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Systemic arbitrary deprivation of liberty in Türkiye may constitute crimes against humanity

Written declaration No. 791

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

We, the undersigned, declare the following:

In recent judgments, the European Court of Human Rights examined crucial cases, including the cases of Osman Kavala, Selahattin Demirtaş and Yüksel Yalçınkaya. The Court's firm stance reveals a significant lack of predictability in the application of Turkish anti-terrorism legislation, highlighting a systemic violation of the right to a fair trial and the principle of legal certainty.

Notwithstanding the infringement proceedings, the Turkish government's refusal to comply with the Court's judgments signals a failure to uphold its membership obligations to the Council of Europe. The current situation in the country exposes worrying cases of enforced disappearances in which victims were abducted and returned to Türkiye.

Blatant disregard for principles of due process and abusive use of vague anti-terrorism charges that violates the principle of "nullum crimen sine lege" clearly indicate systemic failure to respect international law.

The UN Working Group on Arbitrary Detention repeatedly stated that widespread or systematic imprisonment or other severe deprivation of liberty based on vague charges, in violation of international law, may constitute crimes against humanity.

We urge the Committee of Ministers to take decisive action on the extraordinary issues described above as articulated in [Resolution 2518 \(2023\)](#) and [Recommendation 2261 \(2023\)](#) "Call for the immediate release of Osman Kavala".

Signed (see overleaf)



Signed¹:

GAVAN Paul, Ireland, UEL
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Total = 24

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group