

During a conference in Istanbul in March on spaces of memory I received an invitation – together with others – to attend a dinner at a private home. We got an address and the question not to publish any pictures of the evening on social media. Somewhere between Galata Tower and Taksim Square we descended down the narrow street of the ancient quarters and found a stately 19th century house built against the slopes.

The massive staircase brought us down to an understated but magnificent open space, with a winter garden and a fireplace. Long tables were set and we were greeted with utmost hospitality.

And then with a smile, my local friend told me: welcome to Osman's place.

# Dear Osman

That evening I realised the power even of his absence, his colleagues and friends talking about how he worked even from prison and how he used his one hour of contact time each week with family, friends and colleagues to pass on concept notes for projects and to exchange on what can be done and should be realised.

The power of his productive mind and his urge to contribute to a better world is unbroken. But colleagues and friends can't travel and the threat is tangible. It is fear, isolation and repression against trust, openness and creativity.

These letters show us that Osman is with us in spirit and that we will keep our thoughts with him until he can join us again in person in our dialogue and our actions.

Introduction by Lars Ebert

Dear Osman,

I do not know whether you will have the opportunity to read this letter. As I write this you will have spent almost a year in prison. You have been locked up without charge, but with a swirl of insinuations surrounding you, every one of which feels like a rage against truth.

You would be the first to point out that you are not alone in Turkey in facing such a predicament. That more than 142,000 people have been detained since President Recep Tayyip Erdoğan imposed a state of emergency after the failed coup of July 2016. That almost 200 media outlets have been shut down and more than 300 journalists have been arrested. That more than 170,000 people have been dismissed from their jobs, including 6,000 academics and nearly 5,000 judges and prosecutors.<sup>1</sup>

The degree of repression in Turkey today is indeed extraordinary. Yet, amidst all the arbitrary arrests and false detentions, your imprisonment seems particularly significant. This is not just because you are a friend.

By arresting you, and detaining you without charge for so long, the Turkish authorities are trying to send out a message that — having purged the army, gutted the judiciary, dismantled the civil service and eviscerated academia — it now intends to shackle civil society too.

Since creating a flourishing civil society has been your life's mission.

I remember the first time I came to Istanbul. You had invited me to give a seminar on immigration and populism at the European School of Politics — an institution that you founded to open up political debate in Turkey. Around the table in a packed room were students of all political persua-



sions: supporters of the ruling AKP party and critics of the government, liberals, conservatives and social democrats, Turkish nationalists, Kurds and Armenians. They had deeply differing views, but they all had a commitment to open dialogue.

It was like holding a seminar in London bringing together Eurosceptics and EU enthusiasts, Scottish Nationalists and UK Independence Party supporters, Islamists and members of the English Defence League. All discussing Britain's political future, with deep disagreements but with mutual respect.

A meeting like that would be barely imaginable in London. That an equivalent could take place in Istanbul seemed to me then — and still seems to me now — almost miraculous. That it happened was testament to both your belief that society works best when people are able to discuss their differences civilly, and your gifts in nurturing that kind of dialogue.

You have a deep commitment to civil rights and a fairer society. You have worked tirelessly on behalf of Turks, Kurds and Armenians, too. But you are not a polemicist or a figure of confrontation. I am, for good or ill, more like that. Rather you are someone who seeks to quietly bring people together to discuss and debate, and who sees in that process the makings of a better society. It is this, the fostering of free and open conversations, that the authorities so fear.

We live in increasingly polarised societies, and not just in Turkey. It has become common to bemoan the fact that too many of us inhabit 'echo chambers', only listening to the voices of those with whom we agree. There is a tendency to attribute bad faith to those with whom we disagree — to dismiss critics as 'hate mongers'.



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Politics relies upon a willingness to have a public dialogue and debate, a readiness both to listen to others and to scrutinise our own beliefs, an openness to accommodate others and to change ourselves. Many find the erosion of such willingness and openness troubling, and yet seem unable to resist. It is against this backdrop that your work is so important – your wonderful facility for listening, your inner desire to nurture conversations, your gift for allowing people to think through difficult issues.

It is shocking to think that you have spent a year behind bars. I hope it has not taken too great a toll on you. I know it has been difficult for Ayşe, your wife, and for your many, many friends. But whatever the burdens imposed by your detention, I also know it will not have quenched your tremendous generosity of spirit that shone through the first time I met you at a Herengracht 401 meeting in Amsterdam.

I hope to see you soon, my friend. To have a drink in a cafe in Istanbul or Amsterdam or London. To talk about politics and history and culture, about Turkey and Britain and Europe, about populism and democracy, about conflicts and liberties. I hope, too, that not only are you soon set free from a monstrous detention but that the monstrous shackles that bind Turkey today are shattered too, and that the kind of civil society to which you are so committed has a chance to flourish once more.

With love and comradeship,  
Kenan Malik

I hope to see you soon,  
my friend.



Messages of support coming from all over Turkey and across the world are of great value to me; I would like to send my greetings to everyone. I also thank political actors who have stood by me and conveyed their well wishes from the very beginning of this process. I will refrain from making any comments due to the confidentiality order in place with regards to the ongoing investigation. I hope that justice shall prevail sooner or later.

With my regards,  
Osman Kavala,  
10 November 2017

As it is public knowledge, I was arrested on 1 November 2017, and I have been in Silivri Prison for more than two months.

When I was taken into custody on board returning from Gaziantep, I was not worried. I counted on that it would be understood immediately that the suspicions against me are unwarranted. Yet, my arrest and the accusations that led to my arrest came as a surprise to me.

The accusation that I am the organizer of the Gezi events includes the allegation that I have provided financing. As one may remember, after the events of Gezi, allegations were made that these events had been outsourced and financial resources had been provided from abroad. In a newspaper article dated 2014, it was also mentioned that there had been an intelligence note that relates me to the Gezi events. Later, the person conducting the investigation on this issue was arrested in 2015 and is still detained. As a result, until now there has been no discovered evidence about these unfounded allegations; and I am the only one to be arrested on this issue.

On the grounds of the arrest, I have especially found odd the allegations that have linked me to the Gülen movement and the July 15 coup attempt.

I am astounded by the fact that such allegations are laid on me, while I have always been against coups throughout the course of my life and tried to draw public attention to the negative impacts of the presence of Gülen community within the state for years.

In any case, as a person who experienced September 12 and never forgot the terrible memories of those days, it is highly insulting to me that I have been associated with such circles. I would like to point out that I have resorted to legal measures in this regard.

I believe that it will soon be understood that these accusations are unfounded. Nevertheless, I think that the state of emergency also affects the climate in the judiciary, and that the arrest decisions may be reflecting this effect. In times of state of emergency, the concern for losing the suspect outweighs the need for the prevention of engendering unjust victimization. While the people who were unjustly arrested are expected to be freed as soon as possible, the psychological impact of the initiatives that violate the presumption of innocence, such as the recent preparations for the regulation on the uniform dress code, is not taken into account.

Despite everything, my belief is that the new year will be a better year in terms of democracy and freedoms. I send my regards to all those who have supported me with their statements and messages ever since I was taken into custody, and I want to say that I am in good health. Hope to see you all soon...

Osman Kavala,  
4 January 2018

It has been more than 100 days since I was located in Silivri Prison. I am trying to get used to this situation considering the uncertainty of its duration. I intimately feel saddened by the fact that there are journalists and authors who have been here for longer than me.

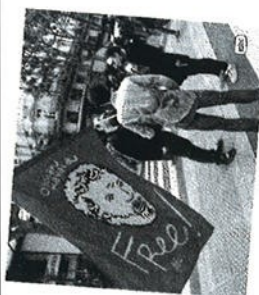
Yet, I am very pleased to see that Anadolu Kültür, DSM, and Depo – the institutions I am the founder of – continue their work uninterruptedly.

Despite all the adverse circumstances, I think the improvement of Turkey's relations with European institutions and civil society organizations is of paramount importance. I believe that these relations will be strengthened again, once the negative climate engendered due to the state of emergency changes.

Letters from Osman, currently detained in Silivri Prison

Taken from website: [osmankavala.org/en/](http://osmankavala.org/en/)

The effort to justify the decision of detention through collection of evidence after the detention takes place renders the entire process long and troublesome.



In the meantime, I spend my time thinking about my prospective contributions in the upcoming period. The messages I receive from the friends outside make me very happy. I send my regards to everyone.

Osman Kavala,  
9 February 2018

I have completed the fifth month of my residence in Silivri. I'm healthy and I walk for almost two hours everyday in my courtyard. I don't have any complaints regarding the food. I started wearing glasses through the recommendation of the prison doctor and this made it easier for me to read. Time goes by in between reading, taking notes, walking, doing the laundry and cleaning. They notified me last week that the restrictions on my case were abolished. Writing and receiving letters and being able to see the lawyers more frequently will make my life easier here.

The other important change in my situation is the sun starting to make an appearance in my courtyard. After its absence over the fall and winter, it is finally making an appearance over the walls; this gives me a sense of relief. Even though we can't see what it has brought and we can't smell its scents, spring is also felt within the courtyards of the prison. Now we are looking forward to the sparrows building their nests and visiting our courtyards for subsistence.

On the other hand, there is no change in the bad weather conditions that is penetrating the jurisdiction. Of course I'm very happy about the recent releases, but there are still many people in prison who have nothing to do with either the coup d'etat or the violence. Without having any concrete evidence, they easily accuse people of committing serious crimes such as 'being a member of a terrorist organization', 'changing the constitutional order' and 'overthrowing the government'. And once such an accusation is made, the custody keeps persisting. State of emergency turns extraordinary accusations and victimization into common phenomena. As long as the state of emergency's shadow is not lifted from the constitution, it doesn't seem likely for us to live the spring that is now felt in the courtyards...

Sending my love and greetings to everyone who has showed interest and curiosity in my situation and everyone who has written,

Osman Kavala  
3 April 2018, Silivri

Sixth month of my pre-trial detention in Silivri was completed on 1 May. We are waiting for the indictment.

As the presumption of innocence constitutes one of the fundamental elements of the right to a fair trial, the norms of the European Convention on Human Rights and the European Court of Human Rights rulings do not consider "strong suspicion" sufficient for pre-trial detention which is an extraordinary measure; they require the presence of clear and convincing evidence. Yet, the situation is different in our country. Once the prosecutor presents a crime description that requires a heavy sentence, the judge feels obligated to decide for a pre-trial detention. The decisions that are given in the absence of sufficient evidence also affect the process of the preparation of indictment. The effort to justify the decision of detention through collection of evidence after the detention takes place renders the entire process long and troublesome. As the preparation of the indictment lengthens out, the pre-trial detention period lengthens out. And, the cost of the suspect's deprivation of their liberty with respect to the sentence they will receive passes beyond the remediable level.

The number of those waiting for the preparation of their indictments under detention in uncertainty for months, just like me, is not few. This situation indicates an imbalance in the fair trial mechanism. Unless the principle of presumption of innocence is considered the fundamental component of the judicial process, this imbalance will prolong.

Osman Kavala,  
14 May 2018

I have been in Silivri prison for nine months.

At least a year will have passed by the time the indictment is ready and the day of the trial arrives. I was not anxious when I was detained, and I am still not. But it is a strange

thing not to see the face of justice for nine whole months.

Until now all my requests to be released have been turned down on the basis of the investigation file and without a court hearing. The court decisions have stated that the imputed offense – or the "charge thrown at me" in literally translated Turkish – necessitate my incarceration, and that the duration of detention is in proportion with the punishment for such a crime. I am struck by the expression "the charge thrown at someone". Generally, it is a harmful thing that gets thrown at someone, throwing a slap in the face or throwing mud... Usually the verb to throw is also used to imply a quick and effortless act.

In my case, the charge "thrown" at me is "attempting to overthrow the constitutional order and the government". When this is the imputed crime, it automatically comes with prison detention; and it is thought that this is justifiable as long as the period of detention does not exceed the final sentence the accused gets if found guilty. Thus, the charge and part of the punishment are both "thrown" at the suspect right in the beginning, and for months one is left burdened with both.

I am waiting for the day when I will be able to defend myself in court and see the face of justice.

Osman Kavala,  
19 August 2018 Silivri

One-year of my time in Silivri has been completed. I believe with each passing day people who accuse me of attempting to annihilate the constitutional order and the government come to realize more and more that I have nothing to do with these accusations. Yet, this realizing process occurs at the expense of my freedom. Months of my lifetime wither away. I want to regain my freedom and rejoin with my family and friends as soon as possible. In the meantime, I find it crucial that the practice of long pre-trial detention, which has become an upfront punishment, comes to an end, as we have been trying to emphasize its drawbacks for years. I hope that my situation will contribute to the comprehension of the harm caused to the citizens and the

judiciary of the Republic of Turkey by this failing regime of abusive detention to a greater degree.

I believe one of the most important priorities of the state is restoring the freedoms of the people who are the victims of the approach that does not value human liberty and contradicts the Constitution and the norms of the European Convention on Human Rights.

Osman Kavala  
Silivri, 31 October 2018

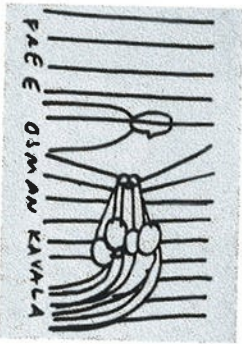
I am very upset to hear that 14 people, among whom there were also academics, have been detained on the basis of their relation to me according to the Directorate of Security's statement and that in this regard some groundless accusations about me came to the fore.

I am waiting for my indictment to be prepared before long so that I could demonstrate the charges against me of attempting to annihilate the constitutional order and the government, which constitute the reason of my over one-year-long detention, and the allegations that I am the director and the financier of the Gezi protests are unfounded and groundless.

I hope this case will contribute to a change in the current detention regime that does not value human freedom.

Osman Kavala  
26 November 2018

At the end of January, I completed my 15 months at Silivri. I am still waiting for the indictment on my case to be prepared. I still have not been interrogated by a prosecutor. Requests for my release from prison have been rejected 19 times up to this point, without feeling any need for a court hearing in my presence. This may be taken as an indication that prolonging my detention is considered "reasonable" and "appropriate" by the authorities, who seem not to have any doubts about the validity of the decision of my arrest and its prolongation. Statements made by the public prosecutor's office following the arrest decision of November 16, 2018 have served to confirm this, as they indicated that



I was not anxious when I was detained, and I am still not. But it is a strange thing not to see the face of justice for nine whole months.



Time goes by in between reading, taking notes, walking, doing the laundry and cleaning.



I was “found” to have “financed and organized” the Gezi Incidents.

We applied to the Constitutional Court in the second month of my detention and to the European Court of Human Rights in my eighth month. The ECtHR accepted our demand to prioritize the case and called on the Ministry of Justice to submit its defense regarding my arrest. We have found out that the Ministry of Justice has been granted an extension by the ECtHR after the deadline for submitting its defense passed on the 10th of January 2018.

The fact that I have spent 15 months in Silivri waiting for an indictment throughout this period may, in a sense, be considered a form of extrajudicial execution. Nonetheless, the government’s request for an extension from the ECtHR suggests that there may be some concern about the compatibility of the decisions concerning my detention and its prolongation with the norms set by the Constitution and the European Convention on Human Rights. If the charges of “undermining the constitutional order” and “taking down the government” brought against me were based on findings as solid and unequivocal as indicated by the press release of the prosecutor’s office, one would probably expect to see an already prepared indictment and a defense sent to the ECtHR.

When the Minister of Justice mentioned some serious problems with the judiciary process by stating that “disproportionate interventions in fundamental rights and freedoms could give rise to certain rightful criticisms,” and that “such interventions also damage the legitimacy of judicial decisions and social support for them”, he probably had in mind cases similar to my detention. I believe that if the Judicial Reform Strategy Document prepared by the Ministry of Justice, which is expected to be announced in the days to come, emphasizes the presumption of innocence as of critical importance and insists on individual freedom as the most fundamental human right, it could open the way to making the judiciary process compatible with the norms set by the Constitution and the European Convention on Human Rights. If not, charges and arrests lacking sound justifications will continue restricting rights and liberties of people as they did in my case.

Osman Kavala  
1 February 2019

I intimately feel saddened by the fact that there are journalists and authors who have been here for longer than me.



State of emergency turns extraordinary accusations and victimization into common phenomena.

Osman Kavala, and his wife, Prof. Dr. Ayşe Buğra Kavalaat Silivri Prison during Ramadan Feast, July 2018



As of the final edit of this magazine, Osman has spent 575 days behind bars, and counting.