



The European Court of Human Rights holds that Türkiye must release Mr Kavala immediately and eliminate the consequences of his conviction

In today's **Grand Chamber** judgment¹ in the case of [Kavala v. Türkiye \(no. 2\)](#) (application no. 2170/24) the European Court of Human Rights held, by 15 votes to 2, that there had been:

a violation of Articles 10 (freedom of expression) and **11** (freedom of assembly and of association) of the European Convention on Human Rights;

a violation of Article 6 § 1 (right to a fair trial) with regard to the complaints concerning the independence and impartiality of the courts, the fairness of the proceedings and restrictions on the rights of the defence;

a violation of Article 5 § 1 (right to liberty and security);

a violation of Article 18 (limitation on use of restrictions on rights), taken together with **Articles 5 § 1, 6 § 1, 10 and 11**; and

a violation of Article 3 (prohibition of inhuman or degrading treatment) with regard to the complaint concerning the absence of a review mechanism in respect of the aggravated life sentence.

The Court held that the **respondent State was required to secure the applicant's release at the earliest possible date, and that it was incumbent on it to eliminate the consequences of the measures taken against him. His criminal conviction was to be regarded, under Convention law, as null and void.**

Mr Kavala has been deprived of his liberty without interruption since 18 October 2017. He was suspected of having attempted to overthrow the Government through force and violence, in relation to the Gezi Park events between May and September 2013, and of attempting to overthrow the constitutional order in the context of the attempted *coup d'état* of 15 July 2016.

Today's Grand Chamber judgment examined the events which occurred after December 2019, and concluded that Mr Kavala's detention and conviction had been in breach of the Convention. It confirmed the findings in the Court's previous judgments, of 10 December 2019 ([Kavala v. Turkey](#), no. 28749/18) and of 11 July 2022 ([Kavala v. Türkiye \(infringement proceedings\)](#)).

After having noted, in particular, the existence of a flagrant denial of justice in respect of Mr Kavala and held that the contested measures pursued the ulterior purpose of silencing him, the Court emphasised that the present case illustrated a systemic problem. It was part of a wider context, marked by the detention and prosecution of political opponents, human-rights defenders and journalists on the basis of criminal offences, the scope of which was interpreted extensively. The violations found in the present case also revealed structural shortcomings which affected the guarantees of independence and impartiality of the judiciary, and which were likely to facilitate the exerting of direct or indirect influence by the executive branch on certain judicial decisions, particularly in cases with a sensitive political dimension.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Principal facts

The applicant, Mr Mehmet Osman Kavala, is a Turkish national who was born in 1957 and is currently imprisoned in Istanbul (Türkiye).

Mr Kavala, a businessman, is a human-rights defender in Türkiye. He has been involved in setting up numerous non-governmental organisations (“NGOs”) and civil-society movements which are active in the areas of human rights, culture, social studies, historical reconciliation and environmental protection.

The applicant has been deprived of his liberty without interruption since 18 October 2017. He was initially suspected of having attempted to overthrow the Government through force and violence, in relation to the Gezi Park events, and of attempting to overthrow the constitutional order, in relation to the *coup d’état* of 15 July 2016 which led to the declaration of a state of emergency in Türkiye from 20 July 2016 to 18 July 2018.

On 25 April 2022 the Istanbul 13th Assize Court convicted Mr Kavala of the charge related to the Gezi Park events and sentenced him to aggravated life imprisonment; it also ordered his continued detention in that connection. The conviction was upheld by the appeal court on 28 December 2022, then by the Court of Cassation on 28 September 2023.

The applicant’s detention has been the subject of two judgments by the Court. In its [Kavala v. Turkey](#) judgment of 10 December 2019, the Court found violations of Articles 5 §§ 1 and 4 and of Article 18, taken together with Article 5 § 1 of the Convention, on account of the lack of “reasonableness” in the suspicions used to justify the applicant’s initial placement in pre-trial detention, and his continued detention.

The judgment was transmitted to the Committee of Ministers for supervision of its execution. On 2 February 2022 the Committee of Ministers decided, in an interim resolution, to refer to the Court the question whether the Republic of Türkiye had failed to fulfil its obligation to abide by the judgment. On 11 July 2022 the Court delivered the [Kavala v. Türkiye \(infringement proceedings\)](#) judgment, in which it concluded that this obligation had not been complied with.

Complaints, procedure and composition of the Court

Relying on Articles 10 (freedom of expression) and 11 (freedom of assembly and association) of the Convention, the applicant submitted that the criminal proceedings brought against him, the imposition of an aggravated life sentence and the ensuing deprivation of liberty amounted to an unjustified interference with the exercise of his rights.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (d) (right to examine witnesses), the applicant complained of the unfairness of the criminal proceedings against him.

Relying on Article 5 § 1 (right to liberty and security), the applicant argued that, in view of the particular circumstances of the case, his detention since the Court’s delivery of the *Kavala* judgment on 10 December 2019 had amounted to arbitrary deprivation of liberty.

Relying on Article 18 (limitation on use of restrictions on rights), taken together with Articles 5 § 1, 6 § 1, 10 and 11, the applicant alleged that his Convention rights had been restricted for purposes other than those prescribed in the Convention.

Lastly, the applicant submitted that the imposition of a life sentence without the possibility of parole amounted to a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

The application was lodged with the European Court of Human Rights on 18 January 2024.

On 16 December 2025 a Chamber of the Second Section relinquished jurisdiction in favour of the Grand Chamber.

A [hearing](#) took place in public in the Human Rights Building, Strasbourg, on 25 March 2026.

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Mattias **Guyomar** (France), *President*,
 Arnfinn **Bårdsen** (Norway),
 Ivana **Jelić** (Montenegro),
 Lado **Chanturia** (Georgia),
 Ioannis **Ktistakis** (Greece),
 Kateřina **Šimáčková** (the Czech Republic),
 Faris **Vehabović** (Bosnia and Herzegovina),
 Jovan **Ilievski** (North Macedonia),
 Gilberto **Felici** (San Marino),
 Saadet **Yüksel** (Türkiye),
 Diana **Sârcu** (the Republic of Moldova),
 Artūrs **Kučs** (Latvia),
 Mateja **Đurović** (Serbia),
 András **Jakab** (Austria),
 Canòlic **Mingorance Cairat** (Andorra),
 Vahe **Grigoryan** (Armenia),
 Hugh **Mercer** (the United Kingdom),

and also Abel **Campos**, *Deputy Registrar*.

Decision of the Court

[Failure to exhaust domestic remedies](#)

The Court considered that the applicant had not been required to await the outcome of proceedings that were pending before the Constitutional Court, in view of his continuous detention since October 2017 and his consistent but unsuccessful use of all the domestic remedies. It also noted that the case was characterised by a persistent failure to execute the Court's judgments, by the lack of tangible effect of the acquittal judgment and by a series of detention measures that were incompatible with the conclusions of its *Kavala v. Turkey* judgment of 19 December 2019. In dispensing the applicant from the obligation to await the outcome of his two pending individual applications to the Constitutional Court, the Court had regard to the excessive length of time taken to examine them.

[Articles 10 and 11](#)

The Court considered that the acts in respect of which the applicant was charged – participation in public debate, assistance with civil-society initiatives, advocacy activities and support for the peaceful Gezi Park demonstrations – fell within the scope of the rights guaranteed by Articles 10 and 11 of the Convention. By equating those activities with the material element of an exceptionally serious offence, without establishing the applicant's direct participation in the acts of violence committed by third parties, the domestic courts had imposed on him a manifestly disproportionate and arbitrary criminal liability. It noted that the way in which the Criminal Code had been interpreted in the present case in relation to the accusations against the applicant concerning the Gezi Park events had had the effect of extending that Code's scope in an unforeseeable manner, did not afford the requisite minimum protection against arbitrary interference and could not therefore be regarded as being "prescribed by law". It concluded that there had been a violation of Articles 10 and 11 of the Convention.

Article 6

The Court noted that there had been serious shortcomings in the criminal proceedings against the applicant, affecting both the fairness of the proceedings and the guarantees of the independence and impartiality of the courts.

The Court noted that the conviction had been based on largely contextual and insufficiently individualised inferences. Thus, the applicant had been convicted on the basis of acts relating to the exercise of freedoms that were guaranteed by the Convention, following an arbitrary and unforeseeable interpretation of the criminal law.

Having regard, more widely, to a structural context undermining the independence of the justice system in Türkiye, those shortcomings had fundamentally impaired the very essence of the applicant's right to a fair trial. It followed that there had been a violation of Article 6 § 1.

Article 5 § 1

The Court noted that the entire period of the applicant's deprivation of liberty since 10 December 2019 had been arbitrary, in that it was not based on reasonable grounds pursuing any of the legitimate aims set out in the Convention. In addition, the authorities had acted in bad faith, seeking alternative grounds to ensure the continuation of the applicant's detention and to circumvent the requirements of domestic law. Nor could the applicant's detention in the present case, based on the execution of a sentence imposed following proceedings in which there had been a flagrant denial of justice, be regarded as "lawful" within the meaning of Article 5 § 1 of the Convention.

The Court concluded that the applicant's deprivation of liberty, viewed as a whole since 10 December 2019, had entailed a violation of Article 5 § 1 of the Convention.

Article 18

Having regard to all the circumstances of the case, the Court considered it established that the measures taken against the applicant (the bringing of criminal proceedings, his continued pre-trial detention and his conviction) had been predominantly motivated by an ulterior purpose, namely, to punish him for his role in the Gezi Park demonstrations and for expressing his opinions as a human-rights defender, and to silence him. The applicant's prolonged deprivation of liberty, which had continued despite an acquittal judgment at the domestic level and two legally binding judgments in which the Court had found serious violations, disclosed a particularly serious challenge to the essential guarantees inherent in the principle of the rule of law.

In consequence, the Court held that there had been a violation of Article 18 taken together with Articles 5 § 1, 6 § 1, 10 and 11 of the Convention.

Article 3

The Court noted that the fact of imposing on the applicant a life sentence without the possibility of parole was incompatible with Article 3 of the Convention. It held that there had been a violation of this provision.

Article 46

The Court found, in particular, that the applicant's deprivation of liberty following his conviction on 25 April 2022, which had become final, had been based on a flagrant denial of justice. It also noted that this imprisonment had been imposed in the context of proceedings that were tainted by multiple interrelated violations of the rights enshrined in the Convention, thus impairing the very essence of the guarantees afforded by Article 6. In those conditions, the applicant's continued incarceration after the adoption of the present judgment would amount to a continuation of the violations already found in this case, especially of Article 5 § 1 of the Convention. Having regard to the particular circumstances

Moreover, it was incumbent on the respondent State to put in place, as soon as possible, all appropriate measures in order to eliminate the consequences of the applicant's conviction and to remedy, in an effective manner, the violations found.

Just satisfaction (Article 41)

Separate opinions

The judgment is available in English and French.

Where can the Court's press releases be found? [HUDOC - Press collection](#)

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