

# PEN NORWAY

PEN Norway interview with imprisoned  
Gezi defendant Osman Kavala:

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that stood up against top-down policies  
and the restrictions of freedoms.”**

Illustration: Murat Başol

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23.06.2019

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*PEN Norway followed all the hearings of the Gezi trial, in which 16 defendants, including lawyer Osman Kavala were tried for “seeking to overthrow the government by force and violence”. On April 25, 2022, already under pre-trial detention, Osman Kavala was sentenced to aggravated life imprisonment and other defendants present at the hearing were sentenced to 18 years imprisonment and arrested in the courtroom. PEN Norway was a firsthand witness to this shocking abuse of the judicial system and is currently conducting a series of interviews with each imprisoned Gezi defendant.*

**As you have been under detention for more than four and a half years, we would like to hear more about your health to begin with. How do you feel?**

I'm in good health. I feel better on the days when I can see my wife and hear my mother, who is quite old, talking on the phone with a healthy voice. Support messages sent by the friends I know and am yet to know make a positive impact on my mood.

**How are your prison conditions? And just as importantly, how do you organise your daily life in prison? Do you feel you are being productive despite the restrictions imposed by the prison?**

This is an institution that runs according to the rules. As a high security prison, it lacks the problems caused by overcrowding that other prisons have. I wouldn't say I'm being very productive at writing. This is partly because of my limited access to resources and lack of computer facilities. But staying alone in a single cell provides an ideal environment for reading.

**The aim was to criminalize the anti-government mass protests**

**As a matter of fact, yours was not a single trial based on a single file. You've been tried over and over from many files that were merged with each other. An acquittal was granted, but you were targeted once again. What is your take on all this? What do you think is the motive behind the decision to go for a retrial in the Gezi case and the subsequent pronouncement of such a harsh judgment?**

Five years ago, I was arrested on two charges, both of which lacked evidence and were irrational. The charges were: attempting to overthrow the government by organizing the Gezi protests and supporting the coup attempt of 15 July 2016. Following the coup

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attempt on July 15th 2016, the ruling parties constructed a discourse that foreign powers were trying to overthrow the government and years after the Gezi Protests they fabricated the Gezi trial in line with and in support of that narrative. I believe the aim was to criminalize the anti-government mass protests and to create the perception that such opposition movements were backed by foreign powers hostile to the government. Since no concrete evidence or information that support this claim existed, a conspiracy theory was constructed using the Open Society Foundation founder, George Soros. There is a widespread belief in our country that the protests against the regimes that inherited the Soviet Union's authoritarian experience had been organized by Soros. In the Gezi Park trial indictment, it was claimed that George Soros had given great support to these and the Arab Spring protests. Although I did not provide any financial support for the protests other than taking some cakes with me when I went to visit the Gezi Park; I think that in their scenario I was qualified for the role of the liaison person between the protesters and the foreign powers, as I stood against the destruction of the Gezi Park, and sympathized with the protests and also because I was on the management board of the Open Society Foundation.

In the minds of those who drafted the indictment, I was also qualified for such a role due to the fact that the Anadolu Kültür Foundation, of which I was the Chairman, had close relations with European foundations and had carried out cultural projects related to Kurdish and Armenian issues. When the first Gezi trial resulted in my acquittal, yet another espionage charge was fabricated to keep me in prison until the acquittal had been overturned and a conviction that would please the government had been handed down. The justification for this was the allegation that I had been provoking minorities within the country under the guise of engaging in civil society activities. An allegation that, of course lacked any evidence.

**How did you feel when Turkey refused to implement the relevant ECtHR judgment? How did it feel to be a part of such a surreal and questionable trial, because it has already been a painful exercise itself to monitor this trial and the whole process from the outside, including the non-implementation of the ECtHR decision. How did you manage to stay calm and earnest while all this was happening?**

I would like to highlight a few points in order to explain the gravity of the situation. The 2019 ECtHR judgment not only ruled that there was no evidence to cause a reasonable suspicion that I had committed any crime, but also found a violation of Article 18 of the European Convention on Human Rights. The Court ruled that the intention in my arrest was to silence me as a human rights defender, which demonstrated that the arrest had political motives. After the first Gezi trial had resulted in my acquittal, the President had argued against this judgment, which eventually resulted in the fabrication a



crime of espionage that went beyond the definitions in law, and my detention was continued. The government also informed the Council of Europe that this practice did not contradict the ECtHR judgment. These indicate a serious break with not only legal norms but with ethical principles as well.

I think that the message they sent was that they would punish people whose activities they deem undesirable in Turkey, even if their actions did not constitute a crime, and that the ECtHR and foreign institutions would not be allowed to interfere with this. It becomes a priority to defend the principles of law, especially in a context where the courts act not according to the law, but according to the definitions of crime offered by the government. I have endeavoured to fulfil such a public responsibility and to act accordingly.

**In an interview you gave after the judgement pronounced in April 2022, you made the following remarks: “What we see is a reckless determination. I believe this decision will be overturned in the Court of Cassation. But I don’t think that it will happen before the elections.” As a result of this trial that spanned quite a number of years now, you have first-hand experience, albeit as a defendant, about the judicial mechanism in Turkey. How do you think we should see the nature of judicial mechanism in Turkey?**

The judiciary has been brought under the control of the government. There used to be violations of rights in Turkey, in that the courts did hand down judgments that restricted freedoms. These, however, were because the members of the judiciary had a certain mindset and perception regarding the threats and dangers that were ideologically framed. But now the judiciary has lost its independence, as pro-government lawyers are recruited, the high council that supervises the promotions and posts of the judges and prosecutors is brought under the control of the government, and the prosecutors have begun to take instructions from political actors. There are still true lawyers in the judicial panels, especially in higher judicial institutions, and certain decisions are made in accordance with the law. However, these judges remain in the minority, especially in political cases where the government is a party, but they are still able to annotate and highlight the unlawful practices with their dissenting votes.

### **I believe that Turkey’s course will be altered towards the rule of law and a true democracy**

**Turkey’s failure to implement the ECtHR judgment led to the adoption of an infringement procedure by the Council of Europe. What is your take on this process? Are you worried about Turkey’s future?**

Regarding the infringement procedure, what was extremely important was the second judgement of the ECtHR on July this year, where the Court evaluated the developments that followed its first judgement in 2019. The Court revealed that the actions of the government was in fact a circumvention of the law in an attempt to avoid implementing the ECtHR judgement. This judgement will be instructive and encouraging for people who defend legal norms in our country. Of course, it is quite worrying that our country drifts further away from the norms of law and democracy. However, I believe that this situation will change, and that after the upcoming elections, Turkey’s course will be altered towards the rule of law and a true democracy.



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## **The Gezi trial was designed as a show trial aimed at manipulating the people’s perceptions**

Both the politicians and the civil society raised objections against the judgement of the court in Turkey. What is your take on these reactions?

I find the reactions very positive of course. As I said before, the Gezi trial was designed as a show trial aimed at manipulating the people’s perceptions. A heavy punishment was meted out against seven people, who have been well-recognised advocates of law and democracy, based on a surreal and ideologically loaded allegation that they had planned, instigated and led a popular movement which was willingly joined by millions of citizens in many cities. This alone exposed how the judiciary is being manipulated for political purposes and made it even more clear that this poses a danger for all the citizens. In my opinion, the plans were thwarted and this show trial worked in a way to establish the truth.

“ I think PEN International's network and activities set an important example. NGOs, cultural institutions and rights organizations around the world can be the actors of such a renewal. Cultural institutions with strong networks supported by the European states can act as the pioneers of this mission. ”

**What do you think is the contribution of international cultural cooperation projects to peace and democracy? What are your expectations from civil society and rights organizations around the world? What are your recommendations to the NGOs and cultural institutions established in Europe and work with Turkey?**

Humanity is faced with threats inherited from the past, such as war, discrimination and tyranny on the one hand, and with the inhumane living and working conditions created by today's world order - or rather, disorder - and neo-liberal policies on the other. As Edgar Morin emphasized in his book titled "Let's Change Lanes", I believe that we need a genuinely universalist humanism that will have an impact on politics and socioeconomic relations, and that will enable every person to feel as part of the global community in a way to develop her/his feelings of solidarity and responsibility. This can become a reality by means of a new understanding of politics, and by mental and emotional bridges that art and literature can build between people living in different parts of the world. In this context, I think PEN International's network and activities set an important example. NGOs, cultural institutions and rights organizations around the world can be the actors of such a renewal. Cultural institutions with strong networks supported by the European states can act as the pioneers of this mission. I think that to be effective, it would help if they create 'cultural hubs' and carry out common cultural programs in different cities away from the capitals with the participation of local organizations.

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Hopefully, once the political transformation that will expand freedoms and ensure the rule of law takes place in my country, cities such as İzmir, Gaziantep and Diyarbakır, like İstanbul, will, with the contribution of such collaborations, become hubs where cultural activities that promote humanism and democratic values will be booming, and act as centres with sound ties that connects them with cities from neighbouring countries.

**What are your favourite authors among the ones you read in prison? Who are you currently reading?**

A list of my favourite authors would take too much time to make. I also read the classics in prison. Reading the same works after many years is extremely exciting as it allows you to remember things you forgot and to better understand the author's intentions. Let me tell you that, however, it was here that I 'discovered' the works by Claudio Magris, Dag Solstad and Olga Tokarczuk, which I was not familiar with before, and I list them among the acquisitions of my experience in prison. When your questions arrived, I had just finished Orlando Figes' book titled 'Europeans', in which he vividly described the art, culture and dynamics of Europe in the 19th century, and begun reading Dag Solstad's 'Armand V'.

**Other Gezi defendants gave us inspiring interviews. They all talked about the spirit of Gezi as the invincible essence of democracy in Turkey. What does Gezi mean to you and what are your hopes for the future of democracy in Turkey?**

Gezi was a great popular movement that stood up against top-down policies and the restrictions of freedoms. Millions of our

citizens participated in many cities. This movement did not have a headquarters, nor a brain, but it had a heart, and its heart was the Gezi Park, located at the centre of Istanbul, a Park on which the government attempted to build a shopping centre. Taking advantage of the proximity of my office, I often went to the park and had the opportunity to observe and chat with the young people who remained in the park to protect the trees and stayed there peacefully in solidarity. I was very impressed by their commitment to ethical values, their sense of responsibility, and the fraternal relations they managed to establish despite their differing views. I am hopeful about the future not least because I got to know those young people.

I would like to extend my greetings to you, the members and directors of PEN Norway, and to thank you for your greatly uplifting solidarity.

It has been my pleasure to answer the interesting questions you have sent. I hope I will contribute to a better understanding of the situation in my country. ■