



Announcement of a Grand Chamber judgment in the infringement proceedings under Article 46 § 4 of the Convention in the case of *Kavala v. Türkiye*

The European Court of Human Rights will be delivering a Grand Chamber judgment in the proceedings under Article 46 § 4 of the European Convention on Human Rights relating to the enforcement of the Court's judgment of 10 December 2019 in the case of [Kavala v. Türkiye](#) (application no. 28749/18) at a public hearing on 11 July 2022 at 11 a.m. in the Human Rights Building, Strasbourg.

The case concerns a question referred to the Court by the Committee of Ministers of the Council of Europe, which is responsible for supervising the enforcement of the Court's judgments, as to whether the Republic of Türkiye has failed to fulfil its obligation under Article 46 § 1 of the Convention to comply with the Chamber judgment delivered by the Court in the case of *Kavala v. Turkey* on 10 December 2019.

Principal facts and complaints

The applicant, Mr Mehmet Osman Kavala, is a Turkish national who was born in 1957 and lives in Istanbul. A businessman and human-rights defender in Türkiye, Mr Kavala was involved in setting up numerous non-governmental organisations ("NGOs") and civil-society movements.

Mr Kavala was deprived of his liberty, without interruption, between 18 October 2017 and – at the least – 2 February 2022, the date on which the Committee of Ministers decided to refer the matter to the Court under Article 46 § 4 of the Convention.

Mr Kavala was initially suspected of having committed two offences: attempting to overthrow the Government through force and violence in the context of the Gezi Park events, and attempting to overthrow the constitutional order in the context of the failed coup attempt of 15 July 2016.

The first charge, under Article 312 of the Criminal Code, was related to the Gezi Park events, which had occurred between May and September 2013 and were marked by a series of demonstrations triggered by an urban development project which included the construction of a shopping centre on the site of Gezi Park.

The second charge, under Article 309 of the Criminal Code, was related to the violent attempted *coup d'État* of 15 July 2016, which had led to the declaration of a state of emergency in Türkiye from 20 July 2016 to 18 July 2018.

On 18 February 2020 Mr Kavala was acquitted of the charge related to the Gezi events. However, the decision to release him on bail, delivered on the same date, did not lead to his actual release. He was placed in police custody on the same date, then on the following day he was placed in pre-trial detention in relation to the attempted coup. His release was ordered on 20 March 2020. In the meantime, on 9 March 2020, Mr Kavala was placed in pre-trial detention for military or political espionage, an offence listed in Article 328 of the Criminal Code. When the Committee of Ministers referred the question to the Court, Mr Kavala's pre-trial detention was based on this charge.

On 4 March 2022 the prosecutor's office made submissions to the Istanbul 13th Assize Court, requesting that Mr Kavala be convicted of attempting to overthrow the Government through force and violence, primarily in the context of the Gezi Park events. On 25 April 2022 the Istanbul 13th Assize Court found Mr Kavala guilty of the charge under Article 312 of the Criminal Code and sentenced him to aggravated life imprisonment; in addition, it ordered that he continue to be held in

pre-trial detention on that charge. At the same time, it decided to acquit him of the charge of military or political espionage (Article 328 of the Criminal Code) and ordered his release in connection with that particular charge. The criminal proceedings are still pending before the national courts.

Mr Kavala is currently still imprisoned.

Procedure

The application was lodged with the European Court of Human Rights on 8 June 2018. By a [judgment](#) delivered on 10 December 2019, the Court had found a violation of Article 5 § 1 and 4 and of Article 18 taken together with Article 5 § 1 of the Convention. As that judgment became final on 11 May 2020, it was transmitted to the Committee of Ministers under Article 46 § 2 of the Convention for supervision of its execution.

On 2 February 2022 the Committee of Ministers decided to refer the case to the Court under Article 46 § 4 of the Convention. On 21 February 2022 the referral was filed with the Registrar by the Committee of Ministers. The request was allocated to the Grand Chamber of the Court.

The Committee of Ministers, the Government and Mr Kavala submitted written observations, as did the Council of Europe Commissioner for Human Rights.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.