

## Dr Tuna Altınel, Çağlayan, 2019-02-28

(translated from/traduit depuis <https://bianet.org/1/19/205946-tuna-altinel-in-beyani>)

Sayın Hakimler,

Türkiye Cumhuriyeti Devleti'ni, izlediği savaş politikaları ve bunları izleyiş biçiminden ötürü açıklıksızlıkla eleştiren, bu yanlış yolun terk edilmesi ve barış için yeniden masaya dönülmesi çağrısı yapan 11 Ocak 2016 tarihli Barış Bildirisi'ni imzaladığım için terör örgütü propagandası yapmakla suçlanıyorum. Bu suçlamaya karşı bir çift söz beyan etmek isterim.

Beyanımın ilk bölümünde bu imzanın benim için ne anlama geldiğini kısaca anlatacağım.

1966 doğumluyum. Elli dördüncü yaşımdan günler almaya başlayalı çok olmadı. 1980 eylülünde hayatımın on beşinci yılını sürüyordum. 1984 ağustosundaydısa on dokuzuncusunu. Bu tarihleri laf olsun diye seçmedim.

Elli küsur yıllık ömrümün Türkiye'yle ilgili olan bölümü toplumu saran, sarsan, şiddet sarmalı içine sokan sorunlara güvenlikçi, şiddet içeren ve şiddet üreten çözümler dayatan iktidarların hükmü altında geçti.

1980'lerde, "başı ezilecek" denerek "terör" sözcüğüne indirgenmeye çalışılan sosyal ve siyasal soruna karşı 1990'larda "düşük yoğunluklu" bir savaş başlatıldı. Doksanlar'ı Türkiye dışında geçirmiş olsam da toplumu saran şiddeti, bazılarının failleri bugünkü siyasal iktidar döneminde açığa çıkartılan cinayetleri derinden hissettim.

Your Honors<sup>1</sup>,

Because I signed the Peace Petition dated 11 January 2016<sup>2</sup>, which is openly critical of the war policies followed by the Republic of Turkey and the way they are implemented, calling for the abandonment of this misguided path and a return to the table for peace negotiations, I am accused of "making propaganda for a terrorist organization." I would like to make a statement of a few words to counter this charge.

In the first part of my statement, I will explain briefly what this signature means to me.

I was born in 1966. I am not many days into my 54th year. In September 1980, I was in the 15th year of my life. In August 1984, the 19th. I did not choose these dates at random<sup>3</sup>.

During the 50-odd years of my life, Turkey has been ruled by governments that, faced with the issues that engulf and destabilize society, and plunge it into a spiral of violence, responded with violent solutions, triggering further violence.

In the 1990s, a "low intensity" war was launched against the social<sup>4</sup> and political problems that one had attempted

<sup>1</sup>The Academics for Peace trials take place in courts known as Aggravated Felony Courts or Central Criminal Courts (Interpol)—Turkish acronym ACM—dealing with crimes punishable by 5 years or more. Cases in these courts are heard by a panel of three judges. There are 37 such courts in Istanbul, designated by numerals, and others in provincial capitals. The Turkish judicial system does not make use of juries. Dr. Altınel's 2/28 hearing was at the 29th ACM, Çağlayan Palace of Justice (Court-house), before the panel of judges Mustafa Çakar (presiding), Barış Öztürk, and Berhan Hamdi Şen. A report by an international observer is found at [http://davidbw.sdf.org/BWilliams\\_190228\\_hearing\\_report.pdf](http://davidbw.sdf.org/BWilliams_190228_hearing_report.pdf).

<sup>2</sup>Text of the petition, in translation: <https://barisicinakademisyenler.net/node/63>

<sup>3</sup>September 12, 1980: the third military coup of the Turkish Republic, followed by three years of rule by the Turkish Armed Forces under martial law, with Parliament and the Constitution suspended, political parties and trade unions banned.

August 15, 1984: First organized attacks by the military wing of the PKK leading rapidly to a major insurgency in south-eastern Turkey. The PKK was founded in 1978 and adopted a military strategy in 1982.

Monsieur le Président, Messieurs les Conseillers<sup>1</sup>,

Je comparais devant vous pour « propagande pour une organisation terroriste » car j'ai signé la Pétition pour la Paix du 11 janvier 2016<sup>2</sup>, un texte ouvertement critique de la politique militaire suivie par la République de Turquie et de sa façon de la conduire ; un texte appelant à quitter ce chemin erroné mais à revenir à la voie de la négociation. Je voudrais dire quelques mots contre les accusations qui me sont portées.

Je vais d'abord expliquer brièvement ce que signifie pour moi cette signature.

Je suis né en 1966. Je viens d'entrer dans ma 54<sup>e</sup> année. En septembre 1980 j'étais dans ma 15<sup>e</sup> année ; dans ma 18<sup>e</sup> en août 1984. Je n'ai pas choisi ces dates au hasard<sup>3</sup>.

Quelques cinquante ans de ma vie ont ainsi passé pendant lesquels les tenants du pouvoir en Turquie répondaient aux problèmes menaçant, ébranlant, emportant la société dans une spirale de violence, par des solutions violentes et fécondes en violence.

Dans les années 1990, une guerre « de basse intensité » fut menée contre le problème politique et social qui dans les années 1980 n'était perçu que comme du « terrorisme » à « éradiquer »<sup>4</sup>. Et bien que j'aie passé les années 1990 hors

<sup>1</sup>L'analogue français de la juridiction où comparaisait Tuna Altınel serait une « Cour d'assises d'Istanbul » (sigle turc : ACM). Nous suivrons l'analogie. Elle siégeait au palais de Justice de Çağlayan (Istanbul). Le Président de la 29e chambre était Mustafa Çakar ; les conseillers, Barış Öztürk et Berhan Hamdi Şen. La cour n'a pas de jury. Un rapport d'audience par observateur international est disponible depuis [http://davidbw.sdf.org/BWilliams\\_190228\\_hearing\\_report.pdf](http://davidbw.sdf.org/BWilliams_190228_hearing_report.pdf) (en anglais).

<sup>2</sup>Version française consultable sur <https://barisicinakademisyenler.net/node/63>

<sup>3</sup>12 septembre 1980 : troisième coup d'état militaire dans l'histoire de la République de Turquie. L'armée prit le pouvoir, établit la loi martiale, suspendit la Constitution, l'assemblée, les partis politiques et les syndicats. Le régime devait durer trois ans.

15 août 1984 : première grande offensive du PKK (fondé en 1978, doté d'une branche armée en 1982) et début du changement d'échelle des affrontements avec le pouvoir turc.

to “stamp out” in the 1980s by reducing them to the word “terror.” Even though I spent the '90s outside of Turkey, I felt deeply the violence invading society, and the crimes committed, some of whose perpetrators have come to light under the present political regime.

And we all remained silent! I and the millions of people like me living “west of the Euphrates<sup>5</sup>” observed this “low intensity warfare” as if it were not within the borders of the Republic of Turkey. Then as the 2000s came, it was a bit like the dust was settling.

And in 2008, today’s political powers started a process called the “Kurdish Opening<sup>6</sup>.” The warring parties seemed to be trying to communicate. I supported this with all my heart. I thought we wouldn’t go back to the '90s, the war could end. These expectations were further strengthened by the “Resolution Process” discussions that started in January 2013<sup>7</sup>. Now there would be discussions. The method pursued, despite all its shortcomings, was aimed at spreading the idea of peace throughout society.

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<sup>4</sup>The Kurdish question. Until 1991, the Kurds were not recognized as an ethnicity in Turkey, but categorized as *mountain Turks*. The Turkish equivalents of the words “Kurd,” “Kurdistan,” and “Kurdish” were officially banned. [https://en.wikipedia.org/wiki/Kurds\\_in\\_Turkey](https://en.wikipedia.org/wiki/Kurds_in_Turkey)

<sup>5</sup>The Euphrates marks a conventional division of modern Turkey into West and East, with the western part more highly developed economically and more modern socially, as well as a traditional ethnic and linguistic divide, with the eastern part overlapping with the intermingled Armenian and Kurdish homelands, and now in part predominantly Kurdish.

<sup>6</sup>A thorough and enlightening chronology compiled by Théotime Chabre, covering the period 2009–2014—from the “Kurdish Opening” to the “Resolution Process”—may be found at [https://www.ifea-istanbul.net/images/stories/OVIPOT/memoiresovipot/2014\\_11\\_Chronologie\\_Theotime.pdf](https://www.ifea-istanbul.net/images/stories/OVIPOT/memoiresovipot/2014_11_Chronologie_Theotime.pdf) (in French).

<sup>7</sup>From Chabre’s chronology, op. cit., rephrased:

- December 28, 2012: The “İmralı Process:” President Erdoğan announces negotiations with the PKK, represented by Öcalan, imprisoned on İmralı island:
- January 3, 2013: Turkish representatives meet with Öcalan.
- January 9, 2013: Three PKK militants are murdered in Paris, one a founder of the party. May 14, 2019: case reopened to investigate alleged involvement of the Turkish intelligence agency (MIT): <https://bit.ly/2HovBJI>
- March 23, 2013: Unilateral cease-fire declared by the PKK.

de Turquie, j’ai ressenti la violence s’abattant sur le pays, et les meurtres, dont certains coupables ont été identifiés sous le pouvoir en place.

Et tous nous restions muets! Avec des millions de gens vivant comme moi « à l’ouest de l’Euphrate<sup>5</sup> », nous observions cette « guerre de basse intensité » comme si elle n’avait pas lieu dans les frontières du pays. Puis dans les années 2000, il y eut comme une accalmie.

En 2008 le pouvoir toujours en place commença son processus dit d’« ouverture kurde<sup>6</sup> ». Les belligérants semblaient s’efforcer au dialogue. Je l’appelais de tout mon cœur. Je croyais que c’en était bien fait des années 1990, que la guerre pourrait prendre fin. Mes espoirs furent confortés par les négociations du « Processus de Résolution » ouvertes en janvier 2013<sup>7</sup>. Les pourparlers allaient commencer. Et malgré ses insuffisances, la démarche visait à répandre l’idée de paix au sein de la société.

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<sup>4</sup> La question kurde; on peut parler de *tabou* kurde. Car jusqu’en 1991, l’ethnie kurde était désignée par la périphrase légale *Turcs des montagnes*, les mots « kurde » et « Kurdistan » restant interdits. V. [http://www.irenees.net/bdf\\_fiche-analyse-1038\\_en.html](http://www.irenees.net/bdf_fiche-analyse-1038_en.html)

<sup>5</sup>Dans l’imaginaire commun turc, désignerait *grosso modo* ce qu’en français on appelle Anatolie; l’est de l’Euphrate, d’ailleurs moins développé socialement et économiquement, possédant encore une forte composante ethnique kurde et naguère une autre, arménienne.

<sup>6</sup>Les traducteurs ont trouvé une remarquable chronologie, établie par Théotime Chabre, à l’adresse : [https://www.ifea-istanbul.net/images/stories/OVIPOT/memoiresovipot/2014\\_11\\_Chronologie\\_Theotime.pdf](https://www.ifea-istanbul.net/images/stories/OVIPOT/memoiresovipot/2014_11_Chronologie_Theotime.pdf); elle couvre la période 2009–2014, de « l’ouverture kurde » au « processus de résolution ».

<sup>7</sup>Au lecteur français la date de janvier 2013 évoquera certainement le fameux triple assassinat parisien [https://www.lemonde.fr/societe/article/2013/01/11/les-trois-militantes-kurdes-executees-a-paris-de-plusieurs-balles-dans-la-tete\\_1815662\\_3224.html](https://www.lemonde.fr/societe/article/2013/01/11/les-trois-militantes-kurdes-executees-a-paris-de-plusieurs-balles-dans-la-tete_1815662_3224.html); l’enquête a été rouverte [https://www.lemonde.fr/societe/article/2019/05/16/les-services-secrets-turcs-vises-par-la-justice-francaise-pour-trois-assassinats\\_5462859\\_3224.html](https://www.lemonde.fr/societe/article/2019/05/16/les-services-secrets-turcs-vises-par-la-justice-francaise-pour-trois-assassinats_5462859_3224.html). On consultera la chronologie mentionnée pour plus de contexte, notamment sur le « processus d’İmralı » autour du nouvel an 2012–2013 et de la trêve déclarée par le PKK le 13 mars 2013 (rompue le 25 juillet 2015).

Bunu yalnızca Fırat'ın batısında değil, ilk kez 2013 Eylülünde mesleki bir kongre için gittiğim Diyarbakır'da da gözlemlerim. Artık geriye dönüş yalnızca geçmişin bizlere yüklediği sorumluluklarla yüzleşmek için olacaktır.

Yanılmışım! Barış, devleti yönetenlere iyi gelmemiş, 28 Şubat 2015'te üzerinde uzlaşıldığı bizlere söylenen ilkeler başka beklentileri tatmin etmemiş ki, Çözüm Süreci "buzluğa" kondu. Sonra da cehennem alevlerinde yakıldı.

20 Temmuz 2015 günü Suruç'ta otuzdan fazla genç katledildi. Ardından, elimde tuttuğum iddianamenin 5. sayfasında iddia edilen farklı olarak, bugün bile faileri bilinmeyen bir biçimde iki polis memuru öldürüldü ve 25 Temmuz 2015'te tetiğe basıldı. Savaş, görülmemiş bir hızla başladı.

Bu korkunç dönemin başında tepkim hep "hayır, artık doksanlara dönmeyeceğiz" iken, giderek sözlerin yetmediğini düşündüm ve savaşın olduğu topraklara gitmeye, insanları dinlemeye karar verdim.

Eylül 2015'ten itibaren, bazılarının adı imzaladığım Barış Bildirisi'nde de geçen illere çeşitli defalar gittim. Savaş hazırlıklarını gördüm, savaşın sesini dinledim, yıkım ve zorunlu göç mağdurlarına yardım etmek için çuval çuval erzak taşıdım, evlerini, yakınlarını yitirenlerle konuştum. Bunların hepsini bireysel bir girişim olarak yaptım ve ilkem şu oldu: "Her Türk vatandaşı benim yaptığımı yaparsa barışa biraz daha yaklaşıyoruz."

Bu çabalarımın izlerini Sur'da, Nusaybin'de, Cizre'de, Hakkari'de, Yüksekova'da kaldığım otellerde bulabilirsiniz. Savcı Bey, belki aleyhime delil olarak kullanır.

I saw this not only West of the Euphrates, but also in Diyarbakır, where I first went on the occasion of a professional congress in September 2013. From now on, our only turning back would be to confront the responsibilities imposed on us by the past.

I was mistaken! Peace did not suit those who ruled the state, and the agreed-on principles of 28 February 2015<sup>8</sup> did not meet their other expectations, so the Resolution Process was put into the "deep freeze." Then it burned in the flames of hell.

On 20 July 2015, more than 30 young people were slaughtered in Suruç<sup>9</sup>. Then two police officers were murdered and, contrary to the assertion on page 5 of the indictment here in my hands, the perpetrators of that crime remain unknown to this day. The shot went off on 25 July 2015<sup>10</sup>. The war took off at an unprecedented speed.

If at the beginning of this terrible period my reaction was "No, we will no longer go back to the '90s", I came to realize that words were not enough, and I decided to travel to the territories at war and to listen to the people there.

Since September 2015, I have traveled several times to a number of provinces, including some of those mentioned in the Peace Petition that I signed. I saw the preparations for the war, I listened to the sounds of war, I carried bag upon bag of provisions to help the victims of destruction and forced migration, I spoke with those who had lost their homes and relatives. I did all of this on my own initiative, and my principle was as follows: If every Turkish citizen will do what I do, we will come closer to peace.

You can find the traces of my efforts where I sojourned

<sup>8</sup>February 28, 2015, at Dolmahbahçe Palace, Istanbul, a meeting between Turkish government officials and members of the Kurdish HDP (see note 30 below), ended with a declaration inviting the PKK to "gather in an extraordinary congress to make a strategic and historic decision on ending the armed struggle . . . [and] to replace armed struggle with democratic politics." (<https://stockholmcf.org/kurdish-political-movement-under-crackdown-in-turkey-the-case-of-the-hdp/>, p. 9).

On March 21, 2015, PKK leader Öcalan stated that if the Dolmahbahçe agreement were to materialize, he would call for the PKK to lay down its arms. That same day President Erdoğan disavowed the Dolmahbahçe meeting (ibid., p. 11).

The PKK ceasefire ended on July 25, 2015.

<sup>9</sup>Suicide bombing by DAESH, near the disputed town of Kobani.

<sup>10</sup>End of the cease-fire. See Note 8.

Cela, je ne l'ai pas vu qu'à l'ouest de l'Euphrate, mais aussi à Diyarbakır où je me suis rendu pour la première fois en septembre 2013 pour une conférence professionnelle. Il semblait dès lors que notre seul retour vers le passé serait pour le voir en face et l'assumer.

Comme je me trompais! La paix ne profitait pas à ceux qui nous gouvernent, et le consensus atteint le 28 février 2015<sup>8</sup> ne satisfaisait pas leurs intentions, le Processus de Résolution fut « gelé ». Puis il alla brûler aux flammes de l'Enfer.

Le 20 juillet 2015 à Suruç, plus de 30 jeunes gens furent massacrés<sup>9</sup>. Puis deux policiers furent assassinés; et contrairement à ce que dit la page 5 de l'acte d'accusation que je tiens entre mes mains, les auteurs de ce crime sont encore inconnus. Le coup de feu partit le 25 juillet 2015<sup>10</sup>. La guerre prit à une vitesse sans précédent.

Si ma première réaction au début de cette effroyable période fut : « Non, ne retournons pas aux années 1990 », j'ai peu à peu compris que les mots n'y suffiraient pas et pris la décision de me rendre dans les régions en guerre et d'y écouter les gens.

Depuis septembre 2015 je me suis rendu à de nombreuses reprises dans plusieurs régions, dont certaines mentionnées dans la pétition que j'ai signée. J'y ai vu les préparatifs de la guerre, j'y ai entendu les bruits de la guerre. J'ai porté bien des sacs de provisions pour aider les victimes des destructions et des migrations forcées; j'ai parlé avec ceux qui avaient perdu leur maison et leurs proches. J'ai fait tout cela de ma propre initiative, et ma devise était : « si tous les citoyens turcs font comme moi, nous avancerons vers la paix ».

Vous trouverez les traces de mes efforts là où j'ai séjourné à Sur, à Nusaybin, à Cizre, à Hakkari et à Yüksekova. Monsieur l'avocat général<sup>11</sup> les retient peut-être comme preuves

<sup>8</sup>« Consensus de Dolmahbahçe » entre des membres du gouvernement et des élus HDP (v. note 29 ci-après) qui aurait pu voir le PKK déposer les armes; consensus désavoué en mars par R. T. Erdoğan. Voir <https://stockholmcf.org/kurdish-political-movement-under-crackdown-in-turkey-the-case-of-the-hdp/> (en anglais), notamment p. 9.

<sup>9</sup>Attentat-suicide du groupe DAESH, près de Kobani, théâtre d'affrontements sanglants.

<sup>10</sup>Fin de la trêve du 23 mars 2013. V. note 7.

<sup>11</sup>Représentant du ministère public à défaut du Procureur général; Tuna Altınel s'adressant à la personne présente et non à la fonction, nous avons rendu la nuance. Le 28 février siégeait Arif Kaplan.

Sayın Hakimler, herhalde daha ayrıntılamaya gerek yoktur. Ben Barış Bildirisi'ni yalnızca imzalamadım. Onu düştüm, hissettim, yaşadım. O metni ben yazdım. Her cümlesinin arkasındayım.

Bu bağlamda şunu da belirtmek isterim. Hani bir laf vardır, sonda söyleneceği şimdiden söyleyeyim, denir. Türkiye'nin siyasi manzarası yakın gelecekte pek değişmeyeceği için o son büyük olasılıkla benim için de gelecek. Ben de o zaman söyleyeceğimi şimdiden söyleyeyim. Aleyhime kabul ettiğim, benim gözümde imzama geri çekmeme denk olan HAGB'yi reddediyorum. Barış çağrısı suçlanamaz, ona hüküm verilemez.

Buraya kadar Barış Bildirisi'ne attığım imzada somutlaşan tavrımı anlattım. Ve ben şu anda bu duruşumdan ötürü mahkemenizde yargılanıyorum. Bana yöneltilen suçlamamın temelinde yaklaşık 17 sayfalık bir iddianame var.

Avukatımın sıkça kullandığı bir deyimle bir “kanaatler manzumesi” olan bu metin hakkında gerek mahkemenizde gerekse diğer mahkemelerde imzadaşlarım tarafından yüzlerce beyan verildi. Her biri ayrı birer barış, adalet, demokrasi haykırışıdır. Akıllar kör, yürekler sağır, vicdanlar dilsiz de olsa, ben de bir iki söz söylemek istiyorum bu iddianame hakkında.

in Sur, Nusaybin, Cizre, Hakkari, and Yüksekova. The Prosecutor<sup>11</sup> may use this as evidence against me.

Your Honors, I suppose you do not need any more details. I did not simply sign the Peace Petition. I thought about it, felt it, lived it. I wrote that text. I stand behind every sentence.

In this context, I would also like to say the following. There is an expression that goes: say it sooner rather than later. Since Turkey's political landscape will not change much in the near future, that will likely be the final outlook for me as well. So I will tell you in advance what I will tell you later. I accept my conviction, I reject the HAGB<sup>12</sup>, which would be equivalent in my eyes to withdrawing my signature. A call for peace cannot be accused, it cannot be judged.

So far I have explained my attitude, as embodied in my signature of the Peace Petition. And I am currently on trial in your court for this stance. The basis of the accusation against me is an indictment of approximately 17 pages<sup>13</sup>.

Hundreds of declarations have been made, both in your court and in other courts, concerning this document, which my lawyer has frequently referred to as “a flight of legal fancy<sup>14</sup>.” Each one was a separate call for peace, justice, and democracy. Though minds be blind, hearts deaf, and even the conscience mute, I still wish to say a few words about this indictment.

<sup>11</sup> On this occasion, Arif Kaplan: [http://davidbw.sdf.org/BWilliams\\_190228\\_hearing\\_report.pdf](http://davidbw.sdf.org/BWilliams_190228_hearing_report.pdf):

<sup>12</sup>Turkish: Hükümün açıklanmasının geri bırakılması (HAGB).

*Suspended sentence:* Art. 231 of the Turkish penal code, in cases where the sentence does not exceed two years. (Most signatories have received sentences of 15 months.) Requires: no prior convictions; determination by the court that the accused is unlikely to commit further crimes; restitution where appropriate; and formal acceptance by the accused. Fixed probation period of five years; possible additional restrictions. <https://hukukingilizcesi.wordpress.com/2018/01/16/turkish-criminal-procedure-code-article-231/>. The judge inquires in advance of the verdict whether the defendant would accept the HAGB (which is then moot in the event that the sentence exceeds 24 months). Dr. Altinel's reply anticipates the question.

<sup>13</sup>A translation of this “standardized” indictment is at <https://afp.hypotheses.org/documentation/bill-of-indictment>. This form has been in use since January 2016. Since spring 2019, a revised standard indictment has been put into use.

<sup>14</sup>The original involves a play on the words *kant* (evidence) and *kanaat* (opinion), and substitutes “web of opinion” for “web of evidence.” We omitted the wordplay.

contre moi.

Messieurs de la Cour, inutile d'entrer plus dans les détails. Je ne me suis pas contenté de signer la Pétition pour la Paix. Je l'ai mûrie, sentie, vécue. C'est moi qui ai rédigé ce texte. C'est moi derrière chaque mot.

Je voudrais encore déclarer ceci. Et comme on dit, donnons tout de suite le mot de la fin. Comme le paysage politique turc changera peu dans un avenir proche, il y a de fortes chances pour que nous en arrivions là : aussi vais-je dès à présent répondre à ce qui sera votre dernière question. Je refuse « l'ajournement du prononcé de la peine<sup>12</sup> » ; ce serait renier ma signature ; j'en accepte les conséquences. Un appel pour la paix ne peut être accusé ni condamné.

Jusqu'ici j'ai décrit l'état d'esprit qui s'est concrétisé dans ma signature de la pétition. Et aujourd'hui je compare devant votre Cour pour cette prise de position. L'accusation se fonde sur un acte d'environ 17 pages<sup>13</sup>.

Que ce soit devant votre chambre ou devant une autre, mes cosignataires se sont prononcés sur cet acte que mon avocat aime appeler un « faisceau de conjectures<sup>14</sup> ». Leurs discours furent autant de cris en faveur de la paix, de la justice et de la démocratie. Et quand bien même les esprits seraient aveugles, sourds les cœurs et muettes les consciences, moi aussi je voudrais dire quelques mots sur cet acte d'accusation.

<sup>12</sup>En turc : Hükümün açıklanmasının geri bırakılması (HAGB). Régime de mise à l'épreuve après reconnaissance de culpabilité prévu par l'article 231 du code de procédure pénale turc. Une période de mise à l'épreuve est prévue, mais pas de travaux d'intérêt général. La Cour demande *avant* de rendre le verdict si l'accusé accepterait un tel sursis, qui ne serait mis en œuvre que si la peine prononcée est inférieure à deux ans d'incarcération. Ici l'accusé risque jusqu'à 7 ans et demi ; toutefois de nombreux signataires ont pu dans des procès formellement identiques bénéficier dudit HAGB, la condamnation finale étant de 15 mois. V. <https://hukukingilizcesi.wordpress.com/2018/01/16/turkish-criminal-procedure-code-article-231/>. Tuna Altinel a devancé la question et refusé d'embler.

<sup>13</sup>Une traduction anglaise de cet acte « standardisé » est disponible sur <https://afp.hypotheses.org/documentation/bill-of-indictment>. Il a servi depuis 2016 ; depuis le printemps 2019 une version révisée (et toujours standardisée) sert à l'accusation.

<sup>14</sup>L'original exploite l'homophonie entre « *kant* » (preuve) et « *kanaat* » (opinion). Tuna Altinel étant mathématicien, nous avons rendu par un jeu de mots professionnel.

## 1. İddianamenin mantığı bozuktur

Bu konuda tarih sırasıyla üç adet çok değerli savunmaya atıfta bulunmak yetecektir. Birincisi 19 Nisan 2018 tarihinde 34. ACM’de Ozan Çağlayan tarafından verilen, benim de dinleme şansını bulduğum ve her nedense heyet başkanı tarafından sonunda kesilen savunmadır. İkincisi Berna Kılınc’ın 18 Eylül 2018 günü 35. ACM’de verdiği savunmadır. Üçüncüsü Ayşe Berkman tarafından 10 Ocak 2019’da 36. ACM’de yapılan savunmadır. Bu üç çok nitelikli tahlil üzerine söylenecek tek söz bulabiliyorum: Bu metinleri okumadıysanız hemen okuyun.

## 2. İddianame maddi hatalarla doludur

“DELİLLER” bölümündeki “tutuklama müzekkereleri” yanlış ifadesi iddianamenin alelacele, başka iddianamelerden kopyalanan parçalar üzerine deyim yerindeyse deniz kumuyla inşa edilmeye çalışılmış yapısının öncül örneklerinden biridir.

Yine aynı bölümde, iddianamenin ana delillerinden biri olan Bese Hozat “talimatı” hakkında verilen bilgilerin yanlışlığı ve bu “talimatın” talimat sonucu çıktığı iddia edilen Barış Bildirisi’yle zıtlığı Cem Özatalay’ın 26 Haziran 2018 günü 34. ACM’de benim de dinleme şansına sahip olduğum duruşmasında verdiği beyanda ayrıntılarıyla incelenmiştir. Ne acıdır ki, gerçek bir akademisyen ciddiyetiyle yapılan bu inceleme heyetin başkanı olan meslektaşınızı bir hayli sınırlendirmiştir.

## 1. The logic of the indictment is defective

In this respect it is sufficient to refer to three very valuable defense statements in the order of their occurrence. The first is the statement given by Ozan Çağlayan at the 34th ACM on 19 April 2018<sup>15</sup>, which I had the opportunity to listen to, and which for some reason was cut off at the end by the presiding justice. The second is Berna Kılınc’s defense at the 35th ACM on 18 September 2018<sup>16</sup>. The third was the defense made by Ayşe Berkman at the 36th ACM on 10 January 2019<sup>17</sup>. I can find only one thing to say about these three very capable analyses: if you have not read these texts, read them immediately.

## 2. The indictment is full of material errors

The misstatement “arrest warrants” in the section “EVIDENCE” is one of the prime examples of the indictment’s shoddy structure, patched together hastily from parts copied over from other indictments, and built like a sandcastle.<sup>18</sup>

Again in the same section, the falsity of the information concerning Bese Hozat’s “instructions,”<sup>19</sup> one of the

<sup>15</sup>Found (Turkish only) at <https://bianet.org/bianet/ifade-ozgurlugu/196310-ozan-caglayan-in-beyani>

<sup>16</sup>Found (Turkish only) at <https://bianet.org/bianet/ifade-ozgurlugu/200932-berna-kilinc-in-beyani>

<sup>17</sup>Found in English at <https://m.bianet.org/english/freedom-of-expression/204414-statement-of-academic-ayse-berkman>

<sup>18</sup>As one may see on the first page of the English translation of the “standardized” indictment found at <https://afp.hypotheses.org/files/2017/11/BAK-Bill-of-Indictment.pdf>, the indictment lists among the points of evidence to be presented the following: press statements by the suspects on March 10, 2016; records of their interrogations; and their arrest warrants, *and contains none of these elements* (as they do not exist in these cases). These points were noted in the statements by Gevher Gökçe and Tansel Korkmaz, <https://www.barisicinakademisyenler.net/node/992>, <https://www.barisicinakademisyenler.net/node/1009>.

## 1. La logique de l’acte est défailante

Pour ce point il me suffit de citer, dans l’ordre, trois défenses de grande valeur. La première, que j’ai eu la chance d’entendre, fut donnée par Ozan Çağlayan le 19 avril 2018 devant la 34<sup>e</sup> chambre de la Cour d’assises d’Istanbul<sup>15</sup>; elle fut interrompue sans raison par le Président. La seconde est celle de Berna Kılınc le 18 septembre 2018 devant la 35<sup>e</sup> chambre<sup>16</sup>. La troisième est celle d’Ayşe Berkman livrée devant la 36<sup>e</sup> chambre le 10 janvier 2019<sup>17</sup>. Je n’ai qu’une chose à dire de ces analyses de grande qualité : si vous ne les avez pas lues, lisez-les immédiatement.

## 2. L’acte d’accusation est plein d’erreurs matérielles

Dans la section « Preuves », l’emploi erroné de l’expression « mandat d’arrêt »<sup>18</sup> est l’un des exemples les plus criants d’un texte écrit à la hâte à partir d’autres actes d’accusation, et bâti comme un château de sable.

Dans cette même section, les allégations quant à des « instructions » reçues de Bese Hozat<sup>19</sup> (allégations formant

<sup>15</sup>Disponible, mais seulement en turc, sur <https://bianet.org/bianet/ifade-ozgurlugu/196310-ozan-caglayan-in-beyani>

<sup>16</sup>Disponible, mais seulement en turc, sur <https://bianet.org/bianet/ifade-ozgurlugu/200932-berna-kilinc-in-beyani>

<sup>17</sup>Disponible en anglais sur <https://m.bianet.org/english/freedom-of-expression/204414-statement-of-academic-ayse-berkman>

<sup>18</sup>L’acte « standardisé » traduit en anglais sur <https://afp.hypotheses.org/files/2017/11/BAK-Bill-of-Indictment.pdf> mentionne comme éléments relatifs au prévenu une prétendue déclaration à la presse, un « compte rendu d’interrogatoire », et un « mandat d’arrêt », *sans les fournir* (puisque ils n’existent pas). Cela fut relevé dans la défense de Gevher Gökçe et de Tansel Korkmaz, <https://www.barisicinakademisyenler.net/node/992>, <https://www.barisicinakademisyenler.net/node/1009>.

<sup>19</sup>Nom de code de Hülya Oran, figure du PKK. Des propos rapportés le 22 décembre 2015 par l’agence pro-kurde ANF-news <https://anfturkce.com/guncel/hozat-demokrasi-gucleri-ayaklanarak-oz-yonetimlere-sahip-cikmali-60795> appelaient au soutien des milieux intellectuels. L’accusation se fonde sur la proximité chronologique entre cet entretien et la diffusion de la pétition pour tenter d’établir que les signataires ont reçu des instructions du PKK par ce chemin.

main points of evidence in the indictment, and the contrast between this instruction and the Peace Petition which allegedly arose as a product of this instruction, were examined in detail in Cem Özatalay’s declaration given in his hearing in the 34th ACM on 26 June 2018<sup>20</sup>, which I also had the good fortune to hear. It is a shame that an analysis by a real scholar working seriously so annoyed your colleague, the presiding justice of that panel.

In a section of the indictment described as “a brief assessment of the period in which [the petition] was published ... to reveal its true aim,” which tries to cover up the defective logic, the chronology given is erroneous. In the last paragraph of page 5 of the indictment, among the declarations of autonomy after an extraordinary congress of the Democratic Society Congress<sup>21</sup> on 27 December 2015, the districts of Sur and Silvan in Diyarbakır Province are included.

However, in these districts those announcements had already been made previously, and the period of conflict had already begun. Moreover the clashes in Silvan ended on 14 November 2015 through the intervention of Tahir Elçi, who was murdered on 28 November 2015<sup>22</sup>; despite the provocative behavior of the military and various operational units, these units left the city under the protection of the local people, without incident.<sup>23</sup>

<sup>19</sup>Bese Hozat: code name of Hülya Oran, co-chair of the KCK, an organization including the PKK. On Dec. 22, 2015, she stated “Educated and democratic circles should support autonomy (*Aydın ve demokratik çevreler özyenetime sahip çıksın*); source: <https://anfturkce.com/guncel/hozat-demokrasi-gucleri-ayaklanarak-oz-yonetimlere-sahip-cikmali-60795>.” The indictment quotes this, and characterizes it as a “‘directive’ to the suspects,” with no further commentary. It seems the conclusion is derived solely by the juxtaposition of dates.

<sup>20</sup>Found (Turkish only) at <https://bianet.org/1/19/198605-cem-ozatalay-in-beyani>

<sup>21</sup>The Democratic Society Congress (Turkish: DTK) was founded in 2007 and remains legal. It is dominated by the HDP and the DBP. In 2011 the DTK formally adopted the goal of democratic autonomy. In December 2015, it released a “Declaration of Political Resolution regarding Self-Rule.” This included the statement: “We consider it essential that the Kurdish people and all peoples of Turkey join and support this resistance.” F. O’Connor, *The Kurdish Movement in Turkey*, [https://www.hsfk.de/fileadmin/HSFK/hsfk\\_publikationen/prif147.pdf](https://www.hsfk.de/fileadmin/HSFK/hsfk_publikationen/prif147.pdf) (Peace Research Institute, Frankfurt, 2017)

<sup>22</sup>Kurdish lawyer. See <https://www.bbc.com/news/world-europe-34952954>

l’un des éléments principaux de l’accusation) sont en contradiction manifeste avec leur prétendu aboutissement que serait l’annonce de la Pétition pour la Paix. Cette contradiction fut déjà relevée dans la défense de Cem Özatalay que j’ai eu la chance de pouvoir entendre le 26 juin 2018 devant la 34<sup>e</sup> chambre<sup>20</sup>. Il est consternant qu’une analyse conduite avec toute la rigueur universitaire ait pu tant irriter votre collègue le Président de cette chambre.

Quant à la chronologie dudit acte d’accusation, qui essaie de camoufler son manque de logique dans une section prétendant « examiner le contexte d’annonce [de la pétition] afin de mettre en évidence son but réel », elle est erronée. Le dernier paragraphe de la page 5 de l’acte d’accusation met au nombre des proclamations d’autogestion consécutives à l’assemblée extraordinaire du Congrès pour une Société Démocratique<sup>21</sup> du 27 décembre 2015 celles des districts de Sur et de Silvan dans la province de Diyarbakır.

Néanmoins, dans ces arrondissements, pareilles proclamations avaient été faites bien avant et les combats avaient déjà commencé. De plus les combats à Silvan se sont terminés le 14 novembre 2015, notamment grâce à la médiation de Tahir Elçi, assassiné le 28 novembre 2015<sup>22</sup>. Malgré les provocations de l’armée et des unités d’intervention, les forces de sécurité ont pu sortir de la ville sans heurts grâce à la protection de la population<sup>23</sup>.

<sup>20</sup><https://bianet.org/1/19/198605-cem-ozatalay-in-beyani> (turc)

<sup>21</sup>Demokratik Toplum Kongresi (DTK), parti légal fondé en 2007. Depuis 2011 son but avoué est l’autonomie, voir sa déclaration relative à l’auto-détermination de décembre 2015 rapportée dans *The Kurdish Movement in Turkey*, [https://www.hsfk.de/fileadmin/HSFK/hsfk\\_publikationen/prif147.pdf](https://www.hsfk.de/fileadmin/HSFK/hsfk_publikationen/prif147.pdf) (Peace Research Institute, Frankfurt, 2017).

<sup>22</sup>Avocat kurde. [https://www.lemonde.fr/international/article/2015/11/28/turquie-assassinat-du-batonnier-de-diyarbakir-figure-de-la-cause-kurde\\_4819752\\_3210.html](https://www.lemonde.fr/international/article/2015/11/28/turquie-assassinat-du-batonnier-de-diyarbakir-figure-de-la-cause-kurde_4819752_3210.html)

<sup>23</sup>Vidéo de DİHA (5 min., voir à 2:14) : <https://youtu.be/4GT808mHf40> ou <https://www.youtube.com/watch?v=x9INapBXPWA>

Bozuk mantığını, bildirinin “gerçek amacının anlaşılması açısından ... yayımlandığı dönemin kısaca değerlendirilmesi” diye nitelediği bir bölümle saklamaya çalışan iddianamenin kronolojisi hatalıdır. İddianamenin 5. sayfasının son paragrafında, 27 Aralık 2015 tarihindeki Demokratik Toplum Kongresi olağanüstü kongresinden sonraki özyönetim ilanları arasında Diyarbakır Sur ve Silvan ilçeleri de geçmektedir.

Halbuki bu ilçelerde bu ilanlar daha önceden yapılmış, artık çatışmalı döneme geçilmiştir. Hatta Silvan’daki çatışmalar, 28 Kasım 2015 tarihinde katledilen Tahir Elçi’nin de aracılığıyla 14 Kasım 2015 tarihinde bitmiş, ordu ve çeşitli hareket birimleri tahrik edici tavırlarına rağmen, yöre halkının koruması altında, herhangi bir olay olmadan şehirden çıkmışlardır.

Ayrıca, iddianamede aynı yerde söylenenler, Sur'la ilgili verilen 6. sayfadaki 10 Mart 2016 tarihli BA-67/16 numaralı TSK basın açıklamasıyla da çelişmektedir.

### 3. İddianame yalanlarla algı operasyonu yapmaktadır

Yalanların bir tanesi artık iyice meşhur oldu. Yani, bildirinin İngilizce çevirisinin savcı tarafından sunulan Türkçe çevirisindeki “Kürdistan illeri” deyimini.

Ne yazık ki hakimler iddianamenin bu çarpıtması karşısında hiçbir şey yapmamakta ya da yapsalar da bu 27. ACM'nin heyet başkanının benim de bulunduğum bir duruşmadaki karikatür halinin ötesine gitmemektedir.

Bahsettiğim duruşmada meslektaşımız İngilizce'sinin iyi olduğunu düşündüğü bir davalıya iddianamedeki bu çeviri hakkındaki fikrini şöyle sormuştur: “İngilizceniz nasıl? Sızce çeviri doğru mu?”

İddianamenin 5. sayfasında “7 Şubat girişimi”ne atıf yapılmaktadır. Bahsedilen olay 2012 yılında olmuştur. İddianamenin sunma iddiasında olduğu olaylar zincirinin tarihsel sırasının dışındadır. Ama anlaşılan iddianamenin yazıcısı biraz da FETÖ paralelliği kurarak algıları daha iyi yönlendireceği kanısındadır.

Moreover, what is said at the same place in the indictment also contradicts the information given on page 6, concerning the press release of the Turkish Armed Forces No. BA-67/16 relating to Sur, dated 10 March 2016.

### 3. The lies in the indictment constitute a disinformation campaign

One of these lies is now well-known. Namely, the use of the expression “Kürdistan illeri” [“provinces of Kurdistan”] in the Turkish re-translation which has been presented by the public prosecutor, and which was based on the English translation of the petition<sup>24</sup>.

It is a shame that the judges do nothing to counter this distortion in the indictment, or when they do, as the presiding justice of the 27th ACM panel did during a hearing I attended, it does not go beyond a caricature.

At the hearing I mentioned, your colleague asked a defendant, whose English he thought was good, about the translation in the indictment: “How is your English? Do you think the translation is correct?”

On page 5 of the indictment, reference is made to the “February 7 initiative<sup>25</sup>.” The event in question occurred in 2012. It is outside the sequence of events that the indictment

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<sup>23</sup>DİHA video, 5 min (see after 2:14): <https://youtu.be/4GT808mHf40> or <https://www.youtube.com/watch?v=x9INapBXPWA>

<sup>24</sup>The first paragraph of the English version of the peace petition specifies that the regions concerned lie in the “Kurdish provinces”; the indictment translates this language back into Turkish as “Kürdistan illeri,” and subsequently states that this is PKK jargon, without observing that this jargon is absent from all versions of the petition other than the one created by the prosecution. To the extent that the term Kurdistan has an accepted use in modern Turkey, it refers to an area in northern Iraq, and application of this term to areas within Turkey is widely viewed as an attack on Turkish territorial integrity; objections to the expression “Kurdish provinces” have a very different and more partisan character. The original petition lists the regions concerned, without any further geographical specification, which would be superfluous.

<sup>25</sup>On that date (in 2012) a special prosecutor summoned Hakan Fidan, head of the Turkish intelligence service MIT—appointed by Erdoğan in 2010—and four others to testify about relations with the Kurdish KCK, in particular the PKK. On his refusal to do so a warrant for his arrest was issued on February 8. Parliament responded with legislation strengthening MIT.

Cette même section de l'acte d'accusation est contredite par les informations rapportées page 6 et provenant du communiqué de presse des Forces armées numéro BA-67/16 relatif à Sur et daté du 10 mars 2016.

### 3. Les mensonges de l'acte d'accusation sont une désinformation délibérée

L'un de ces mensonges est désormais bien connu. C'est l'emploi de l'expression « régions du Kurdistan » dans la retranscription en turc, à partir de la traduction anglaise, qu'a présentée l'Avocat général<sup>24</sup>.

Quelle honte que les juges ne relèvent pas les contre-vérités de l'acte d'accusation, ou quand ils le font, comme le Président de la 27<sup>e</sup> chambre lors d'une audience où j'étais présent, que ce soit de manière caricaturale.

Durant ladite audience, votre confrère a demandé à un accusé dont il jugeait bon l'anglais ce qu'il pensait de la traduction ; je cite : « Votre anglais est-il bon ? Pensez-vous que cette traduction soit fidèle ? »

Il est fait référence, en page 5 de l'acte d'accusation, à « la tentative du 7 février<sup>25</sup> ». L'événement dont il est question remonte à 2012 ; il ne s'inscrit pas dans le déroulement des événements présenté par l'acte d'accusation. Le rédacteur espère manifestement influencer les esprits en suggérant un parallèle avec FETÖ<sup>26</sup>.

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<sup>24</sup> Le premier paragraphe de l'Appel pour la Paix cite les régions concernées sans préciser qu'il s'agit des régions kurdes, ce qui serait entièrement superflu en turc. La version anglaise spécifie qu'elles se trouvent bien dans les « Kurdish provinces » (français : « provinces kurdes » ; turc : « Kürt illeri »), ce que l'acte d'accusation choisit de traduire en turc par un terme fort différent : « Kürdistan » (français, anglais : « Kurdistan »). Ce mot *Kürdistan* peut désigner en turc moderne la région au nord de l'Irak et suggère une certaine autonomie, voire indépendance. L'expression « province kurdes » est contestée (ouvertement, dans des débats au parlement) mais assez courante. L'acte d'accusation qualifie de « jargon du PKK » l'expression « Kürdistan illeri » *qui est absente de l'Appel*.

<sup>25</sup>Convocation par un juge affilié à FETÖ (v. note suivante) de Hakan Fidan, chef du MIT (renseignement turc), v. [https://www.lemonde.fr/international/article/2016/08/12/turquie-erdogan-gulen-le-sultan-contre-l-imam\\_4982066\\_3210.html](https://www.lemonde.fr/international/article/2016/08/12/turquie-erdogan-gulen-le-sultan-contre-l-imam_4982066_3210.html), suivie par un mandat d'arrêt et une réaction législative dont le MIT est sorti renforcé.

purports to present. But it seems that the drafter of the indictment felt that it would be more helpful, psychologically, to introduce some sort of a parallel with FETÖ<sup>26</sup>.

The following lines are contained in the indictment on page 7: “In the Petition, the depiction of the settlement areas in eastern and southeastern Turkey is completely unrealistic and manifestly ill-founded...”

I do not call this sentence false, I call it a lie! Our lawyers have added the reports of international organizations to the files<sup>27</sup>. Let’s suppose that those reports may be wrong, malicious. What about all that I have seen or heard in not a few of these places?

On the 9th page of the indictment, there is a claim that we “stand the truth on its head.” Whether we are standing the truth on its head can only be understood by comparing what the truth is with what we do. But the author of the indictment insists on giving no information on this point. In all probability he knows too well that a lie cannot stand against facts.

On the 12th page, there is a claim that “the initiative of the Academics for Peace has a mode of organization which under an appearance of legality is intended to implement decisions taken by the PKK.”

Academics for Peace is not an organization. The author of the indictment attempts to create a false image of the target group by presenting as matters of fact points for which there is no evidence.

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<sup>26</sup>The Gülen movement, closely allied with Erdoğan’s AKP party when it won power, is accused of organizing the attempted coup of July 15, 2016, and is, at least formally, the target of the subsequent purge of state officials.

The events of February 2012 are a delicate subject. The head of intelligence was summoned for testimony because the agency MIT was in contact with the PKK (Resolution Process). It is unclear how the prosecutor learned of this, or what was the source of multiple high level leaks to the press: infiltration by the Gülen movement FETÖ—operations within MIT—or infiltration of the military by both AKP and Gülenist agents?

<sup>27</sup>See the appendix.

À la page 7 de l’acte d’accusation on trouve ces lignes : « le tableau des zones d’habitations de l’est et du sud-est de la Turquie dressé dans la pétition est absolument inexact, et dépourvu de tout fondement ».

Je ne dis pas que c’est erroné, je dis que c’est un mensonge! Nos avocats ont joint au dossier des rapports d’organisations internationales<sup>27</sup>. Et même à supposer que ces rapports soient faux, voire malintentionnés, qu’en est-il de ce que j’ai vu, de ce que j’ai entendu, dans beaucoup de ces lieux ?

Page 9 de l’acte d’accusation nous sommes accusés d’avoir « falsifié la réalité ». On ne saura si nous l’avons effectivement falsifiée, qu’en comparant la réalité à nos actes. Mais l’auteur de l’accusation s’obstine à ne donner aucune information sur ce point. Lui aussi doit bien savoir que les mensonges ne résistent pas aux faits.

Page 12, on trouve l’accusation suivante : « sous le couvert d’apparence légale l’initiative des Universitaires pour la Paix s’avère une organisation destinée à mettre en œuvre les décisions du PKK ».

Les Universitaires pour la Paix ne sont pas une organisation. L’auteur de l’acte d’accusation, en présentant comme vraies des affirmations qu’il ne peut pas prouver, s’efforce de donner une image trompeuse du groupe qu’il poursuit.

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<sup>26</sup>La confrérie Gülen, à l’origine alliée de l’AKP lors de son accession au pouvoir, est accusée d’être à l’origine de la tentative de coup d’état du 16 juillet 2016 et est la cible principale (au moins, en théorie) de l’épuration à grande échelle de l’appareil de l’État.

Le 7 février 2012 est un point épineux. Le chef du renseignement fut convoqué car le MIT était en contact avec le PKK dans le cadre du Processus de Résolution. Mais comment le juge était-il au courant ; et comment expliquer les fuites au plus haut niveau de l’appareil qui firent les délices de la presse d’opposition ? Faut-il parler d’infiltration par FETÖ du MIT ? Ou l’AKP et la Confrérie avaient-elles *conjointement* infiltré le pouvoir militaire ?

Cette ténébreuse affaire, un règlement de comptes entre alliés ayant pris le pouvoir ensemble et dont l’un ne voit plus d’usage à l’autre, pourrait n’avoir d’autre lien avec les Universitaires pour la Paix que le proverbe « Quand on veut noyer son chien . . . » ; sauf à expliquer pourquoi des universitaires patriotes, laïcs et kémalistes auraient adhéré à une confrérie religieuse ayant des liens avec l’étranger.

<sup>27</sup>Voir l’annexe.

İddianamenin 7. sayfasında şu satırlar yer almaktadır: “Bildiri Türkiye’nin doğu ve güneydoğusundaki yerleşim alanları için betimlenen tablonun tamamen gerçek dışı olduğu, güvenilir bir temelden yoksun bulunduğu...”

Bu cümleye yanlış demem, yalan derim! Avukatlarımız uluslararası kuruluşların raporlarını dosyalara eklediler. Hadi diyelim ki o raporlar yanlış, kötü niyetli. Ya az çok yerinde görmüş olduklarımız, dinlediklerimiz?

İddianamenin 9. sayfasında “. . . hakikatleri ters yüz” ettiğimiz iddiası var. Hakikati ters yüz edip etmediğimiz ancak hakikatin ne olduğunu ve bizim ne yaptığımızı karşılaştırmakla anlaşılır. Ama iddianamenin yazarı bu konuda hiçbir bilgi vermemekte ısrarcıdır. Herhalde o da iyi biliyor, yalan bilgi karşısında tutunamaz.

On ikinci sayfada “Barış İçin Akademisyenler inisiyatifi’nin legal görünüm altında PKK tarafından alınan kararları uygulamaya yönelik bir örgütlenme tarzına sahip olduğu” iddiası vardır.

Barış İçin Akademisyenler bir örgütlenme değildir. İddianamenin yazarı kanıtlamayacağı olguları doğruymuş gibi göstererek hedef aldığı kitle hakkında yanlış algı oluşturma çabasıdır.



On üçüncü sayfada “Örneğin bir akademisyen El-Kaide veya DAEŞ ile mücadele eden Amerika Birleşik Devletleri’ni ya da Avrupa Birliği ülkelerinden herhangi birini bu örgüte karşı “katliam” yapmakla itham edemez.” diye bir cümle var.

Bu cümle doğrudur. Ama Barış Bildirisi bir silahlı örgüte karşı değil, sivillere karşı katliam yapıldığını öne sürmektedir. İddianamenin yazarı doğru bir önermeyi ilgisiz bir bağlama sokarak gerçekleri çarpıtmaktadır. Yine aynı sayfada biraz ileride “Türkiye Cumhuriyeti Devleti ve Hükümeti aleyhine çok yönlü ve girift uluslararası bağlantıları olan geniş kapsamlı organize bir eylem”den bahsedilmektedir.

İddianamenin yazarı, ortaya somut bir veri koymadan ifade ettiği komplo kanaatleri üzerinden algı operasyonu yapmaktadır.

Aynı sayfada, iki paragraf aşağıda Chris Stephenson’ın beraat ettiği bir davadan suçlu çıktığı izlenimi verilmektedir. Ayrıca bu çarpıtma yapılırken “terör örgütü propagandası yapmaya yönelik materyallerle” adliye geldiği yazılmıştır. Halbuki bahsedilen materyal yasal bir parti olan Halkların Demokratik Partisi’nin bildirileridir.

Ne ilginçtir ki, son zamanlarda cumhurbaşkanlığı mevkiini işgal eden kişi, seçim konuşmalarında sık sık iddianamedeki bu yalanı hatırlatan eşitlemeler yapmaktadır.

#### 4. İddianame çelişkili ve dayanaksızdır

İddianamenin 15. sayfasında İrlanda ve İspanya örnekleri verilmektedir. Ama nedense, bu ülkelerde barışın eninde sonunda savaşın iki tarafı arasında müzakerelerle sağlandığı gerçeği gözardı edilmektedir. Halbuki iddianamenin kendisi bu yolun Türkiye’deki yasal çerçevesini 5. sayfada hatırlatmaktadır.

On the 13th page there is a sentence that reads “For example, an academic cannot accuse the United States of America or any of the European Union countries that are fighting Al-Qaeda or DAESH<sup>28</sup> of a ‘massacre’ against this organization.”

This sentence is correct. But the Peace Petition alleges that a massacre has been committed against civilians, not against an armed organization. The author of the indictment distorts the facts by placing a correct proposition in an unrelated context. Again, a little further on the same page, mention is made of “a multifaceted and intricately organized action against the State and Government of the Republic of Turkey which has extensive international connections.”

The author of the indictment conducts a campaign to manipulate perceptions via notions of a conspiracy, without offering any concrete facts.

On the same page, two paragraphs further on, the impression is given that Chris Stephenson<sup>29</sup> was found guilty in a case in which he was acquitted. Furthermore, it was written that he came to court “with materials for propaganda in support of a terrorist organization.” However, the material referred to is a declaration of a legal party, the Peoples’ Democratic Party<sup>30</sup>.

Quite interestingly, in his election speeches, the person who of late has occupied the presidency often makes approximations reminiscent of the false allegations of the indictment.

#### 4. The indictment is contradictory and ill-founded

On page 15 of the indictment the examples of Ireland and Spain are given. But for some reason, the fact that a peace settlement in these countries was ultimately negotiated be-

<sup>28</sup>Often called ISIS in English. [https://en.wikipedia.org/wiki/Names\\_of\\_the\\_Islamic\\_State\\_of\\_Iraq\\_and\\_the\\_Levant](https://en.wikipedia.org/wiki/Names_of_the_Islamic_State_of_Iraq_and_the_Levant)

<sup>29</sup>British computer scientist, employed at Bilgi University (Istanbul). See <https://www.theguardian.com/world/2016/jun/23/turkey-acquits-british-academic-over-terror-charge-chris-stephenson>

<sup>30</sup>HDP: an opposition political party founded after the notorious events of Gezi Park ([https://en.wikipedia.org/wiki/Gezi\\_Park\\_protests](https://en.wikipedia.org/wiki/Gezi_Park_protests)), sometimes considered pro-Kurdish. One notable member was Faysal Sariyıldız, Member of Parliament from June 2015, in exile since 2016, and revoked for absenteeism.

Page 13, on trouve la phrase suivante : « par exemple, un universitaire ne qualifierait pas de “massacre” la lutte menée par les États-Unis ou l’un des pays de l’Union Européenne contre Al-Qaida ou DAESH ».

Cela est correct. Toutefois la Pétition ne concerne pas la mort de membres d’une organisation armée mais le massacre de populations civiles. L’auteur de ce texte déforme la réalité en employant une affirmation exacte hors-contexte. Un peu plus loin, à la même page, il est fait mention « d’une action composite, organisée à grande échelle et aux profondes ramifications internationales, menée contre l’État et le gouvernement de la République de Turquie ».

L’auteur de cet acte d’accusation cherche à manipuler l’opinion en brandissant le spectre d’un complot, sans apporter aucune donnée concrète.

À la même page, deux paragraphes plus bas, Chris Stephenson<sup>28</sup> est présenté comme coupable, alors qu’il fut acquitté. Il est allégué qu’il se serait rendu dans un tribunal « avec du matériel de propagande pour une organisation terroriste ». Or le matériel en question consistait en tracts d’un parti politique autorisé, le Parti Démocratique des Peuples<sup>29</sup>.

On note avec intérêt que la personne qui ces temps-ci détient la fonction de Président de la République se livre souvent, lors de meetings électoraux, à des rapprochements du même acabit que ce mensonge de l’acte d’accusation.

#### 4. L’acte d’accusation est incohérent et sans fondement

Les exemples de l’Irlande et de l’Espagne sont donnés à la page 15 de l’acte d’accusation. Et sans qu’on sache trop pourquoi, le fait que dans ces pays la paix ait été enfin atteinte par des négociations entre les deux camps est passé sous silence. Pourtant l’acte d’accusation lui-même rappelle,

<sup>28</sup>Informaticien britannique, en poste à l’Université Bilgi (Istanbul). Voir <https://www.theguardian.com/world/2016/jun/23/turkey-acquits-british-academic-over-terror-charge-chris-stephenson>

<sup>29</sup>HDP; parti légal, fondé après les événements de Gezi ([https://fr.wikipedia.org/wiki/Mouvement\\_protestataire\\_de\\_2013\\_en\\_Turquie](https://fr.wikipedia.org/wiki/Mouvement_protestataire_de_2013_en_Turquie)). D’opposition, parfois classé comme proche de la cause kurde. Par exemple Faysal Sariyıldız fut élu de la Grande Assemblée nationale sous cette étiquette.

Barış Bildirisi'nin özü de bu çerçevenin dışına çıkmadığına inanılır. Çünkü bildirinin özü de bu çerçevenin dışına çıkmadığına inanılır. Çünkü bildirinin özü de bu çerçevenin dışına çıkmadığına inanılır.

İddianame Barış Bildirisi'ne yasadışı atfetmeye çabalarlarken müzakere yasalarını yasadışı ilan etmektedir. Öte yandan, iddianame bu yasaları savunmaktadır da.

Ama görünen o ki, bu çelişkiler iddianame yazarını rahatsız etmemiştir. Nasıl etsin?! İddianamede AIHM'e, Amerika Birleşik Devletleri Yüksek Mahkemesi'ne yapılan atıflara dayanak olacak tek bir kaynakça yoktur.

Olmamasının nedeni de aşıkardır: Böyle bir kaynakçaya dayanak olacak herhangi bir metin olamaz. İddianame yazarı bunları uydurmuştur. Zaten delil göstermeden, mantık yürütmeden çıkarım yapan bir suçlayıcıdan içeriği olan bir kaynakça beklemek abes olurdu.

## Sonuç

Bu iddianame yok hükmündedir! Bu önerme benim için düz anlamıyla da doğrudur. Gerçekten de şu anda elimde tuttuğum, sayfalarından alıntılar yaptığım iddianame bir başka imzacı için hazırlanmıştır. Benimki bana hiçbir zaman ulaşmadı. Ulaşırdı ne olacaktı ki?!

Eminim alıntılarımın sayfa sayıları bile değişmeyecekti. Sizler de herhalde bunun farkındasınız ki, bu iddianameyi kabul edip bizlere dava açmış olsanız da, en azından kendi mahkemenizdeki dosyaları birleştirdiniz. Karşımıza gelenleri mahkum etme hırsıyla koşturmuyorsunuz. Deyim yerindeyse, akl-ı selimin yolunu izliyorsunuz.

Sayın hakimler! Akl-ı selimin yolunu izlemek tabii ki doğru olmalıdır. Ama geldiğimiz şu noktada yeterli değildir. O yolu savunmalısınız. Bana ve karşınıza gelen bütün imzadaşlarıma derhal beraat vermeli, Çağlayan adalet harabelerine gün yüzü göstermelisiniz.

tween the two sides of the conflict is ignored. However, on page 5 of the same indictment there is a reminder of the legal framework in Turkey for this path.

The essence of the Peace Petition is to highlight as clearly as possible whatever departs from this framework. Here is perhaps the most flagrant of the contradictions in the indictment.

By attempting to attribute illegality to the Peace Petition, the indictment is asserting that the laws of the "Resolution Process" are illegal. On the other hand, the indictment defends those very laws.

But it seems that these contradictions did not disturb the author of the indictment. How could they?! In the indictment, there is not a single bibliographical entry giving the source of the references to decisions of the ECHR<sup>31</sup> or to the Supreme Court of the United States of America.

The reason for their absence is clear: there cannot be any such citations in support of these references. The author of the indictment has made up these decisions. It would be absurd to expect a substantial bibliography from a criminal indictment which does not contain evidence or logic.

## Conclusion

This indictment is null and void! This proposition is also literally true in my case. Indeed, the indictment which I have been holding in my hands and from whose pages I have quoted was prepared for another signatory. Mine never reached me. But what would have changed if it had reached me?

I am sure the page numbers would not even have changed. You are probably aware of this; even though you accepted this indictment and filed the lawsuit, at least you have merged the files in your own court<sup>32</sup>. You are not zealous to hastily convict those coming before you. If I may say so, you are following the path of reason.

Your Honors! To follow the path of reason is right. But that is not enough at this point. You must defend that

<sup>31</sup>European Court of Human Rights

<sup>32</sup>On February 28, 2019, the cases of Dr. Altinel and four others were heard together on the basis of entirely identical indictments. This is customary. Since 2016 the system of justice has also been purged, and has compensated with economies of scale.

page 5, le cadre légal de cette voie en Turquie.

L'essence de la Pétition pour la Paix consiste à dénoncer ce qui s'écarte de cette voie. Et c'est là peut-être la pire incohérence de l'acte d'accusation.

En tentant d'établir l'illégalité de la pétition, l'acte d'accusation affirme celle des lois du Processus de Résolution. Et pourtant l'acte d'accusation défend ces mêmes lois.

Mais nous voyons bien que ces contradictions ne dérangent pas l'auteur de cet acte. Comment le pourraient-elles? Quand il cite des décisions de la CEDH<sup>30</sup> ou de la Cour Suprême des États-Unis, l'acte d'accusation ne fournit pas la moindre référence bibliographique.

La raison en est évidente : les références n'existent pas. L'auteur de cet acte a inventé les décisions. Il serait d'ailleurs vain d'attendre une bibliographie solide d'un accusateur dont les conclusions ne reposent sur aucun élément matériel et sur aucune déduction logique.

## Conclusion

Cet acte d'accusation est nul et non avenue! C'est d'ailleurs vrai au sens le plus littéral. L'acte que je tiens entre mes mains, et dont j'ai cité les pages, est celui d'un autre signataire. Le mien ne m'est jamais parvenu. Mais qu'est-ce qui aurait changé si je l'avais reçu?

Je suis sûr que le numéro des pages citées n'aurait même pas changé. Vous en semblez conscients car bien que vous ayez accepté cet acte d'accusation et ouvert des procès contre nous, vous avez regroupé en un seul dossier les signataires jugés par votre Cour<sup>31</sup>. Vous du moins ne faites pas de zèle pour nous condamner à la hâte. Vous suivez la voie de la raison, comme on dit.

Messieurs de la Cour! Il est louable de suivre la voie de la raison. Mais désormais cela ne suffit plus. Vous devez

<sup>30</sup>Cour Européenne des Droits de l'Homme

<sup>31</sup>Le 28 février 2019 Tuna Altinel comparait avec quatre autres accusés dans des cas rigoureusement équivalents. La pratique est courante. On garde à l'esprit que la justice turque aussi subit des purges d'ampleur; les économies d'échelle s'imposent.

Sözlerimi bir vurguyla bitirmek isterim. Beraat talebim herhangi bir talep değildir. Aslında bir ikilem karşısındasınız. Ya bizlere beraat vereceksiniz, ya da kalemlerinizi kıracağız. Hukuk için, adalet için, kendi kariyerleriniz için. Karar sizin!

path. You must immediately acquit me and all the signatories coming before you; you must let the light of day into the ruins of the Çağlayan Courthouse<sup>33</sup>.

I want to stress one point in conclusion. My request for acquittal is not an inconsequential one. In fact, you face a dilemma. Either you will acquit us, or you will sign your final warrant<sup>34</sup> – for law, for justice, for your own careers. It is up to you!

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<sup>33</sup>Also called the Çağlayan Palace of Justice, which translates the Turkish literally; Dr. Altinel replaces the word “Palace” (which is often dropped in this context in Turkish) by “ruins” in a surprising effect: the Çağlayan Ruins of Justice.

<sup>34</sup>Literally: or you will break your pens. The idiom refers to a traditional Turkish legal practice of breaking one’s pen after signing a warrant for execution, signifying the hope or desire that this will be the last time it is needed for such a purpose, and also used in the sense of *burning one’s bridges*.

défendre cette voie. Vous devez m’acquitter immédiatement avec tous les signataires ; et que le jour se lève sur les ruines du palais de justice de Çağlayan<sup>32</sup> !

Enfin je soulignerai ceci. Ma demande d’acquittement n’est pas une demande anodine. En fait vous êtes face à un dilemme. Soit vous nous acquittez, soit vous envoyez à l’échafaud<sup>33</sup> le droit, la justice, et votre profession. La décision vous appartient.

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<sup>32</sup>Nom du palais de justice d’Istanbul. La transcription prise en ligne n’a pas « palais » ; cette métonymie est fréquente en turc.

<sup>33</sup>L’original a : « vous cassez vos plumes », ce que dit-on faisait le juge aux temps ottomans après avoir prononcé une sentence de mort. L’origine de cette expression est débattue, deux explications principales étant 1. qu’après pareille sentence, il n’y avait plus rien à dire ou 2. que le juge espérait ne plus jamais avoir à prendre telle décision.

## Appendix: a few links to NGO reports / Liens vers quelques rapports d'ONG (en anglais)

Ayşe Erzan's defense mentions a number of reports by various NGOs on the situation in southeastern Turkey. Here we give only those available in English (plus one video). Turkish speakers will find the full list at <http://m.bianet.org/bianet/ifade-ozgurlugu/194523-prof-dr-ayse-erzan-in-beyani>.

- UN: OHC-HR** <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17002&LangID=E>
- CE: CHR** <https://www.coe.int/no/web/commissioner/-/turkey-security-trumping-human-rights-free-expression-under-threat>
- HRW: 7/2016** <https://www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings>
- EMR, FIDH: 1/2016** <https://euromedrights.org/wp-content/uploads/2016/02/Turkey-FINAL-REPORT-EMR-FIDH-February-2016.pdf>
- HM: Curfews** [https://hakikatadalethafiza.org/en/kaynak\\_tipi/reports-on-curfews/](https://hakikatadalethafiza.org/en/kaynak_tipi/reports-on-curfews/)
- HM: Curfews** [https://hakikatadalethafiza.org/wp-content/uploads/2016/08/2016.08.21\\_T%C4%B0HV-16-August-2016-HRFT-Curfews-Fact-Sheet1.pdf](https://hakikatadalethafiza.org/wp-content/uploads/2016/08/2016.08.21_T%C4%B0HV-16-August-2016-HRFT-Curfews-Fact-Sheet1.pdf)
- Cumh: HDP Video** [http://www.cumhuriyet.com.tr/foto/foto\\_galeri/551895/8/HDP\\_den\\_Cizre\\_raporu\\_\\_Dehsetin\\_belgeleri.html](http://www.cumhuriyet.com.tr/foto/foto_galeri/551895/8/HDP_den_Cizre_raporu__Dehsetin_belgeleri.html) (video, Turkish)
- HM: Homeless** [https://hakikatadalethafiza.org/wp-content/uploads/2016/06/2016.06.30\\_GABB-Report-EN.pdf](https://hakikatadalethafiza.org/wp-content/uploads/2016/06/2016.06.30_GABB-Report-EN.pdf)
- HM: Culture** [https://hakikatadalethafiza.org/wp-content/uploads/2016/03/2016.03.30-DBB\\_Surici\\_HasarTespit\\_EN.pdf](https://hakikatadalethafiza.org/wp-content/uploads/2016/03/2016.03.30-DBB_Surici_HasarTespit_EN.pdf)
- HM: Region** [https://hakikatadalethafiza.org/wp-content/uploads/2016/01/2016.01.20\\_GABB\\_RegionalDamageAssessmentReport.pdf](https://hakikatadalethafiza.org/wp-content/uploads/2016/01/2016.01.20_GABB_RegionalDamageAssessmentReport.pdf)
- HM: Psychosocial** [https://hakikatadalethafiza.org/wp-content/uploads/2016/07/2016.07.02\\_Idil-KadinCocukRaporu-EN.pdf](https://hakikatadalethafiza.org/wp-content/uploads/2016/07/2016.07.02_Idil-KadinCocukRaporu-EN.pdf)