

JUDICIAL HEARING FOR TUNA ALTINEL
JULY 30, 2019
REPORT, GREGORY CHERLIN

CONTENTS

1. Introduction	1
2. The indictment	2
3. The court and the courtroom	4
4. The proceedings	6
4.1. Declaration by Tuna Altinel	6
4.2. For the defense: Meriç Eyüboğlu, Esq.	7
4.3. For the defense: İnan Yılmaz	8
4.4. Additional remarks by the defense	9
4.5. The prosecutor’s motions	9
4.6. Decision	10
5. Conclusion	11
Appendix A. Excerpts from the text of the indictment	12
Appendix B. Press release, Balıkesir Governorate, May 11	14
B.1. Original (Turkish)	14
B.2. English translation	15
B.3. Comparison to Indictment	16
Appendix C. Official hearing record, transcribed (Turkish)	16
Appendix D. Opening statement by Tuna Altinel	18
Appendix E. Glossary and references	21
Appendix F. Timeline	29

1. INTRODUCTION

The Turkish mathematician Tuna Altinel, employed by the university Lyon-1 (France) since 1996 (Maitre de Conférences), is the subject of two judicial procedures in his native Turkey. This is a report on the first hearing in the second case, which occurred on July 30, 2019, the 81st day of his pre-trial detention.

The first prosecution of Tuna Altinel, under the jurisdiction of the Istanbul court system, concerns his signature on a peace petition in 2016,¹ qualified as “propaganda in favor of a terrorist organization” under article TMK 7/2 of Turkish anti-terror legislation.² Article TMK 7/2 is directed principally at journalists, but has also been applied to the signers of this petition. From January 2016 through July 31, 2019 there have been 786 cases opened against signatories.³ On July 16, 2019 Dr. Altinel’s sentencing hearing in this first case was postponed to December 26. On July 26 the Turkish Constitutional Court ruled that a group of these cases were in violation

¹Glossary: Academics for Peace, page 21

²Glossary: TMK 7/2, page 27

³See spreadsheet at <https://tinyurl.com/bakdava>

of the constitution.⁴ It remains to be seen whether this will be applied generally; in view of the judicial calendar, this point should be clarified in September. The decision of the court applied to the case of Füsün Üstel, incarcerated on May 8, 2019, and released pending appeal on July 22nd, and now definitively freed.⁵

The second case, and the subject of this report, is specific to Tuna Altınel. In this case he is charged under article TCK 314/2 with *membership* in an armed terrorist organization,⁶ namely the Kurdish Society of Lyon and Rhône-Alpes (Amitiés Kurdes Lyon et Rhône-Alpes: AKLRA), a registered organization under French law. There are two elements to this charge:

- Membership in AKLRA and the assertion that AKLRA is in some sense allied with the PKK;
- Dr. Altınel’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 Sarıyıldız, now living in exile, was a participant.⁷

This second case is under the jurisdiction of the Balıkesir court system.⁸ Prior to the first hearing the court requested that this second case be merged with the first case, under the jurisdiction of Istanbul. This request was refused by Istanbul on the grounds that the charges and applicable articles of law are different in the two cases.

Also prior to the first hearing, the lawyers had submitted requests to the court for Dr. Altınel’s pre-trial release on grounds much like those given during the hearing, on two separate occasions. Both requests had been rejected by a panel of judges similar to those presiding at the hearing on July 30.

2. THE INDICTMENT

As the indictment was not read out in the courtroom, but was discussed in detail at points in the court proceedings, we precede our description of the hearing with some relevant points in the indictment.⁹

After a brief summary of the charges and applicable articles of law and a short history of the PKK and various related organizations, none of which makes any further appearance in the body of the document, the indictment lays out the charges in a paragraph at the end of the third page. Here the indictment speaks of “the

⁴In a split decision: the court split 8/8 but the chair has two votes.

⁵Glossary: Üstel, page 28

⁶Glossary: TCK 314/2, page 26; the indictment lists 6 applicable articles

⁷Glossary: AKLRA, page 22; Sarıyıldız, page 26.

⁸Glossary: Balıkesir, page 22

⁹The indictment consists of 12 pages in the original Turkish. In preparing this report, I had access to the original as an image file, as well as a rough and entirely unofficial translation into English. Further extracts from the English translation will be found in Appendix A.

conference organized in Lyon by the PKK affiliated structures.”¹⁰ The charges made in this paragraph are the following.

- Tuna Altinel hosted the event, organized the conference, acted as translator, and played the most visible role in the event.
- At the conference, a documentary on alleged Turkish atrocities at Cizre was shown.
- The conference took place in Villeurbanne (neighboring Lyon) in the Palais du Travail of the municipality, on Feb. 21, 2019.
- Faysal Sariyıldız made unsubstantiated claims and accusations against Turkey at that meeting.
- It was stated that war crimes were committed and civilians were massacred at Cizre, and that the West had remained silent.
- Tuna Altinel demonstrated an adversarial attitude toward our country [Turkey] on PKK/KCK terrorist and Armenian websites (sic).

The Cizre massacres, and especially the Cizre basement massacres, remain a very sensitive point in Turkey.¹¹ This last event took place in February 2016, that is, shortly *after* the peace petition of 2016, and hence it is not present as an element in the indictments of the signatories to that petition.¹² The entire trial revolves around this controversial topic, and the question as to whether it is legal, under Turkish law, to discuss it in a public forum in France. The indictment states that a report on this public meeting in France was made by the Ministry of Foreign Affairs in Turkey six days later, based on information supplied by the Turkish consulate in Lyon.¹³

The next few pages of the indictment contain a number of screenshots of internet material relating either to the meeting or to the Facebook account of the accused, making it plain that a documentary on the Cizre massacres was shown. Notably, a screenshot is given showing the following (in French): *Faysal SARIYILDIZ HDP parliament member and witness to the Cizre massacres is present this evening at a screening and discussion of “Cizre—The Story of a Massacre.”* Particular attention is paid to the occurrence of a “Kurdish flag” in one of the photographs, and the use

¹⁰Otherwise unspecified: but as the organizer was the registered French organization *Amitiés Kurdes Lyon et Rhône-Alpes*, later mentioned once in passing, this is presumably the intended reference.

¹¹Glossary: Cizre, Cizre basement massacres, page 23

¹²Cf. the timeline given in Appendix F, page 29.

¹³According to the indictment, the Turkish consulate in Lyon monitors and reports on political activity by Turkish nationals on French soil, and such a report is sufficient to open a criminal inquiry in Turkey. It is noteworthy that Tuna Altinel was testifying in court in Istanbul the day after the Turkish Foreign Ministry made its report, and addressed the same subject—Cizre—in his court testimony.

of the word “Kurdistan.”¹⁴ Under one of the photographs (on the ninth page) two of the charges of the indictment serve as a caption.

The remainder of the indictment takes an unexpected turn: to a large degree it presents various statements of the accused reflecting his own point of view, in considerable detail. In particular page 10 gives the Turkish translation of an eloquent post, originally in French, reviewing the situation in southeastern Turkey from Summer 2015 through February 2016, from the end of the so-called Kurdish Opening to the Cizre Basement Massacres.¹⁵ Similar but considerably more detailed information was also given by the accused in his February 28 hearing in Istanbul as an Academic for Peace.¹⁶ A number of interesting remarks by the accused are reported without comment on the 11th page, among them that “confronting the truth exalts a country” (rather than degrading it).

A conclusion occupies the last half of page 11 and the final page. One noteworthy point made is that “analysis . . . can take a considerable time; . . . there is suspicion, sufficient to indict the suspect, . . . the results of the analysis . . . can be presented in the prosecution phase.” Thus it appears that the trial hearings begin *before* the available evidence has been fully examined.

A final point mentioned in the indictment is that time spent in prison should be deducted from the final punishment.

The need for further evaluation of the evidence will recur as item (5) in the order given by the court at the conclusion of the July 30 hearing (§4.6).

3. THE COURT AND THE COURTROOM

I attended the court hearing in Balikesir on July 30, on behalf of the Committee of Concerned Scientists, the American Mathematical Society, and the Association for Symbolic Logic. This hearing lasted from 2:30 PM to 4:35 PM. I do not speak Turkish and relied on a Turkish colleague for a general sense of what was said, and other sources for specific details.¹⁷

A demonstration and press conference was held in front of the courthouse from 1:30 PM and was attended by more than 200 participants (estimated). Three buses from Istanbul brought supporters, and a large number arrived by car from various cities around Turkey. There was a large police force around the court house. My understanding is that there was substantial communication between the lawyers

¹⁴Turkish law concerning the use of words like “Kurdistan” or the Kurdish language has been considerably liberalized in recent decades but specifics of vocabulary are frequently noted as evidence in indictments for support of terrorism in modern Turkey. See the end of Appendix A, “discourses and attitudes.”

¹⁵Glossary: Kurdish Opening, page 25. See also the introduction to the timeline in Appendix F, page 29.

¹⁶Original and English translation at http://math.univ-lyon1.fr/SoutienTunaAltmel/doc/19_02_28_Defense/ADefense20_Synopsis_notes.pdf.

¹⁷Subsequent to the hearing, I had access to the original indictment together with an unofficial English translation, the text of Tuna Altmel’s declaration as published in English (with some omissions), and the official trial transcript (Turkish). I have made use of this material in preparing this report, and I give much of it in more detail in the appendices.

and the judges prior to the hearing and that the authorities were well aware of the interest in the case (in particular, letters designating observers had been supplied to the lawyer in advance, for submission to the judges). I have no standard of comparison with the arrangements at other trials in this court. The demonstration was filmed by journalists and by the security forces and took place without incident.

The case was heard in Balıkesir Courthouse by the 2nd ACM (Turkish: Ağır Ceza Mahkemesi, or Major Felony Court). The panel of judges consisted of presiding judge Mehmet Deniz MALKOÇ together with judges Bayram Cem KARA and Yıldız YANIK. The public prosecutor was Mehmet PARLAR and the recording clerk was Emre YILDIRAK. According to the official transcript of the hearing, the judges on this panel were replacing the regular panel associated with this court on a temporary basis.¹⁸

Tuna Altinel was represented by the lawyers Oya Meriç EYÜBOĞLU, Ayşe Aylin BARCIN, Av. Ali AVDUN, Av. İmdat ATAŞ, İlahi ÖZ, and Ahmet İnan YILMAZ.¹⁹ Two French lawyers representing the university Lyon-1 and the French Consul General from Istanbul were in attendance.²⁰ Other observers included two members of parliament from the CHP party, one of whom is also the president of the Diyarbakır bar association,²¹ three members of parliament from the HDP party, the vice president of the CHP for human rights,²² a representative of the French Human Rights League (LDH), and an observer reporting to the European Mathematical Society. A journalist covering the proceedings for the French news agency AFP was also present.

I was told that the hearing room has a normal capacity of 40 seats for spectators, but 65 were permitted on this occasion, the remainder waiting outside. The room was dominated by a table at which the three judges on the panel were seated along with the prosecutor, with the recording secretary in front. My initial impression was that there were four judges, as the seating presented the four as a single panel facing the courtroom, with the prosecutor first on the left, and the presiding judge in third position, flanked by the other two members of the court.

The defense lawyers, observing lawyers, and attending members of parliament were seated (according to instructions of the presiding judge) on the left and right side of the judges' table.²³ The accused sat in the center front before the judges'

¹⁸Appendix C; the temporary role of the judges was noted in point (3) of the decision, cf. §4.6.

¹⁹I am told a distinction was made between the lead lawyers Eyüboğlu and Yılmaz, who certainly dominated the proceedings, and the other attending lawyers, but the court record recognized these 6. When there are two given names, in Turkish usage the *second* given name is the main one.

²⁰One of the French lawyers in attendance was garbed in the formal robes used by French lawyers. As a government employee (university professor) Tuna Altinel is entitled to “functional protection” under French law, and the university considers that the activities in question in the trial were covered by this provision.

²¹The Diyarbakır bar association is also being investigated under TCK 301, the provision dealing with insulting the state or certain organizations of the state.

²²Glossary: CHP, page 23; HDP, page 24

²³Defense lawyers on the right; defense lawyers, visiting lawyers, dignitaries on the left, as seen by the spectators.

table, with a line of four gendarmes²⁴ seated behind him, and the remaining spectators in the central area. The details of the seating arrangements for the general spectators were handled by representatives of Dr. Altinel's supporters, who took care to place observers together with Turks serving as translators in the first rows. The court room was equipped with television screens, divided into one screen showing the panel of judges and one screen showing the current speaker. The hearing record refers to an audio-visual recording system called SEGBİS which was used for the most part in place of a stenographer's record; this system seems to be separate from the system provided for the benefit of the public.

Throughout the trial the judges seemed to me attentive, though sometimes occupied with their computers (possibly taking notes or referring to notes). This has not always been the case in the trials of Academics for Peace.

Certain anomalies were observed. Though only two lawyers had official standing, at least four spoke,²⁵ with the judges' permission. The prosecutor appeared young (to my eyes, under 40)²⁶ and seemed not well acquainted with the law, or possibly the facts of the case. He said very little, and ultimately the bulk of his proposals were overruled.

4. THE PROCEEDINGS

The indictment was not read,²⁷ but it had been made available to Tuna Altinel and his lawyers, and it was referred to in detail during the hearing.

4.1. Declaration by Tuna Altinel. Tuna Altinel was seated in the central section directly before the panel of judges, separated from the spectators by a line of gendarmes,²⁸ also seated, and he was not immediately visible to the spectators, though once the spectators were settled and proceedings began he arose and was easily seen as well as heard.

After a brief formal verification of the identity of the accused the presiding judge inquired whether he wished to have the charges read. Tuna Altinel replied that this was unnecessary. He was then invited to make a statement. According to the official court record, the audio-visual recording system was turned on at that time (14:48), and the details of the statements made thereafter are not part of the written record, other than the identification of the main speakers up to the point at which the recording devices were turned off.

²⁴ Turkish: *jandarma* rather than *polis*, as indicated on the backs of their uniforms. The Turkish gendarmerie is a branch of the Turkish Armed Forces. Their usual area of operations is in rural areas, notably counter-terrorist operations in southeast Turkey. Their normal role in court or prison security is not known to me; in this case it may have something to do with the location of the prison at which Tuna Altinel was held, or the nature of the charges.

²⁵I thought five; the record shows four.

²⁶After the attempted coup of July 2016 the judiciary was massively purged, along with law enforcement and the education system (including private institutions). In these areas, and others, there is a noticeable demographic shift.

²⁷In fact, with the consent of the accused, who expressed his familiarity with its contents, it was not even summarized. See also Glossary, under CMK 191, page 24

²⁸*Jandarma: note 24*

Tuna Altinel spoke for 11 minutes. An English translation of this declaration published by the website Bianet is given in Appendix D. Unlike the statement given by Tuna Altinel at his February 28 hearing, which was wide-ranging and assertive,²⁹ this declaration dealt very directly with the main points of the case. The declaration was given in a very measured manner; knowing Tuna Altinel as a mathematician, this seemed to me consistent with the manner of a lecturer explaining important points of detail. Some significant points made include the following.

- (1) The organization AKLRA in question is a registered French organization founded by a French citizen, and whose board is composed entirely of French citizens, for the promotion of Kurdish culture.³⁰
- (2) Evidence was not offered in any of the prosecution's materials for a link between the AKLRA and the PKK.
- (3) Faysal Sariyıldız was invited to a discussion of events which he personally witnessed while he was MP from the province of Şırnak. He was informed that this was not a political meeting.
- (4) The prosecution allegations that Sariyıldız moderated or presented the event are both incorrect, and are based solely on the interpretation of a photograph posted on social media.
- (5) The allegation that Tuna Altinel made a "presentation with Sariyıldız" is not a correct description of a translator's role.
- (6) There follows a review of the events from the confiscation of Dr. Altinel's passport to his arrival at the issuing office in Balıkesir and his subsequent arrest.³¹
- (7) Public statements made to the press at the time of arrest ignored the presumption of evidence.³²
- (8) He suggested that the special harshness of his treatment resulted from the sensitivity of the "trench wars" (mid-summer 2015 to early summer 2016) and the treatment of civilians and human rights violations in the affected areas.³³
- (9) The Constitutional Court ruled on July 26 that the trials of the Academics for Peace with which Tuna Altinel's case originated are themselves unlawful.

In conclusion Dr. Altinel asked for his immediate release (acquittal) and observed that the idea that he might be a flight risk was belied by the fact that he had returned repeatedly and voluntarily to Turkey.

He was then asked by a judge whether he was a member of the PKK and replied "No."

²⁹February 28 declaration: original and English translation at http://math.univ-lyon1.fr/SoutienTunaAltinel/doc/19_02_28_Defense/ADefense20_Synopsis_notes.pdf.

³⁰Glossary: AKLRA, page 22

³¹Timeline: Appendix F

³²Cf. Appendix B

³³Point (8): Glossary: Cizre, page 23; Nusaybin and Sur, page 25. This point is missing from the English translation published by Bianet.

4.2. **For the defense: Meriç Eyüboğlu, Esq.** The defense lawyer Meriç Eyüboğlu then spoke for almost 40 minutes.³⁴ Among the points she made were the following.

- (1) According to the law, preventive detention applies to cases of flight risk, or possible destruction of evidence (in this instance, largely Facebook and Twitter postings), and Tuna Altınel was not a flight risk.
- (2) That international relations were involved, with reference in particular to the address to the French National Assembly by deputy Cédric Villani³⁵
- (3) That no crime occurred (translation at a public meeting not a crime).
- (4) Legal documents regarding the registered French AKLRA have been added to the file.
- (5) Various precedents in Turkish law were cited, as well as the decision of the Constitutional Court (July 26) already mentioned (§4.1).
- (6) The existence of a large number of similar cases resulting in sanctions by the European Court of Human Rights was noted, as well as the general issue of freedom of speech, again with reference to the ECHR, and to Article 26 of the Turkish constitution.
- (7) The right to financial compensation was discussed.
- (8) The issue was raised of the inappropriate release of confidential materials to newspapers (this is discussed in more detail below).

The tone of this presentation appeared to be factual, perhaps didactic, occasionally emphatic, but not emotional.

Concerning the last point cited here, the lawyer referred to a press release issued by the Balıkesir Governor on the occasion of Tuna Altınel's incarceration as a violation of the presumption of innocence and the separation of powers; this press release contained certain verbatim extracts from the indictment as well. The press release together with an unofficial English translation giving the general sense is in Appendix B, accompanied by a comparison of some overlapping sections of the press release and the indictment, in the original Turkish.

4.3. **For the defense: İnan Yılmaz.** There followed a presentation of a very different tone by İnan Yılmaz, who eschewed the standard robes worn by the judges, prosecutor, and other lawyers for an elegant suit. His presentation, taking a little over a quarter of an hour, struck this observer as theatrical. It contained several humorous elements as well as passion and was the first speech to receive substantial

³⁴According to my understanding, Meriç Eyüboğlu has represented roughly 200 of the signatories of the 2016 peace petition currently charged with terrorist propaganda, among them Tuna Altınel (in his prior case, in Istanbul), on a pro bono basis. This is perhaps facilitated by the circumstance that the charges and evidence given in the indictments in such cases do not vary, even when the facts do—the indictment refers to documentation or circumstances which are non-existent or inapplicable in the cases of a number of the accused.

³⁵Fields medalist (mathematics) and French politician; June 11, question to Foreign Minister Le Drian; raised by Le Drian with his Turkish counterpart in Ankara, June 13—a transcript of this intervention, with a translation, may be found at http://math.univ-lyon1.fr/SoutienTunaAltinel/doc/19_06_11VillaniLeDrian.pdf. Cédric Villani was cited by name; how much detail concerning the circumstances was given by Meriç Eyüboğlu, or previously known to the judges, was not communicated to me.

audible reaction from the spectators. It was also the only presentation not to be squarely directed to the judges, but to the room as a whole. He focused first on the qualities of Tuna Altinel as a person and as a mathematician, and the general improbability of his membership in a terrorist organization, and the evident difficulty of combining a prominent international career as a respected research mathematician with a secret life as a PKK terrorist domiciled in France.

He then pointed out that the kinds of activities actually alluded to in the documents took place on foreign soil and were sufficiently commonplace, that in all probability thousands of tourists arriving in Turkey from abroad would have performed comparable acts, and that all members of Kurdish cultural societies in Europe would be guilty as well.³⁶ He inquired as to whether the court would jail any tourists coming to Turkey as guilty of such crimes under Turkish law and mentioned the likelihood of economic and political consequences of such a policy.³⁷ In this part he stressed that the acts charged took place in another country, where Tuna Altinel lives and works, and where the organization AKLRA is chartered.

He suggested, facetiously, that the reference in the indictment to the Kurdish flag could be applied to Turkish President Erdoğan; possibly this referred to the official use of the Kurdish flag in Atatürk National Airport (February, 2017) to welcome President Barzani of the Kurdistan Region of northern Iraq on an official visit.³⁸ This sally was greeted with a burst of laughter in the courtroom.

And he stated that justice and politics need to be separated, the latter being less stable than the former.³⁹

He then concluded on a striking note, looking toward Tuna Altinel while posing a question to the judges, whose gist was

Let us suppose he were to say he was a member of the PKK. Would you believe him?

4.4. Additional remarks by the defense. Another, younger, defense lawyer, Aylin Barçın⁴⁰ made further comments (a little over five minutes), rapidly and energetically, relating to precedents afforded by similar cases, among those the Constitutional Court decision of July 26 which apparently voids the cases of the Academics for Peace⁴¹, as well as the case of Ayşe Çelik previously overturned by the Constitutional Court.⁴²

Here, as I understand it, the question was focusing on a request for Tuna Altinel's release.

³⁶The Netherlands was mentioned repeatedly, for reasons which escape me.

³⁷This may have been meant as an indirect reference to the interest in Tuna Altinel's case abroad, though it could stand on its own.

³⁸Erdoğan himself has also used the term *Kurdistan* to refer to this region.

³⁹Note that the nuances of this very dramatic speech may have been interpreted in varying ways by different auditors; I rely entirely on secondhand impressions of the content.

⁴⁰I rely for the name on the official hearing report. She sat on the right side with Meriç Eyüboğlu and I suppose that she is one of her associates.

⁴¹In theory: this legal point is to be tested in practice, in the near future.

⁴²Glossary: Çelik, page 22

4.5. The prosecutor’s motions. According to the hearing record, İlahi Özden made additional brief remarks. My impression is that he asked for the prosecutor’s views, and the presiding judge asked the prosecutor to comment.⁴³

The prosecutor spoke for six minutes. He proposed that Altinel be released under judicial control, that the case be combined with that in Istanbul, and for this purpose, that the case be sent to the Constitutional Court, on the basis that the request for unification had been rejected by the Istanbul court.⁴⁴ The prosecutor’s proposal for release was briefly but loudly applauded by the spectators—and this was the only point in the hearing, until the delivery of the final decision, to elicit such a vigorous response.

The defense (Meriç Eyüboğlu, İnan Yıldız, and last İlahi Öz) then made a number of brief but pointed and consequential points. The proposal for unification of cases was ridiculed by the defense as legally untenable, and already rejected by the Istanbul court, on the basis that two very different charges subject to two different statutes were involved, and thus the cases could not be combined. They also spoke again very briefly against the need for judicial control.

The presiding judge then announced a brief break for deliberation, which lasted from 4:12 to 4:35.

4.6. Decision. On reconvening the presiding judge spoke for about a minute. This decision involved subtleties which certainly escaped me at the time and appeared to have escaped the public as well. Furthermore the decision as printed in the trial hearing report appears to be much longer than what I heard, and to contain both more and, in some respects, less information than was communicated to me at the time.

For the record, I will first give the decision as I understood it at the time, after conversations with the participants concerning the details. But the published decision corrects and completes this understanding, so I will return to that afterward.

*Decision as communicated to me at, and immediately following,
the conclusion of the hearing:*

- Release of Tuna Altinel, without judicial control (contrary to the prosecutor’s recommendation).
- Tuna Altinel not obliged to attend future hearings in the case.
- Next hearing to take place November 19, 2019.
- A police report expected still from Ankara, which would be taken into account.

The last item was mysterious and not clarified, and was subject to conjecture; see further below.

The judge ignored the prosecutor’s request for unification (incorrect: see further below).

⁴³In any case, the next substantial statement was made by the prosecutor.

⁴⁴Other observers described him as stammering in the course of his main intervention; this point was not apparent to me.

Decision as given in the hearing transcript:

The official published decision contains five items, and is given in the original Turkish at the end of the official report on the hearing, which we have transcribed in App. C, page 17.

My current understanding of the content of this set of orders, in brief, is the following.

ORDERED

- (1) There is no place for unification of the cases,⁴⁵

Whereas:

- (2) The evidence has largely been collected and considering the reasons for the interrogation of the suspect the release of the accused is proper at this stage,
- (3) In view of the fact that this court's authorized members are all on leave of absence and that this panel consists of their temporary replacements, the case is subject to review by the authorized members,
- (4) The interrogation of the suspect is complete and he is not needed at future hearings,⁴⁶
- (5) The Ankara GIS file 2019/121396 is still to be received,⁴⁷

It was unanimously decided to adjourn the hearing and to resume on November 19, 2019, at 14:00.

Comparison

The official decision corresponds substantially with the understanding communicated to me at the end of the hearing, with the following exceptions.

- The question of unification of cases as proposed by the prosecutor was explicitly rejected with a detailed explanation of the basis for the prior decision of the Istanbul court;
- The required file from Ankara was identified more explicitly.
- The status of the judges as interim judges was not previously mentioned to me. It is unclear from the above what panel will preside at the next hearing.

One notes that from an Anglo-Saxon point of view the judicial process mixes aspects of an investigative and judicial system and that the gathering of evidence and its evaluation is considered to be ongoing.

5. CONCLUSION

As the question of Dr. Altnel's passport was not addressed, the lawyers have indicated that they will make an application for reissuance and that the point should be cleared up, one way or another, in the near future.

⁴⁵Detailed explanation supplied.

⁴⁶Wording hard to follow in the last part.

⁴⁷This appears to refer to the so-called "Geographical Information System" report (Turkish: CBS) and refers to a file which I was told was not previously known to the defense.

The French Consul General and the French lawyers remarked that the matter was far from concluded. And they indicated their intention to observe the next hearing.

Later that day, after 81 days of detention in Kepsut Prison (Balıkesir), Tuna Altinel was released and is now in Istanbul.

END OF THE REPORT ON THE JULY 30, 2019 HEARING
FOR TUNA ALTINEL AT BALIKESIR, BY GREGORY CHERLIN
Documentation and contextual information follows

APPENDIX A. EXCERPTS FROM THE TEXT OF THE INDICTMENT

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 Plaintiff: 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.⁴⁸

Indictment: Page 3, bottom, 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 the PKK affiliated structures, 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 the affiliations/extensions of the terrorist organization of the PKK/KCK; that in this conference held on February 21, 2019 by the affiliates/extensions ... unsubstantiated claims and accusations were made by Faysal Sariyıldız, whose passport had been invalidated due to his illegal organizational activities and for whom a search warrant was issued; that it was claimed that ... certain war crimes were committed and that civilians had been massacred, and that Western countries had remained silent about this massacre; that, according to the information provided by the Consulate General of Lyon, Ahmet Tuna Altinel is the person who had hosted the event and simultaneously translated the speech of Faysal SARIYILDIZ and that he organized the conference and played the most visible role in the event;⁴⁹ that on PKK/KCK and Armenian websites [sic] he demonstrated an adversarial attitude to our country;

⁴⁸Öcalan (PKK): incarcerated in Turkey since 1999; involved in peace negotiations with the Turkish government in the period 2012–2015.—GC

⁴⁹These phrases recur as a photo caption later on, in lieu of a discussion.—GC

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

(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 massacred⁵⁰ ...

⋮

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

Don't let co-existence remain as 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 quotation in the indictment)

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

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.

⁵⁰Massacred: 178, by the estimates of the Turkish Human Rights Association; over 100 burned in basements according to the UN.—GC

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

certain 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).

the suspect ...

... has designs against the territorial integrity of the Turkish Republic;⁵¹

... 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;⁵²

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

... [acted] together with an organization which is considered to act in coordination with the PKK/KCK and that bears the term “Kurdistan” on its logo;⁵³

... ... 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 (§4).

APPENDIX B. PRESS RELEASE, BALIKESIR GOVERNORATE, MAY 11

Reference: <http://www.balikesir.gov.tr/basin-bulteni-1779>.⁵⁴

B.1. 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

⁵¹Glossary: Kurdistan, page 25

⁵²ibid.

⁵³ibid.

⁵⁴A 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.

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 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

B.2. English translation. The first sentence is quite convoluted but this appears to say the following.

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 Sarıyıldız (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

B.3. Comparison 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 simültana olarak
tercüme eden
Ahmet Tuna ALTINEL isimli
şahsın PKK/KCK
terör örgütü etkinliğini organize
eden ve en görünür biçimde etkin-
likte rol oynayan şahıs olduğu,
şahsın ...

APPENDIX C. OFFICIAL HEARING RECORD, TRANSCRIBED (TURKISH)

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.

DURUŞMA TUTANAĞI

Dosya No : 2019.232 - Esas
Duruşma tarihi : 30/07/2019
Celse No : 1
Başkan : 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) başsuz olarak hazır edildiği.

Tutuklu sanık vekilleri Oya Meriç Eyüboğlu, Ayşe Aylin Barcın, Av. Ali Avdun, Av. İmdat Ataş, İlahi Öz, Ahmet İnan Yılmaz'ın geldikleri görüldü.

CMK.nun 191 şaddesi gereğince iddianamenin kabulü kararı okundu, acık duruşmaya başlandı.

Heyet değişikliği nedeniyle tensip zaptı ve diğer belgeler okundu.

Tutuklu sanığa CMK 176/3 md. uyarınca iddianame ve duruşma gününün tebliğ edildiği, Sanığın tutuklu bulunduğu Balıkesir L. Tipi Kapalı Ceza İnfaz Kurumuna duruşma günü mahkememizde hazır edilmesine dair müzekkere yazıldığı,

Sanık müdafine duruşma gün ve saatini bildirir tebligat çıkartıldığı,

Ankara TEM Daire Başkanlığı ve Balıkesir TEM Şube Müdürlüğüne, sanık hakkında terör araştırması yapılmasının istenilmesine dair yazılan müzekkere yanıt verildiği,

İstanbul 29. ACM'nin 2018/14 esas sayılı dosyasına, her iki dosyanın İstanbul'da birleştirilmesi için muvafakat sorulmasına dair yazılan müzekkereye gelen cevabi yazıda muvafakat verilmediğine ilişkin cevap verildiği,

Görüldü. Gelen bilgi ve belgeler okundu. Dosyasına konuldu.

SEGBİS KAYDINA BAŞLANILDI. SAAT : 14:48

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

SANIK:AHMET TUNA ALTINEL, İSMAİL SAMİ Oğlu EMİNE ZUHAL'den olma, 12/02/1966 doğumlu, 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 gereğince sanığa Balıkesir C. Başsavcılığınca düzenlenen iddianame ile ekli gelgeleri okundu, yüklenen suçlama anlatıldı. CMK'nın 147, 191/3-c. maddeleri uyarınca yüklenen suç hakkında açıklamada bulunmamasının kanuni hakkı olduğu, müdafii seçme hakkının bulunduğu ve onun hukuki yardımından yararlanabileceği, müdafii seçecek durumu olmadığı ve bir müdafii yardımından faydalanmak istediği takdirde kendisine baro tarafından bir müdafii görevlendirebileceği, şüpheden kurtulması için somut delillerin toplanmasını isteyebileceği ve kendisi aleyhine varolan süphe nedenlerini ortadan kaldırsak ve lehine olan hususları ileri sürmek olanağının bulunduğu şeklindeki 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 olşakla suç türü ile suç tarihlerinin farklı olduğu, yargılamanın ayrı yapılması 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 müstemir yetkili üyelerinin her üçünün de izinde oluşu, bu celseye iştirak eden üye hakimlerin komisyon görevlendirmesi ile geçiçi olarak duruşmaya çıktığı gözetilerek dosyanın esası bakımından müstemir yetkili üyelerle birlikte deperlendirme yapılmak üzere dosyanın bu aşamada incelemeye alınmasına,

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

5-Ankara CBS'nin 2019/121396 soruşturma sayılı dosyasına müzekkere yazılarak sanık hakkın-da 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.

The orders given at the end of this report are discussed in §4.6.

APPENDIX D. OPENING STATEMENT BY TUNA ALTINEL

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 Bahkesir, 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 Rhone-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 Sarıyıldız.'

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 send 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.

APPENDIX E. GLOSSARY AND REFERENCES

What follows is a glossary of terms relevant to understanding the political context behind the trials of the Academics for Peace generally and the hearing for Tuna Altınel discussed in the present report. Further background references are also given. This glossary was not originally prepared specifically for the purposes of the present document, but it has been edited to include some additional terms of particular relevance to the hearing we report on above.

- ACADEMICS FOR PEACE

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

In the period from January 30, 2019 to July 31, 2019 the number charged rose from 452 to 786 and appears to be limited only by the capacity of the judicial system to process the cases.

However, a Constitutional Court ruling on July 26, 2019 voided some of the case (notably that of Üstel, mentioned below) and appears broadly applicable. A judicial recess will end in September 2019 and the legal consequences of this decision should be seen more clearly at that time.

Some cases of note (see Glossary entries for those starred).

- ★ Dr. Tuna Altınel is a Rutgers graduate (PhD 1994) and a professor at Lyon-1, France since 1996, not yet sentenced; second set of charges filed May 11, 2019; see under Altınel.
- Dr. Ayşe Erzan, a physicist, is the 2003 L’Oréal-Unesco Woman in Science. Sentenced to 15 months prison without parole, under appeal.
- Dr. Noémi Levy is a French national with Turkish citizenship by marriage and a Teaching Fellow at LSE, UK. Sentenced to 30 months without parole on June 13, 2019.
- ★ Dr. Baki Tezcan is a professor at UC Davis, arrested June 26, 2019 on arrival in Istanbul; see under Tezcan.
- ★ Dr. Füsün Üstel is a retired history professor from the Franco-Turkish Galatasaray University, Istanbul, the first of the Academics for Peace to begin serving a prison term; see under Üstel.
- Dr. Halil İbrahim Yenigün is a postdoctoral fellow at Stanford University; his first hearing is expected in October 2019.

Survey: *Inside Higher Ed* July 1, 2019: “Peace Petition Signatories Face Continued Prosecutions,” <https://www.insidehighered.com/news/2019/07/01/about-700-academics-have-been-criminally-charged-turkey-their-signatures-petition>

Website: <https://barisicinakademisyenler.net/English>

Trial statistics: <https://tinyurl.com/bakdava>

- ACM (AĞIR CEZA MAHKEMESİ)

Major Felony Courts, or in Interpol terminology: Central Criminal Courts. Cases of “terrorist propaganda” under article TMK 7/2 are among the crimes judged in these courts, by a panel of three judges. From an administrative point of view there are a number of such courts in the provincial capitals (34 in Istanbul), though they may use the same buildings.

- 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 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.

- AKP (AK PARTI, JUSTICE AND DEVELOPMENT PARTY)

Turkish political party, the party of President Erdoğan. Took power in 2002. Conservative, favoring a greater role for religion, and allied with the Gülen religious movement until approximately 2013.

Increasingly authoritarian tendencies under the leadership of Erdoğan, led to massive protests in 2013 (Gezi Park Protests). Accused of crony capitalism, notably since the corruption scandals of 2013.

Pursued a political solution to the Kurdish problem from 2002 to 2015, and a purely military solution thereafter.

Reference: [https://en.wikipedia.org/wiki/Justice_and_Development_Party_\(Turkey\)](https://en.wikipedia.org/wiki/Justice_and_Development_Party_(Turkey))

- ALTINEL, DR. TUNA

Turkish mathematician working and residing in France since 1996. Advocate of civil liberties and freedom of expression. Facing prosecution 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; next hearing November 19, 2019).

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

- BAK (TURKISH: BARIŞ İÇİN AKADEMİSYENLER) See under *Academics for Peace*

- BALIKESİR, TURKEY

The capital city of Balıkesir Province in the Marmara region (western Turkey), and the fourth largest city in that region, with population ca. 330,000. A center for agriculture and some industry. Approximately 180 km southwest of Istanbul.

The Altinel family is registered in Balıkesir, though they moved to Istanbul prior to his birth. For that reason all administrative matters connected with Tuna Altinel, such as those relating to his passport, are dealt with by the Balıkesir administration.

- CBS: GIS (GEOGRAPHIC INFORMATION SYSTEM)

Data gathering system used by law enforcement, and for other applications. The present writer has no information about its use in Turkey, and assumes that in a legal context the Turkish “CBS” refers to that system rather than to some other law enforcement department.

- ÇELİK, AYŞE

Ayşe Çelik is a teacher in Diyarbakır, Turkey who was arrested on charges of making propaganda for a terrorist organization under TMK 7/2.

Calling in to a popular television program on January 8, 2016, she said

Are you aware of what’s going on in the country’s east? What’s happening here is misrepresented on television. Don’t stay silent! Please show more sensitivity as human beings! See us, hear us and give us a hand! I’d like to address the teachers who have abandoned their students. How are they going to return there? How are they going to look those innocent children in the

eye? What a pity! Don't let people die. Don't let children die. Don't let mothers cry.

The host responded

We are trying our best to make it heard. Your words have been a lesson for us. We will continue to do more. Hopefully your wishes for peace will be realized as soon as possible.

She was arrested on January 11, 2016, and sentenced to 15 months in prison.

On April 20, 2018 she was imprisoned with her six month old daughter, later sent to her grandmother. She was released again on May 4 with sentencing deferred to October 31. The sentence was upheld on appeal October 2, 2018.

On May 9, 2019 the Constitutional Court voided her conviction and ordered a retrial. At retrial the prosecutor cited the Constitutional Court decision and moved for acquittal, as well as the removal of the previous sentence, then suspended.

The television station was also fined for broadcasting her remark.

Reference: <https://www.rightsinpractice.org/new-blog/2018/9/22/freedom-of-expression-in-turkey-3cmsd>

- CHP

Turkish political party: Republican People's Party. Founded 1919: Kemalist, social-democratic. Banned after the military coup of 1980, until 1992.

Leading opposition party in parliament. Presidential vote: 38% in 2014; 31% in 2018.

- 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

Report:

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)

Report: 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, ARTICLE 191**

These are the regulations governing the beginning of a judicial hearing as given in the first reference cited.

(1) Through establishing whether the accused and his defense counsel are present, if the witnesses and experts who had been summoned have appeared, the main hearing shall start. The accused shall not be handcuffed at the main hearing. The presiding judge or trial judge declares the beginning of the main hearing through reading out the decision on the admissibility of the indictment.

(2) The witnesses shall be asked to leave the courtroom.

(3) In the main trial the following interactions shall be conducted in the listed order:

(a) The openid entity of the accused shall be determined and knowledge about his personal and economic situation shall be obtained from him,

(b) The indictment or the document substituting the indictment shall be read,

(c) The accused shall be notified of his legal right of silence related to the crime he is charged of, and of his other rights, which are listed in Article 147,

(d) When the accused states that he is ready to give explanations, he shall be interrogated according to the rules.

Clause 3(b) was amended in 2016 and now states that the indictment, actions, and evidence, and the character of the accusation, shall be explained.⁵⁵

References:

https://sherloc.unodc.org/res/cld/document/tur/2005/turkish_criminal_procedure_code_html/2014_Criminal_Procedure_Code.pdf, (Bilingual; page 96 of 161)

<https://forum.bar\protect\discretionary{\char\hyphenchar\font}{-}{-}andogan.av.tr/topic/673/cm-k-madde-191>

- **GEZI PARK PROTESTS**

A massive series of protests in central Istanbul beginning in May 2013 and lasting through the summer.

Reference: https://en.wikipedia.org/wiki/Gezi_Park_protests (Wikipedia).

- **GÜLEN, FETHULLAH**

Islamic scholar, preacher and de facto leader of the Gülen movement—an international faith-based civil society organization presently outlawed in Turkey.

—(https://en.wikipedia.org/wiki/Fethullah_G%C3%BClen)

Allied with AKP from 2003 with the goal of strengthening the role of religion in Turkish society. This alliance ruptured in the period 2011–2013 and the movement was outlawed, and accused of planning and organizing the July 2016 coup attempt in Turkey.

Gülen lives in the United States. Turkey has requested his extradition.

- **HDP**

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

⁵⁵(b) (Değişik: 24/11/2016-6763/29 md.) İddianame veya iddianame yerine geçen belgede yer alan suçlamamın dayanağını oluşturan eylemler ve deliller ile suçlamamın hukuki nitelendirmesi anlatılır,

- KURD

An ethnicity well represented in southeastern Turkey, northern Iraq, and northwestern Iran. The ideology of modern Turkey for some time did not recognize the existence of this population in Turkey, and reference to it, or the use of the Kurdish language, was restricted by law.

The southeastern part of the country is economically underdeveloped and riven by social, political, and ethnic tensions. The Turkish state has taken various approaches to this set of issues; the present regime has at various times taken approaches ranging from direct negotiations with a proscribed group (the PKK) to purely military repression and massacre of civilian populations; the latter after the breakdown of the ceasefire in 2015.

Reference: https://en.wikipedia.org/wiki/Kurdish_people

- KURDISH OPENING (“DEMOCRATIC INITIATIVE”)

An initiative launched by the Erdoğan government seeking a political solution to the Kurdish problem, beginning with secret negotiations with the PKK in 2009, and lasting till Spring 2015.

References:

Francis O’Connor, “The Kurdish Movement in Turkey,” PRIF Report 147, 2017; <https://www.hsfk.de/service/news/news/the-kurdish-movement-in-turkey/>

T. Chabre, Chronology, 2009–2014, “De l’ouverture kurde au processus de résolution.” <https://ovipot.hypotheses.org/11111>

- KURDISTAN

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

- a geographical area with a substantial Kurdish population, overlapping Turkey, Iraq, and Iran;
- 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,

- NUSAYBIN AND SUR

The town of Nusaybin and the district of Sur in Diyarbakır province in southeastern Turkey were the subject of a May 2017 U.N. report detailing massive destruction and human rights violations in the period since July 2015, including unlawful killings of women and children, torture, and the forced displacement of between 335,000 and 500,000 people, and decrying the refusal of the Turkish government to permit an on-site investigation.

Referenced in the January 2016 Academics for Peace petition.

Reference: *UN report details massive destruction and serious rights violations since July 2015 in southeast Turkey*, Office of the High Commissioner for Human Rights, May 10, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21342>

- 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.

- SEGBIS

The Audio/Video Information System (Se/G-Bi-S) which records Turkish court proceedings.

- SUR

See *Nusaybin and Sur*

- TAKSIM SQUARE

A central tourist location in Istanbul, near Gezi Park. See *Gezi Park protests*.

- 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.

Note: there is some additional rule empowering punishments of this type to be increased 50%, making the maximum penalty 15 years.

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. These are also considered armed terrorist groups for the purposes of article 314. For example, the French society AKLRA (which see) is characterized as an affiliate or extension of the PKK in the indictment quoted in Appendix A; see page 12.

TKM 7/1 also covers membership in terrorist organizations.

- TEZCAN, BAKI

UC Davis Professor of History, signatory of the Academics for Peace peace petition July 2016. First U.S. professor among the signatories arrested. After he missed his first hearing, the Turkish government requested that the U.S. take his testimony (letters rogatory, rather than extradition). This request was denied by the Justice Department on the grounds that such activities were constitutionally protected. A Turkish court then issued an arrest warrant for him and he was arrested on his arrival in Istanbul June 26, 2019.

Reference: Sacramento Bee, July 2, <https://www.sacbee.com/news/local/education/article232147652.html>

- 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*, aimed principally at journalists but acting as 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. It appears that this will be widely applicable, as far as the trials of Academics for Peace are concerned.

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

- ÜSTEL, FÜSUN

The first of the Academics for Peace to begin serving a sentence (15 months, from May 8, 2019). Released July 22; and a decision of the Constitutional Court on July 26, 2019 appears to end the case, in its current form.

The full list of those convicted and whose sentences have not been suspended is believed to be as follows. Most of these cases are still under appeal; the effects of the ruling by the Constitutional Court should become clear in Fall 2019.

Ayşe Erzan, Özdemir Aktan, Nesrin Sungur Çakmak, Füsün Üstel, Büşra Ersanlı, Lütfiye Bozdağ, Şebnem Korur Fincancı, Özgür Müftüoğlu, Yonca Demir, Gençay Gürsoy, M.A., Alper Akyüz, Ahmet Bekmen, Nihan Aksakallı, Hülya Kirmanoğlu, İsmet Akça, Haydar Durak, İlkay Özkürallı, Öznur Yaşar Diner, Remzi Orkun Güner, Esra Kaliber, Eda Aslı Şeran, Aysuda Kölemen, İlkay Yılmaz, Zeynep Tül Süalp, L.N., S.A., Gevher Gökçe, Çare Olgun Çalışkan, Nevin Zeynep Yelçe, Ali Kerem Saysel, Koray Çalışkan, S.I. Süreyya Topaloğlu, Ayşe Gül Altınay, Noemi Levy Aksu.— (<https://barisicinakademisyenler.net/node/1282>)

APPENDIX F. TIMELINE

In the period 2009–2015 President Erdoğan’s AKP party pursued a peaceful resolution of the Kurdish question (the “Kurdish Opening” and the “Solution process.”) In its first phase it involved measures such as the relaxation of legal restrictions on use of the Kurdish language, followed later by secret negotiations with the PKK. A ceasefire with the PKK began in 2013.

On February 28, 2015 this process led to a formal agreement by the PKK and the Turkish government, the Dolmabahçe agreement, to seek a peaceful resolution of the conflict, subsequently repudiated by the president on July 17, 2015. The ceasefire with the PKK ended. In Fall 2015 extensive military operations were undertaken in southeastern Turkey and military curfews were imposed.

The trials of the so-called Academics for Peace for terrorist propoganda, and ultimately the second set of charges against Dr. Altınel for membership in a terrorist organization, have their roots in a peace petition and declaration concerning these developments which was put forth in January, 2016; its signers became known as the Academics for Peace. The timeline since January 2016 is 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 (see Glossary).
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–June

- 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.
- Feb. 21 TA, Ci Documentary and discussion: Cizre massacres; Lyon, France. 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.
- 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.
- May 8 AP Incarceration of Füsün Üstel: first incarceration of an Academic for Peace, sentenced to 15 months.
- May 10 TA Altınel: Arrest and interrogation, on arrival at Balıkesir to request a new passport.
- May 11 TA Altınel: pre-trial detention; decision taken to file new charges and to hold Dr. Altınel pending trial.
- 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 question of Dr. Altınel's case with his Turkish counterpart in Ankara.
- June 13 AP Academic for Peace Noémi Levy, historian, is sentenced to 30 months.
- 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).

<i>Date</i>	<i>Cat.</i>	<i>Description</i>
2019, July		
July 16	AP, TA	Sentencing hearing for Dr. Altınel (Istanbul); verdict postponed to December 26, 2019.
July 22	AP	Release of Füsün Üstel, incarcerated May 8, 2019.
July 26	AP	Constitutional Court decision voids 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, documented herein. Released from prison pending trial. Next hearing scheduled for November 19, 2019.
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. .

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

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