

STATEMENT BY TUNA ALTINEL, JANUARY 24, 2020
ENGLISH TRANSLATION

Your Honors,

Today friends from various countries of the world and from Turkey, colleagues, representatives of institutions are in attendance. First of all, I would like to thank them for their support. Thanks to their presence, my back is strengthened, and the responsibility on my shoulders is even greater.

Today is January 24. Like many days in our country, it is loaded with painful associations from our not-so-distant history. For those whose age is near to or greater than mine there is the economic package, presented as a “bitter but compulsory prescription”, enforced by a military coup,¹ while those who are a little younger recall the murder of the journalist Uğur Mumcu, who accepted the value of people from all walks of our society. Unfortunately, as we pass through the last days of January, they are burdened with the pain of another event that will be remembered by every thinking person whose conscience refuses to forget. Let us listen:²

These screams don’t come from a movie. They arose from Cizre on January 30, 2016. They can still be found on the Internet, at news sites. From whom came these screams? From politicians, activists, local people, young or old, Kurdish, Turkish . . . No matter! They had one common feature—they were trapped defenseless in the basements where they lost their lives. They were massacred by security forces in a context of chaos into which Turkey had been pushed. They were “terrorists.” It was not considered who they were, how many they were, why they were in the basements of the apartment buildings. Relatives were given charred human bones in bags: “Take this—it is your father.”

Then, in place of the demolished buildings, new houses were quickly built, as if nothing had happened there . . . But something had happened. And right in front of our eyes, still ringing in our ears. As a citizen of this country, I wanted to inquire, to learn and to face up to it. “Wanted”—what a word: rather, I saw this as a civic obligation. How could it be that such brazen and reckless violence was employed, and immediately afterwards, instead of healing the wounds one could carry on as if nothing had happened? The first thing I did to question, learn, and face up to this was to go to the cities where the events had happened and talk to people. And I wanted to listen to their testimonies, and in a sense to be a witness. At the first opportunity I took a bus from Istanbul and went to the cities where the events had taken place, and to Cizre among them. I saw with my eyes, I listened with my ears, I thought with my mind, I felt with my heart. I questioned, I learned, I faced up to it.

My contribution to the event of February 21, 2019, called “Cizre, The Story of a Massacre” organized by the Amitiés Kurdes Lyon et Rhône-Alpes, of which I am a member, and which has resulted in my being here today, is a result of the same concerns. The travels I had made, the people I had listened to, the reports I had read, were echoed by an event that the association I belonged to decided to organize. I also said this in my defense in the first hearing. This was an activity aimed at having a discussion and an exercise of the faculty of memory based on testimony, to create awareness and understanding. Documentary material was shared; a first-hand witness of the period, Faysal Sarıyıldız, made a speech; and his

¹Jan. 24, 1980 IMF neoliberal package; military coup in September, 1980.

²As Dr. Altinel picks up his telephone, the presiding judge interjects, anxiously: “What do you want us to listen to?” Reply: “It will be short.” The courtroom falls silent as Dr. Altinel plays a recorded telephone conversation which ends with the sounds of gunfire and screams.

Audio file: <https://m.bianet.org/bianet/insan-haklari/171683-cizre-deki-yaralilarin-48-saat-onceki-son-ses-kaydi-yayinlandi>.

presentation was discussed. In order that the information, discussion, and dialogue should have as broad a reach as possible, an attempt was made to render every word and every text into three languages, namely in Kurdish, Turkish and French. Recordings from this night are still available on public sites such as Facebook. This was already a goal: openness, broad outreach.

What was the reaction of political power to this? The Consulate General of the Republic of Turkey in Lyon snooped like a spy on an event held by an association, established in accordance with the law on the territory of France, by the citizens of France, and managed by the citizens of that country, and he reported the association to the ministry to which he was attached as a “PKK affiliate” and through that ministry to the Ministry of the Interior. Then my passport was confiscated on my entry to Turkey on April 12, 2019. The reason was not given. In Balikesir, where I came after the efforts of my lawyer on the one hand and also my own to learn the grounds for this, I was detained on May 10, 2019 as the result of a plot in which the passport restriction clerk who said mockingly “You have come in vain” was playing an active role. During my interrogation, I was accused by the civilian security officers of the State of humiliating my country, and I was arrested the next day. A case was filed against me on charges of membership in a terrorist organization. I was then imprisoned for 80 days. In my first hearing 30 July 2019 it was decided to liberate me with no judicial control or prohibition on travel. But my passport application was rejected. And still the hijacking of my constitutional rights of freedom to travel and to work continues.

In the second session on 19 November 2019, the prosecutor submitted his opinion. I would have expected an acquittal request from him. I think he himself had noticed the irrationality of the accusation of “membership in a terrorist organization” because the charge was transformed into a more appropriate one of “terrorist organization propaganda.” But that’s all! On that day I listened to his opinion with those in the courtroom. I made a short statement in opposition to this text, which I took to be a summary of his opinion. When I returned to Istanbul, I researched and learned: my belief was mistaken. The summary of the opinion was the opinion itself. In the text of the one-page opinion, all but the last four and a half lines consisted of the Turkish version of the announcement made in three languages for the February 21, 2019 event of the Amitiés Kurdes Lyon et Rhône-Alpes. And my terror propaganda was supposed to be sharing this announcement.

I do not want to read the Turkish text of the announcement of the February 21, 2019 meeting here and take your time. But now I would like to repeat what I said on November 19, once again. The announcement is a series of true statements. These truths have been documented many times by national and international rights organizations since the summer of 2015. Just as the Peace Declaration announced on January 11, 2016, of which I was a signatory, for which I was tried and acquitted in the Istanbul 29th ACM,³ was a call for peace made on the basis of the same documents with regard to the period of conflict, that lasted from the end of July 2015 to June 2016, the text of the announcement for February 21 is a call for a meeting organized with the aim of creating awareness and understanding of the most dramatic event of that period, one which took place before the eyes of the entire world. This has nothing to do with the propaganda of any terrorist organization. The difference is so obvious that there is no single sentence in the opinion indicating how this announcement is covered by TMK 7/2.

Your honors, the moment of decision is approaching in our trial. The opinion has been read in the hearing, now defenses are being made. And then we will listen to you. I would

³Central Court

like to remind you that in the summer of 2019, your Court wrote to the Istanbul 29th ACM and requested that this case file be combined with my file in the Peace Academics case in Istanbul 29th ACM. I was acquitted in the 29th ACM case in Istanbul, but today I am still accused of making propaganda for a terrorist organization. I demand that this contradiction be resolved today.

In this context, I would like to remind you as well of the following. My acquittal in the Peace Academics trial, which you have requested to take over this case file, was the result of the Constitutional Court's decision on violation of civil rights regarding the relevant cases. I am sure you have read the reasoned decision of the Constitutional Court. The main idea behind the reasoned decision can be summarized as follows. While Tuna Altınel thinks about the problems of Turkey in one way, the judges of the Balıkesir 2nd Central Court, the prosecutors views may think in a very different, in an opposite way; all may express their views as they wish, while keeping the conflict within the bounds of respect. But this does not require that one party, as judge or prosecutor, and the other, as a defendant, should confront each other in the same courtroom because of this difference of opinion. Unfortunately, the situation we are in now is exactly what the Constitutional Court states that it should not be. It is a heavy blow to freedom of thought and of expression. Such blows wound and weaken democracies in ways that are very difficult to repair. If democracy is weakened in a country, if the sense of justice is lost, it becomes increasingly arbitrary who will be the judge, who the prosecutor, who the defendant. The prosecutor who wrote the indictment against the Peace Academics in Istanbul has now been suspended on charges of "FETÖ exchange."⁴

Your honors, the decision you make in this case is of fundamental importance for freedom of thought and freedom of expression in Turkey. The toleration of even the harshest criticisms, the freedom to express differing views in legal ways, at meetings, in any media, without insults is expressed by a single word in this trial: acquittal! Otherwise, you will have laid a stone on the road toward an arbitrary regime in which the judges and prosecutors of today are the defendants of tomorrow. The decision is yours!

⁴ "FETÖ borsası"—accusation of release of suspected Gulenists in exchange for bribes.