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Urgent need for targeted sanctions against Turkish officials responsible for the deprivation of liberty of Osman Kavala

Motion for a resolution

tabled by Mr Constantinos EFSTATHIOU and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

In two rulings regarding Osman Kavala, the European Court of Human Rights found Türkiye in violation of Article 18 of the European Convention on Human Rights, implying that the proceedings against him constituted a misuse of the criminal justice system with the ulterior purpose of silencing him, as in the case of Selahattin Demirtaş.

In another landmark judgment demonstrating the absence of the rule of law in Türkiye (*Yalçınkaya v. Türkiye*), the Court ruled that the principle of “*nullum crimen sine lege*”, guaranteed under Article 7 of the Convention, was breached in a systemic and widespread manner so as to concern more than 8 000 pending cases before the Court and more than 100 000 cases before the Turkish courts.

Despite the Court rulings of 2019 and 2022, including that following the infringement procedure launched by the Committee of Ministers, Osman Kavala is still being kept behind bars.

In [Resolution 2518 \(2023\)](#), the Parliamentary Assembly called unequivocally for the release of Osman Kavala, noting that “this truly exceptional case is undermining the basis of the Convention system as a whole”.

Turkish prosecutors and judges and other officials who dealt with Osman Kavala’s case are jointly responsible for his unlawful detention through the misuse of the law.

The Assembly should therefore follow-up its call contained in [Resolution 2518 \(2023\)](#) on Council of Europe member and observer States and the European Union to apply their “Magnitsky legislation” or similar legal instruments to impose targeted sanctions against those officials, including prosecutors and judges, who are responsible for the unlawful and arbitrary deprivation of liberty of Osman Kavala.

Signed (see overleaf)



*Signed*¹:

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