

**OBSERVATIONS FROM 28<sup>TH</sup> FEBRUARY 2019,  
IN THE ÇAĞLAYAN COURTS  
(“THE TURKISH STATE VS ACADEMICS FOR PEACE”)**

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ABSTRACT. As an external observer, I attended hearings on the 28<sup>th</sup> February 2019 in trials against Turkish academics, all charged with terrorist propaganda after signing the “Academics for Peace” petition in 2016. This is a report of my observations.

**General context:** The hearings I observed on the 28<sup>th</sup> February, 2019 are part of large-scale trials being conducted against over 680<sup>1</sup> Turkish academics by the Turkish State, all charged under the Anti-Terrorism Act after signing a petition circulated in early 2016. Above all, the petition called for a return to the peace process between the State and armed militants allied with the Kurdistan Workers’ Party (PKK). I take up the custom of referring to any of the signatories of that petition as one of the “Academics for Peace”, particularly the large number that are under trial. Use of the term does not imply they are a member of any organisation as such.

The trials that I observed share much in common with those reported on by Dr Adrien Deloro<sup>2</sup>, indeed the entire indictment is exactly the same. I refer the reader to his report for an informative and concise introduction to the general context of the trials, the indictment and the petition at the centre of all these trials.

**The observer:** David Bradley-Williams, a postdoctoral mathematician at the University of Düsseldorf, Germany. I am neither a Turkish citizen nor a member of any organisation related to the case. My visit was made in a personal capacity; I know Dr Tuna Altinel personally as a close mathematical colleague. Particular observations during Dr Altinel’s defence can be found in Section 5.

As I do not understand or speak Turkish, my understanding of the proceedings relies on the discussions I had with members of the audience around me at the time.

## 1. OUTSIDE THE ÇAĞLAYAN COURTHOUSE

In advance of the court hearing, some 40 students, family, friends and other associates of “Academics for Peace” gathered in solidarity on the plaza in front of the public entrance to the courthouse. There I greeted Dr Altinel and was introduced to a relative of his who would help me with some commentary during the hearing. Tuna moved to the front of the crowd as he would give a speech. In his speech he commemorated two Academics for Peace who had died since the start of the legal proceedings against them for signing the petition. The date was close to the second anniversary of the reported suicide of one Academic for Peace

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<sup>1</sup>Data retrieved from <https://barisicinakademisyenler.net/node/314>

<sup>2</sup>Adrien Deloro, *On the hearings of January 10, 2019 before the 36th Court (“The Turkish State v. Academics for Peace”)*, available at <https://webusers.imj-prg.fr/~adrien.deloro/papers/DHearings.pdf>.

who had taken his life after being dismissed from his university position during the legal proceedings. Directly in front of the gathering, half a dozen reporters observed the gathering<sup>3</sup>. Standing distinctly apart from them was another small group of onlookers. One at the front of that group was filming the entire gathering on a hand-held digital camera. Someone next to me told me that this group were from the “Civil Police”. Though they wore no uniforms, they are well-known to some academics present, as they are “always there, always filming”. After a second speaker addressed the plaza, the gathering dispersed to join the long queues waiting to enter the “Palace of Justice”<sup>4</sup>.

## 2. ENTERING THE COURTHOUSE

It took some time in the queue to get to the public entrance of the Courthouse. I heard about differing “tactics” being employed by different judges across the cases in these trials. So many Academics for Peace are on trial that there are a range of judges in different courts involved, each processing their tranches of cases. Over the many cases, while the indictment from the prosecution is *exactly* the same, there are differences in their legal treatment. In particular, some cases are transferred from the initial charge of “Making Propaganda for a Terrorist Organisation” (under Article 7/2 of the Turkish Anti-Terror Act), to investigation under “Article 301” with a charge translated to me variously as “Insulting the Turkish state/nation”, sometimes “Insulting Turkishness”.

Entering the courthouse involves clearing airport-style security: X-rays and manual checks of bags and coats. Directly after the security check, there is the flashing neon sign of a supermarket, giving me the momentary impression of standing in a shopping mall, in an otherwise drab open interior with an empty space stretching up dozens of floors.

## 3. EIGHT ACADEMICS AMONG MANY

The hearing I had come to observe is part of the trial of 8 co-signatories of the petition, among them Dr Altinel, whose current status I return to in Section 4. All the defendants are being tried under the charge of “making propaganda for a terrorist organisation”. This was officially the 3<sup>rd</sup> hearing in their trial. A distinct feature of this trial is that Dr Altinel holds his position at a university abroad, in France, although he is a Turkish citizen. Due to his lecturing duties in France, he was unable to attend the previous hearings, which took place in his absence. In the hearing today some of the co-defendants would present their defence, whereas some of them had already given theirs at a previous hearing. Tuna was among the three that would present their defence today, although this was the first hearing he was in attendance<sup>5</sup>.

## 4. IN THE 29<sup>TH</sup> HEAVY PENAL COURT

The hearing was scheduled for 10:00 in the 29th Heavy Penal Court. The judges were Mustafa Çakar (President), Barış Öztürk, and Berhan Hamdi Şen. The state prosecutor was Arif Kaplan.

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<sup>3</sup>Reported on (non-neutral) Bianet at <https://m.bianet.org/english/freedom-of-expression/205950-statement-of-solidarity-by-students-of-istanbul-university-for-their-lecturers>

<sup>4</sup>Proclaimed the “European first; World’s second greatest Palace of Justice” by an engineering firm involved in its construction: [http://www.kinaci.com.tr/reference\\_details.php?id=Mjg=](http://www.kinaci.com.tr/reference_details.php?id=Mjg=)

<sup>5</sup>Tuna pointed out to me later that he not even received information about the proceedings until *after* the first scheduled hearing had taken place, discovering about it himself on logging into an online government information system.

Security guards control the access through turnstiles to the corridors and balconies leading towards each court room, to a waiting area between two courtrooms where we waited for the hearing to open. A court clerk opened the courtroom doors at 10:30. Defendants and their lawyers were ushered past a threshold dividing the public gallery and the main area of the courtroom. The audience were allowed to take places on rows of benches and chairs in front of the main door. There were around 45 in the audience, which exceeded the three rows of seats and benches provided; the court clerk handed over a few chairs from inside the court to ameliorate the situation.

The far end of the room is raised to a stage, occupied by the three judges sitting to face the room, and the prosecutor sitting on stage right (our left) facing across them and, should he wish, diagonally towards the room from his corner. During this hearing however, the prosecutor almost exclusively faced the screen of his laptop.

The wall behind them is decorated with gilt lettering reading ADALET MÜLKÜN TEMELİDIR: "Justice is the foundation of the State"; the profile silhouette of Atatürk hanging below, also in gilt. In front of the stage, at the common level and facing the audience, sits a court scribe. Suspended above the scribe, close to the ceiling, are two front-facing CCTV screens, mirroring the room in video. Along the right-hand wall (in-front and perpendicular to the left of the stage) is a bench fully occupied by lawyers acting for the defendants. There are almost as many lawyers as there are defendants, as I understand it all acting independently in this trial. While these 8 defendants are being tried simultaneously in the same court and charged with the same indictment, I am told their cases are formally separate. Along the left-hand wall, opposite the defence lawyers, is an empty bench. The defendants sit in two rows of chairs facing the stage of judges and prosecution, with their backs to the audience. There are only six defendants seated there, out of the eight listed as on trial in this hearing.

I mention here that lawyers are recognisable from their uniform comprising a black gown decorated with *green* ribbons and cuffs; in contrast to judges and prosecutors whose gowns are decorated instead with *red* cuffs and ribbons. As with the staging, the prosecutor and judges are somehow set together, distinctly apart from lawyers of the defendants.

At this point the presiding judge (the middle of the three) makes an announcement, calling forward Dr Altınel to confirm his identity; it is his first appearance at the court and he must confirm his identity to the court.

Another defendant then took the stand, giving a speech lasting around two minutes from the small lectern in the middle of the room. The judge sitting to the President's left speaks briefly before the the presiding judge calls a third defendant to the stand, who speaks for around 5 minutes.

The President then addresses one of the lawyers and she replies with a few sentences. The process seems to halt. My neighbour translates that they now need to wait for printouts to be made before continuing with the remaining speeches. During this hiatus, the President asked the defence lawyers if they have any additional comments to make. I learn at this point that some of the defendants in this hearing have already given their defence speeches in the previous hearing. Most of the lawyers reply with nothing more than declining the offer. A couple of the lawyers do speak.

With the additional comments exhausted, a fourth defendant is called to the stand to read their defence. They speak for about 5 minutes. Meanwhile the awaited printouts arrive; given to one of the lawyers by the court clerk who hands them on to some of the defendants. On the conclusion of that speech, the now familiar procedural remark from the President calls Tuna Altınel up to the stand.

## 5. ON ALTINEL'S DEFENCE

Tuna Altinel begins to speak with a strong tone; almost immediately what sounds like an amplified mobile phone rings, which he continues to speak over. The ringing seems to be silenced by the scribe in the centre of the room.

Tuna's words appear to have an immediate effect on the expressions of the judges; the faces of the judges to the right and left of the President fall down, while they start rubbing their faces. Indeed this is the first time I notice the judge to the right of the President reacting at all to the proceedings. The presiding judge also begins to stare into his desk. There is a second ringing, which is again apparently silenced by a reaction of the scribe; the clerk exits by a back door.

Meanwhile the President has lifted his gaze from his desk to focus on the speaker; the face of the left-hand judge has gained a somewhat defiant expression, as he turns askew to face his laptop screen. The clerk returns through the back door and searches for something around the courtroom desks.

The attentions of those sitting around me are focussed on the speaker. It is clear what he is saying is of particular interest. The left-hand judge is making notes, the right-hand judge leaves through some papers on his desk, while the President's stare at the speaker hardens. The prosecutor keeps his attention as focussed on his laptop as ever. After 13 minutes of energetic speaking, Dr Altinel returns to sit in the row of defendants.

## 6. THE HEARING CONCLUDES

The President then opens the floor to one of the lawyers Meriç Eyüboğlu<sup>6</sup>, who launches into a fervent speech from a bench opposite the main bench of defence lawyers, looking directly up at the prosecutor and judges. The right-hand judge takes a particular new interest in the lawyer's speech. For the first time in the hearing, the prosecutor stops tapping at his laptop and looks pensive. During this speech, some of the other lawyers get restless, two of them leave the courtroom half-way through her 10 minute address.

When she finishes, the prosecutor is the first to speak; the only time he says anything in the entire hearing. He pronounces more-or-less one sentence. Another of the lawyers replies, then there is an exchange between the lawyer Eyüboğlu and the presiding judge. There is some consideration. The President turns to the judge on his right and lifts some sheets of paper to cover their mouths as they whisper to each other. After some whispering to his right, the president repeats the same with the judge to his left. He turns then to the court and declares their decision:

**The trial is adjourned until the 16<sup>th</sup> July<sup>7</sup>.**

Fifty minutes after the start of the hearing, at 11:25, I am outside the courtroom. Together with a small group from the hearing, we make our way towards the courthouse cafeteria for lunch and glasses of Turkish tea.

7. IN THE 37<sup>TH</sup>, 25<sup>TH</sup> AND 26<sup>TH</sup> COURTS

I stayed in the courthouse that afternoon and observed a few more, shorter hearings in other trials against other co-signatories of the Academics for Peace petition. These three trials involved just a single defendant, in contrast to the first hearing I attended. In two of these hearings, in the 37<sup>th</sup> and 26<sup>th</sup> courts, I

<sup>6</sup>Meriç Eyüboğlu is also acting for a number of other Academics for Peace in similar trials, among others mathematician Prof. Dr Ayşe Berkman.

<sup>7</sup>Notably the 15<sup>th</sup> July is, since 2017, a public holiday: The Democracy and National Unity Day; declared in commemoration of national unity defeating the attempted coup d'état on that date in 2016, the attempt which triggered continuing purges across Turkey (see Note 8).

understood a request was being made by the lawyer in each case to postpone to a later date for various reasons. Those two lasted between 5 and 10 minutes each with just a few members in audience. Every court room looks exactly the same and while the panels of judges are made up of different individuals for each of the courts, the faces look so similar to be almost repeats of each other. The appearance of one of the prosecutors stood out to me for his youth<sup>8</sup>, looking quite significantly under the age of 30.

In the 25<sup>th</sup> Court there was much more of a congregation. It was the first hearing in the trial of one Academic for Peace who lives and works in Eskişehir, a city some 300 km from Istanbul. The request was being made in this hearing for the case to be transferred to a court in the province of Eskişehir. Dozens of lawyers had turned out to this hearing, filling not only the defence bench but the public gallery too; a show of strength by those in green-cuffed robes.

I arrived after the start of this hearing, during which I observed heated exchanges between the judges and lawyers. After 5-10 minutes of this, the presiding judge ordered everyone out of the courtroom for the judges' deliberation. After a couple of minutes the doors reopened. Before everyone had time to get back through the doors, the message got outside that the request to transfer this case to a more local court had, this time, been granted.

#### 8. AFTERMATH

(Added on 8<sup>th</sup> May 2019)

I have recently been informed of an alarming development. On arrival in Istanbul in mid-April, Tuna Altınel's passport was confiscated. He was informed that his passport had been declared invalid. There were, however, no travel restrictions declared by the court. Technically speaking, he is perfectly free<sup>9</sup>.

Meanwhile Professor Füsün Üstel, the first Academic for Peace to enter prison after her trial, is imminently due to start her 15 month prison sentence for her signature on the petition<sup>10</sup>.

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<sup>8</sup>Large-scale dismissals of judges and prosecutors have created a shortfall in the judiciary, see: <https://www.theguardian.com/world/2017/jul/07/march-for-turkeys-jailed-judges-highlights-purge-on-dissidents>

<sup>9</sup>The European Court of Human Rights (ECHR) has been called to intervene in the cases of three other co-signatories of the petition whose passports have been unexpectedly cancelled. Details on this application, made jointly by human rights organisations including Amnesty International: <https://www.amnesty.org/en/latest/news/2019/03/echr-cancellation-of-passports-of-turkish-academics-threaten-academic-freedoms/>

<sup>10</sup>Announced at: <https://www.amnesty.org/en/documents/eur44/0290/2019/en/>