

JUDICIAL HEARING FOR TUNA ALTINEL
JANUARY 24, 2020
REPORT, GREGORY CHERLIN

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Proceedings, January 24, Balıkesir

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1. INTRODUCTION

The distinguished Turkish mathematician Tuna Altinel, Maître de Conférences habilité at the university Lyon 1 (France), where he has worked since 1996, has been the subject of two judicial procedures in his native Turkey.

- (1) The first case, under the jurisdiction of the Istanbul courts, ended in acquittal on September 16, 2019.¹
- (2) The second and more serious procedure initially concerned a charge of membership in a terrorist organization. This procedure resulted in the confiscation of his passport (not yet returned) and 81 days of pre-trial detention, prompting a protest by the French Foreign Minister and statements of concern by a number of professional societies, some of whom have sent observers to the proceedings in Balikesir, Turkey. This charge was downgraded in the second hearing (November 19, 2019) to one of propaganda for a terrorist organization. At the conclusion of the third hearing on January 24, 2020 a decision to acquit was reached. This decision is subject to appeal.

The present report concerns the third and final hearing in the second case. which occurred on January 24, 2020 and resulted in the aforementioned acquittal, which remains subject to further review.² According to the terms of the decision the state prosecutor had one week to file an appeal, but a filing by the prosecutor on January 30, 2020 has had the effect of extending that period.³

If the acquittal is sustained on appeal it will still leave open the urgent question of the restoration of Dr. Altinel's passport, to be addressed by the competent administrative authorities. Thus the issue of restoration of Dr. Altinel's passport remains unresolved, and at present he is obliged to remain in Turkey, a country in which he has neither resided nor worked since at least 1996, when he took up a permanent position in France.⁴ The administrative authorities had taken the position that they would not consider his request until legal proceedings had terminated,⁵ and the judicial authorities took the position that this issue lay outside their jurisdiction. It remains to be seen what attitude the administrative authorities will adopt following on Dr. Altinel's acquittal.

The original charge of membership in a terrorist organization was based on a complaint by the Turkish General Consul in Lyon, whose report to the national

¹Timeline, p. xxxviii; cf. Glossary: Academics for Peace, p. xxx

²Reports on the first two hearings in case (July 30 and November 19, 2019) have been published by the American Mathematical Society and the Committee of Concerned Scientists and cf. <https://www.ams.org/about-us/governance/committees/JudicialHearingReportOnTunaAltinel.ByCherlin07-30-19.pdf>, <https://www.ams.org/about-us/governance/committees/JudicialReportOnPassportConfiscation.TunaAltinel11-19-19.pdf>.

³Notice of intent to appeal: Appendix A. The State Prosecutor requests the text of the full decision, with the intent to appeal. A summary of the decision to acquit was given on January 24, 2020, with the full decision to follow within 15 days. Cf. §3.2 or Appendix B.1, p. i.

⁴At the same time, Dr. Altinel has not sought French citizenship and has remained firmly attached to his native country, making regular and extended visits.

⁵See Appendix F.1

police in Turkey discussed Dr. Altinel’s attendance at, and participation as a translator in, a public meeting in Lyon, France by a registered organization under French law,⁶ and also took particular note of Dr. Altinel’s participation as a poll watcher in elections open to Turkish citizens residing in Lyon, a point not retained by the indictment. The Consul also reported that the French authorities had not responded to his request to have this meeting banned, his grounds being those retained in the indictment, cf. Appendix D.2. This report resulted in a criminal complaint being registered in the provincial capital Balikesir on April 30, 2019, that is, following on the confiscation of Dr. Altinel’s passport, and prior to his arrival in that city to request its reissuance.

As a result of his participation in the public meeting in Lyon, and his service as a translator, Dr. Altinel was charged under article TCK 314/2 of the Turkish legal code with *membership* in an armed terrorist organization,⁷ namely the Kurdish Society of Lyon and Rhône-Alpes (Amitiés Kurdes Lyon et Rhône-Alpes: AKLRA), a registered organization under French law. French law offers “functional protection” to state employees such as university professors, and Dr. Altinel’s university has judged that these activities merit defense under that provision; thus they have sent legal observers and a French lawyer, though the defense itself has been handled entirely by Turkish lawyers active in civil liberty and human rights cases.

There were two distinct elements to the original charge:

- Membership in AKLRA and the assertion that AKLRA is in some unspecified sense an affiliate of the PKK (see also Appendix D.2);
- Dr. Altinel’s service as interpreter on Feb. 21, 2019, at a meeting of the AKLRA in Villeurbanne, near Lyon, for a panel discussion in which former member of parliament Faysal Sariyıldız, now living in exile, was a participant.⁸

The November 19, 2019 hearing began with the announcement of the reduction in charges to *distribution of propaganda in favor of a terrorist organization* under article TMK 7/2 of the anti-terrorism legislation, with no change in the accompanying indictment.⁹ This lesser charge is punishable by up to 5 years in prison, and even up to 7½ years when media (including social media) are used.

In the course of the third hearing it was noteworthy that the judges deviated from standard procedure by recessing for their final deliberations without asking the defendant whether he would accept the terms of a suspended sentence if applicable. As this is applicable when punishments of up to two years are imposed, and it is a point to be settled before the verdict, the omission of this point strongly suggested that the judges contemplated either a severe verdict, or an acquittal, considerably heightening the tension of the last phase of the proceedings.

⁶Timeline: Feb 21, 2019, p. xxxvii.

⁷TCK 314/2: Glossary, p. xxxiv; the indictment lists 6 applicable articles.

⁸AKLRA: Glossary, p. xxx; Sariyıldız, page xxxiii.

⁹TMK 7/2: Glossary, p. xxxiv.

2. THE COURT AND THE COURTROOM

2.1. **The court.** I attended the third hearing in Balıkesir on January 24, 2020, on behalf of the Committee of Concerned Scientists, the American Mathematical Society, and the Association for Symbolic Logic. Scheduled for 2:30 PM, the hearing began at 2:53 PM and recessed for brief deliberation by the judges at 4:07 PM. Spectators were excluded for the last minutes (or seconds) of the hearing in which the decision was delivered in an extremely succinct form to the defendant and his lawyers (appearing in considerably more detail in the official transcript).¹⁰

I relied on a Turkish national present at the hearing for a general sense of what was said; I also reviewed Dr. Altınel’s written statement and the official trial transcript, which includes the main formal elements—notably, the details of the final judgment—but omits the lengthy statements by the defense, which will be transcribed afterward from the audiovisual recording of the meeting (referred to in the transcript by the Turkish abbreviation “SEGBİS”).

The case was heard in Balıkesir Courthouse by the 2nd ACM (Turkish: Ağır Ceza Mahkemesi, or High Criminal Court). The panel of judges consisted of presiding judge Mehmet Deniz MALKOÇ together with judges Arife Ağaya ÜNAL and Nagehan KISACIK.¹¹ The public prosecutor was Lokman ARAS and the recording clerk was Recep KÖKLÜ. Between the first hearing, held in the summer judicial recess, and the second, there had been a significant change of personnel—in particular, a different prosecutor appeared in the second hearing. There were no further changes of personnel afterward.

Dr. Altınel was represented at this hearing by three lawyers: Oya Meriç EYÜB-OĞLU, Esq., Gizem SAYIN, Esq., and Ahmet İnan YILMAZ, Esq. A representative of the French Consulate in Istanbul was present. Other observers included a representative of the London Mathematical Society, a representative of the European Mathematical Society, and mathematical colleagues of Dr. Altınel from Lyon and Paris.

A journalist from the French newspaper *Le Monde* was present and reported at length on the hearing and the historical context.¹² Journalists from the Turkish P24 (Platform for Independent Journalism) and MLSA (Media and Law Studies

¹⁰Concerning the official transcript, a remark which applies to some degree to all of the hearings attended, but particularly to the third, is that the official record contains a number of technically significant items recorded as presented in the hearing, but not actually in oral form. For example, the hearing opened with the judge’s invitation to the defendant to make a statement, while the transcript contains several prior elements. These elements of the official transcript were visible to the defense lawyers on computer screens as the hearing proceeds, but as they do not actually correspond to anything said in the court room, the spectators are not aware of them as the hearing proceeds.

¹¹When there are two given names, in Turkish usage typically the *second* given name is the main one.

¹²*Le Monde*: https://www.lemonde.fr/international/article/2020/01/25/acquittement-du-mathematicien-turc-tuna-altinel-enseignant-en-france_6027205_3210.html

Association) were in attendance.¹³ Reporters from French regional television (FR3) were also on the scene and a televised news report resulted that evening. A televised report in Turkish was filmed by Artı TV.¹⁴ We note that for any news organization, in-person coverage of a trial in a provincial capital several hours away from Istanbul represents a substantial commitment.

Supporters of Dr. Altınel arrived by two chartered buses from Istanbul, as well as by private transportation. Prior to the hearing, a demonstration and press conference was held outside the courthouse from 2:00 PM, attended by about 50 members of the public, and a number of plain clothes police. A short (and more joyful) press conference was also held after the hearing, in the same public area.

Dr. Altınel's case lies far outside the type of case normally encountered in a provincial capital such as Balıkesir, and in general a very active police presence has been maintained at these hearings and at the accompanying press conferences and demonstrations.

2.2. The courtroom. As is the custom in Turkish courtrooms, the hearing room is dominated by a high table at which the three judges on the panel are seated with the presiding judge in the middle. The prosecutor sits at the same table, on the left from the spectators' viewpoint. All others in attendance sit at audience level. Thus the recording secretary sat in front of and below the judges, while the three defense lawyers sat at a table on the right side. The accused sat in the center front, relatively close to the judges, in an enclosed witness area separated from the public by two empty rows of seating. Behind these rows, a railing serves to separate the section reserved for the public, with a capacity of 40 seats.

The court room is equipped with television screens, divided into one screen showing the panel of judges and one screen showing the current speaker. The courtroom is equipped with an audio-visual recording system which fulfills much of the role of a stenographic record, and plays a prominent role in the hearing record—the initial transcript of the proceedings omits most of the testimony and discussion, indicating only when the system is turned on or off. In previous hearings a transcription of the recorded material was added to the case file soon after the hearing.

3. THE PROCEEDINGS

3.1. The open hearing. The relatively lengthy hearing of January 24 consisted largely of a prepared statement by Dr. Altınel and oral briefs presented with accompanying documents by the three lawyers, followed by a recess for deliberations and a final verdict by the panel of three judges. During the defendant's declaration and the oral briefs the presiding judge was consistently very attentive. The prosecutor was less engaged and it would appear in retrospect that he was aware that a decision to acquit had been reached. The two additional judges on the panel, as has been

¹³Artı TV: Glossary, p. xxxi; Bianet: Glossary, p. xxxi; MLSA: Glossary, p. xxxiii; P24: Glossary, p. xxxiii.

¹⁴For a discussion of media reports see §4.

their custom, divided their attention between the oral arguments and the contents of their computer screens, possibly making notes of their own.

The hearing room was opened after a considerable delay at 2:53. As he had done in the second hearing, the presiding judge made a point of exercising his authority, notably with regards to spectators. The room was closed with four attendees still outside, in spite of the availability of several additional rows of empty seats. This point was the subject of a lively exchange between one lawyer, Ms. Eyüboğlu, and the presiding judge, prior to the formal opening of the hearing. The judge remained adamant on this point of procedure.

- Dr. Altınel's comments were then invited.

He read a prepared statement in a very clear and forceful manner. He began with a discussion of the massacre at Cizre (2016);¹⁵ as we have noted, the Turkish Consul's objections to a public discussion of this topic in France provided the basis for the present trial. During this part of his declaration Dr. Altınel stated that he wished to play a recording, to which the judge reacted strongly, and with surprise, asking what the content was. Assured that it was a brief recording, he allowed this. The recording was of a phone conversation placed from one of the basements where the massacre took place just as it was beginning, ending with screams and the sounds of gunfire.

Dr. Altınel explained that he had wished to learn more about these events and had informed himself, and went on to discuss the meeting in Lyon of February 21, 2019, which aimed to inform the public. He emphasized that this was a discussion of recent history, and not a matter of propaganda.

This declaration by Dr. Altınel took 12 minutes. The text, and a rough translation into English, are found in Appendix E.1.

- Ms. Eyüboğlu then spoke at length (half an hour) and submitted further documentation to the court for addition to the case file. During this presentation the presiding judge appeared at times to consult the case file.

Among the points made by Ms. Eyüboğlu were the following.

- She demanded an acquittal and characterized the proceedings as unlawful. She objected to incorrect translations of Facebook posts entered as evidence and observed that there was no further evidence in the file of sharing of information via social media.
- She spoke about the status of the provisions of section TMK 7/2¹⁶ of the legal code and related decisions of the European Court of Human Rights, as well as other precedents in Turkish law.
- She raised the point that acting as a translator is not distribution of propaganda and discussed other precedents under Turkish law relating to postings on Facebook.
- She stressed the very close connection of this case with the peace petition cases associated with the Academics for Peace, which resulted in Dr. Altınel's

¹⁵Cizre: Glossary, p. xxxii; Timeline, February 7, 2016, p. xxxvi.

¹⁶TMK 7/2: Glossary, p. xxxiv.

acquittal in September 2019 in the case on trial in Istanbul, following on the Constitutional Court decision of July 2019 which has led to several hundred similar acquittals.¹⁷

- She spoke to the specifics of the massacre in Cizre and stated that the violations of human rights in this period were very well known prior to Dr. Altınel’s declarations and the meeting in Lyon, and that the recording played was one of several widely available. In this connection she submitted two documents to the court: a summary of a very lengthy report on human rights violations associated with operations in ethnically Kurdish areas, and a forensic report on the burned bodies recovered from the ruins in the area. She noted that all of this material was widely and openly available in Turkey.¹⁸

- Ms. Sayın then spoke very briefly.

She confined herself largely to a review of the observers of professional societies then in attendance at the hearing, a quite extensive list which included the AMS, CCS, ASL, and a variety of European associations.

- Mr. Yılmaz spoke at length about other aspects of the case.

- He raised matters relating to Turkey’s obligations under international law, the European Court of Human Rights, and conventions on the suppression of terrorism. He noted that under existing treaties information concerning alleged terrorist activities on foreign soil was to be shared with the governments concerned and tried under their jurisdiction.¹⁹
- He pointed to a number of weaknesses in the indictment, notably the lack of specificity in the term “terror organization,” generally interpreted as PKK but apparently referring to the regional French organization supporting Kurdish culture.²⁰ He joked that perhaps the IRA or some other organization was meant.
- He referred to dysfunctions in the local process and stated that the defendant was not insulting the state, but that procedures of this type were bringing discredit on the state.
- A reference to the Russian bombing of the Turkish and Saudi-backed *Army of Conquest* “terrorist” camps in Syria in October 2015 elicited considerable laughter among the spectators. More comprehensible to this observer were his remarks that the activities in question took place in France and were perfectly legal under French law.

His discussion was both broad and at times quite specific, and the foregoing gives only an indication of its content, varying from the broadly theatrical to the enunciation of very precise legal points.

¹⁷More detail under: Academics for Peace: Glossary, p. xxx; Timeline, p. xxxvi

¹⁸A point also confirmed by this observer, via internet searches from Istanbul, January 26, 2020.

¹⁹CECPT: Glossary, p. xxxi.

²⁰AKLRA: Glossary, p. xxx

At this time (4:07 PM) Dr. Altinel was offered the opportunity to speak once more, which he declined. The prosecutor had not participated in the discussions, other than to enter the charge issued in the second hearing into the formal transcript at the beginning of the session, and had nothing to add at the end.

The courtroom was then cleared for a brief period of deliberation, with the understanding that a verdict would follow. At this point the presiding judge announced a 15 minute interval for deliberations and had the courtroom cleared.

It was noteworthy that the customary question to the defendant as to whether he would accept the HAGB (suspended sentence with parole)²¹ had been omitted from the proceedings. This oversight strongly suggested that the judge did not envision its relevance; in that case, the only possible outcomes would be an acquittal or a sentence exceeding two years. This considerably heightened the tension during the brief interval allocated for deliberations.

3.2. Decisions taken. After the period of formal deliberations ended, the courtroom was opened to the defendant and his lawyers, with all other persons excluded. They received the decision in camera. It was delivered in a few words, without details. Mr. Yılmaz was moved to inquire whether there would be a full written decision and was told “of course.”

The result was immediately communicated to the spectators, some of whom (notably this observer) became aware of it through the resounding shout of acclamation which resulted.

The entire procedure lasted approximately one hour and a half.

With the release of the official transcript, the official *summary* of the decision is now known, as follows.²²

VERDICT—The legal reasoning to be explained in the full decision, to be written within 15 days;

1—The defendant AHMET TUNA ALTINEL has been charged with membership in an Armed Terrorist Organization, a criminal complaint has been filed in our court requesting punishment in accordance with Article 314/2 of the TCK; considering the evidence collected in the file as a whole, the weight of the evidence is insufficient and in the absence of precise evidence the court rules to ACQUIT the accused, in accordance with clause (2e) of article CMK 223;

2—Court expenses made for the trial are to be borne by the public;

3-(a) A DVD containing the SEGBİS transcription for 19/11/2019 with registration number 2019/3975 at the judicial archives of Balıkesir, will be KEPT ON FILE AS EVIDENCE;

(b) A DVD containing the SEGBİS transcription with registration number 2019/3358, will be KEPT ON FILE AS EVIDENCE;

²¹HAGB: Glossary, p. xxxiii.

²²Turkish original in App. B.1.

4-As the defendant has representation, the representation fee, which is evaluated according to the AAÜT in force, is to be received from the treasury and given to the accused,²³

5-An order is issued to remove judicial restrictions previously placed on the accused—if any—without waiting for the finalization of the decision.

Concerning which, a way provided by law for an appeal to the Bursa Regional Court, is open to those in attendance for the pronouncement of the verdict in the presence of the accused and his representatives, and for those not in attendance as the decision was given, by means of a petition to be submitted to our court or a court in another location, or by making a declaration to the court clerk within seven days from the notification, the verdict being given unanimously, contrary to the view of the state prosecutor.

As stated in the summary of the decision, one may expect a formal text laying out the grounds for this decision. Meanwhile, on January 30, a notice by the state prosecutor was filed requesting the full decision and registering his intent to file an appeal.²⁴ So the next steps would appear to be the release of the full decision and the specification of the prosecutor’s grounds for appeal, followed by a ruling from the Bursa Regional Court.

4. MEDIA COVERAGE

Coverage of Dr. Altinel’s arrest May 10 was widespread in Turkey and elsewhere, notably in France, with widely varying reactions in the press. An official communiqué from the Balıkesir authorities announcing the “capture” of a “terrorist” incorporated unreferenced citations from the then unpublished, and confidential, indictment.²⁵ This communiqué served as the basis for much of the initial reporting in the Turkish press. More specialized outlets placed the arrest in the context of the ongoing trials of Academics for Peace, as did the foreign press.²⁶ As illustrated by the present report, numerous professional societies expressed their concern about the case and followed it closely.

²³AAÜT: Avukatlık Asgari Ücretler Tarifesi, schedule of minimum attorney fees.

²⁴Appendix A.

²⁵Appendix G.2.

²⁶Among the American or French newspapers and magazines which have reported on the case are InsideHigherEd, the New York Times, the Sacramento Bee, Le Canard Enchaîné, Le Dauphiné Libéré, Le Figaro, Le Monde, Le Progrès, L’Humanité, Libération, L’Express. La Croix, Le Point, Ouest-France, and the French news service AFP. French radio and television were represented by FR3, France24, TV5monde, Euronews, Franceinfo, Franceinter, Radio France Internationale, France Culture. An extensive and detailed press review is found at <http://math.univ-lyon1.fr/SoutienTunaAltinel/?lang=en>

News of his acquittal was rapidly made known in the French press via the newspapers *Le Monde*, *Le Figaro*, *Le Dauphiné Libéré*, *Le Progrès*, television (FR3, France24, Franceinfo), and radio (Radio France Internationale).

Immediately after Dr. Altnel's acquittal, some news reports appeared in the Turkish press, though generally with less fanfare than the reports of the original arrest. On the one hand specialized news outlets such as *Bianet*, *Duvar*, *Evrensel*, and *İleri Haber* have been following this and related trials closely, and covered the acquittal prominently the same day. In particular a full account of the final hearing is given in both Turkish and English by the on-line source *Bianet*.²⁷ A report by the official news agency *Anadolu Ajansı*(AA) appeared in the mainstream press. This report omitted mention of the initial charge of membership in an armed terrorist organization, which figured very prominently in the earlier reports, and referred only to the reduced charge.

Some reports have emphasized the unresolved issue of the return of the passport and other repressive measures to which a wide range of Turkish academics remain subject. A recent report on French television²⁸ states that 6,000 teachers and researchers have been removed from their university positions in recent years on the basis of accusations of "links to" or "membership in" terrorist groups, without specific charges.

As the prosecutor's intent to appeal was not known, and not seriously envisioned, at the time of the court decision, it has not yet been the subject of media coverage.

5. REVIEW AND CONCLUSION

We will summarize the sequence of events leading to Dr. Altnel's arrest and subsequent acquittal, and review what is known concerning his passport application. It is essential that he recover his freedom to travel, to exercise his profession in Lyon, France, where he has lived and worked since 1996, and to fulfill his responsibilities to the university Lyon 1 and to its students.²⁹

5.1. Review of the case. The main developments with respect to the proceedings in Balıkesir are the following.

Feb. 2019 Feb. 21: Public meeting in Lyon, France:

Documentary on the massacres at Cizre (2016); discussion with former Turkish MP Sarıyıldız, Dr. Altnel translating.

Feb. 27: Turkish general consul, Lyon, reports to Ankara on Dr. Altnel's participation role in the meeting and as poll watcher in local elections.

Turkish Ministry of the Interior notified (Appendix D.2).

²⁷<http://bianet.org/english/freedom-of-expression/219121-academic-for-peace-assoc-prof-tuna-altinel-acquitted>

²⁸<https://www.francetvinfo.fr/replay-radio/en-direct-du-monde/en-turquie-les-universitaires-subissent-une-repression-dampleur-inegalee.3783843.html>.

²⁹A more detailed timeline with a broader scope is found in Appendix G.4.

- April 2019 On Dr. Altınel's arrival in Turkey, passport confiscated at airport. First international protests and formal statements of support.
April 30: Criminal complaint filed in Balıkesir by chief prosecutor.
- May 2019 While requesting reissuance of passport in Balıkesir, Dr. Altınel is interrogated, arrested, and remanded to pre-trial detention. Provincial authorities issue press release concerning the "capture" of an academic propagandist for the PKK.³⁰
- June 2019 Questions in French National Assembly; issue raised in Ankara by French Foreign Minister.
- July 2019 Constitutional Court voids trials of Academics for Peace on the basis of their peace declaration of 2016. First hearing in trial of Dr. Altınel at Balıkesir on charges of membership in "armed terrorist" group (via the registered French cultural association AKLRA). Release of Dr. Altınel from pre-trial detention after 81 days. Question of passport declared outside court's competence.
- Sep. 2019 Following on the Constitutional Court's decision, acquittals of many academics charged on the basis of their peace declaration of 2016; in particular, Dr. Altınel is acquitted of those charges in proceedings in Istanbul.
- Nov. 2019 Charges in Balıkesir modified from membership in terrorist affiliate to charge of making propaganda for a terrorist organization. Recess until January 24, 2020, to allow defense time to prepare on the basis of the revised charge. Question of passport again declared outside court's competence by presiding judge (statement not recorded in official transcript).
- Jan. 2020 January 24: Acquittal in third hearing, subject to appeal by prosecutor retains within one week. Full decision, with legal reasoning, to be delivered within 15 days of the hearing.
January 30: Prosecutor files request for full decision and notice of intent to appeal

5.2. Status of the case. This report is based primarily on the views of one observer, and the contents of the present section are largely speculative.

In the present view of this observer, the level of sustained scrutiny this case has received, including questions in the French National Assembly and the intervention of the French Foreign Minister, as well as the regular attendance of representatives of the French consulate in Istanbul, the University Lyon 1, and of numerous professional societies in Europe and the United States, has played a significant role in the progress of this case to date.

The prosecutor's decision to file an appeal was unexpected, both in general terms and in terms of his failure to play an active role in the final hearing. It is noteworthy also that his filing came within a day of the final deadline.

In the event that the acquittal is sustained, the prospects for a return of Dr. Altınel's passport by the competent authorities should be radically improved, though the

³⁰Cf. App. G.2.

passport authorities retain the authority to make their own determination of security risks independently of any judicial process. Thus a substantial cloud of uncertainty still envelops the case, and matters should be considerably clearer in a few weeks.

Until his passport is reissued, Dr. Altinel will remain unable to fulfill his obligations to the university Lyon 1 or to return to his permanent residence in Lyon. In the normal course of events it is likely that the simple process of requesting a new passport and receiving some formal response to this request will itself take more than a month.

The relevant higher authorities in Turkey are the Minister of the Interior as well as the Minister of Higher Education. There are close working relationships between various research and educational institutions in France and Turkey.

END OF THE REPORT ON THE JANUARY, 2020 HEARING
FOR TUNA ALTINEL AT BALIKESIR, BY GREGORY CHERLIN
Documentation and contextual information follows

APPENDIX A. NOTICE OF INTENT TO APPEAL, JANUARY 30, 2020

English translation based on French translation of original. Document filed on (and dated) January 30, 2020.

REPUBLIC OF TURKEY
OFFICE OF THE CHIEF STATE PROSECUTOR, BALIKESİR

JAN. 30, 2020

Request for delivery of the judgment for use in filing an appeal.

Request number: 2020/12

Re: Request for delivery of the judgment for use in filing an appeal.

To the Central Court of Balıkesir, 2nd Chamber.

Request for delivery of the judgment for use in filing an appeal.

Request filed by: Mr. Lokman ARAS, State Prosecutor—211139

Judgment concerned by the request: Judgment no. 2019/232-Base; 2020/40 Verdict of Jan. 24, 2020 of the Central Court of Balıkesir, 2nd Chamber.

Grounds for the request: The State Prosecutor will file an appeal against the aforementioned judgment on the basis of procedural and legal errors.

Conclusion and request: We request, in the name of the public, the communication to the State Prosecutor of the aforementioned judgment to enable the latter to prepare his appeal.

Lokman ARRAS

211139

State prosecutor

APPENDIX B. OFFICIAL HEARING TRANSCRIPTS, REVERSE CHRONOLOGICAL ORDER

In the official hearing transcripts, all-caps entries refer to recordings of the speakers. The recurrent phrase “SANIK AHMET TUNA ALTINEL” refers to “the accused, (Ahmet) Tuna Altinel,” “VEKİLİ” means “defense,” and “SEGBİS ile kaydedildi” signifies that their statements were recorded by the AV system. Thus the record of the main body of the hearing consists of a list of the speakers whose statements were recorded, in the order in which they spoke.

B.1. January 24, 2020: official transcript (Turkish); with translation.

T.C.
BALIKESİR
2. AĞIR CEZA MAHKEMESİ
DURUŞMA TUTANAĞI

DOSYA NO : 2019/232 Esas

DURUŞMA TARİHİ : 24/01/2020

CELSE NO : 3.

BAŞKAN : Mehmet Deniz MALKOÇ 125282

ÜYE : Arife AĞAYA ÜNAL 193541

ÜYE : Nagehan KISACIK 199054

CUMHURİYET SAVCISI : Lokman ARAS 211139

KATİP : Recep KÖKLÜ 116783

Belirli gün ve saatte celse açıldı.

Sanık Ahmet Tuna Altinel ile sanık vekilleri Av. Oya Meriç Eyüboğlu, Av. Gizem Sayın ve Av. Ahmet İnan Yılmaz geldi. Açık duruşmaya devam olundu.

Ankara CBS nin 2019/121396 soruşturma sayılı dosyasına müzekkere yazılarak sanık hakkında gizlilik kararı mevcut değilse soruşturma dosyasının bir örneğinin mahkememize gönderilmesinin istenildiği, cevabının döndüğü görüldü.

İDDİA MAKAMINDAN SORULDU:

19/11/2019 tarihli duruşmada verdiğimiz esas hakkındaki mütalaamızı tekrar ederiz dedi.

İDDİA MAKAMI ESAS HAKKINDAKİ MÜTALASINDA:

Deliller, iddia, sanık savunma ifadeleri, sosyal medya internet paylaşım çıktıları, dosyaya gelen yazı cevapları ve tüm dosya kapsamına göre, sanık hakkında yasadışı PKK/KCK terör örgütü üyesi olduğundan bahisle kamu davası açılmış ise de; sanığın iddianamede atılı 21/02/2019 tarihinde 'CİZRE, Cizre Bir Katliamın Hikayesi' başlığı altında; "Sıcaktı 2015 yazı, çok sıcak! Önce 7 Haziran'dan yükselen umudun sıcaklığı ısıttı barış isteyen yürekleri. Ama çok sürmedi bu. Kaos tüccarları harekete geçmişti. Önce Suruç Katliamı, hemen sonrasında Ceylanpınar'da faileri bulunmasın diye devletin elinden geleni yaptığı polis cinayetleri. Ve devlet tetiğe bastı. Savaş cehenneminin yakıcı, yıkıcı alevleri ortalığı kapladı. Halkların yeni bir yaşam arayışına ses olmaya çalışan özyönetim çabalarına devletin tepkisi tahmin edilenlerin de ötesinde oldu. İnsanlar oturdukları mahalleleri, şehirleri terke zorlandı. Çıkmayanlara onları neyin beklediği söylenmedi bile. Ardından ablukalar, sokağa çıkma yasakları başladı. Meskun mahallelere ağır silahlar, tanklar sokuldu, asker, polis, özel hareketçi yığıldı. * Teröristler hendeklerine gömülecek emri vardı. Oysa savaşılmalılar mahalleli gençler, katledilenler sivillerdi. Bebekler, analar, dedeler keskin nişancıların tercih ettiği hedefler haline geldi. Kanun, vicdan hepsi yerle bir edildi.

Cizre de aldı payını bu vahşetten. 2015 Ağustosun'dan itibaren sahneye konan savaş oyununun son perdesi 2016 Şubat'ta oynandı. Savunmasız onlarca insan Cudi mahallesinin üç bodrumunda katledildi, yakıldı. Cizre belgeseli bizleri katliam kurbanlarının bazılarıyla tanıştıyor. Yaşamlarına katılıyor, çabalarına tanık oluyoruz, beklentilerini dinliyoruz, onlar üç beş kiloluk kömürleşmiş kemik yığınları haline getiren vahşeti hissediyoruz.

Cizre belgeseli yönetmenin yöre halkıyla yürüttüğü imece çalışmasının ürünü. İlk yarısında yükselen umutları resmediyor. İkinci yarıda yitirilenlerin yakınlarının tanıklıklarını dinletiyor. Bizleri, yöre halkıyla birlikte yıkıntıların arasına sokuyor. Bodrumların bulunduğu binaların yerine TOKİ konutları dikerek suçlarını unutturacaklarını sananlara inat hafızamızı diri tutuyor. Birlikte yaşam boş bir umut olarak kalmasın! 21 Şubat perşembe günü saat 19'da birlikte olalım. Dönemin HDP Şırnak Milletvekili, olayların tanığı FAYSAL SARIYILDIZ da bizlerle birlikte olacak, tanıklığını paylaşacak, soruları yanıtlayacak." şeklindeki paylaşımının PKK/KCK terör örgütünün propagandasını yapma suçu kapsamında kaldığı, bu nedenle sanığın yasadışı PKK/KCK terör örgütünü övücü eylem ve fiilleri meşru gösterecek şekilde paylaşımlarda bulunduğu anlaşılacakla eylemine uyan TMK'nın 7/2-2.cümle, TCK'nın 53, ve 63. maddeleri uyarınca cezalandırılmasına,

Karar verilmesi kamu adına talep ve mütalaa olunur, dedi. SEGBİS kaydına başlandı.

SANIK AHMET TUNA ALTINEL'DEN SORULDU: SEGBİS'le kayıt altına alındı.

SANIK AHMET TUNA ALTINEL VEKİLİ AV. OYA MERİÇ

EYÜBOĞLU'NDAN SORULDU: SEGBİS'le kayıt altına alındı.

SANIK AHMET TUNA ALTINEL VEKİLİ AV. GİZEM SAYIN'DAN SORULDU: SEGBİS'le kayıt altına alındı.

SANIK AHMET TUNA ALTINEL VEKİLİ AV. AHMET İNAN YILMAZ'DAN SORULDU: SEGBİS'le kayıt altına alındı.

Dosya kapsamında araştırılması gereken başkaca bir husus kalmadığı anlaşılınca karar verileceği tefhim edildi.

SANIKTAN SON SÖZÜ SORULDU: SEGBİS’le kayıt altına alındı. SEGBİS kaydına son verildi.

Dosya incelendi yapılacak başka bir işlem kalmadığı anlaşıldığından açık duruşmaya son verildi.

HÜKÜM: Gerekçesi 15 gün içinde yazılacak kararda açıklanmak üzere;

1-Sanık AHMET TUNA ALTINEL hakkında Silahlı Terör Örgütüne Üye Olma suçundan, her ne kadar 5237 sayılı TCK’nın 314/2 maddesi uyarınca cezalandırılması talebiyle mahkememizde kamu davası açılmış ise de, dosya kapsamından toplanan deliller bütün olarak değerlendirildiğinde, sanığın mahkumiyetine yeterli görülebilecek şüpheden uzak ve kesin delillere ulaşılamadığından vaki şüphe sanık lehine takdir olunarak, müsnet suçtan sanığın CMK 223/2-e maddesi gereğince BERAATİNE,

2-Bu suç yönünden yapılan yargılama giderlerinin kamu üzerinde bırakılmasına,

3- (a)Balıkesir adli emanetinin 2019/3975 sırasında kayıtlı, 19/11/2019 tarihli SEGBİS çözüm dökümünün bulunduğu bir adet DVD’nin DOSYADA DELİL OLARAK SAKLANMASINA,

(b)Balıkesir adli emanetinin 2019/3358 sırasında kayıtlı SEGBİS çözümünü içerir bir adet DVD’ninDOSYADA DELİL OLARAK SAKLANMASINA,

4-Sanık kendisini vekil ile temsil ettirdiğinden yürürlükte bulunan AAÜT’ye göre maktu olarak takdir olunan 6.810,00 TL vekalet ücretinin hazineden alınarak sanığa verilmesine,

5-Sanık hakkında varsa daha önce hükmolunan adli kontrol kararlarının, kararın kesinleşmesi beklenmeksizin kaldırılması için müzekkere yazılmasına,

Dair, sanık ve vekillerinin yüzüne karşı, kararın huzurda bulunanlar için tefhiminden, yokluğunda karar verilenler için tebliğinden itibaren 7 GÜN içerisinde mahkememize veya başka yer mahkemesine verilecek bir dilekçe ile veya zabıt katibine beyanda bulunmak suretiyle Bursa Bölge Adliye Mahkemesi nezdinde istinaf yasa yolu açık olmak üzere, Cumhuriyet Savcısı Lokman ARAS’ın mütalaasına aykırı surette, oybirliği ile verilen karar açıkça okunup usulen anlatıldı.

24/01/2020

Baskan 125282 Üye 193541 Üye 199054 Katıp 116783

E-İmza

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E-İmza

TRANSCRIPT IN ENGLISH: UNOFFICIAL TRANSLATION

The session was opened on the appointed day and time. Defendant Ahmet Tuna Altinel and his representatives Atty. Oya Meriç Eyüboğlu, Atty. Gizem Sayin, and Atty. Ahmet Inan Yılmaz were in attendance.

The hearing continued in open session.

The query about the file of the Ankara prosecutor’s office concerning the defendant numbered 2019/121396, if not subject to an order of confidentiality, with a request for the file, was answered. ASKED BY PROSECUTOR:

He said, “We would like to repeat our opinion about the case we gave in the hearing dated 19/11/2019.”

OPINION OF THE PROSECUTOR:

According to the evidence, the indictment, the defendant’s interrogation, social media internet posts, entire file contents, although a criminal complaint has been filed against the defendant as an illegal PKK / KCK terrorist member. In the indictment, on 21/02/2019

under the title of “CIZRE, Cizre The Story of a Massacre” we find: *It was hot, in the summer of 2015, very hot! At first the hope that arose on June 7 warmed the hearts of lovers of peace. But this did not last. Dealers in chaos went into action. First the Suruç massacre, the police murders whose perpetrators the state tried to shield in Ceylanpınar. And the state pushed the trigger, and the burning, devastating flames of the hell of war erupted.*

The reaction of the state to efforts toward autonomy, trying to voice the peoples’ aspiration for a new life, was beyond all expectation. People were forced to leave their neighborhoods and cities. Those who did not leave were not even told what awaited them. Then blockades, curfews began. Heavy weapons and tanks were brought into residential neighborhoods, soldiers, police, special operations personnel were piled up. The order was given to bury the terrorists in their moat. However, those fighting were young people from the neighborhood, and those who were murdered were civilians. Babies, mothers and grandfathers have become the targets of snipers. The law, conscience were all destroyed.

Cizre also received its share of this brutality. The last act of the war drama, which had been staged since August 2015, was played out in February 2016. Dozens of vulnerable people were murdered and burned in three basements of the Cudi neighborhood. The Cizre documentary introduces us to some of the victims of the massacre. We participate in their lives, witness their efforts, listen to their expectations, then feel the brutality that has turned them into three to five pounds of charred bone mass.

This is the product of the Cizre documentary director’s work in coordination with the local people. In its first half it depicts rising hopes. He presents the testimony of the relatives of those who were lost in the second half. It puts us among the ruins with the local people. The memory of those who think that they will forget their crimes by building TOKİ³¹ residences in place of the buildings where the basements were located keeps our own memory alive.

Living together should not be a vain hope! Let us come together at 19:00 on Thursday, February 21. Former HDP MP for Sırnak, FAYSAL SARıYILDIZ, a witness of these events, will be with us, will share his testimony, and answer questions.” — that for his sharing of propaganda of the PKK / KCK terrorist organization, according to articles TMK 7 / 2-2, TCK 53 and 63, on behalf of the public, he should be convicted.

AV SYSTEM in operation

DEFENDANT AHMET TUNA—SPOKEN BY ALTINEL: Recorded with SEGBİS.

DEFENDANT AHMET TUNA DEFENSE ATTY. OYA MERİÇ EYÜBOĞLU SPOKE: Recorded with SEGBİS.

DEFENDANT AHMET TUNA DEFENSE ATTY. GİZEM SAYIN SPOKE: Recorded with SEGBİS.

DEFENDANT AHMET TUNA DEFENSE ATTY. AHMET İNAN YILMAZ SPOKE: Recorded with SEGBİS.

Agreed that there was no further matter to be investigated for the file.

DEFENDANT’S FINAL STATEMENT REQUESTED: Recorded by SEGBİS.

SEGBİS recording terminated.

Since the file had been examined, it was understood that there was no more testimony to be taken and the open hearing was ended.

VERDICT—The legal reasoning to be explained in the full decision, to be written within 15 days;

1-The defendant AHMET TUNA ALTINEL has been charged with membership in an Armed Terrorist Organization, a criminal complaint has been filed in our court requesting

³¹U.S.: H.U.D.

punishment in accordance with Article 314/2 of the TCK; considering the evidence collected in the file as a whole, the weight of the evidence is insufficient and in the absence of precise evidence the court rules in favor of the accused, in accordance with clause (2e) of article CMK 223;

2-Court expenses made for the trial to be borne by the public;

3-(a) A DVD containing the SEGBİS transcription for 19/11/2019 with registration number 2019/3975 at the judicial archives of Balıkesir, will be KEPT ON FILE AS EVIDENCE;

(b) A DVD containing the SEGBİS transcription with registration number 2019/3358, will be KEPT ON FILE AS EVIDENCE;

4-As the defendant has representation, the representation fee, which is evaluated according to the AAÜT in force, is to be received from the treasury and given to the accused,

5-An order to be issued to remove judicial restrictions previously placed the accused—if any—without waiting for the finalization of the decision.

B.2. November 19, 2019: official transcript (Turkish); with translation.

T.C.
BALIKESİR
2. AĞIR CEZA MAHKEMESİ
DURUŞMA TUTANAGI

DOSYA NO : 2019/232 Esas

DURUŞMA TARİHİ : 19/11/2019

CELSE NO : 2.

BAŞKAN : Mehmet Deniz MALKOÇ 125282

ÜYE : Arife AGAYA ÜNAL 193541

ÜYE : Nagehan KISACIK 199054

CUMHURİYET SAVCISI : Lokman ARAS 211139

KATİP : Recep KÖKLÜ 116783

Belirli gün ve saatte celse açıldı.

Sanık Ahmet Tuna Altınel ile sanık vekilleri Av. Oya Meriç Eyüboğlu ve Av. Ahmet Inan Yılmaz geldi. Açık duruşmaya devam olundu.

Heyet değişikliği nedeniyle önceki zabıtlar okundu.

Ankara CBS nin 2019/121396 soruşturma sayılı dosyasına müzekkere yazılarak sanık hakkında gizlilik kararı mevcut değilse soruşturma dosyasının bir örneğinin mahkememize gönderilmesinin istenildiği, cevabının dönmediği anlaşıldı.

İDDİA MAKAMINDAN SORULDU: Tevsii tahkikat talebimiz yoktur. Esas hakkındaki mütalaamız hazırdır dedi.

İDDİA MAKAMI ESAS HAKKINDAKİ MÜTALASINDA: Deliller, iddia, sanık savunma ifadeleri, sosyal medya internet paylaşım çıktıları, dosyaya gelen yazı cevapları ve tüm dosya kapsamına göre, sanık hakkında yasadışı PKK/KCK terör örgütü üyesi olduğundan bahisle kamu davası açılmış ise de; sanığın iddianamede atılı 21/02/2019 tarihinde “CİZRE, Cizre Bir Katliamın Hikayesi” başlığı altında; *“Sıcaktı 2015 yazı, çok sıcak! Önce 7 Haziran’dan yükselen umudun sıcaklığı ısıttı barış isteyen yürekleri. Ama çok sürmedi bu. Kaos tüccarları harekete geçmişti. Önce Suruç Katliamı, hemen sonrasında Ceylanpınar’da failleri bulunmasın diye*

devletin elinden geleni yaptığı polis cinayetleri. Ve devlet tetiğe bastı. Savaş cehenneminin yakıcı, yıkıcı alevleri ortalığı kapladı.

*Halkların yeni bir yaşam arayışına ses olmaya çalışan özyönetim çabalarına devletin tepkisi tahmin edilenlerin de ötesinde oldu. İnsanlar oturdukları mahalleleri, şehirleri terke zorlandı. Çıkmayanlara onları neyin beklediği söylenmedi bile. Ardından ablukalar, sokağa çıkma yasakları başladı. Meskun mahallelere ağır silahlar, tanklar sokuldu, asker, polis, özel hareketçi yığıldı. * Teröristler hendeklerine gömülecek emri vardı. Oysa savaşlılar mahalleli gençler, katledilenler sivillerdi. Bebekler, analar, dedeler keskin nisancuların tercih ettiği hedefler haline geldi. Kanun, vicdan hepsi yerle bir edildi.*

Cizre de aldı payını bu vahşetten. 2015 Ağustosun'dan itibaren sahneye konan savaş oyununun son perdesi 2016 Şubat'ında oynandı. Savunmasız onlarca insan Cudi mahallesinin üç bodrumunda katledildi, yakıldı. Cizre belgeseli bizleri katliam kurbanlarının bazılarıyla tanıştırıyor. Yaşamlarına katılıyoruz, çabalarına tanık oluyoruz, beklentilerini dinliyoruz, onlar üç bes kiloluk kömürleşmiş kemik yığınları haline getiren vahşeti hissediyoruz.

Cizre belgeseli yönetmeninin yöre halkıyla yürüttüğü imece çalışmasının ürünü. İlk yarısında yükselen umutları resmediyor. İkinci yarıda yitirilenlerin yakınlarının tanıklıklarına dinletiyor. Bizleri, yöre halkıyla birlikte yıkıntıların arasına sokuyor. Bodrumların bulunduğu binaların yerine TOKİ konutları dikerek suçlarını unutturacaklarını sananlara inat hafızamızı diri tutuyor.

Birlikte yaşam boş bir umut olarak kalmasın! 21 Şubat perşembe günü saat 19'da birlikte olalım. Dönemin HDP Şırnak Milletvekili, olayların tanığı FAYSAL SAR1Y1LD1Z da bizlerle birlikte olacak, tanıklığını paylaşacak, soruları yanıtlayacak.” seklindeki paylaşımının PKK/KCK terör örgütünün propagandasını yapma suçu kapsamında kaldığı, bu nedenle sanığın yasadışı PKK/KCK terör örgütünü övücü eylem ve fiilleri meşru gösterecek şekilde paylaşımlarda bulunduğu anlaşılacakla eylemine uyan TMK'nın 7/2-2.cümle, TCK'nın 53, ve 63. maddeleri uyarınca cezalandırılmasına,

Karar verilmesi kamu adına talep ve mütalaa olunur, dedi.^{32,33}

SEGBİS kaydına baslandı.

SANIK AHMET TUNA ALTINEL'DEN SORULDU: SEGBİS'le kayıt altına alındı.

SANIK AHMET TUNA ALTINEL VEKİLİ AV. OYA MERİÇ

EYÜBOĞLU'NDAN SORULDU: SEGBİS'le kayıt altına alındı.

SANIK AHMET TUNA ALTINEL VEKİLİ AV. AHMET INAN YILMAZ'DAN

SORULDU: SEGBİS'le kayıt altına alındı.

SEGBİS kaydına son verildi.

SANIKTAN SORULDU: Duruşmalardan varestede tutulmayı talep ederim dedi.

Dosya incelendi.

GEREĞİ DÜŞÜNÜLDÜ:

- (1) – Sanık ve vekillerine esasa dair savunmalarını hazırlamak üzere gelecek celseye kadar süre verilmesine,

³²T.C. BALIKESİR 2. AĞIR CEZA MAHKEMESİ Duruşma Tar: 19/11/2019 Dosya No : 2019/232 Esas Bu belge 5070 sayılı Yasa hükümlerine göre elektronik olarak imzalanmıştır** UYAP Bilişim Sistemindeki bu dokümana <http://vatandas.uyap.gov.tr> adresinden xXIRxHf - lGB8+Gc - w6yVX4F - 6iRkFA= ile erişebilirsiniz.

³³The italicized material in blue is a lengthy citation from an announcement of the February 21, 2019 public meeting held in Lyon. The bulk of the hearing was recorded on an audio-visual system denoted SEGBİS, and only the names of the subsequent speakers are given until the system is turned off at the end of the hearing, and the rulings are given.—GC

- (2) – Ankara CBS nin 2019/121396 soruşturma sayılı dosyasına müzekkere yazılarak sanık hakkında gizlilik kararı mevcut değilse soruşturma dosyasının bir örneğinin mahkememize gönderilmesinin istenildiği, cevabının dönmediği anlaşılmalı, akıbetinin sorulmasına,
- (3) – SEGBİS kayıtlarının fiziki ortama aktarılmasına ilişkin olarak 1. celsede (21 sayfa) sarf ettiği emek ve mesaisine karşılık olarak Zabıt Katibi Emre YILDIRAK'a 420 TL ücret takdirine, bu hususta sarf kararı yazılmasına,
- (4) – SEGBİS dökümünün bu celse yönünden yazılı tutanağa dökülmesine, buna ilişkin sarf kararı yazılmasına,
- (5) – Sanığın duruşmalardan varestede tutulmasına, Bu nedenle duruşmanın 24/01/2020 günü saat 14.30'a bırakılmasına oy birliği ile karar verildi. 19/11/2019

Baskan 125282 Üye 193541 Üye 199054 Katıp 116783

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B.3. July 30, 2019: Official hearing record, Balıkesir, transcribed (Turkish).

DURUŐMA TUTANAĐI

Dosya No	: 2019.232 - Esas
DuruŐma tarihi	: 30/07/2019
Celse No	: 1
BaŐkan	: Mehmet Deniz Malkoç 125282
Üye	: Bayram Cem Kara 196022
Üye	: Yıldız Yanık 196177
Cumhuriyet Savcısı	: Mehmet Parlar 122417
Katip	: Emre Yıldırak 154720

Belirli gün ve saatte celse açıldı.

Tutuklu sanık Ahmet Tuna Altinel'in (Balıkesir L. Tipi Kaplı CİK'ten Mahkeme huzuruna getirilerek) bağısız olarak hazır edildiđi.

Tutuklu sanık vekilleri Oya Meriç Eyübođlu, AyŐe Aylin Barcın, Av. Ali Avdun, Av. İmdat AtaŐ, İlahi Öz, Ahmet İnan Yılmaz'ın geldikleri görüldü.

CMK.nun 191 Őaddesi geređince iddianamenın kabulü kararı okundu, açık duruŐmaya baŐlandı.

Heyet deđiŐikliđi nedeniyle tensip zaptı ve diđer belgeler okundu.

Tutuklu sanıđa CMK 176/3 md. uyarınca iddianame ve duruŐma gününün tebliđ edildiđi,

Sanıđın tutuklu bulunduđu Balıkesir L. Tipi Kapalı Ceza İnfaz Kurumuna duruŐma günü mahkememizde hazır edilmesine dair müzekkere yazıldıđı,

Sanık müdafimine duruŐma gün ve saatini bildirir tebligat çıkartıldıđı,

Ankara TEM Daire BaŐkanlıđı ve Balıkesir TEM Őube Müdürlüğüne, sanık hakkında terör araŐtırması yapılmasının istenilmesine dair yazılan müzekkere yanıt verildiđi,

İstanbul 29. ACM'nin 2018/14 esas sayılı dosyasına, her iki dosyanın İstanbul'da birleŐtirilmesi için muvafakat sorulmasına dair yazılan müzekkereye gelen cevabi yazıda muvafakat verilmediđine iliŐkin cevap verildiđi,

Görüldü. Gelen bilgi ve belgeler okundu. Dosyasına konuldu.

SEGBİS KAYDINA BAŐLANILDI. SAAT : 14:48

Sanık huzura alındı, sanıđa 5271 S.Y. CMK. 106.2. maddesinde düzenlenen adres iliŐkin yükümlülükleri ve CMK. 147.1-a maddesi geređince kimliklerine iliŐkin yönetilen soruları dođru olarak cevaplandırmaları yönündeki yükümlülükleri ihtar edilerek CMK. 191/3-a maddesi uyarınca hüviyet tespitine geçildi,

SANIK: AHMET TUNA ALTINEL, İSMAİL SAMİ Ođlu, EMİNE ZUHAL'den olma, 12/02/1966 dođumlu, BALIKESİR ili, SUSURLUK ilçesi, DEMİRKAPI köy/ mahallesi, 16 cilt, 62 aile sıra no, 14 sıra no'da nüfusa kayıtlı, 73 Rue Boileau 69006 Lyon/Fransa adresinde ikamet eder.

CMK'nin 191/3-b maddesi geređince sanıđa Balıkesir C. BaŐsavcılıđınca düzenlenen iddianame ile ekli belgeleri okundu, yüklenen suçlama anlatıldı. CMK'nın 147, 191/3-c. maddeleri uyarınca yüklenen suç hakkında açıklamada bulunmamasının kanuni hakkı olduđu, müdafii seçme hakkının bulunduđu ve onun hukuki yardımından yararlanabileceđi, müdafii seçecek durumu olmadıđı ve bir müdafii yardımından faydalanmak istediđi takdirde kendisine baro tarafından bir müdafii görevlendirebileceđi, Őüpheden kurtulması için somut delillerin toplanmasını isteyebileceđi ve kendisi aleyhine varolan Őüpheden ortadan kaldırsak ve lehine olan hususları ileri sürmek olanađının bulunduđu Őeklindeki yasal hakları açıkça anlatıldı.

Sanıktan soruldu: Yasal haklarımı anladım, iddianame bana tebliğ edildi, süre talebim yoktur, savunmamı hazır olan müdafilerim huzurunda yapacağım, dedi.

SANIK AHMET TUNA ALTINEL SAVUNMASINDA: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AV. MERİÇ EYÜBOĞLU'NDAN SORULDU: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AV. AHMET İNAN YILMAZ'DAN SORULDU: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AYŞE AYLİN BARCIN'DAN SORULDU: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AV. İLAHİ ÖZ'DEN SORULDU: SEGBİS ile kaydedildi

İDDİA MAKAMINDAN SORULDU: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AV. MERİÇ EYÜBOĞLU'NDAN SORULDU: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AV. AHMET İNAN YILMAZ'DAN SORULDU: SEGBİS ile kaydedildi

SANIK AHMET TUNA ALTINEL VEKİLİ AV. İLAHİ ÖZ'DEN SORULDU: SEGBİS ile kaydedildi

SANIK'TAN AHMET TUNA ALTINEL'DEN SORULDU: SEGBİS ile kaydedildi

SEGBİS KAYDINA SON VERİLDİ: 16:14

Dosya incelendi.

GEREĞİ DÜŞÜNÜLDÜ:

1 - Sanık Ahmet Tuna Altinel hakkında Mahkememizin tensip ara kararı gereğince İstanbul 29. Ağır Ceza Mahkemesinin 2018/14 Esas sayılı dosyası üzerinden birleştirme muvafakati sorulmuş olsakla suç türü ile suç tarihlerinin farklı olduğu, yargılamanın ayrı yapılmayı gerektiği gerekçesi ile birleştirmeye muvafakat verilmediği anlaşılmakla bu aşamada İstanbul 29. Ağır Ceza Mahkemesinin 17/06/2019 tarihi müzekkere cevabı uygun görülmele bu aşamada dosyaların birleştirilmesine yer olmadığına,

2-Sanık Ahmet Tuna Altinel'in dosyadaki mevcut delil durumu, delillerin büyük oranda toplanmış olması, sanığın sorgusunun ikmal edilmiş olması sebepleri gözetilerek bu aşamada bihakın TAHLİYESİNE,

3- Mahkememizin müstecir yetkili üyelerinin her üçünün de izinde oluşu, bu celseye iştirak eden üye hakimlerin komisyon görevlendirmesi ile geçici olarak duruşmaya çıktığı gözetilerek dosyanın esas bakımından müstemir yetkili üyelerle birlikte değerlendirme yapılmak üzere dosyanın bu aşamada incelemeye alınmasına,

4- Sanığın sorgusunun ikmal edilmiş olması ve talepler değerlendirilmekle duruşmalardan bağışık tutlumasına,

5-Ankara CBS'nın 2019/121396 soruşturma sayılı dosyasına müzekkere yazılarak sanık hakkında gizlilik kararı mevcut değilse soruşturma soyasının bir örneğinin Mahkememize gönderilmesinin istenilmesine,

Bu nedenle duruşmanın 19/11/2019 günü saat : 14:00'a bırakılmasına oy birliği karar verildi. 30/07/2019.

Followed by four e-signatures: the panel of judges and the court clerk.

APPENDIX C. NOVEMBER 19, 2019: RECORDED TESTIMONY (UNOFFICIAL TRANSLATION)

SEGBİS RECORD RESOLUTION MINUTE
 CONTENT OF THE VIDEO RECORD OF THE CASE FILE
 OF THE BALIKESİR 2ND HIGH CRIMINAL COURT
 ON THE DATE OF 19/11/2019 (SESSION 2):

SEGBİS recording started.

TUNA ALTINEL:

I will not be very long.

The text cited is a jointly prepared announcement by the association organizing that night. I do not think I am the only one responsible. In addition, its content has already been confirmed by a number of national or international human rights reports made during and after that year, in the summer and thereafter in 2015-2016. You have not been reading terrorist organization propaganda, you have read out a series of facts. I reject this accusation and demand my immediate acquittal.

You also released me last time, you were here, the other friends — I'm sorry, the other members of the delegation³⁴— were not present. I have not received my passport since then, in a sense I am being harassed. Although I have no ban on international travel while at liberty during my trial, I very unjustly am unable to return to my work. I am left stranded in Turkey, this administrative decision is turning this country into a prison for me. I wanted to express this point here, and once again I reiterate, the text you have just read cannot be construed as terrorist propaganda.

As I said, in the period starting from the summer of 2015 to the beginning of the summer of 2016, in the course of the conflict there were many human rights violations. Something has been done by independent international organizations, and the association of which I am a member was also concerned and organized a night to foster awareness of the issue, for which this is the introductory text. What you have read is a series of facts, not propaganda. And I demand my immediate acquittal.

OYA MERİÇ EYÜBOĞLU, ESQ.:

Mr. President, Your Honors, we have already discussed in the previous hearing, both verbally and in writing, that the charge here cannot be that of membership in a terrorist organization. Therefore, the formulation of such an indictment was already preposterous. Of course, we also agree with the omission by the prosecution of any reference to membership in a terrorist organization;³⁵ but there is no crime here, and no crime of propaganda for a terrorist organization is to be seen.

Of course we will request time to prepare a written brief, but having just come a long way to attend, I would like to summarize in a few sentences, with your permission.

Our client was tried in another case, ongoing both at the time of his arrest and when we attended the previous hearing. He was on trial for signing a text signed by 1128 academics including references to violations of human rights during the long and uninterrupted curfews in the second half of 2015 in Cizre, and that trial contains the same information we have just heard, quotations of statements of opinions in sharper terms than those just heard were read out there. You are certainly well aware of this as you prepared a request to the 29th High Criminal Court in Istanbul seeking consent for a merger of the two cases.

³⁴Correcting a slip of the tongue.—GC

³⁵Referring to prosecution's opening statement.—GC

At this point the 29th High Criminal Court of Istanbul has concluded its trial. I would like to present the acquittal and a copy of the decision to your court. I would like to emphasize the importance of this case, and the connection with the opinions you are currently reviewing: the very same circle of events, a text that describes human rights violations in the same political climate and in the same period is in question.

You will see this when you compare this text, perhaps you already know it; I will guess that the committee will know the text entitled *We will not be parties to this crime*, as it is a text known to the public. Moreover, some documents, some of the 29th High Court documents are found in the present case file.

The text of the petition contains much more severe criticism than the announcement of February 21, but it went before the Constitutional Court. At the end of July, the General Assembly of the Constitutional Court discussed that text sentence by sentence and ultimately stated that it constituted an exercise of the right of freedom of expression, and the right to express harsh criticism. One cannot compare my client's sharing of a meeting announcement on Facebook to this petition or, again, its content to propaganda on behalf of a terrorist organization according to article 7/2 as I have seen in your second statement of views. It would be contrary to this recent ruling of the Constitutional Court to demand punishment for this.

Today I will say what can be said at this juncture. We demand another hearing in short order as we are confident your court will decide to acquit our client who has been deprived of his liberty for 81 days in the absence of any crime.

Unfortunately, we have filed a lawsuit with regard to the passport, directed to the administrative judiciary, but in our administrative application, as my client just stated, since we are facing an administrative process that insists on a prior acquittal it is important that we continue in the near future and proceed to a conclusion of the case as soon as possible, and that he be permitted to take up his duties at Lyon 1 with regard to his students and their academic instruction. Therefore, our request is for a delay for a relatively limited period.

I wish to present a considered analysis to the court: in terms of justification with regard to both 7/2, as I have said, and in terms of content.

AHMET İNAN YILMAZ, ESQ.:

Mr. President, the honorable delegation, the prosecution: of course we will discuss these matters further in written briefs, but I feel an obligation to draw the court's attention to one particular matter as of today. There is a text on which the prosecution is based which has been read out before you. I have previously discussed, quite briefly, the question as to whom this text belongs, and I have said that there is a convention to which our country adheres.³⁶ This convention includes the country in which the meeting in question was held, and our own, as well as all countries of the European Union. It says, I do not permit terrorist activities on my territory. Now, sir, if you allege that terrorist activity is taking place on the territory of a state with which you are a partner in accordance with this convention, there is another dimension to the affair, whose consequences are to be considered—or is it not foreseen that we will enter into this discussion? We will enter into this discussion, sir.

Do you claim that on the territory of a country that is our partner under the convention on the prevention of terrorism, a terrorist activity has been carried out? Do you claim a terrorist activity? Is this the claim? Accordingly I will now discuss the Council of Europe Convention on the Prevention of Terrorism number 7.³⁷

³⁶The Council of Europe Convention on the Prevention of Terrorism.—GC

³⁷An apparent reference to the additional protocol to the CECPT, 2015, Article 7 (Glossary, p. xxxi).—GC

We will have a statement to make in this context, but if this claim is actually to be taken as the basis for punishment, then this evidence, you must inquire into the health of this evidence. For example, from what source did the information in the file come? If this information is something on the internet, did you inquire into its reliability?

If you say the Ministry of Foreign Affairs, the embassy, this or that that ministry, then your court ought to take a moment to examine the reliability of this information. I may be obliged to inquire whether the Lyon consulate has recorded, observed, a meeting of a French association authorized by French law. You may have to inquire through the Ministry of Foreign Affairs or ask the embassy directly. But this has further implications.

Mr. President, of course we will present our defense in written form, my esteemed colleague explained very well, but there is an open debate on the quality of the evidence you are relying on, and we have not entered yet before the court into the phase of the discussion of the evidence. We have gone through the previous session and a decision has been made. This is our first session, technically.

We did not discuss the evidence, we do not know the value of this evidence. Therefore, if you allow us to discuss what we can discuss at this stage of the prosecution, we have not exhausted all of our materials, and we are still talking about what the prosecution is putting in the file, and what it is still considering.

Therefore, at the stage where we present our defenses on the merits, it will be on the record that there are some procedural issues and issues concerning criminal procedure that I tried to summarize briefly in our petition. In that context, your court may have to ask the Ministry of Foreign Affairs whether an embassy has monitored a legal meeting organized by the citizens of that state in a foreign country, and what findings it has reached as a result of its monitoring.

That is all I wished to say, thank you.

OYA MERİÇ EYÜBOĞLU, ESQ., :

Mr. President, excuse me, I omitted a point, when I started directly with a statement of our views. I once again wish to submit a series of documents with texts in Turkish and other languages to to your court.

In summary, I would like to say that there are representatives in attendance as observers of the hearing and the process from the Association of Symbolic Logic, the London Mathematical Society, the Committee of Concerned Scientists, the American Mathematical Society, the Sorbonne, University of Paris, the National Science Research Center, the Mathematical Research Laboratories (Lyon), the League of Human Rights, the Clooney Justice Foundation, and Lyon University; and I would like to add to the file their authorization documents.

They are in attendance, and here are the authorization documents in the relevant languages and in Turkish.

SEGBİS recording was terminated.

Clerk 116783

President 125282

** This document is signed electronically according to the provisions of Law No. 5070 **

APPENDIX D. DOCUMENTS FROM THE CASE FILE

D.1. Excerpts from the text of the indictment, July 30, 2019. After the hearing I was able to review the original indictment (12 pages) and an English translation giving the

general sense though not preserving the style. Some pages consist of screenshots of social media. Excerpts follow.

Indictment: Page 1

The Defendant: Ahmet Tuna ALTINEL

The Alleged Crime: Membership in a terrorist organization

Date and Place of the Crime: 10/05/2019 and previously.

Date of Detention: 10/05/2019. 11/05/2019.

Date of Arrest: 11/05/2012 (... Bahkesir ..., interrogation number 2019/168)

Articles of Referral: ... 3713: 5,7; 5237: 314/2, 53/1, 58/9, 63

Evidence: The allegation; records of statements and interrogation reports of the suspect; minutes of the search; investigation and findings prepared by the security agencies; minutes of the open source examination; the civil registry record; and the contents of the investigative file.

Indictment: Page 3, last lines of the historical review of the PKK

That these bodies affiliated to the KCK/Rojava have been formed by the senior leaders of the terrorist organization of the PKK/KCK upon the directives of Abdullah Öcalan.³⁸

Indictment: Page 3, 2nd half, charges detailed

It is hereby understood that: as shown by the report issued by the Ministry of Foreign Affairs ... dated February 27, 2019 ... regarding the conference organized in Lyon by PKK affiliates, a conference called *Cizre—The Story of a Massacre* which took place in the Palais du Travail of the Municipality of Villeurbanne on February 21, 2019, was organized by affiliates of the terrorist organization of the PKK/KCK; that in this conference held on February 21, 2019 by said affiliates ... unsubstantiated claims and accusations were made by Faysal Sariyıldız, whose passport has been invalidated due to his illegal organizational activities and for whom a search warrant has been issued; that it was claimed that ... certain war crimes were committed and that civilians had been massacred, and that Western countries had remained silent in the face of this massacre; that, according to the information provided by the general consulate of Lyon, Ahmet Tuna Altinel is the person who had hosted the event and made simultaneous translation for Faysal SARIYILDIZ, and that he organized the conference and played the most visible role in the event;³⁹ that on PKK/KCK and Armenian websites [sic] he demonstrated an adversarial attitude to our country;

*Indictment, Page 7:
Screenshot of social media posting,
as further evidence of PKK membership*

³⁸Öcalan (PKK): incarcerated in Turkey since 1999; involved in peace negotiations with the Turkish government in the period 2012–2015.—GC

³⁹These phrases recur as a photo caption later on, in lieu of a discussion.—GC

(Text shown)

Tomorrow on April 19 at 12:30, we will meet to show our solidarity with Füsün Üstel. We do not live with shame as the citizens of a country that imprisons its academics, but with the pride of our uncompromising struggle against the perpetrators of this shame.

Peace smiles, war frowns, and despots shake like a leaf!

Indictment, Page 10:

*Verbatim extract from a post by AKLRA
announcing the meeting of February 21*

The summer of 2015 was boiling with heat! First the hope that condensed on June 7 warmed hearts that longed for peace. But this did not last long. The agents of chaos took action. It began with the Suruç massacre, and then came the assassinations of police officers in Ceylanpınar, where the state did everything possible to prevent the perpetrators from being identified. And then the state pulled the trigger. The cataclysmic flames of the inferno of war devoured everything.

⋮

Cizre also took its share. The final act of war as a play, which opened on August 15, was presented in February 2016. Tens of defenseless people were massacred.⁴⁰ ...

⋮

The documentary about Cizre ... keeps our memories alive ...

Don't let co-existence remain a vain hope! Let's be together on February 21 at 7 PM. Faysal SARIYILDIZ, who was a member of parliament for the HDP at that time, will be with us ... He will share his testimony and answer questions.

(End of verbatim quotations in the indictment)

*Indictment, bottom p. 10, and p. 11:
information from Tuna Altinel*

That he invited Faysal SARIYILDIZ ... via a phone call; that he had told him that he was organizing a conference that addressed the massacre at Cizre and that he had invited him to participate ...; that his main purpose ... was not to let the massacre in the basements be forgotten; that the PKK/KCK had no influence in the organization of this event; that the mentioned foundation had no affiliation with the PCK/KCK; that the video footage he screened ... was partially prepared by him and partially brought by Faysal SARIYILDIZ;

That he followed the massacre that the state forces carried out in Cizre from a channel called IMC TV; that he is of the opinion that defenseless people who sought refuge in a basement in Cizre were massacred by state forces; that he organized the aforementioned conference of his own accord and together with the [AKLRA]; that he organized it in order to exalt Turkey because he thinks that confronting the truth exalts a country; that he did not insult Turkey and that he did not demonstrate any attitude that insults Turkey on PKK or Armenian websites.

That he also attended protests that took place in Lyon along with [various] HDP parliamentarians; that he had got to know the foundation [AKLRA] in the course of these protests and that he has been a member of it for three years; ...

Indictment: pp. 11–12

⁴⁰Massacred: 178, by the estimates of the Turkish Human Rights Association; over 100 burned in basements according to the UN.—GC

[C]ertain digital materials were seized and no other [sic] elements of crime were found;

That the copying/extracting and analysis of these digital materials can take a considerable amount of time; taking into account that there is suspicion, sufficient to indict the suspect of committing the alleged crime; ... the results of the analysis of the digital material can also be presented in the prosecution phase; ... [such] reports ... will immediately be submitted to your court;

... though the investigation ... was initiated on the grounds of a crime of propaganda, ... the actions ... are judged to fall under the crime of membership in a terrorist organization.

Finally, the concluding summary on page 12 highlights the following alleged activities, and concludes on the basis of these allegations that the accused is a member of a terrorist organization (namely, the Kurdish Society of Lyon and Rhône-Alpes).

[T]he suspect ...

has designs against the territorial integrity of the Turkish Republic;⁴¹ ...

depicts military operations against terrorists in the PKK ... as a massacre; ...

acted in collaboration with other members of the organization that adopt the same discourses and attitudes;⁴² ...

played an active role in organizing the conference “Cizre—The Story of a Massacre;”

...

[acted] together with an organization whose actions are considered to be coordinated with the PKK/KCK and that bears the term “Kurdistan” on its logo;⁴³ ...

started a smear campaign; ... acted as host and translator ...

A number of the points in question, and the conclusion, were vigorously contested during the hearing by the accused and his lawyers (§3).

⁴¹Kurdistan: Glossary, p. xxxiii

⁴²ibid.

⁴³ibid.

D.2. Extract from the dossier: Report on a letter from the Turkish general consulate. Re: Conference organized at Lyon by PKK affiliates, 2/27/2019

TO THE MINISTRY OF THE INTERIOR (General Directorate of Security—Foreign Relations Department)

A letter received from our general consulate in Lyon brings to our attention the organization of a conference on February 21, 2019, in the hall known as the Labor Palace, belonging to the commune of Villeurbanne, on the theme *Cizre—History of a Massacre*, by affiliates of the PKK established in Lyon, notably the one called the Lyon and Rhône-Alpes Kurdish Association.

In a letter addressed to the Rhône prefecture our general consulate has requested that the conference be canceled on the grounds that what is in question was in no way a massacre nor a crime against humanity, but merely an episode in the fight against the PKK, an organization which is considered terrorist by the European Union, and in particular by France, since 2004, and that such an event would amount to propaganda for a terrorist organization. In spite of this request the conference did indeed take place.

The poster for the event published on social media affiliated with the PKK alleges that our security forces had massacred civilians calling for democratic autonomy in the course of operations conducted against PKK terrorists at Cizre in the month of February, 2016. In this setting, according to our information, a documentary film was shown during the conference, and afterward Mr. Faysal Sariyıldız, a former HDP deputy and purported witness of the “massacres,” made a speech. The event was streamed live in its entirety on the Facebook page of the Lyon and Rhône-Alpes Kurdish Association.

An inquiry conducted by our vice consul in Lyon on Konsolosluk.net discovered a recording according to which the fugitive Faysal Sariyıldız is sought by Interpol for organized clandestine activities, with his passport indicated as “canceled.”

During the conference, attended by approximately 40 people, Sariyıldız made entirely baseless allegations concerning our country, in particular that of a “massacre” of civilians in the course of operations carried out by our security forces in February in 2016 at Cizre, which according to him would be tantamount to war crimes, while casting reproaches on the silence of the West in the face of this tragedy.

The videos of the event shared on social media show Ahmet Tuna Altinel (Turkish citizenship number 34423039064) as a presenter of the event acting also as an interpreter for Sariyıldız. The individual in question is a professor of mathematics at the University Claude Bernard Lyon 1. He was an authorized observer with the right to intervene on behalf of the HDP in the votes organized by our general consulate on the campus DITIB on 7-19 June for the presidential and legislative elections (for the 27th national assembly).⁴⁴

⁴⁴The indictment itself does not retain authorized poll watching as evidence of terrorist activity.-GC

APPENDIX E. STATEMENTS BY DR. ALTINEL (REVERSE CHRONOLOGICAL ORDER)

E.1. Statement by Dr. Altinel, Balıkesir, January 24, 2020.

Translation

Your Honors,

Today friends from various countries of the world and from Turkey, colleagues, representatives of institutions are in attendance. I would like to begin by thanking 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, this is a date 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,⁴⁵ while those who are a little younger recall the murder of the journalist Uğur Mumcu, whose value was appreciated by people from all walks of life in 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:⁴⁶

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 thing in common—they were trapped, defenseless, in the basements where they lost their lives. They were massacred by security forces in the context of the chaos into which Turkey had been plunged. 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 this. “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

⁴⁵Jan. 24, 1980 IMF neoliberal package; military coup in September, 1980.

⁴⁶As 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>.

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 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. Thus my passport was confiscated on my entry to Turkey on April 12, 2019. The reason was not given. In Balıkesir, 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,⁴⁷ 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.

⁴⁷Central Court

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 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 propoganda 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 Altinel 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, even 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.”⁴⁸

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!

Original

Sayın Hakimler,

Bugün burada dünyanın çeşitli ülkelerinden ve Türkiye’den dostlar, meslektaşlar, kurum temsilcileri bulunmaktalar. Öncelikle kendilerine verdikleri destekten ötürü teşekkür etmek isterim. Varlıkları sayesinde sırtım daha bir sağlam, omuzlarımdaki sorumluluk da bir o kadar daha büyük.

Bugün 24 Ocak. Ülkemizde yaşanan birçok gün gibi pek uzak olmayan tarihimizin yüklediği acı anlamlarla dolu. Yaşı benimkine yakın ya da daha üzeri olanlar “acı ama zorunlu reçete” diye sunulan, bir askeri darbeye kabul ettirilen ekonomik paketi, biraz daha genç olanlar toplumumuzun her kesiminden insanın mesleki değerini kabul ettiği gazeteci Uğur Mumcu’nun bir faili meçhul cinayete kurban gidişini hatırlarlar. Ne yazık ki yaşadığımız bu günler yani ocak ayının sonu her akli eren, vicdanı unutmayı kabul etmeyen insanın hatırlayacağı bir başka

⁴⁸ “FETÖ borsası”—accusation of release of suspected Gulenists in exchange for bribes.

olayın acısıyla da yüklü. Dinleyelim: <https://m.bianet.org/bianet/insan-haklari/171683-cizre-deki-yaralilarin-48-saat-onceki-son-ses-kaydi-yayinlandi> Bu çılgınlıklar bir sinema filminden gelmiyor. 30 Ocak 2016 günü Cizre'den yükseldiler. Hala internette, haber sitelerinde bulunabilirler. Kimdi bu çılgınlıkları atanlar? Siyasetçi, aktivist, mahalleli, genç, yaşlı, kürt, türk. . . Farketmez! Ortak bir özellikleri vardı. Hayatlarını kaybettikleri bodrumlarda korunmasız mahsur kalmışlardı. Türkiye'nin içine itildiği bir kaos ortamında güvenlik güçleri tarafından katledildiler. Onlar teröristti. Kim oldukları, kaç kişi olduklarını neden apartmanların bodrumlarında oldukları önemsenmedi. Yakınlarına torbalar içinde yanık insan kemikleri “al bu senin baban”, denerek verildi.

Sonrasında da, yıkılan binaların yerine hızla yeni konutlar inşa edildi, sanki oralarda hiçbir şey olmamış gibi. . . Ama bir şeyler olmuştu. Hem de gözlerimizin önünde, kulaklarımızın dibinde. Bu ülkenin bir yurttaşı olarak sorgulamak, öğrenmek, yüzleşmek istedim. İstemek ne kelime, bunun bir yurttaşlık ödevi olduğunu düşündüm. Nasıl oluyor da böylesine ayan beyan, pervasızca şiddete başvuruluyor ve hemen ardından, yaraları sarmak yerine hiçbir şey olmamış gibi davranılabiliyordu. Sorgulamak, öğrenmek, yüzleşmek için yaptığım ilk şey olayların yaşandığı şehirlere gidip, insanlarla konuşmak oldu. Yani tanıklıkları dinlemek ve bir anlamda da tanık olmak istedim. İlk fırsat bulduğumda da İstanbul'dan otobüse bindim ve olayların geçtiği şehirlere ve bunlar arasında da Cizre'ye gittim. Gözlerimle gördüm, kulaklarımınla dinledim, aklımla düşündüm, kalbimle hissettim. Sorguladım, öğrendim, yüzleştim.

Bugün burada karşınızda olmama neden olan, üyesi olduğum Lyon-Rhône-Alpes Kürt Dostluk Derneği tarafından 21 Şubat 2019 tarihinde düzenlenen “Cizre, Bir Katliamın Hikayesi” adlı etkinliğe olan katkım da aynı kaygıların bir sonucudur. Yaptığım yolculuklar, dinlediğim insanlar, okuduğum raporlar üyesi olduğum derneğin düzenlemeye karar verdiği bir etkinlikte karşılıklarını buldular. Birinci celsedeki savunmamda da söylemiştim. Amacı tanıklıklara dayalı bir tartışma ve bellek çalışması yapmak, farkındalık, duyarlılık oluşturmak olan bir etkinlikti düzenlenen. Görsel belgeler paylaşıldı, dönemin birinci elden tanığı Faysal Sarıyıldız konuşma yaptı, anlattıkları tartışıldı. Bilgilenmenin, tartışmanın, yüzleşmenin kapsamının olabildiğince geniş kalması için her söz ve metin üç dilde, yani Kürtçe, Türkçe ve Fransızca'da ifade edilmeye çalışıldı. Gecenin kayıtları Facebook gibi herkese açık ortamlarda hala mevcuttur. Zaten bir amaç da buydu, açıklık, herkese ulaşabilme.

Bunlara siyasi iktidarın tepkisi ne oldu? Türkiye Cumhuriyeti Lyon Başkonsolosluğu Fransa topraklarında, Fransa vatandaşları tarafından, kanunlara uygun olarak kurulmuş ve yine bu ülke vatandaşları tarafından yönetilen bir derneğin yasal izinler alarak düzenlenmiş bu etkinliğini bir casusçasına gözetledi, derneği “PKK uzantısı oluşum” olarak bağlı olduğu bakanlığa, bu bakanlık aracılığıyla da İçişleri Bakanlığı'na ihbar etti. Bunun üzerine, 12 Nisan 2019 tarihinde Türkiye'ye giriş yaparken pasaportuma el kondu. Nedeni söylenmedi. Bu nedeni öğrenebilmek için bir elden avukatımın, bir elden kendimin harcadığı çabalar sonucu geldiğim Balıkesir'de benimle alay edercesine “boşuna gelmişsiniz” diyen pasaport tahdit dairesi memurunun etkin bir oyuncusu olduğu bir kumpasla 10 Mayıs 2019 günü gözaltına alındım. Sorgum sırasında devletin sivil güvenlik memurları tarafından ülkemi aşağılamakla suçlandım, ertesi gün de tutuklandım. Hakkımda terör örgütü üyeliği suçlamasıyla dava açıldı. 80 gün hapis yattım. 30 Temmuz 2019 günü çıkarıldığım ilk celsede hiçbir adli kontrol ya da yurtdışı yasağı olmadan tahliyeme karar verildi. Ama yaptığım pasaport başvurusu reddedildi. Halen de anayasal haklarım olan seyahat etme ve çalışma özgürlüğümün gaspı devam ediyor.

19 Kasım 2019 tarihindeki ikinci celsede savcı mütalaasını sundu. Ben kendisinden beraat talebi beklerdim. Sanırım kendisi de “Terör örgütü üyeliği” suçlamasının akıl dışılığını fark etmiş çünkü suçlama maddesi daha uygun görünen “terör örgütü propagandası”na çevrilmişti. Ama o kadar! O gün salonda olanlarla birlikte mütalaayı dinledim. Mütalaanın özeti olduğunu sandığım metne karşı kısa bir beyanda bulundum. İstanbul’a dönünce araştırdım ve öğrendim: sanım yanlışmış. Mütalaa özeti, mütalaanın kendisiymiş. Bir sayfalık mütalaa metninin son dört buçuk satırı dışında kalanı Lyon-Rhône-Alpes Kürt Dostluk Derneği’nin 21 Şubat 2019 etkinliği için üç dilde yaptığı çağrılardan Türkçe olanıydı. Benim terör propagandam da bu çağrıyı paylaşmıştı.

21 Şubat 2019 toplantısının türkçe çağrı metnini burada yeniden okuyup zamanınızı almak istemem. Ama, 19 Kasım celsesinde söylediğimi şimdi bir kez daha tekrarlamak isterim. Çağrı metni bir hakikatler silsilesidir. Bu hakikatler 2015 yazından itibaren ulusal ve uluslararası hak örgütleri tarafından defalarca belgelendi. Nasıl ki 11 Ocak 2016’da açıklanan, imzacısı olduğum, bunun için İstanbul 29. ACM’de yargılanıp beraat ettiğim Barış Bildirisi 2015 temmuz sonundan 2016 haziranına kadar süren çatışmalı dönem için aynı belgelerden yola çıkılarak yapılan bir barış çağrısıysa, 21 Şubat çağrı metni de o dönemin en dramatik, bütün dünyanın gözü önünde geçen bir olayına karşı farkındalık, duyarlık yaratma amacıyla düzenlenmiş bir toplantının çağrısıdır. Herhangi bir terör örgütünün propagandasıyla ilgisi yoktur. Bu ilgisizlik öylesine açıktır ki mütalaaada bu çağrı metninin neden TMK 7/2 kapsamında olduğuna dair tek bir cümle yoktur.

Sayın hakimler, davamızda karar anı yaklaşıyor. Mütalaa geçen celsede okundu, şimdi savunmalar yapılıyor. Sonra da sizleri dinleyeceğiz. Hatırlatmak isterim, 2019 yazında mahkemeniz İstanbul 29. ACM’ne yazarak bu dava dosyasının, İstanbul 29. ACM’nde yargılandığım Barış Akademisyenleri davasındaki dosyayla birleştirilmesini istedi. İstanbul 29. ACM’deki davadan beraat ettim ama bugün burada hala terör örgütü propagandası yapmakla suçlanıyorum. Bu çelişkinin bugün giderilmesini talep ediyorum.

Bu bağlamda şunu da hatırlatmak isterim. Bu dava dosyasının eklenmesini talep ettiğiniz Barış Akademisyenleri davasından beraatim Anayasa Mahkemesi’nin ilgili davalar hakkında verdiği hak ihlali kararının sonucunda oldu. Anayasa Mahkemesi’nin gerekçeli kararını eminim sizler de okumuşsunuzdur. Gerekçeli kararın arkasında yatan ana fikir şöyle özetlenebilir. Türkiye’nin karşılaştığı sorunlar hakkında Tuna Altınel bir şekilde düşünürken Bahkesir 2. ACM hakimleri, savcısı çok farklı, zıt biçimde düşünebilirler, bu zıtlıkları saygı sınırları içinde kalarak istedikleri gibi ifade edebilirler. Ama bu durum farklı düşünceleri yüzünden taraflardan birinin aynı mahkeme salonunda yargıç ya da savcı, diğerinin de davalı olarak karşı karşıya gelmesini gerektirmez. Ne yazık ki şu anda içinde bulunduğumuz durum tam da Anayasa Mahkemesi’nin olmaması gerektiğini ifade ettiği durumdur. Düşünce ve ifade özgürlüğüne ağır bir darbedir. Bu darbeler demokrasileri onarılması çok zor biçimlerde yaralar, zayıflatır. Bir ülkede demokrasi zayıflarsa, adalet duygusu yitirilirse kimin hakim, kimin savcı, kimin davalı olacağı da giderek keyfileşir. İstanbul’da Barış Akademisyenleri’ne karşı iddianame yazan savcı bugün FETÖ borsası suçlamasıyla açığa alınmıştır.

Sayın hakimler, bu davada vereceğiniz karar Türkiye’de düşünce ve ifade özgürlüğü açısından temel önemdedir. En sert eleştirilere karşı bile hoşgörünün, farklı düşüncelerin yasal yollarla, toplantılarda, her türlü medyada, hakaret içermeden ifade edilebilmesi özgürlüğünün bu dava kapsamındaki karşılığı tek bir sözcüktür: beraat! Aksi takdirde bugünün hakimlerinin, savcılarının yarının davalıları olduğu bir keyfiyet düzenine giden yola bir taş da siz döşemiş olacaksınız. Karar sizin!

E.2. Statement by Tuna Altinel, Balıkesir, July 30, 2019. *As reported by Bianet July 31, 2019: <https://bianet.org/english/law/211078-academic-for-peace-tuna-altinel-released>. This gives the text of Tuna Altinel's declaration at Balıkesir, July 30, 2019, in an English translation (presumably less polished than the original text, and with some omissions) as well as a synopsis of the events leading up to the hearing; the latter is not reproduced here.*

English translation as given on Bianet

Today, friends of democracy from various places in the world are here.

I am present in front of you because I attended an event held by the AKLRA, or the Lyon and Rhône-Alpes Kurdish Friendship Association on February 21, 2019. I am charged with membership of a terrorist organization. The text called the bill of indictment leans on two concrete facts to reach this conclusion: One, my membership to the mentioned association, and two, the mentioned event.

In the last paragraph where the type of my crime is tried to be proved as membership of a terrorist organization, it is evaluated that the association is “operating together with the armed terrorist organization PKK/KCK [Kurdistan Workers’ Party/Kurdistan Communities Union].”

The AKLRA is a legal association that was founded in line with the laws of France. It was founded in 2013 by Thierry Lamberthod, a citizen of France and the current chairperson and his friends. All its board members are French.

The aim of the association which does not have a certain political line is to promote Kurdish culture, to establish platforms that will ensure the recognition of the rights of the Kurdish people, and contributing to the economic, social and cultural projects aimed for peace.

The long and the short of it, it is not possible for such an association to be an extension of a terrorist organization.

Anyway, neither in the intelligence notice of the Ministry of Foreign Affairs nor in the bill of indictment there is concrete information or evidence regarding the connection between the association that I am a member of and the PKK/KCK.

Let’s get to the mentioned event. The event was held by the association which I am a member of. I, as a member of the association, contributed it. The purpose was to make a discussion and a study of memory based on witness accounts. Propagandizing for any legal or illegal organization was not in question.

Faysal Sarıyıldız was chosen and invited because he was an MP from Şırnak in the period where the mentioned incidents occurred and a first-hand witness of the incidents. When he came to Lyon, it was clearly told him that the event was not for political propaganda.

He made a speech, shared visuals and answered questions. Contrary to the allegation on the ninth page of the indictment, he neither presented nor moderated the event. Drawing such a conclusion from a photograph can only be seen in an indictment that is hastily written in two days.

Within the event, communication between the languages of Turkish and French was up to me. Because I had the best command on both of these

languages, I undertook the French-Turkish part of the simultaneous interpretation. I would like to emphasize this again: There was no such thing as “presenting with Faysal Sariyıldız.”

So, what happened after this? I was chosen as the target and subjected to an extrajudicial execution. The Ministry of Foreign Affairs spied on me because I, as a citizen of the Republic of Turkey, attended an event that touched on sensitive matters. My passport was confiscated on April 12, 2019, in my last entrance to Turkey where I frequently come.

In İstanbul, I knocked on every door that came to my mind for a month. I did not receive any satisfying response. At last, I came to Balıkesir. When the officer who sent me away, saying, “You came here for nothing,” at the passport confiscation branch at the Governorship of Balıkesir and invited me to the governorship, I, so to speak, ran to the governorship. I was detained in front of the Governorship of Balıkesir as if I was a criminal who attempted to run away. I was brought to the Anti-Terror Branch without any explanation was given to me. On the following day, on May 11, I was arrested on the allegation of “propagandizing for a terrorist organization.” A few hours after my arrest, the Governorship of Balıkesir declared me as an “academic who propagandize for a terrorist organization,” disregarding the presumption of innocence.

The charge of “propagandizing for a terrorist organization” which was used for my arrest was not enough to explain the unjust and prejudiced attitude I was subjected to. They stepped up a gear. With allegations that do not have any basis and consistency, they raised the charge to “membership of a terrorist organization.” Dear judges, I am not a member of a terrorist organization. The only thing I do and the reason that I have been arrested for almost three months is that I contributed to an event of a legal organization. What experienced in those days have been subject to the reports of national and international rights organizations and judicial verdicts, notably those of the ECtHR since mid-2015.

For the last part, the General Assembly of the Constitutional Court ruled that the penalization of academics who signed the text titled, “We will not be a party to this crime,” which I also signed, is against the law. Apparently, the government is uncomfortable about this matter to be spoken, questioned and enlightened. But, truths emerge with opposite ideas expressed without bans.

I request your court to not pay attention to the uproar created about me, not be a tool for this injustice and immediately rule for my release.

One of the reasons for my arrest was “suspicion of escape.” I would like to remind a sentence in my statement to the police that is not included in the bill of indictment on purpose: “If I would like to insult Turkey, I would certainly not come to Turkey.” I would like to repeat the same sentence with changing it a bit: *If I had an intention to escape, I would not have come to Turkey.* In brief, I want freedom.

E.3. An appeal to the public by Tuna Altınel, October 27, 2019.

Addressed to the public

Who am I? Tuna Altinel, an associate professor in mathematics at Lyon 1 University, a French civil servant since October 1996, the (co-)author of some twenty research papers and a monograph, the instructor of many students at all university degrees, but also a hostage of the Turkish State.

On February 21, 2019, I attended an event organised in the Palais du Travail of the municipality of Villeurbanne (France), by the “Amitiés Kurdes Lyon-Rhône-Alpes”, an association duly registered under French laws. The topic was the Human Rights violations committed against civilians in January 2016 in the Kurdish town of Cizre, under the guise of waging war against terror. On April 12, my passport was seized at the Turkish border. No reason was given.

For a whole month I kept searching for the reasons of this withdrawal. Facing mere waffle, I went on May 10 to Balikesir where my birth certificate is registered and of which the Prefecture had opened the inquiry leading to the confiscation of my passport. This attempt proved as fruitless as the others, and while preparing to return to Istanbul I was arrested in front of the Balikesir prefecture.

On the following day I was charged with terror propaganda and sent to the jail of Kepsut, Balikesir. Just a few hours after, I was declared “academic involved in terror propaganda” in a press release of the above mentioned Prefecture. The latter had not forgotten to tip the Yeni Akit newspaper, a daily close to the political power, and which would use the exact same text, thus violating the presumption of innocence.

It took only two days to prepare a bill of indictment on the sole basis of a letter from the Turkish Consulate in Lyon regarding the evening of February 21. The consulate had taken the liberty to spy on a legal French association. The charge was much stronger than when I was arrested, now being “belonging to a terrorist group”, a crime punishable with 5 to 10 years in prison.

I spent 80 days in jail. I was released on July 30th with no restrictions, no administrative measures, no judicial review, no ban to leave the country. The next hearing is scheduled on November 19, 2019, 2PM.

Following the favourable decision from the Court, on August 27 my lawyer and I requested that my passport be returned. No answer was given for a month. Back to the Balikesir prefecture on September 27, we finally obtained a copy of the reply, whose second and last paragraph is concluded in the following terms: “In case your client is acquitted at the end of the ongoing trial, your demand will be reconsidered should you request so.” As a last resort to Law, my lawyers have opened a case before the Administrative Tribunal.

The Turkish State refuses to return my passport. The State which first sent me to jail with unjustified reasons, which threatens me with years in jail, also violates my right to travel as protected by Clause 23 of the Constitution of the Republic of Turkey. My right to work, protected by Clause 49 of the same constitution, is also violated: I cannot fulfill my teaching duties in Lyon, and the letter sent to the court by my University is being simply ignored.

I am calling for an end to this series of injustices!

Tuna Altinel

APPENDIX F. PASSPORT REQUEST

F.1. Refusal of passport renewal, 9/2019.F.1.1. *English translation.*

TURKISH REPUBLIC BALIKESIR PREFECTURE

REGIONAL DEPARTMENT FOR CIVIL STATUS AND QUESTIONS RELATING TO CITIZENSHIP

September 18, 2019

File number : 42003954-146.99-E.16347

Re: Request for information

Attorney: Ahmet İnan Yılmaz, Esq.
Asmalımescit Street, No. 23/7
Beyoğlu/Istanbul

Subject: Request of August 27, 2019 submitted by the abovementioned representative on behalf of his client Mr. Ahmet Tuna Altınel.

In the abovementioned request you state that your client Mr. Ahmet Tuna Altınel, having the Turkish citizenship I.D. number 34423039064, was released by the 2nd Chamber of the Central Court of Balıkesir, in the context of a prosecution concerning him, and that the hearing has been adjourned until November 19, 2019; and you request in this context that his passport be returned and that the restraining order concerning him be lifted.

We have examined your request in the light of the policy decision no. 2016/1 of the Prime Minister's Information and Evaluation Committee. Your request will be reconsidered upon your request in the event that your client is acquitted on conclusion of the trial in question.

Very sincerely yours,

for the Prefect,

M. Reis Demir

Director, Civil Status and Questions relating to Citizenship

*Signed electronically. To verify: <https://www.e-icisleri.gov.tr/EvrakDogrulama>, Code:

XKV2gf-gufRBv-9ac2a+-4MAbQE-TASEbhe

City Hall (Prefecture)

Telephone: (266) 241 58 39

Fax : (266) 239 59 40


E-main: ilnufus@balikesir.gov.tr Web site: <https://icisleri.gov.tr>

Inquiries: Serap Şentürk

Police officer

Telephone No.:

F.1.2. Original (Turkish).


Sayı : 42003954-146.99-E.16347
Konu : Bilgi Talebi

T.C.
BALIKESİR VALİLİĞİ
İl Nüfus ve Vatandaşlık Müdürlüğü

T.C.
Balıkesir
Valiliği
18/09/2019

Avukat: Ahmet İnan YILMAZ
Asmalımesit Caddesi, No:23/7
Beyoğlu/İSTANBUL

İlgi : 27.08.2019 tarihli Müvekkiliniz Ahmet Tuna ALTINEL adına vermiş olduğunuz dilekçeniz.

İlgi sayılı dilekçenizde, müvekkiliniz 34423039064 Türkiye Cumhuriyeti kimlik numaralı **Ahmet Tuna ALTINEL** hakkında yürütülen kovuşturma neticesinde Balıkesir 2. Ağır Ceza Mahkemesi'nden tahliyesine karar verildiği ve duruşmanın 19.11.2019 tarihine ertelendiğinden bahisle pasaportunun iadesi ve tahdit işleminin kaldırılması talebinde bulunduğunuz anlaşılmıştır.

Dilekçeniz Müdürlüğümüzce, Başbakanlık Bilgi Edinme ve Değerlendirme Kurulunun 2016/1 İlke kararı doğrultusunda değerlendirilmiştir. Müvekkilinizin bahse konu kovuşturma neticesinde "Beraat" etmesi halinde müracaatınıza istinaden ayrıca değerlendirilecektir.

Bilgilerinize rica ederim.

Reis DEMİR
Vali a.
İl Nüfus ve Vatandaşlık Müdürü

*Bu belge elektronik imzalıdır. imzalı suretinin aslını görmek için <https://www.e-icisleri.gov.tr/EvrakDogrulama> adresine girerek (XKV2q1-guFRBv-9ac2a+-4MabQP-TASEdbhe) kodunu yazınız.

Hükümet Konakı
Telefon No: (266)241 58 39 Faks No: (266)239 59 40
e-Posta: info@icisleri.gov.tr İnternet Adresi: <https://icisleri.gov.tr>

Bilgi için: Serap ŞENTÜRK
Polis Memuru
Telefon No:

APPENDIX G. ADDITIONAL DOCUMENTATION

G.1. Announcement of February 27, 2020 Meeting, Lyon.



RÉUNION – DÉBAT

Février 2016 à Cizre , ville kurde, au Sud-est de la Turquie, sous prétexte de guerre contre le terrorisme, les forces de sécurité turques massacrent des civils qui essayaient de mettre en place une autonomie démocratique.

Fayçal SARIYILDIZ, ancien député HDP (Parti démocratique des Peuples) nous livrera son témoignage sur les évènements.

JEUDI 27 FÉVRIER 2020 – 19 H
Salle des conférences – Palais du Travail
9 place Lazare Goujon
69100- Villeurbanne

Évènement organisé par le Comité Lyonnais pour la libération de Tuna Altinel

Amitiés Kurdes de Lyon, Association France Kurdistan du Rhône, Comité universitaire de soutien à Tuna Altinel, Ensemble ! Rhône, Espace Culturel Mésopotamie, FSU 69, Génération.s, Ligue des droits de l'homme Rhône, Libre Pensée du Rhône, NPA Rhône, PCF du Rhône, UD CGT69, Confédération nationale du travail Rhône, Union Syndicale Solidaire du Rhône

contact : comitelyonnais.tunaaltinel@gmail.com

G.2. Press release, Balıkesir Governorate, May 11. Reference: <http://www.balikesir.gov.tr/basin-bulteni-1779>.⁴⁹

G.2.1. Press release, Balıkesir, English translation. The first sentence is quite convoluted but this appears to say the following.

⁴⁹A nearly identical news item, with the final sentence omitted, was distributed by Balıkesir News Agency (<http://www.balikesirhaberajansi.com/haber-30038-pkk-konferansinda-konusmayi-tercume-eden-akademisyen-balikesirde-yakalandi-ve-tutuklandi.html>) and taken up by some Turkish newspapers.

PRESS RELEASE (1779)—May 11, 2019
Academic Making Terrorist Propaganda Arrested

In investigations carried out aimed at deciphering and preventing PKK/KCK Armed Terror Organization activities, it was determined that the academic named Ahmet T. A., who immediately translated into French the statements made by the speaker Faysal Sariyıldız (at large), a former HDP member of parliament, at a conference on February 21, 2019 with the theme *Cizre—The Story of a Massacre* coordinated by terror organization affiliates in the French city of Lyon, who was the person organizing this PKK/KCK terrorist activity and the most publicly visible participant, was a person registered in our province, Susurluk district; also investigations of this person’s social media activities detected sharing of terror organization propaganda and information concerning the topic of the conference.

On April 30, 2019, the Chief Public Prosecutor of Balıkesir filed a criminal complaint, and upon learning that the said person was in our province as of May 10, 2019, he was captured by the Provincial Security Directorate’s Anti-Terrorism Branch Directorate and arrested on May 11, 2019. Our struggle with the PKK/KCK and all terrorist organizations continues with determination.

This is respectfully announced to the public.

Balıkesir Office of the Governor

G.2.2. *Original (Turkish).*

BASIN BÜLTENİ (1779)—11.05.2019
Terör Propagandası Yapan
Akademisyen Tutuklandı.

PKK/KCK Silahlı Terör Örgütü faaliyetlerinin deşifre edilmesi ve engellenmesine yönelik yapılan çalışmalarda, 21 Şubat 2019 tarihinde Fransa’nın Lyon kentinde terör örgütü uzantısı oluşumlar tarafından düzenlenen “Cizre-Bir Katliamın Hikâyesi” konulu konferansta konuşma yapan eski HDP Milletvekili Faysal Sariyıldız’ın (Aranıyor) konuşmalarını anında Fransızca tercüme eden akademisyen Ahmet T. A. isimli şahsın PKK/KCK silahlı terör örgütü etkinliğini organize eden ve en görünür biçimde etkinlikte rol oynayan şahıs olduğu, şahsın nüfus kaydının ilimiz Susurluk ilçesi, ayrıca şahsın yapılan sosyal medya araştırmasında söz konusu konferansa ait paylaşımların ve terör örgütü propagandası içeren paylaşımlarının olduğu tespit edilmiştir. Konu ile alakalı 30 Nisan 2019 tarihinde Balıkesir Cumhuriyet Başsavcılığına suç duyurusunda bulunulmuş, adı geçen şahsın 10.05.2019 tarihi itibarıyla ilimizde olduğunun öğrenilmesi üzerine Cumhuriyet Savcısının talimatı ile İl Emniyet Müdürlüğü Terörle Mücadele Şube Müdürlüğü görevlilerince yakalanmış, 11.05.2019 günü adliyeye sevk edilen şüpheli tutuklanmıştır. PKK/KCK ve tüm terör örgütleriyle mücadelemiz kararlılıkla devam etmektedir. Kamuoyuna saygı ile duyurulur.

Balıkesir Valiliği

G.2.3. *Comparison of press release to indictment.*

Press Release

... HDP Milletvekili
Faysal Sarıyıldız'ın (Aranıyor)
konuşmalarını anında Fransızca
tercüme eden akademisyen
Ahmet T. A. isimli
şahsın PKK/KCK silahlı
terör örgütü etkinliğini organize
eden ve en görünür biçimde etkin-
likte rol oynayan şahıs olduğu,
şahsın ...

Indictment, p. 3

... kaydı bulunan
Faysal SARIYILDIZ'ın
konuşmalarını simültene olarak
tercüme eden
Ahmet Tuna ALTINEL isimli
şahsın PKK/KCK
terör örgütü etkinliğini organize
eden ve en görünür biçimde et-
kinlikte rol oynayan şahıs olduğu,
şahsın ...

G.2.4. *Comparison of press release to newspaper report (Yeni Akit).*

Press Release

PKK/KCK Silahlı Terör Örgütü faaliyetleri-
nin deşifre edilmesi ve engellenmesine yöne-
lik yapılan çalışmalarda, 21 Şubat 2019
tarihinde Fransa'nın Lyon kentinde terör
örgütü uzantısı oluşumlar tarafından düzen-
lenen "Cizre-Bir Katliamın Hikâyesi" konulu
konferansta konuşma yapan eski HDP Millet-
vekili Faysal Sarıyıldız'ın (Aranıyor)

konuşmalarını anında Fransızca tercüme eden
akademisyen Ahmet T. A. isimli şahsın
PKK/KCK silahlı terör örgütü etkinliğini or-
ganize eden ve en görünür biçimde etkin-
likte rol oynayan şahıs olduğu, şahsın nüfus
kaydının ilimiz

Susurluk ilçesi, ayrıca şahsın yapılan sos-
yal medya araştırmasında söz konusu konfe-
ransa ait paylaşımların ve terör örgütü pro-
pagandası içeren paylaşımlarının olduğu tes-
pit edilmiştir.

Konu ile alakalı 30 Nisan 2019 tarihinde

Balıkesir Cumhuriyet Başsavcılığına suç du-
yurusunda bulunulmuş, adı geçen şahsın
10.05.2019 tarihi itibariyle ilimizde

olduğunun öğrenilmesi üzerine Cumhu-
riyet Savcısının talimatı ile İl Emni-
yet Müdürlüğü Terörle Mücadele Şube
Müdürlüğü görevlilerince yakalanmış,

Yeni Akit, May 11, 2019

Edinilen bilgiye göre, polis ekiplerinin

PKK/KCK Silahlı Terör Örgütü faaliyetleri-
nin deşifre edilmesi ve engellenmesine yöne-
lik yapılan çalışmalarında, 21 Şubat 2019
tarihinde Fransa'nın Lyon kentinde terör
örgütü uzantısı oluşumlar tarafından düzen-
lenen "Cizre-Bir Katliamın Hikayesi" konulu
konferansta konuşma yapan eski HDP Millet-
vekili Faysal Sarıyıldız'ın 'Aranıyor' konulu

konuşmalarını anında Fransızca tercüme eden
akademisyen Ahmet T. A. isimli şahsın
PKK/KCK silahlı terör örgütü etkinliğini or-
ganize eden ve en görünür biçimde etkin-
likte rol oynayan şahıs olduğu, şahsın nüfus
kaydının

Susurluk ilçesi, ayrıca şahsın yapılan sos-
yal medya araştırmasında söz konusu konfe-
ransa ait paylaşımların ve terör örgütü pro-
pagandası içeren paylaşımlarının olduğu tes-
pit edildi.

Konu ile alakalı

Balıkesir Cumhuriyet Başsavcılığına suç du-
yurusunda bulunularak, adı geçen Ahmet
T.A.'nın Balıkesir'de

olduğunun öğrenilmesi üzerine Cumhu-
riyet Savcısının talimatı ile İl Emni-
yet Müdürlüğü Terörle Mücadele Şube
Müdürlüğü görevlilerince yakalandı.

Press Release

Yeni Akit, May 11, 2019

11.05.2019 günü adliyeye sevk edilen şüpheli tutuklanmıştır. PKK/ KCK ve tüm terör örgütleriyle mücadelemiz kararlılıkla devam etmektedir. Kamuoyuna saygı ile duyurulur.

Yakalanan Ahmet T.A. çıkarıldığı adli makamlarca tutuklanarak cezaevine sevk edildi.

G.3. Glossary and references. *An extensive glossary is included in the report on the first hearing, July 30, 2019, pertinent primarily to the material in the indictment and the related trials of the Academics for Peace. We give only a few salient points here, relevant to the proceedings in the second hearing.*

- **ACADEMICS FOR PEACE**

Signers of a peace petition January, 2016, initially 1128 and ultimately 2212, mostly Turkish academics.

Through the end of July, 2019 the number formally charged had reached 786 and was rising steadily.

A Constitutional Court ruling on July 26, 2019 voided some of these cases directly and appeared broadly applicable; in the event, since September 2019 (the resumption of regular trials after the summer judicial recess) the majority of these cases have been rapidly dismissed, with some exceptions.

Generally speaking the roughly 35 defendants who had previously refused suspended sentences and were appealing their sentences have also been acquitted as their cases arise. However the 37th Central Court has adopted a different position and is retrying the four defendants in this category falling under their jurisdiction. These trials will continue to take place in coming months.

(Note: this entry reflects the situation as of February1, 2020.)

- **AKLRA (AMITIÉS KURDES LYON ET RHÔNE-ALPES)**

The Kurdish society of Lyon and Rhône-Alpes, founded and run by French nationals; president: Thierry Lamberthod. Registered French social club promoting Kurdish culture. Referred to as a “PKK affiliate” in the text of the indictment, generally without explicit mention.

Organizer of the February 21, 2019 screening and discussion of a documentary in Villeurbanne (near Lyon), which served as the basis for the indictment of Tuna Altinel as a PKK member, on information supplied by the Turkish consulate in Lyon.

- **ALTINEL, DR. TUNA**

Turkish mathematician working and residing in France since 1996. Advocate of civil liberties and freedom of expression. Prosecuted for signing the 2016 peace petition of the Academics for Peace (jurisdiction: Istanbul; next hearing December 26, 2019) and for organizing and participating in a conference in Lyon in 2019 relating to the massacres at Cizre in 2015–2016 (jurisdiction: Balıkesir. Acquitted in both cases, with the acquittal in the second case subject to appeal by the state prosecutor, who has indicated his intention to appeal.

As of February 2020, awaiting the full text of the decision (with legal reasoning), the outcome of the expected appeal by the state prosecutor, and resolution of the passport issue.

Reference: Wikipedia: https://en.wikipedia.org/wiki/Tuna_Alt%C4%B1nel.

- **ANADOLU AGENCY**

A state-run international news agency headquartered in Ankara, Turkey (Turkish: Anadolu Ajansı, abbreviated AA).

Reference: Wikipedia: https://en.wikipedia.org/wiki/Anadolu_Agency

- ARTI TV

Turkish opposition television channel broadcasting from Germany. Among those at the station are journalists who lost their jobs and fled to Germany amid a crackdown on media under President Recep Tayyip Erdoğan.

Reference: Deutsche Welle: <https://www.dw.com/en/turkish-opposition-tv-starts-broadcasts-from-germany/a-38004868>

- BIANET

Wikipedia: [I]ndependent Turkish press agency based in Istanbul. It was established in 2000 by journalist Nadire Mater, former representative of Reporters Without Borders, and left-wing activist Ertuğrul Kürkçü and since November 2003 is tied with Inter Press Service. It is mostly funded by the European Commission through the European Instrument for Democracy and Human Rights (EIDHR). . . . Erol Önderoğlu served as the monitoring editor for Bianet for several years. His work for Bianet included quarterly reports on free speech in Turkey.

Reference: <https://en.wikipedia.org/wiki/Bianet>

- CECPT: *Council of Europe Convention on the Prevention of Terrorism*

Signed by Turkey January 19, 2006, ratified March 23, 2012, entered into effect July 1, 2012, with reservations with respect to Article 19 (extradition).

Some provisions are as follows.

- Article 4 – International co-operation on prevention
- Article 5 – Public provocation to commit a terrorist offense
- Article 6 – Recruitment for terrorism
- Article 7 – Training for terrorism
- Article 12 – Conditions and safeguards
- Article 14 – Jurisdiction
- Article 17 – International co-operation in criminal matters
- Article 18 – Extradite or prosecute

When more than one Party claims jurisdiction over an alleged offense set forth in this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

In the *Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism* (Riga, 22.X.2015) Article 7 reads as follows.

Article 7 – Exchange of information

1 Without prejudice to Article 3, paragraph 2, sub-paragraph a, of the Convention and in accordance with its domestic law and existing international obligations, each Party shall take such measures as may be necessary in order to strengthen the timely exchange between Parties of any available relevant information concerning persons traveling abroad for the purpose of terrorism, as defined in Article 4. For that purpose, each Party shall designate a point of contact available on a 24-hour, seven-days-a-week basis.

2A Party may choose to designate an already existing point of contact under paragraph 1.

3A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis.

References:

<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/09000016808c3f55>

<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168047c5ea>

- CIZRE

City in Şırnak province, southeastern Turkey, with a predominantly Kurdish population. Subject to military curfew September 4–11, 2015 and from December 2015 through February 2016. Scene of major violations of civil rights and civilian deaths, which played a role in the formulation of the peace petition of the Academics for Peace in 2016.

See also Cizre Basement Massacres.

References:

[https://en.wikipedia.org/wiki/Cizre_operation_\(2015\)](https://en.wikipedia.org/wiki/Cizre_operation_(2015))

https://en.wikipedia.org/wiki/December_2015%E2%80%93February_2016_Cizre_curfew

Reports:

U.N., February 2017, Office of the United Nations Commissioner for Human Rights, “Report on the human rights situation in South-East Turkey,” https://www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf

- CIZRE BASEMENT MASSACRES

Massacre of an estimated 178 civilians in Cizre, February 7, 2016, by Turkish security forces. Many bodies were found burned in basements where civilians had sought shelter.

Request from the UN to inspect the site denied, and the site was bulldozed.

Any discussion of this event is viewed as PKK propaganda by the Turkish authorities.

Reference:

https://en.wikipedia.org/wiki/December_2015%E2%80%93February_2016_Cizre_curfew (Wikipedia)

Reports:

Human Rights Watch, July 11, 2016 (accessed January 26, 2020, from Istanbul).

<https://www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings>

U.N., February 2017, Office of the United Nations Commissioner for Human Rights, “Report on the human rights situation in South-East Turkey,”

https://www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf

- CMK 223

Courtroom procedure: possible verdicts and their grounds.

Section 2: acquittals. Section 2-*e*: guilt not established.

- EVRENSEL

Turkish daily newspaper, with a socialist perspective. English version online since 2017.

Reference:

Wikipedia: <https://en.wikipedia.org/wiki/Evrensel>

- GAZETE DUVAR

An internet newspaper that started its publication in Turkish in August 2016, and in English (“Duvar English”) since 2019.

Reference:

Wikipedia in Turkish: https://tr.wikipedia.org/wiki/Gazete_Duvar

- HAGB (Hükmün açıklanmasının geri bırakılması)

Suspended sentence under Turkish law: 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/>.

- HDP

Turkish political party, People's Democratic Party, in the majority in southeast Turkey. See Sarıyıldız, Faysal.

- KURDISTAN

A politically weighted term. May mean any of the following.

- a geographical area with a substantial Kurdish population, overlapping Turkey, Iraq, Iran, and Syria;
- various historical (or, in modern times, proposed) nations in that geographical region;
- aspirationally, an independent nation to be established in that general region;
- since 1992, an autonomous region in northern Iraq.

Use of the term with reference to Turkish territory is considered *PKK jargon* by the Turkish government and is currently treated as a form of terrorist propaganda by the judiciary. In practice only the last usage is acceptable.

The flag of Kurdistan was flown at Atatürk International Airport on the occasion of an official visit by President Barzani of the Kurdish Autonomous Region of northern Iraq, Feb. 26, 2017. In response to criticism from MP Devlet Bahçeli of the MHP, Turkish Prime Minister Binali Yıldırım stated

According to its Constitution, the Northern Kurdistan Regional Administration is an autonomous entity. It has a Parliament. It has a Prime Minister, ministers, and a different flag.

(Cf. also <http://bianet.org/english/politics/209204-kurdistan-statement-by-akps-binali-yildirim>.)

- MLSA (Media and Law Studies Association)

Mission statement: “[The MLSA] is a Turkish non-profit (registered as Medya ve Hukuk Çalışmaları Derneği) founded in late 2017 to respond to an urgent yet growing need for going back to democracy and normalization in Turkey.”

Reference: <https://www.mlsaturkey.com/en/about/>

- P24 (Platform for Independent Journalism)

Mission statement: “A timely initiative to support and promote editorial independence in the Turkish press at a time when the journalistic profession is under fierce commercial and political pressure.”

<http://platform24.org/en/about-us>

- SARIYILDIZ, FAYSAL

HDP party member, and member of parliament for the province of Şırnak at the time of the Cizre massacres. Born in the city of Cizre, which is in the province of Şırnak.

Accused by President Erdoğan of active cooperation with the PKK and facing prosecution in Turkey, he went into exile and was stripped of parliamentary membership for non-attendance.

Now living in exile. Honorary citizen of Champigny-sur-Marne (2016). Invited speaker in Lyon, France, on February 21, 2019 at the screening of a documentary on the Cizre massacres organized by the AKLRA.

- TCK 314/2

Anti-terrorist legislation, article concerning membership in an armed terrorist organization. See <https://www.legislationline.org/documents/id/20076>. An extract from page 104, containing article 314, follows.

Armed Organization

Article 314

(1) Any person who establishes or commands an armed organization with the purpose of committing the offenses listed in parts four and five of this chapter, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.

(2) Any person who becomes a member of the organization defined in paragraph one shall be sentenced to a penalty of imprisonment for a term of five to ten years.

(3) Other provisions relating to the forming of an organization in order to commit offenses shall also be applicable to this offense.

The term “affiliates or extensions” is used in court documents to refer to other organizations viewed as being in league with such groups as narrowly defined.

- TMK 7/2

Article 7, section 2 of the Turkish anti-terrorism law concerning the offense of *making propaganda on behalf of a terrorist organization*, frequently applied to reports by journalists and statements by academics, and the central pillar of the case against the Academics for Peace peace petition.

An article by the European Commissioner for Human Rights found at [https://rm.coe.int/ref/CommDH\(2017\)5](https://rm.coe.int/ref/CommDH(2017)5) goes into the details as of February 2017 and remains applicable in full. We quote from that.

the judicial harassment of journalists can be based on several other articles of the Criminal Code, such as incitement to hate and hostility (Article 216), defamation, or propaganda on behalf of a terrorist organization (Article 7 §2 of the AntiTerrorism Law). Illustrations of the latter case are the prosecutions related to the solidarity campaign with Özgür Gündem, which have targeted, among others, Erol Önderoğlu, the respected journalist and Turkey representative of Reporters without Borders. The examples are too numerous to enumerate and show a consistent pattern of judicial harassment with a clear chilling effect that stifles criticism.

⋮

Prosecutors and courts must stop using criminal procedures, and in particular detention on remand, to punish and discourage the exercise of freedom of expression, including on the Internet, where there is an absence of direct, incontrovertible evidence establishing criminal wrongdoing and membership of a criminal organization, in particular when the only basis is the content of journalistic writings or perceived affiliation based on spurious evidence. However, in the Commissioner’s opinion, failure to address deep-rooted problems

of independence of the judiciary, which have reached alarming levels recently, will render all efforts to improve freedom of expression and media freedom moot.

A July 26, 2019 decision of the Turkish Constitutional Court invalidates a group of prosecutions under TMK 7/2 based on the signing of the Academics for Peace petition of January 2016. As of February 2020, the trials relating to the peace petition have for the most part been dismissed as their respective court dates arrive, with sporadic resistance from some courts.

Reference: <https://www.legislationline.org/documents/id/16875> (10 pp., pdf).

G.4. Timeline. An ongoing peace process relating to an insurgency in eastern Turkey broke down in Summer 2015; in Fall 2015 extensive military operations were undertaken in southeastern Turkey and military curfews were imposed, leading to a declaration in favor of peace, and against human rights violations, by academics in July 2016, resulting in approximately 800 prosecutions, largely voided in Fall 2019 on the basis of a ruling by the Constitutional Court in July 2019. One of those so charged was Tuna Altınel. In May he was arrested on a second and initially more serious charge.

Altınel's first trial was under the jurisdiction of Istanbul, and resulted in acquittal in September 2019; the second trial, under the jurisdiction of Balıkesir, resulted to a decision to acquit on January 24, 2020. On January 30, 2020 the state prosecutor indicated his intention to appeal the acquittal.

Prior to the second trial, Dr. Altınel was held in prison for 81 days (including one day of detainment for interrogation). As of February 1, 2020 the case is not definitively resolved, and the passport authorities have refused to consider his application for the return of his passport until this procedure is complete.

The time line since January 2016 runs as follows.

Legend:

*AP—Academics for Peace; Ci—Cizre basement massacres;
TA—Tuna Altınel; Pol—Political Developments*

<i>Date</i>	<i>Cat.</i>	<i>Description</i>
2016		
Jan. 11	TA, AP	Peace Petition, <i>We will not be parties to this crime!</i> —Press conference; petition released with 1128 signatures; among them Tuna Altınel.
Jan. 12	AP	President Erdoğan: “One must choose a side. One is on the side of the Turkish government, or that of the terrorists.” Arrests and prosecutions begin.
Jan. 21	AP	Peace petition closed: 2212 signatures.
Feb. 7	Ci	Cizre basement massacres.
July 15	Pol	Attempted military coup in Turkey, followed by a massive purge of military, police, judicial system, and educational system (public and private). Aims and motives of the plotters unknown.
2019, January		
Jan. 30	AP	As of this date, 452 cases have been opened against signatories of the 2016 Peace Petition.
Jan. 30	AP	Letters rogatory: Request for interrogation of a UC Davis professor of history and signatory of the 2016 peace petition, Baki Tezcan; denied by the U.S. Department of Justice on U.S. constitutional grounds.

2019, February–July

- Feb. 21 TA, Ci **Documentary and discussion in Lyon, France: the Cizre massacres.** Reported to Turkish authorities by the Turkish consulate, Lyon. Resulting in:
- Feb. 27 TA **Report on Dr. Altınel (Turkish Foreign Ministry).** Cited as the basis for his subsequent arrest. See Appendix D.2.
- Feb. 28 TA, AP Defense statement by Dr. Altınel in first legal case—grounds for the peace petition of 2016; vigorous reiteration of its principles.
- April 12 TA **Dr. Altınel’s passport confiscated** on arrival, Istanbul airport.
- April 30 TA Chief prosecutor, Balıkesir, files a criminal complaint regarding Dr. Altınel.
- May 8 AP First incarceration of an Academic for Peace, after appeal denied. (Appeals to Constitutional Court: see July 26.)
- May 10 TA **Dr. Altınel’s arrest and interrogation,** on arrival at Balıkesir to request a new passport.
- May 11 TA **Altınel: pre-trial detention:** decision to hold Dr. Altınel pending trial on new charges.
- June 11 TA French National Assembly, question addressed to the French Foreign Minister concerning the case of Altınel in the French National Assembly, by the deputy (MP) Cédric Villani.
- June 13 TA **French Foreign Minister raises Dr. Altınel’s** case with his Turkish counterpart in Ankara.
- June 23 Pol Istanbul Mayoral Election rerun after a formal complaint by President Erdoğan. AKP defeated.
- June 26 AP Prof. Tezcan arrested on arrival in Turkey (see above, January 30).
- July 16 AP, TA Sentencing hearing for Dr. Altınel (Istanbul trial); verdict postponed to December 26, 2019.
- July 26 AP **Constitutional Court decision voids trials** using peace petition as evidence under TMK 7/2 on appeal of a group of Academics for Peace cases.
- July 30 TA **First hearing, Balıkesir** trial of Tuna Altınel on charge of membership in a terrorist organization. **Released from prison pending trial.**
- July 31 AP As of this date, 786 cases have been opened against signatories of the 2016 Peace Petition, for propaganda in support of a terrorist organization.

2019, September–November


- Sep. 16 AP, TA **Acquittal of Dr. Altinel in Istanbul trial**, on the basis of the Constitutional Court ruling of July 26.
- Sep. 18 TA **Refusal of passport** pending final resolution of legal proceedings (App. F.1).
- Nov. 19 TA **Second hearing, Balıkesir trial of Dr. Altinel; charge reduced to propaganda under TMK 7/2.**

2020, January

- Jan. 24 TA **Third, hearing, Balıkesir; acquittal.** Full formal decision to be given within 15 days.
- Jan. 30 TA Prosecutor files for **extension of time to appeal.**
- Feb. 27 Ci 2nd meeting scheduled in Lyon to discuss the events at Cizre (see App. G.1).

In addition, a timeline of international reactions to the incarceration of Dr. Altinel in the press, by professional societies, and from French governmental institutions is found at

<http://math.univ-lyon1.fr/SoutienTunaAltinel/?lang=en>.



The views and observations expressed in this report are those of its author, Gregory Cherlin, in consultation with other representatives of European professional societies serving as observers at the hearings in question. The English translations provided come from a variety of sources and are not to be considered authoritative; this point is particularly relevant when legal terms or legal arguments are involved.