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Opinions adopted by the Working Group on Arbitrary Detention at its ninety-eighth session, 13–17 November 2023

Opinion No. 66/2023 concerning Cihangir Çenteli (Türkiye)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.

2. In accordance with its methods of work,[1] on 31 July 2023 the Working Group transmitted to the Government of Türkiye a communication concerning Cihangir Çenteli. The Government has not replied to the communication. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

[1] A/HRC/36/38.

1. Submissions

(a) Communication from the source

(i) Context

4. Cihangir Çenteli is a Turkish national, born on 15 July 1985. Mr. Çenteli resides permanently in Antakya, Hatay Province. Mr. Çenteli was a military pilot in the air force and a staff officer at the Military Academy.

5. On 28 September 2016, Mr. Çenteli was dismissed from his position. He was summoned by his commander to present himself at the Military Academy Command in Istanbul in order to explain his whereabouts and actions on 15 July 2016, when an attempted coup d'état took place.

(ii) Arrest and detention

6. On 30 September 2016, Mr. Çenteli arrived at the Military Academy Command. He was immediately taken by two police officers to the police department located on Vatan Street in Istanbul. No warrant or other decision by a public authority was presented to Mr. Çenteli.

7. Once at the station, Mr. Çenteli was interrogated without a lawyer present. The source reports that the minutes of the interrogation are not accurate: Mr. Çenteli was interrogated by one police officer, but the minutes show that he was interrogated by two police officers.

8. Mr. Çenteli was then reportedly transferred to another police department in the Zeytinburnu district of Istanbul. Mr. Çenteli was not allowed to communicate with his family. While Mr. Çenteli's family was not informed by the police of his arrest, Mr. Çenteli was allegedly wrongly told by the police that his family had been informed. Mr. Çenteli' s family spent four days making inquiries about him with the police.

9. Following his arrest and before appearing in front of a judge, Mr. Çenteli spent 12 days in police custody. The source notes that even during the state of emergency no one could be detained for more than 4 days.

10. Mr. Çenteli reportedly first had contact with a lawyer five days after his arrest. The lawyer was appointed by the Bar Association. The conversation between Mr. Çenteli and the lawyer reportedly lasted 30 seconds as the lawyer appeared to be prejudiced against Mr. Çenteli and presupposed that he was guilty. Mr. Çenteli was allowed to speak with the lawyer under the supervision of a police officer before his statement was recorded.

11. The source reports that even though Mr. Çenteli requested to be informed about the reasons for his arrest and the charges against him on multiple occasions, the authorities have not disclosed this information to him.

12. On 11 October 2016, Mr. Çenteli was first presented before the judge at a so-called vigilant criminal judgeship of peace. According to the source, criminal judgeships of peace are courts on duty, tasked with deciding on the precautionary acceptance or rejection of requests received by the prosecutor's office. In the aftermath of the attempted coup d'état, these courts reportedly made decisions based on previously prepared lists of individuals, without reviewing the content of the requests, hearing the defence or checking the evidence.

13. During the hearing on 11 October 2016, another defence counsel, also appointed by the Bar Association, was present. However, neither the counsel nor Mr. Çenteli were informed of the charges against him and the counsel had no knowledge of the case file. During the hearing, the judge did not ask Mr. Çenteli any questions and Mr. Çenteli was given no chance to explain himself. Furthermore, the judge had reportedly not examined the case file.

14. The source questions the jurisdiction of such courts. The source explains that Mr. Çenteli is accused of attempting to overthrow the constitutional order and that the court with the jurisdiction for such an offence is the High Criminal Court. According to the source, Mr. Çenteli was arrested by an unauthorized duty judge without giving a statement to the prosecutor.

15. The source reports that the court ruled Mr. Çenteli be placed in pretrial detention, but did not specify any charges against him, nor was the duration of the pre-trial detention determined. According to the source, the decision of the court appeared to have been predetermined, since at the time there was no evidence against Mr. Çenteli and, therefore, the decision to arrest him was an indication that he was already on a list of persons to be detained.

16. Mr. Çenteli was then transferred to Silivri L-type closed prison, currently known as Marmara L-type closed prison. On 20 October 2016, he was allowed to speak to his family for the first time by telephone from behind a glass barrier. On 22 November 2016, Mr. Çenteli was formally discharged from the air force.

17. On 13 April 2017, part of the indictment was sent to Mr. Çenteli. However, the document only stated that on the night of the attempted coup d'état, Mr. Çenteli was seen in a building belonging to the armed forces. No further details or evidence were put forward.

18. It is reported that reviews of Mr. Çenteli's detention, which according to domestic law should have been conducted every 30 days, were conducted only twice during the pretrial detention and some of his requests for reviews were not considered. Mr. Çenteli was not notified of some of the decisions on his continuing detention and only notified a month or two after some other decisions had been taken.

19. The source also points out that, from the day of his arrest on 30 September 2016 until the first hearing held on 3 July 2017, Mr. Çenteli had no contact with a prosecutor. Reportedly, the prosecutor of the indictment, had previously referred people to court for arrest without seeing them, taking their statements or questioning them.

20. The trial started on 3 July 2017 at the 26th High Criminal Court in Istanbul. However, neither Mr. Çenteli's statement or his defence were heard by the court and he was still unaware of what he was being accused.

21. The source reports that prior to and in the course of the proceedings, Mr. Çenteli was not allowed to communicate effectively with his lawyer. It recalls that, according to the Turkish Code of Criminal Procedure, a suspect or defendant may meet with his or her defence counsel at any time and in an environment where others cannot hear what is said. Correspondence with defence counsel cannot be subject to supervision.

22. However, Mr. Çenteli's meetings with his lawyer in prison were reportedly restricted. The meetings took place only for one hour on Tuesdays and were recorded on camera with an audio and video system. A correctional officer was also present during these meetings and witnessed every statement that was made. All documents related to the case given by Mr. Çenteli's lawyer to be delivered to him were checked by the prison administration and some were lost by the prison administration. The source recalls that visits by a lawyer may be restricted by a court decision during the prosecution phase. However, the court did not issue any such decision to limit the visits. The source therefore concludes that the authorities have violated client-defence attorney privacy.

23. The source further submits that during the trial, the authorities also violated the principle of equality of arms. Mr. Çenteli was able to respond to the indictment during the hearing that took place on 9 August 2017. However, he was prevented from accessing and reviewing the evidence of the indictment. The evidence was said to be the audio and video footage, which was not given to Mr. Çenteli despite repeated requests by him and his counsel. He was unable to view either the footage in question or the closed-circuit television footage on which the verdict against him was based. Mr. Çenteli therefore had to present his defence against the accusation of attempting to overthrow the constitutional order on the same day that the accusation was made, without knowing why he had been accused and what the evidence against him was. Mr. Çenteli reportedly saw the justification for the allegation against him on 18 August 2017, nine days after presenting his defence.

24. Mr. Çenteli was reportedly given very limited time to present his defence. He asked to cross-examine the witnesses, but his request was denied by the judge without any justification.

25. On 17 August 2018, the 26th High Criminal Court sentenced Mr. Çenteli to life imprisonment, in accordance with article 309/1 of the Turkish Penal Code for the offence of "attempting to overthrow the order prescribed by the Constitution of the Republic of Türkiye".

26. On 19 December 2018, an appeal was lodged against the decision of the High Criminal Court. The appeal noted that the elements of the imputed offence had not been fulfilled and that those elements were not shown in the decision. The 27th Criminal Chamber of the Istanbul Regional Court of Appeals, rejected the above-mentioned grounds for appeal. That decision was appealed on 25 November 2019.

27. On 30 June 2021, the 16th Criminal Chamber of the Court of Cassation upheld the verdict in standard wording to the effect that the verdict was in accordance with the law and the relevant procedures. The source understands that the Court of Cassation upheld the verdict without setting out its reasoning.

28. Mr. Çenteli is currently serving his sentence at the Silivri L-type Closed Prison. He is reportedly being held in a smoke-filled environment, which is adversely impacting his health.

(iii) Legal analysis

29. The source submits that the arrest and deprivation of liberty of Mr. Çenteli is arbitrary and falls under categories I and III.

a. Category I

30. In relation to category I, the source submits that Mr. Çenteli was not allowed to effectively challenge the legality of his pretrial detention, in violation of article 9 (3) and (4) of the Covenant and principle 15 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. There was therefore no legal basis for his deprivation of liberty and pretrial detention.

b. Category III

31. In relation to category III, the source submits that the authorities have violated Mr. Çenteli's right to be visited by family and to communicate with his counsel effectively, in contravention of principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and rules 43, 58 and 106 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

32. The source argues that Mr. Çenteli's right to be tried without undue delay has been violated, in breach of article 14 (3) (c) of the Covenant and principle 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

33. The source further argues that the authorities have violated Mr. Çenteli's right to confidentially communicate with and have the assistance of counsel, in violation of article 14 (3) (b) and (d) of the Covenant.

34. The source submits that the authorities have violated Mr. Çenteli's right to a fair and public hearing and have therefore breached article 14 (1) and (3) (e) of the Covenant, as well as articles 7 and 10 of the Universal Declaration of Human Rights. In that regard, it is noted that Mr. Çenteli's counsel raised concerns over the lack of independence of the presiding judge. Furthermore, the judge rejected Mr. Çenteli's request to cross-examine witnesses.

35. Finally, the source submits that the authorities have violated Mr. Çenteli's right to appeal his conviction, in breach of article 14 (5) of the Covenant.

(b) Response from the Government

36. On 31 July 2023, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested the Government to provide, by 29 September 2023, detailed information about the situation of Mr. Çenteli and to clarify the legal provisions justifying his continued detention, as well as its compatibility with the country's obligations under international human rights law, and in particular with regard to the treaties ratified by the State.

37. The Working Group regrets that it did not receive a response from the Government to that communication. The Government did not request an extension of the time limit for its reply, as provided for in paragraph 16 of the Working Group's methods of work.

2. Discussion

38. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

39. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.[2] In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source.

40. As a preliminary issue, the Working Group notes that Mr. Çenteli's situation falls in part within the scope of the derogations made by Türkiye under the Covenant. On 21 July 2016, the Government of Türkiye informed the Secretary-General that it had declared a state of emergency for three months in response to the severe dangers to public security and order, amounting to a threat to the life of the nation within the meaning of article 4 of the Covenant.[3]

41. While acknowledging the notification concerning the derogations, the Working Group emphasizes that, in the discharge of its mandate, it is empowered under paragraph 7 of its methods of work to refer to the relevant international standards set forth in the Universal Declaration of Human Rights and to customary international law. Moreover, in the present case, articles 9 and 14 of the Covenant are the provisions that are the most relevant to the alleged arbitrary detention of Mr. Çenteli. As the Human Rights Committee has stated, States parties derogating from articles 9 and 14 must ensure that such derogations do not exceed those strictly required by the exigencies of the actual situation.[4] The Working Group welcomes the lifting of the state of emergency on 19 July 2018 and the subsequent revocation of the derogations by Türkiye.

42. The source has argued that the detention of Mr. Çenteli is arbitrary and falls under categories I and III. The Working Group will proceed to examine these in turn.

(a) Category I

43. The source has argued Mr. Çenteli was not allowed to effectively challenge the legality of his pretrial detention; that he was arrested without any arrest warrant; that he appeared before a judge only after 12 days in detention; that the charges against him were not explained to him; and that he was not able to consult his lawyer properly. The Government has chosen not to contest these allegations although it was provided with the opportunity to do so.

44. The Working Group recalls that a detention is considered arbitrary under category I if it lacks legal basis. As it has previously stated, for a deprivation of liberty case to have a legal basis, it is not sufficient that there is a law that may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case.[5] That is typically [6] done through an arrest warrant or arrest order (or equivalent document).[7] The Working Group

[2] A/HRC/19/57, para. 68.
[3] Depositary notification C.N.580.2016.TREATIES-IV.4.
[4] Human Rights Committee, general comment No. 29 (2001), para. 4. Also general comment No. 32 (2007), para. 6; general comment No. 34 (2011), para. 5; general comment No. 35 (2014), paras. 65 and 66; and *Özçelik et al. v. Turkey* (CCPR/C/125/D/2980/2017), para. 8.8.
[5] In cases of flagrante delicto, the opportunity to obtain a warrant will not typically be available.
[6] Human Rights Committee, general comment No. 35 (2014), para. 23. Also opinions No. 88/2017, para. 27; No. 3/2018, para. 43; and No. 30/2018, para. 39. See also article 14 (1) of the Arab Charter on Human Rights.
[7] Human Rights Committee, general comment No. 35 (2014), para. 27, and opinion No. 30/2017, paras. 58 and 59.

notes that Mr. Çenteli was not arrested in flagrante delicto, when the opportunity to obtain a warrant would not typically be available.

45. In addition, any form of detention or imprisonment should be ordered by, or be subject to, the effective control of a judicial or other authority under the law, whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence, in accordance with principle 4 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The Working Group finds that this was denied to Mr. Çenteli, in violation of articles 3 and 9 of the Universal Declaration of Human Rights and article 9 (1) of the Covenant.

46. Furthermore, the Working Group recalls that article 9 (2) of the Covenant requires that anyone who is arrested is not only informed of the reasons for arrest but also promptly informed of any charges against them. The right to be promptly informed of charges concerns notice of criminal charges and as noted by the Human Rights Committee, this right "applies in connection with ordinary criminal prosecutions and also in connection with military prosecutions or other special regimes directed at criminal punishment".[8]

47. It appears that Mr. Çenteli was not informed of charges against him. Only on 13 April 2017, almost a year after he was detained, did he find out, without further explanation as to the charges against him, that on the night of the attempted coup d'état, he was seen in one of the buildings belonging to the armed forces. The Working Group concludes that this constitutes a breach of article 9 (2) of the Covenant.

48. The Working Group also recalls that it is a well-established norm of international law that pretrial detention shall be the exception and not the rule and that it should be ordered for as short a time as possible.[9] Article 9 (3) of the Covenant provides that it shall not be the general rule that persons awaiting trial shall be detained, but release may be subject to guarantees to appear for trial and at any other stage of the judicial proceedings. It follows that liberty is recognized as a principle and detention as an exception in the interests of justice. In the present case, the Working Group observes that contrary to the above-mentioned norms, Mr. Çenteli was kept in pretrial detention for nearly two years before being convicted in 2018, with no statutorily prescribed reviews of his detention and no alternative preventative measures being examined.

49. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge shall be brought promptly before a judge. As the Human Rights Committee has stated, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee promptly before a judge following his or her arrest, and any longer delay must remain absolutely exceptional and be justified under the circumstances.[10] In the present case, Mr. Çenteli was brought before a judicial authority 12 days after his arrest and the Government failed to address this delay. The Working Group considers that such a delay cannot be justified by the state of emergency and associated derogations and that the authorities therefore violated article 9 of the Universal Declaration of Human Rights and article 9 (3) of the Covenant.

50. Furthermore, as the Working Group has consistently argued that anyone detained has the right to challenge the legality of his or her detention before a court, as envisaged by article 9 (4) of the Covenant. The Working Group recalls that the right to challenge the lawfulness of detention before a court is a self-standing human right, which is essential to preserve legality in a democratic society.[11]

51. Moreover, in order to ensure the effective exercise of the right to challenge the lawfulness of detention before a court, detained persons should have access from the moment of arrest to legal assistance of their own choosing. In the present case, the source submits that

[8] Human Rights Committee, general comment No, 35 (2014), para. 29.

[9] Opinions No. 28/2014, para. 43; No. 49/2014, para. 23; No. 1/2020, para. 53; and No. 8/2020, para. 54. See also Human Rights Committee, general comment No. 35 (2014), para. 38; and A/HRC/19/57, paras. 48–58.

[10] Human Rights Committee, general comment No. 35 (2014), para. 33, and CAT/C/GAB/CO/1, para. 10.

[11] United Nations Basic Principles and Guidelines on Remedies and Procedures on the Rights of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, paras. 2 and 3.

Mr. Çenteli was allowed to see his lawyer for the first time only five days after his arrest, the conversation lasted 30 seconds and was supervised by a police officer. The Working Group notes that the Government has failed to deny these allegations.

52. In these circumstances, the Working Group concludes that Mr. Çenteli was denied legal assistance from the moment of his detention, which seriously adversely affected his ability to effectively exercise his right to challenge the legality of his detention, in violation of article 9 (4) of the Covenant.

53. Noting all the above, the Working Group considers that in the arrest and pretrial detention of Mr. Çenteli the authorities violated article 9 of the Universal Declaration of Human Rights, article 9 of the Covenant and principles 11, 37 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

54. The Working Group concludes that the detention of Mr. Çenteli is arbitrary under category I.

(b) Category III

55. The source argues that Mr. Çenteli was prevented from accessing and reviewing the evidence against him. The key evidence, namely the audio and video footage on which the verdict was based, was not given to him. He did not have time to prepare his defence, as he did not know of what he was being accused and what the evidence against him was. He did not have effective communication with his lawyer as his meetings were restricted and video- and audio-recorded. His request to cross-examine witnesses was denied by the judge without justification. While the Government had the possibility to rebut these allegations, it has chosen not to do so.

56. The Working Group reiterates that respect for lawyer-client confidentiality is an important part of defence rights. Legal consultations may be within sight but not within hearing of the authorities and all communications with counsel must remain confidential.[12] The right of a defendant to have private discussions with his or her legal counsel, without surveillance, constitutes one of the fundamental aspects of a fair trial. If a lawyer is incapable of conferring with his or her client and obtaining confidential instructions, legal assistance is significantly losing its purpose. In that respect, the Human Rights Committee has stressed that counsel should be able to meet clients in private, and communicate with them in conditions that fully respect the confidentiality of their communications. and Furthermore, counsel should be able to advise persons charged with a criminal offence without restrictions, influence, pressure or undue interference from any quarter.[13]

57. In the absence of comments from the Government, the Working Group concludes that Mr. Çenteli was deprived of effective legal representation, in breach of article 14 (3) (b) of the Covenant as well as of rule 61 (1) of the Nelson Mandela Rules and principle 18 (3) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

58. The Working Group notes that the Government has not responded to the allegations made by the source that Mr. Çenteli was denied contact with his family. The Working Group therefore finds a violation of principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

59. The Working Group recalls that every individual deprived of liberty has the right to access material related to their detention. Although the right to access evidence is not absolute, it is the duty of the Government to show that there were legitimate reasons for restricting access to evidence, but it has chosen not to do so in the present case. In principle, access to the evidence that is at the heart of a decision to detain a person must be provided from the outset.[14] In the absence of a rebuttal from the Government to the allegation that neither Mr. Çenteli nor his lawyer were given access to the case materials, including the key

[12] Rule 61 (1) of the Mandela Rules; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18; A/HRC/30/37, guideline 8.

[13] Human Rights Committee, general comment No. 32 (2007), para. 34.

[14] See opinions No. 78/2019, No. 29/2020, No. 67/2020 and No. 77/2020.

evidence against him of the audio and video footage, and that the court refused his right to examine witnesses, the Working Group considers that such lopsided proceedings raise doubts about the equality of arms, the fairness of the trial and the competence, independence and impartiality of the tribunal. It therefore finds that Mr. Çenteli's rights under articles 10 and 11 (1) of the Universal Declaration of Human Rights and article 14 (1) and (3) (b) and (e) of the Covenant were also violated.

60. Finally, the Working Group notes that Mr. Çenteli has spent nearly two years in pretrial detention. The Working Group recalls that the right of the accused to be tried without undue delay, set out in article 14 (3) (c) of the Covenant, is designed not only to avoid keeping persons in a state of uncertainty about their fate and, if held in detention during the period of the trial, to ensure that such deprivation of liberty does not last longer than necessary in the circumstances of the specific case, but also to serve the interests of justice. Given the extensive delay, the courts must reconsider alternatives to detention.[15] In the present case, the Working Group has been given no reasons that justify such a delay. It therefore finds a violation of article 14 (3) (c) of the Covenant.

61. Noting all of the above, the Working Group concludes that the detention of Mr. Çenteli, being in breach of articles 10 and 11 of the Universal Declaration of Human Rights and article 14 of the Covenant, is arbitrary and falls under category III. This finding is not altered by the derogation discussed above.

(c) Concluding remarks

62. Noting the allegation that Mr. Çenteli is reportedly being held in a smoke-filled environment, which impacts his health, the Working Group wishes to remind the Government that, in accordance with article 10 of the Covenant, all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person and that denial of medical assistance constitutes a violation of rules 18, 22, 24, 25, 27, 30 and 42 of the Nelson Mandela Rules, and of principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

63. During the past three years, the Working Group has noted a significant increase in the number of cases brought to it concerning arbitrary detention in Türkiye. The Working Group expresses grave concern over the pattern that all these cases follow and recalls that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of fundamental rules of international law may constitute crimes against humanity.[16]

64. The Working Group would welcome the opportunity to conduct a visit to Türkiye. Given that a significant period has passed since its last visit, in October 2006 and noting the Government's standing invitation to all special procedures, the Working Group considers that it is an appropriate time to conduct another visit in accordance with its methods of work.

3. Disposition

65. In the light of the foregoing, the Working Group renders the following opinion:

> The deprivation of liberty of Cihangir Çenteli, being in contravention of articles 3, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III.

66. The Working Group requests the Government of Türkiye to take the steps necessary to remedy the situation of Mr. Çenteli without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

67. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Çenteli immediately and accord him an

[15] Human Rights Committee, general comment No 35 (2014), para. 37.
[16] See, for example, opinion No. 47/2012, para. 22.

enforceable right to compensation and other reparations, in accordance with international law.

68. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Çenteli and to take appropriate measures against those responsible for the violation of his rights.

69. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

4. Follow-up procedure

70. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Mr. Çenteli has been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to him;

(c) Whether an investigation has been conducted into the violation of Mr. Çenteli's rights and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Türkiye with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

71. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

72. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

73. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken.[17]

[*Adopted on 14 November 2023*]

[17] Human Rights Council resolution 51/8, paras. 6 and 9.