

PETITION TO:

UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION

In the case of

**Selçuk Kozğaçlı**

Pursuant to Commission on Human Rights Resolutions 1997/50, 2000/36, 2003/31,  
and Human Rights Council Resolutions 6/4 and 15/1

Submitted by:

Turkey Human Rights Litigation Support Project

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On behalf of:

European Association of Lawyers for Democracy and World Human Rights

International Bar Association's Human Rights Institute

The Law Society of England and Wales

Lawyers for Lawyers

Turkey Human Rights Litigation Support Project

Date of submission: 2 February 2026

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## EXECUTIVE SUMMARY

1. The Petitioner, Mr Selçuk Kozağaçlı, 53, is a prominent human rights lawyer in Türkiye. He is a lawyer at the People's Law Office (HHB) and Honorary President of the Progressive Lawyers' Association (ÇHD), an association he chaired for many years and which focuses on the right to life and advocates for the prevention of all types of attack on fundamental rights and human dignity.<sup>1</sup> He was arrested in Istanbul, Türkiye on 8 November 2017, as part of a wave of arrests targeting HHB/ÇHD lawyers for alleged links with the outlawed DHKP-C (Revolutionary People's Liberation Party). Held in pre-trial detention at Marmara Closed Prison (formerly Silivri Prison) since his arrest, Mr Kozağaçlı was convicted for 'membership of a terrorist organisation' (Article 314(2) of the Penal Code) on 11 November 2022, based decisively on his professional activities. On appeal, his sentence was set to 10 years and 15 months' imprisonment (**Annex I**). He and his colleagues' arrests, detention, trial, and conviction have been widely criticised as judicial harassment and misuse of anti-terrorism legislation against human rights lawyers for their professional activities.
2. Based on the time already spent in detention, the Petitioner's conditional release (parole) was scheduled for 11 February 2025 (**Annex II**). On 10 February 2025, prison authorities decided that the Petitioner failed to meet the standard of good conduct required by law for his early release. However, they reversed their finding pursuant to the Petitioner's successful judicial appeal (**Annex III**). The Petitioner was released by judicial order on 16 April 2025 (**Annex IV**). The following day, the Bakırköy Public Prosecutor appealed the decision (**Annex V**), and the judicial authorities revoked the Petitioner's conditional release (**Annex VI**). He was re-arrested that day and has unsuccessfully appealed the court's decision (**Annexes VII and VIII**). Prison authorities found him unsuitable for conditional release on 30 April 2025, and again on 30 December 2025 (**Annexes IX, X and XI**). He remains detained at Marmara Closed Prison. The denial of the Petitioner's conditional release constitutes a disguised punishment for his exercise of his human rights and his professional activities as a human rights lawyer, and an illegitimate attempt to prolong his detention for political purposes. It forms part of a broader pattern of arbitrary post-sentencing practices that discriminatorily target political prisoners, including the imposition of inhumane prison conditions. The Petitioner's arbitrary re-arrest and detention since 17 April 2025, together with the ongoing arbitrary denial of parole, thus constitute a continuation of a decade-long judicial harassment against him and other members of the ÇHD, who have been targeted as human rights lawyers.
3. The Petitioner's detention lacks a legal basis, as it is grounded in overly broad and vague legislation on parole, which has been applied in an arbitrary manner by prison and judicial authorities (Category I violation). Moreover, the revocation of the Petitioner's parole is based on his exercise of his rights to freedom of expression and freedom of assembly under the International Covenant on Civil and Political Rights (ICCPR) and Universal Declaration of Human Rights (UDHR) (Category II violation). The Petitioner's due process rights in relation to his right to liberty and security, his right to a fair trial and his right to an effective remedy have also been violated (Category III arbitrary detention). Finally, the arbitrary denial of the Petitioner's right to conditional release forms part of a general pattern of harassment targeting the Petitioner's views and activities as a human rights lawyer (Category V arbitrary detention). Therefore, the Petitioner requests that the United Nations Working Group on Arbitrary Detention (the "Working Group") render an Opinion that his detention pursuant to the arbitrary denial of his parole requests violates fundamental guarantees enshrined in international law and constitutes Categories I, II, III and V arbitrary detention as defined by the Working Group, and recommends that the Government of Türkiye immediately release the Petitioner.

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<sup>1</sup> The Petitioner is also Honorary President of the European Democratic Lawyers (AED) and bureau member and Vice President for the protection of lawyers and fair trial rights of the International Association of Democratic Lawyers (IADL).

## MODEL QUESTIONNAIRE

### I. Identity

Family name	<b>Kozağaçlı</b>
First name	<b>Selçuk</b>
Sex	Male
Birth date or age (at the time of detention)	16 July 1972
Nationality/Nationalities	Turkish
Identity document: (a) Issued in  (b) No.	(a) Türkiye  (b) 16135146636
Profession and/or activity	Human rights lawyer
Address of usual residence	Mithatpasa Cad 62/7 Kizilay - Ankara Çankaya/ANKARA

### II. Arrest and detention

Date of arrest and detention	17 April 2025
Place of arrest	Home of a colleague in Istanbul. Address: Daruşafaka Mahallesi Gazeteciler Sitesi A 4 Blok D 12 Sarıyer /İstanbul.
Forces that carried it out or are believed to have carried it out	Police forces
Explanation given or decision referred to	The Petitioner was told that an arrest warrant was issued against him.
Authority that issued the decision	Bakırköy 2 <sup>nd</sup> Sentence Execution Judgeship
Duration of detention	566 days since parole revocation 3,432 days in total
Place of detention	Block No. 9, Marmara Closed Prison (formerly Silivri Prison)
Reason for the detention imputed by the authorities	Failure to meet criteria for conditional release
National law cited as the legal basis for the detention	Regulation on Observation and Classification Centres and Evaluation of Convicts

### III. Circumstances of the Petitioner's detention since 17 April 2025

1. The Petitioner is a prominent human rights lawyer who chaired the Progressive Lawyers' Association (ÇHD), which focuses specifically on human rights related cases.<sup>2</sup> He is known for his work on high-profile cases such as the Soma Mine disaster from 2014, in which he represented deceased workers' families;<sup>3</sup> the Berkin Elvan case, involving the death of a 15-year-old boy due to police violence during the Gezi Park protests;<sup>4</sup> and the cases of

<sup>2</sup> See Front Line Defenders, "Selçuk Kozağaçlı Detained" (<https://www.frontlinedefenders.org/en/case/selcuk-kozaagacli-detained>); Sessiz Kalma, "Lawyers from Progressive Lawyers' Association" (<https://www.sessizkalma.org/en/defender/lawyers-progressive-lawyers-association>).

<sup>3</sup> See Human Rights Watch, "Turkey: Mine Disaster Trial to Open", 3 April 2015 (<https://www.hrw.org/news/2015/04/13/turkey-mine-disaster-trial-open>).

<sup>4</sup> The European Court of Human Rights found a violation of the procedural limb of Article 2 of the European Convention on Human Rights (right to life) due to authorities' failure to conduct an effective investigation (*Elvan v Türkiye*, App no. 64937/19, 7 February 2023).

Nuriye Gülmen and Semih Özakça, an academic and a teacher detained after starting a hunger strike to protest their arbitrary dismissal by emergency decree following the attempted coup d'état of 2016<sup>5</sup>. Amongst other awards, the Petitioner received Lawyers for Lawyers' 2019 award in recognition for his dedication to the defence of human rights.<sup>6</sup>

2. The present complaint concerns the arbitrary denial of Mr Kozağaçlı's right to conditional release following his conviction resulting from the exercise of his lawful professional activities and defense of human rights. The Working Group applies a heightened standard of review where the rights to freedom of thought, conscience and religion, freedom of opinion and expression, freedom of peaceful assembly and association, participation in political and public affairs, equality and non-discrimination, and protection of persons belonging to ethnic, religious or linguistic minorities are restricted, or where human rights defenders are involved.<sup>7</sup> The Petitioner's arbitrary denial of parole therefore requires urgent and heightened scrutiny by the Working Group. Mr Kozağaçlı's re-arrest following his conditional release reflects broader issues with the parole system in Türkiye, including its vague criteria, inconsistent application, and frequent use as a tool to extend detention in an arbitrary manner.<sup>8</sup>

A. *Pattern of arbitrary denial of parole for political prisoners*

3. In its Opinions from the last few years concerning Türkiye, the Working Group has repeatedly noted a significant increase in the number of cases brought to it concerning arbitrary detention in Türkiye and recalled that widespread or systematic imprisonment or other severe deprivation of liberty in violation of fundamental rules of international law may constitute crimes against humanity.<sup>9</sup> While the widespread misuse of pre-trial detention and sentencing is now well-documented, recent years have also seen an increase in practices preventing political prisoners in closed and high-security prisons from benefiting from conditional release (parole) and supervised release (probation), which are their legal rights under certain conditions.<sup>10</sup> These practices, popularly referred to as "burning sentence execution" ("infaz yakma"), have been used as an illegitimate means of punishing political prisoners and unlawfully prolonging their detention and suffering.<sup>11</sup>
4. The law does not define "good conduct"; however, it provides certain criteria to be taken into account in its determination,<sup>12</sup> including "complying with the rules set for the order

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<sup>5</sup> See Council of Europe, "Secretary General Jagland calls for release of Turkish hunger strikers", 26 June 2017 (<https://www.coe.int/en/web/portal/-/council-of-europe-secretary-general-jagland-calls-for-release-of-turkish-hunger-strikers>).

<sup>6</sup> Lawyers for Lawyers, "Selçuk Kozağaçlı to receive L4L Award 2019", 10 April 2019 (<https://www.lawyersforlawyers.org/selcuk-kozagaccli-to-receive-l4l-award-2019/>).

<sup>7</sup> Working Group on Arbitrary Detention, *Ali Ünal v Türkiye*, A/HRC/WGAD/2023/3, 3 May 2023, para. 64.

<sup>8</sup> OMCT, "Turkey: Selçuk Kozağaçlı and other ÇHD lawyers on trial once again", 26 May 2025 (<https://www.omct.org/en/resources/statements/turkey-sel%C3%A7uk-koza%C4%9Fa%C3%A7%C4%B1-and-other-%C3%A7hd-lawyers-on-trial-once-again>); see also The Arrested Lawyers' Initiative, "Selçuk Kozağaçlı Re-Arrested Within 24 Hours of Release" (<https://arrestedlawyers.org/2025/04/17/selcuk-kozagaccli-re-arrested-within-24-hours-of-release/>).

<sup>9</sup> Working Group on Arbitrary Detention, *Meryem Tekin v Türkiye*, Opinion No. 6/2024, para. 67; *Levent Kart v Turkey*, Opinion No. 66/2020, para. 67.

<sup>10</sup> Association of Lawyers for Freedom (Özgürlük İçin Hukukçular Derneği, ÖHD), Foundation for Society and Legal Studies (Toplum ve Hukuk Araştırmaları Vakfı, TOHAV) Media and Law Studies Association (Medya ve Hukuk Araştırmaları Vakfı, MLSA), and The World Organization against Torture (OMCT), Joint Alternative Report to the Committee against Torture in relation to its review of the fifth periodic Report of Türkiye, June 2024, at p. 34 (<https://www.omct.org/site-resources/files/OMCT-Alternative-Report-on-Turkey-CAT-80th-Session.pdf>); Birgün, "New human rights violations in prisons under the pretext of discipline: Sentences are being burned" [in Turkish], 26 July 2022 (<https://www.birgun.net/haber/cezaevlerinde-disiplin-bahanesiyle-yeni-hak-ihlali-infazlar-yaniyor-396610>).

<sup>11</sup> See Media and Law Studies Association, "Double standards in sentencing laws: Saman is free, hundreds of detained persons await", 21 November 2023 (<https://www.mlsaturkey.com/tr/samastin-tahliyesi-iyi-hali-mi-yoksa-cifte-standart-mi>); Yeni Yaşam newspaper, "Burning sentence execution is a new form of torture" [in Turkish] (<https://yeniyasamgazetesi9.com/infaz-yakma-yeni-iskence-yontemidir/>).

<sup>12</sup> See MEDEL (Magistrats Européens pour la Démocratie et les Libertés), "Conditional Release and De Facto Criminal Courts in Türkiye", 2024, p. 3 (available at: <https://medelnet.eu/wp-content/uploads/2024/05/conditional-release-report.pdf>).

and security of the prison”; “exercising one’s rights in good faith”, “fulfilling one’s obligations completely”; “readiness to integrate with society”; and a “low risk of re-offending and of harming the victim or others”.<sup>13</sup> In addition, under Article 89 and Articles 3 and 16 of the 'Regulation on Observation and Classification Centres and Evaluation of Convicts' (“Evaluation Regulation”) adopted in 2020, assessment of “good conduct” should take into account, for all stages of the convict’s sentence, programs and activities participated in and certificates received; book reading habits; relations with other detainees, prison staff, and the outside world; the convict’s *remorse* for their crimes; compliance with prison rules; and disciplinary sanctions received.<sup>14</sup>

5. Evaluation of “good conduct” is performed every six months by Administrative and Observation Boards, an administrative authority established by an amendment to Article 89 of the Execution Law in 2020. Under the amended Article 89, the board is chaired by the Chief Public Prosecutor or a prosecutor he or she designates. It comprises prison administration and medical and educational staff. Administrative and Observation Boards’ assessment relies both on the convict’s file and on a “development assessment score”,<sup>15</sup> with the minimum threshold for “good conduct” set by the Ministry of Justice.<sup>16</sup> A “development score” lower than the minimum threshold precludes a decision of “good conduct” for the purposes of conditional release, unless a reasonable excuse can be established.<sup>17</sup> Conditional release decisions are then made by execution judgeships based on the resulting report prepared by the Boards.<sup>18</sup>
6. The criteria for good conduct, as modified in 2020, entail an extremely broad, subjective and invasive monitoring and evaluation of almost all aspects of convicts’ lives in detention.<sup>19</sup> The Human Rights Association (İHD) has stressed that the frequency and nature of these evaluations are incompatible with convicts’ rights to respect for their dignity and their private life.<sup>20</sup> Furthermore, the addition of remorse to the criteria to be assessed blurs the line between substantive criminal law and execution law, “empowering prison administrations to act as de facto criminal courts, judging convicts’ affiliation with ostensible terrorist organisations and using parole as a punitive measure”.<sup>21</sup> It also pressures convicts to express remorse, even if unjustly accused, to secure release.<sup>22</sup>
7. In addition, while the administrative boards created by the 2020 reform are empowered to act as de facto judicial authorities, these authorities lack independence, impartiality, and legal expertise. As highlighted by a group of human rights organisations in a report to the UN Committee Against Torture, “members of the board [...] have ongoing interactions with inmates, are implicated in allegations of torture and ill-treatment of inmates, read inmates’ correspondence and make adverse decisions based on it, conduct disciplinary inquiries of inmates, and impose disciplinary measures on them”.<sup>23</sup>

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<sup>13</sup> Article 89 of the Execution Law, as amended by Law no. 7242 in 2020.

<sup>14</sup> Adopted on 29 December 2020, available at: <https://www.resmigazete.gov.tr/eskiler/2020/12/20201229-3.htm>

<sup>15</sup> Article 16 and Article 32(7)-32(8) of the Evaluation Regulation.

<sup>16</sup> *ibid.*, Article 31(3).

<sup>17</sup> *ibid.*, Article 33(3).

<sup>18</sup> Article 107(11) Sentence Execution Law.

<sup>19</sup> Human Rights Association (İnsan Hakları Derneği, İHD), Amicus curiae brief to the Constitutional Court in the legal proceedings for the annulment of amendments to Law no. 7242 on Execution of Sentences” [in Turkish], “Substantive grounds for annulment”, 24 June 2020, para. 166 (available at: <https://www.ihd.org.tr/ihd-7242-sayili-infaz-kanunu-degisikligi-ile-ilgili-anayasa-mahkemesinde-acilan-davalara-basvuru-yapti/>).

<sup>20</sup> *ibid.*

<sup>21</sup> MEDEL, “Conditional Release and De Facto Criminal Courts in Türkiye”, 2024, p. 1 (<https://medelnet.eu/wp-content/uploads/2024/05/conditional-release-report.pdf>).

<sup>22</sup> *ibid.*

<sup>23</sup> ÖHD, TOHAV, MLSA, and OMCT, Joint Alternative Report to the Committee against Torture, June 2024 (supra n 10), p. 34; see also Human Rights Association (İnsan Hakları Derneği, İHD), “Abolish the administrative and observation boards preventing the release of prisoners!” [in Turkish], 11 October 2024 (<https://www.ihd.org.tr/mahpuslarin-tahliyelerini-engelleyen-idare-ve-gozlem-kurullari-iptal-edilsin-2/>);

8. In practice, reports of arbitrary denial of parole and probation are rife and suggest a systemic and increasingly entrenched practice in relation to political prisoners.<sup>24</sup> Convicts' "development score" has reportedly been reduced based on subjective elements such as not reading books recommended by the prison administration, political statements contained in letters received, or failing to comply with arbitrary and unlawful orders of correction officers.<sup>25</sup> Reasons given for a lack of good conduct have included, for example, "consuming too much water and electricity and not staying apart from [one's] friends"<sup>26</sup> or "not borrowing books from the prison library".<sup>27</sup> Moreover, IHD highlights that arbitrary disciplinary measures are often used to justify a finding of lack of good conduct.<sup>28</sup>
9. IHD has estimated that at least 501 prisoners faced multiple rejections of their conditional release between 2021 and 2024.<sup>29</sup> At least 105 reportedly had health conditions, 42 of them being in critical condition.<sup>30</sup> Reviewing complaints received regarding arbitrary denial or postponement of parole, the Ankara Bar Association found that the relevant prison board's decisions replicated the text of the law identically, did not provide concrete examples or explanations relating to convicts' behaviour and alleged lack of good conduct, failed to address convicts' arguments and submissions, and ignored convicts' health conditions.<sup>31</sup> Critically, judicial review by sentence execution judgeships was merely formal and failed to address arguments and evidence provided by prisoners as well as their personal situation and health conditions.<sup>32</sup> In light of similar complaints throughout the country, the Ankara Bar Association concluded that the Execution Law required profound changes to ensure that the conditional release mechanism truly served social reintegration and crime prevention objectives and its application complied with constitutional and human rights law.<sup>33</sup>

*B. The Petitioner's conditional release was pre-empted, then revoked*

10. The Petitioner was convicted for 'membership of a terrorist organisation' on 11 November 2022 and his conviction was upheld on 11 April 2024, becoming final.<sup>34</sup> His sentence was set to 10 years and 15 months' imprisonment on 11 July 2024.<sup>35</sup> Under Article 17 of the

Bianet, "TUAY-DER: Shut down administrative and observation boards" [in Turkish], 4 September 2025 (<https://bianet.org/haber/tuay-der-idare-ve-gozlem-kurullari-kapatilsin-311165>).

<sup>24</sup> ÖHD, TOHAV, MLSA, and OMCT, Joint Alternative Report to the Committee against Torture (supra n 10), p. 34; MLSA, "Double standards in sentencing laws: Saman is free, hundreds of detained persons await" (supra n 11); Bianet, "Lawyer Aydın: Greeting each other, paying the electricity bill, reading books, dancing the halay..." [in Turkish], 7 June 2023

(<https://bianet.org/haber/av-aydin-selamlasma-elektrik-faturasi-kitap-okuma-halay-cekme-279973>); Artı Gerçek, "Violations by Administrative and Observation Boards continue: special burning of sentence execution for political prisoners" [in Turkish], 1 September 2023, (<https://artigercek.com/politika/idare-ve-gozlem-kurulu-ihlalleri-suru-yor-siyasi-mahpuslara-ozel-infaz-yakma-263589h>); Bianet, "The rights of prisoners eligible for conditional release are being violated" [in Turkish], 13 December 2021 (<https://bianet.org/haber/kosullu-tahliye-sarti-olusan-mahpuslarin-haklari-ihlal-ediliyor-254742>); BBC Türkçe, "Why are requests for release on "good conduct" being rejected?", 5 March 2021 (<https://www.bbc.com/turkce/haberler-turkiye-56292598>).

<sup>25</sup> Bianet, "Lawyer Kurhan: Interview questions are clearly unconstitutional" [in Turkish], 4 September 2023 (<https://bianet.org/haber/avukat-kurhan-mulakat-sorulari-anayasa-ya-acikca-aykiri-283524>).

<sup>26</sup> Duvar Newspaper, "Reason for burning sentence execution: not cutting ties with friends", 20 April 2022 (<https://www.gazeteduvar.com.tr/infaz-yakmaya-gerekce-arkadaslarindan-kopmama-haber-1561469>).

<sup>27</sup> Artı Gerçek, "He has been imprisoned for 30 years, his sentence is over but he is being denied release", 3 January 2025 (<https://artigercek.com/guncel/30-yildir-hapiste-cezasi-bitti-ama-tahliye-edilmiyor-181867h>).

<sup>28</sup> Human Rights Association (İHD), Report on rights monitoring in Turkey's prisons [Turkish], 5 August 2025, p. 82 (<https://www.ihd.org.tr/wp-content/uploads/2025/08/2024-Y%C4%B1%C4%B1-Hapishane-Raporu-1.pdf>).

<sup>29</sup> İHD, "Abolish the administrative and observation boards preventing the release of prisoners!" (supra n 28).

<sup>30</sup> *ibid.*

<sup>31</sup> Ankara Bar Association, Human Rights Centre, Application of Good Conduct in the Execution of Sentences and Rights Violations Experienced, 13 November 2023, pp. 11-14 ([https://ankarabarusu.org.tr/serve/file/4c35158c-926e-11ee-a7c0-000c29c9dfce/ihm20231204rapor\\_58294.pdf](https://ankarabarusu.org.tr/serve/file/4c35158c-926e-11ee-a7c0-000c29c9dfce/ihm20231204rapor_58294.pdf)).

<sup>32</sup> *ibid.*, p. 14.

<sup>33</sup> *ibid.*, p. 15.

<sup>34</sup> See Section C below.

<sup>35</sup> Annex I.

Anti-Terrorism Law (no. 3713), persons convicted of terrorism-related offences (to the exclusion of convicts sentenced to life imprisonment) must serve three quarters of their sentence to be eligible for conditional release.<sup>36</sup> Accordingly, and crediting time already spent in detention, the Petitioner's conditional release date was set to 11 February 2025 and his release *ipso jure* to 3 December 2027.<sup>37</sup>

11. In November 2024, a 2-month disciplinary sanction was imposed on the Petitioner for undertaking a hunger strike which ended on 31 January 2025. On 10 February 2025, the Marmara Prison's Administrative and Observation Board issued a finding that he failed to meet the requisite "good conduct" for conditional release, as his "development score" was 37,75 points, falling below the minimum requirement of 40 points. On 5 March 2025, following a challenge brought by the Petitioner, the Silivri 1st Sentence Execution Judgeship annulled the Prison Board's decision, holding that it should have examined whether there existed a compelling factor or reasonable justification such as age, ill-health or lack of staff that may have impacted on the Petitioner's development score. In a new decision of 16 April 2025, the Prison Board found that the Petitioner's low development score stemmed from the disciplinary sanction lifted in January 2025. Examining the Petitioner's conduct since 11 February 2025, the Board issued a finding of good conduct, declaring him eligible for conditional release.<sup>38</sup> The Petitioner was released the same day following an order of the Bakırköy 2<sup>nd</sup> Sentence Execution Judgeship.<sup>39</sup>
12. However, on 17 April 2025, the Bakırköy Public Prosecutor filed an objection to Selçuk Kozağaçlı's release, alleging that his behaviour demonstrated a failure to distance himself from the activities of DHKP-C, the organisation he was convicted for membership of.<sup>40</sup> The same day, the Bakırköy 2<sup>nd</sup> Sentence Execution Judgeship issued an additional decision overturning its previous decision and revoking the Petitioner's conditional release, referring once again to the Petitioner's low development score and affirming that the "compelling factors or reasonable justifications" for his low score had not been listed.<sup>41</sup> Only one day after his release, the Petitioner was re-arrested at a colleague's house in Istanbul, where he was hosted until his planned return to his home in Ankara. The news of his re-arrest was shared in a press release by the Istanbul Public Prosecutor's Office.<sup>42</sup>
13. The Petitioner appealed the Judgeship's decision to revoke his conditional release on 22 April 2025.<sup>43</sup> The Bakırköy 1<sup>st</sup> Heavy Penal Court dismissed the appeal on 28 April 2025.<sup>44</sup> On 30 April 2025, the Prison Board issued a new decision finding that the Petitioner did not fulfil the requirement of good conduct and was therefore unfit for conditional release.<sup>45</sup> The Petitioner's appeal was rejected on 22 May 2025. He remains detained in Marmara Closed Prison.
14. On 30 April 2025, the Petitioner received a disciplinary sanction for refusing to accept the identity card given to him by prison authorities. On 11 September 2025, he received another sanction prohibiting him from participating in activities for one month, following a 3-day hunger strike in protest of conditions in closed prisons. On 30 December 2025, the prison authorities assessed the Petitioner as lacking the good conduct required for his conditional release, allegedly due to these sanctions and "insufficient development".<sup>46</sup> The next assessment is due for 30 June 2026.

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<sup>36</sup> Available at <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3713.pdf>.

<sup>37</sup> Annex II.

<sup>38</sup> Annex III.

<sup>39</sup> Annex IV.

<sup>40</sup> Annex V.

<sup>41</sup> Annex VI.

<sup>42</sup> See Medyascope, "Released Yesterday, Selçuk Kozağaçlı has been re-arrested", 17 April 2025

(<https://medyascope.tv/2025/04/17/tahliye-edilen-selcuk-kozagacli-yeniden-hapishaneye-goturulecek/>).

<sup>43</sup> Annex VII.

<sup>44</sup> Annex VIII.

<sup>45</sup> Annex IX.

<sup>46</sup> Annexes X and XI.

*C. The Petitioner has been subjected to judicial harassment for his professional activities as a human rights lawyer*

15. The Petitioner has been tried, detained, convicted and sentenced for his professional activities as a human rights lawyer. In 2013, criminal proceedings were initiated against Selçuk Kozağaçlı on charges of being an alleged leader of the armed outlawed Revolutionary People's Liberation Party-Front (DHKP-C), based on his exercise of his professional activities and cases he and his colleagues had worked on.<sup>47</sup> He was detained on 21 January 2013 and eventually released on 21 March 2014, while the proceedings continued.
16. On 8 November 2017, Selçuk Kozağaçlı was arrested once more after leaving his office in Istanbul to join a meeting of the Istanbul Bar Association. His arrest formed part of a broader operation targeting HHB/ÇHD lawyers, and he was placed in police custody for five days.<sup>48</sup> He was indicted on charges of "membership of a terrorist organisation" (Article 314(2) of the Penal Code) and held in pre-trial detention at Marmara Closed Prison (formerly Silivri Prison) from 13 November 2017 to 14 September 2018, before being released for one day. He was re-arrested on 16 September 2018, after the prosecutor contested his and his colleagues' release.<sup>49</sup>
17. In 2019, the 2013 and 2017 criminal proceedings against Mr Kozağaçlı were joined together. On 11 November 2022, the Petitioner was convicted for "membership of a terrorist organisation" and for "terrorist propaganda", based decisively on his professional activities, including his contacts with detained or convicted persons, representation of persons suspected or convicted of terrorism-related offences, engagement with lawful rights organisations and participation in symposiums.<sup>50</sup> On 11 April 2024, the Supreme Court overturned his conviction for "terrorist propaganda", while upholding his conviction for "membership of a terrorist organisation", thereby making it final.
18. The Petitioner and his colleagues' arrests, detention, trial, and conviction have been condemned by a broad array of national and international lawyers and human rights bodies and organisations as constituting judicial harassment and misuse of anti-terrorism legislation against human rights lawyers for their professional activities in defence of human rights, pointing to due process violations throughout the proceedings and

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<sup>47</sup> See Human Rights Watch, "Turkey: Nine Human Rights Lawyers Imprisoned", 22 January 2013 (<https://www.hrw.org/news/2013/01/22/turkey-nine-human-rights-lawyers-imprisoned>); Amnesty International, "ÇHD Lawyers' Trial" [in Turkish], 23 December 2013 (<https://www.amnesty.org.tr/icerik/chdli-avukatlar-davasi>).

<sup>48</sup> See Annex II.

<sup>49</sup> Bianet, "Selçuk Kozağaçlı re-arrested after a 10-minute "trial"", 17 September 2018 (<https://bianet.org/haber/selcuk-kozagacli-10-dakikalik-durusmayla-ikinci-kez-tutuklandi-200889>).

<sup>50</sup> He was previously convicted in March 2019 by the İstanbul 37th Heavy Penal Court of terrorism offences and sentenced to 11 years and three months imprisonment. These convictions and sentences were upheld by the İstanbul Regional Court of Appeals on 8 October 2019. However, the Supreme Court reversed the judgment against Kozağaçlı on 3 September 2020.

denouncing a direct attack on the legal profession in Türkiye.<sup>51</sup> They form part of a broader and increasing pattern of misuse of criminal proceedings against the legal profession.<sup>52</sup>

19. Selçuk Kozağaçlı lodged individual applications with the Constitutional Court, which rejected these as inadmissible on 30 September 2020. His applications to the European Court of Human Rights concerning the arbitrariness of his arrest, detention and conviction remain pending.<sup>53</sup>

#### *D. Prison conditions*

20. The Petitioner is detained in Block no. 9 of Marmara Closed Prison, known for housing political prisoners<sup>54</sup> since 2017. He is held in a very small cell, with extremely limited contact with other individuals, time outside of his cell, and access to recreational and cultural activities and exercise facilities.<sup>55</sup> The Petitioner and other detained and convicted ÇHD lawyers have repeatedly gone on a hunger strike to protest their arbitrary detention and fair trial rights violations. They have been subjected to arbitrary disciplinary measures for their hunger strikes, including restricting their ability to communicate with others.<sup>56</sup>
21. ÇHD lawyer and human rights defender Ebru Timtik lost her life as a result of her 238-day hunger strike on 27 August 2020.<sup>57</sup> The Council of Europe's Commissioner for Human Rights has described her death as "a tragic illustration of the human suffering caused by a judicial system in Türkiye that had turned into a tool to silence lawyers, human rights

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<sup>51</sup> For example: UN Office of the High Commissioner for Human Rights (OHCHR) Press Releases, "Türkiye: Expert dismayed by continued misuse of counter terrorism law to keep human rights defenders in long-term detention", 16 January 2025

(<https://www.ohchr.org/en/press-releases/2025/01/turkiye-expert-dismayed-continued-misuse-counter-terrorism-law-keep-human>); FIDH, "Turkey : Selçuk Kozağaçlı and other ÇHD lawyers on trial once again", 26 May 2025 (<https://www.fidh.org/en/region/europe-central-asia/turkey/turkey-selcuk-kozagacli-and-other-chd-lawyers-on-trial-once-again>); Statement to the media on the trial of ÇHD members by the heads of 39 bar associations, 21 March 2019 (<https://www.diyarbakirbarosu.org.tr/haberler/39-barodan-chd-uyesi-meslektaşlarımızın-yargılanmasına-iliskin-ortak-basin-aciklamasi>); Council of Europe Commissioner for Human Rights, Report Following Her Visit to Turkey from 1 to 5 July 2019, para. 174 (<https://rm.coe.int/avrupa-konseyi-insan-haklari-komiseri-dunja-mijatovic-1-5-temmuz-2019-/16809c5187>); FIDH, "Turkey: Provisional releases and continued judicial harassment of 47 lawyers, one journalist, one legal secretary and two drivers", 20 March 2014 (<https://www.fidh.org/en/region/europe-central-asia/turkey/14993-turkey-provisional-release-and-continued-judicial-harassment-of-47-lawyers>).

<sup>52</sup> See International Bar Association's Human Rights Institute (IBAHRI) and The Arrested Lawyers Initiative (TALI), A Profession on Trial: The Systematic Crackdown Against Lawyers in Turkey (2024) (available at: <https://www.ibanet.org/Turkey-IBAHRI-and-TALI-release-report-documenting-mass-imprisonment-of-lawyers>); Joint Statement by the International Legal and Human Rights Community on Unacceptable Attacks on the Legal Profession in Turkey, 14 April 2025 (<https://www.turkeylitigationsupport.com/blog/2025/4/14/joint-statement-by-the-international-legal-and-human-rights-community-on-unacceptable-attacks-on-the-legal-profession-in-turkey>).

<sup>53</sup> See "Justice Delayed: Lawyers associations condemn the European Court of Human Rights' Inaction on Lawyers' Cases in Turkey", Joint statement by 15 lawyers associations, 12 September 2025 (<https://lesaf.org/wp-content/uploads/2025/09/Statement-12092025.pdf>).

<sup>54</sup> See Elmas Topcu, "Silivri prison: Inhumane conditions in Turkey's largest jail", Deutsche Welle, 4 February 2025 (<https://www.dw.com/en/silivri-prison-inhumane-conditions-in-turkeys-largest-jail/a-72120019>). High-profile political prisoners detained in Silivri Prison include Istanbul mayor and opposition politician Ekrem İmamoğlu, human rights defender Osman Kavala, and opposition parliamentarian and lawyer Can Atalay (<https://www.dw.com/tr/d%C3%BCnyan%C4%B1n-en-b%C3%BCy%C3%BCk-siyasi-hapishanelerinden-silivri/a-72085979>).

<sup>55</sup> See Independent International Fact-finding Mission to Turkey: Examining the Treatment of Lawyers Deprived of their Liberty and Observing Trial Proceedings – 6-10 November 2023, Report of an international delegation representing 27 law societies, bar associations, human rights groups and legal groups (February 2024), pp. 13-18 (<https://protect-lawyers.org/wp-content/uploads/FACTFI1.pdf>).

<sup>56</sup> Annex V; see also Independent International Fact-finding Mission to Turkey (supra), p. 16.

<sup>57</sup> UN OHCHR Press Releases, "Turkish human rights lawyer dies after hunger strike", 2 September 2020 (<https://www.ohchr.org/en/press-releases/2020/09/turkish-human-rights-lawyer-dies-after-hunger-strike>). In 2021, a group of lawyers and lawyers' organisations established the International Fair Trial Day and an award in Ebru Timtik's name recognising an individual or an organisation who has or which has made an exceptional contribution towards securing fair trial rights in the country (<https://iftfd.org/about-us/>).

defenders and journalists, through systematic disregard for the most basic principles of the rule of law”.<sup>58</sup>

22. In November 2023, an international fact-finding mission by 27 law societies, bar associations, human rights groups and legal groups concluded that these conditions of detention were contrary to Türkiye’s international human rights obligations, including under Article 10 of the ICCPR (right to humane conditions of detention and to be treated with dignity) and under the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).<sup>59</sup>
23. These findings reflect a broader pattern of torture, ill-treatment and inhumane detention conditions in prisons in Türkiye, particularly against political prisoners in high-security prisons. In a Joint Alternative Report to the Committee against Torture from 2024, several legal and human rights organisations thus highlighted that:

In the recent years violations of the rights of political prisoners have also intensified. Among these violations, the breach of the prohibition of torture stands out. In prisons, there are significant differences between the treatment of political prisoners and other inmates. Political prisoners, especially in high-security prisons, endure prolonged or indefinite social isolation, severely affecting their physical and mental health. The torture and ill-treatment of political prisoners in these facilities are worsened by the arbitrary treatments by the penitentiary administrations.<sup>60</sup>
24. Certain legislative reforms in recent years have facilitated the denial of prisoners’ rights for ulterior political or other motives. For example, in 2020, Article 62 of Law No. 5275 on the Execution of Criminal and Security Measures was amended to prohibit convicts’ access to newspapers not officially authorised by the Press Advertisement Institution. The IHD described this amendment as a clear violation of the rights to freedom of expression and freedom of the press, aiming to prevent prisoners’ access to opposition media.<sup>61</sup>
25. Prisoners have engaged in mass hunger strikes as a last resort for protesting these prison conditions, which are blatantly incompatible with international human rights standards.<sup>62</sup> In 2024, 157 hunger strikes were reported to the IHD, which estimates the actual number to be far higher.<sup>63</sup> Examining reports of disciplinary investigation and punishments of hunger strikers in Türkiye, Amnesty International has previously highlighted that punishment of prisoners for being on hunger strike or attempts to coerce them to end their hunger strike “violate their right to freedom of expression and may amount to cruel, inhuman or degrading treatment or punishment in violation of international human rights law and standards”.<sup>64</sup>

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<sup>58</sup> Council of Europe Commissioner for Human Rights, Memorandum on freedom of expression and of the media, human rights defenders and civil society in Türkiye, CommHR(2024)16, 5 March 2024, para. 34 (<https://rm.coe.int/memorandum-on-freedom-of-expression-and-of-the-media-human-rights-defe/1680aebf3d>)

<sup>59</sup> Independent International Fact-finding Mission to Turkey, pp. 13-18 (supra n 62).

<sup>60</sup> ÖHD, TOHAV, MLSA, and OMCT, Joint Alternative Report to the Committee against Torture, June 2024 (supra n 10), p 36; Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), AS/Mon (2024) 16, 11 September 2024, para. 20 (<https://rm.coe.int/as-mon-2024-16-information-note-the-honouring-of-obligations-and-commi/1680b19600>).

<sup>61</sup> Human Rights Association (İHD), Amicus curiae brief to the Constitutional Court (supra n 24), para. 164. Many other arbitrary restrictions are routinely imposed on prisoners, such as video-surveillance of toilet facilities, preventing prisoners from receiving new clothes, imposing a quota on books, or frequent general searches resulting in damage to inmates’ personal belongings (see ÖHD, Report on Women’s Prisons and Rights Violations against Women Political Prisoners, 24 November 2023, available at: <https://ozgurlukicin hukukcular.org/tr/detay/kadin-hapishaneleri-ve-siyasi-kadin-mahpuslar-hak-ihlalleri-raporu>).

<sup>62</sup> *ibid.*, pp. 50-51; see also Amnesty International, “Turkey: Hunger Strikes” (2019) (<https://www.amnesty.org/en/wp-content/uploads/2022/07/EUR4408352019ENGLISH.pdf>).

<sup>63</sup> *ibid.* p 51.

<sup>64</sup> Amnesty International, “Turkey: Hunger Strikes” (supra n 62), p. 2.

26. Arbitrary disciplinary measures represent a widespread practice. According to data collected by the IHD, 476 arbitrary disciplinary measures were applied in 2024.<sup>65</sup> Individuals who protested or resisted torture and ill-treatment in detention were found to be subjected to disciplinary investigation and sanctions.<sup>66</sup> Similarly, prisoners systematically faced disciplinary measures for letters written, petitions lodged, and objections to pressures and rights violations inflicted upon them.<sup>67</sup> The IHD concluded that “in prisons, prison authorities respond to any rights-related request or reaction to violations by dressing a report and initiating a disciplinary investigation”.<sup>68</sup>

#### **IV. How does this amount to arbitrary detention?**

##### *A. Imprisonment as detention covered by the Working Group’s mandate*

27. The Petitioner, convicted and sentenced on spurious terrorism-related charges, was arbitrarily reincarcerated after his conditional release from prison. According to resolution 1997/50, the Working Group is entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily.<sup>69</sup> The mandate of the Working Group extends to deprivation of liberty before, during and after trial.<sup>70</sup> The Working Group has previously issued Opinions on detention following a final conviction, including where early release was arbitrarily denied.<sup>71</sup> The present case therefore falls squarely within the Working Group’s mandate.

##### *B. Reasons for which the Petitioner’s imprisonment is arbitrary*

28. The Petitioner is a political prisoner within the meaning of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).<sup>72</sup> His re-arrest and detention pursuant to the revocation of his conditional release fall within Categories I, II, III and V arbitrary detention as defined by the Working Group.

##### *B.1 The detention of the Petitioner constitutes Category I arbitrary detention because his denial of parole has no legal basis*

29. Article 9(1) of the ICCPR prohibits unlawful deprivation of liberty. It provides that any deprivation of liberty must be on grounds and in accordance with procedures established by law.<sup>73</sup> Accordingly, arrest or detention having no legal basis and unauthorised extension of detention constitute unlawful detention. The requirement of arrest or detention having a legal basis also requires that legal basis to be in accordance with international law and standards. According to the Human Rights Committee (HRC), “[a]ny substantive grounds for arrest or detention must be prescribed by law and should be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application. Deprivation of liberty without such authorisation is unlawful.”<sup>74</sup> Therefore, deprivation of liberty based on vague and overbroad legislation paving the way for arbitrary detention is considered unlawful and a Category I violation.<sup>75</sup>

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<sup>65</sup> Human Rights Association (İHD), Rights Monitoring Report of 2024, p. 1 (<https://www.ihd.org.tr/wp-content/uploads/2025/11/ihd-2024-hak-ihlalleri-raporu.pdf>).

<sup>66</sup> Human Rights Association (İHD), Report on rights monitoring in Turkey’s prisons (supra n 33), p. 62.

<sup>67</sup> *ibid.*, p. 73.

<sup>68</sup> *ibid.*, p. 82.

<sup>69</sup> UN Commission on Human Rights, *Question of arbitrary detention.*, E/CN.4/RES/1997/50, 15 April 1997, para. 15.

<sup>70</sup> Working Group on Arbitrary Detention, Fact Sheet no. 26 Rev.1 (2024), p. 10.

<sup>71</sup> Working Group on Arbitrary Detention, *Jan Borek v. United States of America*, U.N. Doc. E/CN.4/2002/77/Add.1 at 16 (2000).

<sup>72</sup> Parliamentary Assembly of the Council of Europe, Resolution 1900 (2012) The definition of political prisoner, 3 October 2012 (<https://pace.coe.int/en/files/19150/html>).

<sup>73</sup> “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.

<sup>74</sup> UN Human Rights Committee, General Comment No.35, 16 December 2014, para. 22.

<sup>75</sup> See for example *Anoosheh Ashoori v Islamic Republic of Iran*, U.N. Doc. A/HRC/WGAD/2021/85 (2022), para. 74.

30. With respect to early release, General Comment no. 35 on Article 9 ICCPR affirms that:

“Convicted prisoners are entitled to have the duration of their sentences administered in accordance with domestic law. Consideration for parole or other forms of early release must be in accordance with the law and such release must not be denied on grounds that are arbitrary within the meaning of article 9. If such release is granted upon conditions and later the release is revoked because of an alleged breach of the conditions, then the revocation must also be carried out in accordance with law and must not be arbitrary and, in particular, not disproportionate to the seriousness of the breach.”<sup>76</sup>

31. Furthermore, the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and Recommendation Rec(2003)22 of the Committee of Ministers to member states of the Council of Europe on conditional release (parole) provide that the purpose of supervision of non-custodial measures after sentencing is to assist the offender’s reintegration into society and prevent reoffending.<sup>77</sup> States can impose individualised conditions on prisoners to reduce the risk of recidivism,<sup>78</sup> however criteria should be clear, explicit, realistic, as few as possible and take into account *inter alia* the prisoners’ personalities and rights.<sup>79</sup> They should be aimed at reducing the likelihood of recidivism and favouring integration,<sup>80</sup> and supervision should be adjusted based on a convict’s progress.<sup>81</sup> It should be incumbent on the authorities to show that the criteria have not been met.<sup>82</sup> Moreover, the modification or revocation of a non-custodial measure should be done only after careful examination of the facts adduced by the convict, and arrest and imprisonment should be prescribed by law and imposed only in the absence of other suitable alternatives.<sup>83</sup>
32. Türkiye’s current legislation on conditional release, resulting from amendments introduced in 2020, has been strongly criticised by national and international lawyers’ and human rights organisations for its vagueness and openness to arbitrary application.<sup>84</sup> In particular, the criteria to assess “good conduct” under Article 89 of the Execution Law are overly broad and subject to arbitrary interpretation, encompassing behaviour with no relation to any alleged risk of offending and allowing parole conditions to be used as a punitive mechanism against political prisoners. The legislation therefore lacks sufficient precision, permitting arbitrary application, which undermines legal certainty and due process guarantees and renders the denial of the Petitioner’s conditional release arbitrary within the meaning of both Categories I and III of the Working Group jurisprudence.
33. The prison and judicial authorities failed to apply the law and to show that the criteria for conditional release had not been met by the Petitioner. Under Article 89(2) of the Execution Law and Article 31(1)(b) of the Evaluation Regulation, disciplinary sanctions against convicts are taken into account in assessing their conduct and “development score”. Under Article 33(4) of the Regulation, if a convict’s development score is lower than the minimum threshold set by the Ministry of Justice for a “good conduct” decision, it must be determined whether there is a reasonable excuse for the low score, such as health reasons. In such a case, the development score is not taken into account and the assessment is based solely on fulfillment of other criteria for good conduct. Under Article

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<sup>76</sup> UN Human Rights Committee, General Comment No.35, 16 December 2014, para. 20.

<sup>77</sup> United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), Adopted by General Assembly resolution 45/110 of 14 December 1990, Rule 10.1; Council of Europe, Committee of Ministers, Recommendation Rec(2003)22 to member states on conditional release (parole), 24 September 2003, para. 3.

<sup>78</sup> Recommendation Rec(2003)22 (supra), para. 8

<sup>79</sup> Tokyo Rules (supra n 85), Rules 12.1 and 12.2; Recommendation Rec(2003)22 (supra n 85), para. 18.

<sup>80</sup> Tokyo Rules, Rule 12.2.

<sup>81</sup> Tokyo Rules, Rules 10.3 and 12.4.

<sup>82</sup> Recommendation Rec(2003)22, para. 20.

<sup>83</sup> Tokyo Rules, Rules 14.2-14.5.

<sup>84</sup> See for instance Human Rights Association (İHD), Amicus curiae brief to the Constitutional Court (supra n 19), “Substantive grounds for annulment”, para. 166; MEDEL, “Conditional Release and De Facto Criminal Courts in Türkiye” (supra n 15).

107(11) of the Execution Law, execution judgeships issue a reasoned decision on whether a Board's report is adequate and permits a convict's release.

34. The Petitioner became legally eligible for conditional release on 11 February 2025, having served three quarters of his sentence. However, he was denied conditional release on 10 February 2025 after having been awarded a "development score" of 37,75, below the 40-point minimum threshold set by the Ministry of Justice. Following the Petitioner's appeal, the execution judgeship ordered a reassessment by the Board, including consideration of potential "reasonable excuse" for the low development score. On 16 April 2025, the Administration and Observation Board found that the Petitioner's deficient score stemmed from an ongoing disciplinary sanction against him during the relevant assessment period. It considered this a "reasonable excuse".<sup>85</sup> Noting that the sanction had ended, the Board found it necessary to carry out a "good conduct" assessment irrespective of the Petitioner's score. Based on the prison administration's assessment indicating the Petitioner's fulfillment of the legal criteria for good conduct, positive attitude and conduct throughout his sentence, absence of foreseeable issues with reintegrating in society, and motivation to develop, the Board issued a finding of "good conduct". The execution judgeship therefore ordered the Petitioner's release.
35. The Petitioner's conditional release, granted following a lawful reassessment ordered by the execution judgeship and a positive finding of "good conduct" by the competent administrative authority, created a legitimate expectation that his release would be implemented in accordance with the principle of legal certainty. Yet, after the Bakırköy Public Prosecutor filed an objection, the same execution judgeship revoked the Petitioner's conditional release on the grounds that the Administration and Observation Board did not detail the reasonable excuses justifying his low score and that he was not fit for release due to this score. This revocation within 24 hours, in the absence of any new facts or conduct and in contradiction with the remittal order, constitutes an abuse of process and a manifest breach of the principles of legal certainty and legal predictability. Under Turkish law, sentence execution judgeships may not substitute prison authorities' power of appreciation in determining good conduct in favor of the convicts.<sup>86</sup> Yet, the execution judgeship effectively substituted the competent administrative authority by an assessment that the Petitioner was unfit for release, acting *ultra vires*. The Petitioner was thus re-arrested on 17 April 2025, one day after his release. On 30 April 2025, the Prison Board revoked its previous finding of good conduct.
36. The execution judgeship and Administration and Observation Board failed to take account of the Petitioner's personal circumstances, as required by the law, including previous health issues. Furthermore, a past disciplinary sanction carried out in full and for which the Petitioner's release had already been unduly postponed clearly constituted arbitrary and disproportionate grounds for revoking his conditional release. Such a revocation was not in accordance with the law, including international and European standards on conditional release, requiring relevant mechanisms to pursue the aim of preventing recidivism and thereby precluding the use of conditional release as a disguised punishment.
37. Therefore, the re-arrest and detention of the Petitioner do not have a legal basis as reviewed by the Working Group under Category I arbitrary detention.

*B.2 The detention of the Petitioner constitutes Category II arbitrary detention because his deprivation of liberty results from the exercise of his rights to freedom of opinion and expression (Article 19 ICCPR, Article 19 UDHR) and freedom of peaceful assembly (Article 21 ICCPR, Article 20 UDHR)*

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<sup>85</sup> Annex III.

<sup>86</sup> See Supreme Court 1st Criminal Chamber, File no. 2022/8353, Decision no. 2022/7295; and Supreme Court 1st Criminal Chamber, File no. 2024/8438, Decision no. 2023/9384.

38. The purpose of the Petitioner’s re-arrest and detention, following his conditional release, is to punish him for exercising his rights under Articles 19 and 21 ICCPR, to silence him during a further period of detention, and to deter others from speaking out against the State. The Petitioner is an important and influential human rights lawyer. He and other lawyers from the ÇHD have been subject to relentless judicial harassment for over a decade. The Petitioner’s conditional release was based on an alleged failure to demonstrate “good conduct”, despite objectively meeting the criteria constitutive of such conduct. The revocation of the Petitioner’s conditional release is consistent with the increasingly widespread practice of Türkiye’s authorities of arbitrarily denying the release of political prisoners, including lawyers and other human rights defenders working to ensure the State’s accountability for human rights violations.
39. The Bakırköy Public Prosecutor’s objection to the Petitioner’s conditional release relies on his exercise of his right to freedom of expression and freedom of assembly, including his alleged statements and communications with others, his submissions, publications sent to him, and “engaging jointly with other convicts in activities that amount to conduct characteristic of the terrorist organisation”.<sup>87</sup> The latter allegation appears to refer to the Petitioner’s involvement in hunger strikes during his unfair detention. The objection highlights that these hunger strikes led to multiple disciplinary sanctions, which have all been spent. According to the prosecutor, this conduct suggests that the Petitioner has not cut ties with the outlawed organisation he was convicted for membership of and poses a risk to society.
40. Furthermore, the execution judgeship has relied exclusively on the Petitioner’s “development score” falling below the minimum threshold to revoke his release and order his re-arrest. Yet, it had already been established that the reason for his insufficient score was disciplinary sanctions imposed for going on a hunger strike <sup>88</sup>. Such disciplinary measures have previously been criticised by human rights organisations as violating the right to freedom of expression.<sup>89</sup> Accordingly, the Petitioner’s right to conditional release was denied based on his previous peaceful protest of his and his colleagues’ unfair trial and inhumane detention conditions, for which he had already carried out multiple disciplinary sanctions.
41. The Petitioner’s re-arrest and detention from 17 April 2025 therefore constitute a clear interference with Article 19 and Article 21 of the ICCPR. Article 19(3) requires that any restriction imposed on the right to freedom of expression must satisfy three requirements, namely the restriction must be “provided by law,” designed to achieve a legitimate aim, and meet the requirements of necessity and proportionality. Similarly, under Article 21, any restrictions on the right to freedom of assembly must be imposed in conformity with the law and be necessary in a democratic society to achieve a legitimate aim listed in the provision. For the reasons outlined below, the Petitioner’s arrest and detention fail to satisfy the requirements of Article 19(3) and Article 21 and violate the rights to freedom of expression and freedom of assembly.
- i. The restriction is not provided by law
42. The re-arrest and detention of the Petitioner fail to satisfy the first requirement of Article 19(3) and Article 21, namely that it be “provided by law”. As outlined in the previous subsection, there was no legal basis for revoking the Petitioner’s conditional release. On this basis alone, Articles 19(3) and 21 have been violated.
43. For a legislative provision to be characterised as a “law”, it must be formulated with sufficient precision to enable an individual to regulate his conduct accordingly.<sup>90</sup>

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<sup>87</sup> Annex V.

<sup>88</sup> Annex IV.

<sup>89</sup> Amnesty International, “Turkey: Hunger Strikes” (2019) (supra n 62), pp. 2-3.

<sup>90</sup> Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. No.CCPR/C/GC/34 (12 September 2011), para. 25; CCPR/C/GC/37 para. 39

Furthermore, the provision cannot confer unfettered discretion for the restriction of freedom of expression on those charged with its execution.<sup>91</sup> The criteria to assess “good conduct” under Article 89 of the Execution Law are highly broad and subjective, encompassing behaviour with no relation to any alleged risk of offending and allowing parole conditions to be used as a punitive mechanism against political prisoners. The legislation therefore lacks sufficient precision for any decision concerning the Petitioner’s conditional release to be considered “in accordance with the law”.

44. Furthermore, the prison and judicial authorities have not acted “in accordance with the law”, by failing to apply the criteria for conditional release in line with domestic and international law. Despite the Petitioner’s behaviour having been characterised as “good conduct” by the administrative authorities, judicial authorities revoked the Petitioner’s release only a day after granting it, invoking once again a spent disciplinary sanction and bypassing administrative authorities’ discretion. In their new decision of 30 April 2025, the administrative authorities entirely failed to demonstrate that the “good conduct” criteria previously established were no longer met by the Petitioner, thereby preventing his release on the sole basis of a disciplinary sanction which he had carried out in full and for which his release had already been unduly postponed.

ii. The restriction did not pursue a legitimate aim

45. Under Article 19(3), a restriction may only be imposed for the achievement of one of the specified aims stated therein, namely “respect of the rights or reputations of others” or “the protection of national security, [...] public order, [...] or of public health or morals”.<sup>92</sup> Similarly, under Article 21 ICCPR, restrictions of the right to freedom of assembly may only be imposed in pursuit in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. In its General Comment No. 34 on Article 19 of the ICCPR, the HRC has made clear that national security and public order “may never be invoked as a justification for the muzzling of any advocacy of [...] human rights.”<sup>93</sup> National security must not be invoked by states as a pretext to impose vague and arbitrary restrictions on the rights to freedom of expression, peaceful assembly and association.<sup>94</sup>

46. As described in earlier sections of this communication, an increasing amount of evidence suggests that sentence execution practices are systemically misused to punish and silence political prisoners, including human rights defenders and lawyers, by illegitimately prolonging their arbitrary detention. These practices fit within the broader “weaponisation” of criminal law against the legal profession, criminal proceedings being used to retaliate against the exercise of lawyers’ right to freedom of expression and their rights to practice their profession and express their views in line with international standards.<sup>95</sup>

47. In the present case, the sole alleged reason for the Petitioner’s continued detention is a disciplinary sanction he received for exercising his right to peaceful protest by going on a hunger strike, despite the sanction having come to an end. Moreover, his conditional release was irregularly revoked pursuant to an appeal by the Bakırköy Public Prosecutor, in which his activities and contacts as a human rights lawyer were targeted as alleged evidence of continued “terrorist” activities. Therefore, the restriction of the Petitioner’s rights to freedom of expression and freedom of assembly did not pursue a legitimate aim

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<sup>91</sup> *ibid.*

<sup>92</sup> Art. 19(3) ICCPR.

<sup>93</sup> Human Rights Committee, General Comment No. 34 (supra n 90), para. 23.

<sup>94</sup> UN Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (1985), Principle 31.

<sup>95</sup> UN OHCHR Press Releases, “Criminalisation of Istanbul Bar Association and dismissal of executive board, a chilling attack on the independence of lawyers: UN experts”, 30 May 2025 (<https://www.ohchr.org/en/press-releases/2025/05/criminalisation-istanbul-bar-association-and-dismissal-executive-board>); Joint Statement by the International Legal and Human Rights Community on Unacceptable Attacks on the Legal Profession in Turkey, 14 April 2025 (supra n 52).

but rather aimed to further punish and silence him as a human rights lawyer.

iii. The restriction is not compliant with the strict tests of necessity and proportionality

48. The restriction cannot in any case be considered necessary and proportionate. An interference with the freedoms enshrined in articles 19 and 21 of the ICCPR must not only comply with the principle of legality and pursue a legitimate aim but must also be necessary in a “democratic society”. It must be the least intrusive measure amongst those which might achieve its legitimate aim, should not impair the essence of the right,<sup>96</sup> and must also be proportionate, meaning that the impact on the restricted right is smaller than the benefit obtained by the interference.
49. Lawyers’ rights to freedom of expression and to freedom of assembly benefit from specific protection under international human rights law.<sup>97</sup> This is a corollary of the critical role played by the legal profession in upholding human rights, justice, and the rule of law.<sup>98</sup> According to Principle 16 of the UN Basic Principles on the Role of Lawyers, lawyers should not be prosecuted or sanctioned for actions undertaken in accordance with their professional duties, standards and ethics.<sup>99</sup> Principle 23 further provides that lawyers have “the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights (...) without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.”<sup>100</sup> The HRC has similarly emphasised that lawyers “should be able to advise and to represent persons [...] in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter”.<sup>101</sup> Moreover, as human rights defenders, lawyers who express themselves or work on cases and issues involving alleged human rights violations must be particularly protected against retaliation.<sup>102</sup>
50. In light of these standards and the Petitioner’s profile as a prominent human rights lawyer who has faced a relentless campaign of judicial harassment for more than a decade, the revocation of the Petitioner’s conditional release and his re-arrest and detention must be subject to particularly strict scrutiny. From the above facts and based on the text of Annexes III, VI and IX, it is clear that the Petitioner poses no real or concrete danger to society or risk of offending. Moreover, Türkiye’s authorities have entirely failed to acknowledge or consider the Petitioner’s status as a human rights lawyer in their decisions concerning parole. As detailed in the following section, the decision-making process violated due process guarantees, including due to a lack of independence of the decision-making authorities. Therefore, the Petitioner’s re-arrest on 17 April 2025 and detention

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<sup>96</sup> Siracusa Principles; General Comment No. 34, UN Doc no. CCPR/C/GC/34 (12 September 2011), para. 30.

<sup>97</sup> See Amicus Brief by 12 Legal Organisations on Legal Proceedings Against the Istanbul Bar Association Executive Board, 19 August 2025 (available at: <https://www.turkeylitigationssupport.com/s/Amicus-brief-by-12-international-orgs-on-the-legal-proceedings-against-the-Istanbul-Bar-Eng-19082025.pdf>); UN Basic Principles on the Role of Lawyers, Principle 23; Recommendation R(2000)21 of the Committee of Ministers to Member States on the freedom of exercise of the profession of lawyer; and Article 7 of the Council of Europe Convention for the Protection of the Profession of Lawyer (CM(2024)191-add1final), adopted on 12 March 2025 (Türkiye is not yet a party to this recent convention).

<sup>98</sup> See UN Basic Principles on the Role of Lawyers, Preamble and Principle 14; Preamble of the Council of Europe Convention for the Protection of the Profession of Lawyer; ECtHR, *Tahir Elçi and Others v. Turkey*, App. nos. 23145/93 and 25091/94, 13 November 2003, para. 669.

<sup>99</sup> UN Basic Principles on the Role of Lawyers.

<sup>100</sup> *ibid.*

<sup>101</sup> UN Human Rights Committee, General Comment 32: Article 14, Right to equality before courts and tribunals and to fair trial, CCPR/C/GC/32, 23 August 2007, para. 34.

<sup>102</sup> UN Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, “Report on the Protection of lawyers against undue interference in the free and independent exercise of the legal profession”, A/HRC/50/36, 22 April 2022, para. 17 (<https://docs.un.org/en/A/HRC/50/36>); UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 8 March 1999. See also OSCE, Guidelines on the Protection of Human Rights Defenders, 10 June 2014.

since that date on the basis of disciplinary sanctions imposed for going on hunger strike can be considered neither necessary in a democratic society nor proportionate.

*B.3 The detention of the Petitioner constitutes Category III arbitrary detention because it violates the right to liberty and security (Article 9 ICCPR, Article 9 UDHR), the right to a fair trial (Article 14 ICCPR, Article 10 UDHR) and the right to an effective remedy (Article 2 ICCPR, Article 8 UDHR)*

51. There is a Category III violation when the total or partial non-observance of the international norms relating to the right to a fair trial, as established in the UDHR and in the relevant international instruments accepted by the State concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.<sup>103</sup>
52. In *Jan Borek v. United States of America*, the Working Group found a Category III violation concerning multiple rejections of a convict's parole, due to overly broad discretionary powers of the parole board, the subjective nature of its proceedings and the decision having been based primarily on factors unrelated to the convict's conduct while in prison, including matters already considered during his trial.<sup>104</sup> The Working Group also stressed that there should be an effective remedy in relation to Parole Board decisions.<sup>105</sup> It found, *inter alia*, violations of Articles 9, 10 and 19 of the UDHR, and articles 2, 9 and 14 of the ICCPR.
53. In *de León Castro v Spain*, in considering whether a denial of parole was arbitrary within the meaning of Article 9(1) ICCPR, the HRC examined whether the author's complaints were addressed by prison and judicial authorities in accordance with the legislation in force, and whether the resulting judicial decisions were reasoned.<sup>106</sup> Moreover, the Tokyo Rules provide that the authority deciding on conditional release must be independent.<sup>107</sup> Similarly, Recommendation Rec(2003)22 of the Committee of Ministers provides that "Decisions on granting, postponing or revoking conditional release, as well as on imposing or modifying conditions and measures attached to it, should be taken by authorities established by law" and should be in accordance with convicted persons' right to be heard and involve careful consideration of their statements and other elements presented in support of their case.<sup>108</sup> Both texts provide that these decisions should be subject to judicial review by an independent authority.<sup>109</sup>
54. The decisions to postpone and then revoke the Petitioner's conditional release breached due process safeguards, and the decision-making authorities were not independent and impartial. The Petitioner has received multiple disciplinary sanctions by prison authorities for protesting his unfair trial and prison conditions through hunger strikes. Although the disciplinary measures in question violated the Petitioner's right to freedom of expression,<sup>110</sup> a "development score" below the minimum threshold was awarded to the Petitioner on the basis of those measures. The reliance on disciplinary sanctions that had already been fully served to deny and subsequently revoke the Petitioner's conditional release amounts to an arbitrary and disproportionate extension of punishment for the same conduct.<sup>111</sup> Such practice undermines basic principles of fairness and legal certainty and is incompatible with the purpose of conditional release, which is aimed at social reintegration rather than further punishment.

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<sup>103</sup> Working Group on Arbitrary Detention, Fact Sheet no. 26 Rev.1 (2024), p. 15.

<sup>104</sup> Working Group on Arbitrary Detention, *Jan Borek v. United States of America*, U.N. Doc. E/CN.4/2002/77/Add.1 at 16 (2000), paras. 20 and 23.

<sup>105</sup> *ibid.*, para. 21.

<sup>106</sup> Human Rights Committee, *de León Castro v Spain*, Communication no. 1388/2005, 19 March 2009, para. 9.3

<sup>107</sup> Tokyo Rules, Rule 3.3.

<sup>108</sup> Recommendation Rec(2003)22, para. 32.

<sup>109</sup> Tokyo Rules, Rule 3.6; Recommendation Rec(2003)22, para. 33.

<sup>110</sup> Amnesty International, "Turkey: Hunger Strikes" (*supra* n 62), pp. 2-3.

<sup>111</sup> The Nelson Mandela Rules prohibit sanctioning a prisoner twice for the same act or offence (Tokyo Rules, Rule 39(1)).

55. As outlined in previous sections, Türkiye’s Sentence Execution Law and Evaluation Regulation grant prison boards broad discretionary powers to act as *de facto* judicial authorities. Significant concerns have been raised concerning these boards’ independence and impartiality, particularly given that they are composed of “administrative personnel and staff members of the penitentiary institution who have ongoing interactions with inmates, are implicated in allegations of torture and ill-treatment of inmates, read inmates’ correspondence and make adverse decisions based on it, conduct disciplinary inquiries of inmates, and impose disciplinary measures on them”.<sup>112</sup> Consequently, the prison boards established in 2020 cannot be considered independent and impartial.
56. Furthermore, the Petitioner’s conditional release was revoked by the execution judgeship following the objection of the Bakırköy Public Prosecutor. This is not the first time that judicial authorities overturn a rights-compliant decision in this manner. Indeed, in September 2018, the Petitioner’s re-arrest was ordered pursuant to an objection to his release by prosecuting authorities.<sup>113</sup> These interventions form part of a pattern of undue interference in the case, evidenced by the assignment of current Istanbul Public Prosecutor Akın Gürlek to various key roles throughout the proceedings preceding the Petitioner’s conviction.<sup>114</sup> Despite being the chief prosecutor to a different courthouse in Istanbul, Akın Gürlek’s office published a press release concerning the Petitioner’s re-arrest on 17 April 2025, suggesting his continued illegitimate involvement in the case, and indirect interference of the executive. Moreover, since the Petitioner’s re-arrest on 17 April 2025, the Bakırköy Public Prosecutor has been promoted to Supreme Court prosecutor by the Council of Judges and Prosecutors,<sup>115</sup> a body which lacks independence from the executive and has become a tool to control the judiciary.<sup>116</sup> Taken together with the lack of any legal basis for the execution judgeship’s decision to revoke the Petitioner’s conditional release, the lack of independence of Türkiye’s judiciary,<sup>117</sup> and previous illegitimate interference in the case, the prosecutor’s intervention on 17 April 2025 suggests that the decision to revoke the Petitioner’s conditional release did not offer the necessary guarantees of independence and impartiality.
57. The judicial authorities have failed to adequately address the Petitioner’s arguments and submissions in his challenges to the decisions to revoke his conditional release and to reverse the finding of “good conduct”. These were rejected on 28 April 2025 and 22 May 2025 respectively, without addressing evidence that his low development score stemmed partly from his health status and inability to participate in activities during the Covid-19 pandemic, and that this contributed to prison authorities’ decision to assess good conduct

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<sup>112</sup> ÖHD, TOHAV, MLSA, and OMCT, Joint Alternative Report to the CAT (supra n 10), p. 27.

<sup>113</sup> See Sözcü, “Selçuk Kozağaçlı re-arrested” [in Turkish], 17 September 2018 (<https://www.sozcu.com.tr/selcuk-kozagacli-yeniden-tutuklandi-wp2630895>).

<sup>114</sup> Gürlek, informally known as the “portable guillotine” for his appointment in different roles and capacities to cases involving the prosecution of high-profile political prisoners, led the interrogation and prosecution of an individual whose alleged “confessions” were relied on decisively against the Petitioner and his colleagues; the Istanbul 37th Heavy Penal Court’s decision to release the Petitioner on 14 September 2018, he was irregularly assigned the case while chair of the İstanbul 26th Heavy Penal Court; and was then appointed chair of the 37th Heavy Penal Court, leading the Petitioner’s trial.

<sup>115</sup> See T24, “The CJP’s Istanbul decree: names close to Gürlek appointed to key positions”, 4 October 2025 (<https://t24.com.tr/haber/hsk-dan-istanbul-kararnamesi-gurlek-e-yakin-isimler-kritik-gorevlere-atandi.1265338>).

<sup>116</sup> Human Rights Watch, the International Commission of Jurists, and the Turkey Human Rights Litigation Support Project, “Flouting the European Court of Human Rights and Bringing Domestic Courts to Heel: Türkiye’s Collision Course with the Council of Europe, January 2025, pp. 4-9 (<https://www.turkeylitigationssupport.com/s/Advocacy-briefing-TLSP-HRW-and-ICJ-FINAL.pdf>); European Commission for Democracy through Law (Venice Commission), Türkiye – Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members, adopted by the Venice Commission at its 141st Plenary Session (Venice, 6-7 December 2024), CDL-AD(2024)041, 9 December 2024 (<https://www.coe.int/en/web/venice-commission/-/cdl-ad-2024-041-e>).

<sup>117</sup> See HRW, ICJ, and TLSP, “Flouting the European Court of Human Rights and Bringing Domestic Courts to Heel” (supra n 116).

independently from the development score.<sup>118</sup> The arbitrary denial of the Petitioner's early release and denial of an effective remedy constitute a further example of the systematic denial of his fair trial rights and arbitrary detention since 2017.<sup>119</sup> It contravenes the safeguards inherent in the right to liberty, the right to a fair trial and the right to an effective remedy. Therefore, the Petitioner's detention since 17 April 2025 constitutes Category III arbitrary detention.

*B.4 The continued detention of the Petitioner constitutes Category V arbitrary detention because his denial of parole was a part of general pattern of harassment targeting the Petitioner's activities as a human rights lawyer*

58. The Working Group has previously recognised deprivation of liberty owing to an individual's status as a human rights defender, and on the basis of his political or other opinion in seeking to hold the authorities to account for their actions, as falling within category V.<sup>120</sup> In its opinions concerning Türkiye over recent years, the Working Group has found a pattern of arbitrarily detained individuals being targeted for their political or other opinion.<sup>121</sup>
59. Judicial and prison authorities have misused their sentence enforcement powers as a disguised punishment and an illegitimate way of prolonging the Petitioner's imprisonment due to his activities as a human rights defender. The Petitioner has been subject to relentless judicial harassment, targeting him as a human rights defender, for over a decade, as widely denounced by lawyers' and human rights organisations and experts.<sup>122</sup> The arbitrary postponement and revocation of his conditional release is part of a broader pattern of discriminatory treatment targeting political prisoners, including through the imposition of inhumane prison conditions and so-called "sentence burning". Therefore, it falls within Category V arbitrary detention.

## **V. REQUESTED ACTION FROM THE WORKING GROUP**

60. For the reasons set out above, the detention of the Petitioner since 17 April 2025 is rendered arbitrary under Categories I, II, III, and V. The Petitioner therefore requests the Working Group to:
- a. render an opinion that the detention of the Petitioner is arbitrary because it lacks a legal basis (Category I); it is based on his exercise of his rights to freedom of expression and freedom of association (Category II); it constitutes a grave violation of norms relating to the right to a fair trial (Category III); and it constitutes discrimination based on his status as a human rights defender (Category V);
  - b. recommend that the Government of Türkiye immediately release the Petitioner;
  - c. recommend that the Government of Türkiye provide just compensation to the Petitioner for the arbitrary detention that he has suffered;
  - d. request that the Government of Türkiye take such steps as are necessary to put an end to the Petitioner's judicial harassment and prevent further violations of the Petitioner's rights as guaranteed under the ICCPR and the UDHR; and

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<sup>118</sup> Annex VII.

<sup>119</sup> See eg OHCHR, "Türkiye: Expert dismayed by continued misuse of counter terrorism law to keep human rights defenders in long-term detention" (supra n 51). Moreover, the Petitioner was forcefully removed from the courtroom during his trial after attempting to point out irregularities (<https://artigercek.com/guncel/sizi-reddediyorum-diven-selcuk-kozagacli-salondan-atildi-88459h>).

<sup>120</sup> Working Group on Arbitrary Detention, *Ho Van Hai v Viet Nam*, A/HRC/WGAD/2020/81, 19 February 2021.

<sup>121</sup> E.g. Working Group on Arbitrary Detention, *Meryem Tekin v Türkiye*, Opinion No. 6/2024, para. 65; *Levent Kart v Turkey*, Opinion No. 66/2020.

<sup>122</sup> See eg OHCHR, "Türkiye: Expert dismayed by continued misuse of counter terrorism law to keep human rights defenders in long-term detention" (supra n 51).

- e. urge the Government of Türkiye to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr Kozağaçlı and to take all appropriate measures against those responsible for the violation of his rights.

61. In addition to the individual remedies requested above, the Petitioner invites the Working Group to recommend that Türkiye:

a. reform its conditional release framework so that eligibility and “good conduct” criteria operate only in conformity with international human rights standards, are clear, objective, and foreseeable, and are genuinely aimed at social reintegration and crime prevention;

b. discontinue discretionary and non-transparent practices that are incompatible with international standards—particularly the use of vague “remorse” requirements, opaque scoring mechanisms, and spent or minor disciplinary sanctions to deny or revoke conditional release; and

c. ensure independent decision-making and effective judicial review as a condition of compliance, including by guaranteeing that parole-related decisions are taken by impartial bodies and subjected to substantive judicial scrutiny for legality, proportionality, and conformity with constitutional and international human rights law.

## **VI. CONSENT OF THE ALLEGED VICTIM**

Please see completed and signed consent form (**Annex XII**).

## **VII. FULL NAME AND ADDRESS OF THE PERSONS SUBMITTING THE INFORMATION**

### Submitted by:

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### On behalf of:

European Association of Lawyers for Democracy and World Human Rights

Turkey Human Rights Litigation Support Project

International Bar Association’s Human Rights Institute

Lawyers for Lawyers

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## **TABLE OF ANNEXES**

**Annex I:** Supreme Court decision setting the Petitioner’s sentence as 10 years 15 months imprisonment (11 July 2024).

**Annex II:** Calculation of time in detention and eligibility for parole by the Bakırköy Public Prosecutor (“müddetname”).

**Annex III:** Decision of Marmara Closed Prison’s Administrative and Monitoring Centre finding the Petitioner to have met good conduct requirements (16 April 2025).

**Annex IV:** Conditional release decision of the Bakırköy 2nd Sentence Execution Judgeship (16 April 2025)

**Annex V:** Bakırköy Public Prosecutor’s objection (17 April 2025)

**Annex VI:** Additional Decision of the Bakırköy 2nd Sentence Execution Judgeship revoking the Petitioner’s conditional release (17 April 2025)

**Annex VII:** Appeal lodged by the Petitioner (22 April 2025)

**Annex VIII:** Decision by the Bakırköy 1st Heavy Penal Court rejecting the Petitioner’s appeal (28 April 2025)

**Annex IX:** Marmara Prison Board assessment deeming the Petitioner unfit for conditional release (30 April 2025)

**Annex X:** Marmara Prison Board assessment deeming the Petitioner’s development insufficient (30 December 2025)

**Annex XI:** Marmara Prison Board assessment deeming the Petitioner unfit for conditional release (30 December 2025)

**Annex XII:** Signed consent form