turkey](#) (Application no. 208/18), judgment of 31 May 2023.

<sup>23</sup> See, *inter alia*, [Kavala v. Türkiye](#) [GC] (Application no. 28749/18), judgment of 11 July 2022, paras 143-148; [Kavala v. Turkey](#), Application no. 28749/18), paras 153-157; [Selahattin Demirtaş v. Turkey \(no. 2\)](#) [GC] (Application no. 14305/17), paras 266-272; [İmret v. Turkey \(no. 2\)](#) (Application no. 57316/10), judgment of 10 July 2018, paras 44-50; [Şahin Alpay v. Turkey](#) (Application no. 16538/17), judgment of 20 March 2018, paras 101-106; [Mehmet Hasan Altan v. Turkey](#) (Application no. 13237/17), paras 211-213; [Altuğ Taner Akçam v. Turkey](#) (Application no. 27520/07) paras 87-94; [Işıkırık v. Turkey](#) (Application no. 41226/09), paras 55-61.

<sup>24</sup> Commissioner for Human Rights, [Türkiye: Authorities should ensure the implementation of human rights standards on freedom of expression, peaceful assembly and association, 9 December 2025](#).

<sup>25</sup> Venice Commission, [Opinion on articles 216, 299, 301 and 314 of the Penal Code of Turkey](#), para. 123.

execution of judgments, repeatedly noted that a number of these criminal provisions continue to be interpreted in broad terms not yet fully aligned with the requirements under the Convention.<sup>26</sup>

22. The Commissioner recalls that, according to the Court's case-law, the application of criminal law and anti-terrorism provisions in Türkiye in cases involving the rights to freedom of expression and association failed to comply with Convention requirements. In particular, the Court has found violations where criminal liability was imposed on the basis of peaceful expression, political speech, or civil society activities, and where judicial decisions lacked adequate and individualised reasoning.<sup>27</sup>
23. The Commissioner received reports that such provisions continue to be invoked in circumstances where the conduct in question appears to fall within the scope of legitimate democratic activity including non-violent acts, critical expression, association and human rights advocacy.<sup>28</sup> This is also reflected in the case against the applicant as the Court concluded that the proceedings were essentially based on facts which largely related to the exercise of Convention rights.<sup>29</sup> The Commissioner further observes that domestic courts rely on expansive interpretations of these provisions, without demonstrating a sufficient link between the impugned conduct and violence, incitement to violence, or other elements capable of justifying criminal sanction under Convention standards.<sup>30</sup> In this regard, the problems identified by the Court point to structural shortcomings in the legislative framework and its application which have not been adequately addressed through the implementation of general measures.<sup>31</sup> The Commissioner refers the Court to Section I regarding a number of recent cases affecting journalists, opposition politicians and elected local officials, human rights defenders and civil society organisations.

#### 2.5 Implementation of judgments of the Turkish Constitutional Court

24. The Commissioner recalls that the effectiveness of the individual application mechanism before the Turkish Constitutional Court constitutes a central safeguard of human rights protection and a key element of the principle of subsidiarity under the Convention system. Capacity to provide timely review, in particular for cases where the right to liberty is at stake, is crucial to ensure the effectiveness of the individual application mechanism, in line with the Convention system.
25. In this regard, concerns have been raised about instances of non-implementation of the Constitutional Court's judgments by lower courts.
26. The Commissioner's attention was drawn to the case of Can Atalay, a co-defendant of Mr Kavala in the Gezi Park proceedings. The Court of Cassation refused to comply with two judgments

<sup>26</sup> See, inter alia, [CM/Del/Dec\(2025\)1521/H46-34](#), 6 March 2025; [CM/Del/Dec\(2024\)1492/H46-36](#), 14 March 2024; [CM/Del/Dec\(2022\)1428/H46-36](#), 9 March 2022.

<sup>27</sup> See, inter alia, *Altuğ Taner Akçam v. Turkey* (Application no. 27520/07), paras 87–94; *Işıkırık v. Turkey* (Application no. 41226/09), paras 55–61, 70; *Kavala v. Turkey* (Application no. 28749/18), paras 153–157, 229–231; *Selahattin Demirtaş v. Turkey (No. 2)* [GC] (Application no. 14305/17), paras 266–272, 436–440.

<sup>28</sup> The European Commission, in its [Türkiye 2025 Report](#), reiterated the need for criminal and anti-terrorism legislation, as well as its implementation, to be brought into line with the Convention, the Court's case-law, and the recommendations of the Venice Commission. See also, Human Rights Watch, World Report 2024 & 2025, [Türkiye chapters](#).

<sup>29</sup> *Kavala v Turkey* (Application no. 28749/18), paras 157, 220.

<sup>30</sup> See, inter alia, *Kavala v. Turkey* (Application no. 28749/18), paras 153–157; *Işıkırık v. Turkey* (Application no. 41226/09), paras 55–61; *Selahattin Demirtaş v. Turkey (no. 2)* (Application no. 14305/17), paras 266–272; *Altuğ Taner Akçam v Turkey* (Application no. 27520/07), paras 87–94. The Constitutional Court, in its Tayfun Kahraman judgement, concluded that the national courts' decisions were not sufficiently clear regarding the link between the conduct of the applicant and violence, as well as incitement to violence (TCC, Tayfun Kahraman [GC], App. no: 2023/98215, 31.07.2025, paras 49, 53).

<sup>31</sup> Committee of Ministers, [CM/Del/Dec\(2025\)1521/H46-34](#); [CM/Del/Dec\(2024\)1492/H46-36](#); [CM/Del/Dec\(2023\)1459/H46-28](#); [CM/Del/Dec\(2022\)1428/H46-36E](#).

delivered by the Constitutional Court, asserting that the Constitutional Court lacked jurisdiction, exceeded its authority and subsequently upheld Mr Atalay's conviction. It also filed a criminal complaint against the members of the Constitutional Court who voted in favour of finding a violation.

27. Similar concerns were raised regarding the case of Tayfun Kahraman, another co-defendant in the Gezi Park case. The Constitutional Court judgement in this case, finding a violation of the right to a fair trial and mandated a retrial, has not been implemented. In November 2025, the Istanbul 13th Heavy Penal Court concluded that the Constitutional Court had "acted as an appeals court" and "exceeded its powers".<sup>32</sup>
28. Concerns were also raised with the Commissioner about the Constitutional Court's slowness in reviewing individual complaints. The absence of transparent and Convention-compliant prioritisation criteria as addressed by the Committee of Ministers,<sup>33</sup> coupled with a heavy caseload, raise concerns as to whether cases involving deprivation of liberty are examined with the urgency required under the ECtHR criteria. The Commissioner recalls that similar concerns were expressed by the Committee of Ministers in the supervision of the execution of the *Kavala* and *Selahattin Demirtaş (no. 2)* judgments.

## Conclusion

29. The Commissioner is of the view that the work of civil society and human rights defenders is a prerequisite for a functioning democracy and that their rights to freedom of expression, peaceful assembly and association must be effectively facilitated and protected in member states' laws and practice. The commitment to supporting and maintaining a safe and enabling environment in which civil society and human rights defenders can operate free from hindrance was reasserted in the Reykjavík Declaration of May 2023.<sup>34</sup>
30. In the present written submission, the Commissioner puts before the Court information on the basis of which it may consider that:
  - Violations found by the Court in the *Kavala v Turkey* case illustrate broader problems impacting the human rights situation in Türkiye, notably affecting civil society, human rights defenders, lawyers, journalists, and opposition politicians' rights to freedom of expression, peaceful assembly and association, including through the misapplication of criminal and anti-terror provisions.
  - Persistent issues with regard to the Turkish judiciary and prosecutorial authorities, including those facilitated by executive control over the Council of Judges and Prosecutors, and shortcomings in prosecutorial practice have contributed to an erosion of fair trial guarantees.
  - The delays in the review of high-profile cases by the Constitutional Court, and the refusal of lower courts to implement its judgments point to problems with regard to the functioning of the justice system, including regarding its independence and impartiality.

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<sup>32</sup> A subsequent appeal lodged by Mr Kahraman was dismissed on 13 November by the 14th Assize Court.

<sup>33</sup> Committee of Ministers, [CM/Del/Dec\(2025\)1521/H46-32E](#).

<sup>34</sup> See United around our values, Reykjavik Declaration, Reykjavik Summit, 4th Summit of Heads of State and Government of the Council of Europe, 16-17 May 2023.