



Plenary sitting

B9-0233/2022

3.5.2022

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on the case of Osman Kavala in Turkey
(2022/2656(RSP))

**Nicolaus Fest, Christine Anderson, Anna Bonfrisco, Susanna Ceccardi,
Jaak Madison, Thierry Mariani, Silvia Sardone, Guido Reil, Harald
Vilimsky, Bernhard Zimniok**
on behalf of the ID Group

**European Parliament resolution on the case of Osman Kavala in Turkey
(2022/2656(RSP))**

The European Parliament,

- having regard to the Statute of the Council of Europe, particularly Art. 3,
 - having regard to Convention for the Protection of Human Rights and Fundamental Freedoms,
 - having regard to the judgment of the European Court of Human Rights in Kavala v. Turkey of December 10, 2019 (Application no. 28749/18),
 - having regard to the relevant resolutions by the Committee of Ministers of the Council of Europe, including the interim resolution of 2 December 2021 on the execution of the judgment of the European Court of Human Rights in Kavala against Turkey, the interim resolution of 2 December 2021 on the execution of the judgment of the European Court of Human Rights in Selahattin Demirtaş v Turkey (No. 2), the interim resolution of 2 February 2022 on the execution of the judgment of the European Court of Human Rights in Kavala against Turkey,
 - having regard to its resolution of 8 July 2021 on the repression of the opposition in Turkey specifically the People’s Democratic Party (HDP) (2021/2788(RSP),
 - having regard to its resolution of 19 May 2021 on the 2019- 2020 Commission reports on Turkey (2019/2176(INI)),
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas an Istanbul Penal Court sentenced Turkish Philanthropist Osman Kavala to a life term in prison for the alleged crime of attempting to overthrow the government on April 25, 2022;
- B. whereas co-defendants Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Mine Özerden, Can Atalay, Tayfun Kahraman and Yiğit Ali Ekmekçi have been given 18 year sentences in prison;
- C. whereas Osman Kavala has already been imprisoned for more than four-and-a-half years;
- D. whereas in Turkey, including in the Kurdish regions of Northern Kurdistan, the disappearances of Kurds/Alevis/Yazidis, Armenians, Assyrians, Greeks and opponents of the regime in place have been commonplace for a century, e.g the recent case of the tragic disappearance of the Diril couple;
- E. whereas Turkey is a Member State of the Council of Europe; whereas, under Art. 3 of its

Statute, every member of the CoE must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms;

- F. whereas Turkey, as a Council of Europe member state, is party to the European Convention on Human Rights;
 - G. whereas the European Court of Human Rights (ECtHR), on the basis of the ECHR, ordered the immediate release of Osman Kavala on December 10, 2019, arguing that the Turkish authorities: “pursued an ulterior purpose, namely to silence [Kavala] as a human rights defender”;
 - H. whereas Turkey, its government, authorities and courts collectively undermined and circumvented the order of the ECtHR in order to keep Osman Kabala in prison;
 - I. whereas the Committee of Ministers of the Council of Europe decided to initiate an infringement procedure against Turkey due to its refusal to implement the decision of the ECtHR;
 - J. whereas the unacceptable provocations by the Erdogan regime should not be rewarded by continuing endless and pointless accession negotiations with Turkey;
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- 1. Is convinced that Osman Kavala was convicted in violation of the standards to which all member states of the Council of Europe have subscribed; is appalled by the sentence and considers that Osman Kavala is being held unlawfully in prison ever since his detainment; believes that the purpose of his imprisonment is silencing and deterring critical voices in Turkey; calls on Turkey for Kavala’s immediate release;
 - 2. Highlights both the inability and unwillingness of the Turkish government and Turkish authorities to implement basic standards for the rule of law as laid down in the framework of the Council of Europe;
 - 3. Welcomes the decision of the Committee of Ministers of the Council of Europe to start an infringement procedure against Turkey due to its refusal to implement the decision of the ECtHR;
 - 4. Considers that Turkey is permanently violating its international obligations emanating from its membership in the Council of Europe, as evidenced particularly by its refusal to abide by the final judgment of the ECtHR in this case and in numerous similar cases;
 - 5. Recalls that the Council of Europe was founded in the spirit of reaffirming its members’ devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy;
 - 6. Considers that all European countries share a common philosophical and historical understanding of the core of ideas such as individual freedom, political liberty and the rule of law, even though their practical implementation differs vastly across Europe;

7. Acknowledges the Greek-Roman and Judeo-Christian heritage as the pillars of European civilisation; concludes that Turkey does not share the same heritage and thus has an identity separate from that of the European peoples and nations;
8. Is concerned by the systematic imprisonment of human rights defenders, journalists, lawyers, academics, and many other voices opposing the Erdogan regime, and calls for their immediate release; is equally concerned by the persistent oppression of non-political opposition, as shown by the steady persecution of Christians in Turkey, and calls for their protection;
9. Calls on the Council of Europe to follow through with the infringement proceedings against Turkey;
10. Calls on the Commission and Council to terminate all funding to Turkey in terms of the pre-accession process (IPA III), the current and planned multiannual financial framework, the EU Facility for Refugees, and in terms of the EU-Turkey action plan on migration; calls on the EU, furthermore, to stop all European Investment Bank loans to Turkey; calls for the EU-Turkey Customs Union Agreement, which entered into force on 31 December 1995, to be suspended;
11. Insists that all accession negotiations with Turkey are immediately and irrevocably terminated, considering that for geographic, cultural and historical reasons Turkey could never be part of the EU;
12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the Presidency of the Committee of Ministers of the Council of Europe, and the President, Government and Parliament of Turkey, and requests that this resolution be translated into Turkish.