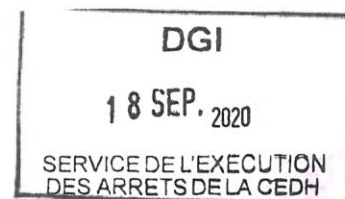


DH-DD(2020)823: Rule 9.1 : Communication from the applicant in Kavala v. Turkey.
 05 Oca 2000 Do 0c 3um 29 ent id Pistr f bauk sted under the sole responsibility of its author, without prejudice
 to the legal or political position of the Committee of Ministers.



To the Committee of Ministers of the Council of Europe

As the counsel of the applicant Mehmet Osman Kavala, we would like to submit the following response to be taken into consideration at the meeting of the Committee of Ministers of the Council of Europe to be held between 29 September and 1 October 2020:

From the response of the Government of the Republic of Turkey, it is understood that the Government refuses to implement the decision issued by the Ministers' Deputies during the meeting held on the dates of 1-3 September 2020. The referred decision provided that the repeated pre-trial detention of Mehmet Osman Kavala was a continuation of the violation established by the European Court of Human Rights and that the applicant, who has been detained for more than two and a half years, must be released immediately. This decision has not been implemented by the Government of Turkey. The process can be explained as follows:

1) Our submissions to the relevant authorities for the termination of the extended and unlawful detention of our client, Mehmet Osman Kavala, following the decision issued by the Ministers' Deputies at the meeting held from 1 to 3 September 2020 have not produced any result.

2) The claim stated in the response of the Government of the Republic of Turkey, that the present detention of Mr. Kavala was not a continuation of the violations stated in the judgment of the European Court of Human Rights dated 10 December 2019 and that it was related to different investigations and charges, is inaccurate.

The latest charge brought against Mehmet Osman Kavala is based on the file numbered 2017/96115 of the Chief Public Prosecutor Office of Istanbul. This charge was derived from the same factual assumption as the charge of attempting to overthrow the constitutional order by supporting the coup attempt on 15 July 2016, which was previously reviewed by the European Court of Human Rights. Both charges are based on the allegation that H. J. B. [REDACTED] carried out a secret mission apart from his known academic identity and collaborated with Mehmet Osman Kavala. As is clear from the response of the Government of the Republic of Turkey, the only action and evidence put forward in relation to this new charge is the same as in the previous charge: The fact that the mobile phones of Kavala and B. [REDACTED] were sending signals to the same base station. The HTS records proved that no phone conversations took place between these two persons.

3) Mehmet Osman Kavala has been detained continuously since 1 November 2017 on charges based on the file numbered 2017/96115 of the Chief Public Prosecutor Office of Istanbul. The latest detention of Mehmet Osman Kavala falls within the scope of the judgement of the European Court of Human Rights since it is not based on any new evidence or fact. Therefore, he must be released immediately.

For these reasons, we respectfully request that Your Excellency take measures to ensure the execution of the decision adopted by the Ministers' Deputies at the meeting held between 29 September and 1 October 2020, and thereby the release of Mehmet Osman Kavala.

Mehmet Osman Kavala's
Representative
Prof. Dr. Köksal Bayraktar



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