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Contact: Zoë Bryanston-Cross
Tel: 03.90.21.59.62

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Meeting: 1419th meeting (December 2021) (DH)

Communication from the applicant (29/11/2021) in the case of Kavala v. Turkey (Application No. 28749/18).

Information made available under Rule 9.1 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)

Communication du requérant (29/11/2021) relative à l'affaire Kavala c. Turquie (requête n° 28749/18) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI

29 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

**TO THE COMMITTEE OF MINISTERS
OF THE COUNCIL OF EUROPE**

(Kavala v. Turkey (Application no. 28749/18))

1. On 26 November 2021, the Istanbul 13th Assize Court held the second hearing after the joining of Çarşı and Gezi Park Events proceedings, as part of which the applicant Osman Kavala stands trial on charges under Articles 328, 309, and 312 of the Turkish Criminal Code (TCC).
2. This hearing, which the applicant Osman Kavala did not attend because he thinks that he is not facing a fair trial, ended with the Istanbul 13th Assize Court ordering continued detention of the applicant on the following grounds: *“...by taking into consideration the quality and nature of the imputed offence, the current stage of the trial, the examination on HTS records and the base station data in the file, the reports drawn up as a result of the examination on digital materials, the upper limit of the sentence prescribed for the imputed offences by the law, it has been understood that the judicial supervision measures will remain insufficient.”*
3. These grounds on which this last decision is based were also included in those of the previous decisions of the Istanbul 13th Assize Court to continue Osman Kavala's detention on 8 October 2021 and 5 November 2021. As we stated in our submission of 25 November 2021 to the Committee of Ministers, these not based on concrete evidence or facts.

4. 4. In conclusion, Turkey, by prolonging Mr. Kavala's detention, refuses to abide by the judgement of the Court in spite of repeated calls of the Committee of Ministers for his immediate release. We therefore respectfully request your Committee to take urgent action under Article 46(4) of the Convention to end this continuous violation.

The Legal Counsel of the Applicant

Attn. Dr. Köksal Bayraktar