

21 October 2019

BHRC: The “Gezi Park” trial continues on 8 October 2019 with the ongoing detention of Osman Kavala in Turkey

The Bar Human Rights Committee of England and Wales (BHRC) has continued to observe and monitor the “Gezi Park” trial of sixteen leading civil society individuals in Turkey, including Osman Kavala and Yiğit Aksakoğlu. The trial was in session for a day on 8 October 2019 at a court outside Istanbul (the 30th High Criminal Court sitting at Silivri High Security Facility). Mr Kavala is now the only defendant still in custody and, by the time of the next hearing on 24 December 2019, will have been detained for over two years. It remains a matter of serious concern that Mr Kavala continues to be detained in respect of an indictment which, in the view of BHRC, is gravely flawed.

At the 8 October 2019 hearing, all of the defendants present (including Mr Kavala) were questioned briefly by the court as to their involvement in the Gezi Park protests in May 2013 and their alleged role in organising the protests. The questions were based on the 657-page indictment which presumes that the protests were orchestrated by a single person or organisation. In BHRC’s view, and after hearing the questions asked by the court, there is simply no evidence presented in the indictment to support that presumption. Mr Kavala was asked a number of questions about his links with George Soros, who he accepts that he has met. As BHRC has previously mentioned, arbitrary references to George Soros litter the indictment, suggesting that he was behind the protests, but without any evidential basis for the allegation.

The evidence given to the court by all the present defendants reiterated the common feature of their defence statements which emphasise their role within peaceful, legitimate protest.

The last hearing in the case had been in July 2019. The trial on 8 October 2019 was presided over by a different judge to that hearing. Doubts over the independence of the court panel have been expressed, including by lawyer Can Atalay, one of the defendants in this case. Giving oral evidence at court in his defence, Atalay commented that the changes in the judicial panel made by the Council of Judges and Prosecutors are indications of the lack of judicial independence.

The attempt to cast peaceful Gezi Park protestors within the net of violent terrorism, but without recourse to proper evidence, shows a chilling disregard for international laws and standards which safeguard rights of freedom of assembly and expression. These are rights that should be protected by all the component parts of a democratic state, including by the judiciary.

Lawyers for Mr Kavala applied for his release from custody, arguing that continued detention was disproportionate and a breach of Article 5 of the ECHR. The application was refused on the basis of the seriousness of offences and the alleged risk of non-attendance at future hearings.

BHRC points out that Article 18 ECHR prevents the restrictions permitted under the Convention (such as detention pending trial) from being applied for any purpose other than those for which they have been prescribed. BHRC considers that the continued detention of Mr Kavala may amount to a violation of Article 18 ECHR. Indeed, it is that specific context which has led to the intervention of the Council of Europe Commissioner for Human Rights before the European Court of Human Rights in Mr Kavala's expedited case against Turkey in respect of his detention. We urge the European Court of Human Rights to rule speedily in this case before the next hearing of this case on 24 December 2019.

BHRC renews its condemnation of the use of terror charges and prolonged detention as reprisals against human rights defenders, whether they be lawyers, journalists, judges or civil society leaders. The extraordinary indictment, and the length of Mr Kavala's detention, point to the abuse of these proceedings by Turkey for the purpose of stifling human rights of freedom of expression and of association.

BHRC considers that there is no proper basis for Mr Kavala to remain in detention and it calls for Mr Kavala to be released immediately.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Josie Fathers, Project Coordinator on coordination@barhumanrights.org.uk or +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and

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internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.

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