



REPUBLICAN PEOPLE'S PARTY
REPORT ON THE IMPRISONED DEPUTIES

TURKEY: GRAND PRISON FOR DEPUTIES
The Outcry of a Country Whose Will is Under Arrest

PRISON EXAMINATION AND WATCH COMMISSION

NURETTİN DEMİR
MUĞLA DEPUTY

VELİ AĞBABA
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PREFACE

The parliamentary activities in a country represent and reflect the history of civilization in that country.

This perspective which is agreed upon by political scientists, summarizes and describes in the best way what is the contemporary and historical function of parliaments.

The Assembly, made up of the deputies who have been elected through popular vote, writes history while shaping the destiny of the country through every step that it takes.

The minutes of the proceedings of the Assembly, which has not failed in its duties since the most critical days of the War of Independence, shed light on many of the issues which are still at stake today.

Those who will read the minutes of the Grand National Assembly of Turkey for the year 2013 will often come across the following statement:

8 Deputies are in Prison

This is a statement summing up not only the political history of Turkey, but its general history of civilization as well.

To what extent can a legislative body help the country in its progress, when it is unable to ensure that popular will is fully reflected in the Assembly?

To put it more clearly, can an Assembly, which is unable to solve its own problems, solve the problems of the country?

This question is a high priority at the top of the agenda of the Assembly. In the Grand National Assembly, and therefore in Turkey, there's a problem concerning "freedom of will".

To bring an issue forward is to take a step towards a solution.

This is the main purpose of this Report.

From students to journalists, from soldiers to lawyers and unionists, for almost all segments of society; Turkey currently draws the image of "the greatest prison in the world". The same definition holds for deputies as well.

A durable solution shall come forward through more freedom and more democracy.

This is the goal and the reason for the existence of the Republican People's Party!

MUSTAFA BALBAY
Izmir Deputy
Sincan L-Type Prison

TURKEY, GRAND PRISON FOR DEPUTIES

We are currently living in a country where almost anyone who is not willing to go with the grain of the government is regarded as a potential threat. Anyone who does not retain the lifestyle within the borders drawn by the government, or anyone who opposes the government is “otherized”. Besides being otherized and blacklisted and despite all the reform packages concerning the judicial system that have been announced; none of those who write, report, criticize the government, demonstrate, or support those who demonstrate can dodge the label “terrorist”. These people are taken under police custody by operations scheduled at dawn, they are arrested, and sent into prisons.

*In the present situation, it resides on the Prime Minister to decide who is a terrorist and who is not; such that the Prime Minister has developed a common discourse concerning imprisoned mayors, reporters, unionists, students, lawyers and scientists: **“They are not students/reporters/mayors/lawyers/unionists/scientists/members of parliament ... but terrorists.”***

At the basis of the “autocratic/despotic” mentality of the AKP government lies an “understanding of inner security” that is problematic and at times “schizophrenic”. The political power virtually labels all “who are not one of the AKP” or who oppose the government as terrorists. The Chief of Turkish General Staff becomes the leader of a terrorist organization, reporters are accused of “propaganda in the name of terrorist organizations”, while for some reason, the organizational links of the murderers of Hrant Dink cannot be identified.

Individuals who exercise their constitutional rights during the Gezi Park Demonstrations are confronted with the accusation of “preparing ground for a coup d’état, plotting or trying to overthrow the state”. Deputies who have been elected through the exercise of popular will, are accused of being “directors of terrorist organizations” and are held under arrest with the claim that there is “a risk that they may escape”.

In the present situation, it resides with the Prime Minister to decide who is a terrorist and who is not; resulting in the Prime Minister developing a common discourse concerning imprisoned mayors, reporters, unionists, students, lawyers and scientists: **“They are not students/reporters/mayors/lawyers/unionists/scientists/members of parliament ... but terrorists.”**

This discourse, which is shaped accordingly to the **“Big Lie” technique of Joseph Goebbels**, the Minister of Propaganda of Nazi Germany, currently serves to cover up for the lamentable conditions in Turkey regarding freedom of speech, and to misguide the public opinion in the country and in the world. Through this discourse which is constantly repeated by the Prime Minister, thousands of people who are unfairly and unlawfully being held in prisons are labelled as “terrorists” despite the “presumption of good will”.

In our country, against this “Big Lie” which is circulated by the person occupying the highest post, all those who do not give up the struggle for democracy and freedom are trying to raise their voices, resist against the dicta regime which is trying to establish itself and stand up against injustice and

unlawfulness. However, these honored people are confronted with tear gas, riot control vehicles and police violence. Against all oppression, the “Gezi Spirit” that uses disproportionate intelligence to rise against the “Big Lie” is now finding its path to disseminate within the society.

We, on the other hand, are trying to continue with our functions in the new legislative year, all the while retaining a feeling of great void brought about as a result of the absence of our 8 friends in the Grand National Assembly and their being held as hostages in prison.

Today, “conservative democracy” is the name given to the dictatorial regime which is directed through riot control vehicles of the police and special authority courts, by a political movement that appropriates for itself the identity of the victim through the criticism of the tutelage of the army and the courts of emergency rule.

As members of the Prison Examination and Watch Commission of the Republican People’s Party (RPP-PC); we have endeavored to keep on the agenda of the public opinion the issue of how the state of law is being attempted to be abolished step by step, through unfair and unlawful detention, incarceration, long durations of detention and bills of indictment that are not based on realistic evidence. We have stood against this practice, and we shall continue to do so.

After being elected to the parliament in 2011, we considered it a top priority and our duty to strive against practices that are ill-suited to the rule of law.

In addition to the parliamentary action that we have started for this purpose (such as bill proposals or written parliamentary questions) we have been visiting penal institutions. We have met with sick prisoners and imprisoned unionists, lawyers, reporters, students, scientists and deputies. Through the reports that we have prepared, we have shared their outcry with the public. Besides the prison reports, we have published the **“Report on Ill Prisoners”** and the **“Report on Imprisoned Journalists”** in 2012.

It must be noted, not with pride but with shame, that after all of these visits we have passed into history as the deputies who have visited the largest number of imprisoned students, unionists, lawyers, reporters and scientists. We have unfortunately broken yet another record as the members of the RPP-PC, as **the deputiess who have visited the largest number of imprisoned deputies**. With this final record that we have broken, we mean to bring once more to the attention of the public the blind alley that our democracy has been directed into, and the situation which shall be remembered as a black page in our history.

Nowhere in the world are deputies, who are the representatives of the popular will, held in prisons in such a manner. This situation does not comply with any of the principles of democracy. This situation is in line only with the shallow definition of democracy which has been introduced in our country by the AKP.

Today, “conservative democracy” is the name given to the dictatorial regime which is directed through riot control vehicles of the police and special authority courts, by a political movement that appropriates for itself the identity of the victim through the criticism of the tutelage of the army and the courts of

emergency rule. This understanding, which does not exist in the terminology of political science and is marketed by bringing together the names of two ideologies that are very different from each other, is nothing but the presentation of the conservative ideology, with its autocratic and repressive roots, under the mask of "democracy".

As members of the 24th period of the Grand Assembly, whose other members are held in prisons, we are continuing our struggle for democracy and human rights within the "Grand Prison of Turkey" which is being established with the understanding of "conservative democracy". This report has been prepared as part of our struggle for democracy and human rights. For this report which we have named "Turkey, Grand Prison for Deputies" we have thought it appropriate to give the subtitle "The Outcry of a Country Whose Will is Under Arrest"; since the 8 imprisoned deputies are elected deputies who have received hundreds of thousands of votes that were balloted in the parliamentary elections.

The fact that the members of parliament who have been elected by hundreds of thousands of votes cannot find their place under the roof of the Assembly, which already has an anti-democratic distribution of seats as a result of the 10% elections threshold, stigmatizes the reputation and the value of the Grand Assembly and, just like the coups d'état, shall be recorded in our political history as a disgrace that is difficult to account for.

Particularly unacceptable is the attitude of the Bureau of the Grand National Assembly of Turkey regarding the elected deputies. The Bureau has to this day made no attempt to contact the imprisoned deputies. These deputies who have been elected by hundreds of thousands of votes have been neglected and consigned into oblivion.

It needs to be clearly stated that the imprisonment of people's representatives and the refusal of their demand to be released on conditions of trial without arrest can be a case not in a democracy but only in a country which is governed by a despotic and authoritarian regime. We dedicate this report to our friends, the imprisoned deputies, and to our people whose will is arrested, in support of the struggle carried out against the present oppressive regime.

It needs to be stated clearly that the imprisonment of people's representatives and the refusal of their demand to be released on conditions of trial without arrest can be a case not in a democracy but only in a country which is governed by a despotic and authoritarian regime.

Prison Examination and Watch Commission

Nurettin DEMİR
Muğla Deputy

Veli AĞBABA
Malatya Deputy

Özgür ÖZEL
Manisa Deputy

“REPRESENTATIVE” DEMOCRACY AND IMPRISONED DEPUTIES

The mere existence of general elections that are held periodically and a parliament constituted as a result of these elections cannot be regarded as sufficient for “democracy”. The concept of “participatory democracy” in the literature of political science needs to be interpreted as a concept that can complement the shortcomings of “representative democracy” that are becoming more and more apparent.

The deputies whom the people have chosen through their free will are unlawfully held in prisons; precluded from participating in legislative activities.

However, while in the literature of political science the shortcomings of “representative democracy” are discussed and debated, our country is currently at a point where not even the minimum requirements for “representative democracy” are fulfilled. **The deputies whom the people have chosen through their free will are unlawfully held in prisons; precluded from participating in legislative activities.**

Additionally, democracy with its inclination towards the ideals of freedom and equality is the modern form of government that needs to be endorsed, appropriated and protected with all the institutions and organizations it entails. In our country today, this form of government which is exercised in its “representative” form comes into substance in the institutional existence of the Grand National Assembly of Turkey. The popular will which is represented in the Grand Assembly through groups of political parties and deputies is the most concrete confirmation of democracy. Therefore it is essential on behalf of the popular will reflecting on the Assembly that elections are held in a free setting and that people are able to send their elected representatives to the Assembly without facing any obstacles.

CONSTITUTIONAL REQUIREMENTS FOR BEING ELECTED AS A DEPUTY IN TURKEY

As is stated in Article 76 of the Constitution:

“Persons who have not completed primary education, who have been deprived of legal capacity, who have not performed compulsory military service, who are banned from public service, who have been sentenced to a prison term totalling one year or more excluding involuntary offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities, shall not be elected as a deputy, even if they are granted amnesty.”

Every citizen of the Republic of Turkey who is over 25 years of age and who meets these requirements indicated in the related article of the Constitution can be elected as a deputy. Additionally, in the 2nd clause of Article 83 regulating the “parliamentary immunity” granted to deputies, the following expression is present: **“A deputy who is alleged to have committed an offence before or after being elected shall not be detained, interrogated, arrested or tried unless the Assembly decides otherwise.”** There are nevertheless two exceptional cases that are also mentioned in the same clause. These exceptional cases are stated as follows:

“This provision shall not apply in cases where a member is caught in flagrante delicto requiring heavy penalty and in cases subject to Article 14 of the Constitution as long as an investigation has been initiated before the election.”

Accordingly, a deputy can be detained, interrogated, arrested and tried only in the case where he or she is caught in flagrante delicto requiring heavy penalty and in the cases mentioned in Article 14 of the Constitution provided that an investigation has been initiated before the election of the person as deputy. The binding provision of these two exceptional cases is stated in Article 14. Accordingly to Article 14,

“None of the rights and freedoms embodied in the Constitution shall be exercised in the form of activities aiming to violate the indivisible integrity of the State with its territory and nation, or to endanger the existence of the democratic and secular order of the Republic based on human rights.”

This binding provision requires that in order for the detention of a person to continue after he or she has been elected as a deputy, the offense being charged against that person must be based on an activity that aims to violate the indivisible integrity of the State or to endanger the existence of the democratic and secular order of the Republic based on human rights. On the other hand, for the enforcement of a penalty given to a deputy who has committed a crime within the scope of Article 14, the end of the person’s term as a deputy must be awaited.

This condition brings forth an unequal practice according to the Constitution regarding crimes committed before and after a person's election as deputy. For this reason, the deputies who are currently in prison must be discharged immediately; since this has been the general practice regarding similar cases, which have taken place many times in our political history

Cases in the Past Where Deputies Have Been Discharged After Winning Parliamentary Seats



Mümtaz Faik Fenik:

Ankara Deputy from the Democratic Party

Mümtaz Faik Fenik was the responsible manager for the Zafer Daily Newspaper, which had been established as the media organ of the Democratic Party, and became its editor-in-chief. Fenik was arrested in February 1950, and discharged after winning a parliamentary seat in the elections on May 14, 1950.

Osman Bölükbaşı:

Kırşehir Deputy from the Nation Party

Bölükbaşı, who had been one of the founders of the Nation Party, was briefly arrested in 1949 with the accusation of plotting against İsmet İnönü and Celal Bayar. After being discharged he entered the parliament in the elections of 1950 as the only deputy from the Nation Party, and was reelected in 1954. As a result of his severe criticism of the government for the administrative repositioning of Kırşehir as the district of another province, he was arrested on July 1957 on charges of offence against the government. While in prison, he was elected to the parliament in the elections of 1957, from the Republican Nation Party. On his reelection he was discharged from prison.



Sebahat Tuncel:

Istanbul Deputy from the Peace and Democracy Party (BDP)

Sebahat Tuncel has run as an independent candidate in the elections of 2007 and has been elected to the parliament, while she had been under arrest for 9 months as part of a trial in which she was accused of being a member of the PKK. Upon her election she was discharged from prison on July 25, 2007. Her trial continued without her arrest, whereby the court approved a jail term of 8 years and 9 months for Tuncel. The file is currently in appeal.



Fadıl Akgündüz:

2002 - Siirt Deputy - Independent

Fadıl Akgündüz has been sentenced to a prison term of 4 years and 2 months for fraud, and has gone abroad after an arrest warrant was issued for him. After his escape a red bulletin was announced for his detention. He joined the 2002 elections in Siirt as an independent candidate. His arrest warrant in absentia was cancelled after he won a parliamentary seat in the elections and Akgündüz returned to Turkey on November 9, 2002. Following the application of the AKP to the Supreme Board of Elections demanding the cancellation of the election results in Siirt, with the claim that in the Pervari district of Siirt the election board had not been properly formed and a ballot box had been broken, the Supreme Board of Elections cancelled the elections in Siirt on December 2, 2002. The parliamentary memberships of the three deputies of Siirt (Mervan Gül from AKP, Ekrem Bilek from CHP and Fadıl Akgündüz, independent) have therefore been cancelled and following his loss of parliamentary immunity Fadıl Akgündüz was arrested on December 10, 2002. Fadıl Akgündüz was released on a bail of 150 billion TL in 2004.

The court decisions about these cases of “imprisoned deputies” in fact shed light on the issue that is currently at stake, clearly indicating a solution for the disgrace that we are in today. Just as has been the case in the past, all the individuals who have been elected to the parliament and are imprisoned for whatever reason, need to be set free within the framework of “respect for the popular will”.

Today however, despite the similar cases in the past, the problem of imprisoned deputies remains unresolved. The deputies who have been elected with the approval of the Supreme Board of Elections and through popular will are being held in prisons through the decisions of judges, paying no heed to democracy. The Judiciary decides whether elected deputies can or cannot carry out their legislative duties, neglecting the past exercises, imprisoning the popular will through decisions directed towards the interests of the political power.

Despite all the benevolent attempts that have been initiated since June 11, 2011, the promises that were given have been forgotten and even the necessary legal reforms have been rejected.

The Republican People’s Party has made bill proposals in favor of amending the “Law of Criminal Procedure” on April 26, 2012 and on February 15, 2013. The AKP government however, has rejected these proposals aiming to put an end to the disgrace of imprisoned deputies.

THE IMPRISONED DEPUTIES

As a result of the general elections held on June 12, 2011, the 24th legislative period has begun short of the nine deputies who had won parliamentary seats but had been unable to make their oaths since their detention was continuing. Although we have witnessed this countless times before in our political history where deputies who had been elected while in prison and released upon being elected to the parliament¹, in the 24th legislative period deputies elected through hundreds of thousands of votes balloted by the people have been deprived of their consitutional rights and prevented from participating in legislative activities.

A Zonguldak deputy, Prof. Dr. Mehmet Haberal, one of the nine imprisoned deputies, who had been sentenced to 12 years and 6 months in jail as a result of the Ergenekon Trial was released on August 5, 2013 since he had already completed his reduced sentence with the term that he had spent in prison during the trial (4 years, 3 months and 18 days). Mustafa Balbay, Izmir deputy, has been sentenced to 34 years and 6 months of prison term as a result of the same trial. As the case file is currently waiting for the decision of the Supreme Court, the imprisonment of Balbay is still continuing.

Hatip Dicle, Diyarbakır deputy and another one of the imprisoned deputies, is a case different from the others. Hatip Dicle has joined the elections after his candidacy was approved by the Supreme Board of Elections, as part of the standard procedure. However, his membership to the parliament was annulled via a decision of the same Board after the elections. This case has been written down in our political history as a clear case of unlawfulness.

It is a disgrace to our democracy that Mehmet Haberal, Zonguldak deputy, has been prevented from participating in parliamentary activities for two years; as well as the ongoing imprisonment of Kemal Aktaş, Van deputy, Engin Alan, İstanbul deputy, İbrahim Ayhan, Şanlıurfa deputy; Mustafa Balbay, Izmir deputy; Selma Irmak, Şırnak deputy, Faysal Sarıyıldız, Şırnak deputy and Gülser Yıldırım, Mardin deputy. The case of Hatip Dicle, whose membership to the parliament has been annulled, and the cases of the other deputies who are prevented from exercising their rights of representing the people are evidence of the dead-end that democracy in Turkey has gotten into, and of how step by step the regime is transforming into a one-man regime.

The “issue of imprisoned deputies”, which has occupied a wide place in the public opinion after the opposition parties had refused to take their oaths in the Grand National Assembly of Turkey following the general elections, has still not been resolved despite the attempts for resolution by the opposition parties. In the meanwhile the process continues, with the conclusion of the trial of Ergenekon and the beginning of the Supreme Court process, the

¹ Mümtaz Faik Fenik in 1950, Osman Bölükbaşı in 1957 and Sebahat Tuncel in 2007 have been elected while in prison and released after having won parliamentary seats. Likewise, Fadıl Akgündüz who was sought with a red bulletin has joined the elections in 2002, returned to Turkey upon having won a parliamentary seat and no legal action was taken against him.

expectation of a conclusion in the trial of Balyoz on October 9, 2013 after the appeal defenses have been completed, and the KCK trials, whereby a conclusion by the court is expected at every hearing. In this process, in the new legislative year, the necessary legal amendments must be made as soon as possible to finally resolve the issue of “imprisoned deputies”.

AN OVERVIEW AT THE IMPRISONED DEPUTIES AND THEIR SITUATIONS

In this part of the report is to be found information gathered through interviews and correspondance with the imprisoned deputies. About each imprisoned deputy, the allegations against each deputy in the relevant indictment, the evidence against them, their living conditions in prison, their health conditions and the human rights violations that they have endured are mentioned.



KEMAL AKTAŞ (Van Deputy for the 24th Legislative Period)

Aktaş, born in Urfa/Suruç in 1958, is an independent Van deputy. He has been arrested in Diyarbakır on April 14, 2009. Aktaş has made a prison term between 1980-2001 as a convict of the PKK main trial. In 2002 he has assumed the post of Şanlıurfa provincial chairperson for People's Democracy Party (HADEP), and has been among the founders of the Democratic Society Party (DTP). Aktaş has been a member of the DTP party assembly and a member of the central executive committee of the DTP, as well as working as a member of the Ecology and Local Administrations Commission of the DTP between 2006 and 2009.

Allegations Against Aktaş

The following expressions are to be found in the bill of indictment about Aktaş:

"It has been determined that; as well as being an executive in the COMMITTEE OF ECOLOGY AND LOCAL ADMINISTRATIONS in the structure of KCK/TM (Union of the Communities of Kurdistan / Council of Turkey) and running organizational activities as a responsible of the Political Academy, one of the pillars of the four pillar paradigm of Abdullah Öcalan, the ringleader of the organization; he has been involved in certain financial activities in the name of the KCK structure and that he has made threats to those who have not lent their financial support."

The accusation of "directing a terrorist organization" is brought against Aktaş based on the demonstrations he has joined and on phone and audio wiretappings.

Evidence for the accusation of "directing a terrorist organization" brought against Aktaş is supported with other accusations, such as his membership to the Committee of Ecology and Local Administrations, supporting the magazine Azadiye Welat, giving education to local administrators and managers, organizing free bus rides to penal institutions for the families

Kemal Aktaş: "Both of the witnesses have been saying that I have been working actively in the 'Political Academy of the Organization'. The witnesses are lying. Because, to my knowledge, there has been no institution in Diyarbakır which was known by, and which operated under the name of 'Political Academy' up to the date on which I have been taken into custody. Therefore I am curious about how I have managed to work actively in an institution that does not exist, and I would like also like to understand how this has happened."

of prisoners, or granting a floor of Kızıltepe municipality building to the Committee of Women and Culture.

In the bill of indictment about Aktaş, it is stated that prohibited books and magazines about which decrees of confiscation have been declared, such as "Özgür Halk Tavrı, İradeleşen Yurtsever Gençlik, Fedailleşen Yurtsever Gençlik, Devrimleşen Yurtsever Gençlik, Özgürleşen Yurtsever Gençlik, Şahinleşen Yurtsever Gençlik, Özgür Halk Gençliği" have been found at the addresses of Aktaş, a finding which is employed as evidence against him.

The fact that "a piece of paper on which the names and phone numbers of the staff of Kızıltepe Municipality are listed, and another piece of paper on which were written the names and phone numbers of the new mayors

and provincial chairpersons of the DTP following the local elections" have been found in Aktaş's car is included amongst other evidence in the bill of indictment against Aktaş.

Alongside with the allegations that Aktaş has been the general manager for the Political Academy of the Peace and Democracy Party (BDP), the finding that mayors, vice mayors and municipality staff were trained and educated in this academy is also represented as an element of crime. In his defense Aktaş has made the following statement against this allegation:

"Both of the witnesses have been saying that I have been working actively in the 'Political Academy of the Organization'. The witnesses are lying. Because, to my knowledge, there has been no institution in Diyarbakır which was known by, and which operated under the name of 'Political Academy' up to the date on which I have been taken into custody. Therefore I am curious about how I have managed to work actively in an institution that does not exist, and I would like also like to understand how this has happened."

That Aktaş has been holding meetings with BDP mayors and vice mayors on an orderly basis is assessed in the bill of indictment as an occasion for the transmission of messages from Abdullah Öcalan to these persons. Against this allegation, Aktaş has stated the following:

"Before all else, I was not working with the municipalities of the DTP under the 'structure of KCK/TM'. I was carrying out my works in the Commission for Ecology and Local Admisitrations of the DTP, which performs legal political works under constitutional

guarantee. Besides the DTP I am neither associated with, nor have any sort of link to, the KCK or any other illegal structure."

Another allegation about Aktaş is that, activities such as planting trees for the creation of "The 60th Year Forest" were purposefully carried out on Öcalan's birthday and that these activities have been performed in accordance with the directives of Abdullah Öcalan himself.

In the bill of indictment against Aktaş, deeds such as "organizing the sit-in demonstration in the Batikent vicinity of Diyarbakır between 01-03 November, 2008, under the title 'Enough - A Democratic Solution For the Kurdish Issue,'" "organizing the march under the call "Mesopotamian Culture March" in the province of Diyarbakır," and "providing support to the press declaration organized under the name "Mesopotamian Social Forum" on 20.12.2008 in Ekin Park" are regarded as elements of crime.

Kemal Aktaş: "Before all else, I was not working with the municipalities of the DTP under the 'structure of KCK/TM'. I was carrying out my works in the Commission for Ecology and Local Admisitrations of the DTP, which performs legal political works under constitutional guarantee. Besides the DTP I am neither associated with, nor have any sort of link to, the KCK or any other illegal structure."

Kemal Aktaş: "Tasks which have been assigned to me by the Party Assembly of the BDP have been regarded as elements of crime"

Against these allegations, Aktaş has stated, in the defense he has submitted in 2011, that the demonstration organized under the name "Enough - A Democratic Solution to the Kurdish Issue" had an organizing committee, that the necessary permissions had been obtained from the Governorate and that the demonstration was organized with a decision by the BDP Headquarters.

In his letter, Aktaş has summarized the allegations against him as follows:

- Music in Turkish, Kurdish, and in other languages that is listened to by everyone on a daily basis, has been renamed as "the music listened to by the Organization."
- It has been alleged, for the photos in which I had been wearing local clothing, that I had been wearing the clothing of the Organization.
- Texts on various subjects, such as history of religion, philosophy, anarchism, ecology, etc. which I had saved to my PC in order to read and to which anybody could access have been named as "organizational documents".
- It has been alleged that I have been following the "news agencies of the Organization", taking as a basis the fact that news from agencies such as DİHA and ANF have been found in my PC.
- The funerals that we have attended and the house visits that we have made to express our condolences have been deemed elements of crime.

“Tasks Which Have Been Assigned To Me by the Party Assembly of the BDP Have Been Regarded As Elements of Crime”

Kemal Aktaş: “Today, conditions are harsher even than those prevalent in September the 12th”

Kemal Aktaş, in the comments he has made regarding the allegations against him, has stated that the Party Assembly of the BDP has assigned to him certain tasks and activities, and that these very activities have been regarded as elements of crime in the case against him.

“Today, Conditions Are Harsher Even Than Those Prevalent in September the 12th”

Aktaş, who states that his educational activities in the Southeastern Project Union of Municipalities and his conversations on the telephone are presented as examples for these charges, remarks that his activities as a member of the Commission for Ecology and Local Administrations are regarded as criminal acts. Expressing that the putting up of a “Peace Tent” is among the charges brought against him, Aktaş states that **today, in Turkey, conditions are harsher even than those prevalent during the period of the coup d’état of September the 12th, that an even greater unlawfulness is being endured and that this situation holds for all the political trials that are currently proceeding.**

Aktaş, who expresses that **“all opposition is being crushed under a great grindstone,”** remarks regarding the resolution of the Kurdish issue that “this issue cannot be resolved through dying and killing. Everybody needs to be frank and sincere.”

Having submitted his first defense five years after being detained, Aktaş remarks that he is “having difficulties understanding this great injustice in the name of justice and law,” including the following statements in his defense: “I have seen the violence and the torture in the Diyarbakır Prison in the 1980’s. I have been tried with death sentence by the military court. I have been sentenced to 22 years in prison. After being discharged from prison I chose the path of democratic politics. I have carried out my struggle in the realm of democratic politics until my detention in 2009. I have been elected to the parliament while in prison. This is the first time I have submitted a defense since the beginning my detention.”

Aktaş states that today, in Turkey, conditions are harsher even than those prevalent during the period of the coup d’état of September the 12th, that an even greater unlawfulness is being endured and that this situation holds for all the political trials that are currently proceeding

Aktaş remarks that **“All of the activities of the party of which I am a member, the opinions and works of the party members regarding politics, their ideas concerning the values of humanity, freedom, equality, ecology and democracy; in short, all the tasks and functions that have been defined in the party program have been made into subjects of allegation”.**

In the letter which he has sent to our Commission, Aktaş has remarked that the bill of indictment has been prepared on the basis of subjective rumors reported by imagined, mysterious witnesses with the sole purpose of preventing the politicization of the Kurdish issue, and that all of the political activities that he has carried out within the legal framework of the DTP have been linked to the KCK as illegal activities.

In an interview with Kemal Aktaş which has been published on the website www.kemalaktas.net, Kemal Aktaş has made the following remarks: "Going through the contents of the bills of indictment that have been prepared against us, it is impossible to

come across any information, documents or evidence which can be regarded as elements of crime. It is almost as if the prosecution has first prescribed the crime, and has only afterwards created the criminals who have allegedly committed these crimes through made-to-fit theses. In my court file and in the court files of most of my friends, daily phone conversations or routine activities of the party in which we have been functioning have virtually been interpreted within the scope of criminal acts. The democratic legal activities of the Kurdish Democratic Movement have been subjected to a political lynch in the person of me and my friends.

Kemal Aktaş: Government officials who very often mention the will of the people are turning a blind eye on the imprisoned deputies," says Aktaş, further commenting on the imprisoned deputies: "The Government has virtually placed itself in the position of the judiciary and has imposed its will to prevent us from participating in legislative activities; despite the Constitution and despite the Electoral Law."

the position of the judiciary and has imposed its will to prevent us from participating in legislative activities; despite the Constitution and despite the Electoral Law. In no modern democratic country can a deputy, who has been elected and qualified as a member of parliament through

Kemal Aktaş: "All of the activities of the party of which I am a member, the opinions and works of the party members regarding politics, their ideas concerning the values of humanity, freedom, equality, ecology and democracy; in short, all the tasks and functions that have been defined in the party program have been made into subjects of allegation".

Aktaş has further stated that "As long as those who are functioning in the realm of legal democratic politics are kept on being put into prisons, while at the same time the government keeps on saying that they intend to end the fight in the mountains and make the people in the mountains enter the realm of legal politics; such a search for a resolution cannot be convincing. All of the crimes that are attributed to us concern our legal democratic activities."

"Government officials who very often mention the will of the people are turning a blind eye on the imprisoned deputies," says Aktaş, further commenting on the imprisoned deputies: "The Government has virtually placed itself in the

Kemal Aktaş: "How to explain the fact that the Prime Minister of this country has only recently appeared before the people, in the center of Diyarbakır, and pointed at the Diyarbakır Prison with the exclamation: 'Ah, if only these walls could speak!' This is to say that his speech does not express a truth. Because this call made by the Prime Minister does not constitute a crime. How does it constitute an evidence of crime, then, when I write what I have seen and what I have lived through in this prison, as a survivor and a witness of these atrocities?"

the votes of the people, be held in prisons like we currently are. Besides, we do not expect the charges against us to be dropped, we do not expect not to be judged for the alleged crimes which are being attributed to us. The process of trial can continue also while we continue with our legislative activities."

Regarding the process of democratic resolution, Aktaş has criticized the government with the following remarks: "The Government, who claims to have taken a progressive step by introducing Kurdish as an elective course in state schools, has been keeping us under arrest for 4 years without even accepting our defenses, for we have been insisting on making our defenses in our mother tongue." He has further stated that

"it is obvious that the resolution of the Kurdish issue cannot possibly be achieved through a simple pragmatic approach. For so long as the Government does not take frank steps under a legal and constitutional guarantee, it will not be possible to make a move forward regarding this crucial issue."

Health Problems

Aktaş has asserted in his letter that he has a problem in his cardiac valve, as well as suffering from a herniated disk, high blood pressure, hypothyroidism, sciatica and varicose vein.

Human Right Violations in Prison

In his letter to our Commission, Aktaş has remarked that he has spent more than half of his life in prison (22 years), the period between 1980-1987 being in the infamous Diyarbakır Prison. He has stated that he is a surviving witness of all the atrocities that have been committed in this prison, and that he has written a book about the torture and the human rights violations that he has witnessed. However, Aktaş has remarked that this very book has been used as evidence against him, emphasizing the following points in his plea:

"How to explain the fact that the Prime Minister of this country has only recently appeared before the people, in the center of Diyarbakır, and pointed at the Diyarbakır Prison with the exclamation: 'Ah, if only these walls could speak!' This is to say that his speech does not express a truth. Because this call made by the Prime Minister does not constitute a crime. How does it constitute an evidence of crime, then, when I write what

I have seen and what I have lived through in this prison, as a survivor and a witness of these atrocities?"

In our first meeting Aktaş has remarked that, as he is a deputy, it is a dishonour for him to be taken to physical examination, to the hospital and to the court in handcuffs. He has further stated that "prisoners from the region are being exiled to prisons in the West or in the Black Sea region. This practice creates many difficulties for their families," remarking further that prisoners who are transferred to prisons far from their homes are being economically punished, while also being stripped off their right to contact with the outside world. Aktaş has also indicated that they can watch the TV channel of their choice through the means that they have created with their own financial resources, but that they are having problems with heating, and that the issue of nutrition is a serious problem in prison.



ENGİN ALAN **(Istanbul Deputy for the 24th Legislative Period)**

Engin Alan, born on March 31, 1945 in Üsküdar/Istanbul; was the commander of the Special Forces during the process of February 28, 1997; whereby the coalition government was asked by the army to step down. He participated in the Cyprus Peace Operation in 1974; and assumed the functions of Planning Officer in the General Staff Headquarters for the Command of Special Forces, Land Attaché to Moscow, Chief of Staff for the Commando Brigade, Group Commander responsible for Education and Training of the Special Forces under the General Staff, Chief of Staff, 5th Commando Regiment Commander, Chief of Staff in the 2nd Corps, Commander of the 16th Armored Brigade, Military Attaché to Baku, Commander of the General Chief of Staff Special Forces, Commander of the 8th and 2nd Corps and Commander of Logistics. In the elections held on June 11, 2011 he was elected as Istanbul deputy from the Nationalist Action Party (MHP).

Engin Alan has been arrested on February 26, 2010 within the scope of the “Balyoz (Sledgehammer) Plan” trial, in which 361 suspects are tried. After the completion of the defenses in the appeal hearings in the penal department no:9 of the Supreme Court, the final decision of the court will be announced on October 9, 2013.

Allegations Against Alan

Engin Alan has been arrested on February 26, 2010, with charges of accusation of violating the articles 147 and 61 of the Turkish Criminal Law (Act No:765).

The bill of indictment prepared as a result of the investigation carried out over the allegations concerning the “Balyoz Plan” about the 196 people who are accused, including the retired general Halil İbrahim Fırtına, the former Chief of Staff of the Air Force, the retired general Özden Örnek, the former Chief of Staff of the Naval Force and the retired general Çetin Doğan, former Commander of the 1st Army; has been accepted by Istanbul’s 10th Court of Serious Crimes on July 20, 2010. In the indictment regarding the allegations about the “Balyoz Plan” it is argued that the structure of “Balyoz” has been planning to manipulate the country into a situation of chaos and turmoil with the purpose of preparing ground for a coup d’état and that the action plans “Oraj”, “Suga”, “Çarşaf” and “Sakal” have been prepared within the framework of this greater plot. In the “Results, Interpretation and Demands” section of the indictment it has been argued that documents prepared within the framework of this plan have been examined, that it has been clarified that this plan has been tried out and negotiated, and that when the voice records of the planning seminars have been examined in their totality under the light of the aforementioned evidence it has been concluded that the final purpose of the structure that goes under the name “Balyoz Martial Command” has been to obtain control over the state.

Allegation and Accusation Against Engin Alan: Participating in the Planning Seminar of the 1st Army held between March 3, 2003 and March 5, 2003 with the directive by the higher command, as he himself was the Commander of the Second Corps, and making a presentation in the seminar.

The indictment states the following: "It has been concluded that Engin Alan has worked within the structure that has been organized under the leadership of Çetin Doğan with the purpose to "dissolve Government of Turkish Republic or avoid its performance by using force"; that the suspect has been offered and has accepted a mission within the framework of the "Balyoz Security Operation Plan" which has been prepared with this purpose; that in the document which includes evaluations about all of the high-degree military officials in which the suspect is mentioned he has received a positive evaluation; that he has been determined as the personnel authorized about assignments and that within the scope of this authorization he has worked in organizing the personnel to be assigned to the teams of special operation and investigation, the personnel to be assigned to the teams of recruitment of the special emissaries, the personnel to be assigned to martial courts, the personnel to be assigned to coup d'état operation teams, the personnel to be assigned to detention teams, the personnel to be assigned to damage assessment teams, the personnel to be assigned to functions in public entities and institutions, the personnel to be assigned to functions in private hospitals and pharmaceutical warehouses, the personnel to be assigned to functions in customs, warehouses and granaries and the personnel to be assigned to functions in malls and food wholesalers; that the personnel who was defined as categorized in the corps unit that he was responsible with have been projected to be dismissed as part of the "Balyoz Security Operation Plan" and that within the same context assignments concerning "Sensitive Premises" have been made; that he has participated in the Planning Seminar in which the "Balyoz Security Operation Plan" has been negotiated; that in this Planning Seminar he has made a presentation parallel to the matters that were included in the "Balyoz Security Operation Plan"; and has thus and so committed the crime of **"Attempting to Dissolve Government of Turkish Republic or Avoid Its Performance By Using Force"**.

"I Have Participated in the Planning Seminar by the Order of the Higher Command"

However, Engin Alan has emphasized in his defense that the Second Corps of which he was the Commander was assigned to the frontier with Greece and that this Corps had no mission whatsoever concerning the rear zone of the First Corps or inner security. In addition, in the testimony that Engin Alan has given in the Office of the Deputy Director of Public Prosecution of the Republic on February 26, 2010; he has stated that he has participated in the Planning Seminar of the 1st Army by the directive of the higher command as he was the Commander of the 2nd Corps, that he has been assigned to no mission whatsoever as part of the alleged "Balyoz Security Operation Plan", that he has not been assigned as the personnel authorized for the assignments, and he has emphasized that he has made no activities under this framework and has not given directives to anybody to do so.

“Worthless Accusations”

Further allegations about Engin Alan being close to major general Hayri Güner and also having a close relationship with major general Hüseyin Nusret and major general Alaettin Parmaksız are to be found in the bill of indictment about Alan; as well as a written note across the name of major general

Hüsmen Akdeniz, who is on the 155th place on the list, in the “Army General Evaluation” section, denoting: “Has kinship relation with Lieutenant General Engin Alan”. Engin Alan has responded against these allegations in his defense: “The allegations that have been included by public prosecutors against my client Engin Alan on the pages 477-482 of the first volume of the bill of indictment are accusations that any jurist should refrain from including in such a file, accusations that are deprived of any juridical value, that have no lawful basis. What connection do the allegations that Engin Alan is close to major general Hayri Güner, that he has a close relationship with major general Hüseyin Nusret and with major general Alaettin Parmaksız, or that he has a kinship relation with major general Hüsmen Akdeniz have to do with the attributed crime, how are these related to the actual accusations? From the juridical perspective we are having problems understanding this. Just like in any other profession, the fact that persons having ranks in the military get to know each other, talk to each other or develop close relationships with each other is a fact that is in conformity with the natural flow of life.”

Engin Alan criticizes the trial process with the following words: “One judge says ‘you can leave’ and another one says ‘you have to stay’. They haven’t obviously made the same studies. Their consciences are different as well.”

Human Rights Violations in Prison

Mentioning the fact that different judges give different decisions regarding similar cases, Engin Alan criticizes the trial process with the following words: “One judge says ‘you can leave’ and another one says ‘you have to stay’. They haven’t obviously made the same studies. Their consciences are different as well.”

“Öcalan Has A Library While We Are Limited to Ten Books”

Alan who criticizes the ten-book limit in penal institutions has stated that: “Whoever enters the prison as a patriot will leave as an enemy. There is a lot of nonsensicalness going on around here. Şemdin Sakık has a mobile phone. ‘Esteemed’ Öcalan owns a library but here there is a ten-book limit for us. Because of this limitation I will quit reading and writing.”

Alan has also mentioned the positive aspects of the Sincan Prison: “There is no moisture here. There is no problem about the water. Food is served warm.” He has indicated however that they don’t have the means for making or drinking tea and has added: “They don’t let us use the ‘Do Not Forget’ cards here, the ones that deputies use, and there are a lot of arbitrary practices.”

Alan has remarked that in prison they have the right to 2,5 hours of chat, once a week. Another issue that he has indicated about the conditions in prison is that he has not been allowed to use the pedometer which has been given to him by the Ministry of Health. Alan has commented about being unable to use the pedometer in prison, allocated by the Ministry of Health for the purpose of struggle against obesity, with the following words: "Sending us a pedometer and then not letting us use it, it is as if they are making fun of us."



İBRAHİM AYHAN **(Şanlıurfa Deputy for the 24th Legislative Period)**

Ibrahim Ayhan was born on February 10, 1968 in the Siverek district of Şanlıurfa; and he is a graduate of the Department of Zootechnics in the Faculty of Agriculture of Van Yüzüncü Yıl University. Ayhan is both an agricultural engineer and a teacher. Beginning his career as a teacher in 1997, Ayhan has assumed the posts of Branch Director and Branch Chairperson of Eğitim-Sen (Education Union) between 1997-2007. In the general elections of 2007 he resigned from his posts as teacher and union branch chairperson and announced his candidacy for parliament. Ayhan was not elected as a deputy in the 2007 elections, and worked as the provincial chairperson of the DTP, and then the BDP, until October 1, 2010, when he was taken into police custody and afterwards transferred to prison. He was elected as a Şanlıurfa deputy in the general elections of 2011.

Allegations against Ayhan

In the indictment against Ayhan, the following allegations are brought against him: "Being a part of the provincial executive of the KCK for Şanlıurfa; being the provincial spokesperson of KCK for Şanlıurfa; maintaining contacts with all KCK members in Şanlıurfa and personally following their organizational works; as well as coordinating and intervening in all illegal marches, press statements and serhildan² -type demonstrations; playing an active part in Şanlıurfa in transforming the funerals of members of the illegal terrorist organization PKK into propaganda; enabling the coordination with the KCK members in Diyarbakır, the so-called Amed accordingly to the organizational renaming, since the KCK operates on the basis of estates and the province of Şanlıurfa is on that account subject to the province of Diyarbakır; making interviews about the appointments of KCK members; attending closely to the women and youth structures in Şanlıurfa and its districts and intervening in the local administrations of municipalities and townships as a director of the KCK." Moving on from these allegations Ayhan is accused with the crime of "membership to a terrorist organization".

Some of the accusations brought against Ayhan in the bill of indictment are as follows:

- Asking the Metropolitan Municipality of Diyarbakır for an ambulance for transferring the mortal remains of İbrahim Halil PARILDAR, a PKK member who has died during a clash with the Turkish Defense Forces.
- Playing an active part in receiving the mortal remains of members of the terrorist organization, in organizing their burials and in turning these processes into organizational propaganda for the purposes of provocation.

² uprising (Kurdish)

- Organizing support for the call for boycotting the Referandum of September 12, 2010; by organizing activities of banners, posters and placards throughout the province, from the city center to the villages, including village headmen.
- Reading the press statement aiming to protest the closure of ROJTV addressing members of the press and that newspapers and magazines such as "GENÇ BAKIŞ, YAŞAM GAZETESİ, KADININ SESİ, AZADIYE WELAT - DAILY NEWSPAPER, YURTSEVER GENÇLİK, ÖZGÜR HALK, GENÇ BAKIŞ, ALEVİYE JİNE" were exhibited in the location where the press statement was made.
- Reading the press statement about "THE ALLEGED MASSACRE THAT IS SAID TO HAVE OCCURRED IN THE HALABJA TOWN IN IRAQ ON MARCH 16-17, 1988" in a press meeting organized by the provincial branch of the BDP in Şanlıurfa as the provincial chairperson, on March 16, 2010.
- Making a speech in the opening program of the "BDP ŞANLIURFA POLITICAL ACADEMY" as the provincial chairperson of the BDP for Şanlıurfa.

Evidence against Ayhan

- The book titled "Defending A People" by Abdullah Öcalan
- The book titled "Blood and Belief: the PKK and the Kurdish Fight For Independence" by Aliza Marcus, published by İletişim Publishing House
- The book titled "Radical Democracy" by Mustafa Karasu, published by Mezopotamya Publishing House
- A Turkish-Kurdish dictionary prepared by Zana Farqini and published by the Kurdish Institute of Istanbul
- A one-page digital print comprising of nine lines, titled "necessities of Kurdi-Der"
- An 11-page digital print titled "free and democratic local administrations"
- A 15-page digital print titled "document for conduct for the organized society and for democratic participation"
- Notes comprising of odes, wishes and songs that include praise and propaganda of the organization

Health Problems

Pointing out that health services are inadequate, Ayhan has remarked that "there is a doctor who has to take care of more than a thousand people. The conduct of the doctor is positive but one doctor is simply not sufficient."

Human Rights Violations in Prison

Ayhan has stated that in prison “mineral water and raw eggs are forbidden” and that prisoners are not allowed to change their rooms or wards.

Ayhan has shared the following information about the fire in the Şanlıurfa prison: “Such incidents take place in prisons in summer time. I have written countless times about this to the management. I have indicated that emergency intervention was necessary but these weren’t taken seriously.”

Ayhan has stated that in prison “mineral water and raw eggs are forbidden” and that prisoners are not allowed to change their rooms or wards.



MUSTAFA BALBAY **(Izmir Deputy for the 24th Legislative Period)**

Mustafa Balbay, born on August 8, 1960 in the Güney township of Yeşilova, Burdur; is a journalist-writer, and a graduate of the Faculty of Communication of Ege University. He has started his career as a journalist in 1980 in Gazete Izmir, the local media branch of Izmir. In 1981 he has been transferred to Milliyet Daily Newspaper. In 1985, he has become the news director of the Izmir Office of the Cumhuriyet Daily Newspaper. Continuing his career in the Cumhuriyet Daily, Balbay has become the news director for Ankara in 1989, director of the news center in Istanbul in 1992 and representative for Ankara in 1993. From 1993 onwards he has started writing a daily column in the newspaper; assuming the posts of representative for Ankara and columnist at the same time. To this day, he continues writing his column titled "The Agenda" in Cumhuriyet, as well as being a member of the Editorial Board of the newspaper and a member of the executive board of the Cumhuriyet Foundation.

Balbay, who has written approximately 5000 columns, 31 books and made approximately 3000 speeches on the TV or on the radio; has endeavored to keep on with his works as a writer whilst in prison; after being arrested on March 5, 2009. He has written three columns per week; and 8 of the 31 books that he has written in his lifetime have been written in prison. Balbay, who has been elected into the parliament in the general elections in 2011 has been sentenced to a prison term of 34 years and 6 months on August 5, 2013, with the announcement of the conclusion of the court in the Ergenekon Trial. If the decision is approved by the Supreme Court, Balbay will spend another 20 years in prison. (He will spend 3/4 of his sentence in prison. Since he has been under arrest for 4 years already, he shall spend 21 more years in prison, but is expected to be released on probation after 20 years.)

Allegations Against Balbay

Balbay was tried in accordance with the articles 311/1, 312/1, 313/1, 314/2, 326, 327 and 334 of the Turkish Criminal Law. Accordingly, the accusations brought against Balbay are:

- Attempting to dissolve the Grand National Assembly of Turkey, or partially or entirely avoid its performance by using force or threat,
- Attempting to dissolve Government of Turkish Republic, or partially or entirely avoid its performance by using force or threat,
- Provoking the citizens to rise an armed revolt against Government of Turkish Republic,
- Enlisting to the organized criminal groups to commit the aforementioned offenses,
- Partially or entirely destroying documents and certificates relating to Public security or domestic and foreign political relations, or counterfeiting the same, or illegally acquiring

- or stealing or using these documents beyond its purpose,
- Disclosing secret information, especially about the Public security or domestic and foreign political interest of the State,
 - Getting secret information of which the disclosure is restricted pursuant to the laws and regulations of the competent authorities.

Balbay has been taken into custody initially on July 1, 2008; to be released after 4 days in custody. He has been taken into custody again on March 5, 2009 with the justification that "additional interrogation was needed", and has been arrested on March 6, 2009. The accusations against Balbay, who has been arrested after a 31-hour process in the directorate of security, public prosecution and court, are said to be based on the notes that have been found on his computer.

"My Meetings As A Journalist Have Been Regarded As Criminal Acts"

What is shown as evidence for the accusations against Balbay are his meetings such as those with Presidents, President of the Supreme Court, Public Prosecutor of the Supreme Court, representatives of political parties, commanders of armed forces, rectors and academicians and the president of one of the largest unions in Turkey. Additionally, the critical articles that he has written for his column concerning these meetings and the documents he retains as part of his work as a journalist is employed as evidence against him. Balbay emphasizes that these documents are documents that he has obtained and used for his activities of journalism, or news items and articles that have appeared on Cumhuriyet. In the first statement that he has made from prison through his attorneys, Balbay has stated regarding the evidence: "These have been fabricated based on my notes."

"Notes of the Evidence Covering A Period of 8 Years Have Been Prepared at the Same Time and in 3.5 Minutes"

According to the specialist report prepared by the Computer Engineering Faculty of Boğaziçi University after the publication of the bill of indictment and evidence files; the notes covering a period of 8 years that were alleged to have been written by Balbay between 1998 and 2006 are discovered to have been prepared at the same time, in a total duration of 3.5 minutes. The report states that these notes are not reliable for use as evidence.

In the specialist report prepared by the Scientific and Technological Research Council of Turkey (TÜBİTAK) and presented to the Court No:13 of Serious Crimes on January 3, 2012; it is remarked "it is technically impossible to argue that no changes have been made in the notes between the indicated dates (July 1, 2008 - July 7, 2008). The reports have stated that the notes are not original. Arguing that the proceeding trial as well as the accusations against him are political, Balbay regards this process as the main pillar of an attempt to cleanse and inactivate all structures that oppose the current power.

Mustafa Balbay: "As if no hearings have been made for the last 5.5 years, they are repeating the exact same things that the Prosecutor has been saying 5.5 years ago. We have submitted our defenses, we were thinking that the wrongs would be corrected. TÜBİTAK has proved that the evidence was fabricated, there is no element of crime in the documents on my computer. None of this has been taken into account."

Mustafa Balbay points out that all of the accusations against him, and therefore all the crimes with which he is charged is based upon fabricated evidence; and that documents which he had been using for his books had been included in the bill of indictment as evidence for the crime of "acquiring and keeping secret documents belonging to the State". Balbay remarks that "as evidence there is only the news items and columns he has written, and notes for journalistic activities which were proved to be fabricated subsequently".

Refusing all allegations brought against him on all hearings, Balbay has repeated numerous times in hearings and on his column that his notes which were obtained by the prosecution and his voice recordings are related to his journalistic activities.

Remarking that, in order for digital data to be accepted as evidence, it is compulsory that a back-up be made, that is, all data on the computer be transferred to a new recording the moment that the computer is seized; Balbay emphasizes that unless digital data is obtained in this manner evidence is considered to have been altered and is not fit for use in a judicial proceeding. In the case of Balbay, the back-up of the computer has been made not on the day that it has been seized but only 2 days after his interrogation and 7 days after his being taken into custody, on July 7, 2008.

Balbay's appeals to the court about the fact that these evidence are unemployable have been responded to by the court with the argument that this issue will be resolved in the phase of "evaluation of evidence". However, in the proceedings the phase of evaluation of evidence has been omitted.

In our meetings with Balbay concerning the trial and the proceedings, he has made the following remarks to our Commission:

"It is in vain that there has been a court proceeding, since the conclusion has been reached 5.5 years ago"

Mustafa Balbay: "I am making a call to all those who are studying law or who are occupied with law. They should examine these closing arguments; and they will observe how wrongly a closing argument can be written. These can be studies in law schools as an example of how not to write a closing argument. Even informant letters about murders by unknown assailants are more rational and qualified than these closing arguments."

Mustafa Balbay: "While the chief judge has voted for discharging the prisoners who has been elected to the parliament, a practice which has in a way become a well established case law in Turkey, two members of the court have insisted on the continuation of their detention. Only two weeks after his vote the chief judge has been unseated."

"As if no hearings have been made for the last 5.5 years, they are repeating the exact same things that the Prosecutor has been saying 5.5 years ago. We have submitted our defenses, we were thinking that the wrongs would be corrected. TÜBİTAK has proved that the evidence was fabricated, there is no element of crime in the documents on my computer. None of this has been taken into account." Stating that the prosecutor's closing arguments have been written in the manner of a conclusion, Balbay argues that whoever tries to read these arguments will be lost among the pages: "I am making a call to all those who are studying law

or who are occupied with law. They should examine these closing arguments; and they will observe how wrongly a closing argument can be written. These can be studied in law schools as an example of how not to write a closing argument. Even informant letters about murders by unknown assailants are more rational and qualified than these closing arguments. They have linked the murders of Üzeyir Garıh, Doğan Öz and Uğur Mumcu³ to one another. But the murderers of these people are nowhere to be found."

"This trial proceeds by political instructions"

"They have sought to give us the greatest punishment. They have wanted to find a punishment graver than the capital punishment. And they have found the punishment of the trial." Balbay evaluates the trial process with these words, and points out that the Ergenekon Trial has been proceeding by political instructions. His remarks follow: "Responsibility for the attacks on the AKP headquarters and the Ministry of Justice have been claimed by the The Party-Front for the Salvation of the Revolutionary People (DHKP-C). The Prime Minister is still trying to link these attacks to Ergenekon. This by itself proves that the Ergenekon Trial is proceeding by political instructions. The Ministry of Interior Affairs has pointed at the DHKP-C, but with the directive of the Prime Minister the assailant has become the Ergenekon. Proceedings in Turkey are now being conducted within the chain of the police, the prosecutor and the judge. The attorneys are absent, the defendants are absent. With this rationale, Namık Durukan who has published the minutes of the Imralı Meeting can be accused and sentenced for leading Turkey into chaos."

"The sentence which I have been given is like a Matryoshka Doll"

"They say that I have committed the crime before 2005. But I've been a journalist for years. I've been working as a journalist, for years, with the same understanding. Now, this journalism,

³ Names of three prominent individuals who have been murdered by unknown assailants.

the same journalism that I've been doing up until 2005 is criminal, and the journalism that I've been doing after 2005 is not. Up until 2005 I've been attempting to overthrow the government and afterwards, I have not. But Balbay is the same Balbay, the journalist."

"The sentence which I have been given is like a Matryoshka Doll. They have charged me with four different crimes and from each crime they have produced four criminals, all four of them being Mustafa Balbay. For the crime of attempting to overthrow the government through my writings they have sentenced me to 16 years, for keeping the documents on which I have based my writings they have sentenced me to 9 years, for making news about the people who are mentioned in these documents they have sentenced me to 7 years, and for keeping the documents about these people, that is, for disclosing private data I have been sentenced to 2 years and 8 months. The journalist is the same person. The news items are the same, the books are the same books. They are producing crimes out of crimes and criminals out of journalists. How can we talk about journalism without data and documents? Would such a journalism be worthy of being called under the name 'journalism'?"

"Currently, the court is trying forcefully to establish the aforementioned organization"

In his comments regarding the trial proceedings, Balbay remarks: "There are 276 defendants, and they wouldn't recognize each other if they came across on the street. They are trying me together with a member of the organization that murdered Uğur Mumcu, and a member of the organization that attacked the Istanbul office of the Cumhuriyet Daily Newspaper. Can you imagine a punishment that would be more severe than this? I would have developed cancer if I minded these things. And this is the manner throughout the proceedings.

Chief Judge to M. Balbay: "In your first defense you had said that you had previously been offered a candidacy in the general elections, but that you had declined the offer. Why have you become a parliamentarian now? Please explain that."

Balbay has further expressed that new breaches of law have come up in the trial proceedings since his election as a deputy:

"While the chief judge has voted for the release of the prisoner who has been elected to the parliament, a practice which has in a way become a well established case law in Turkey, two members of the court have insisted on the continuation of their detention. Only two weeks after his vote the chief judge has been unseated."

"Despite the fact that all of those who had been elected to the parliament while in prison in the recent history of Turkey have been released; for the first time a contrary decision has been made. While the court has been deciding for the continuation of the imprisonment of deputies, it has interpreted the Constitution in a restrictive manner and has included the two following justifications for this decision:

1. Being elected to the parliament does not infer that the possibility of escaping abroad has disappeared.
2. Releasing the defendants who are elected to the parliament will amount to an unequal treatment regarding the other defendants.”

Balbay interprets this decision of the Court with the following words: “According to the court, the deputy might flee the country; the Court is therefore seeking equality not in freedom but in imprisonment.”

Additionally, Balbay has recounted that on the hearing on March 11, 2013, the panel of judges have posed him the following question:

“In your first defense you had said that you had previously been offered a candidacy in the general elections, but that you had declined the offer. Why have you become a parliamentarian now? Please explain that.”

Concerning the whole trial process, Balbay remarks that all of the injustice that he has been facing stems from four crucial violations:

- Freedom of the press has been violated through the fabrication of elements of terror crimes based on my professional activities. This presents a threat to all journalists.
- Freedom of expression has been violated as I have been prevented from freely engaging in my profession and from communicating my data and opinions which I deem to be correct with my readers.
- People’s right to information has been violated as a result of the two violations mentioned above.
- My election as a deputy has been completely disregarded before law, the complete reflection of the national will to the Parliament has been prevented. The most essential rule of democracy has been breached.

Mustafa Balbay:

“While the court has been deciding for the continuation of the imprisonment of deputies, it has interpreted the Constitution in a restrictive manner and has included the two following justifications for this decision:

- 1. Being elected to the parliament does not infer that the possibility of escaping abroad has disappeared.*
- 2. Releasing the defendants who are elected to the parliament will amount to an unequal treatment regarding the other defendants.”*

Human Rights Violations and Health Problems in Prison

“Penal institutions in Turkey are not geared towards enforcement of sentences given by the courts, but towards punishment itself,” argues Balbay, further remarking: “The new prisons are made completely of iron and cement. There is not one tree, you cannot see the earth or anything else belonging to the nature.”

Stating that he is allowed to benefit from communication facilities on the lowest level possible, Balbay says that there are no computers in the wards, nor typewriters or any other sort of writing gear.

Adding to his words that the cell system causes isolation, Balbay states that on the other hand extremely crowded settings and inhuman conditions are created within the wards through the placement of 28 prisoners in a ward that by the European Union standards needs to host no more than 7 people.

Balbay has declared that he has no significant health problem, expressing that his “struggle to protect his health” makes up the greatest part of his life in prison as the living conditions in the prison are very unfavorable.

Balbay, who was still being kept in a single-person cell while this report was being prepared, has made a dramatic evaluation concerning the domestic politics of Turkey:

“Dictatorship is not about one person ruling over million of other people, but about millions of people accepting the dictatorship of one person.”



HATİP DİCLE **(Diyarbakır Deputy for the 24th Legislative Period⁴)**

Born in Diyarbakır in 1954, Hatip Dicle has been elected to the parliament for the first time in 1991 as a candidate of the coalition between the Social-Democratic Popular Party (SHP) and People's Labor Party (HEP), as Diyarbakır deputy. Later in the same year he has joined the HEP. He has been elected as the chairperson of Democratic Party (DEP) on December 12, 1993. On March 2, 1994, his parliamentary immunity was lifted by the Grand National Assembly of Turkey. He was taken into police custody on the same day, alongside with Orhan Doğan. He was sentenced to a prison term as a result of the trial and spent 10 years in prison.

Being discharged from prison in 2004, Dicle played a role in the foundation of the Democratic Society Movement, which afterwards was transformed into the Democratic Society Party (DTP). Following his participation in the foundation process of the Democratic Society Congress (DTK), Dicle assumed the roles of spokesperson and co-chairperson of the Congress. In April 2010 he was arrested for making organizational propaganda. After being elected into the parliament in the general elections of 2011 as a Diyarbakır deputy of the Labor, Democracy and Freedom Bloc; the Supreme Board of Elections annulled his membership to the parliament.

Allegations Against Dicle

In the bill of indictment against Hatip Dicle the following allegations are to be found: "It has been determined that Hatip Dicle has been running organizational activities within a chain of order and command under the Committee of Ecology and Local Administrations which functions within the system of the KCK/TM which performs activities in our country in the name of the terrorist organization; that he is in organizational contact and relations with the directors and members of the KCK/TM; that he has been taking on tasks related with the formation of the structure of the Democratic Society Congress, which is a part of the four pillar paradigm developed by Abdullah Öcalan, with enabling all opinion leader, writers and representatives from Kurdish nationalist groups, whether they agree with the ideology of the organization or not, to work under the framework of the Democratic Society Congress and with the formation of the structure of the congress under the influence of Abdullah Öcalan; that he has been performing works for the determination of the functionings of the

⁴ The case of Hatip Dicle differs from the cases of other imprisoned deputies in that, although his candidacy had been approved before the elections by the Supreme Committee of Elections, his membership to the parliament has been annulled by a decision of the same Committee after the elections. This case has been written down in our political history as a clear case of unlawfulness.

commissions to be established under the framework of the Democratic Society Congress and in determining, inviting and covering the expenses of the people who joined the meetings; that he has, by the directive of Abdullah Öcalan, been offered to announce his candidacy for the Metropolitan Municipality of Diyarbakır but that he has declined this offer.”

Evidence Against Dicle

The following evidence are employed against Dicle; culminating to Dicle being tried with the accusation of “membership to a terrorist organization”:

- A blue notebook with the sign “Bar Association of Diyarbakır” on it, in which were written the names of faculty members and politicians to be invited; as well as the names of the individuals who were supposed to contact these invitees;
- A note with the color purple, with the sign “Diyarbakır Metropolitan Municipality” on it, which denotes the opinions of faculty members, writers, representatives of non-governmental organizations, parliamentarians, lawyers, mayors and politicians who were interviewed within the context of the activities of the Democratic Society Congress;
- Being the co-chairperson of the Democratic Society Congress and playing a part in the planning and organization of the Congress as its spokesperson;
- Being a permanent member of the assembly of the Democratic Society Congress;
- Having personally announced the final declaration of the Democratic Society Congress, which was organized on October 26-28, 2007 in Diyarbakır;
- That Abdullah Öcalan has sent his regards to Hatip Dicle.

Hatip Dicle: “The meetings with Imrali are tactical. The AKP is planning for ways to sepnd 2013 without a war, without clashes. Its sincerity is dubious. I have been sentenced to a year and 8 months in prison. I have learnt that my sentence was approved only on June 9, 2011. They did not veto my candidacy during the process of application, hed they vetoed me another friend could have ran as a candidate instead of me and he or she would have become a member of parliament. Now they have simply cancelled 86,000 votes.”

Activities Cited As Elements of Crime

- Joining the “Yes For A Dignified Peace” meeting in the Istasyon Square on September 1, 2009 and making a speech including the following passages; has been evaluated as propaganda for a terrorist organization:

“ ... this land is our common land. We have shed our blood in Çanakkale, in Afyon, in İzmir, every spot is marked by our sweat and our blood. This is why Turkey is our

land. We have made efforts in the foundation of the Republic, we are a fundamental element of the Republic. We cannot possibly intend to bring it down. We want to build a democracy.”

“The road map that is negotiated between Öcalan and the government needs to be disclosed to the public.”

“A new constitution must be made. The Kurdish identity must be recognized and placed under constitutional guarantee, the right to education in the mother tongue, regarding Kurdish and all other languages, must be recognized and placed under constitutional guarantee. The way must be opened for a democratic and autonomous structure.”

“The PKK needs to prolong its inactivity, the army needs to cease its operations and the DTP executives in prison need to be discharged. If the government is frank and sincere in its endeavor to solve this issue, we as the Kurdish people are behind it.”

- The sit-in demonstration and press statement made on September 12, 2007, by the Democratic Free Women’s Movement (DÖKH) at the spot of an explosion nearby the Koşuyolu Park in Diyarbakır, to commemorate the first anniversary of the explosion.
- Hatip Dicle having worn traditional clothing, which are allegedly the clothing of the members of the terrorist organization, during the Nevruz festivities in Diyarbakır on March 21, 2009.
- The welcome ceremony organized on October 21, 2009 in an open field in Batıkent to welcome the PKK members expected to enter Turkey via the Habur gate in Şırnak.
- The demonstration organized on February 2, 2009 in Diyarbakır to protest the prison conditions of Abdullah Öcalan.

These activities mentioned above are cited as evidence to the alleged crime committed by Hatip Dicle. Additionally, his participation in numerous demonstrations and press statements around the region and his speeches are cited as evidence against him.

On our first meeting with Dicle in the Diyarbakır Prison, he has made the following remarks about the domestic politics of Turkey:

“The meetings with Imralı are tactical. The AKP is planning for ways to sepnd 2013 without a war, without clashes. Its sincerity is dubious. I have been sentenced to a year and 8 months in prison. I have learnt that my sentence was approved only on June 9, 2011. They did not veto my candidacy during the process of application, hed they vetoed me another friend could have ran as a candidate instead of me and he or she would have become a member of parliament. Now they have simply cancelled 86,000 votes. The workshops that I have organized under the titles “How to solve the Kurdish Issue? How to find a solution for unemployment?” during my term as co-chairperson of the Democratic Society Congress are cited as elements of crime. If our activities coincide with what is written in the main contract of the KCK, they interpret the coincidence as

an organizational link. Let's say that the KCK is talking about a workshop for instance, and we have recently organized a workshop. This coincidence is linked to the KCK. The activities of the Human Rights Association in Diyarbakır are evaluated in the same context. Abdullah Öcalan has said "send my regards to Hatip!" and this is also included in the bill of indictment".

Human Rights Violations in Prison

Dicle has pointed out that especially the defendants of the KCK Trial are being exiled to penal institutions in the Black Sea Region, and that this practice puts the families in a very difficult position.



MEHMET HABERAL (Deputy of Zonguldak for the 24th Legislative Period)

Mehmet Haberal was born in 1944 in Pazar/Rize. He is a medical doctor and a professor with a medial specialty on general surgery, having graduated from the Medical School of Ankara University. He has founded the Burn and Transplantation Unit in the Medical School of Hacettepe University. He has performed the first living-related kidney transplantation in Turkey; the first cadaver-kidney transplantation in Turkey, the first pediatric segmental living-related liver transplantation for Turkey, the region and Europe, the first adult segmental living-related liver transplantation in the world, and a combined liver-kidney transplantation from a living-related donor for the first time in the world. He has established the Başkent University. Mehmet Haberal is a honorary member of numerous international organizations for surgery, as well as having been elected as chairman to the Middle East Burn and Fire Disaster Society, as councillor for the International Transplantation Society Global Region, Middle East and Africa, and president-elect of the International Society for Burn Injuries. He is the author of 1428 publications, recipient of 28 international awards in medicine, as well as the Everett Idris Evans Memorial Award and the Millenium Medal by the International Transplantation Society.

Having been sentenced to a prison sentence of 12 years and 6 months in the conclusion of the Ergenekon Trial, Mehmet Haberal has been discharged on August 5, 2013 since he had already completed his reduced sentence with the term that he had spent in prison during the trial (4 years, 3 months and 18 days).

Allegations against Haberal

In the closing argument of the prosecutor made on March 18, 2013, Haberal is said to have:

“Attempted to dissolve Government of Turkish Republic, or partially or entirely avoid its performance by using force or threat.”

Passages from Haberal’s Defense:

Having been arrested on April 17, 2009, Haberal has made the following remarks in his final defense which he has made on the 50th month of his detention:

Mehmet Haberal: “I was cross-examined by your Court only after 365 days had passed over my arrest. The prosecutor made his closing arguments 3 years after I had been examined. I have been arrested on April 17, 2009. I didn’t know why I was arrested at that time, and I still don’t know why I’ve been arrested.”

“After 4 years I still don’t know why I have been arrested”

“I was cross-examined by your Court only after 365 days had passed over my arrest. The prosecutor made his closing arguments 3 years after I had been examined. I have been arrested on April 17, 2009. I didn’t know why I was arrested at that time, and I still don’t know why I’ve been arrested.”

“During my cross-examination, together with the prosecution you have addressed 185 questions to me. Not one of these 185 questions had to do either with violence, or with force, or with terror, or with a coup d’état. Hearing the prosecution’s accusations about me makes me think that the prosecution probably does not even know what a coup d’état is. Had they lived through a coup d’état period, had they seen a coup d’état, had they endured as I have endured those gruelling times under the coup d’état, they wouldn’t have made such accusations today. Why? Well, because I am Mehmet Haberal, who have been through all of the coup d’états in my country.”

“I haven’t been seeing İlhan Selçuk and Yalçın Küçük since 1984”

The prosecutor argues in his closing arguments that I am in certain relationships with certain individuals. Some of these I already know by my profession. I am a rector, I naturally meet other rectors in meetings, or I meet other people in various social institutions and social activities. Bu two of these alleged relationships are quite interesting. I haven’t seen Yalçın Küçük, and the late İlhan Selçuk since the signing of the Petition of Intellectuals in 1984. I have met Yalçın Küçük after 25 years during this trial. I have no other relations with him, I haven’t seen him in all these years. Other than this, Ercüment Ovalı who ‘im alleged to have a relationship with, I don’t know him. I don’t know who Hayri Bildik is. I have seen and gotten to know Mehmet Bora Perinçek here during the trial. I had not met him before, I did not know him. As for Ergün Poyraz, I have not met him even during the trial.

Mehmet Haberal: “The main question that needs to be answered here is: Why, in our country, are deputies who have been chosen by the people, for the people, still kept in prisons despite the people?”

“Why are deputies who have been chosen by the people, for the people, kept in prisons despite the people?”

“Let’s remember the 1950’s. We have the late Mümtaz Faik Fenik, Osman Bölükbaşı and others who have been elected to the parliament while in prison and discharged after having been elected, in the 1980’ and latest in 2007. The Constitution has not changed, the laws have not changed, certain people are being discharged but we are still here. The main question that needs to be answered here is: Why, in our country, are deputies who have been chosen by the people, for the people, still kept in prisons despite the people?”

“Our country is on the top of the list of the few countries which have parliamentarians in prison”

“Our country really is on the top of the list of the very few countries in which parliamentarians are kept hostage. I have heard there is another country in which parliamentarians are kept in prison, it could possibly be Palestine, but other than that in no other country in the world are parliamentarians kept in prisons.”

Haberal has made the following remarks concerning the trial during our visit on March 21, 2013:

“I have done nothing other than service for my country. The price for this obviously is aggravated imprisonment for life.”

Mehmet Haberal: “I have done nothing other than service for my country. The price for this obviously is aggravated imprisonment for life.”

“In this case, there is no fair trial”

“In the 10 pages concerning myself among the closing arguments of the prosecution, none of the witness accounts in my favor have been included. Neither the statements of Can Dündar nor those of the other witnesses, such as the physician in chief appear among the arguments. Many people who could have been witnesses in my favor have not been consulted. All of the negative allegations about me that were included in the bill of indictment are to be found also in the closing arguments of the prosecution.”

Mehmet Haberal: “Bülent ARINÇ has said in the statement he has given to Hürriyet Daily Newspaper that he finds it laughable that defendants, about whom the prosecution wants sentences of aggravated imprisonment for life, are demanding their discharge. I find it odd that a deputy prime minister, and a person who has been involved in the field of law, can make such a statement that can be instructive for the court, and I condemn this statement.”

“Bülent ARINÇ has said in the statement he has given to Hürriyet Daily Newspaper that he finds it laughable that defendants, about whom the prosecution wants sentences of aggravated imprisonment for life, are demanding their discharge. I find it odd that a deputy prime minister, and a person who has been involved in the field of law, can make such a statement that can be instructive for the court, and I condemn this statement.”

Health Problems

In the visit we have made to the Silivri Prison on March 21, 2013 as members of the Prison Examination and Watch Commission of the CHP, Fatih Hilmioğlu has made the following statement about Haberal’s health conditions:

“They might not get Haberal to the infirmary on time”

“Mehmet Haberal must be discharged. It is Haberal who can pass away quickly and suddenly. Cardiac rhythm might kill him in a moment, they might not be able to get him to the infirmary on time.”

Human Rights Violations in Prison

Haberal describes the conditions in prison with the following words:

“The Prison Setting is a Modern Method of Torture”

“The prison is such an environment that; there is a ward, iron bars, an iron gate, an 10 to 15 centimeters observation hole on that gate, and just below it a 30 to 15 centimeter hole for passing the food trays. These conditions create an environment that disturbs my humanly feelings, it is not a setting that accords with the values of humanity. I regard this setting as some sort of torture inflicted upon me. Likewise, I regard the prison setting as a modern method of torture.”



SELMA IRMAK **(Deputy of Şırnak for the 24th Legislative Period)**

Born in Kızıltepe/Mardin in 1971; Irmak has worked as the chairperson in the provincial branch of the DTP in Konya. She was arrested at 6 am on April 14, 2009, a short period of time after the local elections in 2009 whereby she had run for the Municipality of Derik as a DTP candidate and been elected. In the general elections of 2011 Irmak was elected as deputy of Şırnak.

Allegations Against Irmak

The bill of indictment about Selma Irmak includes the following allegations: "It has been assessed that in her travels out of the country Irmak has probably been visiting the camps of the terrorist organization in Northern Iraq, or meeting Sabri OK, the responsible for Turkey of the structure of KCK/TM, who resides in Brussels; and it has been determined that she has participated in meetings, demonstrations and press statements organized by the KCK/TM; that she has worked actively in Democratic Free Women's Movement (DÖKH), which has been established within the scope of the activities of Free Women's Unit / Women's Committee; that she has been nominated as the DTP candidate for the Municipality of Derik by the directives given by the high command of the KCK/TM; from the report-like document obtained from the garbage of the office that goes under the name "Local Administrations Office" it has been understood that she has been performing activities in collaboration with members of the organization, has been participating in demonstrations to support the DTP chairpersons of the party branches in provinces and townships, has lent her support for the conduct of a survey and the preparation of a booklet and a declaration on the subject of "Democratic Autonomy"; and finally that she has been mentioning the dead members of the terrorist organization as "martyrs" and participating in their funerals."

Based on these allegations; Irmak is currently tried for the crime of "MEMBERSHIP TO A TERRORIST ORGANIZATION".

Activities of Irmak That Allegedly Constitute Elements of Crime

- Participating in the sit-in demonstration in the Batıkent vicinity of Diyarbakır between 01-03 November, 2008, under the title 'Enough - A Democratic Solution For the Kurdish Issue',
- Participating in the Nevruz festivities on March 21, 2008.

In addition to these, her meeting with Selahattin Demirtaş, the co-chairperson of the BDP, on the subject of the mayors and chairpersons of the party branches in provinces and townships being taken under police custody and afterwards being released, is an evidence employed against Irmak.

Passages from a document found on a flash disk that has allegedly been seized during the police search performed in her home are also offered as evidence against Irmak in the bill of indictment. The indictment quotes the following passages from this document:

“The intertwinement of the Turkish and Kurdish peoples, the fact that the Republic has been founded together, living together in fraternity in a land that is free and equal as the telos of our struggle, the general process of elections, the elections threshold and its outcomes, the consequences of an inorganized society, the self-critical approach, organization, criteria of tasks and the vital importance of organization in the upcoming process, the upcoming local elections, democratic autonomy as an offer for a final resolution for the Kurdish issue, the aspect of the subject regarding organization, the new civilian constitution and the demands of the Kurds, inner-party adjustments / remixing, the party school and preliminary works, education, the DTP as a party that represents Turkey in its entirety, women, youth, ecology...”

Consequently, when the statements of witnesses, the seized documents that allegedly belong to the organization, the examination of the digital data that has been seized, prohibited publications, telephone and audio wiretappings are assessed together; it is alleged that Selma Irmak has committed the crime of “membership in a terrorist organization”.

Human Rights Violations Irmak Has Been Subject to During the Processes of Police Custody and Trial Proceedings

In the letter she has sent to our Commission Irmak has made the following remarks concerning the human rights violations that she has been subject to while she has been under police custody:

“The anti-terror police did not leave the doctor’s office during the physical examination, at least 3 or 4 people were present at all times. They did not come behind the curtains since we objected, but they were positioned in such a way as they could see us. Another point that deserves attention is that the doctors did not object to this conduct of the police.

Saying that the police have tried to take them for interrogation late at night (around 2 - 3 am), Irmak has expressed that they have been staying together with 7 or 8 other people in a single cell and have not been able to see neither their families nor their attorneys for 4 days.

“Lists of our names were all over the press an hour after the custody operation”

Saying that their families and attorneys had learnt the judge’s decision about their detention from the media before the judge had actually announced the decision, Irmak evaluates this incident as “probably just

*Selma Irmak:
“Lists of our names were all over the press
an hour after the custody operation”*

another scandal." She narrates her experience during the cross-examination of the prosecutor with the following remarks:

"When the prosecutor told me, in a manner which hinted that he was not in an effort to engage in a cross-examination to uncover the truth but was only performing the formal procedure for a decision that had already been given, that I should give short answers since it was already late at night and that he was tired; I became completely convinced that this was just a show whereby they did not even try to act as if legal procedures were being performed, a fact they didn't even try to hide. I told the prosecutor that the allegations are completely fabricated and that within the first hour of the custody operation by the police, before most of our friends had even been taken under custody, the lists including our names were all over the press."

"None of us are suspected to flee!"

"I have told him that this is clearly a political operation, that all of my friends who were under custody with me at that moment had many lawsuits filed against them like I have myself, that elected mayors and members of the town assemblies cannot be suspected of fleeing, that we have come to the police station countless times to bear our testimonies; and that I could come to the police station whenever it was necessary for a lawsuit, an interrogation, or whenever we were invited, and that there was no need for such an operation resembling a coup d'état."

Selma Irmak:

"I have said that all of my friends who were under custody with me at that moment had many lawsuits filed against them like I have myself, that elected mayors and members of the town assemblies cannot be suspected of fleeing, that we have come to the police station countless times to bear our testimonies; and that I could come to the police station whenever it was necessary for a lawsuit, an interrogation, or whenever we were invited, and that there was no need for such an operation resembling a coup d'état."

Reminding that they had been taken to the prison handcuffed with plastic handcuffs, Irmak said that they were taken out of the police station one following the other, with the accompanying policemen on their left hand side. Indicating that this was done on purpose to better expose them to the media, Irmak has remarked regarding their images while they were being taken to the prison in handcuffs that "it is a truth that is accepted also by the 'high authorities' that this image of us is the picture of the current disgrace of democracy in Turkey."

"For a year and a half we didn't know what we were accused of!"

The 7552-page long bill of indictment about Irmak and the other defendants was finalized together with the additional evidence files a year and a half after the date on which they were

arrested. "Until then, we did not even know what exactly it was that we were accused of," comments Irmak.

After being detained for 18 months, Irmak has attained the first court hearing on October 18, 2010.

Repeating that they had demanded the right to defend themselves in their mother tongue, Irmak has said: "Starting from the initial cross-examination, the moment when the first word

in Kurdish was pronounced our microphones were switched off and we were silenced," summarizing the situation with the following words:

"Ez li vir im !!!"

"... we wanted to defend ourselves in our mother tongue. Therefore we have indicated on all phases, beginning with the phase of cross-examination, that we wanted to speak in Kurdish. Our words 'ez li vir im', which means 'i am present', during the roll call is a note written down in history. I am here, we are here, we are not absent and we will not be ignored!"

The 7552-page long bill of indictment about Irmak and the other defendants was finalized together with the additional evidence files a year and a half after the date on which they were arrested. "Until then, we did not even know what exactly it was that we were accused of," comments Irmak.

Human Rights Violations in Prison

Irmak has made the following remarks about the problems they have been facing in prison:

"For a whole year we have been 27 people staying in a ward designed for 8 people, and 45 people staying in a ward designed for 22! We have had to sleep on the floor, between the beds, even on top of the kitchen table."

"Beginning from the first day that we have spent in Diyarbakır E-Type Prison, problem of space has been the first among our basic problems. For a whole year we have been 27 people staying in a ward designed for 8 people, and 45 people staying in a ward designed for 22. We have had to sleep on the floor, between the beds, even on top of the kitchen table. Even though I personally wrote about this issue over and over to the Ministry of Justice no solution was thought of. Our life in prison, which was by itself an instance of torture and ill treatment, has become relatively easier to endure since our numbers were reduced."

Stating that local TV channels (such as GÜN TV, DENGÊ TV, DICLE TV) as well as some of the national channels were prohibited by decisions of the executive board of the prison and that their right to contact with the outside world was arbitrarily restricted with the excuse of

Selma Irmak:

"For a whole year we have been 27 people staying in a ward designed for 8 people, and 45 people staying in a ward designed for 22! We have had to sleep on the floor, between the beds, even on top of the kitchen table."

"institutional security", Irmak summarizes their experience in prison with the following words: "Our letters to the press, to institutions or to individuals were either banned or returned to us, for in those letters the practices of the prison management were mentioned; and when we insisted on sending them investigations were opened against us for 'defaming the institution' and we received disciplinary penalties."

Irmak lists the other human rights violations they have been encountering in prison as follows:

- Our visitors are searched to the point of harassment; a degrading comprehensive search is conducted on the visitors who come to the penal institution, to the point where women's underwear is searched.
- Warm water for bathing is not provided regularly or sufficiently.
- Heating is a problem during winter, while cooling is a problem during summer.
- Bedsheets are distributed only in return for money, although they are supposed to be provided to each prisoner once a year.
- Kurdish publications and letters written in Kurdish are taken to the directorate of security and kept there for a long period of time (sometimes for months), and those which are assessed to be ill-advised are not returned to the prisoner.
- Investigations are opened constantly against any kind of democratic reaction and action, which result in disciplinary penalties.

Health Problems

Pointing out that the petitions they hand in to the management for the arrangement of visits to the infirmary in the case of health problems are either lost or answered after weeks, Irmak emphasizes the problems they are encountering in accessing health services: "Our visit to the hospital take months to arrange. Not receiving proper treatment, we are often sent back to the prison with painkillers."

Irmak's remarks about cleanliness and hygiene in prison are as follows:

"We have been asking the Goddess of Nature for help."

"We have always been asking the Goddess of nature for help in order to be able to eat the mess-tin meals. We have always thought that the nails, worms, flies, hair etc. were the treats of the prison."

Selma Irmak:
"We have always been asking the Goddess of nature for help in order to be able to eat the mess-tin meals. We have always thought that the nails, worms, flies, hair etc. were the treats of the prison."

“Ever since I have been elected to the parliament I have only once received a celebration card from the Speakership of the Assembly, and that is all the contact that we have had,” Irmak has said in our first interview, and further added that “the fact that elected members of parliament are in prison is important in demonstrating the point of view of the AKP regarding democracy.”



FAYSAL SARIYILDIZ **(Şırnak Deputy for the 24th Legislative Period)**

Sariyıldız was born in Cizre/Şırnak in 1975. He has worked in the newspapers Ülkede Gündem, Özgür Gündem and Azadiye Welat while studying mechanical engineering in Harran University, from where he graduated in 2001. He has been taken under police custody many times while working as a journalist. He has been elected to the municipal council in the local elections of 2009. Following the elections he was arrested within the scope of the KCK Trial. He has been elected as a Şırnak deputy in the general elections of 2011, as a candidate of the Labor, Freedom and Democracy Bloc.

Allegations against Sariyıldız

- Performing organizational activities in the province of Şırnak and its districts subject to the structure of KCK/TM which performs activities in the name of the illegal terrorist organization PKK Kongra-Gel.
- Performing organizational activities within YDG (Patriotic Revolutionary Youth), the youth structure of the organization, and within the political domain of the party.
- Attempting to perform many actions by the directives of KCK/TM in the province of Şırnak and its districts.
- Personally participating in certain activities while giving directives and providing the communication concerning other activities.

Based on these allegations, Sariyıldız is alleged to have been working, subject to the structure of KCK/TM, for the "Youth Structure" of the organization in the province of Şırnak and its districts and therefore to have committed the crime of MEMBERSHIP TO A TERRORIST ORGANIZATION.

Activities of Sariyıldız that are Alleged to Constitute Elements of Crime

- The demonstration in Şırnak on January 1, 2009, with the heading "Protest Against TRT 6 and Education in the Mother Tongue";
- Visit to the commemoration tent of a PKK member killed by the armed forces, in Cizre on April 7, 2009, and the ensuing march of protest.
- Participating in tree planting campaigns in the district of Silopi on April 7, 2009, in the district of İdil on April 8, 2009 and in the district of Cizre on April 9, 2009; which are alleged to have been organized for the occasion of Abdullah Öcalan's birthday.

*Faysal Sariyıldız:
"... the prosecution has endeavored to illegalize the activities of the political party, of non-governmental organizations, of unions, academies, the democratic media and the ecologist movements through twisted arguments."*

The determinations that Sarıyıldız has been in “organizational contact” with the ROJ TV correspondent Valat Özdemir, that he has been providing the material needed for placards and posters used in press statements and demonstrations, that he has been providing vehicles for transport to those who wish to join the demonstration in the Ömerli village of Halfeti, Şanlıurfa; are presented as evidence to the crimes committed by Sarıyıldız.

In the letter that he has sent to our Commission, Sarıyıldız has made the following remarks concerning the KCK Trial:

“The scales of Justice that symbolize an order of law having force of deterrence, whereby the justice that humanity needs and longs for is distributed independently, neutrally and balancefully, have been left to the mercy of the government with these latest trials. No justice can ever come out of a judiciary which stands by the side of the powerful. Throughout all of the various phases of these trial proceedings the sense of justice has been brought to the ground. One of the most concrete examples of this fact has been the restraint over the right to defending oneself in one’s mother tongue.”

Evaluating the accusations against himself together with the other accusations and allegations in all the KCK Trials, Sarıyıldız has stated:

“.. the prosecution has endeavored to illegalize the activities of the political party, of non-governmental organizations, of unions, academies, the democratic media and the ecologist movements through twisted arguments.”

“The AKP, which has become the state itself, is openly and immorally taking its revenge from the individuals involved in the Kurdish political movement.”

Remarking that he has been alleged to be a member of the illegal KCK because of the two months of activities that he has engaged in for the elections, Sarıyıldız states that activities such as participating in press statements, hosting members of the party assembly, visiting commemoration houses, preparing posters for meetings have been attributed different meanings accordingly to the fictive scenario created in the bill of indictment.

*Faysal Sarıyıldız:
“The AKP, which has become the state itself, is openly and immorally taking its revenge from the individuals involved in the Kurdish political movement.”*

“The recent developments have gone beyond mere negligence, they amount to a massacre of law.”

“From the custody process all the way to the trial proceedings, I can readily say that the legal procedure has not been followed,” says Sarıyıldız, further remarking: “The recent developments have gone beyond mere negligence, they amount to a massacre of law. The law has been transformed into a weapon to suppress and to intimidate different opinions,

democratic demands, the search for a country that is more habitable. That is, the judiciary has become politicized.”

Faysal Sariyıldız:

“The recent developments have gone beyond mere negligence, they amount to a massacre of law.”

Sariyıldız, who has attended a court hearing only a year after his detention states that in the court they have encountered “the fictions, twists and questions in the exact same form as the prosecutor’s bill of indictment, with even the exact same misspellings,” expressing his opinion on how the bills of indictment have been prepared.

“With the scandal of imprisoned deputies, political will has been hijacked.”

“We convey thanks to all those who are making an effort to keep the scandal of imprisoned deputies, by which the political will has been hijacked, on the agenda of the public opinion,” says Sariyıldız, commenting with the following remarks on the process: “As long as the legitimate democratic demands of the Kurdish people are not met, the century long historical injustice and political usurpation shall not come to an end. Therefore it should be said that we will never accept ‘freedom’ to be offered only to the deputies as a favor.”

Human Rights Violations in Prison

Regarding the human rights violations that he has encountered in prison, in his letter to our Commission, Sariyıldız has said: “during the three and a half years that I have spent in the Mardin prison, which is no better than a primitive camp for prisoners of war, we have encountered all sorts of impositions.”

Indicating that the number of prisoners held in Mardin prison are way above the prison’s capacity, Sariyıldız describes the living conditions inside the prison with the following words:

Faysal Sariyıldız:
“During the three and a half years that I have spent in the Mardin prison, which is no better than a primitive camp for prisoners of war, we have encountered all sorts of impositions.”

“Since we were about 40 people in a ward designed for 16, in some wards people had to sleep under the staircase, in the toilet, on the kitchen table, while in some other wards people slept in turns.”

Regarding their transfer to the courthouse for the hearings, Sariyıldız remarks with the following words that no solution has been developed concerning the human rights violations and the ill treatment that they have been enduring:

“Going to the courthouse, which we have been doing for three years, is a completely different torment. The shuttle vehicles of the prison are not used accordingly to the

standards; every time we have to go to the courthouse near 50 prisoners are transported jam-packed in these vehicles; and most importantly, in the courthouse where we are kept the whole day with handcuffs, the cells are narrow, dirty and unventilated, which is felt as a clear torture. Although we have mentioned this issue many times in the hearings not the slightest solution has been offered."

Health Problems

Although he has a herniated disk and stomach problems, Sarıyıldız says that he refrains from going to the hospital because of the degrading attitudes that are encountered during the process of hospital referrals.

Sarıyıldız has also pointed out that approximately 900 political prisoners are currently kept in Diyarbakır D-Type and E-Type prisons, and, many of these convicts and detainees having been in prison for a long time, that many of them are suffering serious health problems.

Emphasizing that there are convicts and detainees who need to be immediately hospitalized and treated in general hospitals, Sarıyıldız says that "in both prisons the treatments of these prisoners are omitted, with the argument that there are no sections for prisoners in hospitals," virtually leaving the prisoners to suffer from terminal diseases.

Sarıyıldız remarks that although there is a section for prisoners in the Diyarbakır Hospital for Training and Research that is only two kilometers away from the Diyarbakır D-Type High Security Closed Penal Institution, prisoners are not allowed to receive treatment in this hospital with the excuse that the 'walls of the hospital are thin'; making the following remark concerning the Mardin prison, where he had stayed before the Diyarbakır prison:

"It would only take 2 or 3 days for a flu virus to spread all over the prison."

Sarıyıldız states also that serious problems concerning hygiene were prevalent in the prison since the institution was very old, ramshackle and functioning way over its capacity.

Saying that it would take only 2 or 3 days for a flu virus to spread all over the prison, Sarıyıldız has remarked that prisoners referred to the hospital are sometimes taken to the hospital 6 or 7 months after their application for referral. Pointing out that because of this practice a tooth that could be saved by a simple root canal treatment often needs to be pulled out, since the patient is transferred to the hospital months after his application for referral and it is too late to save the tooth; Sarıyıldız draws attention to the problems in Mardin prison concerning health and hygiene: "The water that was given only once or twice a day for half an hour was not adequate, and this inadequacy of water caused serious problems about cleanliness."

*Faysal Sarıyıldız:
"It would only take
2 or 3 days for a flu
virus to spread all
over the prison."*

Sarıyıldız narrates in the following passage a hospital referral that he has recently experienced:

“Still, all political prisoners, including imprisoned deputies, are handcuffed during their visits to the hospital, and they are handcuffed to a soldier who accompanies them. When I was taken to the dentist’s clinic for the last time on September 17, 2013, I was handcuffed until I was seated on the dental chair, also handcuffed to a soldier who was by my side; I was taken there with privates on my right hand side, on my left hand side, behind me, following the directives of a specialized sergeant. When I said to the sergeant, ‘I am handcuffed already, you don’t need to offend me by handcuffing me to a private. I am a deputy, I cannot be expected to escape,’ he responded with a very cold attitude: ‘It makes no difference to me, I have received orders in this direction, and I will execute them



GÜLSER YILDIRIM **(Mardin Deputy for the 24th Legislative Period)**

Born in Nusaybin/Mardin in 1963, Gülser Yıldırım is a high school graduate. She has started working in the Women's Branch of HADEP in 2000, continued her activities in the Free Party, DEHAP, DTP and finally in the BDP. She was the chairperson of the district branch of BDP in central Mardin when she was taken under police custody on February 15, 2010. Yıldırım, who was arrested after custody, was elected as a Mardin deputy in the general elections of 2011.

Allegations Against Yıldırım

Against Yıldırım, there are allegations such as arranging meetings for the determination of the persons to be assigned to the commissions under the "town assembly" and organizing the meetings arranged for the registration of new members.

Gülser Yıldırım is tried with the accusation of MEMBERSHIP TO A TERRORIST ORGANIZATION by performing the aforementioned activities within the organizational structure called the "town assembly". It is alleged that she has been working actively in the "town assembly" of Mardin, which is alleged to have links with the KCK/TM; that she has been making interviews concerning issues such as putting up tents or the like; that she has been using the word "martyr" to denote the PKK members who have died during clashes with the armed forces.

Evidence Against Yıldırım

- The book titled HOW TO LIVE 1, authored by Abdullah Öcalan and published on December 2000,
- The book titled Manifesto for a Democratic Civilization - Civilization, authored by Abdullah Öcalan and published on July 2009,
- The book titled Manifesto for a Democratic Civilization - The Capitalist Civilization, authored by Abdullah Öcalan and published on July 2009,
- The book titled Manifesto for a Democratic Civilization - The Sociology of Freedom, authored by Abdullah Öcalan and published on July 2009,
- Volume HEJMAR 12 of the magazine called AZADIYE WELAT
- Volume HEJMAR 24 of the magazine called KOVARA WEJEYI ÇANDI HUNERI
- The book titled ESLIXAN YILDIRIM DI SEDSALA 20'AN D KURDISTAN U SINOR 1
- The book titled Social Revolution and the New Life, authored by Abdullah Öcalan and published on February 2005.

Other Prohibited Publications Which Have Been Seized During the Search

- Manifesto for a Democratic Civilization - Civilization (The Age of Masked Gods and Covered Kings) Volume 1
- Manifesto for a Democratic Civilization - the Capitalist Civilization (The Age of Unmasked Gods and Naked Kings) Volume 2
- Manifesto for a Democratic Civilization - The Sociology of Freedom, Volume 3
- The book titled HOW TO LIVE, about which there is a confiscation decree with the no:2000/756 by the State Security Court No:6 of Istanbul
- The book titled SOCIAL REVOLUTION AND THE NEW LIFE about which there is a confiscation decree with the no:2008/40 by the Court of Serious Crimes No:8 of Adana
- The magazine ÖZGÜR HALK about which there is a confiscation degree with the no:2004/595 by the State Security Court no:6 of Istanbul
- The magazine ÖZGÜR HALK GÜNEŞİ about which there is a confiscation degree with the no:2009/278 by the Court of Serious Crimes no:12 of Istanbul
- The magazine ÖZGÜR HALK AYDINLIĞI about which there is a confiscation degree with the no:2009/750 by the Court of Serious Crimes no:10 of Istanbul
- The magazine ÖZGÜR HALK ŞİARİ about which there is a confiscation degree with the no:2009/447 by the Court of Serious Crimes no:12 of Istanbul
- The magazine DENİZLEŞEN YURTSEVER GENÇLİK about which there is a confiscation degree with the no:2009/643 by the Court of Serious Crimes no:11 of Istanbul
- The magazine RENGE HEVIYA JINE about which there is a confiscation degree with the no:2009/1074 by the Court of Serious Crimes no:14 of Istanbul
- The magazines NUBIN and DEM about which there is a confiscation decree with the no:2004/39 by the Criminal Court of General Jurisdiction of Nusaybin

Activities of Yıldırım that are Alleged to Constitute Elements of Crime

The following allegations are offered against Yıldırım in the bill of indictment:

- Participation in the march and press statement on April 5, 2009 by the provincial branch of the DTP in Mardin, in protest of the incidents that have taken place on the birthday of Abdullah Öcalan.
- Participation in the sit-in protests that have been organized in central Mardin on April 18, 2009, to protest the searches conducted in the offices of the DTP in various provinces and to support those who have been taken under police custody.
- Participation in the press statement organized in Cumhuriyet Square in Mardin on September 12, 2009, with the purpose of "protesting the detentions of the so-called DTP".
- Participation in the sit-in protest started on October 1, 2010, in the meeting room of Mardin Special Provincial Directorate of Administration with the purpose of protesting the operations targeting the members of the KCK, which have ended on October 2, 2010; and in the press statement organized in front of the Special Provincial Directorate following the sit-in protest.

- Participation in the activity organized in Mardin on October 15, 2009, with the alleged purpose of contributing to the process of democratic opening.
- Reading the press statement with the motto "A Dignified Peace or A Dignified Democratic Resistance", during the press meeting organized on August 12, 2009 by the provincial branch of the DTP in Mardin with the purpose of urging the Turkish Armed Forces to halt its military operations and to contribute to the process of democratic opening.
- Participation in the press statement, march and sit-in protest organized on September 18, 2009 in central Mardin with the purpose of protesting against the police operations on September 11, 2009, targeting the individuals working within the ranks of the KCK/TM structure in Diyarbakır.
- The determination by the security forces that on October 15, 2009, two tents have been put up on empty plot of land in central Mardin by members of the DTP in order to contribute to the process of democratic opening; that on the tents the expressions "WE WANT OUR ROAD MAP", "A DIGNIFIED PEACE OR A DEMOCRATIC RESISTANCE", and "A FREE, JUST, EQUAL AND DEMOCRATIC COUNTRY" were written in green, yellow and red on a white background; that alongside with the placards, the picture of the girl named Ceylan ÖNKOL who is alleged to have lost her life by the shoot of a mortar; that the aforementioned activity has started with the participation of a crowded group of people; that slogans praising the illegal terrorist organization PKK and its convicted leader were shouted throughout the activity; that the suspect Gülser YILDIRIM has personally organized and participated in the aforementioned activity and that she is in contact with the suspects Hilmi ÖNCÜ and Cemal VESKE.

Gülser Yıldırım:
"Because of my detention I cannot carry out my function as a deputy, I cannot serve my people. I cannot qualify for the votes that I have received. I have received 54 thousand votes. I am not sad because I am in prison, but because I cannot work in return for these votes that I have received, that these have been in vain."

Additionally, it is alleged that the PKK member Naim ÇAKAR who was killed during the military operations targeting the illegal terrorist organization PKK carried out in Northern Iraq on October 24-25, 2009, was mentioned in the activity and that the suspect Gülser YILDIRIM has attended the funeral of this PKK member accompanied by the suspect İpek GÜNEŞ.

Health Problems

Gülser Yıldırım has made the following remarks in our first meeting concerning health problems:

"Hanım Onur, with whom we are together in prison, is the vice mayor of Cizre. Her children, Selin Onur at the age of 5, suffers from leukemia, and Mirhat is epileptic."

“The conditions in prison have improved after the examination of the human rights commission. We are 32 people in this prison. There only 2 WC’s and two showers. I’ve been detained for 4.5 months in 2006, we didn’t have a problem with water at that time.”

Human Rights Violations in Prison

During our first meeting, Yıldırım has made the following comments concerning the political agenda:

“Frankness is needed for the negotiations being conducted in Imralı, it should not be done just ‘to give it a try’. Because of my detention I cannot carry out my function as a deputy, I cannot serve my people. I cannot qualify for the votes that I have received. I have received 54 thousand votes. I am not sad because I am in prison, but because I cannot work in return for these votes that I have received, that these have been in vain.”

“There is so much evil, what is important is to be able to look at things from the other’s perspective. I have been in prison since February 13, 2012. The secret witness has testified a year after I have been arrested. The activities of the BDP are represented as the activities of the KCK. I was the vice chairperson in the district branch of the BDP in central Mardin. It is presented as a crime that I have been frequenting the provincial headquarters of the BDP. My attorney says that there is nothing concrete inside my file, that I would have been discharged had I not become a deputy. I also think it is because I am a deputy that I am kept behind bars.”

“The most interesting accusation is the Peace Tent that we have put up during the Habur process, for which we had taken the necessary permissions from the Governorate. They also inquired about my notes which mentioned a ‘town assembly’, they asked me why it was a ‘town assembly’ and not a ‘provincial assembly’. I told them I didn’t know that this was a crime.”

“In the exiles and referrals in prison, prisoners are generally sent to the Black sea Region. For the prisoners who are sent there, seeing their families becomes a serious problem.”

Article 83 of the Constitution: The execution of a criminal sentence imposed on a member of the Grand National Assembly of Turkey either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership.

“The Imprisoned Deputy”

The remarks included in the petition handed in by Yıldırım demanding an end to her detention must be valid for all imprisoned deputies, and this disgrace of democracy must end as soon as possible.

“Article 83 of the Constitution: The execution of a criminal sentence imposed on a member of the Grand National Assembly of Turkey either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership.

According to the Article 83 of the Constitution, even if the Court passes a decision, the execution of that decision is constitutionally not possible. This is a constitutional guarantee. It is a disregard of this guarantee that deputies are continued to be held in prison by the preamble that there is a risk that they may escape. This guarantee also covers the crimes listed on Article 14 of the Constitution.”

With the longing for the bright, free and democratic days when the disgrace of imprisoned deputies will have ended, in which fair judgement will hold for all...



PRISON EXAMINATION AND WATCH COMMISSION

Nurettin DEMİR
Muğla Deputy

Veli AĞBABA
Malatya Deputy

Özgür ÖZEL
Manisa Deputy



REPUBLICAN PEOPLE'S PARTY
REPORT ON THE IMPRISONED DEPUTIES