



Plenary sitting

B9-0246/2022

3.5.2022

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on **the case of Osman Kavala in Turkey**
(2022/2656(RSP))

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on behalf of the ECR Group

**European Parliament resolution on the case of Osman Kavala in Turkey
(2022/2656(RSP))**

The European Parliament,

- having regard to its previous resolutions on Turkey,
 - having regard to the Statement by the High Representative on the conviction of Mr. Osman Kavala, of 26 April 2022, and to previous EU Statements related to the case of Osman Kavala;
 - having regard to the European Convention on Human Rights (ECHR),
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas on 25 April 2022 the Istanbul 13th Heavy Penal Court sentenced Turkish businessman, philanthropist, publisher and human rights defender Osman Kavala to life in prison without parole on charges of attempting to overthrow the government, while acquitting him on an espionage charge;
- B. whereas Osman Kavala was first arrested and imprisoned on 1 November 2017 on charges related to the Gezi Park protests in 2013 and the coup attempt in 2016; whereas Kavala was acquitted on several charges in 2020 but was re-arrested on additional charges immediately after the acquittal so he remained in prison uninterruptedly since 2017;
- C. whereas the arrest of and judicial process against Osman Kavala are widely regarded as being politically motivated;
- D. whereas on 10 December 2019, the European Court of Human Rights (ECtHR) ruled that the pre-trial detention of Osman Kavala was in violation of the European Convention on Human Rights because the arrest and pre-trial detention took place in the absence of evidence to support a reasonable suspicion he had committed an offence and pursued an ulterior purpose, namely to silence him and dissuade other human rights defenders; whereas the ECtHR ruled that the Turkish authorities had to secure Mr Kavala's immediate release; whereas Turkey has not implemented the ECtHR court ruling by failing to release Mr Kavala from detention in spite of the calls from the Committee of Ministers of the Council of Europe;
- E. whereas on 2 February 2022, the Committee of Ministers of the Council of Europe (CoE) decided to launch infringement proceedings against Turkey due to its refusal to

implement the 2019 judgment of the European Court of Human Rights (ECHR) and immediately release Osman Kavala;

- F. whereas in October 2021 Turkey threatened to declare ten western ambassadors “persona non grata” , including those from several EU Member States, after they issued a statement condemning Kavala’s continued detention, before later reversing the decision;
- G. whereas the EU and Turkey are partners of strategic importance; whereas Turkey is an EU candidate country, which requires concrete and sustained progress in the field of rule of law, democracy and human rights;

1. Deeply regrets the recent verdict by the Istanbul 13th Heavy Penal Court imposing an aggravated life sentence on Osman Kavala after more than four and a half years of unjust and unlawful detention;
2. Expresses its solidarity with Osman Kavala and his family and calls on the Turkish authorities to pardon him as a sign of reconciliation;
3. Reiterates the importance for the Turkish authorities to act in conformity with their international and domestic obligations and to abide by the legally-binding final judgment of the European Court of Human Rights in this case and to release Osman Kavala as a matter of urgency;
4. Stresses that Turkey’s refusal to implement the ECtHR ruling further increases the EU’s concerns regarding Turkish judiciary's adherence to international and European standards;
5. Takes note of the recurrent decisions by the Committee of Ministers of the Council of Europe urging Mr Kavala’s release, which culminated in the launching of infringement proceedings by the Committee of Ministers of the Council of Europe against Turkey through interim-resolutions in December 2021 and February 2022 over Turkey’s refusal to abide by the ECtHR’s final judgement;
6. Recalls that as a candidate country and long-standing member of the Council of Europe, Turkey urgently needs to make concrete and sustained progress in the respect law, democracy and fundamental rights, which are a cornerstone of EU-Turkey relations;
7. Calls on the EU to continue to follow the case of Mr Kavala closely;

8. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the parliaments and governments of the Member States, the government and parliament of the Republic of Turkey and the Council of Europe;