



The New Kavala Indictment Constitutes the Denial of Law

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The new bill of indictment issued by the Istanbul Chief Public Prosecutor's Office against Osman Kavala, a defender of human rights and peace, was accepted by the Istanbul 36th High Criminal Court on 8 October 2020, and the court ruled that Kavala's pre-trial detention shall continue. Thus, a new phase of Osman Kavala's unjust and unlawful detention has commenced.

Osman Kavala was previously tried on the charges of financing the Gezi protests and thus "attempting to overthrow the government" with the indictment accepted by the 30th High Criminal Court, and was acquitted on 18 February 2020. He has been detained in prison for nearly three years despite the judgment of the European Court of Human Rights (ECtHR) ordering his immediate release.

This new bill of indictment demands his trial on the charge of "obtaining government information that must be kept confidential, with the purpose of spying on political and military affairs," as well as the charge of "attempting to overthrow the government," on which two orders of release were issued.

There is no doubt that these allegations against Osman Kavala will be proven to be baseless, just like the previous ones.

It is because this bill of indictment, which is even beyond being "unlawful," constitutes the denial of law. These allegations themselves defy domestic law and universal legal values. The court seems to have violated all the basic principles of law by accepting this bill of indictment, which contains no concrete evidence, is based on assumptions made with political prejudices, and makes hypothetical inferences by mentioning disconnected events one after another.

This bill of indictment proves once again that the detention of Osman Kavala is not a necessity of law enforcement, but a political decision.

While all the actions listed in the bill of indictment constitute the exercise of legal, legitimate, and human rights within the framework of NGO activities, Osman Kavala has been detained in an unlawful, unreasonable, illogical, and unconscionable manner by considering these actions an offense.

The bill of indictment does not in any way refer to Osman Kavala's acquittal in the Gezi Park case or the binding judgment of the ECtHR, which found a violation, and disregards the situations and

evidence in favor of Osman Kavala by ignoring the basic ethical rules of the profession of prosecution. On the contrary, it attempts to intervene in the judicial process carried out before another judicial authority regarding the Gezi Park events, and the Prosecution covers this issue in detail in the bill of indictment, even though it has no duty or authority.

It is unacceptable that Osman Kavala's detention and severe unjust treatment continues with new judicial processes and new bills of indictment issued with the thought of "Let's take our chance," despite the judgment of the ECtHR, which ruled that the detention on the Gezi protests and the coup attempt is unlawful; the call of Committee of Ministers of the Council of Europe for the immediate termination of his ongoing detention; and the acquittal decisions and orders of release issued in his favor.

As human rights defenders, we repeat, "You cannot make Osman Kavala look guilty." There is no evidence that will justify the investigation against Osman Kavala, let alone his deprivation of his liberty for 1079 days.

Turkey must act to fulfill its obligation to enforce the ECtHR's judgment and heeding the call of the Committee of Ministers of the Council of Europe, release Osman Kavala immediately, and drop all baseless, unlawful, and unjust charges against him.

Solidarity Network for Human Rights Defenders

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