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SECRETARIAT OF THE COMMITTEE OF MINISTERS
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Meeting: 1419th meeting (December 2021) (DH)

Reply from the authorities (21/10/2021) following a communication from the applicant in the case of Kavala v. Turkey (Application No. 28749/18).

Information made available under Rule 9.5 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Réponse des autorités (21/10/2021) suite à une communication du requérant relative à l'affaire Kavala c. Turquie (requête n° 28749/18) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.5 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Ankara, October 2021

**THE GOVERNMENT'S SUBMISSION IN RESPONSE TO THE COMMUNICATION
FROM THE
APPLICANT'S LAWYER DATED 13 OCTOBER 2021**

Kavala (28749/18)

1. The Turkish Authorities would like to make the following explanations in response to the communication the applicant's lawyer dated 13 October 2021 in the case of *Kavala* (28749/18).

2. The Turkish authorities have summarised and submitted detailed and updated information as to the legal grounds for the applicant's current detention in the Communications to the Committee of Ministers ("CM") dated 29 May 2020, 11 June 2020, 18 June 2020, 7 July 2020, 16 July 2020, 11 August 2020, 11 September 2020, 25 September 2020, 30 October 2020, 10 November 2020, in the action plan dated 19 January 2021 and in the communications dated 18 February 2021, 19 February 2021, 30 March 2021, 12 April 2021, 4 May 2021, 17 May 2021, 25 May 2021, 1 June 2021, 15 June 2021 and in the updated action plan dated 16 July 2021 and in the communication dated 13 August 2021, 6 September 2021, 13 September 2021, 21 September 2021, 4 October 2021 and 11 October 2021. The Turkish authorities reiterate these explanations in this regard.

3. First of all, it is observed that in the communication letter the applicant generally provided information about the detention and trial processes, and claimed that the judiciary was interfered with in this process.

4. The Turkish authorities would like to point out that, contrary to the applicant's claim, the applicant's trial has been ongoing in line with the procedures and law.

5. According to Article 9 of the Constitution, the Republic of Turkey is a State governed by the rule of law, and the judicial power is exercised by independent and impartial courts. Likewise, according to Article 138 of the Constitution, judges are independent in their duties and render their decisions according to their conscientious convictions in accordance with the Constitution, the legislation and the law.

6. No organ, authority, office or individual may give orders or instructions to courts or judges relating to the implementation of judicial power, send them circulars, or make recommendations or suggestions.

7. As the applicant alleges, it is not possible to have an external interference with the ongoing proceedings, or to give suggestions or instructions to the judges. The Republic of Turkey is a constitutional state of law.

8. Considering that the allegations in the communication letter are related to the pending proceedings against the applicant, it is clear that independent courts will make the necessary examinations and decide on this issue.

9. Finally, it is brought to the attention of the Committee that the evaluation of the applicant's continued detention will take place on 5 November 2021 and that the next hearing is on 26 November 2021.

Conclusion

10. The Turkish authorities will maintain submitting further information on the individual and general measures taken or envisaged to be taken in due time. In this respect, the Committee of Ministers will be kept informed on further developments.